



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

**MINUTES OF THE
143rd MEETING of the WESTERN
PACIFIC REGIONAL FISHERY
MANAGEMENT COUNCIL**

**October 14-17, 2008
Held in Honolulu, Hawaii**

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Western Pacific Regional Fishery Management Council
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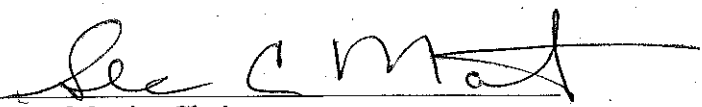
CERTIFIED BY THE CHAIR: 
Sean Martin, Chair
Western Pacific Regional Fishery Management Council

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1. Introductions

Chairman Sean Martin opened the 143rd meeting of the Western Pacific Regional Fishery Management Council. He asked for a moment of silence for the crew of the Coast Guard Helo 6505 and the four U.S. Coast Guardsmen who were lost at sea in September while conducting training exercises off the Coast of Oahu and a long-time member of the fishing community in Honolulu and throughout the Hawaiian Islands, Bill Strickland.

(Moment of silence was observed.)

Martin welcomed two new Council members: Joe Torres representing the Government of Guam and David Itano representing Hawaii.

The following Council Members were in attendance (in alphabetical order):

Manson Brown, Rear Admiral, United States Coast Guard, District 14.
Paul Callaghan, Chair of the Council's Scientific and Statistical Committee.
Ignacio Dela Cruz, CNMI.
Silas DeRoma, Office of General Counsel.
Manny Duenas, Guam.
Fred Duerr, Hawaii.
Stephen Haleck, American Samoa.
David Itano, Hawaii.
Sean Martin, Hawaii, Council Chair.
Elena Onaga, Office of General Counsel.
Don Palawski, U.S. Fish and Wildlife Service, designee for Jerry Leinecke.
Dan Polhemus, Hawaii, designee for Laura Thielen.
Bill Robinson, Regional Administrator for the NOAA Fisheries Pacific Islands Regional office (PIRO).
Ben Sablan, Commonwealth of the Northern Mariana Islands (CNMI).
Kitty Simonds, Executive Director.
William Sword, American Samoa.
Joe Torres, Guam.
Alofa Tuaumu, American Samoa, designee for Ray Tulafono.
Mark Young, Commander, Chief for Enforcement for the 14th Coast Guard District, Honolulu, Hawaii.
Peter Young, Hawaii

2. New Council Members Oath of Office

Bill Robinson administered the Oath of Office to Itano. Itano accepted all responsibilities of the Oath of Office.

3. Approval of Agenda

Sablan made a motion to approve the agenda. Duenas seconded.

Martin called for questions.

Duenas asked to add Leland Oldenburg and the observations on Japan and Mexico turtle nesting areas to the Pelagics agenda item for information purposes.

No objections.

Martin called for the question. All Council Members said Aye. No opposition. Motion carried.

4. Approval of 142nd Meeting Minutes

Sablan made a motion to approve the 142nd Meeting Minutes. Duenas seconded.

Martin called for discussion and questions. Hearing none he called for the question. All Council Members said Aye. No opposition. Motion carried.

5. Agency Reports

Martin called for agency reports.

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Robinson gave the National Marine Fisheries Service PIRO report. The report included Federal Register notices on the approval of non-commercial bottomfish fishery permits and reporting requirements, a control date for the Hawaii-based pelagic charter fishery (June 19, 2008) and CNMI pelagic longline fishery (June 19, 2008), a final rule implementing the Precious Corals Amendment, which designated the Au'au Channel black coral bed with a harvest quota of 5,000 kilograms every two years and implemented the five-year moratorium on the gold coral throughout the Western Pacific (August 13, 2008-effective September 12, 2008) and an Emergency Interim Rule to delay the opening of the Main Hawaiian Islands bottomfish fishery from its scheduled opening of September 1 to its new scheduled opening on November 15 2008. It also included an update on fishery permits, protected species workshops, the observer program, protected species, staff turnover, and plans for a satellite office at the Commercial Fishing Village.

Polhemus commented that, the State is moving forward to promulgate matching rules for its portion of the black coral fishery inside its jurisdiction.

Sablan commented that if NMFS PIRO will be providing documents to the CNMI, it should be provided in both Chamorro and Carolinian.

Duenas commented that he was concerned that the NMFS PIRO Habitat Program did not provide enough advance notice of its visit to Guam to talk to him. Robinson replied that they will try its best to provide advance notice.

Itano asked about NMFS PIRO's update on international fisheries. Robinson responded that he skipped over that portion of the report because it would be discussed later in the

meeting and his staff from that program would be there to answer questions at that time.

Torres commented that the Habitat Program never visited or called him during their visits yet they used Government Agency staff. He asked NMFS PIRO to observe the protocol of contacting agency directors before agency staff.

Sword asked if the observer training schedule in January would be advertised or conducted. Robinson replied that he would check with his staff and get back to him.

Simonds asked what NMFS PIRO's process has been to announce to all of the permittees that their permits are about to expire. Robinson said that they send a letter to each permit holder advising them of the upcoming expiration and the need to renew.

Sword commented that an outreach program, in conjunction with the American Samoa Department of Marine and Wildlife Resources (DMWR), should be used (as well as other media outlets) to remind fishermen about expiring permits. Tuaumu requested that NMFS PIRO approach the DMWR enforcement division to work with fishermen. Robinson replied that they will do that.

Martin asked if the NMFS PIRO has had any progress on gaining access for the American Samoa longline fishery to fish in Cook Islands. Robinson replied that the NMFS has had an MOU with the Cook Islands on data exchange, but that it is up to the Cook Islands to allow the vessels to fish. He did say that they have talked with the Cook Islands about allowing the U.S. vessels to fish without having to reflag to the Cook Islands.

CDR Young added that U.S. vessels are not allowed to have dual flagging of its vessels and that the Cook Islands would have to develop legislation to allow foreign fishing.

2. Pacific Islands Fisheries Science Center

Sam Pooley, NMFS Pacific Islands Fisheries Science Center (PIFSC) Director provided the report. The PIFSC report acknowledged projects being conducted in American Samoa with DMWR on oral histories and interviews, the progress of the barbless circle hook project, and vulnerability of fisheries/risk ranking projects. Pooley also reported that PIFSC staff was involved in stock assessments of bigeye tuna, the utilization of an autonomous underwater vehicle for habitat mapping, monk seal translocation, aerial surveys around the Main Hawaiian Islands (MHI), coral reef assessment and monitoring cruises, an external review of its ecosystem programs, and recent ongoing surveys. The report concluded with an update on the administration's transition and a look at the future NOAA campus on Ford Island.

Simonds asked what PIFSC was doing about the monk seals at French Frigate Shoals. Pooley responded that they were developing and implementing a whole range of both foraging and mitigation efforts due to shark predation and loss of habitat.

Haleck asked what kind of methodology was used to evaluate the decline in large fish

biomass at the Rose Atoll as presented in the Coral Reef Ecosystem Monitoring Report covering 2002 to 2006. Pooley responded that the coral reef cruises go to locations and pre-identified tracklines and drop somebody down and they look in one spot to see what they can see. The results of the report are what occurred between those sites over that period of years. He also said that an analytical approach to the data would also take into account moon phase, currents, water temperature, all of the obvious environmental factors, plus obviously anything else that you might have been able to see or hear in the environment, but PIFSC hasn't done that kind of analysis.

Duenas was concerned that PIFSC scientists have been using these data to promote philosophical or policy-making ideas when they should be just presenting the facts. If the facts are inconclusive, they should also note that with the agencies that they're giving the information to. He said that these agencies are using these data to say there is a depletion when there has been no analytical approach to the data.

Pooley responded that they would like to have an integrated program that includes an analytical capability as well as a monitoring capability. But they don't have that analytical capability. So they have tried to partner with other academic institutions, like Scripps, to look at this data in more analytical framework, and that kind of study is just beginning.

B. NOAA General Counsel

DeRoma said that there have been no significant new developments in the Western Pacific Region since the last meeting. He noted that he was leaving General Counsel and that Elena Onaga would be filling in for him.

C. US Fish and Wildlife Service

Palawski presented the US Fish and Wildlife Service (FWS) report. The FWS report covered National Wildlife Week, and cooperative work with NMFS, the USCG and the American Museum of Natural History.

Martin asked what kinds of activities are being conducted at Midway. Palawski responded that visitors are arriving at Midway in small groups of 10-15 people for wildlife-oriented expeditions or educational/academic purposes, with a total of 10 to 11 trips in 2008.

Haleck asked what type of enforcement is provided for Rose Atoll. CDR Young replied that the USCG does send its cutters to Rose Atoll when they are in American Samoa to observe any activity.

D. Enforcement

1. US Coast Guard

RADM Brown introduced two members of the District's leadership, Captain Dave Swathood, Chief of Response, and Captain Marhoffer, Chief of Prevention. Brown reported on the three strategic program goals that guide the Coast Guard's fisheries enforcement operations; 1) preventing illegal encroachment of the U.S. EEZ by foreign

fishing vessels, 2) effectively enforcing federal regulations and 3) ensuring compliance with international agreements. In August 2008, a C130 documented three incursions by Taiwanese flagged longliners in the CNMI EEZ and development of a law enforcement case package for these incursions is being finalized and coordinated through NOAA's Office of Law Enforcement. Brown reported that in 2008 the Coast Guard completed all of the requirements to operationalize the WCPFC High Seas Boarding and Inspections Scheme that on August 20th, 2008, the Coast Guard Cutter MONROE operating in the North Pacific completed the first ever high seas boarding of a foreign flagged fishing vessel (a Japanese flagged pole-and-line vessel). In September of 2008, the USCG boarded Korean flagged longliners. No significant violations were noted during these high seas boardings.

CMDR Young reported on additional USCG activities since the June 2008 meeting. Young stated that there were a couple of cases in July where the USCG exercised the Memorandum of Agreement with NOAA for monk seals support and the transport of marine mammals (e.g. beaked whale from Molokai to Young reported that he attended the Second Global Fisheries Enforcement Training Workshop, where the workshop's focus was to strengthen management systems in order to curb global illegal, unreported and unregulated fishing.

Duerr asked if the USCG attempted to board or asked permission to board that Taiwanese vessel, being that Taiwan is a US ally, we should get better cooperation. Since there was not a boarding, does the Coast Guard send people to the port to check the ship out, interview the captain?

CMDR Young replied that because the USCG did not have hot pursuit in that case where we observed an activity, the USCG did not have jurisdiction to be able to get onboard. The USCG asked the Taiwanese government for permission to board, but Taiwan denied that request.

Sablan asked if all the foreign vessels encountered in the CNMI EEZ on this patrol were Taiwanese flagged and if all of them were observed fishing.

CMDR Young answered that all were Taiwanese flagged and two of the five were transiting without signs of fishing activity. The remaining three vessels observed from the aircraft did indicate fishing.

Itano applauded the efforts and acknowledged the importance of these high seas boardings under the WCPFC. He said that he was in Port Moresby in August during the Scientific Committee Meeting of the WCPFC when the USCG's boarding took place. A lot of these boardings are typically standard boardings and no violations are detected, but yet people are being checked, and he thanked the USCG for that. He was on a tagging and research cruise east of the Line Islands in May on a Hawaii-based longline vessel as part of the regional tagging project of the Secretariat of the Pacific Community. They were quite distressed to see a purse seiner coming in on their school of tagged fish. This situation highlighted the gap area between the jurisdictions of the IATTC and WCPFC at

the 150 West line. There's a lot of movement now in that area. It's kind of a hot spot now as an expanding area of fishing effort from the East. Boats were coming from Ecuador or South America all the way to fish the line. The purse seine vessel they encountered was from the eastern Pacific. It's easy for them to slip over just a few degrees to target those areas because of the low amount of surveillance. The USCG has stated that they have modified their flyovers in that area to check those buoys. But those buoys are just a small part of the effort. They're putting out drifting FADs that are drifting to the west across the line, and that's part of the problem. The Central Pacific is unusually high in proportion of bigeye in the pelagic tuna species complex. It doesn't take a lot of imagination to understand that the bigeye from that region could be the main source -- or one of the primary sources of bigeye to the Hawaii longline fishery as they move north to feed.

Duenas asked if the VMS issue was settled between the IATTC and the WCPFC and our own systems.

CMDR Young stated that IATTC does not maintain a VMS system; only national systems are in operation. WCPFC does have a model VMS system that they are getting ready to implement sometime in this next year.

Duenas stated there was a Taiwanese vessel in the Northern Marianas Islands EEZ about a year or so ago and part of that settlement was that the VMS system had to be installed on that vessel for this region -- or for the Western and Central Pacific. Recently there were violations made by Ecuadorian vessels, and there was a settlement. Why wasn't VMS part of their requirement?

Robinson stated that perhaps Alexa Cole would be best to answer the question and that her report is coming up on the agenda.

Duenas stated there are current joint ventures with Taiwanese companies for U.S. purse seine vessels that are Taiwanese-built vessels but 49 percent owned by Taiwan. Is there some sort of economic pressure we can put on them to make sure that the Taiwanese government complies with this, or else?

ADR Brown answered that diplomacy is important and that part and parcel with diplomacy comes collaboration. Brown stated that as the strategic leader for the Coast Guard in this region, he took particular note of that case and sat down with friends from Taiwan to have exactly that discussion. Almost within a 24-hour period the USCG got some positive response on this. We are still in the early innings, but we're making some good progress.

Polhemus stated that at yesterday's Standing Committee this issue of vessels from the IATTC area that could be affecting Hawaii fisheries was discussed. He would like to encourage further aggressive patrol and surveillance in this area to try to get a handle on all of this.

Robinson stated that the USCG has a wide and diverse set of responsibilities. He agrees

with the comments made and the appreciation expressed for the efforts on the high seas, particularly implementing the High Seas Boarding and Inspection Program from the WCPFC. There are other areas of cooperation that his office is very pleased with, in particular, the Marine Mammal Stranding Response Network and implementation of monk seal recovery programs and the willingness of the USCG to cooperate and assist us in those programs through the Memorandum of Agreement they have.

Martin stated that another area of potential cooperative work could involve domestic U.S. vessels operating on the high seas providing some benefit to the USCG reporting sightings of foreign vessels. Since it is a vast area, the domestic fleet does fish side by side with foreign vessels frequently. If the USCG thought it would be beneficial, there may be an opportunity to develop a cooperative reporting protocol where a U.S. vessel could report a fleet of foreign vessels is operating in a given area.

CMDR Young stated that he would think that type of program would be very beneficial. The USCG has a Command Center that is manned 24/7 and those reports can be received real-time, especially in cases where a possible incursion might be involved. But even in the interest of maritime domain awareness and knowing what's happening out in the region, to receive a report of a foreign vessel operating on the high seas would be very well received by his office, in particular, for enforcement.

Simonds asked that when the VMS system comes into place for the WCPFC, will you the USCG be able to see where all of the boats are from, all of the different countries through this VMS system?

CMDR YOUNG stated that details of the WCPFC VMS system are still being worked out, but that they do envision the opportunity for enforcement assets from various members to be able to use the VMS when we do have enforcement assets operating in the region.

Duenas stated that he wanted to make sure that his questions and concerns earlier were not misconstrued as criticizing the operations of the USCG. Parts of our government are promoting cooperation on one side of the fishery, but part of the bargaining deal should be compliance on the other side. The USCG has limited assets, and in this one trip found five vessels. That was one day out of 365 days in the year. Vessels need to be added to the Coast Guard fleet to better monitor what's going on. The VMS system should be required for everyone, every vessel must have it.

Itano supported the Chair's comments on the value of US fishing vessels reporting foreign vessel operations and activity and suggested that the USCG supply the WCPFC with an e-mail address or give the US fleet some contact numbers.

2. NOAA Office for Law Enforcement

Bill Pickering provided condolences to the USCG for the recent loss of their servicemen. His enforcement report was for the period between July 1st and September 30th and he

listed several cases including a violation of sailboat at Midway Island, fishing vessel at Necker Island, longliner vessel from Samoa fishing in a restricted area around Swains Island, and monk seal harassment case. Pickering reported that the case regarding the Hawaii longline vessel, LADY CHRISTINA 2, was settled and the vessel owner and the captain agreed to pay \$13,000 for fishing in the Main Hawaiian Islands closed area. Several investigations in the longline fleet have focused observer issues, improper seabird mitigation, logbooks, gear, and closed area violations from VMS information. Regarding this year's Hawaii bottomfish regulations, and with the help of some of the Council members, the agents got out to different landing areas, some of the more remote ones, the launch areas etc, and talked to the fishermen as they came in and as they went out. NMFS OLE also did restaurant inspections and talked with the buyers about where they got the fish and if they have the right paperwork. State of Hawaii DOCARE also helped with a massive pamphlet distribution. Regarding the Joint Enforcement Agreement (JEA) program, Pickering introduced Nick Matsunaga, who is the new JEA Coordinator.

Polhemus asked what MHI closed area did the LADY CHRISTINA 2 violate.

Pickering stated it was the longline closed area.

Sablan stated that the USCG has reported that three Taiwanese vessels were actively fishing in the Northern Marianas EEZ, and asked what is the status of those three fishing vessels.

Pickering stated that the USCG was preparing the case package to be forwarded to NMFS OLE and Alexa.

Sword asked how the Swains Island violation was reported.

Pickering stated that it was VMS information.

Duenas asked if NMFS OLE could work with the USCG on a program for the fishermen to assist in the enforcement and monitoring and surveillance of foreign fishing vessels.

Pickering said that this program may be allowed for USCG arena, but that certain protocols would need to be set up.

Martin stated the Hawaii longline fleet is operating with three different units from three different manufacturers and providing different information. It seems there are three systems that are operating at various levels of reliability, and now the WCPFC VMS program is soon to be implemented. Martin asked if there is going to be consistency concerns associated with the current units and the units that will part of the WCPFC program.

Pickering answered that one of the main tasks for Terry Boone, VMS program manager, is to upgrade our domestic units, as funds become available. The WCPFC VMS program is still in development, but the goal is to have VMS units that can report well, that are

tamper-proof, that are reliable.

Martin said that sometimes we simply think VMS is VMS, but in actuality there are a lot of different variables that enter into these programs.

Pickering stated that many WCPFC members have different ideas of what the perfect unit is.

Tuaumu stated that American Samoa appreciates NMFS OLE for their good relationship and said that this should be an example of the type of partnership that they need with other federal agencies. He thanked NMFS OLE for their assistance in obtaining an enforcement vessel, which should be ready in November. He mentioned that there is current funding from the Sports Fishing Restoration program which is passed through from the Coast Guard, but that is going to a different agency in American Samoa. Some of these funds are going unused while there are some boating safety issues that need to be addressed in American Samoa.

3. Status of Violations

Alexa Cole reported her office has been mostly following up on the cases that were charged last quarter, and that only three new cases came in this quarter from OLE. The cases are: 1) F/V CAPTAIN KEVIN (Hawaii longline vessel) was charged for the sexual harassment of an observer and assessed a civil penalty of \$5,000, 2) a person violated the Endangered Species Act for approaching an endangered humpback whale within 100 yards and was assessed a fine \$1500, 3) F/V CHRISTINE N (Hawaii longline vessel) for failing to notify upon entry and exit into the Monument and was issued a fine of \$2,000. Two hearings were held; one was on Magnuson Act, failing to submit logbooks within 72 hours, and the other was a NWHI Monument case involving the F/V ASTARA. Both cases are waiting decision from the Administrative Law Judge. Seven cases were settled this quarter: three Magnuson Act cases which collectively equaled \$15,500, and four cases under the Endangered Species Act, which settled for a total collection of \$23,000. The case against Bill Strickland was dismissed due to his passing. Regarding Duenas' earlier question about the required VMS on the Taiwanese vessel, it was required as one of the settlement terms. Since the last Council meeting when the question was raised, NMFS determined that they are able to track them on VMS and they are reporting. Regarding WCPFC VMS, the TCC meeting did agree draft standards, specifications and procedures, which will be put forward to the Commission for their final adoption in December in Busan. There were several issues that remain bracketed, one of which was a reporting period question on when the vessel's ALC malfunctions or fails, at what period of time manual reporting will go on. The standards, specifications and procedures will be turned into a service level agreement to get the VMS system operating with the FAA VMS specific option that's going forward. Regarding Simonds' earlier question on who's going to be able to see VMS and when we're going to be able to see it that will all be governed by procedures on the rules for access to, protection of and dissemination of nonpublic domain data. Some of it will be governed into what the VMS Program is, who has basic access. The other piece is for enforcement purposes when and how one might be able to get access.

Duenas asked why VMS wasn't part of the settlement agreement for the Ecuadorian vessels illegally fished US waters around the PRIA.

Cole answered that VMS just wasn't part of the settlement agreement and that she did not negotiate those cases.

Simonds asked if the observer who was harassed was male or a female.

Cole answered that she was female.

Sablan asked the status of the investigation on the three Taiwanese fishing vessels found fishing in the Marianas EEZ.

Cole answered that the case package is with the USCG, whom will then forward it to the NMFS OLE, which will review it to see if meets the standards for NOAA to be able to go forward and charge the case.

Sword asked what it would take to require any future settlement to require VMS.

Cole stated that every case is different, but it would take the respondent agreeing to that term as a term of the agreement. It's not as easy as saying; you have to put a VMS unit on there, as different countries have different VMS systems. NMFS' ability to monitor different VMS systems may vary depending on what ALC is being used. It's a logistical question as well as a negotiation piece.

Martin thanked Cole and concluded this section on the agenda. Martin reminded Council members and the public about the Fishers Forum at 6 o'clock, which will be an opportunity to visit with the bottomfish fishermen and general public about new bottomfish information. Martin also stated that this afternoon at the end of Program Planning there will be an opportunity for public comment on non-agenda items, and that people who wish to make comments on non-agenda items are asked to fill out a green card. Public comments relative to agenda items, people are asked to fill out a yellow card.

6. Program Planning

A. Program Planning and Research

1. Recommendation on Annual Catch Limits for Western Pacific Fishery Stocks (Action Item)

Council staff Marcia Hamilton presented an overview of the Council's actions to date on Issues 1-4 and noted that the Council would be taking final action at this meeting on the ACL determination and implementation process. The actual determination and implementation of ACLs and associated accountability measures [AMs] would be handled in subsequent Council actions and documents. Hamilton then reviewed alternatives for Issues 5-7.

Issue 5 was the designation of species in the Ecosystem Component [EC] and three alternatives were presented: 5A-No action; 5B – Include those species which are

nontargeted and discarded; and 5C – Include all species with less than 1,000 pounds of catch reported in any of the last five years in any one archipelago. Examination of available information regarding fishery discards found that very few managed species are nontargeted and discarded. The only species routinely discarded are pelagic sharks, oilfish and some miscellaneous species caught by the American Samoa longline fleet but these are not subject to ACLs because they are subject to management by regional fishery management organizations [RFMOs]. Examination of available information regarding species with annual landings of less than 1,000 pounds found that these are the Potentially Harvested Coral Reef Taxa, which were originally designated based on this definition using data from 2000-2004.

Issue 6 was the implementation of Federal permits and reporting requirements to reduce both scientific and management uncertainty. Alternative 6A is no action; Alternative 6B is to require them for all fisheries subject to ACLs which don't already have them; Alternative 6C is to require them to all fisheries subject to ACLs which don't have mandatory State or Federal permits and reporting; and under Alternative 6D the Council would review each fishery and decide on a case-by-case basis whether the necessary information is lacking. Hamilton reviewed the reporting and permit requirements for the region's fisheries, followed by a review of data collection from fisheries without mandatory permits or reporting in order to determine the quality of available information. The primary factor examined was the number of voluntary creel surveys completed as compared to the estimated total number of fishing trips taken. For example in Guam information was collected from 556 trips out of an estimated total of 9,300 trips.

Issue 7 was the establishment of a formal process for determining ACLs for species without known MSY or MSY proxies. Alternative 7A is no action; Alternative 7B is to determine ACLs using a risk-ranking process to prioritize species based on their risk of overfishing. NMFS would provide the risk ranking and the necessary MSY or MSY proxy estimates would be provided by NMFS or other scientific institutions; Alternative 7C is to determine ACLs using a risk-ranking process with the SSC providing the risk ranking as well as the necessary MSY or MSY proxy estimates; Alternative 7D is to determine all ACLs simultaneously with NMFS or other scientific institutions providing the necessary MSY or MSY proxy estimates; Alternative 7E is to determine all ACLs simultaneously with the SSC providing the necessary MSY or MSY proxy estimates. Under all alternatives, after the SSC set the overfishing limit [OFL] and the allowable biological catch [ABC], the Council would go on to determine the appropriate AMs and annual catch targets [ACT].

Hamilton then reviewed the impacts of each of the above alternatives. Regarding Issue 5 Alternative 5A (no action) would result in every managed species getting an ACL, however it would not be cost effective as there are thousands of species and not all of them are in danger of overfishing. Alternative 5B would put nontargeted and discarded species into the EC which would be cost effective as they are likely not in danger of overfishing however there appear to be very few species which meet this criteria. Alternative 5C would be cost effective as it would exclude species caught in low numbers but would not be entirely consistent with NMFS' proposed rule as they are not routinely

discarded.

Alternative 6A (no action) would not reduce either scientific or management uncertainty and could result in ACLs that are either too low or too high which would be detrimental to both fish and fishery participants. Alternative 6B would improve data availability and enforcement of ACLs but would increase burdens on fishery participants and would result in duplicative requirements for some fisheries. Alternative 6C would have the same benefits as 6B and avoid duplicative requirements but would result in continued reliance on local data collection and processing for some fisheries. Alternative 6D would also provide the same benefits as 6B and 6C but could have smaller burdens on fishery participants depending on which fisheries were selected by the Council.

Alternative 7A (no action) is likely to be inefficient and costly as various approaches are tried. Alternatives 7B and 7C would be more efficient as they would determine and implement ACLs based on the actual risk of overfishing. Both 7B and 7C involve an increased burden on either NMFS (7B) or the SSC (7C) as they would need to develop those values and, depending on the number of species to be evaluated they may not all be done by 2011 as required under the MSA. Alternative 7B would allow the SSC to more objectively evaluate the scientific uncertainty associated with the estimation of MSYs or MSY proxies as it would not be developing those values. Alternatives 7D and 7E would have the same relationship with 7D allowing the SSC to be more objective in assessing scientific uncertainty. Both alternatives would involve significant new burdens as they would determine and implement ACLs for all species simultaneously, and this may not even be possible before 2011.

Following Hamilton's presentation, Robinson commented that it would likely be most efficient to ask the Science Center and/or the Plan Teams to do the developmental work and the SSC then review that work and provide feedback. Itano asked whether there was potential to contract with researchers in Australia or elsewhere to utilize the risk ranking process that they have been developing. Hamilton responded that David Kirby had made a presentation of their methodology to the SSC but it had been found to be inappropriate as it only examines the relative vulnerability to overfishing among species within a single fishery and does not include examination of absolute or actual risk. Dr. Pooley from the Science Center noted that using contractors for estimating the many necessary MSY values may be problematic as contractors are often not interested in this type of work and would rather do something more interesting. However there may be more money coming from NMFS for stock assessments and if so, the Science Center would hire more staff for this task. Robinson added that the potential for grouping some species into complexes remains open and may be a cost effective and appropriate approach.

2. Small-scale and Traditional Fisheries (Barter-trade)

Hamilton provided the Council with a presentation regarding the potential definition of small-scale and traditional fishing. This issue arose in connection with the MSA definition of "commercial" fishing which includes harvesting fish which are then bartered or traded. Because the Hawaii state definition of commercial fishing applies only to fish which are sold, there is a conflict between the two. The objective of this action is to

reconcile that conflict and to consider establishing a broader definition which would apply to small-scale and traditional fishing (including that which results in barter/trade) and would allow the Council to tailor regulations to this group which is not strictly commercial or strictly recreational. This definition is not intended to be based on ethnicity as those types of programs are handled under the Council's Community Development Programs and Projects. At its last meeting the Council reviewed a strawman weighted point system and directed staff to gather research recommendations from its Social Science Research Planning Committee. Hamilton reviewed the Committee's recommendations as follows:

Overall recommendations:

1. Definitions of small-scale and/or traditional fishing need to be place-based. At a minimum, specific definitions for each archipelago should be considered and it may be that different definitions are needed within archipelagos.
2. Having a specific policy goal (e.g. support continued community sharing and consumption of locally caught fish, ensure that small-scale fisheries continue and are sustainable) could lead to more appropriate definitions.
3. Although they may be a necessary starting point, very broad definitions are not likely to be useful to tailoring regulations. Issue-specific definitions may also be useful.
4. Researching and creating definitions could contribute to encouraging community-based monitoring/management
5. A weighted point system might not be the best approach for all areas

General research recommendations:

1. Researchers and surveyors must do their homework before initiating research. To be successful they must know the local context and what other research is being done. It would be useful to write up guidelines for surveyors in the region.
2. Researchers and surveyors must be culturally informed, sometimes yes means no.
3. For some people and areas, asking about catches is considered rude. Focusing on stock health is more acceptable.
4. Using local surveyors/data collectors often brings better results.
5. Showing the benefit of the research to participants is important as folks are getting tired of providing data for someone else's dissertation, paper, or career.
6. High school students can be a good resource, they may be more trusted.
7. Including young people can help communities to participate.
8. We should consider the cost of new monitoring systems/policies as compared to the benefits.
9. Researchers should keep in mind the Council's shift to ecosystem management and collect attitudes and thoughts on this topic.
10. Writing research proposal summaries would help clarify what each recommendation (below) entails – a small working group could accomplish this.

Specific research recommendations:

1. Systematic survey methodologies (resulting in representative samples) are essential to getting reliable results. Methodologies and sample designs should be documented in all reports.
2. Construct frequency distributions of the strawman factors. Include with these assessments of the percent of total landings attributable to each grouping considered.
3. Examine frequency and level of barter/trade/customary exchanges.
4. Fish use and distribution deserves special attention, especially regarding local (place-based) cultural values (e.g. used for fiestas, baby luaus)
5. Develop/examine definitions for "traditional" fisheries (gears? species? generational knowledge? distribution? community of residence?)
6. Review literature and legal/social definitions of the meaning of "traditional" and "small-scale" fishing in each area, but consider the source of the information.
7. As addition or an alternative to the strawman weighted point system consider and examine:
 - a. Those whose fishing revenue is less than their variable costs
 - b. Those whose net revenue is less than the national poverty level

Itano commented that he believed all small-scale fisheries deserved recognition and that defining traditional fishing would be difficult and perhaps unnecessary. Polhemus stated that any definition would need to be very clear so as to avoid legal arguments. Duenas commented that he would prefer to use the term "artisanal" as it doesn't have any association with culture or ethnicity and he would largely base the definition on whether the catch was distributed and consumed within the local community.

3. Council's Five-Year Research Plan

Hamilton referred the Council to a report containing expanded text on each of the research priorities that they approved at their previous meeting. Itano requested that the recommendation regarding genetic and stable isotope data be generalized to say genetic and other methodologies so as to leave it quite open. Hamilton agreed to do so before sending the final priorities to NMFS Headquarters as required under the MSRA.

B. Update on MRIP and National Saltwater Angler Registry

Nicole Bartlett, NMFS Recreational Fishery Coordinator for the Pacific Islands Region, provided an update on the Marine Recreational Information Program (MRIP) and the National Saltwater Angler Registry. The report provided an overview of MRIP and a timeline for implementation of the program. Bartlett also provided an update of regional outreach efforts including holding meetings with tackle shop owners, advertisements in fishing publications, and public service announcements. She also mentioned that the Final Rule for the Registry was due in November and it would provide details on the registry program.

C. National Eco-labeling Initiative

The Council heard a presentation by Dr John Kaneko on the increasing global interest in eco-labeling for fishery products. Supermarkets both here and abroad are increasingly sourcing their fish from proven sustainable fisheries and indicating this in some form of

eco-label. One potential initiative in the U.S. is for the National Marine Fisheries Service to develop a mark, comparable to the U.S. Dept. of Agriculture inspection mark, which indicates that fish caught in a U.S. federally managed fishery are from an environmentally responsible sustainable fishery. Such a mark would be underpinned by the MSRA National Standards and other NMFS initiatives such as EFH, catch limits, bycatch initiatives etc.

This presentation generated discussion among the Council members. There was strong support voiced about the need to promote the fact that the U.S. fishery has a sustainable fishery and for the foreign countries or other countries to use the U.S. market and to participate in this type of eco-labeling program Kaneko added that the concept here is to deal with fisheries and fishery products are well understood and managed. It's an initiative for U.S. fishery products to be able to get this stamp. Kaneko also noted that he would encourage any other fishery to also support their fishermen by explaining, going through the effort to explain their fishery management system. There were three key issues: How is the fishery managed? What is the stock status of the fish they are exploiting? And also their impacts on the ecosystem and what they are doing about controlling the adverse impacts. Kaneko also noted that this concept was proposed at a recent MAFAC meeting in July and MAFAC was considering a recommendation for the consideration of NOAA. NMFS has concerns about the chain of custody if there was going to be a NOAA marks saying that a fish was caught from a sustainable fishery and approved by the Secretary of Commerce. Kaneko noted, NOAA received 65 million dollars last year to educate the public but NMFS received none of this money, and Kaneko ascribed this to a malfunction of the one-NOAA concept. Several people have supported this idea that they would like to see their fisheries recognized, including the President of the National Fisheries Institute, who had concerns also about the high importation (80%) of seafood into the American market.

NMFS concern with the chain of custody issue in NOAA had been discussed in leadership meetings. There was also the potential for a sustainability designation if a fishery meets the ten National Standards. This should be followed up with a communications and marketing strategy. There was further discussion about the benefits of some form of label or mark that would benefit fishermen to obtain better fish process in markets, especially on the mainland. It was also noted that in Hawaii landings could be cross tracked with dealer reports which might assist in allaying fears about chain of custody issues. Additional comments about the difficulty of a label for sustainable fish were thought to be poor arguments against, especially since food that caused health issues can be traced back to the farm it came from. Similarly, there should be clear label distinction between farm raised and wild caught fish. Kaneko noted that there is a requirement of the Country of Origin Labeling rule under USDA to declare wild or farm-raised. Finally it was noted that in American Samoa whole fish was coming to Pago Pago canneries on containers without strict country of origin documentation.

D. Update on Legislation

Dela Cruz called on Robinson for the update on Legislation, agenda item 6.D. Robinson announced that the report on legislation would be shared with Simonds. Ka'ai'ai was

recognized to begin the reporting.

Ka'ai'ai reported that the list of legislation of interest to the Council was placed in the Council members boxes. He pointed out that there were a couple of pieces of Congressional legislation that would be of interest to the Council: HR 2830-the Coast Guard Appropriations Bill and The NOAA Authorization Act. HR 2830, along with providing appropriations for the Coast Guard had included the language of HR 3699, allowing U.S. flagged foreign purse seine vessels to fish in American Samoa EEZ competing with US licensed and US documented purse seine vessels. That was defeated.

Ka'ai'ai reported on these bills:

- HR 5741-The High Seas Driftnet Moratorium Protection Act, and that was -- the last major action was referred to the Senate Committee and received in the senate.
- SB 3231, companion to the High Seas Driftnet Moratorium Protection Act, the bill to amend the High Seas Driftnet Fishing Act, sent to Committee.
- SB 2907, a bill to establish uniform administrative and enforcement procedures for the High Seas Driftnet Fishing Moratorium introduced by Senator Inouye.
- HR 6537, to reauthorize and amend the National Marine Sanctuaries Act to establish a National Marine Sanctuaries System introduced by Representative Bordallo.
- SB 3234 to amend the Internal Revenue Code to provide a temporary income tax credit for commercial fishermen to offset high fuel costs. That was read twice and referred to the Committee on Finance.

There were amendments to the Magnuson Stevens Act that was introduced in February of this year. That was referred to the Subcommittee on Fisheries.

Simonds reported that the only bill that passed the House was the Coast Guard bill, but none of these pieces of legislation are going to go anywhere this year and will have to be reintroduced next year. She asked Robinson about what was happening with the NOAA Organic Act. Robinson responded that he didn't know but that he will find out.

Robinson commented on the Shark Conservation Act of 2008. It amends the High Seas Driftnet Fishing Moratorium and Protection Act to list foreign countries that don't adopt a Shark Conservation Plan comparable to the U.S. plan, it also tightens the Magnuson Act considerably by requiring that sharks be landed with their fins attached. That has passed the House. Ms. Simonds responded that there will be no Senate action. It gets rid of the rebuttable presumption, and any directed shark fisheries will be very difficult. The Council did act on this at the last meeting, to send a letter to the Senate to consider an exemption for the small-boat fishermen, especially in the Northern Marianas Islands who use shark for bait for shrimp fishing, and use like that.

Robinson commented that the only other piece of legislation is the legislation worked on to remove the Conflict of Interest for Advisory Committee Members. Nothing happened before recess on that.

Simonds commented that new legislation would have to be introduced. It was part of a large international package that would have included implementing the Antigua Convention, which is the backbone of the IATTC. That didn't go anywhere, either.

Itano asked for an update on the current status of the new purse seiners that came in under the U.S. flag, the ones with Taiwanese interest in them, and their rights under the U.S. Tuna Treaty and their access to fishing zones. Robinson responded that there are 31 U.S. flagged purse seiners licensed to fish under the treaty under the South Pacific Tuna Treaty on the high seas and in the national waters of the FFA countries. One was just sold, a couple other vessels had some reflagging issues that were going to be licensed that were not. Of those 31 U.S. flagged purse seiners, 14 are Taiwanese-built foreign hulls. The current status is they have the same status under the treaty as it relates -- as a U.S. built hull with respect to fishing on the high seas and fishing under the treaty in the waters of other nations. The foreign-built hulls are not documented and permitted to fish within the U.S. EEZ at this point in time. There was some legislation that was introduced by Congressman Faleomaevega from American Samoa that was attempting to address that and allow those foreign hulls to fish in the U.S. EEZ off American Samoa, but that is not going anywhere either.

Simonds responded that it passed the House, but the Senate also had its version of the Coast Guard bill, but Faleomaevega's measure was not in the Senate bill. There is a lot of controversy going on between the Congressman and the Governor of American Samoa and the Governor of Guam, as well. They do not want any foreign hulls fishing -- giving them exemptions to fish in their zones -- nor purse seine fishing in their zones. So currently the foreign-built hulls, U.S. flagged vessels can fish under the treaty on the high seas and in the national waters of the treaty countries, but not within the U.S. EEZ.

Dela Cruz asked for any more questions. There were none.

E. Update on Status of FMP Actions

Note: this item was delayed until the next day so as to allow Emily Lindow and Pierre Kleiber to make their presentations as guest speakers.

Due to the extremely full agenda, Hamilton provided a quick overview of major items in this report as follows. The Marine Conservation Plan [MCP] for CNMI has been approved by NMFS. Although it has been approved by the Council American Samoa's MCP has not yet been received from the Governor for approval by PIRO. Draft amendments regarding the Council's recent recommendations regarding purse seine fishing around American Samoa, Guam and CNMI were sent to PIRO for review and comment in July but no comments have been received to date. PIRO has taken it upon themselves to update the Council's Fishery Ecosystem Plans [FEPs], so far they have sent the Hawaii plan back to Council staff but none of the others. They have also provided a revised version of the Council's proposed FEP regulations but until the FEPs themselves are returned it is difficult for Council staff to review the regulations as it is not clear what revisions are being suggested and why. Once all the FEPs are returned Council staff will review them as well as the regulations.

Simonds reminded Robinson that the Council would like to get the FEPs finished and out to the public by December 31, 2008.

F. Community Development Program Amendment Status

Item 6.F. Community Development Amendment Status was taken out of order on day two of the 143rd Council Meeting. Following the opening presentation by Pierre Kleiber, Truth and Honesty in Fisheries Science, Martin called on Dela Cruz to chair the Program Planning agenda. Dela Cruz recognized Robinson to report on the Community Development Program Amendment.

Robinson reported that the amendment was at the Pacific Islands Regional Office for review and comment after which it would be sent back to the Council.

PIRO has experienced a large turnover of personnel. The result was a reprioritization of documents and, unfortunately, this action fell to the bottom of the pile. The lead for the document was Mike Tosatto and he is on detail to Washington, DC for four months. When Tosatto returns the actions for this document will be put on track.

Dela Cruz thanked Robinson for his report and called for any questions. There were none.

G. Coral Reefs

1. Report on Coral Reef Task Force Meeting

Jarad Makaiau, Council staff, provided a brief summary of the 20th Meeting of the U.S. Coral Reef Task Force held on the island of Hawaii, to highlight the various conservation initiatives that were going on in Hawaii and other parts of the Pacific. He said that the Task Force recognized the importance of the coral reefs to economies and societies and that they urged action for agencies to do something about specific areas with a focus on fisheries issues.

Makaiau noted that the Council partnered with NMFS, the Department of Aquatic Resources and the Hawaii Coastal Zone Management Program (CZM), a workshop on the bridging of communities and government. The workshop was held to provide a forum for communities throughout the Pacific Islands to talk about their initiatives and strategies for dealing with community-based conservation and management initiatives.

2. Coral Reef Program Review

Gerry Davis, NMFS PIRO Habitat Program, provided an update on the NOAA Coral Reef Program. He reported that there was an external review of the program in 2007 that resulted in NOAA developing a road map for the use of coral funds. This road map consists of three threat-based working groups, fishery impacts, climate change, and land-based forces, each of which are being developed to better link management to the use of the coral funds. He reported that the road map was to get through the strategic planning process by the end of March 2009.

H. Marine Education and Training Program Selection Process

Dela Cruz called on Robinson to make that presentation on the Marine Education and Training Program Selection Process. Robinson defers to Ka'ai'ai to make the presentation.

Ka'ai'ai reported that at the last Council meeting the Council directed staff to meet with PIRO to develop this program. He gave a brief history of the program.

- In 2006 the Magnuson-Stevens Reauthorization Act was passed.
- It created a new section in the Magnuson Act, Section 305(J) that established the Marine Education and Training Act.
- 305(j) mandates the Council and PIRO, partnering with Alaska, to develop a Marine Education and Training Program.
- It mandates the development of a large, comprehensive program involving marine science education, job training, consumer participation, consumer information, seafood training, and maritime training.
- The Council had directed staff in 2007 to do two workshops, one with the Alaska Region and then one with our Region, inviting people to participate to help develop this program.
- In 2007, Alaska met with their Sea Grant Program and initiated that Marine Education and Training Program and their pilot project.
- Not sure what Alaska is doing, no report from that meeting.
- Council and PIRO decided to forego a meeting with Alaska, determining that both regions were very different, and
- A workshop was convened in April 2008 with participants from all over the region, from the Commonwealth of the Northern Mariana Islands, Guam and American Samoa.
- Because of the way the amendment was written, it was decided to involve the community colleges and community organizations to assist, much less with the universities.
- Council directed staff to meet with PIRO to develop the project.

Ka'ai'ai reported that it was safe to say that after two meetings with PIRO, Council and PIRO are still not on the same page. One of the difficulties was that PIRO had excess funds at the end of this fiscal year and went ahead and funded a couple of scholarships in American Samoa and gave the Council funding for our high school summer fishery education program that the Council has done for the last three years.

The high school summer program benefited from this excess of funds and we were able to provide more services for the students. The two scholarships for American Samoa were to send students to the Honolulu Community College Small Vessel Repair and Construction Program.

We had discussed equitability in serving the entire region and, though we had no criteria for it, Council staff was disappointed that the funds were spent in this way. There was duress, the funds had to be spent or be returned. They made a command decision, and

that is still being discussed. The Council is planning another with the participants in the region to address this issue and to come up with some funding priorities, eligibility criteria and further develop the program.

We will ask the Council to conduct further workshops in the region. We need more time to work with PIRO so we can work through this and get on the same page for this program.

Benigno Sablan commented that he was disappointed that a lot of these things are just happening here in Hawaii and other parts of the Western Pacific Region are left out of these activities. CNMI and Guam would have liked to share in the educational scholarships offered by PIRO to American Samoa.

Ka'ai'ai responded that the workshop determined that all of the mandates that Congress gave to accomplish with this program exists somewhere in the region, most of them exist in Hawaii. Probably what we have to do is work out a way for students from other parts of the region to get the training where the training is being given. Robinson added two of the scholarships we gave were to students of American Samoa. He understood, and took very seriously, Sablan's point about making sure that we spread the wealth of this program among all of the territories. In this particular case PIRO had some year-end money, and wanted to spend that money through grants. The only way that PIRO could do that was that there were earlier proposals submitted under a general solicitation for proposals PIRO actually had proposals from American Samoa, and the others, in hand that responded to our solicitation for proposals. The decision was not arbitrary, PIRO had those proposals on our desks. They had the money. Sablan and Robinson had a discussion about the difficulties of communicating between Hawaii and other parts of the Region.

Duenas joined in the discussion praising PIRO for helping to fund the High School Program and the scholarship -- quasi-discretionary funding of the scholarship for the American Samoa students. At least funding went to the islanders. He asked if there was a way to develop a budget. Can PIRO and the Council actually develop a Marine Education and Training Program for the region where we can actually identify needs within the different communities in Guam, CNMI, American Samoa or State of Hawaii?

Robinson responded that there are no appropriations for this program. It's subject to available funds that come from other sources. But that does not prohibit PIRO and the Council from getting together and developing a list of priorities so that as funds became available there is some agreement on how the money would be spent. It will probably be the subject of the next meetings that we do have.

Alofa Tuaumu asked about the status of the two scholarships to American Samoa. Robinson called on Scott Bloom to answer. Bloom replied that the scholarships had not started. The start date on the grant was in September so they are still on the phase of putting together the selection of students.

Dela Cruz called for anymore questions. There were none. He called for Agenda item 6.J. National Standard 2 Review. He called upon Paul Dalzell to give the presentation. Joshua DeMello notified the council that Dalzell asked to delay the National Standard 2 review.

I. Marine Conservation Area Assessment (Blue Legacy)

Ms. Emily Lindow a representative of NOAA from the Under Secretary's Office in Washington, D.C gave a presentation on the Blue Legacy Program. She first explained that she was only one of a group of people from an interagency group working on the Blue Ocean Legacy Project, and that her presentation is one of their stops in terms of public outreach for the project.

In order to tailor it to the Council's interest, Lindow focused on the memo and the assessment recommendation process and the ways to provide public comments. Lindow said that on August 25th of 2008 the President directed the Secretaries of Defense, Interior, Commerce and the Chairman of the Council on Environmental Quality to provide an assessment regarding the advisability of providing additional recognition, protection or improved conservation and management for objects of historic or scientific interest. The memo outlined very specific geographical areas to be considered including a number of areas within the PRIAs, Rose Atoll and some areas around the Northern Mariana Islands. The memo also provided a number of potential authorities that are available for the President to use with whatever action he decides to take. In directing them to develop the assessment they were asked to provide relevant supporting information including the views of territorial and local governments and other interested parties as part of what they would provide to the President.

In addition to those views, they're also looking at things such as cultural, environmental, economic and multiple use implications. And they were specifically directed to look at the compatibility of any recommendations for things such as commercial fishing. Lindow then gave an overview of the island areas under consideration, including, in brief:

Johnston Atoll. A portion of the island is a National Wildlife Refuge. Fishery resources in the EEZ are managed jointly by NOAA and the Council. The military infrastructure that used to be there was removed in 2004.

In terms of the some of the living marine resources there, it's an important bird nesting area and also very important for dispersal of marine life.

Howland, Baker and Jarvis Islands are all managed as National Wildlife Refuges. Howland is best known as the intended destination for Amelia Earhart and Fred Noonan when they disappeared during their around-the-world flight in 1937 and in terms of biological resources there, again very important for seabirds. The waters around these islands and atolls are nutrient rich and do support high levels of marine productivity.

Palmyra and Kingman are the northernmost portion of the Line Islands chain. They are also managed as National Wildlife Refuges. Again, areas that are important for shorebirds and seabirds and they also support very high levels of coral and fish diversity.

Wake is an extremely isolated atoll operated as a U.S. military base by the Air Force. There are large numbers of corals, fish and includes a number of globally-depleted marine species.

Rose Atoll in American Samoa is one of the smallest atolls in the world, and again is managed as a National Wildlife Refuge and we have marine fishery resources managed in the EEZ by the Council and NOAA.

In terms of biological diversity, it's very important for seabirds, known as the Island of the Seabirds. It also supports the largest remaining population of giant clams in Samoa, as well as being an important turtle nesting ground.

In the areas being considered in the Marianas, they're looking at both the Mariana Trench and the marine waters around the northern portion of the island chain. This area is very ecologically unique, partially due to the high level of volcanic activity. It has a number of submarine volcanoes, hydrothermal vents. The northern waters support very high levels of reef fishes and apex predators.

Lindow explained that in terms of the process, during September and October 2008 the Agency are trying to do a joint assessment; joint between the Department of Interior, Department of Commerce, CEQ and DOD. They were seeking both internally and externally and evaluating information related to these different categories. These categories are specifically laid out in the Presidential memo.

Lindow said they were moving into the portion of the assessment where they conduct public outreach and seeking information from local and regional partners and the public. Lindow explained that the public is important, particularly to the folks from NOAA and that all of their processes are very public input intensive. To accomplish this they were holding four open houses. Two of them occurred the week before; one was in Washington, D.C. (Lindow ran that meeting). The second was the same day in American Samoa. Lindow understood there was a group of commercial fishermen at that meeting to provide input. She said the next night she would hold a meeting in Honolulu and then the next Monday she would be in CNMI and Saipan to run another meeting.

Lindow said they were also doing some focused and targeted meetings with high level official scientists, different stakeholders and interest parties. Lindow said from late October to early November the job back in D.C. was going to be to synthesize all the public comments that were received during the assessment process, as well as the information that they gained internally from their own scientists and managers. She said they expect to complete the assessment process and recommendations in mid-November, assuming things go according to schedule. At that point, the recommendations and assessment will be provided to the President, who can then use the information in the manner that he sees fit.

Lindow explained ways to provide comments including e-mail, regular mail, and drop-off

locations in both American Samoa and the CNMI at some of the Department of Interior visitor locations. She said they must be in by October 26th. Lindow said they do understand that the short time frame is not optimal but that they're working with what they were directed to do, and in order for them to provide a product they need to cut things off at a certain point so that they can actually have a chance to look at them and try to meaningfully incorporate them into the assessment.

Lindow said at the meeting in Washington, D.C., there were about ten people or so. She said at each meeting there's a list of questions and issues for discussion and comments and that the idea is to have an actual discussion, get the ideas on paper. Lindow said they were going to post the comments from all of the different groups on the CEQ website which will be available for people to take a look at.

In addition to the things listed on the last page about the different resources, these are some of the other questions that we're going to be looking at for people to provide comment and discussion on. So these are additional areas for feedback.

Lindow concluded and opened up for questions and said that she was happy to take any written comments.

Dela Cruz asked what the CNMI American indigenous people should expect in return for turning over their CNMI EEZ waters into a National Marine Monument and what rights, privileges or ownership could they expect to give up or lose with the Proposed Monument. Lindow answered that are in the assessment process right now so they don't have a specific plan right now to designate those areas as a Marine Monument. She said they're trying to seek comments to figure out what issues are most important, what areas people are not interested in having additional Federal protection, or other things. Simonds described how back in March when the Council was holding the Council meeting in the CNMI there were representatives from the Pew Charitable Trust there, and they showed a map of what they called the Pew Monument Campaign Options for Bush Ocean Legacy. Simonds asked if in addition to the areas Lindow just discussed, there was also an area on the West Coast, an area right above Alaska, and throughout the Gulf of Mexico and all the way up to New England. She asked how they decided to narrow it to the Western Pacific.

Lindow said the Pew Proposal is not their proposal that they still do not have a proposal. Lindow said that narrowing it to Western Pacific was decided by CEQ and done in conjunction with the White House.

Haleck expressed concerns and questions on how much area would be proposed. Haleck explained that Rose Atoll was being co-managed between Fish and Wildlife Service and the Department of Marine and Wildlife and the American Samoa Government and that to have another Federal agency come in and manage the smallest atoll, would be kind of odd. Haleck said he thought it would be better if funds were injected into their local American Samoa government, especially with Marine and Wildlife, since they have biologists that are there to do the science part and to monitor and also help with the

enforcement part in regards to illegal fishing and illegal activities that can take place around that area.

Sablan from the CNMI explained that he was frustrated by Lindow's group coming out to the islands or talking to the Council about assessing only, and therefore not being able to get concrete answers. He is uncertain about what they are assessing and asks if it is an assessment to create or to make sure that there is a National Monument to be created in the northern part of the islands in the CNMI. Sablan explained that the waters above the CNMI's portion of the Marianas Trench are the shallowest part.

Sablan described an economic study from the University of Guam which showed that there is going to be \$333 million associated with the monument and he asked if that would be annually. He also said the economic study showed that there will be around 8,000 tourists showing up and he is not clear on what they would be visiting. Sablan is frustrated that CNMI hasn't been able to get answers throughout the assessments. Sablan concluded by stating that at this point in time he was in opposition to establishing a monument on the northern islands of the CNMI.

Lindow responded that she hasn't seen the University of Guam study but she believes that any type of economic numbers would be fairly dependent on exactly whatever was created.

Haleck asked one more follow-up question about whether there would be another opportunity given to their local government and people to look at this proposal when it's put together so we can comment on it. Lindow replied that with the way they have been directed to do this, she did not see an opportunity for public comments once a proposal is put together.

Haleck said that's a big concern on his part, because it's hard to really share their thoughts and deep concerns at the time since they don't have a proposal in place. Haleck said if did have a proposal in place that they could take it back to his people and leaders then they could comment on it. Haleck explained that Rose Atoll played a big part in the history of the American Samoan people. He said it was on Rose Atoll that the Deed of Cession was signed and that it's very important to his people and culture which is why it's a big concern for them and it's a must that they be able to look at a proposal so they can comment and share their concerns.

Simonds followed us by asking if there would be an Environmental Assessment or an EIS with the proposals because those NEPA requirements are associated with designation of sanctuaries (but not monuments).

Duenas commented that as Council Member Sablan mentioned, the deepest part of the Trench is located around Guam. Duenas said he was saddened the most by the fact that is Guam is not included in any of the visits for public meetings as Guam is part of the Marianas with a long history as Chamorros living in the Marianas.

Duenas said he was also bothered that the close of the comment period is the 26th when they're going to visit the Marianas on the 20th. He said many people that live on the islands don't use the internet and for them to gather information and to work with the communities and get a decision and to properly inform Lindow of their needs and wants and desires would take more time than six days after their meeting.

Duenas also said he is bothered that based on the Pew's suggestion to the President, the Northern Mariana Monument proposed site covers the full 200-mile EEZ. He pointed out that the State of Hawaii's Northwest Hawaiian Island Monument does not cover the full 200. Duenas asked if this was because the Marianas doesn't have a senator or voting congressperson to actually argue this in Congress.

Duenas said he thinks this is Washington's way of continuing to perpetuate the legacy of 400 years of colonizing the Mariana Islands and that he was very insulted because, again, they're not included in the process. Duenas explained that the Governor of the Northern Marianas already designates it as a sanctuary, that the people of the Northern Marianas were smart enough and had the intuition to make it a sanctuary, and they have done nothing wrong to protect this resource and they want to maintain it within their control.

Duenas said on the issue of Federal protection that not as a criticism of the Coast Guard, but they don't have the assets and so the Federal Government can't guarantee protection, either.

Duenas explained that the resources of the ocean have been part of their society for 4,000 years and that they continue to use them today after 4,000 years without the help of anyone. He said he doesn't think it's right and fair for Lindow's group to take away from the Marianas people what has been theirs, as a legacy or for islanders to continuously be told what's good for them.

Lindow replied that they will be in Guam to meet with the University Marine Lab, Guam Department of Agriculture, the Guam EPA, Bureau of Statistics and Plan, the Guam Coastal Management Program and representatives from the Governor's Office. Lindow said Chairman Connaughton will also be going through Guam and will be meeting with the Governor's office.

Lindow said that on the question on the close of the comment period, that they actually have been receiving comments from folks in Guam throughout this process. Lindow agreed with the idea that enforcement is incredibly important to whatever it is and said that if they don't have the enforcement, then there's no point in having these regulations on the books.

Duenas commented that if you look at the islands in the Marianas stream, the bottom third is fully occupied or inhabited. Then the other third is used by the military for their bombing range and the last third of the islands, the northernmost ones are like money in the bank for the people of the Marianas, something that belongs to their islands and their people.

Torres commented that Government of Guam, who is a territory of the United States, can exist only because Congress allows it to exist.

Sablan explained that the CNMI does not have anybody in the U.S. Congress up until today, and they've been in political union with the United States since 1978, and still don't have representation in the U.S. Congress. Sablan added that if it is, to be considered under the Antiquities Act of 1906, that he can't figure out what antiques are up there except for the Marianas Trench.

He explained that the CNMI lost their three nautical mile State waters, that it's now Federal waters.

Sword expressed that currently at Rose Atoll, some of American Samoa's neighboring countries go fishing there without them knowing; that the Coast Guard has limited resources.

Dela Cruz explained his concern that Jay Nelson of the Pew Charitable Trust started this campaign about a year and a half ago, and that he's been up to some very annoying, deceptive campaigns, spreading misconceptions, polluting the minds of their youngsters, providing false and misleading information which is being circulated. A month or two ago Nelson quoted Dr. Iverson, the University of Guam professor, saying that if a monument was established that up to 400 jobs would be created, that \$10 million Federal dollars would be allotted to CNMI annually and at least five million U.S. tax dollars for the CNMI would be realized. And when Allen Tom came and Dela Cruz asked about this, he was told that only 25 jobs were created since June 2006 when the Papahānāmokuākea Marine National Monument was established and only about seven to eight million dollars are being spent over there. Dela Cruz said he was very disturbed because this Nelson has put up an office, recruited some of the local people and he allowed these misconceptions and misleading information to be spread around even having one of their former congressman, Andrew Salas, mention over this radio talk show that when the monument gets established that at least three U.S. Coast Guard cutters would be stationed in the northern islands. Dela Cruz explained that as the Secretary for the Department of Land and Natural Resources that his Department is responsible for the conservation and protection and preservation of the northern islands and his Division of Fish and Wildlife, is the one that issues the permit for boats to get there and back. He said that under DLNR's management, the place is pristine and therefore they are already doing a very good job of conservation. In addition, he wonders why these Pew people promote the idea that once it becomes a monument it will be a very effective conservation program. And yet, at the same time, they are advertising that more than 8,000 tourists per year will be going there and there will be a lot of tourist dollars flowing into the islands.

Dela Cruz feels these comments are false and misleading.

And that when they asked Pew if there is any guarantee about funding coming in, they

say nothing.

Dela Cruz asked why President Bush wants to fix the place when it is not broken. Dela Cruz said he doesn't think this is the right thing to do, because the President should respect the people in the Marianas and allow them to keep these northern waters for their future generations especially because under the government they had rights to 12 miles of territorial waters and the U.S. took that away from them. He explained that there are only 178 square miles of land for the entire 14 islands in the Northern Marianas Islands and that they don't have any natural resource on land that all of their resources are in the waters. Dela Cruz said that if the President takes that privilege from the people there, then they will be left with nothing.

He said if that area becomes a monument then there should be a guarantee that the Federal Government would give us 100, 200 million dollars a year in cash with no strings attached to compensate.

Callahan described the SSC's discussion of these proposed monuments which centered on the question of what was being protected and why since many of these islands already have a significant degree of protection under existing status. Concern was also expressed as to whether the information being presented by some advocacy groups was scientifically balanced and accurate. The SSC expressed concern regarding the need for a proper assessment of the views of indigenous people associated with the areas being considered for Monument status.

The SSC further noted that the Council, itself, has an established policy for Marine Protected Areas and that policy, among other things, states that the Council should participate in the drafting of environmental and social impact statements, and when developing MPAs the Council should also consider the requirements, rights and privileges of the region's native people and their traditional fishing practices. The SSC has not been provided a presentation on the available science and thus has not been provided the opportunity to provide appropriate input on the scientific merits of the Proposed Monument.

The SSC noted, however, that there are broad, unsubstantiated comments in the Pew document entitled, the Deepest Ocean on Earth, a Scientific Case for Establishing the Marianas Trench Marine National Monument. The SSC noted that in the Marianas there currently exists a small-scale commercial bottomfish fishery that accesses the northern islands of the CNMI.

The SSC further noted that the Marianas Islands are on the fringe of the Indo-West Pacific center of marine diversity possessing fewer coral species than Palau and less endemism than many other Pacific archipelagoes. The proposed area is not even among the top ten hotspots for reef fish endemism in the Indo-Pacific.

The SSC also noted that the three islands in the proposed CNMI monument are currently designated as terrestrial reserves. Existing protections in the reserves should be adequate

to protect the ecology and environment in and around the area. The waters surrounding the PRIAs have been fished sustainably by the Hawaii-based longline fleet and the U.S. purse seine fleet targeting skipjack tuna continues to operate in the EEZ of the PRIAs, including Howland, Jarvis and Baker Islands.

Finally, the SSC recommended that the Council requests clear scientific justification for the various specific ocean areas to be included in the marine conservation areas proposed by President Bush.

Furthermore, the SSC recommends that the Council assert that environmental and social and economic impacts be fully assessed for all people and communities impacted by the proposed action or actions and ensure that the views of the indigenous people of the potentially affected areas be given full and fair consideration.

Haleck said that he heard that some of the comments that were made during that meeting in American Samoa last week Thursday from American Samoa's commercial fishermen were concerns that part of their EEZ will be taken away, which are fishing grounds for their local fleet in American Samoa.

Finally, Haleck asked Lindow to please look into allowing further comment once the proposal is ready and to make sure that not only American Samoa, but those from Guam and from Saipan, be afforded the opportunity to once again comment and look at what the final proposal will be.

J. National Standard 2 Review

Paul Dalzell reported to the Council on proposed changes by NMFS in National Standard 2 of the Magnuson-Stevens Act. The proposed changes would require Councils to include SSC recommendations on catch limits in Stock Assessment and Fishery Evaluation (SAFE) reports and provide guidance on peer review process. There was no discussion following this presentation.

K. Social Science Research Committee Report

Item covered in Small-scale and Traditional Fisheries (Barter-trade)

L. SSC Recommendations

Note: This item was delayed until the next day so as to allow Lindow and Kleiber to make their presentations as guest speakers.

Callaghan provided the following recommendations from the SSC as regards Program Planning. Regarding Annual Catch Limits and the establishment of a mechanism for specifying them, the SSC reiterated its previous recommendation as approved by the Council at its 142nd meeting. With respect to the allocation of ACLs, the SSC recommended that no allocations be made at this time, but recognized that future allocation may be necessary and at that time the SSC will provide comments, especially in light of the biological and sociological consequences of ACLs. With respect to the permitting and monitoring of managed fisheries subject to ACLs, the SSC reiterated its

previous recommendation to require federal permitting and reporting for all fisheries subject to ACLs. With respect to the implementation of ACLs in Fishing Year 2010 for fisheries determined by the Secretary to be subject to overfishing, the SSC reiterated its previous recommendation as modified by the Council at its 142nd meeting. With respect to determining whether any species should be included in the ecosystem component of managed species, the SSC recommended that the species be risk-ranked for overfishing before proceeding further with this discussion. With respect to determining of which fisheries need federal logbooks and permitting requirements to reduce uncertainty for ACL values, the SSC continued to support Alternative 6B which would require comprehensive federal data reporting in the form of either permitting and logbooks or surveys or some other federal method for all ACL fisheries. However some members in the SSC had concerns regarding the potential for duplicating effort, the effort of already existing state and territorial data collection processes. With respect to determining the process by which OFL, ABC, ACL and ACT values will be estimated or established, the SSC recommended that NMFS undertake the initial assessment of the risk of overfishing, then provide this to the SSC for evaluation. When agreement was reached on the top five or ten stocks in terms of risk, then the SSC would set ABCs for these stocks and provide these recommendations to the Council. If no OFL, MSY or MSY proxy is available for those stocks, the SSC would request the National Marine Fisheries Service generate such a value for the SSC's evaluation.

In regard to the WPSAR stock assessment process, the SSC recommended that all SSC members be considered part of the pool of potential review panel participants. The SSC also recommended that all review panel members be paid for their services commensurate with other members of the review panel to the extent allowed by law so as to avoid disparities in compensation. In addition the Councils should accept the list of species and stock complexes proposed by NMFS stock assessment review and the proposed order of the reviews.

M. Standing Committee Recommendations

Hamilton called the Council's attention to the Program Planning Standing Committee's meeting report in their binder and noted that the Committee had no specific recommendations regarding the actions before the Council.

N. Public Hearing

Greg Holzman, a commercial bottomfish fisherman from Kauai, commented that Alaskan shrimp boats have periodically fished for shrimp in federal waters near pinnacles on the northwest and east sides of Niihau and they leave traps behind which ghost fish and can be damaging to habitat. He believes that the Council should prohibit this by requiring that each trap be numbered and accounted for.

Bruce Geddes, a commercial bottomfish fisherman, commented that every ship strips its fuel tanks before coming into port and that this involves pumping up to 30,000 gallons of fuel right into the ocean. This results in large, visible oil slicks that float on the ocean's surface. Given that this is where many fish eggs and larvae live, it is killing them and reducing their biomass. Silt runoff from the land is also polluting the water and killing

reef fish. He believes that these impacts should be controlled, instead of blaming everything on fishermen.

Note: a public comment period was added the next day to allow a comment to be made on Kleiber's presentation. Tina Owens of the Lost Fish Coalition commented that the only thing that is completely objective is raw data. Data can be manipulated in one or another and there is no one right science or everybody would be in agreement. The point is that science can be manipulated either way and people have to question both sides of the science, not just one side, not just the other. She did not like the insinuation that the SSC should have the last word on scientific issues.

O. Council Discussion and Action

Dela Cruz made a motion to recommend that the U.S. Coast Guard and NOAA Office of Law Enforcement work with the American Samoan and Hawaii longline fleets to develop procedures that will facilitate communication at sea by both fleets to the U.S. Coast Guard and/or the Office of Law Enforcement that will enhance monitoring of foreign fishing fleets. In addition NOAA general counsel and enforcement should consider requiring a vessel monitoring system as a standard settlement agreement item when negotiating settlements with foreign fishing vessels that have been caught fishing illegally in the U.S. EEZ waters. Duenas seconded the motion. Thielen asked why this should only be applied to foreign vessels. Martin responded that this issue was discussed earlier in relation to the WCPFC which is already tracking domestic vessels. CDR Young added that the Coast Guard welcomes any information they can get from domestic vessels regarding potential illegal fishing activity by any foreign fleets. Itano suggested that the recommendation be broadened to include all domestic fleets based or operating in the region or on the high seas. Dela Cruz and Duenas agreed to the modification and the modified motion was approved by all Council members present.

Dela Cruz made a motion to recommend that ACLs and ACTs not be developed for species managed by RFMOs; that ACLs, ACTs be established and implemented for all non-RFMO species for which MSY values have been established; that remaining MUS be ranked based on the likelihood and consequences of overfishing, and that ACLs and ACTs be established and implemented in sequence based on this ranking (this is a modified version of Alternative 1F, see Issue 7 for recommendations of the risk ranking and development of OFL, MSY or MSY proxies); that Alternative 2A be adopted and no allocations be made at this time as the lack of comprehensive fishery data makes the establishment infeasible at this time; that Alternative 3D be adopted so that both federal permits and federal logbooks are required for all fisheries subject to ACLs for which necessary information is unavailable; that Alternative 4E be adopted such that ACLs, ACTs for stocks subject to overfishing at the end of 2008 be established using the process described here by no later than 2010; that inclusion of MUS in the Ecosystem Component be considered following the overfishing risk ranking included in Issue 1 above; and that Alternative 6C be adopted to establish federal permits and reporting requirements for all fisheries subject to ACLs which do not already have mandatory federal, state or local permitting and reporting requirements as this would reduce both scientific and management uncertainty without creating duplicated requirements as well as to provide

comprehensive data on which to base future ACL allocations. Duenas seconded the motion. Robinson stated that he was concerned about the impact of federal permitting and reporting requirements in small villages and artisanal fisheries, and he thought there might be more appropriate ways to collect information. Simonds responded that his concern was understandable and that the Council could consider this as they determined and implemented ACLs for each fishery. Sablan echoed Robinson's concern and noted that this will be an especial concern in CNMI where the EEZ currently extends to the shoreline. Itano noted that the wording of the motion regarding Issue 6 did not require federal logbooks, just federal reporting requirements. The motion was approved by all Council members present.

Dela Cruz made a motion to recommend that the Council adopt a modified version of Alternative 7B for ACLs as follows: The Council's plan teams each determine the five non-RFMO species or species groups without known MSY values that are most at risk of overfishing in each archipelago and in the pelagic ecosystem and provide this list to the SSC by their March 2009 meeting for their review and approval. The SSC then adopts the OFL, MSY or MSY proxy values from NMFS or other scientific institutions using the WPSAR process for the above species. The SSC considers and characterizes scientific uncertainty and sets ABCs for these species, as well as for those non-RFMO species for which OFL, MSY values have already been established. The Council gets the ABCs set by the SSC and sets ACLs at or below this level. The Council determines appropriate Accountability Measures to accompany the ACLs. The Council considers and characterizes the management uncertainty remaining given the Accountability Measures as well as the likelihood and consequences of overfishing and sets ACTs at or below the ACLs. The sequence repeats as funds and information allow until initial ACLs and Accountability Measures are established for all non-RFMO ACL species or species groups. Sablan seconded the motion. Young suggested that the motion be modified to have the Plan Team recommend a risk-ranked list to the SSC, which would review it and then make recommendations to the Council. DeRoma stated that he supported this change. The modification was accepted by Dela Cruz and Sablan and the modified motion was approved by all Council members present as follows: The Council's plan teams each recommend the five non-RFMO species or species groups without known MSY values that are most at risk of overfishing in each archipelago and in the pelagic ecosystem and provide this list to the SSC and Council by their March 2009 meeting for their review and approval. The SSC then adopts the OFL, MSY or MSY proxy values from NMFS or other scientific institutions using the WPSAR process for the above species. The SSC considers and characterizes scientific uncertainty and sets ABCs for these species, as well as for those non-RFMO species for which OFL, MSY values have already been established. The Council gets the ABCs set by the SSC and sets ACLs at or below this level. The Council determines appropriate Accountability Measures to accompany the ACLs. The Council considers and characterizes the management uncertainty remaining given the Accountability Measures as well as the likelihood and consequences of overfishing and sets ACTs at or below the ACLs. The sequence repeats as funds and information allow until initial ACLs and Accountability Measures are established for all non-RFMO ACL species or species groups. Thielen suggested that a further change be made to eliminate the phrase "for the above species" in the second full

sentence so as to allow changes to the Plan Team's recommended list. Callaghan requested that, in the same sentence, the phrase "from NMFS or other scientific institutions" be modified to read "provided by NMFS or other scientific institutions". Martin called for the question on these friendly amendments and they were approved by all Council members present.

Dela Cruz made a motion to recommend that the Council endorse the research recommendations of its Social Science Research Planning Committee; direct Council staff to work with PIFSC to complete as many of these specific research recommendations as possible before the next Council meeting; that workshops be held throughout the region to train local residents to conduct science-based social, cultural, economic surveys regarding the origins, distribution, use and value of fish in their communities as well as information regarding local definitions of small-scale and traditional fisheries; and that a working group of research science planning committee members be established to provide research proposal summaries for each of the specific research recommendations. Sablan seconded the motion and it was approved by all Council members present.

Dela Cruz made a motion to endorse the Council's five-year research priorities as presented and direct Council staff to forward them to NMFS by October 26th, 2008. Sablan seconded the motion and it was approved by all Council members present.

Dela Cruz made a motion regarding President Bush's Marine Conservation Areas as follows: the Council appreciates that NOAA sent its representative to the Council meeting to provide an overview of this assessment process. However, without any defined proposal, the Council is unable to provide specific comments regarding the impact of new conservation Areas. Given the magnitude of areas being discussed and potential impact on the residents of CNMI, American Samoa, Guam and Hawaii for whom the likely Marine Conservation Areas represent important cultural and natural resources which they have sustainably managed for millennia the Council finds the lack of meaningful public review opportunities disgraceful and contrary to American ideals. The Council calls upon NOAA to provide an opportunity for the residents of these areas to formally review and comment upon any specific marine conservation areas and their associated proposed regulations prior to the final designation either via the NEPA process or through a public comment period. The Council directs its staff to forward the comments of the Council and the SSC on this issue to NOAA by October 26th, 2008. Sablan seconded the motion.

Young commented that he felt this was inappropriate language for an action of the Council. Thielen echoed his comment and added that Senate Bill 1853 did not create the Aha Moku System. What the senate bill did is create a group that could be appointed and confirmed that would spend two years working with the community to determine whether an Aha Moku System was appropriate for Hawaii, and if so, how it would be formed. Under that bill that group is to submit a report to the State Legislature this year, and that group sunsets this year. Thielen stated that she had a problem with the letter to the Council that says that Native Hawaiian Communities have followed the progress of the

Pew Foundation's attempts to establish another National Marine Monument in CNMI with anger, trepidation and despair and that these strong and passionate emotions are universally felt by Hawaiians whenever the word Papahānaumokuākea is mentioned. This cannot be accurate because the Office of Hawaiian Affairs [OHA] serves on the Monument Management Board, is recognized in Hawaii's State Constitution and has elected representatives who guide that body. OHA is an acting participant in developing the Papahānaumokuākea Monument Plan and the World Heritage Application. Thielen concluded by stating that she had strong opposition to including Hawaii's name in the motion, and would prefer that just the first sentence of the motion be approved. Duenas offered a friendly amendment to remove references to the residents of Hawaii. Robinson suggested that references to NOAA's process be modified to reference the Administration as NOAA is only the messenger for the administration's initiative. Haleck commented that he supported the recommendation as Ms. Lindow did not present any specific proposal and that this was also the case when this presentation was made recently in American Samoa. In addition Rose Atoll is already being managed by the Fish and Wildlife Service and it didn't make sense for another layer of management to be placed on top of that. He noted that the Council was asking that the people of American Samoa be afforded the opportunity to look at a draft proposal of what is being proposed for Rose Atoll and also the opportunity to comment on it before any final decision was made. Martin stated that he felt the people who would be most affected by the proposal (those in the Marianas and American Samoa) should be making the decision. He also stated that he felt the phrase "disgraceful and contrary to American ideals" was overly forceful and should be deleted. Itano commented that he also felt this sentence was not constructive and should be deleted, but that he supported the remainder of the motion. Duenas noted that when the NWHI monument was being developed and implemented no one objected to characterizing Hawaiian groups as supporting it, but now that they oppose another monument their input is being downplayed. Thielen responded that what she objected to was the portrayal of Hawaiians as being universally opposed since OHA is on the NWHI monument management board. Torres and Robinson suggested that the motion be modified as follows: The Council appreciates that NOAA sent its representative to the Council meeting to provide an overview of the assessment process. However, without any defined proposal the Council is unable to provide specific comments regarding the impact of new Marine Conservation Areas. The Council is concerned about the magnitude of areas being discussed and the potential impact on the residents of CNMI, American Samoa and Guam, for whom the likely Marine Conservation Areas represent important cultural and natural resources which they have sustainably managed for millennia, the Council calls upon the Administration to provide an opportunity for the residents of these areas to formally review and comment upon any specific Marine Conservation Areas and their associated proposed regulations prior to their final designation either via the NEPA process or through a public comment period. The Council directs its staff to forward the comments of the Council and the SSC on this issue to NOAA by October 26th, 2008.

Martin and Itano requested that the reference to the residents of Hawaii some Hawaii-based vessels fish in the PRIA and will be affected. Dela Cruz accepted the modifications to the motion, as did Sablan. The modification was approved by all Council members

present with the exception of Thielen and Young who abstained. The Council returned to the main motion, as modified. Young commented that he didn't think it was necessary to ask for consideration of public comments as that is why NOAA sent its representative to the meeting. Duenas responded that he felt it needed to be said as Ms. Lindow had just emailed him that there were second thoughts on having the public meeting in Guam that had just been agreed to. Robinson stated that he believed the motion was appropriate. Martin noted that Ms. Lindow had stated that there would not be further opportunities for public comment after the proposal was finalized and that this is what is being requested. The modified motion was approved by all Council members present with the exception of Thielen and Young who abstained.

Dela Cruz made a motion to direct its staff to continue meeting with PIRO to develop the Region's Marine Education and Training Program, including eligibility criteria and establish funding priorities for the program; to work with PIRO to develop a pilot project for the program; to conduct workshops throughout the Region to aid in the development and implementation of the Marine Education and Training Program through increased regional participation; and to report to the Council regarding the above activities at the Council's March 2009 meeting. Sablan seconded the motion. Duenas commented that he had previously discussed with Robinson the need to establish a budget for which funding could be solicited and that he read the motion as including the establishment of a budget. Robinson agreed. The motion was approved by all Council members present.

Dela Cruz made a motion to acknowledge that the Council appreciates the NOAA Coral Reef Conservation Program's newly-narrowed focus on the impacts of fishing, pollution and climate change and looks forward to working more closely with NOAA and partners on these issues as described in Executive Order 13089. Sablan seconded the motion. The motion was approved by all Council members present.

Dela Cruz made a motion to recommend that the Council endorse the following SSC recommendation: that all SSC members be considered part of the pool of potential review panel participants; that all review panel members be paid for their service commensurate with other members of the review panel to the extent allowed by law so as to avoid disparities in compensation; and that the Council accept the list of species and stock complexes proposed by the National Marine Fisheries Service for stock assessment review and the proposed order of the reviews. Sablan seconded the motion. The motion was approved by all Council members present.

7. Public Comment on Non Agenda Items

Sean Martin noted that he would take public comments from three people who came from the outer islands specifically comment on bottomfish management, as they needed to leave for their flights. They were present at the Fishers Forum have seen the presentations. They are all active bottomfish fishermen and they have requested an opportunity to make public comment at this time. Recognizing that the Council is about to start the bottomfish section of the Hawaii Archipelago discussions, Martin took their comments early.

John Meston (phonetic) will be first, followed by Greg Holzman and Bruce Geddes. Comments are verbatim.

Meston: "I've just got a few short things to say. Just say no to the BFRAs because they can't proof that they work or not and when the season closed, it's closed. So the pressure is off the stock as a whole when the season is over.

Also, say no to any more MPAs, no to opaka farming on Lanai and you guys should look at the weather as a data factor in Amendment 14. I was reading that, in the whole Amendment 14 there's no mention of weather as a factor in the data collection; storms, big surf, all that kind of stuff plays a big role in our catch rates, whether we can get out and get them or not. So take a look at that.

Also, the TAC should really only be set for onaga and ehu because they're the ones that are experiencing the overfishing.

So that's just my perspective.

The other ones are pretty much bycatch, except for pakas. Thank you."

Martin noted that Meston also submitted written testimony that is in the briefing book.

Holzman: "So first off, I really want to thank you guys for allowing us to speak up here, actually three times now. Because some of you weren't here last night, and I thought it was really important that John and Bruce and I stay so that all of you could kind of get a little bit of idea from three different perspectives on this important issue that's going on right now, something that's really never been done in Hawaii before with these quotas, with this federally-managed situation going on.

As I said last night, I'm not really too happy with the way the fishery management has gone in the last 14, 15 years. I've being doing this for 25 years now, and I've been quite active in working with researchers, started with the Fishermen Forum in 2001 or something like that, where I came over specifically to address some enforcement issues and turned out that Dr. Chris Kelley was working on the Bottomfish Enhancement Program when I asked how we could become part of the solution instead of being considered part of the problem, how we could do that.

He said, well, I know how, and he took me in and he was an extremely opportunistic researcher who could see the benefits of working with fishermen. I think between the two of us, we did some really great things.

I was able to spawn onaga in a bucket and get it over there to the Coconut Island Bottomfish Enhancement Program. First time anyone had ever even seen these larvae, were able to identify them, and whatnot.

It started a lot of other work with collecting bait samples, and whatnot, out of the mouths of these things. A lot of tagging transmitter work we're going to be doing next week, actually, off of Niihau with transmitters to see if these RFAs, that the fish are moving from the RFAs out into some of these surrounding grounds and back again.

We did this off of Kahoolawe and it gave us some incredible information, and I don't think that a lot of the fishermen know that some of this stuff happens, that it's happening.

It's a combination of bad communication, the fact that many of the people who are doing these presentations are coming to outer island and having to get on an airplane and get back. So once everybody kind of starts rolling in the evening, it's like, well, we've got to go, sorry, guys, we're out of here, and it gives the feeling to the fishermen that pretty much researchers' minds are all made up when we have these public hearings on these islands.

Really needs to, I feel, have extension agents with the state or federal level, where they are members of the community, much like probably you would like to see in Samoa and the Marianas, and things, where you were having people directly that were part of the community, directly relaying information back and forth to -- from the fishermen and to the managers, to the bodies, working bodies, that are making these policies.

I think it's really important that if the State can't afford to do it, that somehow West Pac work with the State to get some of these people going -- I heard with the Aha Moku Council, people where they were talking about every island has its own geographic nature, the way that they do their fishing practices, everything is different -- marketing. Everything is different on every island, has different aspects.

The only people that are going to truly understand that are people that are living there.

The only way they're going to truly get good information are people that are living there and being part of it. I think it is really an important thing to get this presentation that was given last night on the road, get it out there to the people and let them see that there is some good science coming out that is not all based on these fish catch reports, which I consider really bad data, unfortunately.

And it's the best that you've got right now. But I think it could have been improved a long time ago if they had listened to the fishermen in the first place. I sent a four-page letter. Hopefully you guys have it.

I don't know if you're ever going to read it, but it's actually old news right now because it was based on some quota systems, and thank god for Clay Tam sending us a press release on the Science Committee's recommendations to up the quotas. I thought it was important for Bruce and I to come over here and find out what's really happening.

We are happy to see that you are going to increase this, and that we possibly will get away from having this closed season, which is extremely harmful for the high line

fishermen, the people who are working the hardest in this fishery, who have been in there the longest, who strive to try and do the right thing and have long-term interest in this fishery and need to be protected in this fishery and the stopping -- at least, temporarily on a moratorium on state bottomfish commercial licenses as an attempt to try to stem the tide of increased effort for various reasons.

Shipping costs have gone up. Fuel costs have gone up. Ahi is no longer as profitable to go off and catch and export off the islands. There's only so much the island can actually consume at an affordable to sell price from the fishermen. Because of that, many of the ahi fishermen have turned into white meat fishermen.

For the first time I've ever seen this summer, guys who were 25-year ahi fishermen weren't catching ahi, directly relating to these problems that we're having.

I'm afraid that we're going to be seeing this with -- that there is going to be an increase in recreational guys going into commercial bottomfishing, these other fisheries going into commercial bottomfish fishing in the future and the Northwestern Hawaiian Islands guys who are getting kicked out of the Northwestern Hawaiian Islands, especially people that live on Kauai, Mau Zone, getting these big boats that actually are extremely effective fish killers and can stay out for seven days in hard water.

As John pointed out, we have -- pretty much with our small-scale boat fishing we have a weather situation where it gets to the point where the weather gets too strong we have to go in. So we have a closed season already once the weather gets too strong.

Having that -- these guys can stay out.

As I said last night, sometimes in a lot -- more than a lot, maybe 80 percent of the time we fine out where the fish are not biting before we find out where they are biting. That can take us a couple days to get on the bite, find out where it's biting, and then usually we've got a day, day and a half to fish, and then we're back home.

Where these guys then have that four to five days, they've worked it out, they're working through it, and they can really become extremely effective to these vulnerable areas that we have out there that are productive fisheries for a lot of small-scale guys.

I think I kind of covered most of my -- I hope that you guys can get the quota at a realistic level. If you can't get it up as high as you wanted to, I understand because I think -- and maybe correct me if I'm wrong, because of the fact that you extended the closed season, the next season starts -- the next TAC would be set at when?"

The Council confirmed the new fishing season would start on September 1st. The new TAC would be determined at the July 2009 meeting.

Bruce Geddis: "Actually, I was going to say a lot of stuff, but the Hawaiian lady, my grandma on the Kanahele side, passed away and I was always the black sheep of the

family of my bloodline, and I just want to apologize to Miss Beniamina because I know the meeting -- in the meeting in Lihue, you know, when you see in here and the same way I felt them inside, and I don't know why. Just because I don't have any Hawaiian blood in me. My kid do, they're Kanahele. All the cousins is Kanahele. But it's -- I don't know. Sometimes you just -- the whole process of everything, the federal government and the government and stuff, yeah.

I'll try to look at my comments here and maybe my brain will think.

Anyway, Greg talked to me a little bit earlier, and -- geez, its right here. Try wait.

And we have to all try to work together on this bottomfish fisheries. It's a different fishery from flagline.

Maybe like overfished is the word you use, so maybe then to stop already with issuing more commercial licenses.

And I don't know if one year, two year. But a lot of people that have commercial fishing licenses on the west side of Kauai where I'm from, they're in their '80s and elderly. So as some people pass away or get out of the fishery, maybe you could put more inside.

I think there is a solution to a lot of the wording of overfishing.

I think if you look at this place, and there are a lot of different cultures already in Hawaii. For each different island, it would be good if we had our representative, someone that -- because as bottomfish fishermen, fishermen, a lot of times, we don't want to really talk to federal government. We don't really want to report.

You know, when I worked in the past with different fisheries, the Koreans never report -- actually, Rock Onolulu (phonetic) were the owners, and it's kind of almost like that.

But this fishery is not a green card fishery in the sense I mean it's all local people of different races, Japanese, Filipinos, very few Hawaiian, but some, white people, Portuguese. So we take all these different people and if you have somebody who is able to communicate with us, we got to develop a trust.

Because as fishermen, there is no trust in the bottomfish fisheries, in their way of reporting, or anything. So I think a lot of the reporting is way off.

The monk seals, I have one thing to say. They were talking about bringing plenty of them down. They did that with those trained dolphins that time, Kaulu Rock, the ones with -- the United States Government trained dolphins supposedly to put ordinance on ships, and it was a big San Diego program, supposedly. They let a group of them go in Hawaii, and that became a problem at Kaulu Rock in certain areas. We had more trouble with the porpoise and the sharks. I don't know how to explain it to you.

There are a lot of things that the fishermen have as knowledge and we don't share it with you because our comments and our things, it seems like you don't take anything into account.

I know the scientists and the people on the board, all you people are real smart. But I don't know if it's the Federal Government and if it's outside people from the mainland, they won't understand and we won't be able to communicate with them, and that wouldn't be good.

So individual islands, if they have an individual person, whether it is a -- I know how it would work if it's federal, I really don't.

The State, it's not like we were able to work with the State that much, but at least we can communicate on some level I think with the State, I don't know.

Enforcement, I think it's been -- when it started going federal, its one thing.

If Fish and Game, State of Hawaii.

But when it started going federal, to some degree, I think it's an insult.

Like one of the guys I know in the fisheries up the chain, Jonathan Hurd, I guess he had to buy his transponder. Then I heard things that you might even consider that in our fisheries with quotas and commercial. It's such a small fishery, a lot of the guys, that I can't see that as a good thing.

As far as enforcement, and then like fish reports, a lot of times I'll be out five days and then come inside, do the offload, do the stuff, and then you're back out. But the reason why I didn't do my fish report is because I've got to wait Auction Block Honolulu, for the mail to come back.

You say things like online reporting, the old guys, I don't have a computer. I don't know how to use one. Most of the older guys, it ain't going to fly in a lot of ways.

We're used to the old ways of doing things.

You could say, yeah, you can go borrow one or go to the public library. I don't even know how to use a computer.

Boat electronics and fixing engine, all that stuff, yeah.

But I don't care to learn how to use a computer, either. I'm just not a computer person.

So if you could cut us a little slack on that in a way that we could work it out somehow.

To sting somebody because a piece of paper didn't make it to Honolulu, you know, the

girls are pretty good Honolulu on the State end.

But the Fed end, I know Jonathan Hurd had some trouble already. Because you've got to let them know when you're leaving, when you're coming back, and there's a lot of red tape on the whole thing.

I know with the receiver thing -- what's the correct word for the receiver -- I call it an ankle bracelet, like prisoners.

But it's an insult to a lot of the older people, just because it's like how -- you've got to earn trust and respect, and -- yeah. Even our own harbor, \$28.2 million. Mossman, we gave all of the -- for the last 12, 15 years, he was involved. We gave all of the old army corp., the whole deal, 11 feet down was stone, right.

So when they dug, you know, all us old-timers and the guys that do the heavy equipment, we know that the reef is -- at my house alone, offshore, is 42 inches down. It's like a cess pool dig.

So 42 inches down, its solid reef. It's like a bedrock.

Then this wall thing. So they spend all this money, the Federal Government, and they got it wrong. We told them what not to do and how the things, because a lot of older people input, and we were involved in all of those meetings with our Federal Government. So -- excuse me, \$28.2 million. I got that off. It was four million in the papers for that, for the models and the planning that they expended.

So a lot of the Federal Government projects were way off.

People, we gave you the input -- not you, but the government, you know, the Army Corp of Engineers.

So it's hard for us to trust a federal -- or a government institution when -- just seems to go in deaf ears. So we need somebody that we could communicate with in a lot of these things, and then we'll earn the trust, we'll gain the trust, and everything will work out good, I know it will.

But trust no work where I'm just going to give you -- you know, like I have to earn your trust, like, and you have to earn mine. It doesn't just come instantly, those things, you know.

Yeah. That's about all.

Thank you very much. Bruce Geddes."

8. Hawaii Archipelago and PRIA

Duerr called for Island Reports from Hawaii Council Members.

A. Moku Pepa

Polhemus reported the State's jurisdictional report and reference document 8.A.1 in the briefing book. Synopses were provided on the State's management and research activities for bottomfish, precious corals, invasive algae, aquarium fish, Crown of Thorns, Papahānaumokuākea Marine National Monument, MLCs, FADs, artificial reefs, Coral Reef Task Force, Marine Recreational Fishery Survey, recreational fisheries, electronic registration and reporting and personnel changes.

Itano praised the State for automating online filing of forms and asked if their work on MLCs and monitoring spillover effects have been informative. Polhemus responded that the West Hawaii aquarium regime seems to have resulted in spillover of yellow tang populations. However, in terms of the MLCs in general, the strict no-take MLCs, the NOAA Bio-Geography Program did a comparative study inside and outside the MLCs, and the results have been inconclusive regarding spillover. There is significantly higher biomass inside the protected areas versus on the coastal areas outside.

Duenas asked about the status of the BFRAs. Polhemus reported that they are doing the deepwater video surveys specifically targeted at evaluating densities of Deep 7 inside and outside the closed areas. There is a random stratified statistical sampling design that was set up in consultation with the University of Florida. The State thinks is a promising tool and potentially holds promise for fishery-independent evaluation of the Northwestern Hawaiian Islands bottomfish zones after they close to fishing in 2011. The BFRAs were re-designated in late 2006 which also initiated the start of the five-year program of evaluating the closures.

Duerr asked what caused the bloom of bluegreen algae. Polhemus noted that the algae is not alien and they have seen these blooms before.

No reports were provided by Itano and Peter Young.

Duerr reported that the fishery has really dropped in Kona since August. Duerr reported on the International Billfish Tournament noting that second largest marlin was on a 50-pound test that had ever been caught in a tournament. Regarding aquaculture, Blue Water will not attempt to expand their Kona aquaculture operation and will instead move their expansion to Mexico. One of the reasons they put in the paper was that they will be closer to the market so they save on shipping.

Thielen touched on a couple of items in her report. The online system is progressing, working with eHawaii, to put all permits and our reporting online. They are building an internet portal for the entire Department to create a "one-stop shop." Work continues to develop a civil penalty system. They are in the rule-making process now to finalize a civil penalty system for more minor infractions. Currently, if someone violates the rules or laws, the only option is to take that person to court, criminal, civil, or bring him/her in front of the administrative land board hearing, where people from a neighbor island have to fly to Oahu.

The Land Board accepted a settlement in the case where a ship went down and destroyed a significant amount of coral in the Marine Life Conservation District off of Maui. The funds from that are going to go towards enhancement of commercial fisheries, coral enhancement, public education and outreach, to prevent future situations like that from happening.

B. Enforcement Issues

Report were provided by Thielen under the previous agenda item.

C. Hawaii Community Issues

1. Humpback Whale Sanctuary Update

Naomi McIntosh thanked the Council and provided a report on the Humpback Whale Sanctuary (Sanctuary) and on some of their recent activities. She mentioned that the Sanctuary is updating and reviewing their management plan. The last management plan review was conducted in 2002, where the focus was trying to prioritize what could get done in five years. She stated that for this upcoming management plan review they would like to evaluate their current programs to protect humpback whales in Hawaii. They want to look at what the current issues are, are if they are addressing them appropriately. McIntosh mentioned that they are also looking to consider additional marine resources to possibly be included in the Sanctuary. The authority that the Sanctuary relies on for the management plan review comes directly from the Hawaiian Islands National Marine Sanctuary Act, which says that the regulations may be modified to fulfill the Secretary of Commerce's responsibilities for the Sanctuary, including the provision of additional protection for humpback whales and their habitat, if reasonably necessary, and the conservation and management of other resources. The Sanctuary has gotten a commitment from the State of Hawaii to support the Sanctuary's management review plan process to evaluate existing programs for the protection of humpback whales and to consider additional resources for possible inclusion in the Sanctuary. Additional resources that are under consideration are other federally-protected resources such as whales, dolphins, monk seals and sea turtles, and Maritime Heritage resources. The next step is to hold public scoping meetings in the fall of 2009. She thanked the Council for its letter of support for the management plan review process.

McIntosh also provided a summary of the results from the first published report of the Structure of Populations, Levels of Abundance, and Status of Humpbacks (SPLASH) project, which was an international collaboration involving photo identification and biopsy samples. The study involved over 50 research groups and 400 researchers working in ten different countries from 2004-2006. The primary goals of SPLASH were to determine the population structure of humpback whales, and to understand demographics and genetic relationships. Field efforts were conducted in all known winter breeding regions and all known summer feeding areas in the North Pacific. A total of 18,000 quality fluke identification photographs were taken during this time period, with 8,000 unique individuals catalogued for the SPLASH database. Six thousand tissue samples were collected. The overall results of SPLASH is that there is now an abundance estimate of about 20,000 humpback whales in the North Pacific, over 50 percent of this

population is estimated to winter in Hawaiian waters with also large populations wintering in Mexican waters. The abundance estimates for the wintering areas in Asia and Central America are fairly low, at under 1,000. Abundance estimates for regional feeding areas were also calculated, and results are encouraging, however, there are areas of concern, particularly the Asia areas and Central America areas. She concluded by mentioning that in March 2009, the Sanctuary will be convening the First International Conference on Marine Mammal Protected Areas, to be held at the Grand Wailea on Maui.

Kingma reiterated the estimates of the North Pacific population and the recent growth of the population, and asked what the Sanctuary or NMFS is doing in terms of recovery and delisting.

Robinson stated that the new information certainly requires that NMFS take a look at these things, and there is a process which involves a continuing status review. There is a precedent, which is the delisting of the gray whale off of the California Coast. Robinson stated that he is not aware of any delisting process for humpback whales at the moment.

McIntosh stated that she agreed with Robinson and added that in terms of data, the structure of the North Pacific of humpback whales is more complex than previously thought. She stated that possibility of humpback whales being delisted and being a species of consideration for whaling is concerning because of the numbers in some of these regions, the Asia area and the Central America area aren't showing the kind of recovery that has been seen in the Central North Pacific.

Itano asked that if monk seals or spinner dolphin or turtles were added to the Sanctuary, would

That increase the geographical size of the sanctuary and would there be a need for new areas to be included, including terrestrial areas.

McIntosh answered that such issues are up for consideration and discussion.

Duenas commented that the Council is not interested in allowing hunting of these whales if there was a delisting. But if humpbacks are recovered then the world should know and perhaps regulations then would be needed to prohibit the hunting and killing of these whales.

2. Monk seal critical habitat in the MHI

Lance Smith presented to the Council a summary of a petition to the Secretary of Commerce that requested critical habitat definition for monk seals in the Main Hawaiian Islands, and modification of existing monk seal habitat in the Northwestern Hawaiian Islands. Smith explained that The Endangered Species Act (ESA) requires the federal government to designate "critical habitat" for any species it lists under the ESA; in this case, monk seal. "Critical habitat" is defined as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management

considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.

Critical habitat designations must be based on the best scientific information available, in an open public process, within specific timeframes. Before designating critical habitat, careful consideration must be given to the economic impacts, impacts on national security, and other relevant impacts of specifying any particular area as critical habitat. The petition received by NMFS requested that critical habitat be designated in the Main Hawaiian Islands in what the petition refers to as key areas for foraging, pupping and hauling out, which they described as beaches and ocean areas down to 200 meters at depth in the Main Hawaiian Islands. They petitioners also wanted the existing critical habitat to be extended to 500 meters of depth in the Northwestern Hawaiian Islands. Smith indicated that most activities such as swimming, surfing and fishing would not be affected by a critical habitat designation. However, federal actions in critical habitat such as dredging or shoreline protection would need a Section 7 consultation.

There was a brief discussion about how the critical habitat designation applied to private land. Activities on private land that required a Corps of Engineers permit would need to have Section 7 consultations.

3. West Hawaii Fisheries Council

Duerr asked for the report on the West Hawaii Fisheries Council.

Glennon Gingo introduced himself at the West Hawaii Fisheries Council Chair, which he has served for the past three and half years. The Council has 21 members. Act 306, from the 1998 Legislative Session, created the West Hawaii Regional Fishery Management Area that extends for 147 miles of West Hawaii from Upolo Point in the north and Ka Lae in the south in the Kau District.

The goal is to effectively manage fishery activities to ensure sustainability, enhance nearshore resources and minimize conflicts of use within this area. The Council is not a nonprofit and are funded only in part from administrative support that comes through a part-time administrative secretarial role, which is funded by the Malama Kai Foundation. Everyone else is a volunteer.

Their role is to get community input on management initiatives such as no-anchoring areas, protection of the reef and no aquarium collecting areas in the Fishery Replenishment Area (FRAs). The Council worked for two and half years to develop and pass (at the last Council meeting) a limited entry program for aquarium fishing in West Hawaii. The State will now take it through their process to get the rules passed.

The Council is able to get good community input on issues MLCD. For example, wana restrictions were part of the MLCD. After long discussion and community input they were able to set up a special take time for kupuna that typically use the wana for sustenance. Also, regarding the gillnet rule, a lot of that work came out of the West

Hawaii Fisheries Council, as far as the type of nets, the construction of nets and the use of nets. The West Hawaii Council is also working other fisheries such as spearfishing.

The West Hawaii Council does recognize traditional and customary rights as set forth by PASH and subsequent court decisions. They also support the Aha Kiole Committee.

Duerr asked for questions of Glennon. Council members thanked Glennon for his presentation and briefly discussed the efforts and success of managing the aquarium collectors off West Hawaii.

4. Aha Kiole Community Consultation Process

Duerr called on Vanda Hanakahi to report on the Aha Ki'ole Community Consultation process. Vanda first addressed the Council in Hawaiian thanking the Council for the opportunity to report on and discuss the Aha Ki'ole initiative. She extended a special aloha to Ms. Laura Thielen as head of the DLNR noting that the Aha Ki'ole is under the DLNR. She cited John Ka'imikaua as an advisor to the Aha Ki'ole and noted that it was the knowledge of John Ka'imikaua that contributed to the effort for the Aha Moku system of traditional natural resource management. She played a video of John Kaimikaua explaining the way the traditional system worked. She explained the logo of the Aha Ki'ole describing the god Kuula rising from the depths of the ocean towards the land with the wana in his hand. The wana represents the truth of the Hawaiian people. The opihi represents how the Hawaiians adhere to truth. The two fish, opelu and aku, represent the two seasons of the Hawaiian lunar calendar. It is night because the Hawaiians lived by a lunar calendar and the Makalii (the constellation Pleiades) represents the beginning of the Makahiki season, a time of peace and abundance. This is the content of the presentation.

Hanakahi thanked OHA, Association of Hawaiian Civic Clubs, the Hawaii CZM Program, Kamehameha Schools, Western Pacific Fishery Management Council and Hawaii Tourism Authority for their partnership that brought all of the traditional practitioners, true Native Hawaiian practitioners with generational knowledge together to represent all of our islands in the Hoohanohano I Na Kupuna Puwalu Series. She stated that there is a need for this type of integrated management. She went through her presentation.

- Act 212, the Aha Moku system Act, created the community consultation framework and the structure of the Aha Moku system.
- Natural resources are managed to benefit the community.
- The traditional Native Hawaiian community was under-represented in the development of natural resource management plans.
- The ancient Aha Moku model of resource management was favored by the participants of the Hoohanohano I Na Kupuna Puwalu that was held between 2006 and 2007.
- The traditional model of natural resource management sustained the Hawaiian community for thousands of years and could be used to restore and maintain the environment of Hawaii.

- The Act's purpose was to initiate the process to create a system of best practices based on indigenous resource management practices of moku, which are moku boundaries, regional boundaries, which acknowledge the natural contours of land, the specific resources located within those areas and the methodology necessary to sustain resources and the community.
- On November 1st the Governor selected eight members, one from each of the eight islands to an Aha Kiole Advisory Committee from a list submitted by the Association of Hawaiian Civic Clubs.
 - Ilei Beniamina representing Niihau,
 - Vanda Hanakahi of Molokai, Chair,
 - Winnie Basquez of Lanai,
 - Charles Kupua, Oahu,
 - Les Kuloloio, Kahoolawe,
 - Timmy Bailey, Maui,
 - Sharon Pomroy, Kauai and
 - Buttons Lovell, Hawaii, Island of Hawaii.

Hanakahi described the findings of the Aha Kiole Advisory Committee:

- Regulatory changes
- A non-regulatory process
- educational programs and support within the community
- development of a community consultation process
- Eligibility criteria for Aha Moku Councils.

Regulatory change, adaptive management: the basic process summarized is:

- make a plan
- implement the plan
- check how it is going
- Revise the plan, if necessary, and
- Carry on.

The community is responsible for inventorying and prioritization of natural resources that are important to the community. No one knows the community better than those within each ahupuaa. The community monitors the natural resource, drafting rules and regulations for the management of the resource and transmits these management plans to the State and the County.

The State is responsible for creating a regulatory framework that supports community management of natural resources. If the State attempts to manage all of our resources, it is a very difficult task. So, natural resources becomes the concern of the people. The State can quickly change and amend regulations in response to social, cultural, economic and political stimuli. The framework provides for community consultation on natural resource management issues and it provides for funding, education and other support to assist communities in management of natural resources.

The current policies in Hawaii do not work. Longstanding rules are archaic. There is

inadequate enforcement, and we know that. We've had many experiences. Molokai had a carcass of a whale at Moomomi, it was very difficult for the State to come in and remove it within the bounds of their responsibility. So it took the people, or it took the konohiki, Mac Poepoe, of that area, to dispose of the carcass. It's a community effort.

Inadequate enforcement results in detriment to health of the environment. The community is at odds with the central authority. The community is penalized for interacting with the environment. The community is penalized and prevented from harvesting resources at the best times in the best places. So the people -- many of the fishermen, the lawa'ia practitioners, they say we break the law in order to gather food for our family.

Over-arching policies hurt site-specific resources.

The Aha Moku system, the system's best practices with its adaptive management system, works. Moomomi on Molokai is a prime example of that. But within the system, it is site-specific, it is community-based, it employs generational knowledge and proven methods and it is sustainable.

The purpose of the community consultation framework is to increase effective citizen participation in government decision-making on land, water, ocean issues.

Prior to the Ninth Century, the Hawaiians used Aha Councils to protect and sustain the resources. Today community consultation on resources will be successful with the revival of proven Aha Moku system.

It's been a giant effort on the part of the Kiolo and the community, the Hawaiian community, to assist us to carry on the meetings that we've been able to do without the means to do it. But it's been done. We've had 86 talk-story sessions, gatherings and get-togethers and structured public meetings. This has been between January and October of 2008. The focus of these meetings was to educate the public on the Aha Moku system and to solicit and garner consensus on the best practices from the communities.

The result was that there's general support for the concept. More government support is needed, government agency support, particularly, from the Department of Land and Natural Resources.

Community consensus and challenges:

- Identify the important resources and prioritize them. That knowledge rests best with the people of the ahupua'a.
- Learn and share information and knowledge, biological and cultural, about the resource.
- Know the best protection for those resources. The community, itself, will establish a Code of Conduct by consensus for any interaction with the resource. Because they know that with any resource there is a practice, there is a protocol. It becomes the communities' kuleana to continue and to perpetuate that

knowledge. That knowledge is what preserves the resources.

- Understand behavior of the species in specific locations, as in seasonal fishing. If we go back to that system, it allows for the replenishment of our resources.
- A best practices Code of Conduct-The Code of Conduct is concerned with how people plant and fish, rather than how much they harvest or catch. And that's the community protocol.
- Traditional behavior is to consult nature.
- Traditional fishing, planting practices is to have minimal disruption of natural, biological and ecological processes.
- Generational traditional practices is a tool for best practices. Traditional practitioners know their places. They know how to sustain the resources of their places. They adapt to resource availability and limitations and it's not found in contemporary resource management. That is what is missing, including the traditional practitioners in contemporary resource management.
- The Hawaiian moon calendar emphasizes natural process that repeat at different time scales, seasonal, monthly and daily. It is crucial in community-based resource monitoring and management. It identifies peak spawning and planting periods for resource management.

Hanakahi told a story. My grandparents always taught me that the night determines the day, what the moon was that night would tell us what we were going to plant, what we were going to gather from the ocean, because they had a very good understanding of what was ready to be harvested. The Aha Moku system is site-specific. It is a community-based resource management that uses generational methodology. It is based on proven observational processes and for problem-solving strategies, to conserve and sustain our resources.

This is the structure that we have come out after the many meetings that we have held of the Aha Moku Council.

- Tier 1 is made up of the ahupuaa communities. Each ahupuaa would elect their leader, and that leader would select from practitioners their Council.
- Each ahupuaa would then have their leader be part of the Aha Moku Council.
- Out of the Aha Moku Council would be a representative to the Aha Kiole Commission.

There is a leadership criteria that came out as a result of the kupuna and traditional practitioners meeting for nearly two years.

- The first criteria: they must know and Malama the ahupuaa, know and care for the entire ahupuaa. They need to understand the issues related to water, land, ocean and shoreline.
- They need to have generational knowledge of the resources.
- They can communicate effectively.
- They must be sanctioned by the community and acknowledged as an expert practitioner.

Communities have always known and identified who you would go to for fishing, or if

you needed certain kinds of fish, or if you needed woodwork or -- whatever it was that you needed, the community acknowledged that expert practitioner, and that is the same leadership criteria that should be considered.

The Aha Moku system is a Native Hawaiian structure of natural resource management that can be incorporated into modern resource management. It is site-specific based on geography and topography. The current single process that rules all of the islands does not work today.

The ecosystem health is dependent on balance. Each of the Main Hawaiian Islands is very different from each other. Our ancestors recognized that. There are different ocean currents, shorelines, climate, cultural customs and dialects in the Hawaiian language. Methodologies that are specific to moku and ahupuaa are emerging through kupuna and expert practitioners on each island.

Hanakahi described her growing up in Hoolehua Molokai. The first language in our home was the Hawaiian language. My grandfather was a mahi'ai. He was pohaku kalai which is a stone carver. My grandmother was a weaver, a feather-lei maker and she was gifted spiritually. We lived in such a way that we understand and we know, we know the benefits of taking care of our resources according to traditions that were passed from ancient times, as far as taking care of the fish at our beach, gathering limu when it was the right time, when it was the right time to plant that would give you the best production. It's something that it needs to be preserved, and this is the time to do it.

The Pae Aina: In all of Hawaii we have 42 moku. All of those 42 moku were represented in the Puwalu Series that was held between 2006 and 2007, 818 ahupuaa. All of these moku are represented in the Aha Kiole/Aha Moku system.

Hanakahi described the concerns, by island, of each island.

- Big Island of Hawaii
 - Protection of deep sea and koa fishing grounds.
 - Watersheds.
 - Stream diversions.
 - Invasive species.
 - Protection of traditional farming.
 - Ecotourism.
- Island of Maui
 - Water diversion.
 - Protection of fishing rights.
 - Ocean and shoreline use.
 - Invasive species.
- Island of Molokai
 - Land speculation.
 - Water.

- Ecotourism.
- Protection of traditional practices.
- Island of Lanai
 - Fish cages.
 - Invasive species.
 - Protection of fishing areas.
 - Tourism.
 - Land speculation.
- Island of Kahoolawe, there are three moku and 16 ahupuaa.
 - Nontraditional use of the island.
 - Protection of place names.
- Island of Oahu
 - Population.
 - Over-development.
 - Lack of access because of over-development to the resources.
 - Freshwater cut off from the ocean.
 - Invasive species.
- Island of Kauai
 - Fresh water.
 - Fish decline.
 - Stream diversion.
 - Loss of loi.
 - Unchecked erosion.
 - Invasive species.
- Island of Niihau
 - Protection of ocean resources.
 - They have a need for a one-mile kapu around the island. There's no agency enforcement to help them protect the ocean around their island because that is their refrigerator.

The next step is Phase 2: to hold community meetings in October and November to go over the Aha Moku system structure. Then do a final report to the legislature in December of 2008.

In summary, natural resources are managed to benefit the communities. Current resource policies don't work. Indigenous generational and traditional resource sustainability methods, which include education and seasonal calendars work. Act 212, the Aha Moku system integrates traditional methodology into current policies. It incorporates a community consultation process through community meetings and it is site-specific. Everyone can participate. This is not only for Hawaiians. In the work to take care of this place that we call home that we love, that has taken care of us, and everyone has the

kuleana to take care of it.

Hanakahi thanked the Council for listening to her report. Duerr thanks Ms Hanakahi and calls for any questions from the Council.

Itano asks about the Kainoa family and whether Joyce Kainoa participated in the Aha Ki'ole. Ms. Hanakahi replied that she has not participated because the Aha Ki'ole have not gone to her moku yet. At the time to consult with the Koolau moku, they will consult with her because she is a resident of that moku.

5. Green Sea Turtle Biological and Genetic Information/ Classification as Distinct population Segment (DPS)

Smith briefly spoke about the status of the Hawaiian green sea turtle classification as a Distinct Population Segment (DPS). Smith explained that the review of the green turtle classification will begin after the completion of loggerhead turtle DPS review, currently conducted by the NMFS Sea Turtle Biological Review Team. The loggerhead turtle review is expected to be completed in March 2009, and the same review team will conduct the green turtle review immediately following. The Biological Review Team will decide whether the Hawaii population makes up a DPS under the ESA. Smith noted that the review could result in the Hawaii population being considered part of the larger Central Pacific population, or could result in a DPS classification. Smith also mentioned that the review process will take at least one year after it commences in early 2009.

Questions focused on clarification of the review team in respect to what the make-up of the team is, as well as criteria that will be used to determine the Hawaiian green turtles as a DPS. Smith clarified that the review team is composed of NMFS sea turtle biologists (employees) from around the country. Smith also explained that the review team will be using any existing information available during the review process, and the existing DPS criteria will be used to determine whether the Hawaii population fits the criteria.

6. Other Issues

Martin took comments early regarding Bottomfish Management; see Public Comment on Non-Agenda Items.

D. Main Hawaiian Islands Bottomfish

Duerr asked to insert the presentation by Paul Dalzell on "Dr. Strange Fish and How I Learned to Stop Worrying and Love National Standard 1". Dalzell's presentation provided an overview of National Standard 1 requirements related to overfishing and overfished. He explained the basic elements of producing a stock assessment and evaluating that assessment against established standards for determining stock status – MSY, natural mortality, fishing mortality, biomass and other factors.

Duerr thanked Dalzell and explained that Dan Polhemus asked to present information on the Main Hawaiian Islands bottomfish fishery.

Polhemus stated that certain Council members had asked for data on the last five years of

catch history in the bottomfish fleet. He provided Council members with a table that reflected the commercial catch/landings for the most recent 5 years.

1. CPUE Workshop Report

Duerr asked Bob Moffitt to report on the CPUE Workshop.

Moffitt reported on the CPUE Standardization Workshop that was held in early August at the PIFSC. The workshop used historical commercial catch information and tried to correlate and corrected it to known changes in the fishery and input through fishermen interviews. Factors that were taken into consideration included technological, market, fleet and participation changes. Based on the new effort information, CPUE changes over time have not been so drastic which is reflected in the updated stock assessment. Other factors addressed were ciguatera affects on kahala landings, adjustment of the fishing year to include the entire peak winter season, incorporation of more data points, recording of zero catch records and other changes to the reporting system over time.

2. Stock Assessment

Jon Brodziak, Pacific Islands Fisheries Science Center, talked about the assessment update and how it was expedited as a result of management needs. The report was put together for October, but the final report will probably be done in November or December. He provided an overview of the background information refamiliarizing the Council with the three fishing zones associated with the Hawaiian Archipelago, which is considered to be a single stock for management purposes.

The assessment is an update, so they did not change any of the major assumptions that went into the previous assessment. The presentation covered CPUE standardization which included three components: data, model and results. He talked about the bottomfish production model, which is used to assess and estimate harvest rate and biomass of the bottomfish complex in each of the three zones separately. That also included three components; data, model and results. Finally he talked about total allowable catch projections based on the best-fit bottomfish production model.

Based on those projections, Brodziak provided some estimates of a constant total allowable catch in the fishing years 2009, 2010, that had various probabilities of overfishing in the Main Hawaiian Islands.

Brodziak presented a table for the Council members which showed a summary of the assessment and projected harvest levels based on different levels of risk the Council could consider. The table included increments of five percent in terms of the probability of overfishing in the Main Hawaiian Islands in 2009 going from zero percent to 100 percent. Zero percent is basically that's the maximum catch associated with that and the 100 percent is the minimum catch associated with that level. Fifty percent is an even odds chance of overfishing and 25 percent might be considered a low-risk situation because your relative odds of overfishing are roughly one in three.

The Table 3.3 also showed the probability of overfishing the archipelagic stock. A range

of TACs, for the Deep 7, is 170 to 143 thousand pounds. The probability is essentially flat at zero for overfishing on the archipelagic basis, and that's because the Hoomalu Zone and the Mau Zone both are at very high biomasses and both are experiencing a low fishing mortality rate. There is no surprise in the low probability of overfishing.

Itano requested clarification on how PIFSC figured time varying catchability into this assessment. Brodziak explained that PIFSC first come up with a standardized CPUE series which didn't account for technology improvements not represented in the logbook records for fishing gear, bottom handline operations, depth finders, GPS plotters or better nylon. In terms of estimating or coming up with a time series of coefficients to multiply by a standard catchability in the 1980s period, that effort was produced and is part of the existing or previous bottomfish stock assessment. Those factors were confirmed through the results of the CPUE Standardization Workshop. Basically, the workshop confirmed that a 50 percent increase in catchability through time due to the ability to better target particular specific location was plausible.

3. Recommendation on TAC for 2008/2009 Fishing Season

Alvin Katekaru described the process of establishing the TAC to give the Council members an idea of how PIRO goes about determining and reestablishing that limit. The first step is the recommendation by the Council to the NMFS Regional Administrator on the TAC. The second step, once the Regional Administrator has the number, will prepare a Proposed Rule Package.

The third step is for NMFS to publish the proposed rule with a 30-day comment period. Following that, a final rule specifying the TAC will be prepared and published.

The target is to have the proposed rule published before or around November 15th, when the fishery opens. With this time frame, PIRO is currently looking at mid January to late January.

Katekaru five options based on risk level and associated TACs that was presented by Brodziak in Table 3.3. The options included:

1. No change, the 178,000 TAC, which was last year.
2. 25 percent risk with associated task of 227,000.
3. 40 percent risk at 241,000 pounds of Deep 7.
4. 50 percent at 249,000 pounds of Deep 7.
5. 75 percent risk of overfishing at 271,000.

Robinson added that this range is proposed to be potential TACs to be evaluated in the Environmental Assessment documents NEPA. Also, even though the TAC won't be implemented until a month or two after the season opens on November 15th, when that TAC is implemented it will basically be retroactive in terms of it will count the catch beginning on the day the fishery opens will all be part of that.

E. Aquaculture Issues

1. Development of Projects in Hawaii

Leonard Young, Hawaii Aquaculture Development Program, provided a detailed report

on developing aquaculture projects in Hawaii. His report detailed the problems and obstacles to starting a successful aquaculture project in Hawaii, technical/biological needs and issues that projects face, and the risks involved in aquaculture.

2. Expansion of Current Aquaculture Project on Oahu

Randy Cates, Hukilau Foods, presented a proposal to expand his current moi offshore aquaculture facilities in waters off of the island of Oahu. He reported that they are seeking to expand from four cages to eight adjacent to the current site. They also plan to build the largest fish hatchery in the United States at Campbell Industrial Park on Oahu that should be able to help the business harvest between 12 and 15 million pounds of moi per year. Cates also reported that he would like to see the Council become a part of the application review process for future projects. He also reported on aquaculture's role in fisheries and fishery management.

Itano asked where the new site would be (depth-wise) and what species would be raised in the expansion? Cates replied that the cages would be in deeper waters, just seaward of the current cages and that they are looking at Kumu, Roi, and Uku as potential new species to raise.

Martin asked about Cates' request for a higher level of access limitation. Cates replied that the State of Hawaii wanted them to have exclusivity in the first lease, but they were worried about liability and felt that they didn't want exclusivity. With the expansion, they feel that for safety reasons, its best to not allow diving, but they will allow the akule fishermen and other fishermen in the area.

F. Coral Reef Annual Report Status

No report was given.

G. Education and Outreach Initiatives

Sylvia Spalding, the Council's communications officer, addressed the Council's Hawaii, national and international educational and outreach efforts undertaken since the previous Council meeting.

The Council's second Hawaii high school summer course was made possible through the volunteers from a variety of agencies, organizations and individuals. The highlight of the three-week course was a fishing tournament that was organized, promoted and run by students. An article a student wrote about the event was published in *Hawaii Fishing News*. The students also produced a short video and a PSA that will run at Moanalua High School during the regular school year.

The Council actively participated in the National Marine Educators Association (NMEA) conference. The Council has had a presence at the NMEA board of directors for five years as Spalding has been the president of the NMEA Oceania chapter. OCEANIA recently amended its charter to create an Executive Committee and a voting process for a new chair to be elected, so next year Spalding will remain on the executive committee as

the past chair. Spalding is also the co-chair the NMEA Traditional Knowledge (TK) Committee, which is an ad hoc committee that the Council had initiated. The TK Committee has been meeting with Native Americans to discuss the creation of a TK supplement to the nationally promoted Ocean Literacy principles and concepts. In 2008, the TK Committee met with the Cherokee Nation. The Council also sits on the NMEA Conservation and International Committees and gave presentations at the NMEA 2008 conference on the CDPP and on the Council's High School Summer Courses.

The Council ran its fourth annual summer teacher's workshop on the Hawaii seafood industry, thanks to the volunteer work of Pacific Ocean Producers, Hawaii Longline Association, United Fishing Agency, Hawaii Seafood Project, the NWHI Bottomfishing Hui, Nico's, Fresh Island Fish and others. The workshop is quite popular. It was limited to 30 teachers this year. The cap for the July event was reached in March. Last year 50 teachers participated.

Other outreach in Hawaii included the U.S. Coral Reef Task Force meeting during which a display and brochure about the Marianas Archipelago FEP was showcased, a booth at the Council for Native Hawaiian Advancement Conference, a booth at the Children and Youth Day at the Hawaii State Capitol, a booth at the Hawaii Fishing and Seafood Festival and a booth at the Hawaii State Teachers Association's Teachers Institute Day.

The Council has also continued to be a leader of the International Pacific Marine Educators Network (IPMEN) that formed out of the International Pacific Marine Educators Conference that the Council organized and hosted in 2007. The 2008 IPMEN conference is being held in Australia. As a sponsor and member of the organizing committee, the Council has been responsible for identifying and inviting most of the keynote speakers. Because the conference is taking place now at the same time as this Council meeting, the Council has organized facilities for Hawaii marine educators to participate in the conference via the Internet. Council staff Charles Kaaia and Spalding delivered a concurrent presentation earlier today through the Internet.

Upcoming events for OCEANIA include a Limu Restoration and Alien Algae Workshop for teachers on Nov. 15; the Hawaii Science Teachers Association (HaSTA) fall conference on Nov. 22; and a business meeting in January to discuss OCEANIA becoming its own 501(c)(3) separate from HaSTA.

Spalding then presented a list of magazines, radio stations and newspapers where recent Council advertisements have appeared. She also reviewed the production of recent flyers, direct mailings, posters and newsletters and an update on the website. She also discussed the edition of the NMEA journal that features the proceedings for the Hooahanohano I Na Kupuna Puwalu Series and the International Pacific Marine Educators Conference. She said the Council is working on a 30-year history of the Council, which is in outside review right now, as well as the proceedings of the Ecosystem Workshops.

Other upcoming projects being funded through the Coral Reef Conservation Program (CRCP) include displays and brochures for the various FEPs, outreach for the Saipan

Mahimahi Derby, summer courses in 2009 on all of the island areas, fishermen outreach at various festivals and tournaments, magazine and television advertisements, and informational kits for fishing clubs and to diving clubs. Spalding said the CRCP 09 proposals are due in November, so the island areas should let her know if they have any requests.

Spalding then provided an update on NOAA and Congressional initiatives. In March 2008 the NOAA Science Advisory Board, Education and Outreach Working Group final report recommended that NOAA education should also include outreach to "engage" consumers and clients. It recommended that 10 percent of the NOAA budget be dedicated to engagement. The report noted that Sea Grant and Sanctuaries spend 36.3 percent and 20 percent respectively of their budget just on outreach, whereas the amount spent by most of the other agencies, especially in fisheries, is almost negligible. The report also noted that the Sanctuary Program uses marketing and research studies in operating their outreach program.

Spalding then noted that on July 14th the NOAA Draft Education Strategic Plan came out. Both she and Kaaia'i provided comments as individual interested persons and not as Council staff. They noted that there was a lack of traditional knowledge, a lack of communities and a lack of families in the strategic plan. The plan was written with a Western viewpoint.

Spalding then noted that a study on the structure of NOAA Fisheries Education and Outreach was delivered over at Headquarters in September 2008. The Council was not invited, but Council staff has been told that the study suggests that two communication persons be assigned to every Science Center, Regional Office and Headquarters program. The Council staff also understands there's a new, first-ever NOAA Fisheries Education and Outreach person at Headquarters. Spalding noted the lack of coordination and communication between NOAA Fisheries and the Regional Fishery Management Councils when it comes to education and outreach. She said this occurs not only nationally, but also locally. She said she understands there is a NOAA Communicators Group locally, but the Council is never been asked to participate in it. She said that a couple of years ago she and Wendy Goo (PIFSC and PIRO outreach) went to a national communicators meeting during which there was talk about Regions working on Communication Crisis Plans together, but there has been no follow through on this.

Spalding also noted that, at the Congressional level, the House passed in September the No Child Left Inside Act, which aims to get children out of the classroom, back outdoors, learning hands-on about nature and science.

Moving on to international and pelagics outreach, Spalding provided an update on IPMEN, noting that marine educator associations are starting to form in Latin America and Japan. She said that besides the 2008 IPMEN in Australia, which concludes tomorrow, there are IPMEN conferences scheduled for 2010 in Fiji and 2012 in Chile. Between the conferences, the Network will be identifying points of contact on every country and territory, developing a listserv and website, and forming different

committees.

The Council is also working on the bilingual proceedings (English and Spanish) for the Fourth International Fishers Forum, which was held in Costa Rica. Upcoming in 2009 are the Sea Turtle Conservation and Biology Symposium in Australia and the World Ocean Conference in Indonesia. IPMEN is working to get an education component in the latter conference.

Martin thanked Spalding and extended the Council's appreciation for her efforts and enthusiasm for the work she does. He noted that, having participated in a couple of them, he knows that it's a lot of work, but he believes it really benefits the Council and the communities.

Duenas asked how the online IPMEN conference went.

Spalding noted that some bugs still need to be worked out as there are some technical difficulties. She said that arrangements had been made for a speaker from the Pacific Resources on Education and Learning to talk about internet accessibility in the Pacific, specifically on the U.S. affiliated flag islands. Unfortunately, he was in Florida and he wasn't able to talk about that. She noted that traveling adds to ocean acidification, so internet meetings will be the way to go in the future. However, in the Pacific, internet accessibility is still developing in a lot of places.

Duenas congratulated Spalding for all her efforts and said he was very impressed.

H. REAC Report

Mark Mitsuyasu reported on the Hawaii REAC meeting that was held in July. No recommendations were made from the REAC.

I. SSC Recommendations

Paul Callaghan reported on the recommendations from the 99th SSC meeting regarding MHI bottomfish management and the TAC. He noted that the SSC heard the same reports from Bob Moffitt on the CPUE Standardization Workshop and Jon Brodziak on the Hawaii archipelago stock assessment and associated MHI TACs. He read the recommendations as contained in the SSC Report, Council briefing document 8.I.

With regard to choosing a Total Allowable Catch, or TAC, Callaghan read and commented on specific parts of the report. He noted members of the SSC made some preliminary analyses of the Main Hawaiian Islands stock complex data as provided by the National Marine Fisheries Service in SSC Document 6.A.4(3). The SSC decided to look at a simple alternative method to reduce recommended catch levels for the 2009 fishing year. A linear regression of CPUE versus year from 1982 through 2007 has a slope not significantly different from zero. The average catch of the Main Hawaiian Island Complex and the Deep 7 Complex for that time period was 469,000 for the Main Hawaiian Island Complex and 339,000 pounds for the Deep 7 Complex, respectively, and the median catch of the Deep 7 Complex was 308,526 and the 25th percentile of the

median 254,050 pounds for the Deep 7 species. Therefore, Callaghan stated the SSC recommended a precautionary TAC of 254,050 pounds for the Deep 7 Complex in the 2008/2009 Main Hawaiian Islands bottomfish fishing season only.

Duerr asked for question and heard none.

J. Standing Committee Recommendations

Duerr referenced and summarized the Standing Committee report for the Council.

Itano noted that he didn't agree with the statement on the second page and asked that it be removed, the paragraph starts with "David Itano noted, et cetera."

Callaghan corrected three numbers in the SSC section of the report related total number of years the SSC member assessment included - CPUE for last -- it should be 26 years; Identified the median catch should be 13 and a half; and that the list number 18, should be changed to approximately 20. All changes were noted and made to the Standing Committee final report.

K. Public Hearing

"Aloha. My name is Jeff Chandler. I'm the Chair for Hui O Hoomalu I Ka Aina. It's been a quite an experience the past two days. As for the issue that was just brought up, I concur with the fishermen that spoke earlier. I don't think that that data truly reflects the whole picture. I don't know if you are, but I'm kind of confused on the graphics as far as what you had last year that you approved and what you are about to approve. I think the gap, as far as the graphic shows, a total -- total, total change. I think the State's position was something like raising the quota to 200,000. But in the graphic it goes up 75 percent from what the quota was. My feeling is that you shouldn't raise it over 200,000. Because what is going to happen, like the fishermen say, you are going to encourage other so-called nonexperienced fishermen to fish the fish. I think the process, although it might be low, according to your scientists, I can't figure out how it was supposed to be proper last year and then too low this year, it doesn't make sense to me as a fisherman. I spent 47 years fishing. I have done pretty much any kind type of fishing culturally. I spent about five years doing handline. We didn't do them the way they do them today. We did it the old way. So I have a feeling of how those fishermen feel, especially those ones that had put in a lot of time. I hope you can bear with me because there was a lot of issues that was brought up in the past two days, and it's been a very long day. It been a very long two days. Coming to a point where I going to sit on the floor. We don't have many opportunities to come up here and speak, especially about ourselves, about who we are, why we are who we are, how what you decide affects us, because it does.

Let's talk about the Aha Moku Council, the Kiole. There is some of you when I spoke about this issue before wasn't part of this Council. I attended that process, I think it was the third meeting. I was accused of participating in legislation against the Aha Moku Council, the building of the Aha Moku Council. There is not anybody to show me that I participated in the process because I did not. My colleague, my friend that just spoke, Makaala, her and her husband, because of what she speak, was put outside of the process.

They became spectators. Her husband is a lawai'a. He's pure Hawaiian. But he was put as a spectator. He's a kupuna. I don't know -- I hope you guys don't go and do something like that to my kupuna or to me. Because I was also treated that way. I was at the fourth and fifth meetings, and whatever else meetings they're going to get, would be put as a spectator. Let me tell you this, when it comes down to my people and my culture, they come first, and that's why I'm here. I don't know why they not here. I cannot speak for them. But I can see from where I come from an experience like you native people have, intrusion, taking what does not belong to you. So what you saw today presented to you and what actually happened is two different things. I've also been involved for the last seven years in a community process through an organization called CCN, Community Conservation Network. The work with 23 communities throughout Hawaii. We don't treat nobody that way. If we do, then I'll talk to everybody. We don't treat nobody that way. We don't exclude no one. That's the Hawaiian process that I've been taught to do. So that process has caused in my community hardship, has stopped the process that we have in creating community management in our fishery, has taken kupuna in our community and actually alienated them against us. It's stopped being a very pono process. I think it's important you know this, I'm not here to point fingers at anyone. I just here to tell you what I had experienced. So at that, I have to move on.

I was going to tell you guys a story, because I sit here all day and I was thinking about what you guys was talking about as far as enforcement, what is happening in your fishery as far as aliens coming into your fisheries. The story I thought about was this, it's about the fox in the henhouse. What really came up for me is that the fox wasn't only in the henhouse, but the fox -- because there are two more foxes outside the house, and I was trying to paint a picture of what they looked like. What I saw was one gray fox and one white fox coming into the henhouse, and that's my take of when you guys was talking about people coming into your areas fishing. I thought about it and I said, you know what, this is something I talked to Makaala about later last night. I thought, geez, damn, what about the fox in the henhouse. Was he red like the hen? Did he disguise himself as the hen that lays the golden egg? I want you guys to think about this. I thought about it all day. And I thought I wouldn't tell you this, but you know what, that is what has happened. That is what has happened. So if you don't get fixed in your house, I don't know how you're going to fix outside the house. And for you native people, I share and I bear the kind of experiences you're going through with America. I have not had a good experience in America, let me tell you, as a Native Hawaiian.

When you talk about enforcement and allowing federal agencies close to your house -- I think the gentleman back there talked about tourism, how we're going about tourism. Let me tell you my experience in my house, when you go out to the federal level and they come in your house. There's a tourist industry in Hanalei that's been running for the last 30 years. I fought them and I'm still fighting for 30 years. Last summer -- in fact, the summer before that they had a ruling from a judge that says they're allowed to come in our bay. Listen very carefully, because this is going to happen to you. And you know what, that's okay. You can come inside our bay. But when you come on our land then you play by our rules. When money is involved, you can broke the rule. I no can, not as a Native Hawaiian. I've experienced that. But let me tell you what I experienced last

year. So -- and I'm going to tell you why. We're down there educating the tourists about what's happening in our place, okay. The next thing I know, the Coast Guard is pulling into the bay. I thought it was a very good thing. Wow, that's great. I thought the Coast Guard was about protecting its people. Excuse me, gentleman, I don't know who you are, and if you know about the issue. But this is what happened, it sent two Coast Guard men on top this guy's boat, yeah. They stand like this, like soldiers, and they drive inland for pick up the tourists. I thought, man, something wrong with that picture, what the hell is going on. Are we being protected or are we being protected. I don't think so. I don't think so. But then I also thought they were on the boat to protect the commercial guy, where the main focus is forget tourists to use our cultural resources to make money. I want you to know that if you guys want videos of it I'll give it to you. We have videos of it. But I don't want you to go through the same experience that I went through because you made the wrong decision. That's my experience.

Super Ferry, same experience. I wasn't there, but same experience. Commercial entity was protected under the law of Commerce -- is that right? Commerce? So we no can touch them. On the Commerce, I guess they can do whatever they feel like do, braddah. So seeing you in your frustration yesterday, believe me I was frustrated yesterday. I feel like tell you right away, because your passion of what you truly are and believe in might be in jeopardy. You're better off than we are. We're beyond jeopardy. Really. Look at it. Where's my representation? The Aha Kiole. I told you guys that last year. Where is it? 87 meetings. You represent us. Where are you? I was not included in any of those meetings. Frustrated. So I thank you for allowing me to say what I need to say. Mahalo.

Most of the people that has helped create that Council, I know. The process you say, awesome. What's happening? I told you. So maybe you can help, then. I hope you can because, you know, whether I am with them or not, I will be doing this for the rest of my life because as far as I can tell and I can see right now, there is no one in my place to represent my people.

You Native Hawaiian, Brah? See. Last Council meeting I came to, we need Native Hawaiian representation. So if I tell you something like malama, kuleana. The deep meaning, yeah. Aloha. I come here with aloha. So if you can understand, you're going to feel what I feel, what my people feel.

I think you talked about jurisdiction before. About ownership. I think we, the native people, are the only ones that can make a claim on the federal waters and state waters. I think my understanding was that you hold it in trust for the Native Hawaiian people. Permitting process is not cultural. You are not asking us if that's a cultural process. Is that proper culturally? But yet, a decision was made to require us to have a permit. I'm a lawai'a. I always will be one lawai'a. I am not a recreational fisherman. And I was to believe that I could not sell my fish. I think the word for that was subsistence. I don't know what that means. Today, I don't understand what subsistence mean. It's like this, thank you very much, you no can sell the fish, this is good for you. That's what my understanding of that is. The fact of the matter is, it ain't good for me. It never was. Subsistence is something that is straight across the board. Everybody else can do the

same thing I do. As I said, you, Native Hawaiian, yeah, you lucky because you have the right to fish subsistence, while everybody else has the same right. The thing, I used to feel like, wow, what a good thing for us. You know what I realized, bullshit. A bunch of bull. People making money off our resource. What do we get? Who going to come when we need help because they ruined it? That's how we're included.

I thank you again. It's always interesting when I come to these meetings what happens. I truly thought when I came here, why was I? You know, I know why now. Mahalo for your time. If you guys like the video, let me know. Our community process -- let me end with this one thing, and this goes back to the August meeting they had at Keauhou, I was a guest speaker. I was one of three communities that were guest speakers on what was happening with the coral reef. But I wasn't there for that reason. In fact, I never know I was going to be one guest speaker until that morning, like two hours before the thing. So I wasn't prepared. Kind of like how we fish, yeah.

There was this conference, policy-making conference. Why I went to the Big Island is because in 2007 in August I had another commitment to go to Fiji on a NOAA Program. When we came back, they asked, well, what did you guys think about -- it was a community exchange. I said, well, you should bring to Hawaii so they can see how I live. It was amazing, yeah, that you know how I was raised, you eat on the floor, you fish every day, yeah. Fish every day, that's my life.

Eat on the floor. Puka in the window, mosquito buzz hours at home. So I requested that they come here. They also brought people from -- and this was student/elderly exchange, the one from Fiji that no could come. But we had people from Pohnpei, Samoa, Fiji and - I was going to say Guam, but I'm not sure. But anyway, there was this policy-making conference and we broke up into groups and we were going to do a presentation for people that was invited to what we was doing. My group, we chose to do a policy-making process. I want you to hear this because what happened was interested. And we teamed up with fishing. So what happened is we end up -- most of this done by the youth. All we did was insert how policy-making was made in -- for us -- it could be ancient times. It could be 100-something years ago. Long time. But there is this political body, and you as native people know how it -- and it starts sometimes in Aha Moku process, it starts from the bottom and goes to the top. Our whole thing was this, and the word, Oceania came up. So what we did, we put the structure of Fiji and we did a flyer thing. The picture on the flyer was of a kalo. And you could see it was in Hanalei, because that's our main economic pretty much force there. In fact, we're the biggest kalo producers in Hawaii, and always have been. The kalo. With the kalo, you can see the water. The top of the picture we had, Policy-making Oceania Traditional Practice. Inside the flyer where we have a structure of how Fiji as a nation, from the bottom up, we show that structure. Then the Hawaii one showed we had pretty much the same structure. And I'll leave you with this, you know how different it was, they still get one structure we no more, and that was the picture for the policy-makers. Policy-making is traditional knowledge. This is very important. In fact, this is something we'll teach our younger generation. It was presented and done by two 20-year-olds. Mahalo."

L. Council Discussion and Action

With respect to the MHI bottomfish TAC, a motion was made and seconded to approve of TAC of 178,000 pounds for the Fishing Year beginning 15 November 2008 and ending 31 August 2009. After considerable discussion about the scientific information presented by the PIFSC staff and SSC recommendations, the Council voted on the motion which failed.

Another motion was made to adopt a TAC of 241,000 pounds which was previously suggested by Bill Robinson during earlier discussions. The motion was seconded and Council discussion continued.

Martin asked Mitsuyasu to read the motion: In regards to the MHI Bottomfish, the Council recommends a TAC of 241,000 pounds for the Deep 7 MHI Bottomfish 2008/2009 season beginning November 15th, 2008 and ending on August 31st, 2009. Martin asked for a roll call vote. Motion passed with 11 yes votes and 2 no votes.

Robinson added for clarity, the catch that counts against the TAC begins with the opening of the season on November 15th.

Martin asked for further recommendations. A motion was made, second and passed to request the Pacific Islands Fisheries Science Center address the SSC recommendation as included in their 99th SSC Meeting Report to improve the bottomfish stock assessment that will be used in the upcoming WPSAR Process.

Another motion was made, second and passed to recommend the Pacific Islands Fisheries Science Center and the Pacific Islands Regional Office and the Council staff immediately initiate the WPSAR Process for the Hawaiian bottomfish complex. The review should be completed for the SSC and Council consideration at the July 2009 meeting.

Duenas noted that fishermen mentioned the potential need to develop limited entry for this fishery. He asked if the State of Hawaii would like to entertain this issue and if there was need for a motion to do so. Polhemus noted that an action such as limited entry would need to go through the Chapter 91 rulemaking process which would take a year and a half. He agreed to report back to the Council at the next meeting.

9. Marianas Archipelago

A. Arongol faleey and Isla Informe

1. CNMI

Documents 9.A.1(1) is the outline of what Dela Cruz presented containing information on fisheries, marine, invasive species, marine sanctuaries, derbies and tournaments, USCG Rear Admiral Visit to Saipan, and the PEW National Monument.

Dela Cruz informed the members that the report is in their binders and he didn't have much to say, except for Items 4 and 7 of the report. He said Item 4 was about tagging of selected fish species in the conservation areas using low-tech wireless. Regarding Item 7, which was about Technical Assistance, he said a manuscript is being prepared regarding

the methods used by DFW Fisheries in estimating the Percent Effectively Conserved for the Micronesian Challenge.

For the noncommercial part of the report, he mentioned about the Saipan International Fishing Tournament that was held on August 9 and 10, and the visit by USCG Rear Admiral Manson Brown who met with him and Council member Sablan to discuss the Transportation Workers Identification Credential, or TWIC, as well as the criteria for conducting stability tests, and other issues.

2. Guam

Using document 9.A.2. Since the report was also in the binders, Duenas deferred to it and asked the members to read it at their leisure time.

B. Enforcement Issues

1. CNMI

Using document 9.B.1. Dela Cruz referred members of the Council to look at the report that is in their binders.

2. Guam

Using document 9.B.2. Duenas also referred members of the Council to look at the report that is in their binders.

C. Marianas Community Issues

1. Marianas Training Range Complex

Ed Lynch, a U.S. Military consultant who is the Program Manager for the Marianas Islands Range Complex with the U.S. Pacific Fleet Engineer's office involved with the Marianas Islands Range Complex Environmental Impact Statement and not the Marianas Islands Military Buildup. Specifically he is involved with Range Sustainability. Lynch explained that the Navy Tactical Training Theatre Assessment Planning Program, commonly known as the TAP Program, is a program where the focus is on training and ensure that the ranges are accessible and sustainable. Lynch noted that they look at wrong usage of the ranges and have come up with the environmental baseline conditions and the environmental documentations for future use.

Lynch noted that in 1999, his office developed the Marianas training plan, and signed the Record of Decision for that plan the same year, which was the first time in the Marianas the U.S. Military attempted to capture through the NEPA process of the environmental concerns. A Notice of Intent to Proceed was issued in June of 2007 to move forward with this revisit to the 1999 document. Because of the development of law since 1999, the new document focuses more on the at-sea issues, specifically energy in the water, sonar, and the Marine Mammal Protection Act and where that has developed through the court cases.

In the Marianas there are specific ranges, FDM bombing range north of Saipan which is the main Western Pacific or main Pacific naval gunfire and live fire bombing range for the US, the only live fire bombing range in the Pacific outside of California that's U.S.

Territory for our forces. When this range is combined with ranges in the Island of Tinian, it provides the ability for the Marine side, the ability to train and project force from amphibious shipping directly onto the beach. It's a separate range because it's an amphibious landing range but works in conjunction with the bombing range up north. The uniqueness of the Marianas Islands Range Complex, because it is for forward-deployed forces, is focused more on large types of exercises.

Ben Sablan asked about the mitigation plan for the brown tree snake, Lynch responded that they are updating the brown tree snake protocol noting that the military is looking at a total bio-security plan for all of the Marianas, which is absolutely going to have to be in place in order to properly train as things develop in the Marianas. Lynch also noted that the Navy has an education program for everyone who comes to the islands, as part of their indoctrination to the island, gets a basic brown tree snake education requirement, which includes presentations of military videos and lectures that provide awareness.

When asked about any other studies, Lynch replied that the military has done studies on the birds and have found that back in the '99 doc the military looked at megapodes, which is one of most vulnerable birds to the brown tree snake, because it's grounding nesting, it was estimated that there was somewhere between five and ten individual birds on FDM. This particular survey that we've completed for this document shows that the bird count is up to about 60.

Sablan noted that in his last survey at FDM last year more than 300 bombs were counted in the water and asked when Lynch anticipated the military to clean the water full of bombs. Lynch responded that he can ask the question and stated that he couldn't say with 100 percent surety, but most of the bombs that are in the water are inert. The live bombs generally blow up when they hit the water and the bombs you find in the water close to the island generally tend to be the inert bombs that hit and skip off the island because they don't have any explosive in it.

Torres asked, if Lynch had any knowledge or was aware of how the war games of the underwater kind of affect the FADs noting that during the past two years, 15 FADs were lost. Lynch noted that he was unaware of this. Lynch stated that he would follow up on the status of the inquiry.

Torres also asked if the Navy had in place any studies of the impact of all of these games, specifically the affect on the fish population close to the reef, as these games will come in as close as three miles, mile and a half, or even a mile. Lynch noted that the Navy is monitoring the impacts and is part of the current discussion with the NMFS. Lynch anticipates that the fish habitat issues will be bigger because of the unique environment with the seamounts along the Marianas Chain, which admittedly the Navy does not have all that much data on.

Duenas noted that regarding the southern firing range, W517, encompasses Guam's Southern Banks, and is the richest resource for the Zone. Duenas added that several times during the last ten years the Coast Guard using the firing range would get on the

radio and warn fishermen to keep out of the area. He noted that the issuance of PSAs would be helpful so that fishermen would not have to go all the way down there before finding out that they must get out of the zone. Duenas also noted that the eastern side of Guam is all deep water and that the military does not need the Southern Banks. Duenas asked if the Navy can modify that range. Lynch asked Duenas to put in the comment for him to take back to be incorporated into the public hearings so that it will be a part of the administrative record.

Duenas referring to the Glass Breakwater, stated that people don't see the military value to it because it's along the western or ocean side of the harbor. The military is located on the eastern side. The western side (Family Beach) has been traditionally used as a fishing area and a good recreational area for the surfers. Lynch noted that the Glass Breakwater area was closed off because of the Explosive Quantity Distance Arcs off of Kilo Wharf and off of Buoy 702. The area is an Explosive Quantity Distance Arc for ordnance handling issues.

Duenas asked if the military could do this presentation to the guys from CEQ, the President's Council on Environmental Quality because they're proposing the last three islands of the Northern Mariana Islands as a monument and possibly the Marianas Trench. Adding that if the military shows the CEQ where the military are training, there's nothing left for the people to actually use. Lynch noted that the Department of Defense is responding to that issue adding that the Department of Defense has got an official response.

Duenas expressed concern about terrestrial issues – such as the Kilo Wharf issue, there was mitigation done. There were funds made available to transplant trees and asked how we compensate the fishing community because of the loss of fishing grounds during military exercises and the increase in the military usage of our resource, such as helping put out FADs along the western side of the island to augment the existing FADs. Lynch stated he understood Duenas' concern, and that he was not directly involved with Kilo Wharf, which is a mitigation project. It's a result of negotiations between DAWR, NOAA, U.S. Fish and Wildlife, et cetera.

Duenas noted that his concern here is that the Council is responsible for the management of the resource from three to 200 miles. If the resource may be in jeopardy because of an exterior activity going on that may cause the local decline in the catch and harvest, the Council should maybe be the one under consultation, that the mitigation can go to the Council and some funding can go to Council and they can in return, go back and help the people of Guam by putting more FADs, which Lynch stated that he totally understood the concern, but that part of it is tied to the statutory authority.

Duenas asked that they don't forget that when 8,000 military personnel, plus another 12,000 family members, arrive on Guam, the impact on our local resources is going to be heavy. Lynch responded that he is not the Program Manager for the Guam Buildup EIS and that he works and talks to those people all of the time, and they're well aware of that issue.

Sablan noted that in his last statement, FDM has the largest and the most lucrative fishing grounds for the CNMI and that the three northernmost islands, are under consideration for a National Marine Monument. Sablan then asked if the military would be supportive to move the target range to Uracas and leave the FDM alone. Lynch stated that he could not answer that question, however said that he could state that there is a restriction on the military to the capability of distance for all of assets that use FDM. When the military is using the FDM for land-based fires out of Andersen, without tanker capability, FDM is about as far north as you want to go to have a margin of safety.

Sablan stated that, in the year 2000, six traditional canoes, from the Island of Tikilag (phonetic) sailed out to Saipan. When the canoes arrived about 90 miles east of Guam there was a missile shot from underwater and a military jet plane came and shot that missile down. The canoes were only about six miles away. A big bang was heard with debris flying in the air. Lynch noted that he did not know if anybody had reported it, and it was the first time he heard of it. Sablan then asked him to report that incident.

Callaghan asked Lynch, as Range Manager, to what extent would he expect that fishing trips and fishing down to the south of Guam on some of the banks down there will be changed or otherwise involve future exercises? Lynch noted that there will be change, but didn't believe the change is going to occur until after 2016, at the earliest. Between now and 2016, you're going to basically have status quo.

Dela Cruz asked if there is a guarantee by the Department of Defense to provide mitigation funds for the CNMI and the State of Hawaii for the Brown Tree Snake Interdiction and Control Program. Lynch noted that it is a guarantee as much as any federal program is, it's a matter of appropriations from Congress. There have traditionally been appropriations from Congress to the Department of Defense for mitigation of the brown tree snake issue.

Dela Cruz asked how serious and how severe will the underwater seashore training activities impact on the corals and coral reefs of Tinian? Lynch, speaking about coral reefs, specifically, stated that the undersea warfare training, anti-submarine warfare training is not near the reef. It's out in the deeper water. The issue for coral reefs is the amphibious training piece. We have proposed in our action is that when the landing craft, the air cushion vehicles come in, they will be permitted to go across the reef at high tide on full cushion. When they're at full cushion the air that they ride on depresses the water approximately 12 inches. Nothing actually touches even the water, except air. So there's a depression. It's about 12 inches as they ride across the water, come up on the beach and then step down.

Dela Cruz asked if Pagan Island is going to be expropriated for the military. Lynch noted that it was part of the Guam Buildup and that it was contained in their scoping. Adding that back in 2001 they noted that there was some potential there and nothing has happened since then. If anything does happen, it's in the Buildup EIS, or the Buildup Analysis, Buildup Planning. It's not in the exercise planning at this point and not

considered in the document as it is not a part of training.

2. Lunar Calendar Workshop

John Calvo reported on the activities of the newly created Chamorro Lunar Calendar Committee on Guam, which had its first meeting in March. Alongside the calendar, he said they are also going to do an art contest for both schoolchildren, from grades K to 12, and adults and have a Chamorro New Year Festival on January 24. The committee also presented at the Tetset Konferensian Chamorro, or the Third Chamorro Conference, which was held in Saipan from September 26th to 27th.

Jack Ogumoro reported that CNMI will attempt to combine the Chamorro and Refaluwsch lunar calendars for the coming year.

3. Report on the Guam Mayors' Meeting

4. Report on Guam Village Meetings

Calvo thanked the Council for bringing cultural practitioners from Hawaii to Guam to participate in a series of community meetings that were held on July 14th, 15th and 16th at the Inarajan Social Hall, Sinajana Community Center and the Tamuning Senior Center. He also said Charlie Kaaiai, Keomoku Kapu, Uncle Mac Poepoe and Anela Albino Florendo joined Peter Onedera from the Chamorro Lunar Calendar Committee to do a presentation on community participation in managing natural resources.

They discussed setting priorities within the village, the importance of passing cultural and traditional knowledge to the next generation, and taking steps to organize on a community level to manage the village resources.

Some of the recommendations from the community included developing a process for the mayors and churches to properly represent the community, monitor and control island development via unified input and the need for more avenues of information.

The group also did a presentation to the mayors, highlighting the results of the community meetings, which was covered by the local TV station, KUAM. The mayors were interested in having future meetings to discuss where to go from there.

5. Guam Indigenous Fishing Rights Legislation

Ogumoro presented the proposed marine monument, indicating that it has become a very controversial issue, and has been elevated to a new level of discussion, as federal agencies are now involved in conducting assessments to provide the president to take action before leaving office.

Torres discussed the Indigenous Fishing Rights, Bill 327. The bill was introduced by Senator Judy Guthertz and another senator to give Chamorros their indigenous fishing rights to the Marine Protected Areas. Regrettably, the Division of Aquatics and Wildlife testified against it and why it cannot be opened for indigenous fishing. However, the bill was referred back to Committee for further revamping, and he will personally offer language to the revisions of those bills to allow some kind of indigenous fishing rights in

the MPAs, with the exception of certain types of nets, depending on the substrates of the location.

Ogumoro also talked about the summer courses, which was held from June 30 to July 11 on Saipan. The students indicated that they would like the program to continue, and that the fish handling and processing was the best topic for this project, which was conducted by Council member Duenas from Guam.

Calvo also reported that GFCA has had marine education projects, including the GALAIDE I which has been used as a teaching aid for the UOG 4H Program, and the Council High School Summer Program. It will also be used to escort the UOG Traditional Seafaring/TASI, Cultural Canoe SAINA, on its voyage to Rota as part of the education program.

He also reported that the High School Summer Program was held on Guam from July 14th to 25th and featured guest lectures, class activities, hands-on presentations and field trips. Topics covered included fish biology, fish habitat, coral reef, marine preserves, sanctuaries, fishery 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, fisheries rules and regulations and statutes, marine debris, fishery enforcement program, seafood safety and stock assessment.

A power point presentation was also developed towards the end to showcase what the students have learned.

He also reported about the tenth annual Gupot Y Peskadot, which was held on August 17th at the Guam Fishermen Cooperative Association. It featured entertainment, marine displays, cultural exhibits, games, food, kid activities, et cetera. The Council exhibit featured its new habitat interactive game and prizes were given out to kids who participated.

Duenas thanked Robinson for the support and use of GALAIDE I, as it continues our program for education and outreach with our young community. About 150-plus teenagers, young adults have participated in the program since it started.

Dela Cruz also thanked Manny for conducting the fish processing training for the young people of the CNMI, particularly in Saipan.

6. CNMI Nearshore Fishery Regulations

Dela Cruz reported that Governor Fitial wrote to the Council's Executive Director on October 1st, in light of the ruling of the Ninth Circuit Court of Appeals that reaffirms the United States jurisdiction of the CNMI submerged lands in territorial waters, to work closely with Council in developing measures to support and strengthen CNMI local fishery laws and rights to CNMI submerged lands and territorial waters until they are fully restored.

He respectfully requests for Council to delegate all of the necessary enforcement and regulatory authority to CNMI's local jurisdiction through the Department of Lands and Natural Resources.

Simonds indicated that there hasn't been any discussion on this matter. Although there was consultation with the lawyers, the Council cannot turn over any of these kinds of things to the Northern Marianas.

She said what the Council could do, and should be discussed in a future meeting, is to adopt local regulations and have a cooperative MOU with NMFS and Coast Guard to delegate enforcement authority to the CNMI. She said the Council would have to review all the regulations and be adopted according to the process that the Council follows, the National Standards, and those kinds of requirements. If that's the case, she said the staffs could get together to review and bring this matter up at the next Council meeting.

Dela Cruz responded yes, indicating that that's what the CNMI wants. Sablan asked Onaga whether the CNMI regulations cannot be enforced at the present time.

Onaga responded saying if CNMI creates laws to govern its citizens, it has that authority. What it cannot do is enforce those laws against noncitizens.

Sablan asked Onaga to get a copy of Judge Munson's decision to discuss further the issue at the next meeting. He explained the decision has been a touchy issue, a very controversial issue in the CNMI, because today there are violators who are charged with those regulations.

Onaga further explained that CNMI has a right to regulate its own citizens. But that's not the issue. The issue is whether you can enforce it against noncitizens. She offered to bring the case tomorrow for further discussion.

Sablan agreed.

Duenas quickly read an e-mail from Emily requesting John to let her know who the notice was distributed to, regarding the meeting on Guam on Tuesday. Duenas was confused as to whether this is just a meeting with interested fishermen and mayors, as discussed, or if it has been opened up to the entire community. If it has been opened up to participants beyond the co-op and mayors, he said there's a need to discuss the matter further.

He also said this is not billed as a discussion of the proposed monument since we do not have a proposal for the monument. We are available to take input for the assessment, but are not there to discuss the Pew proposal since it's not ours.

Duenas said he didn't know what it means, but it sounds like they're canceling out on us.

We wrote back to her and said, our meeting in Guam is always open to the public, even our association meetings. So I'm just sharing this information, that we asked for a meeting on Guam and I believe it was publicly accepted, but now apparently she thought maybe only 20 people -- I have 190 members in the co-op, so I don't know how many people she thought I was going to bring.

John Calvo said that he just sent a response saying basically reiterating what we had discussed yesterday, and she basically had cleared the wording we said in terms of entertaining input from the community. So we have not heard from her since.

7. Other Issues

None at this time.

D. Approval of Marine Conservation Plans

1. CNMI

2. Guam (Action Item)

Robinson indicated that the CNMI Marine Conservation Plan has been approved.

Dela Cruz thanked him for such approval.

Torres apologized for Guam not having Guam's Marine Conservation Plan. He explained that the director of Aquatics and Wildlife was going to access a certain funding to the study and draft the plan, but was later made aware that no such funding can be used, and it just died. However, he said there's a new commitment on this plan by the Governor and we will move forward and hopefully I will have something more positive to submit at that time.

E. Education and Outreach Initiatives

This item was skipped because it was already done.

F. Report of the Marianas Archipelago Plan Team Meeting

Makaiau explained there was a second Marianas Archipelago Plan Team Meeting to further discuss the coral reef and bottomfish annual report development. He said the coral reef one is probably the most difficult plan, as you can imagine.

You know, we don't have one or two species. We have literally thousands of species.

So I think the last time we reported, we tried to truncate that species into a more manageable species groupings where we would list a number of individual species within a taxa into 23 or so broader taxa classifications, and try to run analyses that way, and also focusing on the various gear types.

I'm just going to summarize this as, boat-based and shore-based creel surveys. We're utilizing the most -- the gears that captured the majority of coral reef species and try to do analyses by individual gear types here you have on the list for both CNMI and Guam.

What we're going to try to do is how we do for bottomfish and looking at the various combination of catch by gear type for both gear types, catch per unit of effort analyses and also economic data.

Again, we're trying to do something very simple at this point in time and try to build up -- you can't really see this slide. But in your report you'll see a detail of how many of these types of tables.

We put in generically selected species groups by picking the top ten or so, and each island area is going to pick their own -- you know, what constitutes their top ten to do their analysis.

G. SSC Recommendations

None at this time.

H. Public Comment

None at this time.

I. Council Discussion and Action

Martin asked Kingma to read the following Council recommendations:

1. Regarding the Marianas Training Range, the Council recommends:

A. That staff send a letter to NMFS and the Governments of Guam and CNMI to request that it be included in working groups dedicated to evaluating the Marianas Training Range Complex, DOD Training Exercises occurring in the U.S. EEZ and likely impact for any resources that are under the Council's management authority and jurisdiction.

Duenas moved and Dela Cruz seconded the motion for adoption. With no discussion, the motion was carried.

B. Have staff review and comment on the Marianas Training Range Draft EIS and specifically consider the potential impact on fishery resources and reduced fishing opportunities by Marianas fishermen.

Duenas moved and Dela Cruz seconded the motion for adoption. With no discussion, the motion was carried.

2. Regarding the issue of Commonwealth management and authority of fishery resources, the Council recommends that staff prepare an options document that considers mirroring existing regulations promulgated by the CNMI to achieve consistent Commonwealth federal regulations with the objective of eliminating legal issues blah, blah, blah.

Kingma clarified that he was not done with this recommendation and was going to say something about eliminating sort of loopholes or any potential sort of problems with enforcement of CNMI regulations.

Duenas recommended deferring the recommendation to the legal counsel before making a motion.

Itano indicated the reporter wants clarification on who's motioned and seconded the first two.

Martin responded saying Duenas and Dela Cruz.

Duenas then moved and Dela Cruz seconded the motion to adopt the recommendation.

Martin then asked Kingma to proceed in reading the recommendation in its entirety.

Regarding the issue of Commonwealth management and authority of fishery resources, the Council recommends that staff prepare an options document for consideration at its next meeting that considers mirroring existing regulations promulgated by the CNMI to achieve consistent Commonwealth/Federal regulations with the objective of maintaining enforceable regulations.

Martin asked for any discussion or comment. Duenas asked if the legal counsel is okay with the language.

Onaga responded that it is fine. What she sees it saying is they're preparing a document for discussion that's consistent with what CNMI is proposing and that would be legally enforceable.

Dela Cruz responded yes.

Onaga asked whether Sablan would still like her to discuss the issue of the Ninth Circuit tomorrow.

Sablan responded yes.

With no further discussion, Martin called for the question. The motion carried.

Sablan then asked if Kingma and Onaga can help prepare a recommendation regarding the issue of the pr Simonds clarified whether Sablan wanted to recommend that the President remove the NMI from consideration. Sablan said yes.

After it was developed, Kingma read the following recommendation:

Regarding the President's proposed marine conservation assessment, the Council recommends staff prepare a letter requesting for removal of all areas in the CNMI to be considered and designated as any federal marine conservation area as described in its August 25th memorandum.

There was discussion on several issues, including the use of the term President's Blue Legacy Initiative instead of proposed marine conservation assessment, whether the staff would prepare a letter requesting for the removal, and to be specific about the trench to prevent inclusion of other trenches.

Following the discussion, Sablan moved and Dela Cruz seconded the motion. The

motion was adopted with one abstention, which was Robinson.

10. American Samoa Archipelago

A. Motu Lipoti

Martin called the meeting back to session and thanked the Council members for staying late the previous day, then turned the floor over to Haleck to start at Agenda Item 10. Haleck then asked Tuaumu for the Island Report. Tuaumu opted to just highlight some of the issues in the Island Report and provided the following comments:

Tuaumu mentioned the on-going reconnaissance survey for the No-Take MPA program. Twelve reef flat sites were surveyed with only Vatia area left to be surveyed. Spawning stock data are also being collected to be used later on for designation of No-take MPA areas. In partnership with PIRO, DMWR is compiling the documentary "Traditional Knowledge Fishing Techniques" to be aired in the local television soon. Survey for large fish has covered 26.9 kilometers of reef area.

Four FADs, three for Tutuila and one for Manu'a, are currently in position. Two FADs will be deployed soon.

Outreach and Monitoring events for the Community-based MPA program are on-going with the eleven participating village communities. DMWR has deputized eleven village mayors to enforce MPA rules, the Community-based Fishery Management Program Village Rules and Regulations, within their respective villages.

Haleck thanked Tuaumu then asked Councilman Sword for additional comments.

Sword commented on the Taiwanese Pago-based purse seiners that haven't called into Pago Pago and the need to manage free-floating FADs seen being taken out by these boats. He was concerned about the loss of jobs and revenue, for example from fuel and provisions, and also the lack of observers on these boats. Sword said he hasn't seen a copy of the proposal to designate Rose Atoll as a monument and that he was worried restrictions to this area will diminish opportunities to benefit from this part of the local resources.

Robinson then commented that all U.S flagged purse seiners are subject to a 20% observer coverage under the FFA Observer Program.

Duenas asked Sword if the monument designation will work out with the recreational fishermen since no fishing is generally allowed in monuments or reserves. Sword replied that he had talked with IGFA Ron Kramer who informed him that the President has signed an order that should consider recreational fishing in monuments and reserve areas. Sword didn't understand Emily's presentation and he suggested the Council should address this issue and he also mentioned that 60 miles restrictions will hinder opportunities for local longliners and recreational fishermen.

Polhemus explained that the designation is consistent with existing laws and the NWH

area would not be reopened, but this can be considered or done in future areas like American Samoa, where restrictions of less than 50, say 12, can be considered.

Itano mentioned his experience fishing for deep-water snappers around Rose (170 miles from Tutuila) and Swains (200 miles) and he would like to know the current restriction situation with trolling around Rose Atoll. Haleck and Polhemus agreed that it was three miles.

Martin agreed that a monument designation translates to increase in closure areas in addition to American Samoa being surrounded by several EEZs. Martin then asked Polhemus if recreational fishing being treated as a sustainable activity, has not being contained in the NWHI monument. Polhemus said he personally felt that this has to be consistent with existing laws.

Robinson explained that the Executive Order interpretations he had received doesn't mandate allowing recreational fishing in existing reserves, monuments, and sanctuaries or in the future. Duenas informed the meeting that according to a person in the monument staff, recreational fishing is not allowed in the Northwest. Polhemus said that only native Hawaiians, under a permit, are allowed to fish in State Waters of NWHI.

Duerri asked Bill about the confusion between fishing in federal versus state waters, and the issue of allowing recreational fishing in these areas. Polhemus suggested that it would be useful if guidance was received on this issue. Robinson explained that the current situation doesn't guarantee recreational fishing will be allowed but it does raise the importance of recreational fishing. Simonds suggested that the Council should provide the National Recreational Fisheries Coordination Council with comments on this issue, from this jurisdiction. Polhemus then questioned sending these comments when the Council was an entity dealing with commercial fishing; Robinson explained that the Council deals with all types of fishing.

Sword was concerned that the three mile closure being expanded to twelve miles, will affect local fishermen so there was a need to address this issue. Itano suggested that the language establishing the refuge be re-examined and he also thanked DMWR and PIRO for documenting traditional fisheries including palolo spawning.

Robinson said that his office has been submitting presentations to CEQ showing the impacts of designating reserve areas from 200 miles inwards which he thinks will help in deciding the boundaries. Simonds added to her previous comment saying that the Council should move quickly to submit recommendations to the Secretary on what should be included in the conservation plan, from the Council's jurisdiction.

Sword then asked Robinson to elaborate on the Observer Program as it relates to the Taiwanese boats he mentioned earlier. Robinson explained that the Observer Program covers all U.S flagged purse seiners under the South Pacific Tuna treaty administered by the FFA, which aims at having 20% coverage. Sword wanted to know where these boats load and offload to which Robinson mentioned several island nations. Robinson also

clarified that the U.S. doesn't have an observer requirement for U.S. purse seiners, but that FFA runs the Observer Program under the South Pacific Tuna Treaty. Duenas said that there was an error in fisheries management and conservation since there was a 100 percent observer coverage in the swordfish fishery but not the other fishery which has more negative impact on the resources. He also suggested that the purse seiners should get 20 percent coverage and should not be left to the FFA to make this decision. Robinson explained that current 20 percent coverage includes the fishing done in national waters of FFA countries and also in the high seas.

Itano agreed with Robinson's explanation and requested that the Council should obtain a report on the observer program separating U.S. built hulls and non-U.S. built hulls statistics on catch and fishing areas. Robinson agreed that such a report can be compiled but also mentioned that coordinating observer placement was getting difficult due to the boats landing and refueling in areas other than Pago Pago. Duenas asked about the desired level of coverage and Robinson said it was 20 percent for the entire fleet.

Sword asked Robinson for a list of names of Taiwanese-hulled Pago-based vessels and Robinson replied that he can provide a list that day.

B. Enforcement Issues

Haleck then asked Tuaumu to comment on Agenda Item 10.B. Enforcement Issues. Tuaumu mentioned DMWR's work with OLE and also thanked OLE for their assistance in procuring a new boat for DMWR Enforcement. Haleck added that he was looking forward to the Coast Guard training with Cooks and Samoa counterparts.

C. American Samoa Community Issues

Haleck called on Aitaoto who mentioned the new owners of Star Kist and the successful Arts Festival that was held in American Samoa in July. Council staffs were able to meet with the governor's Economic Advisory Committee during that period. He also mentioned congressman Faleomavaega's bill to allow foreign-built vessels to fish in American Samoa EEZ and PRIAs. Aitaoto said that gubernatorial elections were to be held in November and that

CRAG has identified population pressure as the biggest threat to the local environment. A recent SPREP workshop held in Apia concluded that there was an urgent need to assess Indo-Pacific bottlenose dolphin population in the Pacific. A DOC-sponsored public meeting to discuss potential conservation areas, including Rose Atoll, was held in American Samoa the previous week and the local (non-government employees) residents attending didn't support the idea of designating Rose Atoll as a monument.

Itano wanted to know the impact of having a Korean company owning Star Kist and Haleck said that time will tell. Duenas told a story about vessels trying to re-flag and some of the owners ended up becoming U.S. citizens to satisfy the requirements. Martin asked if there were other vessels trying to re-flag and asking for exemption for non-U.S. built hulled vessels and that he also suggested that NMFS should inform the Council on such issues as soon as possible. When Duenas asked about boats from Korea or Taiwan becoming U.S. and would that change those nations' level of harvest or allocation, Martin

explained that the answer is very complicated considering issues like new boat-building policies of countries like Taiwan. Vessels are not being sold to small developing island nations and this was not fair. Another issue was the move towards Day Scheme by the Nauru Agreement members and these dynamics contribute to the complexity of this issue.

Itano wanted to know if the maximum number of purse seiners under the Palau Arrangement was reached and Robinson replied that the number hasn't been exceeded. A new agreement, given to WCPFC, has evolved from this arrangement which stipulates conditions like full retention of catch and 100 percent observer coverage.

Young made the following comments about the canneries:

The new owner of Star Kist has a large fleet and may translate to increase traffic and more opportunities for foreign vessels to fish in U.S. EEZ. Additionally this could result in increase pollution from foreign vessels.

Sword mentioned that Diesel No. 2 is available locally but these boats use Diesel nos. 5.

1. American Samoa Fishery Development

Haleck talked about the establishment of the Governor's Economic Advisory Council, its duties, vision and policies. A handout detailing the work of this Council was included in the briefing books. Haleck also mentioned the meetings between Council staff and this local Council in July. Some of the issues raised by the longline operators during those meetings included the need for specific wharf for domestic longliners, fees paid when returning to port and turtle interactions issues. Duenas then mentioned an American Samoa student receiving a scholarship.

2. Sale of Tuna Cannery

Tuaumu was called on to comment on Agenda Item 10.C. 2., the Sale of the Tuna Cannery. He mentioned that the sale of Star Kist is being finalized and the operations are going on smoothly despite the increase in minimum wage. Some newspaper clippings on this issue were included in the briefing books. Simonds asked if the Star Kist new owners were asked to assist in small boat infrastructure since they are given tax breaks and Haleck replied that there were plans to upgrade the marina and that they will also put in this recommendation.

3. Rose Atoll Management

Haleck called on Schroeder to make his presentation on Rose Atoll Management, which was Agenda Item 10.C.

3. Schroeder explained the declined in large reef fish at Rose Atoll, their methods of assessments, and the analysis performed on their data. A significant decline in large fish, example surgeon fish, jacks and snappers, was recorded for 2002 to 2008. From their belt transects, there was no real significant decline in large fish.

Itano wanted to know if the methods employed were standardized and Schroeder said yes but added that all methods have their biases. Itano then asked if they saw big schools of

jacks in the channel and Schroeder explained that there were schools but added that he used the outer exposed reefs to standardize so he could compare the data to other areas. Schroeder didn't know the cause of decline in big fishes but recommended using the EAR (Ecological Acoustic Recorder) that can detect sounds of vessels and possible poaching. Dalzell suggested that the decline could be natural mortality and Schroeder said that it could be true. Duenas asked about remnants of fishing gear and Schroeder said that they observed longline gear tangled on the east side but agreed it could be marine debris from other places. Duenas made a point that poaching by the American Samoa fleet was not possible and Schroeder pointed out that speculations can be made on the cause of this decline for example the addition of iron to the water from the cleaning of metallic debris.

Haleck pointed out a request from Fish and Wildlife for an evaluation of commercial fishing activities using several data sources. Robinson indicated that his office has already responded to this request and that no illegal fishing was documented in closed areas.

Duenas suggested that instead of periodic costly visits by the big NOAA boats, it would be more cost efficient to provide DMWR with funds to perform these types of surveys on a more regular basis. Schroeder reminded the meeting that there were funds under the Coral Reef Conservation Program and this idea for DMWR to do the surveys was good.

Sword asked if the volcanic activity in the Rose vicinity would affect American Samoa and Schroeder replied that no oceanographic activity was observed. Schroeder explained that the biomass is slightly higher in the CNMI than in Rose but that within Samoa, Swains and Rose have higher biomasses.

4. Other Issues

None at this time.

D. Education and Outreach Initiatives

Haleck called on Aitaoto who started by stating that DMWR has just hired a new Coral Reef Manager, paid by Council funds. Some of the issues he discussed included their recent successful High School Summer Course, a new DVD on Palolo, assistance given to NGOs, schools and PIFSC. Haleck added that a new market is being constructed and there will be space for selling fish. Also, the participation of village residents had made MPA programs successful.

E. Report on American Samoa Advisory Panel Meeting

Dalzell reported on the following issues discussed and raised during the AP meetings in July. He also pointed out a document in the briefing books detailing the issues discussed.

The issues included Annual Catch Limits, MRIP, Cooperative Research, Five-year Plan projects, bycatch reduction of sea turtles and the formation of a fishermen cooperative. Recommendations stemming from these meetings included a proposed requirement for hooks to be set 100 meters or deeper and a request for exemption from the national

recreational fisheries registration.

Duerr asked if there was data on illegal harvest of turtles and Haleck responded that DMWR is enforcing laws prohibiting the harvest of turtles

F. Report on American Samoa Plan Team Meeting

Makaiau reported that since the reauthorization of the Magnuson Act, the Council wanted to go to American Samoa to give an update on new, related activities, for example the bycatch reduction of sea turtles, Annual Catch Limits, Marine Recreational Information Program, barter trade and subsistence and the development of annual reports for bottomfish and coral reef. Other topics he discussed included the two DMWR surveys - shore-based and boat-based, ban on scuba gear, increase in boat-based landings of coral reef species and declining effort in nearshore areas. Dominant gear was spear fishing while the dominant species caught by this gear were surgeon and parrotfish. He also mentioned surveys on abundance as it relates to habitat availability and population pressure and incorporating information like fishers perspectives into annual reports. Makaiau also explained possible reasons for the decrease in nearshore fishing. Haleck added that one of the recommendations from the local Governors Economic Advisory Council was to control the flow of fish from neighboring island nations. Duenas then shared his experiences with the Guam nearshore fisheries and corrected (generated 2.1 million a year not 1.2) information from Dalzell's report. Tuaumu provided some statistics which showed nearly ten times more fish (excluding pelagics) imported from Apia than domestic landings recorded on DMWR-supplied invoices.

G. SSC Recommendations

Haleck turned the chair over to Martin and Callaghan was called to present the SSC Recommendations which was the next Agenda Item, 10.G. The SSC had no related recommendations on this issue but requested, on behalf of the SSC, that all data files associated with stock analysis and other analyses should be provided as text files and earlier than usual to the SSC before the next Council Meeting in American Samoa.

H. Public Comment

Hearing no questions and comments, the meeting moved onto Agenda Item 10.H, Public Comment, and Martin reminded the participants to fill out a yellow card if they wish to comment on American Samoa issues. Only one card was provided by Brookins and he made the following comments:

The numbers provided in the Rose Atoll report were biomass numbers and the associated declines reported could be due to a number of factors and that the analyses should be reviewed by the SSC before the Council uses this information in its decisions.

Contributing to the decline in nearshore fishing effort are: Readily available and relatively cheap pelagics by-catch fish and the increase in residents being employed where before they would spend a lot of time fishing. According to his data, the decline in scuba gear occurred a couple of years before the ban and he also mentioned that differences still remains between federal and local interpretations of Rose Island boundaries.

Chandler commented on the improper use of the phrase "recreational fishing" since there is no recreational fishing known to native Hawaiians and he also suggested that they should do their own decisions rather than someone else doing these for them, but needed assistance from the Council. Cultural perspective was important and they need to be part of the process of fisheries management.

I. Council Discussion and Action

Makaiau read out a recommendation about providing funding to DMWR for coral reef monitoring projects and Council members were asked for comments. After a few changes including the addition of "DMWR" in the language, the motion was voted on and carried with one abstention.

Duenas offered a second motion directing the SSC to review and evaluate the NOAA Coral Ecosystem Division Fish Survey Methodologies. After making a few changes, which included the need to provide the SSC in advance with all related information, the motion was passed.

Sword asked Council staff to read the next recommendation which was on the screen. The recommendation pertains to recreational fishing and the need to send appropriate recommendations to the Secretary of Commerce for inclusion in the Recreational Fishery Resource Conservation Plan. After discussions the motion was passed.

When Duenas requested a break so he could determine if there were additional recommendations from the AP and Plan Teams, Itano requested that Council may want to discuss his recommendation at that time before a break. Council staff then read the recommendation regarding aggregate information comparing U.S. purse seine fleet which are U.S. built and foreign-built vessels. Several comments were made including the bycatch discards, the scope and time to obtain and compile the information and the use of the preferred phrase "incidental catch". The motion was passed with one abstention.

Haleck provided a recommendation regarding assistance from the canneries for small-vessel infrastructure in association with government tax credits. There were discussions about vessel sizes definitions and the motion was later passed.

Young commented that the Coast Guard rarely board U.S. purse seiners because of the long distances they fish and that an owner of a U.S. purse seiner who has assisted the Coast Guard was in the Council meeting.

Duenas offered another motion, stemming from the American Samoa AP, regarding a request for American Samoa to be exempted from the National Recreational Fisheries Registration. Discussion that followed included the misuse of the phrase "recreational fishing" in relation to the indigenous people and making the request based on the adequacy of existing resource surveys. The motion was carried but with three abstentions.

Martin reminded Council members about the request from the Chair to prioritize choices

on Standing Committees.

11. Pelagic & International Fisheries

A. Pelagics Ecosystem Action Items

1. Hawaii Shallow-set Longline Fishery Management

Council Chair, Sean Martin begged the indulgence of the meeting to hear a presentation from a Hawaii longline fishermen on his direct observation of loggerhead mortality in Japan and Baja Mexico.

Oldenburg is a longline fisherman here in Hawaii and he summarized the impacts of the current regulatory regime for the Hawaii longline fishery. A study was conducted of the observer program data to determine how the sea turtle catch rates have differed since regulations designed to reduce sea turtle interactions came into effect in May of 2004 in the Hawaii longline swordfish fishery. The regulations required the swordfish fleet use the wider circle hook and fish bait instead of their conventionally-used narrower J-hook and squid bait. The turtle rate decreased when the swordfish fishery closed in 2001, and since reopening turtle bycatch has been reduced by approximately 90 percent across the board. For those turtles captured, deep hooking has been reduced by 60% for hard-shell turtles and 100% for leatherbacks. The percentage of turtles released without terminal gear has been reduced from 40 percent before the regulations were enacted were reduced to 74 percent. Target catch rates have changed as follows: swordfish went up 16 percent while the tuna species was down 50 percent. The opah, mahimahi and walu were down 34.1 percent. The shark catch was down 36 percent. Sea bird bycatch has been reduced by approximately 96 percent.

Oldenburg related how he had travelled to Japan and Mexico as part of the Tri-National Turtle Symposium in 2006. He traveled to Mexico and Japan and saw firsthand some of the things that were going on there. He related how he had talked to several groups of fishermen explaining the small changes that we made that had such a drastic effect on Hawaii longline bycatch and tried to get them to think of ways that they could also decrease their turtle bycatch. He showed examples of mass strandings of dead turtles in Baja California Sur. In the month of July a total of the 156 turtles washed up on the beach which represented only 15 to 30 percent of the dead turtles that actually make it to the beach. Oldenburg stated that there were observers on two fleets there. One was the gill net fleet and the other was the longline fleet. They observed 264 deaths of the loggerheads in the gill net fleet and 680 in the longline fleet. But interestingly enough, the gill net fleet consisted of 40 boats and the longline fleet was five or six. There was actually one instance where they made a set of 100 deep-set longline hooks and brought back 79 dead turtles.

In Japan, one of the major obstacles for the turtles was the pound nets. The gathering wing on this particular net was a kilometer long. There are two different kinds of pound nets. One is the open type, and the other with a mid-level enclosure. The mid-level enclosure doesn't allow the turtles to go to the surface to get air. When Oldenburg was in Japan in November, in the first 11 months of 2006 there were some 216 mortalities in three pound nets along the East Coast of Japan. The one bright spot, however, was that

this year there were over 10,000 nesting females, which is double what there was last year.

There was some brief discussion about pound net structures and whether captured turtles in Japan were consumed. They did not appear to be consumed.

a. NMFS Biological Opinion

Lance Smith, NMFS PIRO, provided a status report on the NMFS BiOp. Smith explained the details behind the analyses that were used to evaluate the impacts of the Hawaii longline fishery on the North Pacific loggerhead and Western Pacific leatherback populations. Smith explained how the proposed action, to remove the swordfish longline fishery effort cap was anticipated to effect humpback whales loggerhead, leatherback olive ridley, green, and hawksbill turtles. Smith indicated that for the purpose of the action they had analyzed the impact of 5,550 sets per year for the fishery as opposed to no set limit. He also illustrated how a quasi extinction analysis had been conducted on the nesting populations of logger heads in Japan and leatherbacks at Jamurspa-Medi in Papua, Indonesia. The BiOp had produced a no-jeopardy determination for the effects of the action, with an anticipated take of 46 loggerheads and 19 leatherbacks; however, due to uncertainties with leatherbacks NMFS decided to maintain the previous 16 leatherback take level for the swordfish fishery. These would then be the new hard caps for the swordfish fishery.

Discussion focused initially on the offsetting impacts of the Councils conservation actions on nesting beaches in Japan and Indonesia. These were not considered in the action but were mentioned in the BiOp as likely to be beneficial to the species. Other discussion touched on the expanding population of humpback whales, which now numbers some 18,000-20,000 and was increasing at 6-7% annually. There was a question about whether this would be listed under the Endangered Species Act as a Discreet Population Segment. Other discussion stemmed from the post-release mortality used in the BiOp and also on transferred effects including a recently published study which indicated that 2,882 additional turtle interactions, all species combined, that would not have occurred if the fishery would have remained open. There was also discussion of nesting frequency. The remigration interval is every several years and could range from two to nine years.

b. DSEIS Public Comments

NMFS published a Draft Supplemental Environmental Impact Statement for the Council's proposed action for public review on August 14, 2008, with comments due by October 6, 2008. Eric Kingma reviewed the comments received on the proposed action and indicated the preliminary responses to these comments.

Initial discussion focused on cetacean interactions with the shallow set longline fishery, primarily false-killer whales. There had been an interaction earlier this year but it was likely that this was with a larger Eastern Pacific population. There was some discussion about one of the environmental non-government organization from the Caribbean. Meghan Jeans, a representative of The Ocean Conservancy (TOC) clarified the comments

made to the Council, that the TOC staffer Jay Nichols had conducted field work in Baja, and that the comments made by TOC and the Caribbean Conservation Corporation you can't look at it on a relative scale in terms of impacts. She stated that it was necessary to address all of the impacts in fisheries in all stages of their life cycles in all regions around the world, as well, i.e. to take more of a comprehensive global view.

Itano made some comments about a recent scientific paper about the possible false killer whale population decline in Hawaii, which he suggested was highly speculative.

c. Recommendation on Management Measures for the Hawaii Shallow-set Longline Fishery

Kingma noted that based on the comments received to date there had been no substantial new information received which would cause the Council to modify its proposed alternative for the fishery. Kingma noted that there were no new alternatives stemming from the public comment received to date, and but that the Council needs to modify its action to be consistent with the Incidental Take Statement, i.e. 16 leatherbacks as opposed to 19 leatherbacks. There was no substantive discussion under this agenda item.

2. Recommendation on Management Measures for Fishing on FADs in the US EEZ of the Western Pacific Region

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. Further, the US fleet has rebuilt from a low of around 12 vessels in 2006 to about 30 vessels in 2008, with a potential cap of 40 vessels under the US purse seine treaty. 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 has been moving forward with the issue of purse seine fishing around FADs over successive Council meetings. At the 142nd then Council made the following recommendations:

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.

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.

Initial discussion was in response to a question from Bill Robison on what proportion of the total purse seine catch occurs in the U.S. EEZ, not just of the U.S. catch, but of the total catch. Overall, very little of the US fleets fishing activity occurred in the US EEZ but there were some years when a substantial proportion of the catch came from the US EEZ around Howland and Baker Islands. David Itano noted that a lot of the effort spikes in the PRIAs occur during El Nino Years on unassociated schools, in which case that eastern region becomes quite important for school fish around unassociated school fish setting. But also the area has become important for the U.S. fleet and drifting FADs as well. However, very little catch and effort occurs within the U.S. occupied EEZs of Guam, Marianas and Samoa.

Other discussion touched on the impacts of untethered FADs on seamounts. Manny Duenas noted that fishermen Guam have encountered anywhere from seven to ten FADs a year attached to reefs around Guam. Similar strandings of FADs had also washed up on beaches around Palmyra, Howland, Baker and Jarvis Islands. On the other hand drifting FADs also brought an aggregation of fish to an island which may benefit fishermen. It was also noted that member countries of the Western and Central Pacific Fisheries Commission are supposed to do, is develop a FAD management plan and within the guidelines that have been developed for a FAD management plan is to address those sorts of issues, what happens to derelict gear and what happens if there's damage caused by FADs. Turtle interactions with FADs were also discussed, with the observation that the Inter-American Tropical Tuna Commission (IATTC) observers report interactions between FADs and turtles. There also has been a few studies conducted in the Indian Ocean and the Atlantic on the development of turtle-friendly non-entangling drifting FAD.

3. American Samoa Longline Fishery Management

The level of turtle interactions in the American Samoa longline fishery is higher than the allowable take specified in the 2004 biological opinion (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. A fifth turtle was observed taken recently in 2008. At its 142nd meeting 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.

a. Management Measures to Minimize Turtle Interactions

Dalzell reviewed the potential options for modifying the American Samoa longline fishery which were as follows:

Alternative 1: No-Action

Alternative 2: Hook Depth Requirements

Require hooks to be set at least 100 meters deep.

Alternative 3: Hook Size and Bait Size Requirements

Require use of 16/0 or larger circle hooks with less than 10 degree offset, and largest practical fish bait

Alternative 4: Combined Gear requirements

Require hooks to be set at least 100 meters deep and use of 16/0 or larger circle hooks with less than 10 degree offset, and largest practical fish bait

Dalzell finished by posing the question did the Council want to adopt Alternative 2 as the Preferred Alternative.

b. Report of Public Meetings

During the week of July 21st, the Council held several meetings in American Samoa at which the issue of green sea turtle interactions with the Pago Pago-based longline fishery was discussed. Participants at the meetings included most of the operators of the American Samoa longline fleet. The longline operators were receptive to the proposal to remove the first two hooks nearest the float, given that the limited data suggested that this might achieve a 75% reduction of what is already a rare event.

c. NMFS Biological Opinion

Smith indicated that the level of take and uncertainties with respect to Pacific green sea turtles meant that PIRO was conducting a biological opinion on the action to be taken by the Council to minimize interactions with the American Samoa longline fleet.

4. WCPFC Vessel Marking

Kingma presented an amendment document for Council review which contained management alternatives for vessel marking requirements under the Pelagics Fishery Management Plan (PFMP) of the Western Pacific Region. To be consistent with vessel marking requirements under the Western and Central Pacific Fisheries Commission (WCPFC), the proposed action considered in this document would require vessels that are regulated under the PFMP and which fish on the high seas (i.e. beyond the U.S. Exclusive Economic Zone) in the Western Pacific Region to be marked with only their International Radio Call Sign, vessel name, and port of registry. Existing FMP vessel marking regulations would remain unchanged for vessels that do not fish on the high seas.

Initial discussion was concerned with the potential for conflict between the IATTC marking requirements, if any, and the WCPFC marking requirements since Hawaii vessels fished in both the eastern and western Pacific. Apparently there was no conflict as IATTC does not have marking requirements. Another discussion item was if there was a requirement to be on the list of fisheries to have the markings to be maintained on the vessel registry or list of vessels. It was noted that in order to be on the register of authorized vessel one of requirements would be to provide the vessel marking number, that is required by the WCPFC.

B. American Samoa and Hawaii Longline Quarterly Reports

A round up was presented of the latest quarterly reports from the two US longline fisheries in the Western Pacific by David Hamm

Discussion of the American Samoa longline fishery concerned the potential difference in fishing targets as skipjack prices were actually approaching those of albacore. There might have been some shallower setting to target skipjack. For the Hawaiian fishery, there was discussion about the reporting of pomfret catch and how much of this was comprised by targeted pomfret fishing that goes on at the Cross. Ito noted that much of the pomfret catch was reported to the State of Hawaii as it was caught with vertical and shortline gear.

C. American Samoa Longline Logbook/Observer Data Analysis

Bill Robinson commented on the availability of observer data from the American Samoa longline fishery for analysis of discards by PIFSC. Robinson noted that PIRO needed to provide more information on turtle bycatch and other bycatch in the American Samoa longline fishery. The onus was on PIRO to have the data keypunched for analysis by the NMFS-PIFSC. There were logistical problems with having an observer program in American Samoa. PIRO have tried to have observers remotely enter it online but the transfer rate of data is so low that an observer in between trips can not get his data input and transferred, and so this had to be discontinued. The data were being sent to Honolulu and a debriefer had been assigned to check all the longline data. There was additional discussion about how the observer information from American Samoa could be delivered in a more timely manner.

D. International Fisheries

A round up will be presented of recent and forthcoming international fishery management meetings.

1. WCPFC

a. Science Committee

Keith Bigelow reported on the fourth WCPFC Science Committee meeting was convened in Port Moresby in August. Several key stock assessments were reviewed, the most significant of which was on bigeye tuna which continues to be in an overfishing condition, i.e. $F_{\text{current}} > F_{\text{MSY}}$. SC4 recommended a 30% reduction in catches on bigeye to achieve the fishing mortality which would generate MSY.

b. US Advisory Committee

Bill Robinson reported that NMFS PIRO convened the first meeting of the US Permanent Advisory Committee (AC) to the US Commissioners for the WCPFC. The AC met under unusual circumstances due to the interpretation of the implementing legislation conflict of interest language. This meant that the Commissioners selected by the Administration by and large did not reflect the all the US pelagic fisheries in the WCPFC area, and that the advisors were not allowed to have any substantive discussions about the business of the WCPFC.

c. Northern Committee

Charles Karnella reported on the WCPFC Northern Committee which was convened in September in Tokyo. The main stocks reviewed at the meeting included North Pacific albacore, Pacific bluefin tuna, North Pacific swordfish, and North Pacific striped marlin. The most significant results from the meeting was that the Northern Committee adopted an interim reference point for northern albacore, and that would be the fishing mortality associated with the average of the ten lowest spawning stock biomasses over the past four years. The other result was a provisional agreement on freezing effort for bluefin tuna.

d. Technical & Compliance Committee

The TCC met in early October in Pohnpei, immediately prior to SSC and will review the compliance by members and cooperating non-members of WCPFC with the management measures and other requirements of the Commission. The TCC spent most of their discussion on the Regional Observer Program, VMS and the Chairman's Draft Conservation and Management Measures for Bigeye and Yellowfin. Other items would be dealt with by the Interim Working Group (IWG) between the TCC sessions and the WCPFC plenary

e. WCPFC Rulemaking

Tom Graham, NMFS PIRO, presented on the rulemaking being conducted by the Region on non-discretionary provisions arising from the US membership of the WCPFC. This was the first rulemaking to be conducted under the Western and Central Pacific Fisheries Commission Implementation Act. There were ten elements that required rule making these were as follows:

1. Authorization to fish
2. Vessel information
3. Vessel monitoring system
4. Vessel observer program
5. Vessel identification
6. Transshipment restrictions
7. Reporting
8. Compliance with laws of other nations
9. Facilitation of enforcement and inspection
10. Confidentiality of information

2. IATTC

The IATTC were due to meet in early November in order to try and reach consensus on a conservation and management measure for bigeye and yellowfin tuna in the Eastern Pacific Ocean.

Discussion initially focused on the inability of the IATTC to reach a consensus on a tuna conservation measure. It was likely that each member country would try to develop their own management measures. There was also discussion if the Council could take action on bigeye in the absence of an IATTC measure, such as imposing a TAC for bigeye. NOAA GC stated that the Council can take any action that was consistent with the Magnuson-Steven Act. Any Council action would be reviewed by NMFS, including how this would impact on international obligations and participation in international organizations. There was also discussion of the encroachment of vessels from the Eastern Pacific Ocean into the Western & Central Pacific Ocean, and about the restrictions which were placed on the US Commissioners to the WCPFC as a result of the implementing language and conflict of interest.

3. North Pacific Seamounts RFMO

Kingma reported on the emerging convention for the North Pacific Regional Fishery Management Organization. There is an existing agreement with Japan, Russia, and United States to develop measures for the Emperor Seamount Chain. The fisheries there are bottom trawl fisheries targeting armorhead and alfonsin, although the U.S. has never had a fishery. However, the Council is managing or has managed the alfonsin and armorhead stock as one of its Bottomfish Management Unit Species, and put in place a moratorium about 20 years ago. That moratorium is set to expire in 2010. Kingma had been attending the various meetings of the North Pacific RFMO, which will be consistent with the United Nations General Assembly Resolution, which calls upon regulation of these fisheries on the high seas. To date, these Member Nations of this agreement have met four times, and another meeting took place in October in Tokyo. This meeting was to developing the standards and criteria that are going to be used to assess significant impacts on Vulnerable Marine Ecosystems that occur at depths where these bottom trawl fisheries also occur at.

In the subsequent discussion it was noted that it would be desirable to remove armorhead from the overfishing list, given that it was not targeted by any US fishery and there was a moratorium on fishing the Hancock Seamount where the stock was located.

E. SSC Recommendations

Hawaii Shallow-Set Fishery

The SSC noted that most analyses of turtle population dynamics indicate that nesting beach problems have greater impacts than those caused by the Hawaii longline fishery. However, the SSC appreciates the uncertainty of projecting survival between hatching and the age of vulnerability to fisheries several decades in the future. However given the potential usefulness of such information, the SSC recommends that the Council approach population modelers, either within NMFS or elsewhere, to make the first attempt to produce these estimates, supporting information, and evaluations of confidence associated with the estimates. The SSC requests information from knowledgeable sources on how mitigating offsets or 'species recovery credits' are used in the conservation of other protected species.

American Samoa Fishery

Recommendation on Management Measures to Minimize Turtle Interactions

The SSC recommends that the Council and NMFS promote research on the stock structure of green sea turtles in the Pacific island area, particularly those that may interact with the American Samoa longline fishery.

Non-Longline Management (Action Items)

The SSC recommended the following actions with respect to management of purse seine fishing in association with FADs. The objectives of the proposed actions are:

1. to reduce the likelihood of local depletion of tuna stocks, especially skipjack;
2. to conserve bigeye tuna by reducing purse seine bycatch of juvenile fish;
3. to assist in enumerating FADs to improve definition of fishing effort.

For the purposes of this action, the SSC recommends classifying as FADs all floating objects within US EEZ waters of the Western Pacific Region that have been purposefully deployed, enhanced or instrumented

The SSC supports its previous recommendation to require each FAD exploited by purse seine fishing vessels to be individually and uniquely marked with the means (visible or electronically) to identify each FAD and its electronics package associated with vessel name, and be registered with NMFS.

The SSC supports option 2 as modified below:

2. In those US EEZ waters of the Western Pacific Region where purse seine fishing is allowed, prohibit deployment of purse seine FADs and Purse Seine Fishing on all FADs.

F. Standing Committee Recommendations

International and Pelagics Committee Chair, Manny Duenas presented the report from this standing committee.

The Standing Committee offered the following comments to NMFS concerning the forthcoming biological opinion for the Hawaii shallow set longline fishery. .

- Regarding the proposed sea turtle hard caps, and recognizing that the BiOp (and associated ITS) is not completed, the Pelagics Standing Committee recommends that the Council maintain its previous recommendations of turtle hard caps of 46 loggerhead interactions and 19 leatherback interactions; however, if the new BiOp indicates that these proposed hard caps would be inconsistent with the ITS for loggerhead or leatherback populations, and the Council would therefore reconsider its previous recommendation.

- Regarding the Council's sea turtle conservation projects, the Pelagics Standing Committee:
 - a) recommends that the Council maintain its previous recommendation that the Council's sea turtle conservation projects be continued and that NMFS, in its BiOp, include the results of the projects in the environmental baseline and in terms of recovery, as well as credit the results as they may offset the impacts of the fishery, as appropriate.
 - b) recommends that NMFS explicitly describe the successful results of the Council's sea turtle conservation projects in the BiOp and consider the results, in the effects analysis, in terms of current and future population benefits.
 - c) endorses the SSC's recommendation that the Council approach population modelers, either within NMFS or elsewhere, to make the first attempt to produce estimates on the number of hatchlings that would be required to offset fishery impacts, supporting information, and evaluations of confidence associated with the estimates, and further, that information from knowledgeable sources on how mitigating offsets or "species recovery credits" are used in the conservation of other protected species.
- Regarding transferred effects, the Pelagics Standing Committee recommends that NMFS fully analyze the issue of transferred effects in the BiOp, as an expanded fishery may reduce turtle impacts in other fisheries through increased consumption of environmentally friendly, Hawaii caught swordfish..
- Regarding the nearly complete BiOp, the Pelagics Standing Committee recommends that NMFS establish a policy to allow Council staff to review and comment on draft BiOps prior to finalization.
- Regarding the evaluation of marine mammal interactions with the fishery, the Pelagics Standing Committee recommends that NMFS use the best available science and up to date information regarding population trends, genetics, and stock identification. In particular, the 2008 SPLASH study indicates that the central north pacific humpback whale population has rebounded to pre-exploitation levels, and further, the evaluation of the impact of the Hawaii longline fishery on false killer whales needs to be accurately assessed based on scientifically valid stock boundaries.
- Regarding the public comments on the DSEIS, the Pelagics Standing Committee appreciates the comments provided by the public and federal and state agency comments, but finds that no new scientific or other information was provided to reconsider the Council's previous recommendations on regulatory modifications for the fishery.

2. The Pelagic & International Fisheries Standing Committee concurred to forward the recommendations stemming from the 99th SSC to the full Council meeting for consideration.

G. Public Hearing

Martin called for public comment on any of the agenda items. The first to speak was Brooks Takenaka. Takenaka's comments were as follows:

"I'd like to thank the Council for revisiting this swordfish and shallow-set fisheries issue. Two significant species of Hawaii marketing are the tunas and the swordfish, and the swordfish is important enough that a recent reality, our organization invested well over four million dollars to expand our facility, and the reason for this is because we are very serious about improving our swordfish marketing program. In addition to that, I can add that our wholesalers are also very much in favor of increasing the allowance of harvesting of our swordfish. But this position is important also because the data and the science have been positive and there is important I think support on the part of our market people as well in terms of the sustainable ways that we fish our species. So I would like to thank the Council for again revisiting this issue. I hope that you will vote in favor of allowing our swordfish fishermen to increase their harvest for swordfish. Thank you."

The next person to give public comment was Jim Cook whose comments were as follows:

My name is Jim Cook. I've been involved with commercial fishing in Hawaii for the past four years. I am a partner with Chairman Martin in Pacific Ocean Producers and other fishing and seafood related businesses in Hawaii. In my spare time I am the Legal Liaison Officer for the Hawaii Longline Association, and it's representing the Hawaii Longline Association that I am about today. Our membership would like to thank everybody involved in this very long, very difficult process; the Council members, themselves, all the Council staff, Chairman of the SSC and the SSC, Bill Robinson, Sam Pooley and everybody. I can't remember in the Council history -- although my memory is not real long, that such a collaborative effort has taken place over such a long time. The Hawaii Longline Association is directly -- has been directly involved with the Fisheries Service in this, and I think that it sets a new mark for collaboration that really resulted in a super product and a very defensible product, a product that we certainly are very proud of and that we hope that you endorse today. The primary finding, as you know, is that the effect of the action is not discernible from zero. I want to tell you that the effect of the action on the State of Hawaii's economy, the fishermen in the State of Hawaii, seafood industry of the State of Hawaii is quite easily discernible from zero. We're talking about a stock; for those of you who have been around for a few years here, that at one time we had a 13 million pound catch in the swordfish fishery here in Hawaii. We now have less than half of that. As we move forward, our intention is to go ahead and take this resource and improve the catch. I can see as time goes by that we have the potential to move up to 20 million dollars, and perhaps as much as 40 million dollars worth of catch. Spread out across the economy using a common multiplier of three, we're talking about a value to this state of 120 million dollars. It may be in a lot of your minds not a significantly large business for the State of Hawaii, I think it's becoming larger every day. It is important. We thank you very much and we hope that you will vote this in. Thanks."

The next speaker was Ricardo DeRosa whose comments were as follows:

"I just wanted to speak real quickly on the FADs in the EEZ closure that is on the table. There were some inconsistencies in the report that I just wanted to try and clear up. One, the first FAD shown in the photo is not a U.S. FAD. They mentioned in I believe it was Guam you have FADs washing up on shore with bamboo. Our FADs are not made with bamboo. That's an Asian FAD, along with the big tank. We don't use large things like that. So I think it's kind of blurring the issue between the U.S. fleet and the other international fleet that has some interesting practices, which we don't because being a U.S. boat, we're held to a much higher level than the rest of the fleets.

For example, we have -- we are the first ones to have 20 percent coverage of the observers, dating back to the '80s. We have VMS. We're the only ones with VMS. Just to give you an example of some of the other fleets, the Japanese fleet, for example, has just recently agreed to five percent coverage of observers by 2013. So the data that is used for these reports is skewed because it focuses mainly on the U.S. fleet, and obviously that's the data you have, that's what you've got to go with. But unfortunately, you need to take it with a grain of salt. One other thing that was mentioned in the report was the local tuna stock. To my knowledge, tuna is a highly migratory species. So I'm not sure -- maybe someone could clarify, but I've never heard of a local tuna stock, and that was one of the points they made about depletion.

Thirdly, FADs are drifting. So how are we supposed to keep them out the EEZs? Do we have to go pick them up if they enter the EEZs? Even though we planted them hundreds of miles away, are we now therefore responsible to go pick them up? The ownership and the logistics of this are pretty overwhelming. Now, one thing that I would like to say is the Council needs to be fair in all fishermen. The Council was set up to protect all U.S. fishermen in all U.S. EEZs. Now, since we fish a lot in international waters under an international treaty, we are even more so put under the international organizations for coverage. But it seems to me that we get picked on quite a bit, to be honest with you guys. I mean, I've seen all kinds of -- I just feel like we're cast aside for longliners. I have nothing against longliners. I have a lot of friends that are longliners, and it's just a different type of fishery. It's like apples and oranges. They both grow on trees, but other than that they're completely different. We don't catch turtles.

We don't catch whales. I think the last documented turtle was '78 in a U.S. net, and it was released unharmed. You can correct me if I'm wrong, but I believe that is correct. However, we've never had meetings. You have meetings in Samoa for longliners, and everything else. But there's never been a meeting called for purse seiners. There are never letters that we sent in, I've never seen them shown them in meetings, just to show our point of view. Some of it is very factually based. I mean, we've been out there for 30 years fishing in these EEZs and never had a problem. Another thing they show is the fleet increasing. Well, the way the federal law is written right now, only U.S. built hulls can fish in these waters. That's ten boats. One was just sold. That's ten boats. There was eleven. Now, you saw the small minuscule amount that we go in those waters, and to take

that away from us not only hampers us -- I have a U.S. boat and I am based in Pago Pago. It's a U.S. built boat. The boat has been there since '81. I'm just the manager. I'm not the owner. But my uncle has been fishing since he was 15. He worked his way up to build his own boat and it's a family operation, just like the longliners. Been there a long time. Of course, I let you guys know about the coverage. I completely agree.

I think VMS should be on every boat in the Pacific, period. There should be 100 percent coverage on every boat, period. We've had VMS a long time. We had to buy ours. I understand that the government actually bought them for the longliners. That's fine. But they're not an expensive piece of equipment. But that just shows again favoritism. It's not an expensive piece of equipment. It's a little bit more than a radio. A perfect example of what I consider to be favoritism is I flew out here this week and last week on my own dime to attend these meetings to see what was going on and to know what's being done.

At the Scientific Committee yesterday, or last week, I was told by the Chair that something needs to be done in the U.S. EEZs for bigeye before annual catch limits are put in place for the longliners. Now, does that seem fair to you guys? We're a U.S. boat. We pay taxes. We have every right to fish in there as everybody else, and I was told by someone on this committee, the Chair, that something needs to be done for the longliners. First of all, we don't target bigeye. We're not the bigeye killers. The foreigners have deeper nets, which catch more bigeye. If we do catch bigeye, it's smaller fish, not the breeding stock, and it's not a target species of ours. Okay. So we don't target them. We don't focus on them. And the vast majority of the bigeye is caught in the Eastern Pacific, not the Western Pacific. So to close these small little pockets to us, I just don't think logistically it's been thought out very well. I mean, how do you stop FADs when they drift. They talk about 50 boats, but there's only ten that can fish in the EEZ. Of that, over time, those will get replaced and it will become a moot point.

So I just think that a lot of this needs to be thought out a little bit better. I'm always available. If you need the industry opinion, I'm always at these meetings. I'm on the Government Advisory Council. I try to stay involved, and I just -- it needs to be done equitably and fairly for all fishermen regardless of type of boat and also regardless of what country they're from, especially purse seining is an international fishery. To pigeonhole us under U.S. law, which we already are and we're above board on every other fleet, and we don't mind doing that. We don't mind taking the first step. But we need to get everyone else to our level and then we'll take the next step. We don't mind leading, but we don't want to put ourselves way ahead of the game and everyone else dealing with five percent coverage by 2013, or worse. So those are my points. I thank you guys for your time. If you have any questions, I'd be happy to answer them to the best of my ability."

The last public comment was Jose Finni whose comments were as follows:

"Thank you. I'm Joe Finni (phonetic.) I've been a captain for over 35 years. I fish the Eastern Pacific and the Western Pacific. About many bigeye, Ricardo covered all the points I wanted to make. But about the bigeye, this seems to be a big problem. Bigeye is

not a U.S. problem. Bigeye is international problem. You go in the Eastern Pacific, the thermo cline is right there. The Western Pacific is right there. When I used to fish the Eastern Pacific we used to have ten strips, each strip got six fathoms. Right now they are using 22 to 26 strips. They more than double. In the Western Pacific, there was a big Spanish boat that came to Samoa, we investigated his net. He's got 53 strips. So he goes twice as deep as we go. He catches the bigeye. Not us. So as far as the U.S., god knows, we belong to the Coast Guard. We follow every rule."

Duenas commented that in reference to the US purse seine fleet, he thought if a vessel leaves the port, comes back to the port, provides jobs, gets provisions from that port, and offloads the fish in that port, that is part of that community. He expressed admiration and respect for those types of operations. He was concerned that the rebuilding of capacity in the U.S. purse seine fleet especially was about the Taiwanese built vessels boats, whereas he had great admiration and support for the old purse seine boats.

H. Council Discussion and Action

1. Regarding the Biological Opinion on the Hawaii shallow-set longline fishery and consistent with the incidental take statement contained in it, the Council recommended maintaining its action for a loggerhead sea turtle annual hard cap of 46 interactions, and modifying its action for the annual leatherback hard cap to continue to allow no more than 16 interactions.

This recommendation passed but Young voting against the motion.

2. Regarding the public comments on the DSEIS, the Council appreciated the comments provided by the public and federal and state agencies, but finds that no new scientific or other information was provided that would lead the Council to reconsider its recommendations on regulatory modifications for the fishery.

This recommendation passed but with Polhemus and Young voting against the motion and Robinson abstaining

3. Regarding the Council's sea turtle conservation projects, the Council recommended it maintain and expand its sea turtle conservation projects and that Council staff work with population modelers, either within NMFS or elsewhere, to produce estimates on the number of hatchlings that would be required to offset fishery impacts, supporting information, and evaluations of confidence associated with the estimates. The Council also directed staff to gather information from knowledgeable sources on how mitigating offsets or 'species recovery credits' are used in the conservation of other protected species and, pending the outcome of the modeling results, that NMFS consider including in future BiOps credits for the results of all such projects or activities that are found to offset the impacts of the fishery.

This recommendation passed.

4. Regarding future Biological Opinions, the Council recommended NMFS establish a policy to allow Council staff to review and provide the relevant best scientific information in draft BiOps prior to their finalization.

This recommendation passed but with Polhemus, Young, Duerr and Itano voting against the motion, and Robinson and Torres abstaining.

5. Regarding the evaluation of marine mammal interactions with the Hawaii longline fishery, the Council recommended NMFS use the best scientific information available regarding population trends, genetics, and stock identification when making such evaluations. In particular, the 2008 SPLASH study indicates that the Central North Pacific humpback whale population has rebounded to pre-exploitation levels. The Council further recommended that the impact of the Hawaii longline fishery on false-killer whales be assessed on the best scientific information available.

The recommendation passed.

6. With regard to fishery management measures to minimize green sea turtle interactions in the American Samoa longline fishery, the Council recommended the Council and NMFS promote research on the stock structure of green sea turtles in the Pacific Island area, particularly those that may interact with the American Samoa longline fishery.

This recommendation passed.

7. Given the positive performance of minimum hook depth regulations in other similar fisheries, the Council recommended Alternative 2 with a minimum hook depth of 100 m in the American Samoa longline fishery. The Council directed staff to work with the NMFS, fishermen, and the U.S. Coast Guard to develop gear configurations that are enforceable in the field. In addition, the Council recommends that the NMFS examine observer data to determine the ecological and economic impacts of requiring the 100 m hook depth requirement in this fishery.

This recommendation passed.

8. With respect to management of purse seine fishing in association with FADs, the Council adopted as the objectives of the proposed actions:

- a. to reduce the likelihood of local depletion of pelagic stocks and local fishery interactions;
- b. to conserve bigeye tuna by reducing purse seine bycatch of juvenile fish;
- c. to assist in enumerating FADs to improve definition of fishing effort and assigning responsibility for derelict FADs

This recommendation passed with abstentions by Young and Robinson.

9. Regarding FAD management, the Council reiterated its previous recommendation that

FADs be defined as all floating objects within US EEZ waters of the Western & Central Pacific Ocean that have been purposefully deployed, enhanced or instrumented. The Council recommended that each FAD be individually and uniquely marked with the means (visible or electronic) to identify each FAD and its electronics package with the associated vessel name, and to be registered with NMFS.

This recommendation passed with an abstention by Robinson.

10. Regarding FAD management in the PRIAs, the Council directed staff to develop an options paper, in consultation with USFWS, to examine the continuity of US built purse seine vessels to fish within the PRIAs, including options to regulate the use of FADs, prior to the next Council meeting.

This recommendation passed.

11. Regarding FAD management in other segments of the US EEZ in the Western Pacific, the Council recommended initial action on the prohibition of the deployment or use of purse seine FADs and purse seine fishing on all FADs in the remaining US EEZ waters of the Western Pacific Region where purse seine fishing is allowed.

This recommendation passed with abstentions by Polhemus, Young and Itano.

12. Regarding the Inter-American Convention for the Conservation of Sea Turtles, the Council directed staff to communicate the Council's concerns about the long-term continuity of the IAC to the Department of State.

This recommendation passed.

13. Regarding humpback whales, the Council directed staff to send a letter to NMFS requesting that they include in their recovery status review an examination of available information regarding whether the North Pacific population is, and should be categorized as, a distinct population segment. Included in this letter should be a request for the specific scientific criteria necessary to identify discrete population segments under the ESA.

This recommendation passed with an abstention by Robinson.

14. Regarding future meetings of the SSC the Council recommended data files associated with stock assessments and analyses be provided to the SSC at least two weeks in advance of the SSC meeting. Data should be provided as text files.

This recommendation passed.

Regarding final action on vessel marking requirements under the Pelagics FMP (PFMP) the Council recommended Alternative 2, which would amend PFMP vessel marking regulations to require PFMP regulated vessels that fish on the high seas to be marked

only with their IRCS number if assigned one (or USA followed by documentation number if not assigned IRCS), vessel's name, and port of registry; as well as allow PFMP regulated vessels that do not fish high seas to be marked with either their IRCS (or USA followed by documentation number if not assigned IRCS) or USCG or state/local jurisdiction documentation number, vessel's name, and port of registry.

This recommendation passed.

12. Administrative Matters & Budget

A. Financial Reports

Council Members were provided copies of a set of financial reports on all the tasks the council has within the five-year cooperative agreement. The council plans to work on a new five-year cooperative agreement, pending the end of the current agreement next year. The council will be meeting with NMFS in February for the Interim Council Chairs and Executive Directors meeting, with one of the topics being the PBS.

The budget reviewed consisted of the same budget used for the last four years; turtles, coral reef, regulatory streamlining and West Pac Fin. The budget for West Pac Fin is used to help islanders travel to West Pac Fin Meetings or to data meetings that are posted by SPC and other international organizations. Hearing no questions, Simonds moved on to the Administrative Report

B. Administrative Reports

Council members were briefed on matters detailed in the Administrative Report. The Council recruited a Protected Species Coordinator, scheduled to come onboard November 1. The annual audit was also completed with the Council receiving an unqualified opinion, which each Council member was provided a copy of. In the councils management report it was recommended to the Council that the Council update QuickBooks Software and keep track of the dollars amount at the end of the year for sick and annual leave. The Council hired John Edmiston Enterprises to review the internal controls. Edmiston provided guidance to the staff on changing operating procedures, as well as the SOPP. A copy of the both SOPP's was provided to the Council's lawyers to review suggestions made by Edmiston. The council was waiting for a response from the NMFS lawyers about the SOPPs currently in place.

Also included in the report was a list of meetings that staff coordinated, developed or worked with. Financial disclosures of Council members are provided on the website and in the report. The Council received guidance from NMFS on acceptance of gifts. A copy of an email from NMFS was also provided regarding new council member training and who NMFS determines should be trained.

Two additional documents in the report regarding internal controls discussed indirect costs and that the Council charges the government 15 percent across the board. The Grants Office has proposed doing indirect costs instead of different administrative costs. Edmiston will prepare a document for the Council to review in March. Pending the decision from that review, the document will be sent off to the Grants Office for '09.

Additionally, the report contained the 2008 Council member travel and compensation list which includes compensation for the 143rd meeting and training.

C. Meetings and Workshops (Calendar)

A meeting list was provided to Jane Luxton, Head of Delegation. The Council is making a request, in reference to the participation of representatives from the three island governors, that alternates are appointed.

D. Council Family Changes

Council Members were provided with all of the Advisory Panel members who applied for the next two-year term. Included in the packet was a one-sheet summary of the appointments that the Council received from each of the island areas.

E. SOPP

1. Status of NMFS SOPP Review

2. Report on Internal Control Review

No contributions. Status is ongoing

F. Standing Committee Recommendations

No Standing Committee Recommendations

G. Public Comment

No Public Comment

H. Council Discussion and Action

1. Recommendation for outreach and engagement, direct Council staff to write a letter to the Secretary of Commerce and NOAA Administrator requesting that a Regional Fishery Management Council be formally included in relevant education and engagement strategies, structures, et cetera for NOAA and the Regional Fishery Management Council's efforts, and. That increased funding for education and/or engagement be allocated to the Regional Fishery Management Council, as well as the Science Center, Regional Office and Headquarters Program Office.

This motion was moved and seconded.

2. Direct Council staff to write a letter to the NOAA Administrator requesting that NOAA Offices in the Western Pacific Region include the Western Pacific Regional Fishery Management Council in efforts to coordinate education and engagement efforts, including but not limited to any NOAA Communication Group Meeting, NOAA Communication Crisis Plan, et cetera.

This motion was moved and seconded with one abstention from Robinson.

3. Motion that the Council instruct the Executive Director to continue on the proposed budget for 2009 as reviewed by the Council.

This motion was moved and seconded with one abstention from Young.

13. Other Business

A. Election of Officers

At the request of the Chairman the Vice-Chairs met and discussed the issue with their own representatives regarding the recommendation that the status quo be maintained. Such as Vice-Chairs from the respective island areas and the current Chairmanship. No dissension as to any position or concerned was raised.

This motion was seconded.

B. Next Meeting

Duenas moves that the council adopt the Advisory Panel recommendations from the different island areas, the list of names as presented to the Council for review.

The motion was moved and seconded.

Discussion on the adoption of the Advisory Panel Appointments was called for question.

The Motion carried.

The Council is to be notified within ten days of Committee Appointments for the next Council Meeting.

(Council Meeting Adjourned)