



**WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL**

**MINUTES OF THE  
144th MEETING of the WESTERN  
PACIFIC REGIONAL FISHERY  
MANAGEMENT COUNCIL**

**March 24-26, 2009  
Held in Pago Pago, American Samoa**

Governor H. Rex Lee Auditorium (or Fale Laumei)  
Department of Commerce  
Government of American Samoa  
Pago Pago, American Samoa

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

APPROVED BY COUNCIL:

July 22, 2009

CERTIFIED BY THE CHAIR:

Sean Martin

Sean Martin, Chair

Western Pacific Regional Fishery Management Council

Note: The recording of the 144<sup>th</sup> Council Meeting was problematic due to malfunctions of the recording equipment. As such there are several sections of the meeting where comments were inaudible, as noted in these minutes.

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## **1. Introductions**

The Western Pacific Regional Fishery Management Council was called to order by Chairman Sean Martin on March 24, 2009. The following Council Members NOAA General Counsel (Pacific Islands) and the Council's Executive Director, were in attendance:

- Don Palawski, US Fish and Wildlife Service
- CDR Jay Caputo, US Coast Guard
- Dan Polhemus, State of Hawaii Department of Land and Natural Resources, Division of Aquatic Resources
- David Itano, Hawaii Council Member
- William Sword, American Samoa Council Member
- Ray Tulafono, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Fred Duerr, Vice Chair, Hawaii Council Member
- Stephen Haleck, Vice Chair, American Samoa Council Member
- Sean Martin, Chair, Hawaii Council Member
- Kitty Simonds, Executive Director
- Manuel Duenas, Vice Chair, Guam Council Member
- Ben Sablan, Vice Chair, Commonwealth of the Northern Mariana Islands (CNMI) Council Member
- Ignacio Dela Cruz, CNMI Department of Land and Natural Resources
- Fred Tucher, NOAA Regional Counsel
- Elena Onaga, NOAA Regional Counsel
- Paul Callaghan, Chair, Scientific and Statistical Committee (SSC)
- Joe Torres, Guam Department of Agriculture
- Bill Robinson, Regional Administrator, National Marine Fisheries Service (NMFS), Pacific Islands Regional Office (PIRO)

## **2. Welcome from American Samoa Governor**

Haleck welcomed everyone in Samoan. He also provided the introduction for the opening ceremony. There was an opening ceremony conducted in Samoan and English languages. Haleck then introduced the Governor of American Samoa.

Governor Togiola Tulafono, welcomed the Council and commended the members on bringing the meeting to American Samoa and for advocating for local fishermen, local communities, and local jurisdiction. He also provided background on the proclamation of the Rose Atoll Marine National Monument and explained the purposes for its creation. He said that "It's good not only for our own fisheries, but for conservation purposes." He asked for the Council's help in pushing ahead with the management plan for the Monument and to help ensure that American Samoa is an equal partner in the management process. He stressed the need for American Samoa to be at the same table and with an equal voice in all management decisions on the territorial resources. Governor Tulafono also said they look forward to building local capacity and providing opportunities for fishermen. He advised the Council that when developing projects for fishery development in American Samoa, the Council needs to emphasize how those funds should be allowed to help and build up local programs and not

simply replace existing local efforts. In his conclusions, Governor Tulafono said he supports the effort to utilize Hawaii fishing vessels to help American Samoa fill their bigeye tuna quota, but cautioned that this is a new effort and something they don't know where it's going to take them. He wanted to make sure that if it becomes a conflict between the quota and the elimination of the fishing capacity of their local fishermen, he asked that the Council reconsider that effort and instead help build up the local fishery and local fishing capacity in American Samoa.

### **3. Approval of Agenda**

Martin provided a change to the agenda, adding an item F.6, a report from the National Park Services Invasive Species Project for Wednesday, March 25, 2009.

Duenas moved to adopt the agenda as changed. Sablan seconded Martin called for discussion. Hearing none, he called for the question.

The motion carried and the agenda was approved.

### **4. Approval of 143rd Meeting Minutes**

Duenas moved to approve the minutes of the 143<sup>rd</sup> Council Meeting. Sablan seconded. Martin called for discussion. Hearing none, he called for the question.

The motion carried and the minutes were approved.

### **5. Agency Reports**

#### **A. National Marine Fisheries Service**

##### **1. Pacific Islands Regional Office**

Robinson provided the NMFS PIRO report. His update on recommendations and rulemakings that occurred since the last meeting included the approval of: Amendment 15 (adding three new species of squid to the management unit species (MUS) and establishing permitting and reporting for squid jig fishing vessels) to the Pelagics Fishery Management Plan (FMP); Amendment 13 (adding deepwater shrimp to the MUS and establishing permits and reporting requirements) to the Crustaceans FMP; and Amendment 10 (reporting requirements for the commercial bottomfish fishery in the CNMI) to the Bottomfish and Seamount Groundfish FMP. His report on the Main Hawaiian Islands (MHI) bottomfish fishery noted that NMFS published a proposed Total Allowable Catch (TAC) for the deep-seven fishery at 241,000 lbs.

Robinson also reported on the proposed rule for compensation for Northwestern Hawaiian Islands bottomfish and lobster fishermen affected by the closure of the fishery by the NWHI Marine National Monument. Regarding the new Pacific Monuments, Robinson said that they are working on implementing the explicit provisions of the proclamations with the US Fish and Wildlife Service (FWS). He also reviewed the permits that were issued in 2008 for those fisheries in the western Pacific region that are required to have permits and updated the Council

on the NMFS PIRO protected species program, habitat conservation division, international program, and observer program.

Concern was raised about the Council not being updated on the management/monitoring of the purse-seine fishery by NMFS PIRO and Robinson was asked to provide this at a future meeting as part of his report.

## **2. Pacific Islands Fisheries Science Center**

Samuel Pooley, Director of the NMFS Pacific Islands Fisheries Science Center (PIFSC), first reported on coral reef surveys being undertaken in the Pacific Remote Island Areas (PRIA) and the Hawaiian Islands. He also reported on the PIFSC work being done on ecosystems and oceanography by Don Kobayashi, Jeff Polovina and George Balazs. Pooley also reported on the stock assessment for the MHI bottomfish fishery being conducted by PIFSC.

Duenas asked if the NMFS PIFSC was considering cooperative research projects for the Marianas Archipelago. Pooley responded that according to the Magnuson Stevens Fishery Conservation Management Act (MSA), the Council is responsible for identifying a range of priorities from which PIFSC works on projects.

Duenas also asked if the current coral reef cruises being conducted by PIFSC is in support of the current concept of expanding the Marine National Monuments in the Pacific. Pooley responded that the cruises are part of a long-term monitoring project and are not designed to address management issues. He said it is up to the jurisdictions on how they use the data that was collected.

Haleck asked if there were any plans to do bathymetric surveys in American Samoa. Pooley responded that there are PIFSC projects being conducted off and on in American Samoa. They are in favor of doing the surveys, but he had to check if there were any plans and will report back to the Council at the next meeting.

Sablan asked if there were any plans to survey the *Heterocarpus* stocks in the Western Pacific now that it is an MUS. Pooley said there are no current plans, but no reason why they could not do it.

## **B. NOAA General Counsel**

Tucher said that there was nothing to report.

## **C. US Fish and Wildlife Service**

Palawski provided an update on the role of Fish and Wildlife Service in relation to the three new monuments. He said that the Presidential designation of the three monuments basically prohibits extraction of protected resources within the monument to ensure the care and management of those resources, with the FWS as the lead agency for the Secretary of the Interior on the implementation and management of the new monuments. Palawski also provided

background on the discussions that initiated the process of developing management plans for the monuments, particularly in American Samoa.

Sablan asked if Palawski would consider the Mariana Trench Marine National Monument as a National Refuge. Palawski responded that only the Marianas Trench Unit and the Volcanic Unit (submerged lands, not the water column) were incorporated in the National Wildlife Refuge system, but not the Islands Unit.

Sablan asked about how those two units would play into the CNMI's submerged lands issue. Palawski responded that the Volcanic and Trench Units were outside the three mile designation, but the CNMI government must work with the Federal government to discuss management of the Islands Unit.

Duenas asked if research will be allowed in the Trench or Volcanic Unit to see if energy could be harvested to use in the Marinas. Palawski responded that they are just initiating the management process and it is important to hear such comments to be included in the alternatives for the management plan.

#### **D. Enforcement**

##### **1. Coast Guard Enforcement Report**

LCDR Caputo provided the US Coast Guard (USCG) enforcement report covering the period from the September 19, 2008 to February 10, 2009. He reported that USCG assets participated in Operation Island Chief, which involved patrolling the Exclusive Economic Zone between Guam and the Federated States of Micronesia (FSM) with a FSM ship-rider. No encroachments of the Guam EEZ by foreign fishing vessels were noted during these patrols. Five Japanese-flagged fishing vessels were boarded within FSM's EEZ and the FSM ship-rider issued minor violations to all vessels.

Patrols of the Hawaiian Islands, Kingman Reef, Palmyra Atoll, Jarvis Island and American Samoa EEZs were conducted during the period. A patrol within the Cook Islands EEZ with an embarked Cook Islands ship-rider was also conducted. The Taiwanese-flagged fishing vessel Kao Jie No. 1 was boarded in the Cook Islands EEZ and a significant documentation problem was discovered.

From a boarding in American Samoa, the US Fishing Vessel Pacific Horizon was found to be carrying a small quantity of shark fins without associated carcasses, as required by the Shark Fin Prohibit Act. Other boardings on American Samoa-based US fishing vessels identified potential paper captain issues and numerous Commercial Fishing Vessel Safety discrepancies.

Under Western and Central Pacific Fisheries Commission high seas boarding and inspection procedures, the Korean-flagged Fishing Vessel Oryong No. 317 was boarded with no violations detected.

Patrols of the Papahānaumokuākea Marine National Monument were also conducted during the period. A US longline fishing vessel was observed by Coast Guard District 14

enforcement staff, via NOAA VMS, engaging in activity consistent with longline fishing in the Monument. The Coast Guard was unable to provide a law enforcement response resource to document the vessel's activity while inside the Monument.

A patrol was conducted with Kiribati-embarked ship-riders in the Kiribati EEZ, resulting in the boarding of the Japanese-flagged Fishing Vessel Koei Maru No.1. During the boarding, multiple violations of Kiribati law were noted by the ship-rider. The vessel was subsequently seized by Kiribati for these violations and CGC Rush assisted in escorting the vessel to Christmas Island. Also under WCPFC high seas boarding and inspection, the Chinese-flagged Fishing Vessel Liao Jin Yu 58 and Japanese-flagged Fishing Vessel Keoi Maru No. 8 were boarded southwest of the Jarvis Island EEZ. No violations of WCPFC conservation and management measures were noted during these boardings.

The USCG also participated in the enforcement of the Hawaiian Islands Humpback Whale National Marine Sanctuary enforcing provisions of the Marine Mammal Protection Act and Endangered Species Act. Caputo concluded that D14 staff attended several fisheries enforcement-related meetings over this reporting period.

Duerr asked how the Hawaii-based longline vessel believed to have been fishing the Monument was detected. Caputo stated that they were looking at it on VMS.

Duerr stated that without visual observation, one can't tell what they're doing. Caputo affirmed that unless they have visual confirmation, they don't know whether they're fishing or not.

Itano stated that at a Council meeting last year there was discussion about the ability of the US longline fleet to help monitor illegal fishing activity by foreign fleets. He mentioned that a recent research cruise east of the Line Islands encountered a purse seine vessel engaged in apparently illegal activity. The Council recommended that the USCG make both an e-mail and a phone number available to the fleet.

Itano asked for the status on this issue. Caputo responded that there have been discussions with NOAA OLE about producing a sticker or a magnet, with the Command Center's phone number and e-mail.

Duenas asked if the logbooks are correlated with VMS. He also asked that in future reports, that the vessel type, e.g. longliner, purse seiner, is included.

Caputo agreed to provide the vessel type in the next report. Regarding the correlation, they try to match as best they can the VMS and the visually observed positions by enforcement aircraft. If a boarding is involved, they obtain the logs and try to correlate that information with VMS. Caputo admitted that it is not as easy as it sounds. Duenas mentioned that they could also check onboard GPS plotters, which track fishing locations.

Tulafono asked for more information on USCG ship-rider agreements.

Caputo said they have five bilateral ship-rider agreements: Palau, FSM, RMI, the Cook Islands and Kiribati. Taking an enforcement officer onboard a Coast Guard cutter allows the USCG to operate in their EEZ and basically act as a platform for the ship-riders to enforce their laws and regulations.

Sablan asked if there are surveillance plans for the CNMI EEZ.

Caputo answered that the USCG plans to survey all of the EEZs within the 14th Coast Guard District's area of responsibility, which includes the CNMI. Since the USCG is a multi-mission service, they must also coordinate other missions with fisheries enforcement.

Sablan asked if the Coast Guard is planning to locate cutters in the CNMI to patrol the new monument as well as the EEZ.

Caputo stated that the decision to add new units ultimately lies with USCG Headquarters. As the CNMI is often the remote location, they have requested additional high endurance cutter patrols. The current level of USCG support for the CNMI EEZ is one high endurance patrol approximately 60 days out of the year.

Sablan stated that because of the remoteness of the Northern Mariana Islands, foreign fishing does occur in the area. Last year, there were five foreign vessels detected, with three likely to be in violation of fishing inside the US EEZ.

Caputo replied that they would love to have additional patrol assets for District 14 to conduct patrols in the CNMI. They have requested additional patrol hours for District 14 from Headquarters.

Duenas noted that those violations were very close to the designated monument area.

Itano stated that purse seiners are using the TAU array of oceanographic buoys in the equatorial Pacific as fish aggregation devices. Last year, CDR Young appreciated learning that information and said he would notify USCG flyover pilots to check these buoys specifically for fishing activity, particularly on the 155 West longitude.

Caputo replied that an outcome of a completed comprehensive review of their procedures for C-130s is giving pilots increased detailed instructions and locations to take advantage of additional opportunities, such as flying over those buoys.

## **2. NOAA Office of Law Enforcement Report**

Scott Yamashita provided the NOAA OLE report.

Tulafono recognized the support from OLE in American Samoa and requested that OLE conduct fish identification training for American Samoa enforcement officers similar to what had been done for the Coast Guard and Hawaii Division of Conservation and Resources Enforcement (DOCARE).

Duerr asked if the interviewed captain of the Hawaii-based longliner was the same person referred to in the Coast Guard report. Yamashita answered yes.

Duerr asked for OLE to investigate, if it does not need to visually observe fishing, only reason to believe that they were fishing. Yamashita said that yes that is correct.

Duenas commended OLE for providing additional assets and another agent on Guam. He stated that more outreach with the community on sea turtle issues is needed on Guam as well as outreach on conservation and management for other resources.

Sablan stated that outreach in the Marianas is needed so that fishermen are aware that the new bottomfish rules.

### **3. Status of Violations**

Alexa Cole provided the status of violations report and mentioned that it was revised from the version in the briefing books. The new summary settlement schedule is also available. There were eleven cases forwarded during this period, and 13 previous cases were charged. A settlement of \$650,000 was collected from a private company owned an Ecuadorian flagged purse seiner that was detected fishing in the US EEZ. The money is deposited in the Sustainable Fisheries Fund.

Itano asked what gear type was responsible for the sea turtle interaction under number 7 of her report. Cole answered longline.

Itano asked if they had an observer on board. Cole replied yes.

Itano asked if the observer reported the interaction and if her violation was issued based on that. Cole answered they did prosecute based on the observer report.

Duenas asked if payment of a fine, takes the vessel off the WCPFC Illegal Unregulated or Unreported (IUU) list. Cole replied that it is unclear whether paying a fine removes a vessel from the list because the WCPFC IUU list is controlled by countries, with different opinions.

Dela Cruz thanked Cole and OLE for training their conservation officers and asked when CNMI could expect the check for \$390,000 relating to the Taiwanese flagged foreign fishing incursions. Cole said they can expect it as soon as NOAA gets it.

Sablan asked if Cole would work with the CNMI government on outreach for local fishermen and tourist for compliance of FMP regulations. Unfortunately, Cole's response was inaudible

Martin stated that the failure to use properly marked longline floats is an issue that has not been properly settled and further vessel marking requirement have not been reconciled between the IATTC and the WCPFC. He thinks these issues should be better clarified.

## **E. Public Comment**

Wesley Bosnan from Friends of Monument stated he has lived in CNMI for 15 years and served as Assistant Attorney General and in private practice in CNMI. More than 6,000 people signed a petition addressed to then President George Bush asking that the Monument be created. Over 500 individuals, including students from different schools expressed support. A further 400 people participated in public hearings, and 200 business owners expressed their support for the creation of the Monument. Bosnan added that the Friends of the Monument want Fish and Wildlife to review the language of the Proclamation regarding recreational fishing within the monument boundary.

Carlos Sanchez asked Bill Robinson if one can have a license without having a boat or a boat that is planned to be built. Robinson's response was inaudible.

Martin adjourned the meeting for lunch.

## **6. New Monuments**

### **A. Review of US Historical Catch, Effort & Permits**

Bill Robinson reviewed the Secretary of Commerce's obligations as directed by the proclamations and the number of permits in the areas where the monuments were designated.

Marcia Hamilton provided catch and effort information in the areas where the monuments were designated.

Itano asked about the level of purse seine catches in the PRIA. Hamilton provided the catch by area, and apologized for not having a total level of catch.

Duenas asked that in the absence of historical data verifying participation in and compensation for any type of fishery that may have existed in the areas, there is information of years of historical seafaring tradition in the Mariana Islands. The permitted and documented catch information is obviously absent, but there is traditional and archaeological information that indigenous peoples of the Marianas have used area waters for the last maybe two or three thousand years. He asked if that will be part of the compensation due the villages in the different highland areas, as opposed to compensating only permitted fishery participants. Unfortunately, Robinson's response was inaudible.

Duenas noted that he is going to lose his traditional rights, and that they are documented seafarers. This scenario is true for American Samoa and the Manua Islands fishers who have been to Rose Atoll, but have never kept a receipt book reporting fish caught. He hopes that they are included in this process, and not just provided a consultation on the regulations, take it or leave it. The tradition in the Pacific is how you share the food. However, within modern society, fish caught, brought home and shared with the community, must still account for fuel and engine

repair..

Duerr asked if traditional fishing has to use traditional materials. Unfortunately, Robinson's response was inaudible

Sword asked about the wording regarding the Rose Island Monument as an extension of the Fagatele Bay National Marine Sanctuary. Hamilton stated that the Secretary of Commerce shall follow the National Marine Sanctuary Act in the extension process.

Haleck said only one scoping meeting was held with about four or five people attending. Among items requested for the American Samoa government was the 12 nm closure and co-management. However, the federal decision set a 50-mile closure and no co-management with American Samoa. He stated that is discouraging when federal agencies come to American Samoa to ask the public to share their concerns and thoughts, but their comments are set aside and the agencies do what they want to do.

Polhemus commented that he found the Fagatele Bay Sanctuary clause quirky, in that it created a monument under the Antiquities Act and then directed its designation to be part of the Sanctuary. He noted that it is not unusual to have discontinuous units and cited the Hawaii Humpback Whale Sanctuary and the Florida Keys Sanctuary as examples.

Sablan stated that fishing would be allowed in the volcanic unit, but not if the fishing makes contact with the bottom. Robinson affirmed that statement.

Sablan stated that Esmeralda Bank off Tinian, a fishing ground for many bottomfish fishermen, is listed as part of the volcanic unit.

Palawski responded that the important problem is if the bottomfish fishing impacts the bottom. It appears that Sablan has good information that USFWS needs to consider for the development of the management plan. Sablan noted that there are many activities to be identified through discussion with the people of the Marianas.

Palawski stated it was good to discuss these issues in the Council, which is responsible for developing the fishing management regulations in the monuments.

Tulafono was concerned with the process to develop fishing regulations and its incorporation into the Magnuson Steven Act and National Marine Sanctuaries Act.

Robinson replied that although two management plans for Rose Atoll are mentioned, they are only contemplating one. Under the National Marine Sanctuary Act, the Council makes the initial effort regarding fishing regulations in the sanctuary.

Duenas stated that even if CNMI gains control from 0-3 nm from Congress, the monument areas remain federal. He noted promises made to the CNMI government by the federal government, but it appears none will be realized. He stated that it is an injustice to the people of all of territories given promises of lots of money and other things, but only one that

came through was closure of their traditional areas.

Sword said that he appreciated what Robinson was saying on cooperation and working together, but the promise of the \$9 million lab will not happen.

Duerr asked Polhemus if Native Hawaiians claimed the Northwestern Hawaiian Islands as ceded lands. Polhemus responded that all submerged lands are ceded lands zoned in conservation in the State of Hawaii.

Duerr noted that while this is a legal issue, a Native Hawaiian recently asked him how the government could have given away these lands.

Polhemus responded that in the Northwestern Hawaiian Islands Monument, the State of Hawaii retains its jurisdiction over the lands. The State signed the Memorandum of Agreement with the US Secretaries of Commerce and Interior to include them in the Monument co-management. Hence, there was no taking of ceded lands.

Palawski stated that Rose Atoll National Wildlife Refuge, created by a Cooperative Agreement between the Government of American Samoa and the Fish and Wildlife Service, was actually a legislative resolution approving the creation of the Refuge. The boundary of the refuge is the mean low water mark on the reef perimeter at Rose Atoll. The Territorial Submerged Lands Act entailed the US government to give back their territorial waters to the Virgin Islands, Guam and American Samoa. But a provision in that law that if deemed appropriate by the federal government, it could retain possession of the federal waters.

For Rose Atoll, federal waters are basically from the perimeter of the reef out to three miles and were never given back to the Government of American Samoa. While the US Fish and Wildlife Service has a history of developing a cooperative working relationship with the American Samoa Government, there were many surprises in these proclamations with difficulties and differences of opinions in how to move forward. The management plan process is a way to ensure that the issues in American Samoa, the Commonwealth of the Northern Mariana Islands, or Guam are addressed in the plans. Scoping meetings on those plans may begin this summer.

Haleck asked about the process of obtaining a permit and what is required to go fishing Northwestern Hawaiian Islands. Polhemus responded that all activities in the Monument require a permit, an affidavit for which can be applied for through its Web site or by hard copy. A special class of permits exists for Native Hawaiian cultural use, which is reviewed by the staff, the Monument Staff, and the Monument Management Board. Permit for activities in State waters go before the State Board of Land and Natural Resources. The process takes about 60 days.

Dela Cruz asked if the President has the authority under the Antiquities Act of 1906, enacted for the preservation of American antiquities, to create all of these Monuments. None of the four monuments as they were established falls under that definition for antiquities, but are territories. He asked if NOAA's legal counsel could research whether the President has the authority to use the Antiquities Act of 1906 to create these monuments. Unfortunately, NOAA GC Fred Tucher's response was inaudible.

Sablan stated that he is concerned about the treaties signed by the US that may allow foreign fishing in within the monument. Robinson stated that only innocent passage is allowed for foreign vessels.

Martin said innocent passage is not afforded in the Northwestern Hawaiian Islands and domestic vessels are subject to strict reporting requirements with significant penalties. He also stated that some in the environmental community are disappointed that the monument designations are limited to 50 miles around the PRIA. There is an initiative to change that.

Duenas noted that the Western Pacific Region is one of the most restrictive areas for any type of fishery in the US. The argument that the monuments are in need of protection is not really true.

Itano stated the maintaining the right for innocent passage for domestic vessels is important as well as for foreign vessels.

Duenas added at least 50 percent of the marine conservation areas of the US inventory are located in the islands where native inhabitants live.

Sablan asked if the proclamation prohibits all kinds of commercial fishing, without the new or legal regulations. Robinson answered yes.

## **B. Public Comment**

A public comment was made but was out of range of recording microphone.

Henry Sesepasara in his public comment stated that the proclamation's 50-nautical mile closure around Rose Atoll is inconsistent with boundaries of existing Council's 50-nautical mile closure, a problem for American Samoa longline vessels. The Council should also recognize the loss of revenue for non-longline fishermen not being able to fish in these closure areas as another concern.

## **C. Council Discussion and Action**

Haleck offered two recommendations, and asked Hamilton to put them on screen and read them.

Hamilton read the following: **that Council staff, PIRO and USFWS staff work with the Guam, American Samoa and CNMI governments on the development of regulatory definitions for sustenance, subsistence, recreational, traditional indigenous, and other definitions as appropriate for fisheries management in the newly established monuments.**

Haleck put that forward as a motion. Sablan seconded the motion.

Robinson asked why an options paper is needed when the Proclamation explicitly

prohibit commercial fishing. No other option is available to the Council other than to prohibit it.

Martin responded the options paper could do that. Hearing no more discussion, Martin called for the question.

The motioned passed by voice vote with two abstentions by Robinson and Polhemus.

Haleck asked Hamilton to read the second recommendation.

Hamilton read the following: **That the Departments of Commerce and Interior develop a Research Program designed to understand the various ecosystem-related impacts associated with Marine National Monument designation in the Pacific. The Research Program should include, but not be limited to the following specific topics: changes in fish biomass or size structure, changes in species composition, changes in benthic habitat composition, spillover effects, protected species abundance estimates and usage rates within the Monuments, local socio-economic impacts. Furthermore, that DOC and DOI provide access to local government agencies for the purpose of conducting research germane to local fisheries management and stock assessment needs.**

Haleck offered a motion. Sablan seconded the motion.

The motion carried by voice vote with two abstentions by Robinson and Polhemus.

## **7. Program Planning**

### **A. Program Planning and Research**

Council staff reported and no questions were asked.

#### **1. Update on Small-Scale and Traditional Fishing Research Recommendations**

At its 143<sup>rd</sup> meeting, the Council recommended that the Social Science Research Planning Committee prepare summaries of the research projects that would be needed to meet the Council's social science research needs regarding potential definitions of small-scale and/or traditional fishing. The Council was provided with an update on this project.

#### **2. Identification of Marine Conservation Areas (i.e. exclusion, protected species, deep water conservation, limited entry, refugia zones) (Action Item)**

Council staff presented an overview and update of the National System of Marine Protected Areas and expressed that they may want to recommend inclusion of the various marine managed areas in the Western Pacific region into the National System.

Duenas expressed concern that once this inventory is established, the President could one day decide to make this (Marine Protected Area) MPA list now permanent under his authority.

Duenas personally did not want to see any of the Council management regime areas, because they are all subject to sustainability, included in the National System.

The Council recommended that inclusion in the national system of MPAs is not pursued at this time and directs Council staff to conduct outreach and education activities to increase public awareness of MPAs.

## **B. Recreational Fishing**

### **1. Report from the Pago Pago Game Fish Association**

The Pago Pago Game Fishing Association (PPGFA) was founded by avid anglers to organize and promote game fishing in the territory of American Samoa through tournaments and other activities. DMWR has collected data from most of the fishing tournaments in the past 20 years with additional tournament data and press releases provided by PPGFA. DMWR survey samplers have worked collaboratively with the PPGFA weigh masters in many tournaments to document landings by fishing tournament vessels, including vessels from neighboring Samoa. Many times in the past, vessels from PPGFA have successfully participated in tournaments held in Apia, Samoa.

A presentation was made by Bob, a representative of the Pago Pago Game Fish Association. Duenas commended his hard work in establishing a Sports Fish Association in American Samoa. He asked a question about establishing FADs. Bob said FADs are established for the commercial industry, as well as for the game fish industry. He also said there is some conflict from coming too close to each others' FADs.

### **2. Recommendation on Recreational Fishing in Protected Areas (Action Item)**

On September 26, 2008, President Bush issued Executive Order (EO) 13474 that amended EO 12962 (issued by President Clinton on June 9, 1995) on Recreational Fisheries. A subsection to Section 1 was added that ensures "recreational fishing shall be managed as a sustainable activity in national wildlife refuges, national parks, national monuments, national marine sanctuaries, marine protected areas, or any other relevant conservation or management areas or activities under any Federal authority, consistent with applicable law." This means that all federal agencies must at least consider allowing recreational activities in any MPA and was taken into account in the recent proclamations of three National Marine Monuments in the Pacific, as each proclamation had provisos to allow recreational fishing.

At its 143<sup>rd</sup> Meeting, the Council directed staff to prepare recommendations on recreational fishing in nationally protected areas for review by the Council at its March meeting. The Council further recommended sending these recommendations to the Secretary of Commerce for inclusion in the Recreational Fishery Resource Conservation Plan developed by the National Recreational Fisheries Coordination Council.

Council staff presented recommendations on fishing in nationally protected areas previously voted on by the Council. The Council recommended that Council staff, PIRO and

USFWS staff work with the Guam, American Samoa and CNMI governments on the development of regulatory definitions for sustenance, subsistence, recreational, traditional indigenous and other definitions as appropriate for fisheries management in the newly established monuments. The Council noted that SSC members Allen, Amesbury, Callaghan, Sabater, Severance, and Trianni have agreed to participate with Council staff in the development of these definitions.

**C. Update on Western Pacific Marine and Training (MET) Program (eligibility criteria, funding priorities, pilot projects, workshops, etc.)**

Itano called for item 7, C, 2, Update on Western Pacific Marine Education and Training Program. He called Council staff, Charles Kaaiai for the report. Kaaiai called the Council's attention to the document in the briefing book and presented a PowerPoint presentation about the updates to the MET Program.

In 2006, the Magnuson Reauthorization Act added a section for the Western Pacific Marine Education and Training Program at Section 305 (J). Council staff and PIRO have been discussing how to implement the program. Projects and programs are initiated by the MET working group for the Council and PIRO will develop their own programs and projects to address the mandate. The working group is made up of people that participated in the MET Workshop held at the Council conference room in April 2008.

The working group found that the educational and training needs could be divided into adult training and youth training opportunities. Adult training needs were largely about vocational training and education in maritime careers: Coast Guard certifications, training for fishing industry and maritime employment education. For the adults, it was primarily about jobs and job training.

For youth educational opportunities, the main interest of the working group was the establishment of a scholarship program to support youth going on to higher education. The group found that all of the marine educational and training mandates were addressed somewhere in the region and the difficulty would be in identifying qualified students to receive scholarships to take advantage of existing opportunities.

Since the workshop, it was proposed that a steering committee be established and made up of representatives from the Council, PIRO, PIFSC and representatives from each of the island areas. The process was for the MET working group to initiate projects and programs that would be presented to the Council. The Council would review and make recommendations for the program and pass the recommendations to the steering committee. The steering committee would implement projects and programs (contracts, funding, scholarships, etc.) by directing how funding would be applied. PIRO wanted autonomy in selecting their programs and the Council relies on recommendations from the community.

Duenas asked about the status of the steering committee. Kaaiai said there was no steering committee, only a proposal for such a committee. The program is still being developed. Duenas asked Robinson if there was any money available for the program. Robinson said no

new money was available, but PIRO would be looking for ways to fund the program.

Itano recognized Sablan of CNMI who asked Robinson about the Coast Guard regulations regarding TWIC (Transportation Workers Identification Credential). He noted that in CNMI, 80 percent of the six-pack licenses will be lost on April 15, and there was a need for training for six-pack and other CG certification in CNMI. He urged Robinson to fund the program, as there is a need for at least USCG licensed pilot in the CNMI.

Commander Caputo asked if the problem with TWIC was a training problem or a nationality problem, because a TWIC card is only available to US citizens. Sablan said it was a nationality problem. On April 15, 2009, 60 to 80 percent of the USCG licensed pilots in CNMI will lose their licenses because they are not US citizens. Caputo said the same problem exists in American Samoa and was unsure about Guam. He did know that they were working on the problem in at the district level. Caputo agree to report back to the Council on the TWIC issue at Itano's request.

Duenas recommended that the Council support this initiative, noting that he liked how the program got representatives from all three island areas together to collaborate on a plan. He recommended that if funds become available, they be used to reconvene the group to work on the program.

#### **D. Status of Eco-labeling US Fisheries**

Council staff's report on the status of eco-labeling drew Haleck's comment that certification for sustainable fisheries would really help American Samoa in exporting to Hawaii. He hoped the Council would look into a similar program for longliners to achieve this type of certification in American Samoa to help export efforts.

#### **E. Update on Legislation**

Ka'ai'ai reported the there has been a lot of legislation, especially on economic stimulus. The most important piece of Congressional legislation is likely H.R.21: To establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a national and regional ocean governance structure, which establishes a national policy for our oceans, and strengthens the National Oceanic and Atmospheric Administration. It establishes a national ocean policy. It establishes a National Ocean Advisor in the Executive Office of the President. The legislation is an organic document for NOAA. Kaai'ai directed the Council members to the legislative document in the briefing book.

Polhemus commented on the legislative report from Hawaii. The Shark Finning Bill never got a hearing. Division of Aquatic Resources does not have authority over what might be harvested in waters beyond the State, much less beyond the US. It was unclear how that would be implemented. Opihi protection died in the House. Manta ray protection was going forward in both chambers and may be one of the few bills to actually survive.

Five different bills deal with the Aha Kiole and various combinations, and will have to go to conference. A prevailing idea was for Aha Kiole to be given to the Office of Hawaiian Affairs to provide them with a budget. Stock assessments were originally a bill, but would be far too

costly with the State in a budget crisis. At this point, bills are dying because the legislature must concentrate on budget and not other issues.

## **F. NOAA/NMFS Transition Plan**

Council staff reported that eight regional fishery management councils are collaborating on a series of informational initiatives to inform the new administration and the public. The projects being considered include a joint brochure, a presence at the 2009 Capitol Hills Ocean Week and an issue of the National Marine Educators Association's journal, *Current*.

### **1. Council Coordination Committees (CCC) and Council Outreach**

Sylvia Spalding, the Council's communications officer, added additional information in her report on ongoing discussions among the Councils' outreach and education staff members. She reviewed the NOAA Fisheries Service Outreach Strategic Plan, noting sections that discussed partnerships between NOAA Fisheries and the Councils.

Duenas commended Spalding on her dedication and work with educators, which he said could provide the Council with more exposure with communities to garner their support for management strategies.

### **2. Non-Government Organizations (NGOs)**

Council staff reported that several non-government organizations and government advisory committees have published and distributed their recommendations to the new administration. Many of these have a fisheries and fisheries management component of interest to the Council.

## **G. Update on Status of FMP Actions**

Council staff presented an update on the status of all outstanding FMP actions.

## **H. Recommendation on Annual Catch Limits for Western Pacific Fishery Stocks (Action Item)**

At its 143rd meeting, the Council took final action to recommend a mechanism and process for the determination and implementation of Annual Catch Limits and directed staff to begin the process by working with the Plan Team to rank the Council's non-pelagic management unit species (for which Maximum Sustainable Yields [MSY] values are not available) based on the risk and consequences of overfishing. The Council reviewed the Plan Team's ranking and is expected to recommend a final list to be forwarded to NMFS as the Council's priorities for stock assessments. Council staff reported on the Council's activities related to developing a list of priority species without known MSYs for PIFSC to address. Marlowe Sabater from DMWR then explained how they did their risk ranking in American Samoa, emphasizing some numerical basis to the ranking exercise.

Polhemus from the State of Hawaii commented that many species on the risk ranked list are not the species the State would have considered for that list. He corrected one error in the document that the State does consider parrotfish to be a group of concern. The State is currently having public meetings to gather information for new rules regarding three species families considered at risk -- parrotfish, goatfish and jacks. For other jurisdictions, parrotfish and jacks seem to be coming out consistently as well.

The State currently does not consider akule or opelu to have any real risk. Although a lot are landed, as in American Samoa, they are transient pelagic and very abundant. He is puzzled at the reasoning behind redoing the exercise of developing ACLs for components of the bottomfish, the Deep Seven, when there is already an ACL for the stock complex. He concluded that the State of Hawaii would be happy if the Plan Team went back and used the American Samoa computational exercise to review its outcomes. He believes the result would be a much more rational list of species.

Robinson said the whole concept of ranking based on risk of overfishing is a very valid and solid approach to developing ACLs. He raised other concerns, including running out of time to comply with the ACL requirements.

Duenas said, in reference to the Guam matrix, said that, as a fisherman working with the community, the problem with the Guam ranking is a lot of the species included are incidental catch and not targeted species. Many are inshore species that have gone through a quantitative process as to how many are caught and how many consumed. On the offshore seamounts, the same species are caught, but have not been quantified, but he was unsure if the risk ranking would accomplish that.

He cited the Napoleon wrasse, which come in sizes ranging from 60 to 130 pounds in season in Guam from August to September. Fishermen will see Napoleon wrasse every day of the week for those two months. The rest of the year, you find one in a cage here and there. Bottomfish fishermen have caught some through hook and line. Duenas was concerned that risk ranking is concentrating too much on the incidental or bycatch, and not on the main target species, as noted by the State of Hawaii with parrotfish.

Pohlemus noted that the Council had voted to rank risk when prioritizing ACLs. Essentially the staff simply did what the Council told them to do. If there are these other considerations, staff needs to know more than just risk is involved. If the Council moved forward now with the top five on each of those lists, there would be plenty of work for the Science Center. From a Hawaii perspective, the State has no problem with Kona crabs, uku, menpachi or parrotfish.

Black coral, *Antipathes dichotoma*, based on the State's recent molecular taxonomic work, is not *dichotoma*, but two separate species and both undescribed Hawaiian endemic. One occurs at the upper end of the black coral depth range and the other at the lower end, i.e. a shallow and deep *dichotoma*. Instead of having an ACL, it is important to understand which species we're dealing with and the fact that shallow *dichotoma*, in the State's estimation, is heavily over-harvested and does need an ACL. He also said the State has no objection to setting

an ACL for akule or opelu, however they are not considered at risk. So if this is a risk-ranking exercise, he wondered how they got on the list.

The Council adopted the provisional list of risk ranked non-pelagic management unit species (for which MSY values are not available) developed by the Plan Teams and directed staff to transmit the list to the NMFS Pacific Islands Fisheries Science Center for development of stock assessments and estimates of maximum sustainable yields. Regarding the Hawaii species ranking, the Council recommended that Kona crab, parrotfish (uhu), black coral, and menpachi remain on the list, that akule and opelu be dropped pending further consideration, and that seamount monchong added. The Council further recommended reconsideration of onaga and hapuupuu (Hawaiian grouper) because they are already under TAC-based management in a stock complex with defined ACLs.

## **1. Plan Team Risk Rankings**

Mark Mitsuyasu reported that at its 143<sup>rd</sup> meeting the Council recommended the Archipelagic Plan Team members from each island area develop a qualitative list of the five management unit species (MUS, from the Bottomfish, Crustacean, Precious Corals and Coral Reef Ecosystems FMPs combined, see attached list) that are considered most at risk of overfishing in each archipelago. Plan Team members were provided guidance in developing the risk ranked species lists. Based on a series of meetings with Plan Team members, a finalized list of prioritized species were presented to the SSC and now the Council for consideration and action. The list of species was reviewed by the Council, which had no comments.

## **I. SSC Recommendations**

Paul Callaghan reported on the SSC recommendations on the program planning agenda items for the bottomfish stock assessment, marine monuments and analysis of the CRED survey methodology.

Duenas asked about SSC discussion on the timing and duration of the CRED surveys and use of local agency staff in their execution. The SSC discussion of these issues is incorporated in their recommendation to receive further briefing on CRED methodology at the next SSC meeting.

Council also discussed the inclusion of monchong in the list of risk ranked species. The species is now being targeted on the seamount by shortline fishermen and the lack of information on the species raises concerns about its stock status.

## **J. Public Comment**

Sean Martin asked for Public comments. Hearing none, called for adjournment for ten minutes.

## **K. Council Discussion and Action**

The Council considered and supported the following recommendations.

1. Adopted the concept as presented for MET and directs staff to work with PIRO to finalize the process, establish the steering committee and convene a meeting of the working group in 2009.
2. Recommended that the Council not pursue inclusion in the national system of MPAs at this time and directs Council staff to conduct outreach and education activities to increase public awareness of MPAs.
3. Recommended the staff investigate the possibility of evaluating the American Samoa longline fishery based on the FAO Code of Conduct for Responsible Fisheries as was conducted for the Hawaii Longline Fishery.
4. Directed staff to send a letter to the other Regional Fishery Management Councils inviting them to sign a joint letter to the National Marine Fisheries Service asking that NMFS coordinate closely with the Councils in implementing the NOAA Fisheries Service Outreach Strategic Plan.
5. Requested NOAA Sanctuary Program, DMWR staff and other survey personnel compile all available survey data and assessments, and draft a report on the impacts and subsequent recovery of the Fagatele Bay National Marine Sanctuary, as a result of the crown of thorns and typhoon events that were used to establish the Sanctuary as a natural laboratory to observe its recovery. This report should be subject to independent peer review. The Council also directed Council staff to request available scientific publications or studies regarding the Fagatele Bay National Marine Sanctuary from Sanctuary staff.
6. Adopted the provisional list of risk ranked non-pelagic management unit species (for which MSY values are not available) developed by the Plan Teams and directed staff to transmit the list to the NMFS Pacific Islands Fisheries Science Center for development of stock assessments and estimates of maximum sustainable yields. Regarding the Hawaii species ranking, the Council recommended that Kona crab, parrotfish (uhu), black coral, and menpachi remain on the list, that akule and opelu be dropped pending further consideration, and seamount monchong added. The Council further recommended reconsideration of onaga and hapuupuu (Hawaiian grouper) given that they are already under TAC-based management in a stock complex with defined ACLs.
7. Recommended that Council staff develop a standard set of criteria based on the risk assessment work currently being done by Rick Methot at NMFS headquarters (and other studies that might be appropriate) and work with the Plan Team to provide an expanded and revised list of species by island area in time for the July 2009 SSC meeting.
8. Requested that the Chair of the WPSAR Bottomfish Stock Assessment Review ensure that a thorough review of the bottomfish CPUE standardization methodology take place. The Council noted that the PIFSC Deputy Director had indicated to the SSC that PIFSC was

counting on the WPSAR review team to examine Hawaii bottomfish CPUE standardization procedures in detail.

9. Recommended that the Departments of Commerce and Interior develop a Research Program designed to understand the various ecosystem-related impacts associated with Marine National Monument designation in the Pacific. The Research Program should include but not be limited to the following specific topics:

- changes in fish biomass or size structure,
- changes in species composition,
- changes in benthic habitat composition,
- spillover effects,
- protected species abundance estimates and usage rates within the Monuments,
- local socio-economic impacts.

Furthermore, the Council recommended that DOC and DOI provide access to local government agencies for the purpose of conducting research germane to local fisheries management and stock assessment needs.

10. Recommended that Council staff, PIRO and USFWS staff work with the Guam, American Samoa and CNMI governments on the development of regulatory definitions for sustenance, subsistence, recreational, traditional indigenous and other definitions as appropriate for fisheries management in the newly established monuments. The Council noted that SSC members Allen, Amesbury, Callaghan, Sabater, Severance, and Trianni have agreed to participate with Council staff in the development of these definitions.
11. Recommended a more exhaustive statistical analysis of the CRED data from Rose Atoll and other jurisdictions sampled by the CRED program, in order to take into account the different sources of variability inherent in the data set, thereby generating a better understanding of the level of uncertainty surrounding these survey estimates. The Council also endorsed the SSC suggestion that the CRED program complete efforts to hire a statistician to carry out such analyses, to provide guidance for future CRED data collection efforts in terms of sampling design, and to facilitate survey designs that promote the robust testing of hypotheses. Additionally, the Council endorsed the SSC request for a presentation on the precision and power of CRED fish sampling methodologies by Dr. Jerry Ault. The Council also concurred with SSC concerns about the release of preliminary data from the CRED program that have not been completely analyzed nor peer reviewed.
12. Directed staff to work with the Coastal America Pacific Islands Regional Implementation Team (PIRIT) to explore opportunities for promoting collaborative activities consistent with their respective missions and programs.

#### **8. Public Comment on Non-Agenda Items**

Sean Martin noted that he received on public comment card for this agenda item and invited Peter Craig to address the Council. Craig commented on the importance of the Rose Atoll

Monument and protection of the associated coral reef ecosystem surrounding the area.

## **9. American Samoa Archipelago**

### **A. Motu Lipoti**

Councilman Tulafono referred to the Island Report, 9.A. (1) in the briefing books. He indicated DMWR's Inshore and Offshore Surveys are continuing, talked about the MPA program, and also touched on the following: Biological Reconnaissance Survey both on Tutuila and Manua and the Key Reef Species Monitoring program and its upcoming technical report. He mentioned the Age and Growth Study activities and a report on this program is being prepared. DMWR's FAD program has three FADs deployed for Tutuila and one for Manua and more FADs will be deployed soon.

Tulafono noted DMWR's continuing monitoring of the Community-based MPA program with the 11 participating villages. With recent interest by overseas investors and local partners to export fresh fish from American Samoa, DMWR has drafted management procedures to ensure that local resources are not over-exploited. These commercial ventures, however, did not materialize.

Haleck then asked for questions. Sword added that the local Gamefishing Fishing Association will be hosting a fishing tournament and that its members have been active recently.

### **B. Enforcement Issues**

Haleck asked Tulafono to proceed with the Enforcement Report in document 9.A. (1).

Tulafono reported that the Enforcement Section has been helping the two MPA programs with outreach programs for fishing regulations. He thanked OLE for providing funds to purchase the new 33-foot enforcement boat to reach all fishing areas of the territory. When Haleck asked for questions, Itano asked about the most common fishery interaction. Tulafono replied that interactions related to both local and federal laws.

Haleck noted the next item would be 9.C. Report on the Pacific Islands Fisheries Science Center CRED Fish Survey Methodologies and Data Analysis. After some discussion, Haleck decided to move onto Item 9.E.

### **C. Report on PIFSC CRED Fish Survey Methodologies and Data Analyses**

Sam Pooley commented that he had no presentation and was unaware he was on the agenda and also added that the issues have been discussed at the SSC meeting and that there were also some recommendations already provided. Haleck moved on to Item 9.D.

### **D. Report on Coral Reef Fisheries**

DMWR biologist Benjamin Carroll provided a presentation on DMWR's surveys on American Samoa's Coral Reef Fisheries. Councilman Duerr asked Carroll if the decline in the

participants in local fisheries had any relation to Hawaii's population's preference to watch television and playing video games, rather than going fishing.

Duenas pointed out that hurricanes and the ban on scuba diving did affect trends, but there are also other factors. He asked if regulations would be implemented, which he does not want. Carroll said that regulations will be required if effort increases substantially. Duenas also asked about the validity of the MSY estimate, as there are several bottomfish and reef fish complexes and it appears these have been lumped together in the analysis. Duenas said that the MSY estimate should not be that high.

Itano asked about separating various categories and the risk ranking of the five species. Polhemus recalled a study by Moffitt in which an MSY estimate was produced for the deep water component, and that a TAC can be set. He also recommended pulling out the Scarids and other individual species in order to see a clear trend in relation to the recent ranking of species. Duenas offered a comparison with the fishing at CNMI. Haleck announced that the meeting was moving on to Item 9. F. American Samoa Community Issues.

#### **E. Report on Bottomfish Fishery**

DMWR's John Tomanogi reported on DMWR's Boat-based survey. He explained the changes in the fishery and the stratification of the sampling program and also the three survey shifts. 109,000 pounds per year is the MSY and commercial landings make up the main portion of bottomfish landings. Tomanogi explained that the data is still being processed and better estimates are forthcoming. He pointed out the peak around 1983 and 1985, the effects of hurricanes on the fishery and other trends. Tomanogi mentioned the start of the alia longline fishery, fluctuations in CPUE and the increase from 2007 to 2008. He provided recommendations on training in species identification. Itano asked how the shallow and deepwater bottomfish species were distinguished. Hearing no additional questions, Haleck moved onto the next item.

#### **F. American Samoa Community Issues**

##### **1. MET Priorities**

##### **2. Turtle Conservation Activities**

DMWR biologist Alden Tagarino gave a presentation on the current activities undertaken by the department, including their turtle surveys. Council staff Dalzell thanked Tagarino for the work on green turtles. Haleck said that the next item would be Item 9. C: Report on the Pacific Islands Fisheries Science Center CRED Survey Methodologies.

##### **3. Report on Community Enforcement Project**

Malowe Sabater, DMWR Chief Biologist provided a short report on the Community Enforcement Project. Sabater also discussed the Community-based MPA program. Haleck moved on to Agenda Item 9.F.4.

#### **4. Report on Lunar Calendar Workshop**

Council staff Sylvia Spalding gave a brief report on the Council's Lunar Calendar project and past activities, including recent research on this project and meetings with the ASCC's Institute for Samoan Studies. No questions were asked and Haleck moved on to Agenda Item 9.F.5.

#### **5. Coastal America**

Char's presentation on Coastal America reported on his many duties and that he appreciated the opportunity to return to American Samoa after many years of working for PIRO. Char explained, in response to Duenas' question, that all the islands will benefit from the program. Duenas suggested that the Council look into this program. With no further questions, Haleck moved the meeting to the next item.

#### **6. National Park Service Invasive Species Project**

Tavita Tauiliili of the National Park Service provided a detail presentation on the current Tamaligi tree invasive species project. Duerr asked about the 35 percent coverage. Sablan and Torres also asked questions. After a brief break, the meeting moved to the next item.

#### **G. Education and Outreach Initiatives**

The Council Coordinator Aitaoto gave a brief presentation on the various education and outreach activities, including activities conducted by the Community-based MPA program, the DMWR Education section, and the Enforcement section assistance to these various programs. There were no questions for Aitaoto and the meeting moved to the next agenda item.

#### **H. Review of Deeds of Cession**

Dr. Daniel Aga expressed appreciation for the opportunity to speak on the Deeds of Cession and American Samoa's political relationship with the United States. While unsure how this issue related to fishery, Aga t explained the existence of the two Samoas; the Organic Act; the related role of the Department of Interior; issues relating to the future political status; and the importance of American Samoa to the US.

Aga explained the importance of the annual April 17<sup>th</sup> Fag Day celebration and the signing of the Deeds of Cession on Tutuila, which used to be the poorer cousin between Upolu and Manua, but is now the most important island in American Samoa. He explained how France, Britain, the US, New Zealand and Germany influenced the current split of the two Samoas.

The Deeds of Cession transferred sovereign rights to the US, but provided and maintained respect and protection for the rights of local people in accordance with the laws of the US. Four years after the signing of the Tutuila Deeds of Cession, the Tui Manua signed the Manua Cession. Both Deeds were accepted in 1929. Aga explained the protection of local lands

by the US laws, the effect of World War II, and the absence of an Organic Act for American Samoa, which has rendered it as an un-organized territory. Aga talked about the constitutional convention approving and ratifying the American Samoa constitution. Traditional leaders involved in these matters did not have a good western education, but had the foresight and wisdom (tofa mamao ma le faautaga) to ensure the protection of the culture and local lands.

American Samoa's current political status is that of an unincorporated and an unorganized territory of the US. There is no star representing American Samoa (and other territories) on the US flag. Being unincorporated means not all provisions of the US Constitution apply to American Samoa, such as people born there are not US citizens and that its Congressional representative cannot vote on the House floor.

American Samoans are very patriotic and have the highest per capita death rate in the US military among the nation's states and territories. While an unorganized territory but with its own constitution, American Samoa's legal arrangements do protect communal land tenure and culture and a recent Constitutional Convention recommended that American Samoa should continue its present political status as an unorganized and unincorporated territory. He mentioned the importance of its EEZ and submerged lands as part of its importance to the US.

After thanking Aga, Duenas described the issue of owning the sea and submerged lands in Guam. Martin asked for further comments. There were none and the Council took a lunch break.

#### **I. Report on Fishers Forum**

Council staff Dalzell provided a brief report on the Fishers Forum held last night, which included discussions on the federal ID requirement to enter the main port, by-catch, aquaculture, financing, reviving the alia fleet and also comments from legislative representatives who attended the meeting. With no questions for Dalzell, the meeting moved onto the next agenda item.

#### **J. Report on American Samoa Advisory Panel Meeting**

Judith McCoy, American Samoa FEP Advisory Panel Chair, presented the report of the Advisory Panel (AP) meeting on March 23, 2009. The AP discussed emerging fishery issues, community marine management topics, and action items for the 144<sup>th</sup> Council meeting.

McCoy reported on the following recommendations made by the AP:

- Regarding American Samoa Longline Fishery Management Measures to Minimize Turtle Interactions, the Advisory Panel recommends that the American Samoa longline vessels continue the practice of eliminating the Top 2 hooks where the turtle usually bites and maintain the deeper set hooks.
- Regarding Purse Seine Fishing on FADs and FAD Registration in the US EEZ of the Western Pacific, the Advisory Panel recommends that due to the increased efficiencies of this type of purse seine fishing and the increased catches of smaller fish and bycatch mortality, it is

necessary to register all such FADs and have onboard Observers to monitor the process.

- Regarding the New Monument Provisions, the Advisory Panel recommends that the American Samoa Government send a letter to of President Barrack Obama highlighting the disparity of what was discussed in the negotiations between Governor Togiola Tulafono of American Samoa and the Center for Environmental Equality on the Rose Atoll monument. These disparities include 12 nm boundary, co-management of the monument, and the inconsistency of the boundaries with the existing Council's large pelagic fishing vessel closure. The Advisory Panel also recommends that future processes be better publicized within the local government and communities to ensure better participation in public input.
- Regarding the Economic Stimulus program, the Advisory Panel recommends that all proposals providing domestic fishery development be considered by the Council.
- Regarding the announcement by NMFS during the Advisory Panel meeting that there are only 13 permits and only until May 28 to apply, the Advisory Panel recommends that this information be distributed to the public and interested parties as soon as possible.

#### **K. Report on American Samoa Plan Team Meeting**

Council staff Mark Mitsuyasu provided a report on the Plan Team meeting, which has a prepared report in the Council members' briefing books. He reminded the Council about the previous presentation by DMWR staff on the coral reef fishery and the status of the local bottomfish fishery. He also noted the need to look at trends in these fisheries. Duenas asked about fish names. There were no more questions and the meeting moved to the next agenda item.

#### **L. Report on American Samoa REAC Meeting**

Council Coordinator Aitaoto gave a short report on the recent American Samoa REAC Meeting covering issues related to MET, safety equipments and Rose Atoll issues. Council members had no questions for Aitaoto.

#### **M. SSC Recommendations**

Callaghan was called to provide a report on the SSC recommendations and was asked by Itano about the connection between the two Samoas concerning bottomfish. No additional questions were asked, so Haleck turned the floor over to Martin.

#### **N. Public Comment**

Martin asked for public comments, but there were none. The next item was Item 9.0.

#### **O. Council Discussion and Action**

Martin explained that the Council accepts the reports of the Plan Team, REAC, the Advisory Panel and the SSC. The Council will put forth some of these recommendations for the

Council's consideration, in addition to other items Council members may wish to bring up. A brief break followed.

Council staff Hamilton read a recommendation that was moved by Haleck and seconded by Sablan. The American Samoa recommendations were as follows:

**1. Regarding American Samoa, the Council accepted the reports from the SSC, REAC, Advisory Panel and Plan Team meetings, and specifically supports the following recommendations:**

- a. Directed staff to investigate options for improving the ability of American Island States and Territories to monitor imports and exports of fish and fish products.
- b. Directed staff to explore options for collaboration between American and Independent Samoa regarding bottomfish stocks, management of the albacore fishery, and import/export patterns.
- c. Recommended the US Coast Guard assist American Samoa's fishermen in meeting safety and communication requirements given the lack of private businesses that sell or maintain safety equipment in American Samoa (this was the same recommendation made in 2007).
- d.
- e. Recommended the following local fisheries projects be supported:
  - Building boats ramps on Tutuila and Manua.
  - Setup a cold storage facility for Manua.
- f. Directed staff to send a letter to PIFSC requesting that a program be established to collect otoliths from bottomfish around American Samoa to get basic age and growth information. This program could be part of a cooperative research project.
- g. Directed staff to work with NMFS to conduct a training workshop to train data collectors to accurately identify fish species by scientific name, and to use these scientific names in the FOXPRO system.
- h. Encouraged communities to develop and submit proposals providing domestic fishery development in American Samoa to the national economic stimulus program.
- i. Recommended NMFS widely publish information regarding the availability of 22 longline limited entry permits before the May 28, 2009 application deadline.

**2. Commended DMWR on their successful sea turtle management and conservation project and recommended that PIRO continue to fund this program.**

The motions passed.

Commander Caputo commented on safety requirements and communications. Duenas noted Guam, CNMI and American Samoa's problem with limited time to send things to Hawaii and therefore needs an extension. Sablan explained how the Coast Guard can help with safety equipments and issues relating to Hazmat. Caputo mentioned the conflict with providing assistance with safety equipment, while serving as the enforcement entity. Martin asked about the collaboration between Samoa and American Samoa. Duenas requested help from the Coast Guard and the need to be proactive. Caputo told the Council about the Marine Detachment in Pago Pago and their work with local fishermen. He plans to inform his boss, Admiral Brown, about shipping issues and the problems with distance and will try to see if the private industry in Honolulu can resolve some of these issues.

Tulafono requested that some of the recommendations be rephrased and the motion was amended. When Duenas asked about deployment of FADs, Caputo replied that this was not his area of expertise. After discussion, the motion was voted on and carried.

Another motion, moved by Stephen Haleck and seconded by Will Sword **directed staff to work with the Coastal America Pacific Islands Regional Implementation Team (PIRIT) to explore opportunities for promoting collaborative activities consistent with their respective missions and programs.**

The motion passed.

Council staff Hamilton informed the Council that this was the end of the recommendations. Martin then asked Council members from American Samoa for comments. He said that this was the conclusion of the section on Agenda Item 9 and that they should move to Agenda Item 10, the Mariana Archipelago.

## **10. Mariana Archipelago**

### **A. Arongol faleey and Isla Informe**

Council Members from Guam and CNMI presented reports on CNMI and Guam's activities covering fisheries issues, enforcement, international fisheries and ecosystems and habitat.

#### **1. CNMI**

Ike Dela Cruz explained that the CNMI and the Division of Fish and Wildlife have been preparing an annual report to the USFWS, creating a checklist of fishes of the CNMI, conducting an invasive species survey, tagging fish, evaluating its management measures, collecting data on fish life history, and preparing for an oceanographic survey with help from the Council. The critical issue of most concern to the CNMI is the new Mariana Trench National Marine Monument designated by President Bush on January 6.

#### **2. Guam**

Council Member Manuel Duenas referred to the island report available for everyone to review.

Torres reported that his staff at the Division of Aquatic & Wildlife Resources (DAWR) informed him that the funding for the turtle program on Guam had run out. DAWR had begun the Haggan Watch, an education and outreach program to create awareness on the turtle issues. The program has been very successful despite encountering challenges, including base security issues with the Navy and Air Force bases. Since then, the military has been the biggest components of the turtle watch areas.

Speaking on education and outreach, Torres reported that the Chamoru Lunar Calendar was introduced in January at the Chamoru Lunar Festival, thanks to the efforts of Council Member Duenas who is the President of the Guam Fishermen's Cooperative Association (GFCA), the major sponsor of the festival. He also noted that there is more work to be done to further develop the calendar and thanked Duenas and the GFCA for their support of the project. Support from other sources has already been committed for next year's festival.

Regarding the military, Torres noted that the Joint Guam Program Office (JGPO) and the local government continue to have meetings on the various issues of the military buildup.

Duenas reported that the Guam Fishermen's Cooperative Association submitted testimony to the DEIS for the Marianas Range Complex to educate the military. The DEIS has not addressed inshore and offshore species, but has addressed issues pertaining to Protected Species. Their report notes that they spent over \$100 million reviewing a study in Protected Species in the Marianas, but have yet see any funds available to handle the non-protected species, a food source in the Marianas. They are concerned that the 50 or so submarine vessels the military is going to use in their exercises will be moving through and detonating explosives in the Marianas waters. According to all the fishery science and the scientists involved in this review, this is not an issue of concern.

Duenas noted that their area of concern, identified with the Reef Ecosystem, is when the reef fish spawn, the eggs and larvae float out to the ocean for 30 to 60 days. They will not return to Guam if they are blown up, bombed up or churned up by propellers greater than ten feet in diameter. Duenas expressed frustration about this issue.

Duenas noted other issues include the military exercises within 15 or 30 nautical miles, 30 around Guam, 15 around the seamounts. Military exercise zones in the Marianas are inclusive of the Marianas Monument and not excluded from their range complex. The military can enter the monument area as they please.

Duenas added that the military has decided not to engage the Council, all environmental entities or anyone else, regarding its potential environmental impact on the Marianas Monument.

## **B. Enforcement Issues**

## **1. CNMI**

Reports of local enforcement activities and violations occurring in the Commonwealth of the Northern Mariana Islands since the last Council meeting were presented to the Council. These included investigations by federal agents on the Island of Rota regarding poaching activities involving endangered species, illegal harvesting and transporting of trochus, and illegal fishing in a sanctuary.

## **2. Guam**

Duenas reported on 18 foot a vessel, which had broken down and drifted overnight just a few miles from its destination of Rota, approximately 15 miles northwest of Guam. When the US Coast Guard arrived to assist the vessel, its owner vessel did not want to abandon it, was threatened with arrest, and as a result, did abandon his vessel. The Coast Guard cutter did not tow the vessel back into port, only about 15 miles away from the island. Two days later, the vessel was found 70 miles out and was recovered by Guam fishermen, who are friends of the owner. Halfway from its location, the vessel began taking on water and the boat was lost. According to Coast Guard regulations which states in the absence of any towing service, the Coast Guard is authorized to assist in recovering vessels, Duenas noted. He emphasized the fact that this boater was less than 30 miles away and that Coast Guard cutter did not assist.

Duenas also reported on fishermen continuing to assist in recovery efforts and conservation measures. He cited the efforts of a fisherman who came to the rescue of a turtle that had been dragged from the beach in a secluded area. He also noticed an unknown vehicle in the area. The fisherman called the authorities; the turtle was rehabilitated and released back to the wild.

### **C. Recommendations on CNMI Management Authority of Fisheries Resources (Action Item)**

This agenda item was not taken up at this meeting because of pending Congressional legislation that would provide the CNMI with ownership of submerged lands within 0-3 nm.

### **D. Longline Fisheries Development**

Jack Ogumoro summarized the progress of a developing longline fishery in CNMI centered on the activities of U.S. Island Seafood Inc., which owns the only longline company in the CNMI and in operation since December 2008. Operating out of Saipan, the company has two longline vessels, with plans to expand with four more vessels before the end of this year. Marketing its catch to Asian markets and also supplying the local hotels and restaurants with fresh yellowfin, bigeye and albacore tunas, the company plans to start processing dried, smoked, and jerky fish for both local and off-island markets, pending arrival of dehydrator equipment. Its biggest priority was finding a berthing facility for its two vessels, which it is currently leasing from another company. This arrangement is inconvenient expensive, with docking fees increased from \$35 to \$50 a day.

Council discussion focused on the potential for the CNMI to be given authority over its territorial waters (0-3 nm).

## **E. Marianas Community Issues**

### **1. Turtle Conservation Activities**

Council staff John Calvo noted that Council Member Joe Torres had presented on the turtle activities during the island report.

Ike Dela Cruz thanked Bill Robinson and the Pacific Islands Regional Office for bringing Ms. Tammy Summers, a turtle biologist, to help the CNMI with its turtle program. Dela Cruz reported that the CNMI turtle program receives its funding from PIRO, has four staff, and received permits from US Fish & Wildlife and NMFS to handle sea turtles on land as well as in the water. He said the staff performs four different survey methods to determine the turtle population around Saipan. These include beach, cliff survey, in-water-capture, and tow boat surveys. For the in-water survey, there were 59 green sea turtles and 7 hawksbill turtles that were tagged from 2006 to present. During the same period, tow-boat surveys were conducted on the west side of Saipan's lagoon and 46 green turtles and 2 hawksbill turtles were observed. This method of survey was discontinued recently because of the high cost of fuel.

During the 2007/2008 survey season, 81 turtle observations were made at 9 different sites involving 4 cliff line areas. Beach monitoring from 2006 to present resulted in 9 nesting females (all green sea turtles), 23 clutches of eggs at 98.11% hatch success rate. He also mentioned that necropsy & genetic tissue samples are being performed, indicating a total of 34 genetic or skin tissue samples have been collected from nesting females, foraging, and confiscated turtles and sent to the South West Fisheries Science Center (SWFSC) lab for DNA analysis. He said the staff received trainings beginning in 1996 on flipper tag application, beach monitoring, necropsy and satellite tagging application, nest inventory training, motorboat operator certification (MOCC), and Open water module (OWM). The program coordinator and biologist also attended the 29th Sea Turtle Symposium held recently in Brisbane, Australia. The program continues to receive funding assistance from PIRO and indicated that \$69,635.00 was received in 2006 and 2007, \$70,000.00 in 2008, and \$70,548.00 the current year.

### **2. MET Priorities**

John Calvo and Jack Ogumoro presented the Council with a summary of education and outreach activities in Guam and CNMI respectively. Council Members were requested to refer to 10.E.2 Marine Education & Training (MET). As there were no questions, Council staff concluded the presentation.

Joe Torres reported on education and training activities in Guam, including the successful introduction of the lunar calendar into the Guam school curriculum. The success of the calendar has convinced sponsors to support the production of another calendar in 2010. University of Guam and the Guam Fishermen's Co-op have introduced training in standardized fishing

methods.

### **3. Status of Military Buildup**

Council Members were requested to refer to 10.E.3 Status of Military Buildup. As there were no questions, Council staff concluded the presentation.

Duenas noted that the Guam Fishermen's Cooperative submitted to the Council three documents, two on the Monument and one on the Draft EIS for the Marianas Range Complex. He added they were submitted in the Council record of the GFCA and expressed disappointment and concern. The two prior letters and the one for the Range Complex were concerns, especially the latter, because the people have no control over the federalization of the Marianas. Duenas expressed his frustration about the cumulative effects of the federal government on the Marianas. On one side, the Marianas have the Monument and Coral Reef Initiative; on the other, the Range Complex. His concern was about all the activity in and around the Mariana Island.

### **4. Visa Issues**

Jack Ogumoro reported that U.S. immigration laws will be in effect in the CNMI beginning June 1, 2009 (the implementation date for U.S. Immigration laws is now November 28, 2009) with a transition period up to five years or 2014 (with extensions to this period as needed) from now for contract workers to be gradually phased out.. He said approximately seventy contract workers in the fishing industry are going to be affected by the new law. These workers are employed by both local and foreign owned companies. Despite the federal government taking over immigration beginning June 1, there are currently no regulations which have been developed governing a VISA program which could perhaps accommodate contract workers in the fishing industry. He concluded his report indicating there are ongoing talks about extending the deadline for another 180 days.

### **5. Chamolinian Initiative**

Jack Ogumoro reported that the Chamolinian Initiative is about the Marine Tech International in Saipan, which provides training to individuals interested to be licensed as captains, crewmembers, etc. The program is recognized by the U.S. Coast Guard and has been in operation for around 10 years. Ogumoro indicated that according to the owner, Jason Shankweiler, these training programs are in high demand because 65% of the workforce in the U.S. maritime industry is nearing retirement age and must be replaced. He said the owner started the program out of frustration with the system when he was starting out to make a career in the maritime industry.

### **F. Education and Outreach Initiatives**

Regarding Agenda Item 10.F, Education and Outreach Initiatives for Guam, Chairman Dela Cruz called on John Calvo to do the presentation. Calvo noted that Torres had already covered this area during the island report.

Jack Ogumoro reported that at the last 143rd Council meeting, he proposed to combine both Chamorro and Refaluwasch Lunar Calendars. He said the task was accomplished, and more. The new calendar includes tide charts, a very popular feature as well as being very useful to the local fishermen, especially when it is the only published tide chart available in the CNMI. In addition, winning posters from the poster contest are highlighted in the calendar. About 1,000 copies were printed and 80% have been distributed to winners of the poster contest, their schools and other schools, government offices, businesses and to individuals such as fishermen. He said the next issue will include more information on not only fishing but farming as most fishermen are farmers too. The inclusion of local names is also very helpful in promoting the local languages of the indigenous Chamorro and Carolinian people. There was still more work to be done, including choosing the correct words to use like "Chamorro" and "Chamoru" for consistency purposes, especially now that Guam and CNMI will have one calendar.

#### **G. SSC Recommendations**

There were no SSC recommendations relating to the Marianas Archipelago.

#### **H. Public Hearing**

Public comment from Wesley Bogdan, who lived in CNMI, reiterated a previous comment that the majority of people in the Commonwealth supported the creation of the Marianas Trench Monument.

#### **I. Council Discussion and Action**

Martin asked Council staff for the recommendations for the Council to consider. Ike Dela Cruz proposed and Ben Sablan seconded the following motion.

- 1. The Council recommended, in the absence of a commercial vessel towing operation in the Marianas that the US Coast Guard, when possible, assist with the recovery of vessels in distress.**

The motion passed.

Ike Dela Cruz proposed and Ben Sablan seconded the following motion:

- 2. The Council directed staff to submit additional comments addressing inshore/offshore seasonal fisheries issues, impacts of the island's supply of fresh fish, the activity of exercises during fishing seasons, weather conditions, community (fishermen, charters, etc.) access to the resource, or consultation with the community on the Complex, since these issues were not addressed in the recent Marianas Islands Range Complex Draft EIS, and the Council has submitted preliminary comments dated March 13, 2009.**

The motion passed.

Ike Dela Cruz proposed and Ben Sablan seconded the following motion:

3. **The Council recommended that the MET program include a program for those interested in pursuing a professional certification to work on vessels as captains, crews, cooks and other positions in the maritime and/or fishing industry.**

The motion passed.

## **11. Hawaii Archipelago and PRIA**

### **A. Moku Pepa**

Council Members from Hawaii reported on fisheries activities and issues in the Hawaii archipelago occurring since the 143<sup>rd</sup> meeting. The state of Hawaii also presented a report of its activities involving fisheries, resource protection, and other issues.

### **B. Enforcement Issues**

Polhemus briefly summarized enforcement activities related to HDAR programs.

### **C. Hawaii Community Issues**

Kaai'ai noted that he had nothing to report on community issues at this time, but will report on the Aha Ki'ole final report and the Marine Education and Training Program progress on the Hawaii community issues.

#### **1. Aha Kiole Final Report**

Kaai'ai reported on the final report to the legislature from Aha Ki'ole, whose advisory committee was created by the Hawaii Legislature through Act 212 in 2007. Through consultation with the native Hawaiian practitioner community, the Advisory Committee had little over one year to determine best practices for the creation of a traditional Aha Moku system of traditional natural resource management system.

The results of 87 meetings held statewide since the start of the initiative informed the committee report to the legislature. In 2008, the Committee's interim report to the legislature advised the legislature of their plan to implement the actions required and achieve the objectives and goals of Act 212. Appropriations were allocated of \$111,000 per year for FYs 2007-2008 and 2008-2009 for administrative costs to implement the legislation. While a budget was submitted in the interim report, the budget's funds have not been used. The Aha Kiole will continue to work to June 2009 under the current authority.

The Aha Kiole Committee believes that the health of Hawaii's ecosystem can be restored through the adoption and application of principles of traditional natural resource management. The Committee makes four recommendations to the State for consideration and proposes eligibility criteria for participation in the Aha Moku system:

- A regulatory change,
- A non-regulatory process,
- Educational initiatives , and;
- Community consultation process.

The restoration of the traditional cultural natural resource management system will not be an easy, with anticipated opposition to the restoration of the traditional natural resource system by current resource managers and the State and Federal resource managers. Traditional resource management, however, is about food and, traditionally, control of food resources was vested in the community most directly dependent on food resources available in their immediate environment, and not with a central authority. Even with less dependence on the environment for food, retaining and supporting the idea that the ecosystem is a source of food supports the environment, because no sane person would despoil their food resources.

The Committee's recommended regulatory change was for the State to implement a regulatory framework to allow communities to develop and propose an adaptive management approach to managing natural resources of the community. The framework would establish parameters on how the community would manage a resource in cooperation with the natural resource management authority of Hawaii.

Adaptive management is a cycle of designing and checking a plan and then modifying management, as new information is gathered. Communities design a management plan that includes a method of checking and monitoring results, regular analysis and discussion of whether the plan needs modifying and action by the community to continue to manage the resource. The basic process is summarized as:

1. Make a plan,
2. Implement the plan,
3. Check how it is going,
4. Revise the plan (if necessary),
5. Carry on.

The traditional community agreed that spawning aggregations of important species need to be protected and the best protection comes from the community members themselves. To achieve this protection, community members:

1. Agree that a species is important for the community (inventory and prioritization of natural resources by the community),
2. Understand the behavior of the species in the specific location (biology and life cycles specific to the area determined by direct monitoring of the stock by the community or the community's representatives), and;
3. Agree to comply with the rules of behavior and conduct established by the community (voluntary compliance).

The Committee recommended that a community would be exempted from statewide regulations if it self-manages, first planning and then rule-making, for a natural resource within

their area. The community would be responsible for monitoring the resource, enforcing (citizen enforcement with State enforcement support) the rules and regulations and providing the State with their management plan and natural resources data. In cooperative agreement and through an adaptive management framework, the State would assist the community by providing for an opportunity for the community to organize standards for monitoring the resource and analysis of the information, support for enforcement of the community's rules and regulations and education on natural resource management, natural resource monitoring and enforcement procedures. The State would gain otherwise unavailable data and information. The community is responsible for:

- Inventory and prioritization of natural resources that are important to the community,
- Monitoring of the natural resource, reporting their findings,
- Establishing rules and regulations for the management of the resource,
- Submitting these management plans to the State and County for adoption.

The Aha Kiole Committee recommended that communities wishing to manage their natural resources organize and develop a code of conduct, a protocol to guide interaction with a natural resource or resources. The Committee used the fishing code of conduct of Hui Malama O Moomomi as an example.

The cultural value for the code of conduct is *Kuleana*, responsibility. One cannot exercise the privilege to participate in the management of the resource without being responsible for his/her actions and how those actions affect the resource and the community. The code should be filled with expressions and demonstrations of *kuleana*.

The Community is responsible to:

- Identify important resources and prioritize them,
- Learn and share information and knowledge, biological and cultural, about the resource,
- Establish a code of conduct by consensus for any interaction with the resource,
- Write the code of conduct down and make sure that it is known and understood throughout the community.

The Committee found that all of the communities agreed that they wanted to be consulted and to participate in the natural resource management and governance process. Each locality has specific differences that are not served by State-wide regulations.

To address this request for representation and participation in the governance process, the Committee recommended the creation of an Aha Kiole Council and Aha Moku natural resource management system structure. The Aha Kiole Council should be a high level commission or Board at the State Department level to effectively advise the Governor and agencies on traditional natural resource and land management issues. The Council would be made up of representatives, one from each of the main islands, selected by the Aha Moku Council, an island Council of Moku representatives.

The Aha Moku Council will be made up of representatives selected from representatives

of the Aha Ahupua`a Councils. Aha Moku Councils will advise Counties on traditional natural resource and land management issues pursuant to County jurisdictions and authorities and provide for consultation between communities as well as support and validation of cultural activities and generational knowledge.

Aha Ahupua`a Councils will be made up of representatives selected by communities to serve the will of the communities. Community issues will be addressed first at the community level by being vetted through the community at a community forum. If natural resource management issues can be resolved at the community level through an informal social contract process, then, in this case, there will be no need to go further for resolution. The issue and resolution should be forwarded to the Aha Moku Council and Aha Kiole Council for recording and archiving. If the issue cannot be resolved at the community level or involves more than one community in a Moku, then the issue must be taken to the Aha Ahupua`a Council for vetting through the Moku community (all ahupua`a in a moku).

If the issue is larger or affects more than one moku, or the issue can be identified as being a County issue, then the issue is taken to the Aha Moku Council for resolution. If issues are statewide, they are taken to the Aha Kiole Council for deliberation and resolution. Along with assisting the Ahupua`a, Aha Ahupua`a, and Aha Moku Councils, the Aha Kiole Council will represent the communities in State, national and international forums and arenas. The Aha Kiole Council will also validate cultural values and actions as well as cultural, generational knowledge.

The Aha Moku system would not interfere with a citizen's right to access the government or government agencies, but would enhance the community's access to government with support and validation for cultural values, integrity and activities.

The Committee made recommendations on specific educational objectives, but in their discussion talked about education in general, the cultural differences in learning and teaching and how that affects native Hawaiian children in the educational environment. Traditional ecological understanding and learning are more holistic and experiential than what is taught at school. It combines understanding with spirituality. It is nature-centered and not human-centered. It is learning by watching and *kupuna* recognize when an individual is ready to apply what is learned. It is learning general principles and learning the pattern of appropriate applications. *Kupuna* learned this way and generational knowledge is passed on this way.

- Generational knowledge is a requirement for serving on the Aha Moku system Councils, practitioners and *kupuna* must be relied upon to pass on their knowledge of the environment, ecosystem and culture to *kamali`i*, *`opio* and *makua*. The traditional method still operates and the method to pass it on is through development of curricula, modifying the traditional approach to learning or creating and implementing the circumstances to permit this generational knowledge to be passed on.
- Monitoring and reporting on the resource will require training and commitment by community members. These activities can be as simple as mapping the course of a stream or taking in-stream flow measurements to as complex as assessing the stock and biology of marine species.

- Resource management educational needs would be determined by the community's interest in what they wish to manage and why.
- The community must include the educational needs in their management plan and seek partnerships with practitioners, schools, colleges and universities to fulfill these educational needs.

Additionally, students would benefit from:

- first responder training,
- CPR training,
- drown-proofing, and
- safe terrestrial practices when going *mauka* (land navigation, awareness of weather conditions) or *makai* (seaward).

Paralegal training must occur to ensure the proper conduct of citizens in enforcement of natural resource regulations. The Aha Kiole should approach the judiciary and police to negotiate agreements that citizen citation of natural resource violations is proper and legal and will receive fair treatment in the judicial system. This would empower communities in their creation, implementation and enforcement of their regulations.

The Aha Kiole would sponsor a symposium conference or *puwale* annually for the purpose of sharing cultural knowledge, information and traditional practices. The Aha Kiole Council would initiate a speaker's forum with a group of knowledgeable speakers to address cultural, scientific, commercial and regulatory initiatives and needs arising out of actions by the communities.

The Committee recommended eligibility criteria to participate in the Aha Moku natural resource management system, with the most important eligibility criteria is cultural, generational knowledge. This is not a racial bias in the selection criteria for Aha Ahupua'a, Aha Moku or Aha Kiole service. This does not mean that the workings of the Aha Moku system will be without rancor or criticism. After all, each member in a position of responsibility will have to balance the needs and desires of the community with what is known about the resource.

Knowledge is an excellent criterion for participation in the decision-making process for this natural resource management system. The participating community confirms generational knowledge of a practitioner. The criteria for serving in the Aha Moku Resource Management system:

1. *Malama 'ahupua'a*-(know and care for the entire 'ahupua'a);
2. Understand issues related to water, land, ocean and shoreline;
3. *Pulama noi, 'ae, ho'ole*-(understanding the value and being capable of making requests, consenting and denying);
4. *'Ike hanauna*-Has generational knowledge of fishing, farming, land, water and ocean use methodology based on the traditional 'ahupua'a system;

5. *Mauli ola*-Has knowledge of the spiritual connectedness between natural resources and Native Hawaiian culture;
6. *'Elele Ho'ohiki*-Can respectfully communicate with wisdom and insight among *'ahupua'a* constituents, fellow *'ahupua'a* representatives and Government, and;
7. *Kuleana*-is sanctioned by the community and acknowledged as an expert traditional practitioner responsible for *ahupua'a* accountability.

## 2. MET Priorities

Itano called Council staff, Charles Kaaiai for the report on item 7, C, 2, Update on Western Pacific Marine Education and Training Program.

Kaaiai noted the document in the briefing book and presented a PowerPoint presentation about the updates to the MET Program. In 2006, a section was added in the Magnuson Reauthorization Act for the Western Pacific Marine Education and Training Program at Section 305 (J). Council staff and PIRO have been discussing how to implement the program. Projects and programs are initiated by the MET working group for the Council and PIRO will develop their own programs and projects to address the mandate. The working group is made up of people that participated in the MET Workshop held at the Council conference room in April 2008.

Educational and training needs could be divided into adult training opportunities and youth training opportunities, with adult training needs largely about vocational training and education in maritime careers: Coast Guard certifications, training for fishing industry and maritime employment education; and youth educational opportunities focusing on the establishment of a scholarship program to support youth going on to higher education. The working group found that all of the marine educational and training mandates were addressed somewhere in the region. The difficulty would be identifying qualified students to receive scholarships to take advantage of existing opportunities.

Since the workshop, a steering committee of representatives from the Council, PIRO, PIFSC and representatives from each of the island areas was established. The MET working group would initiate projects and programs to be presented to the Council. The Council would review and make recommendations for the program and pass the recommendations to the steering committee, which would implement projects and programs (contracts, funding, scholarships, etc.) by directing how funding would be applied. PIRO wanted autonomy in selecting their programs and the Council relies on recommendations from the community.

Duenas asked about the status of a steering committee. Kaaiai responded that there was no Steering Committee just a proposal and the program is still being developed. Duenas asked Robinson about funding available for the program. Robinson said there was no new money available, but PIRO is looking for ways to fund the program.

Itano recognized Ben Sablan of CNMI who asked Robinson about the Coast Guard regulations regarding TWIC (Transportation Workers Identification Credential). He advised that in CNMI 80 percent of the six-pack licenses will be lost on April 15. He emphasized the need for training for six-pack and other CG certification in CNMI. Sablan urged Robinson to fund the

program, with a need in the CNMI for at least USCG licensed pilot.

Caputo asked if the problem with TWIC was a training or a nationality problem because you have to be a US citizen to get a TWIC card. Sablan responded that it was a nationality problem. On April 15, 2009, 60 to 80 percent of the USCG licensed pilots in CNMI will lose their licenses because they are not US citizens. Caputo said the same problem exists in American Samoa, but was unsure about Guam. He did know they were working on the problem at the district level. Caputo agreed to report back to the Council on the TWIC issue.

Duenas recommended that the Council support this initiative, noting that the program got representatives from all three island areas together to collaborate on a plan and, if funds become available, they be used to reconvene the group to work on the program.

### **3. Turtle Conservation Activities**

A summary of the turtle conservation activities being conducted by the Department of Marine and Wildlife Resources was presented to the Council by Alden Tagarino on turtle conservation being conducted in American Samoa. Based on this work, it may be possible in the future to obtain an estimate of the number of turtles in the waters around American Samoa. Council discussion noted the importance of this work as it related to the issue of the American Samoa longline fishery and its interactions with green sea turtles.

### **4. Submerged/Ceded lands**

Ka ai ai was called on to report on the Submerged and Ceded Lands issue in Hawaii. Submerged lands are considered ceded lands, which are those Kingdom and Government lands ceded by the Provisional government to the US after the overthrow of the Hawaiian Kingdom. The case before the US Supreme Court, OHA v. HFDC, was remanded back to the Hawaii Supreme Court for action. OHA et al. v. HFDC challenged the State of Hawaii's presumption that ceded lands could be alienated from the Ceded Lands trust. The lands are held in trust by the State of Hawaii for the betterment of conditions of Native Hawaiians. The USSC found that the Hawaii SC overstepped their bounds by using the Federal Apology Resolution to find for the plaintiffs, OHA et al. The USSC directed that the Hawaii SC use State laws in adjudicating this issue. With a number of scenarios developing, the most important is possibly the legislature passing legislation to prevent the State from alienating ceded lands. The plaintiffs may agree to vacate the HSC decision if they find the legislation supports their case or they may continue to pursue a judicial decision.

## **D. Education and Outreach Initiatives**

### **1. Hawaii and National**

Sylvia Spalding, the Council's communication officer, provided a summary of Council's education and outreach efforts at the Hawaii and national levels. They included completed and ongoing publications (including booklets, brochures, displays, proceedings, traditional lunar

calendars, posters, video segments, and Web site updates and redesigns, but not ads and press releases); articles and editorials; and events (such as workshops, high school summer courses, conferences and meetings). Spalding also covered Council participation with the OCEANIA Marine Educators Association and the National Marine Educators Association, as well partnership opportunities.

## **2. Pelagics and International**

Spalding continued with a summary of the Council's education and outreach efforts regarding pelagic fisheries, including at the international level. They included the production of the *Proceedings of the Fourth International Fishers Forum*, production of a revised *Leatherback Sea Turtle Conservation in Papua New Guinea* DVD, Pelagics FEP display and brochure, Web site updates and redesign, and sponsorship of the *Marine Turtle Newsletter* and the *New Pacific Basin Map*. Spalding also discussed the Council's outreach efforts at the International Sea Turtle Symposium, held February 2009 in Brisbane, Australia, as well as the Council's involvement in organizing the International Pacific Marine Educators Network's 2010 conference. She concluded with a list of other upcoming events and opportunities.

## **E. Seamount Groundfish Moratorium Review**

Mark Mitsuyasu reported on the need to address the Seamount Groundfish Moratorium that will expire in August 2010. Based on recommendations from the Council, the final rule was published in 2004 to extend the moratorium on harvesting seamount groundfish from the Hancock Seamount in the Northwestern Hawaiian Islands for six years, until August 31, 2010. The fishery has been closed since 1986. The closure was intended to conserve pelagic armorhead (*Pseudopentaceros wheeleri*, formerly, *Pentaceros richardsoni*), an overfished stock.

The closure of groundfish fisheries in the US EEZ alone will not ensure a rebuilding of the stock inside the EEZ, but was considered appropriate as a pro-active management measure. The groundfish fishing moratorium at the Hancock Seamounts remains the sole measure enacted to rebuild the depressed stock levels of armorhead at the SE-NHR seamounts. Despite the small spatial extent of the Hancock Seamounts fishing grounds, and the likelihood that this small portion of the fishing grounds is insufficient for stock re-building, the closure sets a "higher commitment" by the US to manage this resource. The closure may prove helpful in future negotiations with other seamount fishing nations to develop a consensus on future management measures to rebuild the groundfish stocks.

PIFSC provided an updated review of the groundfish stock fishery included in the briefing material, which the Council needs to consider further action to manage. Mitsuyasu noted that consideration should be given to establish a moratorium with no time horizon to allow this fishery to be removed from the list of overfished stocks. Another option would be to continue the moratorium for another six-year period. The Council discussed removing the species from the management unit species list, given that total domestic closure, as has been the case for the past 23 years, has not recovered the stock. Stock recovery will need to be coordinated on an international level.

## **F. Main Hawaiian Islands Bottomfish**

### **1. Status of the TAC**

Mitsuyasu reported that the Council at its last meeting recommended a TAC for the MHI bottomfish of 241,000 pounds for the 2008-2009 fishing year that ends on August 31, 2009. The Final Rule for the TAC was published by NMFS on February 12, 2009 with an effective date of March 16, 2009. As of early February, the total landings by the commercial bottomfish fleet amounted to about 100,000 pounds of deep seven species. The 2009-2010 fishing season begins on September 1, 2009, at which time a new TAC will apply.

One of the issues raised in finalizing the Proposed and Final Rule for the 2008-2009 TAC was if the non-commercial catch would apply to the TAC. The original intent was to begin collecting non-commercial fishery information through the new non-commercial permit and reporting regulations.

HDAR published their fourth newsletter updating fishermen and public on MHI bottomfish management issues and research projects. The Council discussed the need to coordinate and monitor landings to facilitate coordinated closure of the fishery should the TAC be reached.

### **2. WPSAR Review**

Dalzell reported on the Western Pacific Stock Assessment Process now being conducted on the Hawaii Bottomfish Stock Assessment, which was generated by the Science Center and led by Jon Brodziack. The WPSAR has two level or two tiers process, because most of the species in the WPR are managed RFMOs.

Bob Skillman, SSC member and retired PIFSC staff, was contracted as chair the WPSAR Review. The PIFSC leads are Bob Moffitt and Gerard DiNardo, and Paul Dalzell is in charge of WPSAR for the Council.

Milani Chaloupka, another SSC member, accepted to serve on the panel. Two to three independent reviewers are currently being sought.

The assessment will be held at a neutral location, Tokai University in Honolulu. On the first two days, the Science Center staff will present on the stock assessment and information used to generate the assessment.

The actual process of the review will begin on the second day and completed prior to the close of the workshop on Friday. Dr. Skillman will present their findings at the next SSC meeting in July, where the SSC will have the task of accepting or rejecting the stock assessment. The Council will consider SSC recommendations later that week.

### **3. Bottomfish TAC Specification (Action Item)**

Robinson briefly reported that the specification of the TAC for the next year will be dependent on the outcome of the WPSAR process.

#### **G. SSC Recommendations**

Callaghan reported that the SSC did not discuss the Seamount Groundfish Moratorium item. It did comment on the WPSAR review and did not have any specific recommendations at this time.

#### **H. Public Hearing**

Sean Martin called for public comments, hearing none moved to Council discussion and action.

#### **I. Council Discussion and Action**

The Council discussed and made the following recommendations regarding the Hawaii Archipelago

Fred Duerr proposed the following motion, which was seconded by Dan Polhemus.

- 1. Directed staff to draft an options paper to consider options for continuing the groundfish moratorium on the Hancock Seamount.**

The motion passed.

Fred Duerr proposed the following motion, which was seconded by Dan Polhemus

- 2. Directed staff to meet with NMFS and HDAR staff as soon as possible to evaluate the MHI TAC projection options developed by PIFSC and HDAR for closing the MHI Deep 7 bottomfish fishery as of the date the TAC is projected to be reached.**

The motion passed.

Fred Duerr proposed the following motion, which was seconded by Joe Torres

- 3. Recommended the Chair of the WPSAR Bottomfish Stock Assessment Review ensure that a review of the bottomfish CPUE standardization methodology takes place as part of the part of the WPSAR review process, and is reported to the SSC at its next meeting in July 2009.**
- 4. Directed staff to prepare an options paper to examine the potential use of LAPPs (individual fishing quotas) for the MHI Deep 7 bottomfish fishery.**

Fred Duerr proposed the following motion, which was seconded by Stephen Haleck

The motion passed.

Fred Duerr proposed the following motion, which was seconded by Will Sword.

- 5. Recommended NMFS and HDAR initiate a program to collect and analyze biological information regarding lehi, given its increasing proportion in the MHI bottomfish catch.**

## **12. Pelagic & International Fisheries**

### **A. American Samoa and Hawaii Longline Quarterly Reports**

The latest quarterly reports round-up from the two US longline fisheries in the Western Pacific was presented by NMFS PIFSC Director Sam Pooley. In the American Samoa fishery, 28 vessels made 287 trips and 4,730 sets to catch 7.8 million pounds of albacore, a 36 percent drop on the previous year, with albacore CPUE being the second lowest on record. The larger Hawaii longline fishery of 129 vessels made 1,470 trips (1,380 tuna trips and 90 swordfish trips) making in total 19,468 sets. This resulted in landings of 13.5 million lbs of bigeye and 4.3 million lbs of swordfish, with bigeye landings similar to 2007, and swordfish increased by 16 percent.

Dan Polhemus asked if opah were being targeted more by longline fishermen since their depth distribution was slightly below that of bigeye. Pooley was unsure but thought that it was a good question in light of the bigeye cap and the potential for increased targeting of opah. Discussion followed about the volume of hooks set by deep setting tuna vessels and whether a finite limit was being approached. Martin thought that eventually there had to be a plateau, given time constraints on setting and hauling. Sam Pooley responded to another question that there had no dramatic change in the size of fishes being landed by the longline fishery.

### **B. Update on Hawaii Shallow-set Fishery**

Eric Kingma updated the Council on Amendment 18 to the Pelagic Fishery Management Plan to remove the effort cap on the Hawaii shallow-set longline swordfish fishery. Amendment 18 was to be transmitted for Secretarial review and approval in February-March 2009. At the 143<sup>rd</sup> Council Meeting, 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, which was consistent with NMFS Section 7 Biological Opinion (BiOp) on the proposed action. The BiOp found that the anticipated take of 19 leatherback turtles did not jeopardize the continued existence of the species. However, as a precautionary measure, the BiOp Reasonable and Prudent Alternative recommended maintaining the leatherback hard cap at 16 interactions due to uncertainty in the status of Western Pacific leatherback populations.

Regarding the public comments on the DSEIS reviewed at the 143<sup>rd</sup> Council meeting, the Council also expressed appreciation for the comments provided by the public and federal and state agencies, but found no new scientific or other information that would lead the Council to reconsider its recommendations on regulatory modifications for the fishery. In 2008, 2

leatherback and 0 loggerhead interactions were observed in the fishery (100 percent observer coverage).

### **C. Report on the Video Monitoring Project**

Sean Martin updated the Hawaii longline video monitoring project, which was initiated in December 2008, with Archipelago Marine Research (Victoria, BC) contracted to install video equipment and analyze its data on three shallow-set vessels and one deep-set vessel. Installed in mid-January, the equipment has collected data from several trips, with the objective of testing the use of video monitoring in both components of the Hawaii longline fishery, but primarily the shallow-set fishery, with costly, 100 percent observer coverage. Based on video's proven effectiveness in other fisheries with comparable coverage as basic observer data and at less cost, the video monitoring project is scheduled to last until mid-summer and a final report is planned for the 146<sup>th</sup> Council meeting in the fall of 2009.

### **D. Report on SPC-implemented Pacific Tuna Tagging Program (PTTP)**

Council Member Itano presented on the progress of the Pacific Tuna Tagging Program (PTTP), a joint research project implemented by the Oceanic Fisheries Program (OFP) of the Secretariat of the Pacific Community (SPC), the PNG National Fisheries Authority (NFA) and the members and participating nonmembers of the Western and Central Pacific Fisheries Commission. The goal of the PTTP is to improve stock assessment and management of skipjack, yellowfin and bigeye tuna in the Pacific Ocean. The specific objectives are:

1. To obtain data that will contribute to, and reduce uncertainty in, WCPO tuna stock assessments.
2. To obtain information on the rates of movement and mixing of tuna in the equatorial WCPO, between this region and other adjacent regions of the Pacific basin, and the impact of FADs on movement at all spatial scales.
3. To obtain information on species-specific vertical habitat utilization by tunas in the tropical WCPO, and the impacts of FADs on vertical behavior.
4. To obtain information on local exploitation rates and productivity of tuna in various parts of the WCPO.

Questioned about identifying regional stocks from the tagging data, Itano noted that young bigeye tagged on the equator had not yet shown up in the Hawaii fishery.

### **E. International Fisheries/Meetings**

#### **1. WCPFC Conservation and Management Measures**

Robinson updated the Council on the WCPFC Conservation and Management Measures (CMMs) emerging from the 5<sup>th</sup> meeting of the Commission in Busan in December 2008.

### *Bigeye tuna and yellowfin tuna*

The Commission adopted a conservation and management measure over the next three years for bigeye tuna and yellowfin tuna that aims to reduce fishing mortality on BET by 30 percent from either the average of 2001-2004 baseline or a 2004 baseline, in the case of US and China; and to keep fishing mortality on YFT from increasing beyond 2001-2004 levels.

### *Turtles*

A consensus was achieved on a binding sea turtle conservation and management measure, which contains provisions for purse seine and longline fisheries, with particular emphasis on shallow set swordfish gear. Despite considerable resistance from the European Community, the US was able to maintain the measure's circle hook provisions. This is the first measure adopted by a tuna RFMO that includes circle hook provisions and implemented on January 1, 2010. It also requires that longline vessels carry (and use) line cutters and dip nets as well as engage in post harvest mitigation and handling activities. It recognizes traditional and subsistence uses and allows alternative methods, as approved by the SC and the TCC to be employed where appropriate. The measure culminates over five years of effort by NOAA Fisheries working with its Pacific Island partners on sea turtle conservation and management in the western and central Pacific.

### *South Pacific swordfish*

A measure was adopted that will freeze catch and effort for South Pacific swordfish. A previous measure froze only effort (vessel numbers) and the adopted measure freezes both catch and effort. While the EC resisted the measure, its case was heavily eroded when Spanish EC vessels claimed to have caught up to four times the amount of fish previously reported. A rebuke from New Zealand and Australia resulted because, among other things, the previously unreported catch questions the results of the South-Central portions of the recently completed stock assessment. The measure froze EC catch at the 2006 level of approximately 3200 mt (claim was 4900 mt) and requires independent verification of operation catch and effort data from the Spanish fleet.

## **2. IATTC Conservation and Management Measures**

Robinson reported to the Council that the IATTC had failed to reach a consensus on a conservation measures for EPO bigeye and yellowfin tuna. The most recent proposal for the years 2009-2011, set at its November 2008 meeting, was for a purse seine closure of a period of 12 consecutive weeks each year when vessels will not fish in the EPO. For the longline fishery, a reduction in bigeye catches was set to produce an equivalent reduction in fishing mortality as the 12-week purse-seine closure. Specific bigeye quotas would be set for China Japan, Taiwan and Korea. For other contracting parties, the bigeye quota would be set as greater of 89 percent of their respective 2001 catches or 500 t.

## **3. North Pacific Seamount RFMO**

Robinson reported on the 6th Inter-governmental Meeting on Establishment of New Mechanism for Management of High Seas (Bottom) Fisheries in the North (Western) Pacific Ocean that met in Busan, Korea, February 17-20, 2009. Robinson reported that the convention text was still in

the process of negotiation. Some stock assessments for pelagic armorhead and alfonsons were being planned. The US has proposed to increase the scope of the current agreement to extend the entire North Pacific above 20 degrees N, excluding the Bering Sea and Arctic Ocean.

#### **4. Fixed Net/Sea Turtle Interaction Workshop**

Asuka Ishizaki provided a summary of the Fixed Net/Sea Turtle Interaction Workshop, convened in January in Hawaii, and attended by approximately 50 participants from nearly 20 countries. Participants represented intergovernmental organizations, national fishery management authorities, environmental non-governmental organizations, academic institutions, fishing industries and donor organizations. The workshop was co-hosted by the International Union for the Conservation of Nature (IUCN), Western Pacific Regional Fishery Management Council (WPRFMC), Southeast Asian Fisheries Development Center (SEAFDEC), Indian Ocean – South-East Asian Marine Turtle MoU (IOSEA), and the US National Marine Fisheries Service Southeast Fisheries Science Center (NMFS-SWFSC). The proceedings of this workshop, as well as the IUCN technical report *Mitigating Sea Turtle Bycatch in Coastal Passive Net Fisheries*, were being produced by the workshop organizer, Eric Gilman, IUCN.

#### **5. ISC Bycatch Working Group**

Robinson reported that the ISC Bycatch Working Group met at the Western Pacific Council office on January 14-15, 2009. Among the issues discussed were research on *tori* lines, electronegative metal shark deterrents and circle hooks.

#### **6. Department of State/NMFS/Councils Memorandum of Understanding**

Kitty Simonds reported to the Council that the Implementing legislation for the US to become a full member of the Western and Central Pacific Fishery Commission included the development of a Memorandum of Understanding (MOU) between the Western Pacific, North Pacific and Pacific Councils, as follows:

- Participation in United States delegations to international fishery organizations in the Pacific Ocean, including government-to-government consultations;
- Providing formal recommendations to the Secretary and the Secretary of State regarding necessary measures for both domestic and foreign vessels fishing for these species;
- Coordinating positions with the United States delegation for presentation to the appropriate international fishery organization; and
- Recommending those domestic fishing regulations that are consistent with the actions of the international fishery organization, for approval and implementation under the Magnuson-Stevens Fishery Conservation and Management

Since it was first drafted in early 2007, the MOU has been through several iterations and drafts, and a final version may be ready by the 144<sup>th</sup> Council Meeting for Council approval.

Duenas voiced his concerns about the selection of the US Commissioners to the WCPFC.

Robinson answered that the Commissioner appointments were made by the President and that the new President may wish to appoint his own choice of Commissioners to the WCPFC.

**F. Recommendations for Management of WCPFC Longline Bigeye Tuna Quota (Action Item)**

Dalzell reported that during 2008 the US longline vessels in the Western Pacific fished for a third year under a Western and Central Pacific Fishery Commission (WCPFC) bigeye quota, based on the 2004 catch of 4,181 mt. Unable to reach a consensus for a conservation measure in 2008, the Eastern Pacific Ocean from the Inter-American Tropical Tuna Commission (IATTC) has no equivalent total.

The WCPFC issued a new conservation measure in December 2008 for the years 2009-2011. This new measure included a series of measures for purse seiners, limiting purse seine effort on FADs and imposing a 30 percent longline catch reduction phased in through 10 percent increments over three years. For those longline fisheries catching less than 5000 mt and landing only fresh fish, the reduction applied only to 2009.

In 2009, the US fleet, based in Hawaii, is limited to a catch of about 3,762 mt. The measure does not apply to Small Island Developing State members and participating territories in the Convention Area that are undertaking responsible development of their domestic fisheries. Hence, there are no bigeye catch limits for the American Samoa longline fleet, the emergent longline fishery in CNMI, or a potential longline fishery in Guam.

Under the terms of the new conservation and management measure, Dalzell noted there are provisos for states that the measures does not apply to members and participating territories that caught less than 2,000 tonnes in 2004. Each member that caught less than 2,000 tonnes of bigeye in 2004 shall ensure that their catch does not exceed 2,000 tonnes in each of the next three years (2009, 2010 and 2011). The language of the new conservation and management measure might be interpreted as having no quota limits for American Samoa, Guam and CNMI, or that there is a 2000 mt limit for each island group.

Robinson noted that NMFS was still considering options, from closing the entire fishery to closing only the deep set and leaving the shallow set fishery open, or to simply prohibit landings of bigeye when the quota was reached. He added that he had to factor the impacts of any measure on bigeye mortality and impacts to protected species, such as turtles, into the decision-making process. Another potential mechanism may be to slow the fishery down so that it was able to meet market demand in the holiday season, when demand for bigeye peaked.

Polhemus noted that any fishery closure targeting bigeye would also limit supply of a whole range of fresh fish caught incidentally with bigeye. He added that the WCPO landings do not apply to the Eastern Pacific Ocean and the IATTC convention area, and currently no conservation measure exists in the EPO.

Itano noted the potential for more distribution of fishing effort into smaller non-longline gears if there was a closure or cap on the longline bigeye tuna catch. It was noted that shortlines

could be used inside the 50-75 nm longline area closure around the MHI, sparking a new round of user conflicts.

Martin drew attention to a foreign fish company in Honolulu that was promising to supply tuna to wholesale and retail outlets in the event of a closure of the Hawaii longline fishery. As such, bigeye would still be available and fishing mortality would not decline. An important aspect of not landing bigeye was the post-release morality rate. Discussion followed about changing the fishing year from a calendar year to a twelve-month period, where the quota might be reached when market demand was low and that a closure might be less damaging to the Hawaii economy.

## **G. Pelagic Action Items**

### **1. Recommendation on American Samoa Longline Fishery Management Measures to Minimize Turtle Interactions (Action Item)**

Dalzell reported that the level of turtle interactions in the American Samoa longline fishery was 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 died when brought aboard or before being released. Genetic samples from two of the captured turtles showed that one was from stocks nesting in northern Australia and New Caledonia, and the other from stocks nesting in Micronesia and American Samoa. A fifth turtle was observed taken recently in 2008.

At its 142<sup>nd</sup> 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. 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 included most of the operators of the American Samoa longline fleet. They were receptive to the proposal to increase the distance between the float line and hooks, based on limited data that this could achieve up to an 80 percent reduction of what is already a rare event. Some modeling work by the NMFS PIFSC also provided information on the likely impacts of moving hooks further from the float line.

Discussion focused around the practicalities of setting branchlines to ensure all hooks were set deeper than 100 m. There was also interest in a project that would test large 16/0 and 18/0 circle hooks as an alternative to the 100 m depth requirement. Tests with large circle hooks had been conducted by the Hawaii fishery.

### **2. Non-Longline Management (Action Items)**

#### **a. Recommendations on Limited Entry Program for the Cross seamount/NOAA Weather Buoy Fishery**

Dalzell summarized the issues concerning the limited entry program for the Cross seamount/NOAA Weather Buoy Fishery. At the 142<sup>nd</sup> Council Meeting, the Council directed staff to incorporate implementation details (e.g. eligibility criteria, gear descriptions and area of application), and associated impacts in an analysis of a range of alternatives that would establish a limited entry program for offshore handline and associated (non-trolling) hook-and-line fishing around Cross Seamount, weather buoys and private FADs in EEZ waters around Hawaii.

Subsequently, from comments received at public meetings held in Hawaii in August 2008, Council staff recognized that trying to develop a comprehensive amendment for both the offshore handline fishery and the private FAD fishery was too complex. Hence, the first action will be to develop a limited entry program for the offshore handline fishery focused on Cross Seamount and the NOAA Weatherbouys. The Council was asked to consider four issues relating to limiting entry: the affected area, the affected gear types, participation criteria and permit transferability.

Itano suggested that the first step would be to define shortline gear to enable the Council can regulate it. The potential for the non-longline fishery to expand was raised, in the light of bigeye tuna quotas, and for the fishery to operate inside the longline exclusion zone may create tension with nearshore coastal fisheries.

**b. Recommendation on Purse Seine Fishing on FADs and FAD Registration in the US EEZ of the Western Pacific**

Dalzell summarized the issues relating to management of purse seine fishing in association with FADs, within the US EEZ of the Western Pacific Region. The 143<sup>rd</sup> Council Meeting adopted as the objectives of the proposed actions: reduction of the likelihood of local depletion of pelagic stocks and local fishery interactions; and conservation of bigeye tuna by reducing purse seine bycatch of juvenile fish; assisting in enumerating FADs to improve definition of fishing effort and assigning responsibility for derelict FADs

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

The Council also 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. 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.

Instead of a separate options paper, the Council staff incorporated the Council recommendation into the draft amendment document: Management Measures for Fishing around

Fish Aggregating Devices in the U.S. EEZ in the Western Pacific Region. The Council has therefore taken final action on defining and registering FADs and adopted a preliminary preferred alternative on prohibiting purse seine fishing on FADs in the US EEZ of the Western Pacific.

**The Council may wish to take action at the 144<sup>th</sup> Council meeting to adopt a new preferred alternative that would permit purse seining on FADs in the PRIA by US-hulled vessels if collaborating in a cooperative research program while prohibiting fishing with Fads in all other US EEZ waters where purse seining is allowed.**

## **H. Purse Seine Fishery**

### **1. Report on U.S Fleet**

A report on the US purse seine fleet noted that most of the new vessels entering this fishery have foreign hulls and 51 percent US ownership. These new vessels currently do not have the rights to fish in the US EEZ waters in the Western Pacific, while the older vessels with US made hulls are able to fish within the US EEZ. Robinson reported that during the current licensing period, there are 39 licensed. There are 14 US-built hulls, 19 hulls built in Taiwan and five hulls built in other foreign countries, including France and Korea. Twenty percent observer coverage was being maintained.

### **2. Treaty Review**

Robinson reported on the US Purse Seine Treaty, whose Treaty Review by the parties was held in Koror Palau March 9-13, 2009. Running roughly from 2003 to 2013, the current treaty holds two management meetings a year and an annual consultation in March, among all Pacific Island countries who are FFA members. There are called a broader cooperation talks sponsored by the purse seine industry to review technical issues, such as observers etc.

The recent consultation was different from past consultations, with less emphasis on operational issues and more on looking forward to the end of the current treaty period in 2013. Discussions were begun and views were exchanged on how the treaty would be revised in the future to accommodate and align with the WCPFC conservation management measures, and whether these may be accommodated in the future extension of the treaty. The decision to end the negotiation of the treaty extension this year was deferred to later this fall, with the FFA Countries offering to host in Honiara.

Itano asked about the relationship of Vessel Day Scheme (VDS) to the treaty. Robinson said there was no extensive discussion of this issue but the US did not agree to the VDS. Robinson noted that draft rules were now being prepared on implementing the WCPFC conservation measures. Duenas expressed concern at the rapid re-expansion of the US purse seine fleet and its impact on tuna conservation.

### **3. WCPFC Conservation Measures**

The purse seine conservation measures for purse seiners operating under the WCPFC convention following the 5<sup>th</sup> meeting of the Commission in Bussan are as follows:

Purse seine:

- Effort on the high seas no greater than baseline (2004 levels or the average of 2001-2004) except SIDS and participating territories).

*2009:*

- Maintain effort in EEZs no greater than baseline (in Parties to the Nauru Agreement [PNA] countries, through Vessel Day Scheme)

and:

- No fishing in EEZs on FADs between 20 deg N and 20 deg S from 1 Aug through 30 Sep (may only fish during that period with an observer on board); and one of the two following options:
- No fishing on the high seas on FADs between 20 deg N and 20 deg S from 1 Aug through 30 Sep (may only fish during that period with an observer on board);

or:

- Reduce catch of BET by at least 10 percent relative to baseline (only if member or cooperating non-member [CCM] demonstrates existence of a strong port monitoring program: only Japan is expected to use this option);

and

- Implement 20 percent observer coverage.

*2010-2011:*

- PNA members limit effort in their EEZs to 2004 level (through VDS);

and

- PNA members implement Third Implementing Arrangement, including:
  - 3-month FAD closure in their EEZs from 1 Jul through 30 Sep;
  - full catch retention;
  - conditions for fisheries access to EEZs that requires vessels not to fish in high seas pockets of PNA members;

and

- on high seas and in EEZs of non-PNA members, no fishing on FADs 1 Aug through 30 Sep (may only fish during that period with an observer on board);

and

- high seas pockets of PNA members closed starting 1 Jan 2010 unless otherwise decided in 2009;

and

- Commission will consider of VDS for high seas, and alternative measures to reduce BET by a further 20 percent;

and

- 100 percent observer coverage on vessels operating between 20 deg N and 20 deg S.

*Other:*

- CCMs must prepare and submit FAD management plans
- CCMs and Commission will engage in research to mitigate juvenile tuna catch

- Must retain all catch (with some exceptions)
- Vessels carry an observer starting 1 Jan 2010

## **I. Pelagic Plan Team Recommendations**

Dalzell reviewed the recommendations from the January 29/09 Pelagic Plan Team meeting. Resulting from a one day meeting, they are concerned primarily with new US bigeye tuna quota in the WCPFC convention area in 2009-2011 and the data and monitoring implications. The recommendations were as follows:

1. The Pelagic Plan Team (PPT) recommends the Council consider requiring that Hawaii and US West Coast-based longline vessel captains be required to make daily reports of bigeye and yellowfin catches (numbers kept and released and estimated total weight of fish kept) and in which RFMO area the beginning of the fishing set occurred (IATTC being east of 150 deg W, WCPFC otherwise). Days at sea without fishing should also be reported. The PPT suggests that the longline vessels acquire satellite phones for this purpose and ultimately the ability to use email via VMS units.
2. The PPT recommends that NMFS consider requiring observers to use their satellite phones daily for reporting of bigeye and yellowfin catches (numbers kept and released and estimated total weight of fish kept) and in which RFMO area the beginning of the fishing set occurred (IATTC being east of 150 deg W, WCPFC otherwise). Days at sea without fishing should also be reported.
3. The PPT recommends that the Council consider requiring longline vessels to use electronic logbooks to reduce the time interval between landing and data quality control approval.
4. The Council should consider reviewing its VMS policy since confirmation of vessel position is critical for estimation and validation of fishing effort used to estimate catch relative to limits in the WCPFC and the IATTC. This becomes essential if recommendation Number 1 is not realized.
5. The Council may consider a number of options to optimize yields and socio-economic benefits and maintain viable longline fisheries in Hawaii. These may include:
  - ITQs
  - Sector allocation of catch limits (shallow versus deep sets)
  - Trip catch limit for non-target sector
  - Temporary fishery closures triggered by attainment of some proportion of the catch limit
  - Seasonal fishery closures
  - Catch limits based on an alternative 12 month non-calendar year
6. The PPT recommends that the Council recommends to NMFS and the DOS that US delegations to tuna RFMOs promote flexibility in relation to catch limits such as: 1. use of non-calendar fishing years; 2. multiple year schedules to accommodate overages, deficits and carry-overs.

## **J. SSC Recommendations**

The Council was presented by the SSC Chair, Paul Callaghan, with the recommendations from the 100<sup>th</sup> SSC meeting relating to Pelagics and International Fisheries.

1. The SSC prefers alternative 2, increasing the distance from each float to adjacent branch lines to at least 70m to help ensure that all hooks are deeper than 100m.

The SSC also recommends research on the effect of larger circle hooks on both albacore catch rate and turtle interactions, and increasing observer coverage to the level of the Hawaii deep-set fishery.

The SSC further recommends an intensive year-long experiment with high observer coverage, at a minimum of 30 percent of trips, to explore the variability in turtle interactions over time and space and with different gear configurations.

Identification of the genetic stock of the turtles that interact with the American Samoa Longline fishery is essential to interpret the population effects of interactions. The SSC is concerned that sea turtle genetic samples are not being processed in a timely manner. The possibility of performing this work at the Hawaii Institute of Marine Biology by Dr. Brian Bowen should be explored. The SSC encourages Dr. Peter Dutton to publish his current manuscript on Pacific Green Turtle stock structure.

The SSC encourages the Council to continue to work with the US delegation to the WCPFC to strengthen conservation and management measures that would reduce sea turtle interactions with non-US fishing fleets.

2. The SSC discussed several possible management measures that would help to prevent an “empty Honolulu auction” at the end of the year. The SSC supports the development and rapid introduction of a limited access privilege program (LAPPs) for catch quota allocation. The SSC also recommends that this Council seek the advice from other Regional Councils and other jurisdictions experienced with LAPPs, regarding how to successfully implement a LAPP for the Hawaii LL fishery.

In addition, the SSC views this situation as an “emergency” and urges PIRO to immediately announce the WCPFC bigeye quota for US longline fisheries in the CFR.

3. The SSC supports creation of a new control date for management of hook and line fisheries on Cross Seamount and the NOAA weather buoys.

SSC supports expanded research on monchong (*Eumigistes illustris*) biology and residency on Cross Seamount and other features. The SSC recommends that monchong be added to the Hawaii Risk Ranking. The SSC further wants clarification of which family Bramidae species are included under UNCLOS Annex I. Whatever species are not listed under UNCLOS and not managed by RFMOs would require Council management action, such as MSY and ACL

development.

4. The SSC reiterates its support for Alternative 3B (Prohibit Purse Seine FAD Fishing in all U.S. EEZ Waters). The SSC notes that fishing effort has never been well defined in tuna purse seine fisheries. This situation has been exacerbated by the increasing use of FADS and vessel effort is no longer related to fish abundance, as measured by days fished. Fishing effort is related in some way to the number of FADs fished by purse seiners, but this is incompletely understood. Therefore, as catch no longer depends on fish abundance, it is impossible to interpret CPUE using catch per set or catch per day fished as an index of abundance. Without additional information, it is impossible to effectively use purse seine effort in stock assessments. The SSC therefore supports well designed research on purse seine FAD fishing. Some of the critical research issues include:

Quantification and characterization of catch per set. Currently, BET stock assessments use only catch per unit of effort data (CPUE) from longline vessels and only incorporate BET purse seine catch and no measures of CPUE;

Quantification and characterization bycatch per set. The quality of bycatch data from FFA observers is highly variable, meaning that raising these data to fleetwide totals through a statistical analysis of the data is not conducted;

Quantification and characterization of the number/rate and impacts of "lost" FADs. Elicit and test fishermen knowledge regarding potential methods to reduce or mitigate adverse impacts. FAD replenishment rates,, i.e. how quickly after being fished fish biomass re-accumulates under a FAD;

Utilizing of time-depth recorders (TDRs) to characterize the actual fishing depth of purse seines; and

Evaluation of onboard species composition and length frequency sampling versus port sampling.

With respect to the new Alternative 3G (Prohibit Purse Seine FAD Fishing in all U.S. EEZ Waters Except Around the PRIA for US-Hull Vessels Participating in Cooperative Research), the SSC recommends that research projects with the goal of reducing incidental catch of juvenile bigeye in purse seine fisheries should be a priority and should incorporate milestones and performance standards. The SSC recommends research initiatives with an experimental design reviewed by SSC or WPSAR, and recommends that all research cruises utilize well-qualified scientific observers.

The SSC recommends that the Council express its appreciation for the initial conservation measures for bigeye and yellowfin, and that the Council urge the WCPFC to further develop these measures into an effective conservation regime by 2010. The SSC remains concerned, however, over the apparent low level of compliance, in particular inadequate catch data reporting by some Commission members, and the impact this has on our ability to assess the status of stocks.

The SSC supports the PPT recommendations and notes that some of the PPT recommendations would be less urgent if the Council chooses to use the Limited Access Privilege Program (LAPP) as a method of allocation.

#### **K. Public Comment**

The first person to offer public comment was Michel Feliciano. He spoke on behalf of the American Samoa Longline Association and asked that in making any management decisions, that the Council consider the continuity of the American Samoa longline fishery.

The second public commenter was Carlos Sanchez who asked the Council to consider a business plan to develop the American Samoa longline fishery, and which would help revive the now mostly defunct alia segment of the fishery. This would be accomplished using a mother-ship operation which would allow the alia to fish a greater distances from Tutuila

The next public commenter was Ricardo DeRosa. He noted that he and his family have been residents in American Samoa for many years. He felt that potential Council actions on purse seiners, namely expanding the closed area around the American Samoa archipelago out to 75 nm and the ban on FAD fishing in the US EEZ were unfair. He noted that the US fleet was well managed compared to other fleets, and that it seemed unreasonable to ban FAD fishing in segments of the US EEZ in which these vessels rarely fished. He also had questions about any research program for purse seine fishing around FADs and how this would work operationally.

Bob White gave the next public comments. he spoke on behalf of the Game Fishing Association. I run the local shipyard here. He noted the Council's role in fishery conservation, and recognized the contribution made to the economy of American Samoa by the fisheries sector. He hoped that the Council would take the American Samoa economy into consideration when making management decisions.

Carlos Sanchez was the next commenter. Referring to the longline-turtle mitigation measure, he started that the alternative to use larger hooks would be potentially more costly, since this would require the use of larger bait, of which there were fewer per box, than the smaller sized bait used presently by the American Samoa longline fleet.

Sean Martin asked Commander Jay Caputo of the US Coast Guard to report on the Transportation Worker Identification Credential or TWIC. Caputo reported that the US Coast Guard announced today they submitted to the Federal Register a rulemaking to amend one of the provisions of the January 25, 2007 Final Rule for the Transportation Worker Identification Credential, TWIC. The new rulemaking, which shares the same title as the January 25 rule, amends the definition of secure area in the Title 23 CFR to state that facilities otherwise subject to 33 CFR, Part 105, located in the Territory of American Samoa, do not have secure areas for the purposes of Transportation Worker Identification Credential regulations. To this action means that only the facility security officer and the facility personnel whose primary employment responsibility is security will be required to obtain a TWIC card in accordance with the regulations. So basically, the port has to make sure that the security personnel get TWIC

cards and then they will screen everybody that goes into the port.

Christinna Sanchez was the last public commenter. She began by thanking the Council for its work and for considering remarks made by herself and others in American Samoa. Next, Ms Sanchez asked that the federal agencies that are represented at the Council consider local communities when making decisions, otherwise there would be problems. She also asked that non-governmental organizations also consider local communities, and the part that the Council played in giving a voice to local communities. Finally, she asked that people refrain from making personal attacks on each other during discussions at the Council meetings.

#### **L. Council Discussion and Action**

Manny Duenas proposed the following motion, which was seconded by Joe Torres.

**1. Regarding longline-green sea turtle interactions in American Samoa the Council:**

- **Recommended Alternative 2 to mitigate interactions between green sea turtles and the American Samoa longline fishery, i.e. require that the distance from each float to adjacent branch lines to be at least 70m, and 30 m float lines be used to ensure that all hooks are deeper than 100m.**
- **Recommended research on the effect of larger circle hooks on both albacore catch rate and turtle interactions, and increasing observer coverage to the level of the Hawaii deep-set fishery.**
- **Recommended an intensive year-long experiment with high observer coverage, at a minimum of 30 percent of trips, to explore the variability in turtle interactions over time and space and with different gear configurations.**
- **Expressed concern that sea turtle genetic samples are not being processed in a timely manner. Identification of the genetic stock of the turtles which interact with the American Samoa longline fishery is essential to interpret the population effects of interactions. The possibility of performing this work at the Hawaii Institute of Marine Biology by Dr. Brian Bowen should be explored. The Council also encouraged Dr. Peter Dutton to publish his current manuscript on Pacific Green Turtle stock structure.**
- **Reiterated its commitment work with the US delegation to the WCPFC to strengthen conservation and management measures that would reduce sea turtle interactions with non-US fishing fleets.**

The motion passed.

Manny Duenas proposed the following motion, which was seconded by Joe Torres.

**2. Regarding the bigeye tuna quota for US longline vessels fishing in the WCPFC areas**

of jurisdiction the Council:

- Urged PIRO to immediately announce the WCPFC bigeye quota for US longline fisheries in the Federal Register.
- Supported the development and rapid introduction of a limited access privilege program (LAPP, i.e. individual fishing quotas) for catch quota allocation. The Council directed staff to seek advice from other Regional Councils and other jurisdictions experienced with LAPPs, regarding how to successfully implement a LAPP program for the Hawaii LL fishery and to prepare alternatives for the July 145<sup>th</sup> meeting.

The motion passed.

Manny Duenas proposed the following motion, which was seconded by Dan Polhemus

**3. Regarding the management of non-longline pelagic fisheries in Hawaii the Council:**

- Recommended the adoption of a new control date for management of hook and line fisheries on Cross Seamount, the NOAA weather buoys and the current longline exclusion zone surrounding the Main Hawaiian Islands be considered at the 145<sup>th</sup> Council Meeting.
- Directed staff to draft a discussion paper to examine the State of Hawaii definition of short longline gear and to consider an expanded definition to accommodate recent changes in the non-longline pelagic fishery of Hawaii.
- Supported expanded research on monchong (*Eumigistes illustris*) biology and residency on Cross Seamount and other features.
- Recommended monchong be added to the Hawaii list of species at risk of over fishing. The Council also directed staff to clarify which species in the family Bramidae are included under UNCLOS Annex I. Species not listed under UNCLOS and not managed by RFMOs would require Council management action such as MSY and ACL development.

The motion passed.

Manny Duenas proposed the following motion, which was seconded by Joe Torres

**4. Regarding the management of FAD-associated purse seine sets in the US EEZ in the Western Pacific the Council:**

- (i) The Council reiterated support for Alternative 3B (Prohibit Purse Seine FAD Fishing in all U.S. EEZ Waters). The Council noted SSC comments that fishing effort has not well defined in tuna purse seine fisheries. This situation is

exacerbated by the increasing use of FADS; vessel effort is no longer related to fish abundance, as measured by days fished. Fishing effort is, however, related in some way to the number of FADS fished by purse seiners, but the data is not complete. Therefore, as catch no longer depends on fish abundance, it is difficult to interpret CPUE using catch per set or catch per day fished as an index of abundance. Without additional information, An assessment of purse seine effort is difficult to incorporate in stock assessments. The Council therefore recommended scientific research on purse seine FAD fishing. Some of the critical research issues are:

- Quantification and characterization of catch per set. Currently, BET stock assessments use only catch per unit of effort data (CPUE) from longline vessels but only incorporate BET purse seine catch and no measures of CPUE.
- Quantification and characterization bycatch per set. The quality of bycatch data from FFA observers is highly variable, meaning that raising these data to fleetwide totals through a statistical analysis of the data is not possible.
- Quantification and characterization of the number/rate and impacts of "lost" FADs. Elicit and test fishermen knowledge regarding potential methods to reduce or mitigate adverse impacts. FAD replenishment rates, i.e. how quickly after being fished fish biomass re-accumulates under a FAD.
- Utilization of time-depth recorders (TDRs) to characterize the actual fishing depth of purse seines.
- Evaluation of onboard species composition and length frequency sampling versus port sampling.
- (ii) Recommends with respect to the new Alternative 3G (Prohibit Purse Seine FAD Fishing in all U.S. EEZ Waters Except Around the PRIA for US-Hull Vessels Participating in Cooperative Research), that research projects with the goal of reducing incidental catch of juvenile bigeye in purse seine fisheries be a priority and should incorporate milestones and performance standards. The Council recommends research initiatives with an experimental design reviewed by SSC or WPSAR, and that all research cruises utilize well-qualified scientific observers.

The motion passed, with no votes from Bill Robinson, Dan Polhemus, Fred Duerr and David Itano.

Manny Duenas proposed the following motion, which was seconded by Ike Dela Cruz

##### **5. Regarding International Management of Bigeye Tuna, the Council:**

- Expressed its appreciation for the initial conservation measures for bigeye and yellowfin, and urges the WCPFC to further develop these measures into an effective conservation regime by 2010. The Council remained concerned, however, over the apparent low level of compliance, in particular inadequate catch data reporting by some Commission members, and the impact this has on

**our ability to assess the status of stocks.**

The motion passed.

Manny Duenas proposed the following motion, which was seconded by Ben Sablan

**6. Regarding the Pelagic Plan Team, the Council:**

- **Recommended that Hawaii and US West Coast-based longline vessel captains be required to make daily reports of bigeye and yellowfin catches (numbers kept and released and estimated total weight of fish kept) and in which RFMO area the beginning of the fishing set occurred (IATTC being east of 150 deg W, WCPFC otherwise). Days at sea without fishing should also be reported. The Council recommended longline vessels acquire satellite phones for this purpose and ultimately the ability to use email via VMS units. The Council directed staff to prepare an options paper on this issue for consideration by the Council.**
- **Recommended observers be required to use their satellite phones daily for reporting of bigeye and yellowfin catches (numbers kept and released and estimated total weight of fish kept) and in which RFMO area the beginning of the fishing set occurred (IATTC being east of 150 deg W, WCPFC otherwise). Days at sea without fishing should also be reported. The Council directed staff to prepare an options paper on this issue for consideration by the Council.**
- **Recommended longline vessels be required to use electronic logbooks to reduce the time interval between landing and data quality control approval.**
- **Will consider reviewing its VMS policy since confirmation of vessel position is critical for estimation and validation of fishing effort used to estimate catch relative to limits in the WCPFC and the IATTC. This becomes essential if recommendation Number 1 is not realized. The Council directed staff to prepare an options paper on this issue for consideration by the Council.**
- **Directed staff to prepare an options paper that considers measures to optimize yields and socio-economic benefits and maintain viable longline fisheries in Hawaii. These include:**
  - **ITQs**
  - **Sector allocation of catch limits (shallow versus deep sets)**
  - **Trip catch limits for non-target sector**
  - **Temporary fishery closures triggered by attainment of some proportion of the catch limit**
  - **Seasonal fishery closures**
  - **Catch limits based on an alternative 12 month non-calendar year**
- **Recommended the US delegations to tuna RFMOs promote flexibility in relation to catch limits such as:**

- use of non-calendar fishing years;
  - multiple year schedules to accommodate overages, deficits and carry-overs.
- Noted the SSC comments that these recommendations may be less urgent if the Council chooses to use the Limited Access Privilege Program (LAPP) as a method of allocation.

The motion passed.

Manny Duenas proposed the following motion, which was seconded by Ben Sablan

**Regarding the Council's Sea Turtle Conservation Program, the Council:**

- Expressed its continued support for the Council's Sea Turtle Conservation Program.
- Recommended NMFS PIRO present a comprehensive account of its turtle conservation activities in the Western Pacific at the next Council meeting.
- Recommended including a review by PIRO of the sea turtle recovery plan at the 145<sup>th</sup> Council meeting.

The motion passed.

### **13. Administrative Matters & Budget**

#### **A. Financial Reports**

#### **B. Administrative Reports**

The Council was updated on the status of the audit, internal controls and indirect cost proposal.

#### **C. Meetings and Workshops (Calendar)**

##### **1. Report on Council Member Training**

Duerr reported on the Council Member Training Program held at the Phoenix Parks Hotel in Washington, D.C. from October 21-23, 2008 that he attended with two other Council members. The meeting provided updates on NOAA Fisheries, group activities and presentations. He commented that the Training Program was well organized, compared to the last years, and found it beneficial.

##### **2. CCC Interim Meeting Report**

Martin stated that he attended the Council Coordination Committee (CCC) meeting, together with the Executive Director, Duenas and Young. The next CCC meeting will be at the end of May.

#### **D. Council Family Changes**

Mitsuyasu confirmed that Tom Graham will be added to the Pelagic Plan Team and Parrish is no longer on the Scientific and Statistical Committee. Martin added that Erin Olson will be joining the Marine Mammal Committee, replacing Dave Johnston.

#### **E. Review and Approval of Western Pacific Marine Conservation Plans**

Simonds reviewed the three Marine Conservation Plans for the Western Pacific Sustainable Fisheries Fund, American Samoa, and the Northern Mariana Islands.

Governors of both the Northern Mariana Islands and American Samoa have submitted their Conservation Plans.

What will follow is the Council will review, approves and sends the Plans back to the Governors. The Governors then sends them to Robinson, who will report whether they have been accepted or are incomplete.

The Council reviewed the MCPs. Council members from American Samoa moved for the adoption of Additional Marine conservation Plan projects for American Samoa's MCP.

Martin recognized Sword, who wanted to add: On Objective 1, Activity 1.1, after Pago Pago Harbor, increase fuel storage capacity and transport on the Manua and Swains Islands. At the end of the section, he recommended the following: The Islands of Manua and Swains have a lack of adequate fuel storage and transportation to support local fishers' activities and 500-gallon fuel transport tank will provide the needed capacity.

The other change is to Objective 2, Activity 2.1. After reporting requirements for various fisheries, add: and establish website for online permit and reporting services.

On the description add After mandatory reporting: To support this effort, online services will be developed to provide the fishing community ease of access to permits and additional options to report landings.

The same language should be added under Project Title, include similar language on the paragraph, Purposes, add: This project aims to develop regulations that will allow DMWR to obtain total catch, effort, catch locations, and interactions with protected species.

On Description, add the first sentence to read: The project would involve identifying fisheries in need of permit and reporting regulations.

Martin thanked Sword for his input. Simonds asked for any other input. Dela Cruz recommended four changes to CNMI's Marine Conservation Plan.

The Council Chair directs Staff to make the necessary changes to the documents before submitting it for Secretarial approval.

Simonds reported about the Western Pacific Sustainable Fisheries fund. Changes were made in the MSRA that will allow funds to be deposited in the SFF. Funds are available for deposit.

#### **F. SOPP**

The Council reviewed the SOPP that was also distributed during the 143<sup>rd</sup> Council Meeting in October and addressed questions. Previous questions referenced the Council's use of petty cash and procedure of check signatures. It was stated that every organization uses petty cash and if there was a specific question regarding that, it would be addressed. Also the Council's procedure of signing checks is to have two signatures, the Executive Director and an assigned staff member able sign checks under \$5,000. The Council requires the signatures of the Chairman or Vice-Chair for a check \$5,000 or over.

Included in the SOPP were also the recommended suggestions of grants lawyer John Edmiston. The Council was briefed on updates in the recommendations from the last Council Meeting, but found that it was the same document that was distributed in October.

#### **G. Correcting/Addressing Public Perception about the WPRFMC**

The Council has continued the ongoing education effort, along with all the Regional Councils, which included the improvement of the Council Website and updates.

#### **H. Standing Committee Recommendations**

The Standing Committee met this week to review agenda items, such as the Financial and Administrative Reports and Council Member Changes. Simonds stated that some of the recommendations raised were addressed throughout the meeting in other sections.

1. Regarding Executive and Budget Issues, the Council directs Council Staff to work with NMFS to develop a clear and transparent process for cooperative research funding and operations. Under the MSA, eligible projects shall address critical needs identified by the Council in consultation with the Secretary.

The motion passed.

#### **I. Public Comment**

Public comment was given by Linda Paul, Hawaii Audubon Society, on the proposed revisions to the Council's SOPP. She was concerned that these changes would lead to less

transparency and restrict access to information currently available to the public and Council. Ms Paul noted that the new Administration has made very clear that it is committed to open government.

**J. Council Discussion and Action**

Sean Martin proposed the following motion, which was seconded by Ben Sablan

- 1. The Council directs Council Staff to work with NMFS to develop a clear and transparent process for cooperative research funding and operations. Under the MSA, eligible projects shall address critical needs identified by the Council in consultation with the Secretary.**

Sean Martin proposed the following motion, which was seconded by Joe Torres

The motion passed.

- 2. Identify research on bottomfish and sharks around Guam and the critical need for cooperative research.**

Sean Martin proposed the following motion, which was seconded by Ben Sablan

The motion passed.

- 3. Direct council Staff to make the changes to the SOPP as shown.**

The motion passed with a no vote from Polhemus.

Sean Martin proposed the following motion, which was seconded by Ben Sablan

- 4. Direct Council staff to make the changes to the PPBES as shown.**

The motion passed

Sean Martin proposed the following motion, which was seconded by Ben Sablan

- 5. Endorse the following Council family changes and directs staff to send a letter thanking Parrish for his years of service on the SSC, Tom Graham to join the Pelagic Plan team, Jim Parrish to leave the SSC and Erin Olson to be added on the marine Mammal Advisor y Committee to replace Dave Johnston.**

The motion passed.

Sean Martin proposed the following motion, which was seconded by Will Sword.

**6. The Council adopts the changes to American Samoa and CNMI MCP as shown and recommends the approval of the American Samoa MCP as amended and the CNMI MCP as amended by NMFS. The Council further recommends that the American Samoa and CNMI governors transmit their MCPs to NMFS and that NMFS approve them.**

The motion passed with an abstention from Robinson.

**14. Other Business**

**A. Next Meeting**

Hearing none, Martin thanked Council members and staff, and all who participated and concluded the 144<sup>th</sup> Council Meeting.  
(Council Meeting Adjourned)