

**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

**MINUTES OF THE
142nd MEETING of the WESTERN
PACIFIC REGIONAL FISHERY
MANAGEMENT COUNCIL**

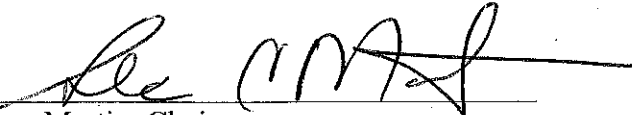
**June 16-19, 2008
Held in Honolulu, Hawaii
Ala Moana Hotel
410 Atkinson Drive**

Western Pacific Regional Fishery Management Council
1164 Bishop Street, Suite 1400
Honolulu, Hawaii

APPROVED BY COUNCIL: _____

10-14-08

CERTIFIED BY THE CHAIR: _____



Sean Martin, Chair

Western Pacific Regional Fishery Management Council

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1. Introductions

Sean Martin, Council Chair, welcomed everyone to the 142nd Meeting of the Western Pacific Regional Fishery Management Council. He introduced Sam Rauch, Deputy NMFS Administrator, who attended the meeting to share some wonderful things coming out of Headquarters and sit in and experience some of the Council's activities.

Martin also introduced Rear Admiral Manson K. Brown, the new commander of the US Coast Guard's 14th District. He then called for introductions.

In attendance were:

Mr. Sean Martin, Council Chair and Council Member from Hawaii.
Dr. Paul Callaghan, University of Guam and Chair of the Council's Scientific and Statistical Committee.
Ms. Laura Thielen, State of Hawaii Department of Land and Natural Resources
Mr. Bill Robinson, NOAA Fisheries, Regional Administrator, Pacific Islands Region.
Mr. Silas DeRoma, NOAA Office of General Counsel.
Dr. Ignacio Dela Cruz, Council member from CNMI.
Mr. Ben Sablan, Council member from the CNMI.
Mr. Manny Duenas, Vice-Chair from Guam.
Ms. Kitty Simonds, Council Executive Director.
Dr. Sam Rauch, Deputy Administrator, NOAA Fisheries.
Mr. Fred Duerr, Vice-Chair, Hawaii.
Mr. Stephen Haleck, Vice-Chair, American Samoa.
Mr. Alofa Tuamu, Designee Council member, American Samoa, for Mr. Ray Tulafono.
Mr. Will Sword, Council member, American Samoa.
Mr. Rick Gaffney, Council member at-large, Hawaii.
CDR Marc Young, Coast Guard, Office of Law Enforcement in Hawaii.
RADM Manson K. Brown, Commander of the 14th Coast Guard District.
Mr. Peter Young, Council Member from Hawaii.
Mr. Don Palawski, Alternate Council member for the U.S. Fish and Wildlife Service.

Martin pointed out that the State Department representative Mr. Bill Gibbons-Fly, will attend but was delayed due to travel.

2. Approval of Agenda

Martin moved to the approval of the agenda.

Sablan made a motion to approve the agenda.

The motion was seconded by Duerr.

Martin called for discussion. Hearing none, he asked all those in favor, say aye.

ALL COUNCIL MEMBERS: Aye.

He asked for those opposed. Hearing none, the motion passed.

3. Approval of 140th and 141st Meeting Minutes

Martin moved to the approval of the 140th Council Meeting minutes.

Sablan made a motion to approve the minutes.

Dela Cruz seconded the motion.

Martin called for discussion. Hearing none, he asked all those in favor, say aye.

ALL COUNCIL MEMBERS: Aye.

He asked for those opposed. Hearing none, the motion passed.

Martin moved on to the approval of the 141st Council Meeting minutes.

Sablan made a motion to approve the minutes.

Dela Cruz seconded the motion.

Martin called for discussion. Hearing none, he asked all those in favor, say aye.

ALL COUNCIL MEMBERS: Aye.

He asked for those opposed. Hearing none, the motion passed.

Martin then moved to Item 4, Agency Reports, and called on Robinson for the National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO) report.

4. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Robinson started his report with the regulatory actions that have taken place since the 141st Council meeting. Amendment 14 to the Bottomfish Fishery Management Plan (FMP) was approved and published on April 1, 2008 that would allow the NMFS to close the Main Hawaiian Islands (MHI) bottomfish fishery on a Total Allowable Catch (TAC) and also implement a permit and reporting requirement for non-commercial bottomfish fishermen. NMFS PIRO is preparing to accept applications and provide reporting forms pending Office of Management and Budget (OMB) approval.

On April 7, 2008, the MHI bottomfish fishery was closed with a Temporary Rule published in the Federal Register as a result of reaching the TAC. The closure was effective April 16th and lasts through August 31st, when the fishery is scheduled to reopen. The final catch was a little over 190,000 lbs which was 13,000 pounds over the 187,000 lb TAC.

On April 18, 2008, NMFS approved a Marine Conservation Plan (MCP) for the Pacific Remote Island Areas (PRIA) which is effective from April 11, 2008 to April 10, 2011.

NMFS published a Notice of Availability (NOA) for limited entry permit upgrades for the American Samoa longline fishery and also published a proposed rule for an amendment to the Precious Corals FMP on May 30, 2008. This amendment would implement the Au'au Channel harvest quota of 5,000 kilograms every two years in Federal and State waters and a five-year moratorium on the harvest of gold coral.

NMFS PIRO has also begun work to develop regulations to provide a mechanism to compensate Northwestern Hawaiian Islands bottomfish and lobster fishermen due to the Proclamation of the Papahānaumokuākea Marine National Monument. After informal discussions with fishermen, the NMFS PIRO is working on a proposed rule that would layout the program for compensating fishermen.

Of a couple weeks ago, there were 133 Hawaii Longline Limited Entry Permits valid for 2008, 30 permits are currently inactive and one is being renewed for a total number of permits of 164. For the same period of time, the first five months of the year, 825 shallow-set certificates out of the 2,072 have been used on 48 trips by 22 swordfish vessels.

NOAA, Fish and Wildlife Service and the State of Hawaii released the Consolidated Draft Monument Management Plan and associated EA for public review and comment. They are holding nine public meetings across Hawaii, as well as one in Washington, D.C. At each meeting the public will be given an overview of the plan and time to ask questions and to provide comments. He said that comments on the four-volume, 1200-page plan and the EA are due by July 8th.

NMFS PIRO co-hosted, with the Council, a two-day workshop to establish a Pilot Program for the Regionally-based Marine Education and Training Program. Under that, PIRO is pursuing four training opportunities this year by providing \$35,000 to the Honolulu Community College and Marine Education Training Center to support and buy materials for vessel construction and rebuild; providing \$32,000 to Pago Pago and Olosega Village Communities for scholarships to the Marine Education and Training Program; providing \$18,000 to the Council for support for the High School Fisheries Classes; and \$15,000 to the University of Hawaii Sea Grant Summer Intern Program to support three students to work with fisheries translation projects.

On May 14, 2008, NMFS PIRO launched the online version of Protected Species Workshops. To date, ten fishermen have taken the course online and the feedback has been positive. At this point, the workshop is only available in English, but they are working on Samoan, Korean and Japanese language versions. He also reported that NMFS PIRO has completed consultation on all of the Fishery Ecosystem Plans except Pelagics. He noted that some of the Pelagics FEP consultation will be handled by the Biological Opinion on the swordfish fishery and that they will be re-initiating consultation on the American Samoa longline fishery because the Incidental Take Statement was exceeded last year. The completion of those two consultations will bring the Pelagics FEP up-to-date as well.

Robinson reported that NMFS PIRO is working with the Department of Defense (DOD), the Guam Government, the Fish and Wildlife Service and EPA, to address the environmental impacts from the proposed DOD forward-basing to Guam and the Marianas Island Range Complex. NMFS PIRO will be doing baseline assessments and baseline studies on the habitat there.

NMFS PIRO participated in a number of international meetings, including the Inter-American Tropical Tuna Commission Meeting in March where they failed to adopt any conservation management measures. NMFS also participated in the IATTC/World Bank-sponsored Workshops on Rights-Based Management in International Fisheries, particularly in tuna fisheries and are preparing for the Western and Central Pacific Fisheries Convention Inter-Sessional Working Group on Observers, which is July 7 to 10 in Nadi, Fiji and the Eighth Meeting of the International Scientific Committee in late July.

Lastly, Robinson reported that the Sustainable Fisheries Division has lost a couple of employees and the Protected Resources Division has lost their Assistant Regional Administrator. He said he was committed to having the spaces filled and that work will continue throughout the process.

Martin asked for questions. Hearing none, he called on Rauch to present on behalf of NMFS Headquarters.

Rauch reported that NMFS is working on implementing the new Magnuson Act with a whole suite of rules, including the Annual Catch Limit, NEPA, and Recreational Registry Rules. He also said that a rule on Certification of Illegal, Unregulated and Unreported Fishing would be completed by the end of the year. He mentioned that two rules that are not going to get completed this year are the rules about setting up Individual Fishing Quota Programs (IFQs), and the rule about disasters, both being delayed by the administration process.

NMFS is facing changes in D.C. and Rauch said that it is a trying time for NMFS. Meanwhile, they are working on Council appointments and hope to get those out by the end of June so that new Council members can be in place in August.

He noted that NMFS is still working on the Aquaculture Bill although it's getting less likely that this Congress will take action. Lastly, Rauch mentioned that ending overfishing has been a big priority of this Administration. NMFS did the Status of the Stocks Report and for the first time ever, didn't add new species to the list and took seven off. So, the U.S. only has 41 species subject to overfishing, and that's because the councils are taking action across the country to help address those situations.

Martin asked for questions. Hearing none, he moved on to the next item, NMFS Pacific Islands Fisheries Science Center (PIFSC) Report.

2. Pacific Islands Fisheries Science Center

Pooley reported that it has been a very busy and productive period at PIFSC since the last Council meeting. He said that one of the real highlights was the Coral Reef Assessment Cruise down to American Samoa on the HIILAKAI where PIFSC hosted Governor of American Samoa, Governor Tulafono, and let him get a real sense of what it's like to do one of these search cruises. As part of that work on corals, PIFSC is producing monitoring reports and the one for American Samoa is at the Government Printing Office. The report is over 700 pages and looks at the status of the coral reef ecosystem throughout the American Samoa archipelago. He noted that, like NMFS PIRO, PIFSC has received money from the Navy to accelerate the monitoring report for the Marianas Archipelago, and that will be done by the end of 2008.

He then reported on the Malolo I, a remotely operated vehicle that PIFSC hopes to use to identify marine debris through imaging software and cameras. He noted that it works better when launched from the ground than from a ship.

Pooley reported on the PIFSC sea turtle work showing examples of tagging a turtle out of Kaneohe Bay and following it over an incredibly rapid period of time. He also reported that PIFSC is conducting oceanographic cruises in American Samoa trying to get an idea of what is going on with albacore catch ability. Oceanographic cruises have showed that upwelling and ocean currents as far west as Papua New Guinea can have substantial impact on the Exclusive Economic Zone (EEZ) in American Samoa to the east.

NMFS PIFSC also continues to do pop-up archival tags looking at bigeye depths, previously tagging small fish. But through work with the fishing industry, PIFSC has been sending scientists out on commercial longline boats tagging commercial grade bigeye and being able to follow their depth profiles. Pooley noted this program, as well as the lobster tagging charter, as examples of collaborative research between the industry and PIFSC.

Pooley reported that the lobster tagging charter may be in its last year. One of the things that happened with the lobster stock assessment was that it just basically didn't jibe for the different areas. Not really that surprisingly, this tagging work which has been used to look at growth rates has found really substantial differences across the Northwestern

Hawaiian Islands, which might well have explained those differences. He said that it is good to finally understand a lot more about the population dynamics of that population.

PIFSC is assisting State and Federal enforcement officers in identifying Main Hawaiian Islands bottomfish. They are also working with the State's Disaster Relief Program on getting more samples from the commercial fishery so that PIFSC can do age and growth studies and to refine the stock assessments.

Pooley also reported that they worked with students in collaboration with the Hawaii Farm Bureau Federation on carbon monoxide and other Tasteless Smoke treatment of tuna and consumer's knowledge of the process. It helped PIFSC understand the market into which the domestic catch goes.

PIFSC also put together a look at human dimensions on Guam, particularly the Central Guam Co-op, and looking at the fishing community aspect of what they are doing, where people live, where do they congregate, etc. They are also looking at the non-market valuation of blue marlin and using a survey in conjunction with the Hawaii Marine Recreational Fishery Survey to run the survey using a very accepted nonmarket valuation methodology. This is a survey that is really only looking at private boating, not charter boating in Hawaii. There was a preliminary presentation of results at a recent NMFS Economics Meeting and the general conclusion was, this is not ready for prime time.

The NOAA research vessel Oscar E. Sette just came back from doing Protected Species Field Camps. It was on the Cross Seamount doing some oceanographic studies of forage level layers doing trolling and acoustics. It's at the present doing a longline bycatch study around the Hawaiian Islands, and then it will be doing a joint cetacean/deep coral work later this summer. The cetacean part of it will include monitoring some parts of the Navy's next RIMPAC exercises. The Hiialakai, which is the vessel primarily used by the Sanctuary Program, is being used for that purpose until the last cruise of the year, the Northwestern Hawaiian Islands semi-annual assessment cruise that we undertake.

Pooley mentioned that PIFSC is having an external review of the science program at the Center next week. It's focusing on ecosystem science. He said that PIFSC doesn't have a centralized ecosystem focus, but has lots of different and diffused ecosystem activities. They are hoping to pull those things together from this review.

He noted that NOAA ships in Hawaii are currently fueling at Pearl Harbor, where they get the Department of Defense contracts for fuel rather than private sector prices, and that's a difference of about a dollar a gallon and more importantly they haven't gone up. This is important because of the cost of fuel rising and other NOAA ships having to cancel cruises due to the increased cost of fuel. Another thing noted is that TACs and other management measures are not dependent on NOAA ship surveys, instead using fishery-dependent data.

Pooley mentioned that there will be a transition in NOAA administration and that a major focus from NOAA, not surprisingly, is on climate. He noted that there's been discussion of developing a Climate Service Office Program within NOAA. As you look at the campaign literature from the two presumptive nominees, most of that work that's related to climate change relates to energy and much less relates to ecosystems. He said he didn't know how that would affect NMFS, but it's just worth making that point, that at least climate is a highlight for the NOAA side of the transition. The second thing is, NMFS is very likely to be under a continuing resolution for at least six months and potentially a year. Depending on what the resolution is based on, there could be positive and negative effects for every program.

Martin asked Pooley if he could provide information on the NOAA Marine Debris Cleanup Program.

Pooley responded that the Marine Debris Program is another part of NOAA of which PIFSC has been the operative force for most of the time through our Coral Reef Program. Increasingly, that has moved to the other part of NOAA. He said that PIFSC will continue the Main Hawaiian Islands helicopter/small boat/terrestrial-based operations as they have funding. Funding for the major removals in the Northwestern Hawaiian Islands is pretty much not there to run an effective program. However, this year three JIMAR staff was just on an extended Coast Guard cruise to pull coral marine debris off the Northwestern Hawaiian Islands.

Martin asked if the fuel crisis would be impacting PIFSC's ability to do work in the future.

Pooley responded that on a national level, they have been talking about tying up vessels for significant periods of time. He said it can have really substantial impacts, not only on operations of the SETTE and the HIALAKAI, but also in terms of charters. Any charter you do with usually a fuel adjustment factor, you can either adjust in the sense of paying more for the fuel or doing less days at sea. Since the budgets tend to be pretty much fixed, it usually reduces the scope of some projects and in some cases it's just not worth going out.

Martin asked Rauch if the NMFS was looking at getting more size-appropriate and efficient vessels to do some of the research.

Rauch responded that NMFS does have a fleet plan which sets up a number of new fishing vessels that are going to come online. He said he was unsure of how that relates to Hawaii.

Pooley said that the Vessel Acquisition Plan at the moment lays out a feature for a number of vessels similar to the ones that have just been launched. He noted that the DYSON for Alaska, the BIGELOW for the Northeast, PISCES for the Southeast, and a few more very large vessels, are around 250 feet. He said that they certainly are more fuel efficient than previous vessels, but they're big ships. He mentioned that NMFS has talked

about designing smaller, efficient vessels similar to the CROMWELL. However, as NMFS begins to pack on more piggybacking activities on the vessels, the idea of using large ships becomes more essential. So the alternative is to try to use funds for chartering vessels to get the kind of vessel you want to do the specific kind of job you want to do.

Martin asked for questions for Pooley and called on Sword.

Sword asked Pooley if PIFSC has done work on tracking derelict fishing gear from purse-seine vessels.

Pooley responded that all of the work done by PIFSC on derelict fishing gear has been in the North Pacific, and in fact north of the Hawaiian Islands, in general. PIFSC hasn't done any work on the movement of FADs and anything that might fall off FADs, rafts, anything like that in the South Pacific.

Martin asked for further questions. Hearing none, he called for the NOAA General Counsel Report.

B. NOAA General Counsel

DeRoma provided an update on the Shark Finning Prohibition Act case that was reported during the 140th Council meeting. He then provided a report on the Rules of Conduct for Council members and conflicts of interest. He reported on rules of conduct for non-governmental appointees because Federal employees have ethics training and State, Territory, and Commonwealth employees have their own ethics office that may have stricter rules.

When you're serving as a Council member you're considered a Federal employee, which means you're subject to Federal Criminal Conflict of Interest statutes, as well as the special ethics rules that are unique to fisheries management and the Magnuson. Those rules are unique because the Councils are unique bodies. What Congress was trying to do was to create an avenue for input from the regulated industry, as well as other interest groups. In order to provide full feedback, Congress wanted to allow full participation. So in the Magnuson conflict rules, you also have the appointment system under Magnuson, which ensures diverse collection of viewpoints and representation at Council meetings. Then, within Magnuson, Congress specifically disqualifies Council members with regard to matters that have a particular effect or a disproportionate effect. Particular effect means individual effect. Also, a disproportionate effect means on your financial interest relative to those of others in the fishing industry.

He then reported on conflict of interest and disclosure. He said that even if you go through the Magnuson conflict rules, if you haven't disclosed your interest then you don't have the protection that Magnuson provides Council members. So disclosure is very important using NOAA Form 88-195. It applies to interest in harvesting, processing, lobbying, advocacy or marketing activities. These are filed within 45 days of taking office and within 30 days of acquiring interest. So if you are serving as a Council

member and you acquire interest, you have 30 days to update your disclosure form. Then in all other cases, by February 1 of every year.

DeRoma said that what you report are interests in harvesting, processing, lobbying, advocacy, marketing activity that is being or will be undertaken with any fishery over which the Council has jurisdiction. Then it may be the case that you have an interest in a fishery that the Council doesn't regulate. But in the course of your Council service, if the Council decides to regulate that particular fishery, that's a case where you'd want to update your disclosure form.

He then reported on imputed interests. This means that if you don't own the interest, if your spouse owns it, your minor child or a corporation or other organization of which you're a director, trustee, employee, etc, then that interest is imputed to you. Examples of that are things like stock interest, equity interests, ownership interests, and of course, employment.

Under Magnuson, you are barred from participating personally and substantially in any matter as a Council member that will have a direct and predictable effect on financial interests or imputed interest. He also said that there are some exemptions that depend on dollar amounts or the nature of the activity. But as a rule of thumb, if you're in this top category, you should talk with General Counsel to work out the details.

Just because you have an interest, under Magnuson you're not completely barred. If the action upon which your work as a Council member will not have expected and substantially disproportionate benefit to your interest and is not a matter primarily of individual concern, then you are allowed to participate as a Council member on that issue.

Expected and substantially disproportionate benefit under the regulations that implement Magnuson, is if it is greater than 10 percent interest in the total harvest of the fishery; greater than 10 percent in marketing or processing, where partial or full ownership of more than 10 percent of the vessels with the same gear type within the fishery or fishery sector, then you are disqualified.

If you are conflicted out, in other words, there's been an expected substantial and disproportionate benefits found, you may still participate in the Council proceedings, you just can't vote. But the key is you have to notify the Council that you will not be voting. Then you have to identify the financial interest of the effect.

He then said that primarily individual concerned is one that affects a small number of identified or easily identifiable parties, rather than broad policy matters affecting many entities. If you fall into this category, and given the size of some of the fisheries that this Council deals with, it's entirely possible and quite likely that you may find yourself in this circumstance. If you are, you may not participate in deliberations. You may not render advice. You may not make recommendations and you may not vote.

DeRoma provided the examples of contracts between the Council and the company in which the Council member has stock or a job, or an FMP amendment with only a few active vessels if the Council member owns one of the vessels. He said that if a member has any questions about conduct rules or their application, please raise it to him as soon as you are aware. This allows him to pull the financial disclosure forms, allows him to talk to the Council member and parse through the facts as we know them and answer questions that he might have to answer the issues he needs to answer under Magnuson, and then that provides the benefit of a fully-analyzed decision that's presented to the Council.

Martin asked for questions and called on Duenas.

Duenas asked if fishing interest is the only interest you have to disclose. Or is that any interest pertaining to your appointment.

DeRoma responded that it is generally fishing interests. Things involving or that would be affected by actions that the Council takes, fisheries, fishery sectors.

Duenas said that he was just curious, because the second slide had advocacy/lobbying.

DeRoma said he was correct and gave an example of someone advocating on behalf of, say, a marketing industry or advocating for a particular gear type or for a particular type of regulation on behalf of a fishery group, then that would be broad, general policy matters.

Duenas asked if that's different, even though they're fishing also.

DeRoma replied yes because there won't be any financial benefit. However, he said that his primary recommendation is to come see him when you're filling out your form to work through the particular details.

Martin called for additional questions. Hearing none he called for the next agenda item, U.S. Fish and Wildlife Service (FWS) Report.

C. US Fish and Wildlife Service

Palawski reported on the FWS biannual Equatorial Cruise. The first leg of the cruise goes to Johnston Island, Baker and Howland Island, National Life Refuges. They perform state-of-the-art monitoring and inventory work. Then they move down to American Samoa. They do the work in American Samoa on the second leg. Then the third leg is to Jarvis, Palmyra and Kingman Reef National Wildlife Refuges. He said that the work that they're doing is state of the art. They have now several years of data that shows some pretty interesting conclusions about the nature of the coral reefs at these remote locations.

He then reported on visitation to Midway. Since the beginning of the year FWS had an educator's group out in January. Basically, teachers from here and Kauai go out and, basically, working towards developing a program for how to educate the youngsters here in the Main Islands about marine resources. Secondly, there was a group of Duke University, a class from Duke University that went there in February. They had the hands-on experience of seeing firsthand some of the natural resource issues out here. Then, there have also been five groups from the Oceanic Society. The Oceanic Society is an ecotourism outfit. Those groups usually consist of 14, 15 people and spent about a week out at Midway. Then most recently, in honoring the anniversary of the Battle of Midway, FWS had 110 people from the Military Historic Tours go out there for the day. He said the program is developing over time, and they look forward to having the public have a chance to see Midway.

Palawski also reported on Palmyra Atoll and the unique relationship that FWS has developed with the Nature Conservancy and a group of nine institutions of higher learning that they call the Palmyra Atoll Research Consortium. This week the American Association for the Investment of Science of the Pacific Division is meeting in Waimea. Yesterday there was a full-day symposium on the work that's been done by the Consortium at Palmyra since 2004. As a result of the symposium, there will be a special proceedings published in the California Academy of Sciences. The peer-reviewed publication will characterize that work.

Lastly, he reported that FWS is planning another trip out to Rose Atoll later this summer in late July and August. They have been successful in removing the shipwreck and accomplished that in 2006. So now, this will be the first time they have been back out to look at the natural recovery of the reef without the shipwreck being there. He said they hope to demonstrate that the reef is recovering at Rose Atoll.

Martin asked for questions and called on Duenas.

Duenas asked Palawski how many can people can Midway hold at any one time. Palawski replied that in the case of day trips, they have found that about 110 people can take a tour of the island. Not all of them would come on the island at the same time that way they can manage that visitation on a daily basis. In terms of overnight visitors, the capacity is much smaller. They have a limited housing capacity, roughly 40 people for a maximum at a given time.

Martin asked Palawski if the visits are cost-neutral to the Fish and Wildlife Service. In other words, if a ship lands for example, are there costs associated with accommodating them. Palawski replied that their plan is to be cost-neutral. It has to be sustainable into the future. So if there are costs, then they must be paid.

Martin called on Duerr.

Duerr asked if it is customary that a plan is done after you put a reserve together or if it's sometimes done before. Palawski replied that it depends on the situation. He said

that the NWHI monument was designated before the plan was written, which is one situation. There's also a scenario with the National Wildlife Refuge System where the Refuge may have already been established by law, the National Wildlife Refuge Administration Act, FWS must after that then develop a plan for the next 15 years. He said that the National Marine Sanctuary Process is a different process and probably would be better for someone from NOAA to speak to that.

Sablan asked Palawski if there is any waiver for the U.S. military on ESA, particularly in terms of Farallon de Mendinilla (FDM). Palawski said that there might be if there was a national security or defense issue. Sablan asked if Palawski knew if the military has been waived for take, harassment, bombing of the islands when there is an endangered species on it. Palawski replied that the process is just like the one the Council is familiar with; there is Section 7 Consultations that have occurred. There have been those types of consultations under the Endangered Species Act, and those are still in place.

Sablan asked if the FWS is enforcing their laws on the Endangered Species Act on FDM in CNMI. Palawski said that FWS wants to make sure that the Endangered Species Act is not violated. He said that there are opportunities now to revisit some of these things with the planning of the activities that are going to be occurring in the CNMI and on Guam.

Sablan asked if FWS has any plans on going to FDM and probably having staff look at the conditions of the endangered birds. Palawski replied that the problem that FWS has had and continues to have is issues with unexploded ordinance and safety. Most of the surveys have been done by helicopter at this point in time, and that's always not an easy thing to do, but they're doing their best.

Martin called on Duenas.

Duenas asked Palawski if recreational fishing at Midway is part of the FWS plans. He also asked if the kept fish are part of the quota system for fishing in the NWHI. He also asked the cost for a trip to midway. Palawski said that recreational fishing hasn't occurred in Midway since 2006 and the Monument proclamation was clear that there would be no fishing. The other issue that probably will be dealt with as part of the plan is related to subsistence fishing, and that is still open for comment on how the co-trustees might deal with subsistence fishing. In terms of the cost for going to Midway, with the Oceanic Society, it is a little over \$4,000 for a week stay per person, plane and lodging. Martin asked for further questions. Hearing none, he moved on to the next agenda item, a report from the State Department. He noted that the Council Member from the State Department was not in attendance but would be there on Wednesday to give the report. The report provided below was the one provided on Wednesday.

D. State Department

Gibbons-Fly reported that there are three issues in regards to negotiations to

establish a management arrangement for the Northwest Pacific Fisheries, the negotiations to establish a South Pacific Regional Fisheries Management Organization and efforts by the FAO to develop guidelines for the management of deep-sea fisheries. Each of these efforts results from a resolution that was adopted by the United Nations in 2006 that called upon Member States of the United Nations to take efforts to mitigate and prevent efforts of destructive fishing practices on Vulnerable Marine Ecosystems and, in particular, to prevent significant adverse impacts of bottomfish fishing on Vulnerable Marine Ecosystems (VME). The State Department called upon the Regional Fishery Management Organizations (RFMOs) that have the legal competence to regulate bottomfish fishing, to take action in this regard, and it called on the negotiation of new arrangements in areas where no such organization currently exists.

Two efforts that the United States has been involved in through existing organizations to implement the U.N. resolution have been through the Northwest Atlantic Fisheries Organization, which regulates bottomfish fishing in the Northwest Atlantic, and through CCAMLR, the Convention for the Conservation of Atlantic Marine Living Resources, which regulates bottomfish fishing and other fishing in the Antarctic Ocean, around Antarctica.

The State Department has also been involved in the negotiations in the Pacific to establish full interim measures in the short term and longer-term measures through the adoption of new conventions to regulate bottomfish fishing or currently unregulated fishing occurring in the South Pacific Ocean and Northwest Pacific Ocean. He noted that there are upwards of 20 countries participating; all of the Pacific Island States, Australia, New Zealand, the Asian fishing states, as well as the states in Latin America, Chile, Peru, Ecuador and Columbia, in these South Pacific negotiations, and those North Pacific negotiations are mainly the focus of North Pacific rim/Pacific Northwest countries. These countries have adopted interim measures to limit the impacts of bottomfish fishing on Vulnerable Marine Ecosystems and are also in the process of negotiating a longer-term convention.

The purpose of the United Nations resolution was in response to increasing developments in fishing technology which allows some of these bottom fisheries to be operated at deeper and deeper levels. So the idea was to put some of these areas off limits for the time being until it can be shown that there is no significant adverse impact on VME. In both the South Pacific and North Pacific they have essentially frozen the footprint of fishing activity and they both seek to ensure that any expansion of that activity in existing areas or any expansion into new areas will only occur if it can be determined on the basis of scientific assessments, which would include a number of things that are currently being outlined, that there is no significant adverse impact on the VME.

Gibbons-Fly said that one of the first questions that was asked when this U.N. resolution was passed back in 2006 was, how do we determine what a Vulnerable Marine Ecosystem is and how do we determine what a significant adverse impact is. He said that both the existing organizations and new organizations that are getting created are

wrestling with this question. So in anticipation of that, rather than expecting each of these organizations or arrangements to come up with their own way of interpreting this, the U.N.-Food and Agriculture Organization (FAO) was tasked by the U.N. with trying to develop some guidelines that would at least provide some harmony in terms of standards and criteria used to define these terms. He said that the State Department has been very much involved in that process.

The first meeting took place in Rome, at FAO Headquarters, in February. He said that the work was not completed and that they will be returning at the end of August to try to conclude that work. He noted that the timing is quite important because any fishing that occurs under any existing arrangement or under any interim arrangements in areas where these arrangements are developing, after December 31st of this year, at least according to the letter of the U.N. resolution, shall not be authorized by flagged states unless these determinations have been made that that fishing will not have a significant adverse impact of any VME.

The State Department has been very fortunate to have on our delegation for the negotiations in the Northwest Pacific, Eric Kingma from the Council staff. He's been very instructive and played a good role for us and very helpful in helping the State Department determine what our position should be and advising us on issues that are relevant to the U.S. fisheries that occur in these areas. Of course, there is no U.S. bottom fishing on the high seas currently in this area. But, of course, there is a significant link between what is happening in the Emperor Seamounts and what's happening to some of the seamounts in the Northwestern Hawaiian Ridge that are currently in a moratorium for bottomfish fishing.

The State Department had its annual consultation under the South Pacific Tuna Treaty with members of the Member States of the Forum Fisheries Agency, which took place at Rarotonga in March. They reviewed operations of vessels under the treaty and the Tuna Treaty continues to be a very successful vehicle for operation between the United States and the Pacific Island States and the operation of U.S. purse fleet in the Western and Central Pacific Ocean. The State Department also took the opportunity to sign a bilateral Memorandum of Understanding on Fisheries Cooperation between the Government of Cook Islands and the Government of the United States that will provide a framework for PIRO to engage in a number of scientific, technical and policy discussions with the Cook Islands on how to better cooperate on issues of mutual interest in fisheries.

Among many issues that are taking place under the auspices of the FAO are efforts to negotiate a binding machine for port state measures as a means of enhancing the toolbox of measures available to control illegal, unreported and unregulated fishing. He said they have been engaged in a number of efforts along these lines in past years. The next step is to try to establish measures for port states to take to prevent the entry of illegal fish into international commerce through the ports. The ports, of course, are bottlenecks through which all fish must pass from the ocean into international commerce. If the State Department can get some good rules in place as to what the responsibilities of port states are with respect to the trafficking of illegally caught fish, they hope they can

further put the clamps down on illegal, unreported and unregulated (IUU) fishing.

Martin asked for questions and called on Duenas.

Duenas asked Gibbons-Fly to clarify if he was talking about bottom trawl or about bottomfish fishing, as in hook and line. Gibbons-Fly replied that the term bottomfish fishing incorporates all fishing gear and techniques where fishing gear can be expected to come in contact with the bottom during the normal course of fishing operations. He said that the most concern with respect to potential impacts on VMEs, and cold water corals, hydrothermal vents, and those kinds of things, is bottom trawling. The intent is not to single out any particular fishing gear, but to ensure that an activity that involves any fishing gear that comes in contact with the bottom is regulated as necessary. It may be that there may not be a need to regulate some of the other fisheries to the same extent that we might look at some of the ones that might be expected to have the more significant impact. He said that all of that is still under discussion to varying degrees, and those are exactly the kinds of questions that the FAO guidelines are supposed to help us wrestle with so that they can provide some guidance to these different organizations that are dealing with this on how to approach these different issues.

Duenas said recently that Parties to the Nauru Agreement (PNA) countries and FFA provided a resolution to the media that they had closed off the high seas, or looked at closing off adjacent the high seas to purse seine fishing. He asked if Gibbons-Fly could explain that situation.

Gibbons-Fly said they are still trying to learn more about exactly what that resolution entails. Coastal states cannot simply unilaterally decide to close areas on the high seas that are in international waters and open to fishing by all. There's been a lot of concern about that. He also reported that the resolution does not do this, nor do the FFA member states have the authority to do that. What they have done is to simply say that they will only issue licenses to vessels, when it comes to their zones, which agree not to fish on the high seas adjacent to these specific areas.

Other issues were 100 percent observer coverage, satellite tracking system, a VMS system, and a number of other things which will be incorporated in the minimum terms and conditions by the FAO licensing of foreign fishing vessels. Those are general guidelines that the FFA Members States agree among themselves to include in the licenses that they issue to foreign fishing vessels. He said that the resolution itself has no force of international law. It's simply an agreement among the FFA States as to the conditions that they will incorporate in future licenses issued to foreign fishing vessels. It doesn't change any of the conditions under which vessels currently licensed to fish in the Pacific are operating. It is simply an agreement to say that in the future we will apply these terms and conditions to future licenses as they are issued.

Duenas asked if the U.S. Coast Guard (USCG) would be assisting those countries who have a joint enforcement agreement with the United States if there are violations of the licensing in those countries. Gibbons-Fly said that the USCG has been in the process

of signing various Memoranda of Understanding on cooperation in fisheries enforcement with a number of states, and more are under way, and these actually have been quite successful. There were some cases recently where the USCG found some foreign fishing vessels fishing within the EEZ of FSM, and their vessel was in the waters of the EEZ of FSM operating under one of these bilateral cooperation agreements. So the vessel was escorted into port and the authorities in Micronesia took charge.

But that was based on a violation of the EEZ by a vessel that was simply not licensed to fish, and that's a very clear case where these kinds of agreements would be in effect and the Coast Guard would take action under the terms of the agreement. He said it's a different question to say if a vessel is licensed to fish by a country and the vessel is operating in that country's waters is not following all of the terms and conditions of the letter of the permit, what authority the USCG would or should have to enforce those questions. He said that it would probably depend on the nature of the violation, and those kinds of things, and on what the specific terms of the agreement between the Coast Guard and the coastal state would say.

Duenas asked if there was any resolution between the State Department and the Ecuador purse-seiners that were found in possible violation of the PRIA EEZ. Gibbons-Fly said those issues were not pursued through the State Department channels, but through prosecution by NOAA and the USCG. He said that in at least two of those cases the government of the vessels in question was notified that they were in violation. The vessels were assessed a fine and they paid those fines (\$133,000).

Martin called on Robinson.

Robinson said that there have been more and more cases settled. Another case required NMFS to get information from the Flag States to try and verify, and the Flag States have been written to and notified and for information and so far have not replied.

Martin responded that one of the issues was that the settlements were based upon one day of fishing activity, and there was further fishing activity. Martin asked if the State Department had a position on allowing foreign-built U.S. flagged purse seine vessels to fish within the U.S. EEZ.

Gibbons-Fly replied that the State Department has a clear policy that it operates in a manner that is consistent with U.S. law.

Martin called on Simonds.

Simonds asked Gibbons-Fly if the 2,000 metric ton bigeye allocation for territories and aspiring island nations be brought up at the Western and Central Pacific Fisheries Commission (WCPFC) meeting. Gibbons-Fly replied that he did not have specific information but knows that it might be contemplated at the next meeting. He noted that the extent of the measure adopted in 2005 was for three years, and this year it would mean the Commission will need to adopt some additional measure.

Robinson said he too was unaware of any information but said that they do plan on trying to have some discussions with some Pacific Island countries to ascertain what their goals for the WCPFC are so they can try and find a way of aligning their goals and strategies to make progress at the annual meeting.

Martin called on Duenas.

Duenas asked if a purse seine vessel fishing within Territory or state waters would the allocation be a part of the purse seine harvest. Robinson replied that up to this point the purse seine has been managed separately and has been based upon effort limits, and the actual allocations that he was referring to in the last three years are longline only.

Gibbons-Fly added that more specifically, the quota assigned with respect to bigeye tuna is very specifically only for the longline fishery and that any catch by the purse seines won't impact any assigned quotas for bigeye tuna for the longline.

Martin called on Sword.

Sword asked if the State Department has had discussions with the Cook Islands regarding longliners from American Samoa. Gibbons-Fly replied that they did not, but said that longlining was one of the issues that were a bit of the basis for deciding that they needed to have a vehicle for more cooperation and communication through this Memorandum of Understanding (MOU).

Robinson added that PIRO has had some discussions on this issue and completed an MOU with the Cook Islands. What is going on with that MOU right now is that Cook Islands vessels land in Pago, and so under the MOU, NMFS agreed to collect logbooks and provide those logbooks back to the Cook Island government. On the other issue, because a U.S. vessel can't carry two flags, basically the discussions have been along the line of trying to figure out some way that the Cooks might authorize our vessels to fish in their waters without forcing them to change flags. He said that the NMFS is unaware of any conclusion to that issue.

Martin called on Gaffney.

Gaffney asked what species the U.S. flagged purse seine vessels that are being built in Taiwan are going to target. Robinson replied that right now, skipjack is going for \$1,700 - \$1,800 a ton. So their primary target species are skipjack tuna.

Martin asked for further questions. Hearing none, he moved onto the next agenda item.

E. Enforcement

1. US Coast Guard

Rear-Admiral Manson Brown acknowledged that this was his first Council

meeting took the opportunity to opportunity to reiterate some of the Coast Guard's goals and principles with regards to fisheries management. Brown said that the USCG Fisheries Mission Statement states that USCG provides effective and professional at-sea enforcement to advance national goals for conservation and management of living marine resources and their environment. The USCG Strategic Plan the following four elements: productive partnerships, sound regulations, effective presence, and the application of technology. Brown reported that under productive partnerships, the USCG recently established shiprider agreements with Pacific Island Nations, specifically FSM and Palau, and are working on similar agreements with Cook Islands and Kiribati.

Brown reviewed the USCG's three strategic program goals that guide their fisheries enforcement operations:

- 1) To prevent illegal encroachment of the U.S. EEZs;
- 2) To effectively enforce Federal regulations that provide stewardship of living marine resources and their environment; and
- 3) To ensure compliance with international agreements for the management of living marine resources.

Brown stated that boardings of both Hawaii and American Samoa longline vessels had uncovered an increasing trend of vessels operating without a U.S. citizen as a master as required by Federal regulations. Violations of this regulation include civil penalties of up to \$10,000 per day and seizure and forfeiture of the vessel and its equipment to the United States. In addition, a vessel's Certificate of Documentation becomes invalid whenever the vessel for which it is issued is placed under the command of a non-U.S. master and must be surrendered to the National Vessel Documentation Center. Brown turns the remainder of the report over to his Chief of Enforcement Branch, Commander Mark Young.

Young stated that the report was submitted when the Coast Guard Cutter Walnut was still conducting its marine debris patrol efforts up in the Hawaiian Islands and therefore does not specifically cover their efforts. Young reported that the USCGC Walnut has had a successful patrol of 18 days, which took them to the Maro Reef area where they collected nearly 20 tons of marine debris. The Walnut also stopped at Midway and picked up around 10 tons of debris that was previously collected.

Young stated that the report covers the period of the time between February and the end of May. From the 4th of February to the 25th, the USCG cutters Assateague and Washington, which are patrol boats based out of Guam and the cutter Sequoia, supported by a Coast Guard C130, conducted law enforcement patrols of the Guam and Northern Marianas Islands EEZ and also the shared EEZ boundary line between Guam and the Federated States of Micronesia. Two foreign fishing vessels were boarded in the Micronesian EEZ with embarked Micronesian shipriders. Multiple violations were noted during boardings and both vessels were ultimately seized by Micronesian authorities for violation of Federated States of Micronesian law.

Young reported that from the end of February to the beginning of March, the

cutter Walnut, a buoy tender based out of Honolulu, along with the cutter Kiska, conducted law enforcement patrol efforts north of the Main Hawaiian Island. This was the first time that USCG boarding teams have targeted longline vessels actively engaged in the shallow-set longline fishery targeting swordfish, partly due to the remote area that they're operating, 800 to 1,000 miles north. A total of 29 fishing vessels, including eight vessels targeting swordfish, were boarded during this time frame, 24 minor fishing violations and 22 commercial fishing vessel safety violations were issued. Young noted that vessels fishing north of 32 degrees North are required that every person onboard is has an emergent suit. Three of the eight vessels that were boarded north of 32 targeting the swordfish did not have emergent suits onboard.

From the 24th of March to 30 March, the cutter Sequoia, supported by a Coast Guard C130, operated in a multi-lateral surveillance operation held in the vicinity of Guam, Palau and Western Micronesia patrolling with an embarked Paluan Maritime Enforcement Officer, again utilizing a diplomatic bilateral shiprider agreement between the U.S. and Palau. The Sequoia boarded five Taiwanese-flagged fishing vessels and recorded violations involving nontransmission of VMS and improper logs and licensing discrepancies. Following this operation, the cutter Sequoia patrolled the fishing grounds north of the Solomon Islands and Papua New Guinea and conducted boardings on three U.S.-flagged purse seiners. These purse seiners were some of the new purse seiners that just joined the fleet this past year. These boardings resulted several commercial vessel fishing violations.

From April 21st to May 2nd, the cutter Walnut conducted a law enforcement patrol on the high seas south of the Hawaiian Islands EEZ. During this time Walnut boarded 17 domestic fishing vessels and documented eight minor fishing violations and two commercial fishing vessel safety violations.

In addition to the fisheries law enforcement activities that were conducted during this time frame, the Coast Guard participated in several fisheries-related meetings and conferences including: the Annual Enforcement Evaluation and Coordination Meeting of the North Pacific Anadromous Fish Commission in Vancouver, British Columbia; the First Tri-Partite Meeting held between the NPAFC, the Western and Central Pacific Fisheries Commission and the North Pacific Coast Guard Forum; the Annual Formal Treaty Consultations for the South Pacific Tuna Treaty in Rarotonga; the 11th Annual Forum Fisheries Agency Monitoring and Control Surveillance Workshop held in Honiara; and the Western Pacific Regional Fisheries Management Council-sponsored Main Hawaiian Islands Bottomfish Identification and Training Workshop held at Pier 38.

Young concluded by stating that the USCG is working with the Department of State colleagues and NOAA to be able to conduct boardings pursuant to the Western and Central Pacific Fisheries Commission High Seas Boarding and Inspection Scheme by USCG cutters that will be patrolling this summer in the Convention Area.

Duerr asked Young about the issue of non-U.S. captained ships, and if these vessels are US owned or not. Young stated that many of these boats are the Hawaii

longline and American Samoa longline vessels, and are owned by U.S. citizens. Duerr asked what happens to the person that was commanding that ship, does the USCG strip him of any right to go to sea again; what is the penalty. Young replied that it is a civil penalty process and has an escalating scale going up. Usually, the first offense does not involve forfeiture of your Certificate of Documentation. It's a civil penalty that goes through the process.

Sablan asked Young if the Coast Guard goes out to the Northwestern Hawaiian Islands and collect marine debris in the water or on the islands. Young replied that the marine debris collected has been from the reefs, approximately from -- either from right at the surface down to about 30 feet in depth. Sablan asked if there any inhabitants on these islands. Young replied that the only place they have conducted marine debris efforts have been up in the Northwestern Hawaiian Islands, and there's no population up there. Sablan asked if Young is aware that in the Northern Marianas there are islands north of Saipan that are not inhabited, except for Alamagan, and that if he is aware that there's a lot of marine debris in that area, and if the USCG has a plan to go to those islands and collect marine debris. Young responded that the USCG is not the lead agency for collection of marine debris, but that they work in partner with other Federal agencies. Sablan stated that he is aware that that is not primary activity of the USCG, but since Coast Guard vessels are patrolling up north, would they have any plan on going and collecting marine debris up in the Northern Islands of the CNMI. Young replied that this point in time there has been no formal plans for collecting marine debris in the CNMI utilizing Coast Guard.

Sablan asked if the USC has any future plan to do marine debris activities up in the Northern Marianas of the CNMI. Young stated that that is certainly open for discussion, and depending on the availability of USCG assets and a matter of balancing mission priority, asset availability and the ability to coordinate all agencies together would come into play there.

Sablan asked Rear Admiral Brown that in the last couple of weeks, masters and captains in the CNMI were assembled to pre-enroll online on for the Transportation Worker Identification Card (TWIC) and if the admiral could provide more information on TWIC. Brown replied that the TWIC registration process has been deferred, and that he would get back to Sablan on the specific date, which is sometime in 2009. Brown also responded to the questions posed by Sablan to Young, stating that the Coast Guard has got responsibilities with regards to safety, security and environmental stewardship and if one of their Federal partners approached them with a request and it's consistent with other operations, the USCG would be willing to support to the limits of their resources and their jurisdiction.

Sablan asked Brown if he considers the Council to be a Federal partner. Brown replied that no, when he talks about Federal partners he is referring to NOAA and the National Marine Fisheries Service and that the Council represents many other interests.

Simonds stated that she thinks it is appropriate for the Council to write a letter to the Admiral to inform him that there are opportunities that the USCG may have while conducting its regular missions.

Sablan stated that with the current fuel prices it behooves the government to have the USCG conduct multiple operations if provided the right opportunity. Brown replied that the USCG looks forward to a future opportunity to collaborate the Council.

Haleck commended the USCG for their work in American Samoa with their detachment unit. He stated he was curious if Commander Young's office has received any report of a Spanish purse seiner that left Pago Pago Harbor some time late March, went about four or five miles out and set their nets. Young responded that they did reports of that, but he clarified that the USCG is not an investigation agency in regards to fishery violations, but responsibility would fall under the Office of Law Enforcement for NOAA.

Gaffney asked if the majority of minor fishing violations end up on a small number of vessels, or are they kind of evenly spread throughout the vessels that are inspected. Young replied that the fishing violations are more defined to a smaller group, but that the USCG certainly find that just about every single boarding that they go on that there are one, if not more, commercial fishing vessel safety violations.

Gaffney asked if the marine debris that is brought back is still going to the H-Power incinerator. Young stated that it is received by Schnitzer Steel which then cuts it up and transport it to the Honolulu City and County's H-Power incineration plant.

Sword asked if the new Taiwanese-built US-flag vessel are required to have U.S. masters onboard. Young stated that yes, they are. Sword asked if that checked during the recent boardings. Young responded yes.

Sword asked if the newly built US purse seine vessels are required to have observer. Young responded, yes, they are required to have observers, but at a 20 percent observer coverage. Young stated that he could not comment exactly whether or not those three boardings had an observer onboard.

Sword asked if Young had recommendation to the Council regarding marine debris and free-floating FADs. Recognizing that the purse seiners leaving American Samoa are loaded with nets, floats, etc. used for FADs, is there the USCG could track that type of gear when they leave and then when they come back. Young stated that the USCG does not currently check whether or not a vessel going out with FADs comes back with FADs, or the same amount of net that he goes out with comes back. There is no regulation that we monitor for vessels when they leave the port with an amount of net and coming back with the same amount.

Sword asked what are the more common violations observed on purse seine vessels. Young answered that purse seine boardings have been relatively rare for the

USCG, because they, like other Distant Water Fishing Nations, operate well and far away from most of where the Coast Guard assets are operating over the last couple of years. Primarily, the violations we definitely would be looking at are ensuring compliance with MMPA and ESA type of regulations for the U.S. fleet. There are no specific regulations regarding the purse seine as there is the longline fishery. But primarily, an MMPA, ESA, documentation, commercial fishing vessel safety, U.S. master, forms, those things are the primary ones that will be looked at. Also, looking at the vessel logs and where the vessel is conducting fishing as opposed to any closed areas or EEZ-type of violations that would be associated with it.

Martin stated that this year the Hawaii longline fleet is reporting significantly higher interactions with marine debris and last week there was a vessel that actually was disabled and had to be retrieved. The vessel was unable to actually free themselves from the marine debris without coming to port, and reports are that there are in the general area where some of the fishing operations are taking place greater incidents of interactions with marine debris, and some of this appears to be even in larger physical dimensions where boats really don't even have the capability of getting it onboard. Typically, the fleet tries to retrieve marine debris when they come across it. But a lot of it is so large and massive that there's obviously a risk in getting close to it if you don't have to, and trying to deal with it both to equipment and to people. So just as an observation, there does appear to be more marine debris, maybe because of oceanographic conditions this year.

Martin stated that regarding safety violations, all of these vessels that you boarded are required to have safety checks because they carry federal observers, and maybe we need to consider the effectiveness of the safety checks to make sure that to the extent practical we're taking care of it in town.

Martin stated that currently under consideration is the Reauthorization of the Homeland Security Act, which is the Coast Guard's funding mechanism. In that act, there are significant changes proposed as to vessel stability, vessel licensing toward -- specifically for fishing vessels.

Duenas asked if the purse seiners that were found around PNG, what were their hull capacity or capacity of the vessel; were they 1200, 1500, 1800 metric ton vessels. Young stated that he would hate to guess, but that they were around a 1700-ton capacity. He offered to get back to Duenas during the course of the meeting and confirm what the capacity was rather than be wrong. Duenas stated that he assured that the new vessels that are being built are to be no greater than 1500 metric ton capacity.

Duenas asked if the USCG has access to the FFA's VMS system. He stated that he is curious whether these violations, where Young said that they were within zones, but their VMS wasn't on. Duenas asked if the if Coast Guard cutters are able to view the FFA system and that he would be happy to hear that if they did. Young stated that the USCG has established FFA VMS sharing agreements with the governments of several of the Pacific Island Nations for the USCG to be able to receive FFA VMS data from vessels

that are operating in our EEZs. FSM is one of those countries, but the cutters do not get that directly. The feed goes through the USCG offices in Honolulu, since those offices maintain the tactical control of the cutters. The regional cooperation that the USCG has gotten over the last couple of years in working with counterparts in the Pacific Island Nations in setting up these agreements have been an integral part to some of the success that the USCG has had in identifying IUU fishing activities that are occurring throughout the region.

Duenas stated that he feels confident now that the USCG has access to that system, knowing that the USCG doesn't have to be out at sea 24/7 to actually protect our EEZ and our resources. Duenas stated that he would thank the Admiral and the Coast Guard 14th District for having him the current Captain Morhofer on Guam, and that he has been a very good asset to our islands. Duenas stated that he makes this comment to every new admiral. There are two approaches to dealing with the Pacific Islanders and the boaters in our different communities, you can come with the Miami Vice attitude or you can come and work -- come in peace and work with us and solve safety issues and safety violations, safety problem. He thinks the latter is the better way to work with us. An example, and it's part of my Island Report, is that we've worked well with the Coast Guard Auxiliary on Guam and we're rather proud of that group. We've got Coast Guard people that -- they actually come out to the community and work with us on safety issues and safety concerns, and actually come out and deal with the community and be a part of it as a partner in the dealing with safety concerns.

Brown thanked Duenas for his comments and stated that once you get to know him, he is a collaborative leader by nature and he thinks that's very important, for us to continue to communicate and seek understanding, to collaborate towards mutual solutions.

Martin added that on behalf of the Council, he would also like to express appreciation and that over the last six or seven years developed a very comfortable relationship working with the Coast Guard. Sablan stated that he liked to echo Duenas' comments appreciating the U.S. Coast Guard, and they have a marine safety detachment on Saipan, he invites Brown to come to Saipan and work with them. He stated that they have a lot of six-pack U.S. Coast Guard licensed that are non-U.S. citizens and that he would hope the USCG would take care of that so U.S. citizens and people from Saipan, Rota and Tinian may have the opportunity to take more courses and pass the U.S. Coast Guard license.

Dela Cruz asked Young how often the Coast Guard conducts monitoring and surveillance activities for illegal fishing and incursions of foreign fishing vessels in the CNMI EEZ waters. Young responded that they have one buoy tender and two patrol boats that are stationed on Guam and that their assets have a certain number of deployment hours that they are under way during each specific year. One of the primary missions of those assets out there is patrolling the EEZs of both Guam and CNMI. Just about every operational period they have there are opportunities that they patrol out there supported by a Coast Guard C130 when it comes out there. Young offered that he could

obtain specifics on hours, but would hesitate in offering a figure off the top of his head.

Dela Cruz stated that he was curious whether they're doing it on a monthly basis or quarterly basis, or only as the need arises, i.e., if there's a suspicious vessel going through the area.

2. NOAA Office of Law Enforcement

Bill Pickering provided the report of the NMFS Office of Law Enforcement which covers the period between March 1 to May 31st of '08. He reported that the Pacific Islands Division worked about 73 incidents, of which 70 violations were in regards to protected species and fishery management violations--the remaining three incidents involved various statutes, including the Lacey Act, the High Seas Fishery Compliance Act and other Federal statutes. He reported that they had several investigations on the Big Island, with one involving a passenger on a pleasure boat jumping in the water and swimming with humpback whales. This year, NMFS agents and DOCARE officers have responded to over 90 reports of illegal interactions with humpback whales. There was one EAS violation that involved a resident and their dog attacking a green turtle, with subject eventually confessing and was issued a fine.

Pickering reported that numerous investigations involved vessels in the Hawaii-based longline fishing fleet. Several of these cases documented by Bill Robinson's officer in the Observer Program regarding seabird mitigation, observer harassment cases, logbook, gear, closed area violations and failure to renew one's Hawaii Limited Entry Permit. One Hawaii-based longliner was charged \$32,000 this year. In American Samoa, there is currently one longliner investigation going on there where the vessel was fishing in the closed area around Swains Island. Regarding Haleck's question about the Spanish purse seine vessel fishing the EEZ around American Samoa, the American Samoa government marine police received a report that the purse seiner had left and about three, four miles out had done some testing – testing being putting its nets in the water and doing a water haul. Pickering said they have concerns when that happens, because they view that as being part of the fishing violations.

Pickering reported that in regards to the bottomfish closure, NMFS officers contacted 100 fishing vessels and about 15 restaurants. Pickering stated that he as pleasantly surprised how many of the restaurant owners within the Hawaii are aware of the bottomfish closure. No violations were detected.

Pickering stated that in regard to vessel monitoring systems, OLE expects to have about 24 new units his VMS manager, Terry Bloom, and his staff is in the process of trying to get those installed so that 100 percent are operational.

Sablan asked how the Joint Law Enforcement program with CNMI and OLE is working. Pickering answered that he likes to think it is working and they just had the Nationwide Joint Enforcement Meeting in San Diego, in which there was an attendee from CNMI, as well as Guam. OLE has some training that's coming up and OLE is going

to CNMI to conduct some training as well as some things in next couple of months in regards to the new JEA reporting system online. The goal is to get some additional funding to CNMI, because they lack certain equipment and hoping that through the JEA Program, they can fund that. Right now OLE is waiting for the JEA Agreement to be signed, where it will come back from the Department of Commerce lawyers and then CNMI must agree to the funding and the proposed patrol hours, as well as the training. Then upon signature it will be in full execution. Pickering stated that OLE realizes that CNMI operates on a shoe string which makes it tough, but OLE sees some big things in CNMI and Guam in relation to port state measures and IUU fishing.

Sablan asked about the Taiwanese vessel that was brought into Saipan for IUU for an EEZ violation and part of the release condition was to put VMS on the vessel. Is there any knowledge whether some of that signal from that vessel has entered any U.S. EEZ within the Marianas. Pickering answered that he doesn't have any knowledge of that.

Sablan asked if he would look into that case because the CNMI has a lot of seamounts and lucrative fishing grounds and knowledge that foreigners have been fishing around those areas but that they just can't enforce it. The thought was that the condition of putting VMS on those vessels that have violated our EEZ would help the Coast Guard to in fact know what's coming into our EEZ, maybe not fishing, but maybe just passing by.

Pickering stated that he would love to be in a position to put VMS on every boat that we know about there, but unless that boat is operating within the Western and Central Pacific Fisheries Commission or under FFA rules or an American vessel, to force a noncooperating country to install VMS and then make it available for us to look at it to see it on our screen is something a little bit out of my control at this time.

Sablan asked that if NMFS requires that vessel to put on VMS as part of a settlement, who would be monitoring that. Pickering answered that it would depend on where the boat was from, where it was fishing, and to what country it belong to.

Duenas asked when the settlement agreement was done, the VMS required on that vessel, is it a U.S. VMS signal VMS or is it part of the FFA VMS system; because it should be U.S. VMS system. Duenas stated that Chuck Radderman he a great asset for Guam and the Northern Mariana Islands and he always came to the community activities and to Fishermen's Festival. Regarding the Joint Enforcement Agreement program, there is one on Guam with Custo The Fishermen's Co-op is very supportive of that program because on Guam there are limited berthing areas and the Fishermen's Co-op has one berthing slip for use by members when they go in and out. The Co-op voluntarily make that slip available for Guam Customs use whenever they're going to deploy their vessels and park their vessel for the duration of their activities. So that's part of our contribution to you Joint Enforcement Agreement with Guam Custo

Sablan asked if OLE was enforcing the ESA in conjunction with U.S. Fish and Wildlife Service for FDM regarding the military live bombing. The Marianas Megapode,

which is endangered lives on FDM, so he is wondering if NMFS has a talk to the military, perhaps the Air Force and the Navy, who constantly bomb the island on a regular basis. Pickering stated that is more in line of what Bill Robinson would address as well as the Fish and Wildlife Service and not something OLE would engage in.

Sablan stated that he thinks it is a violation of the ESA, so OLE or the U.S. Fish and Wildlife Service would have responsibility. He said that four years ago he talked to Don Palawski about the issue and that as fishermen they are restricted to a 10 nautical mile radius because of the constant bombing practice by the Navy and the Air Force, but traditionally that area is good fishing grounds. He asked if OLE could take on the issue of harassment of the Marianas Megapode.

Sword asked that in the OLE report it says that they are investigating two U.S.-flagged purse seiners suspected of violating the MMPA. Is that in American Samoa? Pickering answered that those vessels are not in American Samoa. Sword asked if those vessels involved are of the new U.S. flagged Taiwanese-built purse seiners. Pickering stated that at this time, the investigation is under way and it involves two boats, and they do involve vessels that were built in Taiwan.

3. Status of Violations

Alex Cole provided the report on status of violations. She stated that she was able to participate in the Council organized training on the MHI bottomfish regulations for the Coast Guard and State and Federal law enforcement agencies. She mentioned that they have been able increased training with the Coast Guard officers before they go out to do their cruises so we can highlight the regulations that they're going to be looking at before they get onboard the boats to avoid confusion from the water.

Cole stated that for one of the first times the number of cases that came into my office in this period is less than the number of cases that came out through NOVA. This means that the backlog of cases in my drawer is finally being dealt with, and by the end of July there will be no old cases in the file, and no case with a case number before '08 that has not been charged. One of the cases that are going to hearing -- scheduled to go to hearing in a couple of weeks was just a violation from January -- or maybe the end of December. So that period of time, from moving from time of violation, through investigation to forwarding to my office, to prosecution, coming to hearing in seven months is quite speedy.

Cole reported that other cases that were prosecuted in this period that got charged, two of them are ESA, and six of them are MSA. Two of them involved humpback whale approach violations; one of them involved a turtle take, a green sea turtle. Of the Magnuson Act cases, one of them was a Monument violation and longline prohibited area violation. It's a consolidated case involving the Fishing Vessel JACK MAGIC. Another case involves the Fishing Vessel PARADISE 2002, which was a shark finning violation because it had shark fins without the corresponding carcasses, and that got a \$12,000 NOVA. Another one of the fishing vessels cases that's not on the report but is now able to

be public involves the Fishing Vessel CAPTAIN KEVIN. They got two counts, one of a failure to notify observers prior -- at the time of the beginning of the set or the haul-back, and the other one is a blue-dyed bait count. That got a \$2,000 NOVA. The other Magnuson Act violations were three cases involving fishing with an expired longline limited access permit.

Cole reported that the turtle penalties that got assessed in this period of time was \$56,000. Three hearings are coming up in the next month, two more in the couple of months after that. One is a Monument case, one is an endangered monk seal case, and the third one is a Magnuson Act paperwork case. Regarding the question about permit sanction -- the VMS as a piece of a settlement agreement, we are able to do that. That's a term of a settlement agreement. So we're only able to do it if we reach a settlement in that case if it's a term that both parties can agree on as a mechanism to resolve the case. The case that you're talking about was a case prior to my time, my predecessor's case. They did require that they be available and accessible on U.S. V Cole stated that she has no information about where they've been and what we've seen since then.

Cole reported that there have been a lot of questions about the Marshalls 201 case and how that is moving along. This case is not going to be resolved any time soon unless a settlement happens. There was a Motion for Summary Judgment and a Motion to Dismiss against the Government, one on they claimed to be an innocent owner under CAFA. The other one they claimed that they were challenging our right to the EEZ around Howland and Baker Island. NMFS prevailed on both of those issues. They have now requested -- they tried to certify the issue of whether we have the right to the EEZ around Howland and Baker up to the Ninth Circuit Court of Appeals. The U.S. Government has objected to that certification. We don't yet have the decision from the Guam District Court. If they prevail on that decision, it's an interlocutory appeal. It will stay off the rest of the litigation until this issue is resolved. It will go to the Ninth Circuit. That could be a year. It could be more than a year. If they don't like what they get there, they can attempt to go to the Supreme Court. If NMFS loses at the Ninth Circuit, NMFS would go to the Supreme Court because this is an important issue.

Thielen stated that there's been some discussion today about the ESA, but one of the things that keeps coming to our attention recently is the Marine Mammal Protection Act, that certain marine mammals that don't fall under the ESA and come under the MMPA. The Federal Government has preempted the State authority and the State is reliant upon Alexa's office in moving forward with joint efforts in that area, and therefore the State appreciates the support and partnership.

Cole replied that one of the long-term issues with the MMPA has always been that under the Joint Enforcement Agreements NMFS is not able to pay states to do the marine mammal enforcement. It looks like that answer is changing under some of the language that came under the Magnuson Reauthorization Act. So that may affect Joint Enforcement Agreements with Hawaii and with the other areas so that NMFS and the State may be able to collaborate even more on the MMPA enforcement issues.

Duenas stated that he spoke to the Marshalls group and that they raised the same concerns Alexa mentioned, and they seemed very interested in settling, but not to the amount of two million dollars, more like \$150,000.

Cole replied that NMFS doesn't send her in to settle, because she's not very agreeable, so someone else is working on that.

Martin reviewed the standing committee report that discusses the Hawaii Video Monitoring Project, the Small Vessel Tracking Project and the Options Paper for Markings Under the New Regional RFMO Requirements. Each of those items will be taken up later in the agenda.

5. Public Comment

Martin called for public comment, hearing none, asked for discussion and action.

6. Council Discussion and Action

No discussion and action was taken under Agenda Item 4.

5. Program Planning

A. Program Planning and Research Action Items

1. Annual Catch Limits

a. National Guidelines and Proposed Rule

Deb Lambert began by introducing herself as coming from the National Marine Fisheries Service, Office of Sustainable Fisheries in Silver Spring, Maryland, and thanking the Council for allowing her to present on NMFS' proposed revisions to the National Standard 1 Guidelines [the proposed rule]. The proposed revisions were published in the Federal Register on June 9th and will have a 90-day comment period, which will end on September 8th. Lambert noted that her presentation today would focus on the major aspects of the proposed revisions and would be the same as given to the SSC last week by NMFS' Mark Milken. She also stated that NMFS would welcome any initial comments and also more detailed comments later on. She then reviewed some of the statutory requirements that the proposed revisions are trying to address. National Standard 1 states that conservation and management measures shall prevent overfishing while achieving on a continuing basis the optimum yield for each fishery in the U.S. fishing industry. The MSA was reauthorized in 2007 [and is now called the MSRA] and established new requirements to end and prevent overfishing through the use Annual Catch Limits and measures to ensure accountability, which NMFS' terms Accountability Measures or A The MSRA also states that fishery management plans shall establish a mechanism for specifying Annual Catch Limits in the plan, including a multi-year plan, implementing regulations or annual specifications at a level such that overfishing does not occur in the fishery, including measures to ensure accountability. ACLs are required for all managed fisheries except for species with a life cycle of approximately one year and stocks managed under an international agreement to which the US is a party. The

ACLs are required to be implemented in fishing year 2010 for fisheries subject to overfishing and 2011 for all other fisheries and they cannot exceed the Council's SSC fishing level recommendation, which NMFS takes to mean the ABC or Acceptable Biological Catch. The MSRA also says that the SSC shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for the Acceptable Biological Catch, preventing overfishing, and so on. NMFS' main objective is to create strong, yet flexible guidelines which ensure that the MSRA mandate for ACLs and AMs to end and prevent overfishing is met and also account for the diversity in US fisheries. NMFS recognizes that a one-size-fits-all approach will not accommodate the diversity in US fisheries which have great diversity in: the biological and ecological role of stocks in FMPs, management approaches, scientific knowledge, monitoring capacity, overlaps of management jurisdiction, and also in resource users. NMFS wanted to include definitions of terms that weren't defined in MSRA, and also to recommend approaches for how they might be implemented.

In developing the proposed guidelines NMFS considered over 2,000 public comments received during the scoping period from last February through April of 2007. A summary of those comments is posted on NMFS' website.

Lambert then reviewed some of the major provisions of NMFS' proposed revised National Standard 1 guidelines under several themes. The first was revisions to the current system of limits and targets. The second theme is the accountability measures. In the proposed guidelines, the OFL or overfishing limit would be greater than or equal to ABC, which would be greater than or equal to the ACL, which would be greater than or equal to the ACT. Lambert informed the Council that NMFS has put together a team of scientists who are now working on developing guidance on both how to incorporate scientific uncertainty and management uncertainty in these reference points.

The MSRA also requires establishing measures to ensure accountability. One example is in-season measures to prevent reaching the ACL. Another would be addressing overage of the ACL after it occurs. In the proposed guidelines NMFS also included a performance standard. To prevent chronic overfishing NMFS proposes performance standards, which would be a system of ACLs and AMs that result in the ACL not being exceeded more than once in four years. If it is, the system should be re-evaluated and modified. In the proposed guidance NMFS states that Council may decide to divide the ACL into sector ACLs. Again, this is optional, not required. Dealing with cross-boundary State/Federal fisheries could be a challenge especially establishing ACLs and AMs for stocks that are mostly caught in State waters. NMFS encourages State/Federal collaboration to establish ACLs and AMs, but acknowledges that NMFS and the Councils only have jurisdiction over Federal waters. When agreement cannot be reached, the proposed guidance suggests that an ACL could be specified for the entire stock and then a federal portion of the ACL could be identified, with AMs applied only to catches in Federal waters.

Lambert summarized her presentation by noting that NMFS thinks the proposed guidelines will provide councils flexibility to address their fisheries as well as a

framework to meeting the Magnuson Act requirements. She ended by requesting comments or questions on the proposed guidance.

Duenas asked where the guidelines shown on Slide 10 came from and whether the National Standards were incorporated as he was looking for more consideration of socioeconomic factors. Lambert responded that the proposed guidance would allow an ACL to be split into sector ACLs but doesn't give any more guidance other than that as NMFS feels it's up to the Councils to decide how they want to separate out sector ACLs.

Duenas then noted that there is so little time and so much money is being spent on this plan, and he appreciates the plan but the fact remains that money must be spent on stock assessments because it is very unfair to the fishing communities that the Council is supposed to manage.

Young asked Lambert whether the proposed guidance would allow sectors to be defined geographically with different limits set for a different island in our state or any other place. She responded that this would be acceptable, it would be up to the Council would decide what the sectors are.

Hearing no more questions Dela Cruz thanked Lambert, for the presentation.

b. Management Alternatives

Hamilton began her presentation by noting that while the Council was commenting on the proposed guidance's process and implementation details, they still needed to keep moving forward with some of the bigger questions about ACLs – with the expectation of addressing the process and implementation details as that rule becomes finalized and the hope that this didn't lead to conflicts along the way. Hamilton went on to point out that, contrary to her earlier statements in previous meetings, the MSRA contains no deadline for transmitting the ACL amendments. The deadlines for implementation remain but there are none for transmittal. Hamilton continued that the Council was considering four issues today, two of them seen before, two new. The first is the establishment of ACL mechanisms for which the Council already recommended using risk ranking. On a related note is whether to implement ACLs for species managed by Regional Fishery Management Organizations, this issue came up at the SSC meeting last week. The second is whether to allocate ACLs among fishery sectors or not, and the third is whether scientific and management uncertainty can be reduced by implementing permitting and reporting requirements. Finally is the issue of setting ACLs for species currently subject to overfishing, which is bigeye and Main Hawaiian Islands bottomfish. Yellowfin tuna is not currently subject to overfishing, but it bounces back and forth. The proposed rule uses the end of 2008 as the reference date for this determination so the Council will have to wait until the end of the year to find out just where these species are at that moment.

Regarding Issue 1, at previous meetings both the SSC and the Council recommended Alternative 1E. However at last week's SSC meeting the members,

recommended not doing ACLs for those that are managed by RFMOs. So now there is a new Alternative 1F which is the same as 1E except that it excludes RFMO species. In the Eastern Pacific the IATTC doesn't give a list but rather makes a broad statement regarding their management of stocks of tunas and tuna-like species and other species of fish taken by vessels fishing for tuna and tuna-like species in the Convention Area. The WCPFC in the Western Pacific does say they are managing those listed in the Law of the Sea, Annex 1. Annex 1 appears to include all PMUS except opah and oilfish. Also relevant to this issue is which species actually have known MSY values. Many of the PMUS have known MSY values, however these would be excluded as being managed by RFMOs. For non-pelagics there are stock assessments for deep-water bottomfish and precious corals. Also for Main Hawaiian Islands spiny lobsters.

Issue 2 is allocation. Allocation could avoid the need to close or regulate all groups when a group reaches its ACL. An ACL could be allocated by sector or gear type such as longline vs. troll. It could also be allocated by island area or in many other ways. In all cases the idea is that catch competition between the groups is reduced and there is less potential for a race to the fish. The most difficult part of allocation is the initial allocations because some people are getting the right to fish and other people are not going to be allowed to fish or fish as much as they could before. This process is often difficult and controversial. The criteria needs to be really clear to enhance acceptance and compliance with the decisions made.

By far the most frequent kind of initial allocation is catch history but this will be a problem for this region as good catch history data is lacking. Council staff have put together a range of alternatives for the Council to consider as follows. Alternative 2A - No action, don't allocate ACLs at all. Alternative 2B - Allocate by gear type based on catch history. Alternative 2C - Allocate by sector (e.g. commercial, recreational, subsistence etc) based on catch history. Alternative 2D - Allocate by gear type and sector based on catch history based on catch history. Under Alternative 2E ACLs would be allocated equally among sectors or gear types. Under Alternative 2F ACLs would be allocated based on net national benefit analysis in which catches are allocated to those fisheries or sectors with the greatest economic benefits to the nation. Alternative 2G came from a Plan Team comment that the Council might begin by allocating portions of ACLs to the big commercial purse seine and longline fleets. Alternative 2H has to be used in conjunction with one of the above, and would reserve a portion of ACLs for developing fisheries. Hamilton then presented Table 31 and summarized the pros and cons of each alternative under Issue 2.

Hamilton then presented Issue 3 which is the use of Federal permitting and reporting requirements to reduce scientific and management uncertainty. Because data is lacking on a lot of the region's fisheries it is difficult to make stock assessments or even MSY proxies. This is scientific uncertainty. Then the lack of the catch reporting means there is not good monitoring. That creates management uncertainty. Hamilton presented alternatives for Issue 3 as follows: 3A - no action, 3B - require Federal permits, 3C - require Federal logbooks and 3D - require Federal permits and logbooks for all fisheries or species subject to ACLs that don't already have them. She then reviewed existing

permit and reporting requirements and summarized the pros and cons for Issue 3.

Although Issue 4 (ACLs for species subject to overfishing) was discussed at the last Council meeting, the Council wasn't ready to go forward and wanted to wait until NMFS published its rule. Since then the Council has gotten the message clearly from Headquarters that the MSRA implementation deadlines are hard and even if the final rule doesn't come out, even if the technical guidance doesn't come out, measures to address fisheries with overfishing need to be put in place. Alternatives 4A through 4D were discussed at the last meeting. Alternative 4E is new and came from the SSC which recommended continuing the existing management processes until the non-RFMO stock - which is Main Hawaiian Islands bottomfish - ACL or TAC or other management measure is determined and implemented. The SSC felt that the Council should work out the process for specifying and implementing ACLs in general, and then apply this to MHI bottomfish.

Hamilton noted that Headquarters has softened its language on ecosystem component stocks and now feels that they could be managed under the headings of bycatch or ecosystem considerations. The proposed rule states that ecosystem stocks would be species that are generally not retained. In the existing MUS there is little bycatch as everything is eaten but there may be some in the stocks listed as Potentially Harvested Coral Reef Ecosystem Species which qualify.

Another implementation topic that will need to be considered is determining appropriate species groups, complexes, and definitions. MSRA requires ACLs for stocks but the geographic boundaries of stocks are undefined. Similarly the proposed rule allows ACLs for species groups (what we call stock complexes) but these would also need to be defined as far as which species are included and where their boundaries are. The proposed rule also discusses the necessity of defining and characterizing scientific and management uncertainty and defining and characterizing scientific and management risk, so that will need to be done.

Hamilton concluded her presentation by noting that the issue of ACL process and mechanisms is going to be on the Council agenda for at least one more meeting. However at this meeting there were just four issues to deal with: the establishment of the mechanisms including species managed under RFMOs, allocation, permitting and reporting and ACLs for species subject to overfishing (longline bigeye, possibly yellowfin tuna, and Main Hawaiian Islands bottomfish).

Dela Cruz then asked the Council members whether they had any questions regarding the presentation. Duenas asked how ACLs would be developed for sectors for which very little catch or effort information exists and wondered if the Council could develop a proactive plan to tell these sectors that they have two years to start reporting so that they can be included in some ACL or ACT program. Duenas went on to say that the value of a fishery should be primarily based on its value to the local community. He concluded by stating that multi-year allocations appear preferable because they allow a payback in a future year for an overharvest.

Robinson stated that although the preliminary decision to priority rank the risk analysis starting with the MSY stocks sounds like a good way to go about establishing one's workload, it's not included in the proposed rule as criteria that can be used to eliminate stocks. In fact all the stocks that are defined as in the fisheries need ACLs and the Council will have to live with that. However the concept of the ecosystem component stocks was designed to provide a way to draw at that line, to say here are the stocks that are in the fishery, here are the stocks that are part of the ecosystem that may be affected by the fishery. And there may be a de minimis catch that can be retained and still be considered an ecosystem component.

Regarding RFMO managed species Robinson recommended that the Council not develop ACLs for bigeye or any of the other pelagics that are species that are contained in the Annex 1 for the Law of the Sea and are basically managed by the WCPFC across the Pacific-wide. He clarified that there may be other domestic reasons to regulate these fisheries, including potentially implementing quotas, but there is no need to go through the ACL process for those pelagic fisheries.

Robinson stated that accountability measures that require in-season management and closure of the fishery upon achieving either an ACT or an ACL really, really require a data collection and reporting system in place that gives accurate enough data to close the fishery in season without either doing serious damage to the stocks or doing serious damage to the fishery just due to under or over estimates of where the fishery is. Without this type of data the accountability measures should focus on post-season assessment and year-to-year adjustments of the fishery, including adjusting the ACT to try to make sure the fishery stays under the ACL. He concluded that it would be extremely dangerous to try and manage a fishery via in-season adjustments without having the necessary data to do it correctly.

Regarding allocation Robinson recognized that down the road it may be desirable to allocate by sectors, including traditional fisheries as well. However at this point it is going to be very, very big job to set the umbrella ACLs and in the absence of good catch history information for the various sectors, it's going to be difficult to establish allocations.

Regarding reporting requirements Robinson cautioned the Council not to duplicate existing State reporting systems but instead establish complementary system.

Duerr spoke to the issue of allocating based on economic benefits and stated that a sports fisherman visiting Hawaii might spend \$800 to \$1,000 to catch one fish, which may be a greater benefit to the State economy than the commercial value of the fish.

Duenas stated that he believed that ACLs wouldn't be needed for most pelagic species if the number of active purse seine vessels could be reduced. Robinson responded that back in 1999 when everyone who was associated with the Western and Central Pacific Fisheries Commission negotiations agreed to a resolution to voluntarily restrict

capacity increases in the fisheries, the US fleet had 38 or 39 vessels. All of the increase that's occurred since then, the last nine or ten years, has come from outside the US. So the US is rebuilding only to the level that existed when all of the countries agreed voluntarily to not increase.

2. Barter, Trade and Subsistence Issue

a. Background Paper

Dela Cruz introduced Stewart Allen, social scientist from the Pacific Islands Fisheries Science Center, to present on Barter, Trade and Subsistence Issues.

In April, Allen was asked by the Council to draft a background report on these types of fisheries. He gave a report, and then got some staff comment on it, and did another version in May. It's a literature review and background paper that describes how subsistence and artisanal fisheries have been defined and been dealt with and what are some of the issues.

These fisheries; artisanal, subsistence and barter and trade, are all generally viewed as components of small-scale fisheries. Some of the criteria that have been used across the globe to make these distinctions between fisheries include fishing gear and location; vessel characteristics and the level of technology that's used is another common factor in designating and distinguishing small-scale from larger-scale fisheries; and the amount and the disposition of the catch and the size and the scope of the market.

When we're talking about subsistence fisheries or artisanal fisheries, another thing that often comes into play is not just the characteristics of the catching and disposition of the fish, but the general socio and economic condition of the whole area, the place where fishermen live. Is it characterized by poverty. Is it characterized by an indigenous population or not. Is it characterized by a remote and a rural population that may not have a lot of other options if fishing opportunities are foreclosed. And then there's a lot of social and cultural criteria that come into play in making distinctions, for example, about whether a fishery is a subsistence fishery or not.

There is no universal definition of what constitutes a small-scale fishery or an artisanal fishery or a subsistence fishery. The reason most nations have or most countries have for distinguishing these small-scale fisheries from larger-scale fisheries is that they feel like they could get lost in the shuffle. They tend to be diffused. They tend to be spread out and they tend to be closely associated with a lot of communities and community well being.

They're often distinguished from larger-scale fisheries based on some sort of policy goal related to either developing that small-scale fishery or sustaining it, or if it already exists, maybe to enhance it to make sure that it will continue to grow.

They're more likely found in less developed areas, but not exclusively. There are

many examples of fishing fleets from very highly-developed areas and developed nations that are also called small-scale fisheries.

They're seldom as well documented as larger-scale fisheries just because the total value of the fishery may not be big enough to support the types of information collection we see that is present in the larger-scale and more industrial types of fisheries.

One type of small-scale fishery, artisanal fishing, has been estimated to comprise a huge proportion of fishing jobs worldwide and a huge proportion of the catch. In the Pacific Islands there was one estimate that suggested that subsistence fishing could comprise four-fifths of the catch.

Then here's a quote from a policy statement, "small, under-developed and often impoverished fishing communities whose survival depends on their ability to continue fishing, in traditions that are centuries or longer in age".

This is the kind of motivation that countries have had to treat their small-scale fisheries separately. The World Trade Organization, which was interested in making sure that their small-scale fisheries were taken care of, put together a report that listed 22 separate definitions, each unique to a country or an organization, describing what an artisanal fishery is.

You have to take the local and the regional context into account, and that is one reason why there is no universal definition of what constitutes an artisanal fishery that would apply everywhere. But there are some kind of common criteria that people use to describe artisanal fisheries. They just pick different levels of those criteria. Artisanal fisheries are usually viewed as commercial, but with relatively lower catch and revenue than larger-scale fisheries. In most cases, the market for these fisheries is primarily local market, the sales and consumption. So it's not typically a large export endeavor. Traditional fishing methods and gear often use smaller vessels, maybe fishing closer to shore. Operations may be conducted by households rather than by companies.

A lot of definitions of artisanal fisheries incorporate the level of technology and investment or capital outlay of the fishermen and point to the fact that these are often fairly labor-intensive activities. This doesn't get at how big is too big to be considered artisanal. But it lets you know what some of the scales people use to judge fisheries by in making that determination. Artisanal is generally accepted as kind of commercial but smaller scale and having some other characteristics.

Subsistence fisheries are obviously important in the Pacific. He drew a little bit from an article by Seth Macinko who came and addressed the SSC a few meetings ago. He was talking about IFQs at the time.

But this first definition encompasses a lot of what we think of when we think of subsistence fisheries, local, noncommercial, oriented not primarily for recreation, but for procurement of fish for a relatively limited market of people. Oriented not primarily for

recreation this is kind of an interesting phrase, because in Hawaii we tend to define fisheries as commercial or recreational. That recreational category isn't a great one to describe what goes on here but it certainly is a component. But there's certainly some subsistence component to almost every fishery in the Pacific.

When they did the study of longline fisheries, they found some of those fish weren't sold at the auction. They were used by crew. They were given by crew. In port they were bartered and traded for other goods. So even a very commercial fishery is going to have some subsistence element to it.

The fishing and the distribution of goods typically occurs through social channels, built on customary sharing and trading. This is a kind of a community level fishery. One thing that's treated somewhat differently in some of the definitions of subsistence fishing is the amount and type of sale of those fish that's allowed.

There are a fair number of definitions that recognize that barter and trade and its contemporary equivalent, which would be selling, is indeed a part and has been a part of a lot of subsistence fisheries for a long time. Just because a fishery is defined as a subsistence fishery doesn't necessarily mean that no sales of those fish are allowed on some limited basis.

He really didn't find any examples of barter or trade fisheries, per se. It's more an activity that takes place within a lot of types of fisheries which can be viewed as similar to a commercial transaction, only something else is exchanged rather than money.

An example might be if a guy catches a marlin and wants to have it smoked but doesn't have a smoker, he might take it to a guy who has a smoker. Then after it's cut up and smoked, the fisherman would get half and the smoker would keep half. This is a good example of barter, that it's a situation where both people have judged the kind of trade of services or goods to be fair. They both accept the conditions and there's no future implied return or reciprocity. It can be just a one-time transaction. It doesn't have to be, but it can be. No reciprocity is implied. It's a one-time transaction, as opposed to a gift, where you might give a gift to somebody with no explicit terms, but there might be an implication that they're going to give you a gift back some time in the future. That's kind of what makes it almost more of a commercial transaction than a sharing, for example.

Gifting of a product or a service does not appear to be a real customary method of exchange in the Pacific. So it may be something that plays a larger or a smaller role in defining a sector. One interesting thing, though, is that the State of Hawaii in its definition of commercial activity regarding fishing does not mention barter or trade. Whereas the Magnuson-Stevens Act very specifically includes barter and trade as part of a definition of a commercial purpose.

Management in Alaska of subsistence use as an example of how it's treated there includes language from the Alaska National Interest Lands and Conservation Act (ANILCA) that sets the stage for this. It talks about the need for special regulations for

subsistence users in this context:

No practical alternative is available to replace food supplies of rural residents dependent on subsistence uses. So there's this dependency on these wild foods, fish and wildlife and plants. The second part of that is that the continuation of this opportunity is threatened. So in Alaska the dependence was noted and the threats to that system of resource use were viewed as threatened also. For that reason, subsistence users are extended a priority. For example, in times of scarcity for fish or wildlife, subsistence users will get priority over sport users. The sport season will be closed before the subsistence season is over, and it's a very elaborate system.

Another interesting characteristic of this system is that the preference in how subsistence users are defined are by areas of the state where people live, which are split into, essentially, rural and urban areas. If you live in a rural area, you are eligible for a subsistence priority. If you live in an urban area, like Anchorage or Juneau or several others, then you are not. So the Alaska Native who moves to the city, in this case many times is out of luck because they are now a city dweller and it's assumed that they will have practical alternative means to replace food supplies. That doesn't deal with the cultural issues associated with gathering and consuming and sharing those wild products. So it's a real problem. But nonetheless, the preference is not a race-based one. It's a rural one, in terms of general subsistence management in the state.

A lot of time and effort is spent defining what's rural and what's urban because it has very important implications for subsistence preferences in those times of scarcity when everyone is competing for those now more valuable resources, because they're more scarce. A lot of analysis and a lot of effort goes into defining those.

As you might imagine, there are some places that are clearly urban. Some places, the little fish villages out in the middle of nowhere, are clearly rural. There's always this gray area of in between, and that's where the disputes lie.

There is also another category of use, as well, which is called personal use. This is a category of management that was added in Alaska to try to bridge that gap between subsistence and commercial and sport. They wanted to provide an opportunity for people to use certain gear in certain areas to harvest a limited amount of fish for their family's consumption and not to have to fish commercially, and it wasn't really sport fishing, but it's not really subsistence fishing. If you're in an urban area, you can't fish under subsistence regulations under ANILCA. So this was a special category that was added to meet this little bundle of needs that was outside all of these other categories.

An example is the Copper River dipnet fishery which meets a need that can't be met under any of the other regulations if they don't apply to an individual.

There're ten regional advisory councils, Subsistence Advisory Councils that meet a couple of times a year. They get proposals from the public. It's a very public forum. Then these regional advisory councils meet and deliberate and then forward

recommendations to the Federal Subsistence Board. This process gives a fairly considerable amount of weight or power to those regional recommendations because the Federal Subsistence Board can only reject one of those recommendations if they meet a few criteria. One of them is that the action would actually be detrimental to subsistence or it would violate kind of sound principles of Fish and Wildlife management. They're held to a high standard. They're given a fair amount of weight.

There are a couple of ways in which Council actions already support subsistence, artisanal small-scale fisheries.

One example from an objective of the Bottomfish and Seamount Groundfish FMP which says, maintain existing opportunities by rewarding experiences by small-scale commercial, recreational and subsistence fishermen, including Native Pacific Islanders. These terms are not defined in any particular way, but the intent is clearly there.

I think the recent closure of federal waters around some of the islands to purse seining was done with the idea of avoiding competition and avoiding competition for the stocks that were valuable to the smaller-scale fishermen who do not have the luxury of going that far away from land, especially with fuel prices they way they are.

The closures around the island areas to longlining or vessels over 50 feet clearly were also designed to kind of protect the small-scale, the artisanal, the subsistence fishermen, who are at a little bit of a technological and investment disadvantage compared to these larger-scale boats.

The community programs that the Council has are another attempt to not just benefit the fishermen, but to provide some benefit to the surrounding community, as well.

In conclusion, these definitions take into account a local and regional context.

How small is a small enough vessel. That depends on what the whole fleet looks like. Maybe some fleets of some nations segment very well into kind of big industrial-scale and small-scale. So you just have to kind of look for that cut off point. But there is not one definition that fits all cases. A wide range of criteria and levels of those criteria are kind of available to help develop these definitions as an idea of what's been used before.

When it's approached in the Western Pacific, one must try those out until the best set that fits the situation is found. Another interesting thing is that just about everyone who had ever developed these definitions of different fisheries has said that it can't really be done apart from the context of what you're going to try and accomplish for those fisheries, what you're going to try and do for them. In other words, you might not want to sit down and say, okay, we're going to segment our fisheries into these five categories and expect it to work for everything without understanding of what's the purpose of that exercise and what is it about these fisheries and about the communities that are associated with those fisheries that we want to manage differently.

And one would want to identify what are the different goals or outcomes wanted to be accomplished by identifying a particular group of people as subsistence fishermen or a particular fishery as a subsistence fishery or a particular community as a subsistence fishing community, and that we need to consider what we're going to try and do based on those definitional categories, which is just as important as the category, because the category might fit. There would be almost an iterative process developing, where you think about what goals you want to accomplish kind of with what general populations, and then you see if you can define those and then maybe you refine your goals a little, and then you have to refine your definitions a little until you have a set of definitions and policy statements that accomplishes what you want to. So those tend to be done together.

The report does contain a description of some of the past efforts to kind of categorize fisheries and fishermen in the Western Pacific. So that information is there. So we have some precedent with which to use as the Council proceeds down this path.

That concluded Stewart Allen's presentation.

Dela Cruz asked if there were any questions. Duenas shared a few thoughts about how Allen mentioned the value of the fishery. If you look at western society, you look at the word -- at the terminology, value added, it means it gives more value to the product. If you look at the Pacific Islanders, when it becomes value added, it becomes the free part.

You mentioned smoke marlin, how you would barter half the marlin away so somebody would smoke it. In the context of a Pacific Islander, you get the Pacific Islander who harvests the marlin and smokes it; it would be given away. But if you had the whole marlin, you would have sold it. So the more value you give it -- and you talked about giving society more than a selling society or bartering or trading. He agreed that in trying to define the word artisanal, that to him it means a fishery that is community-based and whose harvest is primarily benefited by the community.

Because if you talk about "artisanal", the root word is art, and any type of artisan, whether it be a music player or an artist that draws pictures, or whatever, fishermen are no different. The primary beneficiary, and in that definition, you could even count the Hawaii longline industry, so-called industry, or fishery as being part of the Hawaii artisanal fishery because the community here is the primary beneficiaries of the fishery. They receive the fish. It goes to auction, sold at auction. Where it goes after the auction, whether it goes to a restaurant, whether it goes to Japan, you know, the primary benefit of the product is the community, and I think that to me is the better concept for me to understand, and that's what I'm trying to promote the view. But to be an artisan, whatever you have, you must benefit your community first and the outlying area. And that's what we have in our Pacific Island area, is that all our fisheries, the primary beneficiaries are the community, and then it extends out to the other villages or other islands or other countries.

Allen commented that he would certainly agree. A lot of the definitions of small-scale and artisanal and subsistence really do promote that link to the community and to that very local level of benefit in a number of different ways.

Duenas responded that his whole thought is that too often for him to be a Chamorro means he has to go wear a wrap around his butt, weave nets out of coconut palms, and he's really insulted by that. Because every country in the world is allowed to evolve. every country in the world is allowed to move up traditions to another level using technology. Every time I'm told that for me to practice my culture because I'm using a drill rather than using a sea shell to carve something up I'm not doing it traditionally. The act of this tradition, how you get there is a different story. Just like these seafarers that are going to go to the Northwestern Hawaiian Islands; they're going to paddle their canoe 180 miles. But the fact remains that there's some boat with a motor is going to be right next to it to make sure they're safe. He doesn't want to limit artisanal to be a small-scale boat, a small-scale fishery. Everyone should be allowed to evolve. He feels Pacific Islanders don't have rights.

But he thinks in this context that Pacific Islanders should be given the same rights as American Indians, as the people across the United States who have moved from Italy or France and become Americans, the same rights to promote themselves, to evolve, to become better at using technology at whatever they do. He hopes that with this it is added on that it is allowed to evolve, it's allowed to use new technology and the fishery is allowed to grow, and that's why I said his definition may be conflicting with Allen's. As the fishery evolves, people start getting into boats, they get from 15 foot to 25 foot. What do you call it then. As long as the harvest benefits that community, that to Duenas that is the key word about being artisanal.

Allen responded that he feels that's an excellent point, also. He mentioned that none of these are his definitions. He thinks that's an important concept to work into the next draft.

He said it brings to mind some of the discussion he used to hear in Alaska when some people would get irate that there was a subsistence priority, they'd say things like, oh, well, and then you shouldn't be able to use snow machines to go harvest wildlife. You know, you should have to walk miles through the snow, you know, and make kind of ridiculous arguments like that. But that sentiment was there, that if there's this priority, well, maybe it shouldn't be allowed to evolve. The regulations and ANILCA were designed to combat that, and they did allow for evolution. ANILCA did not restrict things based on harvest method or transportation method. So subsistence management there did really accommodate that type of growth and evolution that you're talking about.

Duerr commented that he agreed with Manny that artisanal, that subsistence is continual evolution, but you have to separate that from traditional fishing methods. For instance, our National Park Service at Honokahau, you can use nets there if it be done out of natural fibers in the traditional Hawaiian way. You cannot use fiberglass. He thinks you need to look at the Hawaiians that want to do thing the traditional way will go back

to the old time. Where that cutoff point is in tradition is always an argument. Was it 1800. Was it when the white man came here, or what. There is a difference between the traditional fishing method and what we have going on in the evolution of fishing seen in the separation there.

You've got one where people want to step back in time, and do things the old way and practice the old culture, and we've been teaching our children that, our Hawaiian children that go back and learn the old ways. It's done with natural fibers and nets rather than the new monofilament, or going to having a canoe or a boat with a motor on it.

Allen concluded by saying that is maybe a good example of maybe the type of thing that the Council would be discussing, if it did decide to develop special classifications of fisheries that it wanted to protect, that might be one of the issues that comes up.

b. Management Options

Dela Cruz asked Council staff to discuss barter and trade management options. Hamilton began by saying she re-titled this from Barter, Trade issues to Small-scale and Traditional after reading Allen's paper. And maybe a little later it will be re-titled: Subsistence and Artisanal.

As Allen said, the Magnuson Act includes barter, trade as commercial fishing. At the last Council meeting the Council observed that these types of fishing may be better suited to their own management regime rather than be included with larger-scale commercial or recreational fisheries. How do they first have to be defined before specific measures can be considered or implemented.

Some folks think that this means amended in the Magnuson Act to change their definition of commercial fishing. That could happen, but it's not a necessity for the Council to have a subgroup which is partially commercial, perhaps some of them sell small amounts and some of them don't. The goal is not to change the Magnuson Act, but to derive a subgroup that the Council could have special regulations for or modifications to existing regulations.

She explained the potential benefits. The first four came from Allen's paper:

Poverty alleviation. For example in the CNMI where folks are having really hard times. People are hurting all over our region. Food security goes along with that, having enough food to eat, food to put on the table, an assured supply of food. Community social development can be a benefit of coming up with these definitions, and modified management regimes for these folks.

Improving sustainable management. People get more invested in the fishery, emotionally invested, which can improve your management and compliance.

Preservation of fishing cultures and life styles. Providing the opportunity for subsistence way of life. This was from the ANILCA Act that Stewart talked about. Not just maintaining, but providing that opportunity for folks who choose to pursue it. And avoiding conflicts with state or local regulations. This was an important one.

The Council has been considering these issues for some time, but it most recently came up with the Main Hawaiian Islands bottomfish where the rule now says if you're a commercial fishermen -- if you don't have a commercial license through the State you need to get a recreational license through the Feds.

But it categorizes commercial as, if you're barter or trade, you need to get that State license. But the State doesn't require a license for barter and trade. So we have kind of a conflict there.

So that's the type of thing that could be avoided if we had another definition for this group, because we'd be able to name them and say, this little subgroup of commercial, for the purposes of this, you won't get the State CML, you'll get the recreational. So what types of management measures might be considered.

As Allen said, you really need to think in context of where you're going as you make these definitions. One could be modified permit requirements. This could be a simplified application. It could be a permit that lasts multi-years rather than having to be reapplied for every year.

Reduced permit fees. We see that with the MRIP Program. The registry, they're proposing an exemption from fees for indigenous subsistence fishing. Modified reporting requirements. In Guam we have the voluntary community reporting system. ACL allocations. We've heard about that this morning. Stewart touched upon that as well.

Request for Coast Guard equivalencies. I don't know if the Council members recall, but in American Samoa and Guam the Coast Guard issued equivalencies because of the difficulty of taking a life raft on a very small commercial vessel.

They gave some equivalencies which said if two vessels go out together fishing within a certain distance rather close to each other, and they have cell phones to contact each other, they don't need to have the life raft. So this group perhaps could be considered for other equivalencies such as that.

Access to otherwise closed areas or seasons. This is not an exhaustive list. But to kind of get an idea of the kind of management measures that could be possibly considered in the future.

The types of fishing or fisheries that might be included. Traditional fishing or fisheries, some folks felt like this was really important. They'd have to be defined, but the thinking is that some fisheries are traditional and should be included in this category just because they are traditional. Fishing for subsistence purposes, cultural purposes. Small-

scale fishing with low sales. Others. One thing not included is ethnicity. This is not an indigenous program or related to someone's ethnicity. We have CDP for that. The MRIP exemption is considering indigenous people.

At our last meeting you were showed one from the Halibut Act in Alaska, where they allowed if you had the subsistence halibut registration you could have sales up to \$400 per year. It's kind of cutting to the chase simplifying it, but that was one way to do it. You could sell up to \$400 per year.

Since the last Council meeting staff looked at ANILCA, an act of Congress in 1980, designed to provide for that subsistence way of life and also to make sure that folks living in these rural areas who don't have alternatives would be able to continue to rely on subsistence. They went through and defined what are the rural areas and the non-rural areas. If your area had less than 2,000 residents, it is considered a rural area. If it had between two and seven thousand residents, you could be a rural area following a review. And if it was over 7,000, it's an urban area. Most of Alaska is rural areas. Their idea of customary and traditional use, they added quite a few words in here:

"Long established, consistent pattern of use, incorporating beliefs and customs which have been transmitted from generation to generation, and this use plays an important role in the economy of the community."

So they're really looking at the social factors and those long-term traditions. So how did they put this into regulations. They defined areas and species. There's been customary and traditional use and which there continues to be customary and traditional use.

So if you live in one of these areas and you catch these species, you can engage in customary trade, trade the fish for catch. If you sell it to someone outside of your area, it has to be for the buyer's personal or family consumption. No matter where you sell it, no sales to businesses are allowed. They don't put a dollar cap on it. They just talk about the kinds of sales you can make and where you can make them.

Fish determinations. The following communities and areas have been found to have a positive customary and traditional use determination in the listed area for the indicated species. Residents of the Yukon River drainage in the community of Stebbins can harvest salmon other than fall chum salmon while residents of the Yukon River drainage in Stebbins, Scammon Bay, Hooper Bay and Chevak can harvest fall chum salmon, etc.

You have to actually be a resident of this area, and that includes being a resident of the State of Alaska, and then you can have this subsistence use. It's also about wildlife on land. So for these areas, they'll have things like you can harvest two coyotes, one bear, unlimited rabbits.

They defined areas of customary and traditional use, and then if you're a resident

of that area, you could harvest. So how will the Council define small-scale and traditional fishing. They could go by fishery type, that idea of traditional versus nontraditional but you have to define what that means, who's included. It could be as Alaska did, or in some other method. It could be based on vessel and/or gear characteristics. Fish disposition. A combination of these factors or something else.

A strawman was put together for the Council for discussion purposes. Within the strawman, the factors, levels and points have to all be determined. This strawman is all subject to change, as well as the number of points required to meet the definition. Looking at individuals; you have to have 30 points to be defined as within this small-scale/traditional fishery definition. The way this is set up, if somehow we define these traditional fisheries. If you're in a traditional fishery, you get 30 points. You're automatically in.

Other ways of getting in could be a combination. You earn points through your values on each one of these factors. Annual catch. So look at low, medium, high.

Low starts at 100 pounds. That was just to put out the idea that one could say if you catch less than 100 pounds you're more like a recreational guy, you're not really reliant upon the fishery. By manipulating where you set those thresholds, you're making some decisions. Under annual catch, high tops out at 2,000 pounds. Under this scenario, if you catch more than 2,000 pounds, you're not getting any points. You're kind of commercial. People have already commented in the Standing Committee that 2,000 pounds is too low of a threshold.

Again, these are just examples for discussion purposes. Looking at the points. If you're in the low group, you get two points. If you're in the medium group, you get three points. If you're in the high group, you get one point.

Those numbers could be changed. They're not rankings. They're numbers. We just threw them up there for purposes of discussion.

In the next row is percent sold, we gave seven points if you sell between one and fifteen percent. It doesn't include zero percent sold. Under this structure, that would be a purely recreational fisherman. That's a Council decision to make.

Just showing you that it's very flexible. How you determine the factors to be considered, the definitions of the levels within that factor and the points you give to each level, those can all be changed. And then how many points you need total to fit this definition has yet to be determined. This is a strawman, just to get us thinking about it.

Hamilton finished by saying this isn't something that's going to be resolved in one or two Council meetings. We're trying to come up with a definition that can be used across the region. It's going to take some time and a lot of careful thinking to come up with. So we're just beginning that process, and looking for your input.

3. Community Development Program Implementation Framework

Dela Cruz asked Council staff to make the presentation on amending all of the Fishery Management Plans and the Fishery Ecosystem Plans to provide access to the Western Pacific Community Development Plan Process.

Kelly Finn presented that the community must consist of residents who reside in their ancestral homeland, have knowledge of customary practices relevant to fisheries, have a traditional dependence on these fisheries and have experienced economic or other barriers that have prevented their full participation in recent years in the fisheries. Finally, the community must develop and submit a Community Development Plan to the Council and the National Marine Fisheries Service.

The purpose of the amendment was to make the process more efficient once the Community Development Plan is prepared and submitted. The goal was to establish a procedure to efficiently process the proposals without having to go through the entire FMP amendment process and to be able to grant access to fisheries, i.e. relief from certain restrictions that are in place through the process to eligible communities.

At the 139th Council meeting the Council selected their preferred alternatives for the process. A matrix of the various steps with three different options was developed. The options differed primarily by who would be in charge of each step, whether it was the Council or the National Marine Fisheries Service, or both.

The preferred option, Alternative 1a, selected by the Council is where the Council, through its Indigenous and Island Coordinators, would take the lead for providing community support.

Alternative 2a includes that applications may be received at any time and should be submitted to the Council. Review of applications will use the existing Council advisory bodies, which would include the Community Development Program Advisory Panel. The recommendations will then go through the full Council process to the Regional Administrator, who will have the authority to approve or disapprove them. The monitoring of these community programs that come out of this process will be conducted through the Indigenous and Island Coordinators and with the help of the National Marine Fisheries Service Program Office. That was all selected at the 129th Council meeting.

Right before the 140th meeting, the Council was informed by the National Marine Fisheries Service that they would like us to include a provision on providing access. At the 140th, the Council directed staff to work with National Marine Fisheries Service to create this document to include alternatives for providing access.

Staff included three alternatives for how this process would provide access for eligible communities to fisheries. Alternative 3a is the Omnibus Approach, whereby access to fisheries would be provided to eligible community participants through the CDP Application Process. The Community Development Program application would provide

information which would support the need for access and describe what sort of access is being requested.

That plan and permit application after review by the Council would then go to the National Marine Fisheries Service, who would respond to the applicant within 180 days as to whether approval, disapproval or a request for more time to conduct NEPA would be needed. Then National Marine Fisheries Service would publish a Federal Register Notice describing the proposed action. At this point, public would be able to comment.

After ensuring the proposal, including the access, would comply with all of the applicable environmental laws, which is predominantly NEPA and the Endangered Species Act, the Regional Administrator could approve and the community could be granted a Letter of Authorization for the community access. The authorization would include specific terms of the access and the access portion of the plan would have a specified duration of no longer than five years.

Alternative 3b is the process where to provide the access, it would have to go through the full Fishery Management Plan Amendment Process.

Alternative 3c is the no action.

The impacts of these three alternatives are not significant because most of the potential impacts would be examined through the NEPA and ESA process. If they were found to be substantial, they would most likely go back to the community for alteration to ensure that there would be no significant impacts.

There would be most likely more benefit to the community through the Omnibus Approach because it could be processed in a quicker manner.

The reasons why the preferred alternatives were selected include: The Alternative 1a, where the Council conducts a community outreach to describe the CDP process to communities, they thought this would be best for the communities because then they could initiate the process at any time, which best meets the intent of the Council, Congress and the Magnuson-Stevens Act and best serves the communities by providing them with all of the information and then allowing them to work on the process in their own time frame.

Alternative 2a, which is the Council-guided process best serves the communities by using the Council's ability at outreach in these different Pacific Island areas. The Council has onsite Island Coordinators who would be able to communicate directly with these communities and help them through the process.

Alternative 3a, although this has not been selected yet, staff considers it the optimal alternative because it would best promote the goals of intent of the Community Development Program without delays, which would be likely if it had to go through the full FMP Amendment Process, and there would be some relief from the administrative

burden of going through this Fishery Management Plan Amendment Process. Dela Cruz asked if there were any questions.

Robinson commented by first thanking the Council for slowing down and taking an extra meeting to develop this, because he contends it goes a lot further to meeting the intent of the section of the statute which was really to provide access to fisheries by a community through a Community Development Plan. So he feels now with the addition of 3a, it does that better than it did before. He continued that having the Council guide the Community Development Plan working with the community is playing to the Council's strength, where the Council has staff and coordinators and experience. He also stated with the addition of Alternative 3a, the process can be followed through to actually providing a Letter of Authorization to the community operating under a plan to have access to a fishery probably is the right way to go.

Finn replied that the Council appreciates NMFS's input on including the provision to provide access, because that should make the process better.

Duenas made a motion for the Council to reinforce their preliminary selection of Alternatives 1A and 2A as final preferred alternatives. Sablan seconded the motion. The motion carried.

Duenas made a second motion for the Council to select Alternative 3A, the omnibus approach to provide access to fisheries under the CDP, as its final preferred alternative for Topic 3. Sablan seconded the motion. The motion carried.

Duenas made a third motion for the Council to direct Council staff to complete the amendment and transmit it to the Secretary for review and approval as soon as possible. Sablan seconded the motion. The motion carried.

B. Integrated Fishery Environmental Management Statement (Proposed MSA/NEPA Process)

Sam Rauch provided a presentation on the proposed NEPA rule, which is a result of the Magnuson-Stevens Act Revisions which directed NMFS to streamline the NEPA and the Magnuson Act process. He stated that comment period is currently open and NMFS is seeking input from the councils and from the general public.

Rauch stated that the Magnuson Act does a lot of what NEPA does, but not quite everything, a need to maintain the intent of NEPA and to make the two statutes work together. NEPA is designed to inform the decision-maker and the public of the environmental consequences of a decision and it is designed to provide the public with an opportunity for involvement in the decision. NMFS faced a fundamental problem or a fundamental decision point when they had to design this process about who the decision-maker really was. One model is that you could recognize that NEPA ultimately is the responsibility of the Federal Government. NOAA ultimately has to sign it and ultimately has to make the decision. This would take the councils out of the process and let the

Council vote and then make the Council recommendation to the Fishery Service. Then the Fishery Service starts a NEPA process based on the final Council action and does all of the public input at that end. Or you could give NEPA completely to the Councils and say, do your NEPA document and before you vote have a final NEPA document in front of you, even though NMFS would have to prepare it or ultimately sign it. Or you could do what NMFS is proposing, which is do a hybrid model, which recognizes that in terms of choosing a policy decision, the Council really is the decision-maker, not the Fishery Service.

Rauch stated that in terms of public participation, the councils are one of the main forums for public participation so NMFS wanted to recognize the essential role that the Council plays and that NEPA should inform the Council to some point, but ultimately the final decision is the Secretary's.

Rauch presented that the other major issue is that the councils often will prepare a document and then choose to take final action on a slightly different amendment, a slightly different provision than the one that they've analyzed before. This happens frequently enough that you cannot constrain the Council to a pre-defined set of alternatives and say, you can only vote for one of these two and nothing else. That largely defeats the collaboration and the value of the councils. NMFS wanted to have the flexibility to allow the Council to vote outside the box without having to start the whole process over, without having to go back to the beginning and do another draft document and bring it to final fruition. Under the proposed rule the Council is to take action on what NMFS calls a draft NEPA document, and then if the Council chooses to vote outside the box, it has a choice then. The Council could either decide if they want to go back and finalize this part of the Council process so they will vote once and then you can decide you want to have another vote and you want to keep it in the Council process before giving it to the Secretary. Or you can give it to the Secretary and have the Secretary cure the NEPA problem by having Secretarial comment in preparation and the full analysis of that alternative after the Council has acted.

Rauch stated that the Council Coordinating Committee, presented a strawman process which suggested an EIS-level analysis for everything and a minimum of three council meetings before Council action. NMFS felt that was cumbersome, but the goals of what the committee were trying to do, which was to streamline, NMFS thought were good goals. He mentioned that he recognizes that the Council has also prepared some comments, which indicates that the proposed process is a more cumbersome process. If it is more cumbersome, than NMFS shouldn't be doing it.

Rauch presented the process in more detail and indicated that NMFS wants the process to be more streamlined and to make things run smoother. He reviewed the process which is based on CEQ regulations. He stated that the biggest change NMFS is proposing is formally recognizing that the councils have a role and to tie public involvement through the Council process so that the timelines run together. Congress said we should have a single environmental document, an integrated environmental document, so NMFS changed the name from EIS to the Integrated Fishery Ecosystem Management

Statement. Rausch explained some of the content requirements, range of alternatives, use of best available science, and cumulative impacts. The use of Environmental Assessments are also maintained in the proposed process.

Rauch explained the framework process where the framework will allow the Councils and NMFS to not be required to do further NEPA analysis as long as the measure is within the range of impacts that was previously analyzed. He explained the public comment process whereby comments can be made to the Council at Council meetings as at to the Secretary during another comment period.

Rauch explained the various timelines associated with the proposed rule including the first Council meeting where the Council would recommend that staff develop the document and analyze the alternatives. At the second Council meeting, the Council takes final action and prior to a 45 day public comment period. That 45 days period could be reduced to 14 if doing a framework process, e.g. setting annual specifications. Rauch stated that the first comment from this Council is that this looks longer than the current process. He said it is not if you take advantage of the frameworking, and it really is not if you consider how long councils take, in general.

Rauch stated that NMFS wrote it once the Council transmits an action to NMFS, review for the NEPA document runs concurrently with the NMFS review of either the FMP amendment or the regulations and the public comment period so that NMFS can cure those outside-the-box kind of discussions or NMFS can make sure everything flows and gets done on time. He mentioned that that his is a significant change because the maximum time the Secretary has to approve a Council action is the same as the minimum time we had to do to do NEPA. NEPA is designed to have long time periods in it, which provides conflicts with the MSA. He stated that NMFS shortened a lot of the NEPA review times in order to fit within the Magnuson Act structure.

Rauch reviewed how document supplementation would work and provided the example of where, the Council chooses an alternative that's outside the box of what has been previously analyzed. The Council could either put it off to another Council meeting so that they can look at the document on their own, or they can give it to NMFS where they can cure it at the Secretarial level. Either way, the public will have an opportunity to comment on that final alternative.

Rauch stated that the public comment period is currently open and NMFS has scheduled public meetings separate and apart from any councils in Seattle, Washington, St. Petersburg, Florida, Washington, D.C. Rauch mentioned that a common comment NMFS has heard from the councils is that it doesn't give them flexibility enough, and NMFS has heard from a number of NGOs that it gives the councils too much flexibility. He said that NMFS is aware of a public relations campaign suggesting that the proposed process is inconsistent with the CEQ regulations, which I find hard to believe since CEQ wrote these regulations NMFS. CEQ lawyers reviewed the proposed process and said that it was completely consistent. CEQ is onboard and was one of the co-authors of this rule. The Final Rule will come out sometime this fall. Assuming

NMFS finalizes the rule, NMFS will be going to be conducting a an extensive training session to make sure that all the Council members and the Fishery Service people are up to speed and understand how this whole process works.

DeRoma asked about the exorbitant funding clause and if Rauch saw this as new ground for litigants to come in and start probing on NMFS on their budgets are. Rauch answered that "exorbitant" has always been in the CEQ regulations, so it won't be new ground. DeRoma clarified by asked if it was defined with such clarity as it is now.

Rauch explained that it hasn't, but the NMFS is trying to put National Standard 2, the availability requirement, into the exorbitant requirement. NMFS is trying to decrease the litigation by defining what that means in the circumstance.

Kingma asked if Rauch could specifically explain how NMFS Fisheries Service is integrating the MSA timelines for public review and FMP amendments in the proposed NEPA procedures. He stated that this was primary in the congressional intent of this directive was it isn't clear on how those two timelines have been integrated to make these timelines efficient and streamlined and sort of easy for the public to participate in the Council process, as well as the public process for the Agency's decision.

Rauch explained that all councils do things somewhat differently, so it's hard to in a national presentation tailor to the specific councils. The first step is that you put out the meeting agenda and you say, we want to begin thinking about a new FMP amendment to do something, not to set the annual specifications, but to something new. The Council usually does that 14 days in advance of the meeting. You do your NEPA scoping notice and say, we want to also scope out the alternatives for NEPA purposes, which is essentially the same thing. The scoping notice solicits public comment a potential measure and the kinds of things that should be considered, which coincides very well with the Council's first agenda meeting. At the first meeting the Council does scoping. The Council also discusses what kinds of things should staff work on to develop, what should the alternatives be. The public will comment at the meeting on what they feel should be considered. The Council then directs staff, either NOAA staff or Council staff (it varies across the country) to prepare the NEPA document. After its prepared, a notice will be put out that the document is available for comment. The current CEQ regs say that's 45 days in advance of the final action of the Council. That can be shortened, if need be, to the minimum of 14 days, which would be consistent with when the Council puts out the draft agenda for that next meeting. Usually, though, if what's considered is a new Council action, it's probably not going to be a problem because most Council actions take more than time than that brief 45 days. At that second meeting, public comment is given and the Council takes final action. Then the Council takes a vote to recommend the action, and at some point transmit it to NMFS. It could be immediately thereafter, and NMFS could start the Secretarial process, which is the 90-day process, where the timelines are much more integrated. The only problem is if two Council meetings are less than 45 days apart, that all that being said, there is a substantial workload perhaps on the staff in that time, and I don't know that the staff can prepare that document.

Kingma responded that during the Councils March and June meetings, it would be very difficult for Council staff to get a document in good enough shape to go out to the public a month after the Council meeting if we're going to meet the 45-day requirement, especially if that document is going to be reviewed multiple times by the Fishery Service prior to availability. The Councils are going to need more funding and more staffing to do the work because now the onus is on Council staff. Whereas in other regions NEPA was done by the Region, and has been the case in several years in this region, Council staff has been doing most, if not all, of the NEPA on fishery management measures. There were no more questions for Rauch, and Dela Cruz thanked Rauch for his presentation.

C. Update on Legislation

Rauch updated the Council on congressional legislation. There are a number of bills in the House that extends the stock rebuilding time periods under various circumstances. Right now, it's basically a ten-year stock rebuilding period, there are exceptions. The legislation would increase a list of exceptions so that you can extend the rebuilding time for some stocks. The legislation is in the House. They are not in the Senate. They are not expected to move in the House, but they might.

HR 21 does a number of things. It is an organic act for NOAA. It authorizes NOAA to exist and recommends a structure for the agency. NOAA has no organic act. It creates, per the Ocean Commission Report, a larger structural body to oversee basically zoning issues, resource conflict issues and other issues in the ocean. It doesn't change any existing Agency jurisdictions, but it does create the coordinating body for determination of jurisdictions and other jurisdictional issues. It is unclear that this will move out of the House.

There are, currently, hearings on-going on the Sanctuaries Bill. The Commerce Department did not provide guidance on that or CZMA, the Coastal Zone Management Act. Congress is interested in re-authorizing both Acts.

The Aquaculture Bill, which is introduced at both the House and the Senate is not likely to move in its present format, for various reasons, although, NOAA supports.

Robinson added that there is a piece of legislation that would require shark fins be landed attached to the shark body that is being commented on and considered. Another piece of legislation was offered by Congressman Eni Faleomavaega from American Samoa which authorizes foreign-built hulls, under U.S. flag, home-ported in American Samoa, to fish within the U.S. EEZ. Rauch stated that in addition to the shark fin requirement, Congress is seriously considering a bill which would resolve the ambiguity in the shark transfer at sea that was lost, in part because the Magnuson Stevens Act didn't clearly prohibit the activity. Congress is considering whether they should correct that and clearly prohibit the activity or not, had some discussions with us on that. It is not clear whether this will be going anywhere.

Simonds clarified that the issue of foreign-built hulls home-ported in American

Samoa was put in the Coast Guard Bill and that they would be allowed to fish in the EEZ of American Samoa, the Marianas Archipelago and the PRIAS, but not in Hawaii. Robinson agreed that that was correct. Simonds added that the Coast Guard Bill passed and asked why the National Marine Fisheries Service and NOAA agreed to it, stating that it is a very special exemption. No U.S. hull can fish in any U.S. EEZ at this time.

Simonds asked about the latest shark finning legislation. She asked if this was addressed to the U.S. direct shark fisheries. They bleed the shark at sea, so they need to cut off their tails to do that and stack them up as logs and do all of that at sea. Robinson agreed that this was a common practice in the Pacific and if this bill passes it will obviously change the requirements for that fishery significantly. Delacruz commented that one fisherman on Saipan does some shrimping and uses the carcass of the shark for bait because they last longer than mackerel or squid or other baits. With the high cost of fuel, that's going to affect his operation, having to go inland to discard the sharks, remove the fin and then go back to sea with the bait. Could something be done to alleviate this problem.

Martin suggested that the comment on that proposed legislation and point out that some of the things that go on in the Pacific Islands are significantly different than some of the other regions. If a boat goes out and uses sharks for bait, he has to bring the sharks to port just to cut the fins off and then go back out or cut the fins off and discard them at sea, which is certainly the island way of being wasteful. Simonds commented that the Council has been asked for comments by the House and Senate and that comments will be emailed officially.

D. Update on Status of FMP Actions

Dela Cruz called upon Council staff Marcia Hamilton to review the status of FMP actions and Council recommendations being processed by NMFS. Hamilton began by referring the Council to the document in their binders.

Regarding the amendment to allow future CDPs she noted that the last communication with NMFS on this was prior to this Council meeting when Council staff sent the document to PIRO for review on May 29th. No comments were received before this Council meeting, but the staff anticipated them coming afterwards. The staff expects the Council to take final action on that amendment at this meeting and this is indicated in the table which includes past actions as well as anticipated future actions.

Turning to the ACL amendments Hamilton stated that the last interaction with PIRO was a meeting with PIRO and PIFSC at the Council office where it was agreed that all parties must move forward expeditiously. It was acknowledged that we cannot wait for a Final Rule and the Council will need to take further action at this meeting. This is not expected to be final action but some action is expected.

Looking at the MCPs, the Council approved the American Samoa MCP at its last meeting. However when Council staff contacted PIRO, there was no record of transmittal

from the American Samoa Governor to PIRO of that MCP. So there needs to be follow up. Because PIRO doesn't have a record that they received that MCP they are not processing it. On a more positive note, or a more definite note, NMFS did publish the FR Notice approving the Western Pacific MCP on April 18th.

Regarding Hawaii offshore handline permits and a potential limited entry program (Non-longline Pelagic Fishing or NLPF), Council staff has had public hearings around the state which will be reviewed on Thursday and the Council is expected to take some further action at this meeting.

The Council is expected to take final action at this meeting on the swordfish effort amendment. The draft document was sent to PIRO for review on May 1st. No comments were received when this timeline was written but we did get some recently and they were incorporated into the revised drafts that the Council has now. Following final action at this meeting the document and SEIS would go out, Eric Kingma will provide more information on that in his presentation on Thursday.

The Council took final action at their 141st meeting on the Marianas Archipelago longline and purse seine area closures. Council staff received comments just prior to that meeting from PIRO and are now revising the document to incorporate the Council's final action and to incorporate the comments from PIRO.

The Council also took final action at their 141st meeting on the American Samoa purse seine closure. PIRO hasn't provided any comments on that document either but once they do staff will revise the document to incorporate the Council's final action, as well as any comments received from PIRO and then send it back to PIRO for another review.

The Council also took final action at their 141st meeting on the American Samoa longline program, recommending that the limited entry program be reopened for one year using the same criteria. Council staff needs to update that document for the Council's final action and send it back to PIRO for review.

The Council also took final action at their 141st meeting on the squid amendment. PIRO sent comments on the document May 16th and staff will be incorporating the Council's final action, as well as those comments, and sending it back to PIRO for their review.

Regarding the CNMI offshore large vessel bottomfish amendment, Council staff thought it was almost done but there is a recent letter from PIRO saying that they need some revisions to explain why some of the alternatives go from three to two hundred miles in application and others from zero to two hundred. Because PIRO sends comments come to Council staff anonymously, it is unknown to us who made them. As most of the Council members know, the reason that some of them start at three miles is the Council has to date left active management of the inshore area, zero to three miles, to the Government of CNMI and has actively managed outside of three miles. In this one

instance, the CNMI members asked for the preferred alternative to go from the shoreline, so it does. But the other ones don't and for some reviewer that was difficult to understand. So staff need to add an explanation of why.

DeRoma stated that the document's original NEPA analysis didn't look at impacts in the zero to three mile area and there's a hole with no NEPA analysis. So the Council can either adjust the action to exclude that, or if something is going to happen in there, like fishing, that has to be looked at. He concluded that he'd be happy to answer more questions when he had the document in front of him but it appeared that the impacts were not likely to be are very great at all, but they needed to be described.

Turning to the crustacean amendment, Hamilton reported that Council staff had received comments from PIRO since the timeline was written, and the document was just about to go back to them. Those comments have been addressed and the document has been revised.

Regarding precious corals, Amendment 8, which would establish an MSY for the Au'Au Channel for black coral and put a moratorium on the harvest of gold coral, a proposed rule was been published, and a final rule is expected no later than August 19th. That will be Day 95 after transmittal.

The amendments regarding the Northwestern Hawaiian Islands Monument have been languishing. These were approved at the Council's 134th and 135th Council meetings and were designed to in some cases make the FMP regulations consistent with the Monument regulations. And in another aspect of it, to modify the definition of the Mau and Hoomalu Zones to only incorporate Monument waters because once they're closed it would allow the Council to have continued fishing outside the Monument independent of the existing limited entry progra

Hamilton reported that there was some frustration regarding the FEPs. Council staff have been trying to get a timeline from PIRO regarding still needs to be done - the process and timeline. One was received recently but was already outdated. Another was received but is also outdated and is incomplete. However the bigger issue is the draft regulations that the Council staff has been preparing. PIRO has hired a contractor to review the Council's staff's draft regulations. Council staff met with the contractor and looked at his work. He had made some large changes that were not within what the Council recommended so the staff provided these major comments to PIRO. Staff also talked to the contractor who said he would do those revisions and look for specific comments on the revised regulations after that. Since then PIRO hasn't been willing to send us back those revised regulations and would like staff to provide comments on their first version. But that seems very inefficient because there was a major revision done by that contractor. The staff is hoping that Robinson can help us get those revised FEP regulations so that we can make our specific comments.

Robinson asked Katekaru to respond. Katekaru stated that at the meeting with the contractor and Council staff it was agreed that the staff would provide all the

comments at once. Although PIRO received the staff's major comments, they were waiting for all the staff's specific comments before further revising the regulations. Not until after that would PIRO send them back to the Council staff for their review and use.

Hamilton noted that, as expressed in her email to PIRO, because the overall, large-scale revisions have already been made, the staff felt it would be so much more efficient to be able to review this new version that already prepared, and when they spoke to the contractor it made sense to him. It's very hard for the staff to provide specific comments when they can't see the big revisions that have already been made. The staff isn't sure what the holdup is but it doesn't make sense to keep wrestling with it when the regulations belong to the Council anyway.

Robinson suggested that the discussion be continued outside of the Council meeting; Hamilton said she would welcome his attention to the matter.

E. Report of Small Vessel Tracking Project

Kingma presented information in lieu of the project contractor, Fritz Amtsberg of Oceantronics, Incorporated. The project began taking shape in 2005 when considering measures for the Hawaii bottomfish overfishing issue and at the time the State of Hawaii, Division of Aquatic Resources, was going through its revision of its Bottomfish Restricted Fishing Areas. The State was looking at modifying those areas and there a lot of concerns from fishermen about enforcement of these small area closures. The need for of the project was to investigate available technologies that could track small vessels that would be affordable and effective and applicable to perhaps the bottomfish closures.

Kingma reported that the Council conducted a small project in association with the Pacific Missile Range Facility on Kauai which also have an interest in tracking small vessels, as they shoot rockets over the west side of Kauai or towards the Northwestern Hawaiian Islands and they need to know where vessels are in their area of operation so they don't accidentally hit anything. Oceantronics was contracted by the Council and PMRF to conduct the project.

Kingma stated that the objectives of the project was to provide fishermen with a unit that transmits and receives standard AIS transmissions that can displayed on any commercial plotter. AIS is a safety at sea tool required for large vessels. As this project tests, the technology can also be used to track small vessels for potential enforcement tool. The type of AIS unit used in the project was a Class B type unit that has not been approved yet by the FCC, but is market available, and a lot cheaper, at 750 to \$1,000 per unit, the approved and required units. These units would potentially allow fishermen to turn on or off its unit to transmit in a format readable to other vessels for safety at sea or to sort of cloak its position to other vessels if it was fishing in a location that they didn't want other fishermen to know about. The units would be transmitting to the U.S. Coast Guard receivers.

Kingma reported that there were some issues with transmittability throughout the

islands, as AIS does use VHF signals, and not all parts of the islands are able to transmit VHF signals due to geographic shading.

Kingma reported that the units were deployed on several vessels, primarily tour operators operating on the Napili Coast of Kauai. Only one fishing vessel was a unit deployed. The project objective as to test on the units on fishing vessels, however, the contractor received resistance from several fishermen and wanted to have some sort of compensation for participation. The project utilized activity tour operators who make daily vessel transits to and from their locations, yielding a lot of vessel tracks, proving proof of concept, that vessel tracks were able to be detected based on VHF transmissions from AIS Class B units.

Kingma stated that the contractor was able to tell if the vessel was in transit or if it was stopped, anchored, which could be important for its use in fisheries enforcement similar to VMS. A benefit over VMS in this type of system is that it doesn't rely on satellite transmissions, which would make it a lot more cost-effective. The contractor placed an AIS receiver which was placed on Niihau which was able to detect several different vessel locations that were transmitting AIS signals, not only the test projects but other AIS transmissions as well.

Kingma reported the following conclusions from the project based on the contractor's report: That the concept of using a system such as AIS to keep track of small vessels works extremely well even at low transmit power levels. It probably gets too convoluted if we attempt to use any frequency other than that used by AIS. In the interest of providing the fisherman some protection from detection while catching fish it may be possible to alter the Encryption Algorithm so that the vessel's position is not reported.

Kingma mentioned that the primary purpose of the effort was a Proof of Concept. The Receive Site located on Niihau and the vessel mounted Class B units provide absolute proof that a system of this nature can perform tasks outlined in the project proposal. The utilization of standard AIS Class B products is the most cost-effective solution. Judicious placement of receiver sites around the islands could produce a sort of well-covered area using VHF technology.

Young reported on a question from the Enforcement Committee Meeting on carriage requirements were for AIS by stating that AIS came about as a result of the Maritime Transportation Security Act in 2002, and that in 2003 a Final Rule was published that the vessels that were required to have Automated Identification Systems or AIS would be self-propelled vessels of 65 feet or more in length other than passenger and fishing vessels in commercial service and on international voyages. In 2007 the Coast Guard initiated some Federal Register Announcements for potential forthcoming rulemaking that would amend that carriage requirement to include fishing vessels, but that has not happened as yet.

Gaffney asked if AIS B transmit vessel specific information such as AIS A units. Kingma replied that yes, AIS B units do specifically identify the vessel. Sablan asked if

these tracking units would eventually replace EPIRBs. Kingma stated that he does not think it would as EPIRBs announce a distress situation whereas AIS involves vessel tracking.

Sablan stated that maybe an improvement will be made that it will eventually replace EPIRV, because an EPIRB signal in CNMI must first go to Washington, D.C., to Honolulu, to Guam and tell the CNMI that, yes, there's a boat out there named FLYING PROA that's in distress, and it will take a couple of days by the time it gets out there.

Kingma replied that some companies plan on putting AIS receivers on satellites, which will extremely enhance the range of detection and transmission of AIS frequencies. Simonds asked what the fishermen thought of the units. Kingma answered that although there wasn't too much fishermen participation, the concept of being able to turn a switch to turn on a signal to promote safety at sea would be widely accepted, especially for those fishers who operate at night and are anchored at night and probably close to shipping lanes, is a major advantage, is being able to transmit some sort of signal to other vessels, that you're here, please don't run me over. And then the ability to perhaps turn that off in case you want to be sort of silent and fish in your location would be attractive as well.

Simonds stated that the project was to help out the State of Hawaii with their closures and asked Polhemus what he thought of the project. Polhemus replied that it's got promise if the fishermen cooperate and that if you set up a network of antennas in the right places, you'll be covered where you need coverage, and that helps. The other thing the State is looking into is fixed-wing aircraft, which I think would do quite a lot in terms of checking incursions. You can cover a lot of ground in a short period of time with fixed-wing.

Simonds asked about the cost of these airplanes. Polhemus stated that renting them and fuel would be high but a combination of enforcement could work and thinks these units have some real promise.

Martin stated that one thing that is problematic with AIS for enforcement for this purpose is that it doesn't really identify whether boat is fishing or not. It identifies maybe if the boat is stopped, but needs to be in conjunction with an aircraft.

Polhemus mentioned that it will simply tell you how much of a problem you've really got. Like how many vessels are actually pulling into your supposedly restricted area and hanging out. And if the answer at the end of all of this is not very many, then you don't have a major enforcement problem. If the answer is quite a few, then potentially you do. The State of Hawaii has thought about setting up a web cam at the Makapuu Light, which looks out over BFRA Area E and simply running a times series to see how many vessels come and go.

Duenas asked what the range of the VHF signal is. Kingma replied that it depends on the height of the antenna at the receiver site but generally around the MHI it's about 50

miles. Some areas, like the antennas on Maui and the Big Island, you can set signals see all the way to the Cross Seamount, which is over 100 miles. If one put receivers on airplanes, you're extending the range by 200 miles. Satellites, perhaps 500 miles or more, or even greater. Polhemus stated that there's lots of high places and cliff coasts where you could put the antennas to where they'd have no real blockage, just a line of sight.

Dela Cruz found no other questions or discussion and moved on to the next agenda item.

F. Report on MET Workshop

Dela Cruz called on Robinson to report on the Marine Education and Training Workshop. Earlier, Robinson reported under agency reports that PIRO co-hosted with the Council, a two-day workshop to establish a Pilot Program for the Regionally-based Marine Education and Training Program. It was very successful. Under that program, PIRO is pursuing four training opportunities this year. They are providing \$35,000 to the Honolulu Community College and Marine Education Training Center to support and buy materials for vessel construction and rebuild, \$32,000 to Pago Pago and Olosega Village Communities for scholarships to the Marine Education and Training Program, \$18,000 to the Council for support for the High School Fisheries Classes and \$15,000 to the University of Hawaii Sea Grant Summer Intern Program to support three students to work with fisheries translation projects.

Ka'ai'ai reported on the Marine Education and Training (MET) workshop held on April 2008. In December 2006, Magnuson-Stevens Reauthorization Act (MSRA) was enacted. Section 109 of the MSRA amended the Magnuson Stevens Act to include Section 305(j), which mandated the Marine Education and Training Program. The Council directed the staff to convene two workshops in 2007 to address this mandate. The first workshop was to be a joint workshop with Alaska. Alaska went ahead and had a workshop without us. So we reorganized and had a workshop this year, April 14th and 15th of this year, at the Council office.

The workshop was to:

- Develop a pilot program that addresses the mandates of 305(j);
- Understand what kind of programs that may address the mandates currently exist in the region;
- Determine the gaps relevant to marine education and training that exist in the region; and,
- Develop a process to fill those gaps.

We didn't know what kind of marine education and training existed in the region that addressed § 305(j). We invited participants to come in from all over the region, including University of Guam, American Samoa Community College, a community organization in American Samoa, the Guam Fishermen's Cooperative Association participated, the Marianas College participated, and also, University of Hawaii, University of Hawaii at Hilo, Honolulu Community College, Hawaii Community College

and various other educational organizations, to come in and discuss this mandate from Congress. We had 26 participants from all over the region and all of the territories were represented.

The primary program goal of the workshop was to develop a regionally-based marine education and training program to foster understanding, practical use and knowledge, to include traditional knowledge, and technical expertise for stewardship of living marine resources.

The objectives were:

- To increase the involvement of community residents in fishing, fishery management and seafood-related operations,
- Improve data collection methods and technology to increase data quality, and,
- Use these methods and technologies among fishing sectors and share with other nations in the Pacific.

The process that we discussed was about cooperation between these different organizations and how we can leverage what we have to increase our effectiveness.

The Secretary of Commerce should be involved, the Fishery Management Council, educational institutions that we can identify, and training entities and organizations that exist. The beneficiaries for the projects and program are the coastal community residents, including the indigenous people. Benefits for the coastal community are: improved communication, education and training and increased scientific and other education for marine-related professions.

§305(j) is quite comprehensive. It's a huge mandate for to fill. The components of the program include:

- Employment training in all of these marine areas:
 - Marine technology,
 - Marine-related professions,
 - Marine resource conservation and management
 - Marine science,
 - Maritime operations;
- Fishery and seafood-related training. That included fishery observers, seafood safety and seafood marketing;
- Outreach programs for consumer education on the quality and sustainability of wild fish and on fish products farmed through responsible aquaculture;
- Identification of methods and technology to improve data collection, data quality, data reporting and sustainability of fishing practices;
- Development of means by which local and traditional knowledge can enhance science-based management of fishery resources in the region; and,
- Development of partnerships with agencies, academic institutions and other entities.

It is quite a bit to bite off, and doing it with an unfunded mandate, we were

fortunate to be able to put together our workshop.

In the workshop, we had the discussion that, for a lot of the territorial areas the limiting factor for employment training is the availability of work. Hawaii has almost all of the training and employment opportunities. There are limited employment opportunities in American Samoa and CNMI. Guam probably has more opportunities than those other areas.

Seafood safety and marketing information and education is available region-wide through a private contractor, PACMAR, located in Hawaii. They've worked in Guam. They've worked in CNMI and they've worked in American Samoa delivering the seafood safety training.

Seafood Safety and Marketing--For consumer education, there is no focused effort that we could determine from the group that we had in the workshop for consumer education. We do have a newly-formed Hawaii Seafood Council that is planning a consumer education initiative in Hawaii. There is no consumer education for aquaculture projects that we could determine in the Western Pacific area.

Methods and technology to improve data--The University of Guam, University of Hawaii and Hawaii Pacific University, who participated in the workshop, did present on their degree programs for marine science that trained students in data collection and analysis. The American Samoa Community College, while they have a marine program that trains students for collection of data, lost the head of their Marine Department, and the program is not being served in American Samoa. In Guam, Guam Fisherman's Cooperative Association (GFCA) collects data from fishermen and provides the information to WesPacFIN. GFCA also have an education program with voluntary data collection.

Means by which local and traditional knowledge can enhance science-based management of fishery resources throughout the region is limited or nonexistent. This issue needs focused effort to increase the participation of native communities in fishery and resource management.

Traditional fishing and wayfinding training occurs in the villages in CNMI and probably American Samoa. University of Guam offers a program for traditional navigational knowledge. But this is knowledge is being presented by Manny Sikau from Pohnpei. University of Hawaii has Hawaiian Studies Programs and the Hawaii Community College offers a lawai'a program. Hawaii Community College has a program of three tracks where they train in traditional practices in hula, mahi'ai (farming) and lawai'a (fishing). Students can receive a two-year certificate program at the Hawaii Community College. The Honolulu Community College offers a boat-building program. They can construct traditional craft, as well as all kinds of other crafts, fiberglass, epoxy, wood, metal. It is a big program.

Some partnering is occurring within the region with NGOs and government

agencies for fisheries-related issues. We need to establish and encourage partnering for education.

Recommendations that came out of this workshop are:

- Employment training can be marine education and training at Honolulu institutions. The participants recommend that we develop scholarships and travel funding grants and scholarships for students to enter training in Hawaii;
- Partner with maritime employers to develop internships, work training and on-the-job training for marine-related employment;
- Partner with Alu Like for the development of a marine training program for the Western Pacific Region. Alu Like has the Native Fishery Observer Program, and they've expanded that program to include other marine-related employment opportunities; first responder, environmental work. So they've been developing out of that Native Fishery Observer Program all of these other progra They're also working with Leeward Community College on the pilot training. They have a lot of experience in this kind of employment training. The recommendation was that the Council should partner with them to develop a region-wide marine training program.

Recommendation for fisheries and seafood-related training--The recommendation was to build a partnership with Alu Like and PACMAR to develop a program for regional fisheries and seafood-related training and education.

Recommendations for outreach programs for consumer education:

- Develop a partnership with Hawaii Seafood Council to develop an outreach project for wild-caught seafood consumer education throughout the region.
- Search for a partner organization to develop an outreach project for aquaculture seafood consumer education throughout the region.

Recommendations for methods and technology to improve data collection:

- Partner with University of Guam, University of Hawaii, Honolulu Community College, Alu Like and American Samoa Community College to develop projects to improve recruitment and retention of students in marine technology progra This was a particular difficulty for the American Samoa Community College in all of their progra Student retention is a major problem. Even if they get community college training, can they be employed in that region. It's not clear that they can.
- Partner with Alu Like to provide information to regional educational institutions on marine-related vocational education--a workshop to encourage these institutions to implement some marine vocational education.

The recommendation for means by which local and traditional knowledge can enhance science-based management of fishery resources is the development of a consultation process throughout the region for all of the native communities in the region to inform local and federal resource managers.

Finally, the recommendation to develop partnerships with agencies, academic

institutions and other entities is that if we do some of the other stuff, we will be doing this one.

Dela Cruz called for questions. Simonds had a question for Robinson. Robinson mentioned earlier that some projects were being funded, specifically scholarship funding to American Samoa, how was the decision made to fund American Samoa and what about the other areas. Robinson thought that it was just arrived at via conversations at the workshop, finding out whether there was interest and people available who would be interested in doing that. So, they ended up with three internships with Sea Grant to do translation, two scholarships for American Samoa folks to come up to Hawaii for marine training, as well as the two other projects, one to support the high school program. They were, more or less, generated from conversations with the participants in the workshop. Simonds said that PIRO and the Council talked about this soon after the act was authorized about how we should develop a process for deciding on how these projects are going to be funded. Further discussion needs to occur about this issue.

Dela Cruz recognized Gaffney. Gaffney commented that he saw two things in conflict. One was the promotion of wild-caught seafood from the region, and in parallel to that, the promotion of aquaculture in the region. He noted that those two things are in conflict in the rest of the world market. How we can promote both of them as being a valuable resource from one region it ought to be one or the other. Ka'ai'ai responded that it is part of the Reauthorization, part of the mandate of § 305(j).

Dela Cruz recognized Duenas. Duenas said that a couple of meetings ago, he recommended that our island areas needed capacity building, and the State of Hawai'i was included, capacity building scholarships for young individuals from our islands to attend University of Hawaii or some other institution of high learning to develop skills and capacity in our islands rather than to constantly import capacity. NMFS was importing capacity and now the capacity is leaving. He thought that investment should be made in the local communities. He commended the Council and the National Marine Fisheries Service for allowing GFCA to participate in this workshop. The GFCA manager attended the workshop, along with our counterparts at the University of Guam 4-H Program. GFCA has been working on an educational development program for ten years with the University of Guam and are rather proud of the program and extremely proud of all of the advances we have made in our organization. GFCA is more than a fishing organization, they provide education, training, staff development, and community development and provide a summer training program for young adults every summer. He thanked the Council and National Marine Fisheries Service for allowing GFCA to participate in this program, and hope they continue to be included in the future despite the fact that GFCA is a fishing NGO.

G. Coral Reefs

1. Update on U.S. Coral Reef Task Force Meeting

Jarad Makaiau informed the Council that the 20th meeting of the US Coral Reef Task will be convened Kailua-Kona in August 2008. He noted that several workshops

and related meetings and workshops were going to be held in conjunction with the task force meeting between Sunday August 24 and Friday August 29, 2008. He emphasized that the official business meetings of the Task Force are Wednesday, August 27th, 2008 and Friday, August 28th.

He added that the Council staff, along with the State of Hawaii, the National Marine Fisheries Service and other partners is involved in the planning of the Bridging Communities and Government Workshop. The intent of the workshop is to provide a forum for various U.S. Pacific Island Communities to share information, ideas and strategies and techniques which they've been using and employing to conserve and enhance conservation management of natural resources.

Dan Polhemus said that the State of Hawaii is the host for the US Coral Reef Task Force meeting and encouraged early bookings of flights as Hawaii has lost Aloha Airlines and ATA. He added that there is big canoe regatta happening that same week in Kona, which will put extra pressure on the available seats.

He also noted that the Living Reef Award Luncheon has been moved to Tuesday so that it does not conflict with the Sunday workshop that the Council is involved in.

2. Coral Reef Program Review

Makaiau reported that the NOAA has begun the process to review and refine its Coral Reef Conservation Program. He said that NOAA has released a Roadmap describing how the agency intends on refining the priorities of the program and has identified three primary focus areas of which increasing our understanding and address fishing impacts is number one. He noted that this is in line with the mandates of the Council and the National Marine Fisheries Service as which is to conserve and manage fish resources.

Makaiau said that Council staff will be working initiate projects to improve our ability and capabilities of analyze coral reef fisheries data and improve data collection programs in the Western Pacific Region.

H. Hawaii Advisory Panel Recommendations

Council staff member Mark Mitsuyasu directed the Council to a report from the Hawaii Advisory Panel that met in May. However he noted that there were no recommendations related to the agenda items that were discussed in this program area.

I. Hawaii Plan Team Recommendations

Bob Moffitt reported that Hawaii Plan Team also met in May. They didn't spend too much time on the topics discussed today and don't have any recommendations per se, but they did have some comments on the Annual Catch Limits. First of all, with ACLs coming down the pipe by 2010 or 2011, it's going to be a major task, particularly if all

management unit species (MUS) are included. There are many coral reef MUS and many of these species have no assessments, to date. There is limited data. So it's going to be difficult to put ACLs on them. Federal permitting and reporting would be very helpful. But it would need to be done in cooperation with local management agencies that have local expertise and understanding of local culture. So that would be very valuable to fill in the data gaps to be able to make ACLs on many of these species. Priority in all cases should be given to those species that are at most risk for overfishing. For those with very little available information or that are not at risk of overfishing at present, setting annual landing targets or triggers that would relate to low, moderate or high levels of risk of overfishing could probably be set. And when those levels of landings are reached, or the higher levels of risk, then an ACL could be considered. Finally, whenever ACLs are made, allocation is going to be a major problem. If there is one ACL for all fishing sectors, they would all essentially be closed down as soon as that ACL is met. So allocation is probably going to be the way to go despite its difficulty. These are not formal recommendations, just comments from the Plan Team.

J. SSC Recommendations

SSC Chair Callaghan began with the SSC's comments on ACLs. The first comment was that the ACL rule proposes to rely on catch limits to prevent overfishing but this is an expensive approach, since not only must each catch limit be determined at the outset but also re-determined annually to address overages and biomass fluctuations. Because of this, catches must be monitored on a near real-time basis. Given the technical and logistical difficulty of these tasks, the SSC continues to support the use of risk assessments to prioritize the establishment and implementation of ACLs for those species and species groups not currently overfished or subject to overfishing. Any species determined to be overfished or subject to overfishing should be addressed immediately. Remaining species would then be addressed sequentially according to their relative risks. Attempts to simultaneously establish and implement ACLs for all species or species groups virtually guarantees a confusing and suboptimal process and is likely to produce an outcome that is not the intent of Congress, i.e., to end and prevent overfishing. The SSC's second comment on ACLs was that NMFS proposed guidance for changes in the existing National Standard Guidelines includes significant additional information on the types of MSY proxies that may be used. The SSC supports the flexibility this provides, and recommends that this language be repeated in the Final Rule for the revised National Standard 1 Guidelines. The SSC's third comment is that ACL-based management does not attempt to directly limit fishing effort, but instead focuses on output controls, like catch limits. It is important to also control fishing effort in accordance with management objectives in order to prevent excessive fishing mortality. It is very difficult, if not impossible, to produce the required abundance estimates needed to determine a correct ACL. It is easier and more effective to establish a desired level of fishing effort that corresponds to fishing at a rate below Maximum Sustainable Yield.

The SSC also had some comments and recommendations with respect to ACL actions and the management alternatives or options presented by Marcia Hamilton earlier today. The SSC recommends a modified Alternative 1E that would immediately

implement ACLS for all species and species groups with estimated MSYs and MSY values except those managed by RFMOs. The remaining non-RFMO managed species groups would be ranked by risk for ACL determination and implementation. With regard to allocation, the SSC makes no recommendation at this time. The SSC recommends Alternative 3D, which would implement federal permitting and reporting requirements for all managed fisheries that do not have such requirements. Doing so would reduce scientific and management uncertainty and be consistent with the SSC's long-standing recommendation in favor of universal catch. Callaghan noted that as Chair of the SSC he believed that its long-standing and often repeated call for universal reporting is probably now over 20 years old. With respect to non-RFMO species subject to overfishing and lacking ACLs, the SSC recommends that the existing management process continue until ACLs are implemented.

The SSC also had some general comments regarding ACL management. One, while ACL management measures need to take into account estimated biomass, biomass estimates are lacking for many managed species under Council jurisdiction. Two, time scale issues arise with ACLs. Stock assessments are conducted annually at best, and ACL regulations will require time to be implemented. In addition, one year is insufficient to evaluate the biological response of most fish stocks. It may be desirable to limit fishing capacity to bring fishing effort in line with that needed to obtain Optimal Yield in accordance with the Council's ACL management regime.

Callaghan noted that at their recent meeting the SSC formed an ad hoc subgroup that considered methods for setting ACLs and minutes of the group's first meeting were attached to the SSC's report. Among other things, the group undertook to map out options for hypothetically determining an ACL for bottomfish. Regarding the group's hypothetical determination of ACLs for Hawaii bottomfish, Option 1 in the minutes would be the SSC's preferred approach at this time.

Regarding the definition of small-scale and traditional fisheries Callaghan reported that the SSC recommends that the Council request its Social Science Research Committee to further develop the weighted point system presented to the SSC by Council staff and presented by Marcia Hamilton.

K. Standing Committee Recommendations

Dela Cruz reported that there were no recommendations from the Standing Committees regarding the above issues.

L. Public Hearing

Martin informed the meeting that it was the public hearing period and he had one public comment request card. He noted that if anybody else wanted to present public comment to the Council at this time they should please fill out one of the cards.

Linda Paul was the only public commenter and she stated that her comment was

on the proposed NEPA Rule. Her understanding of Congress' intent when they passed the Re-authorization Act was to streamline the Magnuson-Stevens Act and related NEPA review to ensure NEPA compliance. She went on to say that this proposed rule falls far short of that goal. It seems to complicate rather than simplify the NEPA compliance situation. It creates legal ambiguities, procedural complexities. It establishes new forms of documentation and paperwork that will make the process more cumbersome, not less. It permits the environmental review to be circumvented. The frame-working provisions could shield a large array of actions from any public environmental analysis, whatsoever. The expanded use of categorical exclusions could allow environmental review and public input to be skipped entirely. The proposed framework approach should be eliminated and, instead, existing opportunities for streamlining should be utilized by preparing adequate EISs and tiering subsequent documents off the broader documents. With regard to the public comment being run through the Council, Paul has serious concerns about that. The public involvement process should ensure sufficient time for meaningful input and the fact that the 45-day comment period could be reduced to as little as 14 days is a cause for concern. She guesses that her bottom line recommendation would be that maybe send this rule back to the drawing board and try again. She doesn't think it quite meets anybody's expectations.

M. Council Discussion and Action

Duenas noted that given the number of issues and SSC recommendations to be considered he had a series of actions to offer and asked Kingma to show the first one on the screen and to read it aloud. Kingma read as follows: Regarding Annual Catch Limits, the Council selects Alternative 1F, determine and implement ACLs for all species, species groups, with estimated MSY values except at this time those managed under RFMOs, and use risk ranking to prioritize ACL implementation for remaining species as its preliminarily preferred alternative. Duenas informed the Council chair that he offered this in the form of a motion and Sablan seconded it. Young asked about the qualifier "at this time", Duenas responded that at this time there is an RFMO and Robinson had recommended not implementing ACLs for those species under RFMOs. Young noted that the qualifier suggests that the Council may later consider ACLs for these species and that because such changes are always available to the Council, the phrase could be deleted. Hearing no objection from Duenas or Sablan, the change was made. Hearing no more discussion Martin called for the question and the modified motion was approved by all Council members.

Kingma then read the second motion as follows: the Council selects Alternative 2A, no action, do not allocate ACLs, as its preliminarily preferred alternative. Duenas offered this in the form of a motion. Sablan seconded the motion. Hearing no discussion Duenas called for the question and the motion was approved by all Council members.

Kingma read the third motion as follows: selects Alternative 3D, require Federal permits and logbooks for all fisheries or species subject to ACLs as its preliminary preferred alternative, and Duenas offered it in the form of a motion. Sablan seconded the motion. Robinson reiterated his concern that duplication be avoided and said that he

would like to include the SSC language referencing "fisheries that do not already have such requirements" Hearing no objection from Duenas or Sablan the change was made and Kingma read the modified motion as follows: Selects Alternative 3D, require Federal permits and logbooks for all fisheries or species subject to ACLs for those that do not already have such requirements as its preliminary preferred alternative. DeRoma recommended putting the new text after the word "species" to avoid confusion. Hearing no objection from Duenas or Sablan, the change was made. DeRoma suggested take out the words "for those" and adding "are" before the word "subject". Gaffney asked whether DeRoma meant fisheries that have those requirements or the species that have those requirements DeRoma responded that it would be up to the Council to decide their preference. Polhemus noted that a fishery could be a stock or a complex and not just a species and DeRoma agreed. Duenas stated that he was concerned that whether existing permit and reporting requirements being are actually meeting the Council's needs. Just collecting some data may not be good enough, someone has to decide if the data is good enough and he would prefer that to be the Council. Robinson responded that the Council can look at each state or island program and make a determination whether it meets our needs or not. If it does, then fine, new requirements are not needed. But if the Council determines that it doesn't, it can go back and look at the requirement. But the State couldn't just opt out and say, well, we have a program so we don't have to do that. It's the Council's decision when and part of setting the ACLs. Duenas suggested adding text regarding whether existing programs meet the Council's guidelines or requirements. Robinson stated that he intended that if there was any kind of a permit, an island or state or Federal permit and reporting requirement, and if it meets the need of the Council for Accountability Measures and ACLs, then it shouldn't be duplicated. Hamilton read the modified motion as follows: The Council selects Alternative 3D, require Federal permits and logbooks for all fisheries or species that do not already have permit and reporting requirements that meet the Council's needs and are subject to ACLs as its preliminarily preferred alternative. Martin called for the question on the amendment to the motion and all Council members approved it. Duenas noted that the vote was on the main motion as the amendment was a friendly one with no objections. Martin noted this for the record.

Kingma read the fourth motion as follows: the Council selects Alternative 4E, continue existing management processes until the Main Hawaiian Islands Bottomfish ACL is determined, as its preliminarily preferred alternative. Duenas offered this in the form of a motion and Sablan seconded it. Young noted that although MSRA requires ACLs in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing, the motion leaves it open as far as a deadline. Robinson responded that the mandate is to have ACLs in place that prevent overfishing no later than 2010 and that this statutory mandate still applies. Young stated that he was not comfortable with the text and Hamilton suggesting adding the words "by no later than 2010" and Young stated that this would alleviate his concern. Duenas had no objection to the change. Young then asked about the phrase "continue existing management processes" and noted that the Council would be considering bottomfish later in the meeting. He asked whether the motion would commit the Council to the existing bottomfish management program, or would the Council still be able to change it. Hamilton responded that this motion was based on the SSC's recommendation, and their plan was for the Council to consider the

available information and make their recommendation for bottomfish independently of the ACL process. Young asked if this would mean that the Council could recommend a bottomfish Total Allowable Catch for next year even if on another track they were developing an ACL. Hamilton responded affirmatively. Polhemus asked what if tomorrow the Secretary declares another stock in the state of overfishing. What the motion would imply is that the Council couldn't really manage it unless they set a Main Hawaiian Island bottomfish ACL. The SSC recommendation simply said, recommend that existing management processes continue until ACLs are implemented. It's broad. It takes into account all contingencies that might happen between now and 2010. The motion is overly narrow and sort of constrains management in ways that may be undesirable. Young requested that the reference to bottomfish be removed from the motion so that the motion wouldn't be tied to a single fishery. Hearing no objections from Duenas or Sablan, the change was made. Hearing no more discussion Martin called for the question and the modified motion was approved by all Council members.

Kingma read the fifth motion aloud as follows: the Council directs Council staff to write a letter to NMFS communicating the Council's comments on NMFS' proposed rule for ACLs. Duenas offered this in the form of a motion and Sablan seconded it. Polhemus stated that the SSC seemed to have taken a lot of time and effort to provide pretty good comments, and maybe they should be incorporated into this motion. Duenas and Sablan stated that they had no objections to including the SSC comments in the letter. Robinson asked for clarification as to what the Council's comments would be. Hamilton responded that the Council members had not yet offered any specific comments but she was hoping to receive some during the remainder of the meeting. Simonds suggested that the Council review NMFS' proposed rule and provide comments by the end of the meeting. Hearing no objections from Duenas or Sablan the motion was modified and read aloud by Hamilton as follows: invites Council members to review NMFS' Proposed Rule on ACLs and provide comments when the Council takes up this item again before the end of the 142nd Council meeting. Hearing no more discussion Martin called for the question and the modified motion was approved by all Council members.

Kingma read the sixth motion as follows: the Council directs Council staff to compile available information to determine which stocks may qualify as Ecosystem Component Stocks for consideration by the Council at their next meeting. Duenas offered this in the form of a motion and Sablan seconded it. Hearing no discussion Martin called for the question and the motion was approved by all Council members.

Duenas asked Kingma to read the motion regarding the definition of small-scale and traditional fishing which he did as follows: the Council directs Council staff to convene a meeting of the Council's Social Science Research Planning Committee to further develop the weighted point system, as well as to investigate alternative approaches to defining small-scale and traditional fishing. Duenas offered this in the form of a motion and Sablan seconded it. Hearing no discussion Martin called for the question and the motion was approved by all Council members.

Duenas asked Kingma to read the motion regarding NEPA/MSA coordination

which he did as follows: the Council invites Council members to review the NEPA proposed rule and provide comments when the Council takes up this item again before the end of the 142nd Council meeting. Duenas offered this in the form of a motion and Sablan seconded it. Hearing no discussion Martin called for the question and the motion was approved by all Council members.

Duenas asked Kingma to read the first motion regarding the CDP amendment, which he did as follows: the Council reinforces its preliminary selection of Alternatives 1A and 2A as final preferred alternatives. Duenas offered this in the form of a motion and Sablan seconded it. Hearing no discussion Martin called for the question and the motion was approved by all Council members.

Duenas asked Kingma to read the second motion regarding the CDP amendment, which he did as follows: the Council selects Alternative 3A, an omnibus approach to provide access to fisheries under the CDP, as its final preferred alternative for Topic 3. Duenas offered this in the form of a motion and Sablan seconded it. Hearing no discussion Martin called for the question and the motion was approved by all Council members.

Duenas asked Kingma to read the third motion regarding the CDP amendment, which he did as follows: the Council directs Council staff to complete the amendment and transmit it to the Secretary for review and approval or disapproval as soon as possible. Duenas asked Kingma to remove the word "disapproval" as it seemed like a negative message. The text was changed and then Duenas offered it in the form of a motion and Sablan seconded it. Hearing no discussion Martin called for the question and the motion was approved by all Council members.

Duenas asked Kingma to read the first recommendation regarding Congressional legislation which he did as follows: the Council directs staff to send a letter to the appropriate House and Senate Committees in response to their request for comments on proposed shark legislation to require sharks to be landed whole. The letter should clarify the unique nature of Pacific Islands' fisheries that utilize several parts of sharks in fishing operations. There is a need for a de minimus exception for small-scale artisanal fisheries in the Pacific Islands, such as the deepwater shrimp fishery in the Northern Mariana Islands where sharks are caught for bait and the carcasses used for bait but the fins are kept for sale as additional revenue. Duenas offered this in the form of a motion and Sablan seconded it. Gaffney asked if there was a chance that people who want shark fins could see this artisanal fishery as the ultimate source and change their current access to go through the backdoor to get these fins. He said he believed the Council basically supported the legislation but remains concerned about this one issue. Duenas stated that he understood Gaffney's point, and would like to delete the last sentence as there's no need to give an example. He went on to say the value of the fins was not an issue to everyone, for some it was the desire to consume the shark's meat and avoid waste. Simonds stated that she believed it was helpful to include an example because it shows the Congress that these were very small fishing operations. She suggested adding a sentence about direct shark fisheries. She also asked Duenas if there was any alternative

to removing the shark tails, could they be halved or something. Duenas responded that the tail must be removed to bleed the carcass. Martin commented that he think this situation is somewhat unique to the Pacific Islands, and the Council certainly didn't want to discourage full utilization of the shark and now somebody has developed a methodology for using the carcasses but it includes catching a shark and using it for bait on the same fishing trip. If the vessel operators came into port with a whole shark they could then cut it up and go back out but this would be inefficient given the fuel needed to return to port and then go back out again just to meet this requirement. Gaffney suggested that the motion include text indicating that the Council supports the intent of Congress. He went on to say that there is a similar situation in Kona where threshers must be bled immediately so that they don't taste like urine. He suggested that one solution would be to prohibit these small fisheries from selling the fins as this would avoid this becoming a backdoor source of fins. DeRoma stated that if the Council's intent was to create this sort of de minimus section, it could say, "to retain sharks for food or retain sharks and shark fins for food, as well as utilize other parts of the shark for bait and fishing operations". He also noted that he believed the issue is not about supporting Congress' intent as it is NMFS' proposed legislation. Duenas remarked that the new legislation is no finning at all and sharks could not be cut up at all. His concern is that in the Pacific islands everything is eaten so there is really no such thing as bycatch. Gaffney responded to DeRoma's comment by saying he believed the Council did support the intent of Congress to further close the gap on the finning issue but didn't support the elimination of artisanal fisheries. DeRoma suggested that the Council could add language that says, "retain sharks and shark fins while utilizing other parts of the sharks for bait and fishing operations" and this would seem to capture the intent of what the Council is trying to say. Martin noted that the Council is trying to express to Congress that there's something else going on, and trying to offer a solution in a relatively short time frame. He wondered if the Council would like to offer to Congress some perspectives of something that's different in the Pacific Islands and develop some kind of methodology that can be addressed at a later time. DeRoma responded that he thought the issue was the fact that Congress wanted the sharks to be landed whole but the way that fishing operations occur on vessels in the Pacific Islands Area rendered fishing for shark infeasible for storage reasons, for bleeding purposes or other things like that. He thought the Council was opposing the Congress' desire to have the fins remain on the shark. If the Council wanted to accommodate the interest that the Council raised, as well as join Congress in their concern for the conservation of sharks, it could require a one-to-one count of fins to sharks. Martin noted that one of the problems with that is using the shark carcass for bait means that there might not be a carcass left at the end. DeRoma responded that the Shark Fin Prohibition Act only allows for five percent discrepancy and a fisherman might go beyond that five percent he used the carcass for bait. Simonds commented that the new legislation would remove the five percent leeway. Polhemus remarked that he could suggest reducing the motion to one sentence that simply directs staff to send a letter to the appropriate House and Senate Committees in response to their request for comments on proposed shark legislation to require sharks to be landed whole, comma, suggesting an amendment to accommodate Western Pacific artisanal fisheries, and just leave it at that. Duenas suggested that removing the tail be allowed as that is what is needed to bleed the shark carcass. (Brief time of people speaking at the same

time) Duenas suggested that the text be revised to suggest an exception or exemption for this type of operation. DeRoma commented that he would be concerned about using the terms subsistence or artisanal fishery as these are undefined after Young suggested asking the enforcement office for their input. Alexa Cole responded that she thought there would be an enforcement problem. The reason why we have the five percent rule is being is because the Shark Finning Prohibition Act would have been difficult to enforce without the rebuttal of presumption of five percent. If folks are allowed to utilize several parts of the shark for bait there's no way that the enforcement guys on the water or at the dock are going to be able to know that that's what happened or is not what happened. So without seeing some more clearly articulated language the Council's recommendation is going to have some significant enforcement problems Simonds suggested that the Council members, general counsel and staff work with Cole over the next few days to further develop the language and take up this issue again some time on Thursday. Duenas expressed no objection to deferring action on the motion.

Duenas asked Kingma to read the next motion which he did as follows: the Council directs staff to send a letter to the appropriate Senate Committee in response to their request for comments on the House version of the U.S. Coast Guard Authorization Legislation that includes a provision to allow foreign-built purse seine vessels flagged to the U.S. to fish in territories and possessions adjacent to the South Pacific Tuna Treaty. The letter shall communicate the Council's opposition to allow the possible expansion of purse seine fishing in the U.S. Pacific Islands given the impacts this will have on the WCPFC measures to reduce overfishing of bigeye tuna. Duenas offered this in the form of a motion, which was seconded by Sablan. Hearing no discussion Martin called for the question and the motion was approved by all Council members except Robinson who abstained.

6. Marianas Archipelago

A. Arongo flacey and Isla Informe

1. CNMI

Arongo flacey

Document 6.A(1) is the outline of what Dela Cruz presented containing information on fisheries, marine sanctuaries, derbies and tournaments, and the proposed Pew National Monument.

Dela Cruz listed a number of projects that are currently in progress in the CNMI, including the following...

1. Checklist of Fishes of the CNMI - A summer intern will be updating the CNMI checklist with records obtained from the past two years from various sources.
2. Invasive Species Survey - A freshwater invasive species survey will be conducted on Saipan in August with the assistance of Invasive Species Expert, Jeffrey Herrod, of the U.S. Fish and Wildlife Service, Honolulu Office.
3. Marines Sanctuaries - Managaha Marine Conservation Area survey has been completed for 2008. Bird and Forbidden Island surveys are in progress. Sasanhaya Bay Fish Reserve survey on Rota is planned for July. Marker buoy

components are being readied for buoy installation on Saipan MPAs. Buoys deployed in Rota Sasanhaya Bay Fish Reserve with the help of local dive operators. Legislation enacting the Tinian Marine Sanctuary is under review to clarify the goals and objectives of the Tinian Marine Sanctuary.

4. Tagging of Selected Fish Species in the Managaha Marine Conservation Area - An initial phase contract is currently being routed for Lotek Wireless to assist the CNMI Division of Fish and Wildlife in placing telemetry tags on select reef fish species to ascertain the extent of protection the Managaha Marine Conservation Area provides to selected reef food fish. Initial phase contract will provide technical assistance to determine the required hardware and data needs. Second phase will involved purchase of telemetry components in order to conduct research.
5. Evaluation of Management Measures - Final preparations are being made on a manuscript for publication of the results of the re-survey of Southern Saipan Lagoon in evaluation of the net-use restrictions placed in December 2003.
6. Fish Life History - The monthly samples of primary species of the Family Holocentridae, subfamily Holocentridae Genus Myripristis, continue to be sampled with life history parameters collected from each specimen.
7. Technical Assistance - A considerable amount of time has been spent on coordinating with the U.S. Navy, U.S. Fish and Wildlife Service and the NMFS PIRO in setting up sampling protocols for surveying the proposed U.S. military landing sites on Tinian, following the buildup of the U.S. Military on Guam and the CNMI. Surveys will be conducted from June 17 to 30.
8. Fish Aggregating Devices - In May, the Division of Fish and Wildlife staff assessed the status of FADs in the waters off of Saipan and Tinian, finding that four of ten FADs remain on site. One FAD remains in Rota. A contract is being routed to obtain a viable platform from which to replace the missing FADs.

He described the various derbies and tournaments held since the last Council Meeting, which included:

1. The Saipan Fishermen Association held its Second Annual Wahoo Jackpot Derby on February 16, 2008. There were ten boats, and many more fishermen participated in this event. The top prize went to Captain John Tenorio and Angler Jack Diaz of the ANA MARIA, who reeled in the catch of the day when they hoisted their 22.55-pound wahoo out of the water, and their efforts on the sea brought them a hefty \$600 cash prize.
2. The Saipan Fishermen Association held its Fourth Annual Mahi-mahi Fishing Derby on April 19th, 2008. There were 32 participants and this year's first place winner went to Rolly Trajeco, who caught a 24.30-pound mahi-mahi. He won \$1500, a one-night stay at Paradise Hotel and massage for two at Tropical Blend Sap. Interestingly, he caught the fish before he was forced to return because of an engine problem three hours after the tournament had started.
3. The Marianas APNEA Spearfishing Club held its Second Annual Spearfishing Tour of May 17th. A total of 22 fishermen participated, including a large contingency of ten fishermen from Guam. There were three categories and the first place winner for total the weight category was Mike Genereux, who caught a

total of 47.40 pounds, Scott Russel and Peter Houlk won the team competition by catching a total of 72.92 pounds and the biggest fish category went to Brian Fitzgerald for catching a 4.42-pound parrotfish.

Dela Cruz noted that the Pew Charitable Trust has been promoting the idea of a Marine National Monument in the CNMI. If designated by President Bush, it will be the second-largest marine national monument in the world, second to the Northwestern Hawaiian Islands Monument and would include the three northernmost islands of Asuncion, Maug and Uracas in the Marianas Chain and the waters surrounding them, or an area of over 115,000 square miles. Despite opposition by our Governor, all four of our island mayors and the CNMI Legislature regarding this idea, Pew continues to advocate for the monument and has even recruited lobbyists on Saipan and Hawaii for this very reason. Although the CNMI welcomes any new money into the local economy, the majority of people do not support this idea because the losses outweigh the proposed benefits, which are nothing but pipe drea

2. Guam

Isla Informe

Document 6.A(2) is the outline of what Duenas presented containing information on fisheries, tournaments,

Duenas noted that under Fisheries, the marlin season began in May. It was a pretty good season starting off with the juvenile marlin, between 100 and 150 pounds being turned in. Fishermen lost more than they actually harvested. The ratio was about five to one; they lost five marlins for every one they landed. Wahoo was being caught at the full moon phase, but after that, not much was caught.

The mahi season pretty much subsided during this period, because of lack of FADs around the island. The fishermen have to go out to the offshore banks, which are anywhere from 15 to 25 miles away, to harvest mahi and it was rather difficult, especially with gas prices being so high.

Bonita catch, mostly juvenile Bonita, that's three to five pounds, is being harvested by the fishermen. A lot of sharks have been reported in the area. Yellow fin were also harvested. There were a few days of calm water where fishermen actually went out and bottomfished. Spearfishing, of course, is still out of the game. But it was rather difficult when the waters got really rough.

Gas is 4.67 a gallon. Diesel was going for 5.42 for the fishermen. Duenas noted that before we left Guam to participate in the CNMI Council Meeting, the price was going up another 17 cents.

Duenas presented that the participation in the Skindiver Magazine Tournament, was rather difficult, for the month of May, because the water was still rough. Fishermen tried to fish off of the one remaining FADs but it was too rough for them. They dare not

fish at any of the banks because of the shark problem. Duenas added that rather than they risk their life trying to catch a fish and participate in the competition, they chose not to stay in the water.

He added that the planning for a series of events has begun. The Marianas Spearfishing Challenge is scheduled for Saturday, August 16th, the Gupot Y Peskadot (Fisherman's Festival) is scheduled for Sunday, August 17; and the Guam Marianas International Fishing Derby is scheduled for August 23 and 24. The Guam Fishermen's Cooperative Association is the main sponsor. The banquet will be held during the week after the derby. At the same time, the fishermen are going to present to two University of Guam students a \$1500 scholarship. This money is raised through the events of the two weeks.

Regarding international issues, Duenas noted that on May 7th, the APIL discussed the jobs and economic issues stemming from the military buildup in the Marianas. He stressed that people are worried about what's going on, and also in Micronesia. The buildup, as reported, was anywhere from 40,000 to 60,000 new people to the island of 160,000 people. Guam is only 212 square miles. He added that during the Vietnam era there were about 100,000 GIs on Guam, but they were transient. They weren't actually staying on Guam. This is going to be a major boost to our economy, but there are also negative impacts. Already, our infrastructure is really being taxed as preparations are being done to provide housing for the construction workers and the big companies that are coming in to house their businesses on Guam.

Duenas presented on other Guam Fishermen's Cooperative Association happenings. This summer the Council and Richard Seman will administer the high school marine training program for high school students. The Fishermen's Co-op, with the help of the National Marine Fisheries Service and the longline vessel, will be working with the students from Guam and will travel up to the Northern Marianas to provide them a firsthand view of fishing technology in the Marianas.

He noted that they had just finished assisting the Manukai Swim Team on Guam with the Cocos Swim, where there were over 200 participants from different parts of the world and Guam. The GFCA assisted with the setting up of the buoys in the swim area, and also participated with the safety group.

Safe Boating Week, which was a two week event was recently completed with the help of the Coast Guard Auxiliary. The GFCA provided logistics for the event and also provided the hospitality merienda and the priest for the blessing of the fleet on the final day.

The GFCA assisted the Boy Scouts in their Seafaring Program, a one-day event, where we took the Boy Scouts out on a fishing trip and demonstrated to them how to go trolling on Guam.

The GFCA is working on a bottomfish program with the vessel. Duenas noted

that he is trying to clarify whether that closure zone from three to fifty, whether it applies to State waters or Territorial waters. If it doesn't, then we can work with the students again on a bottomfish program.

The GFCA had also continued working with the Guam Community College and the University of Guam 4-H Club on the summer training program where we have kids for about a week, taking them out fishing.

As part of the Guam Community College Marine Science Program, the GFCA took the students on a one-day field trip to the Co-op. The whole processing and briefing takes about four hours to go through. There were about 70 students that through this part of the field trip.

In addition, the GFCA participated in over 20 medical fundraisers for medical referral programs off-island. The GFCA participated in many events including gymnastics, dance, island band and culture awareness activities of the island through donations.

As part of our environmental program, the GFCA paid for the disposal of 1200 gallons of used oil recovered from the marinas and the boaters and over 50 batteries. This proper disposal protects our drainage system and water resources.

Recently the Fishermen's Co-op also purchased an underwater video camera. This summer, with the water calm and clear, trips will be planned around the island to survey the reef and produce a video documenting the conditions of the reefs. Currently people rely on the Division of Aquatics and Wildlife Resources for information. The GFCA plans to document the health of the reef and show its true conditions. The video will show the impacts of the golf balls from coastal golf courses. Additionally, the video will document the algae blooms, crown of thorns starfish, and other impacts.

B. Enforcement Issues

1. CNMI

Using document 6.B.1. Dela Cruz presented three enforcement items from the CNMI. He noted that conservation officers responded to eight cases of illegal fishing during the reported period. Six of those cases dealt with fishing illegally in a sanctuary and the remaining two were fishing using illegal fishing equipment, specifically, a gill net. Fishing equipment such as spear, masks, fins, including the fish caught, were confiscated. Fines ranged from \$500 to \$10,000 under CNMI Public Law 12-46 and Public Law 12-12. Three of those cases are closed. The plaintiff in one case was found guilty at Superior Court. The others are pending the issuance of a Notice of Violation.

Concerning Education and Outreach, Dela Cruz noted that CNMI conservation officers conducted presentations for various students at the Environmental Expo and also during school visits.

On endangered species, he presented that CNMI conservation officers conducted a search warrant at a local residence upon probable cause that the residence contained a live green sea turtle. The turtle was confiscated and later released into the water by the Turtle Section Staff. The case is forwarded to the U.S. District Attorney's Office for disposition.

2. Guam

Duenas presented the document 6.B.2. Enforcement issues on Guam. Four people were arrested for allegedly taking a green sea turtle in Agat. This case is still under investigation.

The day before this Council Meeting, another vessel was confiscated for the taking of a hawksbill turtle.

Two men were arrested for cast-netting in the Marine Preserve. They harvested 43 reef fish that were not allowed under the MPA law. There is a need for an educational program on the restrictions and more work needed with the fishermen.

Prior to ending his presentation, Duenas noted that during the last Council meeting, the teleconference, in the CNMI and Guam questions arose regarding his participation in local issues. He stated that he has a letter from the Director of Bureau Statistics and Plans, dated August 12th, 2004, inviting him as President of the Guam Fishermen's Association to participate in an ongoing three-year plan. At the same time, his participation in local issues was being questioned. Duenas stressed that he represents the fishing community in Guam. He wished to set the record straight and present the letter to the Council as evidence or documentation.

C. Marianas Community Issues

1. CNMI

Ogumoro presented the CNMI Community Issues as outlined in document 6C, specifically the Pew Monument. He noted that Council Member Dela Cruz pointed out the proposed monument is being advocated by Pew and, the CNMI site may be one of five areas that the White House may be selecting from in establishing three or four National Marine Monuments. He added that the proposed national marine monument for the CNMI will be located in the northernmost part of the CNMI, which includes the waters around Asuncion, Maug and Uracas. Utilizing a map in his PowerPoint presentation, he pointed out the proposed site, which is about 115,000 square miles. He noted that Pew advocates the CNMI site, because it's located at the deepest ocean in the world. It has unique cultural, biological and geological features. It's remote. Relatively untouched and it has limited economic activity.

The benefits from the monument, according to Pew, are there will be more federal funds coming to the CNMI. There will be more employment opportunities for the people in the CNMI. The CNMI will be -- there will be news about the monument in the CNMI

and we'll be in the different media. CNMI will be on the map. There will also be increased research, more tourists and the local people, themselves, will be proud of having a national marine monument in their area.

Since they're using the Northwestern Hawaiian Islands Monument as a model, and if the monument being proposed for the CNMI comes about, then it will be most likely that the Federal Government will manage the monument. The monument will also prohibit commercial, recreational and subsistence fishing activities in the area. It will prohibit exploration of oil, gas and other resources. The Federal Government will have primary management authority over the waters from zero to two hundred.

The military activities will be exempted and will be allowed to have exercises in the area, and that the restrictions imposed on the people, in this case would be the U.S. citizens, and will not be applicable to people who are not U.S. citizens.

Ogumoro noted that what has been happening since last year was that the idea was first presented to the CNMI in January of last year. Pew's Representative, Jay Nelson, visited Saipan and talked to the government representatives. At the time, the government representative asked that a proposal be submitted for their review.

He revisited Saipan in November of the same year, and at this time, tried to seek a group to push for the idea, called MINA, which stands for Mariana Islands Nature Alliance, to support the idea. At the time, for some reason, the group didn't want to. They liked the idea, but they didn't want to be the forefront to support the idea. Then in December of the same year Jay finally wrote Governor Fitial recommending that the northernmost island, Asuncion, Maug and Uracas, be designated as a national marine monument.

Prior to the Council meeting in Saipan Angelo Villagomez, who is an Onsite Coordinator, was invited by the Council to talk about their plan, the Pew's plan to the Advisory Panel and to the Regional Ecosystem Advisory Committee. He refused to attend the meeting. He wasn't ready, according to what I've heard.

On March 19th, the Governor on responded to Jay Nelson's letter indicating something to the effect that we don't want the monument at this time. That was followed by a Senate Joint Resolution passed on April 22nd indicating again that the monument is not appropriate at this time. After that, Jay Nelson and Bill Aila, from Hawaii, visited Saipan for a week and talked to business communities, the legislature and also held two public forums regarding the monument.

The mayors of the CNMI, Saipan, Tinian, Northern Islands, wrote letters to the President expressing their concern about the monument, urging him not to designate the place into a monument.

Both camps, those who are opposed and those who are for the monument, are busy with their activities to get their message across. They've circulated petitions. They

have written letters to the editor, etc. The latest activity regarding this monument is the economic study that was recently made public, I think this week, which basically says that the CNMI will have a lot of money if and when the monument is materialized.

2. Guam

John Calvo presented the items outlined in document 6.C.2. Community Issues – Guam. On March 14th the Council had the Regional Ecosystem Advisory Committee meeting on Guam. Some of the REAC recommendations included the Council participation in such issues including submitting scoping comments and participate in the EIS; participate in the proposed military ocean disposal site; proposed sub training; ship ballast water and barnacles discussions; ship fuel leaks; increase of recreational boaters from the military; CNMI and Guam regional partnerships; threats of diminishing fish stock due to military training; threats to the Council's federally-defined jurisdiction. In addition, any other current issues that have been longstanding.

Calvo noted that the Guam Land Use Commission, during the past year issued permits for various developments within the Tumon area that are above and beyond the capacity of the current water and sewage infrastructure. In addition, currently the Guam Waterworks Authority has set a moratorium on new developments.

The Eco-Permit Program, which was to regulate all other uses of the Marine Preserve and Natural Resource Areas has yet to be implemented despite being public law in 2003. The Marine Preserve Law in 1997 only regulated fishing. However, they did have specific items pertaining to taking of any flora or fauna from the Marine Preserve Area. He noted that every morning there is the beach raker that rakes up a multitude of flora and fauna and disposes of it so that the beaches will look pretty. The Eco-Permit Program, though, it has been passed into law, the regulations, and the program has been developed, it currently has not been put out at the agencies. It is still awaiting the approval of the AG's Office five years later as it is already 2008.

Presenting on safe, healthy accessible fishing areas, Calvo noted that when the Marine Preserves were created they were put into the cultural and traditional fishing areas pushing fishermen into less safe and less healthy accessible fishing areas. These areas, basically, are contaminated with sewage, PCBs, other types of pollution and basically also an unsafe and -- excuse me, and very dangerous waters.

During the February 2007 meeting we basically had the Mayors of Tumon and Merizo brought up the access to the public coastal beaches, especially in the Village of Tumon where there is major development -- Tumon is basically our Waikiki. The whole Tumon Bay is a public beach area. People are basically being pushed out by the hotels, and such.

It's even to the point that some of the hotels have put up buoys straight out in the water, all the way out, and basically have told local people you can't swim here anymore. This shows a lack of focus at the Coastal Management Program.

Regarding the Sportsfish Restoration Fund, Calvo noted that this is a continuous issue as the local Division of Aquatics and Wildlife Resources is in danger of returning more money that has basically not been used within the time table that it was supposed to be used. Guam may be losing another couple of million dollars because of this lack of accountability. According to U.S. Fish and Wildlife representatives, Guam is entitled to about two to two and a half million dollars a year. The Sportsfish Restoration Fund is funded by the excise taxes from fishing equipment.

The Council and fishing community continues to have responsiveness and communication problems with DAWR. However, we are working on that. We've been having regular meetings with the Director and Deputy Director. We hope that the result of these meetings will move forward to a partnership that will be very successful.

Last but not least, in terms of the current issues, we have the fuel prices. As Manny had mentioned, the fuel prices went up to 4.67 with diesel has going up to 5.42.

D. Marianas Fishery Reports

Outlined in document 6E pertaining to education and outreach, Ogumoro presented on the Pacific Island Pelagic Skindiver Spearfishing Contest and the video project in the CNMI. The first one has to do with encouraging fishermen to report. This one, which we reported at the last meeting, will take place -- it is taking place, it started May 1st to September 30 of this year. The first person to register a catch in this event Jay Sternadel from Guam. He was in Saipan for the Second Spearfishing competition and he was able to catch a kalakawa weighing 2.46 pounds, and 16 and a quarter inch long. Ogumoro presented a picture of Jay Sternadel with his catch. Sablan made a correction, noting that it was a kawakawa, not kalakawa.

Calvo the presentation of document 6.D. Marianas Fishery Report was going to be a lot shorter because, Council Member Ike Dela Cruz and Coordinator Jack Ogumoro talked extensively about the Marine National Monument.

The only item to be added is that local discussions have been that the people of Guam support the people of the CNMI in their decision to not promote and pursue the monument.

Regarding the Military buildup, Calvo noted that the buildup of the military facilities on Guam and the Northern Marianas is moving forward to prepare the islands for their increased role in the defense of the United States and the stability of the Asian-Pacific Region. Involved in this buildup includes the movement of approximately 8,000 Marines and 9,000 dependents from Okinawa to Guam, as well as increases in current deployments to the Andersen Air Force Base and the Naval Station, Naval Communication Service and the Commander Navy Marianas Facilities. Additional facilities are planned for the CNMI on the Islands of Tinian and Saipan with the continuance of the live-firing range in the Northern Island of Farallon De Medinilla.

There is a major concern of the environmental impact of such a massive development, considering that World War II and post-World War II dump sites are still being mitigated with many more that may yet be discovered. The Environmental Impact Study is yet to be completed, but is expected to move the buildup forward.

National defense issues may take precedence over local natural resource issues. Mitigation projects are imminent. The impacts of the military buildup on local fishing areas, local fishing effort and future fishing opportunity is yet unknown. There is also a concern of the social impacts that plagued the current existence of the Marines in Okinawa. However, military officials are doing much to allay these fears, especially coming from local women's groups and social welfare organizations. On Guam, past issues, such as pre-war family land, natural resource and local access to the Sumay cemetery where many have family buried without access continue to be topics of discussion.

The impending military buildup has created much speculation on Guam which has driven up the land prices, making it difficult for local residents to own a home.

The move is also expected to increase traffic on the island's roads, and be a burden on the island infrastructure. The local governments of Guam and the CNMI are pursuing assurances and Federal funding support for the expansion and support of these infrastructures. With burgeoning deficits being experienced by both Guam and the CNMI, the governments are embracing the military buildup as a panacea for their financial problem.

Duerr noted that he was interested in the economic study that was done asking who paid for the Iverson study at the University of Guam for the proposed Marianas Monument.

Calvo noted that he did not have that information, however he heard that it was by the Pew organization. Duerr noted that the study was not done independently. Calvo agreed and noted that after taking a look at the report, he found it odd that Guam's economic evaluation of Guam's coral reef ecosystem is only 127 million per year, even though Guam has almost 1.5 million tourists; whereas, the three northern islands of the CNMI is going to be 333 million for what the Pew says is 8,000 tourists going up there on an annual basis and noted that the figures are a bit skewed.

Calvo presented that during the REAC meeting the REAC Committee had mentioned that they recommended that the Council bring Kelson Poepoe, Kanoho Helm and Keaumoku Kapu back to Guam in the future so they may share their traditional community-based marine resource management efforts with the villages of Guam. This has been scheduled for July 14th, 15th and 16th. The discussion with the local mayors of Guam is that they're really looking forward to this presentation of how the villages can really take an active role in terms of participating in resource management.

Duenas noted for the record, the heading of the monument was the Marianas Trench and that everybody is promoting this Marianas Trench. Just for your information, that is the upper part of the Marianas. He added that the real Marianas Trench, the deepest part, is by Guam. He noted that this is being used as a marketing strategy, the Marianas Trench -- and no offense to anybody. But it is part of the Marianas Trench, but it's one of the shallowest parts of the Marianas Trench adding that the deepest part of the Marianas Trench is approximately 7 miles deep and is just south of Guam, south, southeast.

E. PIRO Habitat Initiatives

None at this time

F. Education and Outreach Initiatives

The lunar calendar, under Education and Outreach is an ongoing project. People have been identified to help with this effort. People in the CNMI have been consulted and it seems like we will be meeting with the folks from Guam to come up with one calendar for the Chamorro people. We need one calendar for the Chamorro people in the Marianas Archipelago, which will be a challenge because of the distance and communication issues. The Carolinian calendar, will be done in Saipan.

Summer school course will start June 30 to July 11 and so far, has five participants. Guam will be having their course soon after. Ogumoro presented that the video tape project of the Chenchulu fishing practice on Saipan and also the Achumang fishing practice in Rota is ongoing. For the Chenchulu fishing practice, a videotape of the last fishing practice has been done. Interviews with fishermen, the leaders of the fishing communities need to be done and expected to be complete before the next Council meeting. As for the Achumang project, the videotaping of that project is done. There's just one segment that they need to complete. They need to go back to Rota and do more footage in the water to complete the taping of the project there. Ogumoro showed a portion of the unedited tape of the Chenchulu fishing practice.

Presenting on Education and Outreach, Calvo noted that Guam has the I-Recycle Project, which basically deals with aluminum cans, aluminum by-product. The program gave its first checks out to over 40 schools that participated in this recycle program, which are sponsored by the members of the private sector; mainly, several companies that are involved with bringing in some of these cans, like the distributor of Budweiser Beer. These companies are being pro-active in this waste management issue. The first load of cans that was shipped off-island generated a profit, after all shipping expenses and such, \$21,000 was distributed to the schools. The Council and the Guam Fishermen's Cooperative have been supporting directly the Marine Mania Club, which is out of the George Washington High School. The Advisor of Marine Mania and teacher, Ms. Linda Tatreau, is a wonderful woman and the mastermind behind Marine Mania and has basically guided it through the last 15 - 20 years. She has been developing this program, which has over two to three hundred students actively involved on an annual basis. She

made it not just an annual program, but it's also a full-year program with projects happening during the summertime as well. Marine Mania participates in all of our activities and is one of the most dynamic organizations that we have on island in environmental education and outreach.

As Duenas had already mentioned about the high school summer program with Richard Seman, Calvo noted that the program will also cover fish biology and fish habitat, coral reef, marine preserves, sanctuaries, fish data and creel sampling, cultural and traditional fishing, fish cleaning and preparation, fisheries conservation and management, fisheries economics and marketing, fishing gear and techniques, fisheries research, fishery rules and regulations and statutes, marine debris, fishery enforcement, seafood safety and stock assessment. Much of the various sections will be provided in terms of speakers from the University of Guam Marine Lab, Division of Aquatics and Wildlife and other participants, including the biologist from Underwater World.

The Gupot Y. Peskadot (Fisherman's Festival), is in the planning stages at this time, which as Duenas mentioned, is the Guam Fishermen's Cooperative's main education and outreach, and has been very successful. This year it will be celebrating its 10th anniversary as an environmental education and outreach event. As usual, the main feature of the Gupot Y. Peskadot is the food booth which showcases fish recipes using pelagic fish that is more available in Guam's deep waters to reduce the demand on local reef fish, which are being threatened through habitat loss, over-development, poor land use and, in the words of our former senator who was one of the authors of the Marine Preserve Law, was the lack of effective coastal management.

The Chamorro Lunar Calendar Committee continues to progress on the development of the calendar. Currently the committee is looking to do a 13-month lunar calendar which is reflective of the local culture. We will incorporate moon phases, tide charts and have information pertaining to cultural and traditional fishing practices and values. With many educators involved in the process, the end product will be used for the Chamorro culture and language program. Funding is necessary to move forward with the development and the printing of the product. It has also been recommended that the Lunar Calendar Committees of Guam and the CNMI meet to compare notes and resolve differences in perspectives and interpretations.

G. SSC Recommendations

None at this time

H. Public Comment

None at this time

I. Council Discussion and Action

None at this time

7. American Samoa Archipelago

A. Motu Lipoti

Martin announced that the next item on the agenda was item 7, American Samoa Archipelago and that Haleck will chair this portion of the meeting. Haleck thanked the chairman and continued onto Section A. Haleck said that he would like to make a slight spelling correction to the word "Ripoti", and that the letter R should be replaced with the letter L. Haleck then called on Alofa Tuamu, DMWR Deputy Director, to present the Island Report.

Tuamu thanked the chair and said he will start with the Lipoti by talking about the recreational fisheries. Tuamu said that he will not go into details since Council members already have copies of the Island Report in their folders but will just highlight some of the issues. First he reported of the Key Reef Species program. Tuamu noted that the Key Reef Species Program just started field testing the dual observer techniques in *Nafanua* and *Taema* Banks and the fringing reefs from the airport runway to the village of Fatumafuti using a tow boat.

He also noted the following: The no-take MPA Master Plan has been completed and DMWR will be hiring a new biologist to be in charge of the no-take MPA Master Plan, hopefully by July. The Master Plan was presented to all the agencies involved and DMWR personnel. A full-day workshop was held to discuss the entire Master Plan and the plan has been approved and ready to be implemented.

Tuamu then said that he will talk about the community-based MPA program later on. On the FADs program, Tuamu noted that DMWR currently has three FADs in place. Two are placed around Tutuila and one at the Manua islands. FAD B has just been returned to its position after it was disconnected and drifted to land during the first quarter of 2008. FAD C broke off from its mooring last month, May, and DMWR is working to return it to its position by the end of this month. Tuamu mentioned the Archipelagic Meeting of the two Samoas that was held in April 29 to May 1st. Representatives from independent Samoa's Environmental Department, SPC and SPREP participated in these meetings. The objective of the meeting was to form a unified and formal collaboration between the two Samoas.

A workshop was also held to identify potential areas of collaboration and a working document was developed listing activities and areas of collaboration with specific timelines. Tuamu said that DMWR also have other programs and he went on to explain the Boat-based fishery program. He reported that six alia(s) joined the local fishing fleet since the second quarter of FY08. Three of these six alia are new boats and the other three are old boats that have not participated in the fisheries for sometime. Two alia do trolling, four participate in bottomfishing and only one does longlining.

Tuamu then said that he will talk about the community-based fishery

management program when the meeting gets to Agenda item C. He then asked Council member William Sword to add onto the Island Report.

Sword thanked the chair and said that he will talk about the recreational fisheries. He said that an international tournament was held in April and ten boats participated, two were from Samoa. A total of 1,500 pounds of fish were landed and he then mentioned just the winners:

- Black marlin - 300 pounds (three smaller ones were released)
- Yellowfin - 160 pounds
- Mahi - 48 pounds
- Jack trevalley - 65 pounds
- Dogtooth tuna - 63 pounds
- Sailfish - 65 pounds

He said that this was a substantial landing with good-sized fish and also noted the following: A website (pagopagogamefish.com) has been established which contains more information (and his picture) on this tournament. Several boats went over to Samoa in May to participate in the Samoan Gamefishing International Tournament.

Sword then spoke about FADs and noted the following: Like FAD C that was mentioned by Alofa (Tuaumu) FADs continued to be lost due to longliners. Alias also attached their lines to FADs, and when lost FADs are recovered, their lines have been cut. This issue has been discussed several times but hasn't been resolved. He mentioned an incident where they received three reports of longline flags being within half a mile of the FADs just before FAD C was lost. It is costly to lose one of these FADs. He went on to mention the associated problem of sky rocketing gasoline prices.

Haleck thanked Tuaumu and Sword and continued with the Island Report. Haleck reported that a new market will be constructed soon which will have a fish market to help centralize the selling and buying of fish. He mentioned the establishment of the governor's Economic Advisory Council which has a subcommittee on fisheries, and that there were discussions on the quality of imported fish and the need to identify funds for local fishermen to build bigger boats. A report on these discussions will be available soon.

Haleck said that this was the end of the Island Report and asked for any questions. Haleck called on Martin.

Martin said that he has a couple of questions. He said that he heard that Star Kist has cut back on some of its community projects due to the wage increase and that he need to know if this was true.

Haleck replied that this was true but Star Kist is still hiring people from western Samoa while stating that they will be cutting some jobs and that the canneries operation may still be running well.

Martin then asked if there will be a Festival of the Arts in July. Haleck replied that the Tenth Festival of the Arts will start July 20th.

Haleck called on Duenas. Duenas directed his question to Bill. He asked about the issue with the American Samoa longliners and the ESA of the green sea turtles. He wanted to know if a stock assessment will be done on the green sea turtle as done in adjoining countries, to work with the BiOP.

Haleck called on Bill who noted that they have a few plans this year and who also noted the following:

It is important to know about the population in doing any BiOP. Genetic information indicated that one of the turtles was from a fairly healthy population and the other from the island population which is small but unknown. They have funded two cruises to collect green sea turtle samples from American Samoa, Rose Atoll and possibly Palmyra. This is to get more genetic samples in order to determine what population these incidental takes are coming from.

Duenas thanked Bill and Haleck asked for further questions and called on Palawski. Palawski said he just wanted to follow-up on what Bill said and that he would welcome any additional information on nesting areas and feeding grounds.

Haleck asked for further questions and then called on Duenas who said that he wanted to know if there was a training program to enable the crew to collect turtle samples. Haleck asked for further questions and hearing none said that the meeting will now move onto item 7. B. Enforcement Issues. He then asked Tuaumu to continue with the Island Report.

B. Enforcement Issues

Tuaumu reported that DMWR is continuing with its international shipping/flight monitoring, patrols and store inspections. He also noted the following: Eight warning citations were issued during this period. Of these, two were for hunting fruit bats, three for failure to submit dealers' records, and three for fishing without licenses. One citation was issued for selling ten undersized spiny lobsters. DMWR Enforcement personnel and the Community-based program have just completed a workshop to explain to MPA representatives the new regulations that have just been approved and are now legal. A three-month public comment period was implemented and the villages will again have an opportunity to review the new regulations and may opt amend their MPA plans.

DMWR had ordered a new boat with funds from OLE and is requesting the Coast Guard to recommend to the company building this boat to facilitate DMWR's boat ahead of its other scheduled orders. DMWR had collaborated with OLE on four cases this period, including two cases involving purse seiners and these were dangerous events. There were also cases at Rose Atoll and another in May 30th.

Tuaumu then requested that he be allowed to continue onto the agenda item, Community-based program but Haleck said that he needs to know if there were any more questions on the Enforcement Report before continuing.

Haleck noted the following: It is important for DMWR to receive said boat as soon as possible to perform its enforcement duties and to assist OLE. DMWR's community-based MPA program is very successful due to the collaborative work between DMWR, and the participating villages including various community sectors.

Haleck then called on Duenas who said that he has two quick questions. Duenas asked if ESA violators have to travel to Honolulu for a court hearing and if there is a federal court in American Samoa. Haleck replied that there is no federal court in American Samoa.

Duenas then noted that the violators then have to be transported to Hawaii in the absence of a federal court in American Samoa. He then asked if local violation go straight to the court or DMWR has a division to handle violations in-house.

Tuaumu replied that DMWR issue citations and then the case go to the local court system. Money from citations are deposited into a government General Fund and DMWR is currently trying to have these funds deposited into a special account so DMWR can access it and utilized it for its mandated duties.

Duenas then asked to be allowed one more question and then suggested that the Council assist DMWR (e.g. providing a letter of support) in getting the much needed surveillance boat as soon as possible. Tuaumu then thanked Duenas.

Haleck asked for further questions and hearing none said that the meeting would now move onto Agenda Item 7. C. American Samoa Community Issues, then he called on Fini Aitaoto.

C. American Samoa Community Issues

1. Update on Community-based Management Areas

Aitaoto explained that there was a report on this item in the briefing books and that the American Samoa Council members have covered all the important issues which included the federal minimum wage, the community-based program and its new regulations, and the Festival of the Pacific Arts. He then noted that the governor has proposed that Rose Atoll be designated as a monument but there has been no public hearing on this issue. He then said that these were the only (four) community issues that he wanted to discuss.

Haleck then asked for questions and hearing none he said the meeting will now move onto to 7. A. 1. Update on Community-based Management Areas and called on Tuaumu.

2. Other Issues

Update on Community-based Management Program:

Tuaumu noted that there were no additional villages in this program but there have been about seven to eight villages requesting participation in this program. He then explained: The DMWR Community-based program is under-staffed and is continuing its biological monitoring surveys. The program has just completed a survey for *Aoa* and *Alofau* and is doing outreach programs in the villages. At the end of the recent workshop by the community-based program, two MPA representatives (village mayor and a village police), were deputized to assist in enforcing MPA regulations within villages. Tuaumu said that this was the end of his report and Haleck thanked Tuaumu and then asked for further questions.

Duerr said that he has one comment and that was the cancellation of free bus service for Star Kist night shift workers. He wanted to know if this was an economic move. Sword replied, yes. Duerr then noted that the governor has requested the cancellation of the 50 cents an hour increase and one possible solution to this issue is to start charging for bus service which will ensure the money stays in the economy. Duerr also said: If you give everybody who doesn't drive a car, you give them bus service; you pay for that service so that you could have it for about four dollars a day per person, and it stays in the economy.

Haleck thanked Duerr and asked for further questions and hearing none he moved on to Agenda Item 7. C 2. Haleck then explained that the meeting has already covered that issue and should move onto 7. D. PIRO Habitat Initiatives.

D. PIRO Habitat Initiatives

Haleck then called on Everson but Martin noted that he had covered that item previously. Haleck then announced that the next item would be 7. E. Educational and Outreach Initiatives, and he then called on Fini Aitaoto.

E. Education and Outreach Initiatives

Aitaoto reminded the participants that there was a report on this item in the briefing books. He also noted the following: The Council has been assisting nonprofit organizations with their grants. A previous recommendation from the 138th Council meeting suggested having advertisements in the local newspapers promoting the sustainable use and importance of the marine resources, but the DMWR Director has recommended that the Council should instead sponsor a coastal cleanup during the week of the Arts Festival.

DMWR is also planning to hire a Coral Reef Manager for its no-take MPA program. The Council has funded the position of Coral Reef Manager within DMWR, last year, and will be hiring a new person soon. The Council has also been providing educational materials for schools and visitors to DMWR. DMWR has continued its

outreach and television programs not only on Tutuila but also in the Manua Islands. He noted that this will be the first time the Council has sponsored a summer course for local students which will start the following Monday and that he will be assisting with this course. This ended his report. Haleck thanked Aitaoto and asked for questions. Haleck then called on Duenas.

Duenas wanted to know how far out is the monument. Haleck then called on Palawski who said that it would go out to 12 miles. Haleck asked for further questions and called on Martin. Martin said that his question is directed to either Bill Robinson or Bill Gibbons-Fly. Martin said that his understanding was that there were four different companies that are interested in buying Star Kist and that there's a press for an exemption to the manning requirements, maybe of boats that are owned or affiliated with the cannery, similar to the exemption for the boats that are more recently built under the new revitalizing program for the U.S. Martin noted the following: The manning requirements, to his understanding, are that the new boats that are joint venture or partnered with Taiwanese entities, are required to have a U.S Master and maybe that was the only requirement for U.S citizenship aboard the vessel.

Gibbons-Fly then replied that he doesn't know anything about that transaction and that private discussions are taking place amongst the interested parties. He then noted the following: He was confident that conditions established as part of a commercial transaction would not preempt any aspects of U.S. law and so the U.S. law would continue to apply. Whatever vessels with manning requirements, the manning requirements, those would apply absent some change in legislation. Entities interested in buying Star Kist maybe interested in the exemption but there's probably no mechanism for overriding U.S. law through commercial or private section transactions.

Martin then said that he didn't understand the exemption for the other fleet. He didn't understand if it was vetted through the Coast Guard to allow that exemption to happen or through legislation. He was wondering if there were requests through government agencies or if this was how the other exemption was issued.

Gibbons-Fly replied that he was not aware of any such request.

Haleck then called on Commander Young. Commander Young thanked the chair and explained that there was a requirement of a U.S. citizen for a Master and engineer but the current requirement is only for a U.S. master aboard. Martin then asked if the change was made through legislation or any other process. Commander Young replied that he will find out and get back to the Council but he thinks it may have been through legislation.

Cole said it was a legislative change and it changed the Coast Guard enforcement regulations, so it was Congress that made the change. Martin then asked if this change was specific to a specific fleet or a group of vessels. Commander Young replied that he would find out but believed it was specific to vessels home ported in American Samoa.

Haleck then called on Duenas. Duenas then asked Bill Robinson and Bill Gibbons-Fly that since the Koreans are now joining the picture and may become part of the U.S. fleet, would a switch of say five of their boats, to be U.S. flagged increase or diminish their capacity. He said that Dongwon Enterprises Co. Ltd with its large purse seine fleet is interested in buying Star Kist and may need to reflag their fleet which is home ported in Guam.

Gibbons-Fly replied that he didn't have all the answers but he understood that the question which the foreign fleets are interested in is what the qualifications for vessels to operate under our Tuna Treaty are. He then explained the following: that the qualifications included: that they be U.S. flagged, U.S. owned and U.S. operated. The State Department and other organizations here don't have a say in what the qualifications are for getting a vessel under a U.S. flag, and that was primary MARAB. The requirements for operating after getting a U.S. flag are pretty strict. He stressed that we are not a flag of convenience nation, and that we (U.S.) don't license vessels to flag the U.S. flag based on flimsy and shallow evidence. The requirements are strict and once a vessel meets these requirements, other organizations, not us, are responsible to make sure these vessels have met the requirements of the U.S. flag. He was confident that NOAA, Coast Guard and MARAB have implemented the U.S. law rigorously. Gibbons-Fly continued to say that when vessels approach PIRO with a request to operate under the Tuna Treaty and have all the documentations, they can get a license. He estimated the current number is about 20 but could increase to about 30 to 35 by the end of this year, through the new efforts to revitalize the U.S. tuna purse seine fleet. If there are remaining licenses, vessels that are U.S. owned, U.S. documented and U.S. operated may apply for these. Haleck then called on Bill Robinson.

Robinson added that they were fairly strict on these requirements and that PIRO doesn't honor temporary documentation or documentation on interim basis but full documentation when submitting a license to the FFA, for a vessel to be U.S. flagged.

Haleck then called on Gaffney who asked if MARAB cannot be used to move a vessel from foreign flag into fisheries documentation.

Robinson replied that he didn't know the rules but there have been U.S. flagged vessels moved to foreign flagged, and those same vessels coming back to U.S. flagged.

Gibbons-Fly noted that one of the requirements in getting U.S. flagged is that a vessel be at a minimum 51 percent owned by a U.S. citizen, so foreign-owned vessels, fishing vessels cannot fly, by definition, a U.S. flag.

Haleck then called on Commander Young who said that the Coast Guard National Vessel Documentation Center is the one that reviews all these documents and will issue that Certificate of Documentation. So they do a review of the necessary documents that will allow a vessel to be flagged.

Duenas noted that there are four Korean Nationals who have become U.S.

citizens and are planning to expand purse seine operations on Guam and that he has shared this information with Bill via email. He is worried that a new legislation will allow foreign-built bottom hulls and that the reduction in the required number of U.S. nationals aboard will continue to make us a flag of convenience. He was concerned about the impact of this and that the Don Juan company may buy Star Kist and then move its five-vessel fleet to Samoa. Duenas then asked if Korean vessels bought by American companies, be replaceable in the Korean fleet since this scenario doesn't make sense regarding conservation.

Haleck then called on Bill Robinson who noted that it was his understanding that all the purse seine countries that complied with the 1999 resolution had volunteered not to increase in capacity and therefore any increase beyond that 1999 agreement violated the 1999 resolution.

Gibbons-Fly said that he agreed and would also add the following: In addition to the capacity agreements under the WCPFC, the primary limits on the fishing capacity in the Western and Central Pacific are based on the number of licenses that will be issued by FFA states that fish in waters under their jurisdictions. It's very difficult and may be impossible for a vessel to operate economically in the Central and Western Pacific without being able to operate in the waters under FFA. He was hoping to have conversations with the parties involved. The current operational program is called a Vessel Day Scheme where they limit the number of fishing days. Gibbons-Fly's opinion was that there is a total limit on the number of vessels that operate in the Pacific, even though it's a Vessel Day Scheme, it will essentially limit the number of vessels that operate. He also stressed that vessels fishing under the U.S. flag are under many regulations, require many documentations, monitored and under surveillance at a higher level than any other fleet in the region. Even though this is hard on the U.S. flagged fleet, this is good for the management of the tuna resources which benefits all the Pacific.

Haleck then asked for questions and hearing none he added that American Samoa is concerned about the additional purse seine fleet coming out of China, which are foreign-built hulls and that he realized that the American Samoa congressman intended to assist the local canneries. Unfortunately, Haleck has learned that these foreign-built hull vessels won't even come into port for fuel and supplies and therefore would not benefit American Samoa, after they utilized American Samoa's EEZ. He was concerned about the impact these vessels will have on the local resources and the by-catch species that are also targeted by the local fishermen.

Haleck also noted that there has been no public information provided to the public about the proposal to designate Rose Atoll as a monument and therefore requests Fish and Wildlife to ensure there is a process for public input. He then asked for comments and further questions and hearing none he moved onto SSC Recommendations and called on Callaghan.

F. SSC Recommendations

Callaghan said that the SSC had no comments or recommendations regarding American Samoa Archipelago.

Haleck thanked Callaghan then turned the meeting over to Martin.

G. Public Comment

Martin asked for public comments related to American Samoa Archipelago and hearing none he moved onto 7 H. Council Discussion and Action and then called on Sword.

H. Council Discussion and Action

Sword noted that the Congressman initially intended to help the local canneries in light of the minimum wage increases. However, what is happening is not what he intended and so he proposed that the Council write a letter to the American Samoa Congressman explaining the problems with purse seining, the overfishing of bigeye and the homeport issue where these purse seiners are not required to enter Pago Pago port for refueling and provisioning. Martin then asked if he would like to put his request in the form of a motion.

Sword said that a letter is needed to be written to the Congressman explaining the problems with the legislation, especially in light of the bigeye tuna overfishing and the fact that the homeport does not require them to enter Pago harbor and that the history in the last four months indicated that it will not be to American Samoa's benefit, to the canneries or any part of the economy. Haleck seconded the motion.

Martin said that there was a motion and has been seconded but he was not sure that the motion has the language nailed down and so he suggested that the maker of the motion work with Council staff to refine the language.

Haleck then asked Martin if he would like to work on the language of the motion or prepare it and bring it up the next day.

Kitty Simonds then explained that this was just an extension of an action introduced the day before because the action was to inform the appropriate committee and so Sword was just adding to the motion.

Martin asked for further questions and then called on CDR Young. CDR Young explained that he would like to respond to Simond's question the previous day, in regards to the bill, Section 421, House Resolution 2830. He noted the following: The Coast Guard Re-authorization Act for 2008 as it was submitted by the Administration, and that is part of the original submission, that part was not included in there. So some time after the Administration submitted that to Congress for review, edits, whatever they would like to add to it, that piece wasn't there. So as far as the Coast Guard being a part of that, that wasn't a Coast Guard addition to the Coast Guard Re-authorization Act. He couldn't

comment on why the Re-authorization Act was used as the vehicle for this legislation but wasn't initiated by the Coast Guard and that this legislation was more of a documentation issue.

Martin thanked the Commander then called on Robinson.

Robinson said that he wanted to expand on his answer to Gaffney's question about the principal target species for purse seiners in the Western and Central Pacific. He indicated the high prices of skipjack in terms of volume, but opportunistically they seek out yellowfin as well and so it's a skipjack and yellowfin fishery.

Martin thanked Robinson and asked for additional questions and any other business for American Samoa. Hearing none, he said that this concludes Agenda Item 7. The meeting was then adjourned for lunch.

8. Hawaii Archipelago and PRIA

A. Moku Pepa

1. 2008 Sustainable Fisheries Leadership Award

Martin called the 142nd Council meeting back in session and introduced Fred Duerr to chair Agenda Item 8, Hawaii Archipelago and the PRIAs.

Duerr, Vice Chair from Hawaii, asked for the Moku Pepa, report from members from Hawaii. Duerr called on Young for his report which Young replied he had none.

Gaffney reported on a couple items from Kona. The sportsfishing season continues to be very unpredictable with fish normally seen early in the not appearing. Striped marlin, in particular, and shortbill spearfish, which normally arrive in the first quarter of the year didn't show as scheduled and then appeared late in big numbers. Pacific blue marlin fishing has been steady all year. Ahi are coming in on time, although Kona typically has ahi all season, which is surprising.

Gaffney reported there was a funeral for Captain George Parker last month. Captain Parker was the father of sportsfishing in Kona. He caught the first blue marlin over 1,000 pounds. Although, at the time the International Gamefishing Association said that there were no blue marlin in the Pacific, through Captain Parker's efforts it was confirmed that blue marlin were indeed found in Hawaii and the Pacific.

The Hawaii International Billfish Tournament will be held in August and travelers should make their arrangement early as flight availability is tight.

Duerr asked if the water temperature in Kona, was normal this year. Gaffney said he didn't know.

Gaffney added that some big FADs, which look like they originated from purse seine vessels, came into Kona this year and brought a lot of fish with them. One charter

boat had 38 mahimahi one day in the morning. Went out again, and got another 27.

Duerr asked Thielen for their Moku Pepa. Thielen introduced Dan Polhemus to start the report. During the first part of the year there was rather unfavorable and severe weather for fishing. It was windy and rainy, low fishing effort along nearshore and offshore areas of the islands. That changed starting in late February, into March, where there was actually very nice, glassy weather. As a result, the bottomfish landings spiked considerably during that period. There was not much baitfish observed during the first quarter. Schools of small sardines were sparse and they quickly disappeared. That could have an effect on subsequent recruitment of predacious pelagic species. We'll just have to see.

In terms of the Papahānaumokuākea Marine National Monument, as Athline Clark reported yesterday, was selected as one of the first two sites to be put forward by the United States to the UNESCO World Heritage Committee as a World Heritage Nomination. This is the first time in over 15 years that the U.S. will be developing nomination packages.

Development of minimum size and bag limits for coastal nearshore species in Hawaii continues the pace within the Division of Aquatic Resources. DAR staff recently had a two-day workshop to reach consensus on where staff felt they would like to have the default recommendations for discussion.

DAR will now take these out within the next couple of months after they consult with enforcement. The proposal will then be taken out to public scoping probably sometime later in the summer. The intent is to potentially tailor these on an island-by-island basis because the habitats vary between islands and, therefore, the densities and abundances of species vary on an island-by-island basis.

In terms of FADs, between February and May, activity was moderate. There were three missing FADs that were replaced, five that were reported missing. Light maintenance was performed on one other and one FAD was recovered.

In terms of Local Action Strategies under the Coral Program, these are all moving forward. Hawaii has been somewhat more advanced in its development of its LAS than some of the other jurisdictions simply because of the fact that there is a better base of capacity when that particular management option was created by the Coral Program.

This is the International Year of the Reef. Hawaii's participation was launched on January 25th at the Capitol Building with a Proclamation signing by Governor Linda Lingle. Sixty organizations from across the State participated in the event held at the State Capitol on the fourth floor. Over 300 people attended this event.

In terms of noncommercial recreational activities, the HMRFS Program, which collects recreational data under the National MRFSS Program, continues to generate recreational data. From February 2008 to April 2008 approximately 600 angler intercepts

were completed.

Regarding subsistence recreational fishing, there was relatively little fishing effort by anglers, as I noted, during the first couple months of the year. Tagging efforts for February and March were average in our Ulua Tagging Program.

Small schools of juvenile omilu, which is bluefin trevally in the six to seven inch range fork length, were observed in some harbor areas.

In February, a school of dobe, the cottonmouth jack, appeared in the Waianae Boat Harbor and fishermen reported catching one to two-pound sized papio classed dobe. Those are the young ones. It was reported that one fisherman filled a five-gallon bucket full of dobe papio. This run was reported to have lasted about 12 days.

During this same period a tagged dobe originally tagged at Hickam on the south shore of Oahu was recovered in Kaneohe Bay. Thereby showing that these things will at least circle the island. Juvenile white ulua in the 15-to-20-pound sized class were reported being caught around the nearshore areas. This would be consistent with a run of juvenile white papio in 2003 when we saw a huge recruit class and many juvenile white papio, which were tagged in that year. If conditions have been optimal, the papio that were tagged in 2003 would have grown to 20-pound size according to the charts generated off of the papio/ulua tagging project.

Stock enhancement activities continue to pace at Anuenue and working primarily with moi and kumu, kumu is a goatfish.

Regarding the Commercial Marine Licensing system, DAR has contracted with ehawaii.gov to complete a web portal project to develop a public online Commercial Marine Licensing system. A mock prototype system that covers the specs for the public to issue a new license, renew a license, add a new license type is nearly done. The last step is to develop the back office administrative batch processing functions to accept or reject the application transactions. This should be completed within the next six to eight weeks, followed by a soft rollout to test the system. The target is to have the whole Commercial Marine License system online by September or October of this year.

Progress is also being made with the same vendor on another web portal project to develop an online system for licensed commercial fishers to submit their commercial catch reports online. This is something that people have been wanting for a long time. Staff are in the process of reviewing drafts of the initial specifications for the system. After that's finalized next month, subsequent work phases include source code development and testing of the app. If everything works without too many complications, the roll out of the new system should occur by the end of 2008.

The State, in terms of aquatic invasive species, has a team -- the AIS Team, working on invasive algae control in Mauanalua Bay. In particular, the Team is clearing large plots of an invasive algae, *Avrainvillea amadelpha*, to see if the faster-growing

native seagrass called *Halophila hawaiiiana* can grow into the newly cleared patches and thus displace *Avrainvillea*.

Finally, one of our staff associated with the Ulua Tagging Program, and that's Clayward Tam, was recently in Washington where he won the 2008 Sustainable Fisheries Leadership Award. Tam's research provided fishery scientists and managers with critical life history information on growth rates and movement that was previously unknown or poorly understood. Results from this project will give the first comprehensive estimates of natural and fishing mortalities for ulua in Hawaii's coastal zone. We also intend to incorporate that data into a stock assessment for this species. So we congratulate Clay on a job well done.

Duenas commented on the Hawaii report from Thielen and Polhemus by applauding the efforts done by Clay and his group.

B. Enforcement Issues

Thielen reported on three areas where DLNR is moving forward on enforcement. The first, which Dan talked about the online registration for the commercial marine fishing reports, the Department is not set up right now to provide online fishing reports. They must go through a fairly extensive administrative process.

The legislature gave DLNR statutory authority a couple of years ago to set up a civil penalty system, which is kind of a streamlined system. It's similar to how the courts decriminalized traffic tickets so that you can manage these types of cases in a more efficient way and process more of them.

So as the Division of Aquatic Resources starts to move towards online reporting, they would like to simultaneously roll out a civil system where they can give people an incentive, some type of reduction in their annual license fee if they file all of their reports for the year in a timely manner, but also be able to process the lack of reporting in a timely basis through the civil system to increase the compliance with the reporting.

In addition to that, DLNR is also looking to work more closely with the Enforcement Division when doing administrative rulemaking. DAR right now has done some internal work on some proposed rules and ideas for fishing in State waters, and they are now, before taking it out for public information hearings, having the Aquatic staff meeting with the Enforcement staff at the Branch Manager level.

The last thing was that DOCARE is going through a strategic planning process. They are outlining a two-day retreat that will held in September.

Right now, a survey is going out to all of the DOCARE Officers, all of the Branch Managers and Administrators in the Department, a number of community organizations and policymakers and Federal partners, as well, to identify the priorities for the Conservation and Resource Enforcement for our State and how we can better move

forward to do a more effective job around enforcement.

C. Hawaii Community Issues

1. Aha Ki'ole Advisory Committee

Fred Duerr called on Charles Kapua to report on the Aha Ki'ole. Kapua introduced himself and explained how through Act 212 he was appointed, with eight others, to the position of Aha Ki'ole of O'ahu. He explained that the purpose of this act, to initiate the process to create a system of best practices that is based upon the indigenous resource management practice of moku boundaries which acknowledges the natural contours of the land, the specific resources located within those areas and the methodology necessary to sustain resources in the community. Per the Act 212 Governor Lingle established the Aha Ki'ole Advisory Committee from a list of nominees submitted by the Association of Hawaiian Civic Clubs. This committee consists of eight members who represent the eight Main Hawaiian Islands. The eight members are mandated to advise the Hawaii State Legislature in carrying on the purpose of this act.

The Aha Moku Council system will foster the understanding and practices, practical use of knowledge, including Native Hawaiian methodology and expertise to ensure responsible stewardship and awareness of the interconnectedness of the clouds, the forests, the valleys, the land, streams, ponds and the sea. The Council system will include the use of community expertise and establish programs and projects to improve communications, education, provide training on stewardship issues throughout the region and increase education.

The Aha Ki'ole Advisory Committee, between December 2007 to June 2008, conducted or participated in 61 meetings to get the word out, educate the public. We conducted and got together three Aha Ki'ole Meetings, which means the eight members and the chairman came together, all at our own expense. We haven't had any funding released by the legislature or the Governor yet. The State has not released the \$110,000 earmarked in the legislation for this committee. There was appropriated out of the General fund \$110,000. The same sum, or as much thereof as deemed necessary for the fiscal year 2008 to 2009 for administrative costs related to carrying out duties of the Aha Ki'ole Advisory Committee and for allowing each of the 37 mokus statewide to actively participate and engage in discussion on the creation of the Aha Moku Council system.

But the important portion that I'd like to say is that they've requested us to do our work. They've requested us to meet benchmarks, and we've met them. We do the work, but no funding. So my only plea is we are spending our own money -- and on a personal basis, I've spent over \$1700 of my own money. So how can we achieve success if they tell us to go out and then do the job and there's nothing there for us to work with except our own money. As I stand here, I'm prepared to go out to another meeting tonight at 7 o'clock. How many of the public or how many of you would do the work without any money. That's my question. How can we be successful. The legislature asked for that. The Governor signed the bill. They all said they have the money. But we haven't seen anything yet. Kapua thanked the Council for the opportunity to report.

Duerr recognized Thielen. Thielen commented that DLNR did have a meeting of the Aha Kiole Council. What was explained was that when the legislature passed this bill a couple of years ago, normally they work with nonprofit organizations through a process that's called Grants-in-Aid and that Grant and Aid is released in lump sum to the organization. In this case, I don't know why because I wasn't with the Department of Land and Natural Resources at the time, but when the bill passed a couple of years ago the money came through our Department and we received a request from the folks in the Council for expending it primarily for salary. And, because it came to our Department it has to comply with the procurement code requirements. So we had to go through the State Procurement Officer to find out what was required to release the funding, what purposes it could be released for, because it was being managed very -- or, you know, had to follow a different procedure than the normal Grant-in-Aid. After we worked with the Council at great length about what was permissible and not permissible under the way the monies were being funneled by the legislature, enough time had passed that our Council on Revenues had downgraded the revenue projections to such a degree that we were notified that the funds were not going to be released. At that point, we notified the Aha Kiole Council that our Department would find funding to cover any out-of-pocket expenses up-to-date, but not any future expenses. Our legislative budget was cut by almost over four percent this last legislative session. Our Parks budget was cut almost 20 percent. Our Administrative budget was cut almost 20 percent. So, we've had to make adjustments inside the Department to be able to deal with those revenue losses. I understand that the reimbursements haven't gone through, but part of that is because, again, we have to follow the State procurement process and we cannot release funds without documented receipts. We've tried to work with the Council members to explain this from the beginning.

I think because it's a process they're not familiar with, and it's a very complicated process with checks and balances to make sure that public funds are only expended appropriately, it's been difficult for them as a citizen organization to follow that, and I can sympathize with them. So we'll continue to work with them on processing the reimbursements for which they are out-of-pocket. But, unfortunately, we don't have the funding to provide to them and the legislative appropriations made under very different revenue projections two years ago.

Duerr recognized Sablan. Sablan commented that if he was out of order, please get him back in place. He asked Kapua because we are going through with a marine monument in the CNMI, I wanted you to tell me your own opinion today what you think of the Northwestern Hawaiian Islands National Monument. Kapua answered that, personally, the Monument they made is wrong and an error for the people and the people born and raised in Hawaii, simply because that's where they had their livelihood from. Sablan thanked Kapua for his response.

Duerr commented that that it's sad in government -- in all government -- when promises are made and you are asked to do something and you do it, and then it isn't funded. If you make promises, we ought to set the money aside to cover those promises.

In this case, unfortunately, the economy is slowing down in the state and now the money is not there to take care of the promises that were made to this organization.

Kapua replied that the only question to the State Government is, they signed the bill and put this together in October, why did it take six months for them to tell us how we should act to get the money. The fault is not ours for not knowing how to get the money. The fault is to the State and whoever is managing that for our Committee because if they knew that we had to get certain things done, we had to jump over hurdles and go down through loops, then they should have explained that. We're coming off the street and we don't know the rules, and they take six months to do that, that's why we don't have any money, because they didn't bring us up to date what should have been done.

Thielen responded that to correct that record, the Division has had personnel meetings with the Aha Kiole Council from the beginning to explain the difficulties of this process, what the rules are that they had to follow, why those rules are in place. We have forwarded requests, shared copies with them, to the Procurement Office, to others in the State, explained to them that the budget requests that they were making to the State was highly unusual to be putting a significant portion of this budget towards the salary of an individual and the process that we had to go through in order to get permission to determine whether that was correct or not. So we have been working with the organization. The delay took place because we had to go through the procurement process and the type of budget that was developed by the organization. But we've spent a significant amount of time, not with you, Chairman, but I think with the people that you had in the organization who were managing it. So maybe there was a delay in them getting the information to you. But our Department has been working with the Council this whole time.

Duerr thanked Kapua and the Council members and asked for any more questions and comments hearing none he called for item 8.C.2. Hawaii Ocean Resource Management Plan Update, Marnie Meyer. Meyer reported to the Council.

2. Hawaii Ocean Resources Management Plan (ORMP) Update

Marnie Meyer, Office of Planning Coastal Management Program gave an update on Hawaii's Ocean Resources Management Plan.

First, I've been told that you are all familiar with the Ocean Resources Management Plan, the ORMP, but I'm going to give a brief background on what the long-term vision of the ORMP is, and then I'm going to focus on how we've been implementing the plan, how we've been fostering community stewardship to further develop the plan and what our next steps are.

The ORMP is a statewide management plan mandated by Chapter 205(a) of the Hawaii Revised Statutes. The Office of Planning Coastal Zone Management Plan is mandated to keep the plan updated every five years and coordinate the implementation of

it. The geographic reach of the ORMP encompasses the entire state, including the Main and Northwestern Hawaiian Islands. The long-term vision of the ORMP is to move away from the sector-based resource management that we currently have in place to a more integrated approach to ocean resources management.

Building on Native Hawaiian ecosystem management principles--The ORMP relies on community and private sector involvement. It promotes an adaptive learning approach with demonstration projects and phased implementation. It allocates agency investment and time through an implementation schedule through the year 2030 and emphasizes interagency collaboration.

The ORMP is based on three perspectives:

- Perspective 1, connects land and sea. It recognizes that everything we do on land affects the health of our ocean and our ocean resources.
- Perspective 2 focuses on preserving our ocean heritage.
- Perspective 3 promotes collaboration and stewardship between government and community groups.

Last summer in order to implement the plan we -- the Office of Planning Coastal Zone Management Plan established two groups, a policy group and a working group. The policy group meets twice a year. They're made up of agency and partner director-level people.

The working group is the staff members. We meet once a month and really, this is really where the implementation work gets done. The working group has made progress since last year when we were first established. So far to date, we've identified our implementation priorities through the Year 2009. Those include result indicators on how we're going to implement the plan. We've written work plans for how we're going to implement the strategic actions. We've formed an information exchange among the working group members. So we offer reports or data to other members so that we can work together and streamline our work.

Lastly, there's definitely been a change in attitude from last year when we first established the groups. People come to the meetings every month now. They're excited about the plan. They buy into the plan a lot more and actually want to see this management plan implemented and moved forward. Through the development of our work plan, some priorities stood out to the group. But the majority of the agencies in the working group want to implement in the next two years.

Those implementation priorities include:

- Erosion and coastal hazard mitigation.
- Public access and appropriate coastal development.
- Improving water quality by reducing land-based pollution.
- Implementing watershed plans, TMDLs and Local Action Strategies that offer best practices.
- Expanding agency collaboration for watershed management.

To further develop the ORMP we'll be conducting demonstration projects that demonstrate how we're moving Hawaii towards this new vision of integrated resource management based on place, culture and community approaches. The working group has also identified alternative ocean energy as a future priority that they would like to include in future work plans. Also, on the path of further developing the ORMP, the CZM Program has taken up an initiative to implement Perspective 3, which is promoting collaboration and stewardship by asking community groups' two questions:

- The first question is, what can the State do to better support community stewardship efforts.
- The second question is, what changes the State should adopt to move forward natural and cultural resource management.

We've asked these two questions through an online survey and a one-day workshop that we held for community stewardship groups. Through the survey and the workshop we produced a Community Stewardship Report and a Community Stewardship Directory. The Community Stewardship Directory was really meant to foster collaboration and partnerships between community stewardship groups, give them a place to contact each other and network and share projects and lessons learned. The directory is available on the CZM website. As new stewardship groups want to be added to the directory, we'll be updating the directory as needed.

Part of the work of the working group was to identify next steps to present to the policy group, and we got their endorsement in April of this year to move forward. So the next steps that the working group have identified are:

- One, to streamline implementation, really look at through our work plans, this is how each of us are implementing the ORMP, where can we work together and reduce -- to better streamline implementation and help each other out so we're not doing more work than we have to.
- The second next step is to develop a public outreach strategy. The working group views that as a very important next step because we want -- the members want to go out and show the ORMP with their programs with their community groups and in their meetings. So we'll be developing an outreach strategy very shortly.

We're going to be reassessing our resources after this last legislative session and, possibly, developing proposals for the 2009 session to encourage ORMP implementation and to help us with some of those strategic actions. We need to look at cross-sector collaboration. We might develop institutional arrangements to make implementation easier. We want to address global climate change and other future priorities that are important to the State of Hawaii. The group also wants to look at exploring options for strengthening participation. Right now, in the last year, the working group has been made up of mostly groups that have responsibility to implement the actions, but we want to extend participation to other partners. Of course, we'll be periodically reporting and adjusting strategic actions as needed based on monitoring.

We want to continue to foster community stewardship. So one example of that is

we're going to be building on the directory and welcome more groups to join the directory. So all of this, the directory, the stewardship report, all of the reports, as well as future reports and updates on ORMP implementation, will be posted on the CZM website.

Meyer thanked the Council for the opportunity to report on the Ocean Resources Management Plan implementation.

Duerr thanked Meyer and called for any questions or comments. He recognized Sablan. Sablan asked if the OP was a State or Federal agency. Meyer replied that they were a State agency. Sablan noted that one of the pictures she had was of a blue lined snapper, taape, an introduced and possibly undesired invasive species and asked if there was a plan to work on this. Meyer replied: yes, we definitely don't want to promote invasive piece. The ORMP does have actions in there to reduce alien species into our waters, which is part of the ORMP, to address that problem.

Duerr recognized Tuaumu. Tuaumu commented that since the plan has evolved by other agencies, who is going to fund the implementation of the plan.

Meyer responded: The CZM Program did offer some discretionary funds for ORMP implementation in this last year. We are funding five projects. Those projects had to specifically implement ORMP actions, and they had to prove that they were community and government partnerships, which is what Perspective 3 is all about. We can't say that we'll always have money to implement the ORMP, but the strategic actions in the ORMP were developed by the State agencies when the plan was updated, that the State agencies had opportunities to provide strategic actions and programs and projects that they need to implement through their programs. So I don't think that most of the actions are new and surprising to the agencies. They should be part of our work plans to implement.

Duerr recognized Duenas. Duenas asked: You heard the presentation prior to yours, the Aha Kiole group. Is there any way to incorporate this group into your group? Here you have a Native Hawaiian group established by the government, but I don't see their name in this plan. I don't see their partnership. I'm hoping that some day they can be included. You know, a lot of government agencies up there. I don't know if there are any other indigenous culture multi-government agencies. I'm hoping that maybe you can assist them in getting some funding to work together in developing this plan, because I think you folks are going the same direction, but different names. I'm just offering a suggestion.

Meyer thanked Duenas for his comment and replied: I agree that we have a lot of similar goals. We do have on the working plan right now OHA, the Marine and Coastal Zone Advocacy Council and the Association Hawaiian Civic Clubs. The working group does want to focus now on expanding working group membership to other groups in the community, and they actually really want to make sure that we implement this plan from the ground up working with the community. So that is on our agenda for next steps.

Duerr thanked Meyer for her presentation and called for any other issues for the Hawai'i community section. There were none.

3. NWHI Monument Plan

4. Other issues

Ms Athline Clark greeted the Council and began her presentation. She is the State Co-manager of the Papahānaumokuākea Marine National Monument.

The Monument is three-quarters of the State of Hawaii. It has some of the richest cultural, natural and historic resources within the archipelago. The Monument is part of one of the world's most remote archipelagoes, over 2500 miles from the nearest continental land mass. It is one of the three largest Marine Protected Areas in the world, all of which are in the Pacific. The Island Nation of Kiribati just recently set aside the Phoenix Islands Protected Area, which is now the largest. Papahānaumokuākea Monument is nearly 140,000 square miles in area. It's larger than all of our national parks combined. The island waters sustain nearly 100 percent of the critically endangered Hawaiian monk seal and nesting ground for over 90 percent of all green sea turtles in the entire Hawaiian Archipelago. The waters in the Monument are home to thousands of unique species, at least one-quarter of which are found only in Hawaii. The Monument's tiny specks of land host an abundance of life, from unique plant communities to nesting areas for over 14 million seabirds of 21 species.

In Native Hawaiian traditions, the Northwestern Hawaiian Islands are considered a sacred place, a region of primordial darkness from which life springs and spirits return after death. Oral and written histories, genealogies, song and dance, archeological resources all recount travels of our sea-faring ancestors between the Northwestern Hawaiian Islands and the Main Hawaiian Islands and other points within the Pacific.

The Northwestern Hawaiian Islands has also been an important location for more recent seafarers. Shipwrecks are scattered throughout the waters of the Monument, many from the whaling ships that came to Hawaii for supplies.

Midway Atoll is the site of not only historic battle during World War II 66 years ago, but also played a role in launching worldwide communication. The Commercial Pacific Cable Company station at Midway was the last connection of networks that carried the first around-the-world message from President Theodore Roosevelt in July 4th, 1903.

Over the last two years, because on June 15th, 2006 Papahānaumokuākea Marine National Monument was two years old, we have collectively developed the unified permitting process. The monument:

- opened Midway Atoll for visitation as a window on the Monument,
- coordinated the Hawaiian naming of the Monument,

- conducted important management-driven natural, cultural and historic research and monitoring,
- removed invasive species on land, such as *Verbesina* at Midway, also called the Golden Crown Beard,
- hauled out harmful marine debris, the U.S. Coast Guard just returned on June 6th with more than 28 tons of marine debris collected from just two of the island reef areas at Maro and Midway,
- implemented systems to monitor and manage both domestic and international traffic,
- the U.S. Coast Guard and NOAA Fisheries Office of Law Enforcement have taken swift action on alleged fishing violations resulting in three cases with charges assessed of over \$100,000 in fines, combined,
- restored native habitats of native species,
- Published regulations,
- Conducted numerous outreach and education programs,
- Is developing a nomination package for World Heritage Designation,
- Is holding public meetings for the Draft Monument Management Plan, CDs are available.

Proclamation 8031 not only established the Monument, but also laid the framework for the completion of a Monument Management Plan. When the plan is final, this plan will act as a road map to help the management of the Monument for the next 15 years. We are here before you today to give you information about this Draft Management Plan and also to provide to you information on how you can continue to provide comment if you are interested in it.

The Monument is managed by a series of different boards. It is an example of what the Federal agencies call cooperative conservation, where the Federal and State agencies and other organizations, such as the Office of Hawaiian Affairs, work together to coordinate, manage and monitor while continuing to carry out the policies and statutory mandates of the various agencies.

At the local level, there's a seven-member Monument Management Board that carries out the day-to-day management functions of the Monument. Public involvement in the development of the Draft Management Plan in the creation of the Monument has been extensive and has played a vital role in shaping the future of the Northwestern Hawaiian Islands. Public comments for our agencies have collectively been received over the last ten years and were definitely considered in the development of the Draft Management Plan. The public comment period started in the 1990s and continues today. To date, there are over 60,000 comments that have been received on different aspects of the management for the Monument. The management plan is a 15-year plan. The Management Board has worked for over 16 months to transform what was a Proposed National Marine Sanctuary Draft Plan into an inter-agency document that achieves the Monument's stated vision. That vision is, that the health, diversity and resources of the vast Northwestern Hawaiian Island ecosystem and the wildlife they support, unique in the world, be protected forever. The draft plan also meets all of the Agency's planning needs

while incorporating public input.

The Monument Management Plan was introduced in April 22nd this year. There are several components to it. In Volume 1, the draft plan is divided into three sections. In the first and second section is the background and the setting of the Monument, the resources and the management framework. In Section 3, the detailed information regarding management activities over the next 15 years, which were organized into 22 action plans.

Volume 2 includes an Environmental Assessment, which evaluates the likely environmental consequences of many of the activities that are proposed in the Draft Management Plan and also includes a Draft Cultural Impact Assessment, as required under state law.

Volume 3 contains several appendices to the Draft Management Plan. Some of these materials are reference tools, such as the reference to the Proclamation.

Others are other material that are also open for public comment and public review and include the Draft to Midway Visitor Services Plan, the Refuge Compatibility Determinations and the Permit Notification Policy.

Volume 4 contains a Draft Midway Atoll Wildlife Refuge Conceptual Site Plan, which is integral to the development of the Midway Visitors Services Plan.

There are six priority management needs. The draft plan is an issue-based plan to focus on efforts and resources on management issues as opposed to specific program. The Sanctuary Draft Plan was carried over into the Draft Monument Management Plan. It meets comprehensive conservation planning requirements from the Fish and Wildlife Service and covers both marine and terrestrial ecosystems of the Northwestern Hawaiian Islands. These issues or priority management needs form the structure for the desired outcomes and strategies and activities within the 22 action plans that are included in the draft. In turn, these priority management needs support the identified goals that includes both mission and vision of the Monument.

The priority management need, understanding and interpreting the Northwestern Hawaiian Islands, describes the efforts to expand our knowledge, particularly of the marine cultural and historic resources, necessary to effectively manage and care for this place.

Several of the activities throughout the Draft Management Plan call for the development of more detailed step-down plans. The Natural Resources Science Plan is one of these, which is called for under the Marine Conservation and Sciences Action Plan. It will be developed and drafted over the remainder of this year and will define the natural research priorities for the Monument. The goal of research and monitoring in the Monument is to provide us with a better understanding of how to best manage and conserve the resources of the Monument.

Under the priority management need called Conserving Wildlife and Habitat, in a world of wildlife conservation, managing, conserving and restoring habitat upon which wildlife depend is key to survival.

The Northwestern Hawaiian Islands provides the primary habitat for several of species of worldwide concern. This priority management need addresses conservation of both Monument wildlife and their habitats. You're likely familiar with the plight of the Hawaiian monk seal. I'm sure you've heard about it quite often in this Council, and efforts to save it from extinction. You may not be aware of the efforts to restore habitats and protect the lesser known endangered species, such as the Laysan duck, the Nihoa finch, as well as numerous plants clinging to existence in areas that were once abundant throughout the entire Northwestern Hawaiian Islands chain.

There are many threats to the fragile ecosystems and habitats of the Northwestern Hawaiian Islands. This priority management need and the activities there under are defined. The issue of marine debris has received worldwide attention recently. We continue our arduous efforts to collect marine debris from nearshore waters and island shores. We are now looking towards new technologies that we hope will help prevent the marine debris from reaching the shores, and that's under the Marine Debris Action Plan. Alien species are also a tremendous threat to the Northwestern Hawaiian Islands. This action plan focuses on removing alien species already present within the Northwestern Hawaiian Islands and also preventing the introduction of the new species.

We also address ways to reduce threats from vessel traffic. Designation earlier this year of this area as an internationally-recognized Particularly Sensitive Sea Area is a significant step forward in this designation. Managing human uses and the regulation of human activities and access is essential to protecting this fragile and unique area. This priority management need highlights the activities that help us to regulate and manage use, as well as how we plan to enforce the existing laws and regulations within the Monument. All activities taking place within the Monument are strictly regulated and require a permit. The co-trustees have developed a unified permitting process, including a Public Notifications Policy, which is found in Volume 3. This is a process that Monument managers want to continue to refine, and we welcome your input on the permitting action plan under this priority management need.

Enforcement of this vast remote area is a major concern and requires partnerships and innovation on a grand scale. In this plan the Monument managers propose expanding resources and utilizing new technologies to better enforce our collective regulations.

On Midway, a small-scale visitor program allows people to learn about and better appreciate the resources of the Northwestern Hawaiian Islands. It is our intention that these visitors will also come to better understand how these activities can be better utilized back home and effect change within the Main Hawaiian Islands, as well as the Northwestern Hawaiian Islands. The design of this program and its vision are found both in this activity and in the Draft Midway Visitor Services Plan in Volume 3 and the related

Draft Midway Conceptual Site Plan in Volume 4.

Public involvement cannot end with just the comments on the Draft Management Plan. This priority management need outlines activities to facilitate public involvement, engage a broader range of constituents, not only to build a broad sense of support but also to improve management and provide advice. This section also identifies activities that will tell us how we improve our information to the public, how we educate students, particularly those in Hawaii, about Monument resources and how they, in turn, can relate those to their everyday lives.

The action plans provide meaningful engagement with the Native Hawaiian community, and that is also contained in this priority management need, which highlights the importance of cultural resources. Those are also highlighted throughout the entire plan.

Achieving effective Monument operations is also critical. Managing the Monument is all about coordination and having necessary information available to make well-informed decisions is critical. One of the many benefits of the President's Proclamation is that it established a framework that allows the three co-trustees to maintain their individual identities, but to work together to more efficiently and effectively manage this case.

The Draft Plan outlines activities that will enhance our efforts both here in the Main Hawaiian Islands and also at field sites and in field camps throughout the Northwestern Hawaiian Islands. Additionally, an action plan provides for the continued evaluation of our progress towards achieving Monument goals and adapting management activities over time through an evaluation action plan.

The Draft Monument Management Plan was released on Earth Day, April 22nd, at an event at Washington Place with the Governor, the Deputy Secretary of Interior and Admiral Lautenbacher. It was released with its associated appendices, Volumes 2, 3 and 4. This marked the beginning of the public comment period.

Because of the size of the plan, which is four volumes and 1200 pages, the managers opted for an established 75-day public comment period, which runs through July 8th. In order to meet the requirements of the State of Hawaii the formal State comment period also runs concurrently from June 8th through July 8th. But all comments will be considered among all agencies during the entire 75-day public comment period when developing the Final Management Plan and other associated documents by the end of the year.

There have been five meetings to date. The sixth meeting is tonight at He'eia Kea in Kaneohe. There are nine public meetings, in all, proposed throughout the state and one that was held just earlier last week in Washington, D.C. All of these meetings are developed specifically to gather input on the Draft Management Plan. The public comments will shape the Final Management Plan. There are several ways in which you

can provide comments. There are specific opportunities to provide comments through either e-mail or snail mail through the Fish and Wildlife Service. All of the comments are going into one portal. Or if you have time, we would really appreciate you attending one of the remaining public meetings that are going to be held starting tonight in Kaneohe, tomorrow and the following night on the Island of Hawaii, on Kauai on Monday the 23rd and at the Honolulu Japanese Chamber Meeting Offices in Mo'ili'ili in Honolulu on the 24th, Tuesday. You can e-mail your comments to Papahānaumokuākea Marine National Monument Plan, Fish and Wildlife Service.

Clark asked if there were any questions. Martin recognized Ms Kitty Simonds. Simonds notified Ms Clark that the Council will be providing comments on the Monument Plan by the deadline and commented that the three co-trustees have been working in the Northwestern Hawaiian Islands long before the Monument was established. So, she asked, in addition to time spent and dollars, what is the total budget for the Monument and what does each -- how much does each co-trustee contribute to the Monument management.

Clark responded that she did not know what the budgets are from the federal partners. Simonds responded that she could get that from those agencies and asked about the State's contribution. Clark responded that there is no support budget from the State.

Simonds asked another question about the Monument Science Plan. Clark responded that the Marine Science Plan is not complete. Simonds asked how the Monument Science Plan relates to the Hawaii Archipelago Marine Ecosystem Research Plan. Clark responded that it will actually meld very nicely with the HAMER Plan using the exact same set of principles and outlines for the way that it is being set up, building up off what was previously developed for the HAMER Plan. So it's actually going to be more specific, because the HAMER Plan is a little bit more of a 20,000 foot view, in some cases, because it's archipelago-wide -- it will take all of the really good efforts of all of the agencies in the development of the HAMER Plan and build off of that for a more specific score of the Northwestern Hawaiian Islands. Simonds asked when the Marine Ecosystem research Plan would be ready for review. Clark responded that it will be ready for review at the end of the year.

Martin recognized Dela Cruz. Dela Cruz asked how many islands are involved in the monument, and what the land area is. Clark said it is quite small, but there are ten island and atolls, and then a whole series of banks, as well.

Dela Cruz asked if the management plan applies to all of those islands or just to Midway. Clark responded that there are some things that apply just to Midway. Like the way that the President wrote the Proclamation, the only recreational activity, the only place where visitors can go to for tourism activity is Midway. Midway is under just the jurisdiction of Federal agencies. Midway has a Visitor Services Plan and a Site Conceptual Plan, and before it was considered part of the Monument it was already a National Historic Landmark, it was a National Historic War Memorial and it was already

a Wildlife Refuge. So, it has other components to it that are inclusive of all of those things. So there's a stand-alone Visitor Services Plan for Midway and a site plan for Midway. There are other islands that have facilities on them, both at Kure and at Tern. If we were to want to expand on those facilities, we would want to do similar site conceptual plans for those places as well.

Dela Cruz asked what kind of activities would you be allowing, what kind of activities, both in the water and on the land. Clark called on Palawski to address the question. In terms of emergent land acreage, the first eight islands, they encompass maybe about 1400 acres of land. Midway is about another 1,000 acres of land, and we don't know Kure, exactly, somewhere in the range of maybe close to 3,000 acres. One of the things about the National Wildlife Refuge system is that we have by legislation what we allow or what kind of uses can happen on a National Wildlife Refuge, and they're usually wildlife-dependent uses. So it's like wildlife photography observation, swimming, things like that. Clark added that it's really low impact; observations, ecotourism-type stuff that you are helping going and monitoring, the counting of birds, and doing things along those lines.

Dela Cruz asked what is the average number of visitors will be expected monthly and is it going to be open year-round. Clark answered currently, the Visitors Services Plan only allows for no more than 30 visitors at a time, and under the new Draft Visitors Services Plan it will expand that to 50 visitors at a time. But it will actually take time for them to get to that point because they have to do some major repairs on some of their facilities before they can actually allow additional visitors in.

The goal would be to have year-round visitation. But at this point in time, they need to repair the buildings during part of the time. So there's not enough space to house the visitors and the repair workers. So there's minimal visitation during parts of the year when they're doing the construction, which is also during the time when the albatross aren't there because there's two million albatross they're sharing the space with during part of the year. So they have to balance the wildlife impacts with the visitation impacts.

Martin recognized Duerr. He asked about long range planning with global warming. The shoals and atolls will eventually be underwater will the Monument plan allow us to go in there and improve or raise the level so that we can keep the monk seal coming back, keep the birds there, and all of that. Clark responded that there's also been a lot of plans done for this area previous to that. So there are a number of restoration plans for a number of the endangered species and there's also a brand new Monk Seal Recovery Plan that was just written. So what we do in this management plan is instead of trying to rewrite all of that, because that's good work that many other agencies have already done, we reference it within this plan. So the Monk Seal Recovery Plan is actually a stand-alone. The Natural Resources Science Plan will be a stand-alone. Some of the other Habitat Restoration Plans are stand-alones. When it comes to the Monk Seal Restoration Plan, the National Marine Fisheries Service Protected Species Program has the lead on that. She called on Robinson to address this question. Robinson noted that the Monk Seal Recovery Plan has undergone a transition from sort of a scientific plan to

an implementation plan of recovery programs to address some of the major bottlenecks in the monk seal survival, such as juvenile survival and predation, things like that.

Martin recognized Sablan. Sablan stated that in island situations, you tend to have a lot of people that are cultural practitioners and in an island setting like this, you have the University of Hawaii and some other universities around the U.S. Mainland, they will be applying to go do research. He asked if we have 30 cultural practitioners apply to go to these areas and you have researchers also applying, who gets the priority. Clark answered that as much as possible we're trying to accommodate both. In this next month on a couple of the research cruises that are going up there, there will be also cultural practitioners who are going up to try to develop new -- or practice new -- or to learn new techniques for learning about reef and moon calendars, or about spawning cycles on specific fish, or going back up to study things from the Native Hawaiian cultural perspective. We've also helped to facilitate having cultural practitioners go up there for two out of the last three years for the summer solstice to Mokumanamana so that they could learn and observe what was happening because Mokumanamana sits on the Tropic of Cancer. So it's right there at the place where the sun is at high noon on that day. We've also helped to provide access for the Hokule'a and some of the other Native Hawaiian groups. As importantly, we have a Native Hawaiian Cultural Working Group that provides input and comments and reviews every single one of the permits. So every permit that is brought before us is measured and weighed from both its cultural importance and its biological importance. So no activity goes on without both -- comments for both.

Sablan stated that currently, the Monument regs require 72-hour notification for U.S. documented vessels to transit the Monument, that's not the case for international. They're free to roam. A little bit of a problem there, but I'm sure you can understand. With the proposed World Heritage Site Designation, my understanding is, and I could be wrong, that there are actually heightened requirements for prohibitions for transiting. And, from the perspective of the fishing industry, the high seas fishing industry here in Hawaii fishes outside the Monument boundaries but may be inside the EEZ and, oftentimes, it's really necessary economically to transit the Monument rather than drive all the way back down to Kauai so that you can skirt the Monument boundary.

The concern I have is that the World Heritage Site Designation might even increase the restrictions to maybe U.S. and international vessels, to some extent. Those are pretty significant concerns for the industry here. I don't know if you have a comment on that, but those are certainly concerns. Clark responded that the World Heritage Designation does not add any additional regulations. The regulations are based on whatever regulations and management plans are in place at the time in which it's designated. So the World Heritage Community and UNESCO do not add another layer to what's already been proposed. It's the State's parties that define what the management of the area is. What the World Heritage Committee does is to determine whether or not what has been proposed meets a world status view in terms of its cultural or natural values. The Convention is about cultural and natural values and how you protect an area from any of the other activities is based on the management plans by that State's parties.

So it would actually not change from what the current designations are. The current designation that did just change was the PSSA Designation, which was the Particularly Sensitive Sea Area Designation, which was done by another international convention and another international body, which is the IMO, the International Maritime Organization. Under the new PSSA, what we're actually striving to do right now, and we're working with the Coast Guard and others to redefine those regulations because there's now an additional ten-mile notification boundary outside of the 50 mile. So what we're hoping to do is have a ten-mile notification for all vessels instead of the 72-hour notification that was there previously. We're still working on how to reconcile those regulations. There are also under that PSSA now specific passage areas that are designated within the PSSA so areas of transit, not actual sea lanes, but recommended areas of transit and also inner boundaries that are highly sensitive areas and any vessel over 300 gross tons, international or domestic, will now have to provide notification. So, it doesn't address international fishing, but it does help to address and further refine what happens with our current local domestic fleet.

Martin asked for clarification of the 72-hour notification requirement, so what you're saying is that in the future the 72-hour notification requirement will go away and you will have to notify before you enter within 10 miles of the 50 miles. Clark responded that that is what they're looking at doing right now -- and again, this is the Coast Guard in concert with NOAA is working on this, is to try to reconcile the 72-hour notification that was put into the Proclamation with the new regulations under the IMO PSSA. So my understanding on this, is that the way they're going to try to reconcile that is by this ten-mile outside notification.

CDR Mark Young commented that he would have to defer until he gets more information on the status of that because that's not being developed through the office here. That's more on a Headquarters level, and he would have to find out specifically where they stand with that.

Martin asked for any additional questions or comments.

Clark commented the one thing that is interesting is that this new IMO designation as a PSSA is only the eleventh in the world. The only other places that are like that are like the Galapagos Islands and Great Barrier Reef, Florida Keys, a few places like that.

Martin thanked Clark and turned the gavel over to Dela Cruz for Program Planning.

D. Main Hawaiian Islands Bottomfish

1. MHI Bottomfish Update

Duerr called on Council Staff Mark Mitsuyasu to address agenda item 8.D MHI Bottomfish Update. Mitsuyasu reported that since the Council last met in March, the fishery closed in April and the TAC was met. Actually, the total landings for the last

fishing year ended up being 191,000 pounds. The target was 178,000 pounds.

The Final Rule for the Federal management regulations also became effective on April 16th. That suite of regulatory measures included things like the recreational permit and reporting, the bag limits and other management measures.

The fishery is scheduled to reopen on September 1st and at that time the recreational fishery will be operating under a permit and reporting program.

When the fishery closed the joint working group between the three agencies, Council, NMFS and HDAR, coordinated an Enforcement Workshop, similar to the one that was held last year. Invited were DOCARE officers, NMFS OLE and the US Coast Guard.

Other activities bring planned is a series of bottomfish workshops that is going to occur in July and August 2008 throughout the state. The workshop will go over the new federal rules, including the permitting and logbooks, work with the fishermen on that. The notice for those series of meetings will be published in Hawaii Fishing News at the end of this month. Along with those workshops, they have also secured the drop-shot units for releasing Hawaii bottomfish. Those kits will be given to all fishermen who participate at the workshop. Also secured were some handheld GPS units, which are being integrated with the State's Reporting Grids to help facilitate fishermen reporting position, on their new reporting for Mitsuyasu asked for questions. No questions asked.

2. Bottomfish Risk Analysis (Action Item)

Duerr asked Sam Pooley to report on the Bottomfish Risk Analysis. Pooley noted that his presentation is aimed at providing input from the Science Center on the decisions on bottomfish management in the Hawaii Archipelago. Initially the objective was to reduce overfishing throughout the Hawaii Archipelago. The tactic that has been chosen was to reduce excess fishing mortality in the Main Hawaiian Islands, i.e., managing by a TAC. The nature of the problem, which is the management unit is the Archipelago as a whole, even though management action was taken in just one component of the archipelago.

Pooley reviewed the history of bottomfish monitoring, management and assessments in Hawaii concluding that in 2005, the Secretary of Commerce, based on information that we provided in the sense of the status of the bottomfish fisheries in the Hawaii Archipelago, declared that there was overfishing in 2005, and that led to Amendment 14, which is the TAC amendment.

Pooley reviewed defined fishing mortality and explained the difficulties estimating or determining that factors that influence those numbers. When the status of stocks determination measures are calculated, proxies are used for the control measures that are based on effort. Effort is theoretically easier to measure than the ratio. When you actually regulate it, catch is actually easier to determine than effort.

In 2006, Bob Moffit at the Center did an archipelagic-wide assessment of bottomfish using data collected by NMFS and the State of Hawaii through 2004. It's a relatively simple model, which is appropriate for data and information poor situations. Pooley explained that the risk assessment was done in order to come up with a TAC. The risk assessment is a bridge between the stock assessment of 2004 and the next stock assessment and the need for some sort of tangible control measure in the interim period. It uses partial updated data for 2005 to 2007. It brings in some of what John worked on in terms of variation of parameters and it's calculated as if there was no change in the Northwestern Hawaiian Islands.

The model simulates variability in some of the parameters. Carrying capacity is about half of the total of MSY. Biomass is about half. The MSY catch was 362,000 pounds. Brodziak looked at the risk of overfishing in different scenarios. This is at a risk of overfishing between zero percent risk, you could still harvest 24,000 pounds. At a 50 percent risk, you could harvest 99,000 pounds. A 100 percent risk of overfishing would be at 273,000 pounds.

The results are sensitive to the estimate of biomass in 2004, and its variation in estimates of the growth rate. It's not sensitive to variation in the intrinsic growth rate and in the fraction of the catch that's by the Deep Seven. It's not sensitive to the Deep Seven TAC, and it's not sensitive to estimates of carrying capacity and its variation.

The SSC, at a previous meeting, noted concern about the starting point bias and asked the PIFSC to model a higher variation in the starting point of the biomass in 2004. At the low TAC levels, it doesn't make any difference. But at a 50 percent chance of overfishing the TAC would be 158,000 pounds, which is substantially greater than the alternative baseline case. The results are that they're really different TAC risk profiles.

Pooley noted that some fishermen have talked about how catch rates haven't changed much over the last 20 years, and that's -- at least over the last 15 years, that tends to be true. There's a thing called hyper-stability (phonetic) of catch per unit of effort, where people learn how to find the fish better, where there's new technology and where fish are vulnerable to hot spots, and that can prop up CPUE even when the underlying biomass is going down which would be a concern.

The long-term carryover effects from the 1980s are still having an effect when a high percentage of the biomass is being caught. But the changes in the Northwestern Hawaiian Islands were not included and its catch is declining and its biomass is increasing.

Pooley summarized future PIFSC work related to bottomfish assessments. They are in the midst of doing a new stock assessment. The first stage was Brodziak's 2007 report where began to put together a Bayesian approach. In order to run that stock assessment, catch effort and CPUE time series needs to be updated. They need to look for outlier data and are tracking individual license-holders, which is incredibly difficult with the existing

data system. They are examining fishermen's private records, both on Oahu and on the neighbor islands and doing interviews with fishermen. They are also putting together a timeline for major technological changes that may provide more information on the Catchability Coefficient. This is basically looking for unexpected changes in CPUE. A CPUE workshop is scheduled for August of 2008. That information will go into the stock assessment, which is scheduled for the end of this year.

Duerr asked for question on Pooley's presentation. Young noted that the analysis is done on an archipelagic level. He asked if that is the relationship of the fishery, are the bottomfish in the Main Hawaiian Islands going back and forth to the Northwestern Hawaiian Islands.

Pooley noted that's one of the real significant questions and, of course, it's one of the things that came out of the funding that's been provided to the Sanctuary Program to work on Monument-related issues through the Hawaii Institute of Marine Biology genetics work and that's a question that is yet to be determined. However, there is general information about larval drift from the Northwestern Hawaiian Islands into the Main Hawaiian Islands. So that would be a recruitment bonus from the Northwestern Hawaiian Islands. There is not much evidence of substantial movement of the fish, but deferred to the HIMB study, which is another study that should be done by the end of the year.

Young noted that minimal studies of fish and larval movement between the NWHI and MHI and archipelagic approach of modeling the stock being a potential masking problem.

Pooley responded that there are two parts. In terms of the science supporting it, at the moment the science is somewhat neutral on it. But in the stock assessment, it is broken down by each of the three components. So you've got the information available to look at it either component-by-component, or an integrated manner.

Young noted that one indicator may be the size of the catch, not just the overall poundage, but the size of the fish that's actually coming up. He continued by noting the size of the fish coming up out of the Northwestern Hawaiian Islands are larger and more mature fish and the size of the fish that are coming out of the Main Hawaiian Islands are small.

Pooley couldn't recall the numbers, but basically concurred adding that the reason the Council implemented the SPR approach was precisely because the data they had available was average size of fish related to maturity levels of the fish and the difference between the Northwestern Hawaiian Islands and the Main Hawaiian Islands back in the '80s and early '90s was pretty substantial. However, over the last couple of years, the average size of fish in the Main Hawaiian Islands has gone up some.

Young asked if the Council makes a decision that ultimately leads to the fishery being overfished, would that means no one will be able to fish.

Pooley deferred to Robinson or DeRoma. Robinson stated that if the fishery reaches a state of being overfished under the Magnuson Act definition, which is biomass-based, then the Council will be obligated to develop and recommend to the Agency a rebuilding plan under the in terms of the National Standard Guideline that relates to the amount of time that you take to rebuild the stock to the state where it's no longer overfished.

Fishing can continue, but it must be in accordance with a rebuilding plan that is approved and implemented by the Agency and recommended by the Council.

Pooley added, that quantitatively, the gist of a rebuilding plan is to reduce fishing sufficiently so the stock actually is growing, not just staying stable at a depressed level.

Young asked if the Council's decision should address the overfishing issue or should it be expand to consider the Council's obligation based on the overall fishery and the Council should be looking at potentially a rebuilding in the Main Hawaiian Islands?

Robinson clarified that the objective is either, one, to end overfishing on the archipelagic stock as a whole, and stop there. Or the Council can have the objective of trying to rebuild the Main Hawaiian Island component to achieve the optimum yield of that stock.

Young stated that he feels ultimately those are decisions the Council is going to have to make eventually, so why not start making them now.

Gaffney noted that the model starts out with the presumption that 1948 was when the fishery was as strong as it has ever been because there was little but not any bottomfish fishing during the war. He asked if the model gone back to the original commercial fisheries data from the beginning of the Twentieth Century -- is it 1908.

Pooley replied that it has not and he didn't know if anybody has looked at what the catches of snappers, groupers, jacks were before the war. Moffitt confirmed that statement.

Gaffney stated that the first Japanese bottomfish fishermen that were brought into Hawaii was about 1915. So that would have been the start of serious deep bottomfish fishing effort. He asked what the component of the catch in terms of mature versus immature individuals were back in 1948 versus now.

Pooley said they would have to look at data and model it. They have average weights now but was not sure about historical weight averages.

Moffitt added that they don't really know. They might be able to get some idea of average weights by looking at the old data for the number of pieces they sold and their estimate of the poundage.

Pooley added that there's some real size selectivity involved in fishing as well and there are components of the market that really like the small fish and other components of the market that really like the larger fish. But he doesn't know what the market preferences were long ago.

Duenas added over 15 years of visiting Hawaii markets and asking why there's a lot of small onaga, the consensus reply is that size is their target. They're not looking for the big fish. The hotels handle the big ones, and the price is not as great as for the little ones. The little ones were going for 9.99 a pound because people can afford to buy a three-pound onaga or five-pound onaga.

Duenas added that it was his understanding of the recent catch size has almost doubled from 2004. Regarding the NWHI vs. MHI, the Main Hawaiian Islands is more of the nursery ground, more the growing area, than up north where it is colder and less food, despite the fact that there's supposed to be a huge ecosystem, it's good for the large ones. Similar situation for the monk seals. They come down to the MHI and survive, but up in the NWHI, they're dying.

Duenas asked if they are not using to use SPR. Pooley concurred. Duenas continued by asking - how does SPR play now with closing down the season for five months and four months to allow spawning to occur? He raised issues regarding how the closed areas, spill over effect, seasonal closures, and other management actions are given credit in the evaluation of the stock? Is that part being incorporated into the model? How fishermen skill, weather, tides, moon, etc are taken into consideration?

Pooley replied that in terms of the impact on closed areas on either the SPRs or the stock assessment, and so forth, they would assume that they have an underlying positive effect on the biomass. But in terms of measurement, since they are measuring the fishing in the open area, to the extent that effort has shifted out of the closed areas and shifted out of the closed seasons, so you've got two things going on at once, it's more concentrated effort and so potentially impacts of greater competition on the grounds of any particular point in time. They don't have a way to deal with that at the moment.

In terms of the SPRs, they could still construct those. Moffitt confirmed that they were not constructed for this year's plan team. But when they do an assessment, they still include SPR values. SPR is used as a second tier tool in the control rule so that those will still be reported.

Duenas stated that, regarding ACLs, part of the act requires that the Council also look at the growth and reproduction of the species as part of the assessment for evaluating its so-called rebuilding or conservation.

Pooley said one of the questions is the model assumes that the growth rate is the same across all areas, which is a critical assumption. That's one element they will look at in the next assessment. Some of that information, ironically, in terms of the growth rate, comes from a fishing down experiment done in the Marianas.

Young on the subject of spawning, asked if bottomfish typically take maybe up to about five years before they mature and spawn. If so, how can a seasonal closure help the fish mature.

He also asked if the spawning continues through the summer into the fall.

Moffitt said there are a lot of species in that group, and they mature between three and five years. Peak spawning for most of the species is pretty well the middle of the summer, but that's peak spawning. They do spawn not entirely all year long, but around that portion of the year. He didn't know how valuable protection of the spawning season is. Intuitively that would help, but he didn't really know what kind of benefits you would get from it.

Dela Cruz asked about the timing of stock assessments and if they are done at certain times of the year.

Pooley said in general, they have tried to have them done in five-year cycles on some of these things. However, in the case where you have significant management questions and there are questions about how to improve the stock assessment, they do it more quickly.

Dela Cruz asked how far the larva are dispersed from onaga, ehu, opakapaka from the Main Hawaiian Islands.

Moffitt said they don't have real evidence for how far any of the larvae or eggs go. As far as the pelagic period, most of the eggs will hatch after about two months, or so. During that time they would be affected by whatever currents are around for that length of time. In the case of opakapaka, they don't think they settle out of the pelagic area until they are about six months old.

The reason that Hawaii has the same fish that CNMI have is because at least some of the egg from one area move to another area and colonized -- probably from your area to ours, rather than the other way around. CNMI is closer to the Center of where speciation occur. Hawaii is at the fringes.

Pooley added that based on the Kobayashi model, disbursement is generally confined to Hawaii and Johnston Atoll. But they were not looking at transfer from the Marianas to here, or from between Samoa and Hawaii. The Hawaii Institute of Marine Biology work on the snappers in the Hawaii Archipelago provides a good baseline if they get funding to do something in the Marianas, for example.

Duenas stated that the Fishermen's Co-op on Guam got deep seven species fin clippings for HIMB last year and who said the results would be out by six months. They are collecting samples for ulua right now.

Robinson asked with regard to the two risk tables presented in the paper and how the upcoming stock assessment might line up to those two tables. He asked if they had a sense of whether the outcome of the new assessment was going to be closer to the baseline table or closer -- in the vicinity of the higher -- the table of greater uncertainty.

Pooley noted that there is some of the initial reviews of the time series suggest that the assessments may tilt upward somewhat. In other words, there's been less of a decline than there appeared. But in terms of the variability of the biomass, itself, that is something they will have wait to find out.

Robinson further asked if the Council were to delay making a decision on the TAC until the next meeting, is it possible for the new stock assessment to be completed in time for SSC review and have Council consideration in October?

Pooley responded that it is possible but would be difficult. He added that they understand this is a really difficult decision for the Council and the implications are significant for fishermen, as well. A lot of it will depend on what happens as they screen the data and if they are able to come to a consensus on data screening procedures and corrections on a timely basis that will speed things along.

Hearing no other questions, Duerr moved to the next agenda item.

E. PIRO Habitat Initiatives

Alan Everson presented an update on the Pacific Islands Regional Office Habitat Conservation Division's initiatives. He noted that a 2005-2006 report has been distributed and he will discuss projects that have occurred since then.

He briefly noted that the Habitat division has 14 staff of which 6 are FTEs. The rest are contractors. In 2001, he noted that he was appointed as the Federal Navigator for the Pacific Islands that looked at the coral reef-related issues and helped initially coordinate the writing of the Local Action Strategies for each island area, which included CNMI, Saipan and American Samoa and Hawaii, and Guam.

Everson said that the Habitat division also has a GIS person that concentrates on any related GIS issues that are habitat-related, or related to any other divisions. He helps the other divisions also with their GIS work. He noted that one of the high priority projects is to assist the U.S. Fish and Wildlife Service and the local agencies on mitigating impacts to coral that may result from the Guam military buildup. He said much of the work PIRO is involved with is consultations on coral reef mitigation and restoration work.

In Hawaii, Habitat is involved with the Malama Muanalua Organization in doing some watershed planning, having specifically to do with the way water is transported from the mountains to the ocean in these streams and storm drains. They are trying to work with the Corp of Engineers to come up with a better scenario on the way to more

effectively deliver the water to settling basins or a way to mitigate the impact of just having an open channel from the land to the sea.

Duenas asked if Everson could come back to Guam and serve as the local navigator for revising the three year local action strategies for Guam. He said that he was glad that the presentation acknowledges Guam Fishermen's Cooperative as a proactive in participant in developing the local action strategies for the first three years. However, as of today they are not part of any development of the new local action strategies.

Everson responded that the Coral Reef Conservation Program went through a Program Review last year, and that the first three-to-five year Local Action Strategy is cycle is ending and NOAA is about to embark on another three-to-five year cycle and all of the Local Action Strategies are being modified and re-looked at. He said that there will be an opportunity to come down and have some meetings to help get the LAS back on track.

Sablan expressed a concern with the pre-positioned military ships which are anchored in Saipan. He said that for the last 14 years the CNMI has been asking the military in Guam to put up moorings, because they were dropping tons and tons of anchors, and they were killing corals. But nothing has ever happened and the corals in the area are decimated.

Everson said that NOAA has been involved sort of on the periphery of that issue. He noted that the Pacific Islands Fisheries Science Center actually did some survey work in that area and they came up with some recommendations. He said that he would follow up on it, definitely, and find out what the status is.

F. Education and Outreach Initiatives

Sylvia Spalding, the Council's media and education specialist, provided an overview of the Council's education and outreach efforts in Hawaii since the last Council meeting in March. She said efforts were focused on traditional knowledge and reporting of catches.

The Council had booths at two school-based community events. The Council booth featured displays and provided handouts, including the traditional lunar calendar for Hawaii. The lunar calendar for Hawaii as well as the other three island areas under the Council's jurisdiction is also on the Council website. To help promote the ahupua'a and moku system, people were encouraged to identify their ahupua'a and moku on a large display map of Oahu. They were also given a smaller version of the map as a handout so they could take it home and share with their family. For children, the Council booth featured a fish habitat game, which was also provided as a handout and is also available on the Council's website. To encourage the use of logbooks, the staff developed logbooks for children and a version for adults, which were made available at the booths.

Regarding traditional knowledge, a summary of the proceedings for the Council-

hosted Hoohanohano I Na Kupuna Puwalu Series and International Pacific Marine Educators Conference are going to be published in the National Marine Educators Association (NMEA) quarterly journal, Current. The issue will be distributed this July in time for the NMEA conference, which is being held in Georgia.

The Council is continuing to sponsor the "Fishing in Old Hawaii" segments on Let's Go Fishing. That contract ends in June. The Council has applied for funding from the NOAA Coral Reef Conservation Program, to continue the series again in October. Lessons from the series were taken in part from the Puwalu and are available on our website. We have also been asked for copies of the TV series on CDs. For example, Duke's Restaurant wanted them to train their restaurant staff about fishing.

Also, Council staff is continuing to co-chair the NMEA Traditional Knowledge Committee. The NMEA wants us to go to the various areas to try to get buy-in from the Native American communities. So we did that in Maine last year, and we're going to be doing that in Georgia this year.

Regarding the reporting of catches, under the new Marine Recreational Information Program, both hook-and-line and spear fishermen are going to have to report their catches. To encourage reporting by the latter, the Council is co-sponsoring a speafishing contest with Hawaii Skin Diver (HSD) magazine. We have ads about it in HSD and other venues, such as the Marianas Fishing magazine.

Other outreach initiatives include continued involvement on the MRIP Outreach Team; the running of the Council's second Hawaii High School Summer Course, which is to start on June 23rd with 15 students targeted; the Council's fourth annual Teacher's Workshop on the Hawaii Seafood Industry, with the assistance of Pacific Ocean Producers, the Hawaii Longline Association, the NWHI Bottomfishing Hui and others. This one-day teacher event will be held on August 2nd. Last year, 50 teachers signed up. This year we limited the number to 30, and it is already full. The workshop is free, but the teachers pay \$10 for their meal.

Regarding other education initiatives, Council staff continues to chair the NMEA Oceania Chapter, which is also the Marine Science Section of the Hawaii Science Teachers Association. OCEANIA held a meeting this past Monday so we could take advantage of Charlie Veron's presence here at the Council meeting and Fishers Forum. The OCEANIA meeting was a joint meeting with the Ocean Literacy Alliance of Hawaii, which was funded by the federal government last year. On Monday, the Alliance decided to do is to merge into the Oceania Group, because they just didn't have the leadership or the funding to move forward.

The Council also has written letters of support for the Pacific Literacy for Youth, Professional and Scientists and the Community Connections Program. As for upcoming outreach and education events, we have the NMEA meeting in Georgia; the Council is hosting a workshop during the upcoming U.S. Coral Reef Task Force Meeting; we have the Fishers Forum tonight and we will have

Another one in October; and also in October we have the Annual Hawaii Fishing and Seafood Festival.

As for media initiatives, we put out a series of press releases between March and June; we wrote letters to editors to correct some allegations in the newspapers; and we wrote an article on the high school summer course.

Regarding publications, the Council recently reprinted its bottomfish brochure and we helped the NWHI Bottomfishing Hui with a revised tabletop card for restaurants. The tabletop card was developed the first year that the first main Hawaiian Islands seasonal bottomfish closure went into effect because the media and the restaurants thought that there was no Hawaii bottomfish available at all. We had to rapidly let the restaurants and retailers know that NWHI bottomfish was available and legal.

Publications we will be working on include archipelagic ecosystem displays and brochures, the CDPP Report, a 30-year history of the Council, the full proceedings of the Hoohanohano I Na Kupuna Series and the ecosystem workshop proceedings. We will also continue to work on our website.

After the conclusion of Spalding's report, Sean Martin noted that Kitty had a couple of copies of the tabletop card at the CCC meeting, and many of the other Councils found were quite interested in it. They were enthused about incorporating those ideas because they run into the same problem that the consumer doesn't clearly understand when only certain aspects of a fishery are closed and oftentimes, if there is confusion, they just back away completely.

Spalding added that the reason the NWHI Bottomfishing Hui did the tabletop card is because the chefs and restaurant managers said they couldn't take the time to clarify the issue with each customer. The tabletop card provides an opportunity for the consumer to learn the information by reading it themselves.

G. Hawaii Advisory Panel Report

Duerr asked Neil Kanemoto, Hawaii AP Chair, to report on the Hawaii Advisory Panel Meeting.

On Tuesday, May 13th, a group of advisors, voluntary advisors from around the state, met and came up with several recommendations regarding various Hawaii fishery issues. He summarized the recommendations as follows.

1. That the Council request the State of Hawaii provide a formal presentation by its Division of Aquatic Resources to the Advisory Panel and the Council on its proposed changes to its minimum size limits, of which the Council's Management Unit Species.
2. That the Council supports efforts to mitigate the impacts of invasive species on local marine resource populations and habitat, including those species from unexpected aquaculture escapes.

Kanemoto noted that this was a pretty contentious issue. One of the bottomfish fishermen from the Big Island cited the fact that there was anywhere between 5,000 and 10,000 Kahala that escaped from the aquaculture farm in Kona. Kahala is a known predator and preys on bottomfish, and they lose a lot of bottomfish to predation, such as sharks and Kahala is one of them. So the introduction of anywhere between five and ten thousand more predators will -- in the Advisory Panel's opinion, will have an effect on bottomfish populations also.

3. That the Council continue to monitor the development of aquaculture in Hawaii given the effect of escapes on wild stocks, effects of fishing, effects of land-based hatcheries on the environment, et cetera.

4. That the Council requests an independent peer review analysis of the National Marine Sanctuary Program Humpback Whale assessments.

The Advisory Panel felt that with the populations increasing from seven to ten percent every year, and the increase in interactions with not only with fishermen but other boats such as tourism related vessels, dive tours, the whale watching, etc.

5. That the Council continues to investigate the issue of any recognition of local Hawaii fish, including the adulteration of fish by such things such as carbon monoxide and tasteless smoke.

6. This again was a hot issue, that the reduction of the TAC for the Main Hawaiian Islands bottomfish fishery at this time is not warranted or supported by the best scientific information available.

Kanemoto explained that basically, the Advisory Panel felt that the takes were already reduced and it appears that the objectives have been met or surpassed the objective of a 24 percent mortality reduction. Some of the Advisory Panel members felt that the current proposal to reduce the TAC by half was an academic exercise.

In talking to the bottomfish fishermen, they're really shocked that the proposed management measure was to reduce the TAC even further. They feel that there's a big disconnect between the scientific community, the fisheries managers and the fishermen. So the fishermen basically want to interact more with the managers and with the scientists and come to a better management plan than reducing the TAC by half.

9. That the Council continues to pursue the delisting of the green sea turtle from the ESA, as there have been reports that there could be delisted regionally, as the population.

Duerr asked for questions. Hearing none, Duerr moved on to the Hawaii Plan Team Report.

H. Hawaii Plan Team Report

Duerr asked Bob Moffitt to report on the Bottomfish Plan Team Meeting. Moffitt noted that the Plan Team reports includes recommendations that cover several of the Councils fisheries but that he would focus this report on the MHI Bottomfish action item being discussed.

First, the Plan Team recognized that the Draft Bottomfish Risk Assessment Model is based on the best available scientific information at this time. Should the Council move forward with selecting a specific level of risk and/or TAC based on this model, the Plan Team recommended the Council should consider the following issues:

- The model is very sensitive to the estimate of initial stock biomass in '04 and it's projected forward from that.
- A new stock assessment will be done by the end of the year, which may show that what we had thought was submitted in '04 is wrong.
- The opinion of the Plan Team was that when the new assessment is done, it would probably be lower than 178,000 pounds.
- The model has shown not to be very sensitive to the current TAC level. So if the '07 TAC was 150,000 pounds or 100,000 pounds, the biomass in '08 would be roughly the same.

The Plan Team made a couple suggestions on how to set a TAC for this coming year. One method would be to incorporate a strict reduction over a three-year period. If the TAC is much lower than 178, you might have a three-year phase-in period. This would be incorporated to maintain community support for management initiatives.

In addition, the three year time frame would allow more information from the projected closure in the Northwestern Hawaiian Islands in 2011 to be incorporated.

The second option would be to consider making the 2008/2009 TAC based on the 178,000 pounds that was set for last year, subtracting the overage, which was about 13,000 pounds, which would put it around the 165,000 pound level.

Duerr thanked Moffitt and called for questions. Hearing none he moved on the next agenda item.

I. SSC Recommendations

Duerr called on Callaghan to report the SSC recommendations. Callaghan stated that Brodziak presented a revised Main Hawaiian Islands Bottomfish Risk Assessment Model for determining Annual Catch Limits and for estimating the risk probability of overfishing. The SSC was informed that a downward trend in biomass is projected by the model. However, it was also reiterated that the model was limited and that a comprehensive stock assessment was desirable. The Pacific Island Fishery Science Center is currently working on a new stock assessment and hope to have the Main Hawaiian Islands Deep Seven done by December.

The SSC has the following comments and recommendations: Though improvements have been made on this risk assessment model and the SSC could offer additional suggestions for improvement, the SSC does not support the continued development of this model. It is time to implement a new comprehensive stock assessment as the SSC has requested in the past. The SSC requests that a preliminary stock assessment be presented to its 99th SSC meeting in October. Further, this new risk assessment should be based on this new comprehensive model. Any further risk assessment should be based on the new model.

Specifically, the SSC recommends that the stock assessment model be spatially explicit comprising the Northwestern Hawaiian Islands component and a Main Hawaiian Islands component to account for possible dispersal between the two populations.

The model should not only incorporate CPUE data for both the Northwestern Hawaiian Islands and the Main Hawaiian Islands to form a basis for an archipelagic ABC and also focus on any future exploitation potential or ABC of the Main Hawaiian Islands component as the fishing in the Northwestern Hawaiian Islands will soon cease.

The SSC recommends that as a comparison to the stock assessment model the recent Martel, et al., stock assessment model be rerun with updated and collected data.

Should the Council decide to take action at this meeting to set a TAC using the PIFSC Simulation Model the SSC suggests it would be prudent to choose a simulated risk level that does not exceed a 50 percent probability of overfishing as represented in Table 3, page 13 of the Brodziak document.

The SSC further requests Pacific Islands Fisheries Science Center to refine historical bottomfish data so that it is suitable for use in

Duerr called for question of Callaghan's SSC report.

Young noted that previous group recommendations were to keep the TAC at the same level as last year. If this is done, using the risk assessment table #3, Young correlated the 178K pounds to an 80-90% chance of overfishing in the bottomfish fishery. Young asked Callaghan if he agreed that if the TAC were kept at 178,000 pounds, there's an 85 to 90 percent risk.

Callaghan noted that he can't agree with that. There are more qualified scientist who might be better positioned to answer that question. He noted that the SSC was informed that a new stock assessment could be done in a reasonably short period of time and the SSC was also informed that the fishery was closed and it was possible that the fishery could delay its opening a month or two. The SSC thought, by the next SSC meeting, they would have a lot better information for which to base their advice for the Council. The SSC picked a relatively conservative piece of advice if the Council had decided to move now. However, the SSC hoped that the Council would not.

J. Standing Committee Recommendations

Martin reconvened the 142nd Council meeting and asked for the Standing Committee recommendations to support Agenda Item 8.J. Duerr reported that the Standing Committee deferred the Recommendations to the full Council.

K. Public Hearing

Martin stated that the Council is accepting public comment. He received one comment card and asked others to who would like to make public comments related to the Hawaii Archipelagic issues to fill out the yellow cards and give it to one of the Council staff.

The first commenter is Ms Tina Owens related to the Aha Kiole presentation.

Owens says, "Thank you, everyone. My name is Tina Owens from the Lost Fish Coalition in Kona. Actually, I have at least one question about the Aha Kiole Advisory Committee and their report. Is Kapua around anywhere that he could answer a question?"

Martin replied that Kapua had left the meeting.

Owens continued, "In that case, I'll just have to not clarify what I was concerned about. And what I am concerned about in the Aha Kiole, and keep in mind that I do support the Aha Kiole, but I see that they have held 61 meetings and I have been waiting to hear about any meeting in my community. I've certainly seen no kind of public notice or any kind of indication that these meetings are open to the public.

And if this organization is supposed to be State-sponsored and is expecting to receive State money I believe they have to abide by the same Sunshine Laws that everybody else has to, unless they are intending these meetings to be exclusive and not open to members who are not of Hawaiian ethnicity.

If that is the case, I'm going to sincerely hope that they don't get any State money because this is something they should not be doing. It should be open to the public.

The other thing that I wanted to respond about was that I think that West Pac should have no further dealings with the Aha Kiole Council and any later subsequent Aha Moku Councils for the simple reason that these are issues that are going to relate to the land and the ahupua'a and the nearshore waters. They are not going to have anything to do with Federal waters.

So I do not understand why the Aha Kiole is giving a report to West Pac or has anything to do with West Pac. I would like to see this maintained and run by the State, alone. Thank you." Martin thanked Owens and asked for further comments. Hearing

none, he moved to Agenda Item 8.L. Council Discussion and Action.

L. Council Discussion and Action

None at this moment

9. Public Comment on Non Agenda Items

Martin asks for any public comment on items that are not on the agenda for this council meeting, stating that the council would be happy to take those at this time. Hearing none, the day's session of the 142nd council meeting was concluded.

10. Pelagic & International Fisheries

A. Pelagics Ecosystem Action Items

1. Hawaii Swordfish Fishery Effort Management

Kingma presented the Council's draft amendment to the Pelagics FMP for the shallow set swordfish longline fishery. The Hawaii-based shallow-set longline fishery currently operates under a suite of regulations aimed at limiting fishing effort and reducing the potential number and severity of interactions between shallow-set longline gear and threatened and endangered sea turtles. These measures were put in place in 2004 to institute a model fishery using gear and bait technologies that were successful at reducing sea turtle interaction rates and interaction severity. Included in the regulations is an annual effort limit as well as sea turtle interaction limits, that when either limit is reached, the fishery is immediately closed. Limiting shallow-set effort while also having maximum interaction limits may be viewed as redundant and unnecessary in terms of providing protection to listed sea turtles. The purpose of this action is to provide increased opportunities for sustainable harvest of swordfish and other fish species while continuing to avoid jeopardizing the continued existence of threatened and endangered sea turtles as well as other protected species. The need for this action stems from a proposal from the Hawaii Longline Association (HLA) to eliminate the shallow-set fishery's effort limitation at the Council's 138th meeting in June 2007. The Council requested that staff proceed with National Environmental Policy Act (NEPA) analyses of various options associated with the HLA proposal. At its 139th meeting (October 2007), the Council considered an option paper and endorsed a range of options to be analyzed in the Supplemental Environmental Impact Statement (SEIS) to be prepared by Council staff for the 140th meeting in March 2008.

At the 140th and 141st Council Meetings in March and April 2008, the Council adopted a preferred alternative that removed the longline effort set limit, recognizing that the status of North Pacific swordfish stocks appear healthy; and provided that annual interactions with loggerhead and leatherback sea turtles will continue to be regulated with annual turtle hard caps and 100% observer coverage, that if the hard caps are met for either species, the fishery would close for the remainder of the calendar year. Further, the preferred alternative, on the best available information, established annual sea turtle caps at 46 for loggerheads and 19 leatherbacks, respectively, and provided that these proposed

hard turtle caps fall within the range of 40-50 interactions/yr for loggerheads and 16-21/yr interactions for leatherbacks which as presented represents equal to or less than 3 adult female turtle mortalities per year of each species, and furthermore, these numbers do not appear to threaten the continued existence of loggerhead and leatherback populations.

The Council was expected to select a final preferred alternative and to direct staff to finalize the amendment package and transmit it to NMFS for approval and implementation as quickly as possible.

Gaffney asked about marine mammal interactions, noting there had been some in the longline fishery. Under the Marine Mammal Protection Act, the Council was required to restrict those interactions.

Kingma replied that the details of expected marine mammal interactions were in the briefing book materials. The reason he had not specifically highlighted marine mammal interactions was that there really were not many. The highest numbers of interactions occur with Riso's dolphins at very low numbers, less than ten, and in the current fishery around one or two a year. Expected effort increases would result in less than ten, around five. There had been interactions with one humpback whale. The fishery did not interact with false killer whales, which had been an issue regarding the deep-set fishery.

Paul Dalzell added that there has been quite a detailed statistical analysis of the observer data with respect to interactions, not just interactions where there are animals being snagged and caught, but also looking at what are often called nose cones, the heads of whales, where there has been depredation along the longline. It's possible from these to distinguish between false killer whale and short-fin pilot whale interactions. This work is being conducted by the Southwest Fisheries Science Center and our own Science Center here in the guise of Don Kobayashi and Karen Forney. One of the things that's indicated from a relatively short time series still for the swordfish fishery, but with its very immense level of observer coverage is the switch from squid to fish bait has possibly created a reduction of interactions through depredation with short-fin pilot whales which feed on squid.

Gaffney noted that there was no directed sports fishery for swordfish in the Main Hawaiian Islands and in Kona, and that's not correct. There are several captains in Kona who will charter specifically focusing on broadbill, and have been doing this for years. Gaffney offered to provide the names of these captains. Gaffney also asked about impacts to seabirds under the Migratory Bird Treaty Act, noting that he had not heard any mention of the short-tailed albatross.

Kingma replied that there haven't been any interactions with short-tailed albatross in the history of the fishery, as well as deep-set segment. That was also included in the briefing materials in the document. The Council did model and predict the interactions with other albatross, other seabirds, and that's also included in the analysis. Kingma

asked Silas DeRoma to comment on the Migratory Bird Treaty Act and how that applies to the Fisheries Service actions.

DeRoma replied that he would like to check reference material because it was a complicated jurisdictional question. However, the important fact is that the document does look at impact to seabirds regardless of whether it's purely Migratory Bird Treaty Act. NEPA requires us to look at the impacts on protected resources regardless of whether it's (inaudible) or not. So I'm comfortable with the analysis on seabirds.

Palawski (USFWS Council Member) asked whether the Council intends to re-initiate the consultation for the short-tailed albatross, whether that will occur during this time period or not.

DeRoma answered that this was a procedural matter; the Council doesn't initiate consultations. The Service does. I don't know what the Service's position is that, but that's not a matter for the Council because the Council is not a consulting party.

Palawski responded that he had just wanted to make sure, because of the timeline. So if there are expectations for certain things to get done at certain times that might be a piece that we need to make sure people understand how it's going to get done.

Robinson added that good policy practice is always when there is a requirement for re-consultation, NMFS would do that. He was not aware that there's been a trigger that would cause us to re-initiate consultation. But if there's been any particular trigger that would require a re-consultation would be tripped, and then obviously NMFS would consult.

Gaffney asked about the data on the recreational catch of swordfish in California; was there 100 percent reporting for recreational catch of swordfish in California.

Kingma responded that he was unsure that information was taken from the Billfish Newsletter. He was not sure if there is 100 percent or not for recreational fisheries.

Gaffney commented that the information on the fishery and participation in the fishery, in one year seemed low.

Dalzell stated that Council staff had checked with Suzie Koin at the Southwest Fisheries Science Center for any information. She put out requests for information on that. It always comes back that the only records they have for swordfish catches along the West Coast, primarily Southern California, are in numbers of less than ten, maybe ten at the most. That's all that the Council could find.

Kingma added that he had looked at the PACFIN website data and did a search on that, and it didn't come up. It came up very low.

Dalzell commented on the Migratory Bird Treaty Act and consultation on the short-tail, and the comments that Don Palawski had made. The swordfish longline fishery currently operates under a 2000 BiOp that was conducted by the Fish and Wildlife Service, who are the action agency for birds, and not the Service. That BiOp looked at the fishery as it was previously conducted with the pre-1999 swordfish fishery. So in terms of if it's a new action that would change something in the fishery, but he didn't think there was a trigger. Also, the Council had in place all of the measures that were all of the Recommended and Prudent Measures that were included in the 2000 BiOp for the swordfish fishery, which is blue-dyed bait, fishing after dark, beginning the set and completing the set in the hours of dusk, all of those things are in place. The only thing that has changed is the use of circle hooks and fish bait. For those, Dalzell noted that the fishery had achieved a two order of magnitude of reduction of the interactions with Laysans and blackfoots in the shallow-set fishery.

Martin added that the fishery had been working on this for a couple of years and he appreciated the efforts of PIRO, PIFSC and the Council in providing a rigorous evaluation of the proposed action. People need to recognize that they have been at it for a long time. They really have been trying to incorporate all of the pertinent information, and I think it has been a rigorous process and he expected that the Biological Opinion on whatever action the Council chooses to take would be a rigorous process as well. So he just wanted to acknowledge the work that many people have been at this for some period of time. Thanks.

CDR Young referred to the area of operations for the swordfish fishery, noting that the effort, especially in January and February, is primarily above 32 deg N in much colder water than we find around the Main Hawaiian Islands here. The implications of the management decisions here would most likely increase fishing effort for this fishery and most likely in the first quarter of the year when CPUE is greatest. Young continued that he wanted to reiterate that commercial fishing continues to be one of the most hazardous injuries and occupations in America. The Coast Guard remains committed to ensuring the safety of our commercial fishermen and ensuring compliance with all of the provisions of 46 CFR, Part 28, which are the commercial fishing vessel safety requirements. Part of that is for vessels that are fishing above 32 deg N is the requirement for vessels to have immersion suits onboard. A recent patrol the USCG had conducted in February with boarding's on eight of the swordfish vessels fishing above 32 Degrees North and three of the vessels did not have immersion suits highlights a potential problem. That potentially might just be an education problem. The Coast Guard had not had patrols up that north directed at this before, and it just might be a matter of getting the word out to the fleet to let them know that requirement in this safety aspect. Martin agreed.

a. Susceptibility Quasi-Extinction Analysis

Melissa Snover from the NMFS-PIFSC presented the latest iteration of her analysis of the impacts of the proposed management swordfish longline management measures on North Pacific loggerheads and Pacific leatherback turtles.

Polhemus asked if the quasi-extinction is set as 50 percent decline in three years, i.e. in three years there would be 50 percent of the population left. So the population won't be extinct that's simply the bar being set. Snover concurred. Polhemus continued that this was fairly precautionary, as other analyses in other places have used quasi-extinction levels a lot lower. If a high bar is set for quasi-extinction, it ends up being a more precautionary model because there is more likelihood of getting a jeopardy opinion the higher the quasi-extinction is set. Snover also concurred with these statements

Smith explained how the NMFS PIRO Protected Resources Division of PIRO would incorporate Snover's results in a Biological Opinion (BiOp)

Martin asked about the estimated leatherback post-hooking mortality rate, which was 22.9 percent. However, this was due to one throat-hooked turtle. He asked, hypothetically, if that one turtle was out of the equation, if anybody ran a number to see what it would have been.

Smith responded that the 22.9 percent figure comes from a sample of 16 leatherbacks that were caught in the fishery since 2004 to the end of 2007. One of the 16 was deeply hooked. Using the criteria developed by PIRO came up with an 85 percent likelihood that that turtle would die. If the throat hooked animal was removed then this would be two or three percentage points lower than 22.9.

2. Non-Longline Pelagic Fishery Management

Dalzell presented on alternatives to manage non-longline pelagic fisheries in federal waters. At its 138th Meeting, the Council considered the implementation of management programs for all boat-based non-longline pelagic fisheries (NLPF) in the Western Pacific Region (troll, handline, short-line, pole-and-line etc). There were two principal reasons for considering this action. The first stems from the periodic expressions of concern at Council meetings by other fishers and the general public about the catches of juvenile bigeye by NLPF fisheries, especially on the cross Seamount and the NOAA Weather Buoys, and the potential impact on fisheries for bigeye closer to shore. The second was the implementation of annual catch limits through the Magnuson-Stevens Reauthorization Act (MSRA) which requires that the Council establish annual catch limits (ACLs) and accountability measures (AMs) for overfished stocks by 2010 and for all stocks by 2011. After reviewing and discussing an options paper at its 139th meeting, the Council directed staff to draft a fishery management plan amendment to consider a limited entry program for the Hawaii offshore commercial pelagic fishery employing handlines and related hook and line gear (shortlines, vertical longline) off or around seamounts, NOAA weather buoys, and private fish aggregating devices. The draft amendment was reviewed by the 97th SSC in March 2008. As the Council has already made its decision to go forward with a preferred alternative for a limited entry program, the SSC chose to make no further recommendations at this time.

The Council conducted holding public scoping meeting in late May at Hilo, Kona

and Honolulu prior to the 142nd Council Meeting, in order to provide more information to the Council. The principal comments provided by fishermen and the public at those meetings were as follows:

- The declining or moribund nature of the OHL-PFAD fishery appears to offer very little rationale to fishermen for a limited entry program
- Fishermen suggest that other alternatives such as minimum size of bigeye and yellowfin be explored in addition to limited entry progra
- Although there are divergent opinions on limited entry, all fishermen are concerned about the qualifying criteria, and which control date would be used.
- Fishermen with a long history of participation in the fishery as crew want to know how they would qualify in the absence of catch history
- There are clearly differing opinions about the use of PFADs and how these should be regulated. Two out of the three meetings suggested some form of permitting program which would include identifying ownership
- Shortline fishing does not, as yet, appear to be a problem for fishermen but they perceive serious problems should shortlining expand markedly and fish closer to shore or around PFADs
- The impact of fuel price on the OHL-PFAD fishery cannot be underestimated. There is serious concern about the viability of the OHL-PFAD fishery regardless of any management measures being developed

Gaffney asked if the 119 current participants in the fishery, that's obviously just the CML holders, not any crewman. Dalzell concurred and added that the Council staff had heard in Kona upwards of 500 people that have participated or are participating in the fishery. Gaffney added that Dalzell had alluded to the opportunity for a crew member to provide an affidavit, there's a similar situation with regard to getting a Coast Guard operator's license for the charter boat captain. You document your time spent onboard as a crewman man through an affidavit signed by the captains who you've worked under. The Coast Guard accepts that as documentation of your time on the water. A similar process would certainly work with this crewman. Gaffney thought that this was important; because there were are a lot of people who will be affected by this than the 119 fishermen identified by DAR.

Duerr commented on the unemployment rate and participation in fishing. If you look at the early days, the fishermen were much different in Kona. Primarily, the hotel industry hadn't really started off yet, and you had mostly farmers that fished in their spare time for extra money. So I can see where the employment, unemployment and fishing doesn't correlate there. The motivation for going fishing today is a lot different than it was then, certainly, a different motivation.

Dalzell noted that there was some skepticism about this unemployment having to do with the fishing, because of the cost to get into this fishery. He noted that he had heard figures bandied about of FADs costing at least \$10,000 because of the mooring cost. However, it may be you could deploy FADs for a lot less expensively, and maybe only a few thousand dollars to get into the fishery. On the other hand, to get into the far offshore

fishery, where you're really going after seamounts, you need a sizeable vessel. Dalzell stated that someone had said at one of the meetings that you needed two diesel engines. So, the capital investment that was reckoned for that fishery where you would be fishing on the mountain and the NOAA weather buoys is a minimum of a hundred thousand dollars. With his kind of financial requirement, there was skepticism that unemployment would drive people into that segment of the fishery.

With respect to the PFAD fishery, Dalzell thought that is another question, particularly if you can set PFADs for a few thousand dollars rather than in excess of \$10,000.

Martin asked Bill Robinson if there is a likelihood of disapproval because some of the permit issue, as had been the case with Amendment 14.

Robinson responded that the concern about duplication and the thought that if the State Commercial Marine License system could be more effectively and cost-efficiently tweaked to provide the information that the Council needed to manage the fishery. He thought that this would still be the same issue. The Council would have to examine whether in fact that going down that road again would be mere duplication or whether there are management goals and objectives the Council would seek to achieve that would require the federal permits and federal reporting, and presenting adequate justification.

Martin asked if the State reporting requirements are meeting expectations, if we're getting the information that we hope to achieve.

Polhemus answered that we continually update and modify our catch reporting forms to accommodate new gear types, and we don't have to go to the Land Board to do that. Most recently, we've been dealing with shortlining and things like that. So the answer is, we haven't stood still on these things, and some of these fisheries are long-established things, like ika shibi, et cetera. We've known that for a long time. So we feel right now that, at least in terms of the gear types being deployed, that the catch reporting that we're getting off the CMLS, presuming it's accurately documented, is covering this whole range of gear types in fisheries.

A point I would like to make, in my mind, is that we've clumped a whole bunch of different fisheries inside this bin of non -- of pelagics small-boat, nonlongline fisheries. But in truth, a lot of these are really different things. It's sometimes hard for to see what somebody who is using a vertical shortline to hit pomfrets on Cross has got in common with somebody who is doing ika shibi, except for the fact that they're fishing for pelagics and they're not longliners. There are different targets, there are different gear types, there are different pools of fishermen, in many cases, and I'm not sure that you're really managing one thing here.

The other point on limited entry is, simply it's been shown and the fishermen point out, this is a declining set of fisheries. You know, they're limiting their own entry. It's not the normal target that you would utilize for limited entry. Normally, you would

want a limited entry on fisheries that are over-subscribed and you're worried about effort. This fishery doesn't need input controls right now. It's doing that, itself.

Gaffney commented on the history of small boat commercial fishing on the Big Island, in particular, includes a lot of participation by true part-time commercial fishermen. These are professionals. A school teacher is a good example. They've got the prime ahi season that they don't have to go to school every day. Gaffney knew school teachers in Kona who are full-time commercial fishermen for three months of the year and then they're a full-time teacher in the rest of the year and part-time commercial fishermen.

The point was that you don't need to look at whether or not they may have to buy into the fishery with a large investment. They've already made that investment. They own that investment. It sits in their garage. At the point they get unemployed by Aloha Airlines or the hotel they're working for, and so forth, they go from being a part-time commercial fisherman to being a full-time commercial fisherman. So what I would urge staff to do here, your graph analyzing the comparison to unemployment and participation in the fishery stops at '04, as soon as you have the data, to keep that going and I would keep an eye on it. The investment is there. It's not that expensive to do a PFAD for guys in the construction industry. And that's another industry that we're seeing a large amount of unemployment. Traditionally, part-time commercial fishermen can hammer nails seven days a week when they're busy, and then they may get to a point where they're only hammering nails two days a week, and commercial fishing the rest of the time. So as Dan Polhemus has pointed out, it's a fishery that has a lot of flux. However, the investment is there, and the investment can be realized in terms of the catch extremely quickly when the economy is on a downturn.

Duerr commented that a lot of our boat operators in Kona, those boats are owned by people in the mainland. For instance, charter boat captains may be taking people out during the week and then things are slow they go bottomfish fishing and they go trolling on their own. The investment is there,

Dalzell thanked Gaffney and Duerr for their insights.

3. FAD Management Options

Dalzell presented the Council options for managing Fish Aggregating Devices (FADs) associated with pure seine fishing. Purse seine fishing in the WCPO prior to 1996 was conducted on almost entirely on free swimming or unassociated schools of skipjack and yellowfin tunas. After 1996, more associated sets or sets on FADs became prevalent, especially in the US fleet, where associated sets rose to about 90% of all sets by 1999. Although this declined sharply in the following years, associated sets were once again accounting for about 80% of all sets made by the US fleet by 2006. Other distant water purse seine fleets in the WCPO fish predominantly on unassociated schools, but some domestic fleets, such as the Papua New Guinea, make about 70% of sets on associated schools, primarily tethered FADs. The cumulative effects of the expansion of purse seine

fishing in both the WCPO and the EPO had contributed to overfishing of BET across the Pacific, but especially in the EPO, where the stock may be approaching an overfished condition as defined under National Standard 1 of the Magnuson-Stevens Reauthorization Act (MSRA). Similarly, FAD associated purse seine fishing has also contributed to YFT approaching an overfishing condition as a consequence of high juvenile catches. As a consequence, the Western Pacific Council has become increasingly concerned about the use of FADs as a fishing gear, while at the same time recognizing that FADs are of benefit to other fisheries, namely hook and line troll and handline fisheries which can make extensive use of FADs. Unsurprisingly, there have been extensive deployments of FADs for commercial and recreational fishermen in the Western Pacific Region, especially in Hawaii, where a large network of FADs have been deployed and maintained by the Hawaii Division of Aquatic Resources.

As such any measures for FADs in the US EEZ around the Western Pacific must consider the impacts to purse seine and other fisheries if fishing around FADs is to be regulated. The Council's initial area closure for the segment of the US EEZ around American Samoa in 2001 was for all pelagic fishing vessels larger than 50 ft and thus included any purse seiners in this category, effectively putting these waters beyond all of the US purse seine fleet in the WCPO. In May, 2002 the Western Pacific Council's Scientific and Statistical Committee (SSC) made a recommendation at its 80th meeting that 'the Council may need to amend the Pelagics FMP to include FADs as fishing gear in order to regulate FAD deployment if that is needed in the future. The Council endorsed this recommendation at its 113th Council Meeting in June, 2002. More recently at its 138th Meeting the Council recommended that staff develop an options paper to a range of alternatives examining prohibiting purse seine vessels from fishing around Guam and American Samoa, and longline and purse seine vessels around the islands and banks of the Northern Mariana Islands (NMI).

At the subsequent 139th Council Meeting in October 2007, the Council took action recommending that staff draft amendments to the Pelagics FMP which would prohibit purse seine fishing for all US EEZ waters around the Mariana Archipelago, and an amendment to consider a purse seine closure in EEZ waters around American Samoa that contains a no action alternative (continuation of the current 50 nm closure for vessels > 50 ft), as well as a 75 nm closure alternative. At the 140th and 141st Council Meetings in March and April 2008, respectively, the Council adopted alternatives that banned purse seine fishing in the US EEZs around Guam and NMI, and that purse seine fishing be prohibited out to 75 nm from the islands comprising the archipelago. The 140th and 141st Council meetings also made the following recommendations with respect to FADs and purse seine fishing around FADs.

1. Recommended Fish Aggregation Devices (FADs) be registered as a fishing gear and directed Council staff to prepare an options paper on the classification and identification of FADs used in the U.S. EEZ waters of the Western Pacific Region as fishing gear.

2. Directed staff to prepare a draft amendment containing a range of alternatives and analyses regarding the prohibition of purse seine fishing on anchored and drifting FADs in EEZ waters around American Samoa, CNMI, Guam and Hawaii for consideration by the Council.

The objective of the action is to minimize impacts of purse seine fishing on small scale troll fisheries around those inhabited islands of the Western Pacific Region where purse seine fishing takes place or may take place. Dalzell concluded by noting that the Council may wish to select a preliminarily preferred alternative, to recommend additional alternatives for consideration, and to direct staff to prepare a draft amendment for further Council consideration.

Duerr sought clarification from Dan Polhemus about moorings in State waters. If you put a mooring down, you have to get State approval and if it's for your personal use, you have to pay for that, you rent that space from the State, unless you get permission to put one down for use by the general public so we're not dropping anchors on the coral and other sensitive habitats. Duerr continued that on the Island of Hawaii, the water would be too deep to put in personal FADs way outside, so any personal mooring deployed without permissions would be illegal. Polhemus agreed.

Duerr continued that there were submerged FADs off the Kona Coast which Polhemus noted may be a hazard to navigation, and more illegal.

CDR Young asked if there was any indication of the volume of FADs deployed by purse seiners. Dalzell didn't know but guessed that some seiners may use up to 100 untethered FADs. Young continued that the information that we have is that at any given time that there's probably over 10,000 FADs, drifting FADs, in the Western and Central Pacific Region. Depending how many of those are with the U.S. fleet, he suggested that the likelihood that we might come across a FAD in the U.S. EEZ that might be from a foreign vessel is almost as likely as it would be from a U.S. vessel. From an enforcement perspective, it might make sense to not only require the registering of FADs, if that's the direction you want to go for U.S. vessels, but also look at it for all vessels within the context of the WCPFC. Dalzell responded that every country is supposed to prepare a FAD Management Plan in the WCPFC, and the only one so far that's done that was Papua New Guinea.

Robinson noted the Council concerns about the purse seine fishery, in general, particularly for two reasons. One was the conservation of yellowfin and bigeye, and particularly the effect of FAD fishing on the catch of juvenile yellowfin and bigeye and on the effect on the stock overall. Secondly, the impact it might have on small-scale troll and longline fisheries in the Pacific, and those are certainly very legitimate concerns. But we also learned in the discussion at the last Council meeting when the Council took the action to recommend prohibiting purse seine fishing in the Marianas, including Guam, that there is very little purse seine fishing at all within the U.S. EEZ, except there is some in the unrestricted area off of American Samoa, certainly, and in El Nino years there have some in the Remote Island Areas, Howland and Baker and all points south.

He continued, there are no small-scale fisheries in the area of Howland and Baker immediately affected by the catch and that catch as in proportion with the overall catch by purse seiners in the Pacific is extremely small. So the real problem, the real impact on conservation and the management of yellowfin and bigeye, particularly juveniles, and the real impact on small-scale fisheries of the large-scale purse seine catch is on the high seas and within the EEZs of the other countries by the fleets from a number of Distant Water Fishing Nations, including our own. Robinson argued that if we really want to conserve yellowfin and bigeye, and if we really want to address the issue of impacts on small-scale fisheries, we need to address the issue on a Pacific-wide basis and address it with respect to all of the purse seine vessels from all of the countries fishing both on the high seas and throughout the EEZs of the different countries. The forum for that solution is the Western and Central Pacific Fisheries Commission.

In the short term, probably the most valuable thing this Council could do at the next meeting would be to prepare its views and comments and prepare to participate in the U.S. section, the U.S. Delegation to that meeting, and provide the U.S. Government and the U.S. section your views on how to address this on the broad international scale. NMFS would welcome this, and welcome the participation of the Council in that forum. Robinson believed that it is like that there would be an adoption in the December meeting in Busan, Korea of some type of conservation management measures that is going to cover the complete spectrum, from longline to purse seine, and that the purse seine measures will focus on FAD management because of bigeye yellowfin catches

Robinson asked the Council at this meeting not defer your consideration until the Council meeting next March in order to allow for the WCPFC to take action. And because when it takes action, then the U.S., as well as all of the other members, will be obliged to implement those measures. Robinson believed it would be very wise for the Council to know what measures the U.S. is obligated to implement because of what's adopted on the international level. So whatever the Council can either conform or is compatible with those measures. He also thought that by deferring, we're not foreclosing or complicating opportunities that U.S. negotiators might have to negotiate a broader FAD management or purse seine management regime. This might complicate our ability to navigate the international waters and come to an agreement that everyone else can agree to. Finally, the Council has already made its recommendations, and those recommendations, once submitted to the Agency, will go through a review and there will be decision made there.

Duerr sought clarification about FAD marking. Dalzell responded that there was a requirement for members of the Western and Central Pacific Fishery Commission to develop a FAD Management Plan. Duerr stated that he would like to see identification, on every FAD, every net that's out there, and then when these things escape, like the FADs do, the people that own these FADs will get a fine or responsibility. If you look at the Northwestern Hawaiian Islands and all of the junk that's going up there, and we can't identify where those nets are coming from. But if we had some identification, at least some of that identification might survive, and we would be able to go back and get the

people who lost the nets or dumped the nets.

Gibbons-Fly (Department of State Council member) sought further clarification of the Council's proposed action. He understood that there are some sets by U.S. purse seiners around American Samoa. But I understand that they're already limited to beyond 50 miles of the shore, precisely to minimize interactions with small-scale coastal fisheries. Dalzell concurred. Gibbons-Fly sought clarification that that 80 percent of the sets in American Samoa are on FADs. Dalzell responded that the information he'd been given was from John Hampton of the SPC, but he had also made a separate data inquiry through PIRO at the Southwest Fisheries Science Center. The American Samoa catch by the purse seine fleet is a tiny fraction of the total fleet catch. However, the American Samoa Council members and American Samoa members of the Advisory Panel and Plan Team who continue to bring concerns about what they perceive as competition for fish. Whether it's real or not is another question. But there is that perception, and that is also why I think that the 75-mile boundary issue came up at the last Council meeting.

Gibbons-Fly stated that it would be interesting to know what that number is, the total number as opposed to the ratio. Perhaps the total amount, the total impact of that would be useful. With respect to Guam, CNMI and Hawaii, Gibbons-Fly heard that there have been virtually no sets by U.S. purse seiners in those areas. Dalzell agreed that official records showed none on record. The only activity reported for Guam, CNMI, was what they call scouting, looking ahead, looking for schools. There is no official record of sets being made within that EEZ.

Gibbons-Fly stated that he understood that part of the Council's rationale for this is the concern over the potential for some sets in U.S. EEZs as a result of the re-growth of the U.S. fleet. Dalzell agreed that this had been the primary level of anxiety.

Gibbons-Fly continued there was a time when the purse seine fleet was considerably larger than it is now. It was originally, I believe we're now up to 45 licenses; we had at one point up to 55 licenses. Was there any record during the time when the fleet was at that level, much larger than it is now, that there were any sets in any of the U.S. EEZs around anyplace other than American Samoa. Dalzell stated that there was not, apart from in the Pacific Remote Island Areas.

Gibbons-Fly continued it seems to me that Robinson's request or proposal, that perhaps the Council doesn't need to take action on this now, but might wait until March to see what the WCPFC does is not an unreasonable one. If there were an urgent need for action because of some identified problem, I can certainly see the Council wanting to take quick and immediate action to solve something. But if we don't have any sets in the U.S. EEZ, maybe there might be a basis for following his suggestion. And the reason for that is, as Robinson outlined, the WCPFC has at the top of its agenda conservation and management measures for bigeye and yellowfin tuna. We all recognize that a significant part of any measure adopted by the WCPFC does need to be some aspect to regulate or manage and limit FAD fishing, not just in any country's EEZ but throughout the WCPFC Convention Area. Gibbons-Fly thought that is a recognition that we all have and it's a

priority that we all share. So it would seem prudent for us to be able to negotiate an agreement without having action by the Council that might limit our ability to get a proper measure that deals with the issue not only within the U.S. EEZ but throughout the Central and Western Pacific. This was because there are always people who are going to try to block and try to oppose and look at things that different countries have done and throw up red flags and throw up red herrings to try to prevent action. So if we've taken some action that is not consistent with what we would be advocating in the WCPFC or what we would like to see or what we think we can achieve in the WCPFC, then we've weakened our negotiating position. So in conclusion, Gibbons-Fly agreed with Robinsons' comments

Sword stated that the new U.S. flagged Taiwanese boats, they're 49 percent Chinese-owned. And as I mentioned this before earlier, is that they don't have the same loyalty to the islands and the U.S. flag territories that the skippers and owners have. They don't really care about our welfare. Unless something is done to make sure that they don't use our resources, I know Bill mentioned what is the record in the past. It was a whole different bunch of people here, and that's the concern that we have. Sword personally felt that we need to lead the way in all of this. We've always led the way and I think we should make a statement, or at least give some guidance of this Council to the Western and Central Pacific Fishery Commission on how to deal with this major concern. Sword noted the recent actions by Congressman Faleomavaega, who really has the well-being of the canneries in mind, was trying to make some changes to not allow purse seine fishing in CNMI, Guam and American Samoa EEZ, it might be moot. But Sword thought that the FAD question issue is something that needs to be dealt with.

Palawski referred to environmental hazards posed by Fads. A case in point was a situation at Palmyra Atoll last year where a FAD washed ashore, then that night the boat is looking for its FAD along the reef, and not knowing that there's a reef there. He thought that the idea of zones and marking FADs and being able to identify these things are really important and they need to be addressed sooner than later.

Duenas stated that the Commission process is they already wanted to jump in to quotas, but they haven't defined everything. He thought putting parameters like Fred said and several others said at the meeting today, put identification, to require identification on all of the equipment. We do it to our Hawaii longline. We do it to all of the fisheries in our jurisdiction. Even those orange buoys have to have the boat number on them. So what is so difficult about a FAD, especially if it's dragging a log that is 20 feet long or a net that is 60 feet deep or 100 feet deep.

Duenas continued that the SPC meeting had estimated that Guam's EEZ contained about 20,000 metric tons of skipjack. Duenas had computed that ten trips of a purse seiner would wipe out the entire stock of skipjack tuna within the EEZ of Guam. Guam's EEZ is one of the smallest EEZs of the Pacific -- of our jurisdiction. Referring to the lack of fishing in the US EEZ around the Marianas, Duenas mentioned that Larry Zoanvich had twelve boats based out of Guam and he made some money in all of his years there, and probably did not ignore schools of skipjack in the EEZ when setting out

on or returning from a fishing trip. He added that skipjack and juvenile yellowfin, as admitted by Bill Robinson, is the primary target species of the purse seiners right now. But it's also the primary target species of our island fishery. We're happy if we get a ten-pound yellowfin or a ten-pound skipjack at the end of our hook. So we have the same target species. Blue marlin is commonly caught around FADs, more commonly caught around FADs than any other gear type. Striped marlin, which is of interest to Hawaii, is caught around seamounts. Just for your information, also, seven to ten free-floating FADs are found around Guam every year on our seamounts.

Duenas referred to comments yesterday about how we need to protect our submersible fishery and our seamounts from bottom trawl and bottomfish fishing. He thought that hink having a 60-foot-by-100-foot old purse seine bait net snagged on your reef, trying to yank it off because it has attached to the top of the reef for two or three months probably does not help our ecosystem along those seamounts. For the last twenty years there's been a decline in skipjack tuna. When he had attended the 1998 Status of Stock Report at SPC, he asked the question, 'where within Guam's little EEZ was that 20,000 metric tons located.'

Duenas continued that Rainbow Runner are normally found on seamounts. For the last two or three years, Rainbow Runner are no longer located on our seamounts. They're located in deepwater. In his opinion the Rainbow Runner were becoming conditioned as to running around these free-floating FADs. The first fish to come up on these FADs to hang out is Rainbow Runner, mahimahi, ono. So as these FADs are conditioning our fish now to occupy the new habitat. So they're becoming more and more pelagic. Duenas also expressed concern for Guam, CNMI, and American Samoa seamounts which were located no further than 100 miles out from our main island areas. If you take the theory that 60 miles is a safety zone, that we won't affect the fishery. Duenas continued that his concern was the impact of these nets that are operated by the purse seiners were now 1200 feet deep. The shallowest seamounts south of Guam is 20 feet deep. The deepest one is about 130 feet. As such the purse seine industry still greatly affects and impacts our small-scale artisanal fishery and our community-based fishery, both in Guam, CNMI, American Samoa and Hawaii.

Sablan (CNMI Council member) supported the statements made by Duenas.

4. CNMI Longline Control Date

Hamilton presented the Council the issues concerning the CNMI Longline Control Date. The Council took initial action at the 141st meeting to establish this control date which may be used in the future to limit further entry of longline vessels to fish around the US EEZ waters surrounding the Commonwealth of the Northern Mariana Islands. Establishment of this control date does not commit the Council to any particular management regime or criteria for entry into the longline fishery. Fishermen are not guaranteed future participation in the fisheries, regardless of their level of participation before or after the control date. The Council may recommend a different control date or it may recommend a management regime that does not involve a control date. Hamilton

finished noting that the Council may wish to take further action on a control date of April 14th, 2008 established the 141st Council meeting. There was no discussion on this issue.

5. Hawaii Charter Vessel Control Date

Dalzell presented the issues concerning the Hawaii Charter Vessel Control Date. The purpose of the March 16, 2007 control date is to notify fishermen that after March 16, 2007, they may not be guaranteed access to the fishery if the Council recommends, and NMFS approves, establishing a limited entry program or other measures to manage the fishery. The Council has not yet recommended limiting new entry or imposing any other management measures in this fishery. Establishment of a control date responds to the Council's concern over any significant expansion of the Hawaii based pelagic charter fishery, and its potential to impact billfish and other pelagic fishes. This concern is focused on the Kona coast of the island of Hawaii, where there is a planned expansion of the Honokohau Harbor. A larger harbor could provide more berths for charter fishing vessels, with a resulting increase in fishing effort for pelagic fishes, such as blue marlin (*Makaira mazara*). State of Hawaii fishery data indicate that blue marlin catch per unit effort from Kona-based pelagic charter fishing has declined significantly over the past 20 years. Similar trends are also apparent for pelagic charter fishing data from the other Hawaiian Islands. Pelagic charter fishing, conducted from small vessels that primarily target billfishes and tunas and are chartered for a fee, is a notable component of tourism in Hawaii. Total generated revenues were estimated at \$17 million in 1990 and \$16.5 million in 1992. The industry attracted an estimated 77,000 annual participants in 1994, and employed approximately 400 captains and crew members in 1997.

Because at least a portion of the catch is typically sold, pelagic charter fishing in Hawaii is classified as a commercial fishery, requiring State of Hawaii commercial marine licenses and catch reporting. The State of Hawaii issued 121 commercial marine licenses to vessels for pelagic charter fishing in 2005, and the reported catch from pelagic charter vessels in 2005 was 478,650 lb (217,112 kg). In 2006, 119 licensed fishermen submitted fishing reports that reported a total of 9,535 charter trips, or an average of 80.1 trips per vessel. The March 16, 2007, control date adopted by the Council complements a control date of June 2, 2005, established for non-longline commercial pelagic fisheries in Hawaii (70 FR 47781, August 15, 2005) in response to concerns about overfishing of bigeye tuna Pacific-wide and yellowfin tuna in the central and western Pacific. Control dates are intended to discourage speculative entry into fisheries, as new participants entering the fisheries after the control date are put on notice that they are not guaranteed future participation in the fisheries. Establishment of this control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the Hawaii-based pelagic charter fishery. Fishermen are not guaranteed future participation in the fishery, regardless of their level of participation before or after the control date. At the 142nd Council Meeting, the Council may choose a different control date, or it may choose a management regime that does not involve a control date. Other criteria, such as documentation of landings or sales, may be used to determine eligibility for participation in a limited access fishery.

Subsequently, concerns have been expressed in Council meetings about the degree of public awareness concerning this control date, especially by charter vessel fishermen. Dalzell finished by noting that the Council may wish to select a preliminarily preferred alternative, to recommend additional alternatives for consideration, and to direct staff to prepare a draft amendment for further Council consideration.

Gaffney noted that the 2005 control date, it seemed that control date was more succinctly defined as including some very specific fisheries, none of which were charter fisheries. Dalzell responded that this control date was just worded as, all nonlongline pelagic commercial fisheries.

Gaffney added that in the earlier presentation Dalzell's focus seemed to be on all other forms of non-longline pelagic fishing and he never once mentioned charter fishing, primarily handline and PFADs, and all of this other stuff. Gaffney felt that clarification was important because if the same kind of discussion and focus was in place when the Council set the 2005 control date, then that's relevant to whether or not Council's intent at that point was to include charter vessel fishery. He understood the charterer vessel fishery by law is considered a commercial fishery. But was the Council's intent to place a control date on the charter vessel with the 2005 motion. Dalzell responded that the issue at that time was more motivated by getting a handle on bigeye catch.

Gaffney commented on the potential new Marinas at Honokohau and Ewa Beach. Effectively, there's been no progress on the new marina for Honokohau, and there certainly won't be any until after the election because it's a real hot button item on the Big Island. The public basically said they don't want to see the expansion of the marina because what goes with the expansion of that marina is significant tourism expansion. It's not the marina per se that's bothering anybody. It's the creation of a new tourism center in a place that most of the public on the Big Island are saying they don't want to see that kind of tourism expansion. So it's effectively dead, to the best of my knowledge, until after the election, and then it's going to depend on who's elected to the Council, who's elected mayor and how they feel about it, and this proposal is supported, as I understand, by the Lingle Administration. So that's future further difficulties with continued support for that marina.

With regard to the Ewa Beach Marina, they were scheduled for an opening in 2009. They've now put that back to 2010. So as CDR Young pointed out, it looks like it could open today, except there's no way for them to get to the ocean. It's fully dug out, ready for mooring; it's ready for the floating docks. But there's no channel, and there is resistance by the community here to allow that channel to be cut. Gaffney believed that they have all of the permits necessary in place already, but there's new public opposition to cutting the shoreline there. There are some conservation issues and also with cutting through the cap rock which supports the fresh water land flow.

Duenas asked if there were 199 charter vessel abut only 128 reporting, whether the State Enforcement or the Coast Guard Enforcement is going to enforce the licensing.

Gaffney responded that part of the answer is with regard to the commercial

fishery on the Big Island. There were a lot of part-time charter operators. Some of them may operate only in the summer when they take time off their job, or they're a school teacher, for instance. Or fish as charter operators only during tournament season. They're legitimate charter operators. Their vessel is licensed. They have carriage license from the Coast Guard, and so forth. On the Big Island, to the best of my knowledge, there are 78 or so charter boats at Honokohau, and of those, there may be 45 or 50 are active at any given time. The rest of them are just sitting their holding space. In some cases, the numbers are skewed by the fact that the State Harbors Division requires them to have an active charter boat to hold a commercial operator's license, which is a transferrable right to a mooring permit. So some of these numbers that are unlicensed people are probably people that simply have that opportunity to keep their boat there and they don't intend -- and I know several of these, they don't intend to charter. They don't even want the liability of chartering. So they have a commercial operator's permit and a boat there. They may have a captain onboard for occasional charters to be able to keep them up there for the operator's permit on the State side, but they're not actively chartering. He continued that the State is the one that requires you to act like a charter operator if you have a commercial operator's permit. So a lawyer that handles one of those transaction is going to tell you, put up a website, look like a charter operator, get a yellow pages ad, have a phone number. Because those things are required in the State's eyes to maintain an operator's permit, which allows you to maintain that berth. But I think the real number of charter operators on the Big Island is probably closer to 80, and there's no charter operators on the Hilo side at the current time.

B. American Samoa and Hawaii Longline Quarterly Reports

A round up was presented by Dave Hamm (NMFS PIFSC) of the latest quarterly reports from the two US longline fisheries in the Western Pacific. Commander Young sought some clarification about the availability of the fishing effort graphics shown by Hamm.

C. American Samoa longline-turtle interactions

Dalzell presented the issues concerning American Samoa longline-turtle interactions. The level of turtle interactions in the American Samoa longline fishery is higher the allowable take specified in the 2004 BiOp. During the 18-month period from April 2006 to September 2007, 7.6 percent of the sets deployed by this fishery were monitored by observers, and four green sea turtle interactions were reported by the observers. All four greens were dead when brought aboard, or died before being released. Genetic samples from two of the captured turtles show that one was from stocks nesting in northern Australia and New Caledonia, and one was from stocks nesting in Micronesia and American Samoa. Observer coverage in this fishery fell between 2006 and 2007 from 8.1% to 7.1 % with three of the four turtles caught in 2006. A fifth turtle was observed taken recently in 2008. Despite this issue arising in 2006 NMFS PIRO has only now suggested that the Council consider taking action to reduce turtle takes in the fishery. Further, NMFS PIRO has intimated that the Region approving the Pelagics Fisheries Ecosystem Plan would be contingent on the Council taking action to minimize

interactions with turtles in the American Samoa fishery. NMFS PIRO has also appropriated \$200K from the Council's sea turtle grant to conduct marine turtle work in American Samoa. Takes have been on the shallowest hooks set by the fishery therefore one solution may be to increase float-line length and remove the branch-lines with the shallowest hooks.

Keith Bigelow followed Dalzell and made a short presentation on preliminary data from ongoing research on hook depth profiles and sinking rates from American Samoan tuna longline vessels which primarily target albacore.

Martin commented that this was a different species of turtle and a different fishery. So in some of the considerations that he had on the screen, it said that we may want to consider some of those methods that are proven to be successful in reducing turtle interactions in the shallow-set fishery here. Martin cautioned Council members to make the assumption that any of those measures necessarily have any validity, and would encourage PIRO and the Science Center to undertake some kind of activities that might be more specific to the fishery, itself, and to the species. He cautioned against apply some of the measures that were successful here in a quite different fishery and make some assumptions that they would be effective and then have them not prove to be effective. Bill Robinson noted that four of the five takes were on the very end, on the shallowest hooks. So it would seem to be at least a general objective the concept of exploring ways of deploying the gear, configuring the gear, so that those hooks don't fish shallow is a productive objective or goal to have.

D. Video Monitoring of Longliners

Kingma presented the Council with an update on progress towards establishing a video monitoring project on the Hawaii longline fishery. Observers are an indispensable component of fishery management, recording a variety of data, including protected species interactions and the range and volume of bycatch. However, observer programs are expensive (above \$ 5 million per year) due to the mandated levels of coverage, e.g. 20% on the tuna segment of the Hawaii longline fishery and 100% of the swordfish segment. Cost-effective high tech solutions are now available to substitute for human observers in the form of video cameras and sophisticated software for image interpretation. A summary will be given of a proposed pilot project using video observer monitoring within on the Hawaii longline fleet.

Gaffney asked if the video signal is transmitted to satellite and back to Headquarters. Kingma responded that the images are captured on a tape is recorded onboard the vessel in a tamper-proof box and then brought back to shore, and that tape is then reviewed by someone in the office looking at the tape.

Gaffney asked about the cameras used to capture the images. Kingma stated that these were quite small and that maybe two to three cameras were positioned to really get a good image. Gaffney noted that there were several companies that do the same thing for rigging on sports fishing boats. He had seen boats set up with maybe five cameras,

including cameras on the outriggers, and they go to a central recorder onboard and they're recording all of the time.

Kingma thanked Gaffney for this information and noted that we expect the cost of this project to be in the range of \$ 100,000 to 150,000. Martin stated that that the industry has expressed an interest in working collaboratively on this initiative and providing vessels to do some of the testing on real-time boats involved in the fishery. Kingma added that the North Pacific Fishery Management Council is holding a workshop this summer up in Seattle the end of July, which he would be attending.

E. International Fisheries

1. Sustainable Tuna Roundtable

Eric Gilman presented the Council with a report on The Sustainable Tuna Roundtable, which brought key industry interests together to reach agreement on how to employ market-driven incentives to contribute to producing sustainable tuna fisheries. Participants were from the tuna fishing industry, retail/foodservice industries, buyers, distributors, processors, and intergovernmental organizations, including regional fisheries management organizations (RFMOs) and other regional fishery bodies. The following main agreements reached at this inaugural meeting:

- Participants agreed to increase retail, processor, buyer, distributor and tuna fishing industry participation in RFMO activities to push for adoption of and compliance with legally binding measures to achieve sustainable tuna fisheries
- The Food and Agriculture Organization of the United Nation's Code of Conduct for Responsible Fisheries was agreed to be an appropriate starting point as a global, single set of standards against which to assess the sustainability of individual marine capture fisheries, while the FAO Guidelines for the Eco-labeling of Fish and Fishery Products from Marine Capture Fisheries were recognized as providing requisite guidance for the institutional and procedural arrangements for awarding and maintaining an eco-label and identifying the minimum substantive requirements for eco-labels;
- Participants agreed to improve communication of how to improve tuna fisheries' sustainability and the basis for tuna sourcing decisions; and participants agreed to continue communication between the relevant industry sectors to address their demand for harmonized standards against which the sustainability of tuna fisheries can be assessed, and involvement in the evolving use of market-based tools for sustainable sourcing of tuna products.

There was no discussion of this agenda item

2. NP Seamount RFMO

Kingma presented the Council with a report on the progress of Fourth Intergovernmental Meeting on Management of High Seas Bottom Fisheries in the North Western Pacific Ocean Vladivostok, 12-16 May, 2008. Meeting participants identified the existing fishery foot print that will be 'frozen and not expanded within the proposed

area of competence of the North Western Pacific. However, development of the standards and criteria to assess significant adverse impacts on vulnerable marine ecosystems associated with seamount will be developed at meetings to be held in October and December 2008.

Duenas noted Kingma's reference to armorhead and asked Robinson if there any way to get it off one of our overfished categorizations by saying we don't fish it anymore. Is that good enough. Or do we have to go to a stock assessment. Robinson thought that it would probably require a stock assessment but he would look in to it.

3. IATTC

Dalzell stated that the IATTC held 78th meeting in Panama would be held late June 2008. Key items for discussion include the ratifications of the Antigua Convention, status of stocks, progress on conservation of bigeye and yellowfin and staff conservation recommendations. Other issues to be discussed include purse-seine net experiments, seabird conservation, and data from fishing west of 150°W. There was no discussion under this agenda item.

4. WCPFC

Robinson made a brief presentation on the forthcoming WCPFC meeting cycle beginning with the Science Committee, followed by the Northern and Technical and Compliance Committees and finally the full plenary in Busan in December 2008. Robinson also referred to the two-day workshop in March convened by the WCPFC Chair to explore tuna management options and a working group on observers meeting to continue to develop procedures for implementing a regional observer program. NMFS PIRO was planning an advisory committee for September 17th, 18th and 19th in Honolulu.

Kingma presented on WCPFC vessel marking requirements and the potential need to amend our FMP vessel marking requirements to be consistent with those being required in the WCPFC. Specifically, the WCPFC requires that all vessels that have been assigned an international radio call sign number to mark their vessels with that number. Kingma presented the options for the Council, noting that they may have to take action on this at the October meeting.

Simonds asked about the advisors to the WCPFC Advisory Committee and Commissioners. Robinson stated that PIRO was hoping to have the Advisory Panel appointments very soon. Maybe within the next few weeks, we are trying to get the Admiral to sign off before he disappears. The alternate commissioners are still alternate commissioners until the president appoints permanent commissioners and we have heard nothing from the White House as to whether that might occur or not.

Simonds also asked about the MOU between the three Pacific RFMCs and the advisory committee. If NMFS was appointing advisors without reference to those

specified in the MOU, then that was a problem

CDR Young noted that the WCPFC high seas boarding and inspection scheme came online in 2008 offering the members the opportunity to complete the necessary steps for them to be able to utilize that this year. As of April, USCG had supplied the Commission with the necessary information they needed on inspection of vessels that would potentially be utilized for these type boardings on the high seas pursuant to that scheme. The USCG continued in finalizing the steps needed in order to fully execute that scheme, including the training of our boarding officers and boarding personnel on the management and conservation measures necessary to do that.

Duenas sought clarification from Robinson about the Spanish purse seine fleet in Kiribati. Kiribati took the lead in licensing the EU in the Central Western Pacific. Duenas was curious how far out from this new monument that Kiribati created are they fishing. Robinson didn't know. Paul Dalzell noted that a recent tagging cruise on the equator by a Hawaii based vessel had encountered these large Spanish vessels which were fishing on the same line of longitude that passed through Hilo, but 1,000 miles south.

F. Turtle Advisory Committee Report

Dalzell reported on the recent (April 2008) TAC meeting in Honolulu. The meeting reviewed the progress to date on the Council's turtle conservation program and made recommendation for the future directions this program should take.

There was no discussion of this item.

G. Education and Outreach Initiatives

Spalding reported that the Council continues to play a major role in the International Pacific Marine Educators Network (IPMEN), which is an outcome of the Council-hosted International Pacific Marine Educators 2007 conference. The 2008 IPMEN conference is scheduled to be held in Townsville, Australia, Oct. 16-21. The Council has brokered John Sibert, director of the Pelagic Fisheries Research Program, to deliver a keynote presentation on Pacific tuna fisheries. The Council has compiled the 2007 IPMEC proceedings and has forwarded this to the National Marine Educators Association, which will be publishing it as a special edition, due out in July 2008. The Council is moving forward with distribution of the short video of the Council-sponsored Papua New Guinea leatherback project, with interest expressed by the Ocean Network, which broadcasts in Hawaii and is branching out to the West Coast. The Council distributed a press release on the Sustainable Tuna Roundtable.

There was no discussion of this item.

H. Hawaii Advisory Panel Recommendations

Kanemoto presented a summary of the Hawaii Archipelago Advisory Panel

meeting held in May this year will be given along with the recommendations and actions items arising from the meeting

The five Hawaii AP recommendations which referred to pelagic fisheries or related topics were as follows:

The Hawaii Archipelago and Pacific Pelagic AP

1. Supports the Council's current preferred alternatives for swordfish management.
2. That the Council continues to develop limited entry options as a method for Non-Longline Pelagic Fishery Management.
3. Is concerned that there may be an influx of participation in these fisheries as the local and national economies worsen, fuel prices rise, etc.
4. That the Council continues to pursue the de-listing of the Green Sea Turtle from the ESA.

5. That the Council reiterate that the take of juvenile bigeye and yellowfin tuna by purse-seiners is more harmful than any other pelagic fishery to the International Regional Fishery Management Organizations. The AP further recommends that the Council not support a quota for its fisheries until other countries establish observer programs and management methods already employed by fleets in the Western Pacific/US.

Palawski sought clarification that the delisting recommendation by the Hawaii AP referred to the Hawaii green turtle, which it did.

I. Pelagic Plan Team Report

Bigelow presented a summary of the Pelagic Plan team meeting held in April/May this year was given along with the recommendations and actions items arising from the meeting.

CNMI: The Pelagics Plan Team (PPT) recommends that NMFS provide funding for a longline dockside biological sampling program for the emerging CNMI longline fishery.

American Samoa: The PPT recommends that an analysis be conducted by PIFSC of the American Samoa longline fishery longline logbook and observer data with an emphasis on quantifying the accuracy of the percentage and magnitude of bycatch.

Guam: The PPT recommends that Guam DAWR investigate the potential to survey fishing activity by vessels launched from boat ramps on military property, and work with the military to monitor fishing activity from military property.

Hawaii: The PPT recommends that PIFSC analyze the Hawaii-based longline logbook data to investigate whether the 2001 regulations defining deep setting in the Hawaii longline fishery caused fishermen to change their operational behavior. Analyses should include the way deep set longline fishing was conducted, i.e. longer float and branch-lines, more hooks between floats, and whether there has been a change in seasonality when peak fishing activity occurs.

J. SSC Recommendations

A synopsis of the SSC recommendations concerning pelagic fisheries was be given to the Council by Callaghan.

1. Concerning modifications to the Hawaii swordfish longline fishery, although the SSC concurs with Council's preferred Alternatives for Amendment 18, some SSC members still have reservations about changing the existing regulations at this time.

2. The proposed turtle interaction caps for the Hawaii-based swordfish fleet would be 46 loggerheads and 19 leatherbacks, do not appear to have significant adverse impacts on the turtle populations. This conclusion was based on results from the Quasi-Extinction model using listing criteria for vulnerable species consistent with IUCN (i.e., 50% decline from current population size over 3 generations).

The SSC would like the Council to understand that the term "quasi-extinction" has nothing to do with real extinction. As an example, if a fish population was reduced by 50% from its virgin level it would by this analysis be quasi-extinct, but at the same time it would also be close to MSY.

3. Concerning American Samoa Longline-Turtle Interactions, the SSC recommends that Council directs Staff to develop alternatives, including those proposed by NMFS and others stemming from forthcoming meetings with longline fishermen in American Samoa in July 2008.

4. Concerning Pelagic Fisheries Non-Longline Management, while the SSC is not opposed to the Council's wish to adopt a limited entry program, the SSC reiterates its recommendations from previous meetings to establish a federal permit and reporting system to improve data collection. Doing so would improve our knowledge of the fishery, document any further need for management, and provide the basis for establishing a limited entry program.

5. Concerning FAD Management Options the SSC recommends that the Council adopt Alternative 3, to classify as FADs all floating objects that have been purposefully deployed, enhanced or instrumented.

6. Regarding purse seine fishing around FADs in the US EEZ, the SSC recommends adding the following to the list of alternative for consideration:

- a. Limit all FAD associated fishing to registered FADs only.
- b. Restrict use of FAD sets by purse seiners in US EEZ waters around American Samoa, CNMI, Guam, and Hawaii.
- c. The SSC also recommends a minor rewording of Alternative 4, specifically the deletion of the word "segments".

K. Standing Committee Recommendations

Duenas gave the report of the deliberations and recommendations from the Pelagics Standing Committee will be given to the Council. He noted that there was consensus to forward all the recommendations arising from the SSC to the full Council for consideration.

L. Public Hearing

Keiko Bonk sought clarification on the literature supporting delisting of the Hawaii green sea turtle. Dalzell explained that there were several published scientific papers by George Balazs and Milani Chaloupka which discussed the turtle population recovery and potential harvest.

M. Council Discussion and Action

The Council made the following recommendations concerning pelagic fisheries

1. Regarding Hawaii swordfish fishery effort management, the Council recommended Alternative 1F (Remove effort limit and implement annual sea turtle interaction caps of 46 loggerheads and 19 leatherbacks; if either of these caps is reached the fishery will be closed for the remainder of the calendar year, and 100% observer coverage will be maintained), as its final preferred alternative regarding Hawaii-based shallow-set longline fishing effort.

This recommendation was passed by five votes in favor (Manny Duenas, Stephen Haleck, William Sword, Ben Sablan and Ike Dela Cruz) to four against (Dan Polhemus, Peter Young, Fred Duerr Rick Gaffney), with Sean Martin refusing himself and Bill Robinson abstaining.

2. The Council recommended Alternative 2B (Discontinue set certificate program) as its final preferred alternative regarding fishery participation.

This recommendation was passed by 8 votes for (Manny Duenas, Stephen Haleck, William Sword, Ben Sablan and Ike Dela Cruz, Sean Martin, Fred Duerr Rick Gaffney) with three abstentions (Bill Robinson, Dan Polhemus, and Peter Young)

3. The Council recommended Alternative 3A (Do not implement time-area

closures) as its final preferred alternative.

This recommendation was passed with one abstention by Bill Robinson

4. The Council recommended the Council's sea turtle conservation projects be continued and that NMFS, in its anticipated Biological Opinion on the above measures, include their impacts in the environmental baseline and their impacts with regard to recovery, as well as credit the results of this work as they may offset the impacts of the Hawaii shallow-set fishery, as appropriate.

This recommendation was passed with one abstention by Bill Robinson and Peter Young.

5. The Council requested NMFS consider issuing a multi-year Incidental Take Statement (ITS) in its anticipated Biological Opinion on the above measures to allow for some flexibility in the ITS reconsultation process if an annual hard cap is exceeded because of an inability to close the fishery on a timely basis.

This recommendation was passed with three abstentions by Bill Robinson, Peter Young and Dan Polhemus.

6. The Council directed staff to finalize the combined Draft SEIS/FMP amendment and transmit it to the Secretary of Commerce for review and approval as soon as possible. The Council may modify the above recommendations if public comments on the combined Draft SEIS/FMP amendment bring to light additional scientific or other information that would support reconsideration.

This recommendation was passed with three abstentions by Bill Robinson, Peter Young and Dan Polhemus.

7. Regarding Non-longline Fishery Management, the Council directed staff to incorporate implementation details (e.g. eligibility criteria, gear descriptions and area of application), and associated impacts in an analysis of a range of alternatives that would establish a limited entry program for offshore handline and associated (non-trolling) hook-and-line fishing around Cross Seamount, weather buoys and private FADs in EEZ waters around Hawaii.

This recommendation was passed with one vote against by Dan Polhemus

8. Regarding FAD management, the Council recommended a modified Alternative 3 (Classify all floating objects within US EEZ waters of the Western Pacific Region that have been purposefully deployed, enhanced or instrumented, as a Fish Aggregating Device (FAD) with the intent of aggregating fish, and require that they be marked with the owner's name and vessel identification and be registered with NMFS) as its preliminarily preferred alternative.

This recommendation was passed with two votes against by Bill Robinson and Rick Gaffney, and an abstention by Peter Young.

9. The Council directed staff to add and analyze the following two alternatives for FAD management for consideration by the Council at their next meeting:

- Limit all purse seine FAD associated fishing to registered FADs only in the US EEZ of the Western Pacific.
- Restrict the use of FAD sets by purse seiners in US EEZ waters around American Samoa, CNMI, Guam, and Hawaii.

This recommendation was passed with two votes against by Bill Robinson and Peter Young.

10. The Council directed staff to send a request to PIRO to include the topic of purse seine FAD management in the agenda for the September meeting of the Advisory Committee to the WCPFC.

This recommendation was with two abstentions by Bill Robinson and Peter Young.

11. The Council will not take any final action regarding FAD management prior to the first Council Meeting in 2009, in order to take into consideration any FAD management measures emerging from the 5th WCPFC meeting in December 2008.

This recommendation was passed unanimously.

12. Regarding the CNMI Longline Control Date, the Council recommended a control date of June 19, 2008 be implemented for the CNMI-based longline fishery.

This recommendation was passed unanimously.

13. Regarding the Hawaii Charter Vessel Control Date, the Council recommended a control date of June 19, 2008 be implemented for the Hawaii charter vessel fishery.

This recommendation was passed with three votes against by Bill Robinson, Peter Young and Rick Gaffney.

14. Regarding American Samoa Longline-Turtle Interactions, the Council directed staff to work with PIFSC to develop and analyze for consideration by the Council at their next meeting, a range of alternatives for mitigating sea turtle interactions with the American Samoa longline fishery. These alternatives should include requiring hooks to be set at least 100m deep, requiring the use of 45 g or heavier weights on branch lines within 1 meter from each hook, requiring the use of longer float lines, restricting hook deployment to an appropriate distance away from either side of floats, requiring the use of the largest practical whole fish bait with the hook point covered, requiring the use of 16/0 or larger circle hooks with <10 degree offset, and others that may stem from

forthcoming public meetings with longline fishermen to be held in American Samoa in July 2008.

This recommendation was passed unanimously.

15. The Council directed staff to write a letter to NMFS requesting that they immediately undertake cooperative research around American Samoa regarding potential measures to cost-effectively reduce longline-sea turtle interactions.

This recommendation was passed unanimously.

16. Regarding WCPFC Vessel Marking Requirements, the Council directed staff to include this in a letter requesting that these WCPFC Vessel Marking Requirements be included on the agenda for the WCPFC Advisory Committee meeting scheduled for September 2008.

This recommendation was passed unanimously.

17. Regarding Plan Team and Advisory Panel recommendations, the Council recommended NMFS provide funding for a longline dockside biological sampling program for the emerging CNMI longline fishery.

This recommendation was passed with one abstention by Bill Robinson.

18. The Council recommended to the WCPFC Advisory Committee that effective management cannot realistically be successful until the RFMOs establish observer programs for pelagic fleets in the Pacific.

This recommendation was passed unanimously.

19. The Council recommended PIFSC analyze the American Samoa longline fishery longline logbook and observer data with an emphasis on quantifying the accuracy of reported bycatch (discards) species identification and numbers.

This recommendation was passed unanimously.

20. The Council recommended Guam DAWR survey fishing activity by vessels launched from boat ramps on military property, and work with the military to monitor fishing activity from all military property.

This recommendation was passed unanimously.

21. The Council recommended PIFSC analyze the Hawaii-based longline logbook data to investigate whether the 2001 regulations defining deep-setting in the Hawaii longline fishery caused fishermen to change their operational behavior. Analyses should

include the way deep-set longline fishing was conducted before and after the regulatory changes (i.e. longer float and branch-lines and more hooks between floats), as well as whether there has been a change in the season in which peak fishing activity occurs.

This recommendation was passed unanimously.

22. The Council directed staff to continue to investigate the issue of name recognition of local Hawaii fish and the adulteration of fish by such things as CO and tasteless smoke.

This recommendation was passed unanimously.

23. Regarding international fisheries, the Council in response to a request from Congressman Eni Faleomaevaega-Hunkin's staff, directed Council staff to write a letter to Congressman Eni Faleomaevaega-Hunkin explaining that the home port text in the Congressman's legislation does not require purse seiners to provision, bunker or offload in American Samoa. In addition, anecdotal information indicates that operational plans and procedures for Taiwanese US flagged vessels do not include regularly landing and re-provisioning in American Samoa, and thus these vessels may bring little to no benefit to the territory.

This recommendation was passed with one abstention by Bill Robinson.

24. Regarding the Pelagic Fisheries Research Program, the Council strongly endorsed staff writing a letter to NMFS requesting assistance with the restoration of PFRP funding to 2006 levels.

This recommendation was passed with one abstention by Bill Robinson.

25. The Council concurred with the recommendations made by the Council's Sea Turtle Advisory Committee

- Conduct a risk analysis of Japanese pound net fishery
- Conduct a cause-specific risk analysis of loggerhead standings in Baja California
- Expand leatherback nesting projects in Indonesia (Jamursba-Medi and Warmon) and investigate Bougainville as a potential area for future Council funding support
- Determine an exit strategy for the Huon Coast leatherback project in PNG
- Roll out the TREDs database management system throughout SPREP member countries and territories
- Review the basis for use of longline impact "offsets" when implementing mitigation strategies
- Implement proposed project management procedures

This recommendation was passed unanimously.

26. Regarding further prohibitions on shark finning, the Council directed staff to

send a letter to the appropriate House and Senate committees in response to their request for comments on proposed shark legislation to require sharks to be landed whole. The Council is broadly supportive of the legislation but suggests the inclusion of an exemption for Pacific Island fisheries that retain sharks for food and/or utilize several parts of sharks for bait in fishing operations, and the fins kept for sale as additional revenue.

This recommendation was passed with one vote against by Peter Young.

27. Regarding FADs around American Samoa the Council directed staff to write to the American Samoa DMWR requesting them to examine the potential of designating 'C' FAD for use by longliners and reserving all other FADs for non-longline use (no longlines maybe set within 3-miles of a non longline FAD).

This recommendation was passed unanimously.

11. Administrative Matters & Budget

A. Financial Reports

At the March meeting Simonds stated she distributed the budget for the year 2008 and discussed possible issues. One problem was funding the three island contractors. Simonds thought that we could use some of our turtle money to do these contracts. This issued was discussed with the Region, and their feeling is that these are core activities of the Council. But, core activities, whatever that implies, should come out of our annual budget.

During the CCC meeting in May the regional councils asked Balsinger to review the budget of their front office, back office, any office, Region, Center, to assist the councils with funding they need.

Young asked if Simonds would provide a more detailed budget rather than currently presented.

Simonds noted his request.

B. Administrative Reports

Simonds summarized the report noting the departure of IT staffer Tim Lee to PIRO, the hiring of administrative staff and the structure of the filing system with hard copy to electronic. The Annual audit began last week and Council staff participated in a PIRO Internal Controls Workshop. John Edmiston was contracted to review Council internal controls. A report should be completed in July. Simonds reviewed the administrative cost structure currently at 15 percent. The Council is working with NOAA Grant's office to increase the percentage or review the indirect cost rate available to the Regional Councils.

Gaffney asked if the document management system will be in digital format so that information is accessible to the public. Simonds responded that's the plan but that not everything is going to be accessible to the public. The system would be a way for the Council to manage all files and documents electronically and if information is needed on a certain subject it can be accessed and retrieved quickly.

The Council ideally is trying to limit the paper system. It is still needed for Council meetings, transcripts, etc but information will be predominately moved to an electronic system. The council should review its internal controls before making information readily available to the public

Gaffney asked if the Council would be putting the council documents in a database, and if so, would it be a searchable database. Simonds responded that was correct. Since cost is a factor the Council is discussing renting the system (with an option to purchase) for a year as it is less expensive than buying the whole system.

Gaffney asked if the Council would be going back all the way through 30 years. Simonds responded that the system will include current and past documents. Gaffney said he supports this effort because one of the things he found as a Council member, is that when asking a specific questions, for instance, when the Council has discussed Pacific blue marlin with regard to management, there really is no way except to find the person with the institutional knowledge. The council does not have employees with 30 years of institutional knowledge, except Simonds, who is usually pretty busy. Gaffney reiterated his support stating this would really open the Council up, too. Gaffney added that the use of the electronic version during the 140th meeting was successful and it worked great but the system fell down for this meeting. I really want to strongly urge you to continue down that path. Simonds agreed

Gaffney added that Laura, Bill, Don Palawski and Peter used it. They liked it and it worked. On the discussion of thumb drives, he said that's pretty simple to deal with. The ultimate way to do this is with an in-house wireless system so that different documents are available on all of the computers in the room. The reason I say this is because when I came onboard I got a \$248 FedEx box full of binders like this full of trees. The Council needs to start looking at being more green and he supports and congratulates the Council on that work. Simonds responded that she has been trying to do this for both the Council and the SSC at least five years, and has been 100% successful with that. Martin commented that hopefully, as some of us are more computer-challenged than others, the IT person and staff can help us to better understand how to access this stuff. Gaffney added that Council Members need to know at beginning of the meeting where we were going to be technically. He didn't know that it wasn't going to work until halfway through the day.

C. Meetings and Workshops (Calendar)

Simonds stated that everyone has a copy of the meetings and workshops and asked for questions. Gaffney said that he hopes that the HIBT next year will be

considered as a venue for a Council meeting noting its HIBT's 50th anniversary. He added that he has been discussing with Peter Fithian about hosting another Billfish Symposium at the time and suggested the Council consider this possibility. Duerr responded that he has a problem holding the meeting during the tournament as he is fishing in the tournament. Duenas suggest that the Council meet after the tournament.

1. Council Coordinating Committee

The Coordinating Committee's latest meeting was held in May in Saint Thomas. The Chair, the Executive Director and all Vice Chairs participated. The Regional Council had lengthy discussions about the new draft NEPA process; ACLs; MPA provisions and other elements of MSRA such as stipends for the SSC. One of the things that came out of the CCC meeting that was interesting was the variance in different Councils in their roles of their SSCs. Martin stated that he was always under the impression that SSCs were an integral part of every Council. That is not the case. In fact, the North Pacific and Pacific and Western Pacific were the Councils that used their SSCs.

Discussion ensued on holding a workshop on a regular basis for members of all SSCs and the CCC committee asked the NMFS to provide funding. Our Council offered to host that workshop and it's planned for November. David Witherelle of the North Pacific Council will coordinate with our Council and develop the issues, etc.

Duenas reported on their discussions of the five-year plan for the budget. The Committee recommended that each Council review the sections of all MSRA and figure out the corresponding cost. Council should develop their budgets this way.

Simonds reminded the Council that the feds began including this in their present 2004-5yr PPBES. The staff has begun work on the 2010-2015 cycle.

Duenas had one take-home message, having participated in many of the Council Coordinating Committee meetings, is that he's very, very proud of our Council. The work we do, the amount of fish we don't have listed as overfished or over fishing compared to other Councils. Simonds adds except for the North Pacific. Duenas added, don't camper us to North Pacific. They are strictly industrial-type fishing with some community-based fisheries.

D. Council Family Changes

Mitsuyasu reported the Council received a letter from Jeff Walters, HDAR, resigned from the Coral Reef Coral Ecosystem Plan Team. He was also the Chair. The Council needs to appoint a new Chair. The will be recommending Karl Brookins, new employee at HDAR, to the Coral Reef Ecosystem Plan Team.

Martin asked if anyone had any objections to the appointment of Brookins to the Team. Duenas says that he would like to accept the appointment of Brookins pending the letter from HDAR. Martin asked if there are any objections, and as the Council Chair, I

have the obligation to appoint the Chair of that committee, as well. And if Council would concur, I would like to appoint Brookins as the Chair. Karl is known well to many of us, having been part of the Council family representing American Samoa or the SSC.

E. SOPP

1. Review of Recusal Requirements

2. Criteria to Remove Council Members

F. Council Member Rick Gaffney issues

Chair requested that Silas roll the next agenda item E and F together. Silas talked in regards to the SOPP that several Council meetings ago the Council passed some language for removal of Council members to the SOPP. That SOPP is still at Headquarters waiting for approval. It's stated that they're all held up there. So as far as the status of the SOPP is concerned, all Council SOPPs are there. In council books, it's 11.F.1, a sort of rough table that was drawn up regarding Council Member Rick Gaffney issues, at least what Silas had been hearing Rick ask for.

DeRoma stated that depending on how much detail the council wants to go through, he looked at the items that the council raised questions about, and didn't see an issue. The reason Silas didn't see an issue is because, as he said before, he watches what the Council does, and is always sort of monitoring and assessing what is the action the Council is working on, and it's sort of a sliding spectrum. The closer you get down to the regulatory end of the spectrum, the more concerned he is about the record that the Council has. On the other end of the spectrum, when things that come up during the meetings, for example from the list that was being worked on was the Puwalu meetings, Puwalu comments or the Puwalu support the staff because it involved the Council, and whatnot, and those really don't apply. Although, they're not specifically on the agenda, if they flow from an agenda item you generally don't have an issue.

Also discussed is that there are things that the Council could do just because they stumble across something in the course of the Council meeting. Silas states that while he probably could be flagging those things for the Council stating why they are not directly on the agenda, those don't have the regulatory weight. Silas explained the Puwalu criticism as an example. A member of the public criticizes Council staff or attacks Council staff, or what have you, a letter from the Council or a recommendation to Council supporting staff is appropriate. But if the Council were to take initial action on a regulatory change in response to that would raise a red flag. Silas pointed out one thing that was the Hawaii control date was not on an agendized item.

Gaffney stated that that he is going to bow to Silas' legal will in this case. He stated that he would like to take a moment just to make a comment with regard to it. He found it particularly compelling this note that if a Council member objects to the manner in which business is conducted during a meeting that issue needs to be raised via motion at the time. This was something he wished he had learned either at Council member training or early in my time as a Council member. It's not criticism to you. Gaffney replied, he just says that hopefully, to the Council, this is a very valuable thing I

guess if I read Robert's Rules of Order from front to back I probably would have found this, myself. But his experience with Robert's Rules is there are about 12 different versions of it. Some of them are long. Some of them are written in Old English. Some of them are the King James Version. Gaffney decides to bow out on this with one final comment with regard to this. He stated that often too many things gets dumped in at the very end of the agenda and he thought this list that Silas responded to shows some of these things were marginal, at best, as to whether the council should have proceeded with them. The biggest problem he saw was that generally the public is gone by this time, and when 16 agenda items get added at that point for Council consideration, the opportunity for public participation is gone. We're way past our closing time, our agendized closing time, and so forth. So as this is Gaffney's last Council meeting, he asked the Council to consider in the future being very, very careful about these last-minute items, particularly when there's no reason to put them on the agenda at this meeting. He advised to just put them on the agenda for the following meeting. Open it back up to the public. Keep it open. Gaffney's whole concern with this and the control date were process questions. There were questions about the way Council does business, and that's why he raised them. And he would just ask that the Council continue to consider that in my absence, and to reconsider that way of doing business.

DeRoma followed up that at some point in the last almost three years he's been here he did provide the Council members and Council staff, a copy of a table laying out Robert's Rules. Silas states that it may not have gotten distributed, but to the extent that the Council member has a question, you can come to me for a copy of it.

Duenas replied that he's always asked for the Council to give them another day for work in case we need the extra flexibility of time -- or a fourth day or a fifth day. Sometimes we're on schedule, like we were yesterday. But the fact remains that there's a lot of issues that -- as you know, there's a rainstorm all of a sudden, and we've got to wait another three months. Sometimes there are concerns that the staff needs something to do, Manny guesses, like a report in three months, pretty much. He stated that the council has got to keep them moving. He also responded that it's always his contention that it is a work in progress, the Council is a work in progress and any time a Council member has a concern such as Gaffney had a concern about ethanol, and it was addressed. There were concerns about other things that were not part of the agenda, but it shouldn't preclude Council members from voicing concern that we may or may not have an idea on, but we want to participate in the process. Duenas states that the fact remains that we are Council members, we've got a constituency that needs to be addressed, concerns that we have to address.

Duerr added that there may be members of the public that would like to speak out on issues that we've got. But if it's not posted ahead of time, they're not here. He stated that Council members need to make sure that what we cover in our Council is what we advertise to the public.

Martin stated that one thing he thought the Council has done in regards to that, or attempted to do a better job, was providing at least one opportunity. Yesterday in the

Council meeting the council had a non-agendized item. It's an open forum for whatever anybody has. The Council was a little late on it, but not too bad. He thought that providing the opportunity somewhere for the public to make a comment is an ongoing process for this Council, and an important process. Martin also added that the Fishers Forum, just the way they're conducted in a somewhat informal method, is hopefully inviting to the public. There are people that no matter how easy you make it or find time availability, they're not comfortable doing it, and he certainly understood that, that they have other venues so they can get their message to the Council. But Martin thought the council did a good job and thought there's always room to do better. He stated that he looks forward to keeping the process going. Martin asks Simonds for any other comments related to Agenda Item.

Simonds responded that it's just about the topic length of meeting. Simonds referred to the time the council tried to have night sessions and that a lot of people liked that and asked if that would be something the council would like to do. Young said no. Simonds stated that the meeting broke; the council had dinner and then came back. Young repeats no. Simonds agreed and stated that's good since the council won't have to think about it again. Duenas suggested an extra half day which is questioned by Martin. Duenas replied that the council then could quit at five and come back in the morning and not be rushed. Martin responded that he wants to see the day that the council quits at five. Simonds responded to the Chairman that some councils work through out weekend and the North Pacific Council works on Saturdays and Sundays, so the council could do that too.

G. Standing Committee Recommendations

Martin reported that he Standing Committee didn't have any recommendations, but there are a couple of things that Martin mentioned were conducted. There really isn't anything other than Peter at the start of the meeting wanted to clarify his involvement or lack of involvement with Pew, and whether he was or wasn't involved with, paid for, worked for, had worked for Pew. He clarified for the Committee that he was not directly involved in Pew. Young said...any involvement. Martin commented other than that they have covered other things on the Standing Committee.

H. Public Comment

Martin stated the council does have opportunity for public comment one more time. He apologized that it was not announced earlier so we could have cards. But there are public comments on the agenda at this time. We would accept any comment from the General Public.

Bonk addressed the Chairman and members of the Council, stating that she'd just like to say that herself and a lot of the public were appreciative of Council Member Rick Gaffney's term, and the sunshine that he's brought to the Council in terms of public process, and thought it's been a good influence and I hoped the Council will continue to consider his ideas as it moves along and to open it up even more. So I just wanted to

make that point before Councilman Gaffney goes on to do other things.

Martin thanked Bonk and asks for any other public comment. There are no other discussions or actions so Agenda Item 11 is concluded.

I. Council Discussion and Action

Mitsuyasu stated the council had one recommendation with regards to the appointment. He asked the council if they wanted to see the appointment. Martin stated it can be done formally, but the council previously did it informally and asked that the recommendation be read. Dalzell says that the Council appoints Karl Brookins from the Hawaii Division of Aquatic Resources to the Coral Reef Ecosystem Plan Team and assigns Brookins as the Team Chair having received a formal letter from the Hawaii Division of Aquatic Resources. Martin address the council

Martin offers that in the form of a motion but address a correction to be consistent that Brookins is addressed as a doctor first then. Duerr asks is this something that-- since it's an appointment, we just need to confirm the appointment, not have a motion.

DeRoma says, yes, that is correct.

Sablan second the motion.

Duenas says by consensus.

Martin asks if the council has a consensus on the appointment of Brookins.

All council members say "aye".

12. Other Business

A. Next Meeting

Martin proceeds to the next item on the agenda, other Business. Young stated that the Hawaii REAC was going to be sometime in July. Simonds agreed and said that she believed it's pending, because the council has not heard back from everybody, but it is going to be the second week of July she believed. She asked where the staff person is who should be reporting on this. Martin said to the council he thought the executive Director is planning on the second week of October. The week of October 6th will be the SSC meeting and the Council meeting is the week of the 12th Simonds stated. Martin asked if that will be Honolulu. Simonds agreed that it will. Martin called to Bill for comment. Robinson thanked the Chairman and states that he had his hand up and Keiko jumped out from behind the screen, and he intended to do the same thing as Keiko which was that he wanted to thank Gaffney for his service and his effort for transparency with the council process. Martin thanked Robinson and asks Manny for other business. Manny goes on to also thank Rick for joining the council the last three years and stated that he appreciates it. Manny also asked if Fred is staying on. Duerr responded that they don't

know yet.

Duenas again thanked Gaffney for his help and support. Martin stated that he'd like to echo that as well and goes on to say that the council appreciated Gaffney and he personally knows that he's contributed a lot to him. In addition, having been in the same position as Fred and I think Ben, you're both up for reappointment and it's unknown at this time. I know they both applied to be reappointed, and I hope they will be. If they're not, thank you. Thank you for your contributions, as well. Martin asked for any other comments, Bill. Robinson addressed the Chairman and said that he should know soon and that normally or traditionally, the Secretary of Congress announces the appointments last week of June.

Martin addressed Gaffney for comments. Gaffney thanks the Chairman. Gaffney states that he's wanted to be a part of the council for 30 years and addressed those that don't know his background. He says that he's not going to go very far away and that he has been appointed to the Marine Protected Areas Federal Advisory commission by the President. Martin asked for any other business from Council members. Hearing none he thanks the council for staying late and gives his appreciation. He states that he's glad the council did push through and thanks everyone again.

The 142nd Council meeting is adjourned. (Meeting adjourned)

