



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MINUTES OF THE
145th MEETING of the WESTERN
PACIFIC REGIONAL FISHERY
MANAGEMENT COUNCIL

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Western Pacific Regional Fishery Management Council
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Sean Martin

Sean Martin, Chair
Western Pacific Regional Fishery Management Council

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1. Introductions

Western Pacific Regional Fishery Management Council Chair, Sean Martin, opened the meeting on Wednesday, July 22, 2009, and provided an opening statement noting the Council's previous meetings held in conjunction with the Hawaii International Billfish Tournament (HIBT).

Martin then presented a resolution from the Council to Peter Fithian, Founder of the HIBT, in recognition and appreciation of his service to the Council and to Hawaii's fisheries. Fithian thanked the Council and provided a history of his involvement with the Council and billfish fisheries in Hawaii.

The following Council Members, as well as 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)
- Bill Gibbons-Fly, Department of State

2. Approval of Agenda

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.

3. Approval of 144th Meeting Minutes

Duenas moved to approve the minutes of the 144th Council Meeting. Sablan seconded. Martin called for discussion. Hearing none, he called for the question.

The motion carried and the minutes were approved.

4. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Robinson provided the Council with the report of the NMFS Pacific Islands Regional Office (PIRO). He reported on: the status of fishery management plan amendments; the approval of the Marine Conservation Plan (MCP) for CNMI and the Sustainable Fisheries Fund Plan; and working with USFWS to codify provisions of the new Pacific Marine National Monuments. He also provided an update on permits issued by NMFS in the region, protected species workshops and activities, and habitat activities with the department of defense in the Mariana Archipelago. Robinson concluded his report by noting that NOAA received \$830 million from the American Recovery and Reinvestment Act of 2009, of which \$230 million is to be used for habitat restoration. He noted that three projects in the region were awarded funding through this Act (one for the Maunalua Bay Restoration Project to the Nature Conservancy, one to the Kohala Center for the Pelekane Bay Watershed Restoration Project and one to the CNMI Division of Environmental Quality for Laolao Bay Road and Coastal Management Improvement Plan.)

Itano asked if there were any purse-seine matters to report.

Robinson said there isn't much, but noted that 39 vessels were licensed this year, and that in anticipation of having interest in more than 40 licenses, but being limited to 40 licenses, NMFS has published a Proposed Rule that revises the process for applying to a license and establishes an allocation priority for addressing license applications in excess of 40.

2. Pacific Islands Fisheries Science Center

Samuel Pooley, NMFS Pacific Islands Fisheries Science Center (PIFSC) Director, provided a report on PIFSC activities, which included: coral reef ecosystem monitoring research cruise in the Marianas; oceanographic research using acoustic surveys in the Hawaiian Islands; stock assessments on pelagic species; American Samoa longline fishery interactions with sea turtles; outreach on barbless hooks; protected species; and the PIFSC human dimensions program. He also went over the PIFSC budget and noted that they have 234 staff, and updated the Council on the status of the new regional center at Ford Island, Pearl Harbor. Pooley also reported that the NMFS has a major initiative called Marine Spatial Planning, focusing on coastal zone areas and NMFS PIFSC is contributing by identifying tools that can be used for the coastal areas.

Duenas asked if the Marianas research cruise studied any effects of the volcanoes.

Pooley said that they didn't look at offshore volcanoes, but hypothesized that significant changes in algal cover was due to volcanic processes, and samples were being analyzed.

Duenas asked if the PIFSC is planning on spending additional funding on the rebuilding plan for green sea turtles.

Pooley replied that on the research side of the plan, it is on the PIFSC agenda.

Pooley also presented on catch shares on behalf of the NOAA Administrator and noted that "Catch Shares" is a term that the Administration has been utilizing to cover a broad class of fishery allocation schemes, such as the LAPPs (Limited Access Privilege Programs), Individual Transferrable Quotas, Community Development Quotas, etc., whose purpose is to reduce the race for the fish and provide new incentives for conservation and economic efficiency. He reported that the NOAA Administrator would like the Council to consider them, but not necessarily implement them. Pooley also reported on the NOAA Catch Shares Task Force, consisting of NOAA leadership and the Councils, and asked the Council to provide any discussion or recommendations on catch shares at this meeting to the task force.

Duenas noted that he was uncomfortable with catch shares for island communities.

Robinson noted that NMFS believes that this is a valuable tool in the toolbox of fishery managers, but it's not necessarily the panacea for every fishery.

B. NOAA General Counsel

Tucher noted that he would provide a presentation on rules and conduct for public Council members at the next Council meeting. However, he did address the issue of disclosing financial interests and reviewed the Department of Commerce regulations for voting on issues by public (i.e. non-federal) members. He advised Council members that if there are concerns about individual Council members, that a signed, written request be made to the NOAA General Counsel for inspection.

Duenas asked about the MSA requiring individuals not a part of the fishery that sit on the Council to disclose other benefits, such as those from non-governmental organizations.

Tucher said that he would address the representation issue at the next Council meeting but noted that there are other restrictions that could apply.

C. NOAA National Marine Sanctuary

Gene Brighthouse, Fagatele Bay National Marine Sanctuary (NMS) Superintendent, provided the Council with an update on NOAA's Management Plan Review for Fagatele Bay NMS and for the Hawaii Humpback Whale Program. She provided an overview of sanctuaries and its objectives as well as the management plan review process. She noted that the review of the Fagatele Bay NMS management plan is 23 years overdue.

Kevin Grant, Deputy Superintendent, provided an update of the current phase of the review process which included public scoping and working groups to develop specific goals and objectives. He also reported that they hope to have preliminary ecological characterization data by August. Grant noted that the Management Plan has absolutely no plans to regulate fishing in the Fagatele Bay NMS.

Naomi McIntosh, Hawaiian Islands Humpback Whale National Marine Sanctuary Superintendent, provided an overview of the Humpback Whale sanctuary management plan review and process, last completed in 2002. She described the management plan review process they are using and noted that this review will be more complex than the last review because of additional components of the sanctuary that have been instituted in the last seven years such as the rescue and research programs.

Tulafono was concerned with the expansion of the Fagatele Bay NMS and the sites that are being considered for the expansion because there are current and propose regulations being developed in American Samoa that these expanded sites may affect.

Sword commented that cultural and subsistence fishing should be allowed, the same way that the American Samoa DMWR Community-Based Marine Protected Areas take into account the concerns of the community that use the shores. He also noted, like Tulafono, that the areas where they are allowed to fish are shrinking.

Sablan asked why the management plan reviews have been delayed

McIntosh said that the five-year interval may be a little too short, in that in order to get a Management Plan Review Process completed can take anywhere from three to eight years. She said they are looking at how they can be more efficient in making sure that the process doesn't run that long.

Brighthouse noted that there have been significant changes in the Management Team of Fagatele Bay NMS and that they had a very small budget.

Sablan asked who they are protecting the resources from, since natural disasters can't be avoided.

Grant agreed that natural perturbations have occurred that they can't protect the resources from and that there isn't a list of people the resources are being protected from, and that he should have said manage the resources instead.

Haleck asked if the Fagatele Bay NMS has communicated its intent to expand the NMS to South Bank, a prominent fishing place for local fishermen.

Grant said they haven't brought anything to the Council because it is only one of nine preliminary expansion sites and there are currently no proposals.

Thielen asked if the NMS has authority to work on land-based resources.

McIntosh said that they do not have authority to manage any of the land and most sanctuaries start at the shoreline. She did note that they have collaborative efforts in terms of dealing with some of those land-based sources that are impacting the ocean.

D. President Obama's Ocean Initiatives

Robinson reported that on June 12, 2009, the White House issued a memorandum, the subject being the National Policy for Oceans, Coasts and the Great Lakes. He said that the memorandum established an interagency Ocean Policy Task Force led by the Chair of the Council upon Environmental Policy and said the intent was not to replace the Committee on Ocean Policy, but only to undertake some of the immediate tasks, and when those tasks are completed the Task Force is to be disbanded. He reported that the Task Force is tasked to: 1) within 90 days, develop and recommend a National Policy that ensures the protection, maintenance and restoration of the health of ocean, coastal and Great Lake ecosystems and resources and enhance their sustainability; 2) within 180 days, develop and recommend a framework for policy coordination; and 3) within 90 days, recommend an implementation strategy that identifies and prioritizes the set of objectives that should be pursued in implementing the National Policy.

E. US Fish and Wildlife Service

Palawski gave an update on USFWS activities in relation to the three new Marine National Monuments. He reported that the Advisory Council nominations for the Marianas Trench Marine National Monument have been delayed due to the new Presidential Administration appointments and he hopes to have the Council appointed and meet before October 1, 2009. He also reported that for the Rose Atoll Marine National Monument, they have formed an intergovernmental committee to coordinate these various planning processes and hope to schedule their first meeting in September. For the Pacific Remote Islands Marine National Monument, he said there was not much to report, but they saw the first bleaching of coral at Palmyra recently, due to El Nino and warmer waters.

Simonds asked if the Rose Atoll Monument will be managed by one plan or separate sanctuary and refuge plans.

Palawski responded that the Proclamation directs them to have separate plans and that the Council will be responsible for developing fishery regulations in the area.

Duenas commented about permits and the need for notification 72 hours in advance of transiting through the NWHI monument and asked if the new monuments would have the same regulations. He wanted to know if they need permission to go into the monument.

Palawski replied that as part of the proclamation and management of the monuments, the USFWS still needs to provide permission to enter for any activity.

F. State Department

No report given.

G. National Weather Service

Jim Weyman, Director of the Central Pacific Hurricane Center, provided the Council with a report on the National Weather Service (NWS), including an issue with fishermen tying up to weather buoys. He gave a background on the NWS and reviewed the different responsibilities and services that they provide, including forecasts (wind, waves, tides, etc.), watches, warnings, and advisories for the marine environment. He noted that besides the Honolulu offices, they also have weather forecast offices in American Samoa and in Guam (which also serves the Northern Mariana Islands).

Weyman detailed the buoy issue, noting that Hawaii has seven weather buoys surrounding the islands, as well as TAO buoys used to detect tsunamis. He said that the issue is that gear entanglement, as well as boaters mooring to the buoy, adds stress on the buoy's mooring, causing breaks. Breaks cause a loss of data for both land and sea operations, as well as additional costs in finding, retrieving, and re-deploying the buoy. Weyman provided the following recommendations for fishermen:

- Never board or tie up to a buoy, any vandalism to a buoy can be punished by a \$10,000 fine or ten years in prison.
- Never fish close to a buoy, or under. Give it a wide berth.
- Report any damage or people boarding or tying up to the US Coast Guard.

Duenas asked if the NWS was considering providing weather buoys in Guam. Sablan echoed the statement and asked about providing tsunami warning buoys in the Northwest Pacific.

Weyman responded that it would be great to have buoys in Guam, but funding and maintenance concerns have been issues they have to deal with. He said that aside from the costs, he doesn't see any other concerns, as the data from the buoys would be extremely helpful to the NWS.

Itano commented that fishermen use the buoys to make a living and would be the last people to vandalize them. He said that they won't be able to get fishermen to stop fishing around the buoys, and the fishermen should be seen as an asset to the NWS to prevent vandalism or tow in broken buoys. He encouraged the NWS to work with the fishing community.

Weyman agreed and noted that presenting to the Council is the first step in working with the fishing community.

Torres commented that in Guam, they lose buoys to target verification by the US Navy, and asked if the NWS has looked into this as a reason for losing FADs.

Weyman was doubtful that those problems occur around Hawaii.

Tulafono asked what the lifespan of the buoys are.

Weyman replied that the buoys last about two to three years. He said that the USCG

refurbishes the buoys every 18 months, but will pull it out of the water every three years to refurbish and deploy a new one in its place.

H. Enforcement

1. US Coast Guard

Captain Swatland greeted the Council on behalf of Admiral Brown and the U.S. Coast Guard and thanked the Council for all of its efforts. He turned the enforcement report over to Lieutenant Commander Jay Caputo.

Caputo provided the District 14 fisheries law enforcement report, which covered the period from February to July 2009. Cutter patrols were conducted in the Western and Central South Pacific region including both U.S. and foreign EEZs (shipriders agreements with Kiribati, Palau, and Marshall Islands). Detections included: 1) Indonesian-flagged longline vessel (F/V Lina) not on WCPFC List of Authorized Vessels found fishing the high seas in vicinity of Jarvis Island EEZ; 2) safety violations on an American Samoa longline vessel; 3) illegal vessel bunkering by Kiribati-flagged vessel (HAI SOON 28) in Kiribati EEZ; 4) Japanese-flagged longliner found fishing four nautical miles outside the U.S. EEZ around Howland and Baker Islands, later boarding by Kiribati shiprider in Kiribati EEZ found indications vessel may have fished within the Howland/Baker EEZ; and 5) boardings of six foreign fishing vessels in Palau EEZ with two vessels cited for violations of Palauan fisheries law resulting in fines of \$10,000.

Caputo reported on activities and cases involving the Hawaii-based longline fleet, which included: 1) vessel found fishing within the Papahānaumokuākea Marine National Monument (PNMM), 2) citations for non-U.S. masters (paper captains) on the F/V Captain Millions and F/V Captain Kevin, and 3) small quantity of shark fins onboard a vessel without corresponding carcasses. Nine other boardings of Hawaii-based longline vessels noted no significant violations.

Caputo reported that a NWHI permitted bottomfish fishing vessel was found trolling within the Gardner Pinnacles Special Preservation Area of the PNMM. He concluded by saying that District 14 staff continue to attend regional international enforcement and fisheries management meetings.

Tulafono asked Caputo to provide the name of the American Samoa-based longliner that had safety violations.

Caputo responded that it was the F/V Tiko Moana.

Tulafono asked if the patrols in Fagatele Bay were conducted by the local USCG safety detachment or from a team located in Hawaii.

Caputo answered that it was the MSST 91107, which is based out of Honolulu, and equipped with a 25-foot rescue boat flown into Pago Pago.

Duenas asked about the Transportation Workers Identification Card (TWIC) program and stated that it's required for high security port areas, but also required for Charter captains

operating out of Guam's small boat marinas. Guam's small boat marinas should not be considered high security areas, especially since many foreign tourists book ocean activities out these marinas. On the issue of safety boardings, a local charter boat was boarded multiple times in a month and the time it took ruined the customer's fishing trip. The boarding team, with their side arms and shotguns, frightened the Japanese tourists onboard, and was not the type experience Guam visitors should be going home with. Further, Guam's Fishermen's Cooperative is proud to be a participant and supporter of the National Safe Boating Week, where it arranges vessel inspections by the Coast Guard Auxillary. This year active duty personnel wished to participate in the inspections and they showed up wearing side arms. Participants found it disheartening and there was no reason to carry guns at this family event. He said that the previous eight years of working with the Coast Guard on Guam has been great, but now there seems to be a different relationship with the local fishing and boating community.

Capt. Swatland apologized if there has been any adversarial relationships created in Guam with respect to the local community and the USCG, and that it is something that should be addressed. On the TWIC card issue, he stated that TSA made the rules, and the USCG has to enforce them.

Duenas stated that regardless of Federal agency, it's best to engage the local public on Guam and establish communication and dialogue. There is a need to rectify the problem as soon as possible. Two months ago there was false report that resulted in an alert broadcast for a missing vessel, and a lot of wasted Coast Guard resources. It is time to foster better communication and cooperation.

Sablan asked if the USCG was close to placing TWIC card readers in Marianas ports.

Swatland responded that lot of places that still don't have the card reader still, but that he will try to find out when the card reader will make it to Saipan.

Torres asked how much clearing space is needed around USCG land based range makers, because someone cleared vegetation around a USCG range marker that took the Government of Guam years grow, including a tree that was over 60 years old.

Caputo stated that he would have to get back to Torres on that issue.

Sword commended Lieutenant Loomis' work with the sunken tanker off of the fuel dock in Pago Pago. He stated that there is interest in American Samoa for an auxiliary program, and USCG personnel came to American Samoa to discuss the potential, but there has been no follow up. He said it would great if the USCG establish an auxiliary program in American Samoa.

Itano asked for an update on the status of distributing USCG contact information to the fleet and other fishermen who may encounter illegal fishing activity.

Caputo replied that they have been working with NOAA OLE and Council staff on the design of the outreach material, which includes contact numbers both for NOAA OLE

and USCG. Should be available by the next Council meeting.

Gibbons-Fly mentioned that the State Department has been pleased to work with USCG on the development and implementation of shiprider agreements with Pacific Island countries. He commended the USCG on their successful efforts and the professionalism of their work.

Haleck, on behalf of the Council, extended a sincere fa'afetai tele to the USCG for their report.

2. NOAA NMFS Office for Law Enforcement

Scott Yamashita provided highlights of NOAA OLE's written report for the period of February to July 2009. Highlights include: 1) alleged illegal marketing and mislabeling of a local seafood product on the mainland; 2) separate incidents of possible misconduct by fisheries observers including falsification of datasets to increase overtime pay and to cover up that the observer was sleeping while fishing was taking place; and 3) \$23,000 fine imposed on U.S. purse seiner for setting on a live sei whale.

Sablan asked how is NMFS going to work with CNMI bottomfish fishermen on getting logbooks to NMFS within 72 hrs of end of trip. Also there is a need for OLE to conduct education and outreach to the fishermen, because they are not aware of the regulations.

Yamashita said he will work with PIFSC on a solution and OLE will not hold it against fishermen that it takes nine days to get mail CNMI to Hawaii. Regarding outreach and education, he thought that several meetings have already taken place with CNMI fishermen, but he would have to check on that.

Simonds asked if the compliance guide was provided to the public at the recent meetings.

Dave Hamm (PIFSC) stated that the compliance guide was available at the REAC and the Plan Team meetings, but don't know who else they have been distributed to. He said he had the logbooks available for people to review at those same meetings. He said when a CNMI fisherman gets a permit, which none have as yet, PIFSC will go by the post office date stamp to verify that it was submitted within 72 hrs.

3. NOAA General Counsel for Enforcement and Litigation (GCEL)

Alexa Cole summarized her written report on the status of violations and other cases of interest to the Council. She reported that thirteen cases were referred to her for prosecution during the period and thirteen cases were charged. Of the thirteen cases, ten were Marine Mammal ESA cases, and three were Magnuson-Stevens Act cases. Two cases involved fishing with expired longline permits. She noted that for anyone that fishes on the high seas, it is very important to keep the High Seas Fisheries Compliance Act permit up to date, as it is used by NMFS to document U.S. vessels on the WCPFC Record of Fishing Vessels. If a U.S. vessel is boarding by another country on the high seas without that permit under the WCPFC boarding and inspection process, it is considered a serious violation under WCPFC if vessel is not on list of authorized vessels.

She state that the total penalties assessed for the quarter were \$46,000, and no permit sanctions. A hearing took place involving an Endangered Species Act case where a kayaker approached a monk seal, with the decision going in NOAA's favor. Upcoming hearings involve a shark finning case and a case regarding a commercial whale watch vessel charged \$50,000 for violating approach regulations. Seven cases were settled during this period and three cases went final without payment and were sent to NOAA Finance for collection. Two decisions were made from Administrative Law Judges, one was the previously mentioned monk seal case and the second was the first PNMM prosecution against a fishing vessel (Hawaii longline vessel Astara), with the Judge finding in favor of NOAA for the full civil penalty of \$61,000. The Marshalls 201 case (Marshall Islands-flagged purse seine caught fishing in Jarvis EEZ) was settled for \$500,000 as well as provisions for the vessel carry to VMS for three years and assist in the Global Drifter Program by deploying buoys for the next three years. She stated that she expects an updated civil penalty schedule by the October Council meeting. She mentioned that she along with NOAA OLE conducted JEA training in American Samoa. She concluded her report with providing an update on the three Taiwanese vessels caught fishing in the CNMI EEZ, and that although they were charged for violations, NOAA has yet to collect the money.

Duenas asked if vessels on the WCPFC IUU list pay their fines and penalties, are they taken off the list.

Cole answered yes, they can be taken off the list. NOAA has put the three Taiwanese vessels and the F/V Lina (Indonesia-Flagged) forward to the WCPFC for inclusion on the draft IUU list to be considered at the next WCPFC Technical and Compliance Committee. If between now and the TCC or annual commission meeting, they pay their penalty, most likely the U.S. will withdraw the submission to put them on the IUU list. There is also a process for a vessel to be removed from that list inter-sessionally between meetings, meaning a vessel does not have to be permanently on the list.

Duenas asked if there is a strikes penalty, where if a vessel has too many violations, it's on the list for good.

Cole answered that the decision to take a vessel off the list is a WCPFC decision, so the WCPFC as a whole could decide that they are not comfortable removing them from the list, but it is on a case by case basis.

Tulafono commended Ms. Cole and NOAA OLE on the JEA training held in American Samoa.

I. Public Comment

Ms. Keiko Bonk commented that for the last few years there have been violations in the PNMM by fishing permits holders. She asked if their permits are going to be taken from the fishermen if they continue to do illegal fishing activities in the PNMM. She asked if they are disqualified from receiving any kind of buyout funding at the end of the five-year phase-out period.

Haleck asked if Mr. Robinson or Ms. Cole could respond to Bonk.

Cole responded that fishing violations in the PNMM are handled under the Magnuson-Stevens Act, which authorizes the imposition of civil penalties or permit sanctions. NOAA has the authority to revoke a permit in the event that it believes a violation is serious enough to warrant permit revocation. None of the fishing violations in the PNMM have risen to that level, and thus far, the violations have been resolved successfully. The buyout program is not structured in a manner where past violations will preclude permit holders from receiving the buyout.

J. Council Discussion and Action

No Council action was taken under this section.

5. American Samoa Archipelago Fisheries

A. Motu Lipoti

The American Samoa Council members provided the usual Island Report. DMWR Director highlighted some of the items included in the Island Report submitted for the briefing books including: Fisheries program reports now being peer-reviewed, and the inclusion of Swains Island in one of the programs. A total of 5 FADs have been deployed with one at Manua and two additional FADs will be deployed soon. Nearshore FADs will be deployed in the future for small boats and canoes. This will also help with providing fish for many cannery displaced workers. The no-take MPA program will be looking at new sites for this program. About ten boats are active according to DMWR's boat-based survey, with 7 doing bottomfish and it's important to do a bottomfish stock assessment for American Samoa at this time.

Sword then discussed the recent successful fishing tournament which included entries from Australia and New Zealand and was well supported by DMWR and the local community.

Itano asked about the proposed additional Marine Sanctuary sites report and DMWR Director explained that this was reported by his MPA staff who participated in the scoping meetings by the DOC and the marine Sanctuary program.

B. Enforcement Report

DMWR has already submitted a written report included in the briefing books and DMWR Director briefly mentioned that routine patrols and related enforcement activities are on-going and he again thanked OLE for the recent training for his enforcement staff in American Samoa.

C. Community Issues

1. Impacts of COS Samoa Packing Cannery Closure

Tulafono mentioned the significant negative impacts that this closure will have on the people, supporting businesses and the government. Government will have less revenue

from taxes and there is a possibility of reduction in hours for government employees. Sword said that there were plans to utilize the cannery facilities and that the impact of this closure will be significant.

2. Responsible Fishery Development

a. Department of Commerce Fishery Development Meetings

Department of Commerce Fishery Development Meetings:

Tulafono mentioned that the DOC has been holding meetings with the fishermen and the public to setup a fishermen Coop and that a group from this meeting has prepared to register a fishermen Coop. Tulafono will call a meeting with local fishermen within the next few weeks to further discuss the formation of a Coop.

b. Governor's Economic Advisory Council

Sword reported that a report from this group, already in the briefing books, provides some suggestions and avenues on how to proceed with specific economic development projects. However, there has been little progress.

D. Education and Outreach Report

The Council's On-Site Coordinator reported on the education and outreach programs which included television, radio and newspaper media advertisements. The Council has partnered with the American Samoa Community College, Institute of Samoan Studies, and DMWR to produce the next Lunar Calendar and has also recently completed the Council's High School Summer Course. Local students have requested that the Council continue to fund the summer course.

E. Fono Report

Haleck reported that the Fono is slowing down with their recent resolution relating to the designation of Rose Atoll as a monument and expect further discussions. He pointed out that a copy of that Fono concurrent resolution was in the briefing books. Palawski suggested that a workshop be held to educate the Fono members on the Rose Atoll issue, as was done in CNMI, and DMWR Director agreed.

F. SSC Recommendations

There were no SSC recommendations

G. Public Comment

Haleck called on Amata Coleman for her Public Comments. Coleman provided the following comments on behalf of the Pago Pago-based tuna boat owners out of San Diego:

Because none of the Pago Pago based tuna purse seine vessel owners from San Diego could be here, they asked me to make a detour to Kona to bring you their warm greetings, comments and concerns.

The one topic they really have is the closure of U.S. waters to purse seiners. Of course they understand the desire to keep the foreign built vessels out of the U.S. EEZs for

multiple reasons, but the U.S. built boats should be allowed access. After all, they are U.S. taxpayers and contribute a great deal to the economy of American Samoa.

The option of "cooperative surveillance" instead of "cooperative research" as the access requirement is a much more feasible option that could actually do some good. This could be implemented with an observation report to the U.S. Coast Guard on visual and radar contacts in the U.S. EEZ twice a day or whatever is realistic and useable. The access should be limited to U.S. built boats, as the Council gets any fines obtained from IUU foreign fishing vessels.

Their fishing is limited in the U.S. EEZ and only when El Nino develops, for the most part. They seldom find themselves in these areas. However, they feel it should be their right, if they choose to do so. They are willing to do their part to protect the EEZ and so they offer the surveillance option as it benefits all. They do not fish near reefs so damage to reefs is not a purse seine issue, as is Turtles and Sea Birds. Also, as Joe Finete has repeatedly stated, the Big Eye tuna is not a U.S. purse seine issue as their nets are not deep enough. They do not target Big Eye as they do not receive any extra pay.

The Big Eye issue in purse seiners needs to be addressed with foreign fleets that have deeper nets and in some cases target the Big Eye. Of course this is beyond the scope of the Council. However, if the Council would fully support the efforts of the State Department and NOAA and trust their judgment, which has been exemplary so far, the U.S. would have a united and organized front globally with the proper departments sitting at the table, instead of a bunch of people squabbling over little bits and pieces. Support DOS as this is an international issue and should be handled at that level.

H. Council Discussion and Action

There were no Council discussions and Actions.

Cruz asked about the proposed additional sites for the Fagatele Sanctuary and Haleck explained that there will be public hearings in the future on this issue.

6. Mariana Archipelago Fisheries

A. Island Reports

1. Arongol Faleey

Dela Cruz referred the Council members to read document 6.A.1, which contained eight items under fisheries activities, and went on to discuss non commercial activities. The first was about the Saipan International Fishing Tournament. He reported that the Saipan Fishermen Association held its Silver Anniversary Tournament on July 18th and 19th of this year. There were 75 boats that participated in this event, including eight from Guam, Rota and Tinian. Santa Romedio captured the Grand Prize with its 319.5 pounds of blue marlin caught on the first day of the event.

Last year's grand prize winner by Cabo Express took the first place in the Billfish Category with its 224 blue marlin. The record to beat is a 624.34 pound blue marline

which was caught during the 13th annual Saipan Fishing Tournament by the late Danny Agulto in 1997.

The second item he reported was the Division of Fish and Wildlife Fisheries Biologist. He indicated the DLNR Division of Fish and Wildlife is saddened to lose one of its fisheries biologist, Mr. Steve MacKagan, who has recently accepted a job with PIRO. He said Steve was with the Division for about two years. His latest assignment was overseeing the planning, procurement and installation of oceanographic sensors to monitor current and temperature variations and patterns in the CNMI, as well as improving the electronic infrastructure of the CNMI Division of Fish and Wildlife Fisheries Section. He said these activities were not done and their completion this year is now questionable.

The third item was the Turtle Program Funding. He said the funding assistance from PIRO for the CNMI Turtle Program will be drastically reduced from the current \$70,548 to 50,000 in the next fiscal year. The reduction is necessary for PIRO to use the money to hire a turtle biologist to manage the program.

The reduction will leave the CNMI with almost no funds for other expenses, except for the salary of one staff member. He said two program employees are locally funded and one recruited on a spatial contract. He also said the purpose of the money being taken away doesn't make sense because the turtle program is a local government program regardless of funding sources. Also, the status of the program was continually assessed to be doing fine in the last five years by former PIRO Program Managers. The only exception was the assessment done this year. He said DLNR is now rethinking its position regarding the program, whether it can afford the program to continue or not.

The fourth item he mentioned was about the Turtle Biologist Leaving. He reported that Tammy Summers (phonetic), a turtle biologist who was contracted by PIRO to assist the local turtle program will be leaving the island next month on August 22nd. Miss Summers was recruited about a year ago to assist with the Turtle Program data analysis and related Sea Turtle Program activities. He indicated that there was reluctance and seeming lack of cooperation on her part to share the data collected and analyzed by her, including her findings, reports and recommendations. She maintained that she needed prior approval from her sponsors before she could release such information.

This is very unfortunate since the Turtle Project is supposedly a cooperative-run program to help all parties concerned for its eventual delisting as a protected species. This would allow the indigenous people of the CNMI to once again be provided with a limited take in order to have this important native, cultural food with medicinal properties that sustained the forefathers of the Chamorro and Carolinian people in times of famine, stormy weather, acts of god and other catastrophic natural events causing severe shortages of local food to be consumed.

2. Isla Informe

Council Member Manuel Duenas presented the Guam Island Report specifically noting

local issues and events included ecoli contamination in the island's coastal waters; access to safe and healthy fishing areas; closure of traditional and cultural fishing areas; increase of fishing deaths to 50% of deaths by drowning in 2008; seasonal fishing and restricted usage of fishing methods; seasonal catch of Napoleon Wrasse; Boating Safety Week; Marianas Spearfishing Challenge; Annual Fishermen's Festival; Guam Marianas International Fishing Derby; and the Deepwater Bottomfish Data Collection Program.

B. Enforcement Report

1. CNMI

Dela Cruz referred the Council members to their briefing books on reports covering Illegally Fishing, Illegal Harvesting and Transport Inter-Island and Endangered Species. He then reported on Educational Outreach and Joint Enforcement Investigation of Turtle Monitoring.

On Educational Outreach, he reported that Conservation Officers assisted NOAA Special Agents in distributing copies of Compliance Guide on Federal Requirements for Bottom and Seamount Groundfish Fisheries to captains and owners of fishing vessels, as well as fishing tackle shops.

On Joint Enforcement Investigation, he indicated that the Division of Fish and Wildlife Conservation Officers were involved in a joint operation with Federal Counterparts in gathering information regarding reported turtle carapaces and alleged disturbance of an endangered species habitat.

On Turtle Monitoring, he said the conservation officers conducted surveillance and also assisted the Division's Turtles Program personnel in monitoring turtle nesting grounds.

2. Guam

Council Member Manuel Duenas noted that there was nothing to report.

C. Community Issues

1. Impacts of Marianas Training Range Complex & FDM Restrictions

Ed Lynch started his presentation on the timeline for the Marianas Islands Range Complex EIS, indicating that the Draft Environmental Impact Statement was published in January, followed by public meetings on all of the islands, Guam, Tinian, Rota and Saipan. He indicated the public comment period was extended, and received approximately 1,000 comments on the whole document. He said the projected Record of Decision is March 2010. After receiving comments, there were more meetings with the fishing communities in Guam and Saipan, specifically at the REAC meetings.

As an update, the Marianas Range Complex is a complex that involves both at sea, inshore and nearshore areas. The military ranges within the Marianas are combined into a complex. Each of the ranges provide certain types of warfare training. However, each of those ranges have the full gamut of the capabilities. Specifically, he said the ranges are areas on Tinian, the bombing range on Farallon de Medinilla, the warning area south of Guam known as Whiskey 517, and the restricted airspace that is controlled by the FAA

and the Air Traffic Controlled Assigned Areas 1 through 5. He talked about the comments received and how things have changed since the last time he met with the Council prior to the Draft Environmental Impact Statement. They received comments from the National Marine Fisheries Service concerning the migratory species of humpback whales that are in the Marianas during certain seasons. They re-calculated or remodeled our acoustic effects as a result of sonar and determined that if sonar was used during this transient period that the humpbacks may be in the Marianas Islands we would have some Level B exposures but no Level A exposures, those Non-Temporary Threshold Exposures are approximately 803. They modified their application to the National Marine Fisheries Service concerning the use of sonar to include this change.

At the Farallon de Medinilla training range, he said they received quite a few comments from the fishing community of CNMI and Guam concerning the proposal to put the ten nautical mile surface danger zone in place. The ten nautical mile surface danger zone complies with what presently is the practice, but they only use a Notice to Mariners and Notice to Seamen. He said the present practice is a three-mile restricted area around the island as a result of the Warning Area 7201, which is the technical name for the bombing range at Farallon de Medinilla. However, when they use it, they put out a Notice to Mariners and a Notice to Airmen out to 10 nautical miles for safety reasons. They had proposed to make the surface danger zone at the same distance that they put out the warning area, and received comments after the Draft EIS from two groups. One group of comments essentially said we don't want you to expand from three to ten miles.

There was another group that said they understand the need for safety, however, they think there's need for better coordination, better cooperation between the fishing community and the military training community. He said they looked at the possibility of modifying the surface danger zone, having it only a half circle on one side of the island versus another side of the island. He said they looked at all types of operational constraints. However, those operational constraints were not feasible to continue using it for the purpose of naval gunfire and strike warfare capabilities. He said they focused their attention on what to do to come up with a better communication system with the fishing communities in the Marianas Islands. He said they came up with a couple of things as a result of the public comments. The first is better communications to everyone. They implemented a phone tree, which is basically a system where any person can give us their phone number or their e-mail address, their fax, and they get notified immediately, the same time notify the Federal Aviation Administration and the other emergency management organizations that the range will be in use.

They also contacted the mayors' offices, the local TV station and basically have an agreement with the Marianas Cable Vision to run a banner across the TV screen that tells people when the range will be in use. They also have announcements now on the Weather Channel. He said about 50 individuals are now on the phone tree between the Commonwealth of the Northern Mariana Islands and Guam. They also looked into and are presently staffing the possibility of using additional outreach activities, including putting signs at the marinas, and those types of things. They felt this is a fair compromise with the fishing community to prevent waste of gas, et cetera. However, he emphasized

that safety is the number one thing that is focused on, as military training is hazardous and it is a strike warfare activity. He also mentioned the comments received about Agat Bay. He said the focus was on mine counter-measure training and underwater demolition training, both requirements require using underwater detonations.

The original proposal was a 20-pound test underwater detonation, about three to four miles offshore. When they looked at the comments and asked the operators is there a way that we could mitigate, they said that they could go ahead and continue with the ten-pound use of underwater detonations, the same size, the same activities that have been going on there for the last ten years. The other area they're looking at is Whiskey 517, which is the warning area south of Guam. Those capabilities there are surface, subsurface and aerial gunnery practice close to Guam.

The helicopter squadron in Guam has the requirement to shoot HELLFIRE missiles. These are small laser-guided missiles with about a 17-pound charge. The requirement is to develop a laser capability within the existing warning area south of Guam. He said there would be a range of about 40 days per year, but this would be mitigated because already it's being used by the same squadron for the same purposes, but it's with 50 caliber machine guns versus missiles. So it's basically the activities, even though it's up to 40 days per year would overlap with what is already going on. So it wouldn't be a full 40 days per year. They're also mitigating with the idea that basically this particular activity at Whiskey 517 will again be part of that overall notification procedure he talked about earlier on FDM. We didn't do the notification just for Farallon de Medinilla. We're doing it for all ranges, specifically all maritime ranges, which would include FDM and Whiskey 517. We also have a new procedure for our terrestrial ranges. The other issue is we're going to National Marine Fisheries Service concerning the use of Whiskey 517. In our standard procedures basically we do a clearing pass with the airplane that's actually going to do the activity. Because of requirements, the Air Force will actually have two planes in the air. One plane will be used as a spotter clearing plane and the other plane will actually engage with the target.

Duerr asked how many days Whiskey 517 is closed now. Lynch responded he didn't have that exact number, but the range doesn't close for full days. It closes during activities and it varies. Duerr asked if it is a fishing area. Lynch responded Whiskey 517 is a huge area and the fishing area is a small area where the Santa Rosa Banks and Galvez are located. He said that's the area that is used by HSC 25 presently because that's as far as that helicopter can reach. He explained that it isn't 40 additional days, it's 40 days upon which it will overlap with the existing activities that are going on with HSC 25 already. Although he didn't know the number of days HSC goes out there, he said they go out there and shoot 50 caliber machine guns today. He said what they'll do is shoot the missiles instead of their 50 caliber machine guns or at the same time they're shooting their 50 caliber machine guns. It wouldn't be an additional 40 days. But how many days aggregate that is, he didn't have that information since we're not doing the missiles yet. Because they will be removing restriction on dropping bombs through cloud cover, Duerr asked if they're going to keep requirements for visual sighting of the impact zone. Lynch responded yes, and explained they will have two airplanes now in order to be able to

exercise the capability of dropping from a high altitude for things like 522s and for B1s, B2s, and they will have a second plane that will be at a lower altitude, approximately 2,000 to 5,000 feet depending on the operational requirements of that particular plane. They will keep visual sight on the target and then the other plane will release. They'll then switch positions and the plane that just released will be the target will be the clearing aircraft and both will be in constant communication.

Duenas mentioned about the listing of notification, and indicated that Ed was asked on Guam and CNMI to place signs in the marinas to notify the boaters that these areas will be closed. Lynch responded yes, and they're looking at that right now to provide signage. We took it onboard, and it's in the process of being worked right now, and that's where we are on that one. Duenas also thanked Ed for the notification being giving the fishermen and informing them on what's going on, even though on FDM it hasn't occurred down in Guam.

Duenas also mentioned the additional exercise and the overlapping of exercising is still a particular concern, and wanted to know what happened in the past, what the average was. Was it 30 days, and we overlap, would it will be another 20 days, another 50 days. So technically, one-sixth of our fishing opportunity is gone. He asked that these activities be held during the bad seasons or bad months. He said we can't stop FDM, but we continue to emphasize that these grounds are very important to us. It provides 50 percent of our nutritional needs on the islands. You're talking about six or eight actual seamounts, not including the main fishing ground.

Lynch indicated the biggest thing that he can hope for is continued communication on those issues and continue to engage to try to provide a dialogue which will result in a compromise. The dialogue concerning the warning area and FDM and for better notification has resulted in a system that seems to be working better than it did.

Duenas asked if there can be a visual boundary for the 10 miles around FDM because the waters aren't too deep at ten miles out and some fishermen don't know exactly where the boundary is. Lynch replied that the environmental document provides for the Environmental Impact Statement to go to the Army Corp of Engineers to designate the particular surface danger zone around the island. Those mitigation efforts would be part of the rulemaking process for the Army Corp of Engineers and the Coast Guard, of course, would be involved when you actually designate and create the surface danger zone. This is just the environmental documentation that will be hopefully used to support that future action by the Army Corp of Engineers.

Dela Cruz asked if the 10 nautical mile radius around FDM is not permanent. Lynch said yes. He said what it does is hopefully will formalize in the Code of Federal Regulations what has been the practice so far. We sent out Notices to Mariners, Notices to Airmen, of a warning area around ten nautical miles. What we are proposing is creating it specifically in the Code of Federal Regulations; specifically on charts that 10 nautical mile safety zone would be designated. He said it has to go through the Army Corp of Engineers, indicating an Environmental Impact Statement is needed that would support

the proposed rule.

Sablan mentioned about the Endangered Species Act, particularly the megapode populations, and asked if they will continue to monitor, as well as probably U.S. Fish and Wildlife. Lynch said yes, indicating they are in the formal consultation stage concerning the Marianas Islands Range Complex, which includes the terrestrial portion, along with the maritime portion, which includes FDM. Duenas also mentioned about the humpback whales, which get to visit Guam during summer around Whiskey in the southern side. Since there is a take allowed, those humpback whale populations is only like two or three that hang around for, like, two, three months, including the calf. This is a major traffic zone for submarines and was curious about how this issue is being addressed. Lynch said they're addressing those issues with consultations with the National Marine Fisheries Service. He said they applied for a Letter of Authorization under the National Marine Fisheries Service Marine Mammal Protection Act, and all of those particular concerns are contained within that request.

Dela Cruz asked if the 10-mile zone restriction, once it is permanently placed in the Federal Register, is going to be permanently restricted to the CNMI fishermen. Lynch said no. They would be recommending to the Army Corp of Engineers the safety zone, as is the practice now, so people are notified when we are actively using the area. It's no different than what occurs right now on Guam. We have designated surface danger zones off of Irote Point into Agat Bay. We notify people when that range is being used to stay out. We notify them through Notice to Mariners, Notice to Airmen. The difference is in Guam we have the ability to ask people to get out because it is contained in the Code of Federal Regulations.

At FDM, it's merely advisory. That does not provide us the adequate safety that we would request. So what we're doing is bringing FDM into alignment with other ranges in the Marianas, and used the Irote Point Small Arms Range as an example. Dela Cruz asked about the types of bombs and any adverse effects on the fish that are being caught. Lynch indicated they have been asked that question in the past, and they are unaware of any contamination off the range. We comply with all of the EPA requirements for our ranges, and FDM is one of the ranges that we comply with EPA requirements on.

Duenas mentioned that Irote Point, featured in the Skin Diver Magazine or Scuba Diver Magazine as Blue Hole, is one of the ten diving sites in the world, and you're closing that off to tourism. So that's another issue. He talked about the EIS and the comments, and asked about the clearing house or who's the final authority. Lynch responded Admiral Biesel (phonetic) in his position as Department of Defense, Representative of Guam, Commonwealth of the Northern Mariana Islands, FSM and Palau. He signs the Record of Decision.

Duenas asked whether it doesn't get to CEQ, or something, as he wanted to know the process. Lynch responded CEQ has reviewed it. But the Record of Decision, as with all EISs, the Action Proponent, the agency who is proposing the action, signs the Record of Decision. He explained that in this particular instance, the proposal is promulgated by

the Department of Defense Representative of Guam and CNMI and, therefore, he will make the decision at the appropriate time in March.

Duenas made a comment about the much praised Marianas Trench Monument, indicating the military is conducting their exercise right over it and trying to keep fishermen out when there is no problem. Sablan asked if there are plans to move to one of the islands within the monument. He indicated the local government probably can talk with the military to move up there to free this very lucrative fishing ground for the CNMI and Guam. Lynch said he's not authorized to discuss it.

Sablan mentioned that Uracas is a higher island, a larger island than FDM, and a lot of fishing activities are going on up there, because it's about 300 nautical miles one way, or more. Thus, there's no need to tell our fishermen, our commercial pilots and recreational boaters to stay away from FDM during target practice. Lynch indicated that FDM was created as the result of moving a previous bombing range that was closer to Saipan. It was determined at the time of the Covenant that it would be more appropriate to have that type of activity further north. He said nothing is permanent, but at this point, it's beyond the scope of what he can talk about. Sablan asked how many more years is FDM needed for bombing. Lynch said he can't tell how many, but he knows that those particular types of dialogue are being considered, are being discussed at a much higher level.

2. Impacts of Guam Buildup

Council Member Duenas presented on the Impacts of the Military Buildup on Guam which included EPA announcement of a 21% increase of toxic chemicals released in Guam's air, land and water resources since 2007 primarily related to the increase in military activities; offshore disposal of potentially toxic dredge material from Apra Harbor; and existing environmental and ecosystem impacts such as the social impacts on the community and the clearing of the forests to remove past military dump sites on the northern end of the island.

Robinson commented that the FWS, EPA and NOAA have been involved with some of the activities particularly the dredging project in Apra Harbor and that while the Navy tries to be a good partner, it bypassed the recommended habitat equivalency analysis and respective mitigation process and hired its own contractor to do the surveys using methodology that was inconsistent with prior recommendations. After some negotiation, the Navy funded side by side surveys which proved the potential gross under estimation of what exists and what the appropriate mitigation might be. Robinson noted that under the circumstances, FWS, EPA and NOAA may be submitting extremely negative comments on the project EIS, which may affect the application from the Army Corps to do the dredging.

Duenas noted that while the federal agencies are all involved in the survey and mitigation process, the true resource users are not involved in the process. Those directly impacted by the military activities should be compensated inclusive but not limited to special programs (education and research, buoys, FADs, etc.) to assist the fishing community. Duenas reminded the Council that Guam has yet to determine its political status.

3. Responsible Fishery Development

a. CNMI

Dela Cruz reported that in the CNMI, there are currently five bottomfish vessels that are over 40 feet in length. Of this number, two, the KAIYU and BLUE MARLIN II are actively fishing in the Northern Islands, and each one has been known to catch over 1,000 pounds of fish per trip.

The captains and crews are all foreign workers. These vessels are foreign built. Their success story will probably change when the new bottomfish regulations are enforced, as this will force them to comply with the 50-mile area closure around the Southern Islands and ten miles around Alamagan.

Also, they can no longer fish at their favorite fishing grounds within the 50 nautical miles around the Islands of Maug, Ascuncion and Uracas because of the Marinas Trench Marine National Monument. In addition, their status becomes more uncertain when the local immigration is taken over by the Federal Government.

In short, their fishing activities would be affected and only time will tell whether they can continue to pursue bottomfish fishing in the Northern Islands or join the growing number of large vessels, which has been out of commission due to other problems.

b. Guam

Council Member Duenas noted that an economic plan was developed eight years ago, which is still part of the island's economic strategy for fishery development and that there is nothing new to report. Duenas reminded the Council that large scale fisheries may affect the islands, which are artisanal and domestic.

D. Education and Outreach Reports

1. CNMI

Ogumoro reported that the second-year summer course sponsored by the Council was held on Saipan from June 17th to the 30th. Eleven high school students participated.

The students learned from 15 different presenters about the fishing environment and industry in the CNMI, the biology and diversification of fish species common throughout the CNMI waters, the various fishing techniques commonly practiced by local fishermen about their marine environment and their regulatory measures established to protect, develop and manage the resources.

The Council staffs were also on island during the opening day of the course and were able to talk to the students about the Council's role and responsibilities.

Because Council member Dela Cruz already mentioned about the fishing derby in the Island Report, he only showed the picture of the new banner on ecosystem that was used during the fishing derby. He said the banner is big, all weather purpose, and a lot of people like it.

2. Guam

Council staff John Calvo reported that Jay Gutierrez, Supervisor for the Division of Aquatic & Wildlife Resources (DAWR) of the Department of Agriculture will report on the Guam Sea Turtle Recovery Program.

Gutierrez gave an overview of the program including the goals and objectives, and individual projects (such as nesting and tagging) to protect the two species of turtle found in the island's waters. He noted that some of the threats the program encountered included habitat destruction, incidental catch, lighting effects, physical obstructions, human disturbances, and marine debris and tire tracks on the beaches. He added that some of the challenges included unstable program funding, lack of knowledgeable staff, and the bureaucratic red tape in the local government administration and procurement processes.

E. Legislative Reports

Council Member Joseph Torres informed the Council on Public Law 29-127 which established indigenous fishing rights on Guam, which were taken away during the Spanish and subsequent military governments administering the island. The 30th Guam Legislature has been reviewing the law to clarify some of the language that was deemed confusing. A public hearing on a new bill to address the questions brought forth has been scheduled.

F. Marianas Advisory Panel Recommendations

Ogumoro read the following Marianas Advisory Panel recommendations:

1. The Marianas AP recommended the Council request the U.S. Department of Defense to reconsider the planned proposal for the extension of the area closures around FDM from its current distance out to ten miles. The AP further recommends the Council request the U.S. Department of Defense to consider opening the waters to seasonal fishing use during the calm season, from March to June.

2. The Marianas AP recommended workshops on the CNMI bottomfish regulations be provided to the fishermen in both CNMI and Guam this year. The Marianas AP further recommended that the Council address transshipment issues in the CNMI bottomfish fishing regulations.

3. The Marianas AP recommended the CNMI DFW review the regulations regarding recreational fishing and hunting and the use of Talaya to clarify who needs a permit and determine who can receive a waiver/exemption to the permit.

4. The Marianas AP recommended the potential definitions for Marianas Trench Marine National Monument be further developed and additional scoping be conducted before the Council decides on final definitions and management regulations. The AP further recommended that the Council request the appropriate management authorities allow non-commercial fishing in the MTMNM Islands Unit.

5. The Marianas AP recommended the Council support the CNMI Government efforts to regain its submerged lands and that fishery management decisions currently being developed already take into account that the CNMI has jurisdiction over the local waters consistent to the proposed legislation.

6. The Marianas AP recommended the Council continue to support and provide funding for the Marine Education and Training Program and the Lunar Calendar Projects.

7. The Marianas AP recommended that all of the FEP Advisory Panels meet annually, rotating between the island areas.

Sablan then turned the floor over to Chairman Haleck to effectuate the motion for the AP Recommendations. Haleck acknowledged and thanked Ogumoro.

G. Marianas Plan Team Recommendations

Ogumoro read the following Marianas Plan Team Recommendations:

1. The Plan Team recommends that a workshop be held to review the historical CPUE data time series for Marianas bottomfish and coral reef species. This workshop should be held in Marinas coordinated by the Pacific Islands Fisheries Science Center Stock Assessment Program.

2. Regarding the initial draft module for coral reef ecosystem species, recommends that the Team convene a follow-up meeting to refine module content and format and address problems identified during the Team meeting. In particular, the separation between CREMUS and BMUS should be reassessed for species overlap and content.

3. Members agreed to review and provide comments on the Draft Guam Parrotfish Assessment report to the Council prior to the July 2009 SSC and Council meetings.

4. Recommends that the Council work with PIRO and Pacific Islands Fisheries Science Center to coordinate, develop and convene public forums on the new CNMI bottomfish fishing regulations, including permitting and reporting provisions.

5. Supports the CNMI DFW effectiveness module for meeting the Micronesian Challenge conservation goals and encourages the Council to explore its application in other Western Pacific Regional jurisdictions.

6. Regarding the Marianas Monument, recommends the Council staff conduct broader stakeholder meetings using Council advisors to gather community input to be sure the people have ample input into these definitions before the Council takes action on this issue.

7. Recommends the Council continue to support and expand the Biosampling Program in the Marianas and suggests the Council and West Pac FIN work together to implement this program.

8. Members will provide a list and brief description of potential Marianas cooperative research funding projects to Council staff by July 10, 2009.

9. Recommends that the Council work with NMFS to seek funding to support the large vessel data collection program in CNMI.

Duenas asked whether the list indicated in recommendation number eight has been provided, as the deadline was July 10th. Ogumoro responded that he didn't know, but will find out the answer later.

H. Regional Ecosystem Advisory Committee Recommendations

1. CNMI

Dela Cruz read the following REAC recommendations:

1. The REAC recommended that the Council On-Site Coordinator arrange a special meeting involving other members of the community to develop the definitions of the various fishing activities for the Monument.

2. The REAC recommended that an Environmental Assessment be done on the impacts of live bombing on the proposed ten nautical mile closure area around FDM.

3. The REAC recommended supporting the following challenges to ensure decisions and policies are based on science:

A. integrate science among researchers and agencies.

B. integrate science and policy.

C. science only provides a framework for management of this system.

4. The REAC recommended accepting the methodologies used by DFW in determining the CNMI's compliance with Micronesia Challenge.

5. The REAC recommended the MET Steering Committee have additional members from Guam and the CNMI.

6. The REAC recommended that more funding opportunities be available to deal with local capacity in the marine industries.

7. The REAC recommended the completion of the Community Development Program to include exemptions for existing vessels over 40 feet to fish in the closure areas.

8. The REAC recommended the Council to seek financial assistance for the fishermen who have been displaced or could no longer fish for commercial purposes

within the Marianas Trench Marine National Monument.

9. The REAC recommended the enforcement of the bottomfish regulations be hold -- off until the following three conditions are met:

- A. propose three-nautical mile State water is passed by the U.S. Congress.
- B. the 72-hour reporting requirements be extended.
- C. public education and outreach are conducted.

10. The REAC recommended that the CNMI be given a greater share of State waters and not limited to zero to three as introduced by the CNMI U.S. Delegate.

11. The REAC recommended that the CNMI be given State waters around the three-mile island units within the Marianas Trench Marine National Monument.

12. The REAC recommended that the Council find ways to allocate funds to lending institutions, such as the CNMI Commonwealth Development Authority and others to encourage local capacity to apply for grants or loans for commercial fishing.

Sablan thanked Dela Cruz and turned it over to Chair Haleck for possible motion. Haleck thanked Sablan and said there's a motion on the floor, and if there's a second. Torres seconded the motion. Haleck asked for discussion. Hearing none, he called for the question, and asked all those who support the recommendations from the Advisory Panel to raise their hands. Ishizaki asked Chairman Haleck to read out the names. Haleck identified David Itano, Joe Torres, Mr. Ben Sablan, Dr. Dela Cruz, Manny Duenas, Fred Duerr, Ray Tulafono. Haleck asked all those who did not support or abstained.

Motion carried with Young and Robinson abstaining. Martin was absent.

2. Guam

Council staff John Calvo presented on the outcomes of the Guam Regional Ecosystem Advisory Committee meeting which was held on Guam on June 18. The recommendations included...

1. Regarding the development of the fishery management process for the Marianas Trench Marine National Monument waters and other federal uses, the Guam REAC recommends that the Council hold local meetings to discuss and to work on suitable definitions of noncommercial fishing, such as sustenance and subsistence fishing and other relevant terms.

2. Regarding the University of Guam's Sea Grant Extension Program proposal, the Guam REAC recommends that the REAC, its members and the Council support the University of Guam in its effort to become a Sea Grant institution.

3. Regarding the preservation of indigenous fishing practices, the Guam REAC recommends that the Council supports the creation of policy that allows an exemption for indigenous seasonal practices within Guam's waters.

4. Regarding the community participation in the management of local natural resources, the Guam REAC recommends that the Council requests that the local natural resources agencies adopt the community consultation process and that it be set into policy and practice.

5. Regarding the public notification of area closures due to military exercises, the Guam REAC recommends that the Council ensures that the U.S. military conducting live fire training exercises provide ample notice that is disseminated through various news media for Guam and CNMI, and will also include installing appropriate signage at the various marinas, et cetera.

6. Regarding the Resident Instructions, the Guam REAC recommends that the Council assist with pursuing funding for Resident Instructions at each sponsor area.

7. Regarding cooperative research opportunities, the Guam REAC recommends that the Council assist with pursuing funding for cooperative research and to include Marine Education and Training Programs inclusive of administrative support personnel.

8. Regarding the community participation in the management of natural resources, the Guam REAC recommends that the Council continue its support and funding of the Mariana Archipelago Lunar Calendar Project.

9. Regarding building local capacity in Guam, CNMI and the Micronesian Region, the Guam REAC recommends that the Council assist the University of Guam in pursuing funding through MSA, Section 305, on Marine Education and Training and other sources to develop and implement a much needed undergraduate program for a Bachelor of Science Degree in Marine Biology, as well as further enhancements for the Graduate Program.

10. Regarding land-use issues, the Guam REAC recommends that the Council assist with pursuing funding to study Guam's sewage outfalls and their effects on the coral reef ecosystem.

11. Regarding indigenous fishing rights, the Guam REAC recommends that the Council assist with pursuing funding for a community consultation process to discuss native fishing rights.

I. SSC Recommendations

Severance indicated there were no recommendations.

J. Public Comment

There were no public comments made.

K. Council Discussion and Action

Heleck recognized and asked Duenas to read the Council recommendations. Duenas

offered several motions to address the concerns of the two different island areas or stakeholders to try to consolidate all of that information into two pages of recommendations.

1. The first motion recommends that the U.S. Department of Defense reconsider the planned proposal for the extension of the area closures around FDM from its current distance out to ten miles. The Council further recommends that the U.S. Department of Defense consider opening the waters to seasonal fishing during the calm season, which is from March to June, and provide additional notification of area closures for live fire training at sites through additional media outlets in both Guam and the Commonwealth of the Northern Mariana Islands.

2. The second motion recommends that the National Marine Fisheries Service investigate the impacts of the military buildup activities on Guam and in the CNMI to the local communities and develop a mitigation compensation plan, inclusive of FAD and fisheries development programs, to assist those affected.

Sablan seconded the motions.

Thielen asked if the two motions can be separated because the latter included a mitigation compensation plan that's up to Guam to decide. Duenas had no objections and offered number one as the main motion for consideration. Sablan had no objection on the second. With no further discussion, Haleck called for the question. The motion carried with two abstentions (Robinson and Young). Martin was absent.

2. Recommends that National Marine Fisheries Service investigate the impacts of the military buildup activities on Guam and the CNMI (if there's no objection) to the local communities and develop a mitigation compensation plan, inclusive of FAD, fisheries development programs, to assist those affected.

Duenas moved and Sablan seconded the motion. Haleck asked for any discussion or comment. Hearing none, he called for the question. The motion carried with three abstentions (Robinson, Young, and Thielen). Martin was absent.

3. Regarding the development of the Marianas Archipelago Annual Report, the Council recommends that a workshop be held to review the historic CPUE data time series for the Marianas bottomfish and coral reef species. This workshop should be held in the Marianas coordinated by the Pacific Islands Fisheries Science Center Stock Assessment Program.

Duenas moved and Sablan seconded the motion.

Haleck asked for any discussion or comment.

Thielen asked for inclusion of a friendly amendment to also say "and the materials published" so that people on the SSC have the information, too?

With no objection and further discussion, Haleck called for the question. The motion carried. Martin was absent.

4. Regarding the initial draft module for coral reef ecosystem species, recommends that the Plan Team convene a follow-up meeting to refine module content and format and address problems identified during the Team meeting. In particular, the separation between CREMUS and BMUS should be reassessed for species overlap and content.

Duenas moved and Sablan seconded the motion. With no further discussion, Haleck called for the question. The motion carried. Martin was absent.

5. Recommends the development of a Biosampling Program in the Mariana Islands.

Duenas moved and Sablan seconded the motion.

Haleck asked for any discussion or comment.

Theilen asked if this be a little more specific.

Duenas indicated that it is regarding the coral reef species. DeMello explained it's a sampling program to collect gonads, otoliths, fin samples, DNA and do work to get life history parameters of the bottomfish and coral reef-associated species. Duenas indicated the program is currently occurring in Guam with the Fishermen's Co-op, and we've expanded it to work with the Council. So we're expanding it to CNMI. Thielen responded that she just wanted to know if there's a name for the program. Duenas mentioned they never decided on a name, but basically it's covering deep slope and coral reef species, if that's the specification you're looking at. With no further discussion, Haleck called for the question. The motion carried. Martin was absent.

6. Recommends that National Marine Fisheries Service support research on Guam's sewage outfalls and its effects on the coral reef ecosystem.

Duenas moved and Sablan seconded the motion. With no further discussion, Haleck called for the question. The motion carried with Robinson abstaining. Martin was absent.

7. Supports the CNMI DFW effectiveness module for meeting the Micronesian Challenge conservation goals and encourages the Council to explore its application in other Western Pacific Regional jurisdictions.

Duenas moved and Sablan seconded the motion. The motion carried with Thielen and Robinson abstaining. Martin was absent.

8. Recommends National Marine Fisheries Service provide funding for the Large

Vessel Data Collection Program in the Commonwealth of the Northern Mariana Islands.

Duenas moved and Sablan seconded the motion. The motion carried with Robinson abstaining. Martin was absent.

9. Recommends the CNMI DFW review the regulations regarding recreational fishing and hunting and the use of Talaya thrownet to clarify who needs a permit and determine who can receive a wavier/exemption -- or exemption to the permit.

Before offering it into a motion, Duenas indicated that hunting is included and wanted to delete it because it is not appropriate. With no objection, Duenas moved and Sablan seconded the motion. Haleck asked for any discussion or comment. Young asked if the use of the throw net is the jurisdiction of the Council. Duenas indicated that they are catching bait offshore and harvesting juvenile quasi-pelagic fish with the throw net. Sablan also added that at the moment the Marianas is all Federal Government waters. Young asked again if it is the Council's jurisdiction or should it be an issue between the Marianas and their own regulations. Duenas indicated that, according to the motion as proposed, the CNMI DFW will review the regulations because it involves Federal waters. Without further discussion, Haleck called for the question.

The motion carried with one abstention from Young. Martin was absent.

10. Recommends National Marine Fisheries Service develop and conduct workshops on the CNMI bottomfish regulations, both in CNMI and Guam, as soon as possible. These workshops should also address issues regarding transshipment, CNMI's submerged lands, timing for reporting and public education and outreach.

Duenas moved and Sablan seconded the motion. Haleck asked for any discussion or comment. Thielen offered a friendly amendment about publishing the materials. Without no objection and further discussion, Haleck called for the question.

The motion carried with Robinson abstaining. Martin was absent.

11. Direct staff to draft a letter to Guam natural resource agencies requesting fishing activity access maps featuring accessible codes and any features, restrictions, EPA advisories that may affect public safety and health for public dissemination. The Council further recommends that these agencies study the issue of and identify impacts to fishermen displaced by the creation of Marine Protected Areas.

Duenas moved and Sablan seconded the motion. Haleck asked for any discussion or comment. Young said that this too appears to be Council attempting to tell the territories what to do, and he thinks they ought to handle it however they feel instead of us directing staff to write a letter to the Guam Government about coastal issues which are clearly the jurisdiction of the territory. Duenas said that this issue came from the REAC, which is all of the agencies involved in the coastal issue. They wanted somebody to ask them to work together and ask one agency to be responsible.

Thielen indicated the way the motion is worded it assumes that fishermen are going to be displaced by Marine Protected Areas, and it may be possible that they might not be displaced. She then offered an amendment to just state to identify whether there are impacts to fishermen through the creation of Marine Protected Areas, because in some cases there may not be a displacement.

Young indicated that the appropriate process is to let the Guam Representatives or the Guam Government Representative take that message of what the REAC had said and let the Governor consider it rather than having Council write a letter to the Government of Guam. Duerr agreed. We're stepping on somebody else's toes and we shouldn't do that. We shouldn't be involved in that issue. Torres said the recommendation is for Guam only, and said he would like to see his boss receive this letter from the Council to direct resource agencies to get together to address not only coastal problems, but also address other problems inland. Unless the Governor gets this letter, the Governor is going to address more pressing matters other than a single agency complaining or asking to be heard.

Thielen indicated that what she was hearing is something very different from the motion, and she can't support the motion because it is way beyond the focus of this Council. Duenas mentioned about ecosystem-based management and the creation of the Regional Ecosystem Advisory Committee, which made this recommendation. He said we're supporting the group and this is their advice. Following further discussions, Haleck called for the question.

The motion was carried with three members voting no (Thielen, Young, Duerr). Martin was absent.

12. Recommends PIRO to support the CNMI and Guam Sea Turtle Program and provide sufficient funding in collaboration with local agencies exceeding what they've provided to date.

Duenas moved and Sablan seconded the motion. With no further discussion, Haleck called for the question.

The motion was carried with Robinson abstaining. Martin was absent.

13. Directs staff to draft letters to the Department of Agriculture to offer assistance to developing indigenous seasonal fishing practice exemption and formalize a community consultation process in Guam for pelagic fish.

Duenas moved and Sablan seconded the motion. Haleck asked for further discussion or comment. Young asked what is the seasonal pelagic fish being referenced. Duenas said he just threw that in because he knew somebody is going to complain. Young indicated the motion is regarding seasonal practices and wants to know what is seasonal pelagic fish stated in the motion. Duenas responded all fish around Guam are pelagic, and they're

all seasonal, the ones in federal waters. Mahimahi comes in January to April. Tunas come in May to October. Ono come in October to December. He asked whether to list them all and the months and dates. Young asked if the motion is only to deal with pelagic fishing in the Territorial waters or in the Federal waters. Duenas responded that reef fish are also outside the territorial water, indicating that seamounts provide the same reef fish that are inshore. He said the motion is to develop something to find out if we can do it. Young said this is another type of motion where it's clear that there is an attempt to start to influence what happens at the local territorial levels, and he thinks that is beyond the scope of our jurisdiction and our interest. Duenas mentioned that he's just making the formal motion to offer assistance to develop a seasonal fishing practice. He just wanted to clear it up and say, pelagic, because it's easier and nobody is going to get mad because he's not interfering in Mr. Torres' affairs. But he wants this to be included because he realizes offshore there's reef fish.

Thielen asked if the Hawaii members oppose this Council interfering in our local jurisdiction and our State jurisdiction decisions and we want to have the autonomy to make those ourselves at the State and local level without the interference of this Council, can you respect that. Duenas said yes, and he's just offering this from the three groups that met, the Advisory Panel, the Plan Team, and the REAC group who are asking for help. He said he's only offering this as a motion on behalf of my island who needs this help. If it's not supported because of political jurisdiction, that's beyond him. But, as a practitioner, a leader of his community, a fisherman, knows the bottom line is there are no political boundaries for these creatures. These creatures go from the shoreline all the way out to the deep blue sea. And if we're going to work on an ecosystem format, then we must swallow our pride and we must address it as an ecosystem. Because that baby rabbitfish, when it comes from the ocean for the month of April, comes from the deep blue sea in the Council jurisdiction.

Thielen repeated her question. Duenas responded indicating that Magnuson says we are to engage the communities, and that's all it's asking. It's not telling the Department of Agriculture you must do this. It's requesting, asking. Torres agreed and said in this particular case it is the Council saying that we will support you in developing the program. This is just to offer assistance. Young wanted to clarify the record, as there was a representation here that opposition to this motion -- or questions about the motion in some way suggested that people don't care or they have no other alternative. He said he did suggest an alternative, but it does not mean we don't care and that alternatives were suggested. Haleck called for the question.

The motion passed with one no vote from Thielen and three abstentions from Itano, Duerr and Young. Martin was absent.

14. Recommends additional members from Guam and CNMI be added to the Marine Education and Training Program.

Duenas moved and Sablan seconded the motion. Thielen asked what is the membership

of the MET Program and what's the number. DeMello said the recommendation came from the Advisory Panel and from the REAC. There is a separate committee that is made up of the initial workshop attendees of the Marine MET and Training Program, and right now there are two in Guam and three in CNMI. This is just to add members to that group to discuss their own local training opportunities. Thielen asked if those are the only members of the MET group. DeMello said they are the only members for Guam and CNMI. Thielen said she's asking about the other membership because the motion can change the balance of that membership. DeMello indicated the Council is working with Robinson and NMFS PIRO to develop that system and process of review, and can still change the MET Program for the Guam and CNMI advisors to the program.

Simonds mentioned there's discussion going on and the Council voted on a process in March on how to deal with funding for this program, which is in the Re-authorized Magnuson Act. We haven't really set any limits on the numbers at this point for this group to meet. There are appropriations pending and awaiting final action by the Congress. So we haven't really decided how many members. So there's no limit or anything right now. Thielen asked if there are members from other jurisdictions besides Guam and CNMI. Simonds responded yes, indicating there are members from Hawaii, as well. Thielen said she was asking because other jurisdictions might end up with more members. Simonds indicated Hawaii probably has six or eight members. Thielen said she didn't think it would be fair to favor one jurisdiction over another. But she's all for having a balanced membership. Simonds suggested not to take up this recommendation until PIRO and the Council have completed the plan for execution.

Duenas then withdrew the recommendation. Sablan also withdrew his second.

15. Recommend staff investigate the availability of financial compensation for fishermen displaced by the Proclamation of the Marianas Trench Marine National Monument.

Duenas moved and Sablan seconded the motion. Robinson asked if there are fishermen making their livelihood there that are actually being displaced. Duenas said that's what we're asking to investigate because we understand that there were two boats that were fishing up there, but we don't know how effective or ineffective or how much they caught. We don't have that information. So we're asking for research, basically. Sablan said that it may be moot in the next few weeks. Young mentioned that the motion doesn't ask to do research or identify who, if any, fishers are displaced. He said it is asking to identify available funding to compensate fishermen displaced. He said if we don't know who is displaced, how do we know that we need to have money to compensate them and how do we know what level of impact they have by whether or not they fish there or not. He thought the discussion, like other discussions, have not been too specific to the motion. He said this motion is talking about the availability of funding to compensate for displacement, yet we've heard from the Regional Administrator we don't know if there are any and we don't know what the impact is if we don't know. Duerr said the recommendation is to investigate the availability of funding for fishermen displaced. It's not for us to determine who those fishermen are. That will be another agency.

Robinson indicated the Council has been asked to help develop fishing regulations and, if there is any displacement, we don't know to what extent it might be. So it just may be premature. It might be better to identify at some point if there are fishermen displaced and then you want to explore. Simonds suggested the Council should recommend the staff explore the possibility of financial compensation for fishermen that might be displaced as we're reviewing the regulations so we are prepared for the Council. With no further discussion, Haleck called for the question.

The motioned carried with one no vote from Torres, and Robinson and Young abstaining. Martin was absent.

16. Supports the University of Guam's effort to become a Sea Grant institution.

Torres asked if there was concurrence on the prior motion because what was said earlier is now different from what is up there. Duenas responded they didn't make any changes. Torres agreed, but said they voted. Duenas explained there was no amendment to anything. Everybody was discussing what it should be, but there were no changes. After clarifying the vote was on the original recommendation, without the language suggested by Kitty, Torres changed his vote to no and Theilen wanted to abstain. Haleck indicated the last vote is one additional nay and one abstention. Duenas repeated recommended number 16 and Sablan seconded the motion. Haleck asked for further discussion or comment. Hearing none, he called for the question.

The motion passed. Martin was absent.

17. Recommends annual combined meetings of all Archipelagic FEP Advisory Panels to rotate between the island areas.

Duenas moved and Sablan seconded the motion. Haleck asked for any discussion or comment. Hearing none, he called for the question.

The motion carried. Martin was absent.

7. Hawaii Archipelago and PRIA Fisheries

A. Moku Pepa

Duerr asked Thielen for her report. Thielen reference her report in the briefing book and summarized recent activities of the State DLNR, DAR and DOCARE. The DOCARE produced phenomenal strategic plan. It's the first time that they have come up with a strategic plan, and that came out of a legislative audit several years ago partly because the Division has suffered from what's called Mission Creep, which is the addition of new authorities, responsibilities and jurisdictions being placed on our Department of Land and Natural Resources. With the help of the Castle Foundation, a team of nine enforcement officers, two from each of the islands, plus one from Administration, will go to the National Conference for Accreditation of Law Enforcement Agencies. They are in the process of bringing onboard a new Chief for our Enforcement.

They have started to do a civil penalty system for the monthly catch reports for the commercial fisheries. They found about a third of the commercial fishers were not filing monthly catch reports. They sent out three letters, one letter per month for three months before starting to use the civil penalty system.

In the area of outreach, the DAR has been having statewide public informational meetings about bag and size limit possibilities for the State of Hawaii. Recently, three branch managers and herself met for about three and a half hours with some nearshore commercial fishers on Oahu to discuss their particular concerns. Obviously, they're concerned about having the same bag limit for commercial fishers as for recreational or subsistence fishers.

One of the concerns we both share is the lack of data regarding all of the fishing that occurs in Hawaii. The State has fishing data for commercial fishers but not from noncommercial fishers. This group was supportive of getting more data from noncommercial fishers, but everyone acknowledged the challenge of that because in Hawaii there's a lot of feeling from people that fishing may be a right. The State will continue those conversations with fishers as they go forward.

The budget is tight and may have impacts on the Department as they move forward. The Department of Land and Natural Resources is trying to be as strategic as possible and making choices on how to fit the decline in the revenues and the budget. They are cutting across branches to do more coordination, to be more cost-efficient and to help each other out.

Young and Itano had no report.

Duerr reported on the progress and status of the 50th HIBT. He noted that there are 164 anglers and 41 team participating in this year's event.

Martin reported that the commercial longline sector experienced generally slow fishing. Generally, fishing for both swordfish and tuna have been significantly slower than the last couple of years, which were record high. Boats are continuing to operate. It's not unprofitable, but certainly they're seeing something significantly different than we have in the past

B. Enforcement Report

Thielen provided her enforcement during the agenda item above.

C. Community Issues

1. Aha Ki'ole Report

Tim Bailey reported on the Act 039, extending the Aha Ki'ole (AK) for two more years to work on details of traditional natural resource management. The work of the Aha Ki'ole is to report to the legislature recommendations for best practices for natural resources management based on traditional natural resources management. Traditional

natural resources management was based on Ahupua'a and moku management practices. A holistic practice based on traditional land divisions than identified management areas from the top of the mountains to the depths of the sea.

Traditional practices were site specific and adaptive. Management of natural resources was from the tops of the mountains to the depths of the sea and evidence is found many of the traditional practices and literature resources. In searching through the community to identify and inventory resources the AK found some interesting concepts relating to modern misunderstandings of terms and practices.

Traditional knowledge is being supported by western science and traditional science is providing new information for scientists.

The AK is going through tough times now Act 212 appropriated funding that was never released by DLNR and Act 039 did not appropriate funding. The AK will do its best to achieve the work of the legislature but without funding and support they will have to depend on the assistance of friends and families.

Mr. Duerr thanked Mr. Bailey for his presentation and called for any questions. There were none

D. Hawaii Advisory Group Reports

1. Hawaii Advisory Panel

Duerr asked Ray Shirakawa to report on the Advisory Panel recommendations. Shirakawa reported that the Advisory Panel met in April and came up with the following recommendations. The first one is:

The AP recommended the Council continue to investigate the issue of name recognition of local Hawaii fish and the mislabeling of imported fish with improper local names. This recommendation came about because markets were calling imported fish Hawaiian names, like Indonesian Goldband Snapper as paka or imported tuna as ahi or poke.

Number two, the AP recommended the Council continue to pursue the delisting of the green sea turtle from the ESA and follow-up on the 2009 NMFS review of the green sea turtle DPS. The AP would like to see the Council continue in its efforts to delist the green sea turtle because of the increase to population.

Number three, the AP recommended the Council and the National Marine Fisheries Service provide outreach and education to the public on the Bottomfish TAC and to make the public aware that there is no seasonal closure in 2009 through public service announcements, fishing magazines and other media outlets. This item is now moot because the closure is already in effect. But there was discussion on that, there is not enough public information going out to get more information about when the closures take effect.

Number four, the AP recommended the Council require aquaculture operations to tag

their cultured stocks for accountability upon escape from facilities. This came about because of the three admitted releases from the aquaculture farm in Kona. Each cage holds probably three to five thousand pieces, and with the bottomfish closures and the quotas that are coming up on the bottomfish fishery, the aquaculture farm has to be accountable for the releases of predator fish into the wild.

Number five, the AP recommended the Council inquire with the State of Hawaii about changing their rules to add Goldspot Herring to their list of baitfish. Goldspot Herring is not on the State's list of baitfish now. So the fishermen can't use the akule nets to use them. There's thought that the Goldspot is competing with the akule because they're in the same habitat.

Number six, the AP recommended the Council investigate ways to utilize the State's vessel registry system as the source for an exemption to the National Saltwater Angler Registry. The AP further recommends the Council to continue to engage the State of Hawaii to seek an exemption based upon results of this investigation. The basis of this is to ask the State to use the Boat Registry instead of having every individual have to register.

The final recommendation, the AP recommended the Council investigate the truth to rumors about fishermen in Hawaii shooting false killer whales during fishing operations.

Duerr called for questions, hearing none thanked Ray for his report.

2. Archipelagic Plan Team

Mitsuyasu reported on the Plan Team recommendations. The following recommendations were reported:

The Plan Team,

- A. Regarding the Bottomfish Annual Report, recommends that a separate section be added to the module summarizing activities and fishery statistics related to the management of Deep 7 Bottomfish fishery through the MHI TAC.
- B. Regarding changes to the BMUS list, recommends the BMUS list remain but that the Deep 7 species complex be monitored separately and where possible individual species be monitored through SPRs. In addition, the possible inclusion of seamount mongchong should be evaluated based on historical landings from the different gear types.
- C. Recommends that a system be developed and supported to independently validate information collected through the new federal bottomfishing permit system.
- D. Regarding the Seamount Groundfish moratorium, agrees and supports the option of removing these species from the MUS list in the management options paper being developed for SSC and Council consideration at their next meetings.

- E. Recommends that the Cooperative Research program support bio-sampling projects to improve information on species identification, weight and size class conversion factors in American Samoa, Hawaii, Guam and CNMI.
- F. Recommends that the MET program include support for training of American Samoa, Guam and CNMI fishery technicians in proper samplings and survey techniques and methods.
- G. Recommended the Council provide funding to support travel and participation in future CITES Corallium Workshops.
- H. Supports the NMFS Habitat Assessment Improvement Plan and looks forward to future presentations on its implementation and associated future funding for tying in habitat and stock productivity.
- I. Recommended information on the effects of Kona Crab appendage loss and survivability/mortality be provided to the public through current outreach efforts and flyers to tackle shops and boat ramps. The PT further recommended that NMFS cooperative research include projects on Kona Crab to research mortality, size frequency, CPUE, etc.

3. Hawaii Regional Ecosystem Advisory Committee Report

Fred Duerr reported on the Hawaii REAC meeting which had no recommendations.

E. Hawaii Education Report

Sylvia Spalding, the Council's communications officer, reported on the Council's outreach and education activities for the period of March through July of this year. These included the third Hawaii High School Summer Course in Marine Fisheries and Resources (June 15 through July 10); the Fifth Annual Teachers Workshop on Hawaii Seafood Industry; the first OCEANIA Marine Education Board meeting, which was chaired by Council staff; community events, like the Punahou Sustainability Fair, the Hawaii Ocean Expo, Imi Pono; and traditional knowledge committees of various groups, such as the Center for Ocean Science and Education and Excellence. Spalding also reported on upcoming events, such as the first OCEANIA Marine Educators Association conference, the Hawaii Science Teachers Association Conference, and the 3rd annual Hawaii Fishing and Seafood Festival.

Council publications and display produced during the period included fish recipe cards for uku, ahi and marlin; the Pelagics FEP Display, indoor and outdoor displays, for all of the island areas. Publications and displays in preparation include an indigenous fishing display for all of the islands areas under the Council's jurisdiction that would be housed at the Hawaiian Sealife Facility as a permanent display; a publication on the Council's 30-year history; and the proceedings of the three ecosystem workshops.

Spalding concluded by reviewing the Council's recent advertisements, website updates,

and media and public relations activities.

F. Legislative Report

Martin said there was no formal presentation on this agenda item, but Council members could peruse the documents on this agenda items in their briefing books at their convenience to keep track of some of the activities that have are pending in the Hawaii State Legislature. He asked Thielen if the Hawaii DLNR had anything to add. She did not.

G. SSC Recommendations

Duerr called on Craig Severance for SSC Recommendations related to the Hawaii Archipelago. Severance said the SSC recommendations would come under Action Items section of the agenda, so he had no recommendations to report at this time.

H. Public Comment

Martin called for public comments. No public comments were made.

I. Council Discussion and Action

Duerr asked Mitsuyasu to read the first five recommendations for consideration, which he did.

The Council, regarding the Annual Report and Plan Team activities:

1. Recommends a separate section be added to the Bottomfish Annual Report Module summarizing activities and fisheries statistics related to the management of Deep Seven Bottomfish Fishery through the Main Hawaiian Islands TAC.

2. Recommends the Deep Seven Species Complex be monitored separately; where possible, individual species should be monitored through SPRs. In addition, the possible inclusion of seamount monchong should be evaluated based on historical landings from different gear types.

3. Recommends that a system be developed and supported to independently validate any information collected through the new Federal Bottomfish Fishing Permit System.

4. Recommends staff participate in future CITES Corallium Workshops; and

5. Recommends staff continue to investigate the issue of name recognition of local Hawaii fish and the mislabeling of imported fish with improper local names.

Duerr offered the recommendations as a motion to be approved. The motion was seconded by Duenas. Martin noted the motion was moved and seconded and asked for discussion.

Thielen asked if recommendation five related only to fish being sold in Hawaii or if the recommendation also included national and international sales as well. Mitsuyasu

explained that the issue came up with in the Advisory Panel with regards to the bottomfish management and the closures that have been ongoing. There have been imports of bottomfish or snapper species into Hawaii that's been labeled as opakapaka, but are actually other species. Martin called for the vote.

The motion carried with one abstention by Sablan.

Duerr asked Mitsuyasu to read the next recommendation. Mitsuyasu read, the Council, regarding policy and plan items: recommends staff update the Council's aquaculture policy for action at the 146th meeting to include requirements for tracking of cultured stocks through tagging or equivalent methods for accountability in the event fish escapes from aquaculture facilities.

Duerr offered the recommendation in form of a motion which was seconded by Haleck.

Martin called for discussion. Hearing none, he called for the question and motion passed with one abstention by Sablan.

Duerr asked Mitsuyasu to read recommendation number 7 which stated, the Council directs staff to continue to work with PIRO and the State of Hawaii to meet the needs of the Marine Recreational Information Program, including the National Saltwater Angler Registry.

Duerr offered the recommendation in the form of a motion which was seconded by Torres. Martin noted the motion was moved by Duerr and seconded by Torres and called for discussion.

Thielen raised a question about the level to which this issue has been addressed by the State. The Council members discussed the timeline of this issue and actions that have been taken to date. Staff provided a brief overview of the formal and informal discussions on this registry issue that have taken place between the Council, State and NMFS.

Martin call for the question and motion carried with one no from Sablan.

Duerr asked Mitsuyasu to read the next recommendation. Mitsuyasu read, the Council recommends the State of Hawaii look into the possibility of adding Goldspot Herring to their list of baitfish.

Duerr offered the recommendation in the form of a motion which was seconded by Haleck.

Martin called for discussion and recognized Thielen who asked if the bait would be used for federal or co-managed fisheries. The Council members and NOAA GC discussed the intent of the recommendation with regard to directing the State to take an action. Mitsuyasu provided clarification on the recommendation from the Advisory Panel. Because gold spot herring is not on the baitfish list, it cannot be caught with a seine-type

similar to that used for nehu. The intent is to use gold spot for offshore pelagic fisheries

At the Advisory Panel meeting, Dan Polhemus explained that this action would need to go through a Chapter 91 rulemaking process.

Tucher explained that the only concern is that the Council should not be directing the State to engage in rulemaking and clarified that the recommendation is for staff to write a letter to the State to consider the action.

Martin called for the question and motion passed with one nay vote from Sablan; one abstention from Thielen.

Duerr asked Mitsuyasu to read the next recommendation which states, the Council requests that NMFS presents its Habitat Assessment Improvement Plan at the 146th Council meeting. Duerr offered the recommendation in the form of a motion which was seconded by Torres. Martin called for discussion, hearing none called for the question. Motion passed with two abstentions, Sablan and Robinson.

Duerr asked Mituyasu to read recommendation 10 which stated the Council, regarding Protected Resources, recommends the Marine Mammal Advisory Committee provide a report to the Council investigating rumors of Hawaii fishermen shooting false killer whales. Duerr offered the recommendation in the form of a motion which was seconded by Torres.

Martin called for discussion. Young and Thielen noted concern regarding the language and the use of the term investigation. Martin and Dalzell provided background regarding this recommendation. Robinson expressed concern regarding the Marine Mammal Committee conducting an investigation and noted that if there is need for an investigation it should be done by NMFS. Itano concurred. The language was changed to request NOAA OLE to look into the reports of fishermen shooting marine mammals.

The maker and second of the motion agreed to the changes and Martin called for the question. The motion passed with one abstention by Robinson.

Duerr asked Mitsuyasu to read recommendation 11 which stated, the Council recommends NMFS continue to pursue the delisting of the Hawaiian green sea turtle from the Endangered Species Act and requests a presentation on the 2009 NMFS Review of the Hawaiian Green Sea Turtle Distinct Population Segment at its 146th meeting. Duerr offered the recommendation in the form of a motion and Dela Cruz seconded.

Martin called for discussion and recognized Thielen. Thielen agreed to the second half of the motion, but suggested that the first half was premature and should be put on for discussion at the 146th meeting after the presentation of the green sea turtle Distinct Population Segment.

The motion was modified with the maker and second's consent. Martin called for the

question and the motion passed with one abstention by Robinson.

Duerr asked Mitsuyasu to read the next recommendation regarding Research and Training. Mitsuyasu read the Council recommends that the Cooperative Research Program support bio-sampling projects to improve information on species identification, weight and size class conversion factors in American Samoa, Hawaii, Guam and CNMI. The Council further recommends including projects on Kona crab mortality, size frequency, CPUE, et cetera.

Duerr offered the recommendation in the form of a motion with second by Torres. Martin called for discussion. The Council discussed kona crab inclusion in the Crustacean Management Plan and distribution in state and federal waters. Discussion also focused on the need for species identification training in American Samoa, Guam and CNMI.

Martin called for the question and motion passed unanimously.

Duerr asked Mitsuyasu to read number 13 which stated, the Council recommends that the MET Program include support for training of American Samoa, Guam and CNMI fishery technicians in proper sampling and survey techniques and methods. Duerr put that in the form of motion which was seconded by Torres.

Martin called for discussion and recognized Thielen. Thielen suggested adding Hawaii to the motion, which was agreed to by the maker and second. Martin called for the question and motion passed unanimously.

Duerr asked Mitsuyasu to read the recommendation regarding outreach. Mitsuyasu read, the Council recommends that NMFS provide information to the fishing community on the effects of Kona crab appendage loss and survivability/mortality through ongoing outreach efforts, such as flyers to tackle shops and boat ramps. Duerr put that in the form of a motion with Torres second.

Martin asked for discussion. Hearing none, called for the question and motion passed with one abstention by Robinson.

Duerr asked Mitsuyasu to read recommendation 15 which states, the Council recommends staff work with NMFS to continue to provide outreach and education to the public on the Main Hawaiian Islands bottomfish fishery.

Duerr put that in the form of motion which was seconded by Torres. Martin called for the question and motion passed unanimously.

8. Pelagic and International Fisheries

A. Longline Fishery Quarterly Reports

1. American Samoa Longline Fishery

2. Hawaii Limited-entry Longline Fishery

These presentations were given by David Hamm about the latest quarterly reports from the two US longline fisheries in the Western Pacific. The first quarter this year of the American Samoan longline fishery was the worst since 2005. A Council member argued that shark bycatch in the longline fishery is a big concern because we may be catching more sharks than swordfish and billfish. He also suggested that given the number of sharks caught combined with the fact fishermen do not want to catch them and an obligation to minimize bycatch, this could be an issue that warrants additional attention. One explanation offered about the possible increase in shark bycatch is double counting due to repeat catching of the same sharks. Many fishermen and observers have reported seeing other hooks and catch marks in the sharks on their longlines. Another possible explanation is that shark finning is now prohibited, which may have increased their population. Pooley of PIFSC said that a study of the status of blue sharks released from longline gear was part of the PFRP projects that started in 2002 and *a report can be made about the status of those projects at the next Council meeting*. Itano also advised the Council that there is a study being conducted by NMFS about the possibility of using metals that have an electrolytic reaction in saltwater that may deter sharks as a way to reduce bycatch, and *the Council could request a progress report to the SSC and/or Council*. Staff advised the Council that in an upcoming meeting, there will be a report on sharks, including the results of a blue shark stock assessment.

B. Update on Hawaii Shallow-set Longline Fishery

Alvin Katekaru made a brief presentation on the proposed rule stemming from Amendment 18 to the Pelagic Fisheries Management Plan (PFMP) was published on June 19th 2009 which would remove the annual limit on the number of fishing gear deployments (sets) for the Hawaii-based pelagic longline fishery. The rule would also increase the current limit on incidental interactions that occur annually between loggerhead sea turtles and shallow-set longline fishing. The proposed rule is intended to increase opportunities for the shallow-set fishery to sustainably harvest swordfish and other fish species, without jeopardizing the continued existence of sea turtles and other protected resources. The preferred alternative to Amendment 18 is to remove fishing effort limits, increase the annual sea turtle interaction limit to 46 interactions with loggerhead sea turtles, and retain the current limit of 16 interactions with leatherback sea turtles. This alternative would also retain all other shallow-set fishery management measures, including 100% observer coverage for the fishery and the turtle handling and release requirements. There was no discussion about this topic.

C. IGFA Marlin Initiative

Ken Kramer, IGFA President addressed the Council on a new campaign by IGFA in association with the National Coalition for Marine Conservation and the Billfish Foundation to convince fish consumers to stop eating marlin and billfish and fish dealers to stop importing and selling marlin from the Pacific. A report on the campaign website states the following:

“.. Hawaiian billfish harvest and consumption alone is responsible for 346 jobs, \$12.5 million in direct income and \$24.9 million in total output. Put in perspective, the

Hawaiian billfish trade is only 0.03% of the average income of \$32.9 billion for all commercial fishing in the U.S. In the mainland U.S., secondary wholesaling of billfish imports was responsible for 328 jobs, \$11 million in income and \$18.5 million in total output. Taken collectively, the entire U.S. billfish trade (Hawaiian and mainland) represents only 0.07% of the total income of all commercial fishing in the US. Put another way, billfish harvest and trade is not a prominent economic component of the US commercial fishing industry.”

While factually correct, these statements about marlin neglect to mention that the statistics on jobs and landings revenue cited while seemingly inconsequential for the USA as a whole are significant for Hawaii. Moreover, a nationwide economic analysis fails to take into consideration the social, cultural and economic importance of marlins and billfish in Hawaii, American Samoa, Guam and CNMI, where traditions of harvests of these species are well documented for several millennia, and where marlin catches and landings for consumption are important in both present-day commercial and recreational fisheries.

D. International Education Report (see Program Planning)

E. Memorandum of Understanding Update

Simonds reported that she thought they were in the final days of reviewing and accepting the MOUs. She said there was some language that they need to finalize and that she would have a report later.

F. International Fisheries/Meetings

Bill Gibbons-Fly provided updates about the IATTC, North Pacific Seamount RFMO, and 2nd Joint Meeting of Tuna RFMOs.

1. IATTC

There have been no conservation and management measures in place for the last 3 years for bigeye and yellowfin tuna. Measures were adopted for the first time for purse seine and longline fisheries that provide legal protection to tuna stocks and include all 16 countries of the IATTC. At its June 2009 meeting, the IATTC adopted ad referendum Resolution C-09-011 (Resolution on a Multiannual Program for the Conservation of Tuna in the Eastern Pacific Ocean in 2009-2011). Colombia objected to the tabled conservation and management measure and was given until July 15, 2009, to respond to the IATTC on whether it will maintain its objection. Under the proposed measure, US longline vessels operating in the EPO would be subject to a 500 mt (1,100,000 lb) annual catch limit. One primary facet of the measures is that they provide a closure of the purse seine fishery temporally during each of the following two years, which is a shift from management via catch cap. It was noted that there was no resolution with regards to two purse seine fleets targeting different tunas shutting each other down due to a catch cap. There is a small volume of longline catch made by vessels operating in the EPO based on the US West Coast. Although less than three longliners have operated from the West Coast since 2007, the 500 mt catch limit must be shared between this small fishery and vessels operating from Hawaii. There has been no discussion about quota sharing between countries.

2. North Pacific Seamount RFMO

There has been a concern about impacts of fishing on the high seas where fishing is unregulated on vulnerable and fragile marine habitats. The UN received a call to ban all high seas fishing, and as a result, adopted a rule in December 2008 that ceases high seas bottom fishing unless it can be proven there are no adverse impacts on the marine environment. The UN said that where there are competent regional fishery organizations, they can manage bottom fishing. Where there is no organization or an organization with no legal competence, an organization should be developed. This resulted in development of the Southwest Pacific and North Pacific management bodies.

The next meeting of the NPRFMO will be held August 3-7, 2009 in Bellevue, WA. The major work item will be the draft convention text in which members will seek consensus. Japan and the US have led the way amongst the members in terms of suggesting and providing comments on the draft text. A primary element of the draft convention is whether or not the geographic scope of the agreement will be expanded to cover the entire North Pacific and the management of fisheries in that area not already covered by existing RFMOs. The main issue for the meeting will be the draft convention text, which would establish the North Pacific Fisheries Commission. Currently, the new Commission membership would comprise Russia, USA, Korea and Japan and invitations to participate have been extended to Canada, Mexico, China and Taiwan. The species to be managed under the convention will be all non-RFMO managed species such as seamount armorheads, alfonsins, sauries and squid. Squid and Pacific saury are being discussed by the members with a view to potential management measures under the NPRFMO. Council members should review the convention text since all US EEZs in the North Pacific have seamounts within and outside the EEZ boundary, and thus existing and future fisheries may be affected by decisions the new Commission.

3. 2nd Joint Meeting of Tuna RFMOs

An update on efforts to extend the Tuna Treaty was provided to the Council. The Government of Japan, with technical assistance provided by the Food and Agricultural Organization of the United Nations (FAO), organized and hosted the first Joint Meeting of Tuna RFMOs from January 22 to 26, 2007 in Kobe, Japan. The meeting included participants from 54 Members and Cooperating non-Members of five tuna RFMOs (IATTC: Inter-American Tropical Tuna Commission; ICCAT: International Commission for the Conservation of Atlantic Tunas; IOTC: Indian Ocean Tuna Commission; WCPFC: Western and Central Pacific Fisheries Commission; and CCSBT: Commission for the Conservation of Southern Bluefin Tuna), as well as representatives of the Secretariats of the five tuna RFMOs, one non-Member, seven inter-governmental organizations and seven non-governmental organizations.

The second meeting was convened in San Sebastian, Spain, June 29 - July 3, 2009. This was the second in a series of five meetings that include tuna organizations from around the world to address common issues of the organizations. *A set of commitments created at this meeting will be provided to the WPFMC staff.* The RFMP wants to create a global list of tuna fishing vessels to help improve monitoring and enforcement of fishing

vessels. Lloyd's Central Registry will probably maintain this list. No coordinator for this project has been identified at this time, but the project will probably be done in conjunction with ISSF, a new group comprised of industry and NGOs.

Among the issues to be discussed at the meeting are:

A workshop to review actions agreed in Kobe, in particular:

- Review and follow up to performance reviews as well as governance issues;
- Enhanced co-operation on data collection and scientific work;
- Means to avoid data gaps;
- Identification of means and areas for enhanced co-operation and harmonization of work between tuna RFMOs.

Workshop on capacity issues, in particular:

- Discuss concrete actions that can be taken to ensure that fishing capacity is commensurate with fishing opportunities available and;
- How to integrate the aspirations of developing nations.

The Council provided comments for the meeting on:

1. Overfishing Reference Points & Control Rules: Specifically MSA minimum stock size threshold overfishing reference points versus MSY biomass

2. Fishing Capacity: Control of purse seine induced fishing mortality continues to evade the use of catch limits as opposed to capacity and effort controls

3. Catch Shares: US appears to be moving to catch shares programs, and that this may a feasible control mechanism for tuna purse seiners

4. Bureaucratic Inertia: Laudable though the Tuna RFMOs meeting is, is it adding another layer of bureaucracy and strengthening top down management, as opposed to bottom-up management

5. Flexibility and incentives with conservation and management measures: Fisheries dynamics may outpace management approaches, i.e. threefold reduction of longline bigeye catch in the EPO, which should be incentivized.

There will be 4 workshops held before the 2011 meeting:

- A) Terms of reference for an international workshop on RFMO management of tuna fisheries (Pacific Islands)
- B) Terms of reference for an international workshop on improvement and harmonization of monitoring and control measures within the Tuna RFMOs (Japan)
- C) Terms of reference for an international workshop on Tuna RFMO management of issues relating to bycatch (United States)
- D) Terms of reference for workshop on science (European country unknown).

G. Marine Mammal Advisory Committee Recommendations

Council staff Asuka Ishizaki provided a summary and recommendations from the third Marine Mammal Advisory Committee (MMAC) that was convened in April 2009. The

meeting's primary focus was false killer whale (FKW) interactions in fisheries. Ishizaki reported that three FKW stocks have been identified for Hawaii in the 2008 Stock Assessment Report. Of the three stocks, some evidence suggest the possible decline in the insular stock based on evidence from aerial surveys conducted 20 years ago, although no observed takes of FKW have occurred within the defined boundaries of the insular stock. The FKW Take Reduction Plan that will be developed will focus on the pelagic stock. Preliminary analysis of Hawaii-based longline fisheries observer data suggested that depredation by cetaceans may be rare but random events, while a survey of longline vessel owners and captains in Hawaii suggested that depredation events are routine and are affecting a median of 27 percent annual catch loss. Several acoustic devices are currently under study for their effectiveness to reduce cetacean depredation and bycatch in longline fisheries.

The following recommendations from MMAC were reported to the Council:

1. The MMAC recommends that additional research focus on resolving impacts of human activities on the Hawaii insular and pelagic stocks of false killer whales. Specific areas of research should include an updated U.S. EEZ abundance estimate by stock, additional satellite tagging studies on both stocks, photo identification, genetic and acoustic studies, and bycatch in all fisheries that interact with this species by stock.

2. MMAC received information that shortline fishing may be resulting in take of false killer whales and other cetaceans around the MHI. Accordingly, the MMAC recommends that the Council and NMFS PIRO staff work collaboratively with the State of Hawaii to fully assess the scale of shortline use and potential impacts on cetaceans around the MHI. The MMAC further recommends that the Council take action to monitor and regulate shortline fishing within federal waters due to the potential impacts of shortlines on cetaceans of the MHI.

3. Recognizing that there is evidence for a decline of the size of the insular population of false killer whales, the MMAC recommends research into potential causes including, but not limited to undocumented bycatch, ingestion of hooked fish, reduced prey availability, deliberate shooting, and pollutants.

4. The MMAC recognizes the need for additional research and assessment throughout the Pacific Islands region including, but not limited to foraging, life history, and prey habitat modeling.

5. The MMAC encourages the NWHI Monument to support research to better understand false killer whale and other cetacean populations that occur within the boundaries of the Monument.

6. The MMAC encourages the Palmyra and Kingman Monuments to support research to better understand false killer whale and other cetacean populations that occur within the boundaries of the Monuments.

7. The MMAC encourages false killer whale population assessment and bycatch

estimates to be extended into international waters.

8. The MMAC recommends that marine mammal researchers and the Hawaii Longline Association discuss ways in which the commercial longline fishery and other pelagic fisheries may be able to help researchers by providing platforms for obtaining information on marine mammal interactions with fishing gear.

9. The MMAC encourages fishers and observers to take photographs of cetaceans (especially false killer whales) sighted in addition to those from fishery interactions to aid in further photo identification of individuals. Fishers and observers can be provided with informational brochures to show types of photographs that are useful and not useful, as well as resolution settings; protected species workshops required for owners and operators could be an opportunity for the dissemination of this information.

10. The MMAC supports the SSC recommendation for a one year high level of observer deployment in the American Samoa longline fishery, stemming from a PIFSC technical report authored by Marti McCracken; based on this report, MMAC suggests a 40% rather than 30% level of deployment to achieve greater statistical power.

11. The MMAC recommends that the survey of longline fishers' knowledge of whale depredation events and any potential methods to avoid depredation be replicated in American Samoa, and if possible include Samoan and Cook Islands longline fishers in the survey.

Itano commented that he frequently encounters FKW as well as pilot whales and melon-headed whales while coastally fishing, and has noticed that they tend to aggregate around FADs and weather buoys. Itano asked what types of data the population estimates of FKW stocks are based on, and whether cetacean stock assessments consider such aggregations. Ishizaki responded that transect and aerial surveys were being used, but was not certain whether aggregation patterns were being considered at this time. Itano followed up by commenting that the possible reason for the perceived decline in the insular FKW population may be due to inadequate sampling design of current vessel surveys, which seem to be designed to make it difficult to find certain cetaceans.

Itano asked for clarification on the shortline interactions with the insular FKW population, noting that he is not aware of much shortlining occurring in the insular stock range (75 nm from the Main Hawaiian Islands). Ishizaki clarified that this concern was raised by Committee member Robin Baird, who conducts the boat surveys for the insular FKW population. The concerns are mainly based on anecdotal information from fishermen, and Baird did not provide any evidence or data that show the possible impact of shortlines on the population. Ishizaki further clarified that the MMAC recommendation regarding shortlines was made to encourage more research into the possibility of shortlines and other fishing gear that may be affecting the population. Itano further commented that the recommendation is very misleading, as he does not believe there is much shortlining in the area and the recommendation portrays it as if it is happening. However, Itano noted that this is an issue that could potentially become a

problem.

Duenas requested the MMAC recommendations to be Councilized and brought up for discussion at the end of the session.

H. Pelagic Plan Team Recommendations

Council staff Paul Dalzell provided the report and recommendations of the Pelagic Plan Team meeting convened in April 2009. The purpose of the Plan Team meeting is to put together the annual report modules and the annual report to deal with FMP issues that come before the Plan Team.

The following Pelagic Plan Team recommendations were presented to the Council:
American Samoa

1. The Plan team recommends that the Department of Marine & Wildlife Resources (DMWR) consider establishing a recreational fisheries log book program for boat based recreational fishing.

Guam, CNMI & American Samoa

2. The Plan Team recommends that the Guam, CNMI and American Samoa pelagic module include a new table to provide information on the magnitude of expansion factors for various effort and catch estimates. The table will incorporate the following columns:

- Expansion factor for expanding catch from the voluntary commercial receipt program (Guam and CNMI)
- The number of interviews for pelagic troll fishing (Guam & Am Samoa)
- Number of boats out fishing on a sample day (Guam & Am Samoa)
- Total expanded number of pelagic troll trips (Guam & Am Samoa)

3. The Pelagic Plan Team recommends that NMFS Pacific Islands Fisheries Science Center (NMFS PIFSC) assist Department of Agriculture & Wildlife Resources (DAWR) with planning the location of additional FAD sites with respect to bathymetry, currents and proximity to boat ramps and small boat harbors.

Hawaii

4. The Pelagic Plan Team recommends that the Hawaii module incorporate catch rate (lbs/hr), for trolling and handline in addition to lbs/trip for years 2003 and thereafter.

Dalzell clarified that the fourth recommendation reflects the improvements made in the DAR data shop where the catch reports now report effort not only in terms of trips, but also in terms of hours fished, which is a finer scale to measure effort. He further noted that five or six years of data are now available, and it would be useful to look at them in terms of future monitoring of the fisheries.

5. The Pelagic Plan Team made no recommendation on management measures for the Cross Seamount mixed gear pelagic fishery, other than to note that it had previously questioned the need for management in a fishery which participation was and still is clearly in decline. The Pelagic Plan Team did, however, recommend that the seamount monchong, *Eumigistes illustris*, be maintained in the Pelagics Fishery Ecosystem Plan Management Unit.

Dalzell noted that the fifth recommendation reflects discussions by SSC as well as the Council in American Samoa about the status of monchong as a pelagic or a non-pelagic fish.

International

6. The Pelagic Plan Team recommends that the International Module include a table showing the annual catches by weight for species caught by the US longline fishery as submitted to the Inter-American Tropical Tuna Commission (IATTC) and Western & Central Pacific Fisheries Commission (WCPFC).

7. The Plan Team recommends that the Council, in its consideration of approaches to implement the WCPFC bigeye tuna (BET) catch limit, consider the implications if the Hawaii-based longline fleet were allowed to continue to fish in the Western and Central Pacific Ocean (WCPO) once the BET limit has been reached. Vessels may target other tuna species which may have implications on current WCPFC Conservation and Management Measures (CMMs) for WCPO yellowfin and North Pacific albacore. Further, if vessels continue to fish, BET will be caught and discarded. Although many BET discards may survive, additional mortality would occur, contrary to the intent of the WCPFC limit to reduce mortality. The Pelagic Plan Team recommends research on the post-release mortality of longline caught BET.

Region-wide

8. The Plan Team heard with interest the potential for accessing NOAA Cooperative Research Funds and recommended that the projects be identified that would build on existing or planned research for Council pelagic fishery management needs. An example would be to provide further support for an existing PFRP pilot project to tag seamount monchong on the Cross Seamount. The Pelagic Plan Team also made the following suggestions for potential Cooperative Research Projects:

American Samoa

1. Pilot study to quantify catches from the sport fish /recreational fishing vessels through setting up a voluntary logbook system and training fishers to record data.
2. Study to determine what American Samoa's FADs are producing in terms of catches, size structure, and investigate stock structure by tagging fish at FADs.

3. Study assessing the feasibility of rebuilding of the alia fleet to characterize the new fleet in terms of: where they fish, what they catch, amount of effort, duration of trips, etc.
4. Gear testing (large circle hooks, large bait) with regards to reducing sea turtle bycatch in the longline fleet and determining the effectiveness of the proposed gear changes.

CNMI

1. Study to determine the stock structure of the pelagic monchong targeted and caught by both Guam and CNMI fishers.
2. Pilot study to characterize the fledging longline fishery through onboard sampling (size frequency data, etc.).
3. Pilot study to characterize the bottomfish fishery (near and offshore) through onboard sampling (size frequency data, etc.).
4. A fishery development project to determine the feasibility of a swordfish fishery in northern waters through an exploratory fishing survey.

Hawaii

1. Study to determine post-hooking mortality of bigeye tuna when targeted by the longline fleet.
2. A pilot voluntary recreational fishers reporting system.
3. Monchong tagging at Cross and possibly other seamounts to characterize the *Eumegistus illustris* resource in Hawaii.

Dalzell noted that the recommendations will be combined together with the other recommendations included in the Pelagic Standing Committee Report, and will be presented for the Council's consideration during the section on action items. Dalzell further noted that the Council members will be conducting a prioritization review the next day for the items on Cooperative Research.

Thielen suggested that providing the Council with cost estimates of projects would be helpful in carrying out the prioritization process.

I. Pelagic AP Recommendations

There were no Pelagic AP recommendations at this meeting.

J. SSC Recommendations

Severance noted that all of the SSC recommendations, including the one non-action item, appear verbatim in the Standing Committee Report to be presented in the next agenda item.

K. Pelagics and International Standing Committee Recommendations

Duenas reported on the Pelagics and International Standing Committee meeting, which convened on July 22, 2009. Duenas referred to the meeting report, included as document 10.C.3(1). The Standing Committee heard recommendations on the Cross Seamount, Hawaii longline fisheries, WCPFC quota management, Hawaii tuna quota monitoring, and Limited Access Privilege Programs (LAPPs). The Committee also heard recommendations from the Pelagic Plan Team and SSC. The discussion and recommendations from the Committee were forwarded to the full plenary of the Council for consideration to include two recommendations. Duenas noted that a possible third recommendation regarding the status of marlin stocks in the area may be forwarded to the Council based on the Fishers Forum held the previous night.

L. Public Comment

Martin called for public comment.

Keiko Bonk, representing the Marine Conservation Biology Institute and 21 Hawaii-based organizations, provided the first public comment. Bonk read out a letter addressed to Jane Lubchenco, Jim Balsiger, and Bill Robinson opposing the expansion of the Hawaii-based longline fisheries for swordfish. The letter urged NMFS to reject in whole the proposed new rule for the swordfish fishery on the basis that it would triple the number of loggerhead turtles accidentally captured and sometimes drowned, subject leatherback turtles to continued unsustainable levels of deaths and injury, and entangle, hook, or kill many other marine animals such as humpback whales, false killer whales, seabirds, and vulnerable fish species. The letter further claimed that the expansion of the longline fishery would violate the ESA and the MSA due to the increased bycatch and threats to threatened and endangered species as well as overfished and data-poor fish species, and that the fishery already operates in violation of the MMPA and the Migratory Bird Treaty Act. Bonk submitted the letter to the Chairman as a written testimony.

Greg Holzman, a commercial fisherman from Kauai for nearly 30 years, provided the second public comment. Holzman noted that he does not target marlin, and intentionally stays away from lures that attract marlin due to the low value relative to the effort it takes to bring in a large fish. He expressed that he was surprised to discover at the Fisher Forum the previous night that very few large females have been satellite tagged. He further stated that information on fish movement from tags are of great interest to fishermen, as it provides confirmation of knowledge already held by many fishermen and scientific information that can be utilized in fishery management. Holzman expressed his support in the ability to find funds to continue satellite tagging of marlin. He suggested that many commercial fishermen would be interested in helping researchers satellite tag large fish.

In response to Holzman's comment, Duerr noted that the high cost of the satellite tags at \$4,000 per tag limits the number being deployed. He further noted that the Hawaii International Billfish Tournament, along with the IGFA is considering approaching

conservation organizations, corporate sponsors, banks, and others who may be able to sponsor satellite tags. He agreed with Holzman, stating that more satellite tagging needs to be done, and that the effort is limited by money. Holzman responded to Duerr (after the public comment by Amata Coleman that followed) by suggesting that future tagging efforts should focus on larger females, as there have already been sufficient efforts to tag smaller fish. Holzman further suggested that a potential documentary or similar efforts incorporated into sports fishing could attract corporations and sponsors. Itano supported Holzman's suggestion regarding the documentary, noting the parallel with the Tag a Giant Program in the Atlantic in which a group is tagging the giant bluefin tuna that received a considerable amount of press.

Amata Coleman from American Samoa, representing Pago Pago-based U.S. tuna purse seine vessel owners from San Diego, provided the third public comment regarding the closure of the U.S. waters to purse seiners. Coleman stated that while the desire to keep foreign vessels out of the U.S. EEZs is understandable, U.S.-built boats should be allowed access as they are U.S. taxpayers contributing to the economy in American Samoa. She further noted that the option of cooperative surveillance instead of cooperative research as the access requirement is a more feasible option, and that such a surveillance could be implemented with an observation report to the U.S. Coast Guard on visual and radar contacts in the U.S. EEZ. American Samoa fishing is limited in the U.S. EEZ and only when El Nino develops, and while they seldom find themselves in the EEZ, the vessel owners feel it should be their right if they choose to do so. Coleman further stated that reef damage, impacts to turtles and seabirds, and bigeye tuna are not U.S. purse seine issues. Coleman urged the Council to fully support the efforts of the State Department and NOAA and trust their judgment, stating that this is an international issue that should be handled at that level.

M. Council Discussion and Action

All pelagics actions, including the nonaction Marine Mammal recommendations, were discussed under Agenda Item 10.C, Pelagic and International Fisheries Action Items.

9. Public Comments on Non-Agenda Items

There were no public comments on non-agenda items. Please refer to other sections for public comments received on agenda items.

10. Action Items

A. Program Planning

1. Recommendations on Fishing Regulations in the Pacific Marine National Monuments

Marcia Hamilton provided an overview of document 10A(1) – Options Paper on Potential Definitions and Management Measures for the Marianas Trench, Rose Atoll, and Pacific Remote Island Area Marine National Monuments. President Bush's proclamations establishing the Marianas, Rose Atoll and PRIA monuments identified the Magnuson Act as the statutory authority to develop regulations related to fisheries and NMFS then

specifically requested that the Council recommend definitions and regulations for fishing activities that may be permitted in the monuments as described in the President's proclamations. The purpose of the Council's action was to begin the process to define and regulate fishing activities in the new Pacific monuments. Hamilton presented the follow alternatives, along with summary tables of the advantages and disadvantages of each, for Council consideration:

Regarding the Islands Unit of the Marianas Trench Monument:

Sustenance fishing

1. Fishing for personal, family or community consumption
2. Fishing for personal family or community consumption with up to \$200 in sales of catch allowed per trip to help cover trip expenses
3. Fishing for personal, family or community consumption with no sales of catch permitted
4. Fishing for personal, family or community consumption with no sales, trades or bartering of catch permitted
5. Fishing for personal or family consumption of catch within the Islands Unit
6. Fishing for personal or family consumption of catch within the Islands Unit, and the fishing must be incidental to another permitted activity (based on NWHI definition)

CNMI gov't working definition for sustenance fishing

Fishing to provide critical energy for life support, especially when stranded or abandoned.

Recreational fishing (note: all definitions include charter boat fishing)

1. Fishing for sport or pleasure (from the MSA)
2. Fishing for sport or pleasure with up to \$200 in sales of catch allowed per trip to help cover trip expenses
3. Fishing for sport or pleasure with no sales of catch permitted
4. Fishing for sport or pleasure with no sales, trades or barter of catch permitted

CNMI gov't working definition for recreational fishing

Charter fishing (including all fishing tournaments), fishing for personal, family, or community uses, or for indigenous cultural and religious events. Non-profit sales and barter permitted to reimburse trip costs, as well as major and minor vessel repairs while in the Islands Unit.

Traditional indigenous fishing

1. Fishing with methods developed from aboriginal customary and traditional uses and practices (from the Council CDP definition, no ethnicity requirement)
2. Fishing by indigenous persons with methods developed from aboriginal customary and traditional uses and practices
3. Fishing by indigenous persons (as defined below) with methods developed from aboriginal customary and traditional uses and practices with up to \$200 in sales of catch allowed per trip to help cover trip expenses

4. Fishing by indigenous persons with methods developed from aboriginal customary and traditional uses and practices, with no sales of catch permitted

5. Fishing by indigenous persons with methods developed from aboriginal customary and traditional uses and practices, with no sales, trades or barter of catch permitted

CNMI gov't working definition for traditional indigenous fishing

Fishing using methods developed from indigenous and traditional uses as presently practiced for personal, family, or community uses, or for indigenous cultural and religious events. Non-profit sales and barter permitted to reimburse trip costs, as well as major and minor vessel repairs while in the Islands Unit.

Culturally significant subsistence, cultural, and religious uses of fish resources

1. Fishing for the purpose of providing fish for fiestas, funerals, wakes, graduations and other culturally or religiously significant events

2. Fishing for the purpose of providing fish for fiestas, funerals, wakes, graduations, birthdays, weddings and other culturally or religiously significant events, with up to \$200 in sales of catch allowed per trip to help cover trip expenses

3. Fishing for the purpose of providing fish for fiestas, funerals, wakes, graduations and other culturally or religiously significant events, with no sales of catch permitted

4. Fishing for the purpose of providing fish for fiestas, funerals, wakes, graduations and other culturally or religiously significant events, with no sales, barter or trade of catch permitted

CNMI gov't working definition for culturally significant subsistence, cultural and religious uses of fish resources

Fishing which teaches or uses ancestral practices to provide fish for personal, family, or community fiestas, funerals, wakes, weddings, baptisms, graduations, hospitality and other cultural or religious events. Non-profit sales and barter permitted to reimburse trip costs.

CNMI gov't working definition for subsistence fishing

Fishing for personal, family, or community uses, or for indigenous cultural and religious events. Non-profit sales and barter permitted to reimburse trip costs, as well as major and minor vessel repairs while in the Islands Unit.

Excerpt from the CNMI constitution

A person who is a citizen or national of the United States and who is of at least one-quarter Northern Marianas Chamorro or Northern Marianas Carolinian blood or a combination thereof or an adopted child of a person of Northern Marianas descent if adopted while under the age of eighteen years. For purposes of determining Northern Marianas descent, a person shall be considered to be a full-blooded Northern Marianas Chamorro or Northern Marianas Carolinian if that person was born or domiciled in the Northern Mariana Islands by 1950 and was a citizen of the Trust Territory of the Pacific Islands before the termination of the Trusteeship with respect to the Commonwealth.

Excerpt from Guam GCA §2102

The Chamorro people, the Native Inhabitants of Guam, are defined in Title 1 GCA §2102as “those persons who became U.S. Citizens by virtue of the authority and enactment of the 1950 Organic Act of Guam and descendants of those persons”.

Single definition for all permitted fishing

Under this approach a single definition would be implemented that includes all types of non-commercial fishing that may be permitted in the Islands Unit of the Marianas monument. Four potential alternatives for this definition are:

1. Fishing conducted for sustenance; recreational; traditional; indigenous; culturally significant subsistence, cultural, or religious uses; or for other reasons.
2. Fishing conducted for sustenance; recreational; traditional; indigenous; culturally significant subsistence, cultural, or religious uses; or for other reasons with up to \$200 in sales of catch allowed per trip to help cover trip expenses.
3. Fishing conducted for sustenance; recreational; traditional; indigenous; culturally significant subsistence, cultural, or religious uses; or for other reasons, with no sales of catch allowed.
4. Fishing conducted for sustenance; recreational; traditional; indigenous; culturally significant subsistence, cultural, or religious uses; or for other reasons, with no sales, barter or trade of catch allowed.

Regarding the Rose Atoll Monument:

Non-commercial fishing (includes charter boats)

1. Fishing with no sales of catch permitted, non-cash trading and bartering of catch is allowed
2. Fishing with no sales, trades or barter of catch permitted

Sustenance fishing (include visitors and researchers)

1. Fishing in which the catch is not sold or marketed, but is shared within the family or village structure for the purpose of home consumption (from the existing American Samoa definition for sustenance)
2. Fishing in which the catch is not sold or marketed, but is consumed by the vessel crew, or shared within the family or village structure for the purpose of home consumption
3. Fishing for personal, family or community consumption
4. Fishing for personal, family or community consumption with no sales of catch permitted
5. Fishing for personal, family or community consumption with no sales, trades or bartering of catch permitted
6. Fishing for personal or family consumption of catch within the Rose Atoll monument
7. Fishing for personal or family consumption of catch within the Rose Atoll monument, and the fishing must be incidental to another permitted activity (based on the NWHI definition)

Traditional indigenous fishing

1. Any historically traditional fish or shellfish capturing method practiced on a subsistence level (from the existing American Samoa definition)
2. Fishing with methods developed from aboriginal customary and traditional uses and practices (from the Council's CDP, no ethnicity requirement)
3. Fishing by indigenous persons with methods developed from aboriginal customary and traditional uses and practices
4. Fishing by indigenous persons with methods developed from aboriginal customary and traditional uses and practices, with no sales of catch permitted, non-cash trading and bartering of catch is allowed
5. Fishing by indigenous persons with methods developed from aboriginal customary and traditional uses and practices, with no sales, trades or barter of catch permitted.

Single definition for all permitted fishing

Under this approach a single definition would be implemented that includes all types of non-commercial fishing that may be permitted in the Rose Atoll monument. Three potential alternatives for this definition are:

1. Fishing conducted for non-commercial; sustenance; traditional; or indigenous uses or reasons, or for other reasons.
2. Fishing conducted for non-commercial; sustenance; traditional; or indigenous uses or reasons, or for other reasons. No sales of catch permitted but non-cash trading and bartering of catch is allowed.
3. Fishing conducted for non-commercial; sustenance; traditional; or indigenous uses or reasons, or for other reasons. No sales, barter or trading of catch allowed.

Regarding the PRIA Monument:

Non-commercial fishing

1. Fishing with no sales of catch permitted
2. Fishing with no sales, trades or barter of catch permitted

Recreational fishing

1. Fishing for sport or pleasure (from the MSA)
2. Fishing sport or pleasure with no sales of catch permitted
3. Fishing sport or pleasure with no sales, trades or barter of catch permitted

Single definition for all permitted fishing

Under this approach a single definition would be implemented that includes all types of non-commercial fishing that may be permitted in the PRIA monument. Three potential alternatives for this definition are:

1. Fishing conducted for non-commercial or recreational uses or reasons, or for other reasons.
2. Fishing conducted for non-commercial or recreational uses or reasons, or for other reasons. No sales of catch permitted but trading and bartering of catch allowed.
3. Fishing conducted for non-commercial or recreational uses or reasons, or for other reasons. No sales, barter or trading of catch allowed.

Hamilton also presented two options for regulating fishing in the monuments as follows:

1. No Action- no management measures are recommended for fishing activities in the new Pacific monuments.

2. Require federal permits and catch reporting – with the exception of research conducted or contracted by the Departments of Commerce or Interior, all fishing activities in the new Pacific monuments would require federal permits and reporting.

Hamilton reported that the Governor of American Samoa, in his May 6, 2009 letter, had requested that Council member Tulafono keep him apprised of progress on the monument regulations and provide the Council with necessary information on his behalf. The definition of sustenance fishing is already defined by American Samoa, and aligns with the first alternative on this topic above. The Governor of CNMI requested in his July 9, 2009 letter that the Council work with Council member DelaCruz as well as Mr. Jack Ogomuro if it had questions or needed clarification on the CNMI government's working definitions as it was important to develop fishing regulations that minimize conflict and provide sustainable fishing in the monument. Hamilton concluded by asking for questions from Council members, as well as suggestions for additional alternatives that the Council would like to have analyzed.

Palawski noted that Council staff tried to get his input about these regulations, but his travel schedule didn't allow it. Robinson stated that it might make sense to have a single definition for all three monuments for recreational and sustenance fishing but that definitions for cultural, traditional and indigenous activities may need to vary. Sablan spoke in favor of tailoring individual definitions appropriate for each area and fishing activity. He noted that recreational fishing should be carefully defined to exclude charter fishing as it is really a for-profit business, even though its income comes from the patrons rather than from selling fish. It would be unfair to allow this type of business activity while prohibiting or sharply limiting sales of fish by the indigenous residents of CNMI who already have low income levels.

Duenas stated that \$200 sales limit is not enough cover the costs of fuel and food for a fishing trip and that local residents should at least be allowed to make enough to rise above the poverty level. DelaCruz noted that the CNMI government definitions would not limit the dollar amount and argued that there should be no limit. Caputo said that it is much easier to enforce a limit on the weight or number of fish than a dollar amount of sales. Robinson supported CNMI's definitions using the term "non profit" as he believed it was difficult to determine or apply a dollar amount as the actual fishing expenses vary by trip.

Palawski expressed concern over the idea of allowing the barter or trade of catch under some alternatives when the proclamation state that there is to be no commercial fishing. Robinson responded that this was a complicated issue as MSA has a clear definition of commercial fishing but now the proclamations require new definitions for indigenous

fishing. He suggested that it may be appropriate to deviate from the MSA definition. Young responded that by massaging the definition of "commercial" and allowing limited sales of fish, the Council may be trying to find a way to allow commercial fishing in the monuments.

Duenas noted that there are additional terms which need to be defined such as "community" and "benefits".

2. Advisory Group Recommendations

Hamilton presented the following recommendations from the Council's advisory groups:

The Marianas Archipelago Plan Team, Advisory Panel and the Guam REAC all recommended that the Council hold additional stakeholder and public meetings on the definitions and regulations prior to final action. The CNMI REAC recommended that the Council seek financial assistance for fishermen who have been displaced or can no longer fish for commercial purposes in the monument and that CNMI be given authority over state waters around the Islands Unit.

3. SSC Recommendations

Craig Severance presented the following recommendation from the SSC:

The SSC recommended a modified version of Option 1 of the single definition that would utilize a single definition for all allowable fishing in the monuments with sales of catch allowed at a not-for-profit level. The SSC also recommended the implementation of a mandatory federal permitting and catch reporting system to monitor all fishing activities in the monuments. The SSC also recommended that Guam representation be included on the Advisory Council for the Marianas Trench Marine National Monument.

4. Public Comment

Martin called for public comments on this topic, there were none.

5. Council Discussion and Action

Duenas made the following recommendation as a motion, which was seconded by DelaCruz:

The Council directs staff to prepare a draft amendment(s) for consideration at its October meeting that includes analysis of the following additional alternatives to define permitted fishing in the Islands Unit portion of the Marianas Trench Monument and Rose Atoll Monument as follows:

Sustenance/Subsistence Fishing – Sustainable fishing practices or methods which perpetuates the traditional or customary practices of the indigenous people; such as but not limited to fiestas, funerals, or other culturally significant events.

Community – Participants in an environment or a common location with intent, belief, resources, preference, needs, risks and a number of other conditions which are present

and that affect the identity, the degree of cohesiveness and survivability in order to perpetuate a culture, customary or traditional standard.

Sustenance/Subsistence Fisher – A fisher who provides harvested marine life for the benefit of the community within the guidelines set forth or defined under fishing. The harvested marine life could be bartered or sold in order to provide the necessities of life. Any income derived from such practice after expenses shall not exceed the national poverty level as identified for the previous calendar year or a level determined by jurisdiction.

Haleck asked whether, if the Rose Atoll is transferred from monument to sanctuary status, these regulations would apply. Robinson replied that assuming the goals and objectives are similar for both monuments and sanctuaries, if the regulations the Council develops meets those goals, they would have a strong possibility of staying in place.

Young again stated that the MSA defines commercial fishing as any sale, trade or barter of catch and that this definition should be adhered to in regulating the monuments. Tucher noted that the Proclamations prohibit commercial fishing but also permit traditional indigenous and sustenance and recreational fishing so he would necessarily conclude that one constrains the application of the other and there's some exception to the ban on commercial fishing. If one assumes that all commercial fishing is banned the documents wouldn't make any sense if read as a whole. So this is where ultimately the Agency's definition is going to receive a lot of deference, and if there's some de minimis amount of barter and trade involved and a de minimis amount of fishing that would otherwise be commercial, it would not do violence to the ban on commercial fishing. The motion was approved by all Council members present except for Young who voted against it.

Duenas made the following recommendation as a motion, which was seconded by DelaCruz:

The Council recommends as a preliminarily preferred alternative a modified version of Option 1 of the single definition for fishing which would define permitted fishing in the PRIA Monument, Rose Atoll Monument and Islands Unit portion of the Marianas Trench Monument as follows: Fishing conducted for sustenance; recreational; non-commercial; traditional; indigenous; culturally significant subsistence, cultural, or religious uses; or for other culturally significant events, with sales or barter/trade of catch allowed to cover costs but not to provide profits to participants.

Thielen stated that she was uncomfortable identifying this is a preliminarily preferred alternative prior to analyses. Young reiterated that he did not believe there should be any sales of fish allowed from the monument.

The motion was approved by all Council members present except for Young and Thielen who voted against it. Robinson abstained from voting.

Duenas made the following recommendation as a motion, which was seconded by DelaCruz:

The Council recommends as a preliminarily preferred alternative that Federal and/or local permits and catch reports be required for all fishing activities in the Monuments (Option 2).

Robinson clarified that under the MSA, permits can be required for the vessel, the individual, or both. Dela Cruz stated that requiring a federal permit would be costly and cumbersome. Itano said that bringing this into the federal permitting status will ensure that all correct procedures are followed and definitions are created. Young asked if, since the permits will be dealing with the territories and state, the permit should be federal in nature. He argued that it would be appropriate to keep it federal at this point.

The motion was approved by all Council members present except for Young and Thielen who voted against it.

B. Insular Fisheries

1. Recommendations on the Hancock Seamount Groundfish Moratorium

Motion: Directs staff to develop the amendment document for the management of the Hancock Seamount Groundfish fishery with the preliminary preferred alternative of establishing the Hancock Seamounts Large Marine Ecosystem Management Area and the development of an associated research plan, for final Council action in October 2009.

The motion passed with no objections and one abstention (Thielen). Staff provided the Council with an overview of the options available to the Council for the Hancock Seamount, where the moratorium will in 2010. The SSC recommended option 2: to extend the moratorium until 2016. The SSC recommended a modification to the motion that would add a research plan, so the Council added that as a friendly amendment.

A Council member recommended that this document be brought before the Council prior to the moratorium expiration so the Council does not appear silent when the moratorium ends. Staff clarified that the intent is to bring the alternatives back to the Council at the October 2009 meeting. It was also clarified that the option to extend the moratorium for another 6 years is included as an alternative.

2. Main Hawaiian Islands Bottomfish

a. Western Pacific Stock Assessment Review of the Main Hawaiian Islands Bottomfish Fishery

A stock assessment review for the Hawaiian deep slope bottomfish was conducted in mid June. It was organized by PIFSC, PIRO, and WPFMC, and reviewed the objectives of WPSAR. Data processing was the area where the team had the most difficulty: 1) they were unsure if the resulting data that was standardized for CPUE was a realistic proxy for stock density, which drives the CPUE surplus production model, 2) model filtering may have had issues, and 3) standardization occurred to account for changes in catchability. The review provided near-, medium-, and long-term recommendations for stock

assessments. The review also concluded that documentation 1) was weak on providing essential details and documenting data processing steps, 2) was missing key topics normally found in stock assessment, and 3) should be comprehensive and follow a standard reporting format in the next stock assessment. The review summarized that the data are sufficient, the data processing has issues, the stock assessment modeling needs some fixes and improvements, documentation needs improvement, and more research is needed.

It was noted by Peter Young that the report was identified as “not for public distribution” and that it was given to the Council with the caveat that decisions couldn’t be made using its information. The primary issue is that public notification of the WPSAR was overlooked and as such, the assessment was not publicly vetted. NOAA GC advised that the Council cannot rely on the conclusions of the report, but whether it’s distributed or not to the public is not an issue. The rest of the discussion was an argument in which Mr. Young voiced frustration with being given a report he is not allowed to use for management decisions. Reassurance was provided that the review panel is made up of SSC members and other independents that stand by their review statements.

b. Recommendations on Total Allowable Catch for Main Hawaiian Islands Bottomfish 2009-2010 Season

Mitsuyasu presented options for the Main Hawaiian Islands Bottomfish TAC for 2009 through 2010. The purpose of this action is to specify that TAC related to the Deep 7 species. Mitsuyasu reviewed the MHI bottomfish fishery performance for the past three years under the fleet-wide TAC system. Five TAC options with associated risks from 25 to 50 percent of overfishing were presented for Council consideration. These included:

- Alternative 1 which is the no-action alternative,
- Alternative 2 has a 25 percent risk, at 241,000 pounds of Deep 7.
- Alternative 3 has a 34 percent risk, at 249,000 pounds of Deep 7.
- Alternative 4 has almost a 40 percent risk, at 253,000 pounds of Deep 7.
- Alternative 5 has a 50 percent risk at 262,000 pounds of Deep 7.

c. Recommendations on Catch Shares

The Council’s recommendations on this issue are contained within Agenda Item 10.B.7 below.

3. Recommendations on Annual Catch Limits

Paul Dalzell discussed the requirements of the MSRA with respect to ACLs and then provided MSY estimates and 2007 catches for bottomfish. He also said that precious corals have an MSY, but there is uncertainty in the longevity estimates for gold coral. Black corals have experienced an infestation and there may be 2 species, both of which influence ACL estimates. There is currently no harvest of stony corals.

The Crustaceans FMP includes shrimp in Hawaii and CNMI that have an MSY estimate that is 20 years old. Additionally, a stock assessment overall and also for just the federal portion needs to be done for akule and opleu.

The SSC advised the Council that the SSCs have to begin setting ABCs based on MSYs so that the Council can establish the ACLs. "No action" on ACLs will result in Secretarial amendments by NMFS. The SSC was advised to let them know what is necessary for the October SSC meeting to establish ABCs.

4. Advisory Group Recommendations

Advisory Panel had no recommendations regarding these agenda items.

5. SSC Recommendations

Severance reported the SSC recommendations regarding these action items. On the Main Hawaiian Islands Bottomfish TAC, the SSC recommends that a precautionary TAC of 254,050 pounds for the Main Hawaiian Islands Commercial Deep 7 Bottomfish Fishery be set to limit the risk of overfishing for the 2009-2010 Fishing Season, which is the same as the SSC's recommendation from the 99th Meeting in October of 2008.

The recommendations on potential Bottomfish LAPPs, the SSC notes that the adoption of LAPPs is not an urgent issue at the moment so there is time for more detailed consideration of the management implications of a Main Hawaiian Islands Bottomfish Fishery Limited Entry Privilege Program.

The SSC recommends the review of the recent literature on the social and economic design and impacts of ITQs and LAPPs in other regions, such as Alaska, be developed for SSC and Council consideration. The SSC also recommends that a social and economic baseline study of the Hawaii bottomfish fleet be carried out in addition to the outreach efforts to be taken by the Council. This would provide the basic information needed for the development of a more equitable and functionable LAPP or for other management alternatives.

Severance noted that LAPPs are quite controversial and one thing that is very clear is they need to be designed very carefully in the beginning because everything from the initial design, then follows.

With respect to the setting of ABCs, the SSC notes that this is a critical task with very short deadline, has agreed to create a small working group to review the data needed to develop ABCs for some of the species for the October SSC meeting.

SSC Members Polhemus, Kleiber, DeRiso, Trianni, Camacho and Sabater agreed to serve, I'm not saying we were strong-armed into serving, and the SSC recommends that Hampton and Sibert be asked to participate.

That concluded the SSC recommendations on these agenda items.

6. Public Comment

Martin asked for public comment. Mr Greg Holzman provided the following comments. "First off, I guess I'll start with the TAC. I think that the TAC that was set last year was

substantially better for us as fishermen. I guess I could live -- I'm living with this six-week kind of a vacation from bottomfish fishing, where having it in April the year before was more or less a full chill of my ability to continue as a bottomfish fisherman, and I ended up pretty much having to go get another -- go get other work, which then caused myself not really necessarily to be able to start fishing in September. That, of course, affected a lot of my markets. They weren't able to get fish that they wanted from me. So it's been helpful to have it raised. So I appreciate it if you would take that into consideration.

It has been helpful. The effort has gone down. At least where I live on Kauai, the effort has gone down. Most likely it has gone down because of more regulations. People then worry about getting into it or -- you know, it's a hard fishery. It's a hard fishery to begin with, and then you add this kind of stuff into it, and it's a problem.

We also have had harbors that are being rebuilt, and a lot of the bottomfish fishermen that go out of the harbor that's being rebuilt right now for Niihau, and whatnot, are not able to go often. Having said that, that takes care of the TAC.

Last year I testified about this limited entry, which I thought was imperative. I can't understand why we haven't gotten further along on it. To me, it's something that we're trying to slow effort and it's an important thing to have started. We had a control date that was set in the early '90s with the State for fishermen who had been in the fishery had a control date that was set back then.

I'm not saying that that's necessarily something that we should work on, but those people that were part of that control date -- before that control date and still continuing should be considered. Because of that, there's obviously maybe some highliners that have started since then and are continuing. Those people could be also considered.

I think questionnaires could be possibly sent out to fishermen who were considering being part of the fishery that had possibly done it in the past. I know a lot of older fishermen who as soon as you say that there's going to be a limited entry then all of a sudden they're interested in getting involved in it, but they haven't been bottomfish fishing for quite a while. But all of a sudden, it's like, oh gee, maybe I can make money off of the permitting. And that's another thing that comes up.

A lot of these models are based on Alaskan fisheries, with these nutrient-rich waters and huge amounts of poundage that's being brought in, the permits can be a pretty high price. We're talking about 241,000 pounds of fish that really, at \$5 a pound, how much really is that to be cut up between quite a few fishermen. So I guess one of the things is, is how many fishermen are going to be part of this fishery, in total?

Another thing that I learned today about meta-populations, where they were actually cutting it down and are going to study the population based on the County of Kauai, of Maui County. I think that's a really good idea. I want to try to keep the fishermen that are fishing the Niihau/Kauai areas fishing there. They're obviously -- the highliners and

people that have been fishing out there know when to go. They probably would have less impact on it.

But also, the geology of the bottom, part of a lot of these surveys, and whatnot, is quite remarkably different. So the behavior of fish from migration patterns to different types of seamounts, and whatnot, are different for every county. So I think that should be studied and checked out.

But the main thing that I wanted to get at was another option, and that option was considering a limited entry based on the people that have been part of it, but not necessarily putting it into an individual quota, of putting it into a thing where everybody - that they basically are closing the doors of the party now instead of kicking people out later.

And then also we need to find out about the crews now. You know, we need to put that down in the fish catch reports. That should be a line, the crew name, their fish catch license, so that these guys are documented.

I have a crew that's been working since he was 18. The last few years he stopped fishing with me, for the most part. But he wants to be able to fish in the future. He's 32 years old, and he's the future. A lot of these guys that are captains, their sons have been working with them, and that's going to be the future also. So I wanted to make sure that those got in there.

But the limited entry needs to be started I think as a fleet, and that quota then after five years you can maybe assess the data that's taken off of that. It will be a lot easier to study the data from a fleet that's smaller, get a lot more clear information from them, maybe asking them for extra information. And then from there, I think you can make assessments on individual quotas and who actually is involved in it.

And the whole thing about this boats, that's just not a realistic option. I think the boat -- permits for boats, that's great if you got a million dollar boat. These are small boats that aren't really very expensive. So boats have a tendency to switch owners and the captains have different boats. I could go on. It's a big issue.

I hope that you guys really get started on it seriously. I think it's a great way to get the effort under control because economics change. A lot of these tuna fishermen now are using hydraulic reels to pull in their tuna. It's really easy to switch over.

Maybe they're not going to do it, change permanently, but when it's biting real good, they can switch over real quick. The economics change in the world, and a depression, or something like that, all of a sudden we've got a lot of extra effort in something else because all of a sudden we got tuna quotas or something.

Having said that, I'll just end it and thank you very much for letting me come and speak my mind here. Thank you."

Martin thanked Holzman for traveling from Kauai to participate in the meeting.

7. Council Discussion and Action

Duerr noted the following recommendations would take individually. He offered the first recommendation as motion.

a) Motion: Recommends the 2009-2010 Main Hawaiian Island "Deep 7" commercial bottomfish total allowable catch be set at 254,050 pounds, based on the SSC analysis of the MHI Deep 7 population.

Fred Duerr motioned, Manuel Duenas seconded.
Motion passed with 1 objection by Young and no abstentions.

Peter Young opened the discussion with noting that the MHI bottomfish stock was experiencing overfishing in 2007 and that at the 140th Council meeting, the Council was cautioned that they should not exceed 149,000 lbs and at a later, were told not to exceed 99,000 lbs. He voiced objection to the SSC recommendation of greater harvest. Bill Robinson clarified that the overfishing status is defined by the archipelagic stock, therefore the fishery is fine based on MSRA standards. He commented that the analysis shows an overfishing risk of 40% for the MHI bottomfish. David Itano recognized Young's concern, but is comfortable going with the SSC recommendation although he commented that there is probably going to be an overage due to recording and human nature, so the TAC could probably be reduced with the assumption that an overage would occur that would have the same end resulting TAC. Laura Thielen offered that it is the authority of the Council to decide whether the Council will look at the archipelagic stock or just the MHI stock, but until the decision is made to look at just the MHI stock, they need to make a decision based on the entire archipelagic resource. She also offered a compromise of utilizing this year's TAC while they follow subsequent recommendations. Kitty Simonds reminded the Council that the Council has already taken the position to separate the MHI stock and the archipelagic figure does not factor into the MHI decision. Sam Pooley suggested using different terminology to not confound the situation with legal definitions of overfished and overfishing. He offered the phrases "localized depletion" and "excess fishing mortality for the subunit."

b) Motion: The Council accept MHI as an independent Stock.

Motion by Peter Young, Sean Martin accepted motion said it'd be brought up *later*.

c) Motion: Recommends that the WPSAR panel be reconvened to finalize the review of the Hawaii bottomfish stock assessment and that notice of its meeting be publicized in the Federal Register.

Motion by Fred Duerr, seconded by Joe Torres.
Motion carried unanimously.

Bill Robinson made a friendly amendment to add "and noticed and published in the Federal Register." Neither the maker of the motion nor seconder objected.

d) Motion: The Council directs staff to work with PIFSC to provide a review of recent literature on the social and economic design and impacts of ITQs and LAPPs/catch shares in other regions such as Alaska be developed for SSC and Council consideration at their next meetings. The Council further recommends that PIFSC conduct a social and economic baseline study of the Hawaii bottomfish fleet.

Motion by Fred Duerr, seconded by Joe Torres.
Motion carried unanimously.

Ray Tulafono asked whether American Samoans could participate in a LAPP program because the MSA does not specifically state that US Nationals are included in the program with respect to having harvesting privileges. Fred Tucher replied that these concerns have been voiced to the USCG authorities because the MSA does not identify US Nationals, although US citizens and permanent resident aliens are allowed. However, so far there is no final legal resolution.

e) Motion: Directs staff to continue its outreach efforts to inform and gather input on LAPPs/catch shares from fishery participants in the MHI Deep 7 commercial fishery and other interested parties.

Motion by Fred Duerr, seconded by Joe Torres.
Motion carried unanimously.

Laura Thielen made a friendly amendment to add "about LAPPs" to the motion language because there was no subject w/o that language. Both Fred Duerr and Joe Torres agreed.

f) Motion: That stock assessments for MHI bottomfish shall focus on MHI as a single stock for management purposes.

Motion by Peter Young, seconded by Laura Thielen.

Motion failed on roll call vote 9:4 (nay:aye)

Nay: Duenas, Torres, Haleck, Tulafono, Sword, Duer, Sablan, Dela Cruz, Martin

Aye: Robinson, Thielen, Young, Itano

Bill Robinson voiced concern that PIFSC may not have all the necessary information to do a stock assessment on MHI bottomfish separately. He suggested asking PIFSC if they could do the stock assessment as a single stock for the next Council meeting and making a decision about it at that point. Kitty Simonds suggested making a recommendation that MHI be a discrete management unit. She reminded the Council that they endorsed the SSC recommendation that the stock assessment include a spatially explicit analysis of the distinct units.

Manuel Duenas motioned that the Council should use Bill Robinson's text as a friendly amendment: *Recommends that PIFSC evaluate the potential for providing a stock assessment for the MHI Deep 7 Bottomfish and report back to us at next Council meeting at their October meeting.* Bill Robinson seconded the motion. Peter Young did not agree, arguing that it delayed the option more. Joe Torres moved to call the question on the main motion, which was seconded by Ben Sablan. See vote above.

g) Motion: Recommends that PIFSC report to the Council at its October meeting whether they have the capability to provide a stock assessment for the MHI Deep 7 Bottomfish as a discrete management unit.

Motion by Laura Thielen, seconded by Joe Torres.
Motion carried with one objection by Sablan.

C. Pelagic and International Fisheries

1. Recommendations on Cross Seamount/NOAA Weather Buoy Fishery Limited Entry Program and Control Date

The Council has previously discussed implementing a limited entry program for one or more gear types or areas fished by Hawaii's offshore non-longline pelagic fisheries (NLPF) fisheries. Staff provided a presentation about the Cross Seamount. The purpose and need of this program is to limit entry into the offshore non-longline pelagic fishery and minimize potential depletion of monchong. They will consider the following issues and alternatives:

Issue 1: Affected area

There are four alternatives that address affected area. These include no action, identifying Cross Seamount only, identifying Cross Seamount and the NOAA weather buoys, and identifying all US EEZ waters around Hawaii.

Issue 2: Affected gear types

There are six alternatives to address affected gear types. Under the No Action alternative, no limited entry program would be developed for any non-longline pelagic fishing ground around Hawaii. The second alternative is to have a limited entry permit for longliners targeting PMUS within a Council-selected area. The third alternative is to require a limited entry permit for all shortliners. The fourth alternative is to require a limited entry permit for both short and longliners targeting PMUS within a Council-selected area. The fifth alternative is to require a limited entry program for all hook-and-line fishing (except fast trolling) targeting PMUS within a Council-selected area. The last alternative is to require a limited entry program for all hook-and-line fishing targeting PMUS within a Council-selected area.

Issue 3: Participation criteria

There are three alternatives: 1) No Action, 2) control date (2005 or 2009), and 3) a point system.

Issue 4: Permit transferability

There are three alternatives for permit transferability: 1) No Action, 2) transferable permits, and 3) non-transferable permits.

2. US Longline and Purse Seine Fisheries

a. US Purse Seine Effort Limits

b. US Longline BET quota

Bill Robinson reported on NMFS' proposed rule to implement the 2008 WCPFC bigeye and yellowfin conservation and management measure (CMM 2008-01). The overall objective of CMM 2008-01 is to achieve over a three-year period, from 2009 to 2011, a 30 % reduction in bigeye fishing mortality in the WCPO, and no increase in yellowfin fishing mortality (relative to a specified historical baselines for each member). CMM 2008-01 requires WCPFC members to implement the following measures for their purse seine fisheries: fishing effort limits for the high seas and EEZ, seasonal FAD closure period (2 months in 2009, 3 months in 2010, 2011), closure of Western Pacific high seas pockets in 2010 and 2011, full catch retention in 2010 and 2011, and 100 % observer coverage if fishing during the FAD closure period in 2009 as well as 100 % for entire year in 2010 and 2011. The proposed rule would implement all the conservation management measures above. In establishing the fishing effort levels, the U.S. had a choice of using the 2004 level or the average of 2001 through 2004 as its baseline for setting fishing effort levels. The U.S. chose 2004 as the baseline because it allowed for greater fishing effort under the two baseline periods. Paragraph 7 of CMM 2008-01 allows members to include fishing rights under existing regional fisheries arrangements or agreements such as the South Pacific Tuna Treaty. The number of U.S. purse seine vessel licenses allowed for under the Treaty is 45, five for joint ventures, and 40 for individual vessel operations. Although 40 U.S. purse vessels were not fishing in 2004, 40 vessels were used as the basis for calculating the proposed effort limits for both the high seas and the U.S. EEZ. The average number of fishing vessel days for the 23 vessels fishing in 2004 was multiplied by 40 to get 2,030 fishing days per year for the high seas and 558 fishing days per year for the U.S. EEZ. For ease of management, NMFS made a combined high seas and U.S. EEZ fishing effort limit of 2,588 fishing days per year. In order to provide flexibility, the fishing effort limit was broken up into one-year periods, combinations of two-year periods and a three-year period. For the FAD closure, sets within one nautical mile of the FAD would be prohibited as well as deploying or servicing FADs during the closed period. The proposed rule also contains a provision that if an observer is not available for a vessel, that an exemption can be given for that vessel to begin its fishing without an observer. Lastly, the proposed rule also contains sea turtle handling procedures for incidental take of sea turtles during purse seine operations.

Itano asked if under vessels are required to retrieve all their FADs during the closure.

Robinson replied no, that is not required.

Sword asked if the proposed rule applies to the foreign-hull U.S. flagged purse seiners.

Robinson said yes, the proposed rule applies to all U.S. flagged purse seiners fishing in the WCPO.

Simonds asked if the U.S. has developed a purse seine FAD plan, which was one of the requirements of the earlier conservation and management measures.

Robinson said that as of yet there is no plan.

Duenas asked Robinson to clarify the waiver for the observer requirement during the FAD closure.

Robinson answered that NMFS tried to provide some flexibility in the event that an observer was not made available by the FAA Regional Observer Program.

Duenas asked if the same exemption is given to Hawaii longliners.

Robinson replied no, they do not have that provision.

Duenas asked about the five joint ventures licenses under the South Pacific Tuna Treaty.

Robinson stated that the five joint venture licenses have never been used. He said they supposed to provide an opportunity to assist Pacific Island states in developing fisheries within a joint venture context.

Duenas asked about purse seine vessel days.

Robinson answered that under the FFA's Vessel Day Scheme, fishing days are being allocated, where the definition a fishing day is when a vessel leaves port and until a vessel returns to port. Discussions are ongoing as to what is a fishing day and what is a nonfishing day, because FFA have used log sheets to calculate fishing days different from the way it is defined.

Duenas said the U.S. fleet is comprised of new Taiwanese-hulled vessels and the older U.S. built boats. The U.S.-hull boats use an older fishing style where their nets are not so deep and they do not harvest as much bigeye. Is NMFS considering regulating the depth of purse seine nets.

Robinson replied that there was discussion when the conservation and management measure was being developed about restrictions on purse seine net depth to minimize bigeye bycatch, but it did not get traction within the WCPFC, nor is it a part of NMFS' proposed rule.

Martin stated that when the U.S. purse seine fleet was in a declining state, the foreign fleet filled the gap, and now the U.S. fleet is back up and the foreign fleets have increased again. Will the U.S. try to get foreign purse seine fleets reduced to previous numbers.

Gibbons-Fly answered that when not all of the 40 licenses were being used by U.S. vessels, the State Department believed that the U.S. retained the authority to those

licenses and that they should not be issued to other states. FFA disagreed and said the U.S. has the right to 40 licenses, but if the U.S. did not use them, then the FFA had the right to issue them to other states, which they did. Now that the U.S. has exercised its right to 40 licenses under the Treaty, there has not been a commensurate reduction in the number of licenses issued to these other fleets. The number of licenses issued to other fleets has in fact increased. The fishery is over-subscribed and some say it is because the U.S. fleet has been increasing. He said disagrees with that view, and that the U.S. is exercising its historical rights.

Itano said it has been frustrating to see that the limit on purse seine vessels under the Palau-Nauru Arrangement has been exceeded and that the FFA is justifying the increase in vessels through control under the Vessel Day Scheme.

Simonds asked Robinson if NMFS will be using U.S. observers for the purse seiners and that NMFS PIRO may be getting more money to do.

Robinson replied that they may be getting money for observers, and following the SSC recommendation, would like to increase observer coverage in American Samoa. For the purse seine fishery, NMFS will rely on the FFA's Regional Observer Program.

Simonds said that if the U.S. has observers available, then NMFS should use them on the purse seiners during the FAD closure period, so that there is coverage. She asked if the increase in the U.S. purse seine fleet will increase bigeye mortality.

Robinson said yes there will be an increase, as there are currently 39 vessels fishing, almost 40. The fleet will have greater bycatch than when there were 20 vessels fishing, or 12.

Gibbons-Fly stated that cumulatively the purse seine fishery is over-subscribed, and more bigeye is being caught than should be caught, and that there is a need to find ways to reduce that catch. The source of excess or high bigeye mortality is not from the U.S. fleet exercising its historical rights, other fleets have been increasing, but is a situation which needs to be addressed multilaterally.

Martin stated that recent WCPO purse seine bigeye catch has been increasing and longline catch has been stable, and time will tell if the purse seine measures will reduce its impact on the stock.

Gibbons-Fly replied that he is aware of the impact that this is having on the distribution of allocation of fish between fleets, but need to wait and see what if the conservation and management will reduce bigeye mortality.

Itano said that as Chair of the Subworking Group for the WCPFC Scientific Committee on Fishing Technology, reducing bigeye bycatch in the purse seine fishery has been the priority of group and it is a complex issue. Studies have looked into seasonal effects and gear effects, but so far there is no magic bullet.

Simonds stated that the SSC discussed that purse seiners can use technology to tell if FADs are holding bigeye or not.

Itano said that there have been studies done on acoustic discrimination using echosounder and sonar, and fishermen can discern species including bigeye under floating objects and estimate fish size. If there is a real incentive for fishermen not to catch bigeye, and since fishermen are skillful in what they do, they would find a way not to catch bigeye. A problem is that WCPO purse seining occurs before dawn when many species are near the surface. He said the ISSF has contacted him to with studies to reduce purse seine bigeye bycatch.

Gibbons-Fly stated that he believed the industry will find the solution with the help of technicians and scientists. He said he is glad that ISSF is contracting with some vessels to work on the issue. There has been preliminary work ongoing in Ecuador on sorting grids, but results are inconclusive.

Dela Cruz asked if the WCPFC or FFA is looking at regulating the depth of purse seines.

Gibbons-Fly said that it has not happened in the WCPFC, but any nation could take measures to implement domestic regulations with respect to gear specifications. For real progress though, it would have to be adopted as a WCPFC requirement.

Martin stated that there needs to incentive or motivation behind fisheries technology advancement.

Gibbons-Fly said that the FAD closure and the full retention requirement under the conservation and management measure should provide the financial incentive.

Duenas stated that additional incentives could have been provided to the 30 or so Taiwanese-hull U.S. flag super seiners. He also said the only measurable conservation benefit will come from longline catch limits and not the purse seine measures.

Gibbons-Fly said that the FAD closure and full catch retention along with 100% observer coverage will provide incentives as well as measurable conservation benefit.

Sword asked if there is a limit on purse seine vessel size in the Western Pacific.

Gibbons-Fly said no, but that under the PNA version of the Vessel Day Scheme, a larger vessel gets charged more than one day.

Itano said that they recently published a paper that shows the depth of juvenile bigeye mixed in with other species on FADs, and that in order to for a net depth requirement to have an effect, the net would have to have fished so shallow to not catch bigeye that the vessel wouldn't be able to catch skipjack. The only way to reduce bigeye bycatch by 30% is by overall reductions in effort. The fleet is over-capitalized with too many boats and

too much fishing power.

Duenas moved to agenda item 10.C.2.B., U.S. Longline BET Quota.

Robinson reported on NMFS' proposed rule to implement the WCPFC longline bigeye catch limits applicable to the U.S. longline fleet. The U.S. bigeye longline catch limit of 3,763 mt is a 10 percent reduction from the 2004 U.S. WCPO longline catch. The catch limit is applicable for years 2009, 2010 and 2011. The catch limits do not apply to longline fisheries of American Samoa, Guam or CNMI, which are Participating Territories of the WCPFC. The proposed rule distinguishes the longline fisheries of the U.S. Territories from the other U.S. longline fisheries based upon where the bigeye tuna are landed, except if the bigeye was caught in the EEZ around Hawaii, then it will be attributed to the U.S. catch limit. If the limit is reached, NMFS will publish a notice at least seven calendar days before it becomes effective.

Martin asked why the effort levels for the purse seine fleet were extrapolated to 40 vessel whereas the longline limits did not take into account that the Hawaii longline fleet has been operating under a limited entry program since 1994.

Gibbons-Fly responded that State Department negotiators seek to achieve a good conservation result while conscious of ensuring that the rights and interests of all U.S. fishermen and that U.S. fishermen are not unduly disadvantaged with respect to their foreign fleets. He stated that their approach with respect to both the purse seine vessels and the longline vessels has been from a perspective of what the historical level of participation has been. For the purse seine fleet, it was looking at the number of vessels, but for the longline fleet it was looking at catch. While they defended the right of the U.S. purse seine fleet to exercise its historical fishing rights, they defended the longline catch to be the 2004 level as the baseline instead of the 2001-2004 average, because there were low catch in those years due to regulatory constraints. If they calculated the longline catch based on the current and unused licenses, the result would be probably significantly above any pre-2004 level of catch. He said they did not attempt to negotiate in a way that disadvantages the longline vessels, but tried to apply the same standard.

Martin recognized the State Department and NOAA for their efforts in regard to the Hawaii longline fishery. He said that the U.S. agreed to provisions relating to Small Island Developing States and Participating Territories and their right to develop their fisheries. There is interest by the Territories and the longline industry to explore opportunities that will enable the development their fisheries, but it is not clear how the Federal government envisions the Territories developing their fisheries with respect to the WCPFC measure.

Gibbons-Fly said that he does not have the answer to the question, but that all the Pacific Islands are wrestling with how do they develop their fleets and domestic industries and gain more of an economic benefit from the fisheries that are involved in waters under their jurisdiction and the surrounding waters on the high seas. It is something that requires some collective thinking and decision-making. In negotiating the various

agreements, a considerable effort was made to ensure that the U.S. Territories were afforded exactly the same treatment as the Independent Pacific Island States, and to the extent that it comes to the limits that are placed on the Pacific Island States, or lack of limits, in some cases, if they meet the criteria established in the measure, then they can develop those fisheries. The U.S. might want to consider, even for a symbolic basis, to put in effect some limit for the territories. He said he is not advocating that, but that a frustrating aspect of the measure is that the effort on a large numbers of states that are members of the commission is effectively unconstrained. There are areas where Pacific Island states are going to be looking at opportunities to develop their fisheries and there is a need to look at those efforts carefully to see whether or not they are being done in compliance with the requirements of the measure, meaning that the vessels that are engaged in those fisheries form an integral part of the fleet of these states and that they are contributing to the responsible development of these areas. He said they want to avoid situations whereby the small Pacific Islands states not facing constraints on their catches becomes an opportunity for more developed states to increase the size of their fleets.

Duenas asked if the U.S. Territories have a 2,000 metric tons catch limit on record, because it is not mentioned in the proposed rule.

Gibbons-fly replied the proposed rule was to implement the U.S. longline catch limit on the U.S. fleet, and that the Territories are not subject to that quota, therefore not covered by that rule. The fisheries of the Small Island Developing States and Territories are not subject to any limit as long as they meet the two criteria that are established in the measure. He said that was not an optimal outcome in his opinion. The Pacific Island States have been adamant and consistent that WCPFC conservation and management measures will not limit their ability to develop their domestic fisheries.

Sword asked what would prevent the U.S. Territories from renting out their catch limits.

Gibbons-Fly said he would look at from the perspective if it would be acceptable if being done another State or another territory. If, for example, China went to a Pacific Island state or Territory with an agreement to pay that country for counting their longline catch against the small island state's quota, then the measure becomes meaningless with respect to any limits on the longline vessels as any nation could do the same. He said there needs to be a way to advance the interests of U.S. industry and U.S. Territories, but one that they can defend as a good faith effort to implement U.S. obligations under measure, and that it was done in a way that does not create a precedent that if done by other countries would render the longline provisions meaningless.

Sword asked what if the primary reason was to develop the Territory's fleet.

Gibbons-Fly answered that it would depend on the specifics of a particular case. The measure provides for responsible development of domestic fleets to be conducted in an integral manner, but the measure does not provide a description of what these terms mean. He said one would think that the vessels would need to have some direct tie to the territory or state, be supporting the economic growth in that state or territory to the

greatest extent possible, landing their fish there, and contributing to the shoreside services. It is questionable whether or not all those things needed to happen, but said that there needs to be a critical element that ties the activity to the economic development in a state or territory. He said that if the U.S. wants to do something that benefits both the longline industry and the Territories, that it should be done in a manner that is not open to criticism from other countries.

Sword asked if a way forward is not found, would the Territories lose this opportunity.

Gibbons-Fly answered no, because those clauses are included as a broad recognition that many of the Small Island Developing States and Territories do not currently have the capacity to develop those fleets. As of now, it is a fairly wide open and open-ended opportunity that exists whenever the conditions might be right for its development.

Tulafono asked if the Territories could still enter into PIAFAs.

Gibbons-Fly replied yes, but whether or not that would convey the right to count the fish the other country caught against something other than that country's own quota is an open question. He said he would argue that that it would not convey that right. A PIAFA is a vehicle to get funds to help develop domestic fisheries, and that is the original intent of the PIAFA, and that it is surprising and disappointing that there has not been more interest by other countries to enter into PIAFAs. The reason is that the conditions to fish in the U.S. EEZ are probably more onerous than they are to negotiate agreements in a number of the other states.

Duenas asked if it would be better to work with an American company instead of negotiating with a foreign country on the rights to a Territory's fish.

Gibbons-Fly answered yes, that there is no question that they would want to find a way to support U.S. industry and U.S. interests.

Dela Cruz stated that CNMI would like to have the 2,000 metric ton quota allotted to the Territories in the final rule as a minimum, and once CNMI starts developing its longline fisheries, that the final rule also say that the quota can be exceeded if conducting responsible fishery development. He also said that the CNMI would like to retain the freedom and liberty to use that quota without being subjected to unreasonable compulsory conditions.

Robinson asked if Dela Cruz was going to submit a letter during the comment period.

Dela Cruz stated that they could use the Council forum to voice their concern.

Simonds said that the final rule, at a minimum, should be clarified that to state that the nine vessels that have both a Hawaii limited entry permit and American Samoa limited entry permit can land fish in Hawaii under an American Samoa limited entry permit and have that catch attributed to American Samoa.

Robinson stated that he hopes the Council submit a comment letter on the proposed rule with that comment because it is something NMFS would give serious thought.

Duenas said that that he hopes Robinson could also approve domestic charter arrangements because as a proud Chamorro American he would rather work with the U.S. fleet than a foreign fleet.

Robinson said that if there is a way of making domestic charters work, NMFS would like to see it done, but the difficulty in approaching the issue is the way the fishery is managed under the FMP and under Federal jurisdiction. He said an approach via a FMP amendment that is focused on charters and fisheries development might be worth exploring.

Gibbons-Fly added that on the issue discrepancy and the treatment that is afforded longline vessels and purse seine vessels, that the U.S. does its best to negotiate as hard as we can for all U.S. fishermen. He said that last year all the developed countries such as Japan, Korea, Taiwan, U.S. and others were prepared to agree to reductions in their longline fleet of 10 percent in 2009, another 10 percent in 2010, and another 10 percent in 2011. And based on conversations that State Department had with representatives of the U.S. longline industry in Busan, a compelling case was made to them that the Hawaii longline fleet is different, with different characteristics than the Asian and European fleets, which operate large-scale freezer vessels, and that the Hawaii fleet, which operates more locally, catches exclusively fresh fish, which it lands primarily for consumption in the domestic market, deserves special treatment. That case was made to the WCPFC and it was agreed that the U.S. should not be subject to anything beyond a 10 percent cut this year. The U.S. was the only one who got that deal because the criteria were developed specifically to apply to the U.S. fleet without mentioning the U.S. fleet by name. He said that it was not easy to sit in a room with 26 countries and say you want a special deal, but it was done because they thought it was the right thing to do. Looking at the measures that apply to the purse seine fishery, the FAD closures will result in their primary mode of fishing not available to them for one-quarter of the year, high seas pockets closure, and full catch retention, there was no discrepancy in the treatment of what was negotiated for the purse seine vessels vs what they negotiated for the longline vessels. On a vessel-by-vessel basis, the requirements for the purse seine vessels are more onerous, and will have more significant economic impact on purse seine vessels than on the longline fleet.

Duenas stated that the State Department does a good job and that he was there in Busan. He said they can close fishing on FADs for three or six months, but if the effort is not constrained, fish will continue to be caught.

Martin said that from an industry perspective, they are concerned with retaining their market share and that developed fishing nations have made arrangements with Small Island Developing States and a letter was circulated within the Hawaii market that whatever happens to the Hawaii fleet, that they can make up the supply. There is not a high degree of confidence that everybody is playing by the same rules. He said there

could be a tonnage shuffle going on, and that there are developed fleets with their own transportation abilities to stop in various remote islands, so to know what fish came from where and how is it accounted is a major concern.

Gibbons-Fly said that they share the same concern and aware of those potential issues and hope to address them if the provided the right information.

Simonds asked if the Commerce Department has legal issues with the domestic charter arrangement.

Tucher said that that the U.S. Territories, which are components, subdivisions of the United States, are being dealt with in an international forum. The problem is that concepts of international law do not readily transfer down to the Territories, with the primary issue being management authority over marine resources. States and territories of the United States have management authority, but it is confined to their submerged lands, up to three nautical miles. Under the Magnuson Act, the Secretary of Commerce can extend that authority, to the extent that it does not conflict with an FMP. So in the first instance, what kind of interest is in fact being conveyed between the parties. Under the current FMP, a Territory does not have a right, title or management interest to convey through a private contract. It is not something that cannot be fixed, but currently it does not exist. Regarding landings, NMFS chose to address the management interest in the Territories by saying as a proxy for authority, catches landed in American Samoa becomes American Samoa fish.

Duenas asked if the State Department could have put a landing requirement on the purse seiners to keep the American Samoa canneries open.

Gibbons-Fly stated that there are a number of complicated reasons that the canneries are facing very difficult times in American Samoa, but the issue is not because U.S. vessels are not landing enough fish there.

Duenas said that his concern is that they did not even try, and the new boats are supplying the Thailand canneries.

Dela Cruz asked if there is any rule or regulation that prohibits the U.S. Territories from sharing their quotas with fisheries managed by the Council, because he would rather see the quota used by American Samoa longliners, for example, than to have eliminated by the WCPFC.

Gibbons-Fly said the quota for the Territories will not be removed if it is unused. The quota is there for the Pacific Islands States and Territories to use when they are in a position to undertake the necessary development of their fisheries. The Commission treats the United States and the territories somewhat differently. The State Department when through a lot of trouble to ensure that the territories had the same status around the table as the other island states. There are not provisions under the Convention for trading a quota between an island state or Territories and developed states, except for the two

criteria that are contained in the measure that the States and Territories can use their quotas for vessels forming an integral part of their domestic fleets that are engaged in responsible development of their domestic fisheries. That language was specifically included to prevent or avoid situations whereby island states were wholesale licensing or flagging vessels whether or not they fished in their waters, or whether or not they made any contribution to the economic development of the state or the territory in order to count their quota against the small island state's or territory's quota. He said this is where it get complicated, how is one thing accomplished without opening the door to the other. The State Department is open to exploring ways to do that as part of a domestic arrangement, and is in discussions with the industry and the territories, but it needs to be thought through carefully and there is a need to ensure that everyone is comfortable that what goes forward could be duplicated by other states. He said there is an important distinction between a quota and the limit that was established under the 2,000 metric tons. It was not a quota to be traded or shared. There are 16 Pacific Island States and if every one of those considered that to be a quota to be sold or traded in any way they saw fit, then there's 32,000 metric tons of bigeye tuna that would have been added to a level of catch. That is not what the measure was trying to do. Within the restrictions that were adopted by the Commission, it recognized their right to develop their domestic fisheries to participate in those fisheries. It cannot be considered a quota to be allocated or traded because if it is then conservation benefit of the measure becomes very questionable.

Caputo asked if the catch limit is reached for Hawaii longline vessels, is there an expectation that vessels would move out to the Territories.

Martin said that what may happened is that some boats that may need to do a crew rotation, and may take advantage of that opportunity, but if it is the last two weeks of the year, then it may not be economically feasible to do that.

Robinson sated that the only restriction under the proposed rule if the catch limit is reached is that bigeye cannot be caught in the Hawaii EEZ. If the fishing were done on the high seas, then they could take it to American Samoa and it would be attributed to American Samoa.

Martin said than if that is true, then those fishing on the high seas with an American Samoa permit should be able to land in Hawaii and have that fish attributed to American Samoa.

Simonds said that the issue is about helping the territories develop their fisheries. The market for bigeye is Hawaii, meaning the fish has to get to Hawaii, and in reality, it has to be landed there.

Haleck thanked Gibbons-Fly for negotiating on behalf of the U.S., and that the American Samoa is facing a serious economic situation. He said that yesterday Star-Kist Samoa laid off 400 workers to downsize, and on September 30th, Chicken of the Sea will be gone. He said he understood what Duenas was saying about landings by Taiwan-U.S. foreign hulled purse seine, and maybe that would have helped, as there have been times when the

canneries were shut down because they did not have enough fish to process. But the main issue they are dealing with is the minimum wage increase. He requested that the State Department and NMFS look into ways to help American Samoa in relation to what has been provided them under the WCPFC.

Duenas moved on to the next agenda item.

c. Recommendations on Hawaii LL Tuna Quota Management

Council staff (Dalzell) presented options for tuna quota management in the Hawaii longline fishery. NMFS informed the Council that it will publish the 2009-2011 WCPFC bigeye catch limits for U.S. longline vessels under the WCPFC Implementing Act, and requested that the Council to take action on the yellowfin catch limits. NMFS also requested the Council to consider additional measures (beyond the publication of the 2009-2011 bigeye catch limits) to effectively manage the longline fishery. The following options were presented.

- 1. No Action** – bigeye tuna catch limits established by the Pacific tuna RFMOs for U.S. longline fleets would be implemented through NMFS rule making.
- 2. Region-wide limited entry longline program** – the longline fisheries in Hawaii, American Samoa, Guam and CNMI would all be brought into a single limited entry program with a single permit which would allow fishing and landing inside any WPR EEZ.
- 3. Region-wide port access program** – the separate limited entry programs would remain in place but all WPR longline vessels would be allowed to land in all ports. However only vessels holding a valid Hawaii permit could fish in Hawaii's EEZ, only vessels holding a valid American Samoa permit could fish in American Samoa's EEZ, etc.
- 4. Catch shares or limited access privilege program** (a.k.a. LAPPs/IFQs/ITQs) – tuna catch limits would be apportioned among individuals to fish them when they wish.
- 5. Sector allocations** – tuna bigeye and/or yellowfin catch limits would be apportioned among Hawaii longline sectors (e.g. shallow vs deep set) to prevent the entire fishery from having to cease targeting/retaining bigeye and/or yellowfin tuna when one sector reaches its quota.
- 6. Trip limits for non-target sector** – a limited number of bigeye tuna would be allowed to be landed from each shallow-set trip. This limit would likely be 17-20 bigeye as this is their average catch and would be intended to prevent waste while still making in uneconomical to target bigeye tuna for part of a supposedly shallow-set trip.
- 7. Temporary bigeye or yellowfin prohibition triggered by reaching X percent of quota** – targeting/retaining bigeye and/or yellowfin would be prohibited when a certain portion of the quota was reached. Bigeye and/or yellowfin tuna fishing would then open

to take advantage of the winter season/market.

8. Seasonal tuna prohibition – targeting/retaining bigeye and/or yellowfin tuna would be prohibited during a pre-specified portion of the year. Bigeye fishing would then reopen to take advantage of the winter season/market.

9. Change fishing year – the fishing year would begin in October or whatever month would maximize the likelihood of maximizing fishery revenues as well as providing a steady, optimal, or at least workable flow of fish to markets.

10. Monthly landing limits – approach monthly landing limits would be implemented for the fishery (or sector). This option aims to ensure that there is a constant supply of fresh fish at the auction.

11. Establishment of domestic bigeye catch limits for Guam, CNMI and American Samoa – 2,000 metric ton catch limits for longline-caught bigeye tuna would be established for the three U.S. territories as part of a program for responsible fisheries development.

12. Waiver of observer requirements when no observers are available – NMFS would waive any WCPFC or IATTC observer requirement if it is not able to provide observers, to keep the fishery operating. This is consistent with the measures proposed by NMFS in their proposed rule (74 FR 26160) and associated Environmental Assessment for US purse seine fisheries subject to WCPFC measures.

13. Three year rolling catch limits – a three-year rolling bigeye and/or yellowfin quota would be established for the Hawaii longline fishery. If catches were below the annual limit in a given year, then the underage would be transferred to the following year, or vice versa where catches exceed the annual limit and would be subtracted from succeeding years.

d. Recommendations on Hawaii LL Tuna Quota Monitoring

Council staff (Kingma) gave a presentation about options for tuna quota monitoring. Options other than no action included: 1) requiring Hawaii longline vessel operators to submit daily logbook information electronically via VMS, 2) requiring Hawaii longline vessel operators to send only their bigeye and yellowfin catches via VMS, 3) requiring Hawaii longline vessel operators to use satellite phones to call in their bigeye and yellowfin catches via VMS on a daily basis, and 4) have fisheries observers call in bigeye and yellowfin catches using satellite phones on a daily basis.

e. Recommendations on Hawaii LL BET Catch Shares

Council staff (Hamilton) presented the issue of developing a catch shares program for the Hawaii longline fishery. Catch shares is a general term for fishery management programs that allocate allowable catches or portions of allowable catches to individuals or groups. Individual fishing quotas are a type of catch shares system, as are limited access privilege programs (LAPPs) which allocate catches to individuals or groups. Because the initial

allocation of catch shares is likely to be based on the catch history of fishery participants, the following options were presented for compiling catch histories for Hawaii-based longline vessels.

- 1. Link catches to Federal permits** – the vessel's catch history is attributed to the permit number and is transferred with the permit if the permit or vessel is sold
- 2. Link catches to Federal permit holders** –the vessel's catch history is attributed to the permit holder, it is not transferred to the new owner if the permit or vessel is sold.
- 3. Link catches to vessels (by vessel name, USCG number and/or state registration number)** – the vessel's catch history is attributed to and transferred with the vessel to the new owner if the vessel was sold.
- 4. Link catches to vessel owners** - the vessel's catch history is attributed to the individual who owns/owned the vessel, it is not transferred to the new owner if the vessel was sold.
- 5. Link catches to vessel captains** - the vessel's catch is attributed to the individual who captained the vessel on each trip, it is not transferred if the vessel was sold.
- 6. Link catches to each crew member** –the appropriate portion of the catch history is attributed to each crew member, it is not transferred if the vessel was sold.

3. Advisory Group Recommendations

Staff provided the Council with the Pelagic Team recommendations.

The Plan Team recommends:

That the Guam, CNMI, and American Samoa pelagic module include a new table to provide information on the magnitude of expansion factors for various effort and catch estimates. The table will incorporate the following columns:

- Expansion factor for expanding catch from the voluntary commercial receipt program (Guam and CNMI)
- The number of interviews for pelagic troll fishing (Guam & Am. Samoa)
- Number of boats out fishing on a sample day(Guam & Am. Samoa)
- Total expanded number of pelagic troll trips (Guam & Am. Samoa)

The Plan Team recommends:

That the Hawaii module incorporate catch rate (lbs/hr) for trolling and handline in addition to lbs/trip for years 2003 and thereafter.

The Plan Team recommends:

That the International Module include a table showing the annual catches by weight for species caught by the US longline fishery as submitted to the Inter-American Tropical Tuna Commission (IATTC) and Western & Central Pacific Fisheries Commission

(WCPFC).

The Plan Team recommends:

That NMFS Pacific Islands Fisheries Science Center (NMFS PIFSC) assist Department of Agriculture & Wildlife Resources (DAWR) with planning the location of additional FAD sites with respect to bathymetry, currents and proximity to boat ramps and small boat harbors.

The Plan Team recommends:

That the Department of Marine and Wildlife Resources (DMWR) of American Samoa consider establishing a recreational fisheries log book program for boat-based recreational fishing.

The Plan Team noted for the Cross Seamount:

That it had previously questioned the need for management in a fishery in which participation was and still is clearly in decline. They did, however, **recommend that the seamount monchong, *Eumigistes illustris*, be maintained in the Pelagics Fishery Ecosystem Plan Management Unit.**

The Plan team recommended:

That the Council, in its consideration of approaches to implement the WCPFC bigeye tuna (BET) catch limit, consider the implications if the Hawaii-based longline fleet is allowed to continue to fish in the Western and Central Pacific Ocean (WCPO) once the WCPFC bigeye tuna (BET) catch limit has been reached. Vessels may target other tuna species which may have implications on current WCPFC Conservation and Management Measures (CMMs) for WCPO yellowfin and North Pacific albacore. Further, if vessels continue to fish, BET will be caught and discarded. Although many BET discards may survive, additional mortality would occur, contrary to the intent of the WCPFC limit to reduce mortality. The Pelagic Plan Team recommends research on the post-release mortality of longline caught BET.

The Plan team recommended:

That the projects be identified that would build on existing or planned research for Council pelagic fishery management needs. An example would be to provide further support for an existing PFRP pilot project to tag seamount monchong on the Cross Seamount. The Pelagic Plan Team also made the following suggestions for potential Cooperative Research Projects:

American Samoa

5. Pilot study to quantify catches from the sport fish /recreational fishing vessels through setting up a voluntary logbook system and training fishers to record data.
6. Study to determine what American Samoa's FADs are producing in terms of catches, size structure, and investigate stock structure by tagging fish at FADs.

7. Study assessing the feasibility of rebuilding of the alia fleet to characterize the new fleet in terms of: where they fish, what they catch, amount of effort, duration of trips, etc.
8. Gear testing (large circle hooks, large bait) with regards to reducing sea turtle bycatch in the longline fleet and determining the effectiveness of the proposed gear changes.

CNMI

5. Study to determine the stock structure of the pelagic monchong targeted and caught by both Guam and CNMI fishers.
6. Pilot study to characterize the fledging longline fishery through onboard sampling (size frequency data, etc.).
7. Pilot study to characterize the bottomfish fishery (near and offshore) through onboard sampling (size frequency data, etc.).
8. A fishery development project to determine the feasibility of a swordfish fishery in northern waters through an exploratory fishing survey.

Hawaii

4. Study to determine post-hooking mortality of bigeye tuna when targeted by the longline fleet.
5. A pilot voluntary recreational fishers reporting system.
6. Monchong tagging at Cross and possibly other seamounts to characterize the *Eumegistus illustris* resource in Hawaii.

4. SSC Recommendations

Severence, the chair of the SSC, provided the Council with the SSC recommendations. They are as follows:

For Tuna Quota Management, the SSC recommends:

Alerting the industry about the possibility of closure. A two-month tie-up for every vessel some time before the end of the year would likely achieve an approximate 20% reduction in per vessel catch. Two options could be considered

1. Allow the fishery to regulate itself for the remainder of the year, or;
2. An emergency rule to reduce fishing in order to maintain some level of fishing until the end of the year.

For Tuna Quota Monitoring, the SSC recommends:

For the EPO management area (east of 150 W longitude) for 2009 that monitoring continue to be done by rapid tracking of logbooks and an expansion of observer data (for daily/weekly call-ins of catches) to estimate catch for the entire fleet. In addition, NMFS

should work with the industry in choosing a means for daily reporting of catches by the vessels when the accumulated catch becomes too close to the quota to monitor using the above tools. These means could be e-mail, text messaging, satellite phone, etc.

For the WCPO management area (west of 150 W longitude), the SSC recommends for 2009 that monitoring continue to be done by rapid tracking of logbooks and an expansion of observer data (for daily/weekly call-ins of catches) to estimate catch for the entire fleet.

For 2010 and beyond, the SSC recommends that the NMFS conduct a study to estimate the precision of the methods described above and report back to the SSC.

For the Hawaii longline fishery, the SSC recommends:

Exploring the feasibility of implementing a LAPP for the HI longline fishery in the mid to long term. This would require the development of a database that describes current ownership patterns, sales, etc. to use in the development of a range of alternatives. Development of a LAPP will require data collection and analysis that is relevant to development of alternative methods for allocating catch shares and determining eligibility.

For Cross Seamount/NOAA Weather Buoy fishery limited entry program and new control date, the SSC recommends:

Participation and total catch have been declining at Cross Seamount during the last decade. Therefore, this fishery does not seem like a target for limited entry and at this time the SSC does not recommend a limited entry for the NLPF at Cross Seamount or at the lesser fished NOAA weather buoys. However, increased catches of seamount monchong at Cross Seamount may be sufficient reason for a precautionary control measure at Cross Seamount, such as a TAC, but not limited entry.

With respect to the Pelagic Plan Team recommendations, the SSC:

In general endorses the Plan Team recommendations with the caveat that there is a very large number of proposed projects for cooperative research. The SSC suggests that recommendations for research on bottomfish not be supported under pelagics. The SSC further suggests that the recommendation for gear research in American Samoa be clarified so that the focus of the research is on impact of larger hooks and larger bait on albacore catch rates. The SSC also recommends that it be allowed to review the priorities of the various plan team research recommendations for future Cooperative Research Funding.

5. Pelagic & International Standing Committee Recommendations

The Pelagics and International Standing Committee agreed to forward the Pelagics Standing Committee and SSC recommendations to the full plenary of the Council for their consideration. In addition to the SSC recommendations the Pelagics and International Standing Committee agreed with listed in the previous section above, they also made the following recommendations:

- 1) **The Pelagics & International Standing Committee requested that an assessment should be conducted on current catch data to identify whether there is enough information to implement a TAC for monchong from Cross Seamount.**
- 2) **The Pelagics and International Standing Committee noted the potential for shortline gear to be used within the current the 50-75 nautical mile longline area closure around the Main Hawaiian Islands, and request that the Council consider this in discussion of the Non-Longline Pelagic Fishery Action item.**

Lastly, the Standing Committee agreed with the SSC that pelagic fisheries cooperative research projects should be prioritized and the Council should work with the SSC to prioritize cooperative research for pelagic fisheries.

6. Public Comment

One member of the public commented about his concern that the numbers do not seem correct for the data that represents 3 boats because he helped catch the fish. He was curious if the fishery really had gotten as strong as the numbers suggest. He also questioned whether he would be allowed to fish the boat he is having built -- he is for limited entry on Cross Seamount, but is concerned he'd be excluded. He provided a heads-up that others are building boats too to head to Cross, which would more than double the pressure. Itano replied that he viewed this young fisherman as a valuable source of information and confirmed that he too, through the grapevine, has heard there are boats gearing up to get out there. Itano gave a general recommendation to acquire further information about this.

The gentleman also voiced concern about the longline quota being filled in November, such that the end result is fishermen switching to shortlines to continue fishing. Martin replied that there is an options paper that echoes his concern because although no action has been taken as of yet, the Council does understand this could be a big problem.

Clint Vunberg provided public comment, saying that when vessels fished from American Samoa, they delivered to the Cook Islands and shipped the fish to California and the catch was attributed to American Samoa. He said that American Samoa does not have the infrastructure to take fresh bigeye landings and do transshipments, but it is sorely needed.

Svein Vagner provided public comment on behalf of the Hawaii Longline Association. He said there is concern about the 2000 mt limit -- Article 2 does not tie the 2000 mt limit to a program of responsible fishery development; only does it do so in context of Article 34. In the case of Article 34, a territory is free to fish without limit if undertaking a program of responsible fishery development. Svein argued though that there needs to be clear longline limits and that catch needs to be attributed to the area of landings consistent with best practice. However, he said there are instances of other practices, such as landings in CA always attributed to HI longline landings. If HI landed in

Thailand, we would not attribute landings to them. Lastly, there are no criteria to limit charters. In the absence of law, territories are able to create their own, but also can be left hanging. The HLA invites the DOC and DOS to see if the licensing arrangement they've entered in with China mean they must only land in the Cook Islands and to whom those landings are attributed. He finished with saying the HLA is aware that the China Charter is uncertain due to concerns about who to whom the landings are attributed.

Jim Cook provided public comment about the HI longline fishery. He said that it is important that the members vote in terms of the context of the current state of the HI longline fishery. He argued that in the next few months, over half the fishery will close and that the other countries are happy to fill our abandoned markets. He asserted that our government voted for small island states to have quota to develop with, but knows that he is not allowed to do the same charters, thus other countries will flourish while he is put out of business.

Amaka Fono provided public comment, saying she would like to align herself with the previous speaker (Jim Cook). She said she would like to see a level playing field for all fishermen because it is her understanding that foreign hulled boats are not in compliance.

7. Council Discussion and Action

Regarding the longline bigeye tuna quota, the Council:

Recommends taking no action for 2009 based on fishery performance in terms of CPUE and cumulative catch. For management action in 2010 the Council directs Council staff to prepare an FMP amendment, for final action at the October 2009 meeting, that considers alternatives to maintain the continuity of the longline fishery while staying within the quota, via mechanisms including but not limited to trip limits, or a temporary fishery closure based on a percentage of the quota being landed.

Motioned by Duenas, seconded by Sablan.

The motion passed with all voting yes, except Peter Young who was absent. There was no discussion.

Regarding bigeye catch limits for the U.S. territories, the Council:

Recognizes that as Participating Territories to the WCPFC, American Samoa, Guam, and the Northern Mariana Islands have bigeye catch limits of 2,000 mt under the WCPFC, and unlimited bigeye catch if undertaking a program of responsible fishery development. The Council understands that utilization of these bigeye limits through the implementation of domestic chartering arrangements have been precluded due to the current regulatory structure of the Pelagics FMP. Therefore, the Council directs Council staff to prepare, for final action at the October 2009 meeting, such amendments to the Pelagics FMP as may be necessary to establish 2000 mt bigeye tuna annual catch limits applicable to American Samoa, Guam, and the Northern Mariana Islands provided for under the WCPFC. The FMP amendment should include criteria for assigning bigeye longline catches against these annual limits, and may include, as appropriate and necessary for undertaking responsible fisheries development, the authority for the U.S. Participating Territories to enter into agreements and arrangements with U.S. fishing

vessels and U.S. fishing entities with respect to these annual limits, to the extent consistent with MSA and other applicable laws.

Motioned by Duenas, seconded by Sablan.

The motion passed with all voting yes except Peter Young who was absent.

Regarding the longline bigeye catch limit proposed rule, the Council:

Recommends that NMFS modify its proposed rule to be consistent with established practices where catch is attributed to the permit program for the vessel, not the landing location. In the case of a vessel with both a Hawaii and a (future) territory permit, the catch would be assigned based on a determination of which permit program the vessel was operating under with respect to the landing involved.

Motioned by Duenas, seconded by Sablan.

The motion passed with all voting except Peter Young who was absent; Bill Robinson abstained. There was no discussion.

Regarding a Limited Access Privilege Program/Catch Shares for the Hawaii longline fishery, the Council:

Recommends as a preliminary preferred alternative exploring the need for and the feasibility of implementing LAPPs/catch shares for the Hawaii longline fishery in the mid to long term.

The Council also directs Council staff to work with NMFS to develop a database which describes current ownership patterns, recent sales of vessels and permits, associated catch reports, and other characteristics. This will allow development of a reasonable range of alternatives for allocating quota shares and quantification of the associated socioeconomic effects. It will also allow identification of possible strategies to mitigate negative effects and inequities associated with the alternatives. Development of LAPP/catch shares will require collection and analysis of data relevant to developing alternative methods for allocating catch shares and determining eligibility to receive shares, with the goal of developing an allocation system that well-reflects participants' history of involvement in the fishery. This is a complex task because permits and vessels change ownership regularly, ownerships can take many forms including permit leasing, and not all vessels are captained by owners.

Motioned by Duenas, seconded by Sablan.

The motion passed with all voting yes except Peter Young who was absent. There was no discussion.

Regarding tuna quota monitoring, the Council:

Recommends for 2009 that quota monitoring of HI longline vessels in the EPO and WCPO continue to be conducted by PIFSC using rapid tracking of logbooks and that when nearing either quota federal observers call-in the number of bigeye and yellowfin caught and set location information using their satellite phones.

Recommends that PIFSC determine the appropriate reporting time either daily or weekly by federal observers so that the expansion of observer data will produce accurate catch projections.

Recommends for 2010 and beyond that PIFSC conduct a study to estimate the precision of the methods described above and report back to Council at its October meeting.

Motioned by Duenas, seconded by Sablan.

The motion passed with all voting yes except Peter Young who was absent; Bill Robinson abstained. There was no discussion.

Regarding the Cross Seamount/NOAA weather buoy fishery limited entry program and new control date, the Council:

Directs staff develop an options paper for the October 2009 Council Meeting that provides available data for the consideration of a TAC on the Cross Seamount for both tuna and monchong.

The Council also endorsed the Pelagic Plan Team recommendation that the seamount monchong, *Eumigistes illustris*, be maintained in the Pelagics Fishery Ecosystem Plan Management Unit.

Itano raised the concern that potentially the action is backwards: we need to recommend that the data be pulled and examined before the potential of setting a TAC because he is unsure if the Council is apprised of the latest fishery information based on the comments earlier tonight about the potential increase in vessels on Cross. He argued that recommending instituting a limited entry program is not appropriate, but recommending data collection would be because the Council needs a better idea of monchong catch. He argued that the best available data is auction data, and proposed a friendly amendment to add "including auction data." The maker of the motion and seconder agreed.

Itano further suggested adding "although total catch has been declining, there is a possible expansion of the fishery. The Council recommends information on the current status and future developments be documented and presented at the October 2009 meeting." The maker of the motion nor seconder had any objections. Itano then asked if the motion could be split into two sections because he disagreed with the limited entry program and if bigeye could be replaced with "tuna." Duenas, the maker of the motion, said he had no issues with anything being offered.

Motioned by Duenas, seconded by Sablan.

The motion passed with all voting yes except Peter Young who was absent.

Regarding management of shortlines in the MHI, the Council:

Directs staff to write an options paper for the October 2009 Council Meeting that considers management alternatives for short lines within the current 50-75 nautical mile longline area closure around the Main Hawaiian Islands.

Itano said that although we can write papers, something serious may happen in the meantime. He voiced concern about gear displacement and offered an example of when the longline exclusion zone was created around HI. He stressed that shortlines are sophisticated gear that can be very effective. Simonds responded that he was making a good case for drafting an amendment for vote at the next Council meeting. Tucher replied that we should stick with an options paper because it has not been noticed as an action item.

Motioned by Duenas, seconded by Sablan.

The motion passed with all voting yes except Peter Young who was absent.

Regarding American Samoa recreational fisheries, the Council:

Recommends that the American Samoa Department of Marine & Wildlife Resources (DMWR) consider establishing a voluntary recreational fisheries logbook program for boat based recreational fishing.

Tulafono asked if this would be a requirement and Duenas asked for clarification about whether we are assisting, not directing. Duenas offered adding the word "voluntary" to the motion, which was accepted. Other than that, there was no discussion.

Motioned by Duenas, seconded by Sablan.

The motion passed with all voting yes except Peter Young who was absent.

Regarding the Pelagics Annual Report, the Council:

Recommends that the Guam, CNMI and American Samoa pelagic modules include a new table to provide information on the magnitude of expansion factors for various effort and catch estimates. The table should incorporate the following columns:

- Expansion factor for expanding catches from the voluntary commercial receipt program (Guam and CNMI)
- The number of interviews conducted for pelagic troll fishing (Guam & Am Samoa)
- The number of boats out fishing on each sample day (Guam & Am Samoa)
- The total expanded number of pelagic troll trips (Guam & Am Samoa)

Recommends that the Hawaii pelagics annual report module incorporate catch rate (lbs/hr), for trolling and handline in addition to lbs/trip for years 2003 and thereafter.

Recommends that the International Module include a table showing the annual catches by weight for species caught by the US longline fishery as submitted to the Inter-American Tropical Tuna Commission (IATTC) and Western & Central Pacific Fisheries Commission.

Motioned by Duenas, seconded by Sablan.

There was no discussion. The motion passed with all voting yes except Peter Young who was absent.

Regarding FAD placement around Guam, the Council:

Recommends that PIFSC assist Guam's Department of Agriculture in planning the appropriate location of additional FADs with respect to bathymetry, currents and proximity to boat ramps and small boat harbors.

Itano said that the SP Commissioner has issued a development section that assists territories and Pacific islands with FAD training and fishing methodology, which seems like a better agency than NMFS for this action. Duenas replied that they chose NMFS because they have better maps of Guam. Torres offered a friendly amendment to delete "and Wildlife Resources," which received no objections.

Motioned by Duenas, seconded by Sablan.

The motion passed with all voting yes except Peter Young who was absent; Bill Robinson abstained.

Regarding the Pelagic Plan Team Recommendations for Cooperative Research, the Council:

Endorses the Plan Team recommendations with the caveat that there is a large number of proposed projects for cooperative research that will be prioritized by the Council. The Council recommends that Pelagic Plan Team recommendations on bottomfish be considered separately. The Council further recommends that the proposed study on gear research in American Samoa the focus on the impact of larger hooks and larger bait on albacore catch rates. The Council also recommends that the SSC review the priorities of the various Plan Team's research recommendations for future Cooperative Research Funding.

Motioned by Duenas, seconded by Sablan.

The motion passed with all voting yes except for Peter Young who was absent. There was no discussion.

Regarding tagging of blue marlin in Hawaii, the Council:

Recommends that a comprehensive proposal be developed on a tagging study on large female blue marlin at Kona and elsewhere by PIFSC, PFRP or other institutions using PSAT and archival tags.

Itano said that the argument by the fisherman was that we should not be killing big female spawners, but instead should be tagging them, which could be an avenue for supporting a new style of gamefish tournaments, which Duerr argued would need to be a complete tag and release tournament. Martin questioned whether this could include other boats than just recreational and that we would need to know post-hooking mortality. It was generally agreed that this would start small in Kona and then expand in location.

Motioned by Duenas, seconded by Sablan.

The motion passed with all voting yes except Peter Young who was absent.

Regarding the US purse seine fleet in the Western Pacific, the Council:

17. Recommends that PIRO prepare a report, for the October 2009 meeting, on the 2007-2009 area of operations and landing locations of the U.S. purse seine fleet including cumulative landing amounts by location separated by the U.S. built hulls and the foreign-built hulls. Additional information in the report should include individual vessel length, gross tonnage and hold capacity in cubic meters.

The goal of this motion was initially to get more information for American Samoa about the status of foreign-built purse seiners at the request of Tulafono. Duenas asked if they could also look at fleet size composition and class size and Martin requested adding carrying capacity in addition to gross tonnage. Itano offered that there will be a time lag and that the federal registry should have this information because it's public. Martin additionally asked to know general (not precise) areas of operations. Robinson replied that to the extent the data is not confidential, it will be provided. Itano said that he can make the PFRP report available to the Council, which gives an idea of the whole fleet of the West Pacific.

Duerr and Sablan accepted the friendly amendment to extend the request beyond American Samoa by Martin at the acceptance of Tulafono.

Motioned by Duerr, seconded by Sablan.

The motion carried with all voting yes; Robinson abstained.

Regarding shark catches by Hawaii-based longline fleet, the Council:

Recommends that the PIFSC present on the analysis of logbook and observer data from the Hawaii-based longline fishery at the October 2009 Council Meeting. The Council would also like to hear information on shark mitigation research being conducted by PIFSC or related agencies.

Young asked about the discussion regarding shark bycatch. He clarified that he is requesting information about shark bycatch and bycatch mitigation efforts, which is beyond the information offered in the briefing book.

Motioned by Young, seconded by Duenas.

The motion passed with all voting yes; Young abstained; Thielen was absent.

Regarding the Marine Mammal Advisory Committee recommendations, the Council:

1) Recommends that additional research focus on resolving false killer whale and other cetacean interactions in fisheries around Hawaii. Specific areas of research should include an updated U.S. EEZ abundance estimate by stock, additional satellite tagging studies on all stocks, increased photo identification efforts, genetic and acoustic studies, and depredation and bycatch in all fisheries.

Motioned by Duenas, seconded by Torres.

The motion passed with all voting yes.

There was brief discussion clarifying that the MMAC is a Council group, therefore makes recommendations to the Council, not other groups and that Palmyra/Kingman locale will be focused on in another motion.

2) Directs Council staff to work collaboratively with PIRO and the State of Hawaii to fully assess the potential impacts of non-longline pelagic and other fisheries on false killer whales and other cetacean populations.

Motioned by Duenas, seconded by Torres.

The motion passed with all voting yes. There was no discussion.

3) Recommends that population estimates of false killer whales and other cetaceans take into consideration aggregation patterns such as near FADs and weather buoys that may not be included in current survey and assessment methods.

Motioned by Duenas, seconded by Torres.

The motion passed with all voting yes. Itano suggested a friendly amendment of adding "Consideration of aggregation patterns, such as near FADs and weather buoys." There were no objections to this.

4) Recommends that assessments of false killer whale and other cetacean population estimates and potential impacts of fisheries interactions be extended into NWHI, Palmyra and Kingman Reef monument waters; throughout the Pacific Islands region; and international waters.

Motioned by Duenas, seconded by Torres.

The motion passed with all voting yes. Palawski offered the friendly amendment of adding "and beaked whales and other cetaceans." Duenas accepted "and other cetaceans," to which there were no objections.

5) Recommends that marine mammal researchers of PIFSC and other research organizations, and the Hawaii Longline Association discuss ways in which the commercial longline fishery and other pelagic fisheries may be able to help researchers by providing platforms for obtaining information on marine mammals and their interactions with fishing gear.

Motioned by Duenas, seconded by Torres.

The motion passed with all voting yes. Martin asked how marine mammal researchers are going to communicate with LL Association members and which researchers we expected discussions with. Council staff replied that the original Committee recommendation identified responsible agencies, including PIFSC, the Cascadian Research Collective, and others. Duenas offered a friendly amendment to add "PIFSC and other research organizations," which was accepted.

6) Supports the one-year high level of observer deployment in the American Samoa longline fishery at 40% rather than the previously recommended 30% to achieve greater statistical power, based on the PIFSC technical report authored by Marti McCracken.

Motioned by Duenas, seconded by Torres.

The motion passed with all voting yes; Robinson abstained.

7) Recommends that the survey of longline fishers' knowledge of whale depredation events and any potential methods to avoid depredation be replicated in American Samoa, and if possible include Samoan and Cook Islands longline fishers in the survey.

Motioned by Duenas, seconded by Torres.

The motion passed with all voting yes. There was no discussion.

11. Program Planning and Research

A. National and International Education and Outreach Reports

Spalding reported on the Council's national and international outreach and education activities since the last 144th Council meeting. The council continues to serve on the board of the National Marine Educators Association (NMEA) and attended its 2009 conference and pre-conference workshop on evaluating programs held in late June through early July. Council staff also co-chairs the NMEA Traditional Knowledge Committee. The committee is working to develop a traditional knowledge supplement to the Ocean Literacy Fundamental Concepts and Essential Principles. She also noted that the NMEA has recognized the Council's work in outreach and education to non-formal audiences by awarding her with the James Centorino award this year.

On the international field, the Council continues to support and sit on the steering committee of the International Pacific Marine Educators Network (IPMEN). The Network's third conference is scheduled for Fiji, July 7 to 10, 2010, at the Outrigger. The Theme is Vakarau ni se siga toka, which is Fijian and means Start Preparing While You've Got Daylight. The strands are key challenges in Ocean Literacy; building healthy sustainable coastal communities; women in fisheries; partnerships for change; and the effects of climate change on children of the Pacific.

Another Council activity is working with the seven other Regional Fishery Management Councils on joint outreach and education initiatives. They have completed the following: presenting to the May Council Coordinating Committee meeting, which resulted in the Regional Fishery Management Council Chairs signing a letter to NOAA Administrator Jane Lubchenco asking for more outreach and education funds for the Councils and more coordination with NOAA and the Councils on outreach and education; the production of the U.S. Regional Fishery Management Council's brochure; co-sponsoring the Fisheries and Aquaculture Panel at the 2009 Capitol Hill's Ocean Week (CHOW), which included a presentation delivered by the Pacific Council, displays, ads, signage and other promotional bonuses; Hawaii and Caribbean Council booths at the NOAA Fish Fry the Hawaii and Caribbean Councils had booths, where 500 eco-tote bags full of handout

materials from the Councils was distributed. Activities for the rest of 2009 include a joint website and a joint issue of *Current*, the NMEA quarterly journal, which is slated for distribution in December 2009. Future activities under consideration include sending a follow-up letter to Lubchenco and organizing a third Managing Our Nation's Fisheries conference, perhaps in 2011. Another consideration is to better utilize outreach potentials through public aquariums, including the National Aquarium, which is housed in the Department of Commerce building.

Itano, Duenas and Martin thanked Spalding for her work and dedication.

B. Research

1. Update on 2009 Cooperative Research Funding and Projects

Sam Pooley spoke on the Cooperative Research Program which is run out of the National Marine Fisheries Service Office of Science and Technology. It includes, to a certain extent, a competitive allocation amongst the six Science Centers, but also certain equity in the sense of ongoing funding. There's money that goes into their base budget over time, and then a competitive aspect to it.

The legislative background comes from the revision of the Magnuson Act requiring consultation with the Fisheries Management Councils. The National Program's goals are to coordinate the Cooperative Research Programs, and that's probably more significant on the Mainland than it is here because there are three Science Centers on the West Coast, the Alaska Science Center, the Northwest Science Center and also the East Coast with the Southeast and Northeast Science Centers, and they should all be coordinating with the multiple councils that are in those areas. Whereas, in the western Pacific, there is one Council and one Science Center, in general, except on some marine mammal issues, where we have a second Science Center and a second Council.

The purpose of it is to meet the conservation goals of the Agency. The NMFS Science Board, which is the six Science Center Directors and the Director of the Office of Science and Technology, is the overall group. There is also a working group made up of a variety of representatives and there are the regional programs.

The priority areas are as listed in the MSA. The number one priority has been for quite a while research to advance stock assessments. The other things on the Council's prioritized list are also important, but some of them have separate sources of funding out of bycatch programs in Headquarters. Habitat is an area where the science side of the Agency has not had dedicated funding, such as there is science done on work habitat, which is through the Regional Offices or through the NMFS Office of Habitat Conservation. We can collect and compile economic and social data, but PIFSC tends not to use Cooperative Research funds for that either since there are separate sources of funds for that. To reiterate the point: stock assessments are nationally the number one priority and ours in the Pacific Island Region. Priorities should be congruent with the five-year research priorities developed by the councils, which was presented to the SSC earlier in the week.

This current year's Research Program is funded at \$558,000, which is a big step up from

previous years. Previous project was tagging work for the lobster fishery. PIFSC has concluded that work and has begun focusing on bottomfish assessments as the primary stock assessment issue in the region with four separate activities.

A pilot fishery-independent survey using local fishing vessels, expanding on the State of Hawaii, Division of Aquatic Resources' Bottomfish Tagging Program, which has been a real successful project over the years.

Expanding fishery-dependent sampling reports in the auction throughout the Main Hawaiian Islands. One of the points that the WPSAR Review Panel brought up was that there should be more length-frequency sampling. Ironically when the Magnuson Act was revised in 1996, they did away with our spawning potential ratio (SPR) approach towards doing stock assessments. Now they say SPR is the right way to do it, as opposed to the MSY-based approach.

For the 2009 project status, PIFSC is going to attempt to use a single vendor to manage the project and all the subcontracts with a wide variety of people in the Hawaii bottomfish community and manage it all in a much more efficient way. They hope to award the contract in September. It's out for evaluation now with fieldwork starting right afterwards. Fishermen have indicated a lot of interest in working on this. PIFSC is quite enthusiastic about this year's project.

For next year, FY10, they expect to get about a million dollars, almost a doubling of funds. They want to continue the Main Hawaiian Islands project, because you need to get a certain amount of temporal continuity to look at variation over time. They also want to generate a new list of projects, of which bottomfish research in the Territories will be a high priority because that's the stock assessment that is most in need of additional work. They need to finalize the prioritization process with the Council and the Regional office.

Pooley said PIFSC has no funding for outreach, except skimming a little bit out of the Cooperative Research pot.

Duenas asked if there would be funding for just one cruise to the Marianas. Pooley answered that this would be separate from a SETTE type cruise. This would be contracts with local fishing vessels to work with us and that WPacFIN Program and the Stock Assessment Improvement Program have both received some funding to do some more sampling with the local jurisdictions and with local fishermen. The SETTE will be going to the Marianas next year independently of the cooperative research in the sense of it's not tied to that. Pooley also said the SETTE isn't a particularly good bottomfish fishing vessel. But they did discover in the Main Hawaiian Islands that they could launch some of the larger small boats off the SETTE and be quite effective at bottomfish fishing off those, which is something they could consider. But the real objective is to team up, work with the SETTE and with people in the fishing industry to validate the work -- either the acoustic work, or other things. \$500,000 will go a long way in terms of charters, both in the Main Hawaiian Islands and in the Marianas and Samoa, as we rotate through the areas.

Itano asked if they would have scientists onboard these vessel working with them. Pooley responded that it depends on the nature of the project. In cases where it's just fishing, there is no real need to have scientists onboard. If the vessel is big enough to be able to put somebody onboard, that's good for their learning process. In other cases, where it's fishing to a sampling design, then you want to have a lot more observation and you would want to have scientists onboard. PIFSC plans to use a long-term JIMAR staff as their key liaison in the Main Hawaiian Islands fishery. But in reality, Pooley doesn't think they've thought through all of the at-sea requirements. There are some real restrictions in terms of what NOAA scientists can go in terms of going on to fishing vessels, because NOAA has a pretty risk-adverse safety approach. As a result, the observers are all contracted out and that exempts them from some of those requirements.

Martin commented to follow up on Pooley's comment about the complexities. He said he has some experience in chartering and doing some work with cooperative research for direct chartering, and it seems like the contracting office in Seattle is accommodating and trying to make it work. Some of the language in some of the contracts has been problematic. Martin recognized that he thinks people in the agencies appreciate the value in using the commercial fleet at times to do some of their work and his experience has been that although there have been some obstacles over the years in a lot of the work we have contributed to, they seem to be resolvable over a reasonable amount of time.

2. Cooperative Research Process and Priorities

Finn described the draft process and ran through the critical needs that had been developed for the 2010 funding recommendation cycle.

The process details how we will work together with PIFSC and we will solicit ideas from our various FEP-related Plan Teams, Advisory Panels, the SSC and Council members. It also includes examining our five-year research plan and other management problems or areas that come up, such as the big push now is catch shares and ACLs and that will drive our research needs.

The process is how and when we will get together and come up with a list of critical needs and then present it to PIFSC for funding consideration for the following year. Council staff have generated a list of critical needs in the past year by soliciting the Pelagics Plan Team; the Marianas, American Samoa and Hawaii Plan Teams and Advisory Panels and staff and others will prioritize it down to about six per island area.

Then Council staff will provide our list with the top three or four to PIFSC for funding consideration for 2010. The overall theme for this year is probably bio-sampling, which is so we can come up with our stock assessments all leading towards the LAPPS, Catch Shares and ACLs, which is the big push.

On American Samoa, number two, the gear testing, which has been recommended repeatedly already has some funding. So that may be pushed into another funding category, and we can recommend something else for the cooperative research funding for

American Samoa.

For the Marianas, the biggest push also is the bio-sampling for the ACLs and the catch shares.

Also, there's a few different projects recommended for fisheries development in both American Samoa and in the Marianas, and also studies to determine sightings for nearshore FADs.

And for Hawaii, recommendations were for studies to determine post-hooking mortality of bigeye tuna which is related to the longline bigeye quotas coming up. Also suggested was monchong tagging, Kona Crab data collection, and some various tagging studies.

Palawski asked why there were no recommendations for projects for the Pacific Remote Island Areas. He suggests that even if they are low priority, it would be nice to know that if there might be a list with them on it, especially since the Pacific Remote Islands Monument, one of its main purposes is actually scientific research and exploration. He hopes there are some projects you can consider.

Finn responded that that's a good point and that the only potential problem I could think about with that is the distance and that this does have to do with fishermen participating. But that doesn't mean that we couldn't add something for the PRIAs.

Tulafono remarked that it looks like now that the Council is going to approve this process in this meeting, and he asked if this is the process for 2010. Finn responded that this would be the annual process from now on.

Simonds asked a question to Pooley. One of these projects is to determine the feasibility of a swordfish fishery in northern waters. Simonds asked if PIFSC could do this with your research vessels.

Pooley answered not really and that as mentioned earlier that the SETTE isn't particularly good at bottomfish fishing. It's even worse at longline fishing. The SETTE has a longline cutout, and it's what we use for longlining off the SETTE, as well as lobster trapping off the SETTE. But, using lobster as an example, the SETTE can throw approximately 140 traps a day whereas a commercial boat throws 1,000 to 2,000 traps a day. To do lobster trapping off the SETTE, it's jerry-rigged, over the side, down the side, over the hill to grandmother's house kind of approach, because it's just not a fishing vessel. Pooley explained you get a lot more fishing power off of a longline vessel than you would off of a research vessel. Partly, it's because the SETTE is not set up physically to do it and the people that work there are not getting crew share for working hard.

Martine mentioned that there have been off and on discussions and actually some of the Headquarter folks have been out looking at different vessels to do some of this work. Martin said that because it's important work, and if you do it kind of halfway and working with the equipment that you have, the results aren't necessarily as valid as if you

had a more proper vessel.

Pooley said he agrees and Steve Murawski has put together what's been called the small structure program funding initiative to build 80-foot vessels, roughly speaking, that you can do with a variety of templates. He said the Sanctuary Program has used the program funds to do a variety of purpose-built vessels as opposed to the sort of NOAA fleet kind of vessels. Pooley said Mike Seki of PIFSC has been involved in those discussions, and he thinks it will happen especially as the SETTE's scheduled 2017 replacement will be with a larger vessel.

Duenas asked Pooley if some of the coop research money could be used to finish off that fin clip bottomfish samples for a genetic study (in NWHI). Pooley responded that it's something that could be considered. The reality is that to pay folks that we put money up for was the bit that primarily focused on the fishermen, now the clips need to be processed by the Hawaii Institute of Marine Biology, and Cooperative Research Funds can be provided to educational institutions, and so forth. Frankly, our preference would be to keep the Cooperative Research funds focused on cooperation with the fishing industry, whether it's recreational, sports or commercial, and then use other stock assessment funds for that purpose.

Sablan commented that he was critically worried that a lot of the studies may be given to an NGO group that would recommend more sanctuaries and national monuments in our area. I hope that's not going to duplicate what happened several years ago. And now we have all of the monuments that impede our fishing activities.

Pooley responded that he thinks one of the conflicts between science and management is one of our primary principle: transparency and people can then use the information as they choose. Mr. Duenas made a comment the other day that suggested instead of doing our cooperative research in the Marianas that they can do it instead with Peter Fithian and the HIBT group here; there was some discussion at the Fishers Forum about whether HIBT should be landing large fish, for example.

Duenas said that part of doing work in the Marianas would be to follow up on the RAIOMA cruise from the mid '80s which was not a good experience in terms of making information available on a timely basis to the management authorities there or to fishermen. He thinks our Corals group may have gone the other direction, but I do recall something about using some of this information to map out locations around Guam for management -- sighting of infrastructure, and so forth.

3. Five Year Research Priorities

Hamilton presented on the Council's Five Year Research Plan. The Re-authorized Magnuson text had this language on Councils establishing five-year research priorities:

"Each Council shall develop, in conjunction with the SSC, multi-year research priorities for fisheries, fishery interactions habitats and other areas of research that are necessary for the management purposes that shall:

Establish priorities for five-year periods.

Be updated as necessary.

And be submitted to the Secretary of Commerce and the Regional Science Centers for their consideration in developing research priorities and budgets for the region of the Council.”

When we went through this exercise last year we did send it in on time. But Headquarters has asked all of the Councils to take this opportunity to either re-affirm their priorities or to revise them. They can be updated at any time, as necessary. They specifically asked for each Council to re-transmit research priorities.

We separated the research categories into four groups, trying to keep it kind of manageable, and we found that things fit within these categories: stocks, ecosystems, human communities and protected species. They're priorities that kinds of gives us an over-arching list of priorities and then projects fit underneath the different priorities. The SSC ranked topics of research activities under each broad category. Cooperative research critical needs could be fit into many of these.

The SSC reviewed this at their meetings earlier this week and did not recommend revising them at this time.

C. Update on National Legislation

Finn gave a brief overview of the different legislation that's been proposed in the past year that has some relevance to our island areas or our fisheries.

The first one is H.R. 934, which is the Submerged Lands Act, which would convey the zero to three miles back to the CNMI. The latest action on this was July 15th it passed the lower house of the Congress and it now goes on to the U.S. Senate for their consideration.

H.R. 21 is the Ocean Conservation, Education and National Strategy for the 21st Century. This establishes a policy for the oceans, strengthens NOAA and establishes a national and regional ocean governance structure. On June 18th there was a House Subcommittee meeting on this with an opening statement by Chairwoman Bordallo from Guam.

H.R. 509 is to reauthorize the Marine Turtle Conservation Act of 2004 so that it would be extended through 2014. In June the House Subcommittee ordered it to be amended.

H.R. 860 re-authorizes the Coral Reef Conservation Act of 2000. It extends the award of the Conservation Program Funds. In April the House Committee ordered it to be amended.

H.R. 1080 strengthens the enforcement mechanisms to stop the IUU fishing. This was sponsored by Representative Bordallo of Guam. In June, the House Subcommittee ordered it to be amended.

H.R. 1584 would amend the Magnuson-Stevens Act to extend the time period for rebuilding stocks. In March, it was referred to the Subcommittee on Ocean and Insular Affairs.

H.R. 2029 is the National Marine Mammal Research Program Act of 2009, which would authorize the Marine Mammal Commission to establish a research program.

H.R. 2455 amends the Whale Conservation and Protection Study Act to promote international whale research.

D. Update on Status of FMP Actions

Hamilton gave an update on the status of various FMP actions.

The FEPS: Progress was made since the last Council meeting about the regulations, and it was agreed with PIRO that they would be handled like any other FMP regulations. They will be drafted by Council staff working with PIRO and GC, but they will be transmitted with the FEPs under the Magnuson Act. Since then, we've sent the American Samoa and Hawaii FEPs back for review on May 20th and the Marianas FEP on June 5th. The next step will be for Council staff to finish revising the PRIA and Pelagic FEPs, and send them over, and then the draft regulations.

The next document is the mechanism that will kind facilitate future CDPs, Community Development Projects. The status of that is as shown on your document. We sent the document to PIRO on June 11th. We're waiting to hear back from them with their comments.

The ACLs and Accountability Measures.

This issue was separated into two different issues. You've already dealt with the process that talked about that we would do the risk ranking and address those species with known MSYs. The Council approved the risk ranking at the last Council meeting. This document needs to send over to PIRO, that first half of it, the process half.

The second half, the actual setting of the ABCs and the ACLs, is what the Council is working on now.

The Marine Conservation Plans: the Sustainable Fisheries MCP has been approved. The revised CNMI MCP has been approved. And the American Samoa MCP was sent to PIRO in June 2009.

The NLPF Limited Entry Program for the Hawaii offshore handline fisheries, the Council was anticipated to take final action at the 145th Council meeting. New issues arose about the inshore shortlining but that will be a separate action.

The Hawaii shallow-set fishery: The Secretary of Commerce approved the amendment on June 17th, 2009 and a Proposed Rule was published on June 19th, 2009. We're awaiting

that Final Rule to come out.

The CNMI longline closed area and Purse Seine Exclusion Zone. It was sent to PIRO July 3rd, 2008, and we haven't gotten any definitive idea when it might be coming back.

The American Samoa purse seine exclusion zone: It was sent to PIRO August 8th, 2008.

Modifications to American Samoa longline program, this was looking at do we need to make changes because participation was lower than was anticipated, trying to encourage participation. There was just an open application period because that action was on hiatus to see if enough applications came in. Since then, it went to PIRO on March 11th. We got it back on June 30th.

Sea turtle measures for American Samoa longline vessels. That was the one setting their gear at at least 100 meters in depth. That was sent to PIRO July 10th, 2009.

Control FAD fishing in the Western Pacific Region: That was about prohibiting the use of FADs for purse seine fishing within EEZ waters. That's still at our shop since the Council's final action.

The Northwestern Hawaiian Islands Monument: To shrink so that the Northwestern bottomfish fishing area would conform to the boundaries of the Monument. We got comments back on that May 4th, 2009.

Finally, the action to modify the Pelagic Framework Process to allow quicker implementation of framework action. That's been a bit stalled as staff and GC determine exactly what the framework process is, what kind of measures are available for frame working, how one makes them available. This is going to become important because as we do TACs and Annual Catch Limits, these will need to be implemented quickly. So what we're looking for is the right mechanism to do that while ensuring that the Council has complete information before it makes its decision.

E. Advisory Group Recommendations

- 1. Hawaii Advisory Panel**
- 2. Marianas Advisory Panel**
- 3. Hawaii FEP Plan Team**
- 4. Pelagic FEP Plan Team**
- 5. Marianas FEP Plan Team**
- 6. Hawaii Regional Ecosystem Advisory Committee**
- 7. CNMI Regional Ecosystem Advisory Committee**
- 8. Guam Regional Ecosystem Advisory Committee**

Itano reported that items 1 through 8 of the Advisory committee recommendations were taken care of. He called on Kelly Finn to report on the MPA Gap analysis. Finn reported that in 2008 a national system of MPAs framework document was developed. In 2009 225 sites were added to the national system of MPAs. The next step for MPAs is Gap analysis. Gap analysis is process of examining all of these areas for "gaps" in conservation. These conservation gaps will be used to recommend or add

new MPAs, and enhance MPAs. The MPA Federal Advisory Committee put out a document on how they think the Gap Analysis should be conducted using the theme of ecological resilience. The document is on their website now for review. It's not certain that they will adopt it as is, at this point. The SSC had a recommendation on how they think the GAP analysis should be done.

F. SSC Recommendations

Severance presented the SSC's recommendations. At the last meeting the SSC requested that we hear a presentation by Jerry Ault on the issue of the Coral Reef Ecosystem Division's survey design. We did hear a very good presentation.

SSC commented that a review of the previous survey data had revealed significant sampling design issues, including low precision and the lack of sampling effort across the different habitats proportional to habitat aerial coverage.

And that Dr. Ault suggested that future surveys should utilize forward-looking survey designs that sample across a broader range of habitats, although some fixed stations which provide demographic life history info should be retained.

This was an issue of sort of consistent survey design, plus an issue of not getting enough data on the Bot-Cam of the water column.

Therefore, the SSC recommends that NMFS Pacific Islands Fisheries Science Center evaluate the existing CRED relative biomass, density and habitat data to generate information useful for estimating overall reef fish biomass in relation to establishing ACLs. The SSC encourages PIFSC to explore technology to characterize the nearshore zero to ten meter coral reef habitat.

On the five year-research priorities, the SSC re-reviewed the list and did not recommend revisions.

Regarding Cooperative Research Projects, the SCC is supportive of the FY2009 research priorities and hopes that the cooperative research will serve to align PIFSC research with Council priorities.

On the MPA Gap Analysis:

The SSC notes the proposed MPA Gap Analysis for the National MPA Center has the potential to encourage additions of new MPAs to the National Inventory. The SSC reiterates its previously stated concerns that MPA designations be based on solid and, where appropriate, peer reviewed science. Further, that any MPA development and designation include full participation of the affective human communities.

G. Standing Committee Recommendation

There were no Standing Committee Recommendations.

H. Public Comment

Martin called on Linda Paul to make comments, as follows:

"As some of you know, I sat in on the SSC meetings this past week and I want to comment on the subject of setting research priorities.

There was actually an extensive discussion among SSC members about research priorities, mainly because they were presented with a long list of different things that could be done and it would take a lot of money to do them.

While it was reported this morning that the SSC said they wanted -- they did not recommend any changes at this time, the reason they said that was because they also said in the course of their meeting that they wanted the Plan Team to come up with a draft list of research priorities.

In other words, their idea of what the priority list ought to look like, and then they wanted to review that list at their next SSC meeting and make their recommendations at this time.

I would like to remind the Council that the Magnuson-Stevens Re-Authorization Act says that this Council shall set research priorities in conjunction with the SSC.

So despite the remark that Marcia made this morning about this Council is free to go ahead and set priorities, in fact, they are not free to go ahead at this time and change that priority list.

They need to do that in conjunction with SSC, and that's what the law says. Thank you."

Martin then called on Severance to respond. Severance said the list that the SSC expressed concerns about being too long was the Plan Team's proposed projects list and not the general Council priorities list. Finn added that the Cooperative research list does not have to be vetted through the SSC per the MSA, Section 318.

Hamilton responded that she thought we're getting a confused between the research priorities and projects. The language Linda was talking about was, as I showed you, it says the Council in conjunction with the SSC will set. She said that maybe somebody could interpret that as they have to be in agreement but that we had interpreted that as taking advice from the SSC and not eliminating it -- but the final decision was up to the Council, and also that the Council could hear from other groups besides the SSC.

Keiko Bonk, public comment.

"I'm Keiko Bonk, Marine Conservation Biology Institute.

I didn't know if this would be an appropriate place to make this short comment, but I wanted to go on record asking the Council Chair and the Council to reflect on the comment that was made regarding sharks during the session in reaction to Mr. Young's

comment on shark bycatch.

Since this is the area in your agenda that discusses research and ecosystems-based management, I have to go on record being really appalled that one of your Council members reacted in a way that I don't think reflects good ecosystems-based management, and that was the disregard for sharks as a very important part of the ocean ecosystem and being more than just a predator that should be disregarded and taken out of our ecosystem.

So I just want to reflect on that, and maybe through the research that there should be some sort of education for all Council members coming into this body who make important advisory decisions and that the research center should actually brief members who aren't scientific experts on ecosystem-based -- good ecosystem-based management, which includes the management of large predators like sharks where -- and if they know what's going on in the oceans right now, we are actually reducing our shark population, and it's a very bad precedent for us to consider a shark lesser than any other part of this ecosystem.

So I just need to comment on that. Thank you very much. I hope to see more respect for all ocean animals. Thank you."

I. Council Discussion and Action

Itano noted that there were a few recommendations from the discussions.

Sylvia Spalding read through the Education and Outreach discussion.

1. The Council directs staff to send a follow-up letter to the NMFS Acting Assistant Administrator, NMFS Pacific Islands Regional Office Regional Administrator and NMFS Pacific Islands Fisheries Science Center Director reiterating requests for closer coordination and strengthened partnerships between NMFS and the Council in outreach, education and communication, including invitations to participate in NOAA/NMFS outreach, education and communication meetings, workshops, et cetera.

It was moved by Itano and seconded by Torres to accept the motion as read. There was no discussion. The motion passes on voice vote with all voting yes.

2. The Council directs staff to recommend that the Regional Fishery Management Council Chairs send a follow-up letter to NOAA Administrator Jane Lubchenco reiterating requests for closer coordination and strengthened partnerships between NOAA/NMFS and the Council in outreach, education and communication, including invitations to participate in NOAA/NMFS outreach, education and communication meetings, workshops, et cetera.

It was moved by Itano and seconded by Torres to accept the motion as read. There was no discussion. The motion passes on voice vote with all voting yes.

3. Directs staff to work with aquariums on outreach to better inform the public about the Regional Fishery Management Council -- or Council, and U.S. sustainable fisheries and to recommend that the Regional Fishery Management Councils joint outreach and education initiative include this work in its future efforts.

It was moved by Itano and seconded by Torres to accept the motion as read. There was no discussion. The motion passes on voice vote with all voting yes.

4. The Council directs staff to support efforts to have the Regional Fishery Management Councils and NMFS organize and implement the Managing Our Nation's Fisheries II Conference in 2011.

It was moved by Itano and seconded by Torres to accept the motion as read. There was no discussion. The motion passes on voice vote with all voting yes.

Martin called on Hamilton to read the five year research priorities recommendation

1. Regarding Five-Year Research Priorities, the Council recommends that the Council's 2008 priorities not be revised at this time and directs Council staff to transmit these priorities to NMFS HQ for their consideration in developing research priorities and budgets for the Pacific Islands Region.

It was moved by Itano and seconded by Torres to accept the motion as read. The Chair calls for discussion and recognized Thielen. She asked if there were any changes from the 2008 priority list. Hamilton answered that there were none. Martin calls for the question.

The motion passes on voice vote.

Itano calls for Finn to read the motion. Finn reads:

Regarding the Cooperative Research Program, the Council approves the Cooperative Research Process, as follows:

At the fall Council meeting, PIFSC or Council staff will make a report to the Council describing the Cooperative Research Projects funded for the current fiscal year and the Council will consider and recommend information/research for the following fiscal year.

Council staff will identify and prioritize research projects based on the Council recommendations from the October meeting along with management-related mandatory actions, ACL and TAC setting, compliance with ESA, MMPA, RFMOs, et cetera, the fishery ecosystem plans for the Western Pacific Region, the Council's Five-year Research Plan, the Region's Marine Conservation Plans and other relevant documents.

Council staff will present its current list of research priorities and solicit other ideas to the

SSC, the FEP Advisory Panels and Plan Teams. The Council staff will consider the comments and recommendations from these advisory groups and prepare an amended list for presentation to the Council and Fishers Forum and for initial action by the Council at its spring meeting.

The Council will take final action on the cooperative research priorities list at its summer meeting and will transmit the list to PIFSC by September 1st.

PIFSC will develop the RFP and submit it to the Council for review in July/August.

The three principals, Council, PIFSC and PIRO, will convene in the summer to finalize the RFP.

In October PIFSC would publish the RFP and implement a bid solicitation review process.

The three principals meet to review proposals and agree on which to fund.

PIFSC awards contracts consistent with established protocols.

Itano offers it in the form of a motion Mr. Torres seconds. Martin calls for discussion Itano offers an amendment to paragraph 3 second line to read "... solicit other ideas from..." instead of "to". Second had no objection. Council votes but Duenas has more discussion. Duenas wanted to be sure that island recommendations were part of the recommendation. Island priority list is added. Finn is directed to modify the motion.

Finn reads: "Regarding the list of cooperative research critical needs, the Council approves the prioritized list and recommends staff transmit the prioritized list to PIFSC for their consideration for funding."

Itano offers the amended motion, seconded by Torres.

There was lengthy discussion on research priorities.

Martin calls for the question. Motion passes.

Itano calls for the recommendation on MPA Gap analysis. Finn:

The Council recognizes that the proposed MPA Gap Analysis from the National MPA Center has the potential to encourage additions of the new MPAs to the National System. The Council reiterates its previously stated concerns that MPA designations be based on solid and, where appropriate, peer reviewed science.

Further, that any MPA development and designation include full participation of the affected human communities.

Itano offers it in the form of a motion, Torres seconded. No discussion. Motion carries.

Itano calls for the next motion. Finn:

The Council recommends that National Marine Fisheries Service Pacific Islands Fisheries Science Center evaluate the existing CRED relative biomass, density and habitat data to generate information useful for estimating overall reef fish biomass in relation to establish ACLs and, further, that PIFSC explore technology to characterize the nearshore zero to ten meters coral reef habitat.

Itano offers it in the form of a motion, Torres seconded. There is lengthy discussion and the motion is amended. Hamilton reads amended motion:

Regarding NMFS PIFSC Coral Reef Ecosystem Surveys the Council recommends that National Marine Fisheries Service/Pacific Islands Fisheries Science Center analyze existing CRED relative biomass, density and habitat data to generate information useful for estimating overall reef fish biomass in relation to establishing ACLs for CREMUS, that's Coral Reef Ecosystem Management Unit Species.

The Council further recommends that PIFSC explore technology to characterize the nearshore zero to ten meter coral reef habitat.

Maker and second accepts amendment. No further discussion. Martin calls for the question. Motion passes.

Itano states there is no further business under section 11 and turns the meeting over to Martin. Council takes 30 minute break.

12. Administrative Matters and Budgets

A. Financial Report

Council members received a summarized and detailed financial report. The detailed financial report itemized Administration, two Coral Reef grants, Regulatory Streamlining and Turtles.

1. Five Year Budget and Program 2010-2014

In preparation for the last year of the five-year grant, Council staff began the process of reviewing the PMUS, including new drivers, and drafted a budget based on the NMFS suggestion of doing five to ten percent increases for every year. The Council also asked for an extension of the '09 Budget as most of the funding was received in May. The drafted budget is based on what the Administration asked Congress for '10. The budget describes the work that the Council plans to do and is categorized in Administration, Coral Reef Ecosystem, NEPA, Protected Species and West Pac FIN. Additional categories are International Management and Policy Development, Education and Outreach, Monitoring, Control and Surveillance and FEP Development and Actions. NMFS has not responded if they agree with the PMUS changes, recommendations and changes in the drivers. The budget will be sent to NMFS by September but is in the

development stage.

The five year budget and program was distributed to Council members. Council members Young and Thielen requested additional time to review the document. The Council agreed to have a teleconference to address the five year budget and program document and to publish a Federal Register Notice.

B. Administrative Report

Simonds summarized the audit, meetings council staff attended and projects detailed in the administrative report. Council staff has continued its effort in respect to the completion of the e-file document management system and the new IT staff member has been assisting with the project. Also discussed were the Council Operations Federal Register Notice, the Coral Reef Local Action Strategies and Marine Education Programs. The Council is working with PIRO to complete the process and how to coordinate and implement projects. PIRO suggested a project similar to the Gulf of Marine Research Institute's Program for Marine Resource Education. The CNMI and the PRIAs Marine Conservation Plans have been approved by NMFS and the Council is pending approval for American Samoa from PIRO. Funds from the Western Pacific Fisheries Sustainable Fund will be used for Marine Conservation Plans.

C. Meetings and Workshops (Calendar)

1. CCC Meeting Report

Martin discussed the CCC meeting that the Chair and Vice-Chairs attended in Boston and how it compared where different councils are in several of their tasks, including ACLs, Ecosystem-Based Management, Limited Access Programs, Standardization and SSC Operating Procedures. Duenas commented on how the Western Pacific Council is funded in comparison to the other regional Councils.

D. Council Family Changes

1. Neighbor Island Advisory Panel Additions

2. Add John Joyner to SSRPC

3. Add Brooke Nevitt to CNMI Advisory Panel

Mitsuyasu reviewed changes in the committee make-up. It was clarified that Brooke Nevitt was mistakenly added to the agenda for this meeting.

E. Recommendations on Changes to SOPP

SOPP Changes will be reviewed at the October Council meeting and Council staff will include recommendations from the GAO Review. The Council currently has a SOPP on their website to which a recommendation was made to identify the SOPP as subject to approval by the Secretary. Simonds commented that Council staff created a matrix which identified what type of information each Council provided on their website and that Council members will have the opportunity to review this information before the October Council meeting to make recommendations.

F. Response to GAO Recommendations

The Council is working with NOAA GC and PIRO in regards to the GAO

Recommendations and the proposed language that the Council will adopt in the SOPP will be addressed during the October Council Meeting.

Martin added the Process of FMP Documents to the agenda and called on Hamilton to report. Hamilton summarized that a draft process was formulated on how the Council works with NMFS to finalize different action items that amend a document. Hamilton explained that it starts with a one to two week review prior to the initial Council action by PIRO GC and PIFSC. Documents go back to NMFS, PIFO or PIFSC for comments and Council staff revises the document in response. Each review and revision by Council staff is allotted four weeks; both NMFS and Council staff have a max of three and a half months each, seven months for the total process.

G. Standing Committee Recommendations

No outstanding committee recommendations.

H. Public Comment

Keiko Bonk asked when the public would get a copy of the draft budget, her specific interest in the Council's travel expense requirements. Bonk also suggested a system by which people can tell what documents are available for public review and what is confidential, and that this needs to be consistent.

Rick Gaffney stated that the Council meeting has awkward timing because it coincides with the HIBT. The HIBT is a fulltime occupation, so it is difficult to break away to participate in the Council meeting. Gaffney expressed distress at the title of the Fishery Forum, arguing that it should have been "Marlin on the Table," which has a very different connotation than "Marlin on the Menu." He said that socioeconomic information of recreational fisheries is missing from the agenda. Lastly, he argued that Council members should be able to get any information they request because we need more transparency.

The final public comment was received from Pat Tummons who writes for an environmental newsletter and provided comments. She acknowledged that she has burdened staff with FOIA requests. She said that she is trying to extract from the Council how it spends its money.

Martin allowed Dalzell to review a letter from Bill Marston about the recreational fishery registry. The Council reviewed the letter in which he points out inconsistencies of the requirements for a saltwater registry and offers some recommendations to resolve the issues. Will Sword asked whether it is the state's responsibility to ask for registry exemptions or if Bill provided any ideas about what would be acceptable. Thielen said that he has raised concerns of Hawaii in the letter, but wanted to point out that he is representing himself in his comments, not the state. She argued that many other fishermen have concerns about the fact there is no information or data about the amount of recreational fishing that occurs. Duerr said he doesn't mind paying for the right to fish – many other states also require licenses.

I. Council Discussion and Action

1) Motion: Will implement the GAO review recommendations with the advice of NOAA GC and PIRO, and provide a report back to the Council at its October 2009 meeting on those actions.

Motioned by Duerr, seconded by Haleck.
Motion carried. Dela Cruz was absent.

2) Motion: Directs staff to coordinate the date and time for a teleconference meeting to approve the Multiyear Administrative and Programmatic budget, and that this meeting follow the federal requirements for public notification. The draft materials upon distribution to the Council members shall be posted on the website along with the agenda and available at the Council office, so that the public may follow these during the teleconference. Draft materials for this meeting should be distributed no later than two weeks before the conference call.

Motioned by Duerr, seconded by Torres.
Motion carried.

Duenas emphasized on the proper announcement of this meeting. Laura Thielen added a friendly amendment that draft materials upon distribution to Council members shall be posted on the website with the agenda so that the public may follow along during the teleconference." Duerr and Torres did not object. Further rewording of the motion followed. It was clarified by Fred Tucher that if we chose not to post these documents and received a FOIA request, they would need to review the use of the document, they'd note a meeting was being held, and that for the public to have meaningful context they would need the documents. He said further that reasonable notice includes posting it on the website and having copies at the office.

3) Motion: Appoints Dr. John Joyner to Social Science Research Planning Committee.

Motioned by Duerr, seconded by Sablan.
Motion carried. Dela Cruz was absent.

4) Motion: Appoints the following people to the Non-Commercial Advisory Committee:

American Samoa

CNMI

Hawaii

Herman Gebauer

Emory Chris Eddy

Cecilio Raiukiulipiy

Layne Nakagawa

James Mawae

Debbie Takeyama Hawaii Representative

George Purdy

Maui Representative

Molokai Representative

Lanai Representative

Motioned by Duerr, seconded by Sablan.
Motion carried with all voting yes.

5) Motion: Directs staff to send a letter to the Guam Governor addressing the critical comments made regarding the Council's involvement in the Coral Reef Conservation Project initiatives.

Motioned by Duerr, seconded by Torres.
Motion carried with all voting yes; Thielen was absent.

6) Motion: Directs staff to finalize comments on the proposed rules for Council operations for review and approval at the October 2009 Council meeting.

Motioned by Duerr, seconded by Sablan.
Motion carried; Thielen was absent.

7) Motion: Directs staff to prepare an operational plan for the FEPs for Council consideration at the October 2009 Council meeting.

Motioned by Duerr, seconded by Sablan.
Motion carried; Thielen was absent.

8) Motion: Approves process of review for FMP/FEP documents.

Motioned by Duerr, seconded by Sablan.
Motion carried; Thielen was absent; Robinson abstained.

9) Motion: Regarding the US Purse Seine fleet in the Western Pacific, the Council recommends that PIRO prepare a report, for the October 2009 meeting, on the 2007-2009 area of operations and landing locations of the U.S. purse seine fleet including cumulative landing amounts by location separated by the U.S. built hulls and the foreign-built hulls. Additional information in the report should include individual vessel length, gross tonnage and hold capacity in cubic meters.

Motioned by Duerr, seconded by Sablan.
Motion carried; Robinson abstained; Thielen was absent.

The goal of this motion was initially to get more information for American Samoa about the status of foreign-built purse seiners at the request of Tulafono. Duenas asked if they could also look at fleet size composition. Itano offered that there will be a time lag and that the federal registry should have this information because it's public. Sean Martin asked to add carrying capacity in addition to gross tonnage and Manuel Duenas asked to have this information classified by class size. Martin additionally asked to know general (not precise) areas of operations. Robinson replied that to the extent the data is not confidential, it will be provided. Itano also said that he can make the PFRP report available to the Council, which gives an idea of the whole fleet of the West Pacific.

Duerr and Sablan accepted the friendly amendment to extend the request beyond American Samoa by Martin at the acceptance of Tulafono.

10) Motion: Recommends that the PIFSC present on the analysis of logbook and observer data from the Hawaii-based longline fishery at the October 2009 Council Meeting. The Council would also like to hear information on shark mitigation research being conducted by PIFSC or related agencies.

Motion by Young, seconded by Duenas.

Motion carried; Young abstained; Thielen was absent.

Young asked about the discussion regarding shark bycatch and this motion was passed with respect to it. Peter clarified that he is requesting information about shark bycatch and bycatch mitigation efforts, which is beyond the information offered in the briefing book. (Note: this motion also appears in the minutes on page 90 in the section it pertained to.)

11) Motion: Directs staff to revise all references in Council recommendations relating to the 146th Council meeting, and refer instead to the October 2009 Council meeting, except those recommendations that refer specifically to the Council meeting via teleconference.

Motioned by Duerr, seconded by Torres.

Motion carried; Thielen was absent.

Martin asked for a motion that would revise all references to the 146th meeting to be the October 2009 meeting so as not to get it confused with the next teleconference meeting. Hearing no other business Martin concluded the 145th meeting of the Western Pacific Regional Fisheries Management Council.

(Council Meeting adjourned.)

