



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MINUTES OF THE 135th COUNCIL MEETING of the
WESTERN PACIFIC REGIONAL
FISHERY MANAGEMENT COUNCIL

17 – 19 October 2006

**Ala Moana Hotel
410 Atkinson Drive
Honolulu, HI**

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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Tuesday, October 17th, 2006, 135th Council Meeting

Chairman McCoy welcomed all to the meeting and called to order the 135th Meeting of the Western Pacific Fisheries Management Council. He explained there were a number of items to be attended to first and then the Council would go back to the agenda.

Rear Admiral Sally Brice-O'Hara was welcomed and introduced.

2. Introductions

Dan Polhemus, State of Hawaii Designee for Council Member Peter Young; Fred Duerr, Hawaii; Ben Sablan, Commonwealth of the Northern Mariana Islands; Stephen Haleck, Council member, American Samoa; Ray Tulafono, Council member, American Samoa; Ignacio Dela Cruz, Council member from the Commonwealth, Northern Mariana Islands; Ed Ebisui, Council member, Hawaii; Kitty, Executive Director; Manny Duenas, Council member, Guam; Dot Harris, Council Designee, Guam; Sean Martin, Council member, Hawaii; Bill Robinson, NOAA Fisheries, Pacific Islands Regional Administrator; Silas DeRoma, NOAA Office of General Counsel; Mark Young, Office of Law Enforcement, 14th Coast Guard District; Sally Brice-O'Hara, Commander of the 14th Coast Guard District; and, Craig Severance, Scientific and Statistical Committee rapporteur.

1. Presentation to Hawaii Archipelago Ecosystem Student Poster Contest Winners

Simonds said that the contest has been conducted throughout the jurisdiction to raise public awareness of the new archipelago ecosystem approach to management of the ocean.

The poster contest invitation was sent to 420 public, private, charter and home schools throughout the State. Students were asked to submit posters in four categories, grades kindergarten to second, third to fifth, sixth to eighth, ninth to twelfth. The initial judging was made by the staff of the Council.

The top five posters in each category were displayed and judged at the Hawaii Fishing and Seafood Festival on October 8th. The judges there were Ben Wong, of Hawaii Goes Fishing; Elmer Guzman, author, chef and owner of a Poke Stop; Gyotaku specialist, Naoki Hayashi; and graphic designer, Shane Kaneshiro of Pacific Ocean Producers. The fifth judge was the cumulative vote of about 115 of the 12,000 public participants at the Hawaii Fishing and Seafood Festival. Top entries of the four categories received an award along with numerous prizes including: spinning rods, cookies, Hawaii Fishing News, Sea Life Park, Waikiki Aquarium, and gift certificates.

The winning poster will grace the Council publications and be featured in a lunar calendar for Hawaii in the same way that the winning posters for similar contests in Guam, the Commonwealth of the Northern Marianas, and American Samoa were featured in lunar calendars.

Coelho, representing Mayor Mufi Hanneman, Mayor of the City and County of Honolulu along with Chairman, Frank McCoy, presented prizes and announced the winners. Chairman McCoy and Coelho presented the poster winners with awards.

Additional award

McCoy called on the Vice-Chairman to recognize James Borja.

The Fishery Management Council recognized James Borja for the Richard Shiroma award for 2006. The award was presented to Borja in recognition of his exemplary dedication and performance as a member of the Western Pacific Fisheries

Management Council's Advisory Panel since 1999, as Guam Advisory Panel Chair since 2004, while also maintaining his commitments and responsibilities as a part-time commercial fishermen, a member of the Guam Fishermen's Cooperative, founder and president of Marianas Underwater Fishing Federation and a member of the Guam National Spearfishing Team.

Vice-Chairman recognized Richard Shiroma as an advisor, a dedicated fisherman, who was lost at sea two years ago. Shiroma was awarded a perpetual trophy and award is given in his name.

5. Island Reports

5.A. American Samoa

Tulafono reported on:

- Offshore fisheries: They continue to collect boat survey data, log sheets and enter data into information system.
- Vessel census: Conducted during August of this year, determined almost all of the alias that have been participating in the longline fisheries were onshore, not fishing. Only two alias continue to fish; one is part-time. This is a drop in the number of alias that continue fishing longline.
- Staffing: Fisheries survey project supervisor, Sabrina, resigned as of July. They are in the process of hiring a replacement. A technician has joined them and a Wildlife Technician was put in place to fill in this position. Someone is needed in the Data Collection Section.
- Sport Fish Restoration Program: Personnel developed a five-year plan. The plan has been completed, submitted and accepted by Regional Office.
- Inshore creel survey: They continue to collect the participation, gear, effort catch and biological data. The analysis of this data will not be possible until a replacement for Sabrina is found.

- Community-based fisheries management staff completed Community Conservation Awareness Days. Staff continues to conduct Outreach Program for the participating villages.
- No-take MPA Project: Hired an environmental specialist and a technician. Training began. With the new staff help, translated the video of the public meeting held last September. Both of new hires for Samoans, translation is a must.
- Key Reef Species Project: Continue to measure sediment deposition rates and conduct fish and benthic transects, as well as weather, staff health and operation of boats. Staff completed moving a tank from the giant clam hatchery to main office for holding fish during age validation trials.
- Conferences:
 - o Three of their scientists attended the Australian Coral Reef Society Meeting.
 - o No-take MPA Project Leader, Risa, traveled to Indonesia to attend the Coastal Zone Asia Pacific Meeting and presented a paper, American Samoa's MPA Program Manual. She also attended a Science Communication Workshop.
 - o Two Community-based Management Project personnel attended the International Pacific Islands Community-Based Management Workshop in FSM.
 - o Technical assistance included written and oral presentations to the Western Pacific Regional Fisheries Management Council sponsored by the International Albacore Workshop. Chief Fisheries Biologist participated in reviewing of the Fishery Ecosystem Plan and working with Territorial Advisory Groups on evaluation and restructuring of the Fiscal Year 2008 proposals.
- FAD Programs: Have three FADs in position at the present time. FAD B near Pago Pago Harbor is reported missing. Three shallow-water and one deep-water FAD have been prepared and are ready for deployment in Ofu, Olosega and Tau (Manua Group). Replacement for FAD B should be deployed in the next few weeks. We are still looking for a Pelagic-FAD biologist. If you should know anyone who is interested in this position, it's on the website.
- Coral Reef Monitoring Program: a limited amount of coral reef monitoring has been conducted recently due to staff trouble and problems with keeping our boats operational. Monitoring Biologist, Ben Carol, joined the Key Reef Species Team to compare methods and conduct monitoring. Doug Fenner distributed and expanded the 2005 Monitoring Report, including more benthic

data graphs and coordinated the next State of the Reef Report.

- Satellite Tagging Project: Last year, the Wildlife Division, Dr. Ruth Utzurrum, Chief Wildlife Biologist issued a report. His main purpose was focused on tagging turtles to determine both local and regional movement patterns for conservation and management. There were five turtles tagged: one nesting hawksbill, three subadult hawksbill and one sub-adult green turtle. Most sub-adult turtles tagged stay around the Island of Tutuila. The female adult turtle was around Tutuila for most of the time, then she began to move to the south to Manua, then came back, and then started moving westward to Upolo and Savai'i.
- Additional Information: They lost one of their offshore longline boats. She sank. The specific details were not known, but there is a report. She was loaded with fish in route to unload and lost her main propulsion. From there on, things got worse and she went under. Fortunately, there were vessels close by. So there was no problem. Everybody was recovered, no injuries.

McCoy asked an alia fishing question.

Tulafono replied that about a year ago most of fishing was done further out - 20 to 30 miles. With the price of gas, it is not economically feasible for them to continue fishing.

5.B. Guam

Duenas reported:

- For pelagics, marlin season commenced in June, 200-to-400-pound marlin were being caught. During the Guam/Mariana Fishing Derby more marlin were caught than any other fish. In August or September, large numbers of mahi were found around Guam. The mahi never really left and there was an eight-month season. The season started a little early again this year.
- Yellowfin and bonita were abundant in June and July, but the water was very rough. It was difficult for fishermen to get out.
- Wahoo has been consistent since June due to the full moon. The catch has been great.
- Interaction of sharks: Fishermen reported losing as much as 60 percent of their catch due to shark attack.
- Bottomfish: Rough waters for bottomfishing. Normally June, July, August are our bottomfish fishing months. But during those three months we've had a number of near-miss tropical storms and tropical depressions.

- Crustaceans: Catch of lobsters was extremely good this year. Lobsters had high catch rates. Octopus are also very abundant.
- Reef fish: Also very good. The mackerel bigeye scad, the atulai for Guam, came in late in June. Also we had the baby rabbitfish, the manahak, the shallow-water rabbitfish and the rabbitfish from the deep-water came in.
- Goatfish, the trevally, ran pretty good also during these months.
- The turtle watch continues with more volunteers being solicited and training. The International Year of the Turtle, will promote the program heavily on Guam.
- Fishing tournaments:
 - o Two fishing derbies were held by the Department of Aquatics during July, from July 15th and 29th with approximately 122 participants.
 - o On August 5th, as you heard, James Borja and his organization, along with the Guam Fishermen Cooperative Association co-sponsored the second Marianas Underwater Fishing Federation and Spear fishing Challenge, held at the Agana Boat Basin. Approximately 40 participants.
 - o Mariana's International Fishing Derby had 70 boats with about three to four participants per vessel.
- The Micronesian Challenge is a program being promoted by the Nature Conservancy to conserve or create more MPAs of 30% of nearshore marine resources.
- The fishing available on Guam: 20 % MPA, 40 % percent toxic areas and 30 % available for cliff line fishing, which is very dangerous, and 20 % left for actual fishing for the families.
- Several FADs are offline, especially during the stormy months we've had during the summer.
- A fishermen found a pop-up tag from a tuna that was tagged in Panama in January 2003. It was recovered in one of our rivers on Guam on the eastern side of the island by a man who was checking his mangrove trap.

Gaffney asked what happened to the tag.

Duenas responded that Borja sent it in.

Harris read the following recognition:

“For the recognition of the Council's efforts to embrace the ecosystem approach, I, Mina Bente Ocho Na Liheslaturan Guahan, our legislature adopted a resolution, which I would like to present to Madam Executive Director, Mr. Chairman.

I, Mina Bente Ocho Na Liheslaturan Guahan, hereby commends and congratulates the Western Pacific Regional Fisheries Management Council as the sponsor for the 12th Annual Guam International Coastal Cleanup, whose continued support has helped tremendously with the success of the Annual Guam International Coastal Cleanup.

Therefore, be it resolved that I, Mina Bente Ocho Na Liheslaturan Guahan, herein directs that this official expression of its commendation and congratulations be forthwith sent on behalf of the Legislature and the People of Guam.

Signed and sealed on the 18th day of September 2006 by Guam Speaker, Mark Forbes, Senator and Secretary of the Legislature, Edward J.B. Calvo, and Senator and Sponsor, Ray Tenorio.”

5.C. Hawaii

Martin reported:

- Longline fleet operations: Shallow-set fishery was closed in March due to reaching the incidental take limit on loggerhead turtles. Fishing is fair. Prices are good. Approximately 135 boats active. Bigeye tuna operations are normal.
- Hawaii Seafood and Fishing Festival, held October 8th, was a success and beyond the expectations of the organizers. The Council actively participated. There is hope that next year The Festival will be held the week before or the week after the Council meeting so additional Council members can attend.
- George Balazs released green sea turtles that were raised at Sea Life Park last week. There is a link from the Sea Life Park website as well some Science Center websites. They were two years old, raised in captivity, seventeen pounds at release. From a fishing perspective, where fishermen are very interested in learning more about what turtles do and how they behave. The turtles are tagged, satellite tracked and can be observed on the website. In the first four days, one went 60 or 70 miles north.
- Marine Debris Program is a program the Council and the Fisheries Service put together a year ago. There are multiple bin loads of marine debris collected by the commercial fishing industry and put in the bin, located by the Fish Auction and disposed of at H-Power. It's an ongoing project that really demonstrates how working cooperatively with the state, federal and the industry can really make a difference.

Duerr noted that Mauna Lani has a program releasing turtles. How many different programs are there in the State of Hawaii that are raising and releasing turtles? Does anybody know?

Martin said that this was a cooperative effort with Sea Life Park, he was not aware of others. These turtles were transported from Sea Life Park to Mauna Lani for a blessing there and then put onboard a Norwegian Cruise Line ship and transported to the Napali Coast where they were released.

Polhemus reported:

- Fisheries: The State completed its analysis and revised recommendations for changes to their Bottomfish Restricted Fishing Areas. The revised maps are now available on the Division's website.
- Nearshore fisheries had a very good season. There was recruitment of juvenile fish, such as sardines, nehu, aholehole, oama and halalu, which is small akule. Massive schools of oama and halalu were observed during the month of August, about a month later than in past years. But as predicted by fishing practitioners six months ago, recruitment of these fish has flourished.

They stated that large amounts of freshwater from rains coming at the right time, and that would have been this year, February and March, when we had those tremendous rains, would enhance recruitment in our nearshore waters. It seems to have done so. Large numbers of juvenile papio also appeared along the shoreline during the same time frame and divers have reported seeing many recruits of reef fish in nearshore areas.

- Resource protection: DAR scheduled 11 statewide focus group meetings to solicit comments on their new marine management framework. Inputs from these groups is now being summarized and the framework is being revised and will be circulated inside of DLNR for review.
- New access permit guidelines for the Northwestern Hawaiian Islands went to the Board of Land and Natural Resources on the 24th of February of this year. Since that time 11 permits for research, special uses and education have been issued. These activities include marine debris removal, monk seal research, dolphin studies, connectivity studies and baseline diversity inventories. Size and bag limits were restored for reef fisheries. Data summaries are being updated with further progress in the next quarter.
- FAD: Details provided in written report.
- LAS: Recreational impacts to reef LAS are finalized and posted on the Hawaii Tourism Association website, and they are hiring a coordinator. Climate

Change Bleaching and Marine Disease LAS is available for final review and comment on the HIMB website. Coral reef fisheries LAS has a new coordinator who has been hired by the National Marine Fisheries Service to implement the strategy. This is a very important LAS, there is hope this moves forward in a useful time frame.

- A community-based guidebook, "Getting Involved in Caring for Hawaii's Coastal Resources, A Community Guidebook" was published and distributed it to coastal communities statewide. Copies are available at the DAR Offices.
- Recreational data: Hawaii Marine Recreational Fisheries Survey from May to August of this year had a total of 1,528 angler intercepts. There are two part-time hires in Kona being recruited. They'll be devoted to private boat and shoreline data collections to try to fill gaps in this area that the Council has previously noticed exist.
- The collection of charter fishing data is being discontinued because the State commercial marine license system is adequately covering the charter catch.
- The ulua tagging project is now in its eighth year. As of September of this year, 1,954 volunteer anglers tagged a total of 29,634 fish. Of this, there have been 3,665 recoveries; a 12 percent recovery rate. The results for this project from 2000 to 2004 are available in DAR's Technical Report 06-01 entitled, Hawaii's Ulua and Papio Tagging Project 2000 to 2004.
- Invasive species: The AIS Team has several ongoing projects:
 - o The super sucker continues in Kaneohe Bay to control invasive *Gracilaria salicornia*.
 - o A project on Kauai to control the invasive octocoral *Carijoa riisei*.
 - o A project on the Big Island to survey distribution of *Gracilaria salicornia* in Hilo Harbor.
 - o A project on Oahu to check out the *Gracilaria* and *Kappaphycus*. This team is also inspecting vessel hulls for nonnative organisms before they travel to the Northwestern Hawaiian Islands for research or supply activities.
- Protected species: A five-month-old monk seal, nicknamed Penelope, who had been given 2,000 volunteer hours, was found dead in a lay gillnet at the Makai Pier on the windward side of Oahu. The details are being investigated. It highlights the problems between certain gears and protected species.

Ebisui asked with regard to the Northwestern Hawaiian Islands Refuge permits, what kind of connectivity studies are being done?

Polhemus responded that the study is largely being done for the Hawaii Institute of Marine Biology and these are studies that look at the genetic connectivity between

species. One of the studies that is being done by Brian Bowen's lab involves bottomfish and the attempt to determine whether there is genetic connectivity between stocks in the Northwesterns and stocks in the Main Hawaiian Islands. There are ongoing projects looking at coral reefs and coral species for genetic connectivity, some of the larger reef fish, Carangids and some of the other reef components.

Ebisui asked if those studies can be done without extraction.

Polhemus said it was difficult because they're using molecular systematic techniques and some tissue sample is necessary. In the cases of fish, this is usually a fin clip. It's nonextractive and the fish is not taken. In the case of coral, it's usually a tissue plug a couple centimeters long that comes out of the coral colony. These are largely nonlethal extractions. For the bottomfish, because you have to bring them up from the deep, that's a fully extractive activity given the nature of the pressure changes.

Gaffney asked that since charter boat data was being dropped from the HMRFS studies and now the data gathered with the commercial catch data, how did that work if they don't have a commercial fishing license.

Polhemus said that they looked at this question with NOAA. Reggie Kokubun indicated that the majority of the charter fleet does possess CMLs, because many of them will sell a portion of the catch at the end of the day. The State was gathering a substantial portion of the charter effort anyway and in contrast, they were deficient in shoreline data. Given limited resources at this point and the State can't afford to put any additional resources until they can get additional financial resources, it was agreed by all parties to make that reallocation of effort.

Gaffney pointed out that his experience in Kona was that the majority of the charter boat fleet did not have commercial fishing licenses. He believed they were missing a large section of data. Increasingly, the charter boat captains are giving up commercial fishing license because of HACCP and a number of other reasons. They are not only missing the data, but a continuum of data.

Polhemus said they would take that into account and may have to revisit this issue.

Duenas asked if someone was someone gathering bottomfish genetic samples or are they getting genetic samples from somewhere else.

Polhemus said the fishermen are donating the fish samples to them.

Duenas said they did the same on Guam for U.H.

Polhemus said the samples Brian Bowen has have all been from fishermen because he doesn't have a capacity on the research vessel to physically go out and fish for bottomfish.

Simonds noted it was a clipping from the fin, it's not the whole fish.

Polhemus agreed. Ebisui had asked if the fish had to be killed to get the sample, in the case of the bottomfish, yes, the fish is going to be dead. For the reef fish, the answer is largely no, the fish will not be dead. Extraction was prohibited unless you had a permit.

Simonds noted that the Council supports that project with \$40,000 and the State's ulua project the Council supports with \$70,000.

McCoy asked how far the monk seal was from the nursing station when she was found.

Polhemus said the seal had been born at Kahuku and translocated down to Rabbit Island, so it would have a minimum of human interaction. The seal and the mother were being observed by using binoculars by NOAA observers but only during daylight hours. The seal had been in the beach area of Rabbit Island. It was found dead not far from that location, but on the shoreline of the main island of Oahu. The investigation is ongoing.

Duenas commended HLA and all of the organizations involved with the Fishermen's Festival and hoped they had many more.

Martin said that HLA was a small participant. It was organized by a group of grass root fishing organizations around the state. There were shore-casters and troller groups, various entities spearheading the operation. They really did an admirable job promoting it and promoting ocean uses in all different facets. Coast Guard assets were open to the public, as well as fishing boats and shore-casting demonstrations. It was a community project that was a success because it was broad-ranging, lots of kid activities, and seafood demonstrations. The Council had a booth there to discuss management, PIRO and the Science Center. There were 70 different vendors that participated.

5.D. Commonwealth of the Northern Mariana Islands

Dela Cruz reported:

- For the fisheries there is the resurvey of sea cucumbers. The sea cucumber survey of previously harvested species is complete. The collected data is being entered for analysis.
- Emperor fish project is ongoing and is targeted for completion next year. The report will include life history, growth rate, size, maturity, seasonality of spawning, sex ratio and stock assessment.
- Monthly collection of the life history data for the shallow-water emperor, *Lethrinus harak*, continues.
- Assessment of fish stocks. The annual survey of fish stocks at the Bird Island

and Forbidden Island MPAs, or Marine Protected Areas, commenced in July of this year. Report will follow when it's completed.

- Five-year plan: A five-year plan for the Dingel-Johnson Sportfish Restoration Act Fisheries Research Funding was submitted and is pending.
- Ecosystem and habitat technical assistance: Dr. Teny Topalian of NOAA's PIRO, or Pacific Islands Regional Office, is providing the CNMI with valuable assistance conducting workshops for school principals and teachers for grades kindergarten to twelve. Three marine education workshops were conducted this year. The topics included: oceanography, marine concepts, coral reef ecology, human impacts on coral reefs and marine conservation issues. A survey was conducted on three high schools, one each in Saipan, Rota and Tinian, involving 200 students. The survey was designed to gauge knowledge, attitudes understanding of students on values of marine ecosystems.
- Three fishery forums were conducted by the Western Pacific Fisheries Management Council, DFW and PIRO for local fishers, particularly the Chamorros and Carolinians, to express their concern, problems and issues regarding the status of fisheries in the CNMI.
- Dr. Topalian has been conducting weekly, 15-minute radio programs called the Voice of the Pacific Ocean, on Saturday and Sunday mornings. She interviews individuals about different marine environmental issues and projects in the CNMI. To date, 30 programs have been aired.
- Two brochures, one on Marine Debris and one on Coral Reef, and a poster on sea turtles have been developed, printed and distributed by PIRO.
- A 2007 calender on Reef Fish of the CNMI will be printed this October.
- PIRO is continuing to interview local fishermen and their perceptions and attitudes towards issues in fisheries resource management, human impacts on the fisheries, marine protected areas and marine conservation.
- PIRO has made presentations to all 6th graders and presently 4th graders on coral reef conservation in both public and private schools. High school presentations have also been made in Saipan, Rota and Tinian.
- PIRO serves on the Science Advisory Committee of the Coral Reef Initiative, Watershed Advisory Committee of DEQ, CNMI Organization for Conservation Outreach and served on the committee for the development, review and publication of the DFW Fisheries Regulations Booklet.
- DFW presented talks on conservation, enforcement and protection on marine

and wildlife animals to several schools throughout the island.

- DFW provided information to 15 Managaha Island business staff and over 100 tourists about volunteer compliance programs regarding coral reef protection and marine conservation. They also provided enforcement education to about 50 local fishermen and 30 hunters and talked to them about laws and regulations pertaining to conservation and preservation of fish and wildlife resources.
- Noncommercial and fishing tournaments:
 - o Saipan Fishermen's Association, in collaboration with the Department of Lands and Natural Resources, Division of Fish and Wildlife held their 22nd Annual Saipan International Fishing Tournament on July 1 to 2, 2006. The Grand Prize Winner was Former Lieutenant Governor Diego Benavente, Captain of the VICTORIA, for landing the biggest blue marlin weighing 337.74 pounds. The largest fish caught in the various categories were 223.99 pounds for billfish, 41.62 pounds for yellowfin, 32.41 pounds for wahoo, 14.11 pounds for skipjack, and 29.54 pounds for mahimahi. Over 60 boats from Guam, Rota, Tinian and Saipan participated.
 - o The Micronesian Games Spearfishing Competition was held in June 2006. Five island groups participated: Guam, CNMI, FSM represented by Pohnpei, Palau and the Marshall Islands Republic. CNMI captured the gold medals for the individual and team categories. The individual category was won by Mr. Felix Sasamoto, catching 106 pounds of fish over a two-day period. For team category (3 members) a total catch of 180.12 pounds of fish were caught over a two-day competition period. Guam ranked second and Pohnpei third for the individual category. Guam ranked second and Pohnpei third for the team category.
- Fisheries warehouse building begun and progressing well.
- The in-water turtle tagging continues with nine green turtles caught. Data was collected and reported. The animals were tagged and released. Five beaches are currently being monitored for nesting turtles on a daily basis. During this nesting season ten clutches of eggs were identified. Seven hatched in the Obyan Beach and the baby turtles found their way out to the ocean. Three clutches are being observed in the Coral Ocean Point area, in the Obyan Beach area. The average number of eggs per clutch is around 100. The latest hatch occurred on 7 October. Two clutches are expected to hatch in November.
- Twelve FADS were deployed as of this reporting period, six on Saipan, four on Tinian and two on Rota. One on Saipan was reported missing due to

inclement weather.

- Workshops: IUU: Mr. Sylvan Igisomar, Director of Fish and Wildlife Division, attended the FAO/FFA Workshop in Nadi, Fiji on Port State Measures to combat illegal, unreported and unregulated fishing activities. PIMPAC Workshop. Mr. Jack Ogumoro, Council's CNMI On-Site Coordinator, DFW Enforcement Officer Tony Mareham and Mr. Greg Morettie, MPA Coordinator, attended the Pacific Islands Marine Protected Area Community Workshop in Chuuk, FSM. They were there to assist workshop participants on how to plan, develop, implement and monitor MPAs.

Brice-O'hara asked Dela Cruz to comment on the Fiji Workshop. Were there some port state measures that CNMI would like to undertake relative to IUU fisheries enforcement?

Dela Cruz responded that Director, Sylvan Igisomar, attended. Several Pacific Island Territories attended: Tonga, Vanuatu, Western Samoa, several other island states attended. CNMI was working on the proposed legislation to strengthen their position regarding this matter.

Harris attended the conference as well and said one of the issues in the region were Lacy Act type provisions for the Pacific Island Countries. Many of them already have them in place. Some of considering legislation to put them in place to provide additional muscle behind enforcement efforts, not only within the EEZs of each country, but for illegal fishing that occurs in high sea areas for species that are managed. In the case, they were looking at the Western and Central Pacific Fisheries Commission and saw that as one of the major movements that need to be undertaken as a whole within the Pacific Region, particularly for small island developing countries.

Reappointment of Council Members

Martin, Duenas and Haleck were sworn in as reappointed Council members:

"I, Sean Martin; I, Manny Duenas; I, Stephen Haleck, as a duly appointed member of a Regional Fishery Management Council established under the Magnuson Fisheries Conservation and Management Act hereby promise to conserve and manage the living marine resources of the United States of America by carrying out the business of the Council for the greatest overall benefit of the nation. I recognize my responsibility to serve as a knowledgeable and experienced trustee of the nation's marine fisheries resources, being careful to balance competing private or regional interests and always aware and protective of the public's interest in those resources. I commit myself to uphold the provisions, standards and requirements of the Magnuson Fisheries Conservation and Management Act and other applicable law and shall conduct myself at all times according to the rules of conduct prescribed by the Secretary of Commerce. This oath is freely given and without mental reservation or purpose of evasion."

McCoy asked, How say you.

Martin said, I will.

Duenas said, I will.

Haleck said, I will.

Motion, Mr. Duenas. Second, Mr. McCoy. All in favor and approved.

3. Approval of Agenda

4. Approval of 133rd and 134th Meeting Minutes

Sablan moved to approve the minutes of the 133rd meeting and the 134th meeting.

Tulafono seconded the motion.

Motion passed.

6. Agency Reports

6. A. 1. National Marine Fisheries Service, Pacific Islands Regional Office

Robinson reported on some of the highlights of the report:

- Guam bottomfish 50-mile rule, Amendment 9 to the Bottomfish FMP, which will prohibit large 50-foot in length fishing vessels from fishing for bottomfish in Federal waters within 50 nautical miles around Guam and establish Federal permitting and reporting requirements. The 95-day Secretarial Review period on that is up on Friday. The amendment will be approved sometime this week.
- On September 12th a final rule to implement the Omnibus Amendment, an amendment to the Crustaceans and Precious Corals FMPs for the PRIAs was published. It established new permitting and reporting requirements for vessels targeting crustaceans and precious corals in waters around the Commonwealth of the Northern Mariana Islands. That amendment is complete and in place at this time.
- On September 19th, the Emergency Rule was extended to remove the delay in effectiveness for closing the Hawaii-based shallow-set longline fishery due to the interaction limits for sea turtles, in particular loggerhead sea turtles. That is on the agenda later, to make that Emergency Rule permanent. They would like to get the rule in place before the Emergency Rule expires on March 19 so the fishery can be closed, if necessary, next year.
- Formal Section 7 Consultation on the U.S. purse seine fishery in the Western

and Central Pacific Ocean operating under the South Pacific Tuna Treaty is near completion with that biological opinion.

- Coordination with the Alaska Regional Office: The Negligible Impact Determination under the Marine Mammal Protection Act was completed regarding commercial fishing impacts on humpback whales. This analysis was submitted to NMFS Headquarters for approval. Once approved, an incidental take statement can be issued under the ESA for humpback whales taken in the longline fishery.
- Final Supplemental Environmental Impact Statement is being worked on for measures to end bottomfish overfishing in the Main Hawaiian Islands.
- On October 2nd a Notice of Intent to prepare an EIS was published to assess potential impacts on the environment resulting from proposed regulations to protect wild spinner dolphins in the Main Hawaiian Islands from take as defined in the MMPA. Public scoping meetings have been scheduled on four islands: Oahu, Kauai, Maui and Big Island.
- Pelagics fisheries management: Applications solicited for permit upgrades in the American Samoa pelagic longline fishery. Eight upgrades are available this year for Class A vessels that are less than 40 feet in length. Deadline was September 26th, and three applications are being reviewed now.
- Internationally, the 2nd Meeting of the Northern Committee took place in Tokyo, Japan from September 11th through 13th. And, the 2nd Technical and Compliance Committee Meeting of the Western and Central Pacific Fisheries Commission were held in Brisbane, Australia.
- Workshops:
 - o Protected Species Workshops held in Hawaii, 131 fishermen certified. Three workshop in American Samoa, 27 fishermen certified. Workshops planned for American Samoa.
 - o Transitions to a web-based interactive protected species workshop for Hawaii and American Samoa are planned.
 - o Pacific Regional Marine Mammal Responders 1st Conference, brought together dozens of government, volunteers and other marine mammal responders from across the region to improve our Marine Mammal Response Program.
 - o Regional Species of Concern Workshop (Aug. 24 & 25), Honolulu. Details to follow.
- A Draft Revised Hawaiian Monk Seal Recovery Plan was submitted to Headquarters, and the plan is available for public comment and will undergo peer review prior to being finalized and approved by NOAA. The original

recovery plan was written and approved in 1983. The managed three monk seal pupping events in coordination with the State of Hawaii and with the support of many volunteers (over 2,000 hours).

- Agreements:
 - o Cooperative Agreement under Section 6 of the ESA with the State of Hawaii Department of Land and Natural Resources to conserve Hawaiian monk seal, humpback whale, green sea turtles and hawksbill sea turtles. Hawaii is 12th state to enter into a Cooperative Agreement with the government under Section 6. State eligible for funding for Protected Species Cooperative Conservation Grants under that program.
 - o Worked with the Fish and Wildlife Service and the Government of Guam to complete habitat surveys for two U.S. Navy projects in Apra Harbor, Guam: Alpha/Bravo Pier dredging and Kilo Wharf Extension. Projects both have considerable in-water activities affecting coral reefs and require substantial effort to minimize impacts and mitigate for the habitat losses.
- Coverage:
 - o Maintained coverage for Hawaii deep-set tuna longline fishery at 23% as of September, with 195 out of 845 total trips observed. Due to funding restrictions we've discontinued observations from the Northwestern Hawaiian Islands bottomfish fishery. Annual coverage is at 5%, with only two out of thirty-nine trips observed.
 - o As of September, a total of eight American Samoa longline trips have been observed, representing approximately 10% coverage of the total trips conducted. We observed and documented the take and mortality of two green sea turtles and one nonlethal interaction with a hawksbill sea turtle.
 - o At level of take, combined with the level of observer coverage, the incidental take statement allowed under the existing biological opinion has been exceeded. They are consulting and working with the Science Center, looking at level of observations and precision of the data necessary to make extrapolations and estimates from that fishery.
 - o It might be prudent for the Council to look at American Samoa longline fishery and examine some different ways to make that fishery turtle-proof, if that's possible. Getting ahead would be far better than going through the court system in Hawaii. Much better to be ahead of the game than having a judge telling us how to manage our fisheries.
- Observer program: In demand around the South Pacific to provide assistance and in developing nations, too - developing their own observer programs.

Duerr asked if there was another avenue to get additional funds for observation in the Northwestern Hawaiian Islands that has been suspended.

Robinson responded that the funding lines that run their observer program are allocated to 100% observer coverage of the swordfish fishery and maintaining 20% observer coverage in the deep-set fishery. They believed it was necessary to provide additional observers and increase coverage level in the American Samoa longline fishery. Now that the Monument has been implemented, they are in the process of putting in a budget request for future funding and include such things as observer coverage.

Young asked him to expand on the recent signing of the MOA between NOAA and the Coast Guard.

Robinson said they entered into an MOA with the U.S. Coast Guard that revolves around cooperative efforts to manage marine species protected under the Marine Mammal Protection Act and under the Endangered Species Act. Although, the MOA makes no physical changes to the existing management structure, it constitutes a voluntary agreement to carry out port data management to facilitate emergency response in this area. They could not do our job without the assistance of the Coast Guard and are pleased and grateful to continue that MOA.

Tulafono said the turtle interactions with the longline fleet was a concern, especially for the local fishermen in American Samoa. He had requested the observer report to know exactly what was going on, especially the location and the vessels that are involved.

Robinson said they were more than happy to work with Tulafono's agency and office and to assist with to the need to increase observer coverage in the American Samoa longline fishery. They have a need to collect samples from turtles that are taken, mortalities in particular, for a genetic study so that they can identify the populations that are affected by this incidental take.

Polhemus said that along the same lines as Young, perhaps it's worth mentioning to the Council the JEA that was entered into between DLNR and NOAA.

Robinson said they completed the 1st Joint Enforcement Agreement with the State of Hawaii; they had a Cooperative Enforcement Agreements in the past. The Joint Enforcement Agreement is different in that it allows them to provide funding to Department of Land and Natural Resources to assist in enforcement of fishery regulations. The initial funding level was approximately \$85,000, and they hoped it would increase rapidly in the near future.

Harris asked if there was an issue with the bonding of the Alpha/Bravo and Kilo dredging projects that in Apra Harbor that were going to involve seven acres of coral reef, up to 700,000 cubic yards of dredge material.

Robinson did not know all the details, but the seven acres was correct. The Navy was close to completing an EIS on it. They have been working on it and reviewing it. They have also been developing under a habitat model a way of estimating how much mitigation is appropriate for that level of damage and been providing that information to

the Navy - making it clear that they believe full mitigation is required.

Duenas noted that when the Government of Guam enters into an agreement with a company trying to do a project, in lieu for damaging areas or taking areas away from fishermen or access to areas, the mitigation is inclusive of doing or building something else. Was there any type of compensation for that loss of habitat? A lot of businesses, a lot of tourist-related type of entities survive on that area or thrive on that area.

Robinson said that in general terms that part of the mitigation package they were reviewing was a watershed management plan for various watersheds, and this would be mitigation for the damage in the harbor. A concern is the funding of the development of a plan was not sufficient. There had to be follow-through, and the plan had to be implemented before they would agree that it was adequate mitigation.

Duenas commended Robinson for finally finishing the Guam bottomfish amendment. That is long overdue and he was glad it would be in place soon. He understood Robinson had a staffer on Guam, was there advertisement on the position? And, was it out of Hawaii?

Robinson said that it was relatively recent. Funding through the Coral Reef Ecosystem Project allowed the hiring through a JIMAR contract of a Local Action Strategy Coordinator, one for American Samoa, one for CNMI, Dr. Topalian, and one for Guam, to work with local governments on the implementation of local action strategies funded through the Coral Reef Program.

McCoy said that with regard to the turtle interactions, the albacore fishery in the South Pacific in American Samoa is a very important fishery, both to the boats and the canneries. The Chair would entertain a motion that the Council look in to see what is happening with these interactions.

Haleck moved to approve the Council to start looking into the green sea turtle interactions with longlines in American Samoa.

Duerr seconded the motion.

Motion passed.

6.A.2. Pacific Islands Fisheries Science Center

Seki reported for Dr. Sam Pooley, who was in Japan attending the annual meeting of the North Pacific Marine Science Organization. Highlight from items not in the report included:

- The Science Center's preliminary effort to spatially link the commercial bottomfish catch data with potential habitat of the proposed area closures and management actions by both the State of Hawaii and the Fisheries Council

(preliminary efforts - emphasized). From this point, they turn it over to the stock assessment scientists.

- A workshop on the 20th and 21st of September of this year, Fishery Independent Approaches to Bottomfish Resources. Details would be presented later in the day.
- Monk seals continue to be in crisis mode. A big effort on the Science Center's part is to run the Captive Care Program scheduled for Midway Island. A pair of twin monk seals was brought into Kewalo Basin. They have been rehabilitated in the last several months and are being flown back to Midway.

Martin commented that George Balazs was also in Japan and participating in another release of juvenile loggerhead turtles, a cooperative program with the Japanese. This is the last opportunity for this particular segment of the operation. This has been the primary mechanism to put out satellite trackers on these young loggerheads and it has been instrumental in helping understand the dynamics of these turtle movements in the transition zone. Prior to the release of the green turtles on the cruise ship, the primary release, comes in collaboration with the Mauna Lani Hotel, which annually on July 4th has Turtle Independence Day.

Seki continued that the Science Center operates under a continued resolution. They do not have an operational budget. Continuing resolution means they operate on a percentage of last year's funds. It is the most conservative of scenarios. It has impacted how they do business, particularly with regards to travel. They have significantly reduced participation in international meetings. It's a concern, and with the growing requirements to participate in international meetings, which is a mandate, it will continue to be a challenge.

The OSCAR ELTON SETTE, research vessel, is currently out at French Frigate Shoals, supporting the current Census of Marine Life Effort. This is a collaborative academic public endeavor and funded through the Ocean Exploration and National Science Foundation.

With regards to the Science Center Roundtable, Seki reported that senior Science Staff met with Council staff and presented overviews on functions. Council and Council staff roles were reviewed to facilitate the communication and expectations in order to create a good partnership between both. Similar meetings were held State of Hawaii, Division of Aquatic Resources.

Additional meeting held: Marine debris aerial survey, conducted in the Main Hawaiian Islands which is complementary to work done in the Northwestern Survey was followed by clean-up.

Gaffney asked with regard to the large circle hook project and different specifications for manufactures' sizes, what was the size of hood used.

Seki said that information may be available in Pelagics Section later in Council meeting.

Polhemus expressed his deep appreciation to NOAA for the aerial survey and clean-up and expressed his desire that this be expanded to other locations.

6.B. U.S. Fish and Wildlife Service

No report given

6.C. NOAA General Counsel

DeRoma reported that the Transworld Marine versus Hogarth case was being argued in the Ninth Circuit this week. The case involved the challenge to grant monies distributed under the deed program. Results will be reported at next Council meeting.

Gaffney asked if DeRoma could further characterize Transworld Marine, who they are, how big a company it is.

DeRoma remarked that the case was well before his time here, and he understood it was one individual who believes he should have received funding. He was not sure if the individual had requested it, but he must have and was not provided deed funding and is challenging that.

7. Enforcement/VMS

7.B. U.S. Coast Guard

Brice-O'hara expressed appreciation to the Council for its commitment and dedication. Appreciation was also expressed for the Executive Director and Council Members interface early in the summer and orientation as to what is on the Council's minds and what's important. Assurance was given for the Coast Guard as a strong partner in efforts to conserve and manage the living marine resources and their environment.

Young reported on the Coast Guard's four-prong strategic framework, which provides the guidelines for our engagement activities with our stakeholders and partners:

1. Productive partnerships. The Coast Guard operates with open communications and a good sense of trust, integrity and respect. They listen to input from all of the stakeholders: private sector, commercial and recreational fishers, foreign, federal, state enforcement agencies and local authorities.
2. Sound regulations. Regulations need to be simple, enforceable and provide for safety of fishing operations. The Coast Guard has been working collaboratively with Trustees on how to enforce the regulations associated with the new Northwestern Hawaiian Islands Monument. They were pleased to work with the Council and NOAA and the State of Hawaii in developing enforceable regulations

regarding bottomfish in the Main Hawaiian Islands. Appreciation expressed to the U.S. Delegation to the Western and Central Pacific Fisheries Commission. It is important to develop boarding and inspection plans with the Commission.

3. Effective presence. Allocation of fisheries enforcement resources requires a balance of where cutters and air assets are sent. There have been 100 at-sea boardings of vessels in domestic longline fleet with six significant violations. There are time/distance challenges. Cutters repositioned in order to cover Guam and CNMI
4. Technology. AIS relative to the small-vessel tracking pilot project is moving forward.

Harris expressed appreciation to the Rear Admiral for attending meeting and thanked the Coast Guard for additional assets for Guam.

Duenas expressed appreciation to Captain Marhofer and Commander Young for attending. They provide great support and assistance.

Brice-O'hara thanked all for the feedback and introduction to the Guam Fisheries Co-op.

Simonds asked about the Bush Administration announcing that the deficit had been reduced considerably. Will that mean increased assets?

Brice-O'hara said that an increase in assets was not foreseen. They have three helicopters replaced by the same model with engines that are more reliable, giving a little bit more time on-scene, better endurance, and better lift capability. These are short-range recovery assets, limited to 100-mile radius of Barbers Point. With HECs, the high endurance cutters, give more confidence in their abilities, and that's part of our Deepwater Acquisition Program.

Dela Cruz expressed appreciation on behalf of CNMI Governor, the Honorable Benigno Fitial, and Lieutenant Governor, the Honorable Tim Villagomez, for capturing the foreign vessel illegally fishing in the CNMI EEZ waters in March of this year. CNMI received \$152,000, needed to do projects.

McCoy and other echoed appreciation and the value of the partnership with a promise to continue working together in the future.

Young reported on Coast Guard enforcement efforts over the last quarter:

- August, the Main Hawaiian Islands had 130 flights, 1 flight observed several longline vessels fishing without operating on VMS. Information provided to NOAA OLE for further action.
- In June, one Hawaii-based longliner was noted to be listing in port. Marine inspectors went onboard observed over 70 shark fins onboard without

corresponding carcasses. Information was provided over to OLE for further action for that as well.

- Evaluation of the VMS data uncovered two potential Lacy Act violations and one closed area violation of the Main Hawaiian Islands longline closure area. Information on those three cases also was provided over OLE for further action.
- The most significant enforcement action involved a C130 flight on routine surveillance patrol down in the Howland/Baker EEZ, and noted numerous foreign fishing vessels, both longliners and purse seiners, fishing in very close proximity to the EEZ. Based upon that information, one of the buoy tenders stationed here in Honolulu, CUTTER WALNUT, got underway. The foreign-flagged vessel MARSHALLS 201, a purse seiner, was actively fishing inside the Howland/Baker EEZ. The CUTTER WALNUT and the C-130 both observed active fishing, and the CUTTER WALNUT was able to interdict and conduct a boarding and confirm the illegal activity. Permission was received to seize the vessel and its catch and it was taken to Guam or further action by the U.S. Attorney.

7.A. Island Agency Enforcement Reports

7.A.1. American Samoa

Tulafono reported that a two year Joint Enforcement Agreement (JEA) with NOAA was two years old and there have been no funds from the Office of Law Enforcement. Now in third year, they have a proposal that's been approved. The funding is necessary.

7.A.2. Guam

No report

7.A.3. State of Hawaii

No report

7.A.4. CNMI

Dela Cruz reported that 12 notices of illegal fishing violations were reported - 2 gill net; 3 lobsters; 1 harvest of trochus; 1 possession or catching of a green turtle; 1 for illegal fishing in a designated sanctuary and 4 for nonfishery matters. Five of the violations were settled through payment of fines amounting to a total of \$4,100 and 7 are pending for administrative hearing.

Under LEA, Law Enforcement Agreement, the report read: "\$152,000 received. This amount represented the balance after federal expenses were deducted. A fine of about \$290,000 was imposed on the owner of a Taiwan longline vessels caught by the U.S.

Coast Guard illegally fishing in the Federal EEZ waters in the CNMI in March of this year (Civil Case No. CV06-0008) was settled in the U.S. District Court on Saipan. NOAA's Special Agent-in-Charge Judith Fogerty and Mr. Chuck Raterman came to CNMI to hand-deliver the precious check to our Acting Governor Tim Villagomez. This money will be used for conservation and enforcement activities by our CNMI Division of Fish and Wildlife.

7.C. National Marine Fisheries Service Office of Law Enforcement Report

Tinsley-Meyers (phonetic), Assistant Special-Agent-in-Charge speaking on behalf of Judy Fogarty reported:

- NOAA Fisheries Office for Law Enforcement, Pacific Island Division, initiated 26 investigations. Of those, about 16 were Magnuson Act violations, and included the following types of violations: suspected fishing inside the Northwestern Hawaiian Islands National Monument; fishing inside a closed area; shark finning; observer harassment; record keeping and reporting; ESA take case involving sea turtles; 4 Lacey Act cases involving U.S. vessels entering foreign EEZ; two Marine Mammal Protection Act importation cases; 2 foreign fishing investigations involving U.S EEZ; and a high seas fishing permit case.
- The most notable recent case involved the Taiwanese-owned Republic of Marshall Islands flagged vessel. As was discussed yesterday, that vessel has bonded out and is now back in the possession of the owners. That case is going forward for prosecution.
- Upcoming Enforcement and regulatory issues:
 - o Pacific Islands Division has been working closely with Northwestern Hawaiian Islands National Monument to develop enforcement plans and regulations.
 - o Continue to work with American Samoa-based longline vessels to result in alignment with VMS installation.
 - o Requested funding from Headquarters in cooperation with West Pac for AIS feasibility and application to small vessel owners.
 - o JEA agreements: Agreement signed with the State of Hawaii; renewed agreements with the Government of American Samoa, the CMNI, and Guam.

Hired a new enforcement officer for American Samoa; losing Special Agent based in American Samoa.

Simonds if there were many vessel owners resisting the American Samoa longline limited entry program.

Tinsley-Meyers said the exact number was unknown. The agent in American Samoa could give the exact number as she is working with them directly.

McCoy asked if by resisting, what did that mean, vocally, in writing or saying no.

Tinsley –Meyers said that it was just not filing the paper and not being timely in responding to the requests to get online.

Brice-O'hara asked what types of things were covered under the JEA. What are the expectations that are outlined in that agreement?

Tinsley-Meyers said they are conducting training at DLNR in the coming months and expecting they will be turning over some cases for investigation and working as partners in enforcement.

Polhemus said that the absence of statistics at this meeting was not to imply there hasn't been any enforcement activity. Division of DOCARE, Department of Conservation and Resource Enforcement, did not provide the quarterly summary by the time of the meeting.

Haleck asked if there was a deadline for documentation for VMS - American Samoa.

Tinsley-Meyers said, yes, and the deadlines were not honored.

7.D. Status of Violations

Martin asked DeRoma what the violations entailed. DeRoma said that he would email Ortiz during the lunch break for the response.

Gaffney asked concerning the difference between the penalties assessed, which in these four cases was \$63,000 and actual amount settlement, \$12,000, is there a difference in order of magnitude. The penalty is roughly five times higher than what's actually collected, was that common?

DeRoma said that in terms of settlement and in his experience, a greater will be proposed and less will be settled for.

Gaffney asked regarding budget cutbacks, the money goes back into fishery management support, and if they are getting one-fifth of the apparent penalties on a regular basis, then maybe there is something that can be done to collect an amount closer to the penalty rather than settling it low.

Robinson said that one of the problems on the state level is that judges look at cases for natural resource violations on the same day they look at cases for rape and pillage and murder, and they just don't seem to see natural resource cases at the same level. He was

not sure whether there was a case and they do not seem to be dissuading those people who are violating these laws if they're facing one-fifth of what the obvious penalties are.

DeRoma did not know why there was a disparity. He could pass the concern along to Ortiz. Or perhaps a recommendation to have the Council propose this to OLE, that would be possible.

Robinson said that there were a number of factors that go into it; the expense and the potential willingness of the U.S. Attorney's Office to take on a prosecution - is taken into account. The ability of the person cited to pay. It's quite often it's they get what they think they can get - as opposed to going to the expense of a full prosecution, or even the risk of having the U.S. Attorney's Office not follow up on it. Many factors go into it.

7.E. Automatic Identification System Pilot Project Report

Kingma reported on the AIS Small Vessel Tracking Pilot Project. AIS stands for Automatic Identification System, an HIMO or a requirement of international conventions, on carrier vessels and cargo vessels. It is 300 gross tons. U.S. Coast Guard requirements for the AIS carriage on vessels 65 feet or greater,

The proposed rule will come out in early 2007. The Council will need to pay attention to the comments as it pertains to the fishing fleets.

Project partners: Pacific Missile Range Facility; U.S. Coast Guard, the Council; National Marine Fisheries Service; OLE, fishermen and Ocean-Tronics, Incorporated.

They are contracting in coordination with Pacific Missile Range Facility with Ocean-Tronics; the Council and PMRF to purchase eight AIS Transponder B Type Units. They will not be the same units that are required on the cargo vessels or the large merchant vessels right now. These are only for test purposes, but they are a more cost-effective variety.

The U.S. Coast Guard is cooperating in the capacity. They're going to be providing mobile transceiving units housed on C-130 airplanes and are capable of applying and receiving AIS signals. The U.S. Coast Guard has been kind enough to donate their mobile units.

The project area currently will be in the Kauai area overlapping with the Pacific Missile Range area and Northwestern Hawaiian Islands. The goal is to test these technologies for use of closed area enforcement, going in and out of arbitrarily-fixed zones or areas for the project, and giving the fishing vessels, captain and crew technology to see approaching vessels and be heard or be seen by other vessels carrying AIS-type technology. This is cutting-edge technology, he did not think the AIS-type technology for these type of applications was being done anywhere else in the country. By the next Council meeting, there will be a more detailed report with some preliminary results.

7.F. Northwestern Hawaiian Island and Hawaii Longline VMS Issues

Chun, VMS Program Manager for the Office of Law Enforcement handed out a letter detailing fisheries managed in the Northwestern Hawaiian Islands, including the Hawaii longline fishery, American Samoa, and the bottomfish fishery. The various fisheries have different kinds of VMS units.

- The Thrane and Thrane unit is the new one being fielded.
- The older one is the Trimble units.
- With the new unit the marine vendors have some software that the vessels can load onto their PCs, and they can airtime contract with the air time vendor, which is Thrane and Thrane, and they will be able to send e-mail.

- There was a subsequent question as to, if the IDs would remain the same. That's being investigated.

- On the reimbursement program, there is a number listed if there are questions for Hawaii longliners; American Samoa longliners; or the bottomfishers can contact VMS Support Center.

- In American Samoa, there will be multiple units. E-mail access on has not been requested for those ships.

- The bottomfishers, eight total, seven installed.

DeRoma noted that on the Monument paragraph, there is a reference of three ships that are currently permitted to enter the Monument. He assumed they are not commercial bottomfish vessels.

Chun said that was right. Those were permits issued by the Monument and tracked by the VMS program, the NOAA research vessels and support ships to supply the islands. They are monitored them with VMS system.

Polhemus noted that with regard to the research vessel tracking, they had the vessel that was supporting the Census of Marine Life, the OSCAR ELTON SETTE, preparing to depart. They had secured the proper State permits and Monument permits. It was discovered that they in fact lacked a VMS unit. Departure was delayed until such time as an appropriate unit could be brought from the East Coast of the United States and installed. This is taken very seriously, not only for fishing vessels, for researchers as well.

7.G. Main Hawaiian Islands Bottomfish Enforcement

Kingma reported that draft document in 7.G.1 pertained to the regulations of Amendment 14 of the Bottomfish FMP that the Council recommended last March. The issue was about enforceable regulations, and the goal was having enforceable regulations which are

clear, simple and promote safety of life at sea.

The Draft Amendment 14 was delivered to the Pacific Islands Regional Office for their review. Council staff is updating the amendment. Prior to that transfer, they will have the opportunity to revise regulations, as appropriate. The options included:

1. They had a discussion with the U.S. Coast Guard on the regulations submitted to PIRO, which read, "Fish for, take, retain or possess any of the Bottomfish MUS listed in Table 1, are the prohibited." Deep Seven species listed in the amendment. Those would be prohibited from those areas. In discussion with the Coast Guard, they have realized that those might not be the most enforceable regulations given the availability of their assets. It's their desire to enforce the closed areas of Penguin and Middle Bank with air assets, i.e., helicopters. The goal is to find the best language that would accomplish not only the enforceability of regulations, but also the U.S. Coast Guard's concerns and minimizes impacts to other fisheries. Penguin Bank is a multi-fishery area, not only bottomfish but also other fisheries, such as Kona crab, papio, akule, ika shibi type fisheries.
2. The difference is the prohibition of anchoring any vessel within the prohibited area. Also, it defines bottomfish gear devices or equipment in use or immediately available for use. This adds another layer of complexity to the regulations to include the definition bottomfish gear.B, under that heading, allowing the possession if transiting without interruptions.

Draft document includes pros and cons of each of the options.

- Option 1 is clearly stated and does have provision in there, "possess." If you are in possession of a prohibited species within the closed area you would be in violation, which is a rule that does have concerns of safety at sea, fuel costs, and impacts on fishermen transit that area if they were bottomfishing outside of the closed area. Also, it would primarily only facilitate at-sea enforcement for the U.S. Coast Guard.

- Option 2 Pros and Cons Prohibiting anchoring could have impact on other fisheries which use that type of operation to harvest certain species, including the uku fishery, targeting uku while drifting and anchoring on top of a bank. Most of the bottomfish fishing around Penguin Bank is done on the edge of the bank. Uku are a species that tend to be shallower at depth than the species of concern under the Amendment 14. Additionally: Some cons of the Prohibition Option 2 include that definitions of certain gears are necessary. These gears, such as hydraulic reels or electric reels, are used in other fisheries. Definitions or provisions for small boats to stow gear would require definition. With this prohibition option the major pro would facilitate the U.S. Coast Guard to monitor the area with helicopters, air assets.

Young noted that 600 CFR was not addressed.

Kingma said, correct. New definitions would need to be added. There are no bottomfish gear definitions in the CFR.

DeRoma said there were gear types that are listed in the CFR. Why not use all three of the paragraphs. Keep the first proposed one: fish for, take, retain, possess; use the second and include -- tie your bottomfish gear to that listed specifically in CFR; and retain your innocent passage provision. That way everybody gets what they want.

For example, if you were to board under the second proposed paragraph, and had a questionable case about whether or not the gear was not stowed or was within immediate reach, and yet there was possession of a prohibited species, there would be a solid case under the first paragraph. If all three are used, it seemed a good fix.

Kingma noted with the addition of the definition of bottomfish gear.

DeRoma said to include in Section 50 CFR 675(b) which said, this is your gear. Because then that drops out the hydraulics that the crab industry used.

Kingma asked if this was a list of allowable gears or was it under the current FMP.

DeRoma said that the CFR lists what are permissible gear types for bottomfish fishing in the Western Pacific Region.

Tulafono asked for further questions, then said that the Council would be having a discussion on the draft regulatory options and would take action on Thursday. That will give time to digest; have further discussion on Thursday; and make a decision.

Martin as what methodology the State would use for their Bottomfish Restricted Areas? It was an enforcement issue for that area as well.

Polhemus said, no, there were only so many things to do here in terms of -- no anchoring, the possession, the gear, etc. What has been outlined is what would be endorsed. The one other route that we've gone is in the draft rule, currently under review by the Attorney General. Because this is a fishery and being rebuilt as a federal declaration of overfishing, that all participants would be required to register in the fishery, and that contingent upon registration they would be required to both report their catch and allow inspection of their catch.

Current regulation from the State does simply allow an across-the-board inspection of catch merely because you're fishing. It has to be contingent on some other aspects, such as a registration in a fishery.

Simonds asked what the assets were and how many of the closed areas would be monitored.

Polhemus said the 2006 legislature gave an additional 12 DOCARE officers specifically

assigned to marine patrol - with no budget to equip them. They recently signed a JEA with NOAA which goes a long way toward addressing the funding gap. They anticipate that as this JEA matures, they will pick up additional on-the-water assets.

Simonds asked if they would be purchasing vessels.

Polhemus said they possessed vessels at the moment.

Martin said they were in the storage yard.

Polhemus said the vessels were not commonly operated, but in fact they do possess the necessary vessels. It was been a matter of manpower. The legislature gave them the authority to hire personnel, and now have come to an agreement with NOAA by which -- although this won't be entirely their burden, it seems that we are going to be able to pay and equip those personnel.

Simonds asked how many closures.

Polhemus said twelve.

Simonds asked with 11 new enforcement people, how were they going to enforce this.

Polhemus said enforcement was problematic by any route in this fishery. That's been recognized from the start.

Simonds suggested that they call Moniz in to ask what the plan was, because he was in charge of enforcement and not this agency.

Kingma added this was a subset of the draft regulations provided to the Regional Office. The other regulations included requirements for recreational permits and reporting, and also vessel identification. The Council will revisit this on Thursday. A document will be prepared.

7.H. Status of Electronic Logbook Reporting

Kingma reported that the Council recommended an amendment to all of the FMPs, in 2004, to allow the optional use of electronic reporting via submitted disks or other electronic media, or also via e-mail or satellite systems - the optional use of electronic reporting. It's been over two years since the Council recommended the amendment to the regulations. Council staff produced an amendment, a draft amendment document, and it was provided to the Regional Office earlier this spring. It took so long because the Council was involved in a series of processes to further along the electronic reporting in the region, one being a funding for a project in the Fisheries Information Systems under NOAA, which looked like it was going to be funded, then at the last minute funds got diverted to a National Permitting Program.

Since then, there have been other regions in the nation that implemented electronic reporting. For example, Alaska for the groundfish fishery report their catch data for their IFQ programs. He believed the groundfish fishery of 1.5 million metric tons, was doing electronic reporting.

There's electronic reporting in the Northeast Region for dealer reporting.

With IFQs and quota-based management systems, electronic reporting is becoming increasingly important and, hopefully, this amendment will go through in the shortest amount of time possible. The amendment is with PIRO awaiting further review and action.

Duenas asked how far along they were with the review.

Robinson said the review was mostly complete and has been reviewed by General Counsel's Office and comments have been received from the General Counsel's Office. Hopefully, it will be wrapped pretty quickly.

Simonds asked if it would be sent back to the Council, what was the process. Robinson said that they would provide the Council with their comments based upon their review and General Counsel's review.

Simonds asked if this was the second round.

Kingma said, yes.

7.I. Standing Committee Recommendations

Ebisui said the Standing Committee received many of the presentations heard this morning.

1. Regarding the Northwestern Hawaiian Island regulations, Mark Mitsuyasu introduced the issue. This would be deferred until possibly Thursday.
2. The Coast Guard and OLE talked about the incident with the Fishing Vessel MARSHALLS 201 caught fishing purse seine gear inside the EEZ.
3. With respect to the Northwestern Hawaiian Islands and longline VMS issues, Ian Chun briefed the Committee on those issues.
4. There was no public comment and the Standing Committee made no recommendations to the full Council.

Martin said that they learned yesterday there were jurisdictional issues when there is a fishery violation in one of the Pacific Island areas. If there is a violation within the Hawaiian Archipelago, the jurisdiction is in Hawaii. For all of the other areas, the jurisdiction is in Guam. He assumed that might even mean like a Palmyra jurisdiction would be in Guam as well.

Martin wanted to discuss what, if any, influence the Council could have in changing jurisdictions that make more sense. They heard that the MARSHALLS 201 had a \$4.2 million price tag on it for the apprehension, and escort had to go all the way to Guam, when it in fact could have been possibly closer and more economically viable to come here.

Simonds said that as they had discussed in that meeting, it's a noncontroversial issue. She was sure the Senate Commerce Committee would be pleased to include this in the Magnuson Act Reauthorization. Ten years ago they were able to change the venue so that the Northern Mariana Islands also had a court that they could adjudicate cases, when before it was only in Guam, and that was nothing to change. It will be the same for this.

7.J. Public Comment

There was no public comment.

7.K. Council Discussion and Action

The Council deferred action until Thursday

Guest Speaker

Stewart Allen, social scientist at the Pacific Islands Fisheries Science Center, "Profiling Fishing Communities in the Western Pacific Region"

Allen provided a quick overview of the report we are working on for Guam; and an initial look at some of the work they are doing exploring the sub-community level in Hawaii. The goal of NS8 is to provide for sustained participation of fishing communities and to minimize economic effect. This is a similar policy is for rural areas to allow for sustenance and sustained participation of people who use national resources.

A fishing community is place-defined. There are lots of different meanings of the term, community. NS8 is very specifically designed to identify communities as people living in a certain area. This poses interesting issues for islands.

The initial Council approach in 1998 was a very broad one that suggested each of the major island areas should be considered as a fishing community. That was accepted, except for Hawaii. This was approved in 2003.

NMFS felt that this is probably okay as long as there was going to be some work done at a little smaller scale that might be useful for social impact assessment. What does this mean? What does this decision mean? Everyone living in the jurisdiction of the Council lives in a fishing community. Some smaller scales might be useful for the Hawaiian Islands.

The Center is doing two types of activities:

1. Developing profiles of our fishing communities at the island scale, one for

Guam, one for the CNMI and one for American Samoa, and research on smaller scales in Hawaii, which will be introduced today.

2. Guam as a fishing community. What will be included in the report?
 - a. History of fishing
 - b. Various occupations of Guam have had a significant effect on fisheries
 - c. Archeological evidence exists suggesting pelagic fishing.
 - d. Census information
 - e. Contemporary picture of shoreline fishing will be included.
 - f. A complementary snapshot of offshore fishing on Guam: pelagics and bottomfish, and charter fleet, etc. This section will focus on the Guam Fishermen's Cooperative, both as an entity for fishermen and as an institution that sustains fishing activity on Guam, and the role of the co-op in providing services and benefits to the broader community, including nonfishermen.
 - g. Transshipment industry and how that has changed with time.
 - h. Community dependence on fishing and seafood.
 - i. Social and cultural ties and traditions that are promoted by sharing seafood.
 - j. Diffusion of seafood from both recreational and commercial fishing through the Guam community.
 - k. Current issues and challenges and opportunities for Guam as a fishing community, including:
 - i. Access and equity issues and the Marine Reserves. Military buildup is something that has implications for Guam as a fishing community.
 - ii. Habitat degradation issues - involving co-management and organizations.
 - iii. Fishing community resilience.
 - iv. Implications from research and management.
3. They are going to do the same thing for Hawaii. A report for each area will be developed and some analyses at the sub-island scale.
4. Defining communities for social purposes:
 - a. Approaches: communities as they are "known;" ahupua'a; Zip Code Tabulation Areas (zip codes); number of fishermen in given area; number of days fished per capita; etc.
 - b. Additional information provided on income, poverty index, etc.
 - c. Why is this of interest to fishery managers?
 - i. Impacts that would affect areas where lots of commercial fishing takes place in a set of communities, or in a region of the island that is characterized by high levels of poverty and low levels of education which raises questions as to impacts to minorities and low income populations. This information

- might be meaningful to fishermen and to fisheries managers.
- ii. Information like this and then ask what caused that, and use the information to develop hypotheses.
- iii. Information will give an idea where fishing effort is taking place.

5. Next Steps

- a. Examination of models and language.
 - b. Ask, "Is this whole effort seems worthwhile?" "Do people think it doesn't mean much?"
 - c. Incorporate recreational fishing, fish species.
 - d. Determine if regulations are having a differential impact on certain disadvantaged populations or not.
 - e. The Center will be doing next is at the sub-island scale and adding the Hawaii reports, developing profiles of American Samoa and CNMI, and adding them to the one we have of Guam.
6. These are not static documents. They are living documents that need to be updated regularly to reflect changing conditions.
7. How should we describe fishing communities in Hawaii and the Western Pacific.
8. The key item is what stories need to be told and what information can be presented in the reports that will help make a difference to this group and others as they consider fishermen and impacts to fishing and marine resources as we proceed to management?

Duerr noticed that the Big Island of Hawaii doesn't match up well with the others, as far as commercial fishermen's educational levels.

Allen responded that information could affect the ties between fishing and fishermen to the broader community. There may be some places where this type of analysis makes sense more than others, and maybe there are some valid differences there and there are some places where care is taken on what interpretations are made because of the very different style of fishing that takes place.

Gaffney thought that the fishing community description is not limited just to those communities that are based on commercial fishing. There are a number of other kinds of fishing in the island communities; recreational, sport, subsistence and sustenance. He did not see all of these models, because they're not based on data from those communities, properly reflecting those communities.

Gaffney said there are communities that are very fishing-oriented that probably have very little commercial fishing at their base. Kona is a good example of that. There is a lot of recreational and sport fishing. There is a substantial segment of commercial fishing, but there are other communities on the Big Island where recreational and sustenance fishing

would be far stronger than any commercial fishing simply because there isn't any access to the ocean for commercial fishing.

He commented that the analysis is going to be very strong in NS8 is asking. He didn't think that was the question because that was what Magnuson was all about. It's about protecting all fisheries for all Americans. He thought this really needed to be broadened a lot to recognize all of the other fishing communities that exist in the island communities.

Allen agreed 100% and the reason that you're only seeing this one small portion of the story presented today is that's what was the most readily available. The other information on recreational and subsistence fishing and on links between that and commercial fishing is absolutely critical. He would never get up here and say that these are definitions of fishing communities only using commercial data. He thought that was one of the things that Council staff and this group had in mind when they used the island scale, too. Obviously, it was not just looking at commercial fishing, but the way that fishing permeates through a broader segment of society. This work will not be complete without the addition of a lot more information.

Duenas asked that Hawaii was separated by island, but the Northern Marianas was accepted as a whole?

Allen said that was correct, as was American Samoa.

Duenas asked what the rationale was maybe they're more developed, more populous, more problematic?

Allen said there were a couple of ways to look at it. One of which is this is a first cut. A lot of people might look at the Northern Marianas and say, maybe you should think about Saipan and Tinian and Rota as separate fishing communities, or separating Tutuila from the other islands in American Samoa. That is certainly one possible outcome of these studies.

If information suggests that dependency on fishing and the engagement in fishing differs radically either within the Hawaiian Islands or within islands within the Commonwealth or in the Territories, then one could certainly go back and use that data and come back to the Council and suggest that this not one community but several.

Duenas commended Allen and his team for putting this thing together. Possibly all representatives of our various constituencies should go to those constituents saying, if you want to get on the map your information is necessary.

On Guam, he saw them go to work, go into the communities, talk to different people and appreciate the effort. He was very supportive of the program and hoped to see the results in a couple of months.

Allen said they were concerned about much more than just commercial fishing. The impact may be more social and society and culture than on economics. That is a special reason not to lose sight and to focus overly on easily recordable transactions from commercial fishing.

Duerr ask how many fishermen information was obtained by phone surveys? He suggested that more fishermen could be surveyed based on boat registration in addition to their license.

Allen said that one source of information he did not use but that was available from the HMRFS survey is effort is measured through the random sample household phone surveys and catch information is measured through the field conversations with the fishermen as they return or as they're fishing.

One thing that the phone survey has consistently found is that based on their definition of a fishing household being a household contacted in which anyone fished within the last two months, they can look at rates by island. So you can look at recreational fishing rates by island, and they're higher on the Big Island, Maui and Kauai than they are for Oahu, as you would expect. So that's one kind of available index at the island scale that we could use right now.

8. Hawaii Archipelago

8.A. NWHI Monument

Makaiau reported that real life issues on Monument regulations now affect fishermen. It is an essential component on how the activities that are being conducted by the fishermen are now being monitored through the Monument regulations, including the vessel monitoring systems. The issues include:

1. The Secretary of Commerce is assigned primary management over marine areas. State waters are included. Co-trustees issues, which include the State of Hawaii, as to what rules are going to be followed in which locations. The Memorandum of Agreement needs to be solidified and clarify those issues.
2. The extent of the Monument. The entire Hawaiian Archipelago is approximately 2500 kilometers, 2,000 of which are now within the Monument.
3. Additional points covered at previous Council meetings:
 - a. Ensuring the lobster permit is issued, a zero harvest quota.
 - b. Ensuring commercial fishing is only conducted by those people who had a bottomfish permit on the date of June 15, 2006.
 - c. Annual landing quotas for bottomfish of 350,000 pounds and the

quota for pelagic species at 180,000 pounds. The map illustrates the areas Ecological Reserves and the Special Preservation Areas.

- d. There are prohibitions for anchoring within the Monument. This is an issue with respect to the draft regulations and not clear and concise as to prohibitions on anchoring on live and dead coral is explicitly prohibited and there is a regulated activity of anchoring it provided for.
- e. Bottomfish fishermen are not sure that they are provided for anchoring. VMS requirements are in place. The Proclamation allowed sustenance fishing for bottomfish and Pelagic MUS by anyone who's given a Monument permit. Those are the only criteria established so far.
- f. The Monument will cease commercial activities within it in the year 2011.
- g. The yellow areas around French Frigate Shoals and west of Pearl and Hermes are Ecological Reserves where there is no commercial fishing allowed. That is the only activity prohibited in those Ecological Reserves.
- h. Special Preservation Areas: Different depth contours. French Frigate Shoals is a complex, including French Frigate and the banks immediately east and west. Necker Island -about 25 fathoms; Gardner Pinnacle - 25 fathoms; Maro -25 fathoms; Laysan - 50 fathoms; Lisianski - 25 fathoms.

The concerns of the fishermen are very real and they are the only ones being regulated differently. The Monument allows for all of these new activities to occur, but those are not occurring right now. Anchoring to the fishermen, particularly as it concerns the Ecological Reserves, is of imminent importance.

The Monument Proclamation allows fishermen to continue to fish for five years, but it takes away one of the necessary tools for them to actually catch bottomfish - which is anchoring.

The Monument Proclamations takes a substantial part of their bottomfishing area away from them. They are allowed to fish, but not where the bottomfish are. It is virtually impossible for anyone to make a reasonable expectation of catching bottomfish with this degree of restrictions. Anchoring and bank areas are necessary.

Bottomfish fishermen can do one of several things:

1. Anchor - which they primarily do;
2. Parachute which will slow their track but that's not necessarily going to enable them to hold the position;
3. Power down and continuously run the motor to stay stationary.
4. Drift, move back; drift across. (ranges become limited)

For certain fishermen, these Ecological Reserves and Sanctuary Preservation Areas encompass the majority, if not all, of their historical bottomfish fishing grounds.

Bottomfish fishermen do not all fish in the same place, all at the same time. They've all developed their own strategies and their own locations of where they fish, and not all of them have the full range to access the entire range of the Archipelago. They've developed locations and they keep that to themselves, other people keep theirs, and they try to spread their effort around different banks.

With these areas, some of the fishermen, particularly those in the Hoomalu Zone, have been removed totally from their historical fishing grounds. Uku, a shallow-water snapper is caught in the Northwestern Hawaiian Islands, by trolling in waters 50 to 25 fathoms. For every single bank, with the exception of Nihoa, that depth is off limits to fishing. The primary grounds of Maro Reef, Gardner Pinnacles and Necker Island, are essentially gone now.

The break between Mau Zone and the Hoomalu zone, the entire corridor within the Monument, for 50 miles, allows no commercial fishing. Fishermen are allowed to transit through SPAs, which was recently clarified.

Example: French Frigate Shoals complex: There is a prohibition from fishing within it. Approximately 49% will be affected. Specifically, how much of that will be reduced based on how the lines are going to be enforced remains to be seen. This needs to be examined.

Young as if that was all of French Frigate Shoals. He understood the banks, to the Northwest of French Frigate Shoals were still included as available for fishing. So when you say that they've lost all of the fishing at French Frigate Shoals, are you including the catch that they had on the banks Northwest?

Makaiau explained that in the French Frigate Shoals complex, there is a bank immediately east and a bank immediately west, that is what the percentage was taken from. This information is provided by NOAA in the 2004 document called Advice and Recommendations to the Western Pacific Fishery Council.

Three banks are not addressed in the Monument, which means they're not restricted areas but they are Reserve Preservation Areas under the Executive Orders which also are currently still in place. 12.4 % is French Frigate and banks immediately east and west; Gardner - approximately 11.5%; Maro Reef -17 %; and Lisianski, 6.2 %. This is the total catch caught from those banks. Now with these Special Preservation Areas, they will be affected. To what degree is the issue now.

In total, approximately 48% - 49% will be affected. How much of will be reduced based on how these lines being enforced remains to be seen. Necker: 18% of the total bottomfish catch from '96 to 2002 came from that bank.

The primary area of concern was how fishermen are going to be able to fish at their traditional fishing grounds in these locations? The issue here was the accuracy of the latitudinal/ longitudinal closures, which are included in the Monument regulations in relation to the true bathymetry. The islands have been geo-rectified. However, the bathymetry around the island is not squared away. Are these lines actually where they are intended to be? If you have a depth-sounder telling you you are at 100 fathoms, but NOAA OLE is monitoring your VMS and they say you are in 10 fathoms of waters, that's going to be a problem for the fishermen. The vessels have the VMS. How their footprint looks in terms of an enforcement perspective needs to be clarified.

Robinson clarified that when it says, for example, 17.9 % of the bottomfish catch was taken at Maro, that's the total without any kind of preservation area. What you're saying is then you superimpose a special preservation area on top, some part of that 17.9

Makaiau said that they really don't know at this point in time. Total that was caught could be affected by the Special Preservation Areas depending on how close the fishermen come to the line if they're entering; how strict enforcement is going to be if and when they do enter; we know that they can enter to transit, and enforcement actions are going to be taken once they enter these areas.

Footprints in powering down; throwing anchor, slowing or anchoring, all three from a VMS perspective, look like the same signal. What do we know now? 7 or 8 bottomfish vessels have been outfitted with VMS units. The first vessel departed in late September. We don't know what their VMS signature looks like, who's monitoring it or if there has been any communication besides the 72-hour entry and the 12-hour exit between fishermen and Office of Law Enforcement, or whoever else may be monitoring the vessels' VMS signals.

Specific Questions to Council:

1. Will the Council consider allowing some of the Hoomalu fishermen access the Mau Zone, that's the crux of the issue?
2. How can the problems with the Monument regulations be alleviated?
3. What can we do to address the concerns of the fishermen and help them with more access to different fishing areas, particularly for the fishermen in the Hoomalu Zone where the majority of the Special Preservation Areas and Ecological Reserves are.

The Options include:

1. The Council do nothing. Under that option, everything will stay in place. Fishermen in the Mau Zone fish in the Mau Zone. Fishermen in the Hoomalu Zone will stay there, and the Council just lets them handle things on their own and without amending anything under the Magnuson.

2. Not alter zoning structures - keeping Mau and Hoomalu in place, and allowing a mechanism where fishers could fish in either zone. Right now our regulations do not explicitly prohibiting fishing in each zone, but the regulations do say that bottomfishing for MUS can only be done with a permit issued by the Regional Administrator, which is applicable to that zone.
3. Addressing the access issue by combining both the Hoomalu Zone and keeping the Northwesterns as one. So the permits that are issued there can be renewed and thereafter would be applicable to the entire combined zone.

The analysis for each option

1. With Option 1, Limited entry zones remain in place, bottomfish fishermen need to adjust their fishing patterns. What may result is reduced individual fishermen landings. Example reviewed. What we don't want to see happen is fishermen to sit on one bank that is easily accessible, closest to or just simply is the one that you can fish on without coming near one of the Special Preservation Areas, and simply take all of this catch all of the time from one bank.
2. With Option 2, we would be to find the way to suspend the zoning restrictions which require fishermen from one zone to fish only in that zone. By suspending that, some fishermen (not all) from the Hoomalu Zone - particularly those who have had a previous history in the Mau Zone and actually know where some bottomfish fishing spots are. This could also concentrate effort into Nihoa and Necker only.
3. With Option 3, we would combine the zone that the fishermen fish where they can and how far their vessels provide them access. The same effects would be resulting from this combination of zones.

Duenas asked if in an Ecological Reserve no fishing allowed.

Makaiau read the definition: "An Ecological Reserve means an area of the Monument consisting of continuous diverse habitats that provide natural spawning, nursery and permanent resident areas for the replenishment and genetic protection of marine life, and also to protect and preserve national assemblages of habitat and species within areas representing broad diversity of resources and habitats found within the Monument."

Special Preservation Area: The definition for that is "discrete biologically important areas of the Monument within which uses are subject to conditions, restrictions or prohibition including but not limited to access restrictions.

Sanctuary Preservation Areas are used to avoid concentrations of uses that could result in declines in species populations or habitat, to reduce conflicts between uses, to protect areas that are critical for sustaining important marine species or habitats or to provide opportunities for scientific research.

Gaffney asked what the breakdown was for the permits each zone.

Makaiau said the breakdown was four people who are still fishing the Hoomalu Zone and four people who are still fishing the Mau Zone.

Gaffney asked what the difference was between Option 2 and Option 3.

Makaiau said that both had the same results. For Option 3 the combination of the zones requires a redo of zoning permit regulations for the Bottomfish FMP. For Option 2, suspending the part of the regulations that says that fishermen can fish in this zone with the applicable permits, is a "quick fix." The other one, you have to deal with revamping, removing all of the Hoomalu Zone requirements, the zoning procedures. It is more administrative than the actual result.

Gaffney asked if a part of Option 2 possibly be that the district could make the decision to waive that requirement, that bottomfish fishermen with a single permit are allowed to fish in the other permit? Wouldn't that be one step easier than Option 2?

Robinson said that if it were determined that he had the discretion to that, that would be a simpler approach, yes. Then they would get into a discussion of why there are some problems with that approach and some problems with all of these approaches that may make it difficult.

Young said that one argument against Option 1 is that it may potentially have someone go sit on a bank and fish just there. That also applies to Options 2 and 3. By allowing all fishers to fish in one area greater pressure goes into the Mau Zone. He asked if Makaiau had evaluated impact on the fishery by having increased pressure by taking all 350,000 pounds from that area.

Makaiau said the issue was discussed at SSC and SSC has specific recommendations on taking that amount of fish on the Hoomalu. Right now, it can happen under all scenarios, fishermen can just go and sit in one spot. Whether or not it happens is the bigger issue.

The SSC see no scientific concern with the amount of fish for the amount of time that is allotted in the next five years that fishermen will have potential impact on the stock if they were to fish on one particular bank.

Young said that in the history of issuing the permits, there's been a maximum of seven that have been allowed in the Mau Zone, and now you're suggesting you'd have a maximum of eight. We're already putting greater pressure than was originally studied when the Mau and Hoomalu Zone were established and the distribution of the different permits. In the analysis and recommendations, what is going to happen to the fisheries?

Makaiau said he didn't think anybody knew what was going to happen to the fisheries. They did have a scientific perspective, a science body that has weighed in on that issue. He could not say what was going to happen or if in fact 350,000 pounds was going to come exactly from Nihoa.

Young asked if there was an environmental impact study that was prepared in establishing the Mau and Hoomalu Zone. Were these considered in the development of that Environmental Impact Statement so that the environmental impacts are known?

Makaiau said that there was an Environmental Assessment for the establishment of the Bottomfish FMP and the creation of the zones. The zones are created for three purposes:

1. Ensure productivity of the bottomfish stocks by limiting access to this area.
2. Economic profitability. By limiting the number of people, it was more of an economic incentive to keep the number of targeted to seven, that way the fishermen could split the economic benefits of a Limited Entry Program.

Young said it was troublesome that we're led to believe that there's a potential 48% reduction of area by the way it's displayed, but at least it's cautioned with some statement that you aren't real clear on it. Can we get some more information so that we can make a better informed decision on what the real impact is to the fishery?

Makaiau said, yes. You can let the fishermen fish as they will and you will see the exact effects of the Reserves. If you tell them they can't enter it, time will tell specifically how these things affect them.

The second component of it is the enforcement aspect, and we don't know what's being done at this point in time.

Simonds said they would be talking about stock assessment and its health later.

Young said that the point of the Proclamation was to make sure that they continue to be healthy, and I just want to make sure that we make an informed decision if we're going to adopt any option or any change in any of the permitting or the distribution of fishers in an area. The Proclamation's intent is to keep this area protected so it could be healthy.

Simonds said that if there was not going to be any fishing, why were they concerned about the fishing at this point. They were talking about eight boats fishing in this enormous swath of ocean. It just didn't make sense.

Robinson asked if they were at initial consideration or at final consideration?

Makaiau said they were presenting options, and wanted the Council input to further develop Option A or 1 or 2, or develop all of them.

Robinson's point was that they were identifying options that might have promise, and

once the options are identified, the Council might want to pursue and analyze those options.

Makaiau agreed.

Ebisui's perception was that the Proclamation, to a certain extent, rendered the assessments and other evaluations moot. The Proclamation says it sets quotas. Presumably, a quota would be based upon some type of evaluation or assessment. The quota is assumed, the need for assessments and impact statements, may not be relevant at this stage.

Young said that except the quota is based on the distribution of licensees in two separate areas, and the options are suggesting that that would change; the quota could be handled in only one of those areas. The question is, is that the impact and is that something we should care about.

Makaiau said more information would be available later in the meeting.

Issue 2 was a State of Hawaii Commercial Fishing License Fishermen has caught fish in the Northwestern Hawaiian Islands, but are not allowed to fish in the Monument zone anymore. The problem the fishermen tell us is while trolling for pelagics, is frequently catching uku on one of the banks that is outside of the Monument. Right now under current fishery management regulations it's prohibited for anyone to retain a Bottomfish MUS without a limited entry bottomfish permit.

Essentially, trolls for pelagics, has an abundant incidental catch of uku, which must be discard as a regulatory bycatch because of the management regime as it was previously envisioned without the Monument.

What do we know:

- We know that four vessels reported pelagic catch in the Northwestern Hawaiian Islands between 2000 and 2004 (data from the Western Pacific Fisheries Information Network);
- Bottomfish vessels cannot obtain a vessel that is greater than 60 feet in length when applying for a permit. The commercial pelagic fishermen is not a bottomfish fishermen, but it does have some bearing on whether or not how the Council might want to consider, if at all, allowing him to retain uku, which is a Bottomfish MUS.
- It seems farfetched for a fishermen to go from Honolulu all the way out over here, but it is reported to us that he does. We could not confirm because of the limited nature of confidentiality with the reporting, when there are less than three people reporting to the State of Hawaii it's confidential data.
- This is an unintended consequence that he was excluded from the Monument, and how can he continue fishing outside of the Monument that would enable him to make it feasible and economically viable.

How can the Council help? The options are:

1. Do nothing, just keep everything in place. Fishermen would not be able to retain uku even if he incidentally catches it by trolling.
2. Option would be to request the Regional Administrator to issue available Northwestern Hawaiian Islands bottomfish permits under the following conditions:
 - a. Bottomfish permit would be allowed only seaward of the outer boundary of the Monument (not be allowed to be used within the Monument).
 - b. The vessel would be outfitted with a VMS approved by NOAA.
3. "Quick Fix" - suspending Magnuson Act fishing regulations that are applicable to uku until June 15, 2011. That is the year when all commercial fishing is to be ceased in the Northwestern Hawaiian Islands.
 - a. The Monument restrictions would still be applicable to the bottomfish fishermen, which means 350,000 pounds would still be put in place for fishermen in the Monument. Outside of that, whatever is caught would not be counted towards Monument caps.
 - b. There will be no vessel size limit. Because under the current regs, a vessel must be under 60-foot in length in order to fish for bottomfish. So if there is a vessel, as there is one, over 60 feet in length and suspend that requirement for vessels more than 60 feet so that he would be able to land Bottomfish MUS.
 - c. Maintain gear restrictions, particularly the prohibitions on the use of trawls and explosives.
 - d. When commercial fishing is ended in the Monument, this suspension is also terminated and there would be no fishing for any Bottomfish MUS within the EEZ of the Northwestern Hawaiian Islands.

Simonds asked if this was within the 50 miles.

Makaiau said that under the current regulations, the EEZ goes out to the 200 nautical mile limit.

4. Remove uku from the Hawaii Bottomfish Management Unit Specie immediately. Uku would not be classified as a Bottomfish MUS and all of the Federal regulations that are applicable to a bottomfish permit would not apply. That means no limited entry bottomfish permit to catch uku, include gear restriction in place for uku, not have a vessel smaller than 60 feet in length to catch uku. This does have an ancillary effect to the Monument because the Monument definition of bottomfish species is that which is defined in the Magnuson. By removing uku, it would not be counted towards the 350,000 pound catch limit.

DeRoma said that no one has approached on the legal view of not counting uku towards

the 350,000 catch limit, whether that would be exempted from the 350,000 pound limit.

His suspicion was that that argument would not be adopted by NOAA Legal because if, for example, you were to exempt all other species from the Bottomfish MUS, for example, then you can fish at will because you're simply fishing and you can over-harvest one particular species versus another. I don't think that it would be adopted by NOAA Legal. In other words, even if you were to exempt uku from the BMUS list, I think for purposes of the 350,000 pound limit, it still would be counted.

Makaiau asked if DeRoma was saying the removable of uku would not go anywhere.

DeRoma said he believed there could be an argument that uku caught outside of the Monument doesn't count towards that, but he thought any uku caught inside, whether it's on a BMUS list or not, is going to be counted. He could check into that.

Makaiau finished with the fifth option, to remove uku from the Hawaii Bottomfish Management Unit Species beginning June 15th, 2011.

This is a complex issue at this point in time because of all of the requirements tied with the Northwestern Hawaiian Islands, the zones, the permit requirements, etc.

8.A.1. Report on Monument Meetings

Makaiau reported that nine meetings were held in the State to inform the public about the recent designation of the Northwestern Hawaiian Islands. They were facilitated forums encouraging people and informing on how people apply for a permit under the conditions granted by the Federal Register Notice announcing the final rule for the Monument.

8.B. Addition of Heterocarpus to the FMP

Makaiau reported that the deepwater shrimp fishery has existed in Hawaii since 1967. It's a trap fishery that operates on seamounts. It's also a pulse fishery, meaning the fishery landings are high one year and going down the next.

It stays relatively dormant for about five years and then landings are seen because the highliners in the industry come down from Alaska. Hawaii's data is caught through the commercial catch reports. It's been self-regulating with the economic viability for the amount of shrimp per trap.

A historical perspective, in 1984, the Council looked at creating an FMP for this fishery and was rejected. Inclusion as an MUS in the Crustacean FMP was rejected. It was also not included in the Coral Reef Ecosystem FMP because the Council thought that because it was a pulse fishery and self-regulating.

As we move towards ecosystem-based management, the importance on seamounts in the

Pacific, this is a fishery and we need to observe it. Presently there are reports approximately every five years

What can we do? We can add it as an MUS to the FMP or some subsequent FEPs or we could leave it and let it regulate itself.

8.C. 2006 NWHI Lobster Research Update

DiNardo reported on the three main areas of lobster research activities at the Pacific Island Fisheries Science Center:

1. Lobster population ecosystem monitoring.
2. Biological work on life history parameters.
3. Population modeling

There were two surveys: Northwestern Hawaiian Islands Insular Resource Survey (annual) and the NWHI lobster tagging program (since 1998)

Two additional projects included:

1. Insular Resource Survey. Started in 1984, continued annually through 1989, it continued in 1991. The methods have been standardized over time with the protocol include fixed site design and 160 traps per day. Everything is recorded: size, some morphometric information about the lobsters and some bottomfish information. Bycatch is quantified, unit species and the number caught. They also collect samples for monk seal fatty acid work, and genetics. They are partnering up with HIMB. When they have a lobster catch, the lobsters are return to the bottom in the release device.
2. The 2006 survey was 29 days at Necker Island and Maro Reef. They used standardized protocol, collected samples for monk seal fatty acid research and reviewed information on stock structure for bottomfish and lobsters.

Information from Survey: Since 1991, 1992, it's been basically a flat line, less than one lobster per trap haul. Until around 2003, they observed an upswing in the catch per unit of effort of spiny lobsters at Maro Reef . Slipper lobsters at Maro Reef also showed a tremendous buildup starting in 1991.

They plan to continue the survey annually and continue their tagging program

The tagging program began with a 1998 survey at Necker Island and Maro Reef. In 2006 it expanded to Laysan Island and Gardner Pinnacles. Initially, ribbon tags were used. This involved a small piece of plastic on a needle threaded through the side of the animal; this proved to be not effective. In 2003, the PIT tag, or the Passive Integrated Transponder tag was used and inserts a small microchip in the lobster. Approximately 15% of the lobsters are recaptured.

Results from 2006 include: tagged and released approximately 2,000 spiny lobsters (Necker Island); 900 slipper lobsters (Necker Island) 2100 spiny lobsters and approximately 3200 slipper lobsters (Marco Reef); 700 spiny lobsters and 1600 slipper lobsters (Gardner Pinnacles); 400 spiny and 1,000 slipper lobsters (Laysan).

Martin asked if they saw anything unusual like monk seal interactions or ulua eating lobster.

DiNardo said, no.

Martin noticed that the catch rates were quite low at Laysan. Laysan has never, in the history of the fishery, been a bank that was allowed to be fished - 20 nautical miles or 20 fathoms. Do you have any theories on why the catch rates are so low at Laysan?

DiNardo said it had been fished at one point, but not heavily. So there really wasn't much of an impact on the fishery. It was a combination of the fact that oceanographic conditions are different and affecting both survival and recruitment. There was also the issue of the idea of this being a metapopulation. Some fishing has gone on at other banks.

Simonds asked if the model would spit out quota for the lobsters, given the information shown.

DiNardo said he did not know. The last assessment indicated it was still in an overfishing state. What is happening at Maro Reef throws a whole unanticipated twist. This was possibly a result of the closure of the fishery or a change in the ecosystem at that time with a regime shift.

Simonds as what the size of the lobsters were.

DiNardo said the spiny lobsters were all sizes. Small ones have come back, which they had not seen for over a decade, 15 years. It looks like something is happening - better recruitment, better survival.

Robinson asked if the are was "overfished".

DiNardo said, yes.

8.D Black Coral Workshop Report

Parrish reported that the Black Coral Workshop was conducted. Participants included federal, state, scientists and industry (Maui Divers), black coral divers, Fish and Wildlife representative.

He referred members to the report in section 8.9.1. Included in the report was:

- Roark's report on his radiometric work on corals confirmed Rick Grigg's structure ages. He looked at the deepwater black coral, which proved to be extremely old. Finally, he examined a gold coral - which has a life span of around 1700 years.
- Ken Grange presentation on fjords of New Zealand black coral.
- Preliminary data on Montgomery's tagging corals out in the Au'Au Channel.
- Sam Kahng's work on Carijoa
- There was an endeavor to try to characterize some of the landings. It's a little bit of a challenge, there's so few fishermen in this fishery that we have confidentiality requirements. It shows you that over the last 25 years this fishery is going through some changes right now. In the last seven years, we've seen an increase in black coral landings. Demand has increased. More importantly, when that map came out it gave them places to go look. GPS technology provided better fishing.
- Jerry Tanaka from Maui Divers presented on Maui Divers' interest in the fishery, their desires and what their current market strengths are.
- Tony Palermo's CITES regulations.

Simonds commented that there was an increase in the black coral sales having to do with Maui Divers. There are advertisements on the front page of the Advertiser and Star Bulletin, and New York Times. So the demand is increasing.

Parrish said that the Hawaiian State gem is black coral and they market it as Hawaiian black coral. So to a large degree, everyone in that room at this workshop were very interested to make sure that we made decisions that were going to ensure that they can continue.

Simonds said that the fishery was almost closed when the new Administration came in. One of the first things Admiral Lautenbacher said to the Council Chairmen and the Executive Directors was that the Administration was going to close all fishing for coral. So we jumped up and down about the black coral, and it took about two months to get that resolved. But that was a fishery that they were going to close here.

8.E. Bottomfish Stock Assessments

DiNardo presented the bottomfish stock assessment:

- They modified the process stock assessment due to budget.
- Their intent was validation
- Two assessment reports were completed this year: one circulated, from Pacific Island Fishery Science Center. Highlights of the report:
 - o Hook-and-line fishery operating at around 100 to 300 meters in depth.

- There was a variety of participants.
 - Viewed as subsistence, recreational and commercial.
 - The area is dominated by four species of the 14 species that make up the bottomfish complex.
 - They looked at day and night fishing, summer and winter fishing, price, ciguatera poisoning or potential ciguatera, State and federal waters, the three large-scaled management zones. The Council coordinates the management with the State of Hawaii. In the Main Hawaiian Islands, approximately 80 percent of the fishing grounds are in the state waters. State waters are within three nautical miles.
- Stock status is now based on biomass-based metrics, relative to MSY. There are two: BT, that's the biomass today relative to biomass at MSY. MSY is maximum sustainable yield; and F, fishing mortality, current fishing mortality over the fishing mortality at MSY.
 - They look at their assessments on the archipelago level not on individual zones.
 - They look at bottomfish as complex - multi-species complex, not at individual species.
 - They included the three zones: (1) Main Hawaiian Islands; (2) Mau Zone, Nihoa and Necker (3) Hoomalu Zone.
 - The available data used in assessments included:
 - HDAR data, the fishermen's reporting system from 1948 to 2005.
 - Dealer reporting system from 2000 to 2005.
 - Fish auction data from 1984 to 2001.
 - A new dataset -an observer dataset from 2003 on (limited to the Northwestern Hawaiian Islands).
 - Recreational information. We believe the recreational catch is substantially higher than the commercial catch, possibly four times higher. Unfortunately, there is little, if any, data available on the recreational component of the bottomfish fishery.
 - DiNardo showed the proportion by species is the same over time. For example, Kahala was substantial, then dwindled down. Taape, which was introduced back in 1950, showed up around 1970 in the catch. Now it's a substantial component of the bottomfish catch. Opakapaka, onaga and uku, have been the same over time. Fishing effort over time: In the 1950s to the mid 70s, it was a constant level down that ramped up in the '70 to its higher level.
 - Same effort data for the Northwestern Hawaiian Islands: Continual decline from the early years. Same CPUE trend for both Mau and

Hoomalu Zones.

- For the Pacific Islands Fishery Science Center report:
 - Assumptions used were archipelago wide (not zones), multi-species complex (individual species), commercial catch data
 - Increase due to fishermen getting more acquainted with the system; learning how to fish better; new technologies, perhaps GPS, fish-finders.
 - Results of some modeling effort and stock status:
 - Main Hawaiian Island: high levels then down to about 30% of the virgin state before it was fished
 - Mau Zone: Drop in the late '90s down to around 30%, and then an upswing since then.
 - Hoomalu Zone: high levels here in terms of the biomass, indicating that there is not lot of fishing going on out there, or fishing pressure. The catches have been constant over time.
 - Metrics used were overfished and overfishing.
 - Overfished has to do with biomass. A stock is overfished when the biomass drops below a specific threshold, and that threshold is what we call MSST, minimum stock size threshold. We look at the current biomass relative to the biomass at a maximum sustainable yield, and if that ratio is below .7 then it is considered to be overfished.
 - Overfishing has to deal with fishing mortality, fishing effort.
 - MFMT, maximum fishing mortality threshold is current fishing mortality relative to what the fishing mortality would be at an MSY value level. If it's greater than that, then the fishery is to be in an overfishing state. Overfishing has to deal with fishing effort and overfished has to deal with the actual stock, itself, and the biomass.
 - If overfished, the rules are very specific and they're different from what happens when it's overfishing. Overfished is the easier one, means you have to reduce your fishing effort,
 - Fishing mortality or overfishing ratio climbed to high levels in the mid'90s, and down to some lower levels here. The threshold is 1.0. Above 1.0, then it's overfishing. In the current year, there was overfishing.
 - Biomass ratio, the overfished metric. It's just above the threshold and not considered to be an overfished state. We brought in the SPR values because this allows us to look at individual species where the other criteria based on multi-species complex. When we come up with these values for the spawning potential ratio, and the criteria here is if it's greater than .2, it's an okay condition. At the archipelago level is over .2, and as I indicated before, We do the same estimates for three zones, and then we combine them:

- Main Hawaiian Islands: onaga, would be in very poor shape, around .1.
- The Martell group was brought in to the Science Center in the beginning of May to work with us on a stock assessment and then do an assessment. There were eight terms of reference to be able to compare it to our report. It goes from characterizing the fishery, coming up with stock status estimates and recommendations. They had eleven.
 - Catchability was not increasing, unlike their results.
 - The model based on the data is correct, or gives you an accurate representation.
 - The archipelago-wide stock status results were consistent with ours, that there is overfishing, it is not overfished. There was validation for what we had come out with in our assessment.
 - The group did some stock projections. They estimated to 2008 for three years and what would happen under these five scenarios: status quo, if fishing mortality is reduced by 15%, if reduced by 25%, if reduced by 75%
 - The results were expected. With increases in biomass over time, fishing mortality is reduced. There are faster increases in biomass with the higher levels of reductions in fishing mortality.
- Differences from the two assessments included the zonal estimates. In the Martell report, the Hoomalu Zone was experiencing overfishing. Habitat, they estimated that from the 1940s it was decreasing until around mid 1960s, '70s, and then started increasing.
 - We cannot understand how that would ever occur. It doesn't make much sense to any of us.
 - But one of the things that also this Martell report pointed out, and it is something that needs to be mentioned here, is that there is a significant amount of uncertainty with the model parameter estimates.
 - We can estimate where we are in terms of stock status, meaning overfishing and there is a lot of uncertainty with those estimates. There is no contrast in the data.

8.F. Status of Bottomfish Stocks Report

DiNardo reported that in Pacific Islands Fisheries Science report, overfishing is occurring and the majority is occurring in the Main Hawaiian Islands. It requires approximately a 24% reduction in fishing mortality to bring the archipelago-wide fishing mortality back to its threshold of 1.0. Last year - 15%. This year it's 24%.

Recommendations and bottlenecks (combination of reports)

1. Modern relational database is needed.
2. The CPUE needs to be worked on. Standardization is needed.

3. Size data is needed
4. Geo-referenced [data] is needed.
5. Bottomfish stock assessment complex needs to be replaced by catch by species.
6. Recreational data is needed.
7. The Monument may put data at ground zero.

Young asked if it was possible to get the zone data to see status of each of the zones.

DiNardo said, yes. The information was in the report. The Main Hawaiian Islands is severely overfished.

Young said that they were decisions on how to deal with that.

DiNardo said it would be critical.

Duenas asked if DiNardo would be participating in the workshop next week, the data workshop.

DiNardo said, no.

Duenas asked if the State MPAs included were impacting that 24 percent.

DiNardo responded that there was no data from the past MPAs to bring into this analysis.

Duenas noted that 10% of the fishing grounds gone were for the last ten years or eight years, therefore, ten percent of the factor should be a multiplier.

DiNardo said, not at all. He would talk with the Martell groups and have them look at what would happen in their projections and additional projections. What would happen if the Northwestern Hawaiian Islands was closed and the Main Hawaiian Islands experienced a 15% reduction in fishing mortality and a 25% reduction in fishing mortality? How much of a benefit will it be to the stocks in the Main Hawaiian Islands and how long will it take to rebuild to whatever level is needed.

Ebisui asked if the 24% estimate took into account the closure of the grounds in the Federal waters around the Main Hawaiian Islands, Penguin Banks and Middle Banks?

DiNardo said, no. They used straight 24 percent reduction.

Martin noted that one consideration would be the new Monument could actually increased effort in the Main Hawaiian Islands.

DiNardo said that was a reality that the State needs to deal with, and that just paints a bleaker picture.

Dela Cruz noted that every year millions of tourists come to Honolulu. They swim. Tons of sun tan lotion, perfumes and chemicals go into the water. I wonder how much effect that has on the fish, on the stock density. Has there ever been a study done regarding the effect of these chemicals on the fish stocks?

DiNardo said, no.

Dela Cruz suggest that maybe the chemicals have a lot to do with the effect of the density of the fish that you are experiencing here in the Main Hawaiian Islands.

DiNardo said, that plus runoff that comes from land-based facilities have impact.

Gaffney asked what was being done to capture recreational fishing data? Is there a move forward to get that data?

DiNardo said that HMRFS is being put in place to collect recreational data.

Hamilton added that as part of the bottomfish overfishing amendment, the Council recommended federal permits in reporting for recreational bottomfish catches. So that will be the all-inclusive fix.

Ebisui asked if there was a way to forecast (a) where the Leeward Island fishery completely shuts down what will be the incentive for Main Hawaiian bottomfish fishers to fish? There probably will be increases in wholesale prices. Is there a way to forecast or estimate what that increased effort might be?

DiNardo said that they did not know that was going to happen when these areas were closed. Some folks think that it's just going to be total removal of that fishing effort from the system, and that's wrong. The results displacement are not known.

Ebisui said this concerned 8 vessels, eight boats that are fishing the Leeward and the Main Hawaiian Island fishers, the 33,000 BF boats. The reality is that when these Leeward boats come, the Main Hawaiian Island prices drop. When they don't come in, it rises. Once the Leeward fishery closes down, I think we'll see a rise in the wholesale price for the Main Hawaiian Island fishermen, and those people might be directing more effort now towards bottomfish at that point in time.

DiNardo said the beauty of that question is it really falls on the shoulders of our resource economists.

Martin asked if the State has contemplated any potential restrictions to CML licenses as related to bottomfish in the future.

Young said that like everyone else, they are trying to get good data, expand the recreational data and get reliable and timely data from the commercial side as well.

Martin asked was there any contemplation of limited entry, some other methodology to limit an increase in commercial. Is there is any contemplation to limiting effort, limited entry programs.

Young said that with the information that's coming out now, talking about what is happening really in the Main Hawaiian Islands, rather than looking at a 15 percent reduction, there needs to be something significantly greater. The State and West Pac and fisheries would have to work better on protecting the fishermen. So it was not a question of are they going to, they are going to have to do something.

DiNardo said that as the State moves forward in addressing the data needs, he hoped they would go back to the 2004 report on the Bottomfish Workshop, which does provide a lot of good information in terms of suggestions for the State's data collection programs.

Duerr said that as a follow-up on Ebisui's comment, being a retired restaurant and hotel man of over 40 years, it's a case of supply and demand. If the supply goes down, the demand is going to go up, the price is going to go up. More people will be going out to fish for the bottomfish where they can get them. If having closed areas is part of it, we may find ourselves in a situation, besides closed areas, to have a limit on how many of bottomfish we can take of different species based on what's there. I don't see another way. People come to Hawaii and they want to eat Hawaiian fish and they want to eat fresh fish. They don't want to have it flown in from Taiwan or someplace else.

Gaffney said that the data suggested the larger portion of the catch that is presumed to be "recreational is all that fish seen as outside of the market economy? "

DiNardo said, yes.

Gaffney asked where the premise came from that that catch is that large.

DiNardo responded that some reports were done. He could provide those references.

8.G. Fishery Independent Research Workshop

Seki reported that DiNardo did a good job describing the challenges with regard to bottomfish. The biggest challenge really is in monitoring the resource. Changing dynamics of the fishery, it was imperative to look at fishery-independent approaches to the assessment of the resources, mainly because it will take time to develop, which there is no more of. September's meeting would be to evaluate Hawaii's fishery-independent approaches for the assessment of bottomfishing Hawaii.

Fishery-independent refers to are means to get at the abundance of bottomfish without the use of commercial fish data or recreational fish data. The primary objective was to develop a plan of action for research towards implementation of a fishery-independent component to the assessment.

The incentives included the addressing the need to monitor; increasing pressure to develop baselines in the face of the imminent management actions to be undertaken and the extensive data gaps

The meeting was attended by scientists from our science center and the State of Hawaii Division of Aquatic Resources; our regional office; academia, mainly Hawaii Institute of Marine Biology, University of Hawaii (Chris Kelley) stakeholders. The topics included presentations on the technologies, discussions on resources, overfishing, monitoring, buyouts, stocks assessment, the Monument and a near term and long term research plan.

Two technologies not covered included low-tech fishing survey and extractive processes, which was costly. Narrow band acoustics cost in ship time and manpower, as time goes on there is the ability to decipher that acoustic signature.

The near-term plan was to undertake fishery-independent surveys and develop baselines. The immediate plan was to identify what the minimum requirements were, what the cost estimates were for low-tech chartered fishing survey and supplement that with multiple sampling technologies such as bottomfish cameras, portable acoustic systems. All of the survey sites will be geo-referenced. In partnership with the State of Hawaii, there is a possibility that we would be able to permit some of the closed areas as an incentive for potential charters.

The benefits include that get information, reduce the cost and make it a more viable option.

For the near-term, one of the big things at the workshop was to work with the State and explore ways of improving the reporting grids and the Restricted Protected Areas.

In the mid-term, the three-to-five-year time frame, continue research and development of nonextractive technologies, including Bot-cam, Active split-beam acoustics, Submersibles.

Short-mid term: improve the integrated mapping.

Long term: Conduct the R&D on the promising technologies (Broadband acoustics and passive acoustics, genetic tags, AUVs. cross-calibration of all new technologies, as well as the calibration of new technologies with the old.

Simonds asked if Seki saw the Centers receiving increases in budgets for this kind of work.

Seki said they go through five-year planning exercises and that's not the same thing as a five-year realization of funds. He would like to be confident that they are level-funded absent cost of living increases.

Simonds noted there was a lot of the extra money always seems to come from PPAs. We're fortunate that we at least have the Pelagics Fishery Program at the University. That's a separate thing for us out here in the Western Pacific Region. But the bottomfish never seem to have caught on in terms of lighting the fire to fund bottomfish.

Seki said he thought there has to be a lot of creativity that goes into if you're going to try to do this and of how to go about it.

8. H. Hawaii Bottomfish Research, Monitoring and Compliance Plan

Mitsuyasu reported that the Council established a working group to look at developing a research, monitoring and enforcement plan for bottomfish. The information used to develop the plan: stock assessment; Martell report and recommendations; .workshop Mike Seki reported on and its results. The plan is not developed.

Simonds asked when the baseline study be completed for the closure that the Council is supporting.

Mitsuyasu said that a draft letter was sent to the Science Center asking what their timeline projection was for doing some of the baseline, especially in the Federal closure areas of Penguin Bank and Middle Bank. The comments that we've heard in some of the meetings that we had, and also the workshop, is based on funding, funding availability to do the fishery-independent research using existing fishing vessels. It costs money and he never got a timeline or an estimate of when or if that can be done.

Simonds asked if it really mattered, then, to have these baseline studies? We keep hearing about these things for years. Are we going to go ahead and do the closure without a baseline study?

Robinson said that they were proceeding with processing the closures. It's a fair question to the Science Center would be whether there is in the absence of the typical baseline study, information, historical CPUE information, for example, which could used as a baseline. If some type of baseline study could be done within the first year or two, that might be reasonable.

8.I. Hawaii Community Issues

8.I.1. Harbor expansion impacts on local communities and resources

Dalzell said the report covered permutation for the proposed new boat harbor with 800 new berths. He showed a graphic of the catch of charter vessel fleet from Honokohau from 1981 – 2001, 70% was blue marlin.

Gaffney asked if there was another time to do this. He had been having ongoing conversations with Dalzell and Kokubun with regard to this dataset, in particular, because it did not include a lot of the hiccups that may contribute to what the data is showing. It

doesn't include the fact that the Coast Guard came down real hard on charter boat captains at one point and said, you either are a commercial fisherman or you aren't. If you are, you have to have thousands of dollars worth of new equipment on your boat. At that point a lot of charter captains said, I'm not a commercial fisherman anymore, and they stopped filing commercial fishing reports. That was about 2000. We had HACCP regulations come onboard. You can't deliver a fish to HACCP requirements which weighs 500 pounds on a charter boat. It's physically impossible. It doesn't happen.

There is no market for blue marlin in Kona anymore. There are mitigating factors that need to be entered into these datasets, which are a good bases to start with, but a much longer conversation is needed about what this data is actually saying. Remember that virtually all of those blue marlin tagged with satellite tags were tagged during specific times of the year, during tournament situations. Tournament dates are chosen for specific reasons. So it may be that those fish that are tagged in that time of year do that, but that doesn't mean anything about the fish in other times of the year. They may all be going in other directions, too.

We need to be really careful about what very limited datasets give us in terms of broader information. More information is needed about the recreational fishery. There are datasets available that have this information that need to be incorporated

Duerr said they had to touch upon catch and landing. A lot of the people that tag fish never stop at the charter boat desk, they don't report, they go right to the harbor, right to their berth. People eat striped marlin, so more of those are going to be brought in. The blue marlin have a greater tendency to be released because the larger ones can't be sold.

More tournaments are about money than catching fish. You'll find tournaments in Kona now that run year-round when the marlin aren't there. But you've got people that come from the mainland that will pay money to go out on those boats to win money. So the effort is going to be very high and we wouldn't run a tournament when some of these tournaments are run. Then more than half of the tournaments that are run are not charter boats, but skiffs. The Wahine Tournament, had over 100 boats last year in Kona. We don't have 100 charter boats that they're chartering. Those are skiffs going out there, a lot of them. They're not commercial boats. They're not reporting the marlin that they do catch. We have to look at all of these tournaments, money and otherwise, and clubs aren't reporting their marlin. That's that recreational catch, and we're still not getting those numbers.

He believed that marlin were down. But two years ago we set the record in the billfish for catch of the most marlin in a week than we ever caught. Last year in the tournament we had something like 2.4 marlin per day, because we were fishing at the right time of the year. Until we can get all of the data there, those numbers, like so many numbers we've seen today, they really don't mean much to me. We need to get this recreational down and get our arms around it and we're not making decisions in a partial vacuum.

Dalzell said that Walsh of the Science Center meticulously goes through fisheries data to

look at these kind of artifacts that can influence the information such as changes in the fleet composition because of different regulations and changes in whether you can land fish, the seafood quality, etc.

Harris said that there has been a lot of emphasis on the tuna species in terms of what will be covered under the WCPFC. Do you see any interest or any activity towards including marlin as a managed species under that commission?

Dalzell said he thought there was.

Harris said that it has been identified. So that would make this data even that more important.

Dalzell said the WPCFC is focused on two tunas, bigeye and yellowfin. Multiple conversations and also statements made by Pacific Island Countries have shown that they are very concerned about marlins because they see marlins, they see sports fishing, game fishing, competitions, charters, as part of their attraction for the tourist industries, and if there are problems with marlin stocks, they want to know about it. He said this would be shown again at the Fishers Forum. n.

Meeting adjourned for the day

(Wednesday, October 18, 2006, 135th Council Meeting)

McCOY resumed the 135th Western Pacific Fisheries Management Council meeting with Item H and the Hawaii Ocean Resources Management Plan.

8.H. Hawaii Ocean Resources Management Plan

Kaai ai referred the members to the draft plan in their briefing books and noted that public meetings were held to solicit comments on the plan.

Upon first review the Council thought the Ocean Resources Plan, we thought was well-thought out and gave a nice, broad overview of Hawaii's ocean resources, terrestrial resources and how they linked. There were some useful ecosystem considerations, a discussion on place-based management issues, and a presentation of possible mechanisms to implement management measures.

Kaai ai presented the schedule of the seven meetings in Hawaii, with some coverage of in Hilo, Oahu and Molokai. Four members from the Office of Planning presented the program: Mary Lou Kobayashi, Doug Tom, Karen Shishido and Kevin Kelly of Tetra Tec, who was hired as a consultant to put the plan together.

Hilo had 15 participants, an AP member and an SSC member from the Council in attendance.

Oahu had 35 participants and was held at the Ala Wai Elementary Cafeteria. Participants represented Manoa, Makiki, Waikiki, the Ala Wai area, Kapahulu and the windward side of Oahu. There was a lot of discussion between the presenters and participants.

The ORMP comes out of the Office of Planning under the Department of Business, Economic Development and Tourism. They had a mandate to present this plan to the legislature in 2007 once comments are received.

The comments were due on October 13 and included:

- as a part of the HOCC, Hawaii Oceans and Coastal Commission, which advocates for a lot of the initiatives and measures that were presented in the plan, the Council should be recognized and acknowledged on the front of the plan. The FEPs are discussed and supported by the plan;
- Mentioned was made of ahupua'a and moku councils. However, there should be a clearer definition of what they mean in the context of the plan and more discussion about how these traditional practices will fit in the plan;
- Native Hawaiians should be included as a separate stakeholder group;
- There should be more discussion on some of the conflicting objectives within each perspective:
 - o Beach nourishment or sand replacement. Seasonally sand is washed away and fills up the reef. There needs to be more discussion on mitigation efforts;
 - o Nearshore and offshore links; and
 - o Freshwater systems and how they affect nearshore areas.
- Marine Protected Areas (MPA) need to be redefined as Marine Managed Areas (MMA) in the document;
- A list of benchmarks were provided by it was difficult to see how they would be measured in the long term. For instance the Northwestern Hawaiian Islands were a benchmark for abundance and diversity. The Northwestern Hawaiian Islands have no sources of freshwater, however the high islands have sources of freshwater, which would be important for abundance and diversity. How will the two be compared?
- Zoning was another issue. The Office of Planning will have no influence on land utilization, which could have a big impact on the ocean.

It is hoped that some of the comments would be integrated before the plan was given to the legislature.

McCoy called on Jared Makaiau to present Item 3.

8.I.3 Cooperative Conservation Listening Sessions

Makaiau reported that the Council on Environmental Quality held a public listening session on September 7th to get ideas from the public on furthering better relationships between federal, state and local agencies in conservation.

John Connaughton, Chairman of the Council on Environmental Quality, chaired the meeting. Governor Lingle attended the meeting with the Deputy Assistant to the President for Domestic Policy, the Deputy Director of the National Marine Sanctuaries Program and the Pacific Regional Director of the Fish and Wildlife Service.

The presentations outlined a number of the conservation activities, the needs the agencies and requests from local entities on how to make a more streamlined process for conservation. The meeting was three hours long, two hours of presentation. One of the things the public requested was the need for more listening and less talking.

8.J Plan Team Reports

8.J.1 Precious Coral Plan Team Report

Parrish directed the Council to the August 24th Report of the Precious Corals Plan Team. The team reviewed all the data and received a presentation by Brendan Roark on gold coral. Issues on black and gold corral were discussed.

The six recommendations include:

1. The Council reduce the MSY for black coral by 25 percent and look at creating a quota based on the new MSY. Other precious coral patches have quotas, but black coral has never had a quota. In the last seven years there has been a significant increase in the catch of black coral fishers. Rick Grigg survey showed a reduction in the size structure and the State survey showed a possible lapse in recruitment based on size structure data.

A 25 percent reduction is prudent given the impact of *Carijoa*. *Carijoa riisei* has been documented to have obliterated about 50 percent of the black corals at deeper depths, roughly below the 80-meter depth range in the Au'Au Channel.

The recommended MSY refers to the Au'Au Channel, which is where much of the fishery is located.

2. The Council, National Marine Fisheries Service, Pacific Islands Fisheries Science Center and Hawaii Division of Aquatic Resources work together to monitor, track and prevent black coral landings from exceeding the MSY values.

At least once the fisherman met the MSY value. In previous years, they have not come close. Fishermen now have a map, GPS and improved diving technology.

Better tracking is required because of the process. Fishermen will grab the coral and let it sit in backyards for months before turning it in. Where it was

caught and when needs to be determined and documented. The State suggested using bar code technology for each of the trees that are brought up.

3. The Council put a moratorium on the harvest of live gold coral in the Western Pacific Region to be accompanied by a research program to determine the linear and axial growth, recruitment, mortality and deterioration rates.

This is the result of radiometric work done in Hawaii on corals. Gold coral came out at an average of around 1700 years in age based on three samples.

Based on size structure data collected by Rick Grigg, the fishery is based on 6.5, 6.6 centimeters per year of linear growth in a coral tree. The radiometric data shows something radically different, creating uncertainty.

The radiometric data is similar to radiometric data collected in the Atlantic by **Ellen Druble (phonetic)**, where an age of two millennia was determined.

More radiometric data is required for the gold coral. The plan team decided the best thing to do at this point is to put a moratorium in place. This will not impact the fishery which is currently dormant.

A five-year duration is suggested to allow for more samples, more radiometric work and be able to determine whether the growth rate is close to six centimeters a year or is closer to the millennia level life span.

4. The Council support a State of Hawaii closure for gold corals. Since there is some overlap between State and Federal waters, it is recommended that State also impose a moratorium.
5. The Council work with the State of Hawaii to create a black coral closed area where permits would be issued to allow certain activities. There are no biological reference areas where there is little or no activity so changes can be tracked.

The fishermen currently have a proposal in place to go out and replant corals right off Lahaina Maui. We could use that site to look at black coral over time to see what the changes are. There is also a patch near Kauai that has not been harvested to any great degree. The State has done some survey work on that area.

6. The Council explore the idea of creating a Limited Access Program for the black coral fishery. The current fishery is comprised of four or five seasoned fishermen. They expressed concerns about this recommendation due to increased competition, additional fishermen, price increases or increased demand. They were in favor of having the limited entry explored.

McCoy asked for questions.

Martin asked if his perception was correct about the fishermen being in support of the putting aside the closed area.

Parrish responded yes, as Rick Grigg has talked about before, the fishermen offered no protest other than the fact that it address black coral. The discussion was very straight forward since, in this case, the scientists and the fishermen are divers and able to reference the same things. The fishermen identified and scientists confirmed areas with long histories of black coral that are now thin. The Lahaina Roads area has a significant track.

Having not further questions McCoy called for the SSC recommendations

8.J.2 Crustaceans Plan Team Meeting Report

DiNardo reported that the team met on September 15th and included people from HDAR, Pacific Islands Fishery Science Center, the Council, and PIRO. The team had presentations on

- adding Heterocarpus as a Pelagic Management Unit Species to the FMP;
- lobster research activity;
- An update from the State on new regulations for lobster take; and
- An update on the Main Hawaiian Island lobster report done by Kevin Kelly and Andrea Messer.

The SSC recommendations include:

1. The Council add Heterocarpus to the FMP as a species of interest, rather than a Management Unit Species, and to monitor the fishery periodically. It is a pulse fishery and self-regulating. There really is no need for a lot of regulation at this point. Reports and catch data from log books will be provided. The ability to do assessments is rather limited given it is not one of the high-priority species. There is also some confusion whether or not the vessels were operating in State or Federal waters.
2. The Council inquire with the State of Hawaii about the rationale behind the new State of Hawaii regulations prohibiting the take of female spiny lobster, Kona crab and Samoan crabs.
3. The Council and the State of Hawaii put measures into place to evaluate the success of any regulation policy. The experience has been that many management regulations are put in place to take care of problems, but the success of these regulations are never evaluated. The plan team would like to see this happen.

Hearing no questions McCoy moved on to the next agenda item.

8.J.3. Bottomfish Plan Team Meeting Report

Moffit reported that the team met on September 27th with just the Hawaii members of the Bottomfish Plan Team. The activities included:

- Acknowledgement of the Science Center commitment to finalize stock assessments for American Samoa, Guam and CNMI;
- Completion of an annual report for other island areas in addition to Hawaii by the end of 2006. Local agency representatives will be ask to help co-author the report.
- Council staff and PIRO will make sure that the FEP species list incorporates some editorial changes in the BMUS list, including typographical errors.
- With regards to the National Monument in the Northwestern Hawaiian Islands, there is a need to suspend use-it-or-lose-it provisions as has been done for the last couple of years.
- The pros and cons of merging the Hoomalu and Mau Zones were discussed. There was concern that merging the two zones might put additional pressure on the small Mau Zone, the closer area.
- In response to the question posed by Peter Young, the Mau Zone has a total biomass of about 4440,000 pounds. If 350,000 pounds were taken out for a year or two, no fish would be left. The team felt the Mau Zone could support about 100,000 pounds, which is about what they've been doing for the last several years. So added harvest in the Mau Zone could be a problem.
- There was no recommendation on whether the zones should be merged or not. There was no consensus on the following suggestions:
 - o Relax the regulations of separating the zones in that at least one or two fishermen may not be able to fish in what currently are the open areas in the Hoomalu Zone. Their vessels are too small to reach the open areas. They should be allowed back in the Mau Zone.
 - o Have the current eight fishermen divide the pound cap among themselves.

The team agreed that the closed areas in the National Monument would make it very difficult for bottomfish fishers to make a living up with no anchoring in the closed zones up to the edge of the banks, steep drop-offs, and to park in the right place to catch fish without anchoring. They would like to see those closed areas go away.

The constricted areas will make the commercial dataset useless as any new data coming in would have no bearing on the biomass for the area. Future assessments will be difficult. This has been the same difficulty with the Main Islands.

With regard to the Main Hawaiian Islands, the team endorsed the need for fishery-independent surveys prior to State and Federal closures. For these assessments, particularly for the State areas that will be opened that are currently closed, some degree of extractive methods will be needed to determine the baseline populations within those closed areas prior to them being opened.

Having no questions McCoy moved on to the SSC Recommendations.

8.K SSC Recommendations

Severance reviewed the recommendations with regard to the Northwestern Hawaiian Islands:

1. The SSC notes that the Martell et al. analysis indicates that the potential short-term effort increase in the Mau Zone is not a cause for concern in regard to bottomfish stocks and, therefore, believes that combining the two Northwestern Hawaiian Islands bottomfish permit zones would have little impact on stocks within the five-year fishing period allowed by the Monument. Hence, the SSC does not object to Option 3, which is to combine the Mau and Hoomalu bottomfish permit zones.
2. The SSC believes incidental catch of uku outside of the Monument probably has little impact on uku stocks in the Northwestern Hawaiian Islands and, moreover, notes that uku is not one of the State of Hawaii designated Deep Seven bottomfish species that are the species of most concern.

Therefore, the SSC recommends that the Council explore options to enable the retention of uku, kamanu, or Hawaiian salmon, and kahala caught incidentally in the commercial pelagic troll and handline fishery.

With respect to crustaceans and to plan team Recommendation 1:

1. The SSC recommends that **Heterocarpus** be added to the appropriate management plans as a Management Unit Species in order to provide for better monitoring of this fishery.

The rationale for that recommendation is that this species may be a prey item for bottomfish. We know it's a prey item for striped marlin. So the SSC here recommends including it as an MUS. Whereas the plan team recommendation was to include it as a species of concern.

2. The SSC supports the plan team Recommendation 2, that the Council inquire of the State of Hawaii as to the rationale behind the recent regulations prohibiting take of female spiny lobster, Kona crab and Samoan crab. The SSC understands that this regulation originated with the State of Hawaii legislature rather than with the Hawaii Division of Aquatic Resources. The SSC is reluctant to recommend that the Council bring Federal statutes into conformity with this new State statute in the absence of firm scientific evidence as to the expected effectiveness of this management regime.
3. The SSC recommends that the Council and its government partners under

jurisdiction of the Council's management evaluate the effectiveness and scientific rationale for all new fishery regulations, including those associated with crustacean fisheries.

With regard to precious corals:

1. The SSC supports a downward revision of MSY by 25 percent for the Au'Au Channel black coral fishery from 5,000 to 3,750 kilograms per year, but was not presented sufficient information to support the establishment of a quota at this time. Nevertheless, as a precautionary measure, the fishery should be regulated so that harvests do not exceed this revised MSY.
2. The SSC recommends that the Council, NMFS Pacific Islands Fisheries Science Center and Hawaii Division of Aquatic Resources work together to monitor and track Main Hawaiian Island black coral harvest and prevent black coral landings from exceeding the revised MSY values for the Au'Au Channel fishery. The SSC requests that the plan team investigate the most effective ways of accomplishing this, and report back to the SSC and the Council at a subsequent date.
3. The SSC supports imposing a moratorium on the harvest of gold coral, both live and dead, in the Western Pacific Region, accompanied by a research program to determine linear/axial growth, recruitment/mortality and deterioration rates. The SSC recognizes that there may be potential for the harvesting of dead gold coral and encourages development of methods for distinguishing harvested dead from harvested live coral, and assessing the ecosystem functions of dead coral.
4. The SSC supports the plan team recommendation that the Council work with the State of Hawaii to create a black coral biological reference area where harvest would be banned except for collections related to permitted research activities.
5. The SSC supports the plan team recommendation that the Council study the creation of a Limited Access Program for the Main Hawaiian Island black coral fishery.
6. The SSC commends the Precious Coral Plan Team for having performed an excellent job in conducting the 2006 Black Coral Science and Management Workshop, and the brevity and clarity of the workshop report.

With regard to bottomfish stock assessment:

1. The SSC recommends that bottomfish data be standardized and placed in a modern relational database, such as MS Access.
2. The SSC suggests that measures of uncertainty be incorporated into biomass

projection and parameter estimates in the Martell et al. report.

3. The SSC recommends that the Council support the generation of an index of historical recreational fishing catch and effort in the Main Hawaiian Island, for use in future stock assessments.

Severance commented that there was a question from Rick Gaffney to Gerard DiNardo about the estimation in the Martell report that the recreational bottomfish landings were perhaps two to three times the commercial bottomfish landings. There was some concern expressed about that report, and that estimation, by some members of the SSC. The basis of that estimation is from some earlier reports. One of the authors of two of those earlier reports was in the audience. His comment was, those reports should probably not be used in support of such an estimation.

4. The SSC recommends that a robust index of abundance be estimated from the commercial catch and effort data as a substitute for the current CPUE calculation method.
5. The SSC recommends that the Main Hawaiian Island bottomfish complex be disaggregated and analyzed as individual taxa with individual Minimum Stock Size Threshold. The SSC notes that some of the species included in the Martell et al analysis, such as kahala, uku and taape, are not true deep-slope species and, therefore, assessment of these species should be a lower priority.
6. The SSC recommends analysis of the bottomfish sub-stock structure by zones rather than as a single archipelagic stock.
7. The SSC notes that some pertinent data are not being utilized for stock assessment. For example, existing tagging data should be reviewed for use in this regard.
8. The SSC recommends that fishery sampling occur in the Northwestern Hawaiian Islands National Marine Monument since this would provide the most reliable indicator of stock status. If such sampling is not conducted, the SSC recommends that model projections be used as a proxy for stock status in the Northwestern Hawaiian Islands.
9. Regarding the NMFS Fishery Independent Research Workshop, the SSC supports the short, mid and long-term research approaches presented by PIFSC and looks forward to being updated on progress in this area.
10. Regarding the Bottomfish Plan Team recommendations, the SSC does not object to the draft plan team recommendations as presented.
11. With regard again to the Northwestern Hawaiian Islands bottomfish fishery the

The SSC commends the Council for doing an excellent job of managing bottomfish fisheries in the Northwestern Hawaiian Islands over the last 20 years. The health of these stocks is a testament to Council and MSA effectiveness.

McCoy asked for questions.

Ebisui asked for clarification on the distinction between the terms MUS and species of interest for the Heterocarpus.

Severance explained the intent of the SSC was that the species was significant enough from an ecosystem perspective that they should be reviewed and considered in the annual reports, the condition of the stocks, et cetera.

Part of that came from the comments by a couple of SSC members that they were probably important prey items for the deep-slope snappers and they were definitely important prey items for striped marlin. So even if this was a pulse fishery, it was also noted there may be a very small scale kind of cultural use, subsistence fishery, a trash can fishery going on for these species, too, that may be unreported. So the general feeling is they should be fully incorporated into the plan so that they would be more regularly monitored than would be the case with a species of concern.

Ebisui asked about the phrase “robust index of abundance” in the bottomfish discussion, the word robust confused him.

Severance explained that while he was not a stock assessment scientist, he assumed it meant strong, solid, useful scientifically, rather than one that is soft and weak with too wide confidence intervals.

Polhemus noted that Dr. Moffitt indicated that the plan team had significant reservations about shifting the full 350,000 pound annual TAC in the Northwestern Hawaiian Islands to the Mau because the numbers of the standing stock was 450,000 pounds and if the full 350,000 TAC was taken out of that zone on an annual basis there would be a significant impact on the stocks. By contrast, the SSC does not seem to have felt that this was a significant problem and based their conclusions on the Martell report. How did Severance account for the sort of highly differing assessments of the potential impact of moving the fishing effort entirely to the Mau between the plan team and the SSC?

Severance noted that there was a great deal of uncertainty about whether effort would really shift entirely into the Mau. It was their understanding that only one of the active

fishermen had real experience in the Mau. And while that active fisherman might well shift, there might also be Mau vessels that move into the Hoomalu Zone. The notion that the stocks were in relatively good shape, the historical understanding that when the limited entry program was created, that was done primarily for economic rather than for stock reasons, and that the kind of short time frame for the rest of this fishery meant that the overall impact to the stocks was probably not going to be that significant in the eyes of the SSC.

Polhemus asked if there was a possibility that all of the effort could shift into the Mau if the two zones were combined?

Severance replied that this was recognized by the SSC.

Gaffney was interested in the SSC's comment to the effect that kahala was not a deep-slope species. On the Kona Coast they're taken in 100 fathoms of water. So why are they not a deep-slope species?

Severance said that what was intended was they not be considered to be really part of the species of major concern, that is the State 7, the Magnificent 7. They are sometimes taken and released, that was an issue. And they are sometimes captured in the palu ahi fisheries in the koas and in the nearshore zones. So they range over a deeper depth range than the deep-slope species.

Gaffney noted that kahala was not a popular market species. His experience was that kahala are generally caught in deeper water in the Main Hawaiian Islands and are caught in much shallower in the Northwestern Hawaiian Islands.

Severance agreed. It was his understanding that kahala are frequently picked in the troll fishery in the Northwestern Hawaiian Islands.

Gaffney wanted everyone to know that kahala is an extremely important recreational and sport-caught fish in the Main Hawaiian Islands. If there was no connectivity between the Main Hawaiian Islands and the Northwestern Hawaiian Islands, then maybe there wasn't an issue.

Severance noted that while kahala is not marketed in the Main Hawaiian Islands, it is being eaten in a number of places by fisherman, like Hilo, where ciguatera is not a problem.

McCoy commented that with the discovery of testing kits, consumption should be improving.

Severance sensed that people used the testing kits more for ulua than kahala and that kahala was often discarded, alive. This was more from a Hilo perspective than an archipelago-wide perspective.

McCoy noted that kahala was plentiful in American Samoa and regularly eaten with very little incidence of ciguatera.

Dela Cruz asked if as an area is being depleted if there was spill over from adjacent areas. This can be observed in the Marianas Marine Protected Areas.

Severance personally thought that spillover effects were really dependent on the nature of the MPA, the size of the MPA, whether there are linkages or networks of MPAs, and any heavy fishing pressure on the edges of an MPA. While there was some literature that strongly supported the idea of spillover effect, there was some other literature that questioned it.

The Chairman made a brief logistical announcement regarding public comment cards and a brief break was taken.

8.L Hawaii Archipelago, Standing Committee Recommendations

Ebisui noted two major concerns expressed by Northwestern Hawaiian Island fishermen:

1. The five-year paradox: wherein the Proclamation establishing the Monument allows fishing to continue for five years, but in other provisions, and principally the no-anchoring provisions, make the continuation of that fishing virtually impossible.
2. Uku fishing outside the Monument: the Bottomfish FMP regulations currently prohibit anyone from retaining uku without a Northwestern Hawaiian Islands limited entry permit. Trollers are forced to discard the fish. Up to 50 percent of their catch is comprised of uku or kahala, both of which are Bottomfish Management Unit Species.

The options with respect to uku:

1. No action
2. Request the Regional Office Administrator to issue available Northwestern Hawaiian Islands bottomfish permits under the following conditions: fishing only be allowed seaward of the outer boundary of the Monument and vessels must have VMS approved by NOAA.
3. Suspension of Magnuson Act fishery regulations applicable to uku until June 15th, 2011. Under this option:
 - a. Uku could be harvested without a permit outside of the Monument.
 - b. Vessel limits of 60 feet for bottomfish vessels would not apply to vessels harvesting uku and other nonbottomfish management unit species.
 - c. Gear restrictions would still apply.
 - d. All uku harvested in the EEZ surrounding the Northwestern Hawaiian

Islands would cease in 2011, which coincides with the Monument Proclamation.

4. Remove uku from the Hawaii Bottomfish MUS immediately. Under this option uku would be removed from the Hawaii Bottomfish MUS list and all Federal regulations applicable to MUS would not apply. Regarding the Monument, uku would not be counted towards the 350,000 catch limit.
5. Remove uku from the Hawaii Bottomfish Management Unit Species beginning June 15th, 2011. Under this option, uku can only be retained by a person with a Northwestern Hawaiian Island bottomfish permit issued by PIRO until 2011. After 2011, uku would be removed from the Hawaii Bottomfish MUS list and all federal regulations applicable to MUS would not apply.

Options under the no anchoring provisions included:

1. No action. Under this option, the Hoomalu and Mau Zone would remain in place, fishermen with permits for the Mau Zone can only fish in the Mau Zone and fishermen with permits in the Hoomalu Zone can only fish in the Hoomalu Zone. The Monument cap of 350,000 pounds would be shared by both zones.
2. Suspend the permit zoning restrictions and allow Mau Zone fishermen to fish in the Hoomalu Zone and vice versa.
3. Combine the Mau and Hoomalu Zones into one zone.

With regard to bottomfish stock assessment, the committee received reports and presentations and noted that overfishing continues to occur in the Hawaii bottomfish fishery with the Main Hawaiian Island area remaining the primary area of concern. The fishery is not overfished.

With respect to the Hawaii bottomfish monitoring and compliance plan, the committee took up the matter but declined to make any specific recommendations and deferred to the full Council.

With respect to *Heterocarpus*, the committee recommended that *Heterocarpus laevigatus* and *Heterocarpus ensifer* be added to the appropriate management plan as an MUS in order to provide for better monitoring of that fishery. It would direct staff to prepare final action at the next Council meeting.

8.M Public Comment

McCoy noted there were two individuals and invited others to comment. He called on Linda Paul, Hawaii Audubon Society.

Paul, verbatim:

“Good morning. Thanks for the opportunity to speak.

I'd like to speak to the suggestion that the Hoomalu and Mau Zone be combined in the Northwestern Hawaiian Islands.

I did attend to the SSC meeting and heard the report from Martell -- the Martell report. What was not included in his analysis was the impact on the ecosystem of making this shift.

This is a Council that has gone on record as favoring fisheries ecosystem management.

When you aim for an ecosystem management approach as opposed to a maximum sustainable yield approach you have to adjust your fishery mortality down considerably from MSY. There was no discussion at the SSC meeting at all of ecosystem impacts that this change would result in. I don't think there was any information about what those impacts might be, and I think the this suggestion from the SSC is made in kind of a vacuum.

I would urge this Council to be cautionary, to remember your commitment to ecosystem management and to not take this step.”

McCoy thanked Paul and called on Timm Timoney, Northwestern Hawaiian Islands Bottomfishing Hui.

Timoney, verbatim:

“That is, by the way, a brand new group that is being formed as we speak. We've had a pretty wonderful presence at the recent Fishing and Seafood Festival. So we're hoping to get our hui off the ground.

Thank you for this opportunity. I would like to speak to anchoring in the Monument.

Anchoring is an absolutely essential part of the way we fish. The ideas that were presented as an alternative to anchoring, including sea anchoring, the use of sea anchors can be real scary in bad weather. It can be dangerous to both deploy and unset. I don't even know the terminology for how to use a sea anchor.

Our boats are bigger than the boats that generally use sea anchors in the handline fisheries, and they're not as effective.

The whole point of anchoring on a spot is to be on that spot, not dragging the fish all the way from one area into another area.

Powering into one spot is really not effective, and it's for the same reasons. These are bigger boats. They need to power to have steering weight. And it also would require a

driver. In my case, that means half of our crew. So we would be losing half of our fishing ability.

One other thing about sea anchors is that our fishery is so clean, we just don't leave anything on the reef. Our gear doesn't end up on the reefs, like the gear and the nets from the North Pacific. But a sea anchor could. So I hate to see the introduction of something that would end up being worse than the original intent of anchoring.

Also, I want to remind the Council of Chris Kelley's work. A number of years ago Chris came around to the fishermen and asked if we would mind if he looked at some of the areas we fished. We gave him GPS coordinates and he went right to those spots with a submersible and took a lot of pictures.

One of the comments that he made was that he found no evidence of either damage from the anchoring or anchor gear that had been left behind, and he was right on the spots that we gave him. And it wasn't just us, it was several other fishermen also.

A quick comment about Mau Zone and Hoomalu Zone.

How long ago was it that there weren't any zones. So we were all fishing in the Mau Zone. Everybody. Anybody that fished in the Northwest fished in the Mau Zone. So there's been an awful lot of fishing up there, and I can't see what three or four boats -- we're basically down to three now. I can't see how much more damage three boats can be doing at this point in time.

Thank you. If you have any questions about how we do business, what we do.”

McCoy asked how many crewed on Timoney's boat.

Timoney responded there were just two and the fishing was done primarily during the day.

McCoy asked that when bedding down for the night, if a sea anchor is used, they would not be sure where they were in the morning.

Timoney agreed.

McCoy asked how fast the currents.

Timoney responded that they have been clocked between eight and ten knots, which made fishing pretty hard. The only way to stay where you want to be is to anchor.

McCoy commented that this was a safety at sea issue.

Timoney agreed.

Polhemus asked how many areas Timoney fished in the Hoomalu Zone.

Timoney replied, hundreds. She commented that videos have shown more fish than they have every caught in the area.

Robinson commented that Timoney's display at the Fisherman's Festival was great and the first time he saw all the species in one spot.

Timoney noted that she had gotten many compliments about the fish caught in the Hoomalu Zone and the fish were not of poorer quality than those caught in adjacent areas.

Robinson asked if there was no distinction between the zones would Timoney be interested in fishing in the Mau Zone and if she could anchor would that make a difference.

Timoney responded that she would be interested in fishing the Mau Zone especially when it was blowing Northwest 40 on the way there and they are able to stop. It has been a while since they have fished there and she would have to look at the trade off of finding new spots there versus going to the spots they knew.

Anchoring was not a real issue.

Robinson asked that if they could anchor in the Hoomalu Zone would they be less inclined to go to the Mau Zone.

Timoney said they would be more inclined to keep going to the Hoomalu zone, and access would be great during certain times of the year.

Duenas asked if Timoney thought there would be a gold rush effect on the Mau Zone with 350,000 pounds of bottomfish at one time.

Timoney responded that she didn't think so. There is a need to be efficient on these trips, there are only so many days to fish and so much ice. There was only one Hoomalu fisherman that was a Mau Zone fisherman and knows what spots to fish. She didn't see the gold rush effect.

Ebisui asked Severance to address why the SSC did not discuss the effects on the ecosystem as Paul had noted.

Severance responded that the SSC did discuss the Martell report and the condition of both zones as they were distinguished in that report. They did not get into ecosystem effects of potential seriously increased pressure in the Mau Zone. He suspected this was because they were not convinced that would necessarily happen.

There was one member of the SSC who also raised that as a very strong concern. The other members were not certain that that increased pressure would necessarily go in that

direction. There was a lot of uncertainty about what the fishermen are going to do.

Ebisui noted the period when the discussion focused around designation as a Sanctuary, the Sanctuary Program did an assessment of the bottomfish fishery in the Northwestern Hawaiian Islands and essentially came out with a very clean bill of health, as having no adverse ecological impact.

Ebisui asked Severance if the zone dividing line were either made to disappear or if the zones were combined, would the assessment be changed in any way by the movement of seven or eight boats in either direction, upward, downward, or wherever?

Severance noted that in some previous stock assessments there were a bit more concern about the condition of the stocks in the Mau than the Hoomalu, but in the latest stock assessment, the Mau actually looked in somewhat better shape than the Hoomalu. But both looked in relatively good shape.

So without being able to predict what the fishermen might do, but knowing that only one of the Hoomalu fishermen had experience and really knew the spots in the Mau, they did not see that as a major concern for either the stocks or ecosystem effects.

They were aware of the relatively good condition and low impact of that fishery up there, and have been aware of that since the beginning of the Reserve Designation and the Sanctuary Development through the Monument declaration.

Simonds noted that given the closures and the quota, how could three boats or switching boats have any effect.

Severance noted that they were thinking about the effect of the quota on both and individual zones.

Duenas asked Timoney how much of the bottomfishing areas in the zone had she lost from the mapping.

Timoney responded that they lost all of the top of Gardner Pinnacle, which is really good uku fishing, is very large and includes hundreds of spots. She was not sure what percentage of their uku catch that would involve.

The currents have been more severe this year than in the last couple of years. So trolling for uku is something that you can do when you can't get a line to the bottom. So that percentage, the uku percentage has gone up. And it wasn't just them experiencing that.

Bobby, one of the guys knew much more about French Frigate Shoals.

Timoney thought they lost quite a bit of good ground with that closure, maybe 30 to 35 percent.

Polhemus noted with regard to SPAS and excluding fishermen from the fishing grounds, they had looked at the depth limits on the SPAs, which are 25 fathoms at Lisianski, Maro and Gardner, 50 fathoms at Laysan and looked at how those line up with the EFH for the Deep Seven Species. Essentially, those fathoms depth limits for the SPAs (all of these platforms are built like big tables with flat tops and steep edges), are largely the margins of those tables and the EFH is on the slopes of those tables.

So in and of themselves, the SPAs are not really precluding fishing in the majority of the EFH, but still in the area outside of the Ecological Reserves. And the Ecological Reserves, which include Kure, Midway, Pearl, Hermes and French Frigate, simply take out habitat.

So what is really hurting the fishermen is the anchoring problem, not the lack of access to EFH.

For the remaining SPAs, the bathymetric atlas of the Northwestern Hawaiian Islands was used and referenced to GIS to get the depth contours perfectly aligned to all of the latitude and longitude.

So the issue is the anchoring provision, not the stock.

There are extensive areas that do not lie in SPAs and constitute suitable EFA. They would include banks to either side of Lisianski, Pioneer Bank, North Hampton Seamounts, a pinnacle near Laysan, another large bank south southwest of Riata Bank, Maro, St. Rogatien and Brooks Banks. These may not be areas that fishermen are used to fishing.

From the State's standpoint, a lot of the criticism of the SPAs is misdirected because they are not really excluding the fishermen. The problem is that they are forcing the fishermen to the edge of the platforms and you simply can't fish if you can anchor.

Martin commented that science is one thing, practice is another. The State may be basing their assumptions on GIS mapping, but the fishermen's experience can be completely different.

Polhemus reiterated that it has been brought up that the SPAs, in and of themselves, are excluding access to habitat, and the analysis doesn't bear that out. It is basically the no anchoring provision that is really making it nearly impossible to fish the habitat that rings the SPAs.

8.N Council Discussion and Action

McCoy called on Ebisui to continue with the action items.

Ebisui moved to accept the first recommendation for the Council to direct staff to amend the bottomfish regulations, 50 CFR Section 665.61, by revising the applicability of a

bottomfish permit. The proposed text was shown on the screen.

Duenas seconded the motion

Hearing no discussion, McCoy called for the vote. Motion passed with two abstentions (Robinson) and one nay (Gaffney).

Ebisui moved to accept recommendation two to direct staff to develop a regulatory package to amend the Northwestern Hawaiian Island bottomfish management subareas by:

1. Refining the Hoomalu Zone to mean the portion of the EEZ around the Northwestern Hawaiian Islands west of 165 West Longitude and out to 50 nautical miles from the center geographical position of French Frigate Shoals, Gardner Pinnacle, Maro Reef, Laysan Island, Lisianski, Pearl and Hermes, Midway Islands and Kure Atoll; and
2. Refining the Mau Zone to mean the portion of the EEZ around the Northwestern Hawaiian Islands between 161 West Longitude and 165 West Longitude and out to 50 nautical miles from the center geographical positions of Necker and Nihoa.

Duenas seconded the motion.

Gaffney asked to see the information on chart format.

Makaiau explained that the red line delineated the break between the Mau and Hoomalu Zone. The Mau Zone would essentially be within the 50 miles around Necker and Nihoa, and the Hoomalu Zone would be the 50 miles around French Frigate Shoals and each of the banks named all the way up to Kure. Essentially, being the same as the Monument.

Polhemus as if the rationale for re-defining the zones was to bring it into conformance with the boundaries of the Monument.

Simonds noted it was all within the Monument area.

Hearing no further discussion, McCoy called for the vote.

Motion passed.

Martin had another recommendation for the Council to consider and moved that Council approve a motion for the Council to request that the co-trustees of the Monument recognize anchoring as a necessary component of the commercial bottomfish fishery and allow anchoring under CFR 404.10 -- 50 CFR, 404.10.

Duenas seconded the motion: "Number 3, request the co-trustees of the Monument recognize anchoring as a necessary component of the bottomfish fishery and thus permit

it under 50 CFR 404.10.”

McCoy called for discussion.

Robinson stated that as a co-trustee he had to abstain from the vote. He stated that he was and always has supportive of allowing commercial fishing vessels to anchor as a part of their normal operations.

Polhemus, as another trustee, noted that he believed that anchoring was the real issue, not the SPAs and, therefore, as a co-trustee had to abstain on this, but recognized the problem currently provided by the no anchoring provision.

Hearing no further discussion, McCoy called for the vote.

Motion passed with two abstentions.

Ebisui moved that the Council approved recommendation one under crustaceans that *Heterocarpus laevigatus* and *Heterocarpus ensifer* be added to the appropriate management plan as a Management Unit Species in order to provide for better monitoring of this fishery and that staff prepare for final action at the March 2007 Council meeting.

Sablan seconded the motion.

Hearing no discussion McCoy called for the vote.

Motion passed.

Ebisui moved that the Council approved recommendation two that staff investigate the scientific basis of the underlying rationale behind recent State of Hawaii regulations prohibiting the take of female spiny lobster, Kona crab and Samoan crab.

Duenas seconded the motion.

Hearing no discussion, McCoy called for the question.

Motion passed, one abstention (Polhemus).

Ebisui moved for the Council to approved recommendation three that all new state and federal fishery regulations, including those associated with crustacean fisheries, include measures to evaluate its effectiveness.

Duenas seconded the motion.

Polhemus moved to amend the motion to reflect the plural of regulations and to read “evaluate their effectiveness”.

Ebisui, as the maker accepted the amendment. Duenas also accepted the amendment.

Hearing no further discussion, McCoy called for the vote.

Motion passed.

Ebisui moved for the Council to approved recommendation number one under precious coral to direct staff to prepare an options paper for initial action to revise the MSY for the black coral fishery by 25 percent for the Au'Au Channel from 5,000 to 3,750 kilograms per year.

Duenas seconded the motion.

Gaffney had a process question. Rather than have staff prepare an option paper for an initial action to reduce MSY, was there a faster way to get to the reduction of MSY.

McCoy called for legal counsel assistance.

DeRoma noted that today's meeting could be initial action. He said the general parameter is that there has to be a record supporting what the Council action is. His perception of the presentation to the Council at this meeting was that there was sufficient data before the Council for the Council to take an informed decision to start the ball rolling.

The Council could say prepare a report to be reviewed at the next meeting for initial and final action. But if the Council has sufficient data before it final action could be taken at this meeting.

Gaffney suggested an amendment to the statement to eliminate the preparation of the option paper and move directly to initial action.

Ebisui asked DeRoma if that could be done given the state of the CFR Notice.

DeRoma said he would have to review the CFR Notice and asked Gaffney to say again what action he wanted.

Gaffney said he wanted to eliminate one step in the process. The first step in number one was directing the staff to prepare an options paper. So that options paper doesn't get presented until the next meeting, at which point initial action would be taken. He was suggesting that the Council move to initial action based on the information from the SSC and the planning team recommending that this 25 percent MSY is ultimately what is wanted.

DeRoma said that if the Council believed it had sufficient data to take initial action, then they can take initial action. Then at the next meeting, the Council would take final

action.

Ebisui noted that staff just informed him that it was not listed as an action item. He asked DeRoma if that was a problem.

DeRoma said, yes. He recommended that they stay with the original recommendations. Then in the next FR Notice it would be listed as a specific action item.

McCoy called for the question.

Motion passed.

Ebisui moved to approve recommendation number two that the Council staff, NMFS Science Center and DAR work together to monitor and track Main Hawaiian Island black coral harvest and prevent black coral landings from exceeding the revised MSY values for the Au'Au Channel fishery.

McCoy noted that the motion was seconded and called for discussion. Having no discussion, he called for the question.

Motion passed.

Ebisui moved to approve recommendation number three which recommended that staff prepare an options paper for initial action on placing a moratorium on the harvest of gold coral, both live and dead, in the Western Pacific Region, accompanied by a research program to determine linear/axial growth, recruitment/mortality and deterioration rates.

Gaffney seconded the motion.

Duenas asked if the Western Pacific Region included Guam, CNMI. He was concerned that he did not know what was out there.

McCoy noted it was an option paper and called for further discussion.

Hearing none he called for the question.

Motion passed.

Ebisui moved to approve recommendation number four that the Council staff work with the State of Hawaii to create a black coral biological reference area in the Au'Au Channel where harvest would be banned except for collections related to permitted research activities.

Polhemus seconded the motion.

Hearing no discussion, McCoy called for the question.

Motion passed.

Ebisui moved to approved recommendation number five that the Council staff investigate the creation of a limited access program for the Main Hawaiian Island black coral fishery.

Polhemus seconded the motion.

Motion passed.

Ebisui moved that with regard to the bottomfish stock assessment, the Council approve the recommendation that bottomfish data be standardized and placed in a modern relational database such as MS Access.

Duenas seconded the motion.

Hearing no discussion, McCoy called for the question.

Motion passed.

Ebisui moved to approved recommendation number two that measures of uncertainty be incorporated into biomass projection and parameter estimates for the Martell et al. report.

Duenas seconded the motion.

Gaffney asked the scientists what measures of uncertainty incorporated into the biomass projection meant.

Severance explained measure of uncertainty would be something like a confidence interval. It would be attached to each of the stock assessment parameters so you would have an idea of instead of a single number for the MSY, you would have an estimation of MSY with the confidence interval for your estimation on one side or the other of that.

Polhemus referred to DiNardo's presentation of the data from Martell's report, showing the various types of model runs and assumptions and the confidence with which he had that those might be correct or not, they ranged from 1.0 to essentially zero, and anywhere in between. In other words, what sort of confidence do you have that the output from the model that you are using at a particular time might or might not be correct.

Hearing no further discussion, McCoy called for the question.

Motion passed.

Ebisui moved to approve recommendation number three, that the Council support the generation of an index of historical recreational fishing catch and effort in the Main

Hawaiian Islands for use in future stock assessments.

Duerr seconded the motion.

Gaffney asked where the historical data for recreational fishing catch information on bottomfish would come from.

Duerr noted the Federal Government was planning on coming up with a national policy to gather this information. He asked if anyone had current information.

Simonds noted that the proposal was in the Senate version of the Magnuson Act Reauthorization. The Senate passed their version and they were waiting for the House to pass something. But this was for current data, not old information.

Robinson offered that the NRC Review, the Marine Recreational Fishery Survey Program would be revamped and he hoped that the revamping would tailor it to their own management needs. This did not address the historical data.

Severance noted that this question was raised in the SSC and the data would be almost impossible to get. He suggested that there may be ways to get rough proxies like boat registrations or by using current models to project backwards.

Simonds said they would make a request of the Science Center to see what they would suggest.

McCoy added that the motion supported a look into this. He asked for further discussion, hearing none, he called for the question.

Motion passed.

Ebisui moved to approve recommendation number four that a robust index of abundance be estimated from the commercial catch and effort data as a substitute for the current CPUE calculation method.

Duenas seconded the motion.

Polhemus proposed an amendment to the resolution, which was rather than saying as “a substitute” for the current CPUE calculation method, it be “an addition to”. In other words, the CPUE is not discarded but an additional statistic to augment it.

Gaffney seconded the amendment.

Severance had no objection to the amendment.

Ebisui as the maker of the motion accepted the amendment, as the Duenas, the second.

Ebisui asked Makaiau to read the amended motion.

Makaiau read, “number four, recommends that a robust index of abundance be estimate from the commercial catch and effort data as an addition to the current CPUE calculation method.

Hearing no discussion, McCoy called for the vote.

Motion passed.

Ebisui moved to approve recommendation number five that the Main Hawaiian Island bottomfish complex be disaggregated and analyzed as individual taxa with individual MSST. The Council notes the SSC's comments that some of the species included in the Martell et al. analysis, such as kahala, uku and taape, are not true deep-slope species and, therefore, assessment of these species should be a lower priority.

Tulafono seconded the motion.

Robinson asked if they disaggregate, analyze and set Magnuson Act-based thresholds, for individual species, does that then sort of lead them down the path of having to determine whether there is overfishing or overfished status on a species-by-species basis.

Robinson clarified that if the Main Hawaiian Islands bottomfish complex is disaggregated and analyzed as individual taxa with individual thresholds, MSST, for example, minimum stock size thresholds, are we not going down the road of determining whether overfishing or overfished status exists on a species-by-species basis.

DiNardo responded, yes.

Polhemus recalled that one of the problems in trying to do this was that it was very difficult to try to separate out the amount of effort being targeted at any individual species of the complex, which is one of the reasons that it is managed as a complex to begin with.

DiNardo said, yes. However, the ideas was to go down that path next May to see if it can be done. It needs to be done, it needs to be looked at on an individual species basis. It was going to be difficult, but they were going to try.

Polhemus said that to some extent, since the complex is more or less an ecosystem guild, does that mean they were going away from ecosystem-based management.

DiNardo said, no. The transition should be from single-species assessments up through ecosystem approaches to fisheries management, a more grandiose one. It was a continual process, the single-species should be examined first to get an idea of exactly what is happening at that level.

What was occurring was the effects, at the individual species level, were being masked. So a CPUE time series that goes through time may not change. It may be a flat line, which is what is being observed for some of the areas. Some people believe it is not a problem.

However in looking at the composition of that makeup, it can be changing drastically. And that was a problem. To look at the components of that CPUE time series, you need to look at single-species assessments.

Polhemus asked that if it was determined that one or two members of that complex were experiencing overfishing or being overfished, how would they sort out the management actions for those particular species given that there was no way to individually target species very effectively that deep, and fishermen can't see what they're getting until they bring it to the surface. It looked like they were headed down a slippery slope in terms of eventual management options.

DiNardo thought that there were some species that could be limited by depth. Areas could be limited. There would be areas that were certain habitats that were consistently a single species, and you can deal with those areas.

Polhemus asked if this would lead toward habitat-based management.

DiNardo agreed.

Gaffney suggested recommendation five be broken out into two sections. The first being as they had discussed. The second section would note the SSC comments.

He felt the two sections were unrelated and would have to vote against the whole recommendation based on the second half. He felt the kahala should be specifically referred to by the individual species names.

Robinson felt that by establishing individual MSSTs in the Main Hawaiian Islands bottomfish, for example, onaga, then how do they have an archipelagic stock that is evaluated when they are evaluating the Northwestern Hawaiian Islands as a complex, and onaga is just part of a complex in the Northwestern Hawaiian Islands?

He asked if this undermined the archipelagic definition for the bottomfish complex, and started to manage part of it on an individual stock basis and part of it on a complex basis.

If this were done in this example, then onaga in the Main Hawaiian Islands would not only be overfishing but it would be overfished and there would need to be a rebuilding plan.

DiNardo said that in terms of coming up with MSSTs for individual species, they were looking at the archipelago, not just the Main Hawaiian Islands. So it would be consistent across the board, so it could be brought together as a single species.

Gaffney asked that the scientific name for the species of kahala be used. He still had a problem with kahala being identified as a true deep-slope species. He asked for the definition of a true deep-slope species.

Gaffney still thought the second part suggested that some species were lower priority fish in their work and he did not feel kahala and uku were lower priority fish.

Ebisui said that lower priority referred to health or unhealth of the stock, it appeared to be healthy, unlike the paka, onaga, ehu.

DiNardo added that the assessment of the species would be prioritized. The seven species of snappers and groupers would be first, then they would work their way down the list.

Simonds asked if the uku, taape and kahala were considered healthy.

DiNardo said that looking at the current catch data, kahala was not as important as other species. However, from a recreational standpoint, they may be more important, but there is not the data to show that. In terms of healthy, that is what the single species stock assessment would get at.

Polhemus moved to amend motion five in two ways:

1. Rather than saying the Main Hawaiian Islands bottomfish complex, I think we need to say the Hawaiian Islands Archipelagic bottomfish complex. That would take care of Robinson's concerns regarding MSST calculations.
2. Split the motion into two parts so that the second piece of it becomes number six and that five simply constitutes the first sentence.

Severance recalled of the SSC meeting matched DiNardo's in the sense of the condition of the stock, within the context of the whole complex, the Deep Seven should come first.

With regard to the change from the Main Hawaiian Islands to Hawaiian Archipelago, Severance believed the intent of the SSC was to look at the Main Hawaiian Islands and if necessary estimate the Northwestern Hawaiian Islands by model projections. Because if the fishing patterns change significantly, CPUE trends are going to have much less meaning.

Ebisui clarified that he heard Severance say that since there will be no data coming out of the Northwestern Hawaiian Islands, even though it is called Hawaiian Island Archipelago, essentially only data from the Main Hawaiian Island is being collected.

Severance said that there would be some data for the next four to five years, and then that data stream would stop. Then the only thing you can do are model projections, which would be less satisfactory.

Polhemus reiterated that Robinson's point of making it just the Main Hawaiian Islands, there will be one sector of the fishery where you're calculating individual MSSTs and another sector of the fishery where you're basically managing it for the next half decade as an aggregated complex. That's going to create a management incongruity given that you're still treating it as a single archipelagic stock.

Simonds said that the Monument designation has created exactly that condition. It was changing everything in terms of research and they would not be able to look at the past and future together. The SSC wanted to concentrate on the Main Hawaiian Islands.

Robinson said that this was a step towards breaking the archipelago apart and letting the Northwestern Hawaiian Islands go, because they would not be able to assess it in the future, and defining the stock basically equivalent to a management unit, which is going to be the Main Hawaiian Islands.

Ebisui as the maker of the motion accepted the amendment in terms of splitting it into two, but did not accept the change from Main Hawaiian Islands to Hawaiian Archipelago.

Polhemus withdrew that portion of the amendment.

Tulafono accepted the amendment as restated.

Makaiau read the revised motion: "Recommends that the Main Hawaiian Island bottomfish complex be disaggregated and analyzed as individual taxa with individual MSST".

Ebisui moved to approve.

Tulafono seconded the motion.

Hearing no further discussion, McCoy call for the question.

Motion passed with one abstention (Polhemus).

Makaiau read the second part of the motion: "the Council notes the SSC comments that some of the species included in the Martell et al. analysis, such as kahala, uku and taape, are not true deep-slope species and, therefore, assessment of these species should be a lower priority".

Ebisui moved to approve.

Tulafono seconded the motion.

Gaffney asked the motion be amended to exclude kahala from the item.

Martin commented that this was not a recommendation, just the Council noting an issue. He was not sure what was being voted on.

Gaffney preferred that both kahala and uku be deleted from the motion.

Ebisui asked if that was a motion.

Gaffney said, yes.

Duenas seconded the motion.

Simonds suggested that the sentence just be deleted.

McCoy called for the question on the motion.

The motion did not pass.

Ebisui moved to approve the original motion.

Tulafono seconded the motion.

Harris noted that her take on the motion was it simply a prioritization of resources to dedicate for assessments.

McCoy called for the question.

Motion passed with one nay (Gaffney).

Ebisui moved to approve recommendation number seven that recommended the analysis of the bottomfish substock structure of zones rather than as a single archipelagic stock.

Dela Cruz seconded the motion.

Hearing no discussion, McCoy called for the vote.

Motion passed.

Ebisui noted and confirmed that number eight was not an action item.

Ebisui moved to approve the next recommendation fishery sampling occur in the Northwestern Hawaiian Island National Marine Monument since this would provide the most reliable indicator of stock status and an indication of the health of the Northwestern Hawaiian Islands marine ecosystem. If such sampling is not conducted, the Council recommends that model projections be used as a proxy for stock status in the Northwestern Hawaiian Islands.

Duerr seconded the motion.

Gaffney asked if the fishery sampling would be done on a permitted basis.

Robinson said, yes. He noted that since research vessels were required to get permits, whether it would be extractive sampling, some type of independent survey or other other noninvasive survey techniques ultimately used.

McCoy called for the question.

Motion passed with one abstention (Polhemus).

Ebisui moved on to National Marine Fisheries Service Fishery Independent Research Workshop. He moved to approve the Council's support for short, mid and long-term research approaches presented by the Science Center and looks forward to being updated on progress in this area.

Duenas seconded the motion.

Hearing no discussion, McCoy called for the question.

Motion passed.

Ebisui continued with the Bottomfish Plan Team recommendations. He moved to approve the first recommendation that the Council requests the Science Center work with respective island agency staffs to finalize the American Samoa, Guam and CNMI bottomfish stock assessments by the end of 2006.

Duenas seconded the motion.

Hearing no discussion, McCoy called for the question.

Motion passed.

Ebisui moved to approve recommendation number eleven, that the Council reiterate the need to suspend the use-or-lose-it provisions for Northwestern Hawaiian Island bottomfish permits.

Duenas seconded the motion.

Gaffney asked how that would work.

Robinson replied that this was already a recommendation by the Council and would be an amendment to the regulatory process, a rule-making change.

Polhemus asked if this would conflict with the Proclamation.

Robinson said that he did not think so. It would basically remove the provision that you have to fish every year in order to maintain your permit.

Polhemus asked if this was a change in the permit as it existed when the Proclamation came into existence.

Robinson said this only affected the renewal of the permit. It was their view that they had some discretion as long as the Proclamation in terms of the permits that were in effect as of June 15th, 2006 was not violated.

McCoy called for the question.

Motion passed with the State of Hawaii abstaining.

Ebisui moved to approve the next recommendation that the SPA and the ER closures and no anchoring provisions for the bottomfish fishery included in the Monument be eliminated. There is no rational basis for these closures given current fishing operations. Removing the closures would not compromise the historical data stream from the fishery and allow for continued evaluation of status of stocks.

In addition, anchoring by the bottomfish fleet does not impact bottomfish habitat and is a necessary component of fishing operations.

Duenas seconded the motion.

Polhemus indicated that the State of Hawaii believed there were two different issues that have been bound up in the same motion. He asked the motion be amended to deal entirely with anchoring, which is the real issue for the bottomfish fishermen up there.

He proposed that it recommend that the no anchoring provisions for the bottomfish fishery included in the Monument be eliminated for commercial fishermen. But since this was dealt with in a previous motion, he thought this motion was superfluous.

Simonds asked, what about the Ecological Reserves.

Polhemus did not believe they were closing off a significant amount of habitat that was previously fished, except for French Frigate Shoals.

Simonds asked, what about Gardner Pinnacles.

Polhemus responded that it was only the top of the pinnacle, and that's for uku, and basically they did not believe that was a bottomfish species.

Polhemus withdrew his motion to amend.

McCoy called for the question.

Motion passed with three nays (Gaffney, Polhemus and Robinson).

Ebisui moved to approve the recommendation that the Science Center conduct a fishery-independent survey in the Main Hawaiian Islands prior to the pending state and federal bottomfish closures. In this assessment the State should allow for sampling within the existing area closures.

Polhemus seconded the motion.

Robinson said that conceptually this was a good thing to do. However, he wondered if the Pacific Islands Fishery Science Center had the resources to do it. He supported it, but recognized that it may not be possible to do it without adequate resources.

McCoy said they would find the money.

McCoy called for the question.

Motion passed.

Ebisui said the last item was not really a motion. He expressed thanks to the SSC from the Council for its comments regarding the Council's exemplary management of bottomfish fisheries in the Northwestern Hawaiian Islands over the last 20-plus years. The health of these stocks is a testament to the Council and MSA effectiveness.

(Lunch break taken).

McCoy welcomed everyone back and moved on to protected species.

12. Protected Species

Kinan reminded the Council that turtle conservation measures are to support high priority conservation activities in critical leatherback and loggerhead turtle habitats, nesting beaches and foraging grounds.

The goals are to reduce local impacts from poaching, predation and the environment, such as erosion; to reduce turtle mortality; increase hatchling production and bolster population recovery.

They have five projects spread out throughout Indonesia, Papua New Guinea, Japan and Baja California, Mexico. All the projects are supported and directed by the Council's Turtle Advisory Committee, locally-based NGOs and scientific and social science experts.

Research and mitigation is a big component of what they do, as well as beach management activities, community-based monitoring and education and outreach.

After three years of program implementation, the conservation program continues to achieve greater understanding of the conservation challenges to Western Pacific leatherbacks and North Pacific loggerheads in regards to local impacts, such as harvest, beach erosion, temperature issues, things like that.

Information to better understand population dynamics, such as life history, ecology, biology, reproduction, leading to trends is being collected, building the baseline and understanding.

All projects are strategically positioned to react quickly to local events.

In limited areas of the Pacific where these projects occur nests and turtles are being collected and hatchling production has been bolstered.

Success stories include:

- In Papua New Guinea they discovered that up to 80 percent of the nests that they thought were being conserved because the community had agreed to reduce their local harvest, were being eaten by the dogs. A simple structure, such as bamboo grids, was developed and actually deployed throughout their sites, and this actually did help and did reduce dog predation. Greater emphasis was put on the nest management focus of the projects. The bamboo structure or a similar structure will be spread out throughout all of the five study sites to bolster hatchling production.
- In Japan in 2004 when they presented to the TAC, they said they relocated nests but they felt that they could have done more. So this last year, in 2005, they relocated over 470 nests of the 2,000 laid at the five study sites in Japan. All of those 28,000 hatchlings were released from management activities. About 20 percent of all hatchlings produced from those five beaches were a product of management actions. So without intervention close to 28,000 hatchlings could have been lost.
- In Mexico, the ZAP, Zona Auto-Protegida, is a fishermen's reserve. The culminated efforts of the fishery research and mitigation, satellite telemetry, foraging studies, aerial surveys, education, have come together to build support by local community, local fishers, local and national government, and that that is a hot spot area for loggerhead turtles. So fisheries that operate in this area have high and increased interaction rates with loggerheads.

Kinan showed a graphic that reflected an increase in interactions in August for the last two years. This was in areas with some illegal and unregulated fishing. It showed that as soon as some boats came in and started fishing in the hot spot,

strandings just spiked up.

Because their projects are on the ground and able to react quite quickly, they have brought that number back down in the last year.

They are now pushing ecotourism in the hot spot. She showed a picture of some of the project members and local government, including the mayor. They did a test ecotourism run that resulted in participants getting to see and touch the turtles. They are hopeful this will pick up.

- In Baja the TAC convened two weeks ago. There were a number of recommendations that are included in the Council books. The TAC recognizes the benefits of the Council projects and recommended that all five continue.

They recognize the benefits of inter program exchange. The effort this last year to bring people from Baja to the Kei Islands in Indonesia, and from Japan down to Australia increased collaboration and effort. So it will continue.

The TAC recommended that the Council projects be highlighted at the next IOSEA meeting in March, 2007.

Fishery-independent population assessments are critical. Therefore, the TAC recommended that aerial surveys be maintained and continued throughout Indonesia, Solomons, Papua New Guinea for leatherbacks and in Baja for loggerheads.

- In Japan, the beach erosion is severe. This is a population that is going to need human management and intervention, indefinitely, if we want to have loggerheads leaving those beaches. So they recommend the egg relocation regime continue.
- Kei Islands, the TAC basically determined that a portion of the study is completed and that a harvest baseline has been identified. It was thought that 100 or more turtles were being harvested each year. After three years of monitoring, it is less than 45 individuals that are harvested annually, mostly juveniles. The project goals and intentions must be reevaluated, given that the Government of Indonesia recognizes indigenous cultural take and we don't want to infringe on their rights.
- In Papua New Guinea, increased education and awareness is needed amongst the local people there. They are supportive of the Bishop Museum's field station and are working with the museum to support education initiatives.

Kinan identified an information gap on eight to forty centimeter turtles. They would like to have a population performance index taken sooner rather than having to wait thirty years for a female to return to a beach. She requested help from the group if anyone

could fill that gap.

Kinan shared some new standing theories that are currently being challenged involving insight into turtle behavior:

- The greens and the hawksbills that used to be consider nearshore, close water types of species are showing a pretty far range in the open ocean pelagic area.
- Some green turtles tagged in Yap that did fairly open ocean activities and movements. There were some interactions in the American Samoan fishery.
- On the flip side, leatherbacks and loggerheads, that were open ocean pelagic species, are showing some really close correlations with inshore areas. There were examples in Baja and the Kei Islands of Indonesia.
- Leatherbacks were shown in the Atlantic with bluefin tuna challenging pre-conceived notions.

Duenas commended Kinan for her collaborators on the project, and wished her success in the future and information as to the status of these stocks.

Kinan shared a glossy brochure that was a collaboration of the Hawaii Center for Pacific Sea Turtle Research and Conservation, the Pacific Islands Fisheries Science Center, PIRO and the Southwest Fisheries Science Center. It was for public distribution and to show lawmakers where the funding of \$7.8 million per year goes.

McCoy commented that since the beginning of Kinan's work there has been much learned about these animals and how they move around and people's attitudes towards them. He thanked her.

12.B NMFS-PIRO Protected Resources

12.B.1 Status of American Samoa Biological Opinion

Robinson began by covering the American Samoa biological opinion. Three turtles, two greens and one hawksbill were taken on eight observed trips with roughly ten percent coverage.

The incidental take statement allows for the take of six hard-shelled turtles, not identified by species. Taking into account the observer coverage and the number of turtles recovered, extrapolating that the incidental take statement was exceeded. So we are required to reinitiate consultation on the biological opinion.

Currently they are in a preconsultation stage or an information-collecting mode. They are consulting with the Science Center on issues of precision accuracy data and have not yet made any decisions on how they will be moving forward yet.

McCoy noted that a resolution was passed the day before for staff to begin investigating.

Simonds asked if Robinson would be convening a working group made up of the Council and the industry as has been done in the past.

Robinson responded that they have not quite decided how to proceed with respect to the opinion, itself. But certainly they would like to have that type of working group, to look at the fishery, to examine how the fishery operates and to examine ways that we might collectively work to make it turtle-friendly.

12.B.2 Section 6 Agreement with State of Hawaii

Yates ran through the following issues:

- Section 6 Agreement with the State of Hawaii is part of the Endangered Species Act, which allows for cooperation between federal government and states. Section 6 is an opportunity for states to get funding to conserve ESA-listed species.

An agreement is in place between the State and NOAA, which makes the State of Hawaii the 12th State to have a Section 6 Agreement and will allow them to apply for federal grant money that will be used for conservation of ESA-listed species.

There will be a panel review in November in Headquarters that will divide up the available funding under Section 6 between different states. They were hopeful that the State of Hawaii will fair well in that process and have some money to work on sea turtles conservation issues and monk seal conservation issues.

Simonds asked what the nationwide pot was.

Yates responded that the projection for this year was \$650,000 or \$800,000, not a lot of money. The good news was that normally all new entrants into the competition fare well the first year to get themselves going.

But it is not a lot of money and a tough competition because the State of Hawaii will be battling against right whale issues, those types of things.

But it is one more possible funding mechanism that can be used to work on ESA-listed species.

12.B.3 Status of Humpback Whale Negligible Impact Determination

Yates continues with the listing of issues:

- The Humpback Whale Negligible Impact Determination refers to is in the Endangered Species Act. The biological opinion and the incidental take statement authorizes take in an otherwise lawful activity. That is why fisheries have authorized take to certain levels with sea turtles.

The ESA specifically says that you cannot authorize take of ESA-listed marine mammals unless you have first done an analysis under the Marine Mammal Protection Act and determined that that take is negligible.

All of the biological opinions that have been done here and across the nation have always had a little clause in there that says no take of ESA listed marine mammals is authorized because you've not done an MMPA analysis yet.

So in the Hawaii longline fishery, we have had four different instances of humpback whales getting entangled in longlines. Under the ESA, that would be considered a take.

So in order to authorize that take and cover that take under the ESA, we've had to go back and do an analysis under the Marine Mammal Protection Act, the goal being once we get the analysis done under the Marine Mammal Protection Act we can go back and amend those incidental takes statements to actually authorize the take of humpback whales so that fishermen and the fishery is not subject to scrutiny for not having that authorized take.

It is something that the agency, in general, has not done.

Ours was done in conjunction with the Alaska Region because the same whales that are interacting with our fishery here are interacting with the fishery in Alaska. The rule, the way it says, is that you have to analyze all commercial fisheries that interact with a particular stock or species. So that document has done. Bill has cleared it. That will be going back to Headquarters for Hogarth's signature.

Then the subsequent follow-on would be those permits, and then we can amend the incidental take statements so the Hawaii longline fishery has humpback whales listed on its incidental take statement.

12.B.4 Report on Species of Concern Workshop

The report on the Species of Concern Workshop. Species of Concern is a terminology that is used to discuss species that are not impacted under the Endangered Species Act, but are on a list that is maintained at NOAA Fisheries Headquarters that says while they species are not protected, they are ones to watch out for and gather more information on.

The overall concept being that of doing proactive work on these species before they get to the point where they are potentially listed under the ESA.

There are four species in this region that were put on the list back in the late 1990s: Hawaiian Reef Coral, two fish species, the humphead wrasse and the bumphead parrotfish, which don't occur here in Hawaii, but occur throughout the rest of the U.S. Territories.

A short workshop was convened to gather more information about the species, to find out if there were some unique conservation opportunities or some unique research opportunities. They are working with the Science Center and the region.

Being on the Species of Concern List does not mean that the Agency wants to list them, it is just a nonformal designation that increases the focus on some proactive conservation issues.

Simonds asked how the species get on the Species of Concern List; what was the criteria.

Yates responded that there was a workshop in October that came out with criteria for putting species on the list and taking species off the list. He would be happy to share that.

Simonds asked if this was something new and how the old ones got on the list.

Yates responded that it was a new program. The four species have been on the list since 1997, how they were originally put on the list, he did not know. It would be Robinson's responsibility to recommend what species to add or take off the list

Simonds suggested that Yates take a look at whether or not those species should continue on the list.

Yates agreed. They needed to take a look at the species, who was interested in them and decide whether or not they want to move forward on any activities.

Yates said that related to Council activity there had been some interesting presentations on the species. Based on information gathered in the Territories and other areas, they might be able to do things jointly with the Council to ensure the species were provided some additional protection. He was working with Dalzell on some ideas.

12.B.5 Hawaiian Green Sea Turtle Recovery

Yates went on to the fifth issue on the Hawaii Green Sea Turtle Recovery. Brandee Gerke and Irene Kinan are putting together a summary paper of all relevant green sea turtle research and information on the status of green turtles across the Pacific. That information would be helpful to the review panel and the team that does the status review. They are planning to convene and the lead will be the scientists from the Southwest Fisheries Science Center. They hope to have a status review completed in 2007.

The key is to look at that status review recommending that Hawaiian green sea turtles be designated as a distinct population segment under the ESA, which basically designates smaller populations of turtles for status review in listing decisions. This would provide the opportunity for the status of Hawaiian green sea turtles to be reviewed independently for whether they are listed properly under the Endangered Species Act.

Simonds asked if that paper was a necessary document for the larger review and when it was due.

Yates said that the paper was necessary to insure all the information is before the group to review. He was not sure about the exact time frame, but would find out.

Yates noted that Dalzell and the have scheduled a marine mammal advisory committee meeting to be held on February 1st and 2nd as a follow-up to advisory committee that was held last May to try to deal with the issue of marine mammal interactions with the fishery.

They have been trying to gather information for the Atlantic Longline Reduction Team. They had recently attended a workshop in Canada that talked about animal behavior, trying to figure out how whales are getting hooked and why they are attracted to the lines and the boats. He hoped that by February they would be able to put some ideas out and begin implementing ways to reduce marine mammal interactions.

They recently re-signed a Memorandum of Agreement with the Coast Guard to assist with marine mammal response events. They quickly took advantage of the agreement by asking them to take a couple of monk seals up to Midway that were brought down for rehabilitation. He thanked the Coast Guard for their continued support of protected resources activities and looked forward to asking a lot more favors of them in the future.

Martin noted that there was an effort through the Australian Government to do some work with cetaceans. They have communicated with the Australian government to support their effort and this may be something that fits into some of programs here as well.

Martin also told the group of the lost of a Hawaiian five month old seal.

He asked about the status of the application for the Section 10 permit with the State that was subsequently withdrawn.

Yates noted that the seal pup was the first one born on Oahu in eight years. PIRO, in coordination with the Science Center, had a volunteer effort to protect that pup and get it weaned. They had taken it to Rabbit Island to have it in a place where it could be near other seals, hopefully out of harm's way. It was found drowned in a lay gill net on Monday morning.

PIRO is interested in working cooperatively with the State to try to figure out a way to address the Protected Species interactions in the Main Hawaiian Islands with, mostly turtles and monk seals.

Polhemus he was talking to Robinson about how to restart the Section 10 Consultation. When he came into his current position, the process had stalled, but it was moving again.

He noted that it would take a couple of years to work through the process.

Martin said that they were operating without the incidental take statements. He hoped it would move forward rapidly.

Yates noted that at the last Marine Mammal Advisory Committee there were no fishermen at the table. He hoped the Council would help ensure that those interests were represented. It would probably be the best way to think about some common sense solutions.

Simonds asked what kind of plan the trustees or the Service had in terms of the monk seals and the recreational fishing and activities that are going to be happening at Midway.

Robinson responded that the Fish and Wildlife Service was working on a Visitors Services Plan that would lay out their management regime for the Midway area of the Monument. They were in consultation with Fish and Wildlife Service on that plan with a focus on monk seals, to make sure that the activities that they authorize are not adverse to the monk seals, as well as to make sure that they have a means of monitoring and determining that as well.

Simonds asked about the number of visitors they would allow on Midway.

Martin asked where they would allow visitors and what they would be allowed to do.

Robinson noted that NOAA was the agency responsible for the monk seal recovery and they were co-trustees with the refuges managed by the Fish and Wildlife Service. Despite the permitting requirements, NOAA Fisheries would be looking after the monk seals as it relates to all activities in the Monument.

Simonds asked Polhemus what regulations were on the books about lay nets, in particular the net that apparently drowned the monk seal.

Polhemus responded that the current regulations are the West Hawaii rules that apply to the Coast of West Hawaii. A proposal has gone past the Land Board and went through public hearings to extend those regulations in certain modified form to the remainder of the state and also to set up certain closed areas around the state where certain netting would be completely prohibited.

Gaffney asked if the upcoming Marine Mammal Interactions Workshop was going to include interactions between marine mammals and sport fishermen and marine mammals and bottomfish fishermen.

Yates said they were outside the Council process. They were working on gathering information on other interactions with cetaceans, nearshore fisheries and other types of fisheries that are potentially having interactions. This process was driven principally by the raise in numbers of false killer whale interactions, but it's a process that pertains

across all marine mammals and all fisheries.

The principal focus is to reduce false killer whale and pilot whale interactions with the Hawaii longline fisheries to get below a level that does not put the fishery in additional scrutiny.

Gaffney noted that there is a long standing problem with interactions between two species of dolphin and sport fishermen on the Kona Coast, and that problem has then migrated to those same animals taking bottomfish as well. This has been going on for 25 years. It has gone from one species of marine mammal and one species of take by that marine mammal to two species of marine mammal. And, it has gone from sport fishing into the commercial industry.

Robinson noted that he sent the revised recovery plan for monk seals to Headquarters for release to the public for public review and peer review. In that likely as that plan gets implemented, there will be recovery activities in the future under permits both in the Midway area and likely in other areas as well within the Monument.

Ebisui asked that a few years back there was talk about culling of some Galapagos sharks which were known to take the monk seal pups. How did the Monument and its regulations impact the Agency's ability to go and obtain these permits to cull the sharks?

Robinson said there were some experience and difficulties with that this year in proposals to do some culling. They not only have to have a Monument permit, but they have to have a permit from the Fish and Wildlife Service and a permit from the State. You have to go in front of the Land Board to get a permit from the State, which they did. The culling the State permit provided was less than what they asked for. But, he felt it was a growing pain problem with three permitting systems that needed to be figured out.

12.C, NMFS PIFSC Protected Resources

12.C.1 Cetacean Survey Update

Dave Johnston, a Cetacean Biologist with the Cetacean Research Program at the Center provided an update on the program.

Johnston was hired in the winter of 2005 to start off this Cetacean Research Program. His initial set of tasks was to assess resources and build partnerships.

In the first year he convened a workshop to bring together their research stakeholders to talk about what the priorities should be. He also initiated program projects focused on stock assessments in the area.

There are 20 or so species of cetaceans in the Pacific Islands Region. Almost all of them are virtually unstudied. The region has both odontocetes and mysticetes, or toothed whales and baleen whales. Some of those are resident in behavior. They live here all

year-round, like spinner dolphins. Some of them are migratory. They make long migrations, like humpback whales. This does make things difficult in some ways.

For whales, there is a seasonality component that is important and different for the Northern Hemisphere and the Southern Hemisphere. Study of subspecies is more difficult because of the timing of the migrations. That includes things like humpback whales in American Samoa, but possibly other species, like minke whales and some of the other larger baleen whales.

They are about to publish the report from the workshop that was convened in June 2005, which brought together about 30 stakeholders from the region. They reviewed the science that had been done and that was ongoing, identified some information gaps and then developed recommendations for the region. The report should be printed in the next two weeks. They will have a PDF of that and can provide that to people as needed.

They have been doing some stock assessment work via cruises and small boat surveys. The OSCAR SETTE was used to do both visual and acoustic surveys for cetaceans. Some surveys are done with small boats in coastal areas to gain more information about the species there.

There is a lot they don't know about the species in the areas that they work.

This spring they went down to American Samoa and conducted small-boat surveys in the waters of Tutuila. They are combining their research with other research that's been done by some humpback whale researchers down there to develop an understanding of what cetaceans live in those waters.

Before this spring, there were actually no dedicated small odontocete dolphin surveys that had been conducted in that area. So this research is really a baseline inventory of what is there.

The primary objectives of those surveys is to go out, identify species, take photographs, because a lot of times we can actually identify individuals through those photographs and also get biopsy samples from these animals so that genetics and stock structure can be understood in various regions.

Johnston showed a map of the survey effort and the different species encountered in the surveys. There were false killer whales, spinner dolphins inshore, some rough-toothed dolphins, and sperm whales quite close to shore, probably less than two miles away from the north coast. Sightings included species not commonly seen on surveys, like dwarf sperm whales.

Johnston showed the various species encountered, including the humpback whale survey data they worked on with Dave Mattila, the number of encounters, the number of biopsies collected and the group sizes. They were very successful with the spinner dolphins and securing biopsies. The samples have been forwarded to researchers at HIMB, the Hawaii

Institute of Marine Biology, to study the genetics of spinner dolphins in that area.

They have been able to match individuals between surveys via photos. A rough-toothed dolphin was identified in both the winter of 2006 and the summer of 2004 just two kilometers apart indicating that the animals may be resident. This matching allows them to also understand more about the populations of spinner dolphins in the area.

The OSCAR SETTE was used to cruise the waters of American Samoa and north to Johnston and back to Hawaii. They have 45 days scheduled for 2007 to work on their projects and other collaborations.

The SETTE has been refitted to conduct observations with appropriate methods. A towed array allows for passive acoustic observations. Animal sounds can be detected and localized to secure biopsy samples. There were about 60 acoustic detections that allowed for biopsies during this trip. This is a really great tool for surveying cetaceans in waters, especially when the encounter rates are low.

Acoustic work is done in other ways. For baleen whales, their very low sounds are often masked by the sound of the ship. Sonobuoys are thrown off the back of the ship and can detect the lower frequency sounds of baleens such as fin, blue and minke whales.

Johnston showed a picture of the ship's track and where cetaceans were detected visually and acoustically.

He also showed a picture of the backscatter from the acoustic sounders. The sounders go down to about 500 meters and the ship's track provided a trans-equatorial transect. Temperature and things like chlorophyll are tracked so an ecological context for the cetaceans sightings can be made.

There were sperm whales and false killer whales in the American Samoa EEZ and up to Johnston Atoll. Using sonobuoys, large numbers of minke whales in the Johnston Atoll EEX and tripled the visual and acoustic detection coincidence. This confirmed the presence of the minke whale versus a submarine.

Passive acoustic work in Hawaii is done using High-Frequency Acoustic Recording Packages or HARPs built by John Hildebrand at Scripps. It is a bottom mounted package that is thrown off the side of a ship, sinks to the bottom with a hydrophone floating up in the water column and records for six months or a year. It is able to sample sounds from bigger whales, baleen whales and echolocations that the smaller whales make.

To retrieve the information, a signal is sent down to the device, it floats to the surface, data is downloaded and it is pitched off the side of the ship to collect more information.

Johnston showed a map of one of the deployed HARPs at a Cross Seamount. They were sampling at 200 kilohertz, which means they can hear sounds up to about 100 kilohertz. This covers small and large whales in Hawaii. The HARP was put at 400 meters depth

and programmed with a duty cycle of five minutes on, fifteen minutes off. This provides enough distance space to use the 1.6 terabytes of data space over a year's time. They hope to recover this HARP next month and will have a year's worth of data from that seamount.

Johnston showed a diagram of the kind of information collected. The horizontal axis was the time, the vertical, the frequency of the sound. The diagram showed echolocations from beaked whales, lower frequencies from dolphins and fishing echo-sounders from fishing boats in the area. By comparing the time series, they can tell how frequently dolphins and fishing effort are co-occurring.

A lighter diagram showed that some of the species were only there at night. "Lollipops" of data points within the gray shaded area indicated that there were beaked whales in the area during the night from September 12th to the 22nd. He highlighted other types of sounds that were recorded giving a good indication of what is occurring in the local environment.

Looking at the same data over a longer time period showed the month of October with no beaked whales in the area. This was something they are trying to figure out.

The data can be taken down to a finer scale so that individual beaked whales can be identified. In some cases the HARP will detect echoes from the sea floor. That information tells them how far from the hydrophone the animal is. They are also trying to see if they can develop a way to count the number of animals in the area. They are developing a proposal to try to do that.

They are also working on stable isotopes projects with biopsy samples collect from pilot whales and false killer whales. They will look at how the stable isotope ratios may differ and understand a more about how the stock structure may vary in Hawaiian waters over an ecological time scale. This would bring more understanding about the diet of the animals on shorter time scales, shed some light on the roles they play in the ecosystem, and inform mitigation efforts for bycatch and depredation.

Their funding is limited with one full time person working on most of the project and a new hire to help with some of the photo ID projects.

Their upcoming activities include:

- Small boat survey in the Marianas and around Guam;
- A joint monk seal-cetacean cruise in the Northwestern Hawaiian Islands in March and April to deploy an acoustic recorder;
- Working with folks at Scripps and Duke to do a more detailed analysis of the acoustic data collected;
- A more dedicated photo-ID effort for small cetaceans around various places in the region and collecting biopsy samples to understand more about rough-toothed dolphins and spinner dolphins genetics and stock structure in the region.

- Putting some proposals together to do some DTAG work. These tags are new telemetry devices to put on whales that will allow for an understanding of the three-dimensional movements under water, how the whales may be affected by ship traffic; how they forage; and how they use the environment that they're in.

Johnston shared a list of the collaborators on his projects.

Martin suggested that the commercial fishing industry in Hawaii might be able to help with deploying the equipment and would have a keen interest in learning more about his project. Johnston's work was similar to a collaboration the industry is building with Australian industry and government.

Johnston said they have deployed these devices in a number of places in the Pacific and have recovered them from charter fishing vessels. So, it is something they have done.

Martin suggested that the equipment could possibly be deployed daily on their lines and downloaded at the end of the day.

Johnston said there was an ongoing project of Duke University that was deploying acoustic data loggers on longlines in the Atlantic. They were looking at how and when pilot whales came into the region of the gear and interaction. He offered to provide contact information on the researchers to Martin.

Duenas said that the Guam Fisherman's Cooperative would be willing to assist with the project. They have humpback whales from the southwest three to four month every year and pilot whales are common.

Sablan noted that there were some Japanese researchers in the Northern Marianas. Dr. Dela Cruz from the Division of Fish and Wildlife might be able to provide more information on what these researchers were doing.

Johnston said that was great because that was an area where they knew almost nothing about cetaceans.

12.C.2 Monk Seal Fatty Acid Study.

Antonelis noted that they have taken over 300 samples of fatty acids from Hawaiian monk seals, which they use to correlate to fatty acid samples of potential prey that are on file. They are hoping to define and quantify the relative amounts of prey in the monk seal's diet.

This has been done very simple ecosystems, but in complex ecosystems, like the Northwestern Hawaiian Islands, it is a challenge.

The information will provide insight to Hawaiian monk seal foraging ecology.

They started collecting data in 1998. Over time they will be able to compare differences in different populations, different areas.

Antonelis had information on three areas:

- In the Northwestern Hawaiian Islands, they were looking at differences in age, location and how they feed.
- In the Main Hawaiian Islands, the sample size is pretty small there. But they are also quite different.
- Survival of these difference regions is also very different. At the far west end, Pearl and Hermes, Midway, Kure, are much different than the survival based on Lisianski, Laysan, and also different than French Frigate Shoals.

They are set up to blend the foraging ecology work and the demography work into a real comprehensive understanding of what's going on with the monk seal.

The bad news is that the monk seal populations, at least if the current projections are correct, is going to be below 1,000 in less than five years.

One of the main reasons why the monk seals are declining is the lack of food. If some links could be drawn, better mitigation efforts could be developed to enhance juvenile survival and turn monk seals back around so they begin to increase.

The fatty acid report is due any day now. However, before it is released to the public, we want to make sure the science is good. A team of fatty acids experts will be reviewing it. He thought it would be ready by the March meeting.

12.D, SSC recommendations

Severance reported that the SSC notes with pleasure the ongoing success of the turtle conservation projects and encourages continuation of these projects.

Regarding the Turtle Advisory Committee's recommendation for an exit strategy in the PNG project, the SSC suggested that the Council collaborate with Bishop Museum Field Station and its efforts in PNG.

The SSC suggested that the Turtle Advisory Committee become more involved in the Pacific Islands Fisheries Science Center's efforts -- that the Council collaborate with the Center to persuade fishermen to use gear such as circle hooks and/or fish bait that reduce impacts to turtles.

The SSC recognizes the lack of information regarding dispersal patterns and habitats of eight to forty centimeter sea turtles and recommends investigation of this topic and the involvement of fishermen to assist in this research question.

Regarding the monk seal fatty acid report, the SSC did not receive a report.

12.E. Public Comment

McCoy asked for public comment and received none.

12.F Council Discussion and Action

Robinson corrected a statement he made earlier about the incidental take in American Samoa. It was actually three green sea turtles, not two green and one hawksbill. All three were mortalities.

9. Marianas Archipelago

9.A Mariana Archipelagic Ecosystem Research Plan

Seki reported that at the present time the Pacific Islands Fishery Science Center does not have a comprehensive archipelagic research plan for the Marianas or American Samoa

Their approach will be to take these plans up as FEP or Fisheries Ecosystem Plan. There is an archipelagic research plan in draft for the Hawaiian Islands that has gone through several iterations and a considerable amount of growing pains. They hope that can take what is needed for the other archipelagoes, what has been learned in Hawaii and form the plan.

Seki detailed some of their activities:

- Conduct the biannual coral reef ecosystem survey next year in the spring in the Northern Marianas on the HIIALAKAI;
- West Pac FIN activities will continue to be the backbone of fishery information for the region;
- DiNardo and the stock assessment people have a \$200,000 proposal into the National Marine Fisheries Service Cooperative Research Program to conduct a bottomfish and coral reef ecosystem cooperative research program, which would collect data to fill some of data gaps;
- A draft bottomfish stock assessment report of Guam and the Northern Mariana Islands will be completed by the end of this year.

Sablan asked if there was going to be a follow up on the bottomfish assessment with the OSCAR SETTE.

Seki responded that he believed the bottomfish assessment was based on West Pac FIN data, pretty much the commercial catch data.

Duenas noted that in Guam several years ago they tried to apply for a grant to do a baseline study of all of the offshore banks. He asked if they could do a collaboration with the Fishermen's Co-op in establishing this baseline study.

Seki said he would welcome that as resources were available.

Duenas added that he was not comfortable with the CPUE method of taking a lot of highliners and combining their effort with a lot of not-so-good fishermen. They would like to establish a baseline on Guam utilizing the highliners to know what the true effort can be.

9.B Guam Bottomfish Assessment

Parry provided an update on the Guam Bank A Study done in 1997 and 1998. The study was designed to look at shallow-water complex. In particular they were looking for a baseline for these complexes on some of these offshore banks, some of the virgin stock, predators, CPUE, percent of mature, stock structure, and to gather data to calculate some SPRs. It was not a fish-down study or stock assessment.

Some of the study parameters included 18 fishers consisting of DAWR staff and boat staff sampling three of the offshore banks near Guam. They used two separate methods, hydraulic and hand reels focusing on the shallow-water species complex around three banks: Galvez Bank, White Tuna and Bank A.

The study was done over 13 days, not consecutively, comprised of 154 stations across three banks. There were roughly 500 fishing hours and about 3,000 fish were sampled, comprised of about 54 different species.

Parry showed some graphics on the start and end of the drift stations, line colorations of different CPUE, and depth samples.

His analysis included a factorial ANOVA of CPUE for the banks, the different positions on the boat, the hydraulics versus the hand reels, and the different fishers.

Because there were 18 different fishers involved, the original design of a standardized balanced study became more of an unbalanced study. That would affect a lot of the ANOVA results.

His finding included:

- CPUE was significantly affected by the bank that they were fishing on;
- CPUE was also very significantly correlated with fisher, which is probably a pretty reasonable thing;
- Position, whether they used hydraulics or regular hand reels was not very significant;
- The factorial ANOVA takes into account the interactions between these different terms; the interactions of bank and fisher and bank and position were significant.

- That casts a lot of doubt on some of the interactions of the basic main terms of banks and fishers. You have to be careful on how to interpret some of this;
- The residual of CPUE versus the predicted CPUE of the model ANOVA showed a nice cone shape, you really want a scatter.

Given those results, they will need to dig a little deeper and be more specific on what is being asked. The model breaks down as you go higher along the CPUE.

There is a lot of good basic biological data: good male/female ratios of length versus number of the size frequency and length/weight relationships relative to species. This for all of the species combined that can be broken out and used as reference.

Parry was planning to look at CPUE by bank by specific fishers or by specific position. He believed there would be some good CPUE comparison between banks based on fisher.

A log transform of the CPUE across the whole gamut of people would eliminate the cone shape and make the data more useful. Seki also thought that the species-specific information and basic biological data on the different species would work towards a NOAA technical report.

Parry offered to make the data available to anyone who wanted to use it.

Duenas asked if the reel was hand-crank.

Duenas noted that about 70 percent, maybe more, of the fishermen that fish for the shallow bottom complex use spinning reels. The fight is a little greater, so the CPUE would not be as great per hour.

Parry said they were aware of that and could break the data out by gear type. With a fishery-independent study, you want to try and dovetail as close as you can to what is actually going on with the commercial fisheries. However, as you start pulling more details out the sample size gets smaller and smaller.

Duenas appreciated the fact that there was a difference between the shallow-water complex from the deep-water complex.

9.C Guam Offshore Project

Bartram reported on a community initiative to be responsible for the management of bottomfishing in Guam. It is a collaboration between the Guam Fishermen's Cooperative Association and the University of Guam Marine Laboratory.

The project is not policy. It is action-oriented, place based and intended to involve fishermen in all of the facets of management, not just at the very end when regulations are being made. In fact, no change in federal regulations is needed to do this project.

The project begins the process of splitting rather than lumping all of the bottomfishing areas.

This project benefits the Council programs in several ways:

- It provides a higher level of resolution of data, a recommendation from the Bottomfish Stock Assessment Workshop;
- It supports the transition from Fishery Management Plans to Archipelagic Fishery Ecosystem Plans, and also further implements the Council's Community Development Programs in Guam.

Guam Co-op is the lead and it is a long term, open-ended project. It involves outreach, voluntary compliance of Co-op members with voluntary guidelines, training and for Co-op receiving staff to expand on the trip data that they already collect.

The project involves training to collect biological specimens. This is where the University Marine Lab comes in, Dr. Terry Donaldson.

The data collected from the trips will have specific site location information, including gaps. This particular type of data has to be treated confidentially.

In addition to the skill of the fishermen and the hours of fishing the data includes weather, currents, moon phase in order to calibrate CPUE. This involved more than just weigh and measure each fish from an offshore bank.

Tagging is a component of the project. Because not all of the data can be collected at once; it would disrupt the business. The University of Guam researchers have been really helpful by trying to work out a way that they can get what they need, the biological specimens, both the gonads and the heads. Heads are only from the larger fish because most of the smaller bottomfish are sold head-on.

When a customer buys the whole fish, the butcher will take the tag, recover the gonads and bag the tag. Then the tag can be cross referenced to the trip information.

The larger bottomfish, onaga, and the occasional uku are all sold at the Co-op. Dr. Donaldson will be able to retrieve the heads of fish if he needs them from the Co-op.

There will be some training for the Co-op staff and membership to increase the quality of the data collected. The staff does some of the work, but a bit more training will help get better information on bottomfish gonads.

Another position is needed to train and work with the Co-op receiving staff and match up the trip data with the biological specimens. We estimate that position will be three quarters to full time. Graduate students will be enlisted to work at the Marine Lab. Dr.

Donaldson is not charging for his work on the project.

For the management and fishing guidelines element, a calendar or time line of other elements like small craft advisory days, peak spawning times for major species, cycle patters and market demand will be developed. This will tell them, in terms of bottomfishing, when things need to be tightened up or can be more relaxed.

There are already some voluntary guidelines at the Co-op, i.e. limits on catches of onaga on offshore banks. They could add other species when the need is indicated. There may need to be some seasonal closures once there is a better handle on peak spawning periods.

This type of voluntary guidelines or adaptive management will probably work better than government regulations. The Co-op does not wait for research, they establish the guidelines, collect the data, let the various agencies analyze the data, then see if the guidelines need to be adjusted.

Duerr asked if the guidelines applied to just the Co-op or other people as well.

Duenas said that the guidelines apply to the Co-op, but also seems to be working with people outside the Co-op. For bottomfish, there are very few fishermen that catch bottomfish and do not market them. In order to be a member of the Co-op you must follow the guidelines, which are strictly enforced.

Duenas said that they monitor everyone, not just Co-op members. If a non member is harvesting a lot of onaga, Duenas will pressure Co-op members not to fish in that area. They really don't want to have to deal with government management measures in that area.

The Co-op is a quasi-nongovernment organization; it is a non profit. They believe they can do more than the government because they deal directly with the fisherman. And it seems to be working.

9.D.1 Marianas Data Needs

Calvo reported that while much information is available on major fisheries that is done by local boaters and foreign fleets, detailed information on some fisheries is incomplete. The Council's report includes areas from three to two hundred miles out and combines local and federal waters.

There is concern about those who harvest substantial quantities of fish, but are difficult to encounter and obtain interviews. The methods include deep bottomfishing, scuba spearfishing, seasonal net harvest of such fish as the bigeye scad, the surround net and the highliner trolling activities. These activities also occur at some of the port marinas and are not sampled. Additional effort to obtain information from these fishermen is necessary.

Fisheries are commonly regarded as being either commercial or recreational, with subsistence and charter or sports fishing fisheries often seen as part of the recreational fisheries. This approach is problematic in its definition in the Western Pacific Region, where the motivations and activities of fishery participants, especially those engaged in small-boat fishing operations, may change from day to day.

In addition, the federal designation of recreational versus commercial fishing may disregard cultural attitudes towards fishing that those federal definitions entail.

These definitions may not consider cultural motivations towards fishing that occur in the Pacific Region, and these three definitions may not be adequate in properly describing fishing activity, motivations and attitudes in the Pacific. Practices, such as cultural sharing exist where fishermen may come in with fish and basically share it with his friends, other relatives, neighbors, and not expect anything in return.

Those people in return, sometimes they're farmers, they bring a bunch of bananas, as part of the sharing activity. There is never any “bartering” in that respect. It's just something that you give because you have. It is called “**johan**”, which means we have.

In addition, it can be perceived that these definitions may have a negative connotation and serve to add more regulatory responses once a fisherman has been given a particular label, such as a commercial fisherman.

With regard to fishing access areas, the current offshore creel survey samples only three of Guam's ports. There are other areas where fishermen do launch out, some smaller areas such as Ylig Bay, where there are difficulties because of the fact that Ylig has a makeshift ramp. Many of the fishermen are there only at night. There are basically no lights and no phones and that is a safety issue.

Ylig Bay is on the east side of the island is really pristine and has really good fishing.

Fishing methods currently are under-represented and harvests significant numbers of fish at Ylig, including a majority of the scuba spearfishing groups, pelagic highliners and deep and shallow bottomfishing activity.

Marine Protected Areas have been established are Pati Point, Tumon Bay, Sasa Bay, Piti Bomb Holes and Achang Bay. There are several issues with the data on Guam MPA:

- the follow-up information on whether these MPAs are helping fishermen.
- Scientifically valid data needs to be collected and provided on the spillover effect on fish stocks in the preserve.
- The spillover effect may be difficult to acquire or not be applicable with several preserve areas. For example, Tumon Bay Preserve is straddled by contaminated fishing areas at Tanguisson and Hagatna. Pati Point is straddled by military

property. Sasa Bay is within Navy property. Piti Bomb Holes is straddled on the south end by restricted areas managed by Port as well as Parks to the north. Achang Bay is bordered on the southern end by PCB-contaminated areas and private property to the north, which provides limited access.

- While the intent of the preserves are a worthy response to declining fish stocks, the effect on fish catches has yet to be scientifically validated.
- An eco-permit process has been developed to address the impact on marine resources by nonfishing activity.

However, this document is currently bogged down in the Attorney General's Office. This document may need to be further pushed by local management to address fishermen's concerns that the preserves primarily targets them, yet allow other damaging activity.

Some of this damaging activity includes the tourists and other people walking on the reef. There's been a lot of incidences of windsurfers who go straight through the staghorn coral. These trails can be seen by snorkelers.

On the shoreline of Tumon Bay, on a daily basis they rake up all of the seaweed on the shoreline, which is part of the ecosystem.

- Fishermen have complained that sharks take as much as 50 percent or more of their catch during trolling and bottomfishing activity. This shark interaction results in lower catches and loss of gear.

The presence of sharks is an indication that fish are present in large numbers and may be an unavoidable byproduct of fishing in a productive area. However, perhaps data on shark interaction, research and dialogue with fishermen may result in ways to ensure fishermen are not negatively impacted by shark interaction.

- Although other areas have gone the route of mandatory reporting and federal permitting, community outreach and fishermen buy-in on Guam is a preferred option, demonstrating that the community can come together to provide data and work towards common ground in solving marine resource problems.

In addition, buy-in from fishermen may also help in obtaining fishing information from fishing methods currently under-represented in Agriculture's boat-based and shore-based fishery data programs.

This program, however, needs appropriate time, resources and fishermen buy-in in order to establish this potentially important data collection program.

- The Fishermen's Co-op is not necessarily voluntary. The economic impacts on

the fishing community need to be evaluated. The fishers play an integral role in the economy as a source of demand for inputs and a supply of outputs. Fishermen purchase various input services from industries, such as bait, fuel and supplies. These inputs are used in fishing, which in turn supplies outputs, such as fish, to local stores and restaurants, as well as to export markets and cultural events.

- The Guam Coastal Management Program did a coral reef economic valuation. During their survey it showed that 45 percent of the households surveyed did participate in fishing activity.
- Fish Aggregating Devices, (FAD) programs are generally popular among commercial, charter and recreational fishermen, whose fishing methods include trolling, handline, casting, vertical longline and rod and reel, drifting. Due to the enhanced fishing successes, FADs prove to be some of the most frequently visited fishing grounds by the small-boat fisheries around Guam. Consequently, competitive interactions may result from the increased concentration of anglers fishing around these structures.

Data from fishermen should be obtained in order to obtain valuable input to ensure that the maximum number of productive FADS are available to fishermen.

The information will in placement of FADs, and such, as well as creating FAD lines where fishermen can go straight up the coastline.

- On Guam, there are significant impacts from pollution and sedimentation, which are a direct cause for fish decline.

Coral reef species and other related marine life depend on healthy coral habitat. However, sedimentation and pollution are two major causes on Guam of directly depleting coral habitat. This has a direct negative effect on fish relying on coral habitat that are harvested by fishermen.

However, decrease in fish stocks are often attributed via management options on to fishermen, such as fishery closures, the establishment of MPAS, gear restrictions and catch quotas. Rarely are sources of land-based pollutants given restrictions or fines commensurate with their damage to the marine environment.

It is important to provide data to show that although fishing has an impact on fish stocks, it is equally important to quantify what would be the potential for an area not impacted by land-based effects, such as pollutants and sedimentation.

This approach can begin the process to bring agencies and companies responsible for damaging vital fishery habitat to the table to be involved with coming up with options and opportunities to restore fish habitat and prevent further degradation of

marine resources. These sources of marine habitat degradation have been known for years, but management options have often never included studying, addressing, managing or preventing their impacts.

- Calvo showed pictures of the Agana Marina. The Guam EPA did not want this section to be asphalted and used coral. During the heavy rains the coral just runs off of that pier. He noted that the water was black at the pier due to sedimentation.

The Agana Marina is becoming very shallow because it's filling up with sedimentation. In some areas, it's basically as deep as almost six feet, and some of the boats do scrape bottom. The CDPP longline vessel with the Guam Fishermen's Co-op is docked in this area and can only go out during the high tide.

Calvo showed a map of Guam with all the MPAs that was prepared by the Guam Coastal Management Program. Inaccessible coastline, closed roads, private property and the lack of roads make fishing access very limited.

The Volunteer Data Collection Program is addressing some of these issues.

Because of the fishermen being pushed away from traditional fishing grounds, such as Tumon Bay, there's been a lot more competition for limited fishery resources, which has caused dissension and created competitive interactions among user groups.

Problems arise when one sector generates enough fishing pressure to depress catch rates, thereby potentially reducing catch rates for all local sectors. Interactions include local fishermen feeling that offshore foreign longliners are intercepting fish that would have otherwise been their catch, free-diving spear fishermen and commercial dive operators blaming scuba fishermen for depleting populations of large fish, such as groupers, parrotfish and the Napoleon wrasse, and unrestricted gill netters that impact shore-based fish populations for cast-netters and rod-and-reel fishermen.

Calvo showed a picture of people fishing for atulai or bigeye scad from within the marina. Often the line of people go all the way across the marina area and boats have to pull their nets to get out of the marina. This is all due to the sedimentation.

Duerr noted that having charter, subsistence and sport fishing under recreational fishing is just the opposite of Hawaii, where the methods are considered commercial fishing. This is not a territorial, but national issue as far as being able to collect and compare data.

Duenas noted that charter boats are like some of the charter boats in Kona and qualify for all the Coast Guard requirements.

On fisherman was so upset about this that he painstakingly qualified under the Coast Guard requirements but is limited to 20 miles. He would like to go bottomfishing at an offshore bank 30 miles away but is not able to.

But all the fish are counted, every fish sold by charter boats. A good portion, maybe 10 percent is kept.

Duenas thanked Calvo and Bartram for their effort in trying to get all of the information about Guam fisheries in front of the Council.

9.D.2 CNMI

Ogumoro presented the data need of CNMI. There were five that have been identified by the Division of Fish and Wildlife:

1. Expand the inshore creel survey from Saipan Lagoon to Saipan shoreline and other populated islands. Currently, the only place that they do survey is the west side of Saipan, and that's about it. There is no survey on the Islands of Tinian and Rota.

The advantage of would be to provide a comprehensive database on each populated island to track catching effort for all nearshore fish. The disadvantage would be the increase of manpower, paperwork and other administrative support.

2. Expand the current boat-based creel survey to Tinian and Rota. In the past West Pac FIN attempted to do this, but when they left the islands the plugs for the computers were disconnected.

The advantage is to provide good estimates for catch and effort. The disadvantage is, again, money for personnel training, purchase of capital items and other necessary support activities.

3. Establish a program to sample large-scale commercial fisheries, such as catches from Northern Islands and shrimp. Shrimping is a fairly new fishery in the CNMI and we have not been catching information on this fishery.

The Northern Island is also a very big part of CNMI where catch data is not being collected and to do so would allow the ability to monitor any large-scale commercial activity. It would also provide adequate coverage outside of normal working hours. Most of the boats coming back to Saipan would come in late in the evening. Because of monetary problems, these boats would not be surveyed.

The disadvantage, again, is the need for more money to support this program.

4. Mandatory reporting for all fisheries, including clam, sea cucumbers and Northern Island bottomfish catches.

The advantage of this is it will provide data for all sectors of recreational, subsistence and commercial fishing. The data collected can be used for a stock assessment.

The disadvantage, again, like the rest, will result in increased in administrative workload and money.

5. The need to hire an onsite computer programmer who can work with West Pac FIN in resolving database problems and enhancing database collection. This will result in having somebody who is readily accessible to resolve errors quickly, as well as to develop integrated database systems needed.

The problem, again, is funding. Plus, it might be difficult to recruit such a caliber on an island with has a very small population.

Sablan asked how long the lack of data had been a problem due to money staffing for the CNMI.

Ogumoro said it had been a long time. **DFW** has been receiving a lot of help from West Pac FIN. West Pac FIN has been very supportive and providing a lot of assistance. But we are talking about a very big task in collecting data. And, it is not just collecting data, there is a need for a biologist to help report this data, as well as to provide the type of direction on the type of data that needs to be collected. This is an ongoing problem but the current system is better than before.

Duenas noted that the following week there would be a data workshop where these issues would be presented again.

Polhemus added that he had offered to give a tour of the Commercial Data Collection and Statistics Unit at Division of Aquatic Resources so they can see at least how it is done for Hawaii, and could get some idea of the amount of staff and budget it might take to try to do it in CNMI.

Sablan asked if Ray Roberta was still with the Division of Fish and Wildlife.

Ogumoro said he was there and would be in Hawaii the following week.

9.E. Standing Committee Recommendation

McCoy asked for Standing Committee recommendations.

Duenas said there were none.

9.F Public Comments

McCoy asked for public comment and there were none.

9.G Council Discussion and Action

There was none.

10. American Samoa Archipelago

10.A American Samoa Archipelagic Ecosystem Research Plan

Seki noted that American Samoa does not have comprehensive ecosystem plan in place, but activities there are very similar to the Marianas.

West Pac FIN is their backbone to the data there and have Coral Reef Ecosystem Surveys that continue.

Other research is supported by the Pelagic Fisheries Research Program. They have two major studies: to look at fishery oceanographic aspects of the albacore fishing grounds, and to look at the behavior of albacore and bigeye tuna in the area using tags.

The study on the standardization of tuna catches with environmental factors is supported by the HIILAKAI and the OSCAR SETTE. The SETTE was in Samoa waters this year for a total of over 100 sea days conducting a variety of activities. .

10.B Status of the American Samoan Tuna Cannery

McCoy noted the canneries have been in American Samoa for over 50 years. They have changed hands several times in the past decade, Star-Kist is now owned by Del Monte. They are the biggest employer on the Island of American Samoa.

Last year, the 936 Extension that Congress gave to allow for free export into the United States expired. They were given a two year reprieve. It will be up for reconsideration in 2008.

The canneries are a very important part of our environment. Limited entry fishing for the American Samoa EEZ and the development of fisheries support the cannery efforts.

A couple of years ago, the regulations were brought together so they would not experience a boom-or-bust situation with local fisheries, but to find ways that could foster more positive growth and development. That has come to pass.

Currently there are two little boats fishing for local consumption. There is an active offshore fleet, comprised of larger boats that is doing well.

There has always been enough fish. The two year exemption is helpful, but the Council is developing an options paper to determine what should be done.

This could have great impact not only on American Samoa but, Western Samoa, Tonga, Fiji, even as far as the Marshalls, which is where much of the fish comes from.

Gaffney asked what the amount of tuna canned in American Samoa and what the competition was. He noted that it was a big in Thailand with a large Italian canning company.

McCoy did not feel the competition was in canning due to all the NAFTA Agreements. The inter-border free trade travels with our country, that is the competition. They are now working on Thailand things, a lot comes into the United State without major duties. The competition is really worldwide.

Tulafono added although the status of the canneries was uncertain, it is still operating at full capacity. He did not think anything would happen overnight. But, it would have a tremendous impact economically if ever the two canneries close because it's the backbone of the economy and the neighboring islands as well.

10.C Fishery Development in American Samoa

Dalzell explained that fishery development is a dynamic activity in the South Pacific and has been going on since the 1950s, in terms of trying to find something that will be permanent and sustainable in the Pacific Islands. This was work that stemmed originally from the South Pacific Commission. The bottomfish fishery developed in the 1970s.

The Dory Project is detailed in some articles by David Itano in the SPC Fisheries Newsletter.

There was an increase of dories around Tutuila in the 1970s. The 20 or so dories created a subsequent decline in the CPUE of shallow water bottomfish, e.g. reef fish and opakaopaka. The decline in CPUE had a discouraging effect on the fishery development.

In the mid 1980s there was a project to try to export more bottomfish from American Samoa to Hawaii to take advantage of the fact that there was a much bigger market here. There are only about 70 to 80,000 people in American Samoa. The domestic market is very limited.

The key to developing markets in the South Pacific is aircraft. The peak of the export activity was in 1984. At the peak the number of fisherman was variable. The fishery bottomed out in 1987.

One of the key complaints at the time was the flow of funds from Hawaii took a long time. This too had a discouraging effect.

Parallel with the canneries was the development of the longline fishery in American Samoa. This was grounds for some optimism, fishing on a much bigger resource and

with sort of a guaranteed market, the canneries.

This fishery is very different from our longline fishery in Hawaii. This is a bimodal fishery. The strong pioneering element was the artisanal fishery. The alia catamaran used manually-deployed reels, outboard power, a couple of guys. There was a limited volume of fish they could carry, but a ready market in terms of the cannery. This fishery expanded when catch rates were extremely high, 10 to 20 times higher in terms of albacore than Hawaii.

Also, the Taiwan prices were reasonably good in the cannery. So even guys catching like 30 or 40 pieces of fish a day could do very well out of this fishery.

The advent of the growth of the conventional monohull fishery was very small to begin with. But in 2000 and 2001, this fishery took off, getting quite substantial, particularly when prices of albacore hit \$2,000 a ton.

Unfortunately, earlier this year we saw the dereliction of the alia fleet due to a major downturn in the CPUE for albacore. This was something that happened right across the Pacific and has been the subject of quite a degree of work by SPC and also by other scientists at the Pacific Islands Fisheries Science Center.

It was a combination of fishery effects and also oceanographic influences that changed the availability and abundance of albacore. But also because the longline fishery fishes on the older year classes, those are less abundant in the population. So while the stock as a whole is doing quite well, there's a very large biomass. It's primarily juveniles which are caught by trollers. The larger adult year classes were somewhat depleted right across the Pacific by all of the different longline fisheries in the EEZs.

The alia are pretty much defunct. Even some of the larger longline boats have also fallen into disrepair and sunk.

What is left is about 30 large vessels. Their survival has been predicated by the fact that they're able to range into neighboring Cook Islands through licensing agreements to fish in their northern fishery.

Cook's has such a large EEZ, it has both a northern and southern component to its longline fishery. South is where you catch things like swordfish. North is more comparable to American Samoa.

Almost 5,000 people are employed by the canneries, about a quarter of the wages. The entire private sector is in some way related to the canneries. Other neighboring island and supportive industries are also dependent on the canneries.

At a recent albacore workshop we found that basically the canneries are important right across the Pacific, even including countries with their own canneries, such as Australia, Solomon Island, Papua New Guinea, Fiji. They all actually send their albacore to

American Samoa to be canned.

Dalzell showed the wage differential: \$3.60 an hour in the canneries of American Samoa versus \$0.70 an hour in the Philippines and Thailand.

There is no guarantee that after the next two years that the canneries will still be there. And, there is very limited potential for any demersal fishery development in American Samoa. The largest area of reef and banks are around Tutuila. Those can be fished down by relatively small fleets that have fished there in the past.

Like anywhere else in the Pacific, if you want to make money at fishing, you have to access markets overseas. That means aircraft and possibly some kind of freezer operation.

The American Samoa fleet, unlike the Hawaii fleet, is predominantly a freezer fleet. There are HACCP rules for the fish going to the cannery.

Where the Hawaii fleet is an ice fleet, the American Samoa canneries take frozen fish. So there may be potential to operate some kind of freezer operation out of there.

But in terms of accessing premium markets, it has to be through air transportation.

There may be a potential to send fish out through developments such as the mail plane that's going to be coming in there from a Chinese company, which has got the contract to deliver the U.S. mail. They are interested in taking a plane out of there with some kind of cargo, and fish is an obvious opportunity there. There is a possibility for other neighboring countries to have their fish taken out of American Samoa as well.

The other point is the diversification of the fishery. There have been a couple of trips done by American Samoa that have caught significant quantities of swordfish, and very large swordfish. The main concentration of fishing effort in the South Pacific on swordfish has been around Australia and New Zealand. So south of the Pacific Islands there really hasn't been any significant fishing for swordfish.

The fishery will have to think about that in the future. Countries like the Cooks and Neighboring Samoa have much better air connections.

There are multiple flights from American Samoa to Auckland every day. Auckland has a huge airport. It has big cold storage facilities. It's a good station for accessing markets in Japan.

Countries such as the Cooks and Samoa, even Niue and Fiji are able to ship fish to markets through that way.

There is currently a one-way conduit out of Pago, and that's to Hawaii. And there is competition with the Hawaii longline fishery and other fisheries that send fish to markets

on the mainland and Japan.

So there needs to be continued development of the longline fishery in American Samoa, right now they are safe for a couple of years because of the new tax break. But for the long term, we have to start looking very seriously at air transportation and possibly some kind of freezer operation for the incidental catch.

There are some transshipments out of Pago. But the bottom line is some kind of air transportation of fish out of American Samoa.

For near-equatorial waters, the catch is albacore. For a long time, even those countries with canneries, like Papua New Guinea, albacore was seen as a nuisance fish because they weren't fishing for that. They were fishing for high-quality yellowfin and bigeye.

Then with the expansion of an albacore cannery in American Samoa, it provided a market for their fish. So diversification also needs to take into account targeting of other species. If the canneries go, albacore canning stops being a reality.

Harris asked if there was any level of sashimi grade fishing occurring in American Samoa.

Dalzell said that they do catch bigeye tuna. But right now it's only about 250 metric tons, which is only a small component of the catch. Up in those latitudes, when you fish relatively deep you are catching 75, 80 percent albacore. Maybe they could set deeper and take more bigeye.

Most of that fish is marketed locally and you're not getting a good price for it. You can't get it out to a prime market, which would be Japan or even Hawaii. You could probably put it on a plane to Hawaii, but then you are competing with fish here.

Duenas asked when the other neighboring islands license their boats, do they penalize the boats for not offloading in their areas, like FSM does with Guam.

Dalzell said the Cook Islands are thinking about it. A couple of the fishermen are thinking of offloading their bigeye and yellowfin in Raro. It might cost them a little extra in fuel, but they might make back some of that on the fact that they could be getting their fish onto the Air New Zealand flights down to Auckland and onto Japan.

Dalzell said they had talked about having a dialogue with Neighboring Samoa about management of albacore fisheries. In some ways, that's become moot because their fishery has run into recession because they're primarily alia-based.

They still have a fishery, but really, we are so much more dependent on Cooks now for the survival of our fishery that really we should be sitting down and having a chat with them.

Duenas noted that boats from FSM that offload in Guam are penalized by the FSM Government anywhere from 2500 to \$10,000 per offloading. That's not providing economic opportunity for their island. But they find that as an advantage of several daily flights to Japan from Guam.

Dalzell remarked that it was a tax for doing business. FSM, like Cooks, is an FFA Member Country, and their philosophy is to gouge every cent out of a Distant Water Fishing Nation. It's a bit unfair to put the American Samoa fishery quite in that bracket, but we're the U.S, so we're a Distant Water Fishing Nation.

This supports dialogue with the Cooks. A third of our fleet is fishing in the Cooks. There are one or two boats without limited entry permits that fish entirely in the Cooks but offload in Pago, which they can do under our program down there.

Because we had to structure it so that any boats can offload in American Samoa, but only permitted boats can fish in the American Samoa EEZ.

The Cooks are interested in the data we have. There are observers on boats and detailed logbooks. That may be a bargaining chip.

Dalzell noted that there was a recommendation from the Demersal FEP Standing Committee, which was that an option papers be developed for American Samoa and other Territories to explore the issues and options for fishery development.

10.D American Samoa Data Needs

DeMello explained that the data from American Samoa comes from cannery summaries, federal logbook for longline, the DMWR commercial purchase system, offshore and inshore creel surveys. Recreational is captured under the creel surveys.

In American Samoa, the best data is from the longline fishery, effort and catch.

DeMello showed areas that had no data from the creel surveys and the inshore and offshore creel surveys. There is generally good catch data.

Some of the issues that American Samoa faces:

- Fishery interactions, the alia fleet versus the longline fleet; or recreational versus commercial, especially around FADS.
- The economic impacts. These are all issues that data could help solve.
- Frozen import versus fresh import fish versus the locally-caught fish.
- Evaluating the effectiveness of MPAs.

The options include:

- Do nothing and just stay with what we've got;

- Improve the current survey, add some of those categories onto the creel surveys to capture needed data. This would be voluntary reporting, such as the Guam Voluntary Data Program; and
- EEZ permits, establishing it for the island areas.

10.E Standing Committee Recommendations

Standing Committee recommendations, there was just one.

10.F Public Comments

There were no public comments.

10.G Council Discussion and Action

Duenas moved to approve the recommendation.

Sablan seconded the motion.

Duenas asked when the option paper would be due.

Gaffney suggested that sport fishing and recreational fishing developing options as well as commercial fishing.

Duenas and Sablan had no objection to the amendment.

DeRoma suggested that the Council also say an options paper for the broadest possible development of fisheries in American Samoa.

Duerr suggested that it broader and add economic development including planes. For example, when the fishery pulled out of Hilo, so did the aircraft. Cargo was trucked to Kona to fly out.

Duenas and Sablan had no objection to the amendment.

Harris asked if there was a deadline.

DeRoma recommended that it be prepared for review at the next Council meeting or at the 136th Council meeting.

Duenas and Sablan had no objections.

DeMello read the motion: “The Council directs staff to prepare for review at the next Council meeting in March an options paper for American Samoa and other island areas to explore the issues and options for the broadest possible fisheries and other economic development.”

McCoy called for the question.

Motion passed.

11. Fishery Rights for Indigenous Peoples

11.A Hoohanohano I Na Kupuna Puwalu Report

DaMate reported on a series puwalu, or gatherings, called the Ho'ohanohano I Na Kapuna. This is a series of three gatherings that were brought together this year and hosted by the Council.

It came to their attention in January 2006 at the legislative session that there was a critical need for fishery sustainability. More than that, that education was needed on what Indigenous Native Culture, especially Hawaii.

A bill was brought to the legislature by the mainstream fishing community that asked for scientific validation before any fishery restricted areas were proposed. They supported that bill because they were supporting Hawaiian science and were told that there was no such thing at the legislature.

They came to the realization that education was needed on what indigenous science was.

The stakeholders were identified:

- Native Hawaiians, of course, in Hawaii, because they are the indigenous people here and have been practicing traditional cultural methods for thousands of years dealing with sustainability;
- Commercial fishing, because livelihoods are dependent on what is caught, and that is a critical piece of the economy in Hawaii;
- Recreational fishermen, also a critical piece for Hawaii, have a lot of responsibility for what happens in the ocean. They have been practicing sustainability for many, many years;
- Subsistence fishing. That's how all of the different cultures here in Hawaii feed their families, off of the ocean;
- The government agencies. The commonality there is that every single one of these agencies is mandated to protect the ecosystem, whether it's the habitat or the fishery. This includes NOAA, Western Pacific, and the State agencies, primarily DLNR;
- The Ahihi Kina'u, a Natural Area Reserve on Maui, is supposed to be protecting

- The counties are responsible for all of the shorelines;
- The environmental groups, an incredibly important group because there is a huge disconnect between environmental groups and the Native Hawaiian population. DaMate represented the Association of Hawaiian Civic Clubs, the oldest grass roots Hawaiian organization in Hawaii founded in 1918 by Prince Kuhio, Hawaii's first delegate to Congress. The three environment groups include:
 - o The Hawaii Audubon Society, whose mission statement is, to foster community values that result in the protection and restoration of native ecosystems and conservation of natural resources through education, science and advocacy in Hawaii and the Pacific. So they no longer just focus on birds. They are now into ecosystem protection;
 - o The Nature Conservancy, and their mission statement is, to preserve the plants, animals and natural communities that represent the diversity of life on earth by protecting the lands and waters they need to survive. Again, they are taking a large role in what happens to the oceans and to all of our assets here; and
 - o Pew is one of the largest foundations or organizations that have a hand in what happens to our ecosystem in Hawaiian waters.

The commonality among the three of them is that they all say that they're interested in protecting our ecosystem, but not one single one has talked to or worked with the Native Hawaiian cultural aspect of it.

Pew is made up of David Rockefeller, John Pataki, the Governor of New York, Vice Admiral Roger Rufe. There is a list of people who have the welfare of Hawaii in mind, but do not have a clue as to what that really means.

Everyone in Hawaii must sustain the ecosystem; we are all stakeholders.

Hawaiians as indigenous people in the Pacific Islands, have nowhere else to go. This is why we're fighting so hard to protect our place here and why the need for this puwala was so important. The only way that we could protect our place here is to share the generational knowledge that we have, teach Hawaiian science, which is viable science, and advocate fishery ecosystem plans, because those plans are parallel to Native Hawaiian cultural practices.

DaMate showed a slide of how Native Hawaiians have for generations practiced ecosystem sustainability. It is comparable and parallel to the fishery ecosystem plans. Through the fishery ecosystem strategies, we are convinced that we can all come together

to protect Hawaii's unique resources.

The first series was called No Na Lae'ula. This focused on the experts. It was held August 15th to 17th.

This is the first time this has ever happened in the history of Hawaii, where the 45 moku, traditional moku, in the State of Hawaii not only were identified, but all of the traditional experts in lawai'a, fishing, and mahi'ai, farming, because we are looking at an ahupua'a concept, a total ecosystem, were all brought together.

The people that were selected came from the communities, themselves. Each one was recommended by the Hawaiians and they were the kupuna and the known traditional experts for that specific area.

What happens on the Island of Hawaii cannot possibly happen or work for the Island of Kauai. So it was important that all of the different moku were represented.

The goal of the whole puwalu series is to protect and restore the ecosystem of Hawaii by promoting the restoration of traditional ahupua'a practices of natural resource management in the education and government sectors of our islands.

So the strategy, you could not have just one puwalu and bring all of our Hawaiian people together. You needed to expand that knowledge and share it.

The difficulty in that is that the history of Hawaii is very territorial. There is a lot of in-fighting among the districts. But to protect the ocean and to protect their own practices, they all came together and came up with a common resolution that called for the protection of the entire ecosystem.

DaMate explained the cover of the puwalu series because it had great meaning and was very cultural:

- The man coming up from the ocean is a sea god, **Kaula (phonetic)**, holding a sea urchin, or wana, in his hand. The urchin represents the truth of the Hawaiian people, coming up from the depths of the ocean. The opihi on the side of it represents how the Hawaiians stick to the truth, no matter what.
- The man is reaching up to the land to connect the ocean and the land. It is nighttime because Hawaiians practice a lunar calendar.
- In the far left-hand corner is the star navigation that is the Makali'i. The moon is a spirit moon that looks over the entire picture.
- The two fish, the top fish, the smaller one is the opelu and the bigger one is the aku. These two fish represent the two seasons in the Hawaiian moon calendar and how ecosystem was practiced -- resource management was practiced by

The puwalu could not be done just by Western Pacific. Western Pacific hosted it and made it possible for the indigenous people to come forward and share their knowledge. They were joined by the Association of Hawaiian Civic Clubs, Pacific Islands Resource Management Council, the Hawaii State Office of Hawaiian Affairs, Hawaii Tourism Authority, which comes under the Department of Business, Economic Development and Tourism, and Kamehameha Schools, who recorded the whole, entire proceedings.

The results that came out of this first puwalu:

- The most important thing is that trust was established among all of the kupuna and practitioners that attended. They saw the wisdom of this. They came together and they identified many of the issues that are affecting Hawaiians today that normally have not seen the light of day;
- They identified the commonalities between the districts. What happens in Kau does not necessarily happen the same way in Kauai. It's important that all of the districts and the resources are identified and treated according to their own merit;
- They reached consensus on critical issues of concern. These issues have been brought up on the Western Pacific Council a number of times:
 - o The proposed closed fishing areas,
 - o The Northwestern Hawaiian Islands was a huge point for the indigenous people at this puwalu, because the overall feeling was one of dismay, hurt, anger, shock that President Bush would take 140,000 square miles of ceded and submerged lands without even consulting the general Native Hawaiian community. There was no public process offered. They read about it in the news. These are ancestral lands that they will no longer have access through except through a stringent permitting process;
 - o Forthcoming rules and regulations that would affect proven and identified cultural practices. All of the kupuna would rather teach a practice than talk about a memory, and that's why they brought forth information that has never been documented.

This was the resolution that the entire puwalu came up with. The next puwalu is scheduled for November 18th to 19th. Invitations have been sent out to 430 educational institutions, every single school in the State of Hawaii.

The goal is to get the teachers to start looking at educational initiatives to promote ocean and land resource management at all levels.

The kupuna have agreed to come to share this traditional knowledge. They want ongoing

educational initiatives to be discussed, and we are working with the Department of Education and the private schools, charter school and immersion schools on this portion of the puwalu series.

The third puwalu is the most important one because it is geared toward policy-makers. The goal is to create a process to integrate traditional cultural practices into government policy and regulations. All sectors of the government, all nongovernment organizations, public and private sectors, are invited to participate.

The two puwalus, the second and third, are open to the public.

They have initiated partnerships with Hawaii Tourism Authority, the Office of State Planning, the Coastal Zone Management, the counties, and DLNR is hopefully going to be a part of this.

DaMate was hopeful that this one will result in reaching consensus, particularly on the issue of seasonal closures based on spawning cycles, which is where the Native Hawaiians are going.

They anticipated a spirited legislative session. They don't anticipate everybody coming together, but are hopeful that at least discussion and dialogue will be initiated.

Polhemus asked if commercial activities were allowed in Ahihi Kina'u.

DaMate said that she was told that no commercial activities are allowed. Recreational activities such as kayaks and snorkeling, was allowed, and that adversely affects the environment as well. It's comparable to Kealakekua Bay, same type of problem.

Polhemus as if the environmental groups mentioned were the ones primarily concerned with ocean in Hawaii. There were other groups like KAHEA, Environmental Defense, the Castle Foundation, Conservation International, what about them.

DaMate responded that they are on the list but she did not highlight them because in the interest of time. She noted that KAHEA is not considered a Native Hawaiian environmental group. It is considered an environmental group that uses Hawaiians.

Polhemus said that they considered themselves a Native Hawaiian Environmental group, so there seemed to be some disagreement there.

Polhemus asked if Damate felt that NOAA and the Western Pacific were the primary federal entities responsible for the ocean in Hawaii.

DaMate agreed and said that the National Park Service and U.S. Fish and Wildlife Service were also involved. She mentioned just the two or three that have the most impact on the Native Hawaiian culture right now.

Polhemus noted that the National Park Service has several units that are specifically chartered to be cultural parks, Pu'uhonua O Honaunau, Kaloko-Honokohau, just to mention a couple.

DaMate said she was familiar with them. The point of highlighting each one of the environmental groups and agencies was to show the commonality; their focus was to protect, but they need to connect more with the indigenous people.

Polhemus said it seemed DaMate was overlooking a lot of stakeholders. For example OHA supported the State's bottomfish closures, and co-sponsored the puwalu. The State, itself, has two ahupua'a community-based marine management areas at this point mandated by the legislature.

DaMate said she was familiar with those. Each moku has a specific responsibility. She asked if Polhemus was talking about the Haena Subsistence Fishing Area.

Polhemus said that the State's two management areas were Milolii and Haena.

DaMate noted that Milolii was a whole different story that she would be happy to discuss with Polhemus at a later time. Milolii and Haena and Hanalei were represented at the puwalu and reached consensus with everyone else on how to do this.

Polhemus asked if there was any Native Hawaiian Group not been granted a permit to go to the Northwestern Hawaiian Islands if they applied.

DaMate said she knew of two groups that applied in July with federal agencies to get permits.

Polhemus said that he did not believe the State has denied a permit to any Native Hawaiian Group this year to go up there.

Hawaiians are currently consulting on a Hawaiian name for the Monument. Of course, the Hawaiians have gathering rights in that area.

He thought DaMate's presentation was interesting but slanted. So interesting presentation, but it does seem to me that there is a certain amount of slanting.

DaMate said it was slanted toward the perspective of the indigenous people and the Native Hawaiians, which highlights the disconnect that still exists between agencies, environmental groups and the native cultures.

What they were trying to do with the puwalu was to address that disconnect and find a common meeting ground and find a way to overcome it, because the focus is the same, protection of the ecosystem.

Ebisui and Harris congratulated DaMate on bringing everyone together.

11.B Report of Communities Program and the CDDP update

Kaai ai noted that six of the CDDP projects were still active and eight had been completed.

Gaffney asked if Kaai ai could be more specific on the six projects and were reports not a standard part of the process.

Kaai ai responded that the reports go directly to PIRO and for him to get a copy, he needed to go directly to the project heads.

The six projects that were still active included:

- Pahea (phonetic),
- Rota Traditional Project,
- Olosega Fishing Training Project,
- Bycatch and Cold Storage Project in American Samoa,
- Guam Fishermen Cooperative, and
- Waianae Small-Boat Aku Fishing Project.

Haleck said that the Fishery Rights of Indigenous Peoples Standing Committee discussed the request to allow flagline fishing within the longline closed areas.

The Standing Committee members saw the presentation at the International Pelagic Fisheries Standing Committee. They discussed the issue and supported the recommendation of the Pelagic Standing Committee.

11.C Request for CDP Hawaii Flagline Permit

Kaai ai showed a map from the State Division of Aquatic Resources. It showed the protected areas around the islands and the amount of catch that each area has.

Mr. Lee Ohai asked the Council to allow the deployment of flagline basket gear in the longline closed area around the Hawaiian Islands for the purpose of training students and fishing using traditional flagline gear.

Ohai had to leave and asked Kaai ai to present his request.

Kaai ai explained that Ohai had written several letters to the Council about this effort beginning in October 12th, 2005.

Ohai's request included:

- Connect seven miles of one mile long line and lay the seven mile line within the protected area.
- Ohai currently sets one-mile lengths inside the protected area. That can be done

- without a longline permit.
- Ohai does not have a longline permit.
 - Ohai wishes to train young people to fish and to educate them in the use of this historical gear.
 - He also wants to train them to learn the way he fishes, which is a multi-species, multi-gear fishery: longline and crab pots.
 - He wishes to fish inside the longline closed area.
 - Ohai believes he should be grandfathered as a flagline fishermen because of his years as a fisherman. He's 84 years old. He's spent over 50 years fishing in Hawaii.
 - Since he already uses multiple gears to fish for different species, seven miles of flagline will be added to his inventory of gears that he uses.
 - His catch is already reported on his commercial marine license and he sets his one-mile longlines inside the closed area with no permits required.
 - Regulations require that to fish his approximately seven miles of flagline Ohai would be required to get a longline permit. He does not have a longline permit.
 - If he gets a longline permit, he will not be able to set inside the 50-mile closed area unless he receives a special exemption to fish there. Kaaia did not believe this was very likely.

The Council has the following options:

1. The Council can choose not to take any action. Ohai does not qualify for the longline exemption when that closed area was created. There was a date that you had to apply and prove that you had fished in this closed area and that date has passed. Ohai would not qualify under that. Ohai can continue to fish sets of less than a mile long inside the closed area and he will not attempt to do the training program.
2. The Council has a CDP under 305(I)(2) of the Magnuson-Stevens Act. Existing criteria could be used to require data reporting for a CDP permit, the Council could control entry into the fishery and could create zone limits where he can set everything else using the CDP alternative.
3. The other alternative is Amendment 7 of the Pelagics Plan, which is a framework adjustment amendment. It allows:
 - a. The Council to review existing measures: the closed area and other measures that would affect this.
 - b. The Council may amend or change the existing measures and would have to develop new criteria for entry if they decide to do that.

Martin noted that the closed areas for longline in the 50 mile, 75 mile, 25 miles, depending on where and when, were implemented not based on any scientific information but based strictly on user and gear conflict.

There was a history of some boats fishing as close to two to three mile off the Waianae Coast. A gentlemen's agreement didn't seem to work where the longline fishermen agreed just on a hand shake to stay outside of the traditional Leeward Oahu Coast fishing area. Therefore, limited entry and closed areas were implemented.

Kaaiiai recalled the heated discussion with longline gear literally thrown in the middle of the meeting floor. He was not sure if there had been any change in public sentiment. And, if a modification was made to Amendment 7 for this, other opportunities would come up. He was not speaking against Ohai's request, but wanted to put things on the table. This would require further discussion and analysis.

Robinson asked why Ohai needed a seven mile vehicle; why couldn't the training be done with one mile lengths?

Kaaiiai said Ohai had had a problem with his one mile line and had required a plane to find it because it had drifted from where he had set it.

Ebisui said that he was on the Council during that period of time and it was pretty heavy. The meetings with fishermen were unbelievably contentious.

His concern was that it appeared to be a request for exemption to conduct commercial fishing activities under the guise of training.

Duerr said that if it was primarily education and nonprofit, he would be inclined to look at it a little differently. But it seemed to be primarily a commercial project that would train students and the students wouldn't be able to fish in that area anyway. And, the Council would be setting a precedent.

Ebisui said that this request would allow training using prohibited gear. It did not make sense.

Gaffney felt they would be opening a door with this request that could be a Pandora's Box. What concerned him was the State of Hawaii Commercial Fisheries Loan Program that Ohai had borrowed money from and had not repaid. He questioned if the program was really designed to do what Ohai said or if it was designed to help Ohai get out of this hole that he has created with this other commercial fishing program.

Gaffney thought that this particular tradition is one that is already trained in the State and it really was not a traditional Hawaiian cultural practice. The technology came to Hawaii from Japan in the early 1900s. It was a more recent economic practice.

Haleck said all of the concerns would be noted and he would defer the matter until it was time for the Council to take action on it.

11.D, American Samoa Village-Based Marine Protected Area Needs .

Vaitautolo reported that since the Council met in Pago in June, two more villages had been recruited into the program. There is a total of 11 villages on the Tutuila and one on the Island of Olosega, Manua.

Enforcement was reported as a challenge during that meeting. Since then they have made some progress by working with the Department Attorney to draft up a cafeteria of laws that can be enforced by DMWR.

That cafeteria of laws would be taken to a certain particular village and then the village would pick which laws they could use and they apply to the regulation of their specific Marine Protected Area.

The next step is probably two or three more reviews before it goes out for public review and comments.

They have also completed village outreach activities.

The challenges that they continually face include:

- Enforcement. There is really weak enforcement within the village communities that have participated in the community-based program.
- The attempt to maintain village momentum after the initial implementation process of the program is also weak.
- Village community needs include:
 - o Enforcement equipment, such as the use of a boat. She did not have the specs for the boat, but it would be used for enforcement and educational work. They also need flashlights, mask, fins and snorkels, night-vision scopes for enforcement.
 - o In some of the villages, the violators are often outside village people coming in to fish in a village MPA.
 - o Alternative economic source assistance. These people banned from fishing in a certain area need to do something else, e.g. farming, aquaculture, or raising clam.
 - o Educational backgrounds of these local communities vary from nonhigh school diploma to high school to maybe college. Their ability to get a concise grant is limited; a Grant 101 workshop would be helpful.
 - o Funding assistance to coordinate a cross-cultural site visit with other Pacific Islands that have a similar cultural background and are doing the same kind of conservation work.
 - o Solid legal support to effectively enforce the village bylaws.

Duerr asked with 12 villages in the program, how would one boat be allocated.

Vaitautolo said they would figure it out once they got the boat.

Duerr said it sounded like they needed more than one boat.

Polhemus asked if there was a possibility of partnering with the local colleges to work with the villagers on alternative vocational training or assistance for development.

Vaitautolo said they had not looked into that yet.

Polhemus said that it might be profitable, similar to an extension service that helps farmers. Vaitautolo might be able to set up a program to kick start alternative activities for people involved with these village-based MPAs.

Vaitautolo said that the college just created a marine science program and a Sea Grant program.

11.E, the Guam Community Management Projects

11.E.1 Guam fishermen's Co-Op Longline Vessel Project

Calvo reported that the Guam Fishermen's Cooperative Association Deep-set Longline Project has progressed and is in the training mode at this time. They did have some engine trouble and are working on that. The project is expected to be completed by the end of this year.

11.F.2 Guam Voluntary Data Collection Program

The Volunteer Data Collection Project has been collecting data since September 2004. It is progressing and they have expanded the sites for the collection of distribution and collection of surveys forms.

With the Division of Aquatics and Wildlife and West Pac FIN aer working put out some reports with the data that has been collected.

11.F, NMI Community Management Projects

Ogumoro reported that there were four CDPP projects that received funding in the CNMI:

11.F.1 Northern Islands Mayor's Office Project

The Alamagan Fishing Program is located in the Island of Alamagan, 140 miles north of Saipan. The applicant for this project is the Northern Islands Mayor's Office. The project is designed to establish a fishing community on the island to catch and market the fish on Saipan as well as to practice responsible fishing. The accomplishments for this completed project include:

- Established a fishing community. They received training in responsible fishing, built three houses to accommodate the fishermen and a storage facility, shipped all of their equipment and supplies to the island, received the spawning training and participated in the creel survey.
- They made two catches during the duration of the project; the first catch was 400 pounds in four hours. The other was in 150 pounds in one hour.
- They spent all of their money on spear guns, fishing lines and hooks, snorkel and masks, water tanks, freezers, generators, as well as chartering a vessel to bring the equipment and themselves to the island.
- The status. The community has been chartered. The Northern Island Mayor's Office has turned over the project to the community. All of the fishermen are back on Saipan. They are waiting for the Northern Island Mayor's Office to charter a boat to take them back to the island and to begin living and catching and marketing their fish back on Saipan.
- The problems associated with this project were that it was very difficult to get a vessel for them to go up north to the island. Vessels are limited and the island is inaccessible. Another problem is that the Finance Department is slow in processing things.
- They need to send the fishermen back to the island and buy a vessel and support other financial schemes to help them get back to the island.

11.F.4 Rota Traditional Fisheries Project

The other traditional fishing practice is the one that is being implemented at the Carolinian Affairs Office. The project is designed to preserve traditional fishing methods, as well as provide the participants fishing skills. Activities to date include:

- Recruited a trainer, Lino Olopai. Over 25 students have participated in fishing and learning how to paddle the canoe, how to respect the ocean, learn the name of fish in the local languages and more traditional fishing practices.
- Expenditures. About \$17,000 has been spent of the \$60,000 dollars that was awarded. The money went to purchase shipping containers to store the fishing gear and supplies, the gear, and the salary for the trainer.
- The project needs to recruit another group of students, buy more equipment as well as develop more instructional materials.
- The Council's calendar will be used as a training material. It was

- The problems for this project include:
 - The Finance Department again is very slow in processing the dispositions.
 - There are distractions that take away the kids from the project, including the recent Micronesian Games.
 - The Carolinian Affairs Office needs to hire more people to help support this project.
 - There is only one canoe for this learning experience.
- The next step for this project is to recruit more students, purchase more items and assign dedicated staff to provide Lino with the kind of support he needs.

11.F.2 NMI Fishermen's Co-Op Project

The Saipan Fishing Association is the applicant for the Fishing Co-op. This project was funded during the second solicitation for \$150,000. The project is designed to provide training for fishermen, help market their catch, help provide incentives, disseminate and solicit information as far as what fishermen needs are. Accomplishments include:

- The association is almost done with the development of the financial control system, a requirement for the company on the grant application.
- It has created a committee to specifically address the development of the Co-op.
- Found a building. The building large area in the front on the bottom floor. It has a generator, a 10,000 gallon water tank that is connected to a solar reverse osmosis system. The back of that building has a very big walk-in freezer.
- They are working on the financial and marketing plans. They need to let people know about this project before it begins.
- The project has not spent any of its funds because of the company condition. If not this month, early next month that condition will be satisfied and money will be forwarded to the project.
- They are working very hard to get everything in place. The critical part here is they need to find a manager who can do all of the details in order to get this thing up and going. Everybody is helping on a voluntary basis and that is part of the problem.

- The problems include:
 - Lack of available facilities.
 - No paid manager or staff to do all the necessary activities. Everything is being done on a voluntary basis.
- The next step includes recruiting a manager, somebody who is influential and is mighty. They need to get their SOP developed and have a meeting to start recruiting membership and purchase necessary display cases and equipment.

11.F.1 NMI Community College Project

The recipient for the Achumang Project is the Northern Mariana Island CREES, Community Research and Education Extension Service. The project is designed to teach kids how to learn the Achumang fishing practice. It is one of the rare traditional fishing practices that is only being performed by the trainer, Stan Taisacan, who is also part of the Council family. The project is also designed to teach kids how to build canoes, learn how to preserve their foods and learn more responsible fishing practices. Accomplishments to date include:

- Over 75 students have participated and benefited from the project.
- Three canoes were completed.
- Community volunteers have been recruited and are there and ready to help for the implementation of the project.
- Fishing gears were made.
- The training staff have also provided presentations at schools and other school-sponsored programs with respect to this project.
- Expenditures include about \$30,000 spent on fuel, chain saw, planer, sanders, drills, scoop nets and other carving tools.
- Status. They are buying more equipment and supplies.
- The grant has been extended from April of this year to December of this year. Funds will be reprogrammed to cover the cost of salary up to December.
- Problems include finances, again, is slow for this. They are still waiting for items that were purchased but have not been received and they might run out of money before the end of the project period. This has to do with

the 10 percent reprogramming that the principal investigator for this project is requesting. If that request goes through, money especially for salary, might run up.

- Next step. Continue classes to perform harvesting; this was postponed due to weather conditions. They need to do the food preservation activity that was part of the project, as well as to present the fish project on the other islands, especially on Saipan and Tinian.

Ebisui asked if for the Alamagan Island Project the award was \$90,000.

Ogumoro responded, yes. They applied for \$150,000. However, because the volcano erupted they had to move the project north to Alamagan. The area for the project is somehow reduced by someone's standard.

Sablan noted that Ogumoro mentioned that the Carolinian Affairs Project has only one canoe and they are looking for another canoe. Sablan suggested that Lino come and see him for an eight-man canoe that they can put together. This was an inheritance from the late Able Olopai, who used to be the Director of Carolinian Affairs. Sablan also had the mold to build a fiberglass canoe.

11.G Standing Committee Recommendations

Haleck said that Fishery Rights of Indigenous Peoples Standing Committee came up with two recommendations:

1. Standing Committee recommends that the Council convene a workshop to evaluate the Western Pacific Community Demonstration Project Program.
2. Standing Committee recommends that the Council direct staff to draft an options paper to explore the potential for an exemption for Mr. Ohai from the current regulations for longline fisheries. The paper should consider the broader implications of the exemption criteria for all of the island areas in the Western Pacific Region.

11.H. Public Comments

McCoy asked for public comments. Hearing none he asked if Haleck brought those recommendations as a motion.

11.I Council Discussion and Action

Haleck said yes.

Duenas seconded the motion.

Kaaiiai read the first recommendation: “The recommendation is that the Council directs staff to convene a workshop to evaluate the Western Pacific Community Demonstration Project Program.”

Gaffney asked if the Puwalu program was part of the Demonstration Project Program?

Kaaiiai said, no.

Simonds added that the Puwalu Program was part of the Council's ecosystem archipelago approach to fisheries management

McCoy called for the question.

Motion passed.

Haleck moved to approve the next recommendation: “to direct staff to draft an options paper to explore the potential for an exemption for Mr. Ohai from the current regulations for longline fisheries. The paper should consider the broader implications of exemption criteria for all the island areas in the Western Pacific Region”.

Duenas seconded the motion.

Martin said that despite his reservations he believed that the Council should explore if there are any opportunities, such as CDP, or something, that may benefit from the program.

He did think that the Council needed to move this along in some form. As Ohai had pointed out through Kaaiiai, it's been some period of time that the Council has not been able to produce any kind of an indication for his request. He was anxious for some kind of a resolution.

Simonds said that this problem had not been addressed in a timely manner and suggested that the Council provide a deadline for staff to examine all the options, e.g. CDP, in the Pelagic Plan. They could get it done in a couple of weeks and maybe convene a group. A conference call could be used to talk about the options in a month or so, but not wait until March.

Martin noted that Ohai had been to three or more different Council meetings and had not had the chance to address the Council. He made the effort.

McCoy called for the question.

Motion passed with one nay (Gaffney).

Meeting adjourned for the day.

(Thursday meeting minutes)

McCoy reconvened 135th Council meeting and began with Item 13, Pelagics and International Fisheries, Duenas and Martin, Committee Chairs.

13. Pelagics and International Fisheries

13.A. Swordfish Closure

Martin called on Hamilton to report on Swordfish Closure.

Hamilton reported, this was final action on the measure regarding the seven-day waiting period for closing the swordfish fishery when one of the turtle caps is reached.

There was a limit on both effort and turtle interactions in the shallow-set swordfish fishery, 17 loggerheads and 16 leatherbacks, and that when we reach either of those caps the fishery is supposed to close.

The current regulations allow a seven-day waiting period. There was concern expressed that during that seven-day waiting period there could be additional interactions with sea turtles.

An emergency rule was used last year to close the fishery when it reached its limit without having the seven-day waiting period, and rule was through March 19th, 2007. A permanent rule is needed to allow immediate closure when one of the caps is reached.

Four alternatives were presented at the last Council meeting:

1. No action;
2. Change the rule to allow the immediate closure;
3. Change the rule to allow the immediate closure, plus change the fishing year looking at ways to lengthen the fishing season and mitigate some of those adverse market impacts;
4. Change the rules to allow the immediate closure, and look at time/area closures, with the idea of reducing the rate of turtle interactions, effectively lengthening the fishing season.

None of these would change the turtle limit or allow for additional turtle

interactions.

At the 133rd meeting the Council took initial action and decided for this year, not to explore changing the fishing year or having time/area closures, but just modify the rule to allow for the immediate closure so that additional turtles weren't interacted with during that time period.

SSC reviewed these options and reiterated that the regulations concurred with the Council's initial action.

The SSC heard some reports of research that's being done that the Council may want to look at next year concerning potential ways to lengthen the fishing season through time and area closures or other approaches. The researchers are finalizing their projects.

The Council was asked to take final action on this issue.

Martin called for questions. There being none, moved on to Item 13.B, Shark Management.

Item 13.B. Shark Management

Hamilton reported another pelagic issue for action.

There were two issues embedded in one amendment document concerning conservation and management of sharks.

The first issue was the potential for over-exploitation of sharks by the Hawaii-based longline fleet. The second was shark viewing operations around Hawaii.

The background to issue one, in the 1990s the Council examined the issue of the number of, especially, blue sharks the Hawaii longline fleet caught. Many of them were finned. There were about 60,000 per year. There was a question whether a limit should be put on the number of sharks that could be harvested by these vessels. They were effectively harvested. Only their fins were landed, but the sharks were killed prior to finning.

The Shark Finning Prohibition Act came in 2000. State regulations followed. The number of blue sharks harvested was less due to the urea content in their meat, because the Shark Finning Prohibition Act required that the fins be harvested with the carcasses and putting the carcasses on the boats could contaminate the fish in the hold. The carcasses weren't worth anything as meat at that time.

They're harvesting a lot less blue sharks, but there is still some concern and the issue remains outstanding. The Council did not finalize its action

on this issue.

There was concern that shark catches rose in the early '90s. The shallow-set longline fishery interacts with the most blue sharks overall.

In the early 1990s, the catch rate declined, probably as swordfish-directed trips, the mixed boats, came in. The catches were diluted by other catches.

The percentage of the shark fins, in the early '90s, they were keeping only three percent. At the peak, they were up to sixty-five percent. After the Shark Finning Prohibition Act, they were back down to three percent.

In the Hawaii longline fleet, observers reported about 85 percent of sharks came to the vessel alive. So at least 85 percent of them could be released alive.

Other issues were, depredation by sharks, an issue for fishermen; stealing hooked fish, an economic loss. Again, more sharks were caught in the shallow-set fishery than the deep-set fishery. Gilman's draft report, stated that 66 percent of the sharks are released by cutting the branchline, due to the hazards of boarding a live shark to try to remove the hook with a dehooker.

In 1999 the Council took action and directed staff to draft an amendment with a quota of 50,000 blue sharks fleet-wide. The Shark Finning Prohibition Act rendered that moot. That left an outstanding amendment, which incorporated the shark finning issues. Alternatives were presented:

1. No action;
2. Have a nonblue shark trip limit;
3. Have a nonblue shark annual quota. Blue sharks were no longer an issue, and didn't seem to be in any kind of overfishing situation. Any concern, was likely to be about the nonblue sharks, the makos and threshers, which harvested in very small numbers. Their meat is saleable, and you can keep the fin.
4. Gear modifications. Researchers were beginning to look at this idea to prevent the sharks from even becoming hooked on the line, even repel them from the bait and the hooked fish so there's less depredation. Use of monofilaments instead of wire leaders was discussed. There was research into magnets and other kinds of measures to repel sharks. Note that we wanted

to make sure that gear did not impede their fishing efficiency or reduce their catch rate of target species; affect crew safety or add unjustified expenses.

5. Handling and release guidelines. Perhaps something could be done to increase the survival rate of released sharks.

Data on the Hawaii longline pelagic shark catch revealed that blue shark catch peaked in the late '90s. After the Shark Finning Prohibition Act in 2000 and 2001, there were drastic reductions. There weren't big changes for the other species, as they were landed for their meat. The Shark Finning Prohibition Act didn't have a huge impact on them, because bringing in the carcass was already desirable.

The Shark Finning Prohibition Act didn't change the catch rate since the longline boats were never targeting the blue sharks since they lost all of their value.

Although blue sharks were by far the highest number caught, there were only .98, less than one percent, of the retained catch. Makos were 43 percent of the retained catch. Threshers were 11 percent. Annually, 1300 makos, 382 threshers, 142 other.

The SSC reviewed these options at their meeting in October. Since the Shark Finning Prohibition Act reduced the impacts of the fleet on sharks, they saw no need for further action regarding the Hawaii longline fishery and their shark interactions. They did support continued research into the gear regulations.

It was reported that some vessel crew shoot sharks because they feel they compete with the line for the fish. It was asked what kind of sharks was this a common occurrence. Eric Gilman indicated that it was just one crew member who reported this and threshers were the kind that he would kill because they were the most destructive to the gear.

There are a couple of shark viewing operations in place and there's concern over safety, fishing operations, safety to swimmers, etc. This was discussed for some time back in 2004. A Hawaii State representative to the Council requested that a State ban on shark feeding be extended into federal waters, primarily to protect human safety.

Concern was raised by General Counsel that there's no precedent set which clarifies whether this kind of activity would come under the purview of the Magnuson-Stevens Act. It's not strictly regarded as a fishing activity.

Potential impacts and concerns that have been expressed by the Council members and the community are:

The shark viewing operations may lead to changes in shark behavior which could be detrimental to the sharks or the ecosystem. It could affect human safety or impact fisheries in the area.

There were confounding factors, such as:

- An increase in the number of green sea turtles could be bringing in tiger sharks.
- Mariculture operations in inshore waters could be attracting sharks.
- Increased number of humans in the water gave a perception that the sharks were more prevalent because there were more people out there to see them.

These were the management options presented for the Council to consider. This would be initial action on them.

1. No action; shark viewing operations continue as they are, restricted to operating outside three miles.
2. Conduct research on shark movement, behavior and population numbers before taking action.
3. Recommend that the State establish a moratorium on shark viewing operations.
4. Three different options:
 - a. Establish federal regulations for shark viewing. This could include prohibiting or limiting chumming in federal waters, as the State has done in state waters, and requested that the Council do in federal waters.
 - b. Require that the operations move further offshore. There is a concern that the operations are too close to shore, bringing in the sharks too close.
 - c. Limit the number of operations.
5. Establish a ban on shark viewing operations in federal waters.

The SSC reviewed these options at their recent meeting in October. They recommended Option 2, and the evaluation should include looking at the

social and economic benefits to the business operators and the clients, as well as the costs and benefits to the entire economy. Of course, the consideration to public health and safety, fishing operations and the other concerns already raised.

The SSC noted that it had seen one scientific design study proposal. It was sent back, as they felt it wasn't well designed and wouldn't answer the question. Apparently, it would be expensive to construct a rigorous scientific project to answer these questions.

If the Council considered regulatory action, the SSC suggested following French Polynesia, where they use marine zoning to keep the shark viewing activities away from other types of activities.

Martin commented, I would have expected in 2001 when the shallow-set fishery closed that there would have been a change in CPUE. We always thought that the shallow-set fishery had a much higher incidence of blue shark incidental catch. Unless that graph is for the deep-set fishery only.

Ito replied, there is a substantial difference between the shallow and deep-set fishery.

DeRoma noted that the activity doesn't fall within legal definition of fishing in the Magnuson Act.

Silas disagreed with the interpretation because one of the sections cited is 18 USC 1802(13), and that defines fishing. One of the definitions was, any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish.

Young commented, the closure last year had impact especially on the commercial side with all of the vessels having to pull into port at the same time and offload their catch, and presented some unique enforcement challenges. Were there discussions or any type of movement in efforts to try to mitigate that should we face that again this year, or anything else?

Martin added, to clarify Young's comments. At the closing of the shallow-set fishery last year the fishery was quite active, there were about 23 boats at sea.

The fishery closed rapidly, because the regulations do not allow for fishing to continue for deep-setting. If you've declared you're doing a shallow-set trip, that's the only type of gear you're allowed to deploy. Therefore, 23 boats returned to town at the same time.

The market as well as the auction had a problem absorbing the volume of

that much effort and landings at one time. Consequently, the boats had to wait, and the airlines have a hard time moving the fish because most of the market for swordfish is outside of the State of Hawaii.

There were boats that had to wait over two weeks to unload and in two instances the boats had to discard their catch because they were just too old.

At a recent meeting of the industry there was some discussion and interest in developing some kind of methodology to spread the fishery out as well. The industry recognized some of the problems with the first quarter, for example, and higher incidental takes of turtles historically in the first quarter than in the second and third quarter. The industry became more aware on their own, without regulatory participation.

From an industry perspective, in 2005 we were fortunate that we didn't take the limit of turtles so we didn't face those marketing and other considerations. 2006 was a different year. We don't know if either was an anomaly. But the industry was aware of those things. I think it will be addressed somewhat differently in 2007 and years beyond than maybe it was in '05 or '06.

McCoy asked, would industry be willing to share that plan of action?

Martin replied, yes. I was tasked with providing the inputs from this meeting and other analyses that the Science Center and the PIRO folks have done. There has been some work done through Polovina's shop and those groups to look at different methodologies.

More information was available through the federal side that the fishery was interested in than the fishery providing information. Sharing the thoughts of the industry was an opportunity to work hand-in-hand. Industry representatives that got together wanted to know more about what the science showed. So maybe we'll move together collaboratively.

0 residual longline fishing around Tutuila. The American Samoa fishery is a bimodal fishery with an artisanal component. Although they've pushed most of the longline fishing activity 50 miles offshore, a comparable move to that which is used in Hawaii in terms of allocating resources, boats less than 50 feet were allowed to operate within the 50-mile closure, and that included the alia fishery.

Most of the alias set in proximity to the FADs which were deployed around Tutuila. This was a longstanding issue. The general recommendation has been to punt this issue back to the American Samoa Council members. However, it's continued to surface. At the 127th,

Council was asked to do a synopsis of alternatives, which were presented. At the 133rd meeting in Pago, we were asked to do a range of preliminary alternatives for this fishery.

There was an increase of longline catch from zero in the early 1990s to a peak of 60 million pounds in 2002, the volume of fish caught comparable to that caught in Hawaii, in that year. Whereas the troll fishery has gone into a low equilibrium, with just a few guys fishing, this was a mixture of commercial trolling and also recreational fishing.

These were the pioneers of the longline fishery and the alia catamarans that first established the fishery. Over time, this fishery has morphed into a more conventional large monohull fishery comparable to what we see here in Hawaii.

On a visit to American Samoa early this year we saw that almost the entire alia fleet is now derelict due to a combination of low albacore catches, low catch rates in the fishery and economics. Most of the alias were just basically falling apart.

The fleet size of the alias in that fishery reached its peak in 2002, rising from about five boats to almost forty vessels in 2001 to 2002. We also saw the evolution of a larger style catamaran, the super alia. After that, the alia fleet began to decline because of the transition into monohull longliners. There are now on record about five alias left operating in American Samoa. Only about two of them were still using longline gear.

All of the FADs deployed in American Samoa were not in place. Only FADs A, G, B and C were actually in place. All of the others, D, E and F, to the north of Tutuila, and H and I, on offshore banks, were no longer in place. The first alternative was to take no action. We would not seek to impose any additional management measures on the longline fishery in American Samoa.

The problem resolved itself. The large volume of alias that were fishing around Tutuila reduced to five vessels and only two were actually longline fishing. It's not likely there'll be a revitalization of the alia fleet.

No action would incur no management costs.

If we're going to have closed areas, we're going to have to look at some kind of VMS. Whether we could actually put a VMS unit on an alia is a moot point.

It's not certain that there would be no revival of the alia fishery. Right now the signs were that it won't happen.

There was a significant development of recreational sports fishing in American Samoa for the past five years. They've held a couple of international tournaments over the year. They had participants from the neighboring Cooks, Tonga, Fiji and Samoa, who came to fish there.

There were about 30 members of the game fishing club, which was associated with the Yacht Club, in Pago Pago. They had ten or twelve boats that fish primarily for recreation.

There is a need to diversify the economy in American Samoa, as most of the private sector economy are the canneries. Tourism is always one aspect, as the Pacific Islands do consider sports fishing as an important element of any tourism industry.

One of the earlier suggestions for this fishery was to put in a 12-mile closure, which would just push the alias 12 miles offshore. This would allocate all of the pelagic fish within 12 miles of Tutuila to the nonlongline fishing. It would provide a large measure of relief for troll fishermen to protect them from competition with longliners. In theory, we would monitor compliance with VMS.

From '96 to '99 the longline fishery was predominantly fished by alia cats. About 55 to 78 percent of the longline effort in terms of hooks set occurred within 12 nautical miles from Tutuila. Whether you do a five-mile closure, ten-mile closure, close off all of the FADs, you're going to have a major impact on the alias. They all fish in that coastal margin.

Pushing the alias further offshore presented a safety at sea issue. During the Standing Committee, McCoy noted that these were not built to carry large volumes of fish. While there were no fatalities in American Samoa, 14 people were lost in Neighboring Samoa because of boats venturing further offshore and also getting overloaded with fish and being lost from floundering in heavy seas. Small vessels like alias just may be unsuitable to put VMS on.

From '96 to 2001, when the fishery was predominantly an alia fishery, a large chunk of that fishing effort occurred within 12 nautical miles of Tutuila. If you pushed the boat out beyond 12 nautical miles, you would deny them their areas where they fished conventionally within 12 miles.

In theory, the alia longline fishery would not be excluded entirely from the nearshore waters around Tutuila. Assuming that FADs A to G are all deployed, it effectively amounted to a ten-mile closed area around Tutuila due to the overlapping nature of those five-mile areas. Closures would be particularly onerous for really small alias, which have historically taken about 50 percent of the catches within five miles of the FADs.

13.C American Samoa FADs

Also, the area closures around FADs did not take into account the fact that FADs are temporary moorings. They're not fixed and stationary, so how would one deal with that from an enforcement perspective?

The percentage of total catch has declined substantially by longliners within five miles of the FADs. Catches made by boats less than 50 feet and less than 40 feet, around FADs and within the five miles of those five positions, was substantial. Even boats between 40 and 50 feet took about 20 to 30 percent of their catches in the waters around those FADs. For the really small boats, it's up to 50 percent of the catch.

The other alternative explored was looking at FADs B and C which are closest to Pago Pago. Those are used both by the trollers and the longline fishery. Under this alternative you are only going to close down part of the FAD-associated waters and still provide a measure of relief for trollers.

FADs B and C accounted for about 73 percent of the alia longline catch and are the preferred location to make sets. Going to FADs A and G is not that much further, but raised the safety at sea issue.

If FAD B, closest to Tutuila, is closed down, it would leave a fair chunk of the inshore waters to the longline vessels. You would be devoting allocation to the trollers. The alias would still have access to a fair amount of the coastal waters, which is important to them.

Leaving FAD B would capture about 28 percent of the alia longline catch.

The other alternative was just put some FADs out there that are purely for the trollers. There were areas, FADs B and G, or the triangle of Area A, B and G, that could be used to put FADs there that would be purely for the use of troll fishing.

The pros of this was, it would exclude the alias from their traditional grounds. But it would also put the onerous on DMWR, to make these FAD deployments and develop protocols for their use.

SSC had no recommendation on this issue, as it is an allocation issue and not a conservation concern.

Simonds asked, how much it would cost to deploy one FAD?

Tulafono replied, between 7,000 to 8,000.

Simonds suggested that three FADs be put out there for the recs.

Dalzell added, there has been the offer from the Science Center, the OSCAR SETTE could assist in FAD deployment.

Simonds added that it would be a lot cheaper and less time consuming to put a few FADs out there. We would be willing to assist to pay for some of that. McCoy agreed and noted that Tulafono is currently deploying the FADs as they break away from their moorings, and that is spending effort and money. But, basically, it's serving the sports fishing industry now.

Tulafono noted another concern was the enforcement. Some of these FADs were inside the three mile limit. It's close with the boundary of the EEZ.

We also deployed shallow FADs. Right now, we have about seven in position, from 100 fathoms to 150 fathoms, in addition to the deep FADs.

McCoy added, if the sports fishing industry or tourism comes up and it becomes a gear conflict issue, then we could look at this issue again. For now, I think we need to just put in some FADs.

Martin commented, alias are targeting albacore, fishing deep. Trollers are targeting surface fish. I'm just wondering if the alias also participate by trolling, maybe going to or from?

I would have thought that the existing FADs would have had a difference in catch composition based on who was there. The alias are going, they're fishing deep, they're longlining, they're trying to catch albacore. Trollers. I guess, is there a component of the troller's catch that is albacore?

Dalzell replied, almost zero. In American Samoa I did a presentation looking at this issue and showed that if you put the two pie charts side-by-side, the catch compositions bear no resemblance.

Obviously, the alias took things like mahi, wahoo, marlin. But the alia catch composition was primarily skipjack, yellowfin, mahi, wahoo, marlin, spearfish.

Whereas the alias, their catch composition was 80 percent albacore, as with the large monohulls. But they took other things also.

Martin added, if we would like to encourage or move forward with another FAD, are we going to exclude commercial activity, even trolling, from that additional FAD?

Dela Cruz asked if that closure could apply only to the northern sector of the island or the southern sector of the island?

Dalzell replied, absolutely. In some of the alternatives we said, just close off certain FADs. If DMWR wants to deploy some FADs, they can deploy them in the south or they could deploy them in the north. But again, the southern side of the island is more sheltered. Your tradewinds are coming predominantly from the north. So if people want to slip around the other side of the island -- I mean, you can design an area closure.

But the issue is, when you start doing area closures, specific area closures, how do you police that? We rely on VMS.

But all of the things to date just seem to suggest that sticking some FADs that allow the trollers to use exclusively is sort of the path of least resistance. Given the circumstances, it would seem to be the most logical conclusion.

McCoy commented, the alia longline fishery was a very important fishery. They ran into difficult times. It doesn't necessarily mean they will go away. They could come back with a different way of approaching fishing. I don't think we should close those off. Our records show that this is very productive for that small fishery. So we shouldn't be doing closures to push them out further because then we'll be pushing them into other areas that could endanger their life and property.

Dalzell noted that 14 deaths occurred in Samoa, in the Samoan fleet, the alia went from three hundred to two. There were two boats left over there. They had a much smaller EEZ. If you look at the limited entry program, it's designed to benefit the pioneers, who were the alia, so they could step up to larger boats.

McCoy noted, I would offer the Council a recommendation that, in effect, we would put our heads together and see if we can put in a FAD especially for the recreational.

Martin asked McCoy to work with staff to develop a recommendation. There being no further questions, Martin moved to the American Samoa and Hawaii Longline Reports.

13.D American Samoa and Hawaii Longline Reports

13.D.2 Hawaii Report

Ito presented the Hawaii Longline report. There hasn't been much change

over the 15-year period. There were 141 vessels 1991, and 124 vessels last year. Of those 124 vessels, 30 of them targeted swordfish at one point in time during the year. Most of those 30 vessels that did target swordfish, more than 20 of them flip-flopped between targeting tuna and swordfish. So they did opportunistic fishing.

All of the vessels in the second quarter targeted tuna with the closures of the swordfish fishery.

Thus far, for the first two quarters of this year, in 2006, there were 35 vessels that targeted swordfish, pretty much all of them have converted over to targeting tunas. Vessel activity is highest in the first and second quarter.

Number of trips by the Hawaii longline fishery. Last year it was about 1,500 trips, 1,400 of those trips targeted tuna. There were about 100 swordfish-targeted trips. Number of trips by quarter, 357 trips in the second quarter of this year, which is 52 less trips than the second quarter of last year, 2005. All of those trips were tuna-directed. The overall decrease is attributed to the swordfish fishery closing.

Thus far this year, 55 trips were swordfish-directed, although those 55 weren't complete because they were cut short with the closures of the swordfish fishery.

Tuna target was highest during the fourth and the first quarter of each year. The swordfish trips usually occurred in the first and second quarter. All vessels switched over to targeting tuna now.

Number of hooks set by area; a record 35 million last year. Half of those hooks were set on the high seas, with 43 percent of the fishing effort in the Main Hawaiian Islands. Although the Main Hawaiian Island EEZ was relatively small, especially with the area closures around the islands, 25 to 50 mile area closures, it's still an important area where the fishery operates.

Effort by quarter; 8.1 million hooks set in the second quarter of this year. About three-quarters of that effort on the high seas. Another 20 percent in the Main Hawaiian Island EEZ with substantially less effort in the EEZ of U.S. Possessions and the Northwestern Hawaiian Island EEZ.

Effort was usually highest in the Main Hawaiian Island EEZ in the fourth quarter. Whereas effort was highest on the high seas during the second and third quarter when the seas were calm.

The result of all of that effort by the longline fishery, tuna catches, bigeye tuna, the dominant component, 129,000 fish caught last year. That's down

slightly from about 40,000 the previous year. It's been on an increasing trend, although the last four years it's seems like the catches have peaked and stabilized. That's in contrast to the declining trend of albacore; only 14,000 fish caught last year. Yellowfin, about 30,000 fish caught last year. There hasn't been really that much change throughout the whole time series there. It's kind of interesting to see the divergence of about '97, where you had a decrease in albacore catches and an increase in bigeye tuna catches. I'm not sure if it's a biological or economical phenomena.

Bigeye tuna catches by quarter, 22,000 fish caught in the second quarter of this year, which was about the same amount of fish caught in the second quarter of last year. There was about 80 percent of the fish caught on the high seas. Bigeye catches varied substantially throughout the course of the year, with the highest catches in the fourth quarter into the first quarter of the following year.

Bigeye tuna CPUE. For tuna-targeted trips, only 2.8 fish per thousand hooks, which is about the same as the second quarter last year. There's no areas that were substantially higher than the average. So bigeye tuna catches were low on the high seas in the Main Hawaiian Island EEZ. All over the place it was pretty bad in the second quarter.

It shows the catch rates for bigeye tuna pretty much nearing the catches of bigeye, where it is highest in the fourth and first quarters of the year. It seems like the catch rates have moderated since 2000.

Billfish catch by the Hawaii-based longline fishery; swordfish became the dominant billfish catch last year, 24,000, with the high catches on the high seas, followed by striped marlin, about 16,000 fish caught last year. The highest catches were in the Main Hawaiian Island EEZ. Followed by blue marlin, 4,000 fish, predominantly caught in the high seas.

Swordfish catch by quarter; in the second quarter, only 1200 fish. That's down 10,000 fish from the second quarter of last year here.

What is interesting is the first quarter of this year was the highest swordfish catch since the reopening of the fishery, which was about 14,000 fish. So it seems like we were headed into a pretty good swordfish season this year until the closures. Most of the fish was caught on the high seas, about 70 percent of it. Swordfish catches were low during the years which the fishery was closed.

There was substantial variation in swordfish catches, highest in the first and second quarter of each year.

Swordfish trips have about hundredfold higher CPUE than tuna trips. There is no data for the second quarter of this year because the swordfish fishery was closed. But in the first quarter of this year it was pretty close to a record high, 19 fish per thousand hooks.

Tuna trips CPUE, the deep-set fishery, only about .2 fish per thousand hooks. Relatively low, and not much variation through the course of the year. CPUE for swordfish on both of these trip types was highest on the high seas.

Shark catches. The dominant component of the shark catch was the blue sharks, which was about tenfold higher than all of the other species, such as makos and threshers. Blue sharks, 67,000 fish caught last year and about half of them on the high seas, about 36 percent of them in the Main Hawaiian Island EEZ.

Other shark catches were about tenfold less.

Thresher shark catch, 3,600 fish caught last year.

Makos, 1,300; about 2,000 miscellaneous shark species in 2005.

Blue sharks catch by quarter, 7,500 fish caught this year. That's down from about 6,000 fish compared to the second quarter of last year. That's probably attributed again to the shallow-set closure, which catches substantially higher number of blue sharks relative to the deep-set fishery.

Blue shark catches were usually highest in the fourth quarter. About 72 percent of the blue sharks were caught on the high seas in the second quarter of this year. The shallow-set fishery was about 12 fish per thousand hooks.

The interesting thing about the reopening of the swordfish fishery was if you look at its prior catch rates of the shallow-set fishery, there was a lot more variability within each quarter. Comparing quarter to quarter, it seemed like overall it's higher related to the low blue shark catch rates opening under the new regulations.

Blue shark CPUE is lower. It could be the gear being set after sunset or the bait type or the hooks that they're using or a combination of those factors.

Tuna trip CPUE for blue sharks was about ten times lower calibrated to the Y2 axis. Only about one fish per thousand hooks.

Catch of other miscellaneous pelagic species:

Mahi, the dominant component of that catch, about 78,000 fish

caught last year. It's been on an increasing trend from 2001.

Pomfret catch, 47,000 fish, down from last year. Although, it's been on an increasing trend as well.

Ono catches, 16,000 fish.

Moonfish, 13,000. They've been on an increasing trend, although not as dramatic as the other two species.

Mahi catch by quarter, 9,000 fish in the second quarter of this year. About three-quarters of that catch on the high seas. It appears that mahi catches by the longline fishery are highest in the third quarter.

Pomfret catches by quarter, 13,000 fish caught in the second quarter of this year. About 85 percent of the fish caught on the high seas.

Pomfret catches are slightly better in the second quarter.

Summary for the Hawaii-based longline fishery.

113 vessels, a few less than the previous year. There were 357 trips, all tuna-targeted. That's 52 less trips than the second quarter of last year.

There were 3,900 sets, about 600 less than last year.

There were 8.1 million hooks. That's about the same as last year.

The dominant components of the catch were:

Bigeye tuna, 22,000;

Pomfrets, 13,000;

Mahimahi, 9,000; and

Blue shark catch, 8,000 fish.

Harris asked, for the tuna catches, how were the sizes, weights and length?

Ito replied, bigeye was pretty steady; hasn't changed much over time.

Albacore, in the early 1990s, when the swordfish fishery really took off and they were fishing really high north, the average size of albacore actually came down. It seems like albacore mean weight is smaller in higher latitudes.

Yellowfin, mean weight hasn't changed -- well, it's decreased from the late '80s, early '90s. I can't remember why -- how many pounds, maybe 10 or 20 pounds. But it's been steady for the last ten years or so.

Simonds asked, how many of those blue sharks are released alive?

Ito replied, we didn't differentiate the disposition or the disposition of the fish that were released. You need to look at the observer data to find out if they are alive or dead. We can tell you that almost all of the blue sharks are released, but that's about as far as we can go. We're not sure of the condition. It's not broken down in the logbook.

It was proposed to put that category into the logbook format.

Simonds added, I thought we were collecting that information.

Ito replied, I'm not sure if the fishermen were really trained to, it would be an added burden on them to differentiate. The most reliable source of data would be the observer data to determine the condition of the fish.

Martin asked, do you track swordfish size as well?

Ito replied, yes. Swordfish-targeted trips tended to have higher mean weights. We extrapolated the carcass weight to estimate whole weight, and that hasn't changed much over time. Mean weight for swordfish is about 160, 170 pounds. Pretty good size fish.

Martin asked, in the deep-set fishery we have a ten fish limit. Are you tracking either dead or alive discards?

Ito replied, I'm not sure what the percentage of discards were for swordfish by each sector or overall. I know that the tuna segment of the fishery or the deep-set segment of the fishery tend to catch a lot of the rats, those really small ones. Unfortunately, I heard the disposition of the catch is when they pull the fish up, they're really small. They're pretty fragile. So most times those catches were dead.

Martin commented, there's also the actual -- when boats come up against the ten-fish retention limit in the deep-set fishery, that is more what I was thinking about. As fishermen, we hate to discard fish that we catch, especially if they're dead. But there is a regulatory discard there.

Ito replied, you could check the logbook data. I can't tell you in detail, but I could look into that.

Martin asked Ito to look into the matter as it would be of great interest to the Council.

Young noted, in the report, on the first page, like the executive summary, it talked about that three percent of effort was also reported in the Northwestern Hawaiian Islands. Can that be further clarified, knowing that we have the Monument status and the prohibited species -- or the protected species zone up there?

Ito replied, the effort that occurred in the Northwestern Hawaiian Islands was outside of the protected species zone, but was still within the Northwestern Hawaiian Island EEZ. For the fishery, you needed to fish no closer than so many miles from the designated coordinates. There was VMS onboard, too. So if there was effort in the Northwestern Hawaiian Islands, it was out of the protected species zone.

Young added, I just wanted that clarification.

I would assume that in the Northwestern Hawaiian Islands, the effort up there would be between the 50 miles and the 200 miles.

Ito replied, yes, that's where it was.

Young asked, were there any take-aways that we had from noticing that effort, less vessels, less trips, less sets, but the same amount of hooks, were the characteristics of the fishery changing that the sets were getting longer or more hooks per set? What type of take-away was there, if any, to take from that?

Ito replied, although, there was less effort, it was tuna directed, which had a higher number of hooks per set. Tuna-targeted sets, the average hooks per set per day was over 2000. The shallow-set segment of the fishery was about 1,000 hooks per day.

There being no further questions, Martin moved on to the American Samoa longline fishery report and Dalzell.

13.D.3 American Samoa Longline Fishery Report

Dalzell reported that there were three phases to this fishery. The beginning pioneer phase of the fishery, to about 2000, almost entirely alias. The expansion, were bigger alias and the advent of the conventional monohull longline fleet. During that time, primarily fishing inside the EEZ. Lastly, it was almost entirely the monohull fleet. A good third of this fleet was fishing in the Cook Islands.

After 2002, the number of hooks set by the fishery was quite significant. There was a peak of four million hooks set per quarter in '03. But more recently this was settling down to somewhere around between two and three million hooks set per quarter.

The catch of the fishery was very different when compared to Hawaii. It was almost a single-species fishery, particularly in the early years of the fishery, when it was just the alias, it was almost entirely albacore. The fishery diversified as the vessel fleet diversified. Other species became more important, but overall albacore still continued to dominate the catches.

Albacore, the prime target of the fishery, there was a strong seasonal signal in the data. What was interesting is the general declining trend, a ten-year decline in the CPUE of albacore. You could see this right across the Pacific.

I mentioned in the Standing Committee and in other presentations that all of the longline fleets fishing albacore in the Tropical Pacific were fishing deep and catching large-sized adults. That part of the stock was depleted. There were also changes in catchability associated with oceanographic conditions.

While the stock was still very healthy, very high biomass, most of the biomass was still in the small year classes. For example, the troll fisheries in the south were doing okay. That's where most of the biomass of the fishery was. As those recruits move into the fishery, we expect to see something of a recovery.

There were two periods of the fishery, one '98 and '99, and a more significant one, particularly in 2004, 2005, and this was what sort of really bust the bottom out of the longline fishery right across the Pacific and had disastrous economic effects in the alia fleets in Samoa and in American Samoa.

CPUE of the different species:

- Yellowfin, strongly seasonal. No particular trend there overall.
- Bigeye, although a seasonal signal, there was generally an increasing trend. I think this basically reflected the shift further offshore by the fishery, particularly the advent of the conventional monohull vessels fishing further from shore and probably fishing somewhat deeper and then picking up more bigeye.
- The skipjack, the increase of CPUE matches with better reporting. Initially, in the advent of this fishery, skipjack tended not to be regarded with any enthusiasm. Although a strong seasonal signal in the data, the overall long-term trend is pretty flat.
- Wahoo, reflecting the seasonality in the fishery. There may be a slightly increasing trend.
- Mahi was the interesting one. We saw this sort of long-term decline in the CPUE, reflecting the alia fishery. Here was the EEZ fishery with a mixture of boats, the majority of the fleet fishing in the Cook Islands. It was very different from the pictures we saw in Hawaii, where it was almost the mirror image of this, where we saw in the last ten years an increasing trend in CPUEs.
- Longline catch of billfish, about 60 percent blue marlin. The

initial decline basically represents about two to four alias fishing. It's been pretty flat ever since.

- Sharks. This reflected more to the movement of the fishery offshore and increasing volume of oceanic sharks being taken. Again, this was a composite of the different elements of the fleet. Perhaps in the future, since the duties of reporting on this will fall back on the Science Center, they'll have the data at their fingertips and they'll be able to breakout some of these different elements and maybe be able to give some more precise indications of where things are.

With a third of the fleet fishing in the Cook Islands, this is going to be an interesting development. So they're fishing also not in the same sort of latitudes, but over a much broader area of sea.

Going back to the albacore, which was the most important part of the catch, I understand we may be seeing some recovery of the fishery here so that the very poor catch rates that have been experienced, particularly over the last two or three years, may be something that the fishery may no longer have to put up with.

Of course, with the diversification of the fishery, particularly with its ability to access a range of greater area of ocean, may ensure a better continuity of the fishery and CPUEs for albacore.

Martin asked, were there U.S. documented vessels that fish exclusively in the Cooks, but deliver to Pago?

If there are, were they required to file logbook reports if they are fishing exclusively under license in another country?

Ikehara replied, as long as they were domestic vessels and they were landing in Pago, a U.S. flagged vessel, they were required to get a longline general permit and they were required to put in logbooks.

Martin called on Dalzell to share Peter Flournoy's testimony regarding three vessels that were excluded from the American Samoa limited entry.

13.D.1 American Samoa Limited Entry Permit Requests

Dalzell referred to Document 13.D.1(a), which was a letter from Peter Flournoy, who is a lawyer, basically represents Western Fish Boat Owner's Association, primarily the albacore trollers. But they do have members which have longlining interests.

Effectively, he was representing three clients who thought they were

wrongly denied Class D permits in the limited entry program in American Samoa. These permits are for the larger size class, above 70 feet. They were Brian Porter, Robert and Dorothy Pringle, and Larry DeRosa.

Porter was an owner of the Vessel ENTERPRISE, which was denied a Class D permit on two grounds. The first ground was his failure to prove he was an owner of the vessel during the required period of time. Mr. Porter appealed the initial denial of the permit, and after a hearing with the hearing officer, was able to establish his ownership of the Vessel ENTERPRISE during the qualifying periods. So this was no longer an issue.

The second ground that Mr. Porter was denied a permit was that he could not demonstrate any landings of longline-caught fish during the qualifying period.

Mr. Porter explained when he purchased the vessel in December 2001 it was his plan to enter the fishery the following January of 2002. However, when he took possession of the vessel he discovered it needed a lot of repairs. Before he could do that, he had financial difficulties. So, basically, he had to go to find a cheap option for getting his boat fixed. And that was to go to a shipyard in Mexico. Due to the necessity of repairs and financial difficulties, including the filing of bankruptcy by a partner of the vessel, for these reasons he was able to place the ENTERPRISE in the fishery until after the qualifying period had expired in June 2002.

There were a number of control dates for this fishery that basically were set because of the very rapid change to the fishery between about 1999 and 2002.

While this information was presented to the hearing officer and to the RA of the Pacific Island Region, and while the argument was made that Mr. Porter and the ENTERPRISE would have entered the fishery in January 2002, and would have made landings during the qualifying period except for the occurrence of events beyond his control, which prevented him from doing so, the RA did not believe he had the discretion to issue a permit under these circumstances. The intent of Mr. Porter to enter the fishery and his good faith efforts to enter the fishery during the qualifying period were accepted by PIRO. Nevertheless, the permit was denied.

It was more complex for Robert and Dorothy Pringle. He was involved in various fisheries around American Samoa for many years, including the longline fishery.

During the qualifying period he owned two vessels for which he applied for Class D permits. For his Fishing Vessel AMERICA, he was initially

granted a permit, which was subsequently taken back because that vessel only had records of troll landings of the managed species and not records of longline landings.

After the Class D permit had been issued, Pringle sold the AMERICA, representing that it had American Samoa limited access longline fishery permits. When that permit was later withdrawn, he felt morally obligated to transfer the permit that was issued for the FV BREANNA LYNN to the new owners of AMERICA.

Shortly after the deadline for applying for the permits, Bob became aware that PIRO had made a decision after the closing of the permit application process, November 2005, that multiple owners of a vessel were each entitled to a permit. Armed with this new information, he applied on December 18th for a second permit to be issued to his wife, Dorothy, based upon the qualifying records of the BREANNA LYNN. This application was denied as having been filed too late.

Larry DaRosa's application was filed too late. He would have met all of the criteria, but he was out at sea. He came back from sea, found he had missed the deadline but still applied anyway.

We heard all of this in the Standing Committee. The Standing Committee recommendation was that we should pass this forward to the full Council, and discuss this item at the full Council meeting. Further, Council staff should review issues associated with the American Samoa longline limited entry program and draft options paper addressing these issues.

Note that, at the last full Council meeting we asked to establish a working group to look at issues arising from the limited entry program. This was also to do with the dynamics of the fishery. The limited entry program didn't turn out quite as we had anticipated. We had less applicants overall. The fishery had transformed from being a bimodal fishery. We set up the permit program initially with different size classes because we thought they would move up to bigger boats.

Harris asked fellow Council members from American Samoa, what is your take on these applications? Is this a desired thing?

Tulafono asked if there were any other applicants that were turned down because of similar circumstances?

Ikehara replied, there were 13 applicants that were denied initial permits, including those that were already previously mentioned. Five were because they submitted after the initial permit application deadline. Some of those that were submitted after the deadline also failed to meet one or

more of the other qualifications.

The qualifications require that they have owned a vessel that was used for longline fishing -- have fished in American Samoa before March 22nd, 2002, with one exception. If they had notified Council before March 22nd, 2002 that they intended to enter the fish and then landed fish before June 28th, 2002 they could also be eligible.

Duenas asked if the information was private or could be shared with the Council.

Ikehara replied that he would let Robinson make that judgment.

Ebisui asked if the other 10 applicants that were denied fit the same characteristics as these three applicants? In other words, if the door were open to these three, how many others that are similarly situated that would say, what about me, I'm in the same circumstance?

Ikehara replied, some of the ones that we had denied the initial permit, even if the initial application period were reopened, but the other criteria remained, they would still not qualify for a permit.

There were also other vessel owners, especially Class A vessel owners, the alia classed vessels who didn't apply by the deadline who might qualify for a permit if the application period were reopened.

Haleck commented, if the Council chose to open up the door again, we would have to take into account the other ten folks that applied. It should be left as it is.

Robinson agreed with Haleck. Two of the major issues here are meeting the minimum landing requirements and meeting the deadline. If we made exceptions for one fisherman or two fishermen for each of those, you would have to consider the other applicants who are in exactly the same position.

Ebisui added, in addition to those other ten, there may be others who qualified, but didn't apply because they passed the deadline, and that's an unknown.

McCoy asked if any of the 13 had Hawaii longline permits.

Ikehara replied, yes, a few do and a few of them are using those Hawaii longline permits.

Martin added, those permits are transferable. So there is a methodology

for those who weren't issued initial permits to obtain a permit if they can find one for sale.

The number of applicants for permits in the American Samoa fishery were less than anticipated by the Council when they went to limited entry. It really is a matter of importance to the Council members from American Samoa and their constituents, whether they're happy with the number that's there.

There were pros and cons to having more or less boats in the fishery. If there were more boats, there's more business, more contribution to the economy of American Samoa to be considered. The Council could exercise discretion to allow more boats if that's what the constituency wanted as long as the stocks were not the primary issue. The Council looked to American Samoa Council members to give guidance in what they think is the right thing for American Samoa.

Harris asked how many Class D vessels were already licensed?

Ikehara replied, approximately 22 Class D vessels. Permit upgrades were just processed for this year from Class_A to Class_B1, C1 or D1. Three applications were received; one B1 upgrade and one D1 upgrade were issued.

Martin asked if permits are monitored. If there are 22 Class D vessels permitted, how many of those permits are active?

Ikehara replied, the Science Center collects the logs from those vessels and would be able to develop that number for you.

McCoy spoke with Flournoy, and asked him if these boats were active and all fishing. He wasn't sure.

Ikehara noted that there were a couple of errors of fact in Flournoy's letter that may have to be straightened out.

Porter sold his vessel, the ENTERPRISE, and it's now operating in American Samoa from a different owner under a longline general permit under a different name.

The Pringles still own the AMERICA it was operating in American Samoa with a permit that was transferred to them from another American Samoa permitholder.

In Flournoy's letter, they applied for a permit for the AMERICA initially. Permit was issued based on the documentation that was supplied with it. It turned out later that it was only for troll landings and the permit was

revoked because it didn't qualify.

The Pringles sold the other vessel they owned, in early 2004 and they qualified for a permit because they did have prior landings and ownership. They were issued that permit and then they transferred it to the now current owners of the vessel. That vessel is now operating in American Samoa.

McCoy asked if the Pringles couldn't qualify for two permits if they both worked the vessel?

Ikehara could not comment because that decision is still pending. The vessels were actually owned by a trust of which the Pringles were trustees. The permit would have to be issued to the trustees.

DaRosa's vessel was operating in American Samoa in the early '90s. He took it to New Zealand and sold it. He couldn't find any ownership documentation for the vessel. He indicated the papers had gone with the vessel when he sold it. Ownership could not be confirmed, but other evidence and anecdotal evidence suggested that what he was saying was correct and he had some landings that indicated that he actually landed fish in American Samoa with that vessel. He just missed the deadline for the applications.

McCoy commented, limited entry programs were specifically designed to serve a particular purpose to deal with the fish stocks, biological opinions, gear conflicts, whatever we had that we dealt with. There needs to be more discussion and more information to make a decision.

Harris added, maximizing benefits of the permitholders and the benefits that they bring to the island economy should be considered as well as the number of participants under the program. Do existing permitholders provide maximum use of that resource for the benefit of the community.

There being no further comments or questions, Martin moved on to 13.E, Pelagic Stock Assessment, Keith Bigelow.

13.E. Pelagic Stock Assessment

Bigelow from the Pacific Islands Fisheries Science Center presented two topics from the Science Committee meeting held in August in the Philippines.

The first was an overview of the WCPO fisheries in the Western and Central Pacific Ocean, the highlights for 2005.

Secondly, the status of stocks and management advice for five species, namely:

Bigeye tuna and yellowfin. These assessments were conducted on an annual basis.

South Pacific albacore, conducted a little less frequently.

And the first-ever assessments conducted for swordfish and striped marlin in the Southwest Pacific.

All of the HMS species assessments were conducted by a variety of international colleagues from the Science Center, SPC, New Zealand and Australia.

An overview of the WCP-CA fisheries, or Western and Central Pacific Commission Area, the Western and Central area delineated in the Pacific Ocean along the meridian of 150 West. The Eastern Pacific research and management was conducted by the IATTC.

The provisional tuna catch in 2005 was estimated at 2.1 million metric tons, which was the highest annual catch recorded ever.

The purse seine fishery was the largest. It accounted for about 71 percent of the catch, also the highest ever for this fishery.

The pole-and-line comprised 10 percent of the total, longline fishery comprised 11 percent, but its total the most economically valuable. The remainder approximately seven percent was taken by the high seas troll gear and a variety of artisanal gears, namely in the Philippines and Indonesia.

Distribution by species:

Catch of skipjack was the largest, at about 1.4 million tons. It's the highest ever in 2005, approximately five percent higher than the previous record catch taken in 2004.

Yellowfin catch, about 400,000 tons, slightly higher than in 2004, but not anywhere as high as the record catch in 1999.

The bigeye catch was 163,000 tons. This was also the highest on record.

The albacore catch was about 115,000 tons. That was the lowest for five years.

Assessments for a variety of species. The first was the bigeye. There was a Multi-FANCL assessment. There were about six regions.

Biomass. A pretty rapid decline since exploitation started in the 1950s. A period of stability throughout the 1970s and '80s, another slight decline in

the 1990s. The decline was probably caused by increasing fishing mortality. Through the advent of purse seine sets, which caught a lot of juvenile bigeye, fishing mortality on juvenile bigeye was probably as high as the adult sector. Sort of our indication of the impact of the various fishing sectors on the bigeye population.

The longline fishery had the largest impact of any fishing sector.

There was less impact by the purse seine fisheries in the Philippines and Indonesia. In 2004, it was estimated that the stock was about 20 percent of its unexploited biomass or a fishery impact of about 72 percent. The longline fisheries were primarily responsible for this.

Status of the stock. Overfishing of bigeye was occurring in the WCPO with high probability that the stock is now overfished.

On to yellowfin tuna, we had the same sort of assessment model. We had a similar decline in biomass, although not as extreme as the bigeye. We had a decline from 1950 to 1970, a period of stability thereafter. In the 1990s, a fairly decent moderate decline.

Fishing mortality, of course, increased.

For yellowfin tuna, it's different. The juvenile fishing mortality was perhaps higher than the adult fishing mortality due, again, to the purse seine fishery.

The fishery impact was different from yellowfin tuna than bigeye. Only 10 percent of the impact for the decline in population was due to the longline fishery. Conversely, a lot of the impact was due to Indonesia/Philippines and purse seine sets on floating objects.

The status of the stock was similar to bigeye. There was overfishing of yellowfin tuna in the WCPO, with about a 73 percent probability that. But the stock was not in an overfished status.

There were various projections for both bigeye and yellowfin concerning the high recent fishing mortality with a variety of recruitment scenarios for five and ten years in the future.

The recommendations, in order to maintain the bigeye stock at a level capable of producing the maximum sustainable yield, the Science Committee recommended a 25 reduction in the fishing mortality from the average levels for 2001-2004. If the Commission wished to maintain equilibrium average biomass at levels above BMSY, further reductions would be required.

There was a similar recommendation for yellowfin, where we suggested a 10 percent reduction in fishing mortality.

There was a variety of other recommendations.

One, data from the Philippines and Indonesia, which had been very difficult for the last 20 years; there was some progress in the Philippines, but little progress in Indonesia. There was also need for more specific information concerning the needs of the Commission with regard to formulating advice on specific management objectives for these other commercial fisheries, looking specifically at the Philippines and Indonesia.

There was no stock assessment available in 2006 for skipjack. Therefore, the status determinations of 2005 were retained, such that overfishing was not occurring nor was the stock overfished.

There was an update for the South Pacific albacore, but the status determinations were similar to 2005. Essentially, there was no overfishing nor was the stock overfished.

Swordfish and striped marlin in the Southwest Pacific. This was the first time this was conducted, mainly by colleagues in New Zealand and Australia. It dealt with various spatial areas, but the one they chose is from Australia to about 175 West, or just to the west of American Samoa.

There were some fishery trends in the fishery. The total catch early on was dominated by the Japanese fishery, and its bycatch. Since then, the Japanese fishery was excluded from the EEZ of New Zealand and Australia. There were much larger catches by the domestic Pacific Island countries and Australia.

The annual trends of CPUE declined in the last decade, as did the decline in average swordfish size.

They had about 400 different models. They had a nice little system to separate the plausible ones.

Stock determination criteria. Most of them fell into the no overfishing and overfished status.

The estimate of stock status relative to standard biological reference points could not identify whether the stock was overfished or not. The assessment indicated consistent declines in stock abundance in recent years, and most model projections predict further declines at current levels

of fishing mortality. It is recommended as a precautionary measure that there be no increases in fishing mortality on the Southwest swordfish stock.

Striped marlin in the Southwest Pacific, a little larger spatial area, from the equator to 40 Degrees South. The catches in earlier years were dominated by the Japanese Distant Water Fishery. Since then, there have been similar catches from the Pacific Island countries for Australia and New Zealand.

There were indications that the spawning stock biomass was declining throughout time. On the basis of this preliminary assessment, it was recommended as a precautionary measure that there should be no increase in fishing mortality on striped marlin in the Southwestern Pacific. The recommendation applied particularly to the area encompassing the Coral Sea and Tasman Sea as these fisheries account for most of the striped marlin catch in the Southwest Pacific.

Bigelow summarized, in 2005 they had the highest catches of skipjack and bigeye. Two of the stock remained in overfishing status, WCPO bigeye and yellowfin tuna. None of the stocks were overfished by the Council's control rule. It's too preliminary to make a determination for striped marlin in the South Pacific.

Harris asked, were increases in the skipjack the result of an increase of entries into the fishery for purse seiners?

Bigelow replied, there wasn't a large increase of entrance into the fisheries. It was probably just an increase in catch per unit of effort.

Harris added, So greater efficiency, then.

Bigelow replied, right. Five percent seems rather small, but it's five percent of 1.4 million tons, which is 70,000 tons. When you catch more skipjack, you're probably also catching more juvenile yellowfin and bigeye, which was also a concern.

Martin asked if there were any measurable changes in the percentages of different fisheries impacts, specifically bigeye.

Bigelow replied, bigeye was exploited by the longline fishery and by the purse seine fishery on the associated sets, drifting FADs or natural occurring FADs. Purse seine estimates vary somewhat from year to year, depending on the reliance on the drifting FADs or free-swimming schools. A lot of that fishery was fairly stable.

Martin asked, so you expect some variables in what percentage purse seine, for example, contributes to the overall bigeye?

Bigelow replied, correct.

Duenas noted, on the comparison made between bigeye harvested by purse seiners as opposed to longliners. The catch records based on longlining is number of pieces and on bigeye it's by tonnage on the purse seine side. Is there a formula to show how much in comparison, in reality, of the juvenile bigeye became adults, how that would impact the actual ecosystem?

Bigelow replied, the longline fishery was measured in number of pieces, whereas the purse seine fishery was measured in the weight of bigeye, which was converted to number of pieces through some report sampling estimates of average size.

The longline fishery throughout time impacted the bigeye tuna stock more than any other fishery. Although, because of the purse seine increase in the last 25 years, they were a decreasing component, but still the longline fishery was the dominant impact because it was harvesting the adult bigeye tuna. Whereas the purse seine was harvesting juveniles or subadults. With the yellowfin, the purse seine fishery has a greater impact than the longline fishery.

Duenas questioned the information from these areas. On a visit to a Papua New Guinea plant, all of the freezer bins had a combination of skipjack tuna, yellowfin tuna and juvenile bigeye. It was hard to tell which one was which, because they were so roughed up from the freezing process, but you could determine by looking at some of the fins that were still intact. A Micronesia observer indicated that they lump all tuna in one category. Different areas had different levels of importance for certain information, as far as bycatch, discards, etc. Has all of that information been simulated into this report.

Bigelow replied, when they started using the drifting FADs, there was a higher percentage of bigeye in the catch. In the last ten years there's seen some progress. There's been a lot of identification guides and training of port sampling personnel to differentiate and get better estimates of the bigeye composition. It's mainly done through the port samplers and not the observer, where you had a higher variability for observer estimates on bigeye than the port samplers.

Gaffney asked, was blue marlin going to be added to the list of fish that are looked at?

Bigelow replied, there was an ISC that dealt with the science that meets in the Northern Committee and then goes to Western and Central Pacific Fisheries Commission. The Marlin Working Group had striped marlin currently on the agenda, then North Pacific swordfish. Thereafter, Pacific-wide blue marlin, which will have to collaborate with a variety of colleagues in the South Pacific and Japan. That was a time frame of two years or so.

There being no further questions, Martin moved on to 13.F, HMS quotas and conservation measures.

13.F. HMS Quotas and Conservation Measures

Dalzell reported on options for short-term management to domestic bigeye tuna quotas in accordance with WPCFC. The 2005 WCPFC meeting, the second meeting of the Commission, started taking decisions related to conservation of yellowfin and bigeye.

With respect to bigeye, they set limits to the longline catch of bigeye by the various participants, by the various members and collaborating nonmembers of the Commission. They were grouped together under the acronym, CCMs.

With respect to the U.S., we had the level of fishing by the Hawaii longline fishery at just over 4,000 metric tons. It's about 4,200 metric tons.

For the three territories, which were classed with other Pacific Islands as developing economies, they were set a limit of no higher than 2,000 metric tons each. Though there was a small bigeye catch in American Samoa, about 250 metric tons of fish, there was little to no bigeye catch in Guam and NMI.

Collectively, there was an allocation of just over 10,000 metric tons of bigeye that could be caught by U.S. vessels in the Western Pacific. There was a need to determine how to administer the allocation.

The Pacific Island states had both domestic longline fisheries and they entered into charter arrangements. An example was the American Samoa boats fishing in the Cook Islands. Charters applied to their regional fishery management organizations, such as WPCFC that is operating under the control of a country other than its flag state. Another example was the Fijian boats operating in Vanuatu.

While we had charter arrangements being considered, reports from the Technical and Compliance Committee indicated no explicit mechanism

within the current resolution from WCPFC to have a transfer of unused quota domestically within the Western Pacific Council's island areas.

There was also concern that unregulated use of charters and transfers could lead to an increase in fishing effort that would undermine the intent of the WCPFC to reduce fishing mortality on bigeye tuna.

All of the Pacific Islands Independent States and Territories had an upward limit of 2,000 metric tons of bigeye. Since limits had been put on bigeye, it became attractive to those countries which had successful longline fleets; in particular, Taiwan and Japan, and also to countries who were aggressively pursuing a policy of expanding their longline fishing, that was China, and also to countries who weren't in the WCPFC but may ultimately join, such as Vietnam.

SPC estimated that if all of the countries currently in the Commission or part of the Commission, the CCMs, were to fully exploit the 2000 allocation, There could be a 46 percent increase in bigeye catches as compared to the 2001 to 2003 averages.

A 10 percent reduction would stabilize that fishery. To get at BMSY, a 25 percent reduction. There was a dilemma with respect to the implications of the 2005 resolution.

Allowing all such domestic transfers or charters within the region would limit the ability of developing Pacific Island states to further their development and access to WCPO resources.

Dalzell referred the members to their briefing books for the options paper. There were three options on how to respond to the situation faced with from the 2005 resolution from the WCPFC.

The first was to take no action. Under this alternative there was no mechanism established to facilitate the domestic transfer or charter of bigeye quota amongst the Council's managed longline fisheries. Operation would be under the assumption that the Hawaii fishery would continue to catch about 4,000 to 4,200 metric tons. The next presentation by Dave Hamm would illustrate some of the difficulties in monitoring those kind of quotas, particularly using logbook programs.

The second option had different components of the allocation. We had Hawaii, American Samoa, Guam and NMI. There was little fishing in the three territories, 250 metric tons from American Samoa. But the lion's share of the allocation, if aggregated, if you want to call it the upper limit of 2,000 metric tons for the three territories plus the Hawaii upper limit, or the Hawaii quota. In that case, we had around 10,000 metric tons of fish

of bigeye.

Under that alternative, the quota would be managed using a national longline quota, which the Council would take action on as it saw fit or in response to any further management decisions by WCPFC. We'd just simply be a single volume of fish. It would be about 10,200 metric tons, and any portion of the quota not used by American Samoa, CNMI or Guam would be available for the Hawaii longline fleet.

Option 3 was to implement mechanisms to facilitate domestic transfers and/or charters of bigeye tuna quotas among Council-managed longline fisheries.

Under that alternative, the WCPFC bigeye tuna quotas could be domestically transferred and/or chartered amongst Council-managed longline fisheries. There would be the quota for Hawaii, the 2,000 metric tons for each of the territories and mechanisms set up to transfer all or use some of the unused quota in the three territories.

The pros and cons for these three scenarios:

For no action, which was the line of least resistance, would not require any further Council action and would minimize costs and the admin burden for the Council.

The cons was that American Samoa, NMI and Guam would also be limited in their ability to benefit from their quotas.

Option 2, manage as a single national quota, provided maximum flexibility to the Council to collectively decide how best to distribute the allocation. It would not encourage other Pacific Island developing states to use all of their 2,000 metric tons. The idea would be that since we don't seem to be moving fish around as we would under Option 3, it would provide less of an excuse for other Pacific Island countries to try to lease out their quota and thus increase the fishing mortality of bigeye. This simply gave the Council the ability to allow the Hawaii-based fleet, the biggest fishery, to continue operating, without taking away any opportunity for the American Samoa, NMI or Guam to harvest any of their quotas or enter into PIAFAs or other agreements with foreign nations. The decisions could simply be worked out by the Council in deliberations such as in the Council meeting.

Another aspect of this was that further resolutions will result in quota allocation reductions for all member nations. A national quota would allow the Council to collectively maintain a supply of domestic bigeye tuna to the U.S. and foreign markets.

If the Western and Central Pacific Fisheries Commission said we had to reduce the allocation by 20 percent, current quota was about 10,000 metric

tons, reduced down to 8,000. It wouldn't have a big impact on longline fisheries. Very little bigeye was being caught in American Samoa, the bulk of it being caught in Hawaii. It still left excess fish that could be used in any PIAFA -- as part of a PIAFA arrangement.

On the cons, American Samoa, Guam and NMI might not like the arrangement and might perceive the aggregation into one national quota as taking away some of their allocation and the ability to manipulate it as they saw fit.

American Samoa and Guam and NMI might not directly benefit from a national quota unless there was some kind of compensation, such as a profit-sharing arrangement, included for domestic transfers or charters.

It could result in the U.S. fleet as a whole contributing to excess fishing mortality by increasing its annual catch of bigeye tuna beyond sustainable levels.

There were 164 permits in the Hawaii fishery. Only about 125 to 130 of those were currently in use. But there was a potential for that fishery to increase. If the fishery increases, it's likely they would catch more bigeye tuna.

The pros of Option 3 was that it gave American Samoa, Guam and NMI increased flexibility of the use of their quotas. The cons was that it would seem to be trading the bigeye, particularly within a PIAFA arrangement. This could be used as an example to other developing Pacific Island states using all of their 2,000 metric tons and that starts pushing the mortality of bigeye upwards. If bigeye was pushed further than it is being pushed at the moment, we would be in an overfishing situation, but not overfished. Overfishing is bad enough. We've had to do an Amendment 14 to the FMP.

If we went to the overfished state, even though unilaterally we can't recover the stock, we'd still have to develop a rebuilding plan, and it's likely we would have to implement some kind of greater constraints across all of our fisheries, and we have a significant handline fishery here for bigeye in Hawaii.

Duenas asked if the allocations were based on scientific recommendation?

Dalzell replied, the decision that came out of Western and Central Pacific Fisheries Commission II flew in the face of the advice from the Science Committee, which was looking for much more stringent reductions in fishing mortality on bigeye.

They made a decision on longlining, but haven't implemented any restrictions on the purse seiners.

There was supposed to be a Vessel Day Scheme for vessels managed through FFA arrangements, also the South Pacific Tuna Treaty. There hasn't been any strict reduction of purse seine.

There was no reduction of purse seining around floating objects, untethered and tethered FADs, which although longlining was still the major source of fishing mortality, was one of the major contributing reasons why we were in this situation with bigeye. A 25 percent reduction of fishing mortality on bigeye was still needed in the Western Pacific. So the 2,000 metric tons, which we had for 2006, 2007 and 2008, kind of flew in the face of that advice.

We have the world's best regulated longline fisheries. We're not going to see any major expansions of the kind that we might see in other Pacific Island countries.

People in the discussions with FFA Member Countries at the albacore meeting think they've got 2,000 metric tons of bigeye tuna to do with as they please. An example should be set with respect to conservation. However, we don't want to see our fisheries unnecessarily hampered or overly constrained since we are in the situation of having put in place what everybody else should be doing in terms of limiting those fisheries.

Duenas asked, again, where did the numbers come from? Was it scientific? Was it political?

Dalzell replied, it was a political decision that came from horse trading on the margins of the meeting.

Duenas asked, if Japan had an allocation or some other country had an allocation, and they decide to fish in FSM, Guam, any other emerging territory, can they utilize that allocation under a different flag?

Robinson read from the conservation and management measure, "for the purpose of these measures vessels operating under charter, lease or other similar mechanisms by Developing Island States". If they chartered with a Taiwanese vessel, for example, an integral part of their domestic fleet shall be considered to be vessels of the host island state or territory.

Simonds asked, how many developing countries and territories are we talking about?

Dalzell replied, twenty-two, South Pacific had sixteen member countries of FFA, three French territories, and three U.S. territories. That was

basically what was defined under the umbrella of that resolution.

Simonds noted that the Commission had to do this before imposing restrictions on everybody else. They were going in for this longline reduction; they needed to do something for the island areas. It wasn't just something that was made up. It was done on purpose.

Robinson added, paragraph 6 in the Conservation and Management Measures says, "nothing in this decision shall prejudice the legitimate rights and obligations of those small island state members and participating territories in the Convention Area seeking to develop their own domestic fisheries." Out of that language flowed the exemption that provides the 2,000 tons to the small island states and the participating territories.

It seemed that within Options 1 and 3, there was the possibility of private arrangements or other arrangements that could be made within the U.S. fleet to help develop domestic longline fisheries of the three territories, American Samoa, CNMI, and Guam.

Robinson took issue with Option 2 in characterizing it as a national allocation or national quota simply because the conservation and management measures said that the requirement is that each CCM -- CCM is specifically defined as a Commission member, a cooperating nonmember, which the United States is, or participating territory. So the catch of bigeye for each CCM for the next three years shall not exceed the average annual bigeye catch for the years 2001 or 2004. There was a footnote that said the U.S. got its 2004 catch. The U.S. was a CCM, a cooperating nonmember. Its catch was greater than the 2,000 tons. So the 2004 catch limits applied to the U.S. Nevertheless, flowing from that Paragraph 6, there's the exemption that said, "this paragraph does not apply to CCMs that caught less than 2,000 tons." That's not the United States.

But it was the United States, it was our territories, in each of the territories.

So that each CCM that caught less than 2,000 tons of bigeye in 2004 shall ensure their catch does not exceed 2,000 tons, as they develop their longline fishery.

The danger with considering it a national allocation was that immediately you're bound by the first paragraph, and that's your 2004 catch, if we lump the territories with the U.S. as a cooperating nonmember.

The provision was put in there for the benefit of the territories, to allow

them to develop their own domestic longline fisheries, which means those were fisheries that benefited the territory where the catch and the revenue basically went.

Second reason, if we took this approach, everyone else out there would likely see that as a precedent, and all of a sudden we'd have that 40 or 46 percent increase.

Thirdly, you had the conservation issue. In the management measure, we were held to the '01 to '04 average or the '04 catch. The Science Committee said that's the starting point for a 25 percent reduction in bigeye in order to get where we need to go. We would be going the opposite direction conservation-wide from the scientific advice if we operated under a 10,000 ton national quota.

We had an issue under our quota of conducting our fishery in such a way that it was a year-round fishery and needed to be. The Council needed to work with the industry to take a hard look to make sure that we don't end up getting caught short in having the entire bigeye tuna fishery closed early in the year and not have a flow of fish through the markets and the auctions. That was a serious issue and one that needed a serious look at. Option 2 was not the way to go.

Simonds asked how many territories were in the same situation that we were in, where there was a national government and territories?

Dalzell replied we were unique because we had a state that is part of the union. So we were part of a bigger political whole and three territories. France, which had three territories, didn't have a state in the Pacific. There was the Kiwis. New Zealand had Tokelau. France, the U.S., Pitcairn, four.

Simonds added, just three nations, we're not talking about a whole bunch of nations.

Dalzell added that we asked the Director of the Western and Central Pacific Fisheries Commission, we laid out the options and said, do we understand that if you aggregate it out to different segments, we have just over 10,000 metric tons. He didn't care what we did with it, it was a domestic issue and for us to decide.

Duenas asked Robinson, what happened to our management measures. We sent a resolution to them and explained to them that we were one of the most managed fisheries in the world and all of the effort we were doing out here, and you've got the Philippines and Thailand and everybody else doing IUU, what was going on here?

After being regulated so much, we weren't doing anything for our fishermen. I hate to see a 25 percent reduction for the fisheries here when they've already reduced themselves.

I've been through the fact that 25 percent of the fleet, of the permits that we authorized, is not being utilized. We've got 160 permits. The report said we only had 120 boats operating. Of that, 40 boats at a time. We've done everything and we still get left holding the bag.

Robinson replied, that's the dilemma that we had when we negotiated within the Western and Central Pacific Fisheries Commission, because what you said is exactly right.

We've taken the position in the negotiations that those who are most responsible for the increase in capacity and effort in catch in the West and Central Pacific shall bear the greater burden of conservation. We continued to believe that. We'll be trying to negotiate conservation reductions that reflect that point of view because the U.S. should not be penalized for expanding -- for bringing our fishery under control and limiting effort, but countries who have expanded without limit since 1999 should be bearing a greater burden of that rollback.

Martin added, there were several countries that were continuing to expand. The meeting in Apia in December will be quite spirited, because I'm confident that other delegations are facing the same dilemma.

The EU had licensed 97 additional boats to fish in the Pacific. There's another area in the mix. This did not include France, who had their own presence in the Pacific.

It just demonstrated the difficulty that international negotiations pose. It's so political. You have island nations who rely heavily on the financial support that their ocean resources might bring to their regions.

When votes were counted in an organization like WCPFC, the majority of numbers were relatively small countries who in many cases were developing countries. To sit at the table with those folks, you were talking about their economic viability.

It wasn't an easy solution to the problem, and it would take a reasonable amount of diplomacy to try to make some headway.

From the Council perspective, we took our mandate to manage fisheries seriously and we were very concerned about bigeye and yellowfin as well.

From an industry perspective here in Hawaii, we're very keen to try to do

our part, but not carry the flag for everybody else. If the Hawaii or U.S. longline fishery in the Pacific didn't exist tomorrow, it would hardly be a blip on the screen. We're not the big player in the game, we're a big player in providing reasonable solutions that got us where we needed to go, reductions in bigeye mortality.

Reducing the amount of fish that were taken, bigeye and yellowfin, in particular, that had to happen.

Simonds asked Robinson, since the U.S. went along with the reduction in longline catches or went along with the quota, did the U.S. plan to table a resolution to do similar type things for the purse seiners since that's where all of the juvenile takes are at?

Robinson replied, it remained to be seen, we're looking at planning our first delegation meeting in mid November well in advance so we can discuss this among ourselves, the delegation. It remained to be seen whether we author and submit a resolution or not. But our preliminary thinking is that we would not be looking this year to restrict longline any more and we would be looking at purse seine. We would be looking either at restrictions in some way of fishing on FADs or time/area closures that would apply to the purse seine fleet.

Simonds asked, if countries came up with a resolution to reduce or affect the longliners, would the U.S. be opposed to it?

Robinson replied, we would have to see resolution and if there were a resolution that made further reductions in our longline catch and did nothing for the purse seine, then that would be a nonstarter in our view.

Simonds noted, you've heard around the table that we need to deal with the purse seiners. I know that as a delegation member, we would be opposed to any more reductions in our longline quotas.

Duenas noted, regarding South Pacific Tuna Treaty, as the purse seiners, if they ever went away, there are pots of money available. Could this money, be used to assist these three developing island areas in not selling their licenses but rather developing their own in-house fishery? We gave foreign aid for 16 purse seiners, or how many purse seiners?

Simonds replied, twelve and it was \$18 million.

Duenas asked, could you give a couple million to each island area and say, develop your fisheries so you can build the capacity so you don't have to depend on these foreign boats to come down and rape, pillage and plunder like we did 400 years ago from Spain?

Robinson noted, Bill Gibbons-Fly should be here to hear that, because it's Department of State money, which comes from the Congress, but not a bad idea.

Simonds added, we were having talks with people about revisiting that. Our longliners needed to benefit by this foreign aid to the countries, not just the 12 purse seiners. I think that that treaty has passed its time.

Martin noted, the U.S. needed to be very conscious of agreements and joint ventures it may get entered into. Generally with regard to the U.S. purse seine fleet, that who they enter into agreements with, and using the potential leverage of joint venture agreements as a way of advancing the conservation goals of the Commission.

If the U.S. was going to somehow be involved in foreign countries and vessel ownerships, it would be prudent to use that vehicle to encourage them to comply with the conservation efforts that the Commission thinks are valid and necessary.

Harris noted, the U.S. had the largest EEZ in the Convention Area, and the smallest quota. If you look logistically at where the Mariana Islands are, EEZ falls under the jurisdiction of this Council, we're in the middle of the action. We should be very concerned about what is going on with these allocations.

There being no further questions or comments Martin moved on Item 13.G, 2006 Bigeye Tuna Quota in the Eastern Pacific.

13.G. 2006 Bigeye Tuna Quota in the Eastern Pacific

Hamm reported, there was a 150 metric ton quota put on the Eastern Pacific Ocean, this was east of 150 Degrees West. So several hundred miles to the east of Hawaii, and on towards California.

The quota was exceeded by a factor of three in 2005, we needed to be more proactive in monitoring that fishery. We needed to be able to predict when that quota was going to be reached based on information coming into the Pacific Islands Fisheries Science Center.

Research revealed that the annual and the inter-seasonal variability of the sizes of the fish and catch rates was quite variable. Since this was a metric weight-based thing, it made a difference on how many fish could be caught in any one year.

The goal was to prevent exceeding the quota, but at the same time allow

the maximum harvest by the industry up to the 150 metric tons. We noticed that there were no additional resources available for this project.

Hamm referred to a chart showing the activity.

Dockside monitoring was not an option.

A meeting was held with people from the Science Center, the Regional Office, law enforcement, the observer program and industry.

One of the main points, was that we needed to do real-time monitoring if we were going to be able to predict 150 metric tons quota with an industry that can catch that quick. Industry made the good point that you can't really do that, that not all of the vessels participating had that capability. The PIRO pointed out that they couldn't do that legally. It wasn't required in the FMP. The Office of Law Enforcement was hesitant about the access to VMS data, which was one of the things we wanted to use. The observer program had no sampling protocols already established for that, and we had no way to get this information in.

There were compromises to be made. There was a combined effort from all of the agencies, difficulties were worked out over several months.

Industry would let us know if they saw something changing in the fishery. The Office of Law Enforcement worked out the arrangement where they e-mailed us every day at 8 o'clock in the morning how many boats were in the EPO. Daily reporting was established for any observers that were on boats that set their gear in the EPO and they called into a new hot line that was set up at PIRO for them to do that. They would compile the data and then get it over to us so we would be able to get at-sea fish size and catch rates.

PIRO in the Southwest Center got the California boats. Anybody fishing out of the California Coast was going to be in the EPO. They had to fish outside of the EEZ, and they had to be in the EEZ. So they counted in this quota as well.

The staff calculated and forecast based on all of that information and a few assumptions were made.

Vessels that were on the fishing ground would be making a set. An analysis of the existing data says that about over 95, 99 percent of the time when a vessel was at sea on the grounds, he's fishing. Another assumption was that if the boat was in the EPO at 8 o'clock in the morning, he was fishing in the EPO.

The average bigeye tuna was based on the samples that we had for this year's fishing and in-season average catch rates were used in the calculation.

The calculation was, basically, the number of vessels as a proxy for the number of sets. A vessel makes one set a day.

Catch rate was the number of bigeye tuna per set.

Average size from a combination of observer data and market data. We multiplied those three things together, how many sets were made, how big the fish were, and the number of fish per set to come up with a daily catch estimate.

We added that for Hawaii and California. Subtract that from the 150 metric tons, will give us how much fish are left in the quota. Divide that by the current catch rate, and that's going to tell us how many days are left before the fleet will catch the quota.

The California boats were fishing earlier than our boats. It looked like their fleet could catch the quota before we went to sea in the EPO over here. So that was an important thing. They changed over to albacore trolling in May, so that took them out of the picture, except just subtracting what they caught up to that point.

Based on the June 23rd amount of information and the activity going on, the prediction was that the quota would be reached around the 4th of July, which was the same date as the year before.

The fishermen were told to stop fishing in the EPO, the closure was the 6th of July. After all the boats came back, it was revealed that only 100 metric tons were caught by both fleets combined.

The new method seemed to work. They caught the ramping up of the fishery, which in '05 it happened within a few days the quota was reached.

A tremendous amount of coordination problems between all of the agencies was worked out to get the information. It was a lot of work, lots of e-mails, and telephone calls.

They had an excellent start on continuing to improve the monitoring process. What caused the problems?
They were 50 metric tons off, one-third of the quota.

One problem was that the VMS tally seemed to be too inaccurate to really predict that fishing was actually occurring in the EPO. In just the last 14

days, the fishery out of the 97 VMS readings that were received that said boats seemed to be fishing in the EPO, only 68 of them had logs that said they were fishing in the EPO.

Observer data was very sparse. They had only 20 percent coverage. There were only two call-ins from observers during the sample time. The sample sizes were small.

Communication links were very time-consuming and indirect with all of the e-mailing that was going on.

Hamm referred to a chart showing the activity.

The fishery, for some reason, changed radically from the assumption that if they were in the area they're fishing. They did not investigate that any further.

The good news was that they negotiated a 500 metric one-time quota for 2007. The bad news is that there isn't sufficient staff do the work.

It was a reasonably workable system, they know how to improve it and they're working towards improving for next year.

There's still a good chance that the quota will be exceeded, because it's only 500 metric tons. The fleet can easily catch more than that. The fishery will probably have to shut down again next year if the fishing goes like it has in recent years.

Hamm showed a color picture of Walter Machado. He kept the monitoring program on track and got people to submit it.

The other quota that was monitored was in the Western and Central Pacific, approximately a 4200 metric ton quota. Based on all of the logbooks received and processed to date, they had processed about 60 percent of the expected trips and sets that were seen in a normal year in our Hawaii fishery. They were at a little bit less than 50 percent of the bigeye quota. It looks like they'll be in good shape on that quota.

Duenas commented, wouldn't the E-log system fit into this program, and it goes directly to the Center rather than waiting, the internet, talk to observers?

They knew that fishing were peaks and valleys. Shouldn't they help the fishermen work out that system?

Is the 50 metric tons left over, carryover? Can they carry that over to next

year? Or is just lost?

Hamm replied, there was going to be a three-year average on the new quotas.

Duenas asked, what the penalty is for going over quota.

Hamm was not aware of what happens.

Robinson commented, this EPO catch by the U.S. longliners is such a small part of the total bigeye longline catch in the EPO. There shouldn't even be a quota. At least got it renegotiated up from 150 tons to 500 tons.

A lot of money was spent to monitor a quota for a tiny amount of fish that biologically makes no difference whatsoever.

The past catch estimates, never showed a catch in the EPO higher than 250 tons. Was there increased effort in the EPO or were those past estimates low for some reason and didn't account for the catch and the higher catch was more normal?

Hamm replied, there was no reason to believe that the logbooks were inaccurate in the earlier years and where they were setting their gear, there as no reason for anybody to be reporting. So it doesn't seem that the effort was set low. The effort did increase.

Martin recalled when fishing was exceptionally good in the Western Pacific east of 150. As the fishery developed over the course of that year, they experienced catch rates that we've never experienced. So, therefore, the effort went up.

There was a historical amount of effort in there. But the catch rates that they had, happened to be on very clean, large bigeye, was quite good. A reasonable statement was that the lag time in getting a fishery closed down was a huge responsibility for why it went over the amount it went over. It did.

The industry was very aware that catch rates were good, but nobody jumped up and had the mechanism to close it quickly. So it's kind of a two-pronged deal. They had exceptional fishing, which created exceptional effort in the area, and the Fisheries Service didn't have a very quick mechanism to close it down. It was the first year that they really been paying close attention to it. It was a combination of things.

What about the 50 tons that's on the table? The year is not over and 50 tons, a rough calculation, is about a half a million bucks, ex-vessel.

Hamm replied, that wasn't my opinion, though. That's just one of the things that had been brought up.

Martin added, I understand that. But, it's a significant amount of money.

Ito commented on the prior year: "I was called into Jim's office after both you and Jim tried to call the Regional Office and bring it to our attention.

So what happened was, it was in the beginning of July. When we were pretty close to -- if not at 150 metric tons, that it was brought to our attention. But by the time that we had processed the data, we were already at 200 metric tons.

By the time we closed the fishery, we were closer to 500 metric tons.

When we were sitting down discussing how we can avoid this the next go-around, I called up Mike Hinton and Rick DeRiso from the IATTC to find out how Japan and Taiwan and Korea was doing it.

How they do it is they have their catcher vessels call into the processors, who transfer that information or estimates to the government official that assembles the statistics and then passes it on to the IATTC.

So we proposed to the industry that we adopt a similar system of real-time reporting from the vessels. But the feedback that we got from the industry was that it wasn't possible, they didn't have the communication or ways of transferring that information. So we were 50 metric tons under this year, but this is the best thing that we could do without real-time information.

So don't blame Dave. I mean, we tried our best.

If that 50 metric tons difference is very important, then the industry needs to provide us with real-time information so we can get it closer to the quota. Thank you."

Martin commented, it's easy to be critical of a 35 percent error. If we were talking about '07, where it's 500 tons, it would have been a 10 percent error, much more within the boundaries of reasonableness.

Ebisui commented on the Discovery Channel and the red crab fishery in the Bering Sea, how are they able to adhere to the quotas?

There were some parallels here, or some similarities, in terms of it also being a derby-type fishery with a catch quota. They had real-time reporting.

Hamm agreed they do have real-time reporting. They're reporting daily. When they haul it in, they're keeping track of every crab that they keep, and those are called in. From what I understand, it's actually the State of Alaska that is monitoring. It's not the NMFS, even though it's in the EEZ. They had daily reporting. When you have that information like that, it's a lot easier to make predictions.

Ebisui added, they're hauling pots onboard, and one pot may have two or three hundred keepers in them. Yet, they're able to accurately account for it on a daily basis or on a real-time basis.

My question is, if you have a fishery that's putting on that many pieces in relatively short periods of time, and they can do it, what's the difference between that and our fishery and catch reporting system?

Hamm replied, the difference between real-time reporting and the magnitude of the quota they're shooting in. I have never seen the final tallies. I don't know what they are. You're just going by what you see on TV with those things.

They made the predictions based on their catch rates that they had every day, and real counts from the fishery, and they knew what they're quota was, we're basically doing the same thing that we're doing, which is saying, okay, the quota is going down this fast, how many days are left.

Communication was the key. Every vessel could be communicated with and could say, sorry, guys, we thought it was going to be Thursday but it's Tuesday at 2 o'clock and they could change that and get information back to the fishing fleet.

Ebisui asked, wasn't that one of the purposes of the electric logbook that was approved by the Council to have real-time reporting?

Hamm replied, yes, but the electronic logs that we have now are collected dockside. There is no electronic transmittal of any of that information at this point. That's what we're hoping to go for. That's what Hogarth's memo said, the use of VMS and the use of technology for the maximum use of science and monitoring of these sorts of things.

There was under the Fisheries Information System, an electronic professional working group that's working on that. We're working towards trying to get that real-time reporting.

Since they had VMS, we're thinking that it may be able to be piggy-backed on top of that. If they get that, it will take far less work from the

staff in order to do a better prediction.

Duenas noted, I guess a new Gold system has that capability? The new VMS Gold, to transfer that information for E-Logs? The one for bottomfish, and they're going to put it on the longliners, right?

Martin replied, the VMS Gold system had the capability, but it's not the one they are going to put on longline boats. A single sideband was available and not used very frequently. Some vessels had satellite phones. Some vessels had IMARSAT and are set up for data communication. The majority of the fleet had neither one at this point. But that can change.

Duenas asked how soon would we see all of this action take place? Was there any action by the Agency to expedite this?

Hamm replied, there was an amendment or something the works to adopt electronic reporting.

Martin replied, there was a recommendation, and it most likely would be approved. Electronic logbooks means you can hand in a computer disk rather than a piece of paper when you return to the dock. It has nothing to do with data transmission in real-time.

To my knowledge, there is probably capability there, but that's not what the electronic logbook program is about right now. It's the next step.

Hamm added it allows it, which is the critical thing.

Simonds added the whole thing is, how to make it happen? So someone needs to say this.

Hamm added, there was the National Electronics Working Group that was working towards implementing that.

Hogarth made the comment that he supports that.

Simonds asked, with money?

McCoy asked, should we make recommendations to pursue this further?

Martin asked McCoy to work on drafting a recommendation.

The chair was turned back to McCoy to break for lunch.

(Lunch break taken)

McCoy reconvened the 135th meeting of the Western Pacific Regional Fishery Management Council and returned the Chair to Martin.

13.H, International Fisheries Management, IATTC Annual Meeting Report

Dalzell reported that meeting was five days in Korea. Two and a half days were spent trying to decide who was going to chair the meeting.

The bottom line is that we came out with a one-year quota of 2500 metric tons for the Eastern Pacific.

The IATTC could not decide upon or would not agree to the scientists' recommendations for the measures that were for conservation of Eastern Pacific bigeye tuna and yellowfin. I don't think there's anything more to say than that.

The meeting was quite disappointing for most people and it ended with the resignation of Robin Allen. Whether he was going to resign anyway, I don't know. But certainly he sounded rather dismayed and disappointed at the outcome of that meeting.

The good news for us is that we have more ideas in the Eastern Pacific that reflects the range of what we might catch in a given year.

13.H.2, Western and Central Pacific Fisheries Commission.

Dalzell explained the three major committees of the WCPFC, Northern, Science, and Technical and Compliance.

The Science Committee services the entire Commission, as does the Compliance.

The Northern Committee was implemented to assuage the concerns of the Japanese. It has its own Scientific Secretariat, what used to be called the Interim Scientific Committee for Tuna and Tuna-like Species. The North Pacific has now morphed into its science advisory called the International Scientific Committee.

The Scientific Committee for the WCPFC stems originally from the Standing Committee on Tuna and Billfish. It's been held every year for the past 20 years.

Science Committee II, first one was held in Noumea. This one was held in the Philippines. A detailed report was distributed.

As Chair of the Ecosystem and Bycatch Working Group, he had been involved with the bycatch associated with sea turtles, seabirds and juvenile bigeye tuna and yellowfin and also on modeling for ecosystem, for risk assessment. We looked at the priorities and objectives for the regional observer program, data confidentiality, cooperation with other organizations, special requirements in developing states, future work programs.

Bycatch mitigation was a big chunk of our work. In response to WCPFC, two resolutions, we looked at were what we should require longliners to do in the WCPFC area. These recommendations are very similar to what we, as a Council, recommended almost ten years

ago.

First recommendation was that all longliners should thaw their bait before it's deployed.

Dalzell noted that half of the literature on our reading table back there, is concerned with environmentally-responsible longline fishing, for which we are now acknowledged as the world leader for pelagic longline fisheries. That is, we in Hawaii, including NMFS, PIRO, Pacific Islands Fisheries Center and the Council.

Second recommendation was, south of 30 Degrees and north of 23 Degrees North, Commission members should require their longline members to use at least two of the mitigation measures presented in Table 1, including at least one from Column A.

This is very similar to the kind of framework system that we have -- or matrix system that we have set up for our seabird mitigation measures.

They must use either side setting, night setting with minimum deck lighting or tori line or in combination with either another tori line -- they've got double tori lines -- weighted branchlines, blue-dyed bait, deep setting line shooter, bait caster, underwater setting chute and management of offal discharge.

This is a recommendation from the Science Committee and must be accepted by the Commission. They have to go to the Apia meeting.

Comments were made on bycatch mitigation, particularly on testing of measures, seabird release, and making sure that fishermen are well consulted and kept in the loop. All bycatch mitigation is a dynamic process. You may find the Jerusalem today only to find that it's superseded by something better tomorrow.

There's a whole section about data collection and research, which is included in the document.

With respect to turtles, at this point the Science Committee is not advocating any imposition of mandatory measures on boats. What they're saying is take circle hooks, go out there, do the research and see how they work in your fisheries.

Each longline fishery is different, each fishery targets a different species, each fishery is going to use different hook sizes and even with circle hooks you have a range of mitigative properties.

Notwithstanding that, mitigative properties are also altered by the bait, and the bait and the hook have their own catchability for the target species. All of those things are what folks need to be working on.

The thrust of this recommendation is, go out there, do the work, and ultimately we're looking at some kind of future recommendation to the Commission to implement circle

hooks, which I guess is mandatory for the thing.

The key point of this recommendation was a flexible approach to sea turtle bycatch mitigation based on experimental observation. The Council has been instrumental and also supporting this kind of research internationally with partners in South America and also with our colleagues in the National Marine Fisheries Service, particularly Chris Boggs, who has become the Johnny Appleseed of circle hooks throughout the world and is engaged in a collaboration with 20 different fisheries.

There were two excellent presentations on ecosystem risk assessment, one in particular by Dave Kirby. It was a model of what we should be doing ourselves with respect to ecosystem-based fishery management in terms of showing which species are most at risk in terms of fishing and/or other anthropogenic impacts. I recommend people to download his paper and his PowerPoint, which are on the WCPFC website.

Martin called for questions on the Science Committee portion of WCPFC. There being none, Martin called on Simonds to give a report on the Northern Committee.

Simonds reported on two points. One is Item 13.I.2(c), the summary official record of the meeting. The two things that were of interest to the Council have to do with the southern stock of swordfish.

In case the Commission should adopt measures on the southern stock of swordfish at its meeting in 2006 the Committee recommends to the Commission the following paragraph should be included in any such conservation and management measure so that such adoption would not adversely affect the northern stocks of swordfish so CCMs shall not shift their fishing effort for swordfish to the area north of 20 Degrees in the Convention Area. That's something that we agree to.

Initially, the resolution was tabled, which would have kept at least our longline swordfish fishery at its current level, and that was not acceptable to the Council or to the industry.

The work program was not discussed, which she felt was the most important thing that they should have dealt with. It's a five-year work program, collecting information, that just doesn't seem to happen year after year.

Martin called for questions on the Northern Committee.

Robinson commented it was interesting and somewhat frustrating that the Northern Committee couldn't make up its mind in some cases whether it had the authority to make recommendations to the Commission on northern stocks or whether they had to defer to the Commission as a whole in some cases, examples being the sea turtle and seabird bycatch mitigation.

The Committee seemed to be reluctant to move forward to the recommendation stage for fear of the Commission as a whole feeling like the Northern Committee was going forward

too fast.

Simonds agreed.

13.H.2.a Technical and Compliance Committee report.

Kingma reported that the Technical and Compliance Committee met in Brisbane, Australia, September 28th to October 3rd. Four members of the Council attended as well as 13 members of the U.S. Delegation.

The agenda was prioritized to basically three issues. The rest can be read in the reports.

The first one was Commission VMS. The second was regional observer program. The last was high seas boarding and inspection. It was a five-day meeting, a lot of discussion unfortunately, not too much was accomplished.

With Commission VMS, the TCC reached agreement on minimum standards and specifications for VMS units and also agreed on the way the VMS data is going to be transmitted. They agreed to Option C, which would allow vessels fishing in FFA Member Countries to send their VMS data directly to the FFA. Once the vessels go outside of the EEZ, the VMS will go to the Commission. In the interim time between the Commission, ramping up and setting up their VMS, the VMS data will go to the FFA and then on to the Commission.

An issue pertinent to our longline fishery, and maybe Robinson can speak more on this, is if our VMS units, for one, are going to have to be modified in some fashion to be able to transmit to two places, one being the Coast Guard and the second to the Commission when the vessels go in the EEZ; and then, two, is if our VMS data from our EEZ is going to be also going to the Commission.

The regional observer program is also identified as a very important conservation measure for the WCPFC. The only action pretty much taken by the Commission on this one was deferred to an intersessional working group. But there was lengthy discussion on the components of the regional observer program and the standards for the program.

Also, the use of objective observers from national programs was another issue of concern for longline fleets. We do have observer programs that are probably industry leaders -- or the programs are leaders internationally and it would be not very prudent not to be subjected to outside observers when our observers are definitely objective and independent by the Fisheries Service.

Lastly, regarding high seas boarding and inspection procedures; this issue was led by Bill Gibbons-Fly. He was the convener on this. The Committee did reach agreement on this issue after lengthy debate, but with outstanding issues for consideration of the Commission, being what constitutes serious violations, use of force and also the China/Chinese Taipei issue.

13.H.2.b, WCPFC 3 Agenda.

Simonds commented that the U.S. is still not a member of the Commission. They need to be better organized in terms of what the U.S. is going to be proposing or will agree to. There will be a delegation meeting sometime in November. There are a number of suggestions to make and recommendations will be in written form for this meeting.

Robinson commented that in recognition of the need to prepare for this important meeting, they intend to begin delegation discussions a full month ahead of the Commission meeting rather than just a week.

13.H.3, Council South Pacific Albacore Workshop Report

Dalzell reported that this workshop stemmed from a recommendation that this Council endorsed many years ago, that a colloquium start at least with Samoa. Over time, this transformed into, let's have a meeting that includes the countries clustered around American Samoa who we know all send albacore to the two canneries in Pago Pago.

They met with the different countries at WCPFC2 last year, and then at the South Pacific Tuna Treaty, which the U.S. was hosting this year in March.

The outcome was that the island countries were extremely interested in holding a meeting. They suggested that it not be restricted to just those countries clustered around American Samoa, that they include all of the countries of the South Pacific and that also we include the French territories.

Participants included American Samoa, Samoa, the Cooks, French Polynesia, Niue, Tonga, Fiji, Vanuatu, New Caledonia, Solomons, Papua New Guinea, Australia and New Zealand. Of those countries, only really the Solomons and Vanuatu have very little longlining and tend to lease out most of their EEZ to other countries, where everybody else up there is part of the developing South Pacific longline fishery, which now comprises about 600 longline vessels in total, which includes ours in American Samoa.

Participation came from SPC, from WCPFC and from FFA. They looked at the recap in detail of the stock assessment of southern albacore, touched on northern albacore, a look at the different methodologies and also what's the likely impact of effort south if northern albacore is constrained, oceanography, catch and relative abundance.

There was a very interesting paper from Marc LaBelle on forecasting albacore for French Polynesia.

Then they planned future research including under management, biological and economic reference points.

They had other species of concern. Just like us, the Cooks are really interested in swordfish

and other billfish. We had bycatch.

Other recommendations were made, which can be read in the report in the book.

The biggest take-home message from this meeting was that the countries really liked this workshop. They're small. They have their own developing longline fisheries, but they find that their own concerns get subsumed in the greater whole of WPCFC. To have their own forum that was apolitical, it was purely technical, allowed them to talk about their own concerns, exchange ideas, information, they found this extremely useful and want to do this again.

To minimize costs this meeting might be held in conjunction with the Science Committee or WCPFC. They have evolved into an informal grouping of the South Pacific countries. There was a lot of very positive feedback from folks who went away from the meeting.

FFA is doing some very interesting economic work, which they would like to see also conducted in our territories, on economic reference points. Although they can't make the reports available due to confidentiality, they are willing to make the methodology available to replicate that work.

The only other thing is they would like to see more longline industry people at the meeting.

Although it was very time-consuming to organize because of the guys making substitutions all the time they spent a very small amount of time discussing a very large issue, and that is the fact that international fisheries now occupy a great deal of our lives. In fact, the calendar for 2006, nine months out of the twelve had major international meetings concerned with one of the RFMOS or supporting bodies. So these countries of limited human resources have to spread their resources very thin. So they were lucky to get everybody that we did that came to the meeting.

13.I, SSC Recommendations

Severance reported on Item 13.K.1 in the briefing book.

For swordfish closure, the Council had supported Alternative 2. At that meeting the SSC had recommended the modification of the existing regulations, to close the fishery immediately upon reaching either turtle cap. At its 93rd meeting, the SSC saw no reason to change that recommendation.

Moving on to shark management, page 2. There are two issues there, which were summarized earlier this morning.

First, with regard to longline catch of sharks, the SSC supports Option 1, no action, continue current management under the Pelagics Fishery Management Plan.

With respect to Option 4, concerning gear regulations, the SSC supports gear research but

not imposition of regulations at this time.

The second issue regarding shark viewing options, the SSC recommends Option 2, that is to conduct research on shark movement behavior and population numbers in and around the North Shore of Oahu. The SSC suggests that any evaluation of shark viewing activity should study social and economic benefits to business operators and clients, costs and benefits to the economy as a whole, and considerations to public health and safety.

Further, the SSC recalls that it has previously requested an improved study of this activity and notes that it has yet to see an improved study design.

The SSC, furthermore, suggests any regulatory action of this activity be considered in the context of a community-based ocean use plan similar, for example, to developments used in French Polynesia, that's essentially ocean zoning, which separates the activities by some distance.

Moving on to the American Samoa FAD item, the interaction between trollers and alia longliners. Regarding a request of the Council for action from recreational trollers for a longline exclusion zone around FADs around Tutuila in American Samoa, the SSC notes that this is an allocation issue and not a conservation concern. Therefore, the SSC has no recommendation on this issue.

There is an item regarding the American Samoa and Hawaii quarterly reports. The SSC noted the upward trend in mahimahi catches in the Hawaii longline fishery and asked for further information on mahimahi CPUE in the longline fishery at its next meeting.

Moreover, since the SSC also asked for information on the CPUE Of mako and thresher sharks since there also appeared to be an upward trend in the number of these species landed by the Hawaii longline fishery, as noted under the SSC Agenda Item 8.B.

With respect to Highly Migratory Species and quotas, the SSC recommends that the U.S. Delegation to the WCPFC pursue policies which would include the administration of any tuna quota under the Magnuson-Stevens Act, implement effective conservation measures, such as limited entry programs for longline fisheries across the WCPFC Convention Area, and support the development of pelagic fisheries in the U.S. territories.

The SSC also recommends that some form of monitoring be implemented by WCPFC, which would report the number of pieces of bigeye caught by purse seiners. If properly designed, this action would identify those vessels which are catching large volumes of juvenile bigeye and would help to improve understanding of the ecosystem impacts of juvenile bigeye fishing mortality.

Finally, the SSC expressed their appreciation to the Council for convening the South Pacific Albacore Longline Workshop and concurred with the sentiments expressed by workshop participants regarding the utility of this forum and with the recommendations made by the workshop participants. The SSC encouraged the Council to convene additional albacore

South Pacific longline workshops in the future.

13.J Standing Committee Recommendations

Duenas reported that swordfish closures and shark management regarding the Hawaii longline industry, and regarding the shark viewing, was presented by Marcia Hamilton.

American Samoa FADs and the issue of the recreational versus commercial alias was presented.

Short-term management for bigeye quotas was presented Dalzell.

Concerns raised by Council member Cruz on the 50-mile longline closures for Guam.

Also, the status of request presented by Kaaiai on Ohai's request, and there were some recommendations.

The American Samoa longline permit request by Mr. Flournoy.

Then the SSC gave the recommendations as presented by Craig.

That brings us to the point of the recommendations from the Committee as a whole.

13.K Public Comment

McCoy called on Jimmy Hall for public comment on shark viewing.

Hall's comments (verbatim): "Hi, I'm Jimmy Hall. I'm the owner of Hawaii Shark Encounters. I'm just curious, is the Council going to -- I would like to follow-up, actually, to what the Council has to say. Is that okay?"

I see what is said up there about the last Council meeting a year and a half ago. What I'm saying is going to what I thought I was going to hear, the Council speaks -- and I assume that the recommendations from certain members of the Council is going to be a complete ban on shark viewing. I don't know if I'm right, I'm pretty sure I am.

A year and a half ago you had a similar meeting like this and the decision was for more research. Well, we offered the use of our boats and personnel, which Paul said is the most expensive part of doing the research program. So nothing ever came of that. I don't know why.

But now we are going to be doing our own research program. I've been talking with Jarad and other experts, and we'll do what we need to do to do a viable tagging and research program there to prove that these sharks that we see are not endangering anyone.

When you go down to Haleiwa now, one of the first things you see when you go in there is three big sampans, decrepit, rotting on the -- one is the MOKULEIA, the DIAMOND S and

now the SONIA. These were the highline fishing boats out there. I used to work on them. I mean, those were the boats that used to catch a lot of fish out there. Now, they're just rotting. And it's kind of indicative of commercial fishing, in general. I used to be a fisherman. I don't know, it's hard to make a living doing that now.

So -- and here, we have something that is a totally renewable resource. We're not killing anything. I don't know, people are scared of sharks and things. But it just seems to me we're jumping to conclusions, like ban, you're modifying the shark's behavior; when here I'm sitting here listening about the thousands of tons of sharks that are killed. You know, that's some behavior modification to me.

We're modifying the behavior of a few dozen sharks three miles out. The sharks we see, there's no documented case of a Galapagos shark ever biting anyone. So you know what I'm saying, there's not some cons to what we do.

We are affecting a few fishermen that are still fishing out there. We are affecting them. I'm working with them about that.

I don't know. I wanted to hear what the Council had to say before I came up here, but maybe I will get a chance to speak again. If not, I'll just keep my mouth shut. I don't know. Thank you.”

The Chair erred in procedure and asked Hall to present his comments again, when the list of recommendations are presented for motion by the Council.

Dalzell presented the Standing Committee recommendations, that staff finalize and transmit to NMFS an amendment to the Pelagics Fishery Management Plan that will close the Hawaii shallow-set longline fishery immediately upon reaching either annual turtle cap.

1. The Council recommends that staff draft an amendment for federal waters around Hawaii that would:
 - Prohibit shark feeding, defined as the introduction of or attempt to introduce food or any other substance into the water to attract sharks for any purpose other than to harvest sharks or other marine life.
 - Allow for chumming in conjunction with fishing activities; and
 - Allow for traditional Hawaiian cultural or religious practices.
2. The Council recommends that staff draft an options paper to consider alternatives for modifying the current longline closed area in the U.S. EEZ waters around Guam, and that the options paper include an option that considers the potential for longline fishing within the current closed area boundary as part of the Community Development Program.
3. The Council recommends that staff draft an options paper to explore the potential for

allowing Mr. Ohai from the current prohibition on longline fishing in the MHI buffer zones, including the potential for this activity to take place as part of the Community Development Program. The options paper should also consider the broader implications of exemption criteria for all of the island areas in the Western Pacific Region.

4. The Council recommends that the American Samoa DMWR deploy one to two FADs around Pago Pago for the exclusive use of vessels utilizing nonlongline gear.
5. The Council recommends that Council staff draft an informational paper containing options for responding to Mr. Flournoy's concerns for consideration by the Council at its March 2007 meeting. This paper should include discussion of the implications of each option on marine resources as well as on denied applications and on potentially qualified fishermen who did not apply the first round.
6. The Council recommends that given the reduction in shark harvests resulting from the Shark Finning Prohibition Act, no further action be taken at this time regarding shark catches by the Hawaii longline fishery. The Council supports continued research into gear modifications to deter sharks.
7. The Council recommends that additional information on increasing mahimahi, mako shark and thresher shark catches by the Hawaii longline fishery be available for review at its next meeting.
8. The Council recommends that the framework process for the Pelagic Fishery Management Plan, established under Amendment 7 of the PFMP, be revised to allow for the timely administration of quota for Highly Migratory Species.
9. The Council recommends that the U.S. Delegation support effective conservation measures, such as limited entry programs for longline fisheries across the WCPFC Convention Area, and continue to require CCMs to support the development of pelagic fisheries in the U.S. territories.
10. The Council also recommends that the WCPFC collect information on the number of pieces of bigeye caught by their purse seine vessels. If properly designed, this would identify those vessels which are catching large volumes of juvenile bigeye tuna and improve the understanding of the ecosystem impacts of juvenile bigeye fishing mortality.
11. Given the reduction of the U.S. purse seine fleet in the Western Pacific Region, and they include the U.S. longline fleet in the South Pacific Tuna Treaty, the Council recommends that the Department of State amend the South Pacific Tuna Treaty to include the participation of the U.S. longliners in the EEZ of the parties to the treaty. The Council also recommends that given the lack of fishery development in the U.S. territories, some of the funds from the treaty be distributed to the territories.

12. The Council endorses the SSC comments supporting the Council's recent South Pacific Albacore Longline Workshop. The Council encourages staff to convene additional South Pacific albacore longline workshops in the future.

Robinson asked for clarification on recommendation number eight.

Dalzell explained, right now under our framework process, one of the rejected alternatives when you read that is that we would do quotas. We're suggesting that we amend the framework process so that we can administer quotas, and that's to do with that.

13.K Public comments

Hall commented: "Okay. Would it be possible for the Council to clarify. I just saw the recommended ban, prohibit shark feeding, out-and-out ban. I guess I can go out -- it just seems funny, you can go out and you can catch them and kill them, and everything, but you can't just look at them. That kind of confuses me.

So the Council does -- if they recommend a ban, does that mean tomorrow I'm out of business? Or what is the next system with this?"

Ebisui clarified, the prohibitions on what's allowed there is substantively identical to the State statute. It's not a ban on shark viewing operations, it's a ban on using chum.

Hall continued: "Right. Exactly. Unless -- a bait with a hook, and it's okay. But a bait with no hook is not okay.

So, I mean, I don't know. It seems like all but Mr. Ebisui seems to agree that the Council has no jurisdiction over what we do since we are not fishing, and then if -- a year and a half ago the Council voted, hey, yeah, let's do the research, and then didn't do anything.

I mean, if they vote to ban me as well, I mean, I'm just going to keep going because it seems like the Council -- I don't know. It just seems like it's -- I don't know.

I don't mind the fact that the Council is bringing up public meetings and everything. It shows me there are a lot of people who disagree with what we're doing and I've got a lot of work cut out to convince people that what we're doing is a good thing, which it really is.

But I don't know. I'm just kind of confused right now as to why all this goes on, when it seems like nothing comes of it."

McCoy called on Junior Afalla of Alii Holo Kai Free-Diving Club for public comment.

Afalla addressed the assembly: "Mr. Chairman, Council members, ladies and gentlemen. My name is Junior Afalla. I represent the Alii Holo Kai Free-Diving Club, which we have about 70 members that free-dive practically every month. Every chance they can go out there.

We practice conservation. If the law says that this certain species was ten inches long, we would extend it to twelve. We have competitions in our dive club. We do practice conservation. We have beach cleanups. We have also sponsored the U.S. National Free-Dive Tournament here in Hawaii when we have a chance. Recently, we had eight members of our club going to the World Team representing the U.S.A.

I'm talking about sharks. I was raised up in Haleiwa. During my Army career I was diving practically every other day in Haleiwa. Now I've seen more sharks in the area I've been diving.

I've talked to some of my members, they also encounter rough sharks close to the shoreline. When I talk close to the shoreline, it would be approximately 300 yards out. I believe that this infestation of sharks close to the shoreline is because probably the turtle population has grown and comes close to the shoreline.

I also think that it's more possibility that this establishment of cages and feeding sharks out there in the three-mile limit is a possibility. But I'm sure that these businesses that are doing business out there is attracting the sharks to come in.

At the last meeting I talked to you at this hotel concerning two young boys spearfishing at Chun's Reef. They were exiting out from the beach area, the embankment. When I looked at them they looked like they had seen a ghost. I was there to do some spearfishing, just to catch five ahole, three for me, two for my wife, and I'll go back home and cook it and watch the TV, football.

But anyway, these two young boys, when I looked at them, I said, what did you catch. They said, oh, uncle, the shark took our fish. I said, where were you fishing. They said, right there, three feet of water, and the tiger shark came up and took our fish. We were standing watching a big shark around us. I said, how big was it. Ten to twelve feet long. Then one of the boys said, he threw his equipment and said, no more we like come dive over there.

Now, talking to some members just last week, yes, there are more tiger sharks close to the shoreline, grays and other sharks.

My concern -- remember, when I addressed that to you at the last meeting, two months later there was a woman got bitten by a shark and another diver got bitten by a shark and he can't use his left arm, is what I understand.

But I'm aware of these increasing sharks. You cannot tell a shark, oh, don't come through this boundary, et cetera, et cetera. We are going to have incidents like that. But I know for a fact that because of this feeding that is done out there, I see more sharks in the area.

On Memorial Day, I went diving. We usually go diving with our church family and the deacons go out, one of the deacons. We go out and catch fish for our church family. Two of

the boys went first, one is the son of Wendell Cole (phonetic), who is a U.S. National Diver Champion. When the son came back, he didn't say anything. We went out after him, but we didn't cross paths. I was wondering at the drop-off, why -- although it was kind of murky, why there is not too much fish. Later on I found out, just last Saturday, he had told me, uncle, there are many sharks.

Now, I dove there many times, all through the -- I dove when I was nine years old back in the '40s. I was in the army and I dove every other day constantly with Buffalo, with Montgomery, all these boys, the old-timers. Even George Chun, Senior, he was my bag boy at one time. And his son also. Both of them are deceased now. But I'm still diving. I'm active in diving. What I see today is no comparison to the yesteryears.

I don't blame this man doing business three miles out, but I would recommend that the Council look at it thoroughly. In fact, when I attended the meeting on October 5th in Haleiwa one of the gentlemen that spoke there said, they should take their business out to the open ocean in the channel. I kind of agree with that. Because that's going to have incidents like him at the North Shore, many more, and I hope that we could suggest that they move their business out in the open ocean, way out. Or Pearl Harbor, the channel out there. There's no population there. Iroquois Point, the people there don't use the beach too much. There is not much activity there. And if he would move their business out there, I might say that it would have repercussions from the residents in Waikiki. Thank you."

Martin asked Hamilton to explain the process, for Hall's benefit, depending on what the Council chooses to vote on.

Hamilton explained, the Council's recommendations are forwarded to the Secretary of Commerce for approval and implementation once the Council takes final action.

As you see here, accompanying that recommendation is an amendment document that describes what was considered, the meetings that were held, the information that was brought forth, the options that were analyzed, the impacts of the different options, all of that.

Then that's transmitted to the National Marine Fisheries Service, which sends it up to the Secretary of Commerce, who then decides to approve or disapprove it or partially approve it. If approved, then it is a proposed rule in the Federal Register. There's a public comment period, anywhere from 30 to 60 days. Then subsequent to that, a final rule is published. So there is often a significant lapse between the Council's final action and the actual implementation of the rule. That would be announced in the Federal Register Notice when that final rule becomes effective. So whatever the Council decides will not affect you tomorrow.

Hall asked why a ban is being recommended when there was prior discussion to do research. When Mr. Afalla was speaking, it's almost always tiger sharks. We rarely see tiger sharks, only in the fall. All summer long, we don't see any tiger sharks when this is going on. Some tagging and some research will be done very soon and if it proves that anybody is in danger, law or no law, we are done.

Afalla added, if you want statistics, I can have my divers give a written notice to me as to where they have seen the shark, what kind of shark they have seen.

Just last week one of my friends told me he had to put a bang stick in a tiger shark, North Shore. He had to shoot that shark because the shark was making an aggressive gesture to him. He had to put a round in the shark.

13.L Council Discussion and Action

Mccooy called for action on the recommendations.

Dalzell read recommendation number one, Council recommends that staff finalize and transmit to National Marine Fisheries Service an amendment to the Pelagics Fishery Management Plan that would close the Hawaii shallow-set longline fishery immediately upon reaching either annual turtle cap.

Duenas so moved.

Polhemus seconded the motion.

McCoy called for discussion.

Robinson proposed to add after the Council recommends, that PIRO and Council staff finalize. That allows us the flexibility to work together. In this case, I intend to offer PIRO's staff to prepare the final documents for the Council to review so we can go directly to proposed rule as quickly as possible on this regulatory amendment.

Duenas had no objection to rewording the motion.

Martin added, last year we had to go to emergency rule to get the fishery closed after reaching the turtle cap. I look forward to this being a little bit cleaner and, hopefully, more efficient methodology to get the fishery closed should it be necessary.

McCoy, asked for further comments, or questions. Hearing none, called for a vote. The motion was approved.

Dalzell read recommendation number two, the Council recommends that staff draft an amendment for federal waters around Hawaii that would prohibit shark feeding, defined as the introduction of or an attempt to introduce food or any other substance into the water to attract sharks for any purpose other than to harvest sharks or other marine life; allow for chumming in conjunction with fishing activities; and allow for traditional Hawaii cultural or religious practices.

Duenas moved to approve.

Ebisui seconded.

McCoy called for discussion.

Robinson commented that NOAA General Counsel stated earlier that this is not likely to be looked at kindly by them in their legal view. I just hate to see the Council staff go to a lot of work when there is so much work to do to prepare something that may have a high probability of not making it through our legal scrutiny. So I'm going to vote against it for that reason.

Gaffney joined Robinson in voting against the motion. I think Option 2, the recommendation of the SSC is really where we ought to be going with this. Because I don't think we know enough at this point in time. I think it's really worthy of research, not just for Hawaii and just for Haleiwa, but for all of the region. We're looking at economic development concerns in other places in this region. Sharks are -- I mean, all you've got to do is turn on the Discovery Channel to know how popular sharks are in the world today.

The shark observation programs that go on in other places in the world are hugely attractive. Eco-tourism is growing. Eco-tourism is really an ideal fit for a lot of our island communities. I think we have an opportunity here to support something with some additional research so that we know more about it.

If we ultimately find out that chumming is a negative, for whatever reason, then we can still go down this road of regulation. But I think this is really premature. I think the SSC has offered a really good recommendation for us that we ought to follow.

Duerr commented, although I believe that the sharks are a danger to people, we should always base our decision on the best scientific evidence available, and we really don't have that. We haven't done the study yet. If the study is done, I think the study will show that the sharks are a danger and a threat to people. But without that, I can't support it.

Polhemus added, I think that given that we ban such activities by statute in our State waters, it would be somewhat disingenuous for me to vote against this in federal waters. However, the State having analyzed this concurs with the Counsel's position that it doesn't believe the Fishery Council has the authority to do this. We feel that if you want to solve this problem, it will have to be through statute either at the state or federal level. Therefore, we intend to abstain.

Ebisui spoke in favor of the motion. With respect to the best scientific information that is available, it's simply that if there is no scientific information, then you need not take it into account. I think throughout all of these public hearings and discussions and stuff, there is no doubt -- and I think it's been admitted to by the shark tour operators -- that they have to some extent altered the behavior and density of these animals. I think that's not really in dispute.

What is in dispute, of course, is how much have they altered the behavior.

Now, this -- commenting on Dan's comment, true, this is basically taken from the State statute. Now, the State statute, admittedly, was driven by human safety concerns. That was the motivation.

With respect to General Counsel's position that shark viewing, in and of itself, does not constitute fishing, well, in that -- from that narrow perspective, taken literally, it's probably true. But the activity is what can reasonably lead to the taking and interaction with these animals.

I think Mr. Hall, he knows -- Jimmy, he knows Vernon. These are a couple of opelu/akule fishermen who fish off of Haleiwa. They have had many, many, many, many interactions with these sharks.

Because of the increased interactions, the sharks are being culled. Mr. Afalla just spoke of a tiger that was recently hit with a bang stick, and I assume it was permanently culled. It puts the sharks, themselves, in danger.

Throughout all of these hearings, we've heard from people, reputable people, credible people, of the increased interactions. One of them is a good friend of mine, David Kalama. Two weeks ago he was paddling his surfboard right next to the jetty, the outside jetty, and up pops a 12-foot tiger shark. Now, he knows it's 12 feet because his board is 11 feet and the shark is longer than his surfboard. So he paddles to the inner jetty, which is along the shoreline close to Jameson's. The shark accompanies him all the way.

Canoe paddlers have had sharks surface on them and stay with them. This is outside of Laniakea, about three-quarters of a mile or a mile up the coast towards Waimea from Haleiwa.

Kimo Hollinger is a long-time surfer. His contemporaries are people like Peter Cole, Eddie Akau. Surfs big waves, Sunset, Haleiwa, Waimea. Not a very timid person. He was chased out of the water this year at Mokuleia, which is another area that's close-by to where the shark tours are operating. He was chased out by a tiger.

World class divers, Hanalei Adrick (phonetic) told me, personally, he doesn't like to dive Haleiwa anymore, too many sharks now.

Kona crabber retrieving his nets earlier this year right outside the area where Mr. Hall and the other operator operates, he was lifting the net out of the water -- he reached over the gunwale to lift the kona crab net out of the water and a shark came out of the water from underneath his boat.

There are many, many reports of these things. But, again, the activity is what has attracted the sharks, have held the sharks, modified their behavior. They are interacting with fishermen. They are being culled.

Also, some of the other concerns expressed were potentially negative impacts in that when

you have a high density of sharks there is a tendency to feed on the green sea turtle. I suppose scientists would call this anecdotal, but even the surfers are saying they see a lot of turtle takes, of turtles being tossed into the air, or blasted into the air, as they put it, apparently of tiger sharks feeding.

So with all of these things, I believe that there is a connection and that we can make it, we can make that connection, and apply Magnuson to do this -- the action contemplated by this motion.

This may be indicative of the type of behavior modification. I have two photos that were taken July 4th, 2005 on my boat. We'd just come in from a trolling trip. This is in the early afternoon. We had just finished clearing our trolling lines. I was up on the bridge and I took these photos. These are sharks around my boat after a trolling trip.

In this photo you can see the artificial lures in the back. No palu. We just idled down, went into neutral, cleared the lines, and here they came. So that gives you some idea, I think, of the behavior modification that has taken place.

Duenas added, I would love to wait for money, to find money, to research this, and everything. But I've done enough research being a fisherman for 20 years, that any time you've got food in the water and chum, and all that, I know sharks will come around. I know there are different types of sharks, based on the Discovery Channel. There are gray reef sharks that are territorial. There are ocean-going sharks that are not so territorial. They can go wherever they want, wherever they feel.

But to go out there and purposely attract them in an area where you know other users are, that kind of upsets me because there's no respect for the other users.

Yes, you're running a business. You want to get rich. You want to make money. Eco-tourism. But at the sacrifice of everybody else -- I mean, I like the one where -- what's that NIMBY, not in my backyard. I've heard Council members say it's good for eco-tourism. Do it in their backyard. But these people are telling you, not in their backyard. Find a backyard you can do it in.

Like the old man says, do it at Pearl Harbor. Do it somewhere else. I don't know why it has to be a place where there is surfing, bottomfishing, everything going on in that place. It's used by everybody.

I hate to say it, they were there first. The sharks, to me, if you're purposely attracting them, I don't care if you tag them, they're going to be around. I like Ed's photo. I thought Guam had sharks. I give you guys some credit.

Ebisui added, one important group that became vocal in the public meetings was the Hawaiian community. Many of the Hawaiians that were there spoke to cultural sensitivity. They felt that the operation was culturally insensitive, especially those families whose aumakua were the sharks. They did not think it appropriate to treat the sharks as circus

animals and put them on display for business purposes.

Duenas questioned whether National Standard 10, safety of life at sea, applied.

DeRoma replied, it's possible. It is true that if you don't have the best scientific information available you're not obligated to go out and collect it prior to taking action. But that requirement applies when you are developing or amending an FMP, and there still is a requirement that you relate the Council action to the FMP and have some underlying record showing what the relation is to justify the action.

And National Standard 10 then would be considered also as part of the package.

We look at what the Council action is, what FMP it relates to, what the amendment relates to and then what the underlying record is and the substance supporting the action.

Sablan asked, on this Recommendation 2, the Council recommends that staff draft an amendment. Would that be an FMP amendment?

DeRoma replied, yes.

There being no further comments, McCoy called for a vote. The motion was approved with eight yes votes by Duenas, Harris, Haleck, Martin, Ebisui, Sablan, Dela Cruz and McCoy. Robinson, Gaffney and Duerr voted no. Tulafono and Polhemus abstained.

Dalzell read recommendation number three, the Council recommends that the staff draft an options paper to consider alternatives for modifying the current longline closed area in U.S. EEZ waters around Guam, and that the options paper include an option that considers the potential for longline fishing within the current closed area boundary as part of the Community Development Program.

Duenas moved to approve.

Tulafono seconded.

There being no discussion, McCoy called for a vote.

The motion passed.

Dalzell reported that recommendation four is moot, as the Chair has already dealt with Mr. Ohai in the Fishery Rights Section.

Dalzell read recommendation number five, the Council recommends that the American Samoa DMWR deploy one to two FADs around Pago Pago for the exclusive use of vessels utilizing nonlongline gear.

Duenas moved to approve. Tulafono seconded. The motion was approved.

Dalzell read recommendation number six, the Council recommends that Council staff draft an informational paper containing options for responding to Mr. Flournoy's concerns for consideration by the Council at its March 2007. This paper should include discussion on the implications of each option on marine resources, as well as on denied applications and on potentially qualified fishermen who did not apply in the first round.

Duenas moved to approve. Haleck seconded. The motion was approved.

Dalzell read recommendation number seven, the Council recommends that given the reduction in shark harvests resulting from the Shark Finning Prohibition Act, no further action be taken at this time regarding shark catches by the Hawaii longline fishery. The Council directs staff to continue research into gear modifications to deter sharks. This last section refers to the project we have ongoing right now with our contractor.

Duenas moved to approve. Haleck seconded. The motion was approved.

Dalzell read recommendation number 7B, the Council recommends that additional information on increasing mahimahi, mako shark and thresher shark catches by the Hawaii longline fishery be available for review at its next meeting.

Gaffney moved to approve. Tulafono seconded.

McCoy called for discussion.

Martin suggested that the recommendation be renumbered for tracking purposes. Dalzell agreed to change the recommendation number to eight.

Duenas moved to approve. Tulafono seconded and the motion was approved.

Dalzell read recommendation number nine, the Council recommends that the framework process for the Pelagics Fishery Management Plan established under Amendment 7 of the PFMP be revised to allow for the timely administration of quotas for highly migratory species.

Duenas moved to approve. Tulafono seconded.

McCoy called for discussion.

Robinson commented that it reads like a final action, revise the framework under Amendment 7. Isn't this the very start of the process, where the staff would be providing some options or recommendations for revising the framework? We haven't had any discussion as to how the framework might be revised. This just says revise the framework to allow timely administration. Seems to me there needs to be some specific proposals for revising.

Simonds suggested, it be revised to read “Council recommends that the staff prepare”, etc.

There being no objections or further discussions, McCoy called for a vote. The motion was approved.

Dalzell read the recommendation in parts. The first part, the Council recommends that the U.S. Delegation -- I guess that should be, to the WCPFC -- support effective conservation measures, such as limited entry programs for longline fisheries across the WCPFC Convention Area, and continue to require CCMs to support development of pelagic fisheries in the U.S. territories. The second part, the Council also recommends that the WCPFC collect information on the number of pieces of bigeye caught by their purse seine vessels. If properly designed, this would identify those vessels which are catching large volumes of juvenile bigeye and improve understanding of the ecosystem impacts of juvenile bigeye fishing mortality. The third part, given the reduction of the U.S. purse seine fleets in the Western Pacific Region and the inclusion of the U.S. longline fleet in the South Pacific Tuna Treaty, the Council recommends that the Department of State amend the South Pacific Tuna Treaty to include participation of the U.S. longliners in the EEZs of the parties to the treaty. The Council also recommends that given the lack of fishery development in the U.S. territories, some of the funds from the treaty be distributed to the territories.

Duenas moved to approve. Tulafono seconded.

McCoy called for discussion. Tulafono asked if the vote is for all three recommendations. McCoy replied, it’s actually one long one and it’s okay the way it is. There being no further discussion, McCoy called for a vote. The motion was approved, with two abstentions.

Dalzell read the last recommendation, Council endorses the SSC comments supporting the Council's recent South Pacific Albacore Workshop. The Council encourages staff to convene additional South Pacific Albacore Workshops in the future.

Duenas moved to approve. Sablan seconded.

There being no discussion, McCoy called for a vote. The motion was approved.

Duenas commented that a presentation done with the options on the quota, options for short-term options on the domestic bigeye quotas was never dealt with. We had Options 1, 2 and 3. Dalzell put the three options on the board.

Duenas moved to choose number two as our option and asked Dalzell what the SSC endorsed.

Dalzell replies, the SSC didn't speak directly to this. They simply said that the U.S. Delegation to the Commission pursue policies which would include the administration of any tuna quota under the Magnuson-Stevens Act. So, basically, they spoke more broadly and said whatever quota options the Council wants to go for, they should go for those -- or any quota administration should be done under the Magnuson Act.

Simonds commented, that's why you voted on amending the framework provision of the pelagics plan, to allow the Council to do that.

Sablan second the motion.

McCoy indicated that Option 2 has been highlighted and was discussed earlier.

Robinson commented, the way the conservation management measure is set up, it does allow under the right circumstances the U.S. to take up to 10,000 pounds of bigeye. But it has to be taken by each of the territories in the development of their own domestic territories, up to 2,000 metric tons each. The balance is the U.S. quota.

So as I said before, I do not believe that under WCPFC there is a single national quota where the Hawaii longline fleet could go in and use American Samoa's 2,000 tons and Guam's 2,000 tons and the Marianas 2,000 tons just because they can't use it. So I'm opposing this. I'm going to vote no.

This is not a quota or an allocation. This is an opportunity for each territory to develop a domestic fishery and not be constrained by the requirement to stick to your 2004 catch.

Simonds stated, there's just two more years left on this.

There being no further comments, McCoy called for a vote.

The motion was approved with three no votes.

Ebisui reported that this issue relates to the closures of the bottomfish area within the Main Hawaiian Islands. This is to meet the Secretary's letter with respect to overfishing in the Main Hawaiian Islands. This has to do with portions of Penguin Bank and Middle Bank.

Ebisui called on Kingma to discuss the alternatives and the components.

Kingma reported, this is the portions of the regulations associated with the Bottomfish FMP Amendment 14. Again, these are just a subset. There are other regulations that the Council has provided to the Pacific Island Regional Office. These particularly pertain to enforcement of the closed areas.

What this document contains now is five options, A through E, and also for reference, the list of allowable gears under the CFR 660.725, for reference.

Then also two tables in the back that was data compiled by the Hawaii Division of Aquatic Resources through a data request that we provided to the Pacific Islands Fishery Science Center earlier this week. It gives you an idea of the potential fisheries impacted on those banks.

Each option sort of builds off the first one. I will read A and B of Option A, which is repeated throughout the rest of the options and then we'll go through and discuss the pros and cons.

Combination Prohibition Option A,

- A) fish for, take, retain any of the Bottomfish Management Unit Species listed in Table 1 within any designated prohibited area specified in 50 CFR, Section 665.70(b) or 70(c). The draft regs provided the list of MUS in Table 1, which are the Deep Seven Species.
- B) possess any of the Bottomfish MUS listed in Table 1 within any designated prohibited area specified in Section 665.70(b) and (c) regardless of where collected, caught, harvested or removed, except on a continuous transit through a prohibited area with all bottomfishing gears specified in Section VIII of Section 660.725, stowed and not available for immediate use.

Below that, I, is definition of stowed or available for immediate use. That is, below deck or if gear cannot be readily moved in a secured and covered manner so that it's rendered not usable for fishing.

The pros of this allow for innocent passage with those Deep Seven Species through the prohibited areas. Would not impact shallow-water bottomfish fisheries, such as uku, nabeta, weke ula or other fisheries that operate on the banks, kona crab or palu ahi.

The con of this is that it would not facilitate monitoring by air.

Prohibition Option B, A) and B) are the same as Option A. This was getting at the Coast Guard's availability of assets to do the job, and that is by air or using at-sea enforcement.

The most efficient way for the Coast Guard would be using air. Option C brings in the notion of prohibiting anchoring. That is, anchoring any vessel that is within any designated prohibited area specified in 70(b) or 70(c) with bottomfishing gear as specified in 660,725, stowed and not available for use.

This could facilitate both air and sea monitoring. However, not exclusive air monitoring, which could be the goal of the Coast Guard for these regulations.

You can read the pros and cons. Some of the highlights of the cons are that, bottomfish gear includes hook and line, supposedly hook-and-line gear and also bandit gear, which is using hooks and pole and line. Of course, you're using hook and line. So other fisheries use hook and line, such as palu ahi. So if you're anchored and you wanted to handline for those pelagic species on the edge of the bank, the Coast Guard would not know if you are targeting Deep Seven or if you're going for yellowfin, for example. So that would not facilitate exclusive air monitoring.

Option B didn't get at the issue that potential violators could be drifting along the margins of

the bank targeting Deep Seven Species. So we tried to put in there a prohibition against drifting, as well as anchoring. So anchoring a vessel or drift any vessel within any designated prohibited area with bottomfishing gear as specified, etc.

So it would allow be trolling for this. Potential for air monitoring and at-sea monitoring. However, this does eliminate most of the shallow-water bottomfish fishing, such as weke ula or uku along the banks. Uku is primarily impacted because it's caught in Hawaii in the Main Hawaiian Islands on the banks using anchoring or drifting techniques, as opposed to the Northwestern Hawaiian Islands, which uses trolling.

Here, again, the difference -- or here, again, this includes bottomfish gear, specifically.

As with Option B, bottomfishing gear is broad, and it includes hook-and-line gear which can be used for other pelagic fisheries. So the Coast Guard would not have the ability to determine from air whether they were targeting, unless they had to board and inspect the vessels. So, again, this doesn't get at the air monitoring issue. So we had to take it a step further.

Option D, anchor any vessel or drift with any vessel within any designated prohibited area with any hook-and-line gear or fish trap specified in 660.725, in use or immediately available for use.

It's our understanding that this would take exclusive air monitoring by the Coast Guard. However, it would effectively eliminate the shallow-water bottomfish fisheries, as well as the pelagic palu ahi type fishery. Although, it would allow for trapping of crustaceans, kona crab operations.

This is likely the most restrictive option, and perhaps the option that has the most impacts on other fisheries. However, it is likely the most enforceable using available Coast Guard assets.

Option E was sort of thinking outside of the anchoring or drifting box, and we came up with some provisions using hook-and-line gear in association with hydraulic or electric reel pullers, which are often used in the deep-slope bottomfish fishery. So as you see here, to have onboard any vessel with hook-and-line gear or fish trap specified in 660.725 connected or associated with any hydraulic or electric reel puller or immediately available for use within a prohibited area.

This could likely facilitate exclusive air monitoring and also allow for drifting and shallow-water bottomfishing for such fisheries that use those techniques, uku, weke ula, and other fisheries, kona crab, white crab.

The Coast Guard would have to identify the reels, the pullers, from the air and they'd have to be associated with the hook-and-line gear to be a violation in the prohibited area. This would also impact the palu ahi type fishery.

However, there is a loophole with this, or a sort of nonenforceable type issue, and that is the traditional handline method, which was used historically to catch bottomfish, which is just sort of a line with hooks and lead in a basket, and throwing over the side of the boat hundreds of fathom of gear to catch bottomfish and retrieving it by hand.

Also, issues are that if it's difficult to see from air if the person wrapped their gear up right before they arrive on scene.

That's my brief run-through of the options. Please refer to the tables to see what types of fisheries may be impacted and the number of fishers reporting in those areas over the last ten years.

Acknowledgement was given to the work done by Reggie Kokubun from HDAR and also Dave Hamm and Mike Quach from the Science Center for putting this together in a timely manner.

Ebisui called for questions.

Young commented, when the Coast Guard was first given the opportunity to address the different alternatives proposed to end overfishing of the bottomfish in the Main Hawaiian Islands, the position was, and still remains for the Coast Guard enforcement-wise, the best option would have been the closed season via closed area.

Having a closed season, I kind of equate that to sticks in a bundle. It gives us the most number of sticks in a bundle that provides for enforcement, and that would be for the Coast Guard to work with our federal partners, our federal agency, the NOAA OLE, and now with the JEA with the State, with our State partners, to provide at-sea enforcement, monitor and surveillance and provide information to our counterparts onshore for shoreside monitoring, and it would provide for an effective program.

Since closed seasons is out of our purview now and we're going down the road of potentially the closed areas, what that does is closed areas is still a good tool, but it takes a couple of those sticks away from our bundle of enforcement options, and that is it leaves everything on the Coast Guard for conducting at-sea enforcement.

When we're down to that, the important part of that is to ensure that whatever regulations are put in place for that closed area are enforceable regulations so that that one remaining stick that you have left for enforcement isn't reduced any further or limited.

Our most efficient and effective asset to enforce a closed area for Penguin Bank, Middle Bank, would be our aviation assets, our helicopters. If the regulations are written so that we are unable to enforce it, effectively enforce it, with our helicopters, the Coast Guard's position would be that we're just establishing unenforceable regulations or regulations in word only.

Our Admiral was here earlier in the week. She talked about the Coast Guard's commitment

to the stewardship of living marine resource.

I think in the past year the Coast Guard has shown quite a commitment to that. We've devoted over 5,000 hours of our cutter time enforcing domestic regulations, enforcing our EEZs in the Western and Central Pacific, over 600 hours of aircraft time as well.

In that time, we've conducted over 140 federally-permitted vessel inspections. We've documented six significant violations of domestic fisheries and successfully interdicted two foreign fishing vessels in two EEZs.

So I would say that the Coast Guard does show a significant commitment to enforcing the regulations for this. In order for us to keep that commitment, we need enforceable regulations.

Ebisui commented, just by way of history, when we were looking at our options which would be responsive to the Secretary's letter, I believe that the Council's first -- or preferred option was a seasonal closure. But the seasonal closure of the bottomfish habitat in federal waters was insufficient to meet the level of effort reduction that was required to be responsive to the Secretary's letter.

I also wanted to add throughout the whole time -- well, my whole career on the Council, not only this current period of time, but in the past one, the Coast Guard has been remarkable in not only enforcement, but also in giving us advice and recommendations with respect to enforceability. So we hear where you're coming from. We appreciate it. Thank you.

Polhemus commented, Eric indicated that Option D seems to be the most enforceable of these combinations. He indicated that it would have the largest impact on nontarget fisheries. But in looking at the tables that have been provided in the back here of my own division, what it would indicate to me is that essentially inshore handline and tuna handline, nontrolling, would be those nontargeted fisheries most effected.

For Penguin Bank, it's negligible. There are no landings via those methods -- I mean for Middle Bank. For Penguin Bank, you add it up and it's 24,325 pounds out of 1,179,308. That's 2.1 percent of the total. So although it's regrettable that you have to have impacts on any nontarget fishery, this is really a very, very small percentage of impact compared to the other users who are out there.

Duenas asked, how would that work if those areas are completely seasonal, rather than your totally closed system, where Penguin and Middle are seasonal, for enforcement and complementing the State, just for those areas?

Polhemus replied, there's two basic underlying difficulties. We have one that at this point, because we realize we need 24 rather than 15 percent out of that fishery, and that's only on data analyzed through 2004, you are certainly going to have a much longer seasonal closure than was originally proposed. So if you're a commercial fisherman in this fishery, that's going to start to reach the point at which it may not be viable for you to remain a

commercial fisherman if you have to sit out six, seven, eight months of the year not fishing.

The other, if you'll recall, is that there is simply was no credible scientific evidence that time closures will work in managing a fishery. I think that influenced our thinking rather considerably.

Because the Magnuson asked us to use the best available science in trying to come up with management options for fisheries like this.

Duenas asked if it's easier to enforce the seasonal closures of specific areas.

Young replied, that would not be, because you wouldn't have the effective shoreside monitoring program that a complete seasonal closure in the Main Hawaiian Island would afford in State and Federal --

Duenas responded, but the State is not going to give up its MPAs. I'd really hate to punish all of these guys that want to go for uku and other of the nonseven species.

Young replied, seasonal closures of the closed areas would still be problematic, very problematic, via a seasonal closure for the entire Main Hawaiian Islands which would allow shoreside monitoring. Because you're taking it all into account that at-sea monitoring, and have to prove that the catch is caught in those closed areas.

Polhemus commented, the bottom line is we've got a fishery down here in the Mains that has a severe problem. That's our first and foremost concern, is that we've got a fishery that's actually overfished.

Duenas responded, my concern here is that we're not addressing effort, because you're creating MPAs, closed areas. The State is not restricting the number of fishermen and how much they go out there and catch and harvest.

Discussion ensued as to whether there is severe overfishing or the Main Hawaiian Islands are severely overfished. If it is overfished, a rebuilding plan should be developed now.

Robinson reported that, officially, under the terms of the fishery management plan, the stock is defined as an archipelagic stock. Based on the best available science, overfishing is occurring on that stock, but it is not overfished. What Dan said, though, was that if the circumstances were different and if you define the Main Hawaiian Islands as a separate stock and assessed it in the same way you assess the archipelagic stock the Main Hawaiian Islands would be both overfishing and overfished.

Now it is overfishing, but not overfished.

Ebisui pointed out that the kona crab landings appear relatively small when compared to the whole. But I would venture to say the Penguin Bank landings of kona crab probably comprise 95 percent or more statewide.

Polhemus agreed that's a potential problem. Although, Eric didn't indicate specifically that kona crab would be impacted by this, but perhaps it would be.

Kingma commented that the uku fishery is significant, too, on Penguin Bank, as indicated by a couple hundred thousand pounds, which is more like 15 percent or so of the total.

Polhemus agreed, but then it would fall in deepsea handline, and you've noted here that the impacts would be primarily shallow-water bottomfishing palu ahi. It's going to be tough to sort out the collateral damage in that some of the uku landings will be impacted just by the very measures that we'll take to manage the Deep Seven, and some of them are caught in shallower water. So I think if you look at inshore handline, that would probably be more indicative of the amount of additional uku landings.

Kingma commented, one could argue that shifting could occur. I'd also note that at least the State's Management Areas have a setback from the shoreline. So they don't run up to the shoreline. So there's a standoff in there, and that was created so that they wouldn't end up being MPAs clear to the shoreline because the communities of fisheries didn't want them.

Polhemus commented, if you were right up next to the shore you can still in the nearshore waters fish. So, some of that inshore handline may be coming out of that zone very, very near the shore. In other words, the 2.1 percent is probably a worst-scenario calculation in terms of impact on nontarget species.

Ebisui confirmed that on this particular subject, there is no preferred alternative, we're going to be essentially selecting one of the four.

Kingma agreed and stated that it will be included in the package provided to the Regional Office for the Secretarial Review of the Amendment 14.

Ebisui questioned, under Option A, is monitoring by air impossible or is it limited?

Young replied, that word 'monitoring' should be enforcement or at least identifying a violation because the helicopter would not be able to determine without someone going onboard the boat that the person is fishing for and retaining any of those seven Bottomfish MUS.

So the way the Option A is written, the only type of enforcement we could do would be at-sea enforcement, where our cutter is there and a boarding is conducted on the vessel to determine that person has fished for and caught one of the seven deep-slope bottomfish.

Duenas questioned, has any study been made as to whether these closed areas are sufficient to meet the 15 percent? Or are you just taking the State's word for it?

These four options affect the people of the State of Hawaii. They don't affect the people of

Guam. They affect the people of the State of Hawaii, and the State of Hawaii doesn't seem to want to offer a compromise.

The Coast Guard says time and time again it needs the seasonal closures to enforce it. Everybody knows the State waters cannot be enforced. That's been proven. How do we deal with this dilemma?

Robinson replied, there has been some work done at the Science Center. Mark was at the meeting where they reported on it, where they looked at the State closures in terms of at least area, and made some projections on what the reduction and what the mortality or catch would be.

So what that study did was indicate that the combination of State and Federal closures would reduce the amount of habitat that was heavily utilized by bottomfish by roughly 20 percent, and I forget what the State closures were. So you'd have to make the leap then that setting aside of that habitat would in fact reduce the catch by some amount.

Polhemus commented, the general conclusion was, their estimation was that it would -- we were supposed to obtain a minimum 15 percent -- an expectation of a 15 percent mortality reduction. They felt that their calculation brought it out to 14.8 with a certain degree of error on either side of that. So they felt that largely the State's plan had reached that mark. So what it essentially did was validated our calculations.

Robinson commented, the new stock assessment indicates that we're going to have to do more. I think what is being talked about here is not going back at this meeting, at this time and reconsidering whether we're doing seasonal or area closures. The issue here is how best to enforce the area closure the Council has already adopted in federal waters.

Mitsuyasu commented, that the meeting that we had at PIFSC that they invited PIRO, HDAR, the Council to come to, was their first cut. They geo-referenced the State's revised area closures that were provided in late July, early August. The bottom line was, it related to habitat. They didn't make any projections with regards to what percent they would be -- with any reduction towards mortality. So the conclusions that Dan had drawn, which I also stated at the Independent Research Workshop, the Fishery Independent Research Workshop, we didn't hear that and we didn't walk away with any of those conclusions. The statement that the Science Center's analysis has validated the State's analysis, that conclusion wasn't made at any of those meetings.

Polhemus disagreed.

To expedite this part of the calendar, Ebisui moved to accept Option A for the federal closure regulations. Haleck seconded.

Ebisui called for discussion.

There was brief discussion on Polhemus introducing a competing motion to adopt Option D.

Robert's Rules require acting on one motion at a time.

Robinson expressed concern that this is the least enforceable option and handcuffs the Coast Guard from using air assets. So it might be better to look at something a little tighter. An option that has a greater enforcement capability, one of the anchoring options.

Duerr agreed. The recruitment of these fish is the most important thing, and that's not going to be achieved unless we have the best enforcement. So I would like to get the Coast Guard -- I think it's Item B, is that your preferred?

Young commented, of the options presented, if these -- since the closed season is out of the picture, for the closed area, the options presented, within the spectrum of enforceability, Option D would be the most enforceable for the Coast Guard.

Ebisui commented, what we're talking about between the four options is tradeoffs between enforceability and collateral damage on other activities in fisheries. The better the enforcement, enforceability, the more damage you're going to have to the other fisheries which are going out in the area which were not the intended subjects of the regulation.

Simonds commented on Duerr's use of the word recruitment. What we're looking at is reducing mortality. It's different.

There being no further discussion, McCoy called for a vote.

The vote was seven yes, Ebisui, Duenas, McCoy, Sablan, Haleck, Tulafono and Dela Cruz; six no, Polhemus, Duerr, Robinson, Gaffney, Harris and Martin. The motion was approved.

(Brief interruption for carved turtle business)

14.A, Update on Legislation.

14.B Magnuson Action Reauthorization

Simonds reported, the legislation that we're all interested in is the Magnuson Act Reauthorization. In June, the Senate approved its version, which included a section on International. In that International Section is the implementing legislation for the Western Pacific Commission that would make the United States a member of the Commission.

Then on the House side, we had hoped that the House would have had similar legislation. But what the House did was they divided up the Magnuson Act. They introduced a Bill only on the International portion and called it the Stevens-Inouye International Legacy. So, obviously no one voted against it on the House side.

But there are two little differences. On the House side, when it comes to members of the Commission, they listed both the Pacific Council and Western Pacific Council, and that we would have to decide who would be the Commissioner at the annual meeting. On the Senate side, our Council is the Council that sits on the Commission. We did try to talk to the

Pacific Council several times, and we talked about the fisheries and how many permits we have and how many permits they have.

We have a total of 224 longline permits, which include Hawaii and American Samoa. They have one.

But they do have a large albacore trolling fleet, but they mainly fish in the North Pacific and in the IATTC zone. So we said, listen, why don't you guys be a commissioner on the IATTC and you can represent us, that's fine with us, but we should be the commissioner on the Western Pacific Commission because we have the biggest stake. So this is how the House dealt with it, because obviously Mr. Pombo is from California.

What they'll have to do is go to conference, and we don't know when that's going to be, but obviously it has to be after elections. They're just going to iron out their two differences. One is what I just told you about. The other is that the House talked about the trawling and the Senate Bill didn't. So that's it.

Simonds asked Robinson what happened to the Administration's proposal? Did it go up to the House?

Robinson replied, it spent a long time in OMB and then it did go to the House.

Simonds commented, obviously it was rejected by the House. So, hopefully, that will happen before we go to the Commission meeting. So we'll be members instead of cooperating entities. Then Magnuson, I have no idea about that, about whether or not the House is going to take it up. So Magnuson has some very good things for us, but we went over this with you folks last year several times. We hope they all pass. That's it for legislation.

14.C The National System of MPAs Draft Framework.

Makaiau reported, the document he is referring to is 14.C.1.

In July 2006 the National MPA Center, which is a Center from NOAA that is done in cooperation with the Department of Interior, has released the draft framework for developing a National System of Marine Protected Areas.

To give you a little bit of a history, the National MPA Initiative began in 2000 with the execution of Executive Order 13156, basically directing Commerce and Interior to work together to develop a National System of Marine Protected Areas.

One of the first steps that we discussed back in 2002 was going through developing this national inventory of what is an MPA, what is not.

Some of the initial problems that we encountered when we were going through this process was actually defining what is a Marine Protected Area.

Now, in the Executive Order there was a definition that included words like, lasting protection, what was that. What is protection in itself.

So what we did learn from that exercise is that MPA is not synonymous with no-takes or marine preserves. They can encompass a number of managed areas, and the term MMA, Marine Managed Area, was one of the outcomes of that.

So this document basically outlines three steps. The rationale for benefits of an effective national system. It also outlines goals and objectives and key definitions for the system, which plays into the role of how we go about establishing this new system based on definitions and criteria. Then the steps for developing are also outlined.

There's about three basic goals, which each goal has a number of objectives, but advancing comprehensive conservation and management is the first priority goal. Also, promote sound stewardship and to improve the effectiveness of a National System of MPAS and has an effective method of coordination, which is a key component, particularly when we're dealing with federal and state agencies, and in other places you have to deal with tribes and other commissions that have an equal weight in deciding what goes on in managing marine areas.

So the first step outlined in this draft framework is to somehow come up with -- identify and nominate candidate sites of our existing MPAs to be part of this national system. The process will involve soliciting public comments for candidate sites and evaluate them based on those definitions and criteria outlined in the document.

The second phase would be to identify a system of gaps and future conservation priorities. Basically, this involves analyzing the relative contribution of Marine Managed Areas, MPAS and also included -- which was a big concern -- was de facto MPAs, which are not necessarily set aside for conservation, but are basically off limits for the majority of citizens, whether it be a national security area or a military base, and so forth.

This is a big question mark. The second bullet point is, how do you evaluate the effectiveness of a National System of MPAs.

Unfortunately, the document has a very -- one-page listing of how to go about evaluating the effectiveness. Basically, it's a to-be-determined kind of thing. No one really knows how to evaluate the effectiveness of an MPA. But we do know it's based upon the objectives that were set forth for that MPA.

There's also a process described of how to remove candidate sites -- or actually, remove sites that were once on the national system, whether they based on analysis have short-comings in terms of meeting their goals, and so forth.

But the bottom line is, this document is a draft. It's out for public review. Comments are due to the National MPA Center on December 31st, 2006.

All of the information is in this document. If you have comments, send them to Jonathan Kelsey. Thank you.

Harris called for questions.

Gaffney asked, I assume that when you talk about pulling together everything that already exists, that's the whole National Marine Sanctuary Program?

Makaiau replied, no, this is broader than the National Marine Sanctuary Program. It's essentially Commerce and Interior developing an inventory of any Marine Managed Area -- or basically what is managed.

Gaffney asked, so the National Marine Sanctuaries would be considered part of that?

Makaiau replied, yes, they would be considered part of this.

Severance commented. from the SSC. This was at the tail end of our agenda. We didn't get to it, but I would urge all Council members to look at the document. There's still plenty of time for public input. I'd also remind the Council members that we already have in place and on the website an MPA policy for the Council. There's also a draft document unfinished that's in the Council Office for our own kind of criteria for establishing, monitoring and deleting MPAs.

There's a very strong national movement, and has some parallels to the National Register of Historic Places. It's not absolutely clear whether there will be funding defined that would give people some real benefit to nominating sites to the National Register of MPAS.

That concludes my brief comments from a look, but not a thorough analysis.

Harris asked, would the framework be kind of like the horse before the cart prior to the removal?

Makaiau replied, I would say yes. The whole concept of Marine Protected Areas is an emerging science. A lot of the publications are based on theories. Very few publications of empirical research is done on MPAs. But it's getting a lot of push, not a lot of publications of actual demonstration.

But, again, this whole thing here is not necessarily just on fisheries. It could be a Marine Managed Area for other purposes, recreational, and so forth. So if your goal is to separate the tourists from the fishermen, then a lot of the MPAs would meet the goal, just basically how it's set up.

So all MPAs have different criteria or objectives, if they have some. So it's kind of difficult to say how that's all going to work out.

Polhemus noted that if you think about this not as MPAs, but as MMAs, of course, your

SSC just basically endorsed that approach in dealing with the shark problem. Essentially, ocean zoning is nothing but laying MMAs out on the ocean and then allowing various sorts of activities in various sectors.

14.D Five-Year Program Document.

Mitsuyasu reported that this is a draft document, circulated the draft to the Council members. Basically, the Council has since the beginning a long-term planning document. It used to be called, Milestones. We transitioned that into this five-year program plan. What we did was we tried to incorporate all of the efforts that we expended a couple of years ago in coordinating with the Region and Science Center in coming up with different programs and initiatives and projects and activities that we can try to put together to support the new region, and whatnot.

A lot of the activities that are included in that plan that you have before you reflect a lot of the things that were initiated through that effort.

The plan has the Council's mission statement and guiding principles, which still hold true.

The plan in this revision primarily reflects the Council's efforts to move from its FMP-based management approach to the FEPs and the new structures that are being put in place to support that decision-making process.

I've also included an example of how the sequence of meetings for the various advisory groups that we have for Council decision-making might be laid out under the new regime. Then in the back it includes the detailed program activities and initiatives that you can take a look at.

In there, there's this structure here which basically reflects what the Council already has in its decision-making process, which is the Council. It has a number of standing committees, which meet the day before the Council.

Prior to the Council meeting, we have a number of our advisory groups that come together, our SSC, our plan teams, our advisory panels. We also have other advisory groups, such as the Community Demonstration Projects.

We also now have a Community Development Project Panel that we're putting together, and that's a new group.

Then we also have these Regional Ecosystem Advisory Committees that we want to establish for each of the island areas. So having those groups meet prior to the Council meeting and come up with recommendations for informed decision-making will probably require more planning in terms of the sequence in how we get that accomplished.

I just put this as an example, relating to the Marianas Archipelago under our FEP, how that might go.

The Council has a number of ecosystem-type initiatives that are already in the plans. We are holding an FEP Data Workshop in a couple of weeks -- next week -- basically to see what kind of information we need to help inform the plans on the data side, working with each of the island agencies.

Then the items in red reflect the groups that the Council has to -- are new groups that the Council has to put together and that will meet.

We also have the Third Fisheries Ecosystem Workshop that's planned for January that's going to occur. As you can see, as you go down, you have this down in your book, all of these various meetings and information will keep feeding each other for Council decision-making.

So, in any case, this is only for the Marianas Archipelago. Similar things will need to be done for each of the island FEP areas.

At this point, it's a draft and we are continuing to work on it.

Simonds asked to have comments from the Council members by November 15th.

One of the things that someone asked the question, and we weren't ready at the time. But the Marinas FEP Plan Team, Advisory Panel, SSC and industry, we've tentatively set the date for the week of February 6th.

For American Samoa, the week of March 27th.

We are talking -- the Center, and I'm not sure about the Region, but I'm sure Bill will send them, too. But representatives from both the Region and the Center should also be traveling with us, because they are on the teams as well.

We'll discuss who and what later, Bill. But this is just a general -- we want to have the dates down for these archipelago meetings.

Then Hawaii, we have the week of April 16th, followed the next week by the Pelagics FEP Plan Team.

All of the other meetings are in draft form because we really have to sit down and talk about them. Otherwise, we would be having meetings every week. So that schedule is a draft that we will speak with the Marinas, the Guam and NMI people, and the Samoan members, to confirm everything.

14.E, Status of Fishery Management Actions.

Hamilton reported, this is Document 14.E.1 in your books. This is an update of the documents and action for which the Council has taken final action and where they are in the

process.

Bottomfish Amendment 14, was to address overfishing of Hawaii bottomfish. Our last transmittal to PIRO was August 2nd, 2006. We sent over what we thought was a final document, including draft regulations. We never did get a response on what the next step would be. It was reviewed again. On October 2nd we received 16 pages of comments, some substantive, some editorial. Our next step will be to revise the document in response to those comments and send it again to PIRO. That revision will have no changes to the regulations, in response to the discussion about enforcement today, since the Council approved what was already in there.

Guam offshore bottomfish management, a proposed rule was published on August 14th, 2006. Council staff saw a draft of a final rule on October 4th and sent over our comments on October 6th. We're expecting a final rule to be published in the near future.

The PRIA Amendment, CNMI and the PRIAs included CNMI and the Pacific Remote Island Areas and all of the FMPs. The final rule was published on September 12th, 2006. It took a long time, six years.

The FEPs, as you know, the Council took final action in Guam, then they had another meeting. Most recently, we had a meeting with PIRO and had some new information on what PIRO feels the FEPs need to contain. So the Council staff asked that PIRO would review all of the FEPs and give those comments, then Council staff will revise the FEPs in response to those comments so that they can all be done in a similar manner. On September 28th we've got the comments on the Pelagic FEP. We have an internal timeline, about 11 weeks from September 6th, some time in November we'll have the comments on all of the FEPs, then Council staff will make the necessary revisions.

Pelagic Amendment 14, overfishing of bigeye and yellowfin tuna, on August 23rd, 2006, Council staff sent a revised document to PIRO. We believe it was for the final review for completeness. We're not sure how PIRO perceives this, and will wait to see what comes back.

Squid management, our most recent discussion with PIRO was June 5 with their General Counsel. We got some direction about what was the appropriate response for the Council to deal with squid jigging under the High Seas Fisheries Compliance Act. General Counsel suggested that we send a letter to Bill Hogarth asking whether the Council's recommendations had already been implemented and there wouldn't be a need to include them in this document.

However, the letter that was received in response said, no, National Marine Fisheries Service plans to deal with the high seas squid jigging via the Council's amendment. So knowing that, we now need to finalize that document and send it to PIRO for another review.

Hawaii Black Coral Minimum Size Amendment, on August 31, 2006 the Council staff sent

a revised document to PIRO for review and comment.

CNMI Large Vessel Bottomfish Fishery. the most recent action was that PIRO informed Council staff that they wouldn't process this amendment until the PRIA amendment was finalized because you can't regulate bottomfish around CNMI until CNMI is part of the Bottomfish FMP. That has now been accomplished and we're finalizing the document to send to PIRO for review.

The Northwestern Hawaiian Islands Sanctuary Fishing Regulations. the most recent action on that was at the telephone meeting April 30th, 2006. All of the recommendations the Council had made previously for the Northwestern Hawaiian Islands Sanctuary have either been modified or amended to apply to the Monument or have been withdrawn. I'm not quite sure if this would be an amendment, or what, the implication of the Northwestern Hawaiian Islands Monument. The Council took action on the nondiscretionary measures, and there is some confusion about what kind of format that recommendation is going to take when it's sent to PIRO for their review.

Harris called for questions.

Sablan asked, Bottomfish FEP Amendment 8, that includes the CNMI also and PRIA. So now Bottomfish Amendment 10 then can be submitted next Council Meeting?

Hamilton replied, yes, you've taken the final action, so we can just move forward without further action by the Council.

Duenas asked, as I see PIRO growing, is there any way to shorten the time table? I'm looking at a two-year, three-year turnaround for an action item. Is that going to be the norm? Are we looking at one year, year and a half? Are we looking at better times ahead?

Robinson replied, there is communication back and forth between staffs. As far as I'm concerned, we're looking at improving times ahead, yes.

Simonds replied, we'll do a report card in the fifth year. We started in June 2004, we've got to do a report card in three years. It took us eight years to get our billfish plan in 1986.

14.F, Education and Outreach Report

Spalding reported, that Document 14.F.1, summarizes what we've been doing in education and outreach currently in Hawaii. It doesn't include what people are doing in American Samoa, Guam and NMI locally.

We did a high school summer workshop on marine fisheries and resources in Hawaii right after the Samoa Council meeting. The students made a video on that. We talk about it in the latest newsletters. They actually won an award for that video. You can order copies.

We're trying to get sustainable fisheries in the curriculum, because there is a big push for

ocean education. I included some new documents from the President's Ocean Plan about outreach and education in that plan. As you can see, it's all the way to the top. They have CEQ in there kind of orchestrating and coordinating outreach and education. Connaughton was at the COL Conference, which is the Conference on Ocean Literacy, that happened in June right before the Samoa Council meeting.

Another thing is that there is this effort not only to make a one NOAA, but also seems like a concerted or one voice for the whole federal government, DOI and Commerce and everybody, all under Ocean Literacy that they're trying to convey. So I think it's really important to try to get sustainable fisheries in there.

In Samoa I passed out this Ocean Literacy document that NGOs and the federal government are working together to try to get implemented into the National Standards for Science. Notice that, the impacts that humans have on the ocean and that talk about fisheries, is just a very small section. We talked about this ocean literacy at an international forum that was held on Maui. People from New Zealand and stuff were appalled, because if you look at what the U.S. does, it's very academic and it's very -- pure science.

What they're concerned about in the Pacific Islands and Australia and New Zealand is more sustainable use and being activists to make sure that they have ocean resources that they can continue to use and have their livelihoods. So I think it's really important that we get that voice in there.

Also, in the Ocean Action Plan for the President, they're giving NOAA more authority to deal with outreach and education. So, hopefully, NOAA would be able to help us get a sustainable fisheries message in there.

On the outreach, we're being asked to help with outreach for the Limited Access Program, and we're on a couple of outreach calls with them. Basically, they were giving some money to do it so we asked whether we could have some money from them to do it. Basically, they said, well, they're putting up a website that we can access information from. But, again, we don't really have a budget for outreach and education. We have to pinch from all of our other programs to get an outreach and education budget together.

Regarding our Fiji Conference. It's coming together and it looks like it's going to be a great conference. So if you know anybody who would be interested in having -- or funding -- the Council is funding it. We've got one other funder now. We did try to get NOAA to fund it through a mini educational grant, but because we can't accept outside funds, we've got to go through the Sanctuaries Program, and we didn't get that grant. So pass the information on.

14.G.1, Disaster Relief – Status of State Program

Martin reported that for the direct economic aid portion, which is 1.4 million, I think it has passed all of the review processes. I understand that the Governor has signed off. However, I think the Attorney General's Office had some issue with out-of-date considerations because

it's been so long. I think Scott Bloom was here yesterday, but he had a meeting with I believe the AG, and that PIRO was writing a letter that kind of took care of the concerns that the AG had.

The other portion of that was the research portion through JIMAR. I understand that it's still in the review process, and they have prioritized and haven't quite gotten the whole program together. But I do understand that those programs have moved along to a position where they're going to be done here shortly.

Polhemus asked, is it your understanding that the 1.8 and 3.2, the State chunk, went to JIMAR, and is waiting for Attorney General's approval?

Martin replied, yes. Actually, I think that Earl's shop is administering both of those. But there is a 1.6 and 3.4, but after administrative fees.

Martin continued, I understand that the other piece, has evolved. It's technicalities in getting the distribution. That's the last I had, was last week.

Simonds commented, that the cooperative agreement ends next July. So there is no time to get these projects done. The researchers need at least a year to do some of these projects. We've been extended several times. Do you know what is going to be happening? Could you find out, because you really have to extend this, because there is only nine months left, or something like that.

Robinson replied, I will look into that, yes.

Severance commented, as a member of the Technical Working Group, which recommends to the Steering Committee, the Direct Assistance Process Review at our level has been completed, and the Cooperative Research Review was completed. There is a minor glitch that I believe is going to be fixed very shortly. Cooperative Research Review was completed right after it passed the Steering Committee, and all of those additional things at the AG's level are beyond our control.

14.G.2 Mariana Request for Disaster Relief from Super-Typhoon Pongsona

Robinson reported, back in 2002, there was a typhoon named Pongsona. Subsequently, there was a request for a Disaster Declaration under Section 312 of the Magnuson Act. After an unacceptable and inexcusable delay of several years, a decision was finally rendered to deny the application to both CNMI and Guam on the basis that, although there were adverse impacts to the infrastructure and temporary disruption to the fishery, there was not a commercial fisheries failure as a result of a fisheries resource disaster as defined by the act. So a letter was sent to the governors of both territories with that decision.

In the Reauthorization of the Magnuson Act, the disaster relief will be on a much broader scale. So it won't be just on a fisheries resource failure. It will be for any kind of disaster that happens out there, and we made sure that it included the kinds of disasters that we have

in our territories. We worked with the Senate Commerce Committee on the language.

14.H Standing Committee recommendations

There were none.

14.I Public comment.

There were none.

14.J Council Discussion and Action

Duenas moved for a recommendation for consideration, a letter to the Chairman of the Commerce Committee and the House Resources Committee explaining why this Council should be commissioners on the West Pacific and then allow the Pacific Council to be a representative of the Commissioners on the IATTC. Sablan seconded.

Mccooy called for discussion. There being none, called for a vote. The motion was approved.

Duenas moved that members respond to the five-year plan that Mitsuyasu presented, by November 15th, via e-mail to Simonds. Harris seconded.

McCoy called for discussion. There being none, called for a vote. The motion was approved.

15. Administrative Matters & Budget.

15.B Administrative Report

Simonds reported, we have three pieces in front of you, the administrative report, the multi-year award -- because we're in multi-year awards, right?

All of the cooperative agreements are lumped into one award. So there are different tasks. What you have in front of you are what the budget is, what we spent, what the current balance is.

15.A Financial Reports

Also, the other piece of paper that you have is our '07 proposed budget. When we do these proposed budgets, it is what we'd like to have, what we think we need to operate.

But we don't know what we're going to get this year because the Congress has not dealt with the '07 appropriations. But what is interesting is that the Senate Appropriations Committee appropriated \$30 million for the Council line item.

All these years we've been level funded at 15 million. So what will happen is that the Senate has to pass this, and we're not sure if that is going to hold up. This is the first time we have gotten such an increase. Because in '96 when the Magnuson Act was Reauthorized, all of us, NMFS and the Council, were dumped with a whole bunch of work to do and no money. So we hope that this carries through. We won't know what our budget is until after elections.

And we also heard that there might be continuing resolutions through the early part of next year. What that means is that we're all level funded to the '06 level, NMFS and us as well, all of the government. So that's it.

15.C Meetings and Workshops

Simonds replied, yes, on Meetings and Workshops, you have 15.C.1. I see Bill missed the South Pacific Tuna Treaty.

Okay. We'll start with October Coral Reef Task Force. Ray Tulafono is going to that.

The Council Chairman and ED meeting is in Washington, D.C. on October 30th and 31st. The Council Member Training is that same week, it begins on the 31st. I understand we're having a joint session on the 31st because the Deputy Under Secretary of the Department of Commerce is going to talk to the Chairmen, Executive Directors. So that was the only time he could make it.

Going to the Council Member Training is Rick, and I'm also sending a staff person, Jarad Makaiau, is coming with us. Ed Ebisui.

Our second Puwalu is November 8th and 9th.

Coral Reef Ecosystem Plan Team in November.

The Role of Squid In Pelagic Marine Ecosystems, I'm not familiar with that. But it looks like Paul is involved with that.

The Japan Sea Turtle Symposium. Irene and I will be going to that and an industry person from the Hawaii Longline Association.

Hawaii Monk Seal Recovery Team. Paul Dalzell is a member of that team.

The Commission meeting, I'll be going, Paul Dalzell will be going, the Chairman of the Council, the Vice-Chair from Guam. Mr. Robinson probably knows who all of the rest of the people are on the delegation.

We've already talked about the Ecosystem Workshop here.

Then the Chairs and EDs are meeting again in Washington the week of January 11th.

Then there is a Tuna RFMO meeting in Tokyo. We've requested two seats on that delegation, because I'm sure that everybody will want to go to this one because it includes the Atlantic ICCAT, as well as IATTC and WCPFC. So I'm sure they are going to limit it, but I'm sure that we will have two seats on that delegation.

I already told you about the FEP meetings for the archipelagoes.

The SSC meeting is tentatively scheduled for February 20th through 22nd.

The 27th Annual Sea Turtle Symposium, which we have supported every year for the last five years, is in South Carolina.

Then there is the FAO COFI Meeting. I normally am a member of the U.S. Delegation for that.

Then the Council meeting is tentatively planned for the week of March 12th to 16th. Depending on the issues that we have, we may go off island. Fred and I are discussing tentative plans to go to the Big Island either for the March meeting or for the June meeting. So he's going to investigate that.

Then we have our annual Chairman and Executive Directors Meeting in New Orleans May 8th through the 11th.

There is the IATTC meeting that we are usually on the U.S. Delegation for that.

And if members know about other meetings that are related to Council work and would like to participate, they should send me an e-mail.

Brief discussion on possible conflicts with meeting dates in March, Simonds will check it out.

15.D, SOPP Changes.

Simonds reported, what we've been doing, and other councils as well, is reviewing our SOPPs. We had two documents for the Council, in terms of policies and administration and staff handbook, and all of that. So we've been working over the last year to see what's the best way to deal with this. So what we decided to do was to put all policies into the SOPP.

At the last meeting the Council members voted to add a section on removal of Council members. So our lawyer was tasked with this, and he has provided language here for you to review.

Then the other changes were Standing Committees of Council members. The Ecosystem Plan Teams were added and research and programming combined, because they seemed to go together, instead of having a separate group, and the Executive and Budget.

On page 9, the Council voted on this at the meeting in American Samoa about Council member and SSC conflict.

Then the advisory panel membership, of course, changed, and that's based on FEP structure. So what's new is the Regional Ecosystem Advisory Committee Community Development Program Advisory Panel.

The last is security clearance things to be changed. So that's not really substantive.

The other policies that you see in here, we had in a different document. It was in a Policies Document. But as I said, we're moving all of the policies there.

The second thing is the Administrative Handbook. We're still working on that. Silas is reviewing the structure, and we should have that in another month or so, I think.

McCoy called for questions or discussion.

Gaffney commented on the removal of Council members, I spoke to Silas briefly about it after this was handed to us during the break. What I learned was that this is basically out of Magnuson. This is the language that we're presented with. The thing that I think that is missing from this is the opportunity for a Council member to respond prior to the Council taking action. There is nothing about that in Magnuson, but it would seem that under U.S. law, we're all innocent until proven guilty, and we all have the opportunity to confront our accuser. So I don't read any of that in this. So I think this is really harsh, and I would argue two things. One, we should consider modifying it to be fair to all parties concerned. And, secondly, if that's not possible, that Council recognize that that's missing from this and be very, very judicious in the use of this opportunity.

McCoy commented, I think Magnuson allows for an appeal.

Ebisui added, my personal opinion is that it's implied. That what you're speaking of, essentially, is due process.

Polhemus commented on one of the reasons you can be removed is failure to participate meaningfully in matters before the Council. Well, what does that mean?

Discussion continued on the definition of "failure to participate meaningfully in matters of the Council" and the process which would take place to remove a member. There was concern that the member in question have the opportunity to respond. Suggestion was made to ask General Counsel for some simple language to provide due process.

Duenas moved to adopt number one, page three, removal of Council member section, and incorporate into the SOPP.

Sablan seconded.

McCoy called for a vote. The motion was approved with three no votes by Polhemus,

Gaffney and Duerr.

Duenas moved to approve number two, which is page five, Standing Committee for Council members. Sablan seconded.

McCoy called for discussion, there being none, call for a vote. The motion was approved.

Duenas moved to adopt number three, page nine, Council member and SSC conflict. Sablan seconded.

Gaffney suggested an amendment to the motion, that the motion also include Item 4, page 10.

Duenas had no objection. Sablan had no objection.

Polhemus advised the Council Peter Young and the Governor consider it their decision as to how staff within the system are assigned to West Pac duties. So even if this were passed, I don't think they would consider it binding.

Simonds added, in the past the DLNR Chair, if he could not participate, one of his deputies would participate. I think the problem -- I think why people believe there is a problem is that the SSC is a separate entity and makes recommendations to the Council, so keeping them separate. I don't know if this occurs in any other Council. I didn't look into it, but the whole thing was to keep the body separate, that's why.

Polhemus noted that the SSC is also a public committee, so there's nothing that precludes a Council member from showing up at the SSC and basically participating in it.

Simonds replied, for comments, Council members can make comments if they want to.

Polhemus added, and there have been times in the past where you've had -- and I know this because I've talked to people -- in fact, one of them is on Bill's staff, one where they served as the Council designee, the SSC rep and the plan team rep all simultaneously, and apparently the Council didn't find this to be a problem in the past.

McCoy acknowledged the comments and called for a vote. The motion was approved.

Duenas moved that number five, six, seven be adopted and moved into our SOPP. Sablan seconded.

Gaffney asked what was the process for the creation of the new advisory committee.

Simonds replied, this committee, the Regional Ecosystem Advisory Committee the Council voted on when they voted on the Ecosystem Archipelago Plans.

This second one, number six, is a program in the Magnuson Act for this Council, and we

never established an advisory panel for this particular development program. The one we've had is the Demonstration Panel.

Gaffney asked, what I'm questioning is what would be the process to create another one. Basically, where I'm going with this is I'd like to see the Recreational Fishery Data Task Force morph into an advisory panel so that it's a 24/7 continuous input for the Council.

Simonds replied, it was an ad hoc committee that we put together, and then the Council voted to disband it for some reason. But we kept it going. We didn't disband it so that the Council would vote to have it back in again.

Gaffney continued, again, my point is that what I would like to propose the creation of a permanent recreational fishing panel so that recreational fishing is always on the agenda instead of just an ad hoc part of the work that the Council does.

In other words, I'm trying to raise it, ad hoc is sort of over there, occasional, when we feel like it, and the advisory panel would meet on a regularly scheduled basis when the other advisory panels do. There would be people assigned to it. It would be providing input to the Council on a regular basis. It goes back to my original question, how do we create one? If now is not the time, I'm willing to back off on it. I just want to know how we do it and how we can get it on the agenda.

Simonds replied, it's been part of the advisory panel structure until the Archipelago FEPs. I think what we said is that the Council members, when they appoint members to the advisory panel, need to appoint members that represent the recreational sector as well as the commercial. It used to be an actual advisory subpanel until last year.

Gaffney continued, so the process is that I should make a proposal at the next Council meeting to create this advisory panel?

McCoy replied, just put it on the agenda for the next meeting. There being no further discussion, McCoy called for a vote. The motion was approved.

15.E Council Family Changes

15.E.1 Advisory Panel Appointments.

Mitsuyasu presented the slate of applicants, Hawaii delegation for the advisory panel, for their term for 2007 and 2008. Their term will start beginning January 1st. I believe the Council members from their respective areas were working on selecting those advisors.

Polhemus moved to approve the slate of applicants. Duerr seconded. McCoy called for a vote. The motion was approved.

Sablan moved to accept the CNMI Advisory Panel. Polhemus seconded. McCoy called for a vote. The motion was approved.

Harris moved to accept the Guam Advisory Panel. The motion was seconded and approved.

Haleck moved to accept the American Samoa Advisory Panel. Tulafono seconded. There being no questions, McCoy called for a vote, the motion was approved.

15.F Standing Committee recommendations.

Duenas moved that Guam and American Samoa be given an additional month to recruit additional candidates. Harris seconded. McCoy called for a vote, the motion was approved.

McCoy called for any other recommendations, public comment, Council discussion and action.

15.G Public Comment

There was none.

15.H Council Discussion and Action

Gaffney brought to the Council's attention, after the Samoa meeting a letter was written to me by Council Chair at the request of Council members. A copy of that letter is provided in the minutes of that meeting.

But what is not provided in the minutes of that meeting is my responses to his letter. I've had this conversation with Council Chair already. I have asked in writing that my response to the letter from the Chair be shared with all of the Council members. So I just want to be on record that I made that request.

The other thing that was not included in the Council minutes was my e-mail explaining why I wasn't at the Samoa meeting. In the minutes of that meeting it was stated that I had not given a reason for not being there.

Further to that, the minutes of the Samoa meeting also state that there's a protocol when people don't attend meetings. I was not informed of that protocol. It's not part of the Standard Operating Practices and Procedures. I didn't know what it was.

I communicated with the person who I was communicating with about transportation. I assumed that my e-mail on the subject would be passed on to the Chair. So I apologize. I didn't know the protocol, but I did want Council members to know that I would like all of my communication on that subject to be made public to all of the Council members.

Martin commented, at that time I was on the Executive Committee, I was informed and given copies of your e-mails, and I appreciate your explanation. It went a long ways towards understanding.

Oftentimes many of us have commitments that require us to work on a pretty tight timeline. Quote, unquote, we're a Council family here and we work together where we can.

Just as an example, I didn't have a time constraint like you did, that I found out after the fact, and I think in the spirit of working together, when there is some kind of a travel issue, in particular, let's face it, we go to some places that are pretty hard to get to, not very convenient sometimes, and I at least for one, would at least be welcome to a discussion if the Council member had a travel issue that really was going to keep them from attending or put a crimp in some other activity, I think open lines of communication in advance, I had a seat, I went home the night the meeting was over, but I think in the spirit of working together we could all accommodate where we can.

Let's face it, we've got a long ways to travel and we all have other things that we do besides sit on the Council.

So I'd just like to volunteer that to everybody, when we can help, I'm certainly willing to and I'm sure other others would as well.

Duenas commented, I, too, offer the same support to any Council member that needs help. As a matter of fact, when Ellen mentioned to me that there was a problem with a lot of you guys coming back on Thursday I said I would stay in Samoa for a few more days, it's not going to kill me. As a matter of fact, Dan I believe switched seats with somebody.

Everybody tried to accommodate everybody. Like I said, no hard feelings, just a matter of coming to a Council meeting and whatever we can do to accommodate, I'm more than glad to assist. Anybody who knows me knows that's true.

McCoy called for further comments.

Polhemus moved that Gaffney's communications in regard to his absence in Samoa be included in the official Council papers.

Duenas seconded, and also added condolences to Gaffney on his mom's passing.

McCoy called for a vote, the motion was approved.

16.A Election of officers

Ebisui presented the nominations from the Nominating Committee:

Sean Martin as Chair.

Frank McCoy as Vice-Chair, American Samoa.

Dr. Ignacio Dela Cruz, Vice-Chair from

Commonwealth of the Northern Mariana Islands.

Manny Duenas from Guam.

Ed Ebisui from Hawaii.

Duerr moved that the nominations be closed. Sablan seconded.

McCoy called for discussion.

Robinson asked are we electing or appointing? I think we're electing, aren't we?

Simonds replied, yes.

Ebisui noted, we elevated ourselves to Secretary.

McCoy call for a vote, the motion was approved.

Martin commented, I would just like to thank my fellow Council members. Certainly, these are big shoes to fill. I think Frank has done an excellent job in leading us over the last year and a half -- or two years I guess it's been, two years, and certainly from a geographic standpoint, it's been quite a challenge for Frank.

Also, really, from the communications standpoint, they're not as computer-oriented as some of the rest of us are.

But I think Frank's done a wonderful job in keeping us moving down a path when sometimes things are somewhat contentious and difficult to keep track of. So for that, I would like to offer a round of applause for Frank and look forward to continuing -- (applause) we're not going to miss him. He'll be here at every meeting. Thank you again.

Harris noted, in the same vein, may I also offer my congratulations. I'm sure I speak on behalf of my fellow Council members in welcoming you as our new chairman. Round of applause for Sean.

McCoy adjourned the 135th meeting at approximately 6:30 p.m.