



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MINUTES OF THE 138TH COUNCIL MEETING of the
WESTERN PACIFIC REGIONAL
FISHERY MANAGEMENT COUNCIL

June 20-22, 2007

Ala Moana Hotel
410 Atkinson Dr.
Honolulu, HI 96814

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

APPROVED BY COUNCIL: _____

Lee C. Mast

CHAIR
Western Pacific Regional Fishery Management Council



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Wednesday, June 20, 2007, 138th Council Meeting

Chairman Sean Martin welcomed all to the meeting and called to order the 138th Meeting of the Western Pacific Fisheries Management Council.

1. Introductions

Dan Polhemus, State of Hawaii Designee for Council Member Allan Smith; Stephen Haleck, Council Member, American Samoa; Ray Tulafono, Council Member, American Samoa; Rick Gaffney, Council Member at-large, Hawaii; Ben Sablan, Council Member, Commonwealth of the Northern Mariana Islands; Ignacio Dela Cruz, Council Member, Commonwealth of the Northern Mariana Islands; Frank McCoy, Council Member, American Samoa; Sean Martin, Council Chairman, Hawaii; Manny Duenas, Council Member, Guam; Kitty Simonds, Executive Director; Shepard Grimes, NOAA, Office of General Counsel; Tony Lamorena, Council Designee, Guam; Fred Duerr, Council Member, Hawaii; Bill Robinson, NOAA Fisheries, Pacific Island Region Regional Administrator; Admiral Sally Brice-O'Hara, 14th Coast Guard District; Lieutenant Commander Mark Young, Coast Guard Enforcement Branch; Craig Severance, Scientific and Statistical Committee, Don Palawski, U.S. Fish and Wildlife Service.

Chairman Martin announced Ed Ebisui will be arriving later this morning.

Chairman Martin introduced Jane Luxton, the new NOAA General Counsel.

Miss Luxton expressed her pleasure in being able to attend the meeting to meet with the Council members. She had a tour of the auction and was impressed with the unique issues and circumstances of the Region and looks forward to working with everyone.

Chairman Martin pointed out document listing agenda changes.

2. Approval of Agenda

Chairman Martin asked for approval of the agenda. Manny Duenas moved to approve the agenda, seconded by Ben Sablan. The agenda was approved unanimously.

3. Approval of 137th Meeting Minutes

Chairman Martin asked for approval of the 137th Meeting Minutes. Sablan moved to approve. Stephen Haleck seconded the motion. The 137th Meeting Minutes were approved unanimously.

4. Agency Reports

4.A. National Marine Fisheries Service

4.A.1. Pacific Islands Regional Office

Regional Administrator Robinson reported the following:

Regulatory Actions. The public comment period for the Draft Programmatic and Environmental Impact Statement on Ecosystem Management Approach to the Western Pacific, the EIS supporting the five Fishery Ecosystem Plans, was published by EPA. The public comment period ended on May 29th. Comments have been received, including comments from the U.S. Fish and Wildlife Service. PIRO and Council staff is working to address the comments and prepare the Final EIS document.

On April 17th, the Final Rule Authorizing the Optional Use of Electronic Logbook Forms in Western Pacific Fisheries was published. The rule will allow participants the optional use of NMFS-approved electronic logbook forms in lieu of paper logbooks. Legal, technical and operational specifications of those electronic reports are being developed by the Science Center and PIRO.

Advance Notice of Proposed Rulemaking, commonly called a Control Rule, was also published. The control date for the Hawaii-based pelagic charter fishery announces that anyone who enters the fishery after March 16, 2007 is not guaranteed future participation in the fishery if a Limited Entry Program is established or if other fishery management measures are established. Comments are being accepted through July 10th.

Also published, the Interim Rule, which closed the commercial and recreational fishing in the Main Hawaiian Islands for the seven deepwater bottom species from May 15th through September 30th. Comments on the Interim Rule are being accepted until July 13th.

Amendment 14 to the Pelagics FMP was partially approved.

Also published was the Final Rule which includes new regulations that apply to U.S. purse seine vessels operating under the treaty, which include minor modifications to reporting requirements, changes to the areas that are closed to fishing and requirement to carry VMS units while fishing in the treaty area. The rule also eliminates a prohibition against domestic longline vessels fishing on the high seas within the treaty area.

A proposed rule is being developed to carry out the provisions of the Western and Central Pacific Fisheries Convention Implementation Act. The rule will include regulations applicable to owners and operators of U.S. vessels fishing for Highly Migratory Species in the Convention Area. It will likely include such things as obtaining an authorization to fish, carrying VMS transmitters, accommodating observers, reporting fishing activity, accepting boarding and inspection by authorized inspectors, and may also include a prohibition on transshipping at sea by purse seiners, which are all measures that have been adopted by the WCPFC.

As of May 31st, 131 Hawaii Longline Permits have been renewed and six Western Pacific General Longline Permits were issued, three Western Pacific Lobster Permits for the Pacific Remote Island Areas were issued, as well as seven Pacific Remote Island Bottomfish Permits, nine PRIA Troll and Handline Permits and three Lobster Permits. There is one Western Pacific Lobster Permit for American Samoa and two for Hawaii. One Precious Coral Exploratory Permit was renewed in June.

A NMFS-sponsored workshop on Annual Catch Limits and Accountability Measures was held in Seattle, May 15 through 17.

A course on Federal Fishery Management Process from May 22nd to 24th was held in the Council Office led by the Headquarters Office of Sustainable Fisheries providing a comprehensive overview of the Fishery Management Process.

Regarding Protected Species Certification, 15 owners and operators of Hawaii longline vessels were certified for completing the Protected Species Workshops during the period from March to May. The development of the Online Workshop is almost complete. Translation of the workshop is also under way.

Four projects were approved this year under bycatch reduction; two related to mitigating shark longline interactions, one testing new dehooking equipment, barbless hooks with rubber stoppers, and one grant went to the Science Center for looking at electropositive metals to reduce shark bycatch. Two other projects, one was working with stakeholders to develop ways to reduce false killer whale interactions in the Hawaii-based longline fishery, which was a recommendation from the Council's Marine Mammal Committee.

There is also a Science Center project to develop near real-time oceanographic information to be communicated to fishermen to aid in reducing loggerhead sea turtle bycatch in the shallow-set longline fishery.

The NMFS and the Fish and Wildlife Service are completing a five-year review for all sea turtle species that are listed under the Endangered Species Act. Council staff and PIRO staff collaborated on a paper providing information on green sea turtles in the review, providing information relating to declaring the Hawaiian green sea turtle a distinct population segment and information on the improving status. The intent is to have that information taken into account in the five-year status review, which is a necessary first step in considering the delisting the Hawaii green sea turtle.

Observer coverage for the deepset fishery through the end of May was only 13 percent. It was very low in the first quarter as most of the observers were out on swordfish vessels. With a decline in some of the swordfish effort, observer rate has increased to over 20 percent in the deepset fishery this quarter. Average observer coverage for the first two quarters is around 13 percent, with hopes of getting the annual average up over 20 percent during the next two quarters.

Coverage for the shallow-set fishery, as required by regulation and the Biological Opinion, has been 100 percent, with 61 swordfish trips as of June 7th. There appeared to be a lull in May in swordfish effort. Presently, there are ten vessels out.

Observer coverage in the American Samoa longline fishery through April was 10.5 percent, with four out of 38 trips observed.

With regard to international activities:

The Third International Meeting was held in Renaca, Chile from the 30th of April to the 4th of May.

The United States and Pacific parties to the South Pacific Tuna Treaty met for the 19th Annual Consultation under the treaty in Port Vila, Vanuatu in March of this year.

Charles Karnella and Bill Gibbons-Fly will report on these meetings later in the agenda.

Robinson reported he returned recently from trip to the Marianas and Guam, and appreciated their hospitality. It was a very productive trip, the highlight of which was a tour of Sablan's backyard talapia aquaculture operation.

A two-day meeting with the Navy in Guam was also very productive. One of the items of discussion included a review of their EIS Process the Navy is undergoing with regard to the building of their facilities for the upcoming expansions. Robinson wanted to ensure there will be adequate time given for review and comment of the EIS to the Guam and Mariana Government Agencies, as well as the Fish and Wildlife Service and NOAA Fisheries.

Robinson also reported he met with the Deputy Assistant Secretary of Navy to discuss mitigation for their current expansion plans for Kilo Wharf. The Government of Guam, NOAA Fisheries and Fish and Wildlife Service have proposed that they mitigate via a reforestation project in a bay where the tropical reef was badly degraded due to sedimentation from erosion of treeless hills. After taking the Deputy Assistant Secretary of the Navy down to the bay to get in the water, to see the sedimentation and to see the bare hillsides, Robinson feels they probably will agree to the mitigative work.

Robinson presented commemorative coins in celebration of NOAA's 200th birthday.

4.A.2. Pacific Islands Fisheries Science Center

NMFS Pacific Islands Science Center Director Sam Pooley asked Deputy Director Mike Seki to give a report on acoustic work the Science Center is presently conducting.

Seki reported acoustics are being used more prevalently in the fisheries science community to look at what is happening in the ocean. It is used for such things as looking at what animals have available to eat, as well as characterizing the bottom of the ocean that make up the various habitat of the coastal communities.

The two types of acoustics used are referred to as active and passive.

Active is from the source, such as boats or ships send out an acoustic signal.

Passive acoustics are devices put out on the ocean floor or towed behind a ship and records the ambient noise, which can be used for study of cetaceans.

Seki illustrated slides of ongoing projects, which included:

Pelagic Fisheries Research Program using acoustics to look at tuna biomass at Cross Seamount, which has a semi-resident population of small bigeye tuna. Partnering work at the Southwest Center has identified the acoustic characteristics of bigeye tuna that allows the OSCAR SETTE to monitor tuna schools around and on Cross Seamount. Fishing is going on to ground truth what those signatures are.

Part of the study also includes a look at the actual forage and food supply for tuna at Cross. Part of the project also includes efforts to use acoustics to separate the tuna signature from the monchong signature at Cross Seamount.

The second active acoustic program is ongoing related to bottomfish in Kaneohe Bay on a pure stock of opakapaka. The Center is able to refine the acoustic signature of the animal to obtain the target strength measurements to interpret what will be found offshore. On this same cruise, on the way back from Cross a trial transect over Penguin Bank was conducted to try to get a feel for how difficult it will be and how realistic it will be to use acoustics to get bulk biomass estimates of bottomfish at Penguin Bank.

Seki stated this becomes more and more of a concern as they are faced with the challenge to come up with a fishery-independent means of getting at populations of bottomfish in the Main Islands.

In the passive acoustic side, there are two major efforts ongoing:

HARP, a high-frequency acoustic recorder, is deployed at Cross Seamount, Palmyra and Salmon Bank. Their primary purpose is to record cetacean noise, which will eventually assist in monitoring the abundance and presence of cetaceans in the environment.

The second is called EARS, which is the shallow-water version of the passive monitor. These are being used by the Coral Reef Program spread through the Northwestern Hawaiian Islands and in the Marianas and American Samoa. This project holds a lot of promise to help monitor the ecosystem from the coral reef standpoint.

Pooley reported:

The SETTE completed its deployment of monk seal field camps. The SETTE is currently on its Lobster/Ecosystem Survey, in conjunction with a commercial fishing boat, to look at lobster movement and mortality.

The HIALAKAI is on its way back from Guam. It did the Rapid Ecological Assessment of the coral ecosystem at Wake as well as both the Northern Marianas and Guam.

The draft of the Hawaiian Archipelagic Research Plan is out for review by the fishery management managers. The next step will be a peer review, and then will come back for another review by everybody.

With regard to monk seals, the Science Center has moved ahead with a workshop in conjunction with the Regional Office and a number of NGOs on captive care of monk seals in efforts to get monk seal pups to join the reproductive population. He foresees this program is likely to ramp up rather considerably over the next couple of years.

Executive Director Kitty Simonds asked what is the cost of the marine debris removal. Pooley did not know the actual cost, but said it was not incredibly expensive. He added that he can find out.

Polhemus added the State of Hawaii has been offering in-kind support, in terms of planning, facilitating access through State lands to remote shorelines and in terms of providing boats and vehicles to carry the debris away.

Martin asked if contracted vessels or government vessels are used. Pooley responded that government vessels are used in the Main Hawaiian Island effort, as it is primarily a small-boat operation. The Coast Guard is assisting in the Northwestern Hawaiian Islands, and a contract vessel is preparing to go.

Lieutenant Commander Young indicated a Coast Guard buoy tender is scheduled to make a marine debris removal trip up to the Northwestern Hawaiian Islands later on this summer.

Martin inquired on the status of the permitting process. Pooley said all permits have been obtained on time this year, but it remains a work in progress. Part of it relates to the multiple jurisdictions. It has been a learning curve on both sides. He added, from the research side, the Center would like to see it streamlined as well as a programmatic assessment of the process that would cover multiple years.

Polhemus added this year has included joint permitting, which entails filling out one form, an internal review by appropriate people at the appropriate agencies, and one permit, but is a work in progress.

Martin asked Sam to comment on the program which buys bottomfish from the Northwestern Hawaiian Islands. Pooley explained the program is designed to obtain samples for genetic sampling of the bottomfish population, which has not been updated since the late '70s, which was work done by the Insular Program headed by Steve Ralston. This work will be used to update the data for the management for the Main Hawaiian Islands, which is on the horizon.

4.B. NOAA General Counsel

No report from NOAA General Counsel.

4.C. U.S. Fish and Wildlife Service

Don Palawski reported:

He thanked the NOAA Fisheries Office for extending the comment period for the

Department of Interior Review of the Programmatic Environmental Impact Statement, the title of which is Ecosystem Approach for the Western Pacific Region from a Species-Based Fishery Management Plan to a Place-Based Fishery Ecosystem Plan. The Department of Interior's comments centered around ensuring the management regime of the National Wildlife Refuges in the Pacific Remote Insular Areas are considered as part of this EIS process. He will provide the letter for Council members to review.

He looks forward to working with the Council and NOAA Fisheries Office to arrive at adequate solutions so that the Final EIS is comprehensive and addresses all of the management issues in the Pacific Remote Insular Areas.

Duenas reminded Palawski at the last Council meeting he spoke of proposed rules and regs for use of Midway. He asked what the visitor capacity to Midway is projected at. Palawski replied there is an Environmental Assessment for an Interim Visitor Use Program at Midway. The Monument is in the middle of a planning process for a conference of management at the Monument. The Monument Management Plan will fold in the Visitor Use Plan for Midway. Midway is currently open for visitors. Currently, there are no more than 20 people at a time. In the long run, probably not more than 100 people at a time.

Duenas said he recently attended a dinner in D.C. While there, Jean-Michel Cousteau spoke of plans to develop a program tying in the Pearl Harbor war to the Midway Memorial and developing a three million visitor industry at Midway, via cruise ships. Duenas asked if that was part of Fish and Wildlife's plan also.

Palawski said he was not aware of the plan, but he will e-mail Jean-Michel Cousteau so he can provide comments as part of the management plan. Public input is being sought as they are in a scoping period now for developing the management plan. Palawski was aware of Midway Battle being tied in with Pearl Harbor in some way, but that did not include the use of Midway.

Palawski added:

Although, as part of the visitation, we certainly believe, because Midway is designated as a Memorial to the Battle of Midway, that it is important that we have interpretation of the historic sites on Midway and that people can come and see those sites.

Chairman Martin asked Palawski to comment on the recent cruise ship visit to Midway.

Palawski said:

We had the 65th Anniversary of the Battle of Midway on June 4th. We had a cruise ship come to Midway. It was specifically oriented towards those folks interested in being part of this anniversary celebration and seeing the island. We also had a chartered aircraft. There's an organization called Military Historical Tours, and there was a Continental aircraft chartered that took up about 120 people.

Then we had many dignitaries and distinguished guests to come and be part of that

anniversary event. So on the cruise ship approximately, by our count, about 1200 people came off the cruise ship that morning. We had the event from about two to four in the afternoon. The people got back on the cruise ship and then the Military Historical Tour flight also left that same day.

Chairman Martin asked if the cruise ship anchored in the refuge and lighted people in. Palawski answered in the affirmative.

5. Marianas Archipelago

5.A. Island Area Reports

5.A.1. CNMI Island Area Report

Ignacio Dela Cruz reported:

The Fisheries Research Section continues to collect monthly samples of members of the family Holocentridae, subfamily Myrpristinae, or soldierfish. Data collected includes fork length, weight, sex, maturation state, gonad weight and sagittae otoliths. These data will provide information on seasonality of spawning, an estimate of age and growth parameters.

In addition, the Fisheries Research Section has partnered this project with research being conducted by the Water and Environmental Resources Institute at the University of Guam, otherwise known as WERI. The WERI research is elucidating mercury concentrations in Myrpritis species in the Saipan Lagoon. Thus, in addition to the collection of life history data, the sampled fish will also be used for contamination analysis.

Otoliths collected in 2005 and 2006 from *Lethrinus harak*, a primary constituent of the Saipan Lagoon fisheries, are currently being prepared for shipment to Australia for age determination.

Life history data collected from the bluebanded surgeonfish, *Acanthurus lineatus*, on Saipan has begun to be analyzed. Gonadosomatic index values indicate this species breeds throughout the year with no spawning peak observed. Size at maturity was estimated at 16.2 centimeters fork length, which contrasts with findings from American Samoa, where size at maturity was estimated at 20.3 centimeter fork length.

The Managaha Marine Conservation Area is currently being surveyed. This MPA is usually sampled earlier in the year, but due to the delay of receiving the USFWS Dingle-Johnson Grant because of NMFS PIRO Section 7 grant review the Fisheries Research Section was not able to expend funds until March.

Preliminary review of data has indicated that the Managaha Marine Conservation Area is providing adequate preservation from harvest for sedentary food fish. Data also shows positive trends for roving food fish whose ranges extend beyond the MMCA boundaries, and these trends are probably attributable to the restrictions on the use of monofilament gill, drag and surround

nets. Nine of the twelve food fish groups reviewed illustrate an upward trend for the period 2000 to 2006.

Due to the delay of receiving the USFWS Dingle-Johnson Grant because of NMFS PIRO Section 7 grant review, the annual survey of the Sasanhaya Bay Fish Reserve on Rota has been delayed, pending completion of the MMCA survey.

Preliminary review of data from the SBFR, the Sasanhaya Bay Fish Reserve, show that seven of the twelve food fish groups reviewed showed an upward trend for the period 2000 to 2006.

More importantly, no groups indicated a negative trend. There is no clear indication of the reasons for either trend, although there may have been a self-governed harvest restraint practiced by some percentage of the Rota fishing community, as enforcement in the SBFR has been noted to be problematic.

Conversely, the lack of real trends in nearly half of the groups may be indicative of a relatively stable fish community, with observed increasing trends reflecting natural variability. A more comprehensive analysis of trends will be conducted in late 2007.

The Forbidden and Bird Island Marine Sanctuary annual surveys will follow the SBFR survey due to the delay of receiving U.S. Fish and Wildlife Dingle-Johnson Grant because of NMFS PIRO Section 7 grant review delay. Data review for these MPAs is currently being undertaken.

The Fisheries Research Section will partner this year with other CNMI natural resource agencies to re-sample parts of Saipan Lagoon that were sampled soon after the net use restrictions were implemented in 2004. This information, coupled with inshore creel survey data, data collected from exemptions provided to obtain fish using nets for annual fiestas, and historical research data, will be used to generate a status report on the current state of food fish resources in Saipan Lagoon.

The Fisheries has spent a considerable amount of time addressing the objectives of the Micronesian Challenge. Towards the goal of effectively conserving 30 percent of nearshore marine resources by 2020, the Fisheries Research Section is developing an approach that incorporates existing management measures that provide effective conservation in the calculation of the 30 percent. This approach will estimate what portion of the CNMI nearshore coral reef ecosystem existing management measures will be enhanced, with the long-term goal of maintaining the ecosystem functionality to provide sustainable resources for consumptive, sustenance, livelihood and aesthetic purposes.

A number of government agency meetings are taking place regarding the Micronesian Challenge and it is here noted that all CNMI natural resource agencies agree that the Micronesian Challenge is not about the creation of more MPAs, but rather about effectively conserving nearshore marine resources for sustainable use into the future.

The Division of Fish and Wildlife will be partnering with the Guam Division of Aquatic and Wildlife Resources to survey freshwater habitats in Saipan for species diversity and invasive species later this year.

Data collected by way of the offshore creel survey regarding the effectiveness of the FADs is currently being reviewed. Helicopter surveys of FADs on Saipan and Tinian in early May verified that eight of ten FADs were still onsite. One of the FADs that was not present was deployed off Naftan Point, southeast of Saipan, has exhibited a short lifespan in previous deployments and will not be replaced.

The other FAD that was not present was deployed on the east side of Marpi Reef. An FAD is still present on the west side of Marpi Reef. Fishermen from Rota reported that both FADs are still onsite. FADs on Rota will be surveyed during the annual Sasanhaya Bay Fish Reserve survey.

The first spearfishing tournament organized by the Marianas Apnea Spearfishing Club was held on May 12, 2007. The one-day event attracted 26 fishermen who braved the shark-infested waters of the Western Coast of Saipan.

The fishermen, which included Advisory Panel Member James Borja from Guam, were confined to fish outside the reef between the lighthouse in Garapan to Agingan Point at the south end tip of the island.

The competition, which started from 8:30 in the morning to 3:30 in the afternoon, ended with John Starmer winning first place in the individual category for capturing the biggest fish, a Spade fish weighing 4.5 pounds. According to Felix Sasamoto, the MASC Vice-President, the inaugural tournament has set in motion the spirit to continue spearfishing competition forever.

The 23rd Annual Saipan International Fishing Tournament will be held on July 14th and 15th. Over 50 boats with over 150 participants, captains and crew counted, from Guam, Palau, Rota, Tinian and the hosting island are expected to participate in this two-day derby to search for prize-winning fish.

Game fish categories are:
Billfish, 1st through 3rd place;
Yellowfin, 1st through 3rd;
Wahoo, 1st through 3rd;
Mahimahi, 1st through 3rd;
And skipjack, 1st through 3rd prizes.

The SSFA will also announce that they will also have a cash prize for the first participant to land a marlin weighing over 624.34 pounds, the current record, and a yellowfin tuna over 106 pounds.

The Saipan Fishing Cooperative will open its doors for business this month. This Co-op has a governing board consisting of seven members and over 30 general members who are reef,

bottom and pelagic fishermen.

Mr. Joseph Chung from J&B International Seafood in Honolulu was on island to explore the possibility of starting a longline fishing business in the CNMI. He is also interested in catching sharks to supply both foreign and U.S. markets.

The longline vessels for the KIMBERLY LADY have yet to reach the CNMI. As reported earlier, the company, with its main office located on Rota, is interested to fish in the area beginning last May.

BLUE MARLIN 1, a foreign-built vessel has now joined three other vessels that are actively doing bottomfishing in northern islands. The vessel, over 78 feet long, used to do bottomfishing in Rota for several years. The new vessel's operations manager's also interested to work with the CDPP-funded Alamagan Remote Fishing Station, with plans to help establish another fishing community on Agrihan, the northernmost island in the Marianas chain that is inhabited.

The Turtle Monitoring Team has successfully tagged a total of seven sea turtles, eleven vial containers of tissue samples were obtained. The species were tagged and released and pertinent data, such as carapace length and carapace width were collected. Of the seven sea turtles tagged, three were tagged as they came to the shores of Saipan to lay their eggs for this nesting season. Three were tagged during the in-water tagging activity of the program and one was tagged after being confiscated from a poacher.

5.A.2. Guam Island Area Report

Duenas reported:

Chuck Raterman and Judy Fogarty worked with local staff and the Coast Guard and other Federal agencies on the enforcement program on Guam. Recently a vessel was obtained via the JEA Agreement. Public Safety and Fire and Rescue also got the same type of vessel.

Meetings are ongoing with biologists and cultural experts on Guam's turtle population. Agent Raterman is also working with local partners in the development of an educational program on the conservation of marine sea turtles.

Earth Week 2007 was held on April 21st. The Environmental Education Outreach Committee held its Island Pride Festival on one of our beach areas located in one of the Marine Protected Areas. The theme of the event was concerning protecting Guam's watershed. Over 1500 people participated in this event.

The proclamation was signed with the Governor to start Safe Boating Week. It was a very successful week, with 40 trailered vessels inspected. A merienda was held on the last day, which included the blessing of the fleet in the Agana Marina. This is part of the Community Outreach Program to ensure vessel safety among all of the island users of the ocean and to make sure that they comply with all of the regulations of the U.S. Coast Guard.

Duenas noted the report included in materials for Council members reference.

5.B. Enforcement Reports

5.B.1. CNMI Enforcement Report

Dela Cruz reported:

A green sea turtle was taken illegally in the lagoon outside Tanapag Village on May 19, 2007. The turtle, measuring 78 centimeters and 74 centimeters wide, was rescued by the Conservation Officers and was tagged by the Turtle Monitoring Team before being released into the lagoon.

There were two incidents of illegal fishing during this reporting period. Both involved the use of Tekkin, otherwise known as drag nets or gill nets. One took place at the Inner Cove Marina in front of the Department of Public Safety Boating Safety and the other happened at Unai Dandan on the eastern side of Saipan. These incidents are still under investigation. The maximum fine for using fish nets is \$5,000.

The Marine Conservation Officers were involved in the Environmental Awareness Week that was held May 5th. The event was organized by the Division of Environmental Quality with other organizations participating.

Two conservation officers received a month-long training in Glynco, Georgia from April 21st through May 18th. The training was on Marine Law Enforcement Patrol training. Participants were taught rules of the road, apprehending procedures, plotting and electronic surveillance involving the use of radars and GPS monitoring devices.

Duerr asked if there was a fine or penalty for the turtle take. Dela Cruz replied it's still under investigation.

5.B.2. Guam Enforcement Agency Report

No report.

Young asked Duenas if he had any insight on the increasing trend in 2006 of foreign fishing vessel transshipment in Guam. Duenas said he thinks with the coming of the WCPFC, these Distant Water Fishing Nations want to make their presence known and are returning to Guam and their skills are improving. Duenas foresees the trend of increased transshipping activities.

5.B.3. U.S. Coast Guard Enforcement Report

Brice-O'Hara commented it has been a very productive period for the Coast Guard and a bit of a surprise as to who's been fishing in U.S. waters. As more intelligence and information is

developed, the Coast Guard can better target and increase resources that are onscene in a position to take enforcement action. She noted, in looking at the report and listening to the statistics, this has helped in the recent gain of an Alaska-based cutter to patrol in the Central and Western Pacific Region and has helped build the case for increased Coast Guard presence.

Young reported:

He represented the Coast Guard in March at the 19th Treaty Consultations for the South Pacific Tuna Treaty.

This summary of Coast Guard Fisheries Law Enforcement activities covers the period from mid February to mid May.

On 17 February, a Coast Guard C-130 sighted the Foreign Fishing Vessel DRENNEC, which is an Ecuadorian-flagged purse seiner, approximately 55 nautical miles inside the Howland/Baker EEZ. The boom was up, boats were in the water, fishing gear was uncovered and personnel were working on the weather decks.

Operating a foreign fishing vessel in the U.S. EEZ without properly stowing fishing gear is a violation of the Magnuson-Stevens Fishery Conservation Management Act, 16 USC 1857. The U.S. asserts that this type of activity constitutes fishing activity in waters under U.S. jurisdiction.

The Cutter KUKUI subsequently intercepted the Fishing Vessel DRENNEC on the high seas on the 1st of March. A request was made to the Government of Ecuador to board and search the vessel, to provide documentation of the vessel's activities. The request was subsequently denied by the Government of Ecuador.

The case was referred on to the National Marine Fisheries Service for further action. NOAA General Counsel has issued a NOVA for \$130,000 to the owners of this vessel for those activities.

Again on 17 February, Coast Guard C-130 sighted the Foreign Fishing Vessel GUYATUNA DOS, another Ecuadorian-flagged purse seiner, approximately 90 miles inside the Republic of Kiribati's EEZ. The boom was up, nets were hanging from the top of the boom block, the boats were in the water and personnel were working on the weather decks. According to Kiribati officials, this vessel is not permitted to fish in Kiribati waters and the vessel's activities were considered a violation of Kiribati laws and regulations. A case package of evidence documentation documenting this incident was provided by the Coast Guard to Kiribati Government officials.

Subsequently, the Kiribati Ministry of Fisheries engaged the vessel owners regarding the incident and gained an admission from the vessel owners that the vessel had illegally fished inside Kiribati waters.

On 23 February, a Coast Guard C-130 surveillance flight sighted the Foreign Fishing Vessel SAN ANDRES, another Ecuadorian-flagged purse seiner, actively engaged in fishing

approximately 80 miles inside the Jarvis Island EEZ. The boom was up, nets and boats were in the water and personnel were working on the weather decks. The C-130 documented the illegal activity, made contact with the vessel and directed the master to cease fishing operations and depart the U.S. EEZ.

The case was also referred to the National Marine Fisheries Service, NOAA General Counsel, for further action. They issued a NOVA for \$130,000 civil penalty to the owners of this vessel.

The Coast Guard also recommended to NMFS and Department of State to list the Foreign Fishing Vessel DRENNEC and SAN ANDRES with the Western and Central Pacific Fisheries Commission as vessels presumed to be carrying out IUU activities within the WCPFC Convention Area, as Ecuador is not a member of the WCPFC.

On 14 May, a Coast Guard C-130 on a routine surveillance patrol of Papahānaumokuākea Marine National Monument sighted the fishing vessel FORTUNA, a bottomfish vessel permitted to fish within the Monument, trolling through the Maro Reef Special Protection Area. Fishing Vessel FORTUNA was actively engaged in trolling with lines in the water and was observed to be catching numerous fish. Monument regulations prohibit all fishing within Monument SPAs, even by those vessels that are permitted to fish within the Monument.

The case has been referred to the National Marine Fisheries Service for further action.

During the period the Coast Guard conducted scheduled surface patrols of the Main Hawaiian Islands and Guam and Commonwealth of Northern Mariana Islands EEZs with dedicated district assets. In addition, the Coast Guard conducted scheduled and responsive aerial surveillance patrols of the Kingman/Palmyra EEZ, Guam, CNMI EEZ, Jarvis Island EEZ and the American Samoa EEZ.

Two extensive surface patrols by U.S. Coast Guard Cutter KUKUI and U.S. Coast Guard Cutter JARVIS were conducted covering Kingman/Palmyra, Jarvis, Howland/Baker and the American Samoa EEZs, which was just updated by Admiral Brice-O'Hara. The Coast Guard has had a dedicated Coast Guard cutter actively patrolling in the region every day from the middle of February.

While no significant fisheries violations were noted during boardings of longline vessels in American Samoa, basically at-sea boardings of these vessels did document numerous commercial fishing vessel safety violations, which is certainly a definite concern for the safety of our U.S. fishermen. In addition, a number of vessels were issued violations for operating with masters who are non-U.S. citizens.

The Coast Guard is finding that more Latin American purse seiners are extending their operations into the Western and Central Pacific from the Eastern Pacific Ocean. French authorities in French Polynesia seized an Ecuadorian-flagged purse seiner for illegal fishing in French Polynesian waters, and a New Zealand P-3 did find another purse seiner in Cook Islands' waters which is also suspected of conducting illegal fishing operations.

Polhemus asked if the alleged violation against FORTUNA in the Northwestern Hawaiian Islands are substantiated, could that be a basis for revocation of the permit. Robinson replied that certainly participation in illegal activities can be a basis for revocation of permit, but he couldn't opine whether in fact that would be the case or not, but it certainly can be a reason.

Duenas asked if the amendment regarding non-U.S. masters on U.S. purse seiners passed. Young replied an amendment was passed but it did not apply to the master requirement. It applied to some of the documented mariners onboard, but not as a U.S. citizen requirement for the master. A U.S. flagged vessel must have a U.S. master, and that applies to the purse seiners as well.

Duenas asked if the U.S. will push to have the Ecuadorian vessels that were caught illegally fishing confiscated when caught fishing within the WCPFC Convention Area. Robinson replied the deadline to nominate IUU vessels expired a few weeks ago. After extensive discussion as to whether to nominate these vessels, it became apparent standard criteria has not been developed for identifying what is an IUU vessel and what is not an IUU vessel. The decision was made to not nominate those vessels at this time. Although, the U.S. is aggressively pursuing fines and punishment of those vessels. At some point, depending upon the criteria that are developed, they may be nominated for the IUU list.

Duenas mentioned it disturbs him that with regard to the bottomfish vessel which was caught trolling in the Northwestern Hawaiian Islands, there was a comment to withdraw the permit; but yet for the international arena, the reaction seems like, just don't do it again. Robinson said that although such a violation can be a basis for revoking a permit, generally it entails fines being levied.

Bill Gibbons-Fly added that the State Department has been working closely with both the Coast Guard and NOAA on these cases and wished to reassure the Council that reaction, collectively, of the U.S. Government to these incidents is not, don't do it again. It is being taken very seriously. There is ongoing diplomatic communication with the various governments involved and with the Secretary to the IATTC to address this issue. This week there are some preliminary meetings for the IATTC taking place in Cancun, Mexico. Dave Hogan, from Department of State, as well as Lieutenant Commander Young, is on their way there to discuss this issue specifically with the countries involved and with the IATTC staff. Commander Chris Barrows from Coast Guard Headquarters in Washington will also be at that meeting. Side meetings will be held with the governments involved and with the IATTC to express their very serious concerns.

He added that the State Department was involved in the discussions as to whether or not to recommend listing these vessels on the WCPFC list this year. It was a very close call and there were good arguments both ways. A compelling argument was listing on an IUU vessel list of these various Regional Fisheries Management Organizations shouldn't be the first step. The diplomatic process needs to play out.

NOAA has sent the Notice of Violations to the vessels concerned and is waiting for a

response from those vessels. If there is not satisfactory response, there will be follow-up with the Government of Ecuador.

There are other governments whose vessels are fishing out here, although they have not been detected in U.S. waters, but they are fishing in a manner that might be considered in violation of the WCPFC rules in that they are not on the WCPFC Register. In a similar circumstance, a few years back when vessels that are licensed to fish in the Western Pacific were spotted fishing in the Eastern Pacific, the Secretariat of the IATTC notified the flagged states of the governments concerned and the flagged states requested that those vessels withdraw from the area. That's the way these issues should be handled, at least in the first step.

If that does not provide any satisfactory result, other steps might be necessary. But in particular, there is concern the operations of these vessels is using a base in the Western Pacific from which to engage in incursions into the U.S. Exclusive Economic Zone. Gibbons-fly wanted to assure everyone this is not being taken lightly. The State Department is taking it seriously, as is the Coast Guard, as is NOAA and everyone else and will continue to work with colleagues in the Coast Guard and NOAA.

Fred Duerr asked if this was covered under International Law. Gibbons-Fly replied that if there is a violation of U.S. law, first and foremost, there is no need to rely on international law. There are provisions under U.S. law by which the U.S. can identify these vessels as IUU fishing vessels and deferred to NOAA and the Coast Guard for any further comments.

Frank McCoy asked if DRENNEC had been intercepted within the EEZ, would a request for boarding be necessary. Young replied that it depends on the activity at the time, but because of the documentation of her actively fishing in EEZ waters, had she been intercepted while still in our EEZ, they would have boarded. In order to board on the high seas, it would have to be on the basis of a Hot Pursuit.

Young added:

Given the big expanse of the region, it was great that we were able to intercept the vessel at all on the high seas, and at least force the Government of Ecuador to make a decision in letting us board or not, so at least we were able to do that. Unfortunate that we were not able to intercept the vessel while still inside a U.S. EEZ.

Chairman Martin asked if the IATTC has VMS requirements and if the U.S. has access to that information.

Young replied:

I can't speak 100 percent sure, but I'm fairly certain that while IATTC is looking at it, there is no current requirement for VMS at this time. Although, they are considering it in the future. Related to that note, I would also like to say that it's not addressed in this Enforcement Report, but we have been developing a very good working relationship with the Forum Fisheries Agency, the regional fisheries management body for the FFA countries in the region. Even as

big as the U.S. is and the Coast Guard, we don't have enough assets to do the entire job of enforcement in the Western Pacific on our own and we need to rely upon our enforcement counterparts with the Pacific Island Nations in the region. We're working with the FFA in that regard.

In working with FFA Member Countries in multilateral surveillance operations throughout the region, we're developing a closer and closer relationship to work together, to use our assets as force multipliers to go out and conduct operations that will uncover more and more of these activities of IUU fishing in the region.

As you know, the FFA does operate a VMS system. That VMS system is required on all Distant Water Fishing Nation fishing vessels in the region. As we work with FFA and are able to work closer together, we are able to utilize some existing programs they have in creating information-sharing for us to be able to get some of that VMS information to better target our enforcement activities in the region.

Gibbons-Fly agreed with Commander Young, adding that they do have 100 percent observer coverage. But even with a VMS requirement for IATTC, it's not entirely clear that those vessels would be in violation of IATTC rules if they were operating without that VMS when they were outside of the IATTC area. The WCPFC is in the process of implementing its own VMS requirement, which will require very soon that all vessels operating in the WCPFC area, which includes the waters where these incidents took place, will be required to have VMS. Therefore, any vessel coming from the East to the West that does not have VMS onboard, that would be a further violation of the rules of the WCPFC.

Simonds asked why they did not board the SAN ANDRES, as it was 80 nautical miles inside of Jarvis. Young replied that the closest cutter was over three days away and was not able to conduct any type of intercept of the vessel before it departed the EEZ. There was video documentation to show that activity that NOAA General Counsel can bring forward.

McCoy asked if the U.S. follows the fish of those boats. Gibbons-Fly replied that the IATTC has a fairly sophisticated tuna tracking program. He believes the answer to the question is yes, that vessel, in particular, in terms of all of the fish that was landed from that particular trip, could probably be tracked fairly well.

Duenas noted that Marshallese vessels, which has VMS, records about a 20 percent failure in the system. Duenas added the VMS information should be utilized to some benefit.

Brice-O'Hara commented there has been progress through a series of negotiations with New Zealand to start sharing information, and expects the relationship to continue to be beneficial to both sides. She is always looking for ways to extend their reach through partners, both domestic and international.

Also, Lieutenant Commander Jeff Randall, who has been Lieutenant Commander Mark Young's counterpart on the Mid-Atlantic Coast, has been very active with the Mid-Atlantic Fisheries Management Council. On Friday, he will take command of the Coast Guard Cutter WALNUT in Honolulu.

Martin again thanked the Coast Guard for their increased efforts.

5.B.4 NMFS Office of Law Enforcement Report

Marc Cline thanked everyone for their cooperation and assistance over the years, as this is his last Council meeting. He is transferring back to the Southwest Region.

Cline reported:

Over the last quarter, there were 24 investigations throughout the Pacific Island Division. There were:

14 Magnuson violations involving no permit, fishing in a protected zone, seabird mitigation measures, recordkeeping and reporting.

Five ESA take cases involving humpback approach rules in the Sanctuary, a whale strike, a turtle take.

Three Marine Sanctuary cases involving humpback approach regulations and illegal fishing in a closed area.

In American Samoa, two Lacey Act cases involving illegal fishing and importation of fish.

No violations in Guam this past quarter. However, additional personnel was sent to Guam to work an ongoing criminal investigation.

Under Regulatory Issues:

Currently in the bottomfish closure, four additional Alaska officers are working on all of the islands. With help of the U.S. Coast Guard and DOCARE, this will continue through the end of July.

The Coast Guard has a number of investigations this past quarter which they've initiated and passed off for investigation. This included the Ecuadorian vessels.

There is a list of 13 foreign fishing vessels that have been sighted, viewed, detected in Kingman/Palmyra, Jarvis, Howland/Baker. This list of vessels has been given to Bill Robinson, who's going to take the names to the IATTC meeting next week, as discussed.

Broken VMS units are still being replaced throughout the PID. Just one vessel right now in American Samoa is having trouble transmitting and having conductivity problems, but is being tracked.

Still working on replacing things in Hawaii. A new system of refurbishing and replacing antennas with a maintenance scheme has been developed, which should improve the process.

Under Cooperative Enforcement and Partnerships:

A meeting was held last week with the FSM Ambassador Suzanne Hale, Rear-Admiral William French (phonetic) and Major James McFadden (phonetic). Lacey Act violations in FSM waters were discussed, regarding fines and forfeitures possibly being reimbursed to FSM for the loss of their resource. Initially, they discussed an operational plan and an agreement, much like the JEAs with CNMI, Guam, American Samoa and Hawaii, but an operational plan that could be agreed upon between the Department of Justice Judge and FSM so they could say what was going to be done with that money and how it was going to be spent, to keep it in the Fishery Patrol and Enforcement's hands for future operations.

While participating in the Hawaiian Island Humpback Whale National Marine Sanctuary Advisory Council this past quarter, a number of issues were discussed, including Whale/Vessel Interactions Five-Year Management Plan. The Hawaiian Island Humpback Whale Marine Sanctuary Boater Workshop was held on Maui, which was designed to help both the commercial and the recreational boaters, ESA regulations, the 100-yard rule.

Under the Enforcement segment, the investigative process was discussed to help take away some of the fear factor and to initiate more cooperation.

The new SAC should be announced soon.

In addition, an ASAC has also been requested, who will be in charge of International Operations, supervising the agents in Guam and American Samoa, as well as an additional agent in Guam and a replacement for Vic Honda, who is retiring in August after 34 years of service.

Young commended the Pacific Islands Division Office of Law Enforcement for providing agents to accompany the Coast Guard's C-130 flights flying out to the EEZs of Howland/Baker, Kingman/Palmyra and appreciates the fact that they still find the time to be able to support the C-130 flights. Their expertise is pretty invaluable for the Coast Guard pilots onboard.

Duenas thanked Cline for his assistance from the Office of Law Enforcement and wished him a safe trip home.

Gaffney asked if OLE is conducting any end market observation with regard to the bottomfish fishery. Cline responded the way the regulations are written makes it difficult to follow the fish. Although, if there is intelligence received, they are at the docks to follow it. Right now, they are doing as much as they can by monitoring boats as they come in both mornings and evenings, along with help from the Coast Guard and DOCARE.

Tulafono, on behalf of the American Samoa Government and people, extended his appreciation to the Office of Law Enforcement for approval of the enforcement vessel for DMWR and for hiring a Chief Enforcement Officer to be stationed in American Samoa to assist with enforcement in American Samoa. Cline said he expects good things are in store for American Samoa in the next few years with the addition of Edwin Sui and Kevin Painter.

Martin thanked Cline and wished him good luck.

Martin asked Grimes to research and advise the Council with regard to the \$130,000 assessed fine, as mentioned previously. Grimes said he will check with Paul Ortiz and get back with the answer.

Polhemus offered to clarify, with regard to the potential amount of visitation at Midway, the number three million had been thrown around potentially by cruise ships, after calculation, there would need to be 2,500 trips a year, which is seven cruise ships a day.

5.C. CNMI Marine Conservation Plan, Action Item

Dela Cruz reported:

CNMI Governor approved the Marine Conservation Plan. It is being submitted to Council for Council's review and approval.

Polhemus noted he looked through the plan and thinks the tasks look really well conceived and the CNMI could probably use more budget to carry out the plan.

Gibbons-Fly asked:

One of the bases, as I understand it, for the preparation of these plans by the Territories is that it is a necessary requirement for the subsequent negotiation of one of the Pacific Insular Areas Fishery Agreements, or PIAFAs, under the Magnuson Act. I'm wondering if the fact that CNMI has now prepared this plan, whether or not you've had inquiries of interest or expressions of interest from foreign governments in negotiating one of these agreements for access by foreign vessels into the EEZ around CNMI.

Dela Cruz responded that there is one applicant, Luen Thai, interested in fishing in the EEZ waters, but the company decided to back off or delay their plan to get into the fishing activities in the Mariana EEZ waters.

Robinson noted the prioritization of the plan on the last page.

5.D. Mariana Community Initiatives and New Issues

Jack Ogumoro reported:

A Traditional Fishing Techniques Workshop will be held on Saipan on June 26th. It is sponsored by the Children of our Homeland Center Project, a new organization. The workshop will feature two CDPP projects, the Achumang Project, being implemented on the Island of Rota and the Traditional Fishing Education Project, being implemented by the Carolinian Office on Saipan. The workshop is open to the public and the proceedings will be videotaped.

The Agrihan Fishing Community is an emerging bottomfish fishery in the CNMI.

Beginning this year, four vessels over 70 feet in length are actively fishing in the northern islands. With this emerging bottomfish fishery, there is now an opportunity to revive the fishing community on Alamagan that was funded by CDPP, as well as to establish a new fishing community on Agrigan. The manager of the BLUE MARLIN has been very receptive to the idea of helping out the people of the northern islands. A meeting will be scheduled with the residents of both islands to talk to them about this opportunity.

The next initiative is the Chunchulu Fishing Practice. CNMI banned fishing nets since 2003 except the tekking, or thrownet. In early February, at the REAC meeting, one of the requests that was presented to the group came from the Tanapag Village leaders, asking if the Council can assist them in reviving this fishing tradition. The Council visited the village.

At the last Council meeting, it was recommended that the Council write a letter to the Governor asking that he consider reviving this important tradition. The Governor was very receptive to the idea. A plan will be developed to implement this long request for the fishing community, especially in Tanapag. Oleai, another village, is also interested to practice this fishing method.

The Longline Regulation. All 50 participants were in favor of a longline regulation, although there were varying distances amongst them. The next step is to conduct a formal scoping meeting.

With the increasing interest to do longlining in the CNMI, as well as to help revive the local economy, the Governor has asked the Secretary of DLNR to undertake effort in developing the CNMI's longline fishing industry. The plan will include assessment of the infrastructure and what needs to be done in preparation for accommodating this new fishing industry. Council Member Dela Cruz will be officially requesting the Council to assist in this effort.

With regard to the CDPP projects in CNMI, Ogumoro stated the program is mandated by national law, but it is intended to benefit the indigenous people. Over the past three or four years the number of applications that we've been receiving has increased, but only five are awarded. With the possibility of no funding and assistance to continue this program, Ogumoro urged Council members to do whatever is within their power to find money for earmarking funds under Section 109 of the MSA to fund this very important project or program that truly benefits the indigenous people.

Duerr asked if lack of funds were the reason the applications weren't approved. Ogumoro replied that no projects have been applied for the past two years.

McCoy asked if proposals are graded for future use. Ogumoro replied in the affirmative, but the problem is there is no funding.

Tulafono asked if there as a minimum sized mesh allowed for the thrownets. Dela Cruz replied there is no restriction on mesh size.

Duenas clarified the CDPP funding is subject to a \$500,000 a year program funding and

under the new Magnuson has no limits in the number of programs that can be funded per cycle.

John Calvo reported:

The Buy Pelagic Program from the Guam Fishermen Cooperative Association, where the focus is trying to provide the customers an alternative to eating reef fish. The Co-op has promoted this Buy Pelagic Program during the annual Gupot Y Peskadot, the Fishermen Festival, as well as providing recipes for pelagic fish in their annual calendar, which is given out with the Guam Marianas International Fishing Derby. The sale of pelagic fish has increased at the Co-op.

In January, the Guam Fishermen Cooperative Association, Guam Coastal Management Program of the Bureau of Statistics and Plans and the Port Authority of Guam did the ribbon-cutting ceremony for the Oil and Battery Recovery Facility at the Agana Marina. The facility has been quite successful. The oil and the batteries are being turned in for recycling.

The Volunteer Data Collection Program, which is one that was sponsored by the Council, is doing well over at the Guam Fishermen Cooperative Association. The Co-op has recently purchased receipt books so that the fishermen, themselves, will have receipts of the fish that are kept. This Volunteer Data Collection Program covers fish that is kept, which was not covered previously. One of the things found from this particular survey is that it has highlighted the use of fish for personal familial and fiesta celebrations.

The Guam Fishermen Cooperative, in support of the Council's Marianas Archipelago Ecosystem Plan, assisted the University of Guam, College of Natural and Applied Sciences Cooperative Extension Program with their reforestation project in Tinian. The project aimed to plant endangered indigenous cycads, which is better known on Guam as the Federico Palm of the Island of Tinian in the Northern Marianas. The cycads on Guam have basically been undergoing a scale infestation. The Co-op transported agricultural supplies from Guam to Tinian for this particular project.

The Environmental Education and Outreach Committee, which the Council staff is part of, in addition to various projects, programs already in place, are currently working on developing an annual Environmental Education Expo. This is geared towards high school and college students and will basically provide speakers, as well as displays, and will more than likely be held at the University of Guam. Plans include:

Developing environmental curriculum for the island schools, which this has been an ongoing project, but we're trying to expand it to have more partners locally.

Develop an Environmental Youth Conference, which we will be working with the Guam Youth Congress as well as other youth organizations on island.

Develop a Conflict Resolution Program involving the organization called Inafa Maolek, which basically means making good.

To provide assistance in those areas where they may be conflicts, like within the fishing community and environmental groups, and such, to find common ground as we move forward towards conservation measures.

To participate in other major island events, such as the Home Expo on island, which is a large event.

Duenas offered to further comments regarding the Co-op, explaining they are quasi-conservation, quasi-community concern, quasi-everything. A few activities over the past year include:

Working with the University of Guam providing two scholarships to the University of Guam for marine studies and aquaculture studies.

Working with the University of Guam's Extension Service on 4-H programs to provide for a marine program where they teach marine conservation; how to tag, how to release fish that are undersized, how to properly harvest fish.

The Co-op, under Section 109 of the Magnuson, plans to provide for capacity-building with the school system, with the University of Guam also, to provide for ten undergraduates and five graduate students to get an education in Marine Biology to aid in capacity building in the islands.

The Coastal Zone Management Program has joined the co-op in the collection of oil and providing a wash-down facility for the boats.

5.E. SSC Recommendations

No SSC recommendations regarding nonpelagic Marianas Archipelago Fisheries.

5.F. Standing Committee Recommendations

Duenas reported:

The Standing Committee met at 9:00 A.M., Tuesday, June 19th. The Committee was presented with the same proposal from the CNMI Marine Conservation Plan. It was noted there is a listing of priority. CNMI was asked to put a number listing rather than an asterisk on the priorities of projects they would like to see done as an addendum.

The Standing Committee also reviewed the CDP Project for the Fishermen Co-op. The Saipan Co-op is getting full support from the Guam Fishermen Co-op. Hopefully, the Saipan Fishermen Co-op will be open at the end of the month.

The Council staff noted with regards to the traditional use of rope, this information will be reviewed.

Standing Committee recommendations:

Recommendation regarding the CNMI Conservation Plan:

One, recommends the CNMI prioritize the list of projects and also that the Council supports CNMI's submission of the Marine Conservation Plan, that's inclusive of our endorsement of the Marine Conservation Plan submitted by CNMI.

Recommendation regarding the CNMI Community Initiatives and New Issues:

Endorsement of the existing projects.

Same with Guam Community Initiatives, one through seven.

As well as CNMI Education Initiatives 1 and 2, and Guam Education Initiative 1.

Duenas moved to adopt all recommendations. Sablan seconded the motion.

5.H. Public Comment

No public comment.

5.I Council Discussion and Action

Gaffney asked for clarification as far as the phrase, supporting the initiatives. Duenas said it was the same as endorsing. Martin added also perhaps finding sources of funding. The motion was amended to use the term, endorse.

General Counsel Grimes advised:

The whole point of this process is just concurring with what has been prepared by the Territorial Government.

The motion was passed unanimously.

Chairman Martin announced the materials in the briefing books are provided Council members and not for the general audience, as he received a report of audience members helping themselves to Council Members' binders.

6. American Samoa Archipelago

6.A. American Samoa Island Area Report

Tulafono reported:

In addition to the written report, the Coral Reef Monitoring Program discovered some staghorn coral had died as a result of being bleached. An investigation is ongoing.

During recent public hearings that were held, 95 percent of the public were against no-take MPAs. This is being taken into consideration in the development of no-take MPAs, as they want community participation in the MPA Program.

The first week of March was designated as Fishing and Boating Week. Many activities were held, the highlight of which was a canoe race amongst government departments. Out of the six races, Ray's department won three races, as well as took the Governor's Cup.

McCoy added that the ramifications of the new recently passed Minimum Wage Bill are unknown at this time, but is concerned how it may affect the canneries in American Samoa. There are efforts ongoing to find a reasonable solution brought forth within the territories.

Haleck noted that with regard to the Sanctuary's Program plan for the establishment of more MPAs in American Samoa, that there was no public outreach to receive community input. He does not want to have this action forced on the local people and feels the Office of DMWR and the leaders of Village Councils are capable of managing the MPAs.

Duenas added it seems the local American Samoa public sentiment has not reached Dan Basta, who is in charge of the Sanctuary Program. He also thanked the Coast Guard for taking action on the request of the American Samoan Longline Fishing Association with regard to the life raft issue.

6.B. Enforcement Report

6.B.1. Agency Enforcement Report

Tulafono reported:

In addition to the written report in Council binders, the Enforcement Grant under the Joint Enforcement Agreement was received for the current year. There were added funds in the agreement to fund an enforcement boat for the Territory. They are searching for an enforcement boat.

The Chief Enforcement Officer left for employment at the Office of Law Enforcement, although he is still stationed in American Samoa.

McCoy expressed thanks to the Coast Guard for devoting asset time for overflights and sea time.

6.B.2. U.S. Coast Guard Enforcement Report

Young reported:

He noted again the numerous significant commercial fishing vessel safety violations in the American Samoa fleet, which is a priority concern for the Coast Guard. The commercial fishing vessel industry continues to rank as one of the most hazardous occupations in the United States.

Because of those statistics, the Coast Guard continues to rigorously promote measures aimed at managing and reducing the risk of commercial fishing. Among those measures are programs that provide for voluntary vessel safety examinations and regulations that require the carriage of serviceable lifesaving equipment, such as life jackets, life rafts and EPIRVs.

The Admiral is making some consideration in regards to the inspection cycle for the life rafts. A document has been provided to Council members addressing the inspections. He noted additionally that the Admiral is willing to consider waivers for the inspection cycle, but that is on a case-by-case basis, based upon the history of each particular vessel that is applying. It is not a blanket waiver. Safety among the commercial fishing fleet is one of the Coast Guard's highest priorities.

Chairman Martin asked if the violations of the U.S. Captain requirement meant there were no U.S. citizens onboard. Young replied that there were some American Samoans onboard, but they were not a master.

Martin asked for an update on the American Samoa-based vessels fishing out of the Cook Islands with documentation issues that was raised at a previous Council meeting.

Young replied that the Cook Islands set up what is called a Demise Charter Arrangement. Under that Demise Charter, the vessels would fly the flag of Cook Islands while fishing in Cook Islands waters. Some of the vessels change flags during the voyages to comply with that agreement and also have dual home ports painted on their stern, all of which are problematic regulation-wise.

There are international and domestic laws that prohibit a U.S.-documented vessel from sailing under two flags. Under Demise Charter Agreements, having a Demise Charter with a non-U.S. corporation is also problematic. A Marine Safety Information Bulletin was put out regarding the dual flag and registration issues associated with that and was provided to all vessel owners.

Young added:

Hopefully, we'll cement kind of where the Coast Guard's position is in regards to that, and hopefully a way can move forward in trying to have the longline fleet be able to work out an arrangement for fishing Cook Island waters while still meeting all required regulations.

Tulafono asked because American Samoans are not viewed as citizens, are they eligible under that status. Young replied in the affirmative.

Haleck thanked the Admiral for her presence during the April Flag Day and expressed appreciation for the Cutter Jarvis in American Samoa.

Robinson added there have been a number of discussions with the Cook Islands, which are ongoing, regarding various issues, one of which will be ways to explore U.S. vessels to fish under some arrangement in their waters without violating any U.S. documentation laws.

6.C. Report on American Samoa Longline Workshop

Paul Dalzell reported:

The workshop was convened in American Samoa in April. The bulk of the workshop entailed discussion regarding Review of Specific Permit Issues as well as the Cook Islands Charter Arrangements, observer arrangement and a review of the history of the management issues. The meeting provided a good opportunity for the longline fishermen and longline operators in American Samoa to have discussion with Walter Ikehara, from PIRO, to get their concerns out in the open.

Workshop recommendations from the meeting include:

Participants requested that the American Samoa longline limited entry permit regulations be modified so that the only foreigners that can hold limited entry program permits are, in brackets, Western Samoans.

The participants of the workshop asked for a thorough review be conducted of the American Samoa longline fishery management program, including the following issues:

Maintenance or modification of the current 50 nautical mile area closure for pelagic fishing vessels greater than 50 feet around the American Samoa Archipelago.

The Council continue to review options to develop a nearshore longline area closure around Tutuila Island to protect the FADs from longline gear conflict. An eight-mile closure was suggested as a possible compromise for alia fishermen to maintain their operations while providing a buffer zone for small-scale commercial troll and recreational fishermen. It was also noted that an option to develop a nearshore closure program only to be implemented as the result of a revival of the alia longline fleet.

Reopening of the application process for the American Samoa longline limited entry permits.

Maintenance of the use-it-or-lose-it requirements for the American Samoa longline limited permits.

Additional bullets were:

Whether the Council should review individual permit applications that have been denied.

Whether the RA should have greater discretion in reviewing and approving permit applications that may have initially been denied based on guidance from the Council.

Explore options about how the alia longline fishery can be revived, and whether alia fishermen should be encouraged to switch to more appropriate small-scale longlining vessels.

Participants support the Council's recommendation that U.S. longliners in the Western Pacific Region be included within the South Pacific Tuna Treaty at little or no cost to the longline fleets.

Requested the Council to pay Council Member Duenas travel costs to help establish a Fisheries Cooperative.

Chairman Martin asked for an update on the topic with regard to the three denied permits which was raised at a previous Council meeting. Ikehara said the initials were upheld and the status has not changed. Subsequently, one vessel has been sold twice, one vessel was sold to a new owner, who is now registered under an upgraded permit in American Samoa, and the fisherman who missed the application deadline has not changed.

Gibbons-Fly addressed the subject of the inclusion of longline vessels under the South Pacific Tuna Treaty as follows:

I'd just like to address this matter, because it has been in a couple of recommendations coming out of Council meetings over the last two or three meetings, related to the operation of longline vessels and possible inclusion of longline vessels under the South Pacific Tuna Treaty. I hope that the Council members have in their briefing books, or have had at some point, an exchange of letters that Kitty and I engaged in on this particular topic.

I'd just like to summarize that for the record at this meeting so that there's no misunderstanding about what the State Department's position is on this issue, which I know is a key one for a number of folks around this table.

If there is an interest on the part of U.S. longline vessel operators in operating in waters under the jurisdiction of other states, we want to do whatever we can to be supportive of that.

Thus far, I have to say that I have never received or, to my knowledge, no one in the government has ever received a direct expression of interest from any fisherman that operates a vessel that this is something they want to do.

If that is the case, I would be very interested to know that.

Because I think a precursor to any negotiation with foreign countries or consideration of whether the Treaty or some other vehicle is the best way to do that, is to have the discussion with the people who would be involved in these fisheries and understand from them how many vessels might be involved, where they're interested in fishing, what terms and conditions they might be willing to accept, what they might be willing to pay to gain access to the waters of the states where they would be interested in fishing.

Once we have that discussion, we have a better sense of what the interest is on the part of the U.S. industry, then we can consider what the best vehicle to do that is.

It might be to include them under the treaty, that's certainly an option.

But there might be something easier and simpler that doesn't involve amending the treaty with 16 Pacific Island States, including Australia and New Zealand. If it's really a small subset of countries where there's an interest in fishing, we could arrange something through a much more simple instrument.

For example, Bill Robinson was referring to the issue related to the longline vessels operating out of American Samoa in the waters of the Cook Islands, and Commander Young as well.

We've also been involved in those discussions, and are also very supportive of efforts to

try to ensure that those vessels can continue to fish in Cook Island waters, provided that it's done in a manner that is consistent with both the regulations of the United States and the laws of the Cook Islands.

As far as I know, those vessels want to fish in Cook Islands waters, the Cook Islands wants them there, and we are very supportive of trying to find a way to allow that to continue, provided that we can do it, as I said, as Bill said, in a way that's consistent with everyone's laws.

So we're certainly open to this, and I don't want to leave anyone with the impression that -- another impression.

But I do need to have -- if we want to carry this forward, if we want to get to a point where we raise this with the Pacific Island States, I just need to have some more information on what the level of the interest in the industry is, and I'm very happy to have those discussions if anyone here this week or at any time in the future would like to have those conversations with me.

Simonds said the Council will be contracting with a firm to develop a plan for American Samoa and the other two island areas, which the Governor will review. If they're interested in expanding, then the plan will be relayed to Gibbons-Fly.

McCoy asked for clarification regarding what class of vessel the foreigner permit issue related to.

Ikehara explained:

In the limited entry program in American Samoa there is a requirement that all of the initial permits that were issued be issued to American citizens, either U.S. citizen or national. But subsequent to that, any other permit transaction, such as a transfer, it was not required that the recipient be a U.S. citizen or a national.

So there have been a few cases where apparently, because I have no documentation one way or the other, some of those permits might have been transferred to a non-U.S. citizen or a non-U.S. national. But I don't have documentation of it because we don't collect that as part of our permit application process. So I hear that, that's what people have told me, but I can't substantiate that that has occurred.

In some cases, people have applied for a permit who have -- who are citizens or the spouse of a citizen, and that person has applied for an initial permit and they have received it.

But in other cases, transfers have occurred that may or may not be a U.S. citizenship, but it's not a requirement at that point.

6.D. Education and Outreach Initiatives

Fini Aitaoto reported:

Educational materials have been provided to schools. Council booths have been set up for special events. Council calendars and posters have been distributed. There is a DVD on local television.

The Council has participated in several workshops that deal with outreach programs and environmental issues. The Council has provided input to several entities that deal with environmental issues. For example, the Ocean Resource Advisory Group.

The Council has also assisted several NGOs and has worked cooperatively with DMWR's educational staff on outreach projects and assisted NOAA PIRO in translation of materials, such as the Small Entity Compliance Guide and Economic Data Forms.

The Council has sought funds to fund some of the educational programs, including high school summer courses, exhibits, Seafood Festival and fishing activities and may also look at having some short radio spots on local radio.

6.E. Advisory Panel Recommendations

Fini Aitaoto reported:

The Advisory Panel meeting was held in April 2007. New AP members were introduced to the Council process and programs and received an update on 2005 and 2006 AP recommendations.

Recommendations from the meeting included:

Recommends when developing the Western and Central Pacific Education and Training Program, to also work with American Samoa Community College on marine educational courses.

Recommends that DMWR investigate the potential illegal activity by nondomestic longline vessels offloading fish in American Samoa that is not going to the canneries.

Recommends a population assessment be conducted on sharks in American Samoa.

Recommends to rescind the use-or-lose provision for all vessel classes in the American Samoa longline limited entry program. Eric Kingma added a correction, which is to apply to Class_A permits only.

Recommends a dedicated small-vessel fuel dock be constructed in Pago Pago Harbor.

Recommends the Council assist fishermen in American Samoa to investigate the possibility of forming a Fishermen Co-op with the assistance of Council Member Duenas.

Recommends the Council assist the production of a General Business Development Plan to support commercial fishing operations by indigenous fishermen.

Recommends that DMWR, in consultation with the American Samoa Governmental Departments, compile and analyze data on the quantities and the value of fish consumed locally, as well as show the percentage of market supply by local fishermen versus those imported.

Recommends that DMWR and Departments of Agriculture and Health develop a mechanism to verify that imported fish is safe to eat.

Recommends that DMWR translate the creel survey forms into Samoan and work with the Office of Samoan Affairs to consider requesting the Village Mayors to assist with the collection of fisheries data.

Dela Cruz asked if talapia and milkfish are imported or eaten in American Samoa. Tulafono replied that there are quite a few local ponds in American Samoa that raise talapia in the local community, especially Filipinos and other nationalities.

6.F. REAC Report

Aitaoto reported:

The Regional Ecosystem Advisory Committee meeting was held in American Samoa in early April. Various groups were invited to participate, which included Federal partners, people from PIRO, Sea Grant, National Park Service, National Weather Service, Fagatele Bay National Marine Sanctuary and the U.S. Coast Guard as well as people from different NGOs and local Council members. At least 50 participants participated.

The Fisheries Data Review and the DMWR Chief Biologist, Karl Brookins, made a presentation reporting that bottomfish and the pelagics fisheries in American Samoa is doing well, considering data back to 1982 and the DMWR needs more time to do the interpretations for the Plan Team Annual Report. One problem highlighted is the high turnover of professional staff.

Recommendations from the meeting are as follows:

Recommends the Council should conduct more community outreach in American Samoa to engage communities in its programs, like CDPP.

Recommends that the Council American Samoa Island Coordinator continue to conduct Community Demonstration Project Program Workshops.

Recommends Aitaoto be the point person in the CDPP project.

Recommends that the Council seek funds to employ a grant writer to assist communities that apply for grants.

Recommends that the Council fund a Legal Training Workshop for community members to conduct watch activities in the village.

Recommends that the Council develop and fund programs to teach fishing techniques in American Samoa, including programs aimed at teaching youth how to fish.

Recommends that the Council and the Coast Guard develop a local program to assist fishermen to obtain a Vessel Master License.

Recommends the Council and the U.S. Coast Guard assist American Samoa fishermen in meeting safety and communication requirements due to the lack of private businesses that sell or maintain safety equipment in American Samoa.

Recommends that the Council work with the Office of Samoan Affairs and the Village Matai to properly approach communities regarding traditional fishing practices, as well as other community projects.

Recommends the Council encourage communities to love all of American Samoa so as to facilitate responsible and sustainable use of marine resources.

Recommends the Council should spread the word about successful community-based management activities happening in American Samoa.

Recommends that the Council continue to work with DMWR to evaluate the effectiveness of the village-based Marine Protected Area Program, as well as assist villages in their efforts to manage their marine resources.

Recommends the U.S. Coast Guard consider assigning patrol assets to American Samoa.

Recommends that the Council work with the U.S. Department of State and neighboring nations to accurately determine EEZ boundaries surrounding American Samoa so as to avoid enforcement issues with American Samoa fishing vessels and troll vessels from neighboring nations.

Recommends that DMWR should obtain information on how much fish is being imported and are being sold in American Samoa markets.

Recommends the Council and the DMWR enhance local resource capacity so that there is appropriate staff to monitor, collect and analyze all of the fisheries data.

Other issues were raised, such as:

The Land Grant Program at the Community College offered to help the Council in their FEP programs and activities.

The recent scoping sessions held by DMWR revealing many people did not want additional MPAs.

Participants of the REAC meetings appreciated the Council staff coming and educating them on the Council process and programs. The Council also met with the fono and also met with the Governor to discuss other related issues.

6.G. SSC Recommendations

Severance reported:

The SSC suggests that the collection of data be continued and included in the American Samoa Annual Report Module for the Coral Reef Ecosystem FMP. The SSC further suggested that creel and effort survey techniques be further refined and applied throughout American Samoa, where appropriate, because part of that second recommendation relates to the fact that the coverage is mostly along the southern shoreline and not all of the northern villages are included in that survey.

The SSC does not object to the recommendations from the American Samoa AP.

The SSC does not object to the recommendations from the American Samoa REAC.

6.H. Standing Committee Recommendations

The 27 recommendations were displayed on the screen for consideration.

6.I. Public Comment

No public comment.

6.J. Council Discussion and Action

McCoy reported:

The Standing Committee endorsed the following recommendations:

One, when developing the Western Pacific Marine Education and Training Program, the Council work with the American Samoa Community College on maritime education courses, for example, navigation, boat repair, captain's license, fishing techniques, et cetera.

Two, the Council should fund legal training or workshops for community members conducting watch activities in their village areas.

Three, the Council should conduct more community outreach in American Samoa to engage communities for its Community Development Program and its Community Demonstration Project Program.

Four, that the Council assist with the production of a general business/development plan to support commercial fishing operations by indigenous fishermen.

Five, that the Council assist fishermen in American Samoa to investigate the possibility of forming a Fishermen's Co-op.

Six, the Council's American Samoa Island Coordinator should continue to conduct CDDP workshops, as well as work with applicants for community projects to make sure that the applications are complete.

Seven, the Council's American Samoa Island Coordinator should be the point person on the status CDDP projects in American Samoa so as to be able to answer information requests from community members.

Eight, the Council should encourage communities to love Tutuila and American Samoa so as to facilitate responsible and sustainable use of marine resources.

Nine, the Council should spread the word about successful community-based management activities happening in American Samoa.

Ten, the Council should seek funds to employ a grant writer to assist communities to apply for grants.

Eleven, that a dedicated small vessel fuel dock be constructed in Pago Pago Harbor.

McCoy moved to approve the recommendations. Duenas seconded.

Chairman Martin clarified Recommendation 11 is voting on endorsing someone to build a fuel dock in Pago Pago. Haleck added that he is in the process of building a dock, is waiting on a permit from the Army Corp of Engineers and financial assistance would be of great help.

Gaffney asked to make a wording amendment. General Counsel DeRoma recommended the words, endorse the recommendation. The amendment was accepted by Duenas and McCoy.

The motion was passed unanimously.

Recommendations 12 through 18 were displayed. The recommendations were moved and seconded. The motion was approved unanimously.

Recommendations 19 to 24 were displayed. The recommendations were moved and seconded.

Duenas pointed out a conflict between Recommendation 19 and Recommendation 22.D. Robinson offered amendment to make 19 and 21 to become H and I under 22, modifying the language to say that the Council consider modifying American Samoa longline limited entry permit regulations.

After further wordsmithing, in Recommendation 20, for all vessel class was removed and Recommendation 23 was removed.

Dalzell suggested that the shark recommendation should include a note that this is a problem across the region, that sharks are a problem for small-scale fishermen, that the scale of

this problem needs to be quantified and that it needs to be quantified relative to which of the sharks are causing the problem.

The motion was passed unanimously.

McCoy moved Recommendations 25, 26 and 27, now numbered 22, 23 and 24 as a motion. Haleck seconded the motion.

Duenas pointed out Recommendation 24 has been dealt with. The motion was withdrawn. The motion passed unanimously.

7. Hawaii Archipelago and PRIAs

7.A MHI Bottomfish

7.A.1. Report on Main Hawaiian Islands Bottomfish Working Groups and Meetings

Mitsuyasu reported:

There were a number of issues raised with regards to the Main Hawaiian Islands fishery management, the most immediate dealing with the overfishing condition and trying to reduce fishing mortality by 24 percent. There were also issues raised with regards to improving the data collection system, both from the commercial fishery and also the recreational fishery, which at this time there is no data collected from the recreational fishery.

The third element of the management regime dealt with moving towards Total Allow Catches, or TACS, which the Magnuson Act revision now requires the Council to move towards by 2011, all Federal fisheries have to look at considering TACs at its management framework.

The suite of management actions taken by the Council at the last Council meeting can be broken down into these phases:

First phase, reducing fishing mortality by 24 percent. The Council elected to implement a seasonal closure for five months from the months of May through September this year. Federal and State agencies worked to implement the closure by mid May. The closure applied to both State and Federal waters and included the State Deep Seven Species; onaga, ehu, gindai, paka, kale, lehi, hapuupuu. The rule applied to both commercial and noncommercial fisheries.

Second phase, once these seasonal closures reopens and the fishery reopens in October, a number of improvements are to be implemented with regards to improving the data collection program, such as:

Open the fishery with the fishing year beginning October 1 under a TAC for the following year that would be provided by the National Marine Fisheries Service.

The Commercial Data Collection Program improved to be more timely, to include

reporting on a per trip basis.

The implementation of a Recreational Permit Program to begin in October to be phased in later in 2008, run by the National Marine Fisheries Service.

Bag limits will remain in place the first year. Once the TAC is reached for the commercial fishery, both the commercial and noncommercial fisheries would close. If the TAC is not reached, then another seasonal closure would be implemented in 2008 in the beginning of May.

The time frame for the reporting provision for the recreational fishery targeted for early 2008.

The second seasonal closure would occur in May and run through September, a four-month seasonal closure. The fishing year would begin on September 1st, both the commercial and noncommercial sector will be opened under a TAC. Once the fisheries come under management of a TAC, the need for the seasonal closure approach goes away, the bag limits removed. Once the TAC is reached, both commercial and noncommercial fisheries would close. If the TACs are not reached, the fisheries could continue.

There was a Principals Meeting held on April 12th, which included the Directors, Administrators from the four agencies and enforcement branches, to develop elements to implement the suite of management actions. An Outreach and Education Coordination Working Group and a Permit and Reporting Working Group were created, which continue to meet as needed.

An amendment and NEPA package is also being developed.

7.A.1.a. Public Meetings

Kingma reported:

Public meetings were held subsequent to the March Council meeting in the month of April to inform the public of the bottomfish management measures. Along with Council staff, Pacific Islands Fisheries Science Center personnel from the Stock Assessment Group, National Marine Fisheries Service, Pacific Islands Regional Office and local State DAR representatives and/or biologists also attended each of the meetings.

The agenda included review of Council action, the stock assessment and fisheries statistics information and recent management measures, as well as questions and discussion.

There were newspaper media announcements of the meetings, as well as over 6,000 informational flyers mailed out.

Categories of comments and questions included:

Why not close the Northwesterns as well during the season.

How am I going to feed my family during the closed season.

Native Hawaiian use and fishing.

When can I sell my catch if I caught it on the 30th.

Questions and comments about bottomfish stock assessment, CPUE and the trip length differences.

The loss of the old-timers, the highliners, in the fishery.

A lot of concern about the fishery data, itself, relying on Commercial Marine License fishing report data.

Is the stock assessment considering environmental conditions, such as wind and currents, lean years, abundant years.

The effect of taape on bottomfish stocks.

Trying to get a handle on the recreational catch and if that will be incorporated into the stock assessment.

Why aren't the stock assessment folks actually counting fish instead of just relying on the CML data.

Why isn't there more stock enhancement.

Comments and questions on the TACs included:

What is a TAC going to be.

How is it going to be set.

The commercial guys will likely catch the TAC in a very short time.

Won't this create a derby, race-to-the-fish type scenario.

How are you going to notify that the TAC has been reached.

Perhaps there should be island-based TACs throughout the State.

Will a portion of the TAC be set aside for Native Hawaiian subsistence use.

Will we consider monthly-based TACs.

Did the State ever do their promised assessment of the closed areas of the original BFRA.

If they did, where is the report.

A concern that the State may not be planning on assessing the new ones properly.

What do the NMFS scientists believe, their perspective on the BRFAs.

Why are the BRFAs going to be in place if we're moving towards a TAC management system.

Enforcement is another common comment theme in all of the meetings:

Who is going to be the lead enforcement agency.

How are they going to enforce the Seasonal Allowable Catches or the closed TAC months, if you will.

What are the penalties going to be.

Do I have to throw back incidentally-caught fish.

Is there going to be shore-based and market-based enforcement.

Comments and questions on permit and reporting included:

Commercial fishermen felt that permit and reporting is needed for the recreational component.

Many fishermen do not want to give up exact catch location information.

What fees will be imposed for recreational licenses.

If the State or National Marine Fisheries Service will be setting up electronic reporting that

might reduce the paperwork burden on people.

Are there plans to address the black market sale of fish.

Kingma added that he feels it was clear the education and outreach efforts need to continue, which is a key recommendation that came out of the working groups.

Ebisui asked for a sense of the attendees' general attitudes towards the Council's actions. Kingma responded that most of them were not receptive to the immediate closure, but after the stock assessment presentation participants realized the fishery is in need of stringent management measures and generally accepted that something needs to be done with regards to the recreational catch data and were supportive of the Council, the State and the Fisheries Service taking hard steps and real management measures to get a handle on the fishery.

7.A.1.b. Outreach

Nicole Barlett reported:

The Outreach Team was established at the April workshop. There are five members representing PIRO, two representatives from Pacific Islands Fisheries Science Center, two from the Council and one from Division of Aquatic Resources. Their role is to develop, coordinate and implement an outreach strategy for the measures that are being considered and that have already gone into place.

Developed priorities include:

A cohesive, coordinated strategy.

Ensure target audiences have access to current information for the present, future and potential management measures.

Provide opportunity for public feedback throughout the whole process.

An outreach plan was developed between the three agencies. Target audiences, objectives, a timeline and a list of planned activities has been developed.

Prioritized activities include:

Phase 1, get information out regarding the interim closure.

Phase 2, carry out the Council's approved actions from this meeting.

The public scoping meetings held in April gained a lot of information that feeds into the whole process. There was a day-long Bottomfish Identification Workshop held for the Enforcement personnel and seafood dealers at UFA on May 11th. That was a day-long workshop.

Also, a Chef's meeting was held on the 28th, Memorial Day, with chefs from Roy's Restaurant and Roy Yamaguchi.

A consumer card was created by the Bottomfishing Hui to provide feedback.

Products to date include:

A Bottomfish Informational Brochure, which was designed to inform people as the closure is going on and to address some of the questions raised at the April public meetings.

A Bottomfish Identification Card was developed for the Enforcement Personnel Workshop in coordination with the bottomfish identification video.

The three agencies have collaborated on an information website which was displayed to the Council members, Hawaiibottomfish.info.

Another round of statewide public meetings are slated for the end of August and the first two weeks of September, another enforcement workshop and participation at stakeholder events is also planned.

7.A.1.c. Enforcement Training and Compliance Workshop

Kingma reported:

The workshop was held on May 11th. Kingma repeated much of the same information Bartlett just reported.

After that session, we had a seafood dealers and marketers informational session that also involved the enforcement personnel to have a question-and-answer informational discussion. It provided a clear informational exchange on how dealers and marketers can be compliant with the closed seasons and the documentation that is required to be compliant with fish that is imported or fish that is harvested from the Northwestern Hawaiian Islands.

7.A.2. Seasonal Closures, TACs, Permit and Reporting

7.A.3. Permits and Reporting Details

7.A.4. Federal Recreational Bag Limits

Marcia Hamilton reported:

But the Permit and Reporting Working Group's objective is to end overfishing while minimizing the impacts to humans. Members include folks from the Council, PIRO, the Science Center and HDAR and has met four times and came up with alternatives and impacts for the Council to consider.

Hamilton listed six issues covered and discussed the alternatives, which included:
How to implement the permit and reporting requirements;
Who has to get permits, who has to make reports and how to avoid double counting;
Which noncommercial trip should be reported;
How should fishing locations be reported;

Should the noncommercial bag limits that exist for the State waters apply in Federal waters;.

How should TAC overages and underages be dealt with.

Gaffney suggested considering waterproof paper as an option for onboard recordkeeping. Marcia agreed the suggestion was a good one, but pointed out there is no such requirement in other fisheries, such as the commercial fishery

7.A.5. Inclusion of State BRFA in Federal Waters

No report.

7.B. Risk Analysis of Potential TACs

Gerard DiNardo introduced Jon Brodziak to present work on a risk assessment model.

But first, DiNardo reported:

The annual resource survey for lobsters is being conducted presently at Necker and Maro Reef. Two vessels are participating in the research.

A report is being prepared by Steve Martell and his associates from University of British Columbia, which presented a bottomfish stock assessment for the Council last year. He hopes to present a report at the October Council meeting.

DiNardo also offered to come back to present the same presentation that was presented at the recent bottomfish scoping meetings which were taken around the State in April

Jon Brodziak deferred to the next report due to technical difficulties.

Brodziak reported:

The goal of the risk analysis model is how the Pacific Islands Fisheries Science Center proposes to calculate a Total Allowable Catch for bottomfish which will eliminate overfishing on the archipelagic bottomfish stock in possibly 2007 or 2008, using the information of the Pacific Islands Fisheries Science Center assessment and the best available information on the current bottomfish fishery conditions. Two sources of uncertainty are the estimate of bottomfish biomass in 2004 and variability in the natural process of biomass growth for the intrinsic growth rate between 2004 and 2007.

After simulation of thousands of trajectories, Brodziak illustrated a distribution of fishing mortality for the target year 2007 which is a relative probability of the event occurring. The Council will be asked to choose a probability that's acceptable for overfishing in that year.

Brodziak quoted Neils Bohr, prediction is very difficult, especially about the future.

Science on Main Hawaiian Islands Bottomfish Action

DiNardo reported:

Science Center representatives presented this same information in April during the statewide scoping meetings. The bottomfish is assessed as a single archipelagic multi-species stock of snappers, groupers and jacks, which consists of 15 species occurring in Hawaii. The three zones, Mau, Hoomalu and the Main Hawaiian Islands, are pooled together into a single archipelagic assessment.

Sources of data available include the fishery-dependent data, which is the commercial catch records, the total annual landings, catch per day or per trip, which is screened to use some of the top producers, as well as some dealer reports. From that information, a Spawning Potential Ratio is calculated.

From the assessments, there are criteria used to determine an overfishing condition or an overfished condition.

Ebisui pointed out that based upon the SFA definition of overfished, on an archipelagic basis there have been no bottomfish species in the overfished condition. DiNardo agreed.

DiNardo continued:

When broken down to look at the three zones, the SPR values for onaga and ehu in the Main Hawaiian Islands have been in pretty poor condition since 1986. Hapuupuu also dipped in the 1990s. Uku is low in 2003.

The onaga SPR values were below .2, or 20 percent, as reported in the Council's 1993 annual report. Both onaga and ehu values were below 20 percent, as reported in the 1995 annual report. The stock assessment side of the Science Center has been stating there has been a problem in the Main Hawaiian Islands. The Council recommended that the State of Hawaii employ closed seasons to help restore the onaga and ehu SPRs in the mid to late '90s. The State responded in 1998 with closed areas.

In 2005 the Science Center began to analyze stock status using MSY, Maximum Sustainable Yield, with the use of a production model. He gave a brief explanation of the modeling process.

The MSY calculated for Main Hawaiian Islands was around 362,000 pounds. As a result of that, new criteria can be used to develop stock status.

After a lengthy description of the stock assessment methods used, it showed the poor condition existed in the Main Hawaiian Islands. Since there no recreational data is available, the values can actually be higher, or worse. Looking at the Main Hawaiian Islands, alone, not taking into account the other two areas, which really are propping the entire population up, the Main

Hawaiian Islands is in an overfished condition.

DiNardo presented the following scenarios:

If no action is taken over time, an overfishing condition will exist up through 2011. In 2011, the Northwestern Hawaiian Islands close. DiNardo does not feel the Council has the luxury to wait that long.

With a 24 percent reduction, right away the threshold of 1.0 will be reached. In 2011, a further reduction will be obtained from the Northwestern Hawaiian Islands closure, which would translate to a continued decline.

With a 60 percent reduction in fishing effort, there would be a tremendous increase in biomass over a short period of time.

Ebisui asked if DiNardo's scenarios include the State's closed areas continuing. DiNardo answered in the affirmative.

DiNardo continued:

Starting in 2007, with a 60 percent reduction in fishing effort, there will be a gradual increase. With time, it will even increase further and have higher landings than what you would expect under the other conditions because the population size is increasing and the SPR values are going up.

The Main Hawaiian Islands bottomfish resource status assessed independently would be not only in an overfishing condition, but in an overfished condition.

DiNardo expressed a need for a better way of looking at CPUE and stock abundance, which would be a fishery independent survey, of which he is an advocate.

Polhemus clarified that the 24 percent reduction isn't really helping, but is just maintaining a very depleted status quo. DiNardo agreed. Polhemus pointed out that a TAC of more than 24 percent needs to be set. DiNardo replied that that is a societal decision that has to be made.

Polhemus noted the benefits of the State's revised closed areas may contribute to the mortality reduction. DiNardo said that since the benefit is not known, it was not included as a parameter in the model.

Polhemus suggested there could be a great improvement with a high degree of compliance. DiNardo said there were some wild assumptions in the model, in terms of what that distribution of effort is.

DiNardo pointed out the bottom line is, there is no information on the benefits from the historical closed areas. Polhemus pointed out that the closed areas contribution is going to be increasingly important, because otherwise, to get biomass recovery rather draconian measures

could come into play to get the Main Hawaiian Islands close to MSY. DiNardo repeated that it will be a societal decision.

Duenas pointed out the only information used in the analysis was commercial data and the need for including subsistence as well as the recreational data. DiNardo agreed that the lack of recreational data is a huge problem. The bottom line is, in looking at fishing mortality, all sources need to be addressed. There is some movement to collect the data, but in the meantime, one sector may bear the brunt of management measures.

Ebisui said hopefully the Council action will address the noncommercial reporting. He added that the closed areas did not affect his effort, other than redistributed it. Closed seasons did affect his effort.

Duerr pointed out advancements in technology may also affect increases in mortality. DiNardo said they tried to take that aspect into account in the model, but not in the projections.

McCoy asked if the advances in technology has served to get more people into fishing. DiNardo did not know. Ebisui said he thinks technology offsets lack of skill.

Gaffney asked for a clarification on the historic biomass calculations with regard to auction weight data. DiNardo said they do not have good weight data back in time which would allow for those calculations.

Gaffney suggested using the Maui Cooperative Fishermen's Association Data, which is an extensive and solid dataset. He also pointed out the steep decline in his graphs was right about the point when Hawaiian regional cuisine kicked in as a big attraction and he sees a need for a social scientist looking at such factors. DiNardo replied there have been some studies on the economics of this fishery over time. The next phase will include looking at the CPUE trend, which are affected by market factors.

7.C. Updated Analysis of HDAR Survey of Bottomfish Registered Vessel Owners

Severance reported:

An analysis was conducted by two graduate students at University of Hawaii at Hilo's new Conservation Biology and Environmental Science Masters Degree Program. Severance reiterated it is a draft report and is a work in progress.

Additional data from a previous survey conducted by the Council of the State Bottomfish Registry was reanalyzed.

The analysis focused on:

Are there differences between the commercial and rec fishing.

Do catch rates differ significantly between self-declared ethnic affiliations.

Are recreational fishermen fishing for cultural reasons more than commercial fishermen.

Some conclusions and recommendations:

There are significant differences between commercial and recreational fishermen. Commercials catch much more than recreationals and have higher levels of effort. Differences include species caught, catch rates, daily and seasonal schedule and gear

types.

Cultural catch is more important for recreational fishers.

Ethnicity may play a role in the species being targeted.

Severance voiced hopes with regard to MRIP, the new term for the old HMRFS, and how that gets redesigned.

Some implications of the analysis were:

The single sampling frame gives better catch estimates than the HMRFS dual sampling frame.

Future surveys should be done under less time pressure.

A recreational registry will need clear provisions for regular updating whenever addresses change or individuals stop fishing.

Any future recreational quotas should take equity, fairness, flexibility and cultural needs into consideration.

7.D. Advisory Panel Recommendations

Makaiau reported the Advisory Panel Recommendations:

Regarding bottomfish fisheries, the Hawaii Archipelago Advisory Panel members:

One, recommends that effective documentation be produced on the science for bottomfish management and the basis for all management proposals, including closed areas.

Two, recommends the Council should consider a total closed season for bottomfish in Hawaii, which would include a no import and no landings from the Northwestern Hawaiian Island fishery during the closed season.

Three, the Advisory Panel members recommends more research be conducted on mariculture of bottomfish species for marketing and stock enhancement.

7.E. SSC Recommendations

Severance reported:

With regard to Issue 1, how to implement noncommercial permits and reporting requirement for State waters, the SSC recommends that the Council encourage DLNR to implement complementary State regulations to require that anyone who noncommercially catches BMUS in State waters be subject to Federal permit and reporting requirements. This was Alternative 1B.

Issue 2, noncommercial permit and reporting requirements, how do we avoid split trips and double-counting, the SSC recommends that all vessel owners, operators and other boat-based anglers fishing for BMUS have permits and make one catch report per trip. Others onboard may indicate their catches. Alternative 2E.

Issue 3, which noncommercial trip should be reported. The SSC recommends that all noncommercial trips taken by permitholders be reported in the interest of gaining complete scientific information. That was Alternative 3B.

Issue 4, how should fishing locations be reported. The SSC recommends that catch be expressed for each fishing location as lat/long to the nearest minute. That's Alternative 4D.

Issue 5, should noncommercial bag limits apply in Federal waters. It was noted that this may not be so much a scientific issue, but the SSC has no objection to implementing bag limits for noncommercial fishing in Federal waters. Alternative 5B.

Issue 6, how should TAC overages and underages be addressed. The SSC advocates calculating TACs based on stock assessments or updates. Explicit consideration of overages or underages is not necessary because they are reflected in the future condition of the stock.

7.F. Standing Committee Recommendations

Ebisui reported:

After meeting and hearing all presentations, the Standing Committee Recommendations mirror the SSC's recommendations.

7.G. Public Comment

Chairman Martin read a statement from Kimo K. Kahuna from Hana:

Leave the fish alone. No commercial fishing sold outside of the state.

Public comment is included verbatim:

MS. KAAUMOANA: Aloha. My name is Makaala Kaaumoana. I come tonight from Hanalei.

I have several hats that I wear, and as a result of listening to the portion that I've been able to hear this afternoon and this evening, although my testimony that I have previously submitted to you in writing and will give a little bit more about tomorrow, is not with this hat.

I do want to introduce myself as the Executive Director of the Hanalei Watershed Hui.

The reason that I do that at this time is to provide you with some introduction to the experience that I bring to my understanding of fishery issues as it relates to the management of the ahupua'a.

I brought with me this evening, I only have my own copy, a listing of the projects that our organization is currently engaged in in assessing and understanding all of the resources in the

four ahupua'a of the Hanalei Bay Watershed.

My organization implements a community-authored watershed action plan that was a result of the designation of the Hanalei River as Hawaii's only American Heritage River. We've benefited from the funding that came with that initiative, all of the partnerships that were part of a Federal MOU, State collaborations, private collaborations and my own angle of collaborative and consensus decision-making.

I was elected to that position by the community.

I am not a federal employee. I run a nonprofit. Currently, am not paid.

I say that to give you a sense of the fire in my belly and why I flew over here on my own dime to introduce myself and our efforts.

This evening I think what I would like to focus on is my sense of your interest and fire as well in understanding all of these issues that you are responsible for as it relates to what is also happening on the land, that is the focus of the work that I do.

However, I have to say that there's an awful lot going on on our Island of Kauai and our Moku of Halelea in the ahupua'a of those watersheds of Hanalei that have nothing to do with the work of this Council.

So I guess my first issue is, I'm appreciating your perspective of those areas of your jurisdiction that take a look at the entire system, the ecosystem approach, the watershed approach, that those of us that are from this aina, I was born Kaneohe, understand, understood, taught by our kupuna.

My husband is a fisherman. We fish every night. If we don't have fish, we eat Spam.

I do understand.

But I'm a little confused about some of the projects and programs that this Council is talking about, because I thought you guys were federal. I thought you guys were three miles out.

So as a person who is involved in a very comprehensive community effort, I guess I'm concerned about those projects this Council is discussing and the information that has been presented to you as to how it relates to the work that we already are doing, that we need to do, and I frame that in a question.

I understood that some of the projects you were doing were funded by the Community Development Program, and I'm still unclear as to how that relates to somebody like me.

I'm concerned, because if we're partnering with you, we should know it.

I have four projects right now as we speak that are NOAA-funded projects, but the acronym of West Pac isn't part of any of that.

Those projects involve habitat restoration for a fishpond, restoration of a trail to reduce erosion, some coral reef work.

Our organization has won two national awards for our coral reef work from NOAA.

So I'm a little confused, and I'm hoping somebody on the Council can explain to me how your work relates to my work. Mahalo.

MR. KAMIKAWA: My name is Dennis Kamikawa. I'm a commercial fisherman. I've been fishing for over 15 years, and the statistics that I see, I don't think it's accurate, to me. That's my personal comment.

Because when I go to the auction I see the people who lay down their fish, and it cannot compare to what I see and what they put down there. So it's way off. It's way off.

There's still fish, because the last five, six years I've been fishing, I've been catching a lot of onaga. So the fish is still there. You have to know how to catch the fish. It's not easy to catch

onaga, the paka, you know, this bottomfish.

But it's real disappointing to me because when they had this registry, you know, like to me, I can -- I only have -- I can name and I know who fishes in one hand. You know, I can count the guys that fish in Honolulu.

I don't know about the other islands, but I see you guys bring in fish from outer islands, and it's not that much.

But now it's going to be less because the shipping, you know. So it's going to be way off. It is way off.

So I really feel that this part is done already. So I have -- that's all I wanted to say. It's really sad for me and for the other fishermen that fish for a living. So that's what I had to say. Thank you.

MS. BONK: Good evening, everyone, Chairman Martin, other Council members and the public.

I'm using my notebook because I forgot to bring a pen and paper today.

But yesterday I attended the West Pac Executive Budget Committee Meeting where Committee members discussed the West Pac Puwalu Series; the Puwalu expenses, the Puwalu mission and the Puwalu outcomes.

I found it interesting that the Executive Director, Kitty Simonds, reported that West Pac's Puwalu was paid for through the West Pac FEP funds.

During the Committee meeting it was stated that West Pac spent over \$350,000 of FEP funds.

I would appreciate correction if this amount is incorrect.

I actually do not know the exact amount spent on the four West Pac Puwalu meetings and the other West Pac meetings discussing the Puwalu. This is why I go on record tonight requesting the detailed line item budget of this agency for the last two years.

I would like to see a detailed West Pac budget for multiple reasons.

I would like to have -- one of the reasons would be to clarify the actual budget for the Puwalu, whether it be \$350,000 or more.

I would like to have clarity on the funding source for these meetings, as well as clarity on actual Puwalu expenditures.

During the 137th West Pac Meeting, I requested this same information for the budgets and I was handed a one-page budget summary.

A one-page budget summary does now show a transparent flow of money in an organization of this size.

A one-page budget summary shows general categories, but does not give you any idea of what a program or programs are being -- how they're exactly being funded and how money flows, how much money is being spent and where this money comes from and whether or not there are significant outcomes from this money spent.

I have personal experience developing budgets within government, and I am requesting the budget to analyze the flow of Federal funds within this organization.

I do not understand how the Puwalu Series assisted in the development of an FEP.

I also requested description of the Contract for Hire Process for the West Pac Puwalu Series. I would like to know the process West Pac went through to hire the so-called experts to develop this FEP program.

I understand that Leimana DaMate was one such hire. I would like to see a copy of Miss

DaMate's contract.

What was the procedure for advertising for this hire?

And I would like to know what are this hire's professional credentials.

How did West Pac go about inviting experts, consultants, others to participate in this Puwalu FEP Ecosystems Plan?

I attended some of these Puwalu and I'm very concerned that the only outcomes I witnessed from the Puwalu was State legislation development. I believe this outcome to be an illegal activity for this Federal agency.

Even worse, I believe this agency orchestrated the Hawaiian community to go along with this illegal activity.

So I know I've asked a lot of things tonight. I go on record, because yesterday when I asked these things I know that you weren't recording that meeting. Thank you very much.

7.H. Council Discussion and Action

With regard to the first recommendation, at the 137th Council meeting the Council selected what was known then as Alternative 7, the closed season recreational reporting TACs, dealer licensing, et cetera.

Part A pertains to data requirements, including the use of the DAR Commercial Marine License and reporting system as a primary tool, lat/long position information to the nearest minute, confidentiality and data will not be used for enforcement purposes, trips will be reported on a per trip basis, seafood dealer licensing, a comprehensive education and outreach program, continuation in the convening of the Bottomfish Working Group to facilitate coordination of the plan, as well as monitoring and enforcement activities.

Section B includes development and implementation of a Federal recreational permit by October 1, 2007, trip reporting to be implemented no later than February 15th, 2008, a TAC, Total Allowable Catch, limit based on commercial data be implemented by 2007 with the fishing year to start October 1, 2007, based on reducing the commercial fishing mortality by 24 percent with respect to the 2004 commercial data, applies to the Main Hawaiian Islands Deep Seven Species, once the commercial TAC is reached, both commercial and recreational fisheries will be closed, a combined recreational and commercial TAC to be developed in the future based on information collected through the new recreational permit and reporting program, and DAR to modify its recreational bag limits to include all of the seven species,

Section C includes actions for 2008:

A four-month seasonal closure from May 1st through August 31st with a combined TAC established annually beginning in 2008, fishing year to start September 1 annually which will be based on the best available scientific and commercial fishing information, the Pacific Island Fisheries Science Center in consultation with the Council and advisory bodies to calculate the TAC for consideration by May 30th of each year, to be acted upon by the Council, once the TAC is reached, all fishing for Deep Seven bottomfish species will cease, and at the time the recreational bottomfish fishery will be managed under a TAC the bag limits for recreational fishing will be removed.

General Counsel DeRoma pointed out to Council members a language change with regard to the catch location data will be used for enforcement per the Reauthorized Magnuson.

Ebisui moved that the Council reaffirm Council action at the previous Council meeting with respect to the overall plan for the Main Hawaiian Island bottomfish seasonal closure and TAC and recreational data collection. The motion was seconded by Duenas.

Polhemus moved to include the TAC amount of 178,000 pounds in the recommendation. The amendment was agreed to. The motion was passed unanimously.

Hamilton read the next recommendation:

The SSC and Standing Committee both recommended Alternative 1B, that the federal requirements be implemented for State waters through State cooperation.

The motion was moved by Ebisui and seconded by Haleck. The motion was passed unanimously.

Hamilton read:

The SSC and the Standing Committee both recommended Alternative 2E, every participant be required to get a permit, but only the owner and operator to be held responsible for making sure there is one catch report per trip.

The motion was moved by Ebisui and seconded by Tulafono.

Ebisui noted that 2E gives the most flexibility in terms of crew members being able to qualify for quotas, should that become an eventuality sometime in the future.

Robinson noted for the record that the Pacific Islands Fisheries Science Center will be responsible for the catch reporting system and currently needs additional funding in order to carry it out.

Young asked if the Council anticipates the recreational noncommercial fishery will have a quota set. Ebisui replied that it's possible, but the Council's overall intent is to gather as much information as possible to leave as many options available for Council consideration.

The motion was passed unanimously.

Hamilton read:

Both the SSC and the Standing Committee preferred 3B, for the noncommercial permit holders, the catch and effort from all of their trips be reported, not just trips targeting or catching BMUS.

The motion was moved and seconded. The motion was passed unanimously.

Hamilton read:

Both the SSC and the Standing Committee recommended Alternative 4D, report each fishing location, lat and longitude, to the nearest minute.

The motion was moved and seconded. The motion was passed unanimously.

Hamilton read:

Both the SSC and Standing Committee recommended Alternative 5B, to implement the bag limit in the EEZ waters as well as State waters.

The motion was moved by Ebisui and seconded by Polhemus. The motion was passed unanimously.

Hamilton read:

Both the SSC and the Standing Committee recommended Alternative 6B, do not explicitly consider them, but let them be implicitly considered via the new stock assessment or stock assessment update, which would reveal the impact of any overages or underages, 6B.

The motion was moved by Ebisui and seconded by Duenas. The motion was passed unanimously.

Ebisui read:

The Standing Committee supports the AP Recommendation 2, pertaining to having local fish names used for locally-caught fish only.

The motion was moved by Ebisui and seconded by Duenas. The motion was passed unanimously.

Ebisui moved to remove the Council's previous recommendations regarding the 15 percent reduction. Tulafono seconded the motion. The motion was passed unanimously.

Ebisui read:

The Council requests that it be afforded the opportunity to review any proposed research that would result in mortality of Main Hawaiian Islands Deep Seven species prior to its approval.

The motion was moved by Ebisui and seconded by Tulafono. The motion was moved unanimously.

Ebisui moved:

The Council recommends that the Northwestern Hawaiian Island bottomfish fishery be evaluated using the scoring system developed under the United Nations FAO Code of Conduct for Responsible Fisheries.

Duerr seconded the motion.

Polhemus asked if the SSC reviewed this recommendation. Severance responded in the negative.

Chairman Martin reminded the Council of the presentation by Dr. Kaneko at the last Council meeting which evaluated the Hawaii longline fishery based upon a Code of Responsible Fishing that was developed by FAO, which he thinks is the most comprehensive evaluation of a fishery that FAO was aware of in evaluating a fishery against their Code of Responsible Fishing.

Ebisui said the main reason for requesting the study is it gives a good performance measure for Council action.

Severance added, speaking as an individual SSC member, he suggested the Council consider doing such a study on other fisheries as well.

The motion passed with the State of Hawaii abstaining.

Ebisui responded to Mr. Kamikawa's public comment, explaining he understands his comments but the Council is obligated by law to use the best available science.

7.I. Hawaii Island Area Reports

Polhemus reported:

For the bottomfish fishery, to complement the interim management measures, the State completed implementing the interim summer closure of the bottomfish fishery around the Main Hawaiian Islands in early May. It accomplished the same thing as the seasonal closure, but it prohibits fishing in all of the State's waters from now until the 30th of September.

In addition, the State has allocated Dingle-Johnson Fishery money to support a monitoring program for the new BRFA's, which includes work with the Bot-cam deployed at Molokai, Oahu and will be deployed at Niihau. Four different BRFA's have been covered. The device is working very well. The information is being analyzed by a graduate student in Dayton, Ohio.

In addition, work is ongoing involving captive-rearing opakapaka and tagging work on opakapaka. Preliminary data indicated the majority of the fish moved only about two miles.

In terms of nearshore fisheries, from December 2006 to April 2007 the nearshore waters

were very productive, numerous recruits of juvenile fish in the Main Hawaiian Islands.

In the Northwestern Hawaiian Islands, the State coordinated submission of an application of the U.S. National Parks Program, Office of International Affairs, to have the Papahaumokuakea Marine National Monument considered as a World Heritage site on the U.S. tentative list to UNESCO and had very good reviews from the National Park Service on that.

With regard to the NOAA Coral Reef Monitoring Grant, from February to June 2007 eight of the eleven established Marine Life Conservation Districts were surveyed.

There was a total of three purchase orders to replace missing FADs or do some light pack maintenance.

The MRFS Program continues to generate recreational fishery data. From February 2007 to June 2007, there were approximately 1,000 intercepts.

The Ulua Tagging Project is now in its eighth year. As of April 30th, there are 2,223 volunteer anglers, who tagged a total of 28,288 papio and ulua and 3,716 recoveries reported, which is a 13.1 percent recovery rate. Dr. Milani Chaloupka from Australia is contracted to analyze the data to get an assessment of juvenile omilu in Hawaii.

Further angler participation in the project is restricted after December 31st. There are plans to expand the model into other fisheries, such as oio.

Invasive species has a second algae sucking barge, which is designed to be trailered and used in smaller areas.

The Aquatic Invasive Species Team now has a Ballast Water/Hull Fouling Coordinator.

Polhemus also presented a quick analysis of Fishing Restrictions in the Main Hawaiian Islands in Nearshore Waters. Summary calculations statewide:

Slightly over 89 percent of the waters are open to fishing.
2.1, 2.7 percent are simply various Restricted Access Zones.
5 percent in restricted access of Federal or Native Hawaiian restricted access.
5.3 percent in partial closures, such as restricted gear types.
There is .4 no-take closure.

Summary calculations of statewide closure by gear types:

Lay gill net, 27 percent.
Aquarium fishing, eight percent.
Spear, five percent.
Pole and line, five.

The majority of nearshore waters in the Mains are open to public fishing:

Thrownet, pole and line, spear, all about 95 percent open.
Aquarium fishing, 92 percent open.
Lay gill net, 72 percent open.

Duerr commented the State of Hawaii has done an excellent job because 30 or 40 years ago the big ranches would not allow access across their lands to get to the coastline for shoreline fishermen. Nowadays, developers must provide access as well as provide other public facilities, such as restrooms.

Polhemus added the State is prepared to provide additional flag poles to get the public down to the ocean and to investigate other ways to do that.

Polhemus clarified for Duenas that lay gill net and surround net are defined differently. Surround net is still permitted in the lay gill net zones and there is a mesh size requirement.

Ebisui asked Polhemus if the State is looking into older subdivisions which preclude public access, such as Papailoa Road, Kawela Bay and the Velzyland development on Oahu's North Shore. Polhemus said the State is aware of these problems and are trying to figure out how to best address them.

Ebisui asked if Hawaii DAR is aware and/or addressing the disappearance of all limu on the reefs, as he's witnessed during his lifetime, and wonders if it could be related to the water table levels. Polhemus agreed the question of the basal spring outflow is interesting and there is a suspicion that upslope development of wells over the years have probably depleted basal springs. In addition, agrochemical plumes are probably affecting the composition of the water in those springs that remain, although there has never been an accurate assessment of water quality emerging from basal springs.

Polhemus presented a quick presentation looking at the effects of the State Area Closures in the Main Hawaiian Islands bottomfish fishery by looking at data from the Science Center.

Polhemus summed up the effects as follows:

So my final conclusion on all of this was that although the State's original area closures didn't solve the problem, they largely seemed to have stabilized the problem and led to very slight improvement in some of the fishery statistics over the period of time they were in place.

Gaffney reported:

The odd year in offshore fishing continues. The first grander was caught in March in Kona, which was a short-bill blue marlin. The second largest fish of the year in Kona was caught just recently, 950 pounds. The small fish have not come in yet. This is the time of year when males start showing up.

Tuna catches have been good. Mahimahi have just started coming in. The ono catches have been fair. A new yellowfin world record caught by a woman in Kona, 16-pound test line, broke a 20-year-old world record that had been set in Kona previously. Striped marlin never

really showed up in the numbers that they usually do. Bad season on short-bill spearfish, which is usually a spring season which never happened.

There were a lot of big marlin caught in the recent Ahi Fever Tournament.

An ulua was caught at South Point last week in Kona that had been tagged at Kaena Point on Lanai 678 days earlier, which is the first interisland report of a large trevalley transit in the tagging history of the state, other than a previous one which happened with a fishery tagged at Midway and showed up at Lisianski.

A night fishing tournament for broadbill swordfish was recently held in Kona. Some fish were tagged and released. Gaffney had presented the question to General Counsel DeRoma of this in regards to the newly Reauthorized Magnuson Act. DeRoma said he thought Grimes had answered him, but he will follow up for Gaffney.

Chairman Martin reported:

Tuna fishing is active with right around 100 boats. Fishing has been good and bad. Early in the year it was quite good with exceptionally high prices. Fishing fell off a little bit.

Currently, fishing is fair. Prices for other catches, wahoo and monchong, pomfret, are quite strong, which he thinks is reflective of the bottomfish closure taking up some of the slack in the local seafood restaurants with some of the white-meat pelagic fish because of the lack of bottomfish.

Turtle takes remain unchanged at fourteen loggerheads and five leatherbacks with no serious injury or mortalities.

The swordfish fishery is somewhat reduced in effort right now. There was a shortage of bait.

The auction in calendar year '07 has landed or accepted 17,616 fish, for a total of 2,164,000-and-change pounds, and about \$6.4 million in ex-vessel revenue. The fishery is significant to the industry and is doing well.

Severance added there is some new activity in the PFAD fishery on the Big Island. The cost of PFADs have gone down. The ika shibi fishery has picked up a little bit out of Pohoiki recently, boats bringing in two, three, four pieces a night. The Hilo guys are anxious to see whether the schools move up in front of Hilo, as is the tradition of this time of year, or whether they don't get that far, which has been the pattern for the last two years. The ika shibi fishery is not quite dead yet.

Duerr asked if perhaps some of the recreational fishermen contributed to the totals Martin had recited.

Gaffney updated information regarding the planned proposed marinas. He reported that

the Haseko Ewa Beach Marina is slated for an '09 opening with 450 slips and the Kona Kai Ola Marina Draft EIS was released to the public with over 1,000 comments, with opening possibly in 10 to 15 years, due to the amount of permits needed.

Ebisui briefly reported regarding the ahi season, catches of many large fish.

7.J Enforcement Reports

7.J.1. Island Agency Enforcement Report

Polhemus reported:

Fishermen were caught bleaching off Niihau, penalties ranging from 90 days in jail with a hefty fine, 30 days in jail and hefty fine, as well as confiscation of their boat and trailer.

On June 8th, a charter diving vessel, the SHANGRILA, which operates out of Lahaina of West Maui had entered the Ahihi-Kinau Natural Area Reserve, anchored and started to conduct snorkeling activities, which are all prohibited. They were cited and ended up with a \$200 fine and their record was expunged. A civil penalty agreed to accept a plea of guilty and an Administrative penalty of \$7,300 on all counts. There are several other cases moving forward, which he expects to prevail and levy similar types of fines.

Duenas asked if there are mooring buoys available for fishermen and recreation. Polhemus replied in the affirmative, but not nearly enough and there are efforts under way to make more available.

7.J.2. Coast Guard Enforcement Report

Young noted once again the violation in the Papahānaumokuākea Monument in May involving one of the eight permitted bottomfish fishers.

7.J.4. Status of Violations

General Counsel DeRoma did not receive information to report.

7.K. Precious Corals

After a history was reviewed for the Council members, the four alternatives for limited entry options were presented, as follows:

Alternative 1, no action.

Alternative 2, limit access to current black coral fishery participants.

Alternative 3, limit participation to a target number of participants.

Alternative 4, limit participation to currently active participants.

The plan team recommended to defer action until conferring with State of Hawaii and General Counsel. The SSC recommended Alternative 1, no action.

Gaffney asked for clarification on an option to buyout the fishery. DeMello replied that usually a permit is included in the buyout and there is no limited entry in the black coral fishery. Therefore, other permits could still be applied for.

Polhemus stated that a buyout is used to close a fishery and it is not the intention to close the fishery. Maui Divers will just recruit more divers and will not solve the management problem. DeMello added a buyout is not one of the alternatives, it was just a public comment by a participant.

Duenas asked if the fishery is sustainable and if there has been a review to determine a TAC for the fishery. DeMello replied the fishery is operating below the MSY and the Council has already recommended a harvest quota.

Gaffney asked how close is the fishery to the limit. DeMello replied he doesn't know because the data is confidential.

Polhemus said he feels the issue is being driven by economic considerations more than biological considerations.

Ebisui noted the Standing Committee will not be recommending limited entry.

General Counsel Grimes clarified with regard to the plan team recommendation, access can be limited in the fishery but a rationale has to be made for limiting access tailored to achieving optimum yield. Section 303(B)(6) of the Magnuson Act says, you may implement a limited access program in order to achieve OY, if you consider these factors. A proper record has to be made.

7.L Hawaii Community Initiatives

7.L.1. Ho'ohanohano I Na Kupuna Puwalu IV Report

Kaaiiai reported:

In line with the Council's guiding principles to recognize the importance of island cultures and traditional fishing practices in managing fishery resources and fostering opportunities for direct and meaningful participation, the Council convened the Ho'ohanohano I Na Kupuna Puwalu Series. Puwalu 4 was at the Ala Moana Hotel on April 10th through 11th in 2007 to report on the development of a community cultural consultation process developed by the Native Hawaiian community and based on traditional Aha Moku management concepts.

Participants of Puwalu 4:

Reported on education and outreach activities on their island and their plans to increase community participation and support for this framework.

Agreed on criteria for participation in the Aha Moku Process and the Mission Statement.

Discussed different organizing structures to mediate on behalf of the traditional communities in Hawaii and agreed on a general structure of Aha Moku Councils consistent with the traditional moku management system.

According to cultural practitioners, traditional Hawaiian management system consisted of 39 moku. The Big Island has six moku. Maui has twelve moku. Molokai has four. Lanai has two. Oahu has six. Kauai has five. Niihau has two moku. Kahoolawe and Molokini Island has one moku each. Under this structure, an Aha Kiolo would also be formed comprised of one Aha Moku Council member from each island selected by the Aha Moku Council of that island to represent the interest of that island and those island residents.

Puwalu participants will continue to refine the organizational structure of the Aha Moku Councils.

Gaffney asked if there was a written report available. Kaaiai said one is forthcoming.

7.L.2. Report on Development of Hawaii CDP and CDPP

Kaaiai reported:

A workshop is being developed to work on a better understanding between participants about CDP and CDPP. Research is being conducted on the history of CDP and CDPP and have received recommendations from different members for letters and correspondence to Bill Hogarth to clarify some ongoing issues.

Gaffney asked for clarification as to the report of the history or matrix to the CDP and CDPP. Kaaiai said it will be forthcoming. Duenas clarified because of conflict on what information is considered public, they may just receive the title of the project and the goals and objectives of each project.

7.L.3. Legislative Actions

Kaaiai reported:

A number of bills and resolutions did not pass that would have had some kind of impact on what the Council does. Two bills did pass:

SB1853, a bill establishing the Aha Kiolo Advisory Committee to provide a framework on the formation of an Aha Moku Council Commission, which was enrolled to the Governor on May 4th.

The Kewalo Keiki Fishing Conservancy, HB 718, also passed.

7.L.4. Use of Traditional Knowledge in Marine Resource Management

Paul Bartram introduced Kanohe Helm and Mac Poepoe from Hui Malama O Moomomi, a community-based group on the Island of Molokai, which means, Group Caring for Moomomi. Moomomi has been practicing community self-management and community resource conservation work for the last 13 years.

Mac Poepoe thanked the Council for inviting him to share what he feels will be useful information.

Kanohe Helm presented a PowerPoint to illustrate the life style practices of Moomomi.

The Hawaiian moon calendar is a tool used to guide traditional fishing practices. Hawaiians, as well as other cultures, have used the moon for generations to practice fishing and farming and everyday life.

In Hawaii, there are two seasons, Kau, the dry season, and Ho'oilu, the wet season. The dry season has longer daylight hours, low tides, calm seas and increased human activity. He noted human activity has the biggest impact on their resources. Also, spawning of moi, the die-back of algae and marine species in tidepools. All of these elements they use as indicators of the season, moon phases and what is going on with their resources.

During the wet season, Ho'oilu, there are shorter daylight hours, low tides at night, rough seas, selective human activity, increased algae growth, increased sand movement and more wave action. As well as more freshwater and erosion, and increased spawning activity. The algae is greener.

During the Anahulu Hoonui, monitoring and observe extreme tides from Hilo to Kupau, varying/steady tides, new growth, fish congregation and feeding, and increased human activity. There's no growth in Hoonui. Conservation note, give species adequate time to mature. Minimize unnecessary disturbance. Respect kapu moons.

In Moomomi, it is necessary to put food on the table. It's unnecessary to run across the beach, scaring away the fish.

They also observe kapu moons. They take reverence during kapu moons and conduct monitoring.

In Anahulu Poepoe, the rounding moon, it's the time to monitor and observe vigorous growth, there are rougher seas and drastic tidal changes. They also estimate population of small fish in tidepool areas. There is also increased sand and fish movement.

Nursery grounds are an indicator of the future stock. They do not conduct fish counts. There is a saying in Moomomi, if you can count the fish, something is wrong.

Realizing the importance of the geological layout and the role it serves pertaining to food, shelter and reproduction for various species is also part of their practice. Fishing spots which are easy to access are reserved for older folks and the children. The younger, more able-bodied fishers travel to the areas which are more difficult to access.

Helm described the seasonal sand movement and the role it plays in the Moomomi area. He also briefly described a tagging project conducted to determine fish movement, size, growth rate and sexual maturity.

Also, during the Anahulu Poepoe, they practice responsible harvesting at appropriate times, which means just take enough for their family.

In the Anahulu Emi phase, the diminishing moon, it is time to monitor and observe extreme tides from Kaloa to Muku. There are varying tides, fish spawning and congregation as well as increased human activity. The algae begins to die back. Also, it is time to avoid unnecessary disturbance of marine species during their reproductive period and to practice subsistence harvesting methods.

Helm spoke briefly how commercial fishing serves to provide fish to those who are unable to fish for themselves, which also must be practiced responsibly.

The traditional conservation strategies for moi includes conserving large fish and not disturbing spawning and nursery habits. The system used to measure the moi also serves to identify what reproductive stage the fish is in. The larger female fished is not taken because of their reproductive benefit to the population.

They also have selective gathering practices so as not to overfish a preferred species and maintain diversity.

Special characteristics for successful reproduction include generations of adult fish home to and reproduce at persistent locations, sexual transformation with age, male/female ratios and harem structure. They've identified spawning periods.

Helm stressed all of this knowledge was obtained through observation of the natural cycles, being on the water every day. Things are constantly changing and the changes need to be observed as well.

A code of conduct has been developed to instruct people how to behave when they are in the area. Their code of conduct benefits everyone in the area.

Helm added that the benefits of practicing this life style is all positive, even for people in surrounding areas. He said if they are not able to practice their cultural way of life, Hawaiians will die. If Hawaiians die, there will be no Hawaii.

Duerr asked if they malama and teach the offshore koas. Poepoe said he rarely goes deepsea fishing anymore, as he concentrates his efforts on shoreline practices, which he teaches to children. He added adults are difficult to teach because they already know everything. He teaches children what he was taught by his family to re-establish the knowledge and make it common practice again. He added that a lot of koa are no longer accessible because of the whale sanctuary and other reasons.

Helm added a lot of species along the shore do not move and are easy to deplete, which is one good reason to focus efforts inshore.

Duenas asked if Poepoe sees any benefit to his community from the recent Puwalu Series. Poepoe replied, of course, getting people together will have benefits for the community. He is thankful for the Puwalu as it served to get people on the same page. He learned many things at the meetings from all of the other participants. People on Molokai do not have a lot of opportunity to get together in such a venue.

Poepoe added during his recent visits to the fish farm, Oceanic Institute and Anuenue farm, he learned much from what he calls haole science. He thinks it is good to learn both types of science.

Duenas commended Poepoe and Helm on their presentation, which illustrates the connectivity of the land and sea, which is sometimes overlooked. Duenas feels strongly that the people of Hawaii need to be respected.

Haleck also thanked Helm and Poepoe for the presentation, for the heart and spirit that was shown. There are efforts ongoing in American Samoa to share traditional knowledge with children to keep the traditional ways alive.

Chairman Martin also commended the presentation and said every time he sees it, he learns something new. He would like to see it presented throughout the education system.

Duenas also acknowledged Paul Bartram's efforts.

Ebisui said he appreciates their stewardship of the land, the people and the ocean, because what happens on the reefs and nearshore waters also affects greatly what happens further out in the Federal waters.

7.L.5. Community Initiatives

Carl Jellings presented a PowerPoint showing aerial views of the Kalaeloa Harbor taken in 1981 and 1982 and a photo taken recently, which showed vast differences over the years. Fishing since the early '70s, he pointed out the vast damage dredging causes in disrupting spawning cycles of fish. He explained the fish travel specific pathways or 'spawning trails' to reach their spawning grounds. The reefs provide protection for reef fish, as they move from the deep to the shallow water for spawning, which he felt is in the Council's jurisdiction for

management. He knows of spawning trails that go from 20 feet of water all the way to 110 feet of water. He stressed that he feels this is the most important time for fish, the beginning, or the reproductive stage. Without this, there would be nothing to manage.

Polhemus agreed with the points Jellings raised, but noted the fragmentation of ocean governance problems which exist and that the real trick is getting everybody to sit down together to focus on the problem and to see the big picture. He suggested for them to work together to GPS the spawning trails to understand the network that the fish uses.

Jellings pointed out the Makaha sand channel and the Pokai Bay sand channel, which is one specific reef that the reef fish don't like to cross because they're vulnerable crossing the sand, which is an important ecosystem.

Duenas asked Jellings if his presentation was for informational purposes or a request for the Council to work with the community with regard to the dredging destruction. Jellings replied that what he was trying to convey, to him, managing entails more than just restricting fishermen. Management should start from the beginning, protecting the habitat and spawning grounds. He added that the fishermen from his area have been 'beefing' with the tour guides who are disrupting the migration of akule schools.

Duenas explained the Council has been criticized for bringing community people together with the different government agencies that need to be sitting in the same room to discuss this type of issue. The Council has been trying to facilitate just this type of cooperation and dialogue. He applauded Jellings for coming forward to bring attention to this problem to get it on the radar to begin the dialogue.

7.M. Education and Outreach Initiatives

Sylvia Spalding reported on current initiatives:

The Council sits on the National Marine Educators Association Board and is also the President of the Oceania Chapter, which is most active in Hawaii, but includes all of the U.S. Pacific Islands. She is working hard to get acknowledgement of the Pacific Island Areas. A newsletter went out in June

A Coral Spawning Event is being organized for July 16th with Hawaii Institute of Marine Biology, the Waikiki Aquarium, the Hawaii Division of Aquatics and Hawaii Pacific University, which will enhance membership.

The website is being updated.

The Oceania Chapter, which is a regional chapter, is proposing a Traditional Ecological Knowledge Committee. The Board was receptive of the idea, but they wanted to ensure it includes Native Americans. A meeting is being organized at the next NMEA Conference, scheduled for July in Portland, Maine.

Ongoing efforts to promote the Ocean Literacy, and to include a Pacific Islands component. The Great Lakes also has asked to be included.

The Hawaii Science Teachers Association and National Teachers Association is trying to engage more 12 through K teachers, and also the neighbor islands and also high schools.

Spalding attended the National Science Teacher's Education Conference in St. Louis in late March. Hawaii has a high percent of ESL students. She feels there is much progress to be made in this regard.

The International Pacific Marine Educators Network was held in January of this year in Honolulu, which Council hosted. A presentation will be given at the NMEA 2007 in July. An active database of all participants is under development.

Efforts are under way to gear up for the International Year of the Reef, which will be in 2008.

Spalding outlined many more upcoming meetings and events.

Duerr asked if there could be funding found for off-island teachers to attend events. Spalding agreed it was a good suggestion and will pursue funding options.

7.N. Advisory Panel Recommendations

Dalzell read the Hawaii Archipelago recommendations developed during the meetings held earlier in the year:

The Hawaii AP recommends that any Federal permit and reporting program for small vessels should consider a system that maintains data integrity and not the amalgamation of several trips by fishermen into a single landing.

The AP recommends that proper country of origin labeling of imported fish, for example, that imported fish should not use the Hawaiian terms for fish caught locally, for example, onaga, ahi, et cetera.

The AP recommends continued research on the impacts of exotic fish species, especially taape, and the exploration of solutions to minimize any potentially negative impacts. The AP notes that there are new enterprises in Hawaii rearing exotics, such as seahorses, and these may be escaping into the coastal environment.

The AP recommends the Council and National Marine Fisheries Service aggressively pursue funding for fishery-independent assessments in support of stock assessments.

The AP recommends that funds be allocated for stock assessments for areas where the State wants to implement area closures, and to maintain subsequent monitoring programs to monitor

the closed areas.

The AP recommends that charter vessels in Hawaii maintain their commercial status and not be lumped into recreational sector.

The AP recommends that any action from the 2005 and 2006 AP reports that were not taken up for action by the Council should be reconsidered by the Council at its next meeting. These recommendations include:

The Recreational AP recommends that the Council investigate the effects of additives, such as bread and barley, in chum and palu in bottomfishing on the survival of target fish species.

The Recreational AP supports Hawaii Legislature House Bill 2587, which requires the Hawaii Division of Aquatic Resources to review the impacts of existing Marine Protected Areas in the Main Hawaiian Islands and recommends that the State of Hawaii not use Marine Protected Areas as the first and only marine management tool to protect resources.

The Subsistence AP recommends the Council prohibit the harvest of tropical aquarium fish-taking in Hawaii.

The Subsistence AP recommends the Council regulate or ban the engineering of artificial reefs in Hawaii. Over-arching recommendation: Any coastal development must disclose any potential impact on the marine environment.

The Subsistence AP recommends the Council prohibit fish farming in Hawaii.

The Ecosystem and Habitat AP recommends the Council work with local and Federal partners to identify extent and quantify the effects of contaminants, specifically, PCBs, sewage, cruise ship discharge, construction industry, erosion, agricultural and chemical runoff on Essential Fish Habitat, and develop solutions to mitigate the source of the problem.

The Subsistence AP requests the Council to include land-based management issues in its ecosystem-based management plans.

7.O. REAC Report

Makaiau reported:

The Regional Ecosystem Advisory Committees were established by the Council almost two years ago to address the need for increased collaboration with constituents and agencies. The Regional Ecosystem Advisory Committees, or REACs, are comprised of Council members and representatives from various State and local agencies, including nongovernmental and business organizations. The goal is to provide a forum to engage in dialogue, share information on their own activities and to begin the integration and coordination of ocean and coastal management activities or programs for each island area.

The Council has mandates which they must follow, such as the Pew Ocean Commission, the U.S. Ocean Commission and from the President's Ocean Action Plan.

The President's bottom line with respect to fisheries management and marine resource management was to advance the way the U.S. does business in our nation and to develop regional efforts to a more coordinated and joint effort in managing our marine and fishery resources.

In 2005, they released their new priorities for the 21st Century through a Strategic Plan. Their first and foremost goal was to protect, restore and manage use of coastal ocean resources through an ecosystem approach to management.

Another goal is to pursue and strive to integrate the concerns and priorities and expertise of all citizens, as well as island indigenous communities to consider ecosystem approaches to management.

The Magnuson-Stevens Act also contains provisions which authorize the councils to undertake activities for coordination, as well as mandate them to do so.

A few of the mandates are:

Section 206, Ecosystem Research, to look at broader stakeholder participation in ecosystem science.

Section 305(J), Marine Education and Training, to foster understanding and practical use of Pacific Island-based knowledge.

Section 305, which provides grants to indigenous communities to foster and promote traditional indigenous fishing practices.

Also, the Essential Fish Habitat provision in the Magnuson-Stevens Act, which mandates the Council to comment and make recommendations to the Secretary, any Federal or State agency, concerning any activity that in the view of the Council is likely to substantially affect habitat, including Essential Fish Habitat or anadromous fishery resources under its authority.

In 2007, the process began establishing the REAC for each island area. The first meeting was an introduction to the Council and the Council process. Communities were invited to present on marine conservation and management issues facing their area.

The meetings were held in all island areas; in CNMI, Guam, American Samoa and Hawaii.

Makaiau focused briefly on the Hawaii REAC meeting held. Some of the items covered in the meeting included government presentations, state and county presentations, such as the County of Maui, County of Hawaii and State of Hawaii, defining their authorities and responsibilities, various communities attended to share their local issues of concern and an

explanation of the Council's approach to the ecosystem approach via the Fishery Ecosystem Plans, ways of increasing broader participation and coordination and incorporating traditional knowledge and approaches into contemporary fisheries management, the ahupua'a management and traditional resource management structure.

7.P. SSC Recommendations

Severance reported:

The SSC recommends that the Council adopt Alternative 1, no action, until specific biological or economic problems with existing management are identified.

Severance reported:

The SSC heard the presentation from Uncle Mac and Kanoho. The SSC commends the presenters for an insightful, useful and interesting presentation.

Moving on to the AP recommendations, the SSC does not object to the recommendations from the Hawaii AP.

7.Q. Standing Committee Recommendations

Ebisui reported:

The Standing Committee recommends that the Council adopt Alternative 1, which is no action, which is identical to the SSC recommendation.

Ebisui reported that the Standing Committee met and received all of the Advisory Panel recommendations recommending action only as to one item, and that is with regard to the AP Recommendation 2, having local fish names used only for locally-caught fish.

7.R. Public Hearing

Public comment is included verbatim:

MR. LEE: Concerning the black coral, there is just a few of us doing it and there is no really upcoming guys that want to do this kind of job. So I would say, leave things as is.

If you guys want to make rules, just make rules for the guys who are already in it.

Actually, I don't encourage anybody to do this. It's dangerous. If the scientists just want to attrition us out, that's fine, too.

Either way, it's fine with us.

We are thinking as a whole, I speak for my whole group, which is only three or four guys, if there are permits to be issued eventually for the divers, that we can transfer or give it away, or whatever, that way the industry can continue on, say, when we die out, which is pretty soon, I would say.

We are all old guys. There are no young guys coming up. Too many easy ways to make a

living nowadays besides this.

That's all I got say.

Ebisui moved the Council adopt Alternative 1, no action. Polhemus seconded the motion. The motion was passed unanimously.

MS. OWENS: Thank you very much to members of the Council.

My name is Tina Owens. I am representing the Lost Fish Coalition from Kona. I also represent myself as an individual.

I'm particularly speaking in terms of the presentation that Mr. Jarad just made. I find it extremely interesting, because I've been to meeting after meeting after meeting. I've been to AP -- Advisory Panel meetings. I been to SSC meetings. I've been to every single day of this meeting, every single day of the last meeting, and I never saw that presentation until just now.

I'm pretty sure that you came up with this presentation to try to answer the charges that I've been making for the last several days, that this is a Federal Agency that has no actual jurisdiction within the three-mile State waters.

Now, you seem to have taken the Magnuson-Stevens Act -- and I understand that a lot of those clauses were put in there by your Executive Director, and I think that you've taken an extremely liberal reading of these things.

I believe that you have no jurisdiction when you have a program -- and keep in mind, I'm not questioning the value of the programs, necessarily.

I'm saying that you should be turning them over to the State, because the State has certain safeguards in how they initiate things. They have to go to the people. They have to get public input.

You guys seem to be able to fast-track stuff that the rest of us don't have too much to say about, and this is why I hardly resent your taking action on things like making decisions on aquarium collectors or access to Niihau, that's not your business.

You guys should be concentrating on pelagics, on longlines, on bottomfish, and stuff like that, and keep the rest of it out.

You can hand it over to the State.

Because let me tell you, State rights is one of the major building blocks of our country and our constitution, and when you start stomping on that, there are going to be lawsuits and you're going to be challenged on it.

So I want you to recommend to your people that you keep yourself in Federal waters. Thank you.

MS. KAAUMOANA: I introduced myself yesterday with one hat. Today, I introduce myself as the Vice-Chair of Hui Ho'omalua E Ka Aina, which is a community activist organization that has existed on Kauai since 1987.

We are intentionally not a 501(c)(3), which gives me the freedom to make other kinds of comments, suffice I'm not employed by any of them, and you can say what you like.

I had not heard of any of this before because I've never been to one of your Council meetings before.

The question arose of how you get on the REAC.

In Hanalei, we have a lot to contribute.

We, in February, convened 50 scientific reports, Mauka/Makai. We are guided by a

community-authored watershed action plan, which includes many cultural protocols and histories and genealogies of our people of that place, the histories and responsibilities of our konohiki.

So I would like to know how you get on that, because I think I have something to offer.

And I noticed that it had an NGO component to it, and I am that.

So I was hoping that in some way I could at least learn how people were chosen.

I know that I have submitted a couple applications to participate on Advisory Councils, but this looks like something entirely different.

And I'm pretty good about receiving Federal Notices, and I didn't see this one.

I'm also interested in how the communities that participated were selected to participate.

Part of that is very self-serving, Jarad.

Part of my grant money through EPA and Forest Service and U.S. Department of Agricultural Development says that I'm a model and that I will share what I know. So I'm trying to fulfill my own objectives and my own requirements.

But I also have a whole lot to share and I'm well aware of the other communities around the state are struggling with the same issues that we are and see no reason for all of that struggle, totally acknowledge and respect the fact that we are each unique, but much of the process can be streamlined and made more friendly and more comfortable to our local people if they know that a local person has been through it before.

And that's something that people -- not just me -- certainly, the North Shore of Kauai that I'm familiar with -- can offer to the process.

So I guess I'm unfortunately volunteering for something else.

I'm also interested in how this Council proposes to support -- not that I accept that you can do that actively.

I would suggest that this Council participate as a partner in the process, because I believe in collaboration, as we also use consensus as a decision-making model in Hanalei.

So I believe this Council has a role to play as it relates to when officials get out your way.

I do agree with Carl Jellings, that there is that connection to the land and the sea, and that's what I work on hard every day.

But I don't think it would serve your purposes, your purposes, to have you be in the lead for that. I think it muddies the water, and I think maybe later on today we'll hear a little bit about how people like me think that muddied the water when you were the conveners of the Puwalu.

So my question is, how does the Council propose to support traditional management actions by selecting the community knowledge and participants?

I think there might be another model for getting those communities involved, rather than having it come from you folks.

I like the idea of including the mana'o. Please don't ever mistake that.

But I think the process is the problem. If the process is pono, the product is pono. We know this.

When the kupuna that I know were asked to participate, they were not allowed to come back to the community and have that conversation. And that's how we do stuff. We kuka kuka with ourselves. Then we go out to the broader world and get and give and share, and then we come back and we process. It's not slim and it's not quick. But it's pono. Mahalo.

MS. DaMATE: Aloha, Mr. Chair and members of the Council. Thank you for this opportunity to speak.

I would like to address two specific issues that deal with the Hawaii Islands, the Puwalu

situation and actually the fisheries situation.

The two issues that I would like to address are two documents that you received I think yesterday. One is a press release from Keiko Bonk. The other one is a letter from Kaaumoana, Makaala Kaaumoana, the previous speaker.

I think it is important to address these two pieces because they are full of innuendos, half-truths, lies, based on the Puwalu.

The last statement I just heard Mrs. Kaaumoana talk about was the process and how the Puwalu people are selected.

This process began in the year 2000, way before West Pac ever became part of the picture.

It was done through over 40 community meetings statewide that were put on by the Office of Hawaiian Affairs, by the Association of Hawaiian Civic Clubs and by the Hawaii State Office of Planning and Coastal Zone Management.

I participated in all of those meetings.

I am the Ocean Resources Chair for the Association of Hawaiian Civic Clubs, an organization that was created by Prince Kuhio in 1918, which has a membership of over 3,000 and is the oldest grass roots Native Hawaiian organization in the State of Hawaii.

Based on that, we are mandated to perpetuate the betterment of our Native Hawaiian people and to give them a voice in government.

This ties directly into the Magnuson Act.

This is what the Hawaiian people have been trying to do.

The process to select the kupuna for the Puwalu, as I said, began many years ago when these people were identified by these community meetings in the community held by different State and nonprofit organizations to identify marine issues that are relevant to the Hawaiian people.

Consistently, the same names kept coming up. These are the people that were identified by the communities as being the most knowledgeable kupuna of their area, their district, their ahupua'a and their aha moku.

Thus, they were the ones that were brought together to determine the best way to address an ecosystem protection process based on Native Hawaiian values.

I'd like to address the first press release by Keiko Bonk.

When I said this is full of innuendos, I am serious, it is. It's full of half-truths.

When the Puwalu was convened, it was convened based on the participation and organization of the Association of Hawaiian Civic Clubs.

The other organizations that fully supported this were the Office of Hawaiian Affairs, Kamehameha Schools, who documented the whole, entire process, and the Hawaii Tourism Authority. All were full partners and supporters of the Puwalu Series.

They understood the importance of pulling together indigenous knowledge that had never been equated before, knowledge that would benefit the State of Hawaii.

There is one part in here that Mr. Aila, Director of Na Imi Pono, says:

I'm particularly concerned because it appears that West Pac has been attempting to hide their illegal activity under the cover of Native Hawaiian practices, creating divisions within the Hawaiian Community and creating a climate in which it erroneously appears that Hawaiians are discriminating against non-Hawaiians.

This is the furthest thing from the truth.

The reality is that the five organizations named in the first paragraph are the organizations who have consistently tried to undermine the integrity of the kupuna and the integrity of the

Native Hawaiian people through their actions at the legislature, through their complaints through the West Pac Council.

If it was not for West Pac, the opportunity to gather all of these people and kupuna would not have existed and the Aha Moku Councils, which are desperately needed to protect the ecosystem, would not have come about.

I'm not going to address everything in this press release except to say that none of these people, with the exception of Mr. Aila, is an indigenous Native Hawaiian. Not one.

They cannot feel our heart. They cannot feel our pulse. They have no idea. They are using their own perspectives and interpreting our actions based on their own agendas.

This press release asks you to take this complaint seriously.

I ask you to also take what I am saying seriously.

When this came out, it was e-mailed and sent to all of the Puwalu participants who have called me to give me instructions on what to say today, and I follow those instructions.

On the Kauamoana letter -- again, I'm not going to go through every single thing, except to say it is also full of innuendos and half-truths.

I will focus on one area. On page 2, it says:

During the week after the close of the Puwalu, Leimana and Hawaii State Representative Mele Carroll presented themselves to Kauai Representative Hermina Morita saying they represented my support of the Aha Moku Bill and asking for her vote in support of the legislation.

This is absolutely not true. We did not meet with Representative Morita. She was on the mainland and did not attend the Puwalu, the Third Puwalu, which was held in December, the puwalu where all of the State legislators attended.

I'd like to explain the Association of Hawaiian Civic Clubs role in this.

When we approached West Pac and -- the Civic Clubs did, when we approached the Council, we asked for an opportunity to bring our people together.

West Pac is the only organization, no State organization, no other Federal organization, the only one that gave the Native Hawaiian people the opportunity to come together. This has never happened since the overthrow.

The unification that took place is historic.

Historic, because if you don't understand the background and history of the Native Hawaiian people, you would not know that islands traditionally fought against each other, that districts traditionally did not trust each other.

All of this based on the protection of natural resources.

This Puwalu gave them the opportunity to put aside those differences and become unified for the first time, ever. No other sovereignty agency or entity was able to do it.

And they were productive.

They came up with the Aha Moku Structure. They insisted that the educational component be included, and then they went to the policymakers.

People who are not Hawaiian, who are not -- could not feel this, but that did not mean they were excluded.

The premise of the Aha Moku Bill is resource protection. It follows the Magnuson Act on this part.

My instructions from the kupuna people this morning and last night was, one, we took the high road, we did. We have been under attack for the past two years from those who wish to undermine the Native Hawaiian people and their integrity.

We used the hooponopono process. We turned the other cheek. We never came back with a response.

That is over now. That's over.

Because at the last Puwahu in April there was a hooponopono, that is a healing process, that is a special, sacred Native Hawaiians healing process that took place.

Keiko Bonk was there. Makaala Kaaumoana was there.

This process, our facilitator asked that this be kept sacred, that it not be brought out. It was supposed to be a healing. The issue was supposed to be over. We agreed to work with them. They agreed not to say anything outside of the Puwahu.

That trust was broken with these two pieces of paper.

That meant they did not understand the Native Hawaiian culture. They had no intention of honoring any of our kupuna, and that was very clear.

I was reminded today to make that clear, there is no trust with these five organizations anymore, and that includes some of the members of your Council who have also been undermining the efforts without confronting, without coming forward face-to-face, like honorable people do.

The other thing I was instructed to say is -- and this one would have been painful at one time. Now, it's not.

I need to tell you very frankly about the integrity of these people.

These people -- and I specifically name names, because I want this on the record, Keiko Bonk, Linda Paul -- those two specifically, the others come in after -- used the Association of Hawaiian Civic Clubs resolution that was ratified in 2004, way before the Puwahu was even thought of.

This resolution called for the Northwestern Hawaiian Islands to become a Sanctuary and, further, to protect the Native Hawaiian interest into that Sanctuary.

That resolution was taken without our knowledge, without the Association's knowledge, and given to the Cascadia Times, given to outsiders and used as a tool to convince the President that the Native Hawaiian people were behind the Monument.

That was furthest from the truth.

That was considered and is still considered a taking by the Native Hawaiian people; 148,000 square miles, ceded lands, Hawaiian lands, gone at a stroke of a pen without our knowledge.

These are the people that used our own resolution against us and stole our lands.

We're looking at missionaries. We're looking at missionaries.

Our people will no longer stand still and allow this to happen.

Our kupuna have instructed -- and I'm talking about the heads of the 40 moku in the State of Hawaii, 40 of them, the most revered and respected kupuna.

Now, the statement that the kupuna -- the Puwahu people were instructed not to go back to the communities is totally false. They did go back.

If Makaala was not included in that, it's because they felt she was not capable of understanding the heartbeat of the people.

I mean, there is so much to go on in here.

The Association of Hawaiian Clubs resolution is just one example.

This is the kind of people that are putting out this kind of stuff, and we never said anything before. We're saying it now.

These are my instructions from the kupuna from the Puwahu.

A letter is being drafted as we speak by the kupuna that is going to be addressing these two letters. This letter is going to be sent to every single person and entity that these two went to, including the media.

The letter is going to be signed by every kupuna who participated in the Puwalu.

They want this public now. It's time to stop.

The olive branch was given at the Fourth Puwalu. It was thrown back in our face.

I was further instructed to say that these people no longer have any credibility with the Native Hawaiian community because they broke the trust. The olive branch was offered and it was thrown back in our faces. This is Keiko Bonk, Makaala Kaaumoana, Linda Paul, Tina Owens.

You can expect to get that letter within the next couple of days, because it is being drafted and sent to every single kupuna, who will have signed this.

The letter will go to this Dr. Hogarth and the Department of Commerce, to the media, to everyone else.

We are hoping that because we are taking this stand this issue stops now. Allow the Hawaiian people to move forward and work with the agencies.

So I needed to clear the air and let you know how we felt about what is going on. Thank you very much.

Gaffney asked if the documents referred to by DaMate are included in Council documents. DaMate said she will provide the documents.

MS. OWENS: I would like everyone here to notice that Miss DaMate is not actually a member of the public. She is a paid member of the West Pac staff. So her remarks must be taken in context that she was a West Pac staff member and not a member of the public. Thank you.

Ebisui stated this is public comment, not a tribunal.

MS. BONK: Thank you, Mr. Chair and members of the Council, members of the public. I have to stand up to make some clarifications.

The press release that was just talked about did not come from me. It came from five entities, a Hawaiian organization called Na Imi Pono, the Hawaii Audubon Society, a national conservation and biology organization, MCBI, and -- I forgot the other two -- oh, and a local -- I saw that press release, she was waving it around, Leimana was waving it around, Conservation Council for Hawaii, and then I think another organization -- oh, a foundation -- Snorkel Bob Foundation.

I did receive that press release yesterday, myself. So if you do want it, I can get it for you.

However, I will let you know there is another press release that I did write with four women, the ones she mentioned; that's myself, Tina Owens, Makaala and -- introduced herself, and Linda Paul, who many of you are familiar with because she has been a long-time scientist and oceans resource manager and is very much concerned about conservation in Hawaii.

So just for your clarity, I just want you to know there are two press releases that have gone out.

The release that I put out is concerned with the material that I did send a copy to your

Chair, Sean Martin, which is a 16-page complaint, with some attachments, revolving around the alleged lobbying efforts of the hires that you have made, West Pac.

In fact, one of the alleged lobbying effort -- some of the lobbying efforts I cited in that complaint revolve around the woman that just spoke, who I don't know for sure, but I am very much convinced that this woman, that she is an employee or a contract worker of yours.

I've never gotten that information. I'm going on assumptions because of her statements and seeing her in the office of West Pac for over two years now, and I'm making some broad assumptions, but I'm pretty sure at this point you employ her or give her money that are Federal funds.

If that is the case, which I am going on the assumption it is, Federal funds have been used to create these puwalus, and my only complaint has nothing to do with Hawaiian people, who I have worked with my whole life and the Hawaiians who are now being in conflict because of this Puwalu, this has to do with one thing, Federal grant money going to a program that is then lobbying at the State to make laws, and that's what the complaint is all about.

All of the other things that Miss Leimana DaMate addressed are secondary to the complaint.

In fact, no one is talking about the merits of any of the other things discussed at these Puwalus, but the bills were discussed at all four Puwalus, in terms of content and then in terms of actual legislation.

At the most recent one, even Miss Leimana DaMate, herself, announced where bills were at in terms of the legislative session in 2007, and those are all documented in the books and the letter that I gave to Miss DaMate, and I'm sure we can share it with all of you if you're confused.

I would just like to add that William Aila is a Native Hawaiian and he has a group that was put in that press release and he represents a lot of Native Hawaiians who have concerns about the Puwalu efforts, as well as many other Native Hawaiians who have talked to me.

The point is, that I want to make today and I made it yesterday, West Pac has financed a program that has divided the community, and my being here and Leimana getting emotional today is evidence of a divided grass roots community, and not just here but throughout the State at this point, on the Big Island, Molokai, by bringing gentlemen like you did to do that wonderful presentation, by the way, I know there is a lot of pilikia out there because you didn't organize the right way.

You did not get a leader that is good in doing grass roots, bottom-up organization, and it could have probably been avoided.

The worst part is, they brought in this lobbying effort, which really began to smell of illegality.

So please, look at the letter I sent you and I'm asking you to take action.

Thank you very much.

Martin clarified the for Council members that Document 10.F(3) is the reference letter, which is included in the briefing book.

MR. CHANDLER: My name is Jeff Chandler. I'm a Native Hawaiian.

What he just said happened yesterday, but there was no public comment on it, and I wanted to make a comment on it, on the Puwalu.

My name is Jeff Chandler. I'm a Native Hawaiian. I come from the Island of Kauai, me and my ancestors, from the Ahupua'a of Haena.

I think the way the general public, the way these ladies feel about how the process has been going, I feel the same way. It's just been shown to me from yesterday, even to today.

I want to say this. I attended the Fourth Puwalu. I was invited to the First Puwalu. I couldn't go to the First Puwalu because I had an engagement in the mainland.

I was never invited to the Second or the Third Puwalu.

I was invited to the Fourth Puwalu because we felt, as a community, that our kupuna were misrepresenting us, that we wanted somebody else to be there to represent our community.

I can tell you this, it's one of the most worst, degrading meetings I have ever been to.

Questions I asked, I had no answers.

I was asked to sit down.

I'm the representative of my families on the North Shore of Hanalei. No other kupuna that is not part of my ohana represents my family.

Part of it is because I'm the most outspoken one. I am the one that will come up and speak on their behalf or, for that sake, for myself.

I speak not because of what I want, but from where I come from, which makes me who I am.

I can tell you this about that Puwalu, it is one of the most wonderful experiences, as far as being with Native people, being with my own people, different kupunas from all islands. It was one of the most greatest experiences I ever had.

And what was created by the Native people that day will be created, I can assure you that, in the future.

The problem is you do not have all of the information. There is a book, there is a booklet - and I don't know if you have it -- that came out of the three puwalus that I have never seen any information on.

I'm a Native Hawaiian. I like to know about what my people went through. It was never given to me because I did not attend the puwalu.

Okay. I was put in the position because I was not part of the three puwalus that my say was a lesser say.

And one of the Native people came and talked to me about it and said, you know what, braddah, if you think you are going to all of the islands and treat your people that way, then you no going to get nothing from them. Because like everything else, you have to listen to them from the beginning of how we feel; what they want, where they want to go.

This is what happened.

Yeah, the process was pushed so fast, the legislative process was pushed so fast in that meeting, it's like my people never know what the hell was going on. Okay.

But this is what we did that is awesome. We built the body. We understood that we have to start from the bottom, through the ahupua'a process, and we talked about that process.

In that process, we understood that there was not Native Hawaiians in ahupua'as, that we need to understand that, that somehow we got to make them part of the playing field.

We understood in our ahupua'a there was no one in the ahupua'a, that we had to figure out whose responsibility would that be.

This happened within I think two or three hours. Okay.

The next step was the moku.

We understood that in order to get a representative of a moku that he had to come from the ahupua'a to make that happen.

Then we understood -- and the top part of the body came from Molokai, called the kiolo.

But then we understood that all these two processes, you had to go through these two processes before you make this, and this would be your representative of your aina, of your island.

That is what had happened. That is what we understood, that we wanted it to be our responsibility. That we recognize that this our aina.

I don't only recognize that, I know, as a Native Hawaiian.

And I understand your job as a Council, and you should understand that your job, that you hold in trust to the Native Hawaiians the caring of the waters you are supposed to take care of, and that trust is our trust.

I don't know how many people know that, but I know that. And I understand that responsibility.

But this is what happened.

After that, we went through the legislative process, the Aha Moku Bill.

There were amendments made on this bill.

I ask you to bear with me, okay, please.

Amendments were made to this bill, okay, and we were asked to sign off on that. After the meeting we were asked to sign off on the amendments.

What we were not told about, what we were not told about, that the Hawaiian Civic Club will be the body that will choose the kiole.

And if I had known that, then I would not have signed anything. Because I know of my responsibility to my people, to my community, to my kingdom, okay.

That legislation, the Aha Moku Bill has been passed. Now what we have is the Hawaiian Civic Club choosing my representative, my representative. Okay.

What I told you and what happened is two different things. What we said we wanted and what actually happened legislatively is two different things.

I don't belong to one Hawaiian Civic Club. My sister does, but I don't. Yeah.

And the Hawaiian Civic Club is not the Hawaiian Civic Club of 30 years ago, for one local community, most of them Native Hawaiian.

Today, anybody can be in the Hawaiian Civic Club. Anyone. You can come from anywhere.

So where is that representation for the Native Hawaiians? This is the question I ask myself today.

The thing is the Aha Moku Bill is passed. Now we no can change them.

So where I going? Who do I go see so I can be represented? Or so I, myself, can have a say?

We in Haena went through the process of having a community subsistence area.

So I've been to Moomomi. I've been to the island.

I've been to the Big Island, Milolii.

That community process has been going on for the last five years and I've participated in different islands.

We don't only understand about only our people, we understand about our local people. We understand those people that are not native that have lived here long enough to make this place theirs, their keikis. Yeah. That's my understanding.

That's what I look for, the benefits, how you guys can help us.

You hold the trust, the trust supposed to benefit us. It's not benefiting us, braddahs. We no can move. I no can go in the ocean to see if the fishermen out there are doing the right thing

or not.

All that trust that belongs to us, you know, we are only 20 percent of I think the State's trust, which is pretty much -- I'm going to tell you the truth -- doesn't even support the kupuna.

We have all of these trust funds, and talk about Hawaiian this and Hawaiian that, but the Hawaiian get nothing.

I'm concerned about the kupuna and the keiki. I know how to survive in the modern world. Anyway you want to put me, anywhere you like to put me, I know how to survive because I've done it.

Anyway, I just wanted to thank you for letting me share my mana'o. Mahalo.

Martin thanked Chandler, adding this is a learning process and public comment is important for building trust.

Duenas added he is glad Chandler feels the Puwalu Series was beneficial to the Hawaiian community. He noted that oftentimes indigenous communities are not always agreeable with the western way of thinking.

Duenas added:

Just for the record, this Council, our Executive Director, receives all of its direction from this Council. And all of the accusations I've heard all morning, yesterday, all of the weeks, all of the articles, is really hurting me a lot because it is all pertaining to Native people.

A lot of people say it has nothing to do with indigenous rights, but it has.

Because I came to the Third Puwalu, and I was very proud when I came to the Third Puwalu.

I was there when the -- I call them manaho (phonetic), the older people were having their meeting in that one room, and I opened the door and I looked in the room and they were all old people. I just turned around, because I knew some of them, they said, oh, Manny, come inside, Manny, come in.

I said, no, I know, I understand. Even me at my age, being 50 years old, know better than to walk into a room full of elders. You do not talk to the elders unless they talk to you first, and that is what my culture has taught.

I don't know if it's different in Hawaii.

Then when all of this ruckus came up about not being allowed in the room, I just didn't understand it. I guess it's a big problem for a lot of people.

But basically, my understanding of the Third Puwalu, when I saw the legislators there listening to the elders and their concerns, it made me feel proud.

I said, Kitty, when are you going to come to Guam because my elders need to be listened to.

But I understand that we have laws to follow, and I understand people may feel threatened because they are not part of those little communities that we are so proud of. You guys on Kauai, I am on Guam, and my little Village of Inarajan (phonetic). But we maintain that.

And it really bothers me a lot that when this Council is blamed for so many actions -- and our legal officer is right here, that I have not seen a single action memo pertaining to getting rid of Peter Young. Jesus Christ, we have better things to do. We've got to worry about the bottomfish here.

Now, denying Native Hawaiians -- making them fight amongst each other, I think we have better things to do.

We're trying to bring everybody together.

We don't have action memos on all of the accusations that we've been presented, and that's why I don't even want to deal with it, because I feel that this bottomfish issue, the Guam issue, the fisheries issue.

As you say, we are the stewards of your waters.

Believe me, I think these waters belong to the Native Hawaiians more than anyone. I don't care, Uncle Sam, U.S. Coast Guard, State Department, these waters belong to the Native Hawaiians, and that's why I was upset when the Northwestern Hawaiian Islands, the economic opportunity was taken away from the Native Hawaiians.

Ban everybody else from bottomfishing up there, but I want at least five Native Hawaiians to go up there and catch 300,000 pounds of fish and make them get their money because everybody else benefited from these waters, but Native Hawaiians.

And that's what I'm trying to pursue, and that's why I will always fight for indigenous rights. Thank you.

7.S. Council Discussion and Action

Ebisui moved to support AP Recommendation 2, regarding local fish names used for locally-caught fish only. McCoy seconded the motion.

Sablan was concerned, as onaga is used in the CNMI and Guam as well. Ebisui said he thinks the motion implicitly addresses opakapaka, hapuupuu, which are snappers and groupers.

8. Pelagics and International Fisheries

8.A. Longline Management

8.A.1. Longline Tuna TAC Framework, Action Item

Dalzell reported:

This item was first raised at the 137th Council meeting. A quota exists currently in the East and West Pacific which affects the Council's longline fishery. The reason the Council is pursuing this issue is to avoid a lengthy rulemaking process.

Currently, any new measure before the Council requires a minimum of two Council meetings. The revision would include a process via a one-meeting process.

The Council is taking an increasing role in implementing measures from international fishery management and has gone on record as wanting to domestically implement any measures through the Magnuson process.

The two alternatives presented include:

Alternative 1, no action. No revision of the framework process.

Alternative 2, to revise the framework process to include and analyze implementation of tuna quotas promulgated by Tuna RFMOs.

Dalzell briefly recapped the information presented at the 137th Council meeting, which would apply only to the tuna fishery. Limits on other species other than albacore for American Samoa, limits for species other than bigeye in Hawaii, may have less of an effect of the limits of the primary targets.

At the last SSC and Council meeting the SSC endorsed Alternative 2, to modify the framework, and also endorsed a general approach used by the Council staff to analyze impacts of quota changes, and to ensure that the Council concurred with that recommendation.

A series of tables were displayed which showed a range of potential tuna quotas analyzed. The analysis included a range of tuna quotas from half to 1.5 times the annual average. The SSC advice was incorporated, which was to include shallow and deepsets for Hawaii vessels in the Eastern Pacific and the Western Pacific.

At the last SSC meeting, the SSC recommended that the draft be further developed to provide additional flexibility in the event that fishery management controls other than catch quotas are developed by these commissions. The SSC also noted that further internal consultations by the Pacific Councils and NOAA Fisheries are required to develop equitable internal allocations of any U.S. national quotas, or equivalent, adopted by the commissions. This part of the recommendation is just to make the point that the Council is looking at implementing an RFMO decision, a conservation recommendation and does not concern what is done with the allocation, be it effort or catch.

8.A.2. Guam Longline Area Closure, Action Item

Dalzell reported:

This item also came before the Council at the last meeting as an options paper.

The reason for this action is the troll fishermen in Guam were concerned about unrestricted growth of longlining by U.S. vessels outside of the territory. In 1990, a control date was implemented for a longline fishery in Guam. In 1992, the Council completed an amendment which implemented a longline area closure around Guam and its offshore banks.

Subsequently, there has been no growth of the longline fishery through the 1990s to the present. The Guam Fishermen's Cooperative began longline fishing in 2006 after acquiring a 60-foot longline vessel, which has been acquired primarily to train up the skills of fishermen on Guam to be able to longline fish.

At the 137th Council meeting the Council supported continued development of the longline closed area in Guam and that any measures should encompass White Tuna Banks.

There are seven alternatives. Alternative 3 has two versions, two options.

Alternatives 2 and 3 are concerned only if we do something for the Guam Fishermen's Cooperative vessel.

Alternative 1, no action.

Alternative 2, to do a Community Demonstration Program, which would be to give some possible exemption, most likely with some sort of sunset clause and with some other stipulations, possible area closures around the Island of Guam and the offshore banks.

Alternative 3, issue an exploratory fishing permit. The modified CDP, based on a recommendation from the Guam fishermen, to specify that it would be a two-year permit only for the Guam Fishermen's Cooperative vessel, to include fishing inside the Exclusion Zone but to stay beyond five miles from the offshore banks, including White Tuna Bank. The exact shape of any closure around the banks would have to be determined.

Alternative 4, reduce the closed area by 25 miles down to a uniform 25 miles around Guam.

Alternative 5, modify the existing longline area closure to exclude vessels over a certain size.

Alternative 6, seasonal reduction in the longline area closure.

Alternative 7, remove the longline area closure all together and let any longline boat fish where it wants.

To analyze the impacts of the alternatives is problematic because there is no longline contemporary data from within the Guam EEZ. Data from the Federated States of Micronesia was used, where they have domestic longliners fishing deepset for bigeye, which is the plan for the Cooperative vessel. There's also a locally-based fishery operated by Micronesian crews. Observer data was also used from the SPC for tropical deepset tuna fisheries as well as several other sources.

Dalzell explained the methods used and results of the analysis.

The SSC recommended:

The trial longline operation focused on training and assessment should be pursued under the auspices of the CDP, the Community Demonstration Program, and that the CDP should, one, operate outside of the closed area 25 miles around the Island of Guam, with an additional southern extension to provide a five-mile closed area around all southern offshore banks.

Two, implement established turtle mitigation measures for deep-setting longlines.

Carefully monitor and document any conflict between troll and charter boat sectors.

Be subject to a sunset clause.

Duenas returned the meeting to Chairman Martin for discussion. Martin asked if the Guam Fishermen's Cooperative document was available to the SSC for review at the time of their recommendation. Dalzell replied that the document became available after the SSC meeting.

Duenas commented:

The members of the charter community represents 99 percent of the charter fleet on Guam. The only thing I want to assure the Council, or anyone who's interested, is that the project,

itself, is a membership-driven project. Every year at the annual meeting, which is required by Guam law, this issue, among other issues, are always brought up, to continue a project, or discontinue a project.

So I think that is assurance, that 100 percent of the members of the association are boat owners. If there's any conflict, I'm sure they'll be the first one to kill the project before any Council action and any Council adjudication is done.

So that is the only assurance I can give you.

In discussing this with the charter boat community, they saw no reason, because the farthest they go out is six miles because of time constraints.

Also, they want to find out if there's an area they can actually waste their fuel on to go a little further out, and that's what they're looking at with the longline project, if we find fish, we'd leave the area and let them fish that area for the duration.

Martin asked Duenas if he expected some of the charter boat operators or crew might be interested in learning more about longlining, actually be considered for training. Duenas replied they have 30 graduates of charter boat captains, and they are all excited about participating in the program.

Young reminded the Council of the importance of using straight-line boundaries for any closure.

Duenas recused himself from voting on this issue.

Duerr asked if the closure could be modified to address Commander Young's request. Dalzell replied that the Coast Guard and Office of Law Enforcement are always consulted with regard to the lines.

Polhemus expressed concern because he has not heard from the Guam fishermen's concerns regarding their feelings.

Duenas replied:

Well, Bill can attest to this, but when the Fishermen's Co-op applied for the CDP project, we sent the letter with the endorsement of our 187 members in the boating community regarding this issue, to extend the project, to continue with training our islanders.

I have a letter here from the charter boat owners and captains.

I don't know what else I can do besides ask you guys to go to Guam and have a meeting and waste your time.

Dalzell added that it was clear from the meetings held in Guam that the operation of a single vessel within the closed area is not much of a concern, except that they don't want it to fish anywhere near those offshore banks, and five miles was the recommended limit for that.

Robinson stated on his visits to Guam, he gathered from talking to the people in Guam that the potential for gear conflict was either on or around the banks, and/or the FADs and if the conflict was eliminated in both of those two areas, there was little potential for conflict in other areas.

Chairman Martin returned the meeting to Duenas.

8.A.3. Status of HLA Swordfish Proposal

Dalzell reported:

At the last Council and SSC meeting, the Hawaii Longline Association asked if the Council would consider removing the current effort limit on the fishery, which is set at 2,120 sets per year. The sets are divided and distributed to the permitted fishermen who respond to an annual solicitation of interest from NMFS. The fishermen are required to use large circle hooks, 18/0 or larger, with a 10-degree offset, mackerel-type bait, not squid, as in the past. There are also hard caps for loggerhead and leatherbacks, 17 and 16 respectively.

The HLA petition asked the Council to consider removing the effort limit and having no hard cap on effort, all measures will stay in place for the shallow-set swordfish fishery, including the large circle hooks, mackerel bait, and 100 percent observer coverage.

HLA made their own estimates of what would happen. They thought this would result in approximately 3.5 million hooks being set annually by about 30 Hawaii-based longline vessels. In terms of turtle impacts, based upon the interaction rates that are now experienced with circle hooks and mackerel bait, they estimated there would be 46 loggerheads and 17 leatherbacks taken. Of the 46 loggerheads, there would be four mortalities and two mortalities of the leatherbacks. This is compared with the Incidental Take Statement, 17 and 16 loggerheads and leatherbacks, respectively, with three and two anticipated mortalities under the existing ITS.

The new anticipated level would be the new ITS as hard limits on the fishery. Under the HLA proposal, there is an expected hard limit of 46 loggerheads and four mortalities and 18 leatherbacks and two mortalities. A new BiOp would be required.

At the previous SSC meeting, the SSC recommended not taking any action at present until this third season for the fishery is completed so there will be at least three years of data to analyze. The general SSC feeling was that they felt that maybe five years might be a better period of time to evaluate the current effort limit.

Dalzell summarized briefly the reduction in turtle takes due to current management measures.

At the last Council meeting the Council recommendation with respect to modifying the management measures for the Hawaii longline swordfish fishery was to endorse the SSC recommendation, and wait until the completion of a third full season for the model swordfish fishery before considering any changes to the current regs.

The Council also endorsed the SSC request that Council staff and the Pacific Islands Fisheries Science Center conduct an analysis of the impact of the removal of the set limit on turtle takes. This analysis could begin immediately, but should ultimately incorporate the final

results of the current fishing season, and should be completed as soon as possible at the end of that season.

The Council would also like the SSC to examine all of the relevant documentation of market transferred effects. The Council also supported the SSC recommendation that these studies cited by HLA be submitted for peer review or published in primary literature.

HLA presented at the 95th SSC, at which four elements were considered during the meeting:

The HLA proposal.

Don Kobayashi, from the Science Center, updated the SSC on the first quarter sea turtle take analysis.

A report was reviewed of transferred effects by Gordon Rausser.

One of the previous studies on transferred effects had actually been published in a peer review journal.

The SSC recommendation was for the Council staff to proceed with a NEPA analysis of the various options associated with the HLA proposal for future presentations to the SSC and the Council.

HLA asked for the Council staff to do an Environmental Impact Statement or a NEPA analysis to analyze the various options associated with the HLA proposal as there are other alternatives to consider.

Duerr commented that if you use a zero offset hook, the fishery might catch less turtles and more fish. Martin explained the ten degree offset resulted from research conducted on the East Coast and had better operational results. The regulation should include the words, or less.

Robinson explained, if the Council decides to proceed and ask the staff to do a NEPA analysis, it's probably not appropriate to do a NEPA analysis of a biological opinion for a consultation that hasn't occurred yet and for the purpose of a NEPA analysis, it should probably be part of the proposed action that the turtle cap be a three-year turtle cap and be analyzed as part of the proposed action. Then NMFS can do a biological opinion on the proposed action, which is a three-year average.

Duenas suggested Robinson bring this up at the time as an amendment to the recommendation.

Duenas asked Paul the results of the FAO Code of Conduct evaluation done on the longline fishery that was presented at the last Council meeting. Dalzell replied the results were above a 90 percent compliance.

Duenas asked Irene Kinan to comment on the impact of a take of the loggerheads and leatherbacks would be to the turtle populations. Kinan replied what that component of the proposed interaction may be, as well as look at other alternatives. She added:

In terms of 46 loggerheads per year, an interaction of 46 loggerheads, if you look at interactions across the Pacific in other places, it's minuscule compared to thousands of turtles in Baja, or other takes in coastal Japanese fisheries as well. So it's all relative.

Polhemus cautioned the Council that the turtle takes are a ceiling and not a target. He asked Robinson if this action was taken, would it require revisiting the Section 7 Consultation for the fishery. Robinson replied in the affirmative and added that the consultation would involve the best available information.

Polhemus pointed out that the Agency could not guarantee what sort of outcome might result if Section 7 was revisited. Robinson replied in the affirmative, that the results of the consultation are what they are. He added also that once the consultation is initiated, it is carried through to the end, along with all of the concomitant risks that go along with it.

Martin commented that he believes the fishery has made great improvements in the last three years and feels that sharing that with other fisheries will also be an added benefit to the turtle populations.

Polhemus agreed that he thinks what the longline fishery is doing in Hawaii is very responsible, but the Section 7 Consultation could have worse results because of things that happen elsewhere.

8.B. Non-longline Fisheries

8.B.1 Recreational Fisheries

8.B.1.a. Recreational Fisher Registration

Bartlett presented:

A brief background on the new provision of the recently Reauthorized Magnuson-Stevens Act regarding angler registration, Section 401(g), requires a Federal Registry Program in each of the regions be in place by January 2009. Fees are not allowed to be charged until 2011.

In the case of Hawaii, the shoreline fishery is not affected. It exempts states with programs that already collect the needed information. The Federal Government would not come in and preempt the State if the State agrees to provide the information from that registration for the purposes of data collection.

In tandem with this, the Magnuson Act also includes an improved survey program by 2009.

Potential for licensing in Hawaii, the Governor is on record as opposing a statewide saltwater fishing license. Also, definitions for recreational and subsistence fishing must be clearly established.

The goals of a registry program are:
A more complete accounting of participation.
Also, more precise effort and catch estimates.

The data registration has to be annually-renewable, something that keeps the address database current, as well as the phone information current.

Issues needed to be resolved are:
How is this all going to work?
How will the exemptions be handled?
How many fishermen there are.

Gaffney pointed out a registration already exists for private and charter boats of Hawaii. Private boat registration in Hawaii is almost always to an individual and charter boat operation in Hawaii is almost always to corporations. Bartlett replied the details will be worked out through collaboration and can look to other states to see how things were done. Gaffney pointed out there are many complications for Hawaii.

Duerr suggested allowing people in Hawaii to use a business license.

Bartlett added that just having a registration is no panacea.

Young asked if there was any investigation conducted with regard to the use of the fees generated from the registration. Bartlett said one of the major proponents of the registration was that the fees be used for data collection.

8.B.1.b. Ad Hoc Recreational Fisheries Data Task Force Meeting

Dalzell reported:

An ad hoc meeting was held under the umbrella of the Recreational Fisheries Data Task Force. The main item of discussion was the registration of recreational fishermen.

Although no firm conclusions were reached, there was much wide-ranging discussion and was useful in hearing reaction from the recreational fishermen. There was also some discussion about bottomfish recreational permitting and reporting.

Some interesting points of discussion from the meeting included:

Definition of recreational fishermen in Hawaii.

Is recreational registration, de facto licenses, the first step on the way to a national licensing scheme for recreational fishermen.

There is an overlap between potential recreational registration and existing databases, particularly for vessel registration in the State, and also federally by the Coast Guard.

Could fishermen register their fishing boats annually.

How to handle the visiting fishermen.
Could their registration be done real-time by some kind of website or phone number.
Should there be a local repository for registry information or held locally.
Should a contractor be hired to conduct the registration and manage the database.
Feedback should be provided back to fishermen.
The issue of managing redundancy in the recreational database is very important.
Fishermen denying that they fish in Federal waters.
Who reports the fishing trip.
Could an electronic reporting system be used for recreational catches.

Dalzell added this will also apply to American Samoa, Guam and Northern Mariana Islands.

Mossman, who chaired the meeting, added it was clear to him that the main objective is that they need to meet the MSA requirement of 2009, which is all who fish in the EEZ is going to have to be on the Registry by 2009. Mossman feels this is possible with the help and cooperation of the State of Hawaii with the use of the Boating Registration System that exists now, that is primarily funded by the United States Coast Guard management of the Federal Fuel Taxing Funding that is granted by Congress.

Duenas asked if this going to be tailored for the islands, where it's going to be a noncommercial issue or strictly recreational. Dalzell replied that he does not know because there is no definition in the Magnuson of subsistence. He added that under the bottomfish management subsistence will also be looked at, and hopes to learn some lessons from that.

Gaffney said that Mossman is correct, 2009 is just 18 months away. Given the Governor's resistance to registering fishermen, maybe sending a letter to the Governor pointing out the deadline, and use that as a starting point.

Polhemus said he thinks a congressional fix is needed with regard to the subsistence/recreational definition.

8.B.2. Hawaii-based Pelagic Vessels, NonLongline, Non-Purse Seine

Dalzell reported:

This management program applies to nonlongline pelagic fisheries managed under the Pelagic Fishery Management Plan and not just Hawaii-based vessels. The purpose and need for this stems from deadlines in the Magnuson-Stevens Act and a resolution stemming from the Western and Central Pacific Fisheries Commission, which states, beginning in 2007 Commission Members shall take necessary measures to ensure that the total capacity of their respective other commercial tuna fisheries for bigeye and yellowfin tuna, including purse seining, that occurs above 20 North and below 20 South, but excluding artisanal fisheries and those fisheries taking less than 2,000 tons of bigeye and yellowfin, do not exceed the average level for the period 2001 to 2004 or 2004.

He added that he thinks the reason for taking any management measures with the Council's fisheries is fairly weak with respect to this recommendation. This recommendation stems from major concerns for fisheries, such as pelagic nonlongline fisheries in Indonesia, handline fisheries and other net fisheries, like ringnets in the Philippines, which take hundreds of thousands of tons of yellowfin and bigeye, tens and thousands of bigeye. But the Council does have a handline and troll fishery in Hawaii.

The Council must consider the Magnuson requirement with regard to Annual Catch Limits and Accountability Measures.

There have been three control dates established in Hawaii for nonlongline vessels; in 1992 for the Cross Seamount and NOAA buoy offshore handline fishery, in 2005, June 2nd, as part of the process for developing Amendment 14 for the Hawaii nonlongline commercial pelagic fisheries, as well as in 2007, for the Hawaii-based charter vessels based on potential expansion of ports on the Big Island and also on Oahu.

The options are:

Does the Council want to have Federal permits for commercial and/or recreational vessels.

Does the Council want to have limited entry for vessels with Federal permit programs.

If the answer to both of those two questions is yes, then does the Council then want to implement this across the board or throughout the region in a phased approach, with one archipelago at a time.

The questions facing the Council are:

Whether management programs should be introduced at all for nonlongline pelagic fishing vessels in the Western Pacific Region.

Should limited entry programs be required for these fisheries.

Could some other measures meet Annual Catch Limit requirements.

Should management programs be introduced concurrently or phased in, beginning with the largest and most diverse pelagic fisheries.

Comments and recommendations from the 95th SSC meeting includes:

The SSC expressed disappointment as to Amendment 14 not being passed in its entirety, as there was a missed opportunity with respect to the permit and reporting requirements for nonlongline vessels, given Annual Catch Limits, it might have been useful to have that.

The SSC supports in the affirmative the question concerning implementation of management programs for nonlongline pelagic fisheries in the Western Pacific Region. The SSC supports the development of an options paper that explores reasonable measures to meet Annual Catch Limit requirements.

The SSC also supports investigation of whether any management programs for nonlongline pelagic fisheries should begin concurrently or be phased in beginning with the largest and most diverse pelagic fisheries.

Duenas asked how an ACL would be developed for Guam, where there is no high catch

history. He also asked if TACs or ACLs could be developed for groups or organizations. Dalzell replied he didn't know. He added that setting a catch limit based upon current troll catches might be somewhat onerous, and is something that will need to be worked out.

Robinson proposed a workshop to be held prior to NMFS putting its guidance out, and should be focused initially on developing the questions that need to be answered and the proposed answers for the Western Pacific Region, as well as to start on the methodology. He said the workshop could take place this summer or early fall and he would be happy to pay for travel to the workshop.

Polhemus pointed out from his understanding of ACLs that it's a TAC derived from the status of the stock, from a stock assessment.

Duenas pointed out the Guam allocation may be lumped into the U.S. fishery. Polhemus agreed.

8.C. Status of Amendment 14

Robinson reported:

Amendment 14, the Pelagic Overfishing Amendment, was triggered initially by a determination by NOAA Fisheries in December of 2004 that bigeye Pacific-wide was in a state of overfishing.

In March of 2006, the Agency notified the Council that not only was bigeye undergoing overfishing, but in the Western and Central Pacific yellowfin tuna was undergoing overfishing as well. The amendment was expanded to address both of those issues.

The amendment was required under Section 305 of the Magnuson-Stevens Act, which requires Councils to do fishery management plans or amendments or regulations that include recommendations to end overfishing, even if the overfishing was occurring in international waters by other countries.

The three primary components of Amendment 14 were the actual recommendations by the Council for ending overfishing of both bigeye and yellowfin in both the Eastern Pacific and the Western and Central Tropical Pacific. Those recommendations generally followed the recommendations in both areas of the science advisory bodies, calling for immediate reductions of 20 percent in the Western and Central Pacific and a reduction that was consistent with the IATTC scientific advice in the Eastern Pacific.

The second major component was a protocol that described how the Council would consider developing recommendations for managing international fisheries, for interacting with the Department of Commerce, Department of State, U.S. Delegation and U.S. Section to International RFMOs in developing the United State's positions for negotiation.

The third component was a recommendation for Federal permits and Federal catch

reporting on a trip basis for the nonlongline commercial pelagic fishery.

The three main elements were reviewed in the Secretarial Review.

In January, the President signed the Reauthorized Magnuson-Stevens Act. The Reauthorized Act created a new Section 304(i), which addressed situations where international overfishing was occurring. It applies to fisheries which are approaching the condition of overfishing due to excessive international fishing pressure and for which there are no management measures to end overfishing under an international agreement to which the United States is a party. If those conditions are met, then the Council is relieved of its responsibility under the previous section to prepare and implement a fishery management plan to end the overfishing immediately.

In the case of both IATTC and the Western and Central Pacific Fisheries Commission, there are management measures in effect that will effectively end overfishing. Therefore, the Agency believes that that section does apply and the Council was essentially relieved from the responsibility of doing this amendment.

Nevertheless, there was nothing in 304(i) or any of the related part of the legislation that precluded the Council from making these recommendations through an overfishing amendment, such as Amendment 14. The international provisions and recommendations to the Council Amendment 14 were approved.

The international protocol was also influenced by the new Magnuson-Stevens Reauthorization Act, Section 503(f), which requires the development of a Memorandum of Understanding among the Secretary of Commerce, Secretary of State, and the three West Coast Councils; North Pacific, Pacific and Western Pacific. It clarifies the roles of the respective Councils in international fishery management discussions relating to the stocks under their jurisdiction. That MOU is currently under development.

The three Council Executive Directors have provided an initial draft to the Department of Commerce and State, which is under review. Comments are expected very soon and Robinson hopes to initiate discussions with the Executive Directors of the three Councils to make progress on this.

The fact that the Magnuson-Stevens Reauthorization Act required an MOU with three Councils, that clarified their roles, the protocol in Amendment 14 established the same types of procedures between the Departments and this Council, was disapproved as being premature and was superseded by the Magnuson-Stevens Reauthorization Act and the requirement for an MOU with all three Councils.

The recommendation for Federal permits and Federal trip catch reports in the domestic nonlongline commercial fishery was also not approved. The Agency considered it premature and that there were no other management measures proposed for the fishery, and it violated National Standard 7 of the Magnuson-Stevens Act, which basically says that management measures should minimize costs and avoid duplication.

It was the view of the Agency that the proposal for Federal permits and Federal catch reports in this case duplicated the State's Commercial Marine License and catch reporting system. The Agency recommended that the Council consider collaborating and the Agency continue to collaborate with the State to see if the State system could be made to serve that function without having to duplicate it.

Robinson added that he accepts, at least in part, responsibility for the outcome.

Looking forward, ACLs and Accountability Measures definitely do need accurate timely catch reports. Disapproval of this recommendation was not meant to discourage Council from ensuring that there is accurate catch reporting and timely catch reporting and those requirements are adequately enforced. At the same time, it needs to be noted that collecting catch information in support of ACLs or Accountability Measures can be accomplished either through Federal catch reporting or through State reporting, depending upon which best suits the situation. The combinations of the reporting and permitting combinations need to be considered to determine which suits the Western Pacific needs. Also, the administrative and enforcement costs needs to be analyzed.

Robinson said he is committed to work with the Council to develop a good, solid catch reporting and permit system as necessary to monitor ACLs and international quotas in the future.

Simonds stated this has been a problem all over the country, not just with this council, that the National Marine Fisheries Service takes forever to review amendments and plans. This is another example of something falling through the cracks. She noted there is a need to improve the review process and to improve the communications.

Simonds added that the Council has been asking for better data collection on the pelagic nonlongline fishery for years.

Duenas thanked Robinson for putting money into the program, as it's long overdue.

Polhemus noted the State has already had meetings with PIRO to discuss how to deal with this item. He noted good data collection is needed to result in good management measures, and the fishermen are partially responsible for providing accurate data. Polhemus congratulated Guam on its recreational information collected.

Gibbons-Fly added that with respect to two aspects of Amendment 14 that related to the international aspects, the first section described by Robinson on the recommendations from the Council and the second one with respect to the development of a protocol, Gibbons-Fly was in communication on this issue. His office did agree with the decision to approve the portion of the plan related to the recommendations because there is no longer a requirement for the Council to develop a plan in response to overfished international stocks.

He welcomes recommendations from the Council at any time.

His office also agreed with the decision not to approve the development of the protocol for

the reason expressed, that the development of the MOU seems to supersede that.

His office is working expeditiously to try to get comments back to the Executive Directors.

8.D. American Samoa and Hawaii Longline Quarterly Reports

Russell Ito reported:

After presentation of a PowerPoint to the Council members, the summary of the Hawaii longline fishery in the first quarter of 2007 follows:

There were 121 active vessels, five more than the first quarter of the previous year.

With 27 vessels targeting swordfish and 103 vessels targeting tunas.

There were 425 trips, 370 targeting tuna and 60 targeting swordfish.

As to the number of sets, there were 4,700 sets, with 3,700 deep sets, and 950 shallow sets targeting swordfish.

There was a record 8.8 million hooks in the first quarter of this year, which was an increase of close to a million hooks from the first quarter of the previous year.

Dominant components of the catch were:

Bigeye, 33,000 fish.

Blue sharks, 19,000, almost all of it which was discarded.

Followed by swordfish and mahimahi, at 13,000 fish for each species.

Gaffney asked the reason for the 10 percent increase of number of hooks set. Martin replied he thinks the general trend is related to the former shallow-set fishery getting up to speed with the rest of the fishery.

Ito then presented the American Samoa Longline Quarterly Report.

Summary for the first quarter of this year:

There were 26 active vessels making 1,259 sets and setting 3.7 million hooks.

Records in the first quarter in the American Samoa longline fishery:

Total number of hooks, 3.7 million hooks set in the first quarter of this year.

Average number of hooks per set, up to almost 3,000 hooks per set now.

Record number of fish caught:

Total number of fish at about 70,000 fish.

A record number of albacore tuna caught at 50,000 fish.

Bigeye tuna in the first quarter of this year, about 4,000 fish.

8.E International Fisheries

8.E.1 ISC Bycatch Working Group

Boggs reported:

The ISC Bycatch Working Group has met twice. He described the ISC's progress as glacial.

The main purview of the group is mostly with seabirds, sea turtles and sharks. The ISC Bycatch Working Group hasn't recommended or even really been able to bring itself to discuss conservation measures. The members tend to focus on the science issues and the research that's going on.

There was much discussion on estimating bycatch, which is one of the first objectives on their mandate.

Among other things, one of the things the group is recommending is that all members start to submit data that breaks down their fisheries by the kind of fishing they're doing as a first step towards trying to estimate bycatch across the Pacific. Observer data is also needed from all of the fisheries on rates of sea turtle and seabird catch.

The countries that participated were Japan, which has been at every meeting, Chinese Taipei, Mexico, which has been at every meeting, the United States and the Inter-American Tropical Tuna Commission, which is also a nonvoting member.

Except for IATTC and the U.S., almost no one has any observer data yet, although they are all starting programs which are extremely small, where they've observed a handful of fishing trips in a year.

The group doesn't have what it needs to estimate bycatch. Past attempts of estimating bycatch has been reviewed.

Because the ISC Bycatch Working Group advises the Northern Committee of the WCPFC as an advisory body, it's most concerned with things like North Pacific loggerhead turtles, Western Pacific leatherback turtles, black-footed Laysan and short-tailed albatross.

There was discussion on the mandate calling for the wholistic approach to evaluating how animals are being impacted. But one of the issues the working group is not interested in discussing is other fishery impacts, but only terrestrial impacts.

The Bycatch Working Group to the plenary will inquire at the ISC plenary how to resolve this.

8.E.2 IATTC Stock Assessment Working Group

Boggs reported:

Every year the Inter-American Tropical Tuna Commission, which focuses on HMS stocks east of 150 West Longitude, has an annual meeting each year to look at the status of the tuna stocks in the Eastern Pacific, which is the yellowfin and bigeye tuna stocks.

Over the last few years the fishery has moved into a state where the biomass is below that which produces MSY and the fishing effort is above that which would result in MSY over the long term, overfishing is occurring and the stock is overfished, by U.S. definition.

The stock assessment group has it in the red zone by an International RFO standard. Bigeye tuna looks very similar with respect to biomass and fishing effort.

At the last meeting of the IATTC, they were not able to proceed to any sort of new measures. They rolled over the old ones because they were totally distracted by the process of trying to choose a new director. Boggs foresees the same lack of progress being made at the upcoming meeting.

8.E.3 WCPFC-SC3 and Risk Assessment Workshop

Bigelow reported:

The Scientific Committee of the WCPFC will be holding its third meeting in Honolulu during August 13th to the 24th. The first week will be specialist working groups.

In the week preceding the Scientific Committee, there will be a Risk Assessment Workshop also funded by the Commission that will be held at the Council office.

8.E.4. WCPFC Implementing Actions

Charles Karnella reported:

The implementing legislation was enacted. The President signed it. The instrument of ratification is just about to leave the State Department. It will be sent to the repository in New Zealand, after which the U.S. will become a member.

Salient features of the implementing legislation were that the U.S. will be represented at the WCPFC by five commissioners. Two of those commissioners will come from Fishery Management Councils, one from the Western Pacific Council and one from the Pacific Council. One of the commissioners will be a Federal Commissioner, and that will be Bill Robinson.

The Government has received letters of nominations for three of the remaining four commissioners. This Council has nominated Chairman Sean Martin as its representative. The Pacific Council has nominated Maria Blakavich (phonetic). The tuna processors and purse seine

interests in the West Coast have nominated Paul Crampy (phonetic). There have not been nominations for the remaining commissioner.

The legislation also created an Advisory Committee that will consist of 15 to 20 members. In addition, the Chair of the Advisory Panel for this Council will be represented. Guam, the Commonwealth of the Northern Mariana Islands and American Samoa will each have a seat on the Advisory Committee. That committee will be appointed in consultation with the commissioners.

With regard to the development of a Memorandum of Understanding among the West Coast Councils and the Government, the Government is hurrying to get a revised draft back to the Council Chairs so discussions can begin to iron out any remaining differences.

The implementing legislation also gives the Secretary of Commerce the ability to implement decisions made by the WCPFC once decisions are taken.

Some of the principle things that are being discussed at the WCPFC meetings are the status of stocks of both bigeye and yellowfin. Both of those stocks have been found by assessment scientists as being subjected to overfishing; that is, the mortality associated with fishing is higher than that associated with MSY.

Although, the biomass of those stocks is not below that associated with MSY; that is, the stocks are not in an overfished state.

The Commission has taken some action to try to reduce the fishing pressure on those stocks. They have discussed developing FAD Management Plans to reduce the catch of small bigeye and small yellowfin.

In addition to the target species of the various fisheries, there have been a fairly lengthy discussion of taking steps to reduce the bycatch of seabirds and sea turtles. Those discussions have been led by the United States. There is some progress being made on both of those fronts.

There's concern about swordfish and striped marlin in the South Pacific. There have been discussions on albacore in both the South and North Pacific.

There have also been discussions on shark finning. Those discussions have not been terribly successful in that there has not been agreement among the parties to reduce the level of takes of sharks for just the fins.

There is a Vessel Monitoring System that will be put in place at the beginning of next year for some vessels. However, there is still an area to the north and west part of the Area of Competence of the Commission for which there is no scheduled date of implementation for the Vessel Monitoring System. There are some size vessels that are not covered by those monitoring systems.

There has been very little progress made on the development on the Regional Observer

Program.

The Vessel Monitoring System and the Regional Observer Program are two key features that must be in place before conservation and management measures can adequately be monitored for both compliance and effectiveness.

At the last meeting of the Commission, they agreed to boarding and inspection procedures, which was the result of long, often tortuous discussion. Under the able leadership of Bill Gibbons-Fly, they did agree to put those provisions in place.

The Commission has established a program for dealing with IUU vessels. The first step of which is for Members and Cooperating Non-members to identify vessels that are presumed to be in an IUU mode. There will be discussion of IUU vessels at the next meeting of the Technical and Compliance Committee.

The timeline of meetings are as follows:

In July and August the series of meetings related to this Commission begins.

In August 2007, the Scientific Committee will meet here in Honolulu. The Region, the Center and the Council are coordinating the logistics of that meeting. NOAA Fisheries has contributed the funds to put this on and the Council is assisting with providing staff support.

The Technical and Compliance Committee will meet in September in Pohnpei.

The Northern Committee will meet in September in Tokyo.

The annual meeting of the Commission will be in early December in Pohnpei.

In addition to the Highly Migratory Species, there are two other activities Karnella's division has been involved in which deal with bottomfishing and protecting vulnerable marine ecosystems, one in the South Pacific and one in the North Pacific. The one in the South Pacific also includes discussions about a pelagic species called jack mackerel that has been harvested in some years to the extent of over a million metric tons. So there are a lot of jack mackerel taken.

The South Pacific effort resulted in three meetings, and a fourth has been scheduled.

At the most recent meeting, the parties agreed to implement interim measures that would basically hold the level of fishing for both bottomfish and pelagic fish to no more than existing levels.

The U.S. has made a number of interventions to try and get the delegates to consider expanding the Area of Competence further north to include the seamounts in the Northern Pacific. Those discussions remain to be played out.

The southern effort has a Data and Information Working Group and a Science Working

Group. Both of those groups met and reached agreement on a number of things, including the data that should be collected in order to do the analyses needed.

The Science Working Group has agreed on a number of things, one of which is to do an assessment of the status of jack mackerel.

The next meeting is scheduled for this September in Noumea, New Caledonia. Both the Data and the Science Working Groups will meet there as well.

The northern effort is one that's focused around the Emperor Seamount Chain, along with the United States, Korea, Japan and the Russian Federations are involved in those discussions. Similar interim measures had been agreed to in that forum. The United States has been asked to host the next meeting. Honolulu is one of the possible venues for that meeting.

Gibbons-Fly added to the report:

With regard to the Status of Ratification, the last step in the ratification process for the Commission is to deposit the Instrument of Ratification, which was signed by the President on May 15th. There has been an exchange of letters between the State Department and the Governors relating to the participation of the territories in the Commission. Responses have been received from all three of the Governors, which includes all of the information needed in order to ship the Instrument of Ratification to New Zealand, which happened today.

With respect to the Commissioners, the Departments of State and Commerce are working together to arrive at a slate of commissioners that can be recommended to the President for appointment. Recommendations will include Chairman Sean Martin and Maria Blakavich and Bill Robinson as the U.S. Federal Commissioner.

Because the Presidential appointment process can be a lengthy one, the Department of State will exercise its authority to identify alternate commissioners, which will simply be those same individuals that have been recommended to the White House for Presidential Appointment.

Martin asked for an update regarding discussions about the U.S. purse seine fleet in the Pacific increasing and joint ventures.

Gibbons-Fly replied:

As many of the Council members know, the United States has had a treaty with the States of the Forum Fisheries Agency since 1987.

Just a little background before I get into the answer to your question, just make sure we all understand the basis under which we're operating and where we're coming from.

Originally, under that treaty we had an agreement with the FFA for 50 licenses for the U.S. purse seine vessels to operate in the region. In the early years of the treaty, we were operating very close to that level, in the 40s, close to 50 at times.

Over the years the number of U.S. vessels fishing in the region and under the treaty has rather steadily been reduced. In fact, when we renegotiated the treaty the most recent time, in 2003, the number of licenses that we requested in that renegotiation actually dropped. We only

negotiated for 40 licenses, and we weren't even using those at the time. I think at the time we were somewhere around 32, 33.

This year or -- well, last year we started a new licensing period.

Last year I believe that number had dropped even further, to about 12 vessels.

At that level, the U.S. industry, the canning industry, in particular, had expressed a concern about a steady supply of U.S. fish.

There are a number of reasons for the drop in the treaty. Mostly economic reasons relating to the cost of operating under a U.S. flag. But also the fuel costs from running from the base of American Samoa to the fishing grounds, with the high cost of fuel and the high cost of insurance.

I don't pretend to understand the economics of the tuna purse seine, but I do know that these guys had a very hard time making ends meet, partly because their vessels are old and repair costs are hard, et cetera, et cetera.

So a number of reasons for the decline in the fleet.

But the canning industry has been increasingly concerned about its ability to obtain access to a steady supply of U.S. caught fish.

Under some laws and under some trade agreements, both existing and perhaps to be negotiated, there may be requirements for fish to be caught by U.S. vessels in order to have access to the preferential treatment under some of these trade agreements.

They've also been concerned about the steady supply to support the canneries in American Samoa, which I understand at times have not been running because of a lack of fish coming in.

So, under an initiative, primarily initiated by the canning sector, Bumble Bee and Chicken of the Sea, an effort has been under way to rebuild the U.S. fleet. Not back to anything close to 40 or 50 vessels, but I think the goal is to get someplace to about 25 to 30 vessels, and maintain it there.

I should add that all of this takes place in the context of efforts within the WCPFC to control fishing capacity in the region. So we are working to balance those competing interests and those competing obligations.

I'll give you the short version, and that is that we are making, in our discussions with the industry, our first and foremost priority is to ensure that whatever we do to rebuild the U.S. fleet is fully compatible with all of the provisions of the WCPFC and resolutions going back in '99 relating to growth and fishing capacity, and we very much understand that we are to abide by whatever the WCPFC has said.

Having said that, the original resolution passed by WCPFC was in 1999 on capacity.

If it wasn't passed by WCPFC, it was at that time the negotiating conference, because the Convention hadn't even been adopted.

In 1999, it said the level should be -- we should all maintain our fleets at '99 levels.

The U.S. fleet at that time was about 33 or 34 vessels. So even if the fleet rebuilds back to 25 to 30 vessels, we're still under the cap that was set by the WCPFC or the MHLC in 1999, the obligations of which have carried over.

At the same time, other countries have significantly increased their fleets from the 1999 level.

One of the things that we have expressed an interest in doing in our discussions with the industry is that, to the maximum extent possible, if they are to acquire new vessels, to bring them in under U.S. flags, they should seek to obtain those vessels from vessels that are already operating in the fishery, in particular those that have been added to fleets in a manner that we would consider to be in contravention of that 1999 resolution.

So the idea is for us, the U.S., to absorb some of this extra capacity that has been added to the fleet, bring those vessels back under U.S. flag in a way that would allow us to rebuild our fleet without substantially increasing the overall capacity in the region.

Then to the extent that there are additional vessels necessary, they are looking to build some additional vessels as well.

I think the way it'll probably work out is that we'll be looking at about an average of one-to-one ratio, one new vessel constructed for each vessel purchased.

I hope that one recognizes that the idea of bringing these vessels that are currently flagged in places that don't have the best regulations, the best reporting requirements, those kinds of things, and bringing them under U.S. flag, is to everyone's advantage.

When these vessels are flagged in places, most of them are owned by interests in Taiwan. They've been flagged in Papua New Guinea and Vanuatu and other places.

We'd much rather have those vessels operating under the U.S. flag, both in terms of having them ensure that they're abiding by all of the U.S. regulations, and to support the rebuilding of the U.S. fleet under the treaty.

Gibbons-Fly continued:

But I do want to be as thorough as possible in understanding, and I want to be as transparent as possible, at least in terms of what I know about this process.

I'd like to say just a little bit about the Tuna Treaty, and that is that the Tuna Treaty has been a very important component of our relations with the Pacific Island States since 1987.

It has become a cornerstone of our economic and political relationship. The Economic Assistance Agreement associated with the treaty is the largest single source of economic development funds to the Pacific Island States outside of the Compacts of Free Association.

The United States sees it as a significant component of our foreign policy in the Pacific.

It also I think provides significant benefits to achieving the goals that this Council is seeking to achieve. Because a large part of our working relationship with the Pacific Islands, in terms of our cooperation with them to achieve our mutual goals, is based in a large part on the relationship we have developed with them over the past 20 years now under this treaty.

Martin asked if the purse seine fleet were to go to some kind of a quota, fleet quota, if they are U.S. vessels that are U.S. because they're 51 percent owned by U.S. and 49 percent owned by somebody else, isn't the U.S. potentially giving away 49 percent of whatever those boats catch to another country. In addition, if they're going to be joint ventures, are foreign entities that are in joint venture with the U.S., is there a way for them to contribute to the economic aid of the FFA countries.

Gibbons-Fly replied:

I think your question goes beyond issues that I'm able to answer.

I will answer by saying this, that if a vessel meets all of the requirements of U.S. law, and the requirement of U.S. law is that it be 51 percent U.S. owned, then we have to treat all vessels flying the U.S. flag equally.

There are a number of vessels, not just in the tuna fishery, but in fisheries all over the country that have minority ownership by people all over the world, and we don't make distinctions on that basis.

If it meets the requirements of U.S. law, and it's flying a U.S. flag, it works by one set of

rules, and we apply the same rules to all vessels.

Karnella added that the treaty license year runs from the 15th of June of one year to the 14th of June the next year. In the start of that year, there are eleven vessels that received permits under the treaty. They have just received applications from two vessels that have been fishing in the east to come back to the west. These are U.S. owned vessels. Once their applications are complete, there will be 13 licensed vessels. He anticipates within the next three or four months there will be three more applications received from new vessels.

With regard to the financial situation, because of the reduced size of the fleet, the Pacific Island parties agreed to have each vessel pay a certain amount because the vessel could not afford to meet the amount. As part of the deal, the Pacific Island Countries are keeping track of the arrears. So as new vessels come in, they'll be paying that same amount for a license.

If it goes over the amounts specified in the treaty, that overage will be applied to the arrears that have been accumulated. So to that extent, they will be contributing to make up some of the deficit that has been incurred.

Martin asked if the new vessels will be U.S. bottoms. Gibbons-Fly replied that he believes there are special provisions for vessels that are operating under the Tuna Treaty that do not necessarily require that they all be U.S. bottoms.

Gibbons-Fly added:

I would like to say before I conclude that likewise, we are very pleased that we've been able to complete all of the procedures to ensure that when we become members of the Commission, the Territories will be at the table in their own right as Participating Territories, like the territories from France and the Territory of New Zealand. I think that's a significant accomplishment, and we very much appreciate the cooperation that we've received from the representatives of all territories in allowing us to make this happen.

I greatly appreciated the initiative of the Executive Director in arranging the meeting on Monday, where we were able to meet separately with the Territories and discuss some of the issues related to that participation. I welcome future opportunities to do that.

I welcome communications from our colleagues in the Territories at any time on issues related to this.

I know that the same goes for Bill, not just for me.

In that regard, maybe this is also an appropriate time to make a comment that I've made in the past, but as we move forward it becomes even more so.

For many years people saw me in the lead role through the Preparatory Conference and in one or two meetings at the conference. But as we become members, Bill Robinson will be appointed as the Federal Commissioner. He will serve as the Head of U.S. Delegation, and he will have the lead role in the decisions related to the U.S. Delegation and the positions of the United States.

We'll be working closely with him, but in an advisory capacity as we move forward.

So from this point forward, the reins will shift to Bill and his staff. We have always had the great privilege of working together as a team on all of the issues that we work on. So we'll continue to work very closely.

But Bill will be the Federal Commissioner, and he will be the lead for us from this point forward.

I'd like to congratulate Bill on that and let him know that I still -- I'm not going to disappear. I'm still available to be of any help I can, if I can be of any help at all.

8.E.5. SPC/PNG Tuna Tagging

Itano reported:

Work on a medium-scale tagging project for the Western Pacific has begun in New Guinea. The project was an initiative of John Hampton, of the SPC, working in conjunction with Augustine Mobiha, from the National Fisheries Authority, Papua New Guinea. This subcomponent was funded under the Pelagic Fisheries Research Program.

A pole-and-line vessel was chartered from the Solomon Islands to conduct the work. The fieldwork was predicated on six months of field taggings put in two three-month cruises. The area of concern is centered on the archipelagic waters of Papua New Guinea, which is primarily the Bismarck Sea and the Solomon Sea. This area is only open to the so-called domestic fleet of Papua New Guinea.

One reason this area was chosen for the project is because of its importance to catch in the Western Pacific. There are close to 1,000 anchored FADs set in the New Guinea zone strictly to support industrial-scale purse seining. The impact of the FADs is a big concern to the Commission.

The five objectives of the project are:

To look at movements of tuna throughout the region and within the Papua New Guinea zone.

To obtain information on the current exploitation rates within this zone.

Schools are sampled for stomach contents and tissue samples to look at the condition of fish and their trophic relationships.

To look at the variability and extent of nontarget catch by the PNG purse seiners operating on the FADs.

To obtain information on vertical and horizontal movement of tropical tuna in relation to anchored FADs targeted by large-scale fisheries.

Phase I is completed and work is ongoing on the analysis.

Phase II of the project is seen as an expansion of this tagging to the broader Western Pacific. There is some funding to start up some work in the Solomon Islands.

A Tagging Steering Committee has been formed. A great deal more funding is needed. The main thing needed is a larger pole-and-line vessel.

Tulafono asked what is the farthest recaptures traveled in this program. Itano did not know, but it would probably be in the order of some hundreds of miles.

Gaffney said he finds Itano's work fascinating. Gaffney asked who maintains the FADs, what is the range of the sonic tag receivers and are all of the fisheries by purse seine. Itano said mostly the fishing companies maintain the FADs. The range of the sonic tags is about 700 meters. The pole-and-line fishery ceased in the '80s.

Martin asked for information on days of liberty for the tagged fish and if the FADs are registered. Itano replied days of liberty were within a month to two months. There is a FAD Management Plan, which is improving.

8.E.6. Forum Fisheries Committee Meeting

Duenas reported:

He attended two meetings in Wellington, New Zealand, the Officials of the Forum Fisheries Committee, which is a subcomponent of the Forum Fisheries Agency, and their Ministerial Meeting.

A copy of the report is provided at Document 8.E.6(3) and summaries in Document 8.E.6(1) and (2).

8.F. Plan Team Recommendations

Bigelow reported:

The Plan Team met for three days in April at its annual meeting.

A variety of topics were discussed, including review of the island modules that go into the Plan Team report. The recommendations are:

The Plan Team endorses the recommendation to implement a longline exclusion zone around the islands and banks of the Northern Mariana Islands to avoid gear conflicts between longline vessels and the local artisanal fishing community.

The Plan Team recommends that the Council draft a letter to the Government of Guam to bring to their attention the problems that the Division of Aquatic and Wildlife Resources are experiencing for the procurement process in deploying Fish Aggregating Devices around Guam. The delays in receiving permission to utilize available funds results in increasing tensions with local fishermen on Guam who want FADs deployed, and a loss of Federal funds which are not spent in a timely manner. The Plan Team also recommends the letter include reference to the problems of sampling at Ylig Boat Ramp, due to the lack of suitable infrastructure to ensure the safety of DAWR personnel at this location.

The Plan Team reiterates its previous recommendation that the American Samoa DMWR and NMFS PIFSC explore the potential for a fisheries scientist to be stationed in American Samoa due to the importance of the local longline fishery, which catches between eight to fifteen million pounds annually, and is the second-largest U.S. domestic fishery in the Western and

Central Pacific.

The Plan Team recommends that the Hawaii longline observer program database be analyzed to investigate whether individual longline vessels have high interaction rates with sea turtles. The Plan Team recognizes that there may be confidentiality issues associated with such an analysis. Results should be considered for additional management measures in the Hawaii longline fishery.

The Plan Team recommends that the Science Center Division investigate longitudinal effects on sea turtle interactions in the Hawaii longline swordfish fishery in the development of remote-sensing product advisories for the Hawaii-based longline fishery. Products should also reflect the multi-lingual nature of the fishery and be translated accordingly.

Due to the partial approval of Amendment 14, the Plan Team reiterated its concerns about Amendment 14 and the implications for Federal permitting and reporting for Hawaii's nonlongline commercial pelagic fisheries. In its previous recommendation the Plan Team questioned the perceived need and implementation problems associated with Federal permitting of the offshore mixed-line fishery and recommended that the following aspects should reconsider:

Strengthening the existing mechanisms for the State of Hawaii reporting of catch and effort from this fishery, including the accuracy of bigeye and yellowfin species reporting, data collection/verification and enforcement issues.

The Administrative burden of federally permitting the nonlongline commercial pelagic fisheries in Hawaii.

The Plan Team recommends the creation of a special advisory committee formed by longline industry, Science Center, Region, Council and conservation groups to review the alternatives for modifying the current regulations for the Hawaii longline swordfish fishery.

The Committee should review the following issues:

One, is there any evidence that the longline fishery has done anything beyond the current regulations to reduce turtle takes.

Two, what is the nature and reversibility of transferred effects from closures and constraints of the Hawaii swordfish fishery.

Three, how would fishing effort and turtle takes change with the removal of the set limit.

Four, what would be the impact on economies and equitability of removing set certificates by keeping the current set limit.

Five, what would be the effect on the temporal distribution of swordfish fishing effort and turtle takes of changing the start and stop date of the swordfish calendar fishing year.

Six, how might other means of changing the temporal and spatial distribution of swordfish fishing effort affect turtle takes. For example, closing the fishery north of some latitude as the hard cap is approached.

Seven, how do changes in the physical oceanography of the fishing grounds affect interaction rates and how might they be mitigated.

The Plan Team notes that the comments made on the status of domestic troll and handline fisheries targeting yellowfin tuna in Hawaii and the potential for taking actions to improve yield per recruit to restore these fisheries. Improvements in overall yield per recruit, as well as improvement in the yield of large, more valuable yellowfin, might be achieved by reducing fishing mortality on small juvenile yellowfin and yellowfin in spawning condition in the Main Hawaiian Islands. As a first step to that end, a sound scientific basis for such action needs to be established.

To do so, the Plan Team recommends the following:

One, a model be developed incorporating size-dependent natural and fishing mortality, immigration, exchange rates, residence times, reproductive biology and yield per recruit of yellowfin recruited in Hawaii.

Two, reanalyze the HDAR data and other sources for CPUE by size and compare with the time series of size structure from the regional assessment.

Three, evaluate temporal and spawning area closures as a means to achieve reductions in fishing mortality of small yellowfin and yellowfin in spawning conditions.

Four, evaluate the effects of FAD fishing in Hawaii on yield per recruit of yellowfin.

Evaluate the magnitude and relative benefits of recreational yellowfin catch versus commercial catch and analysis of HMRFS yellowfin size trends.

The Plan Team recommends that a compliance guide be developed by PIRO for general longline permit holders in the Western Pacific.

The Plan Team recommends that the PIFSC and PIRO conduct a review of the methods employed by the Pacific Council's HMS Management Team for effort standardization of U.S. vessels targeting North Pacific albacore.

Gaffney asked how do you evaluate the relative benefits of a tuna catch. Bigelow replied by analyzing the HMRFS data to look at the size of the recreational catch.

Sablan asked if the Plan Team ever considered including purse seiners rather than just longliners to the exclusion zone. Bigelow replied that it is a valid issue, although it is far north of the main biomass of skipjack and yellowfin.

8.G. Advisory Panel Recommendations

Dalzell reported:

The Advisory Panel recommends the Council rescind the use-or-lose provision for Class A permits only in the American Samoa longline limited entry program.

The Advisory Panel recommends that DMWR investigate the potential illegal activity by nondomestic longline vessels offloading fish in American Samoa not destined for the canneries.

The Advisory Panel recommends the Council consider modification to the turtle hard cap for the swordfish longline fishery, noting the recommendations made by the SSC and Pelagics Plan Team.

The Advisory Panel recommends that some entity look at mechanisms to minimize juvenile bigeye and yellowfin takes in purse seine fisheries.

8.H. SSC Recommendations

Severance reported:

The SSC recommended that the draft be further developed to provide additional flexibility in the event that fishery management controls other than catch quotas are developed by these Commissions. The SSC also noted that further internal consultations by the Pacific Councils and NOAA Fisheries are required to develop equitable internal allocations of any U.S. national quotas, or equivalent, adopted by the Commissions.

The SSC recommended that a trial longline operating focused on training and assessment of commercial feasibility should be pursued under the auspices of the Community Development Plan. This CDP should:

One, operate outside a closed area of 25 miles around the Island of Guam, with an additional southern extension to provide a five-mile closed area around all southern offshore banks.

Two, it should implement established turtle mitigation measures for deep-setting longlines.

Three, it should carefully monitor and document any conflicts with the troll and charter boat sectors.

Four, it should be subject to a sunset clause.

The SSC recommended that Council staff proceed with NEPA analyses of various options associated with the HLA proposal for future presentation to SSC and Council.

The SSC was disappointed that Amendment 14 was not passed in its entirety. The

reporting aspects for commercial nonlongline pelagic fisheries in Hawaii are currently inadequate to satisfy the Magnuson-Stevens Reauthorized Act Annual Catch Limits and Accountability Measure requirements. The SSC notes that adequate reporting of catch data will be required well in advance of the 2010/2011 statutory deadline for the implementation of the ACLs and AMs.

The SSC supports in the affirmative the question concerning the implementation of management programs for nonlongline pelagic fisheries in the Western Pacific Region. The SSC also supports the development of an options paper that explores reasonable measures to meet ACL requirements.

The SSC also supports the investigation of whether any management programs for nonlongline pelagic fisheries should begin concurrently or be phased in, beginning with the largest and most diverse pelagic fisheries.

With regard to the WCPFC Scientific Committee 3 Agenda and Risk Assessment Workshop, the SSC notes the similar conditions of yellowfin and bigeye stocks in both the EPO and WCPO, and notes with concern the failure of either commission to implement effective controls on bigeye catches in these fisheries.

The SSC strongly supports extension of this tagging work and encourages the WCPFC and IATTC to develop coordinated basin-scale tagging projects throughout the Pacific.

For the CNMI Plan Team recommendation for a longline exclusion zone, the SSC concurred with that recommendation.

For Guam, writing a letter to the government regarding the FADs, the SSC had no comment on that recommendation.

Regarding American Samoa, explore the potential for a fisheries scientist be stationed in American Samoa, the SSC supports this recommendation and suggests that this scientist be involved in the monitoring of the second-largest U.S. Western Pacific pelagic fishery, the albacore fishery; continuing research on other resources, such as swordfish and bigeye, supporting DMWR in its research activities.

With regard to Hawaii, the analysis of the Hawaii longline observer database, focused on individual longline vessels that might have a high interaction rate with sea turtles. The SSC had no objection to that recommendation.

The Plan Team recommendation regarding investigation of longitudinal effects on sea turtle interactions in the swordfish fishery, the SSC supports that recommendation.

Since the part of Amendment 14 pertaining to this recommendation was disapproved, the SSC had no comment.

The SSC notes that all of the items listed in this recommendation would be part of the EIS

recommended earlier by the SSC.

Then on the effects of FAD fishing, the SSC suggests that the Plan Team elaborate on analyses that need further work beyond the published results of the Hawaii Tuna Tagging Project.

For the compliance guide for general longline permit holders, the SSC supports this recommendation.

With respect to the second Hawaii AP recommendation, the SSC recommends that the Fishing Technology Specialist Working Group of the WCPFC Science Committee continue to make this issue a high priority and notes the research currently being conducted in both the Indian and Pacific Oceans.

Martin asked if the SSC had discussion about types of other controls with regard to the WCPFC recommendation. Severance replied that part of their thinking was that while the quotas now, both for bigeye and yellowfin, when moved to other species, there might be alternative measures besides by the Commission, and the Council should be anticipatory and be prepared for it.

Jeff Walters, State of Hawaii Designee sitting in for Polhemus, asked if the Science Center had any reason to believe there were some vessels that had more interactions with turtles than the average vessel. Bigelow replied yes.

Duenas asked if there was a scientific basis for the SSC recommendation of a 25-mile closure. Severance replied there were continuing concerns about potential gear conflict. There was also the sentiment that if people are really going to go longlining, they should be at least somewhat offshore. The SSC did not specifically discuss whether it would have to go through CDPP review.

8.I. Standing Committee Recommendations

Duenas reported:

The Standing Committee met on Tuesday until 4:30 p.m. The Standing Committee approved as a whole and forwarded every recommendation from the Plan Team and SSC for full Council consideration.

Dalzell read the recommendations as follows:

The Council endorses the Pelagic Plan Team recommendation to implement a longline exclusion zone around the islands and banks of the Northern Mariana Islands to avoid gear conflicts between longline vessels and the local artisanal fishing community.

The recommendation was moved and seconded.

Sablan asked to include purse seiners. The amendment was accepted.

Robinson asked if the Council adopts this recommendation, does that mean the Council staff would develop an amendment with alternatives for implementing this concept and the Council would act on it at a later date. Dalzell answered in the affirmative.

Dalzell read:

The Council requests that the Council staff send a letter to the Government of Guam to bring their attentions to the problems the Division of Aquatic Resources are experiencing from the procurement process in deploying FADs around Guam. The delays in receiving permission to utilize available funds results in increasing tensions with local fishermen on Guam who want FADs deployed and a loss of Federal funds which are not spent in a timely manner. The Plan Team also recommends that the letter include reference to the problems of sampling at Ylig Boat Ramp, due to the lack of suitable infrastructure to ensure the safety of DAWR personnel at this location.

The recommendation was moved and seconded.

Duenas questioned telling the Government of Guam how to spend their money or how to conduct operations. He also pointed out the Guam Fishermen's Co-op installed lights at the Ylig Boat Ramp and the high degree of break-ins may be one reason for low coverage.

Robinson added that it would be nice to encourage them to fill key positions, as there are federal funds available for the hiring.

Dalzell read:

The Council reiterates its pervious recommendation that the American Samoa DMWR and NMFS PIFSC explore the potential for a fisheries scientist to be stationed in American Samoa due to the importance of the local longline fishery, which catches between eight to fifteen million pounds annually and is the second-largest U.S. domestic fishery in the Western and Central Pacific.

The recommendation was moved and seconded.

McCoy spoke in favor of the motion, citing it would facilitate better data collection.

Dalzell read:

The Council recommends that the Hawaii longline observer database be analyzed to investigate whether individual longline vessels have high interactions rates with sea turtles. The Plan Team recognizes there may be confidentiality issues associated with such an analysis. Results should be considered for additional management measures in the Hawaii longline fishery.

The motion was moved and seconded.

Dalzell recommended changing the words, Plan Team, to the word, Council.

Martin spoke in favor of the motion, citing it may include, enhance educational efforts.

Dalzell read:

The Council recommends that the PIFSC EOD investigate longitudinal effects on sea turtle interactions in the Hawaii longline swordfish fishery in the development of remote sensing product advisories for the Hawaii-based longline fishery. Products should also reflect the multi-lingual nature of the fishery and be translated accordingly.

The motion was moved and seconded.

Martin spoke in favor of the motion.

Dalzell read:

The Council recommends that Council staff proceed with NEPA analyses of various options associated with the Hawaii Longline Association Proposal to remove the current effort cap on the Hawaii longline swordfish fishery for future presentation to SSC and Council.

The motion was moved and seconded.

Martin spoke in favor of the motion, saying he thinks the industry would appreciate the opportunity to have the fishery re-evaluated and looked at for possible future management regime changes.

Dalzell read:

The Council recommends that the NMFS Science Center elaborate on the analyses that need further work beyond the published results of the Hawaii Tuna Tagging Project with respect to the Pelagic Plan Team recommendation for modeling yellowfin population dynamics around the Hawaiian Islands.

The motion was moved and seconded.

Dalzell read:

The Council recommends that a compliance guide be developed by PIRO for general longline permitholders in the Western Pacific.

The motion was moved and seconded.

Martin spoke in favor of the motion, citing a similar type of endeavor has been helpful to the Hawaii industry.

Dalzell read:

The Council recommends that the Science Center and PIRO conduct a review of the methods employed by the Pacific Council's Highly Migratory Species Management Team for effort standardization of U.S. vessels targeting U.S. Pacific albacore.

The motion was moved and seconded.

Dalzell read:

The Council endorses the SSC recommendation that the framework amendment draft be further developed to provide additional flexibility in the event that fishery management controls other than catch controls are developed by these commissions. The SSC also noted that further internal consultation by the Pacific Council and NOAA Fisheries are required to develop equitable internal allocations of any U.S. allocations or equivalent adopted by the Commission.

The motion was moved and seconded.

Robinson asked for clarification as to whether the TAC framework amendment would be withdrawn and then further developed or a follow-on. Dalzell replied they would add in a third alternative to examine a range of fishing effort only in the longline fishery in this instance, and to go forward to finalize the amendment for submission and review by NMFS. He felt the net impacts would be the same.

Dalzell read:

The Council recommends that a trial longline operation focused on training and assessment of commercial feasibility should be conducted under the auspices of the Community Development Project. This CDP should operate outside of a closed area of 25 miles around the Island of Guam with:

One, an additional southern extension to provide a five-mile closed area around all of the southern offshore banks;

Two, implement an established turtle mitigation measures for deep-setting longlines;

Three, carefully monitor and document any conflicts with the troll and charter boat sectors;

Four, be subject to a sunset clause.

The motion was moved and seconded.

Duerr reiterated his concern for the enforcement agency's request for enforceable

boundaries. Dalzell reiterated his response, efforts will be taken to satisfy both the content of the recommendation and the practicalities of enforcement based on advice from the Coast Guard and the Office of Law Enforcement.

Martin put forth a request to amend the language to reflect the discussion of the charter boat fleet in Guam by amending the 25-mile area closure around Guam to read approximately 12 miles, recognizing the discussion with regard to the boundaries be developed with straight lines to enhance enforcement.

Duerr seconded the motion to amend.

Dalzell read the amended motion:

The CDP should operate outside a closed area of approximately 12 miles around the Island of Guam, with an additional southern extension to provide a five-mile closed area around all southern offshore banks.

Dalzell suggested adding, with the addition of a five-mile closed area around all offshore banks.

Sablan clarified that this motion is strictly for a CDP project and training and other longliners will be subject to 50 nautical miles. Martin replied in the affirmative.

Gaffney said this is the first time he saw the commercial assessment mentioned. He asked since the motion includes an assessment of commercial feasibility, shouldn't the vessel fish the waters being measured for the commercial fishery. Hamilton replied that the document and presentation do include commercial fishing because under the CDP program project the training period ends at the end of this year and during the training period they can't sell any fish. The document in the presentation was about the transitioning to be able to have a small-scale commercial operation in this area. She added the commercial levels of fishing were included in the analyses.

Duenas suggested discussion on closed areas and such should be left to the CDP. As he understands, it will be referred back to the SSC. Then the SSC will send it back to the Council for further discussion once they make the recommendation.

Robinson pointed out the CDP program is designed to promote economic development within the indigenous communities.

Dalzell read:

The Council were disappointed that Amendment 14 was not passed in its entirety. The reporting aspects for commercial nonlongline pelagic fisheries in Hawaii are currently inadequate to satisfy the Magnuson-Stevens Reauthorization Act ACL and AM requirements. The Council notes that adequate reporting of catch data will be required well in advance of the 2010/2011 statutory deadline for the implementation of ACLs and AMs.

The motion was moved and seconded.

Robinson pointed out the text is not a recommendation, but more of a statement.

Robinson moved to strike. Duerr seconded. Duenas called for a secondary motion for removal. Martin said it would be taken up after public comment.

Dalzell read:

The Council supports in the affirmative the questions concerning the implementation of management programs for nonlongline pelagic fisheries in the Western Pacific Region. The Council also supports the development of an options paper that explores reasonable measures to meet ACL requirements.

The SSC also supports investigation of whether any management programs for nonlongline pelagic fisheries should begin concurrently or be phased in, beginning with the largest and most diverse pelagic fisheries.

The motion was moved and seconded.

After a brief discussion, it was determined the motion would be revised with respect to the word, largest.

Dalzell read:

The Council notes the similar conditions of yellowfin and bigeye stocks in both the EPO and WCPO, and notes with concern the failure of either commission to implement effective controls on bigeye catches in these fisheries.

Dalzell suggested including the words, the IATTC or WCPFC, to make it more explicit.

The motion was moved and seconded.

Martin asked for clarification as to the action the motion was recommending. Dalzell replied such a recommendation involves writing a letter, in this case, to the Commissioners, pointing out the Council's previous actions.

Dalzell read:

The Council strongly supports extension of the tagging work conducted in Papua New Guinea by the Secretariat of the Pacific Community and partners, and encourages the WCPFC and IATTC to develop coordinated basin-scale tagging projects throughout the Pacific.

The motion was moved and seconded.

Walters suggested changing the word, extension, to the word, expansion.

Dalzell read:

The Council recommends DMWR investigate the potential illegal activity by nondomestic longline vessels offloading fish in American Samoa not destined for the canneries.

The motion was moved and seconded.

Dalzell read:

The Council recommends that the Fishing Technology Specialist Working Group of the WCPFC Science Committee continue to make this a high priority and notes research currently being conducted in both the Indian and Pacific Oceans.

The motion was moved and seconded.

Dalzell read:

The Council recommends adopting the Memorandum of Understanding between the three Pacific Councils for collaboration with respect to international fishery management.

The motion was moved and seconded.

After brief discussion, it was moved that the word, Draft, be added. There was no objection to the amendment.

Dalzell read:

The Council recommends that the 50-mile longline closed area around Guam be amended to include purse seine vessels.

The motion was moved and seconded.

General Counsel DeRoma recommended when the Council takes final action on this item, to exclude indication that it's for the development of the initial stage.

There was a brief discussion with regard to wordsmithing the recommendation.

Dalzell reread the recommendation:

The Council recommends that the staff develop an options paper to examine prohibiting purse seine vessels from fishing within the 50-mile longline closed area around Guam.

The motion was moved and seconded.

Gaffney had a question as to 50 miles or 200 miles for the exclusion. Dalzell said both could be included in the analysis.

8.J. Public Hearing

Public comment is included verbatim:

MS. AMARAL: Thank you very much, Mr. Chairman and members of the Council.

I do apologize for coming to speak to you on something that was earlier on your agenda. But, of course, I wasn't planning to be here.

You have received a number of communicaes (phonetic) about the Puwalu. I was hired as a facilitator for two Puwalu, Puwalu 2 and 3.

So I need to come before the Council and, quite frankly, correct the record.

My name is Annelle Amaral. I believe I'm named in some of these communicaes that you have received, because as part of my background I am also a former Legislator.

I was hired as a facilitator, however, because I have some skill in sort of neutral discussions.

One of the responsibilities of the facilitator when hired is to assist the organization, the organization being West Pac, in the planning of the agenda for the purpose of accomplishing an outcome.

I want to be very clear here, in neither of the Puwalu that I facilitated was the outcome to create legislation. In neither of them.

I don't believe Puwalu was intended to create legislation.

So I think there's great misinformation given to you.

Puwalu 1 was conducted without facilitation, in a traditional manner, with people speaking based upon their genealogy and based upon their knowledge. It was the way John Kaimikaua wanted it.

Puwalu 2 was intended to outreach to the Native Hawaiian language speakers and the teachers in the charter schools to bridge the knowledge gained from Puwalu 1, practices that are common only to that genealogical line or that moku, practices that are in common with all, to bridge that knowledge gained in Puwalu 1 with those teachers that reside in that moku, and set up communication with the kupuna to create that curriculum.

Puwalu 3 was intended to talk to policymakers and policy-implementers because, quite frankly, the policymakers and the agency representatives have a profound impact upon the lives of the native people.

So the intention was to create an environment in which the native people could hear what the concerns of policymakers and agency people were, and the native people could communicate to them sometimes the harm that is done by the decisions that are made.

And I will tell you there was one particularly painful discussion that was had with Mr. Peter Young about the harm that the DLNR has done to the native people.

Those were the intentions.

The third point I need to make is that about the Association of Hawaiian Civic Clubs.

As an aside, I am a 37-year member of the Association of Hawaiian Civic Clubs, who was started in 1910 by Prince Kuhio.

The intention is for us to better the condition of our people.

We take all of our experiences and we bring them to our members.

So the participants of the Puwalu, Civic Club members took what came out of Puwalu, wrote it into resolutions and brought it to our convention.

We take those resolutions out of Convention to the Legislature. We are a 501(c)(4), that's what we do.

So if we are to be criticized for anything, criticize the Association of Hawaiian Civic Clubs for drafting legislation from the mana'o learned at this Puwalu, that is where the blame lies. Civic Club members.

But this is what we do, and you have no jurisdiction over the Civic Clubs.

Finally, may I say to you, the occasion that you provided for native people to come together and share information not spoken about for generations is something that nobody can quantify. It is a huge gift you provided to us, and we are grateful for it, and we have learned a lot from this, and we will move forward as a result of this opportunity you have provided to us.

We are shamed that all this work is diminished by the comments of people who were not full participants. We are ashamed by that.

So we thank you for what you have done for us. We have learned a lot. We will move forward.

And I stand by my reputation as a facilitator, and by my reputation as leader in the Hawaiian community, by the work that have done. They have done nothing to break your laws and your rules, and I'm ready to answer any questions you may have.

MR. ITANO: David Itano.

Just a couple comments on Point 17 up there.

I like the wording minimization of yellowfin and purse seine, the original recommendation had bigeye and yellowfin in there. I know juvenile catch includes everything, but I think the intent was to add the minimization of juvenile bigeye and yellowfin catch.

I think that the Fishing Technology Working Group wants to make sure that we know what we are doing or supposed to do.

On Point 7, can you go back to that?

As written, I don't think anyone understands what that is about.

Does anyone understand what that is about -- I mean, as it's written there?

Because the original intent of this issue came up in the Plan Team and the original intent had to do with looking at the efficacy of an impact of reducing catches of small yellowfin, juvenile yellowfin, in our fishery and also the impact of protecting large yellowfin spawning conditions.

I don't know, a lot of that seems to have fallen out.

So the idea was that, is there any useful utility in having a minimum size of yellowfin here, the three-pound size limit? Is there any utility in protecting small yellowfin using the studies that we've done over the years on retention, movement and natural mortality of yellowfin.

So I don't know. I just think the Recommendation 7 doesn't look like -- or give anyone a behind about what it is about.

But the intention was to look at the possibility of protecting small yellowfin and also large yellowfin when they're spawning during certain times, whether that can be a management strategy used in Hawaii to do something about our local yellowfin resource.

It was seen as an interesting first attempt to take management out of the hands perhaps of the big regional RFMOs and say, we can do anything locally, on a local scale, because there are all of these issues and questions about local depletion in all of our island states, and I don't think

that issue has been properly addressed.

I know it's going out on a limb scientifically to say whether these things can be used effectively, but the idea was to look them in a scientific way to see if -- so perhaps some rewording.

Dalzell noted that the recommendation references that larger Plan Team recommendation, but it could be rephrased to, modeling yellowfin population dynamics around the Hawaiian Islands in order to look at the potential of local management measures.

Dalzell reread Recommendation 7:

The Council recommends that the Science Center elaborate on the analyses that need further work beyond the published results of the Hawaii Tuna Tagging Project with respect to Pelagics Plan Team recommendation for modeling yellowfin population dynamics around the Hawaiian Islands. This includes large yellowfin in spawning condition and juvenile yellowfin with the intention of examining the potential for local management actions that may include yellowfin fishing around Hawaii.

The amended motion was moved and seconded.

Simonds noted that every year the Council sends a letter to the State Department about this topic. She suggested at the October meeting, after the Science Committee meets, the Council can decide what it might want to say to the U.S. Delegation, as it goes to the Commission meeting in December.

8.K. Council Discussion and Action

With regard to Recommendation 1, the recommendation for a closed area for longline and purse seine fishing in the Northern Mariana Islands.

The motion was passed unanimously.

Duenas made a motion for consensus, with no objections.

With regard to Recommendation 2, the Council contacting the Government of Guam about problems encountered in FAD deployment through slow release of funds and also for the folks involved in the creel survey at Ylig Boat Ramp.

The motion was passed by consensus.

With regard to Recommendation 3, to have a fishery scientist stationed in American Samoa to work full-time, primarily on the longline fishery.

The motion was passed by consensus.

With regard to Recommendation 4, to do more data mining of the observer database to see

if there are individual vessels which have higher than average interactions with turtles.

The motion was passed by consensus.

With regard to Recommendation 5, to modify advisory product produced by the Science Center on where turtle interactions are likely to be the highest and to modify it and translated into primarily Vietnamese.

The motion was passed by consensus.

With regard to Recommendation 6, a NEPA analysis be conducted on the options for the swordfish longline fleet associated with the HLA proposal to remove the current effort cap.

The motion was passed by consensus.

With regard to Recommendation 7, the Science Center to asses various tagging projects in Hawaii with yellowfin and bigeye to determine possible local management measures to improve local fisheries.

The motion was passed by consensus.

With regard to Recommendation 8, the development of a compliance guide similar to the others for the Hawaiian and American Samoa longline fisheries.

The motion was passed by consensus.

With regard to Recommendation 9, the Science Center and PIRO to look at similar exercises as the Pacific Council did.

The motion was passed by consensus.

With regard to Recommendation 10, the modification of the FMP framework process.

The motion was passed by consensus.

With regard to Recommendation 11, to go forward with a CDP program with the Guam Fishermen's Cooperative vessel with the stipulations of a 12-mile closure around Guam, five miles around all offshore banks and the other provisions outlined in the recommendation.

The motion was passed with one abstention cast by Duenas.

Recommendation 12 was skipped.

With regard to Recommendation 13, for the Council staff to move forward with an options paper looking at the measures that might meet Annual Catch Limit requirements and which

fisheries to look at.

Duenas pointed out Recommendation 12 should be removed properly. Robinson moved to remove. Dela Cruz seconded. The motion was passed to remove Recommendation 12.

Gaffney suggested to strike the words, largest and most diverse; then add, targeting species of concern, especially bigeye and yellowfin tuna.

The motion was approved unanimously.

Robinson moved to strike Recommendation 14. Dela Cruz seconded the motion. The motion to strike was passed by consensus.

With regard to Recommendation 15, an expression of support for the tuna tagging work conducted in PNG.

The motion was passed by consensus.

With regard to Recommendation 16, to investigate potential illegal activity by nondomestic longliners offloading fish in American Samoa.

The motion was passed by consensus.

With regard to Recommendation 17, the Fishing Technology Working Group in WCPFC Science Committee place a high priority on ways to minimize yellowfin and bigeye juvenile purse seine.

The motion was passed by consensus.

With regard to Recommendation 18, to move forward on the Draft MOU for collaboration between the three Pacific Councils on matters relating to international fisheries management.

Motion was passed with one abstention cast by Bill Robinson.

With regard to Recommendation 19, for the Council to look at the options for prohibiting purse seiners operating within the Guam EEZ.

Martin noted the modified language in Recommendation 19.

Tulafono moved to amend the motion by including American Samoa. There was no objection to the amendment.

The amended motion was approved unanimously.

Fisheries Rights of Indigenous Peoples Standing Committee Report

Haleck reported:

The Standing Committee met on Tuesday. Marine training and education programs mandated by the Magnuson-Stevens Reauthorized Act was presented by Charles Kaaiai, as well as the Community Demonstration Project Program.

The Standing Committee Recommendations are as follows:

Traditional practitioners from the Northern Pacific and the Western Pacific are invited to attend the Marine Education Training Workshop being developed. The Fisheries Rights for Indigenous Peoples Standing Committee would like to discuss the Alaska CDQ Program, educational initiatives and programs. Traditional knowledge and practices are required under the new mandates. Committee members suggested that practitioners will be invited through the Aha Moku/Aha Kiole in Hawaii, Department of Chamorro Affairs in Guam, DMWR in American Samoa, Office of Indigenous Affairs and the Office of Carolinian Affairs in CNMI.

The second recommendation, in light of the establishment of ACLs changing the management of fisheries resources in the Western Pacific toward a quota-based form of management, the Council staff to review the Alaska CDQ Program to develop recommendations and proposals for initiating a similar program in the Western Pacific under the Western Pacific Community Development Program.

Recommendation 3, a letter to be sent to Bill Hogarth about the loss of funding for CDPP, informing him that CDPP funds is not discretionary, it is mandatory.

Haleck moved the motions as a whole. Sablan seconded the motion.

General Counsel DeRoma noted the motion has to be displayed before the Council votes.

Duenas asked Simonds to share information with the Council regarding the recommendations.

Simonds said she was informed by the Chief Financial Officer of the Department of Commerce that when a program is authorized in an act, that it is the government's responsibility to fund these programs. It is her understanding that whether or not the Congress actually comes in with funds specifically for that program, that the government is still responsible for funding those projects. She stressed what the members want to be clear about with the Service is to make every effort to fund these programs whether or not the Congress appropriates funds.

Tosatto briefly described the federal budgeting process. Robinson provided a brief description of CDQ, using the Alaskan example. Gaffney noted a similar program exists in New Zealand which may be something to look into. Severance noted Gaffney's suggestion of looking into the New Zealand example is worth investigating.

Sablan asked if the Alaskan CDQ included loans. Severance said he remembered a variety of economic development opportunities.

There was no public comment.

Gaffney moved to amend to include investigating the New Zealand model. The amended motion was approved unanimously.

9. Program Planning

9.A. Update on Use of State Disaster Relief Funds

Walters reported:

There was an Administrative action to continue the program, which was approved. He had no specifics to report.

9.B. Fishery and Seafood Marketing Development

Dalzell reported:

Given financial constraints and other considerations, staff looked at this item with respect to American Samoa. There are two proposals being looked at. The evaluation is still ongoing.

9.C. Using Local Names for Non-local Fish

Spalding presented brief information as the background for the AP recommendation regarding the issue of using local names for nonlocal fish, for example, imported fish should not use the Hawaiian names for fish caught locally, such as onaga, ahi, et cetera.

The purpose for the recommendation is as follows:

One, to protect the reputation of the regional foods;

Two, to eliminate unfair competition;

Three, to eliminate misleading consumers by nongenuine products, which may be of inferior quality or of different flavor.

The type of foods protected are wines, cheeses, hams, sausages, olives, beers, breads, fruits and vegetables. In the United States, there's been opposition to geographical designation of origin. Some exceptions are onions from Georgia, Idaho potatoes and Florida orange juice. Currently, wines from Napa Valley, Oregon, Walla Walla Valley and Washington State are actually trying to get their regions protected on labels.

In Hawaii, Macadamia nuts and nonHawaiian fruit juices can be labeled as "Made In

Hawaii" if 51 percent or more of the value is added by in-state processing, even if none of the food products have been grown in Hawaii. For Kona Coffee, only 10 percent of the coffee is required to be grown in Kona. Kona Coffee Farmer's Association has an ongoing campaign for Truth-In-Labeling. Another example is the Hawaii Organic Farmers Association, which is certifying organic products in Hawaii.

In regard to fish, there are some efforts ongoing for certifying fish to provide information regarding the value of fish, flavor and environmental quality. These include the Marine Stewardship Council Certification mark, some nongovernment agencies and organizations, such as the Monterey Bay Seafood Watch.

Presently, NOAA is going to roll out a new program called FishWatch. It's scheduled to roll out in August in New Orleans at a seafood festival there.

In Hawaii, the Hawaii Seafood Project is looking at gaining back ownership of a lot of the Hawaii seafood materials that the Hawaii Department of Business and Economic Development and Tourism have acquired. Since they are no longer promoting Hawaii seafood, there is a move to try to relook at using Hawaii seafood as an eco-label and certification.

Some of the considerations are:

Some of the Hawaiian names of fish are increasingly being established worldwide, especially mahimahi and ahi.

Traceability,

Supply and demand, to avoid the consumers receiving misinformation.

The World Trade Organization is getting involved. Some of their laws are starting to usurp some of the European laws that are used in the designation of foods.

9.D. Status of Fishery Management Actions

Hamilton reported:

With regard to Main Hawaiian Islands bottomfish, there is frustration from lack of communication with PIRO Office. There were 500 comments received, which is also slowing down progress.

With regard to the CNMI amendment to have bottomfish vessels stay offshore, the document was sent to PIRO for review on February 3rd. There has been no response to date.

With regard to Amendment 14, there won't be a Final Rule published because the regulatory aspects of the amendment were not approved. A notice has been published saying that there was a partial approval.

With regard to the Fishery Ecosystem Plans, Section 7 Consultations have been called for several of the areas. Hamilton expressed additional frustration over lack of progress on this item as well.

Sablan asked Robinson for comment.

Robinson commented that they are not meeting specific deadlines, but his office does try to respond to all inquiries as to what stage they're in and the expected time needed for completion. He added they are doing the best they can.

Duenas asked if perhaps a coordinator could be assigned to ensure responses. Robinson replied that he encourages communication between the staffs, the more, the better. He added that any complaints regarding staff is for discussion between the Executive Director and the Regional Administrator.

9.E. Social Science Research Committee Report

Hamilton reported:

The Committee met on June 18. The objective of the meeting was to review the previous social science research needs and priorities identified by the Council in the context of the transition to ecosystem-based management, partly motivated by new language in the Magnuson-Stevens Reauthorized Act that says the Councils will come up with five-year research plans.

Participants of the meeting accomplished the following:

Review and discussion of the research priorities and progress from the last meeting.

Discussion of items to accomplish moving forward.

The major issues outlined were:

Issue 1, to continue and expand collection of fishery cost or needs data.

Issue 2, increasing understanding of the communities.

Issue 3, increase understanding of the role of society in island ecosystem systems.

Issue 4, explore potential impacts of the ACLs on fishery participants and on communities and alternatives and measures that would minimize adverse impacts.

Issue 5, seafood health and safety, benefits and concerns.

Issue 6, investigate the potential impacts of increased aquaculture and mariculture production.

The committee identified principles it felt was important throughout all of these projects. They are:

Start with pilot projects that have a high chance of success.

Use the Council REAC process.

Identify additional social science issues that folks from these other agencies and groups are aware of,

Coordinating projects and surveys to the extent possible.

The committee also made a list of names for potential members.

Gaffney asked if one of the subset communities included the sport fishing community. Hamilton responded in the affirmative.

Duenas commended Severance and Hamilton for a job well done.

9.F. Report on MSRA

9.F.1. ACL Guidance

Mark Nelson reported:

A Powerpoint was presented to summarize the ACL Workshop held recently to discuss ACLs and AMs that were authorized in the new Magnuson-Stevens Reauthorized Act. The workshop was held to identify regional issues that are going to be addressed in the final technical guidance for these actions.

After a brief background presented, each Council will be required to develop Annual Catch Limits for each of its managed fisheries that may not exceed the fishing level recommendations of its SSC or other peer review process.

Section 303(a) states every Fishery Management Plan must have a mechanism for specifying ACLs, including measures to ensure accountability, or Accountability Measures. There are certain exceptions for this.

The ACL provisions take effect in 1010 for any fisheries that are currently experiencing overfishing, and 2011 for all other fisheries.

What exactly an ACL is has not been defined yet. It could be analogous to a currently used biological reference point, such as a TAC, Total Allowable Catch, OFL, Overfishing Level, or ABC. Although eventually it could be defined as something completely different.

Scoping sessions were held to gather input. During the scoping sessions, one proposal raised was to set the Annual Catch Limit at the overfishing level and setting some other target below that.

Also, there were some interesting approaches for dealing with uncertainty.

The exemptions in the Magnuson-Stevens Act were also discussed, such as the species with annual life cycles.

Accountability Measures were discussed, which are going to be of paramount importance.

The SSC has been given a role in the new Magnuson-Stevens Act. It's defined as the SSC or other peer review process is going to be expected to make recommendations for ACLs to the Council. There are going to be certain steps along this assessment process that are going to need additional outside peer review possibly from the Center of Independent Experts or WESPAR, which is a stock assessment review panel that Gerard DiNardo is currently trying to develop. So the final SSC recommendations would then go to the full Council for approval.

The Council is going to need to give guidance on the acceptable risk level that they're willing to accept for overfishing.

The Council's role in setting these ACLs, the first step is going to need to work with the SSC and the Science Center and develop some sort of acceptable risk level that the Council is going to be willing to take for their analysis. The Council staff, working with PIRO and the Science Center, is going to have to develop some sort of streamlined process and framework for setting ACLs every year.

The Council will need to approve this final framework or process.

Then they will go on to the SSC review. The assessments need to come out so they're timed. So the SSC can review them and pass on their recommendations to the Council for a full vote.

ACLs, whether you like them or not, are coming. Right now, what the ACLs really mean and what their definition is is not known.

There is still time to work with Headquarters to give them guidance and make sure that the final definition of ACLs meets the Region's needs.

Robinson announced that PIRO is going to be hosting a regional meeting with SSC members and Council staff and Science Center staff to try to provide Headquarters with guidance so the final Headquarters guidance incorporates the Region's needs.

The SSC and the Council are going to play an important role in setting these ACLs, most likely on an annual basis.

Duenas pointed out that with regard to ACLs, the WCPFC will trump the Council's ACLs. Nelson agreed.

9.F.2. Marine Training and Education Program

Kaaii reported that to address the mandates in Section 305 of the Magnuson-Stevens Act, the Council is planning two workshops to involve counterparts in the North Pacific and partners in NOAA Fisheries and Science Centers to get together and address how to deal with the mandates. The draft should be available soon.

9.F.3. National Legislation Affecting the MSA

Makaiau reported:

Legislation relative to coral reef conservation includes:

In 2000, Congress passed and authorized the Coral Reef Conservation Act, which provided, among other things, funding to Councils, states and territories for the purposes of conserving and managing coral reefs and conducting research and other types of activities. There are three bills that are in the U.S. Congress that proposes to reauthorize the Coral Reef Conservation Act.

The first one was introduced by the House, but it also has the new provision which authorizes entities, such as states, territories and Councils, to work with communities to prepare and implement plans to protect coral reefs identified by the community.

It also continues to authorize the national program, which gives funding to both NOAA National Marine Fisheries Service and National Ocean Service to conduct coral reef monitoring research programs and formalizes through legislation the U.S. Coral Reef Task Force.

The U.S. Coral Reef Task Force was created through an Executive Order.

It also includes a new provision, making it prohibited to injure or take coral federally, making it illegal to do so except as authorized. Those exceptions are if you have a participant in a federally-approved fishery management plan or if it's research conducted by the entities.

The second bill does the same thing, but it does not include a legislative action to formalize the U.S. Coral Reef Task Force.

A third piece of legislation is the Administrations Bill, which was submitted by the Bush Administration. It does the same things as the House Bill does. It also authorizes the Coral Reef Program for the Department of Interior.

The National Offshore Aquaculture Act was introduced but the text is not available.

Other pieces of legislation that may potentially be introduced again is the Marine Mammal Protection Act, which was proposed in 2005 but was never authorized.

9.G. Report on Regulatory Streamlining Workshop

Robinson reported:

On May 22nd through 24th, NOAA Fisheries Service held a Regulatory Training Workshop for NMFS and Council staff. Approximately 15 persons attended the workshop led by Office of Sustainable Fisheries out of Washington, D.C.

The purpose of the workshop was to provide basic training on the fishery management process commensurate with the increased delegation of authority and responsibility delegated from NMFS Headquarters to the Regional Offices. The workshop provided a comprehensive overview of the Magnuson-Stevens Act, National Standards, other applicable laws, such as NEPA, the ESA, Regulatory Flexibility Act, the Administrative Procedures Act, Coastal Zone Management Act, et cetera.

NMFS Office of Sustainable Fisheries is planning to hold the next Regulatory Training Workshop in the Northwest Region based upon the model set at this meeting.

9.H. New Program Initiatives from Advisory Panels and REACs

Makaiau reported:

A brief review and summary of a document, New Initiatives from Advisory Panels and Regional Ecosystem Advisory Committees, which have been covered already in the meeting.

Duenas suggested working collaboratively with regard to grant writing to assist native populations.

9.I. SSC Recommendations

Severance reported:

The SSC heard the report for the Pacific Islands Fisheries Science Center Director about current activities. The SSC thanks the Director for his comprehensive report and finds it of great interest and encourages continued reporting of Pacific Islands Fisheries Science Center activities at the SSC.

The SSC asks for an opportunity to get a broader understanding of how other SSCs handle setting Annual Catch Limits. The SSC is aware that the Northern Pacific SSC has for a long time been meeting in conjunction with their Council. The SSC recommends that its Chair or designated members attend appropriate meetings of other Councils, SSC and regional planning sessions.

The SSC recommends that a small working group of SSC members, Council staff and appropriate staff from NMFS, Pacific Islands Fisheries Science Center and PIRO be established to further refine operational methodologies related to the ACL process.

The SSC encourages the establishment of the meeting of the SSC Chairs, possibly in conjunction with the Annual Council Chairs and Executive Directors Meeting.

Robinson spoke in support of each and every one of the SSC recommendations relative to the ACL. He has delivered a one-page proposal to Paul Dalzell to bring together the work group that the SSC is recommending into a workshop format as soon as possible. His office is working on the ACL Guidelines from Headquarters to work with the group, and he's offered financial support to support the workshop.

9.J. Standing Committee Recommendations

Sablan referred the Council members to the written report provided to the Council members.

Mitsuyasu read:

The Council recommends that the issues identified by the Social Science Research Planning Committee be included in the Marine Conservation Plans and its five-year research plan to be prepared in accordance with the Reauthorized MSA Section 302(h)(7).

The motion was moved and seconded.

9.K. Public Comment

No public comment.

9.L. Council Discussion and Action

Standing Committee Recommendation 1 was passed unanimously.

Mitsuyasu read:

The Standing Committee recommends that the SSC Chair or designated SSC members attend appropriate meetings of other Councils, SSCs and Regional Planning Sessions in order to better understand or carry out its responsibilities with respect to ACL requirements for the Reauthorized Magnuson-Stevens Act.

The motion was moved and seconded. The motion was passed unanimously.

Mitsuyasu read:

The Standing Committee recommends establishing a small working group of SSC members, Council staff and appropriate staff from NMFS, PIFSC and PIRO to further refine

operational methodologies related to the ACL process.

The motion was approved and seconded. The motion was passed unanimously.

Mitsuyasu read:

The Standing Committee recommends the Council Coordination Committee convene a meeting of the SSC Chairs in conjunction with its annual meeting.

The motion was moved and seconded. The motion was passed unanimously.

10. Administrative Matters and Budget

10.A. Financial Reports

Simonds reported:

Copies of the financial reports for all of the Cooperative Agreements were provided to Council members.

The Council finally received in May allocations for Admin, turtle, NEPA and West Pac FIN. The Admin budget for this year is up, \$1.9 for the calendar year.

The Council also received the usual award for West Pac FIN, which essentially goes for travel to FDCC and data meetings around the Pacific, as well as the NEPA Regulatory Streamlining budget, which pays for the salaries of two people and NEPA activities. Turtle budget is the same as last year and the projects haven't changed.

The only change in this budget is different meetings held.

The International Fishers Forum that will be held in Costa Rica and a meeting on turtles to be held in Malaysia, which will be looking for ways to continue support of the nesting beach projects.

Indigenous Program funds have not yet been received.

Funds were received to be used in the Marine Conservation Plans as well.

10.B. Administrative Reports

Simonds reported a list of pending grants was provided to the Council members, which was forwarded,

NMFS is helping the State and the Council to support bottomfish and international initiatives. They are helping to fund our outreach and education efforts regarding the Hawaii bottomfish regs and also to help coordinate the Science Committee Meeting that is going to be

held in August of the Western Pacific Fisheries Commission.

The Council also expects to receive some initial funds to host workshops to be held in September.

There were no staff changes, but the Council may be contracting with a few people to assist in the Educational Program and also a professional grants writer to assist in some of the new initiatives.

A staff retreat was held at the Outrigger. There was some progress made, but there was not enough time.

The Executive Directors and the Council Chairs met in New Orleans and reviewed an extensive agenda that was budget-related. The documentation was included in the Council books.

Budget is unknown for '08, which begins in October. Presently the annual audit is being conducted.

There is an official response from the Federal Assistance Law Division on the Western Pacific Fisheries Sustainable Fund.

10.C. Meetings and Workshops

Document 10.C.1 was provided to Council members which lists upcoming meetings.

10.D. Council Family Changes

10.D.1. Advisory Committee Changes

Mitsuyasu reported:

With regard to the Precious Coral Plan Team, Carl Marsh is leaving. Jerry Tanaka is recommended for replacement, as well as Sam Kahng and Les Watling.

Another recommended change is replacement of Dave Hamm from the Science Center as an ex officio member with Matt Parry.

Karl Brookins, the SSC representative from American Samoa, moved to Hawaii. The recommended member from DMWR is Nonu Tuisamoa.

Tulafono noted a correction for Nonu Tuisamoa was the replacement for the Pelagics Plan Team.

10.D.2. REAC Membership

Makaiau directed the Council to Document 10.D.2(1) entitled, Regional Ecosystem Advisory Committee Membership, which lists names by each island area. According to the

SOPP, membership must be invited and approved by the Council.

10.E. Standing Committee Recommendations

Martin presented the two Standing Committee Recommendations:

The Standing Committee recommends to the Council to approve the REAC membership list with the caveat that the members send, in addition, recommendations for members.

Second recommendation, the Council directs staff to draft a memo to the Council members asking for recommendations on who should be invited to participate in the new Noncommercial Data Advisory Group with possible names in this group, and to include the CVs.

10.F Administrative Business

No Report

10.G. Public Comment

Public comment is included verbatim:

MS. BONK: Thank you, Chairman Martin.
Council members, good afternoon.

Just for the record, I know you know who I am at this point. But my name is Keiko Bonk and I'm a lifelong advocate for the protection of Hawaii's natural environment and for the preservation of best cultural practices here.

I'm presently Director of the Northwest Hawaiian Islands Network, an organization made up of Native Hawaiians, environmentalists, science and fishing interests. All of these groups are advocates for a sustainable and healthy environment and have great respect for diversity in our culture.

I have been assigned to follow your work because of the nature of your work, which is to make recommendations to manage natural oceans resources.

Most of you are appointed representatives who represent the public; that is, myself and all of these groups that I represent.

As I understand your responsibility, it is your job to represent me and the broader public as well. There is no one group you serve more.

If you believe you serve select groups, you may want to reconsider your service. Public officials need to be fair and at no time in conflict with making personal financial gain from their positions of power.

If any of you make money from your decisions from this Council, there is something systematically wrong with this institution.

It is hard for a conflict of interest organization to bring forth clarity and to establish recommendations that will benefit the common good and create a healthy environment.

So once again, I am asking you, my representatives of this Federal body, to answer questions that are needed to bring forth clarity for the public good.

The most important question I have, which has never been answered thus far is, is there such an item as a fiscal report or a budget that is line item based that shows how money is spent

on programs within your organization.

I have also -- I don't know if you call it a budget or an annual fiscal report -- or I heard earlier for the first time there are annual audits. I was told previously that audits weren't done that often.

But I've requested copies of these documents, these fiscal documents, for the last two years, line item income and outcomes, so that whatever you receive in terms of Federal grants divided amongst all eight Federal Fishery Councils, as well as the other grants that come in through the Federal Government, I would like to see how that money moves and is spent and what -- the most important thing is how you prioritize the programs to which this money is given.

I have never seen a list of prioritized programs that you manage. I've served on boards and organizations where we go through this, and this is the most important part of the year's work, where we systematically review programs and then the fiscal backing for these programs.

I figure this is the committee and the time within this one-week-long meeting where you're supposed to do that.

But I have attended meetings consistently for the last year and I've never seen any of that action go on. I was wondering at what time it does occur, and if there is another meeting that occurs, I've never seen that put up on your agenda.

I stated that I would like to review these fiscal reports or your books, because I am confident at this point that your staff is steering lobbying efforts at the State Legislature with the Federal grant money that you receive.

I would like to look at your fiscal records so that it would give clarity to these Puwalu expenditures during the years 2005 to 2007.

How do I go about getting this material, that is my question to you.

I heard that approximately \$350,000 or more was spent on the Puwalu Series. Where is the breakdown for this amount of money spent?

Let me back up a little.

I still haven't heard an answer about the woman who spoke yesterday, Leimana DaMate, on whether she has a job description and what her expected outcomes are to work with you.

It was confirmed yesterday, however, that she is indeed your employee, a full-time employee, and I was given a document that states this by the State of Hawaii.

If she is indeed a full-time West Pac employee, why was she speaking in the public comment section? Why did she not get called upon to speak as your other employees and contract workers, at the podium; and us, the public, have the opportunity to question her on her work, just as you consistently do with others working on programs in this body -- or your body.

It seems, from the public point of view, very weird and out of order. Especially if she is your employee -- and that if she is your employee, she seemed out of order in the manner that she threatened people like myself and three other women in a very personal way and very disrespectful.

Why would you hire a person with such qualities?

I don't know if you took notice, but she said things like, I'm going to get off my high horse, which I don't know what that means.

I assume it means she's going to go to a lower horse and start retaliating in a vindictive way, is my assumption.

That, to me, sounds like a threat.

I also noticed that you have invited this employee, Leimana DaMate, to sit on your REAC

Committee, which I'm not really familiar with that committee at this point. It's only something new that I've become introduced to.

But I see that she is sitting there as a Kau Aha Moku.

Shouldn't a West Pac employee or representative be representing West Pac on these committees and allowing other community participation from Kau?

I will be attending a wedding in Kau this week, and I would be perfectly happy to communicate with leaders in that community about this situation, the representation from this District of Hawaii.

There seems to be a blur here between her responsibilities working for you and her interest in working with other hats.

If the REAC is open to the public groups for input from the science, policy, cultural, fishing, Hawaiian and other environmental groups, I think that needs to be made clear to all of us. Someone said that it is going to be in the newspaper. I haven't seen that, but even more effort put out to get true participation.

I have a complaint to put on record regarding your staff's protocol and public interaction.

I find your staff to be rather abrupt and often do not display outward friendliness and the aloha spirit.

When I was in -- I know the State Government has done the same thing, they actually put on workshops for employees called, Aloha Training, and you might want to consider some of these.

There are professionals out there, from the University of Hawaii, in particular, who actually do Aloha Training. It costs a little bit of money, but it also helps people with their public rapport. The Federal Government may be able to use those services.

Anyway, I find this woman that you hired to be very abrasive and have emotional and temperament control problems. She is very offensive.

She's not the only staff that has displayed some of these kind of abrupt and rude manners towards the public, and even at times towards your own membership of this Council. I've witnessed it even internally, and it does not sit well with myself or others from the public.

I do know that since I put in my complaint, your staff has been sending around e-mails to members that participated in the Puwalu. E-mails that are actually quite derogatory, using swear words and describing my name in a bad way, as well as others that put in press releases. I'm not going to mention names, but they are your staff. I recognize them by name.

If you are paying for this kind of behavior, you might want to start to go internal and start questioning that kind of behavior from a public view.

I've been an advocate to see if we can get a Native Hawaiian member on this actual Council.

With all of the talk coming from your staff, from Miss Simonds and from the staff, about Hawaiian representation, this Council is not very diversified in that way, and I think I mentioned that to you the last time at the 137th West Pac meeting.

I think it would be advantageous to have a Native Hawaiian Council Member who has no affiliations with the staff, fiscally-related or family-related to your staff or to anyone else on this Council.

It would also be a future vision to see more diversity on this Council in terms of women, in terms of a conservationist or science to this body, which would then make this Council, I believe, a much more well respected and responsible organization to do your mission and manage our precious natural resource. Thank you very much.

Ebisui pointed out nominations to the Council are made by the Governor and approved by the Secretary of Commerce. Also, with respect to conflict of interest, there are federal laws regarding conflict of interest, and there are forms filled out by the Council members. Ebisui clarified the documentation Bonk referred to with regard to DaMate's employment status as a letter from DLNR.

Duenas pointed out the Council undergoes an annual audit, the NOAA Grants Office monitors the Council's expenditures and the list of nominations for the Council is the Governor's preference.

Robinson pointed out the next round of Council appointments will probably be in March.

10.H. Council Discussion and Action

DeMello read:

The Council approves the REAC membership list with the caveat that members send in additional recommendation for members.

The motion was moved and seconded. The motion was passed unanimously.

DeMello read:

The Council recommends staff draft a memo to the Council members asking for recommendations on who should be invited to participate in the new Noncommercial Data Advisory Group, formerly the Recreational Data Task Force, possible names for this group, and to include CVs.

The motion was moved and seconded. The motion was passed unanimously.

Additional recommendations are:

One, recommends that the DLNR convene a working group of partners, paren, State of Hawaii Department of Boating and Ocean Recreation, Council and NMFS, close paren, to include fishermen, in the enormous task of angler registration.

A matrix on the various changes in composition to the panels, committees and plan teams.

Number five, recommends hiring additional staff for education, slash, outreach and grant writing.

Number six, recommends staff review and investigate the Magnuson-Stevens Reauthorized Act mandates and associated funding.

Number seven, recommends National Marine Fisheries Service provide funding to the Council for MSRA mandates, including but not limited to, CDP Section 305(i), and Marine

Education and Training, which is Section 109, and notes that these programs are mandates and not discretionary provisions of the newly Reauthorized Magnuson-Stevens Act.

Number eight, recommends staff respond appropriately to recent allegations regarding the Puwalu.

Number nine, recommends staff provide comments to Mr. Jean-Michel Cousteau regarding the blatant misinformation in his video, Voyage to Kure, regarding a legally-permitted fisherman in the Northwestern Hawaiian Islands.

Number ten, recommends staff review and comment on the Navy EIS on Guam.

Number eleven, recommends NMFS Pacific Islands Regional Office report its involvement in the Micronesian Challenge and include staff Council in planning meetings.

Number twelve, recommends establishing a scholarship program to provide funding for Western Pacific students who attend colleges and universities that provide studies in fisheries.

The motion was moved and seconded.

Walters asked regarding the DLNR working group, if there will be any funds associated to it. Simonds replied in the affirmative, as NMFS has some funds. Walters spoke in support of the motion, but pointed out the need for funds.

There was a brief wordsmithing discussion with regard to the motion regarding scholarships for fishery management education.

Robinson clarified if the scholarship recommendation was covered in the new Section 109.

Gaffney suggested widening the recommendation to schools of fisheries technology in the State of Oregon and add also social scientists. He added that it is unfair and inappropriate to insert recommendations at the last minute, which often result in badly worded recommendations.

Duenas called for the question.

The amended motion was moved and seconded.

Simonds pointed out the recommendations will be fleshed out in the workshop and will come back to the Council.

The motion was passed with one abstention cast by Gaffney.

McCoy commented:

Mr. Chairman and Members of the Council, I propose that we bring this up on the board for the Council's consideration. This is in regards to recent allegations of the unethical and

illegal activities of this Council's Executive Director.

The Council deems it appropriate to officially and publicly express its continuing confidence in and support for Kitty Simonds.

The Council does not believe that the allegations have merit and wishes to continue to be the recipient of the Executive Director's vision, tireless effort and wisdom.

I bring this to you, Mr. Chairman, in the form of a motion.

The motion was seconded by Ebisui.

Duerr pointed out that everyone is innocent until proven guilty and at this time the complaints are just allegations.

Duenas commented:

Those allegations, and all of that stuff, I also saw the request for her resignation. I did ask Kitty to resign and she said, hell no, which I was thankful for. Because I and I think half of this Council should resign if that's the case, because she is our spiritual leader. I've worked with her for about nine years already and I have a -- you know, the thing that really bothers me is that her salary is always in question.

Okay. Just for the record, and I tell you, if I were in charge of Mobile or Exxon or a company like that, I would hire this lady because there hasn't been a day of the week that she's not in her office.

I get sick because I get e-mails from her on a Saturday and a Sunday, and a Monday on Guam, which I know it's Sunday over here. And I know it's coming from her office. She does not leave her desk. I think her staff knows that, because they've called me when she is in the office.

All of the effort she's done, she doesn't get paid enough. We don't thank her enough. I think we give her enough grief over the last 30 years. I know I've given her grief.

All I'm asking is my fellow Council members here to understand that she is taking care of everybody, everybody's needs, from the staff, to the community, to your individual Council member requests, and that she ought to be given that special -- the same respect I ask for the Native Hawaiians, she should be given that respect.

Those of you that don't like her, bear with her, because I'll tell you right now, I'll write a nasty letter to the President, himself, with everybody else, I'm sure, if I get more word about asking for her resignation. Because I don't know who else can lead this group. I don't know who else can lead this group.

Because if you think you're that good, apply for the Deputy job, and Kitty will show you

how fast you can move. You're going to need more than Geritol.

McCoy commented:

Mr. Chairman, just to add to that, we have a constituency out there that hears innuendos and misinformation, and stuff. As a Council, we need to step up and clarify that, and we do that by providing support for our Executive Director. We cannot always be here to make decisions, that's why we elect a chairman. We have to trust her at some point to make some decisions in-house that doesn't require our participation.

But we do have people out there that look to us, and all they are hearing are all of these negative things, and it's selling newspapers apparently, or something. But we need to go on record to correct that.

The motion was passed unanimously.

Duenas stated:

Mr. Chairman, I know that Rick is not going to like this, but this is a last-minute recommendation because of all of the issues this past week of the Puwalu Series. I would like to request that the Council continue its work for the communities through a series such as the Puwalu, and that the Puwalu Series continue for the native people of Hawaii and for the Marianas and American Samoa.

The recommendation was moved and seconded.

Ebisui said he thought the motion was unnecessary but will support the motion.

Duerr agreed with Ebisui's point, but also agreed to support the motion.

Gaffney said:

Just for the record, I'm going to abstain again.

I just can't continue to support all of this last-minute stuff that doesn't have time for proper discussion, isn't open to the public, hasn't been considered by the Advisory Panels, just comes out of the blue at the last minute. It's not a proper way for us to do business. So I'm going to abstain again.

Martin said he agreed with Duerr's and Ebisui's comments. The Council has the right and obligation to work with communities and engage communities, and if there are people that call the methods into question, I think that it can serve a useful purpose to move a motion like this forward.

The motion was passed with one abstention cast by Gaffney.

11. Other Business

Duerr was appointed as the Vice Chair from Hawaii, replacing Ebisui.

Haleck was appointed as the Vice Chair from American Samoa, replacing McCoy.

Martin read:

This is a Resolution recognizing the Distinguished Services of Mr. Frank McCoy.

Whereas Mr. McCoy was appointed by the Honorable William M. Daley, U.S. Secretary of Congress, to be a member of the Western Pacific Fisheries Management Council representing American Samoa in 1998 and has continued to be an active member since then;

Whereas Mr. McCoy began his Council career on the Advisory Panel in 1978, almost 20 years and 100 pounds ago;

Whereas Mr. McCoy has traveled to Hawaii and Washington, D.C. on behalf of the Council countless times, taking every opportunity to enhance the awareness of policymakers of American Samoa's unique cultural heritage and fa'a sava (phonetic);

Whereas Mr. McCoy has been leading bottomfish, trolling and longline fishermen for decades and works to effectively represent American Samoa fishermen's concern;

Whereas Mr. McCoy has contributed to local fisheries management programs, including the Sea Grant Program and DMWR Fishery Training Program;

Whereas Mr. McCoy has never hesitated to donate some of the biggest onaga and ehu to Council functions in American Samoa over the years;

Whereas Mr. McCoy has provided an essential community service to the American Samoa community at critical times after hurricanes by providing household ice when the community was plagued with extensive power outages for weeks;

Whereas the entire McCoy family has expended endless energy to help ensure the Council family has been well cared for during their frequent trips to American Samoa;

Whereas Mr. McCoy's wife, Edith, has mothered the Council family through the Hawaiian Airlines torture chamber called "check in" in Pago Pago;

Whereas Mr. McCoy has been a leader in the community's efforts to clean up Pago Pago Harbor Special Management Area.

Therefore, be it resolved, the Western Pacific Regional Fisheries Management Council expresses its heartfelt gratitude to Mr. McCoy for his contributions and dedication to the goals and missions of the Western Pacific Regional Fishery Management Council during his term as a Council Member from American Samoa.

Be it further resolved on this day, Friday, June 22nd, 2007 in Honolulu, Hawaii, the Western Pacific Regional Fisheries Management Council recognizes and thanks Mr. Frank McCoy for his years of service to the Council and its mission and bids him fond farewell, godspeed, adios, aloha, ban fulu (phonetic), si yuus maase and tofa suifua fa'a fata (phonetic).

Thank you, Mr. McCoy.

McCoy replied:

Thank you, Mr. Chairman, Council members, staff.

One gets kind of tongue-tied at things like this, but I can say it's been a privilege to have been able to sit with fine gentlemen, ladies, and join you in the effort of looking after America's resources and protecting our indigenous people.

I won't say any more except thank you, and I recognize our staff has done a tremendous

job, and I know they will continue to do that and I know they will need your support.

I won't be going too far, so I'll be around the corner. I'll be watching, too. But I'll be sitting on the other side.

Again, once again, thank you, thank you again.

Martin read:

A Resolution recognizing the Distinguished Services of Mr. Ed Ebisui, Junior.

Whereas Mr. Edwin Ebisui, Junior served three consecutive three-year terms as the Western Pacific Regional Fishery Management Council Member representing Hawaii's diverse small-boat fisheries from 1987 through 1996 and was elected Council Chair during the entire final three-year term and was reappointed to the Council in 2001;

Whereas Mr. Ebisui, Junior was born and raised on Oahu's North Shore and has always been an avid spearfisherman, angler and lifelong steward of the sea serving two terms as a Council advisor from 1985 to 1987 and from 1999 through 2001;

Whereas Mr. Ebisui, Junior, a private practicing attorney, is a well-respected fisherman who regularly operates his 29-foot Surrat to troll for tuna and marlin, handline bottomfish or hoopnet crab;

Whereas Mr. Ebisui, Junior is best known for landing five ahi on a Five Banger and for catching big bottomfish; 18-plus-pound opakapaka, 28-pound onaga and 49-pound hapuupuu, and is rumored to have contributed significantly to the overfishing of the Hawaii bottomfish fishery by landing 900 pounds of hapuupuu in a single day;

Whereas Mr. Ebisui, Junior's integrity, fishing knowledge, concern for the local fishing community and vigilance toward conservation of marine resources has been recognized by his peers and he has served on numerous local, state and Federal advisory bodies, including the City and County of Honolulu Aquatic Life and Wildlife Advisory Committee, Pacific Ocean Research Foundation, Hawaii International Billfish Association, State of Hawaii Bottomfish Task Force, Federal Fisheries Investment Task Force and Recreational Fishery Data Task Force;

Whereas Mr. Ebisui, Junior, never shirking the responsibilities of being a Council Member or Chair and navigating with insight and wisdom some of the most difficult years in the Council's history has established himself as a leader in the management of federally-managed fisheries under his watch;

The Council has developed and implemented one of the nation's first limited entry programs in the Northwestern Hawaiian Islands bottomfish fishery, leveraged emerging technology in the early 1990s to establish the nation's first Vessel Monitoring System, which is now considered a standard for monitoring fisheries around the world, established the Northwestern Hawaiian Islands Protected Species Zone and implemented the Hawaii Longline Area Closure and Limited Entry Programs and developed and implemented a sweeping new management regime for the Main Hawaiian Island bottomfish fishery;

Whereas Mr. Ebisui, Junior has steadfastly supported the Council process, its transparency and its democratic and inclusive approach for dealing with fisheries management issues and fearlessly representing the Council on Northwest Hawaiian Island issues;

Whereas Mr. Ebisui, Junior has gone beyond the call in trying to educate NMFS OLE, Office of Law Enforcement, United States Coast Guard, DOCARE and anyone else who would go on his boat to personally experience the ecosystem impacts of the swim-with-the-shark tours;

Whereas Mr. Ebisui, Junior, through all of his Council trials and tribulations, has always looked stylish with his ponytail, collared shirt and zoris;

Whereas Mr. Ebisui, Junior, as an extreme outdoor and sport enthusiast, has amassed the ultimate collection of manly-man toys, including but not limited to, Corvette, boat, Mhis, guns, electronic equipment, hybrid electric car, et cetera.

Therefore, be it resolved, the Western Pacific Regional Fisheries Management Council wishes to express its heartfelt gratitude to Mr. Ebisui, Junior for his contributions and dedication to the goals and missions of the Western Pacific Regional Fisheries Management Council during his terms as Council Member from Hawaii.

Be it further resolved on this day, Friday, June 22nd, 2007 in Honolulu, Hawaii, the Western Pacific Regional Fisheries Management Council recognizes and thanks Mr. Ebisui, Junior for his years of service and bids him a fond farewell, adios, aloha, tofa suifua and si yuus maase.

Ebisui replied:

Thank you very much.

It's really truly been an honor and a privilege to serve with all of you. It's been one hell of a ride, but always exciting. But personally, very rewarding.

The Council has always been -- I tell you this with all honesty, this Council has always been on the leading edge of the Councils. It's been leading the parade for 30 years, and it still continues to be in that position.

It would not have been had it not been for Kitty and the staff.

I hold Kitty and staff in high respect and admiration. Unbelievable. Super confidence. Strive for perfection. Always gets the job done.

But the Council could not have done better with the Executive Director and the staff. I mean, if she were out in the private sector, there's no doubt she'd be making seven figures, plus bonuses. So those allegations about excessive salaries and those kinds of things should not bother all of us.

But I guess my parting message is the Council has a lot to be proud of and there's going to be a lot more to be proud of coming down in the future.

So arigato, but this is not sayonara.

(The 138th Council meeting adjourned)