



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MINUTES OF THE 133rd COUNCIL MEETING of the
WESTERN PACIFIC REGIONAL
FISHERY MANAGEMENT COUNCIL

13 – 15 June 2006

Utulei Convention Center

Pago Pago, American Samoa

Western Pacific Regional Fishery Management Council
1164 Bishop St., Suite 1400
Honolulu, HI 96813

APPROVED BY COUNCIL

A handwritten signature in black ink, appearing to read "Frank McCoy", is written over a horizontal line.

CHAIR: Frank McCoy
Western Pacific Regional Fishery Management Council

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Mr. Frank McCoy, Council Chairman, opened the 133rd meeting of the Western Pacific Regional Fishery Management Council on June 13, 2006 at 8:30 am. McCoy began the meeting by mentioning that said that the Honorable Governor Togiola was in attendance then began the introductions.

4. Introductions

The following Council Members were in attendance at the 133rd Council Meeting in American Samoa:

- Silas DeRoma (NOAA Regional Counsel, Pacific Islands Region)
- Manny Duenas (Council member, Guam)
- Fred Duerr (Council member, Hawaii)
- Ed Ebisui (Council member, Hawaii)
- Stephen Haleck (Council member, American Samoa)
- Sylvan Igisomar (Council member, Northern Mariana Islands DLNR)
- Sean Martin (Council member, Hawaii)
- Frank McCoy (Council Chair, American Samoa)
- Dan Polhemus (Council Member, Hawaii DLNR)
- Bill Robinson (Council Member, NOAA Fisheries, Pacific Islands Region)
- Ben Sablan (Council member, Commonwealth of the Northern Marianas)
- Craig Severance (Science and Statistical Committee Member)
- Kitty Simonds (the Executive Director of the Council)
- Ray Tulafono (Council member, American Samoa DMWR)
- Lieutenant Commander Mark Young (Council Member, US Coast Guard)

McCoy explained that Council Member Haleck would present a traditional ceremony and Samoan oratory welcoming the Council Members and other guests.

1. Samoan Opening

Haleck thanked the Chairman and presented an opening in the Samoan language. He then continued in English by introducing a long-time member of the Western Pacific Council, Ipulasi Sunia, now the Lieutenant Governor of American Samoa. Haleck then continued with more of his Samoan oratory.

Haleck explained that it is a custom within the Samoan culture that whenever an event takes place, it is always a custom that they always would give thanks first to God. Haleck then called on the Reverend Ned Ripley for the invocation.

Ripley began his invocation in English and ended in Samoan. Haleck continued the opening in the Samoan language. He then introduced the Governor of American Samoa, the Honorable Togiola Tulafono.

2. Greetings from the Governor

Governor Tulafono welcomed the Council to the shores of American Samoa and said that the Council is one of the few programs and few Councils that is very active and very instrumental in programs that affect lives in American Samoa.

Gov. Tulafono commended and congratulated the Council for the work it has done since its creation in 1976 and noted that the Western Pacific Regional Fishery Management Council is one of the most successful Councils. Gov. Tulafono expressed his hope that the Council will continue to be a very important part of governance, especially in the management of very important marine resources of the region.

Gov. Tulafono added that the Council is composed of island jurisdictions surrounded by water and marine resources making the Council's function that much more important, because it affects lives all the way to the villages in every single place, especially in small territories like the CNMI, American Samoa, Guam and the remote areas of the great State of Hawaii that are still looking for sustenance from the sea and from the ocean.

Gov. Tulafono suggested that the Council take time to look around American Samoa and noted that some Council Members have been to American Samoa before. He then added a specific welcome to the Executive Director, Kitty Simonds, who has been the face of the Fisheries Council for nearly 30 years.

Gov. Tulafono stated that to weight the purpose of the Council against the modern advances in the attempt to try and develop economies, is a very daunting task with a lot of pressure. He also said that the convening of the 133rd meeting in American Samoa, comes on the eve of the challenges that American Samoa is facing, specifically with the tuna canneries that deal a lot with marine resources. Along with that there are challenges in the efforts to diversify the development of American Samoa in its economic development, but also in an attempt to diversify an industry, fisheries.

Gov. Tulafono was discouraged that Community Development Project Program (CDPP) funding had been lost for the year 2006 and the uncertainty of regaining it in 2007. He told the Council that the CDPP is very critical in the effort to try and launch the diversification in American Samoa fisheries in an attempt to get ahead of what is looming in the uncertain future of the tuna canneries, and that he had been lobbying for the restoration of CDPP funds and stressed the importance of restoring the funds.

Gov. Tulafono then asked the Council to encourage the making available of government loan programs under the Magnuson Act so that fishermen can develop into more successful businesses. He believed that American Samoa can sustain alternative fisheries but that they need help and that is not something they can do alone. He also urged the Council to help American Samoa forge policies to deal with jurisdictions that surround them, which affects what is done in American Samoa and the other island areas as well.

Gov. Tulafono thanked the Council for the opportunity to address them and wished the Council a good meeting.

McCoy thanked the Governor for his encouraging message and welcome. He then introduced a former Council Member and current Lieutenant Governor Sunia. McCoy also explained to the Governor the challenges that American Samoa fishermen face such as HACAP, low catch rates, and rising oil costs. He said that the Council is looking to implement new ways to further develop the livelihood and the sea in a manner that's sustainable and acceptable by moving forward with Fishery Ecosystem Plans. These plans would provide the Council with a better trigger of the issues that may come up front where problems would be anticipated.

McCoy reported to the Governor about the possibility of doing some export fishing out of American Samoa. He said that the Council is going to actively put together a group to study the possibility of exporting the fish from American Samoa. He thanked the governor and invited Duenas to speak.

Duenas addressed the Governor and Lieutenant Governor as the only representative from Guam and presented them with wooden carvings. The carvings included turtles, coconut trees, and canoes, all of which represent pacific communities. He noted that the Council is not made up of politicians but fishermen, and that is the strength of the Council, allowing fishermen a part in the governmental process.

McCoy then called upon Marin to speak.

Martin addressed the Governor on behalf of the Hawaii delegation. He thanked them for their invitation and hospitality and looked forward to continuing cooperation with American Samoa.

McCoy then called upon Sablan to speak.

Sablan thanked the Governor and said that the Council would work diligently to improve and manage the resources that island nations are dependent upon.

McCoy then called a five-minute recess.

3. Presentation to American Samoa Poster Contest Winners

McCoy invited Governor Tulafono and Council Member Tulafono to present the winners of the American Samoa Archipelago Ecosystem Poster Contest. More than 100 students from local schools in grades K-12 participated in the contest. Trophies and prizes were awarded in four categories.

The winners were announced as follows:

- Category K-2: Victoria reid, L-2, South Pacific Academy
- Category 3-5: Allison Fitisone, L-5, South Pacific Academy

- Category 6-8: Mee Won Park, L-8, South Pacific Academy
- Category 9-12: Donald Ah Foon, L-11, Leone High School

5. Approval of Agenda

McCoy requested an approval of the agenda. A motion was made and seconded. He asked for discussion. Hearing none, McCoy called for the question. Motion passed.

6. Approval of 131st and 132nd Meeting Minutes

McCoy requested an approval of the 131st and 132nd Meetings Minutes. A motion was made and seconded. He asked for discussion. Hearing none, McCoy called for the question. Motion passed.

7. Island Agency Administration, Program and Enforcement Reports

A. American Samoa

Peau said that the Director was down here two or three months ago. He said that they were also visited by the Director of the Pacific Service Center. They have an ongoing consultation with some of his people in terms of some of the lessons learned from their involvement in other sites and they have provided valuable advice in terms of the next step. He also noted that they are looking at developing a Memorandum of Agreement with the Hawaii Institute of Marine Biology.

He said that two months ago they had the opportunity to meet with the representative from the U.S. Department of Commerce, as well as the Department of Interior. This is an ad hoc working group looking at providing guidance and advice to American Samoa in our effort.

One of the funding sources that was identified, Peau said, was for them to go after the NSF, the National Science Foundation. They are in the process of putting together a proposal that will first be going back to the ad hoc advisory group that was formulated a month or two ago. They will try to get the Commerce higher-up to endorse the proposal of the application to NSF before they proceed.

Peau reported that the other critical element that was created as a result of this consultation is an American Samoa Ocean Research Plan. A committee has been established that will have their first meeting on Thursday of this week. The objective was to devise a research priority so that we can better guide the plan, but really looking at developing a framework and be able to identify opportunities for research both in local and federal waters.

Peau said the next step within the American Samoa framework, was to have a partnership with some of the local and federal partners with the National Marine Sanctuary Program, who has set aside some funds to help us complete the work that we have started.

He said they are in the process of developing an RFP. They want to bring in a consultant to finalize the business plan. They are also looking for a partnership in the RFP, and that whomever is going to be selected for the consultant, one of his or her duties was to solicit opportunities of partnership, whether with other universities, federal agencies or even NGOs, whether it's technical assistance or solicit financial assistance, as well as research opportunity.

Peau noted that the financial plan for implementation really provides a way forward, but there has been a lot of discussion with some of the partners that we have. His presence at the meeting was to inform the Council in terms of some of the work that they're doing here in American Samoa, and perhaps there might be some opportunities that we can enter into some sort of cooperative agreement. They want to make sure that everyone can share the resources that they have.

He knows that the Council is doing a lot of work that is of interest both for the American Samoa Government and vice-versa. So he hoped his presentation is a step in some sort of alliance or will enter them into some sort of Memorandum of Agreement so that they can continue the dialogue, but also seeking some assistance from the Council in terms of how they can better market the business plan that will be developed.

Peau thanked the Council and asked for questions.

McCoy thanked Peau and called on Duenas for a question.

Duenas congratulated Peau on his effort and was encouraged by his program. He reminded Peau not to forget his local knowledge and basic community involvement and stakeholder participation on this whole project, and said with it, he'll have much more success. Duenas thanked Peau. Peau thanked Duenas.

Simonds said that the project is really exciting. She noted that all of the members who have been coming to American Samoa and working on projects, both economic and fisheries related, are really happy that this is happening. She wanted to let Peau know that the Council will support this program in any way that they can and they can probably share in terms of what the Council has in the different committees, teams. She thanked Peau.

McCoy asked for further questions. He called on Sablan.

Sablan said he had a comment. He told Peau that he's probably aware that the Council and many other fishery management organizations are looking to the ecosystem-based fishery management plans. That involves people. That involves the local knowledge, as Duenas earlier stated. He said that it involves the people who live on the islands. Sablan thought maybe Peau would take that into consideration, that everybody is going toward the ecological system, and that he will

probably face those situations in the future. He thanked Peau.

McCoy called on Haleck.

Haleck thanked Peau for his presentation. He asked if the final location for the project was finalized or if there were a number of locations proposed for it?

Peau said that they looked at several sites and that the Fagnulu site was the preferred based on again the location. Also, it's a government property. He said that the Governor has made that commitment known to all of the agencies and apologized for failing to mention it. He noted to the Chairman that the marine lab has a lot more description. He said that the site was determined.

McCoy thanked Peau and had a comment. He said that under the MSA the Fishery Management Council would appreciate it if they would keep them informed of where these projects go and how we the Council be able to collaborate and work with them.

Peau thanked the Chairman and said he looks forward to those consultations.

McCoy thanked Peau and called on Duenas for the Guam Island Report

B. Guam

Duenas began his powepoint presentation with a photo of Cocos Island, Guam and a describing Guam as a 212 square mile land mass that is six to eight miles wide, and 32 miles long. He described Guam as being similar to American Samoa but not as beautiful because Guam wanted to develop too quickly and that impacted the environment. He warned American Samoa against following Guam's footsteps.

Duenas described Guam's fishery as "small-scale" where the average vessel size is about 22 feet. He said that the fishery is comprised strictly of troll and botomfish vessels. He reported that the mahi season has been good this year and that Guam had an extended season which lasted over six months. He noted that the Mahi catch has lasted from November of 2005 until today, although the catch is more sporadic and that the Mahi have not schooled like previous years.

Wahoo, the local favorite, said Duenas is always caught under the full moon. He reported that wahoo catches have been good also. He noted that some marlins have been caught during the last full moon, but due to rough weather, fishermen have been having a difficult time in harvesting. He said that rough weather coupled with the high fuel prices, are making it difficult for fishermen to break even on Guam.

Duenas then reported on the bottomfishing in Guam. He described how local fishermen are always fishing for Onaga, and that the catch is good on calm days. He said the season has been rough for Guam fishermen due to the relatively few calm days. He also said that they have been catching some Opakapaka and working with the University of Hawaii to collect samples for

DNA analysis of Guam's deepwater species. He noted that the project was nearly halfway complete and samples would be sent to Hawaii for analysis.

In the shallow bottom fishery, Duenas reported that the weather had been too rough to do this type of fishing. However, he said that the fishing for crustaceans, coral reef and lagoon species, it's pretty good.

Duenas reported that on June 3rd, 2006 a local fisherman with his crew went out on a shallow bank about 25 miles south of Guam called Santa Rosa Reef on a bottomfish fishing trip and came across an untethered FAD. The FAD has a radio buoy with logs, about 20, 30 feet long, and floats attached to it. Below that, there's a net stuck at about 48 feet. Duenas explained that the FADs continue to be a problem in our region and very destructive on Guam's ecosystem and habitat.

He reported that they find the FADs in June, after the purse seine fleets use them in the months from January to April. He also said that the FADs have a net attached to them at about 60 to 100 feet deep. This is a concern because some are found without nets which means that the FADs pick up the nets as they are drifting.

Duenas reported that if the Coast Guard does not remove the net, they will be sending a crew out to go and investigate and see how the net can be safely removed and other marine debris from this very productive seamount.

It was also reported that the Guam/Marianas Fishing Derby had been postponed until August. This two-week event held annually in Guam consists of a spearfishing tournament and a Fishermen's Festival in the first week. The eight year old festival allows fishermen and all those involved in the marine resources to present activities and demonstrations as to how Guam can best take care of the environment and how to properly utilize Guam's seafood products. The goal of the fishermen's festival is to develop a taste for pelagic fish. This program also encourages the local people, not to stop eating fish, but to look at the fish that is more readily abundant or available and encourage them to utilize that product in the same traditional manner that reef fish has been used for the past thousands of years.

Duenas thanked the Council. McCoy thanked Duenas for his presentation and asked for questions from the Council. McCoy said that he had one and asked Duenas what happened between the 2004 and 2005 catches. Duenas asked McCoy to clarify his question. McCoy clarified by asking Duenas what happened to the trolling catch between 2004 and 2005?

Duenas replied that 2005 was a rather poor year for fishing and that a lot of Guam's so-called highliners, had difficulties. Guam also lost a number of fishermen during 2005. Fuel prices have increased while fish prices have not, said Duenas, and that has made it difficult to continue fishing. He said that a lot of fishermen also have been taking home their catch, another reason why the Volunteer Data Collection Program was started. He said that there will be better data in 2006 because of that, because now fishermen are looking more at subsistence fishing rather than to actually -- if they're lucky, catch fish. He also gave traditional festivities as a reason why the commercial catch looks lower in 2005. He pointed out that the fish is a traditional resource and

they use if for all of their festivities.

McCoy asked if any natural disasters affected fishing in Guam during that year.

Duenas replied that it didn't in 2005, but the only major natural disaster was the war and the fuel prices.

McCoy stated that it's just a great economic drop.

Duenas replied that Guam had two local fish markets shut down their operations in 2005 as a result of 2004.

McCoy thanked Duenas and asked for further questions. Hearing none, he moved on to the State of Hawaii and asked Martin and Polhemus for their reports.

C. Hawaii

Martin thanked the Chair and briefly went over a couple of the things on the commercial side of activities in Hawaii. Not unlike everywhere else in the region, fuel prices have had a significant impact on productivity because boats aren't going fishing. It's hard to catch any fish when you're tied to the dock.

Martin reported that the shallow-set fishery closed in March due to reaching the turtle cap. Fortunately, through the hard work of PIRO and others, we, and the Council, were able to get the fishery closed in timely manner so that the incidental take wasn't exceeded. He said that the industry wanted to keep fishing, but recognized the importance of operating within the current biological opinion. He said that it was a combination of good collaboration and some luck involved.

Martin then described that, from the longline perspective, in the deepset fishery in Hawaii fishing was fair with a broad mix of fish. Unlike last year, he continued, they had at this time very high productivity of bigeye. Catches are different this year, as they are most years, with variances in catch composition and volume. He said that fishing right now was fair with prices having been good really up until the last couple of weeks when they seemed to have tapered off, which is not unusual for this time of year in early summer.

Martin reported that bottomfish fishing in the boats that are fishing in the Northwestern Hawaiian Islands have been doing quite well with what good loads. He also noted that fish prices for those fish out of the Northwestern Hawaiian Islands have been high and said that it was a good thing.

The last thing that Martin reported on was a couple of really grassroot organizations that have developed in Hawaii with groups of nearshore fishermen and some offshore fishermen as well. He noted that they're working to organize a Fishermen's Festival, similar to Guam, and hope to catch up with them some day in their community-based programs like that.

He said that sometime in October they'll have a Fishermen's Festival down at the location of the new fish auction and that they are hoping to incorporate a broad range of people from around the industry and hope to include the Council in that festival when it's actually organized.

McCoy thanked Martin and asked for questions. Hearing none, he asked Polhemus to add on to the report from Hawaii.

Polhemus thanked the Chairman. He started by congratulating Duenas on a great job with his local reports, and said it always makes him feel completely inadequate when he just follows with just a piece of paper. He directed the Council to his report in the briefing book at 7.C.1.

Polhemus reported that, in general, in Hawaii nearshore fishing was relatively slow throughout most of the state over the last three months. A major factor in this was probably the heavy rains that affected the islands. Between the middle of February and the start of April, it rained for 41 days straight, creating a large mound of sedimentation, siltation in the nearshore waters. He also reported about dams that broke, and sewage spills in Waikiki. He said that it just really wasn't a good time for nearshore marine resources. He continued by saying that some areas reported a local disappearance of akule and skipjack during this time and wasn't clear if these have come back yet.

Polhemus then reported that in the Northwestern Hawaiian Islands, the State's rules went into place last September, then in February, the State put their permit regulations to the Land Board and got them in place. He said that since that time, they've issued 11 permits in State waters for the Northwestern Hawaiian Islands for research, education, marine debris removal, monk seal work, dolphin studies and various activities in relation to the Hawaii Institute of Marine Biology, largely coral genetics.

In the Hawaii Marine Recreational Fisheries Survey, Polhemus noted, the State has three new hires to try to collect recreational data. Two of these are on Oahu, and one is on the Island of Kauai. He said that at this point, he thinks from the State side they've more or less maximized the amount of money they're going to be able to put into that program. So current staffing levels have now been stabilized. But, he said, they're going to take a look at the National Research Council Report and, of course, work through with them to make sure that the data that we're collecting are being collected suitably and analyzed in ways that really tell us what we think they're telling us.

Polhemus said that in their Statistical Unit, they have a prototype for the commercial marine licensing system via online applications. It was recently completed for by the vendor and they're reviewing it. They hoping to implement online commercial marine licensing in Hawaii before the end of the year. He said that the next step after this will be online commercial catch reporting. They're hoping to perhaps roll that out next year.

Polhemus stated that starting in March, the Division of Aquatic Resources began refusing commercial marine license renewals. If a fisherman had not submitted their required monthly catch reports. They had to bring them up on an annual basis. He said so far so good. They're actually getting quite a lot of people who are updating their reports. The data actually looks like

it's not just people throwing something together and it actually seems to be modestly detailed stuff that they all had in a shoe box, or something, and finally pulled out and gave to us when we compelled them to do it.

Polhemus gave a report on two items not in the report. He said that the Hawaii State legislature passed two bills relating to marine conservation. One was a bill that prohibited the take of female crustaceans for either commercial or recreational use. This includes rock lobster, spiny lobsters, Kona crab and Samoan crab. That bill has been signed by the Governor. The other was one that prohibited commercial take of opihi, which are native limpets, mollusks that live on nearshore rocks. This bill has not yet been signed by the Governor, but they were hoping she would do it. It would prohibit commercial harvest and sale and recreational harvest to one-half gallon per person per day, shells on.

Finally, he said, they have a new hire in their Commercial Fisheries Program at the Division of Aquatic Resources. They recently completed interviews and selected Brett Shumacher for their Biologist IV position that had been open. He's a student of Jim Parrish and comes out of the Cooperative Fisheries Studies Unit at the University of Hawaii. They're very excited to have him onboard. He said that they'll get him into the Council process as soon as possible by getting him on to one of the plan teams. With that, he concluded his report and thanked the Chairman.

McCoy thanked Polhemus and asked for questions. He then called on Ebisui.

Ebisui thanked the chairman. He said that at the last Council meeting he reported about the shark tour operations and about the world class skin divers that have said openly that they don't dive outside of Haleiwa anymore because of the shark problems. That was followed by the Fishermen's Forum where the dive club that sends the team to the national competition basically said the same thing. So he wanted to update recent events that have happened since the last Council meeting.

He reported that about two weeks ago, one of the beaches was closed because of sightings of large tiger sharks. That beach is, in a straight line, probably about four miles from where the shark tours operate. That was followed two days later by a shark attack on a diver. There were four kids that had gone free-diving offshore. They had not been in the water very long. It was clear water. They had speared one fish. One of the divers got hit by a tiger. He said that the problems and the sightings are continuing and wanted to report on that. He thanked the Chairman.

McCoy thanked Ebisui and called on Duerr.

Duerr reported on the recreational fishery. He reported that the Hawaiian International Billfish Tournament will be held in Kona, Hawaii July 24th through the 29th this year and said that they fish nine hours a day for five days. He said teams are primarily international teams coming from as far away as Africa, on our east, to Australia and Japan, on our west to target marlin and ahi, primarily. The weight limit on the marlin, anything under 300 pounds is a tag-and-release. Over 300, they're brought in and weighed.

Duerr said that they're looking to raise that threshold to 500 pounds next year because conservation, one, and they seem to be, the last two years, been very successful. He noted that last year all of the boats in the tournament have caught marlin and all but one team caught marlin. So he thinks that they can do that and still have a very successful tournament. He said that the HIBT is limited to 30 teams this year and that they will have between 20 and 30 due to the constraints on the pier.

He reported that there is little conflict with the cruise industry. During the week they fish, there's cruise boats arriving three of the five days. He said that they're limited to about a quarter of the pier. But the island economy can use those cruise ships so they don't want to put them out of business even if they could. He said that they welcome any teams from Guam, from American Samoa, the Northern Mariana Islands, if they want to come down. He said that they used to have teams from this area fish in the International and have had indications that they may have a team coming next year from here. He thanked the Chairman.

McCoy thanked Duerr and said that he wanted to go back and ask if anyone had any comments or questions for Ebisui's shark issue because it is becoming a serious issue. He noted that the Council asked for a shark study but said that he doesn't know whether that has happened or if it's going to happen.

Ebisui added that in addition to what he reported, the fishermen are continuing to kill sharks because the shark tour operators have aggregated so many sharks, they've become a real problem for the opelu and akule fishermen that have historically fished. There's been a historical fishery out there. He said that one fisherman privately told him that he's killed more than 100 sharks in the last year with bang sticks.

McCoy added that shark finning was banned and that of course, this has increased shark populations and it could be added to this problem. He called on Duerr for comments.

Duerr reported that they have a lot of sharks around all their island communities. He noted that on the Kona Coast, they have a receiver set up. They have also had a shark tagging program that's been going on at the University of Hawaii for quite some time. He said that the number of sharks is not the concern, but when the sharks get conditioned by a shark feeding operation, that is when there is a problem. He said that they have had shark attacks along the coast, and it concerns him that they can have quite a few more.

He said that the other concern is one with offshore aquaculture, they had a large tiger shark that had to be killed in Kona. It was threatening the divers of the aquaculture program. He said that he fished around those pens and hasn't experienced a shark there, but evidently they are coming around. He said he didn't know the solution there, but did know that he'd like to see the intentional feeding of sharks for pictures and sport eliminated.

McCoy thanked Duerr and called on Duenas.

Duenas asked Ebisui if anybody is documenting the historical sightings of shark in this area, as far as the government or the federal side regarding the number of incidents occurring now as

opposed to the past historical documentation? He asked if they are looking at it too late?

Ebisui replied that he saw something on a website, but didn't know how credible it was. He forgot the name of the site but said it had shown shark attacks. He said that the graph implied that there was an increase of shark attacks in Hawaii in recent years, although he didn't know how scientific that was.

McCoy asked if the sightings were making the local news?

Ebisui replied that it was.

McCoy asked if it was apparently clear and a problem?

Ebisui said that it is to the point that either the residents that don't surf, paddle canoes, fish, are also concerned by these tours.

McCoy said that the Council shouldn't sit around and wait until something happens. He thought that they should recommend that the Council continue the study.

Simonds noted that there was an agenda item for sharks later on.

McCoy apologized and said that they'll get to that part later. He then asked for any more questions and called on Sablan.

Sablan said that he sympathizes with Ebisui's comments on sharks. He said that in their island setting, especially in the Marianas, never had a shark attack that is not provoked. He said that he was interested that one fisherman had already killed 100 sharks. He wanted to know how many sharks have killed humans? Maybe there's a disparity, and perhaps that's his point. He thanked the Chairman.

McCoy thanked Sablan and asked if there were questions for Duerr. Hearing none, he asked for the report from the Commonwealth of the Northern Marianas Islands from Sablan and Igisomar.

D. CNMI

Igisomar thanked the Chair and provided an overview of what has happened since the last Council meeting. He reported that under the fisheries there's a resurvey of sea cucumbers ongoing since 1997 and that there is also an ongoing assessment of the emperor fish.

Under the enforcement, he said, they have had three notices of violations of illegal fishing, two of which are gillnets and are still pending. The other one is of illegal lobster harvest, which was fined at \$100. He said that there is also a Joint Enforcement Act funding that they were notified of because of no Congress appropriation, and that they weren't going to get any funding for 2006. However, NOAA has informed them that they may be getting \$60,000. He continued by saying there was an intercepted longline vessel that was fined \$290,000. After the Federal

Government had deducted all of its expenses, the CNMI will be getting its fair share of that.

Under Ecosystem and Habitat, he reported that they had technical assistance, Dave Hamm and his staff, on site following the last Council meeting to provide continued technical assistance to Fish and Wildlife staff. The staff will be implementing both inshore and offshore creel surveys, with plans to conduct another creel survey on fishing activities by large vessels fishing in the Northern Mariana Islands.

Igisomar reported that under non-commercial, the fishing tournament for CNMI will be July 1st and 2nd. The event is expected to have more participants and prizes than last year did. He also noted that on June 28th of this year, CNMI will host the Micronesian Games, which will feature a spearfishing tournament from all involved athletes in Micronesia.

Under other issues, he reported that they have a fishery warehouse under construction which will cost about \$400,000. It will house the fishery boats, lavatory, conference room, office space and storage room for equipment and supplies. He said that they also had their very first Saipan nesting turtle tagging in May. To date, they have had two successful hatches.

In regards to FADs, Igisomar said that they have 12 FADs that are ready for deployment, 10 of which will be deployed on Saipan and to Rota and they are only awaiting approval by the Coast Guard. He also noted that they were paid a visit by the Secretariat of the Pacific Community, SPC Aquaculture Advisor, Ben Tonia, who assessed the aquaculture activities on the island and also visited the various aquaculture entrepreneurs and gave some technical advice to them.

McCoy thanked Igisomar and called on Sablan.

Sablan thanked the Chairman and the Council and welcomed Sylvan Igisomar to his first Council Meeting and said that he was really proud of the young fellow's success and achievement. He noted that he actually hired him for the first time during his term as Secretary of the Department and said that when he looked at him he saw a young fellow who would be very adamant in protecting their natural resources. He was very happy that he was there as his counterpart and hoped he would continue to be my counterpart.

He said that there was nothing really to report other than what Igisomar had already mentioned. He just wanted to elaborate just a few more words on the Micronesian Games, which will start on the 21st of June. He said that on the 28th, they will have the fishing competition throughout the region in Micronesia and other places. He concluded his report and thanked the Chairman.

McCoy thanked Sablan and asked for questions. He called on Duenas.

Duenas asked about the progress of the new fishing village or the fish market that was discussed several Council meetings ago.

Sablan said that they had a new administration this last year November, and the new governor, Governor Benigno Fitial, thought that perhaps that particular area would be more economically viable for the tourism industry.

He reported that the CNMI tourism really reached the bottom of the barrel and that they're not getting as much tourists since Japan Airlines stopped flying to the islands. He said that the Governor is very eager to get into dialogue with investors and thinks he found somebody in the United States who would like to build a floating hotel that would probably have casinos in it. He said that Saipan does not allow casinos at this time but they are very eager to get casinos in Saipan. He said that the fishermen, the co-op, which Duenas is very familiar with, will probably move to another area that doesn't have as much facilities for boat docking and transfer of fish.

He said that he thinks it will suffice at this time, but if not, it is very likely their people will demonstrate to the Governor that it is more viable for our local fishermen to continue the same location, because of the facilities that's around there.

McCoy thanked Sablan and called on Simonds.

Simonds thanked the Chairman and said she had a comment on the report. She said that the most disturbing news in this report is the report on the law enforcement agreement, and that funding has stopped after three years from the National Marine Fisheries Service to the Government of the Northern Mariana Islands. She noted that it's really quite a very small amount of money, \$100,000 a year, to augment the program. Simonds said that the Council needs to have a discussion about this Joint Enforcement Section.

McCoy called on Tulafono.

Tulafono thanked the chair and said he had a question for Igisomar regarding illegal fishing. He said that in the report, most of the violators were foreign nationals. He asked if these foreign nationals live in Saipan? Or are they fishing in Saipan but don't live in Saipan?

Igisomar replied that these are workers, guest workers, that reside in the CNMI. So they do live on Saipan.

McCoy then called on Dr. Samuel Pooley, Director, National Marine Fisheries Service (NMFS) Pacific Islands Fisheries Science Center (PIFSC) to present his report.

8. Agency Reports

8.A. National Marine Fisheries Service

8.A.1. Pacific Islands Fisheries Science Center

Dr. Sam Pooley reported that PIFSC recently played a fairly major role in an International Climate and Ecosystem meeting held in Honolulu in the spring. The meeting was sponsored by PICES and GLOBEC. He stated that the PIFSC chairs most of the International Scientific Committee of the Tuna and Tuna-like Species Working Groups, which had successful meetings

in LaJolla earlier in the spring and resulted in updated stock assessments.

The Fishery Monitoring Socioeconomic Division, of which Dave Hamm is the Division Chief, along with several of the West Pac FIN staff, has been working with American Samoa's Division of Marine and Wildlife Resources and the local fisheries staff of island areas. Kurt Kawamoto, who has primarily focused on monitoring the Northwestern Hawaiian Islands fisheries over the years, has begun shifting some of his attention to outreach activities concerning the use of barb-less hooks in Hawaii's nearshore ulua fishery. He got involved in that because of some confusion initially between the slide bait, the ulua fishery and deep handline bottomfish fishing. Dr. Pooley stated that he was happy to report that recently in Hilo a 117-pound ulua was caught and captured on a barbless hook.

Dr. Pooley reported on the recent American Samoa oceanographic cruise conducted in March on the NOAA research vessel Oscar Sette. He mentioned that PIFSC does not have the detailed results, but they were investigating the South Equatorial Countercurrent and the effect of that on albacore fishing. The research team was quite successful in mapping the current and seeing where it was this year and used a variety of acoustic devices to look for signatures of albacore and their prey. Pop-up satellite tags on southern albacore were also used. He mentioned that one of the interesting things from the acoustic research was that they found what appeared to be aggregations of albacore quite distant from where the fleet was actually fishing, and quite deep as well. He said that these findings may be something that the fishing industry would want to hear more about, and when PIFSC has more complete results, PIFSC will either send somebody to American Samoa to talk about the data or it will be discussed more at the next Council meeting.

Dr. Pooley stated that PIFSC's coral reef group has recently been to American Samoa and that they appreciated the collaboration with American Samoa scientists, both on the boat and onshore.

Regarding Hawaiian monk seals, Dr. Pooley stated that after several years where the population had become stable, it has now dwindled five years in a row. This year, the survival rate at French Frigate Shoals is quite low, which is concerning. PIFSC will likely go back to a captive care approach and that twin monk seals from Midway Island were brought to Honolulu to fatten them up, because they weaned at a size that their chance of survival was slim. Progress has been made on the foraging and dive studies, and more definitive results in terms of what monk seals are trying to eat will be likely presented at the March 07 Council meeting. PIFSC scientists recently published a paper on sea level rise and monk seal habitat, which probably has implications not only for monk seals, but may have implications for other coral reef species in the Northwestern Hawaiian Islands. As habitat disappears, it makes it harder and harder for an animal like a seal, which hauls out, to survive.

PIFSC recently conducted its first independent cetacean surveys on the research vessel Oscar Sette and covered the American Samoa area. Unfortunately, by retrofitting the R/V Sette so that it can be used for cetacean transects, several tons of platforms must be constructed up high for the large binoculars needed to adequately observe cetaceans, which causes the Sette to not ride so well, resulting in many seasick crew and researchers.

Dr. Pooley stated that PIFSC has two currently ongoing cruises: 1) the Sette is in the Northwestern Hawaiian Islands doing lobster ecosystem monitoring and tagging studies, and 2) the Hiilalakai is mapping in the Northwestern Hawaiian Islands.

Council member Duenas asked Dr. Pooley if the Sette will going to Guam in the near future? Dr. Pooley answered that the coral reef group has a two year rotation with American Samoa and Guam, so the Sette will back to Guam next year. Dr. Pooley stated that NOAA changed the way it operates its ships and no longer do they “belong to a program.” Ships are now independently allocated by a Fleet Allocation Council so there is never a guarantee of ship time. Dr. Pooley said he will follow up with allocation of ship time in reference to a Guam cruise and report to the Council at the March meeting.

Council member Duenas stated that he asked the question because PIFSC has mapped areas around Guam that perhaps the real detailed maps should not be released so as to prevent people that may otherwise misuse the maps to excessively target certain areas.

Duenas also asked if there is any plan to tag the sea turtles that interacted with the shallow-set longline fishery so as determine the survivability of the released turtles? Dr. Pooley stated that perhaps that Bill Robinson can answer the question better than he, but that he didn't know why the circumstances on why turtles were not tagged by observers this year. In reference to Council member Duenas' statement on public use of mapping data, Dr. Pooley stated that habitat mapping for both scientific and management purposes has been widely heralded, but at the same time it has the potential to provide people with information on good fishing locations that otherwise would not have known. Dr. Pooley stated that he would welcome some discussion at the Council or elsewhere on this issue and something that we can pretend doesn't have management implications. There's a lot of pressure from the funding sources for this information to become immediately available.

8.A.2. Pacific Islands Regional Office

Bill Robinson reported the he shared the keynote address with Kitty Simonds at the 8th Pacific Rim Fisheries Conference in Hanoi, Vietnam and that both talks were well received. He mentioned that PIRO enter into a Memorandum of Agreement (MOA) with the Fish and Wildlife Service, NOAA Sanctuary program, and the Hawaii DLNR, formalizing an inter-agency relationship that we've had for a long time allow the agencies to better coordinate activities in the Northwestern Hawaiian Islands. The MOA does not any regulatory standing and it's primarily for the purposes of planning and coordination.

Robinson mentioned that on March 24th, NMFS closed the shallow-set pelagic longline fishery by emergency rule. He mentioned that there was excellent collaboration between HLA the Observer Program to get the word out to the fleet. He stated that there was great cooperation with the Office of General Counsel, all the way up through NOAA and the Department of Commerce to help get that emergency rule in place. In 2006, PIRO issued 2,040 shallow-set certificates, and at the time the fishery was closed, a total of 850 certificates, or 42 percent, of those issued were used.

Robinson reported that on March 24th, a PIRO published a notice that overfishing is

occurring on yellowfin tuna and requested the Council address this condition in its Amendment 14. On April 10th PIRO published a final rule that reorganizes the existing fishing regulations for the Western Pacific Region by creating a new part in the Code of Federal Regulations separating the Western Pacific regulations from the Pacific Coast regulations. The principal purpose for doing that was to facilitate the proposed transition to Fishery Ecosystem Plans and associated measures in the future. On June 7th, PIRO published in the Federal Register a Notice Announcing the Availability of the FMP Amendments on the Omnibus Amendment, which includes Bottomfish FMP Amendment 8, the Crustaceans FMP Amendment 12, and Precious Corals Amendment 6. On April 14th, PIRO published a Notice of Availability of the Draft Supplemental Environmental Impact Statement for the bottomfish fishery for ending overfishing in the Hawaiian Archipelago. The deadline for comments on the draft SEIS was May 30th and public hearings were held on May 18th, May 22nd and May 25th on Maui, Kauai and Oahu. He mentioned that PIRO will work with Council staff to address the substantive comments and publish a Final EIS prior to the Secretary's decision on approving or disapproving that amendment.

Robinson reported that PIRO will soon issue a Notice of Intent to prepare an EIS on proposed regulations to protect Hawaiian spinner dolphins from human activities during the dolphin's nearshore resting activities in some of the bays around Hawaii. An Advance Notice of Proposed Rulemaking was published, scoping meetings were held and PIRO has been working with the State of Hawaii and others on the issue.

Robinson stated that 130 longline vessels are currently registered to Hawaii longline permits, including two vessels that are new to the fleet. Five Western Pacific longline general permits and one receiving vessel permit have also been issued. Thirty four High Seas Fishing Compliance Act Permits have been issued since January 1st. Sixty limited entry permits were issued under the American Samoa Pelagic Longline Limited Access Program.

PIRO is changing the format for the Protected Species Workshop and will offer them more frequently over the course of the year to provide better service to the fishermen and allow the opportunity to be certified more frequently over the year.

Robinson stated that PIRO is currently working cooperatively with PIFSC to monitor longline catches of the Eastern Pacific Ocean, which has a quota of 150 metric tons under the International American Tropical Tuna Commission Resolution. VMS is being used to get a daily count of vessels that are fishing east of 150 degrees and using observer data to report the number and size of bigeye tuna, and running estimate of catches and a prediction of when the quota might be reached, which result in the closure of the fishery east of 150.

Robinson mentioned that PIRO has made revisions to the Hawaiian Monk Seal Recovery Plan and have returned the plan to the Monk Seal Recovery Team for them to review and comment. The plan will be submitted to the head of NOAA Fisheries in Washington, D.C.

PIRO is working with the Alaska Regional Office to evaluate the impact of the Hawaii longline fishery on marine mammal populations, particularly humpback whales. PIRO was unable to issue an Incidental Take Statement under the ESA for humpback whales in last year's

reinitiated consultation on the deepset fishery because we needed to complete a negligible impact determination analysis under the MMPA.

Robinson stated that PIRO is working with the Fish and Wildlife Service and the Government of Guam on habitat surveys and Habitat Equivalency Analysis for two Navy projects in Apra Harbor (Alpha/Bravo Harbor Pier dredging making room for additional submarine berthing; and the Kilo Wharf extension). PIRO is working with the National Marine Sanctuary Program, State of Hawaii, and the Department of Defense to survey Ordinance Reef off the Waianae Coast of Oahu to determine the extent of military ordinance that remains at this location.

Robinson stated that PIRO maintained 100 percent coverage of the Hawaii shallow-set longline fishery for the first quarter of 2006 until it was closed, with 47 out of 47 trips observed. The coverage for the deepset longline fishery dropped to 17.6 percent because of the need to maintain 100 percent observers on the swordfish fishery. The closure of the shallow-set fishery, has increased the deepset fishery coverage to 23.4 percent as of mid May. The observer coverage of the Northwestern Hawaiian Islands bottomfish fishery in 2006 is 10.5 percent with two out of nineteen trips observed. For budget reasons PIRO cut back almost to zero to make sure there was 100 percent coverage on the swordfish fishery. PIRO is contemplating adding a couple more trips just so that there is have a sufficient number of trips to provide a report. Two observers on longline fishing vessels out of Pago Pago have been deployed with two more currently on fishing trips. For FY06, the amount of money available for the Observer Program came from two sources, \$4 million is PIRO's appropriated line for observer funding and \$1 million is transferred out of the sea turtle earmark that PIRO shares with PIFSC and with the Council, so total around \$5 million. For FY06, \$550,000 went to the Alu Like Native Observer Program, \$1 million to run the program, \$3.4 million for observer contract. That contract has been let and there's no ability to de-obligate funds from that until the end of the year. Robinson stated that in actuality it costs about \$6.5 million to run the program at its maximum level. He stated that if the swordfish fishery hadn't been closed, he was headed to a tough decision, whether to either cut back or eliminate coverage in all the other fisheries in order to keep going in the swordfish fishery at 100 percent.

Kitty Simonds thanked Robinson for putting the numbers together because the Council has been asking PIRO for years what the true observer costs are and it makes things a lot easier in terms of when Congress inquires about program needs.

Council member Sean Martin stated that it may useful to communicate with PIFSC on appropriate observer coverage levels to monitor stocks and protected species interactions. He also stated that reducing operating costs such as the number of debriefers if the program is not sustaining a high level coverage. Martin added that regarding protecting species workshops, he would encourage PIRO to consider the option of online workshops especially as the requirement is being broadened to other areas in the regions (e.g. American Samoa, Guam).

Robinson answered that PIRO is looking into online protected species workshops.

8.B. Fish and Wildlife

No report given.

8.C. NOAA General Counsel

Silas DeRoma provided an update on recent litigation, in particular the petition by the Commonwealth of the Northern Mariana Islands, which was denied by the United States Supreme Court, thereby the United States maintains possessions of the submerged lands up to the CNMI shoreline.

DeRoma reported that he is working with Department of Commerce on guidance for the Council on prohibited lobbying activities, but that it was not done in time for the meeting, but he did provide particulars of what is allowed and what is not allowed. DeRoma provide the details of a memorandum addressing whether the Council can directly regulate shark viewing tours in Hawaii, and that his conclusion after reviewing the law is that the Council cannot directly regulate those activities because they don't meet the catch/take/harvest requirements set forth in the MSA. However, it would be permissible for the Council to study the impacts of these operations on other regulated fisheries under the Council's jurisdiction. He also stated that the State of Hawaii could consider expanding their regulation of the activity via state law.

Council member Ben Sablan stated that this Council has historical allowed the CNMI to managed from 0-3 miles, and asked DeRoma if that still could apply given the Supreme Court's decision?

DeRoma stated that he didn't believe that Council can create what the Commonwealth lost by statute (Covenant). He does not believe the Commonwealth has 0-3 miles, however it can regulate CNMI individuals, like Hawaii can regulated Hawaii citizens, Guam regulate Guam citizens, for activities taking place in or on the water. CNMI can control the activities of an individual who applies to CNMI, for example, registers their vessel or has a license issued by CNMI. **DeRoma stated that he can provide a formal legal opinion on what authority CNMI has in the waters, from which Sablan answered he'd like to see an opinion.**

Council member Duenas asked Deroma if he had a report detailing the issues he was discussing?

DeRoma answered that there's a separate document for shark viewing and there's a separate OMB A122 document as well but for the next Council meeting he will have a consolidated report.

DeRoma added that the shark viewing memo was coordinated with Counsel that advises NOAA Fisheries as well as my higher-ups in NOAA Office of General Counsel.

8.D. Department of State

No report given.

8.E. NOAA Sanctuary Program

Alan Tom provided a report on activities of the NOAA's Sanctuary Program. He mentioned that they have been conducting a project called the Waianae Ordnance Reef Survey which involves locating unexploded ordnance, artillery shells, left over from World War II. He stated that it's an issue that Congress is very concerned about and has provided funds through a House and Senate bill to the Department of Defense to survey and find out what is going on in that location. Although the project area is not within a Sanctuary, the program does offer underwater surveying expertise. The project is in coordination with NMFS, DOD, USCG, State of Hawaii, and University of Hawaii. The Sanctuary program will provide a report to the DOD, the information will be made available to the public.

Regarding Fagatele NMS, Tom mentioned that they are in the process of hiring a new manager and that also management plan review process is approaching. Tom stated that based on research from Dave Matilla, Sanctuary program staff, American Samoa waters seem to be a destination point, rather than a transit point for humpback whales. Humpback whale population densities are a lot lower in American Samoa vs Western Samoa or Tonga and one of the important questions to find out is where are the whales going during the rest of year. He mentioned that one of the areas could be Area 6, which is being looked at by the Government of Japan as an area for harvesting.

Tom mentioned that the NWHI State of the Reserve report is now available, which was required by Congress if the Sanctuary was not designated by the year 2005.

Tom stated that the Sanctuary program will in the next couple of years will start to look at possible new sites to their ever-growing list of Sanctuaries. He mentioned that he'd like to work with Kitty Simonds and present at the next Council meeting as to how we would approach this together. It's very possible that the Council could take the first look at possible new sanctuary sites, if any, in the Pacific.

Tom concluded his presentation by stating that the Sanctuary program is doing stuff with Borders Books and IPOD downloads to bring information to the public.

Kitty Simonds asked Tom if the Japanese eat humpback whales?

Tom stated that he doesn't think they do, but thought that they are harvesting them.

Council member Duenas stated that he would appreciate a copy of the paper done on humpback whales in the American Samoa area and that it could be similar to Guam where humpback whales hang around on the southwest side for about two to three months a year.

Tom invited, Nancy Daschbach, manager of the Fagatele NMS until August 3rd, to provide a quick update on the sanctuary. Daschbach reported that the sanctuary is co-managed with NOAA and with the American Samoa Department of Commerce. All of the staff (3), except for Daschbaug, are employees of the American Samoa Government. She mentioned that the site has undergone a lot of mapping in the last couple of years. She stated that the sanctuary's primary goal is to protect the coral reef resources at Fagatele Bay. The programs does that by promoting awareness, trying to develop a better understanding of the coral reef ecosystems and also doing that within the cultural context of American Samoa and the Samoan culture.

Daschbach reported that one of their biggest issues blast fishing, where last June 30 blast holes were documented. Enforcement is another challenge for us due to the remote location. They cooperate with enforcement officers from DMWR and with NMFS OLE. Other issues include land use such as clearing in the watershed above the sanctuary.

Daschbach stated that they have recently established sanctuary Advisory Committee (chaired by Council member Stephen Haleck) and have partnerships with other government agencies in American Samoa. The sanctuary has education and outreach programs in the schools and also a summer camp. They have a teacher professional development training program, where they teach teachers who are in the elementary but who don't really understand what science is and how it works. Outreach programs have conducted dive cleanups in the past.

Daschbach stated that have not had a new management plan in 20 years, and that by the way, it's the sanctuary's 20th anniversary! She mentioned that this year the new superintendent (new title in lieu of manager) will be conducting a management review process which involves the community. The process will take a couple of years and if they look at boundary issues and regulation changes, it could take even longer than that.

Daschbach stated that their ongoing coral reef surveys (over 20 years) is one of the longest coral reef surveys in the world, actually, and a landmark survey database for American Samoa. The survey has shown that the coral reefs are pretty resilient and that they've recovered very nicely. There was crown-of-thorns in the '70s, several hurricanes, and massive coral bleaching events, but the coral has come back. She's mentioned that it's tough to show effectiveness, although coral cover is high, fish biomass is low. She stated that she thinks the sanctuary is being poached, although fishing is allowed in the sanctuary, there are zones established where no commercial fishing is allowed in the inner part of the bay and no spearfishing anywhere. She thinks is spearfishing is occurring at night. So they're poaching and is probably the effect that we're seeing here.

One of the things that the Sanctuary Program in general is trying to do is to quantify this a little better, how well are the sanctuaries doing. We're trying to develop this report card. This is a long, involved process.

Again, Bill Keeney has been working on this with our staff at Headquarters. Not all the sites have these reports yet. They're somewhat subjective, but they are trying to show where the problems are, where we're doing okay. That's what this report card shows. Council member Stephen Haleck thanked Daschbach for service and for the report and stressed

that working together in American Samoa is important for the future generations. fa'afetai tele.

Thank you, Mr. Chairman.

9. American Samoa Advisory Panel Report

Wadsworth Yee provided a summary of the advisory panel meeting that occurred the Friday before the Council meeting. There was discussion about the location of the FADs and the use of the FADs between the recreational vessels and the commercial longline vessels (alias), although alia fishing has dropped off. Another issue discussed was the potential closure of the tuna canneries and the impact that would have on the American Samoa economy. It was agreed that the Council should continue to work with representatives in Washington D.C. to ensure that the tax benefit is extended so that the canneries can continue to operate. There were about 25 participants at the meeting altogether. So it was a very worthwhile meeting to hear what the fishermen had to say, to express their concerns to the Council.

Henry Sesepasara added that another issue discussed was a potential three-mile restriction for longlining around the FADs.

Council Chair McCoy stated that the FAD issues will be discussed at the Fisher's Forum later that evening and that the Council encourages and really want to see all the fishermen there, and all those interested.

Council member Tulafono thanked the Chairman of the Advisory Panel (Yee) and Council staff for the successful meeting and for providing a forum to discuss the issues.

Council member Duenas stated that he'd like to encourage that sometime during the week's discussion that a recommendation could be made to have a letter written to all the governments asking that they support federal legislation to extend tax benefits to the canneries.

10. Enforcement and VMS

Mr. McCoy turned the chair over to Mr. Ray Tulafono, Chair of the Enforcement Issues and VMS Subcommittee. Mr. Tulafono called on Lieutenant Commander (LCDR) Mark Young for his report from the U.S. Coast Guard (USCG).

10. A United States Coast Guard Report

LCDR. Young reported that the USCG had continued its fisheries law enforcement activities and had conducted aerial patrols of the Exclusive Economic Zones around the Main Hawaiian Islands, American Samoa, Howland and Baker, Guam and the Northern Mariana Islands.

He stated that VMS in the Hawaii-based longline fishery continues to be an effective

enforcement tool and in February it was utilized to note a longline vessel that had conducted sets inside the prohibited area around the MHI. The USCG and NOAA Enforcement responded and terminated the vessel's voyage and seized its catch for fishing in the closed area. Several vessels have found to have been actively fishing while not showing up on VMS. These cases have been forwarded on to NOAA Enforcement for further action.

LCR Young further noted that in March there was the highly successful case for a foreign fishing vessel incursion that was noted before. In this case an aerial surveillance flights noted a Taiwanese-flagged longliner fishing inside the U.S. EEZ at CNMI. The USCG responded with a patrol vessel that was able to catch them actively fishing in the act and they were brought down to Saipan and the vessel was turned over to local authorities and NOAA for further action.

He informed the Council that the USCG continues local cutter patrols around the MHI and in Guam. This coming summer there will be a patrol boat shift will bring an extra patrol boat to be based out of Guam and it can be utilized for fisheries patrols, as well. LCR Young stated that this will not reduce the cutter fleet size in the MHI, as the new cutter, the AHI, was commissioned in March.

LCDR Young reported that in May the USCG in the 14th District went through a change of command in which Admiral Charles Wurster was replaced with Admiral Sally Brice-O'Hara. Admiral Brice-O'Hara is very keen on coming up to speed with the fisheries management issues in the Western and Central Pacific and the enforcement issues associated with that. And Admiral Wurster did not leave entirely as he was promoted and is now the Pacific Area Commander in charge of all the USCG districts in the Pacific Area. Hopefully his experience in Hawaii will bring a good perspective when we talk about issues in the Western and Central Pacific, as he understands the needs and concerns out here, especially how the USCG fits in to the fisheries management process and enforcement.

Mr. Tulafono thanked the Commander and opened the floor to questions or comments from Council members.

Mr. Duenas also thanked the Commander and said that he appreciates that Guam is getting a new cutter, to assist EEZ enforcement activities. Mr. Duenas stated that he would like to publicly acknowledge the USCG's Auxiliary Program on Guam as it has been very successful in working with the communities to develop safety programs. He further acknowledged the participation of Captain Marhoffer's activities in Guam and emphasized that he's one of the few Coast Guard captains that has ever worked with the communities on all the issues and he has participated in a lot of the community activities.

LCDR Young expressed his appreciation for Mr. Duenas' remarks. Mr. Duenas added that he welcomed the new admiral aboard and hoped that someday she can attend a Council meeting. Lcdr Young responded that he would relay the invitation.

Mr. McCoy commented that he had an chance to ride in a USCG cutter recently, he found it to be a well done and well put-together machine and he was grateful for the opportunity.

Mr. Tulafono determined that there were no further comments or questions for LCDR Young and then called on Mr. Marc Cline for his report from the NMFS Office of Law Enforcement (OLE).

10.B NMFS Office of Law Enforcement Report

Mr. Cline began by thanking the Council for having his group down to American Samoa as it had been ten years since he was there last. He went on to report that in the last quarter OLE had 36 investigations. Of those, 16 were Magnuson violations involving seabird mitigation, shark finning, observer harassment, record-keeping and reporting.

There were five ESA take cases involving humpback approach rules outside of the Sanctuary, one Lacey Act case, four MMPA investigations, six Sanctuary cases involving humpback approach rules and two foreign fishing investigations.

Mr. Cline went on to report that in addition OLE was working closely with PIRO on Amendment 14 in the FMP for Bottomfish and Seamount Groundfish.

He also informed the Council that OLE has had the opportunity to reopen some of Joint Enforcement Agreements (JEAs) and for the first time, it looks like there may be a JEA with the Hawaiian Island Government, DOCARE, DLNR. This will be good because this is really a time of need with the bottomfish and the sanctuaries, and everything else.

Finally, Mr. Cline stated that OLE was replacing old VMS units in the Hawaiian longline fishery that are also sending units, programming them and placing them on the American Samoa longline limited entry vessels.

Mr. Tulafono thanked Mr. Cline and opened the floor to questions or comments from Council members.

Mr. Stephen Haleck asked Mr. Cline for an update on the VMS requirement for the American Samoa longline fleet as not all vessels have VMS in place yet.

Mr. Cline responded that all he could say is that the VMS units are being sent from Headquarters and OLE works with the contractor in American Samoa to get them onto the boats as quickly as possible. OLE is also working with the USCG to get these boats checked for safety and everything else.

After determining that there were no more questions Mr. Tulafono asked Pacific Islands General Counsel (GC) Mr. Silas DeRoma to give his report.

10.C Status of Violations

Mr. DeRoma began by stating that he was giving GC's report on behalf of Paul Ortiz, and that there had been no enforcement actions during the period since the last Council meeting. However there were three other actions of significance. Two involve settlements, the first being a

settlement for the Taiwanese longliner that was fishing within the CNMI EEZ, and that case was settled for \$290,000. The second settlement involved violations of the Lacey Act by a Vanuatu-flagged longliner. That resulted in a settlement of \$33,000. The third action involved the dismissal of a case that involved alleged observer intimidation and observer interference. That was dispensed due to evidentiary issues. So the total settlement for Magnuson and Lacey Act cases were \$333,000.

Mr. Tulafono thanked Mr. DeRoma and opened the floor to questions or comments from Council members.

Mr. Sean Martin asked where the requirement to use circle hooks for five years came from in the Taiwanese vessel violation settlement. He asked if there had been incidental takes of birds and turtles?

Mr. DeRoma responded that he would ask Paul Ortiz for the specifics but his understanding was it was tossed out in the course of settlement and the vessel owner agreed.

Mr. Martin asked that Mr. DeRoma provide a follow up response from Paul Ortiz on this settlement.

Mr. DeRoma assured him that he would do so.

Mr. Tulafono then asked Mr. DeRoma for his report on the Standing Committee's question regarding citizenship requirements for American Samoa longline limited entry permit holders. **Mr. DeRoma responded that he had not been able to make this determination but would follow up.**

Mr. McCoy stated that American Samoa longline vessel owners have had problems with PIRO's observer program staff boarding their boats without permission and threatening action if vessel operators fail to provide 72 hour notice to his office before departing on any type of trip. Mr. McCoy then asked Mr. Robinson whether he'd been able to follow-up on the Standing Committee's request for clarification as to whether the observer call-in requirement applies to the non-longline fishing trips and non-fishing trips that these vessels take.

Mr. Robinson responded that he had not been able to do so but he would provide this information. He added that PIRO wanted to work with the fishermen and that proper protocols should be followed before boarding vessels including asking the captain for permission to come on board. He further stated that it is a fine line between informing folks of the rules and assuming an enforcement role and he agreed that the observers should not have an enforcement role.

10.D Enforcement and VMS Standing Committee Report

Mr. Tulafono then gave the Enforcement and VMS Standing Committee report which consisted of the items in 10.A through 10.D above and included two Standing Committee recommendations as follows:

1. A working group should be formed to address unresolved issues regarding the American Samoa longline limited entry program and provide a report to the Council at their October meeting.
2. A Council subcommittee should be formed to clarify the issues raised regarding the American Samoa observer program and provide a report to the Council at their October meeting.

11. Fishery Rights of Indigenous People

McCoy recognized committee chair Mr. Stephen Haleck. Haleck called for Charles Ka`ai`ai and Henry Sesepasara. Ka`ai`ai reported to the Council about Marine Conservation Plans and Sesepasara reported to the Council on the community Demonstration Projects in American Samoa and issues raised by the American Samoa Advisory Panel members. The Sustainable Fisheries Fund Marine Conservation Plan is up for approval from the Council. The Marine Conservation Plans are spending plans for funds received for fishery agreements and for fines, for violations in the EEZ.

There are four Marine Conservation Plans. We have the CNMI MCP, American Samoa MCP, the Guam MCP and the Sustainable Fisheries Fund MCP.

The Sustainable Fisheries Fund was transmitted to NMFS in April of 2003 for approval. The Guam MCP was transmitted for approval and approved in 2004. The American Samoa and CNMI MCP was approved in 2005. The Guam MCP would be due for reauthorization in 2007, and the American Samoa and CNMI MCP will be due in 2008.

At 11.C.1 in the briefing book is the Sustainable Fisheries Fund Marine Conservation Plan. There are slight revisions from the previously approved Marine Conservation Plan, and that involves projects that have already been completed, projects that are no longer relevant and the addition of projects that have been proposed over the past three years that would qualify to be part of this Marine Conservation Plan. This plan is for the Council's review and approval.

Simonds asked for a summary of new things and what is being removed from the MCP. Genetic stock resolution research in the Western Pacific and the stock assessment of Bottomfish Management Unit Species were added to the Plan. Ms Simonds asked for a report on ongoing activities. That is what is missing, the progress from three years ago for those activities that are ongoing. For example, the real-time fishery data transmission, the electronic reporting, is being worked on. But there's no report on the progress. Mr. Haleck called for approval for item 11C.

Haleck called for the report on the Community Demonstration Project Program. Ka`ai`ai reported that the status remains the same. There has not been an appropriation from Congress for the program. The Council is working to get an appropriation. The Council is also working on the Community Development Program and trying to implement some kind of loan program in the Magnuson-Stevens Act for community development.

Sesepasara wanted to ask the Council's indulgence to have him report on the Manua

project, that's a CDPP project in Manua. Sesepasara reported:

“Good morning. Talofa. What a beautiful morning. I have asked Charles if it would be ideal for me to give an update of the status of our demonstration project in American Samoa. So I thank the Council for the opportunity given to us this morning.

I believe American Samoa was granted three demonstration projects funded by National Marine Fisheries Service. I am involved with two of those three projects. So I'll give you a brief update on those two projects.

The Niche Marketing for the American Samoa Longline Bycatch project, I'm the project manager for that project. The Olosega Manua demonstration longline fisheries project. I have here with me High-talking Chief Malima from Olosega, Manua. He's the project manager for that project. I'm sorry you don't have the chance to visit Olosega. Beautiful islands. It's about 50 miles east of this island. I'm sure you would all enjoy the natural beauty of the Islands of Manua.

I'll briefly talk about the Niche Marketing Project first. We have some disputes with the National Marine Fisheries Service on our reports because of the starting dates. The original starting date for the project, when we submitted it, was for August 1st, 2005. We did not receive funding until December 14th. So we put in a request for a new starting date, but apparently it didn't go through their system. So I have to submit in the report by this Friday. That's the only problem that we have with National Marine Fisheries Service, as far as reporting, because of the starting date.

Anyway, at the last Council meeting in Honolulu I reported on some of the activities that we've done, like the Taste, Don't Waste Evening. We made several samples of fish products that we can produce from the bycatch. We invited some people, restaurant owners, people from the Tourist Office, the Governor's Office, bank officials. It was a big success, as far as the comments we got from those who participated in our Taste, Don't Waste demonstration evening. We are looking at targeting our school lunch program to utilize some of these products, such as the fish burger and the fish sausage.

We're also looking at canning some of the other species, like the wahoo and the mahimahi, or the masimasi, as we call it here. We have a little problem now with that because of the change of management at one of the canneries. We had negotiated the deal with the previous manager, and now he's gone, and a new manager for Samoa Packing is in. So we have to go back and redo the whole negotiations again. But according to the previous general manager, he said there shouldn't be too much problem. He's already briefed them about what we talked about.

At this time, I was hoping -- I'm really sorry. I was hoping that when the Council meets here at this meeting we'd have our building up and ready so you would taste some of our product that we plan to do. But we have a problem, the Governor has finally signed our land use permit application and is now being reviewed by our Project Notification Committee that approves all the land use permits for all of the buildings here in American Samoa. Hopefully, that will come

through soon so we can start putting our building up and then really getting into any kind of production. We are just at the stage of getting our equipment and our building ready for construction. That's where we are now with the Niche Marketing Project.

As for the Olosega longline, we have purchased the alia longline fishing boat for Olosega. That boat was delivered to Olosega two weeks ago. It's at Olosega now. We were at Olosega last weekend with High Talking Chief Malima putting in some safety equipment for the boat. That was one of the requirements that the National Marine Fisheries Service has asked us to be sure that we have all of the safety equipment as well as required by the U.S. Coast Guard. We have purchased some of the safety equipment that we need, like the EPIRB. We have a GPS, sounder equipment. We are awaiting our VHF radio, which will be arriving hopefully by next week. So we haven't really done any fishing yet until all of our safety equipment is up and ready for operation. But we will be going back to Olosega not this weekend, but the following weekend to do some more safety training for our crew at Olosega.

Here, I'd like to ask -- well, I've talked with the Director of Marine Resources, High Talking Chief Ray Tulafono for some assistance. We will need a staff member. One of Ray's staff members is an experienced commercial fisherman. He knows the Manua area real well, especially the offshore banks. We've asked Ray for his assistance in letting his commercial fisherman that's working for him now to assist us with our project, that we want to have our Manua fishermen aware of all of the offshore banks around Manua so they can utilize that to do bottomfishing while they await for their longline. When they throw the longline, it will take about eight to ten hours soaking. So I want to make sure that they use their time doing bottomfishing so they can at least get some fish before they come back to shore. So we've been postulating with Ray, and he's giving us support on having one of his staff members to assist us with the training of the Manua fishermen.

So that's where we are now. We hope to start the extra longline fishing in Manua the first week of July when we get all of our safety equipment up and ready for operation.

If there are any questions, I'll try to answer some of your questions.”

Haleck thanked Sesepasara and asked type of vessel was purchased for the project in Olosega? Sesepasara responded that it was an alia purchased from Eo Mokoma and came with a longline fishing permit. The project is in the process of transferring the permit to Olosega.

Haleck recognized Tulafono. Tulafono commented that he was very happy that the project is proceeding in the Manu`a islands. It has been rare for any fishery development in the Manu`a islands. The Department of the Marine and Wildlife Resources will be supportive of the project and will provide any assistance to help the project. Sesepasara thanked Tulafono for his support and pointed out that there are no FADs around the Manua islands. Tulafono responded that a FAD for Manu`a was anchored last year but it was believed to have been lost to the hurricane. DMWR is working to redeploy that FAD. Sesepasara replied that his comment referred to the conflict between recreational fishers and commercial fishers around the FADs. Manu`a does not have a problem with recreational fishers.

Haleck recognized McCoy. McCoy commended Sesepasara and the projects. He noted that these were the kinds of projects that the CDPP funds were meant for and he encouraged the projects to get the fish landed and get some products out there in the marketplace.

Haleck directed the Council back to the agenda and asked the Council for their endorsement of the Marine Conservation Plan and turned the meeting back to McCoy. Duenas moved that the Council approve the Western Pacific Sustainable Fisheries Fund Marine Conservation Plan and direct staff to review all conservation plans from the other areas as to their status of the plans.

Tulafono asked the author of the motion to add that the staff can report to the Council regularly on the status of the plans. Duenas had no objections.

McCoy called for a second on the amended motion. Haleck seconded. He called for discussion and public comment. There was none. He called for the vote. The Western Pacific Sustainable Fisheries fund Marine Conservation Plan was approved unanimously.

Ms. Simonds asked Territorial Fishery Directors if they received responses from their letters to Senator Inouye about the CDPP Program. Tulafono responded that he was not aware of any response to the letters. Ms Simonds asked Duenas if he could check with Guam's Governor if Guam received any response. Sablan of CNMI responded that they have not seen a response.

McCoy recognized Duenas from Guam. Duenas asked to report on Guam's CDPP project. Duenas reported:

"I just want to report rather briefly on Guam's CDP project. This summer we'll be beginning our longline feasibility project -- I just completed a Protected Species Workshop. Then we're going to submit our application for a permit.

The difficulty we're having on Guam right now -- and maybe the Commander here can help us out, is the Coast Guard requires that the Solas liferaft pack on these vessels are inspected annually. They're rather expensive. We encountered already our Solas pack expired for its term. So we had to send it back to Hawaii for its reinspection and recertification.

It takes about a month and a half to get to the West Coast, because it's a Hazmat material. It takes about two weeks to get to Hawaii. It takes a month to get -- a week for inspection and almost three weeks to get to Guam. The total it takes is three months to recertify. If we take that on both ends, I'm down almost five to six months. So it's rather difficult.

I was wondering if we can get -- in working with these guys that are doing the inspection, if we can get an extra six months to deal with this problem. Or some sort of assistance where you guys put it on your boats on the way to Hawaii, or something. Because we can't put it on a plane, and we have to deliver it via LA because of Customs Inspection."

Commander Young, USCG, responded that he understood Duenas' concerns. The USCG Patrol Boat program also has to get the life rafts inspected yearly, too. One way the Coast Guard works that program is to buy spare life rafts and have them ready. When the one needs inspection, the spare can be utilized. The Coast Guard has to go through that same process, and send those off from Guam back to Hawaii for inspection. He asked if the project has any funds for a spare.

Duenas replied that any funds they had were used for shipping: \$500 for shipping and \$900 for the inspection. It is almost half the price of purchasing a new liferaft every year. Duenas spoke to the supplier to see if they could work something out. But it's still going to be a difficult road to travel. It's a problem here in American Samoa, especially with Henry's project on a remote. They are really going to have downtime on some of the safety equipment. It's a very expensive piece of equipment, to begin with. Having two onboard is going to cost eight, nine thousand dollars. Every year you're spending \$1500 to \$2,000 on shipping and expenses. If you're in Hawaii, the company is right there. You spend \$800 - \$900 to get it inspected, put it back on your boat. But we've got to pay the freight. Hazardous material -- on Guam it's very difficult to ship things in and out. That's why Guam has that waiver program on the flares. Because even to get flares to Guam, by the time we get it, it's already 18 months left on its life. So that is the difficulty we have.

Commander Young appreciated the problem. That's something that he can bring back to Honolulu and take action on to get back to the Council here.

Duenas addressed the Council asking the Council staff to be directed to work with the Coast Guard on finding a solution to this type of problem for our remote island areas.

McCoy asked if that was a motion. Duenas assented. McCoy called for a second to the motion, commenting:

"I can add to Manny's concern, too. Because it happened to me. Actually, the cost was quite high. As you know, some of this stuff you can't air freight because it does contain pressurized canisters and lights, and whatever. It cost me somewhere -- just to go fishing, other than the two months or three months, somewhere in the neighborhood of \$12,000. I had a life raft here and the Coast Guard at that particular time said, well, we have a repair guy here. Unfortunately, he was not certified in that particular make and model. So I can see -- we discussed this morning and the difficulties in trying to keep things here. You can't have two life rafts, that's another disadvantage. And they both expire sometime."

Commander Young asked whether there were any other issues with required gear that are problems when it comes time for re-inspection?

Duenas replied that on Guam, there are no commercial companies like POP where they have commercial flares, parachute flares, and all of that readily available. Everything has to be brought in. Duenas knew a person that went to California, bought all the stuff he needed for his boat. It took three months to get to Guam. He bought it off the shelf. It was on the shelf for six months already. So that was nine months gone on the flares by the time he put it on his boat.

Those are the issues. By the time you get to use the equipment it's almost expired. So Guam is asking if there is some kind of waiver to look at -- notwithstanding any safety issues.

Commander Young replied that he understood the issue. McCoy commented that for emergency flares, you can buy them in Seattle, you can buy them anywhere, in Honolulu, for 200 or \$300 for the outside of 50 miles requirement. By the time it gets here, it's seven or eight hundred dollars, Hazmat handling and all this stuff. So you can understand.

Martin commented that another way to expedite the re-certification of life rafts, in particular -- the flare thing can be dealt with. Things can be shipped surface in a relatively short period of time between the West Coast, like a flare, that has a service life -- the life raft, of course, requires annual servicing. One of the requirements of service facilities is that their facilities have to be approved by the Coast Guard. It might be cost-effective to take the technician to the life raft rather than the life raft to the technician. But in a place like Guam, it might require some kind of an exemption for the facility. The work can actually be done in a day to re-certify a raft. So that may be something else you can look at as a way of expediting the ability in that -- if there was some kind of an allowance for the facility to be temporarily approved, or something. Take the technician to the raft.

In the case of POP, technicians are certified in several different rafts, the same technician. So maybe they can coordinate where they can do two, three or four rafts in one visit if they had some kind of a site that was authorized by the Coast Guard within the area.

McCoy recognized Christina Lutu-Sanchez from the public. Lutu-Sanchez commented:

“Good morning, Council members. My name is Christina Lutu-Sanchez. Since we're on this issue of Coast Guard requirements, we actually at this time, because of the Limited Entry Program, we're having to go through certification to get our safety decals in order for us to be able to take observers onboard. We've expressed several complaints to the local Coast Guard Office. This is not unique to our vessels only. This is all vessels operating here.

We have a lot of problems. Not only is there a problem with the life raft certification, as people are discussing here, but there are things such as flares. They're not available here. We have to ship them and it's very costly.

Fire extinguishers. They're not available here. We only have the little tiny kiddie extinguishers, which are not part of the requirement.

Other problems that we've had is, depending on who is coming to inspect your boat, we have a different list of deficiencies. We've even had the case where the same inspector comes to inspect the boat, gives us a list of deficiencies. We go through that whole list. Comes again to check the deficiencies and gives us another list of deficiencies. So we always ask, why didn't you tell us all of that in the beginning, because we have to ship all of these things in. It's very expensive to air freight things in. The response is, “oh, I must have missed it.”

Meanwhile, our boats are tied up while we're trying to meet all of these requirements.

Again, depending on who the inspector is, everyone has their own different list of requirements. We've been using the little blue book that's entitled, Federal Requirements for Commercial Vessels. Some of the things that I've even seen on the deficiencies are not even in that book. So I think it would help us, and I've requested this before, if aside from that book, because it seems like maybe it's outdated, if you could just give us one list of things -- a good example is, the CPR and certification. One guy says I only need two people. Another guy tells another boat they need three people. Different standards -- all of the boats are experiencing that right now as we're trying to get our safety decals. Thank you.

McCoy thanked Lutu-Sanchez and asked the Commander if he could comment.

Commander Young replied that he would check with the local office in American Samoa and assures that that the standards will be the same for every inspector.

Duenas asked in the blue book is a good guideline or is there another guideline we're supposed to be looking at, just real quick.

Commander Young replied that he could not speak to the blue book issue because in the Coast Guard he is on the enforcement side and other officers are on the marine inspection side. So he needs to go back and check what that blue book is.

McCoy called on the maker of the motion if he would like to revise the motion to include the issues that have been discussed. Duenas withdraws the original motion and moves that the Council to direct Council staff to work with the Coast Guard in doing all of these safety issues that need to be -- issues here in American Samoa, CNMI and Guam and Hawaii regarding that.

McCoy noted that the Council had a motion and a second to discuss. Sablan withdraws his second on the first motion and Haleck seconds the new motion.

Tulafono asked for a timeline of actions to report to the Council. McCoy commented that the Council should not complicate the issue but seek to clarify it. The Coast Guard has a vessel guide. All of the laws and regulations are there. What the Council is asking the Coast Guard here is to streamline the process and get the Coast Guard to provide the same answer to the same question instead of two different opinions by two different inspectors.

Commander Young responded that he understood the issue and that he will talk directly with the local office and the process is standardized among inspectors.

McCoy called for the question. The motion passes unanimously.

12. Pelagic and International Fishery Issues

A. Local small boat fisheries

1. Commercial

2. Recreational

Karl Brookins, DMWR biologist, provided an overview of American Samoa's pelagic fisheries. These included the longline fishery, which was now almost entirely dominated by conventional monohull vessels, a limited troll fishery, and a small but active recreational fishery.

B. Small Boat Longline Area Closure

Paul Dalzell provided an edited version of the same presentation given at the 129th Council Meeting on the analysis of 5 mile radius areas closures around Fish Aggregating Devices (FADs) deployed around Tutuila. He noted that the pressing urgency for this request seemed to have been reduced considerably with the virtual retrenchment of the local alia longline fleet. Discussion on this issue focused on the potential for this fleet to expand again in the future.

C. Bigeye and Yellowfin Overfishing Measures (ACTION ITEM)

Paul Dalzell presented the document Issues Paper on Amendment 14: Bigeye and yellowfin overfishing measures-outstanding issues. He described the historical development of the Council position on this issue, provided the motivation for restructuring the amendment to meet NOAA legal counsel advice and to that end presented 3 alternatives for Council consideration.

D. Options for Swordfish Seasonal Closure (ACTION ITEM)

Marcia Hamilton presented the 4 options or alternatives for the swordfish seasonal closure and reviewed the impact on fishermen of the March emergency closure that had. Hamilton noted that the Council's SSC clearly favored Alternative 2. Modify Existing Regulations to immediately close the fishery upon reaching the Turtle Cap. There was also consensus that, with only two years experience in the model fishery, one a good year and one possibly an anomalous year, it might be too soon to make other changes in the management regime. It was pointed out that the management regime was working, but that the "knife edge" nature of the emergency closure in March 2006 had negative effects on both fishermen and markets.

E. American Samoa Tuna Canneries Issues

Paul Dalzell reviewed the issues relating to the two Pago Pago tuna canneries and their continued operations in American Samoa. The Pago Pago canneries must compete with tuna canneries in other countries, especially Latin America and Southeast Asia, where labor costs are much cheaper. To counter the wage rate disadvantage, the canneries have relied on the possessions tax credit under section 936 of the Internal Revenue Code and on duty-free access to the U.S. market. Closure of the canneries would devastate American Samoa's economy, fishing industry and the fishing industries of countries such as Fiji, Tonga, Cook Islands, Samoa and Niue.

F. American Samoa Longline Limited Entry Update

Walter Ikehara updated the Council on the limited entry program for the American Samoa longline fleet. To date a total of 60 permits had been issued. There was a lengthy discussion about issues related to the permitting program which generated a recommendation later in the

meeting for the formation of a working group to address unresolved issues regarding the American Samoa longline limited entry program.

G. American Samoa & Hawaii Longline Reports

Paul Dalzell and Sam Pooley presented the American Samoa and Hawaii longline fishery quarterly reports. Prior to these presentation, Dave Hamm (PIFSC, WPacFIN) presented a brief history of the American Samoa longline fishery.

H. Bycatch

1. Shark bycatch in longline fisheries

2. Side-Setting to Avoid Seabirds

Nigel Brothers, an expert on seabird-longline mitigation, working with the Hawaii Longline Association, presented on a program with HLA to convert vessels to side setting.

Brothers explained the advantages of side setting, especially space saving on smaller vessels as well as minimizing seabird bycatch. He also noted the need to focus on solving bycatch problems sequentially but to look at these sequentially.

Sean Martin thanked Nigel Brothers for his work with the Hawaii longline fleet.

I. International Fisheries

1. International Scientific Committee

Dalzell abbreviated the presentations on the first two items in the interest of time. For the ISC meeting he noted the most important aspect of this meeting was stock assessments which will also be discussed again at the Science Committee.

2. SPC Heads of Fisheries Meeting

Dalzell noted that the SPC Heads of Fisheries meeting discussed the establishment of a new regional fisheries management organization, which would look at non-highly migratory species, particularly, focusing really on seamounts. This is an initiative largely of New Zealand, Australia and Chile. The current area of competence that they're talking about would extend up to from 40 South to the equator. But the U.S. would like to see that extended further north if this organization becomes extant.

3. IATTC Annual Meeting

Dalzell then summarized the issues surrounding the 74th Meeting of the IATTC, which was going to be convened in Korea. Of most interest were the deliberations on a new BET quota for

2007 to 2009. He also noted the report of the Working Group on Bycatch and issues of interest to the Council, particularly turtles, and also reports of work on hook exchange schemes, experiments with circle hooks and mackerel bait etc. Dalzell also drew the attention of the meeting of two draft resolutions for tuna conservation drafted by the Hawaii Longline Association (HLA) to be considered by the US delegation to the meeting

That the first iteration of this was that each IATTC cooperating party, nonparty fishing entity or regional economic integration organizations, collectively called the CPC, shall take measures necessary to ensure that its total annual longline catch of bigeye tuna in the Eastern Pacific Ocean during '07 to '09 by its longline vessels shall not exceed their respective 2000 catch levels, except for the CPC with a historic and nationally-regulated fishery that takes less than one percent of the EPO bigeye tuna catches, permitted to catch up to 500 metric tons a year or a total of 1500 metric tons for the three-year period of this resolution. In the event that the conservation and management measures adopted in this resolution do not make progress towards a level that achieves a MSY for yellowfin tuna stock within three years and bigeye tuna in five years, the Commission will adopt additional conservation and management measures to achieve these objectives.

The second iteration of this proposal stated that each IATTC party or CPC shall take measures necessary to ensure that its total annual purse seine and longline catch of bigeye tuna in the EPO joint '07 to '09 by its purse seine and large-scale tuna longline vessels will not exceed their respective 2000 catch levels.

Dalzell noted that either resolution would be better than the present situation where the US longline quota was 150 mt and had been exceeded in both 2004 and 2005.

4. WCPFC Scientific Committee

Dalzell explained that the Science Committee was the precursor to the full session of the WPCFC, which will be in Apia in December. The agenda contained fishery reports from members, cooperating nonmembers and the RFMOs, in this case, IATTC. The most critical stock assessments were for bigeye tuna and yellowfin. There would not be a new assessment on South Pacific albacore, but they will reanalyze the 2005 assessment. There was a lot of controversy about the fact that the assessments seem very optimistic, but nobody was catching any fish last year. Consequently there seemed to be a disconnect between what the assessment says and what fishermen were experiencing on the water. There will be a brand new assessment on the Southwest Pacific swordfish being generated by Australia and New Zealand, and the three ISC assessments for Pacific bluefin, North Pacific albacore and striped marlin.

Dalzell noted that there would be a special session on bycatch mitigation and bycatch mortality in the plenary and that he was chairing the Ecosystem and Bycatch Specialist Working Group which would review individual to address the Commission's request to Science Committee. Other items to be discussed included data and information programs such as observers, problems with data from Indonesia and the Philippines, tagging programs and cooperation with other organizations.

5. Council South Pacific Albacore Workshop

Dalzell explained the background to the Council South Pacific Albacore Workshop. The Council first discussed this idea informally with delegates from the South Pacific islands and territories at the second meeting of the Western & Central Pacific Fisheries Commission in Pohnpei, last December. Following expressions of interest, the Council took advantage of the South Pacific Tuna Treaty Consultation being held during March 2006 in Hawaii to organize a planning meeting with the delegations to the Consultation.

This initiative stemmed initially from a Council recommendation in 2002 for fishery scientists and managers from Samoa and American Samoa to begin looking at research and management issues of mutual interest with respect to their longline fisheries. All the Pacific Islands longline fisheries south of the equator have a substantial albacore component in their catches, and some fisheries such as Samoa and American Samoa, are highly dependant on albacore for the continuity of their longline industries. Recently, however, longline fisheries across the entire South Pacific have experienced very low catch rates, despite optimistic stock assessments which suggest catches are well below the maximum sustainable yield (MSY) level for this stock. Naturally, this has provoked much consternation, with fishermen and fishery managers asking ‘where’s the fish?’

As fisheries scientists from the National Marine Fisheries Service and the Secretariat of the Pacific Community’s Oceanic Fisheries Program will be participating in the Workshop, The Council hopes that this meeting will provide some of the answers to this question. Further the Workshop will also provide a forum for discussions on potential research and management opportunities for South Pacific albacore. In particular, is there the potential for the development of a collaborative management arrangement for the region’s albacore longline fisheries that could minimize the impacts of localized declines in productivity?

The workshop will be convened in the Council office between September 19 and 21, 2006.

J. Recreational Fisheries Data Task Force Report

Paul Dalzell described the recent reconvening of the Recreational Fisheries Data Task Force and the fishermen’s responses to the data presented. Based on the Hawaii Marine Recreational Fisheries Survey (HMRFS) data, the recreational catch of fish in Hawaii is similar in volume to commercial landings, and for five out of six of the big six species (yellowfin, skipjack, mahimahi, wahoo, blue marlin and striped marlin) exceeded the commercial catches. The exception being striped marlin where commercail catches are greater than estimated recreational catches. .

Dalzell noted that SSC had expressed reservations about the extrapolations, and the possibility of double counting on landings. The SSC had also made suggestions for a working group, including statisticians that would attempt some further ground-trusting of the survey results to date.

Dalzell also reviewed the recommendations form the recent National Research Council's review of the NMFS Marine Recreational Fisheries Statistical Survey (MRFSS), of which HMRFS was a segment. The conclusions from the review were that the MRFSS design strategies and collection does not provide adequate data for management or policy decisions. There was too

much uncertainty about the estimates that are being generated right now and that if they were used for policy or management decisions it would be an inappropriate thing to do.

There was considerable discussion of this items, which included issues such as double counting fish in the survey and then later in commercial sales, redundancy of charter vessel survey given the DAR CML requirements for this fleet, the NRC report and the level of funding that DAR have committed to the HMRFS survey.

K. Plan Team Recommendations

Karl Brooking presented the recommendations from the recent Pelagic Plan Team meeting as follows:

Hawaii

- 1. The Pelagics Plan Team recommends that the NMFS protected species workshops include instruction in pelagic fish identification, including a manual of photographs to aid in identification.**
- 2. The PPT reiterates its previous recommendation that WPacFIN and DAR convene two workshops: the first to review the catch and effort reporting systems, review of DAR codes to assign fishery sectors and algorithms for the expansion of bigeye (BET) and yellowfin (YFT) landings; and the second to review the results of any changes in the application of these modified algorithms in estimating the BET and YFT landings in the troll and handline/mixed-line and offshore fisheries in Hawaii.**
- 3. The PPT recommends that the Council consider methods to smooth the adverse markets effect of any seasonal closures of the Hawaii swordfish fishery, such as consideration of an interim trigger level of turtle takes by the Hawaii swordfish longline fishery that might be used to establish short term (1–4 week) temporary measures of fishery or area closures, that would avoid the fishery reaching its hard limit for loggerhead turtles and the fishery having to be closed prematurely.**
- 4. Given the small size of the fishery, the PPT recommends the Council choose the simplest option for the NWHI sanctuary commercial pelagic fishery limited entry program, preferably one that is similar to existing systems and has low administrative costs.**
- 5. The PPT recommends the Council consider an alternative for the NWHI sanctuary commercial pelagic fishery limited entry program that would combine alternatives 1 and 2 such that initial entry would be based on historical participation with permits transferable thereafter – however permits could only be transferred to those persons with some level of historical participation in the NWHI or MHI commercial pelagic fisheries.**

6. The PPT recommends the Council consider beginning the NWHI sanctuary bottomfish/pelagic fishing year on July 1, as this is the fiscal year and would make it easier to compare new data to historical data.
7. The PPT recommends that the section of the Pelagics Annual Report Hawaii module on longline bycatch contain observer data for the swordfish longline fishery discards and the expansion of the tuna longline fishery discards.

American Samoa

1. The Pelagic Plan Team recommends that American Samoa DMWR and NMFS PIFSC explore the potential for a fisheries scientist to be stationed in American Samoa due to the importance of the local longline fishery which catches between 8 and 15 million lbs annually.

Guam

1. The Pelagic Plan Team reiterates its recommendation that the Guam DAWR explore the possibility of expanding the creel survey to include the boat ramp at Ylig, as this would include information on otherwise poorly known areas of Guam. Considerations for improving survey efforts include: infrastructural improvements for both boaters and DAWR staff, and issues associated with land ownership and navigational aids.

Region-wide

1. The Pelagic Plan Team recommends that the Council develop a trial version of the 2006 Pelagics Annual Report that incorporates the revisions as suggested in the Council Contractor's report on modifications to its annual report.
2. The PPT recommends that an ecosystem approach be taken in deciding the priorities for stock assessment of pelagic species by the scientific committees of the Pacific regional fishery management organizations.
3. To end overfishing of WCPO and EPO bigeye and WCPO yellowfin tuna, the PPT recommends that the Council focus on input controls rather than output controls, such as quotas, by the use of such measures as elimination of a percentage of drifting FADS, requiring the remaining FADS to be registered, and setting limitations on longline sets, hooks, vessels, or trips.
4. The PPT recommends that published assessment information on necessary reductions in fishing mortality (not catches) be used in quantifying the Council's objectives regarding ending overfishing of bigeye and yellowfin tuna as follows:
 - a. Reduce WCPO fishing mortality on bigeye tuna by 20% (WCPFC 2005)
 - b. Reduce WCPO fishing mortality on yellowfin tuna by 20% (WCPFC 2005)
 - c. Reduce EPO fishing mortality on bigeye tuna by 30% (IATTC 2006)

5. **The PPT recommends that the Council endorse an immediate end or phased in approach to overfishing of bigeye and yellowfin tuna with the following specific effort reduction goals:**
 - a. **Reduce WCPO tuna (bigeye and yellowfin) longline effort by 20%**
 - b. **Reduce WCPO purse seine effort on drifting FADs by 20%**
 - c. **Reduce EPO tuna (bigeye) longline effort by 30%**
 - d. **Reduce EPO purse seine effort on drifting FADs by 30%**

L. SSC Recommendations

Craig Severance presented the recommendations arising from the recent 92nd SSC meeting. These were as follows:

1. **The SSC recommends Alternative 2: End Overfishing Immediately. The SSC further recommends that Alternative 2 be redrafted to emphasize that the U.S. delegation to the IATTC and the WCPFC strongly support the specific measures in the Draft Alternative. With the U.S. accounting for less than 5% of the take of bigeye and yellowfin tuna in the Pacific, unilateral action by the U.S. would be ineffective in conserving the resources and unnecessarily destructive to U.S. fisheries.**
2. **The SSC recommends that the Council assist in procuring funding necessary to assist in alleviating this problem.**
3. **The SSC recommends that the Council choose Alternative 2: modify existing regulations to close the fishery immediately upon reaching the turtle cap.**
4. **The SSC notes with concern that effort and catch in the Hawaii longline fishery seem likely to continue to increase and will probably not be constrained by the existing limited entry program and vessel length management restrictions, nor by fishing technology, economics or other factors.**
5. **the SSC recommends that the U.S. delegation to the IATTC promote more equitable and effective conservation regime for BET and YFT.**
6. **The SSC notes the criticisms in the NRC review of the MRFSS survey program, and thereby recognizes the possible imprecision of the estimates of recreational catch for Hawaii. Given the surprising outcome that the Hawaii recreational catch estimates are of the same order of magnitude as the commercial catch estimates, the SSC recommends that additional resources be made available to understand and correct the statistical problems in the catch and effort sampling, and analysis of the data. Further, the Council should not currently use MRFSS catch estimates as a basis for management or allocation decisions.**

The SSC reviewed the Pelagic Plan Team (PPT) recommendations for Hawaii, American Samoa

and Guam, for the region as a whole.

The SSC concurred with recommendations 1,2 and 7 for Hawaii. For PPT recommendations 3-6, the SSC refers the Council to the SSC recommendation under 7C.

The SSC also concurred with the recommendation for American Samoa and for Guam. In particular, with respect to Guam, the SSC believes that collection of data from the Ylig boat ramp would represent an important addition to the Guam data system and contribute to the capability of managing Guam fisheries more effectively. The SSC recommends that the Council communicates these concerns to the appropriate Guam Government officials.

The SSC concurred with region wide recommendations 1, 3 and 4.

With respect to PPT region-wide recommendation number 2, the SSC recommends that the Council and PIFSC jointly establish a transparent process for prioritizing candidate stocks for stock assessments. The criteria for this prioritization should reflect the ecosystem approach to fisheries management by considering the potential utility of candidate stocks as ecosystem indicators.

With respect to PPT recommendation number 5, the SSC recommends that the Council endorse an approach that will immediately move toward the effort reduction goals specified in this Plan Team recommendation.

M. Standing Committee recommendations

The Pelagics/International Standing Committee generated the following recommendations based on their deliberations

- 1. The Pelagics/International Standing Committee recommends the adoption of Alternative 2 for the Hawaii swordfish longline fishery: modify existing regulations to close the fishery immediately upon reaching the turtle cap.**
- 2. The Pelagics/International Standing Committee recommends that a working group be convened to study modifications to the current calendar year based Hawaii swordfish season, and which consider the dynamics of the global market for swordfish as well as minimizing the potential interactions with turtles. The aim of this study would be to improve the economic viability and efficiency of the swordfish fishery.**
- 3. The Pelagics/International Standing Committee recommends that a working group be convened to investigate the options for the American Samoa LL fishery with respect to alternative markets and economic viability and efficiency given concerns over the long term continuity of the Pago Pago canneries.**

4. **The Pelagics/International Standing Committee recommends that the Council draft a strongly worded letter to the US Department of the Interior expressing support for the tax credit for the Pago Pago canneries, and which emphasizes both the domestic and regional importance of the canneries to longline fisheries in the South Pacific.**
5. **The Pelagics/International Standing Committee recommends that the PPT and SSC recommendations be forwarded to the full Council for consideration and action.**

N. Public Comment

The first public comment was given by Henry Seseapasara. He referred to an earlier presentation on the American Samoa longline fishery which indicated that about 98 percent of the non-tuna species is discarded and not landed. This was the reason for the current CDPP project which was attempting to utilize that wasted resource. The increase of the wahoo landed compared to last year was likely due to an increase in the the price of wahoo at the cannery. This was exactly what the CDPP was attempting to do, i.e. to negotiate with the fishermen to bring in their resources and not waste it. The price of wahoo used to be 300 to \$400 a ton, however this had risen to 600 to \$800 a ton.

The next comment was given by Carlos Sanchez who expressed strong concern that the closure of the Pago Pago canneries was likely. He added that he had been approached to provide advice on the development of a plant in and buy cans from plants and apply their own label. Sanchez added that additional proof was that the company had offered to move his fleet to Ecuador and fish out of the Eastern Islands. He noted the wage differentials between the Pago canneries and those in Latin America and Southeast Asia and a surplus of cheap labor. Another factor was the easing trade restrictions between Mexico and the U.S., which would make it harder for the Pago canneries to compete. Sanchez felt that a subsidy from the U.S. was the only way to maintain the plants. Moreover, the U.S. had very little influence on price which was dictated by the Asians, e.g. the Koreans and Taiwanese. In addition, other countries do not have the stringent environmental regulations like the U.S. which also creates unfavorable circumstances for the U.S. fishers to compete globally

O. Council Discussion and Action

Council Pelagics/International Recommendations

1. The Council recommends that American Samoa DMWR and NMFS PIFSC explore the potential for a fisheries scientist to be stationed in American Samoa due to the importance of the local longline fishery which catches between 8 and 15 million lbs annually.
2. The Council notes the Pelagic Plan Team reiteration of its recommendation that the Guam DAWR explore the possibility of expanding the creel survey to include the boat ramp at Ylig, as this would include information on otherwise poorly known areas of Guam. Considerations for improving survey efforts include: infrastructural improvements

for both boaters and DAWR staff, and issues associated with land ownership and navigational aids.

3. The Council recommends that the NMFS protected species workshops for the Hawaii and American Samoa longline fisheries include instruction in pelagic fish identification, including a manual of photographs to aid in identification.
4. The Council reiterates its previous recommendation that WPacFIN and DAR convene two workshops: the first to review the catch and effort reporting systems, review of DAR codes to assign fishery sectors and algorithms for the expansion of bigeye (BET) and yellowfin (YFT) landings; and the second to review the results of any changes in the application of these modified algorithms in estimating the BET and YFT landings in the troll and handline/mixed-line and offshore fisheries in Hawaii.
5. The Council recommends the adoption of Alternative 2 for the Hawaii swordfish longline fishery: modify existing regulations to close the fishery immediately upon reaching the turtle cap.
6. The Council recommends adoption of its preliminary preferred alternative to issue the initial three permits based on historical participation in the NWHI pelagic fishery. Further the Council recommends that these permits be transferable, thus allowing new entrants into the fishery. At this time, the Council feels it is premature to propose any vessel size limits on commercial non-longline pelagic vessels.
7. The Council concurs with the Pelagic Plan Team recommendation that the section of the Pelagics Annual Report Hawaii module on longline bycatch contain observer data for the swordfish longline fishery discards and the expansion of the tuna longline fishery discards.
6. The Council concurs with the Pelagic Plan Team recommendation that the Council develop a trial version of the 2006 Pelagics Annual Report which incorporates the revisions as suggested in the Council Contractor's report on modifications to its annual report.
7. The Council recommends that the Council and PIFSC jointly establish a transparent process for prioritizing candidate stocks for stock assessments. The criteria for this prioritization should reflect the ecosystem approach to fisheries management by considering the potential utility of candidate stocks as ecosystem indicators.
8. The Council recommends that the IATTC reduce the bigeye catch in the purse seine fishery by 38% as recommended by the IATTC staff. The Council further recommends that if additional longline catch reductions are considered by IATTC, that countries catching <1% on average of the BET catch should be allocated an annual quota of 500 mt for the 2007-2009 period.

The Council recommends that the WCPFC reduce fishing mortality of YFT and BET by

20% in the WCPFC convention area utilizing capacity controls, fishing effort controls, limits on purse seine fishing around FADs and national quotas. The Council further recommends that the countries which have increased their longline and purse seine fishing effort since 1999 should reduce their fishing effort in proportion to this increase. All measures must consider traditional participation and emerging island fisheries

The Council also recommends that the NMFS assist the WCPFC in procuring the funding necessary to obtain better catch data from some segments of the WCPO pelagic fishery, particularly from Indonesia and the Philippines.

11. The Council notes SSC concern that effort and catch in the Hawaii longline fishery seem likely to continue to increase and will probably not be constrained by the existing limited entry program and vessel length management restrictions, nor by fishing technology, economics or other factors. The Council directs Council staff to investigate the potential need to take action to regulate further increases in effort.
12. The Council notes the criticisms in the NRC review of the MRFSS survey program, and thereby recognizes the possible imprecision of the estimates of recreational catch for Hawaii. Given the surprising outcome that the Hawaii recreational catch estimates are of the same order of magnitude as the commercial catch estimates, the council recommends that additional resources be made available to understand and correct the statistical problems in the catch and effort sampling, and analysis of the data. Further, the Council should not currently use MRFSS catch estimates as a basis for management or allocation decisions.
13. The Council concurs with the SSC concerns about the need for collection of data from the Ylig boat ramp which represents an important addition to the Guam data system and would contribute to the capability of managing Guam fisheries more effectively. The Council will communicate these concerns to the appropriate Guam Government officials.
14. The Council recommends that a working group be convened to study modifications to the current calendar year based Hawaii swordfish season, and which considers the dynamics of the global market for swordfish as well as minimizing the potential interactions with turtles. The aim of this study would be to improve the economic viability and efficiency of the swordfish fishery.
15. The Council recommends that a working group be convened to investigate the options for the American Samoa LL fishery with respect to alternative markets, value added fish products and economic viability and efficiency given concerns over the long term continuity of the Pago Pago canneries.
16. The Council recommends that a strongly worded letter be sent to the US Department of the Interior expressing support for the tax credit for the Pago Pago canneries, and which emphasizes both the domestic and regional importance of the canneries to longline fisheries in the South Pacific.

17. The Council directs staff to draft a letter to Congress urging continued support for the CDPP program authorized under MSA
18. The Council directs staff to draft a range of preliminary alternatives and analyses regarding longline area closures around American Samoa's FADs.

The Council asks staff to prepare a resolution from the Council to the Pacific RFMOs outlining the extensive management measures that are currently in place for pelagic fisheries in the US Flag Pacific Islands. The resolution should be cc'd to the island governors and congressional representatives.

13. Protected Species Issues

13.A Local Protected Species Programs

Kate Shatsili presented on behalf of Ruth Utzurrum, the Chief Wildlife Biologist of the Department of Marine and Wildlife Resources (DMWR), and also on behalf of the DMWR Director, Ray Tulafono.

Protected Species in the Territory [American Samoa] include sea turtles, seabirds and marine mammals. There are 21 resident seabird species in the Territory. Of these, six are of high priority. DMWR local research is aimed at developing a seabird population monitoring program to investigate whether predation is a threat or affecting the populations.

We are looking forward to getting data from the Fisheries Observer Program to determine whether there is an issue or interactions between seabirds and longline vessels. We don't really have enough data right now to say either way if there are interactions. Albatross do not occur in American Samoan waters, for example as in Hawaii, that would be expected to interact with the longline vessels. Until we get more information from the fisheries observers, it's open whether this is a management issue here or not.

At least 11 known species of cetaceans occur in the Territory, but there could be up to as many as 30 species occurring in our waters. Local initiatives include working on developing a stranding network with Dave Schoffield at PIRO. Also, we are initiating a population monitoring program. This is, of course, in addition to work that's been done by Dave Matilla on humpback whales and also some of the research expeditions that NOAA has brought down to our area. Strandings, however, are an issue.

Two main species of sea turtles occur in the territory that use Tutuila and Manua for nesting, the green and hawksbill. Sea turtle activities include monitoring the nesting beaches and looking at the occurrence of sea turtles in nearshore waters. We're also studying migration routes by initiating a satellite tagging program. We have been collecting genetic samples of turtles that we capture to determine whether our turtles are related to turtles in other jurisdictions.

We've identified 15 known nesting beaches on the Island of Tutuila, and there are probably more. One of our activities is mapping the beaches and monitoring the beaches through regular surveying with the aim of mitigating potential threats to the nesting sea turtles. Some of the threats to nesting success include street lights and close proximity of the road to the beach.

Turtles crawl onto the road and get run over. So we're working on mitigating these threats.

We're also doing satellite tagging. Our program is focusing on hawksbill sea turtles and we're most interested in the nesting turtles to see whether they migrate after nesting, and if they do, what routes they are taking. So at the moment we have one post-nesting hawksbill that's been tagged and a few juvenile turtles (a map of the four satellite transmitted turtles is presented). The post-nesting hawksbill was caught in Maloata on the western end of Tutuila. It's interesting to note that she hasn't left the territory yet. She is still in the area after four months. It's possible that our turtles behave differently from other turtles in the region. For example, in Western Samoa, a post-nesting hawksbill was recently tagged and ended up -- at the moment it's in Kiribati.

Satellite telemetry work will help us understand shared stocks and work with other countries to conserve turtles. And hopefully it will also help us in monitoring the longline fisheries, for example, and other fisheries along the migration route.

We are using genetic sampling to determine the stock origin of our turtles and how they are related to other turtles in the region. This will give us information for management and conservation initiatives.

A lot of sightings occur on the south side of Tutuila (a map is shown depicting the distribution of turtles in nearshore waters, information is based solely on sightings, not satellite tagging). Turtles are distributed all around Tutuila Island. The high numbers of turtles that are being sighted on the south side is probably a result of many people living on the south side of the island. Not many people in proportion live on the north side.

A chart is presented showing the percent of recovered turtles that were dead when they came into the DMWR office (the bars show number of turtles recovered by the Department of Marine and Wildlife Resources since 1995). The most important thing is that in 2006 the numbers of percent dead has increased rapidly, and we're only halfway through the year. We've already had six dead turtles come into our office, and all six of them were found in the harbor. This leads us to believe there are some issues with Pago Harbor and potential interactions that are occurring with the fisheries. Just yesterday we got an olive ridley recovered from the harbor, and that's a very rare occurrence.

We are anxiously awaiting data from the fisheries observers that will help us to determine to what extent there might be interactions between turtles and the longline fishery. The presentation concluded with the Year of the Sea Turtle.

Martin thanked Kate and asked if any Council members have questions?

Sabalan asked if sea turtles have been designated by the American Samoan legislature as endangered species or threatened species?

Shatsili replies that they have (yes). She pointed out that the map presented does not intend to say how many turtles occur in the area, but it reflects the relative number of sightings.

One turtle could be sighted several times. We don't really have a good idea of the population numbers at the moment. Regarding endangered species, the hawksbill is listed by the Federal Government as endangered. The green sea turtle is listed as threatened. But the whole territory has been designated as a conservation area for -- a sanctuary for sea turtles and marine mammals. So the federal law is very strict regarding conservation of our sea turtles and also local laws support that with our own fines for interaction -- if you harass or definitely if you kill a turtle, there are definitely fines.

Mr Sablan asks if people in American Samoa Territory like to eat turtles?

Shatsili replies that she cannot speak on behalf of "other people" but believes there are people who would like to eat turtles. It happens. It has happened in the past and it surely occasionally happens. In the Samoan culture turtles were very important in the past and they were eaten as food, especially for the high chiefs. It's unfortunate that we can't carry on that tradition because there are not many turtles left. But we're hoping to teach the public that conserving the turtles is good for the culture.

Sablan asked if there are any historical incidents where hawksbill turtles have killed people because they ingest them or they are eaten?

Shatsili replied that she did hear of an incident of some kind of potential poisoning, but did not know which species. So, yeah, that's a good reason not to eat them, among many reasons.

Sablan concluded by asking if the DMWR has baseline data on green turtles or hawksbill turtles? Shatsili could not reply conclusively (no).

Haleck asked, since most of the data comes from Tutuila Island, if any studies have been conducted at the outer islands like Manua Islands, Anuu or Swains?

Shatsili replied that DMWR has intentions to expand research efforts to Manua and Swains. But the program is relatively new and its been using opportunistic data sampling for several years. At the moment we're not doing a lot of work in Manua because of logistics and there isn't a scientist based over there. There was a study at Rose Island about ten years ago to survey green turtles. They nest there, and post-nesting turtles were satellite-tagged by George Balazs working with our local scientists at the time and Peter Craig. Most of those turtles were found to migrate to Fiji. That was the initial survey that we base our work on. But our focus is on hawksbills, which is different from that study.

Dalzell made the comment, Amendment 11 to our Pelagics FMP implemented the Limited Entry Program. If you consult it you will find that there are 100 longline sets made in Samoa and American Samoa. In Samoa, it was done by the SPC. In American Samoa, it was the first trail deployment of observers by our colleagues in the Pacific Islands Regional Office.

There's a synopsis of the information contained in the amendment, which you should have in your office, which will show that there were absolutely no interactions whatsoever with turtles

or seabirds. That's not an inconsiderable sample.

Obviously when new data comes in it will be important to look to see if anything has changed regarding interactions. You might also want to check out the document that was produced for the Science Committee last year for the Western and Central Pacific Fisheries Commission, which is a very comprehensive analysis of observer data by the SPC, which includes observers deployed on vessels in and around the Samoas, which also would be a very useful reference for you in terms of looking at seabird interactions.

In fact, in that document, it really brings home the fact that seabird interactions don't occur until relatively high latitudes, where the subtropical and temperate albatrosses and petrels occur. If you have trouble tracking those documents down, let me know and I'll get them for you.

Shatsili acknowledged not looking at those documents, but elaborated that of the dead turtles in Pago Harbor, two of them were definitely a result of being entangled or hooked on some sort of fishing line. One was submerged and entangled and dead. One had a fishing hook in its throat. So I don't know exactly how -- I'm not sure how reliable the old fisheries observer data is. We have to trust it, but it would be nice to have some recent data to support or to refute what we're seeing happening in the harbor, at least.

Dalzell asked if they kept the hooks. Shatsili replied that they have the hook. Dalzell recommended that they show them to Sean Martin [Council member sitting at the table] to give you information regarding what kind of hook it is, whether its a longline hook or one used by recreational anglers. But the data in the documents I was referring to is not old. It was collected within the last five years. So it is current, and would be comparable to the information that will be coming off the longline vessels in the future.

13.B Native Observer Program Report

The presenter was unavailable, so the agenda moved on item 13.C.

13.C SSC Recommendations

Dr. Severance provided the SSC recommendations relating to the pelagic longline fisheries discussion panel at the International Sea Turtle Symposium. The SSC notes the success of this Council-sponsored Pelagic Longline Fisheries Discussion Panel. The SSC appreciates that such efforts help to better inform the public and policy-makers about sea turtle interactions with longline fisheries and the many mitigation initiatives underway to reduce the risk of such interactions. That concludes the recommendation.

13.D Public comment

Public comment was requested. Seeing none, the agenda moved on to Council discussion

and action.

13.E Council Discussion and Action

No action items, so this concluded the Protected Species part of the meeting.

Additional information/clarification on previous agenda item

Commander Young provides clarification on an issue that was brought up by Christina this morning in regards to inspections. Christina's concern was that differences in inspectors and checklists concerning the safety requirements for the longline vessels that would be potentially required to carry an observer onboard, and I think her concern that the inspectors were using different checklists or operating under different standards which was causing her and potentially other vessel owners confusion in requirements in obtaining the commercial fishing vessel safety sticker that would be required for use to have an observer onboard. This may potentially cause the vessel not to be able to go out and then fish.

Over lunch I went down to our Marine Safety Office or Marine Safety Detachment Office and picked up requirements. There's a book that outlines federal requirements for commercial fishing vessels in there that all vessel owners are able to review what the exact requirements are for that.

General information in the front of that book indicates that this is not intended as an all inclusive guide. But I would say that down there, too, they also have the commercial fishing vessel safety examination booklets, which all of the inspectors use and which is the standard they go by to ensure that the vessel comes into compliance. In that, it goes line item by line item referencing the appropriate CFR for all the different requirements in order to obtain that safety decal.

Just as a final note, would like to say that back in June 2004 NOAA sent a letter out to all of the vessel owners that outlined that the owners would need to come into compliance for the commercial fishing vessel sticker in order to carry an observer onboard. That letter was again sent out in June 2005 and back in November 2005 at the Protected Species Workshop.

The Coast Guard did go there, along with Rich Kupler, head of the Observer Program here, and they outlined the exact requirements that the vessel owners would need to come into compliance with in order to take the observers onboard. So, hopefully, that does answer the question.

There is one standardized checklist, and I have copies here, and with the Council's permission, would like to leave them in back along with the other Council information for people to be able to use and reference.

14. Bottomfish

Council member Edwin Ebisui asked Sabrina Mariner to report on agenda item 14.A American Samoa Bottomfish Fishery Review.

14.A American Samoa Bottomfish Fishery Review

Ms. Mariner thanked the Chair and reported on the Department of Marine and Wildlife Resources bottomfish fishery report. In 2005 there were 16 boats in the fishery, down from 25 in 2004. They only landed about 20,000 pounds of bottomfish at a CPUE of 6.6. Commercially only about 6,000 pounds of bottomfish was sold locally. Mariner pointed out that because the number of boats decreased other fishery values decreased too. She noted that participation in the fishery is a significant factor in American Samoa.

Mariner then provide the Council with an overview on the history of the local bottomfish fishery starting from the introduction of the Dory project in 1972 to present. In 2005, the number of boats decreased along with total landings and CPUE. There are other factors to consider, such as repair costs, difficulty of gathering a crew, rising gas prices, limited market and stiff competition from neighboring samoa.

The data collection procedure used raises an issue when interpreting commercial landings. Basically, when fishermen land their fish, they don't have a designated vendor. They have to go store to store sell their fish. When the data collection is done dockside, it's actually entered as an unknown for the disposition of where the fish is going. A lot of that fish that's going to the stores are not being reported as commercial. They are working on a system to correct that.

They are also considering the socioeconomic changes in the islands over the years. That plays a big role in this particular fishery. So as far as the bottomfish fishery of American Samoa, the CPUE shows that the fishery is fine. It's just the other factors that are creating limitations.

Ebisui thanked Sabrina Mariner for her presentation and asked Council members if they had questions.

Sablan asked what the one species most landed in American Samoa is. Mariner responded that it is emperor fish, no the snapper or the groupers as people would think.

Hearing no futher questions, Ebisui thanked Mariner and called Council staff Mark Mitsuyasu to report on the next agenda item.

14.B Report on Hawaii Monitoring and Research Plan.

Referencing briefing book documents, 14.B.1, 2 and 3, Mitsuyasu noted that one of the recommendations that came out of the Council at the last meeting was to form a working group amongst the various agencies in Hawaii to look at research, monitoring and enforcement of the bottomfish resources. Since the last meeting, staff have held three meetings. A summary of each of those meetings were in the binder.

The first meeting was held on April 18th, which was an administrative level meeting. It was a coordination meeting to identify how this working group should be structured and who should participate. Most of the agencies and organizations involved in fisheries research and monitoring and enforcement were there at the meeting. The bottom line that came out of that meeting was that they suggested three working groups to be formed, one to deal with research, including stock assessments, the second to deal with fishery-dependent monitoring, and then the third to deal with enforcement and compliance.

In addition to the three groups, they wanted a data group to get together immediately to develop the data forms that would go along with the amendment package that was transmitted to the National Marine Fisheries Service for the collecting of data from the Main Hawaiian Island fishermen, through the Main Hawaiian Island amendment that was just approved at the last Council meeting. The Data group met on April 27th. The second report summarizes what the data group did which was to develop a form that included in the amendment package.

The third meeting was held on June 1st, which involved those staff nominated by the various agencies. It was held in the afternoon of the last SSC meeting. Based on the initial discussions at that meeting, one of the recommendations forwarded was that it would be difficult to separate the research and monitoring components into two working groups, because they are dependent upon each other.

The group came up with a timeline and a potential product for the various efforts that are going on at the Science Center, the State, University and HIMB, with regards to developing a comprehensive plan. The documents and products that used to inform that plan would be things such as the stock assessment process and document produced from those meetings.

The Science Center is also planning holding an independent fishery monitoring -- or fishery research workshop in September, which could also be used to help inform this plan.

The only group that hasn't met, and will meeting shortly, is the enforcement component of the working group. Timing didn't work out to hold that meeting prior to this Council meeting.

Hearing no questions for Mitsuyasu, Ebisui asked Sam Pooley to report on the next agenda item.

14.C Update on Bottomfish Stock Assessment

Sam Pooley reported at a previous Council meeting and SSC, Gerard DiNardo laid out the plan the Center put together for a comprehensive process for doing the stock assessments and engaging stakeholders and the Council and the SSC in the process, as well as external expert peer review.

PIFSC plans to use the Bottomfish Stock Assessment as prototype for a first run-through. Unfortunately, the funding that was expected from NOAA Fisheries Stock Assessment Improvement Fund proved to be lacking by an order of magnitude. As a result, they were not able to do the complete process as planned.

Nonetheless, they were able to conduct a two-week process using outside academic experts to work with PIFSC staff and with others from the Division of Aquatic Resources and Council to look at the bottomfish situation in Hawaii. That group is completing their report now. It will be reviewed externally and then be made available for the next SSC's for evaluation and feedback.

Ebisui thanked Pooley and asked for questions. Hearing no questions, Sabrina Mariner was called upon to give the Plan Team Report.

14D. Bottomfish Plan Team Report

Mariner reported that the Bottomfish Plan Team met in Honolulu April 25th through the 27th, 2006. From American Samoa, there are six recommendations. First, the BPT recommend development of the training manual, to include a sampling protocol and fish identification, and detailing the need to gather good quality fishery data. The BPT also recommends that the Science Center modify the data to use the greater data value for the reporting. Also related to the annual report module, the BPT suggested that the first summary table indicate the source of the data, per column, and then the price. Recommendation number four, recommend that a report from the Neighboring Samoan bottomfish fishery be included in the next Council meeting. The BPT also suggests pursuing a joint assessment of bottomfish data for American Samoa and Independent Samoa. They also recommend a feasibility study to determine the best course of action to revitalize the bottomfish fishery.

Regarding Guam, there were three recommendations. There should be a separation of the BMUS CPUE in the data report. The Council and WPaFIN staff help identify a lead to complete the baseline survey on the red-gilled emperor. Further, the BPT recommends that the Council provide support on contracting someone for this task.

Regarding Hawaii, there were two recommendations. The BPT recommends that the Main Hawaiian Islands and the Northwestern Hawaiian Islands data be analyzed when complete data are available for the annual report. Also, the BPT recommends that the State recreational bottomfish fishery survey be analyzed and report completed.

Regarding CNMI, there were two recommendations. The BPT recommends that the Council urge the government to revitalize the survey of the Norther Islands for bottomfishing. Also, the BPT requests that DFW and WPacFIN staff create new charts and tables to be included in the report, particularly with separating the BMUS CPUE.

Regarding Region-wide recommendations, the BPT recommends the Council write to the Government of Guam, CNMI and Hawaii administration requesting necessarily legislative and administrative actions to be taken to legalize reporting. In addition, the BPT recommended the Council investigate the implications of fishermen reporting interactions. The third, recommendation was to formulate an inter-agency workshop group to address the relevant evaluation, monitoring and assessment issues in the Main Hawaiian Islands. Recommendation four asks the Council encourage the State to complete the analysis of the opakapaka tagging project. Finally, the BPT asked the Council to support the collection of bottomfish genetic material for population studies. That concluded the BPT recommendations.

Ebisui asked for questions and recognized Manny Duenas.

Duenas asked regarding recommendation number one on the region-wide recommendations, he understands the need for data. However it's two years late on the existing commercial data by the time the admin reports are released. He asked if the BPT is looking for funding to support this additional activity or burden?

Mitsuyasu responded that this particular recommendation has been a repeat recommendation for as long time. It basically asks to give authority to the local government agencies to mandate the collection of data. Because right now it's voluntary it creates some problems. With regards to the delay in the annual report, a lot of it has to do with the Hawaii module and the delay in getting the Hawaii data through. The other island areas have been relatively good in terms of providing the annual report modules on a timely basis. But the actual publication of the annual report was hindered by the receipt of the Hawaii data.

Hearing no other questions, Ebisui asked Craig Severance to report on the SSC recommendations.

14E. SSC Recommendations

Severance referred Council Members to the SSC document 14.E.1 in their briefing books. The SSC supported all of the Bottomfish Plan Team's recommendations with the following modifications.

Regarding American Samoa:

With respect to Plan Team Recommendation Number 5, the SSC recommends that the Science Center collaborate with the appropriate fishery agency of Independent Samoa and DMWR to conduct a spatially-structured assessment of the bottomfish resources in the Samoan Archipelago.

With respect to Plan Team Recommendation 6, in addition to the stock assessment recommended above, the SSC also recommends that the Council support a comparative evaluation of the bottomfish fishery in American Samoa and Samoa in an attempt to understand why American Samoans are exiting the fishery. This investigation should include resource, market, infrastructure, production and cultural considerations.

Regarding Hawaii:

With respect to Plan Team Recommendation 2, the SSC recommends that the Council support an expanded analysis and revised report of the State Registered Bottomfish Fisherman Survey completed in 2005. Council members may recall that that was a survey for an immediate management need. Preliminary analysis was done on only part of the items in the survey questionnaire and it was done before receipt of the questionnaires were completed. So there was additional sample of unanalyzed questionnaires, there's some useful data in that data.

Regarding public comment, the SSC did hear comment about emerging short and deepset longline fishery over seamounts, particularly Cross Seamount, for monchong. They heard that there were other fishermen interested in entering this fishery. Therefore, the SSC recommends that the Council direct staff to pursue investigation of these emerging fisheries and report to the SSC at a subsequent meeting.

In the bottomfish module, there's also a brief comment on the Black Coral Workshop that was conducted. The SSC commends the convening of a Black Coral Workshop and looks forward to seeing the final report. That concluded the recommendations.

Ebisui asked for questions and recognized Manny Duenas who asked if the SSC is giving consideration for MPAs created by the different agencies on the evaluation of the stock assessments, or CPUE. The issue has come up in terms of the impact of MPAs. There's been even some consideration to one would call de facto MPAs, areas of islands that are not really fishable either because of legal or military reasons or simply the nature of getting access, such as on the Hamakua Coast of the Big Island. But it was not a focus of this concern.

Duenas noted that at the Guam Council meeting, he showed a map of the Island that included 20 percent coverage by MPAs. In addition, there are an additional 20% due to coastal pollution and other issues that also make those quasi-MPAs. So 40 percent -- essentially, 40 percent of the island is closed off to fishing. How are these closures considered in evaluating the stock assessments?

Severence responded that the SSC is aware of those issues. The SSC has discussed them extensively with respect to the State of Hawaii bottomfish closures and the various Council versus State proposals there.

But in terms of specifically looking at each particular island and the amount of MPA coverage, the SSC has not done that and it would be something the SSC would be quite willing to do if it came as a Plan Team recommendation or a Council recommendation.

14.F. Standing Committee Report.

Ebisui summarized the Standing Committee report. The Standing Committee received the same reports that were just presented. The recommendation from the Standing Committee is that the Council support the plan team recommendations as modified by the SSC.

14.G. Public Comments

Ebisui asked for public comments and hear none.

14.H, Discussion and Action.

Ebisui made a motion to accept the first four recommendations regarding American Samoa. The motion is that the Council directs staff to work with DMWR to develop a training manual for staff that details the importance of gathering good quality fishery data and

administering proper sampling protocols in fish identification.

The Council recommends that West Pac FIN modify its data reporting and analysis to improve the volume and value of reporting commercial landings in the annual report. The report should include the greater commercial landing and sales value based on either dealer receipts or creel intercept data, whichever is greater.

The Council recommends that West Pac FIN modify the first summary table in the American Samoa Annual Report Module to indicate the source of data used in each column, receipt book column from 1993 to present should be used to estimate price and revenue.

The Council recommends that the staff request a report from the appropriate independent Samoan fishery agency on status of the Samoan bottomfish fishery.

Sablan Second.

McCoy noted the motion on the screen and that has been seconded and asked for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Ebisui proposed the motion for the Council to recommend that the Science Center collaborate with the appropriate fishery agency of Independent Samoa and DMWR to conduct a spatially-structured assessment of the bottomfish resources in the Samoan Archipelago.

Sablan second.

McCoy asked for questions, hearing none called for the question. Motion passed unanimously.

Ebisui made a motion to support recommendation number 6 from the Plan Team which would call for a study as to why American Samoans are exiting the fishery. This investigation should include resource, market infrastructure, production and cultural considerations.

Seblan second.

McCoy asked for discussion and questions, hearing none he called for the vote. Motion passed unanimously.

With respect to Guam, Ebisui suggested voting on the first two recommendations. The motion is, the Council recommends that DAWR and West Pac FIN separate BMUS CPUE data into deep, shallow and combined for inclusive in the Guam Annual Report Module. Separation of this information will aid in preparation of the Status of the Stock's Report.

The Council also supports completion of the Guam baseline biological survey or the red-gilled emperor. I'm not even going to attempt the scientific name. The Council directs staff to work with DAWR and West Pac FIN to identify a lead analyst writer for this project.

In addition, the Council directs staff to solicit a contractor to work up the data derived from the study.

Sablan second.

McCoy noted that the motion has been moved and seconded. He called for discussion.

Manny Duenas noted a concern. The first time the study was done on the Bank A area, the contractor, after completing the study, decided to go commercial fishing. That was a major concern for local fishermen. It needs to be noted that after they did eight eight hours, or whatever hours of sampling, then they spent all night fishing the same area. This was not addressed during the first study, and he asked for it to be addressed in the second study.

McCoy asked for further discussion. Hearing none called for the vote. Motion passed unanimously.

Ebisui addressed the Hawaii recommendations separately. The first motion is, Council recommends that data used to produce the Hawaii Annual Report Module should be produced only if the data is reasonably complete.

Sablan second.

McCoy asked for discussion. Hearing none, he called for the vote.

Polhemus noted that the word "produce" is used there twice. He suggested the following change: "recommends that the Hawaii Annual Report Module should be produced only if the data is reasonably complete. "

Ebisui accept the amendment as the mover.

McCoy withdrew the first calling of the vote. The new motion remains. He asked for further discussion? He called for the vote and motion passed unanimously.

Ebisui made the following a motion with respect to Hawaii, the Council recommends and expanded analysis and revised report be completed based on information collected through the State-registered bottomfish fishermen's survey completed in 2005.

McCoy noted that the motion has been seconded and called for discussion. Hearing none he called for the question. Motion passed unanimously.

Ebisui moved on to CNMI recommendations which there were two that are to be considered together.

The motion is the Council requests the CNMI Government to revitalize the survey of the commercial Northern Islands bottomfish fishery. Council also requests DFW and West Pac FIN staff work together to create new charts and tables that separate BMUS from other species harvested using bottomfish gear.

McCoy noted that the motion has been moved and seconded. He called for discussion. Hearing none called for the question. Motion passed unanimously.

Ebisui suggested the council consider the five region-wide recommendations separately. The first motion with respect to region-wide recommendations is, the Council requests the Guam, CNMI and Hawaii Administrations take the necessary legislative and administrative actions to provide legal authority to the local fishery departments to monitor and collect information from all fishing sectors.

McCoy noted the motion was moved and seconded. He called for discussion. Hearing none he called for the question. Motion passed unanimously.

Recommendation number two, the Council directs staff to investigate the implications of fishermen reporting interactions with protected species on federal reporting forms against the background of there being no incidental take statements for those fisheries.

Sablan Second.

McCoy called for discussion, hearing none call for the vote. Motion passed unanimously.

Ebisui made a motion for recommendation number three, the Council requests the State of Hawaii complete the analysis and publish a report on the State's opakapaka tagging projects.

McCoy noted the motion was second and asked for question and discussion. Hearing none the motion passed unanimously.

Ebisui made a motion for recommendation number four, the Council supports the collection of bottomfish tissue samples from throughout the region to support the HIMB genetic studies.

McCoy noted the motion was second and asked for question and discussion. Hearing none the motion passed unanimously.

Ebisui made a motion the last recommendation, that the Council direct staff to investigate the emerging short longline fishery targeting monchong and other associated species, and to report on the findings at future SSC and Council meetings.

Sablan second the motion.

McCoy asked for questions and discussion. Polhemus if this motion targeted across the entire region or primarily at Hawaii?

Ebisui said he thought it is intended primarily for the Hawaii fishery that's developing.

Discussion ensued about the nature of the fishery and its use in Guam and CNMI. The Council agreed that the fishery could be conducted throughout the region and agreed to leave the

original motion in place.

McCoy noted the motion has a second. Called for further discussion, hearing none asked for the vote. Motion passed unanimously.

Ebisui thanked the Council members and turned it back to the Chair.

McCoy called for a five-minute recess.

15. Ecosystems and Habitat

15.A American Samoa Coral Reef Fisheries

Marlo Sabater, from the Department of Marine and Wildlife's Key Reef Species Program presented a local study done by the Department to understand the ecosystem and the status of the key reef species here in American Samoa.

He said a key reef species is any reef fish species that is either currently being exploited in the Territory's fisheries or one that has the potential to be exploited should the population of the current targeted species decline substantially. They're generally called the food fish.

The main objective of the program is to (1) quantitatively assess the status of the key reef fish community; and (2) determine the patterns of biomass abundance and species distribution across various spatial scales.

He noted that there has been a lot of monitoring programs going on in the Territory, but there's no effort in summarizing all the data, and come up with a status for the fish population.

Sabater then summarized the methodology of the surveys. He said for the sake of time, he would focus on the biomass and also describe the trophic structure of key reef fish.

He explained that the survey design follows a balance hierarchal nested design. Out of 24 sites, only 14 sites were considered in order to make things balanced. There are nesting levels where the smallest scale we used is a replicate transect level. The largest scale is compared between the north and the south side of the island. Each of the three replicate transects are nested within the site, in which we have two sites. There are two sites within each habitat, which we consider bays and exposed point areas. Each of these habitats are nested within each sector. Each sector is nested within each of the exposure levels.

In order to assess the status of the key reef fish population, or the food fish population, we based the distribution of it on 500 transects done in Tutuila, Ofu, Olosega, Tau, Swains and Rose. Based on the data collected, a frequency distribution was produced to come up with these biomass categories, which is described as from very low to very high. The ranges for biomass for very low is from zero to 13 metric tons, low is 13 to 66, and so on. So the highest biomass value is like those that are greater than 1,600 metric tons. The data sources used were taken from the CRED 2005 cruise, data from Allison Green (phonetic) in '96, 2002 and from this study.

Sabater said that at the side scale, there are a lot of variations. There are fluctuations, and could

not find any trends. But on a higher spatial scale, like if you compare between habitats, exposed areas have more fish biomass than embayment areas, true for three of the sectors, except for the Southwest Section. Also, the south side of the island has more fish biomass than the north side of the island.

For trophic group, Sabater said Tutuila is dominated by herbivores, as shown in the white bars. Carnivores are mostly concentrated on the north. The biomass of carnivores, which are mostly groupers and emperors, are mostly found on the north shore. He said that the most dominant groups are the herbivores. There are also some of the zooplanktivores which are found in several sites.

The list of key species is dominated by surgeonfish and parrotfish. The most dominant carnivore would be the bigeye emperor, followed by the small groupers.

Based on this biomass category, Sabater said that the fish biomass distribution is from the mid to higher biomass levels, like 47 percent of the reefs surveyed in American Samoa have moderate biomass and 29 percent have high biomass. There are no sites registered to be very low in biomass.

He noted improvements in the fish stocks where in Allison Green surveyed in '96. She reported 71 percent of her sites registered as having low biomass, and only 28 percent as moderate. But in 2002, when she redid her survey, 64 percent of the sites that she surveyed had moderate biomass and only 32 percent had low. So there's some improvement in the fish stocks. In the NMFS AS Rapid Assessment and Monitoring Program, which covered the largest spatial scale, from Tutuila to Rose, 54 percent of their sites have high biomass levels.

For the Key Reef Species Program, which is concentrated mostly here in the Main Island of Tutuila, 75 percent of the sites surveyed have moderate fish biomass.

Sabater said the bottom line is American Samoa is not as bad as people have reported. People were saying that Tutuila is overfished, but according to these results, we actually have a good biomass standing stock.

He said the reason for this may be due to a decreasing level of fishing effort in the past 25 years, as reported by afformentioned authors. Both Green and Birkeland have reported an increase in biomass through time.

DMWR is also doing some investigation on habitat impacts due to sedimentation. As for the initial results, at least on the 10-meter depth and on the reef slope, there's only localized sedimentation where my sites received only .11 grams of sediment per day.

So the reason that the spatial pattern that we're seeing, we're attributing this to availability of habitat, where the north shore is mostly dominated by volcanic pavement areas. Reef areas are mostly concentrated within the bays, and also habitat availability for food items of these fish.

Some of the processes that are influencing the distribution of biomass would be exposure regime,

which was seen in the Great Barrier Reef where parrotfish are higher in exposed areas as compared to embayment areas. Also, the NOAA Atlas showed that there are more coral reef habitats on the south shore of Tutuila. Therefore, we have more biomass on the south shore. Fishing activity where most of the villages are found in the bay areas. Therefore, fishing might be restricted in the embayment areas, therefore, we have lower biomass.

Duenas asked where did all the biomass estimates come from? He also asked if there was a baseline or benchmark set up at one time?

Sabater responded that the DMWR pooled all the available data together from the different monitoring programs. So we have at least 500 transects to play around with. It covers all the islands, including Rose and Swains. We did a frequency distribution based on those transects. So the data from Rose and Swains, that's the upper limit of the distribution. We came up with this biomass category about ranges from zero to 1,600. We basically went back to the data and calculated how much of the -- what percentage of the sites that we surveyed fall on those different categories.

Duenas also asked about the sedimentation accumulation rate of .11 grams per day.

Sabater said the rate was calculated from observations over a two-month period. He said that sedimentation monitoring started the sedimentation last March. Most of the sediment traps are found on the reef slope at 10-meter depths. We hardly get any sediment on the reef slope. So during rain events, most of the sediments are concentrated on the reef flat. It's washed away through the deeper reef areas through the channels. It's only recently that -- I think last month that we deployed sediment traps on the mouth of the stream and also on the reef flats so we can kind of compare what the values are at the mouth streams, reef flats and on the reef slope.

Duenas then asked if DMWR was able to detect any sort of ecological shifts in species compositions over time?

Sabater said that DMWR haven't checked any transition in the species composition. So even with the CRED data or the data that was presented earlier by Bob Schroeder, American Samoa is dominated mostly by herbivores.

Duenas noted that the monitoring program targets observations of big fish over 20 cm. He asked if the monitoring program also takes information on the juvenile species that will become big fish?

Sabater responded that as part of the sampling protocol, we also considered the juvenile fish. So there's no limit to the -- minimum limit to the size that we surveyed. All the fish that I survey on the belt transect, I record them. So if there's a pulse of recruitment, I still record them. But during my survey time, I haven't recovered any recruitment pulse. But they are considered in my sampling protocol.

Sablan asked if the health fish population can be partly attributed to the community-based MPAs that seems to be 10 villages around Tutuila or perhaps the matai system, the system that requires you to ask permission to go and fish in that particular area.

Sabater said that about three or four of the monitoring sites are under the community-based village management program and biomass value on those sites have been calculated. However DMWR has not tested the dataset based on levels of protection.

Sablan noted that it's of interest of the Council to know whether the community-based MPAs have been assessed or studied, for a benchmark study at first, and then see what numbers have transpired, if your biomass have increased or in stable condition.

Karl Brookings, DMWR Chief Scientist, briefly presented data on American Samoa's coral reef fisheries. He said that the data was pulled from a variety of sources including NMFS WPacFIN, Wass, Ponwith, Saucerman, Cortes, and now Mariner and the many creel samplers at DAWR administration that has supported the program over what is about 27 years.

Brookings said the commercial catch from the shoreline creel surveys is estimated to be just below 20,000 pounds a year.

He said that this is some of the best data for fishing effort available on a shoreline creel survey because our data is fishermen counted and then expanded for the hours that we are not able to get out there and count. If you look at the CPUE, and these are the four gear types that I could get eight or more annual interviews in our dataset through these years, I can't see a trend in any of those that I would want to say is there. You can draw lines wherever you want, but I don't see an obvious trend one way or the other in the CPUE.

Brooking said that shoreline fishing effort can also be estimated. The bottomline is there is strong trend in that we have very few people fishing compared to 1980 or even 1990 time period right now. Each of these data points has its own history and they're not at all perfect. But I think the trend is strong. The other thing you need to be aware of, that's listed at the top of the slide, is that over the years we have more and more area included in the survey, but we still have less effort. Currently, we're sampling, the numbers since 2000 are samples on the south shore of Tutuila from end to end, basically.

In summary is the commercial fish catch has remained below 18,000 pounds since 2001. There is no apparent trend in shoreline CPUE. The shoreline effort is currently below 20,000 gear hours per year along Tutuila southern shore.

Also the data indicates Tutuila shoreline fishing effort has declined for 27 years. The conclusions are shoreline CPUE, as well as commercial catch, indicates stability in the coral reef fisheries. Current shoreline fishing effort is well below previous effort levels that were considered sustainable given the long decline and that additional areas have been added to the shoreline creel.

Fred Duerr asked if there are any tropical fish collectors in American Samoa.

Brookings responded that he was not aware of any.

McCoy said there have been in the earlier years. However, it was unprofitable because fish

survival rate was low due to the distance between American Samoa and major destinations.

15.B American Samoa Coral Reef Conservation Grants

Sabrina Mariner stated that there are several major projects supported by Coral Reef Grants. They include the Community-based MPAs, Key Reef Species Project, the Territorial Coral Reef Monitoring, which looks at coral cover at fish abundance around the islands and the inshore creel survey. In addition to that, DMWR also works collaboratively with, the Governor's Coral Reef Advisory Group, the Environmental Protection Agency and the National Park Service.

There are also Special Management Areas Project, the Wetlands Project and the Project Notification of Abuse System, which all falls under the Coastal Zone Program. DMWR also participates in the Fagatele Bay National Marine Sanctuary Program that collaboratively works with Lito Sange (phonetic), which is an educational group that does coral reef outreach work as such.

15.C American Samoa Rapid Assessment Monitoring Program

(Presented during Bottomfish)

Bob Schroeder, NMFS Pacific Islands Fisheries Science Center, CRED reported on the American Samoa coral reef assessment and monitoring cruise completed in March 2006. He noted this was the third assessment cruise to American Samoa.

Schroeder said that the assessment visited all seven islands of American Samoa and surveyed 60 monitoring sites and did about 950 scuba dives, each about an hour long. Local collaborators included the local fishery agency, the Fagatele Bay National Marine Sanctuary here and the American Samoa community college.

Schroeder elaborated on the goals of the monitoring program and said NMFS will be producing four reports for the entire western Pacific region, which include 55 islands and atolls. He said the first report will be on American Samoa from the three years that were surveyed, 2002, 2004 and 2006. Reports for Hawaiian archipelago, the Marianas Archipelago, that will include CNMI and Guam, and on the PRIAs, including Wake and Johnston Atoll will be released later and will be put on the NMFS website.

Each island will include habitat mapping, oceanography and water quality, a reef fish section, sections on the benthic environment, corals, algae and invertebrates, bioacoustics and then ecosystem integration where we try to tie all those different disciplinary activities together for each of the islands and then for the entire archipelago. The reports are expected to be completed four to six months after each cruise.

Schroeder then presented some of the preliminary data from the March 2006 cruise. He said the cruise confirmed the existence of an offshore barrier reef or an atoll that at one previous time in history could have been exposed and protecting the island. It's about 40 to 50 meters deep and has a fair amount of live coral on it.

There are also a number of oceanographic instruments, both subsurface and on the surface, that collect information, such as water temperature, current, information on waves, that are used to understand the ecosystem. He said some Passive acoustic technology such as Ecological Acoustic Recorders, provide information on bioactivity, snapping shrimp, some reef fish create noise. NMFS hopes to be able to relate these ecological activities to the oceanography and understand what's going on. The technology could also be used to detect vessel sounds. If there are vessels, for example, coming into an MPA that shouldn't be there, these acoustic technologies could be used by managers to monitor those kinds of activities.

He said CTDs were conducted and interpolated with salinity, density and water clarity to show patterns. The oceanographic data from the surface buoys sends back continuous temperature data. The two orange bars are the two periods between our cruises two years apart. The red horizontal line is a supposed threshold for coral bleaching. It shows the temperature patterns over the time period. Then wave height trends across the period continuously are on the lower axis.

Schroeder then summarized the preliminary rapid ecological assessment (REA) information from the 22 REA sites around Tutuila. For each site we have a pattern of three, a triangle, a circle and a bar graph. The triangle indicates species richness or number of fish that were identified at that site from the REA transect. This is from the belt transect data. The size of the triangle is proportional to that number. The pie charts are proportional in size to relative density of fish at that site. The slices represent the relative contribution of each family. For example, the red slice which you see that is dominant is surgeonfish. There are a lot of surgeonfish, but that's also dominated by one species to indicate a stratus that recruits fairly heavily. The blue slice is also fairly common. That represents damselfish. Again, that's primarily by one small species, what's called a midget chromis. The bars represent the remaining species with the surgeonfish and the damselfish excluded because they're sort of dwarfed within the pie charts. You can't really see what's going on there. So you look at the bar charts, for example, if you want to see what's going on with grouper around the island, you look at the light green or the lime color, and compare that round each site.

Schroeder also explained that information is also collected by monitoring method. He said towboard method looks at large fish larger than 50 cm or two feet in length. Large barracuda were observed in abundance off the southwest of Tutuila. Parrotfish are also somewhat common around Tutuila.

He said the coral REA data was also collected to estimate number of genera or species, percent coral cover and incidence of coral disease. He noted Lethal Orange Disease was observed off the southwest, but in general, there is not a lot of disease around the Samoan Islands. Macro invertebrates from the REA surveys show an abundance of sea cucumbers, which basically dwarf most of the other groups, even though they do occur there as well. Also fairly common in frequency is sea urchins around most of the islands. Data on giant clam as well as crown of thorns was collected. The habitat towboard diver also records general patterns of substrate, live coral, stress coral, macro algae coral and algae and hard substrate.

In terms of archipelagic wide trends, we see a fairly good diversity of corals with the various genera within each island, except at Swains. Swains, there is fairly high coral cover, but fairly low diversity. There is no real trend detectable in terms of currents go which could relate to recruitment of fish and seeding. There's a pretty good circulation pattern here of things going everywhere. But, there's no real trend.

Schroeder said a question that they are often asked is if Tutuila overfished? However, REA, which are fishery independent monitoring tools only provides some of the information to answer to question. REAs don't provide information on fishing effort or other things to really fully answer the question. What REAs can provide is a relative comparison of species abundance between locations. We used a series of parameters that we can convert the length of the fish, which we estimate underwater on the belt transect line to weight. We sum that for the family and we get a trend.

We see that for surgeonfish in the upper right, Rose and Swains, the most remote and least inhabited islands tend to have a higher density. Tutuila seems to be lowest. A similar trend for the snapper. Jacks, Rose and Swains are also high. Tutuila and the Manua group are lower in jacks.

Parrotfish has somewhat of a different trend. Swains is very low. Tutuila is about average for parrotfish here, looking at biomass. For grouper, Tutuila is the lowest grouper density. Rose and Swains are a bit higher. Ofu and Olosega are barely moderately high in grouper density. Looking at snapper now. For this analysis, I excluded the Lutjanus bohar (phonetic), a type of snapper, a twin-spot snapper, that's consider ciguatoxic and I don't believe the fishermen target it. So I threw it out. The trend here, we see Swains and Rose generally higher than Tutuila and the Manua Group. Looking at jack density Swains seems to be the highest here and jacks seem to be relatively low abundance most everywhere else. For surgeonfish Tutuila the lowest. Swains and Rose again the highest. For Parrotfish Tutuila is relatively high with parrotfish density, both numerically and biomass. Rose is fairly high. Swains, very low.

Schroeder said that a few preliminary conclusions that we can draw from these surveys is that numerical biomass densities of medium to large fish, meaning fish over 25 centimeters, from common target families were highest at Swains and/or Rose, and lowest at Tutuila. There were a few exceptions in that.

Medium to large parrotfish were different, where Tutuila was as high as anywhere. They were lowest at Swains. Considering all large fish pooled, the American Samoa biomass densities were highest at Swains and/or Rose, and Tutuila and the Manua Group were comparably low.

There were a few bumphead parrotfish around the Samoan Islands, only at one island, and we won't mention which one that is. They're considered very rare. Mid '90s, I saw schools of them at Rose Atoll. But we're not seeing them anymore, not in high numbers. Sharks very rare around these islands. Gray reef sharks, black tips and white tips, all very rare but they do occur, a few here and there. Humphead wrasse or Maori wrasse, it seems to be in better shape. Where they occur, there are some surprises. But I won't put that information up because it may be sensitive.

One goal is to take all this information and integrate it into some kind of an ecosystem way with

ecosystem approach being the new trend. An example of this is at Rose Atoll. In 1993 there was a longline grounding at Rose Atoll. In 2002, the abundance of turf algae and cyanobacteria was much higher, an order of magnitude higher in than at neighboring stations just a few hundred meters to the north and south of it and elsewhere around the atoll. What happen is iron leeches into the sea water. Iron is a limiting nutrient for the growth of algae. Algae blooms here. Herbivorous fish, such as surgeonfish, capitalize on this. They are also in higher abundances, both numerically and biomass compared to neighboring stations. Parrotfish, also a herbivore, also are shown higher at that site, both numerical and biomass density. We have also found on east side of Tau some very large heads of Porites coral. Some people believe this is some of the largest that are known. This information may be useful if managers decided to write some kind of protection for such an area. Another interesting thing that we found is off Tau there is a submerged land bridge that connects Tau to Olosega, which is about six miles away. It's about 30 to 50 meters on top. It iss very high live coral cover.

Dr. Karl Brookings asked Schroeder to clarify what he meant by targeted fish. Were these fish targeted by the researchers or some other group?

Schroeder responded that the five common families that data was collected were fish that were identified in Allison report on Samoa from the mid '90s. The report identified those families were targeted by the local fishermen.

15.D Northwestern Hawaiian Islands Fishery Regulations) (ACTION ITEM)

Makaiau began by noting that this morning, President George Bush issued a proclamation establishing the NWHI as a Marine National Monument. He said that it's a unique proclamation because it seems to place Department of Commerce as the lead agency of the monument where traditionally monuments have been administered by the Interior Department.

He continued and said proclamation calls for the phase out of commercial fishing over a five-year period. But how that will be done is not specified at this point in time. He said that the actual language and details of the proclamation is not yet available.

He then noted that a Monument Designation circumvents the NEPA process, and especially the public process and that change to a proclamation can not be done by an agency and can only be done by the president or the US Congress.

With respect to the action the Council was scheduled to take today, Makaiau said that he was unsure of who the Council would make this recommendation to at this time.

Sablan asked other Council members if they wished to proceed with the presentation and take action or wait until further clarification on the proclamation.

Dan Polhemus stated that it was his personal opinion the Council should probably defer action until it understood what we're dealing with.

Sean Martin expressed reservations on deferring at this point in time because details of the monument are unavailable and the Council should continue to do the job that we're mandated to

do, recognizing that some of it may be for naught.

Sablan suggested that the Council should take a vote to continue or not to continue with the agenda item.

Dan Polhemus moved that the Council defer action on the NWHI at this time.

Ed Ebisui seconded for purposes of discussion.

Sablan called for discussion

Ed Ebisui said that the details of the proclamation are very vague at this point and it's a moving target right now. He believed the Council should just stay the course and press on and he opposed to deferring action.

McCoy agree with Council member Ebisui's conclusion. He also believed the Council should continue and move ahead with its own obligations. He added that the Council may have to go work with the Sanctuary people again.

Kitty Simonds stated the NWHI will be a monument and not a sanctuary and that NOAA is going to be in charge of the marine part. She noted that the Council knew that the five year phase out was already part of the sanctuary alternative and that the Council was making recommendation if NOAA selected it anyways. She said that she really does not see what the Council would change in terms of the details before it.

Silas Deroma said that he is not taking a one way or the other on whether the Council should go forward or not, but there are some points he wished to bring to the Council's attention to keep in mind as you make that decision.

He said first, while the President's Declaration is not subject to NEPA, it is possible that follow-on regulations, depending on what those do, may be subject to NEPA or other statutes.

Secondly, although he hasn't heard that there's going to be a Sanctuary overlaid on the Monument, it is possible from a legal standpoint to overlay a Sanctuary over a Monument.

Lastly, any regulations, if there are regulations that are put out commensurate with the Sanctuary Declaration, those Sanctuaries would trump any action that the Council would take. So while the Council can take a full pallet of actions, it's possible that one or two of how many of those may be knocked out by whatever the Sanctuary regulations -- or the Monument regulations state.

Simonds said that she spoke with Admiral Lautenbacher this morning. He said the first thing that everybody is going to be doing in terms of the agencies is to get together and put together a management program, which is probably going to look like what they've been working on for the last several years. This management program is going to have to be reviewed by the public. It will go through a public process, the management program.

Deroma added that in terms of process, if the Council has an opportunity now to take an action to get it into the pipeline as that management plan is developed, it his opinion that it would be better to do that now as opposed to wait until a later point, as we've seen in sort of this catch up

process that we've gone through over the past several months in regards to the proposed Sanctuary.

Dan Polhemus withdrew his motion and Manny Duenas withdrew his second.

Sablan noted that the motion and second were withdrawn and asked Council staff to continue with the presentation.

Makaiau began with review of the Final Actions and the Initial Actions taken by the Council at its 132nd meeting held on April 20, 2006 via teleconference. He noted that the verbatim language of these actions was listed in document number 6.4.

The Council took Final Action on a number of items related to limits to fishing in the NWHI. However, because of the complexities related to establishment of a limited entry program and catch limits, and the stringent timeline prescribed by Admiral Lautenbacher in his January 18, 2006 letter, a number of outstanding issues were identified upon which the Council took Initial Action. He pointed out that some of the Initial Actions taken by the Council were not in agreement with the Final Actions but noted that the Council was provided guidance by NOAA that it could certainly revisit the Final Actions based on new information it received at this meeting.

Makaiau then provided an update on recent developments regarding the NWHI. First, the Council, at its 132nd meeting was verbally informed by the Regional Administrator that NOAA has extended the May 1, 2006 transmittal deadline in order to allow the Council to take additional action on the outstanding issues at this June Council meeting. However, NOAA did not specify a new deadline on which to transmit the amendment package(s) for Secretarial review. Second, on May 19, 2006 the State of Hawaii, PIRO, the National Marine Sanctuary Program and the US Fish and Wildlife Service signed a Memorandum of Agreement (MOA) for coordinated management of the NWHI. He added that each of those agencies' position regarding fishing in the NWHI are well known and indicate the future of the NWHI fisheries. Finally, he said the current thinking is NOAA's internal draft sanctuary management plan and EIS ends commercial fishing within five years.

Issue 1: NWHI Pelagic Limited Entry Permit

Marcia Hamilton presented the new information regarding data on pelagic landings in the NWHI. She showed a table illustrating the potential number of individuals with qualifying NWHI and MHI points based on preliminary commercial fishing data from 1996-2004 provided by the Science Center. She said the data indicates eight fishermen reporting pelagic landings from the NWHI and would potentially qualify for the initial NWHI pelagic permits. A total of 204 fishermen reported pelagic catches of at least 15,000 pounds in Hawaii and would potentially qualify as new entrants under the proposed new entry criteria. She added that if the minimum landing requirements were raised to 20,000 pounds, the data indicates that 146 fishermen would potentially qualify as new entrants.

Issue 2: Definition of Fishing Year for NWHI Bottomfish and Pelagic Fisheries

Makaiau said that in order to effectively monitor and enforce the proposed bottomfish and pelagic catch limits, there must be a start date in which to begin tallying and monitoring the catch. He said that it would be simple administratively to just follow the calendar year (January 1-December 31) however, this may limit the availability of fish in certain months if the catch limit is reached before the winter holiday season.

He re-presented the three alternatives for defining the fishing year for bottomfish. He stated that the Council selected as its preliminary preferred alternative, Alternative 1: October 1-September 30.

Makaiau said a data request was sent to the Science Center and HDAR requesting a number of analyses related to commercial pelagic fishing in the NWHI. He then presented a graph illustrating the mean percentage of NWHI pelagic landings reported to the Hawaii Division of Aquatic Resources (HDAR) for the years 2000-2004 combined. Based on this preliminary analysis, it appears that approximately 66% of the historical landings take place in January-April. Approximately, and 14% during the months of May-June and 20% of historical landings take place during the months of September-December. No catch data was reported in July and August.

Unlike the NWHI bottomfish fishery, the NWHI pelagic fishery is believed to provide just a small percentage of Hawaii's fresh pelagic catch and therefore, does not appear to contribute substantially to any particular season or market. However, because the pelagic cap would also apply to the NWHI bottomfish fishery, he said it would be sensible to rely on the same three alternatives for defining the fishing year for pelagics and preferable to have identical fishing years for bottomfish and pelagic. He then presented the pros and cons of the three alternatives.

Option 1: October 1-September 30 (the preliminary preferred alternative for bottomfish) would likely allow the fishery to maintain their current fishing patterns, and would be consistent with the Council's preliminary preferred alternative for bottomfish fishing year. However there is a possibility that the catch limit could be exceeded by the historical peak months of April-May when approximately 28% of the historical catch occurred.

Option 2: April 1- March 31 would likely allow the fishery to fish during their historical peak landing months (April-May) however, there is a possibility that the fishery could reach the catch limit before January and February when 15% and 23% of the historical landings occurred, respectively. Additionally, selection of this as the pelagic fishing year could result in potential difficulties in monitoring the pelagic catch limit, particularly for bottomfish fishermen should the Council adopt an different fishing year for bottomfish.

Option 3: January 1-December 31 would likely ensure that the fishery would be allowed during their highest historical landing months (Jan-April) however, there is a possibility that the fishery could reach the catch limit in Sept-December, when 20% of the historical landings occurred. Additionally, selection of this as the pelagic fishing year could result in potential difficulties in monitoring the pelagic catch limit, particularly for bottomfish fishermen should the Council adopt an different fishing year for bottomfish.

Issue 3: Compensation

Makaiau stated that the ongoing designation and implementation of the proposed NWHI sanctuary is almost certain to include continued limits and closures for one or more NWHI fisheries. The Council supports compensation to fishermen and recommended as its preliminary preferred alternative that private and public sources be used to compensate fishermen who have been or will be affected.

He said that the Council staff identified several sources of value in the fisheries for the Council to consider which are described in the May 24, 2006 Issues paper, document 15.D(1). The categories include: (1) Investment in the vessel; (2) Investment in gears; (3) Lost stream of income; and (4) Value of permit (such as lobster permits). He then summarized estimated value for the bottomfish, lobster and pelagic fishery.

He then presented several tables illustrating the estimated per vessel value by category for the bottomfish fishery, lobster fishery and pelagic fishery. He stressed that these values are estimates taken from previous NMFS/Council reports in the mid to late 1990s and the true numbers will vary from vessel to vessel. Makaiau then summarized the range of alternatives included in the May 26, 2006 Issues paper.

Issue 4: NOAA Weather Buoy

Makaiau said that at its 132nd meeting, the Council directed staff to analyze the level of catch attributed to NOAA Weather Buoy. He re-iterated that a data request was sent to the Science Center and HDAR however, the preliminary data is not yet available.

He also said a letter was sent to the Director of the NOAA Weather Service inquiring about the feasibility of moving the buoy outside the proposed sanctuary boundary.

Issue 5: Closure of Fisheries

Makaiau said that there were concerns that NOAA is unfairly discriminating against commercial fishermen. NOAA is seeking to limit catch and effort or entirely remove this fishing sector from the NWHI, but will allow an increase without limits, catch and effort for other fishing sectors, namely the new fishery for “sustenance” consumption by researchers and sanctuary permitted vessels.

Makaiau reiterated that in October 2005, NOAA rejected Council’s proposal to allow commercial bottomfish and pelagic fishing and cited the following reasons for its rejection.

1. A lack of life history information on targeted species, distribution and stock structure;
2. Uncertainty in ecosystem impacts and predator prey relationships; and
3. A lack of information to demonstrate bottomfish and pelagic fishing will not affect the natural character or biological integrity of NWHI.

Makaiau said if these are truly NOAA's concerns and reasons for rejecting commercial fishing, then logically it would also apply to non-commercial fishing sectors as there is probably a greater uncertainty in the level of effort, catch, and ecosystem impacts from the non-commercial fishing sectors because the total catch is un-reported.

At its 132nd meeting, the Council recognized this difference in treatment and recommended that no fishing of any type be allowed (except for Native Hawaiian traditional practices) in the proposed NWHI sanctuary following closure of associated commercial fisheries.

Makaiau then noted that NOAA plans to sponsor a minimum of 12 research related cruises to the NWHI this 2006 research season and there are between 1-3 vessels participating in each cruise. Each vessel holds between 25-50 researchers and crew onboard and remains in the NWHI for approximately 20-30 days per cruises. In order to sustain themselves, the vessels catch a variety of fish which are prepared onboard. This was recently documented in a major Honolulu newspaper by a reporter who was invited to participate in a NOAA sponsored research cruise.

He noted that none of this catch is documented. Given the increasing numbers of research cruises annually, the number of individuals onboard and the duration of each research cruise, there is concern that the total catch taken by this undocumented fishery could be substantial.

Issue 6: Accuracy of Historical Data on NWHI Pelagic Fishing

Makaiau said that during the Council's 132nd meeting a NWHI fisherman stated that he believed that NOAA's calculation of the 180,000 pound annual pelagic catch limit was based on incomplete information as he himself had participated and witnessed others participating in the fishery at levels which would far exceed a fishery total of 180,000 pounds. In response the Hawaii State Division of Aquatic Resources (HDAR) sent letters to those individuals identified as likely fishery participants inviting them to review and correct or update the catch records that they had submitted to HDAR for the 1996-2004.

Issue 7: Council role in the NOAA Ecosystem Management Plan for the Sanctuary

Makaiau re-stated the Council's recommendation that it be included as a full participant (e.g. voting member) of any group, committee, task force and meetings regarding NOAA's ecosystem management plan. In addition, the Council recommends NOAA formally consult with the Council prior to approval and implementation of any such plan for the NWHI.

Fred Duerr noted that the Proclamation states there will be no extraction of any resources in that area and under this restriction even the Hawaiian people practicing their cultural right, may not have the right to extract any fish.

Deroma said that it appears that the proclamation does recognize Native Hawaiian groups for their unique cultural purposes.

Duerr quoted from the President's remarks which states "we will prohibit any resource extraction." Any resource extraction.

Silas said that perhaps this is one of those instances where we have to wait to see what the proclamation states. Because in the preceding paragraph it does say that it will preserve access for Native Hawaiian cultural activities.

Bill Robinson said that there's not much compelling reason to have to deal with setting a fishing year. This is because it's fairly obvious that the President's statement and the accompanying proclamation doesn't allow the bottomfish fishery to expand beyond the eight vessels that are currently permitted and not much chance those vessels will take the catch limit.

Sean said he appreciates the argument, and perhaps much of it may not be relevant in a relatively short period of time, but we don't know that. Therefore, he is inclined to not move forward on the issue because we've moved this far.

Deroma acknowledged that it is hard to shape an action by the Council today because we don't know what the proclamation says. On the other hand, having been involved in the process for several months, I'm sure that folks in NOAA and whoever else are now involved in this are going to want to know what the Council's view is. So the best view to have is the final action from the Council.

He said that the Council may want to simply preface any action taken with language stating that To the extent consistent with, the Northwestern Hawaiian Islands National Monument Designation, the Council recommends...

He added that if the Council could make its recommendations severable, and prefaced on to the extent consistent with the designation, then they're sort of stand-alone measures and they can yield as need be, if that's the Council's intention.

Ebisui said that he is not sure it is necessary to preface any action. He said it is very well implied that whatever the Council does here today is, of course, subject to whatever the proclamation ultimately says. Having said that, the other side of the coin is that the next time we're going to meet in a full meeting is five months down the road -- or four months down the road.

Ebisui said he is not comfortable waiting another four to five months for another action and until the Council has reviewed the language of the proclamation, it should just press ahead and stay the course.

Simonds asked if the remaining five years for bottomfish would be done under Magnuson.

Deroma said he assumes so.

He added that he needs a some indication from the Council that it understands that its actions may be inconsistent with the Monument but that it expects their package to go forward as fully as possible.

Simonds asked if there was opportunity to revisit this?

Deroma said that he think there's always an opportunity to revisit.

He added the Council could take action and say, we recognize that these may be inconsistent. If they are inconsistent, then we'll revisit them and we will submit something else.

Bill Robinson said that he had a chance to read an almost final draft of the proclamation. He said the proclamation said-- at least the almost-final draft I read – said that management of the bottomfish fishery would continue under the Magnuson Act. But it's clear that it's constrained by the provisions of the proclamation, itself, and any regulations that might come out of the management plan.

Sablan asked if if the use-it or lose it permit policy applied only to bottomfish.

Makaiau said that the use it or lose it permit have been implemented for the limited entry NWHI bottomfish fishery and the American Samoa limited entry longline fishery.

15.E Update on Fishery Ecosystem Plans

Makaiau said that the there are a number of amendments that have received final Council action. Staff from the Council and NMFS PIRO has had discussions on which of these amendments should precede the FEPs and which should be implemented after the FEPs There was agreement that there were several amendments which were urgent or are well along in the Secretarial Review process and will be processed before the FEPs. Those include the Main Hawaiian Islands Bottomfish Overfishing Amendment, the Guam 50-mile closure for vessels 50 feet and larger and also the Inclusion amendment which will include the Pacific Remote Island Areas and CNMI under the Fishery Management Plan.

He noted that Marcia Hamilton will provide more details of where these amendments are in the NMFS review and Secretarial approval process.

but these are the things that we've agreed that will be included in the FEPs.

Sablan asked about the status of the CNMI Bottomfish Amendment

Hamilton responded that Council staff is revising that in response to review comments. Then it will be transmitted to the National Marine Fisheries Service.

15.F Plan Team Recommendations

Dr. Doug Fenner read the Coral Reef Ecosystem Plan Team Recommendations contained in document 15.F.

1. Regarding the Draft Guam Coral Reef Ecosystem Fisheries Report, the CREPT recommends the Council contractor conduct the following two items:

- a. For the four (4) most represented gear types in the Guam inshore (shore-base) and offshore (boat-based) creel interview surveys data, graph the comparisons of the CPUE trends between the raw interview data and expanded data. Where possible, calculate a coefficient of variation to estimate confidence limits. The purpose of this analysis is to compare raw and expanded CPUE for similar patterns and trends.
 - b. For each well representative individual species and relevant gear type, plot across the time series on one graph: (1) the percentage measured of each species for each year above the 75th percentile of the lengths measured over the entire time series and (2) the median length for each year over the entire time series. The purpose of this analysis is to identify trends in size over time.
2. The CREPT also recommends the contractor continue Level 1 and 2 resolution analyses for remaining islands, as previously recommended by the plan team, where possible starting with Hawaii, followed by CNMI then American Samoa.
 3. After reviewing the draft Guam report and the proposed changes to National Standard 1 of the Magnuson-Stevens Act and because presently available coral reef fisheries data are inadequate, the Coral Reef PT recommends that the preliminary estimates of reference points for CREFMP managed species not be included in the first annual plan team report.
 4. Council should take action on the Coral Reef Ecosystem Plan Team's recommendation on changes to the Coral Reef Ecosystem special permit requirements.

15.G SSC Recommendations

Dr. Craig Severence read the SSC plan team recommendations related to Ecosystems and Habitat contained in document 15. G. He said Council members should note here that this includes the SSC response to Pelagics Plan Team Recommendations 4, 5 and 6. So all of these are with respect to there proposed Northwestern Hawaiian Islands fishing regulations.

1. Regarding the commercial nonlongline pelagic limited entry permits, the SSC supports the Council's preliminary preferred alternative to issue the initial three permits based on historical participation in the Northwestern Hawaiian Islands pelagic fishery. The SSC also supports the Council's preliminary preferred alternative to allow these permits to be transferrable, thus allowing new entrants into the fishery.
2. At this time the SSC feels it is premature to prose any vessel size limits on commercial nonlongline pelagic vessels.
3. The SSC is cognizant of the great cultural importance in Hawaii of red fish during the holiday season. Therefore, the SSC supports the Council's preferred alternative to begin the bottomfish fishing year to begin on October 1st of each year and end on September

31st the following year. This alternative would minimize the chance of reaching the catch limit prior to or during the holidays.

Severence said the fourth recommendation relates to Dan's query to me earlier, which we held on to this recommendation.

4. The SSC supports the concept of compensation for displaced Northwestern Hawaiian Islands fishermen but notes that some of the proposed alternatives were overly simplistic, involved several approaches to compensation and might result in double or triple counting of the economic value. A thorough economic study will be required in order to properly evaluate compensation options.
5. The SSC notes that the weather buoy is used as a FAD and looks forward to reviewing the response from Weather NOAA Service on the feasibility of repositioning the buoy outside the boundary of the proposed Northwestern Hawaiian Islands Sanctuary.
6. The basis for the proposed 180,000 pound annual catch limit is unclear. Therefore, the SSC encourages continued effort to determine an appropriate biological and scientifically defensible annual catch limit.
7. The SSC notes that closing commercial extraction while allowing noncommercial extraction is in fact a de facto allocation of the resource. Without a comparison between the values of the extractions made by commercial and noncommercial fisheries in relation to the potential impacts of these fisheries on the natural character and the biological integrity of the ecosystem the SSC can provide no guidance on this allocation issue except to note that some scientific collecting would be allowed for research purposes.
8. It is critical that fisheries science provide input into the NOAA Sanctuary Ecosystem Management Plan. Therefore, the SSC supports Council involvement as a full participant in the Sanctuary plan development, review and implementation.

15.H Ecosystems and Habitat Standing Committee Report

Sablan said that the Standing Committee on Ecosystems and Habitat endorsed the SSC's recommendation.

15.I Public Hearing

McCoy asked if there were any comments.

There were no comments.

15.J Council Discussion and Action

Regarding the proposed NWHI National Marine Monument, the Council:

- 1. Recommends adoption of its preliminary preferred alternative to issue the initial three permits based on historical participation in the NWHI pelagic fishery. Further, the Council recommends that these permits be transferable, thus allowing new entrants into the fishery. At this time, the Council feels it is premature to propose any vessel size limits on commercial non-longline pelagic vessels.**
- 2. Recommends adoption of its preliminary preferred alternative that the fishing year for bottomfish fishing begin October 1 and end September 30 the following year. Further, the Council recommends that the fishing year for pelagic fishing begin October 1 and end September 30 the following year, consistent with the bottomfish fishing year.**
- 3. Recommends that NOAA compensate NWHI fishermen displaced by the designation and implementation of the NWHI National Marine Monument by offering options for relief which may include purchase of their vessels, fishing gear, permits and providing compensation for lost income stream.**

The Council further recommends that by December 31, 2006, NOAA conduct a comprehensive economic impact study to determine fair monetary compensation and seek government and/or private sources of funding;

- 4. Recommends that NOAA relocate Weather Buoy 1 at least 15 miles outside of the seaward boundary of the proposed NWHI National Marine Monument.**
- 5. Recommends that the annual commercial pelagic catch by the non-longline pelagic fishery and the limited-entry bottomfish fishery be limited to 180,000 pounds.**
- 6. Recommends that all non-commercial fishing (except traditional and cultural Native Hawaiian sustenance fishing, i.e., harvest and consumption of fish within the NWHI National Marine Monument) be prohibited following closure of associated commercial fisheries.**
- 7. Recommends the Council be included as a full participant (e.g. voting member) of any group, committee, task force and meetings regarding NOAA's ecosystem management plan. In addition, the Council recommends NOAA formally consult with the Council prior to approval and implementation of any such plan for the NWHI.**
- 8. Directs staff to replace the word "Sanctuary" with "National Monument" wherever it occurs.**

Regarding Shark Tour Operations, the Council:

- 9. Directs staff to prepare a regulatory amendment prohibiting use of chum to attract sharks to and in conjunction with, shark tour operations, consistent with Hawaii State law.**
- 10. Directs staff to begin public meetings and hearings on shark tour operations before the October 2006 Council meeting.**
- 11. Recommends that the State of Hawaii expand its prohibition against shark feeding in conjunction with shark tour operations.**

16. Program Planning

Duenas called on Simonds to address the Magnuson Act Reauthorization. Simonds addressed the Reauthorization of the Magnuson-Stevens Act. She reported that Senator Stevens was trying to get unanimous consent, which means all of the senators to agree to his draft legislation. In the previous week, in Washington, a senator from Oregon would not agree because the government hadn't taken up an issue that was important dealing with compensating salmon fishermen who couldn't fish anymore because of new regulations by the National Marine Fisheries Service.

The House passed their bill. The big difference between the House and Senate drafts, to be dealt with in conference committee, is the International section. The House draft does not include an International Section and they do not plan to include an International Section. The House is thinking of having a separate bill which they would work on after Magnuson, after the Capital Construction Bill. So, Senator Stevens will try to do something in conference committee. The International section is very important to this Council because we have worked very hard on this section having to do with the Western and Central Pacific and taking care of some enforcement needs, and all those kinds of things. Drafts of the legislation is in the briefing books at 16 A. The Council will just have to wait and see.

Duenas called on Marcia Hamilton for an update on Fishery Management actions. Hamilton called the Council's attention to 16 B in the briefing book. She reported on seven actions that the Council and National Marine Fisheries Service have agreed is the target to have finalized before August. The last action listed is the Fishery Ecosystem Plans. The plan was to have these seven actions processed before the transformation of the FMPs to the FEPs.

- The first is Amendment 14 concerning overfishing of bigeye tuna and yellowfin tuna. Council takes final action at the 133rd meeting. So that's what the Council did today. Council staff will be finishing up the document and NMFS/PIRO will be doing their final review. It should be transmitted fairly quickly.
- The Squid Management Amendment was the amendment to include squid in the Pelagics FMP and deal with the issues about fishing for squid under High Seas Compliance Act permits that NMFS asked to have included so that they could get the NEPA coverage for

these permits. Council had a productive meeting with General Counsel on June 5th. They provided comments on how to strengthen that document. Council staff will revise the document and send that over to PIRO for its third review. The Council can see the anticipated sequences of events following that in the briefing book.

- Bottomfish Amendment 14, Overfishing of Hawaii Bottomfish was successfully transmitted to PIRO on May 27th. It was required to be transmitted to the Secretary by May 27th, 2006. The Council transmits to PIRO. PIRO transmits to the Secretary.
- Bottomfish FMP Amendment 9 was transmitted to PIRO also on May 26th. It will be transmitted to the Secretary for review and approval, if it has not already been transmitted.
- Precious Corals Amendment is to modify the black coral minimum size for harvest. The Council had a Black Coral Workshop that produced some good information that's being worked into the amendment document. That will then be sent over to PIRO for their review and comment back to us, a series of review back and forth. Then that will be transmitted. We don't anticipate any problems there.
- Council took final action today on the Northwestern Hawaiian Islands at the 133rd Council meeting. The Council will be sending that to PIRO for review shortly, getting some comments back. Then PIRO will do their final review for completeness. The Council will transmit it and see what happens from there. The process seems a little uncertain given the Monument action. But the Executive Order process will make its appearance somehow, somewhere.
- The PRIA (Pacific Remote Island Areas) Amendment includes CNMI and the Pacific Remote Island Areas in all FMPs. That was transmitted to PIRO May 16th and was transmitted to the Secretary on May 26th. The Council's immediate goal is getting the Fishery Ecosystem Plans in place, transforming the FMPs into FEPs. Final action was taken in Guam. State agencies have commented and staff is working to address those comments and to draft the regulations that will go with them. The Council has hired a contractor to work on the reorganization of the regulations from species-base to the new archipelagic ecosystem base.

Currently, there are the regulations for Pelagics FMP, the regulations for Bottomfish, the regulations for Crustaceans. It will change to regulations for American Samoa, the regulations for the Mariana Archipelago, et cetera, with Pelagics having its own FMP relatively unchanged.

Duenas thanked Hamilton and asked for any discussion. Duenas recognized Robinson. Robinson wanted to elaborate on Bottomfish Amendment 14, Main Hawaiian Islands bottomfish. PIRO didn't have their review completed in time to be considered to be incorporated by Council staff prior to their submitting it for Secretary Review on May 27th. So it has not yet gone to the Secretary. However, PIRO does consider the Council's transmission to PIRO, as satisfying the Council's obligation under the one year, because PIRO is the Agency. It has been transmitted to

the Secretary by transmitting it to PIRO. PIRO looks for an opportunity to work with the Council staff to polish off some of the final documents before the start of Secretarial Review on that amendment.

Duenas recognized Simonds. Simonds asked if PIRO had any substantive comments. Robinson stated that there are some comments to address in preparing the Final EIS and comments from EPA and the State of Hawaii, but there are no comments that would stop the process from moving forward. Simonds responded that she understands about the EIS but that she wanted to know if there was anything that would stop the amendment from moving forward. Robinson stated that it was a matter of refining language and including some additional information.

Duenas recognized Simonds who had additional information to report on the legislative report. Simonds notified that Council that efforts were made by the Pacific Council to delete the Western Pacific Council, this Council, as a member of the Western and Central Pacific Commission in the Magnuson Act reauthorization. The Pacific Council felt that the Western Pacific Council would undermine the work of the Pacific Council. So, this was brought up at the Chairman's meeting because it was pretty terrible for a sister Council to write things like that; instead of saying, Dear Senator Stevens, please include the Pacific Council as a commissioner on the Western and Central Pacific Commission. They said they would retract this. There hasn't been a retraction yet. So that was one terrible thing.

The other is a letter to Senator Stevens from Paul Krampe asking that the Congress turn the Highly Migratory Species Authority back to NMFS and remove the Western Pacific Council and the Pacific Council, from managing our biggest fishery, which is an international fishery, always has been, as opposed to other councils. It can't be predicted what's going to happen. The other thing is that we're talking about very few purse seine boats. We're talking about a very large U.S. longline fleet compared to the purse seine fleet. So why would the Council want only the purse seiners to make decisions or be on delegations in terms of tuna when it's our biggest fishery.

The Council should really look at the treaties with the purse seiners and ask questions about, should we continue to pay \$14 million of taxpayer's money for purse seine access to the islands if we're down to even 10, 12 boats. Our tax money is used for this. The issue should be revisited.

There are many things that we can bring up that we can actually ask to be put into legislation.

Ebisui asked a question about who was the Chair on the Pacific Council at the time the letter was written. Simonds replied that it was Don Hansen and a letter was being drafted to Hansen about the issue.

Duenas recognized Martin. Martin wanted to make additional comments to this issue. Martin stated that at the Chairs meeting in Philadelphia when this issue regarding a letter from the Tuna Boat Association came up for discussion, it came up because they were discussing the

Councils on the East Coast wanted to take back HMS from Headquarters, back to within the Councils. It slipped that a letter was received from the tuna boat guys. So the East Coast guys are trying to get pelagics and HMS back from Headquarters and the West Coast is trying to get it into Headquarters.

Simonds stated that the tuna industry conveyed to the Hill that Bill Hogarth and Bill Gibbons-Fly support their move to take tuna away from the councils. It's in writing.

Hearing no further discussion Duenas called on Sylvia Spalding to report on Education and Outreach. Spalding called the Council's attention to 16 C in the briefing book which was an outline of just things that we are working on for the rest of the year into January of 2007.

- The website is still ongoing.
- The turtle posters and the ecosystem posters have been designed and printed and are being distributed.
- We have new recipes that we made for the NOAA Fish Fry.
- We have a couple of publications on turtles that are coming online, plus the IFF3 proceedings.

We've got half of the Hawaii Goes Fishing vignettes done. We will show you one of them, because if you're in Hawaii you've probably seen them, but not elsewhere. These are one-minute long and they run on Oceanic Television. (Video playing). These are one-minute vignettes that run 14 times a week. There's also a 30-second ad that runs twice during the hour-program. We own the vignettes so we can use those elsewhere. Four of them we just sent to the World Ocean Network and they're going to include it in their Sustainable Fisheries Campaign. They're doing a video on that.

- On education, we have a high school course on Marine Fisheries and Resources that we're running this summer. Actually, it starts on Monday for two weeks. It will be the first one of these that we're running.
- Then we're continuing to run the Teacher's Workshop on the Hawaii Seafood Industry. There is an ad about the high school workshop in the folder. There is a write-up that was in the Science Teachers Publication about the Seafood Workshop.
- Hitting on some other issues, we're continuing to work for this Fiji conference to bring Pacific Marine Educators from throughout the Pacific to Fiji in January 2007.
- Also, we participated on the Conference of Ocean Literacy that happened last week in Washington, D.C. This is one of the outcomes of the President's Ocean Policy Report.
- What they're trying to do is to elevate ocean literacy in the school system. So they've been working the last few years on coming out with this Ocean Literacy pamphlet put in

- The two-week high school course that we're going to be doing, we're going to have somebody videotape it. We're going to make a ten-minute video on it and a 30-minute video. The ten-minute video we will be submitting to the Islands of the World Conference. They're having a video conference in July on Maui. Then the 30-minute video, we'll have on the cable television in Hawaii.
- Again, all our efforts are to try to promote sustainable fisheries in the classroom and to educate people about that. We sit on the National Marine Educator's Association Board, which meets July in New York. So as they continue to try to implement these ocean policies in education, we're continuing to try to have them include sustainable fisheries as part of the curriculum.
- Moving along on media, we put out the third Pacific Magazine article. We have a contract to put out a quarterly article. That was on the Northwestern Hawaiian Islands. Copies are available on the reading table. We have one more on our contract.

Duenas thanked Spalding for her report and asked for any questions from the Council.

There being no questions, Duenas called on Earl Miyamoto for the Disaster Relief Fund report. Miyamoto directed the Council to the briefing book item 16.D.2(a).

Miyamoto presented a PowerPoint presentation for the Council.

- Funding for the program was initially \$5 million.
- Direct payments are made to fishermen under Direct Assistance.
- The Fisheries Direct Assistance Program has \$1.6 million.
- In February, a Request For Proposals was published. The initial deadline was 03/31/06. That was extended to 04/30/06.
- Currently, there are 35 proposals received. The total amount requested is approximately 3.75 million.
- The Technical Working Group reviewed proposals. At 16.D.2, B, are the 35 projects

submitted.

- Under the Fisheries Grant Program, approximately \$3 million has been contracted with JIMAR. The legal notice went out concurrently with the request for proposals. Again, the deadline was extended to the 30th of April.
- 25 letters that were received for approximately \$4.1 million. There is approximately \$3 million to disburse.
- At this point in time, the letters are being reviewed by the TWG, with a meeting scheduled for the June 20th, next Tuesday, to complete the Direct Assistance deliberations.
- Then the TWG will look at the research projects. Once that process is done, the letters selected, those selected individuals will be asked to submit a full proposal for a peer review.
- In terms of future action, the TWG, the Technical Working Group, will complete the review and ratings process on the 20th of June. Then the proposals will go to the ESC for approval. That's for the \$1.6 million.
- At that point in time, those projects selected need to be vetted through NOAA for their NEPA compliance. Then the funds will be awarded to the applicants.
- Then, at that point in time, fund utilization will be monitored.
- As far as the Letter of Intent for the research projects, the TWG will complete their ratings of it and request full proposals for peer review.

Duenas thanked Miyamoto for his report and asked for any questions. There being none Duenas called on Marcia Hamilton to report on item 16 B. 1.

Hamilton reported on the issue of Super Typhoon Pongsona and the Disaster Relief Requests that were sent from CNMI and Guam to Secretary Evans. There was no response received on this issue. That is all the information we have on this issue. Copies of the letters are in the briefing book.

Duenas called on Robinson to report on the issue. Robinson admitted that there has been an unacceptable delay in getting a decision and response to this issue. The Executive Director has sent a query asking about the delay in disaster relief for Guam and CNMI in May. Headquarters will be receiving all of the requested material in a month and a decision and response will be forthcoming.

Hamilton asked if additional material was needed from the Council. The Council's island coordinators did the assessments and sent in the write ups of the impacts of the super typhoon.

Robinson said that they had all of the information and no more is needed at this time.

Duenas asked if there were any more questions for Hamilton or Robinson. There were none. Duenas moved on to the Standing committee report and recommendations. He reported that the Standing Committee met and discussed the Magnuson Act issues and reauthorization, the Council budget, the Administrative report, upcoming meetings and workshops and Council family changes.

Two new members have been added to the SSC. One new member has been added to the Pelagic Plan team. Sylvan Igisomar has been appointed to the Council as the CNMI designee. The State Department and the US Coast Guard have added their designees—Sally Brice-O'Hara replacing Charles Wurster.

The Standing Committee also discussed teleconference issues, Council member participation and Council member/SSC cross membership. The Standing committee has recommendations but Duenas deferred the recommendations to be discussed later.

McCoy thanked Duenas and asked for any questions. There being none McCoy called for item 17 on the agenda: Administrative Matters. The chair recognized Kitty Simonds.

17. Administrative Matters and Budget

17.A Financial Reports

Simonds thanked the Chairman and called the Council's attention to the multi-year award reports. She said that there's only one award that is in jeopardy, the CDP award. She said that the Council has funds through September 30th for the Island Coordinators as well as our Indigenous Coordinator and they are hoping that miracles happen in terms of the new year's budget.

17.B Administrative Reports

Simonds began the administrative report and noted that it was numbered 17.B.1. in the briefing book. She mentioned that the Council has initiated the audit for '05 and that they do annual audits as quickly as possible. If they have problems, they expect the auditor to call them to their attention and to help them change policy, or whatever. So that's ongoing.

She said that they renewed the Council's lease at the same price as the last four years. She said that the Council is looking into moving into a free standing building, but it's expensive. She said that she is looking at the current PIFSC building since they don't pay any rent. She said she is looking for some funds to modernize that building because they don't need much.

Then, she said, they discussed throughout the meeting the different meetings that they've been to. One important thing that they did was a video-conference meeting with NMFS Headquarters, all the councils and the commissions, about improving the NMFS PPBES. So

they were looking for new ideas, and whatever. The two examples that they sent in, Dalzell sent in for potential improvement, was the electronic data reporting and NEPA, all of that's in the book.

Simonds then reviewed the Council staff report. She said that the IT person left to take a job on Kauai and have offered the job to a person who should start July 1. She then noted that Tony Beeching, our Fishery Analyst, is leaving. Today is his last day. So we weren't going to let him leave until he finished the PRIA document. So he got that done. He's going back to England to work for the government. She also said they were hiring a travel specialist. Our travel is so much and so complex that we really need someone to deal with this, because the travel agencies aren't always very good, and half the time they're overcharging. So, better that the Council have one person dealing with that in the office.

17.C Meetings and Workshops

Simonds directed the Council to 17.C.1, 2006 meeting list. She reviewed the list and said they were doing something different than the Sea Turtle Inter-Agency Workshop. Originally, they thought of having PIFSC and the Council and PIRO, and a few others maybe from Headquarters, and then invite the island people to this workshop. But they feel that they need to do some homework before they convene this workshop. So Brandee in Bill Robinson's office and Irene in our office are working together to put documents together. Then we'll have a little meeting to see how prepared we are to hold something like this.

Simonds noted that Dalzell will be holding a Data Workshop and that Spalding will be going to the Marine Educators Conference.

Simonds said she received a little e-mail from Peter Fithian asking the Council to participate in some way during the Hawaii International Billfish Tournament. Apparently, it's like back up to when we used to go there in the summertime for meetings with the international fishermen. So we just have to try to work something out. I'm sure you all agree that we should do this.

Simonds noted that the Council is sending Ed Ebisui to the MAFAC meeting and that Dalzell will be attending the Scientific Meeting of the WCPFC. Simonds acknowledged the Puwalus being held and said they are very exciting. Simonds had questions about holding the third ecosystem workshop in August.

Simonds then reviewed the meetings for SPREP, Northern Committee Meeting, Albacore Workshop, Compliance Meeting, the Turtle Advisory Committee Meeting and the SSC. She said that the SSC would like to go off island for a meeting, so they are looking into that, but it's hard for them to get away from their office. She noted that the SSC has met in other parts of the Hawaiian Islands previously.

Simonds said that right now the Council meeting is scheduled for October 16th to the 19th. She said that they may have a Chairman-Executive Directors Meeting the week after that because

they plan to meet with OMB, the councils. So they're waiting about that.

Sablan asked Simonds if October 16th to the 19th was the date for the Council meeting.

Simonds replied that is the date at this time.

Sablan asked about the venue.

Simonds replied that the venue is the Ala Moana Hotel.

Simonds continued noting the future meetings with the Third Commission Meeting, IPMEC, RFMO meeting and two other things that are going to happen in '07. Bellagio II and the Fourth Fishers Forum. The Fourth Fishers Forum will be in South America. So we're working with the seabird and turtle people over there. I think we chose Costa Rica, because that's where they have a big longline fishery.

Duenas said that there was a schedule for the Hawaiian fishermen to put on a festival in October. **He said that he thought maybe they could move up the meeting one week to meet up with the festival.**

Simonds said that they'll have to check into that because they've already made arrangements with the hotel. The whole thing is if they're able to find another venue, it's really tough to do this because we do these things a year in advance. **She said they can look into this.** She said that maybe the Executive Committee Members can travel to the fishermen festival if we can't work this out.

17.D Council Family Changes

Simonds then went over the Council Family Changes. She said that they were notified by Gibbons-Fly that Holly is his new designee and Stetson is retiring in September. The Coast Guard has a new admiral, Sally Brice-O'Hara and CNMI, Sylvan replaces Paul Hamilton.

Council changes. She said that they received a letter from Duenas asking for additions to the SSC Committee of Frank Camacho and Judy Amesbury, and the Pelagics Plan Team, Paul Bartram, and Bottomfish Plan Team, Paul Bartram. She said that the other person who they've invited to be on the SSC is Brian Bowen, a geneticist at HIMB. With that she concluded her report.

McCoy thanked Simonds and moved on to item E, Standing Committee Recommendations.

17.E Standing Committee Recommendations

McCoy read the Standing Committee Recommendations:

Recommendation 1, request that the PIRO General Counsel, Silas DeRoma, to inquire with the NOAA General Counsel the policies and protocols to remove Council members who fail to participate in Council meetings that have been developed in other regions. In addition, Council staff should follow up with other Regional Councils on this issue.

Recommendation 2, request PIRO General Counsel, Silas DeRoma, to draft the SOPP, that's our operational procedures, specifying that individuals cannot serve as both an SSC member and a Council member designee at the same time.

Recommendation 3, approve appointment of the following individuals for the respective bodies:

- A. The SSC, Frank A. Camacho, Phd, Judith R. Amesbury, Archeologist, Brian Bowen, Geneticist, at HIMB;**
- B. Pelagic Plan Team, Paul Bartram;**
- C. Bottomfish Plan Team, Paul Bartram.**

McCoy made that into a motion and it was seconded by Sablan.

McCoy asked for public comment.

17.F Public Comment

Having no public comment, McCoy moved to Council discussion.

17.G Council Discussion and Action

McCoy separated the Standing Committee recommendations into three separate ones and asked for discussion of the first. He said that it's been moved and seconded.

Hearing none, he called for the question. All those in favor of the motion, say aye. Opposed, nay. No abstentions. Motion passed.

He moved on to Recommendation 2, request PIRO General Counsel, Silas DeRoma, to draft SOPP language. Thus, find individuals cannot serve as both an SSC member and a Council member designee at the same time. He said that it's been moved and seconded. He called for discussion. Hearing none, he called for the question. All those in favor of the motion, say aye. Opposed, nay. No abstentions. Motion passed.

Recommendation 3, to approve the appointment of the following individuals to the respective advisory bodies, and the names, gentlemen, are on the board. He said that it's been moved and seconded. He called for discussion. Hearing none, he called for the question. All

those in favor of the motion, say aye. Opposed, nay. No abstentions. Motion passed.

Duenas said that he had, in the form of a motion, a recommendation to send a letter to the Council members who have been absent for the past three meetings and one orientation meeting of our concerns regarding absences from the Chairman.

Sablan seconded the motion.

McCoy asked for discussion.

Sablan asked Duenas if he was talking about Council members, not their designee?

Duenas said he was talking about Council members, such as an obligatory non-State Designee to have a designee, somebody to replace them. He was talking about somebody who's not here, period.

Sablan asked if the State Designee doesn't show up for three times, it will be okay with this Council? Is that what you're saying?

Duenas replied that is another problem they have to deal with.

Sablan asked if they'll talk again to DeRoma on that?

Duenas replied affirmatively. He said that maybe they should be punished, too, for this, a letter to the governor. To anybody absent without a substitution.

McCoy said that the issue of absenteeism is disturbing because we need the experts and the advice of the individuals that were appointed and nominated and approved by the Secretary of Commerce to be on this Council. I think it leaves a void there, that we need to know about it. He said that he feels that way, and that they should do something, either develop a policy or consult with our General Counsel about what we can do. He said that he thinks a letter to that effect would be appropriate, and he had no problems with it. He said that he realizes emergencies happen and there's some things we can't do anything about. But consecutively and consistently, I feel that the Council is obligated to ask if this behavior is going to continue.

Simonds said that the Council has a policy and most people follow the protocol, which is if you're not going to come to the meeting you notify the Chairman. For the State members, they name their designee. Okay. That's the normal routine. In this case, Guam did not notify us that -- well, they didn't send a designee. Apparently everybody was busy. But they could have chosen another person in the government to send. But we didn't hear officially from them. They're supposed to notify the Chairman. In the case of Gaffney, who's missed three out of six meetings, in this case he didn't explain why he wasn't coming. On the day he was supposed to leave he sent the staff an e-mail that said, cancel everything. No reason. So we need to follow protocol here. At least let the Chairman know you're not coming and why, and that's really all we're asking for here.

McCoy added that while we're at that, he had just one more thing to add, and that is we all know we operate from a budget. The budget is getting tighter every year. I believe that our travel arrangements are made on block ticket purchases. When these things happen, you can't get your money back.

The recommendation was being reworded by the Council and its staff, so they moved on to other business. This recommendation was captured under other business.

18. Other Business

Duenas opened discussion regarding a letter from the Kewalo Basin Group, Save Our Basin. McCoy explained that it is an urgent request for support in protecting and preserving the last remaining Hawaiian sampan fleets fishing structures in Honolulu. These structures are currently at Kewalo Basin. It symbolizes over 100 years of Honolulu fishing culture. The letter respectfully requests written support of their efforts to preserve these two structures. This effort will bring back some historic artifacts that are very valuable to the culture and fishing communities, representative of the traditional fishing culture and life style in Honolulu over a span of several generations. It's an educational benefit as well as in the interactive learning experience for younger people.

The Keiki Fishing Conservancy, which is a nonprofit 501(c)(3) corporation, will continue their invaluable education on the proper fishing practices for children in this safe and controlled environment. The reason for this request is that at this particular time the remaining structures that symbolize these vital fishing cultures and life style of the past century are in jeopardy of being completely destroyed. So they're asking for the Council's support of their efforts is needed to demonstrate to the respective state departments the serious need for the preservation of these structures.

Mitsuyasu further clarified, the Kewalo Keiki Fishing Conservancy is a nonprofit organization that's set up to support education. The physical site of the Conservancy is actually at the old auction in the back where they used to have the fuel docks and the icehouse. So at this point it's going through a process to consider that site a historical designation. Keiki Fishing Conservancy has been working with the Boy Scouts and a number of different nonprofit organizations, and also the fishing industry to teach kids how to fish, especially, giving urban-type kids who don't have opportunity to fish a chance to fish.

One thing about his area is when the kids go down they've got a pretty good chance of catching fish. They catch pretty good-sized fish. So there has been some repeat groups who have been going down. So Keiki Fishing Conservancy is trying to establish and retain that site and save the actual physical structure.

Also, it should be noted that the Council has supported a couple of projects that were conducted at the site. One project was a multi-species tagging project along with the State's a papio tagging project. The other project is working with the National Marine Fisheries Service Pacific Islands Fisheries Science Center in administering the barbless circle hook side-by-side

trial study.

Duenas made a motion for Council staff to prepare a letter of support and endorsement of this program. Sablan Seconds the motion. Duenas further requests that the Council send a letter to the Division of Aquatic Resources for the State of Hawaii commending them on their tag-and-release program and urge them to continue such a program and maybe share their experience with other Pacific Islands. Additionally, send a letter to the Hawaii DLNR/HDAR, commending them for their ulua tagging program. Motion accepted and passed by all Council members.

Discussion ensued regarding applications for appointment for Council members to be sent out by September of this year. Council staff will be sending out application packages to the agencies for distribution. Motion accepted and passed by all Council members.

Council members requested that letter be sent to State and Territory Agencies Council members who fail to participate or send alternates to Council meetings. Letter should express the Council's concern over their absence, reminding them of the Council's policy that they should inform the Council Chair prior to the meeting, and inform them that repeated absences are not acceptable. Since there currently is no existing policy, De Roma stated (confirmed by Silus) that it would be appropriate for the Council to define what it believes a Council member should do. Motion accepted and passed by all Council members.

Duenas proposes the Council send a letter to Hawaii's DDA in support of preserving the historical ice chute and structure at Kewalo Basin and whatever programs they endeavor. Motion accepted and passed by all Council members.

Council agenda concludes, however, additional announcements made. The Council has a resolution recognizing the distinguished services of Sean Martin [resolution read]. Martin thanks the Council. Martin makes a comment about the State not recognizing commercial fishing by putting a nominee up for the reappointment to his seat. It remains critically important that commercial fishermen are represented here on the Council. It is Martin's intent to make sure that as Council members have every opportunity to talk to the industry and use it as a tool as management plans are developed.

Thank you, everyone. I've enjoyed working with you. (Applause).