



WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

**MINUTES**

**of the 150th MEETING**

**of the WESTERN PACIFIC REGIONAL  
FISHERY MANAGEMENT COUNCIL**

**March 8 to 10, 2011**

**Governor H. Rex Lee Auditorium**

**(Fale Laumei)**

**American Samoa**

Western Pacific Regional Fishery Management Council  
1164 Bishop Street, Suite 1400  
Honolulu, Hawaii 96813

APPROVED BY COUNCIL:

A handwritten signature in black ink, appearing to read "Manny Duenas", is written over a horizontal line.

Manny Duenas, Chair  
Western Pacific Regional Fishery Management Council

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## 1. **Opening Ceremony**

Stephen Haleck introduced Reverend Iasepi Ulu, who welcomed the Western Pacific Regional Fishery Management Council to American Samoa and officially opened the 150<sup>th</sup> Council meeting with a prayer. Lieutenant Governor Sunia thanked the Council for holding the meeting in American Samoa. He emphasized the importance of the ocean resources to the Samoan people and their culture and looked forward to a productive meeting. A youth dance group from the Methodist Church performed.

## 2. **Introductions**

The following Council members, as well as National Oceanic and Atmospheric Administration (NOAA) General Counsel (GC), Council's executive director and Scientific and Statistical (SSC) chair were in attendance:

- Ignacio Dela Cruz, Commonwealth of the Northern Mariana Islands (CNMI) Department of Lands and Natural Resources (DLNR)
- Manuel Duenas, chair, Guam Council member
- Fred Duerr, Hawaii Council member
- Stephen Haleck, vice chair, American Samoa Council member
- David Itano, vice chair, Hawaii Council member
- Julie Leialoha, Hawaii Council member
- Sean Martin, Hawaii Council member
- Francis Oishi, Hawaii Department of Land and Natural Resources (DLNR)
- Ben Sablan, vice chair, CNMI Council Member
- William Sword, American Samoa Council member
- Ray Tulafono, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Mike Tosatto, acting regional administrator, National Marine Fisheries Service (NMFS), Pacific Islands Regional Office (PIRO)
- Cmdr. Jay Caputo, US Coast Guard (USCG)
- Don Palawski, US Fish and Wildlife Service (USFWS)
- Fred Tucher, NOAA GC
- Kitty Simonds, Council executive director
- Craig Severance, SSC member

Duenas offered the residents of Swains Island and the Manua Islands an opportunity to comment on proposed Council actions that would affect their area.

**Alexander Jennings**, Swains Island Representative in the American Samoa House of Representatives, said Swains Island is faced with great challenges. He submitted a letter to Washington that requested clarification of their relationship following the recent Constitutional Convention. He said Swains is only recognized from the federal viewpoint because of the economic contribution of the exclusive economic zone (EEZ) surrounding it. He looked forward to participating in discussions pertaining

to the proposed options regarding the 50-mile closure and expressed appreciation for the support from the Council for consideration of the residents.

**Sua Vaie**, Manua Islands resident and fisherman, voiced opposition against a fishing zone between Rose Atoll and the Islands of Manua and said that, to date, the residents have not been allowed to participate in the discussions that affect the fishermen and they would like to be included in the deliberations.

**Captain Wally Thompson**, fisherman from Swains Island and Manua, said that there is interest in the Council's consideration of a 25-mile cut to the Swains Island box and that he would also like to be included in any deliberations regarding the options. He suggested a trust fund be created from the revenue for the catches in the area to aid the development of Swains Island and the Manua Islands fisheries. He requested that training and safety education programs be made available for the fishermen.

**Kitara Vaiau**, a Manua fisherman and Talking Chief of the Village of Aunuu, also requested some education be offered to the fishermen and to include translation into the Samoan language. He also would like to be included in the development process of the proposed monument at Aunuu.

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

*Moved by Sablan; seconded by Dela Cruz.  
Motion passed.*

### **4. Approval of the 149th Meeting Minutes**

*Moved by Sablan; seconded by Haleck.  
Motion passed.*

### **5. Executive Director's Report**

Simonds deferred her report, as the items will be discussed throughout the meeting where appropriate.

### **6. Agency Reports**

#### **A. NMFS**

##### **1. PIRO**

Tosatto said the Draft Aquaculture Policy is out and the comment period is open. When the policy is finalized the Council will be able to move forward with its aquaculture amendment. He said an application was received under the Hawaii Archipelago Fishery Ecosystem Plan (FEP) for use of a special gear type to harvest of

Kona kampachi in the form of testing an untethered offshore aquaculture operation. The environmental assessment (EA) and other information will be posted on the website.

Tosatto also reported that the National Ocean Policy (NOP) has been issued and includes a framework for coastal and marine spatial planning (CMSP). The framework lays out the CMSP process to be conducted in the region. Guidance from the National Ocean Council has been provided to organize the federal effort with state, territory and commonwealth partners.

Tosatto also said that Secretarial review will begin on the Mariana Purse Seine Closure Amendment package. Other items were deferred to be discussed under the appropriate agenda topics.

### Discussion

Itano expressed concern regarding monitoring and oversight in the Kona aquaculture operation. He said he has received many concerns and complaints regarding the coastal aquaculture operation related to die-offs of the fish, disease, parasites and escapement. It appears the operators are self-regulating. He asked if there was a mechanism to have an observer placed to keep a record of the operations of the applicant as well as the other Kona aquaculture sites in an effort to monitor the operations more closely. Tosatto replied that the ongoing tethered operations within State waters are State operations and a State-permitted activity and that having an observer is part of the deliberations of the permit issuance.

Duenas asked for clarification of the Council's involvement in CMSP. Tosatto said the NOP recognized the Councils have the responsibility through the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to develop management recommendations for fishing activities within the EEZ. The Council is a special partner in CMSP. The framework lays out a planning process to be undertaken with significant stakeholder input, but the planning is conducted by the relevant federal, state and tribal entities.

Duenas pointed out that all the other listed partners sit on the US Coral Reef Task Force (CRTF) except for the Council and that the Council operates public meetings with transparency. He noted the makeup involved in the planning process should be addressed to ensure the Council's participation is fully recognized. Tosatto noted the framework is established for CMSP to achieve a balanced and meaningful input from the marine stakeholders, which is necessary to be successful.

Duenas asked for clarification on NOAA's Habitat Conservation mitigation proposals addressed to the Department of Defense (DOD) regarding Guam's road improvements causing increased runoff and the management of increased fishing on fish stock impacts. Tosatto said it is a very complex interagency process that is still addressing the carrier pier project, which has yet to be determined, and is focusing on issues included in the essential fish habitat (EFH) and conservation recommendations, as well as the activities related to the road hardening projects and their significant impact to

the environment. He said DOD's rationale for not taking the recommendations is that DOD feels the impacts outside the gate are beyond its control. The discussions continue within the interagency process. He pointed out that DOD has taken significant steps to address many infrastructure and environmental issues on Guam. NOAA continues to address effects on fish habitat and impact to the fisheries, while also taking into consideration the human impacts.

Tulafono asked if there was any response to the letters from the American Samoa Lieutenant Governor on the determination of commercial fishery failure caused by the tsunami. Tosatto deferred the topic to later in the agenda.

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

Sam Pooley, director of NMFS Pacific Islands Fisheries Science Center (PIFSC), reported on recent employment changes and activities that are ongoing at NMFS, which included the retirement of Steve Murawski as the chief scientist and the new directors of Southwest Fisheries Science Center, Cisco Werner, and the Northwest Science Center, John Stein. He said the current budget is affecting the potential cutback and reallocation of days at sea on the NOAA research vessels and efforts for the monitoring of quotas and impacts of the bigeye closure. He acknowledged the successful contributions of the biosampling projects throughout the jurisdiction, progress in life history research to aid in stock assessments and the upcoming External Review scheduled for July and announced the NOAA Scientific Integrity Policy is out for comment.

### Discussion

Martin asked if any resolution was reached with the potential double counting of the stock in the ongoing cetacean survey. He noted ongoing collaborative work involving the industry and the North Pacific Research Board, which may prove useful. Pooley replied he was not sure about the double-counting problem, but the effort of cross-tabulating the combination of acoustic surveys versus visual transect surveys is taking time. The population assessment is projected to be finished by the end of 2011. Pooley added PIFSC is always interested in and supported of any collaborative industry-science approach.

Leialoha asked what PIFSC plans to do should the reduction of days at sea go into effect. Pooley replied the plan presently consists of the Hawaiian Islands bottomfish cruise and retrieval and redeployment of some monk seal cams in the Northwestern Hawaiian Islands. The R/V *Hiialakai* is scheduled on the biennial Mariana corals cruise. He offered to provide a list of the scheduled cruises.

Itano inquired about a research project for a deep daytime fishing method for swordfish to be tested on longline cruises, if funds are available. Pooley replied the R/V *Sette* is not doing longlining primarily because of the National Environmental Policy Act (NEPA) and permitting issues, but is working with the industry on some cooperative research considering bycatch that could include related experiments.

Martin encouraged PFISC to continue to emphasize on a national level the importance of cooperative research as it is more cost-effective than what's been done in the past. Pooley agreed. PIFSC uses three bottomfish fishing boats as part of the main Hawaiian Islands (MHI) bottomfish survey and is interested in a small research vessel. He said the point is made regularly to mainland colleagues who rely on big vessels, and he is also making an effort to apply program money into chartering.

Duenas noted vessels over 50 feet are prohibited from fishing around Guam. He said the Baited Remote Underwater Video (BRAV) work, which appeared on the website, does not appear to be working and the research is conducted in very brief time periods, which makes him question the results. Pooley said the University of Guam (UOG) conducted the BRAV experiment and, when UOG publishes the results, they should be challenged, as it is part of the scientific process.

## **B. NOAA Regional Counsel**

Tucher reported that, since the last Council meeting, a settlement was approved in the Amendment 18 litigation, the TIRN v. NMFS v. Hawaii Longline Association (HLA) case, on January 31, 2011. The result of the settlement reinstates the Incidental Take Statement (ITS) for loggerhead sea turtles to 2004 levels, from 46 to 17, makes no change in leatherbacks levels, and will remain in effect pending completion of a new biological opinion (BiOp) by NMFS. The BiOp must be issued within 135 days after final action on the Uplisting Distinct Population Segment (DPS) Proposed Rule for loggerheads. Amendment 18 remains unaffected by that litigation and remains in an approved status.

The GC Office is in the process of evaluating approximately 500 applications for filling a third staff attorney position and hopes to have a decision made within the month.

## Discussion

Martin asked what the role of the Council will be moving forward in the approved settlement. Tucher said legitimate concerns have been raised, but the primary difficulty is that the authority to settle a case resides with the Department of Justice, with the Attorney General of the United States in consultation with the Agency or the Department. Once it becomes law the ability to influence decisions with regard to litigation is reduced. He added that he had requested time in a closed session to discuss the litigation.

Itano asked for clarification on the process should the loggerhead take approach the limit of 17. He said it seems as though the Council was not well represented in the case. Tosatto said the fishery will be closed when the fishery hits the cap of 17 loggerhead takes. He added the DPS and listing determination will probably not be completed by March 31.

Martin expressed disappointment with the determination not being available on March 31 and pointed out that, in all fairness, the Council should be told if it determination is based on something other than the best available science. Tosatto replied that the Agency is petitioned on the loggerhead species and is under a statutory deadline to respond to that petition. The deadline has passed and the determination is a priority. It is hoped to be issued soon, and HLA and the Council will be provided with information.

### **C. USFWS**

Palawski reported that 1) President Obama's America's Great Outdoors Initiative is underway; 2) USFWS is awaiting word on funding of the Land and Water Conservation Fund, which would provide monies to do community-based conservation; 3) the Pacific Islands Climate Change Cooperative is a collaborative effort with universities, the conservation community and state partners in the region; 4) the USFWS provided funding for a coordinator and a science coordinator position; 5) a short-tailed albatross egg hatched on January 14, which is the first fledgling short-tailed albatross outside of Japan; and 5) a person has been stationed in American Samoa to work on the Rose Atoll National Marine Wildlife Refuge and Rose Atoll Marine National Monument (MNM).

There were no comments or questions.

### **D. Enforcement**

#### **1. USCG**

Cmdr. Caputo reported briefly on the following activities conducted since the last Council meeting: 1) In January the USCG assisted the government of Palau by providing escort of purse seine vessels that were illegally fish aggregation device (FAD) fishing in the Palau EEZ. 2) Two cases were successfully processed, one for failure to use the Vessel Monitoring System (VMS) as appropriately installed and the other was failure to have the high seas license to fish. 3) During a recent patrol in the American Samoa EEZ the USCG *Cutter* boarded eight American Samoa longline vessels. Of these eight, seven were cited for violation of vessel not under the command of a US citizen. The cases are being processed and forwarded to the USCG hearing officer.

### Discussion

Martin asked for clarification regarding the increase of illegal vessel operators and whether it is occurring in Hawaii as well as American Samoa. Caputo replied there has been a rise in the violations. As they increase their patrolling and boarding presence new violations are discovered, and violations seem to be on the rise in both fisheries.

Itano asked for an update on the USCG Draft Policy that may require non US-hull purse seiners to call in to Pago Pago one trip a year. Caputo replied the Reauthorization Act that was passed for the USCG in October changed exemptions that those vessels had,

had expired in July. In October the exemption was re-authorized, with many stipulations. One of the stipulations included coming into a port to get a safety inspection from the USCG. There is an internal memo being circulated that will include more final information.

Duenas noted Guam requested to not be included in the landing and inspection requirement for fear the vessels may be tempted to illegally fish in Guam's waters.

Tosatto offered a clarification as to documented US-flagged vessels. If vessels do not have a Fisheries Endorsement they're directed not to fish within the US EEZ.

Sword asked the USCG to please be user-friendly with boats that come to American Samoa because of their contribution to the economy of the islands. He asked if there is a regular schedule for these US-flagged or non-US-hull purse seiners to be boarded and inspected. Caputo replied the goal is to reach 20 percent coverage.

Duenas asked for the USCG to find ways to assist the islanders in the cost of meeting safety requirements, e.g., by extending the expiration on such equipment as SOLAS packs.

## **2. NMFS Office of Law Enforcement**

Bill Pickering, from Pacific Islands Division (PID), Office of Law Enforcement (OLE), reported on several investigations pertaining to purse seiners and longliners. He said the humpback whale season is in full force; progress has been made in development of Joint Enforcement Agreements (JEAs), which have been written for the regions and are presently in Headquarters for review; and improvements are due out soon regarding the VMS systems being brought online to provide password-controlled access to the vessel owner.

### Discussion

Itano and Tulafono expressed appreciation for the work of OLE.

Duenas asked if the access to the VMS system was via the US system or the Western and Central Pacific Fisheries Commission (WCPFC) system. Pickering replied it was the US system. Duenas asked if access via the WCPFC system was possible through the Joint Enforcement Agreement (JEA) process. Pickering replied there are efforts ongoing to allow an avenue to see from the shoreline to 300 miles out, and there is hope for more progress, but the restrictions remain.

## **3. NOAA GC for Enforcement and Litigation**

Alexa Cole, NOAA General Counsel for Enforcement and Litigation, reported the following activities: 1) There are six hearings currently scheduled, one of which is a consolidated case of five; 2) Since the last Council meeting there were settlements in six

cases that totaled \$1,233,500; 3) The Penalty Policy is under revision and a Final Penalty Policy is due out by April 15; 4) Vessels are being urged to get their WCPFC Area Endorsements and High Seas Fishing Compliance Permit; 5) At the Forum Fisheries Agency (FFA) monitoring, control and surveillance (MCS) meeting she plans to discuss investigation and prosecution of cases in order to work with some of the Pacific partners to enforce the vessels in their fleet; and 6) There is a template agreement that's been circulated to parties of the WCPFC, which may be finalized in the next month or so, at which point the US will probably put in a request to be able to see all vessels that are reporting for the WCPFC VMS when they are in the US EEZ, plus the 100-mile buffer.

### Discussion

Dela Cruz asked if there are any guidelines available as to how to expend funds received from foreign fishing fines. Cole replied in the negative. She noted the funds are allowed to be used for enforcement or in conjunction with the Marine Conservation Plan (MCP).

Tucher noted that Cole was the recipient of the 2011 Lindsey S. Johnson Attorney of the Year Award.

#### **E. National Marine Sanctuaries Program**

This agenda item was deferred.

#### **F. Public Comment**

**Thompson** inquired whether the settlement funds from the cargo ship that ran aground at Rose Island Atoll a few years back were made available to American Samoa, if the foreign hulled vessels will have a monitoring system in operation to avoid running aground, when will the foreign-built hull vessels come to American Samoa for the once-a-year homeport requirement, and will the testimony and reports be available to the public.

**Leua Aiono Frost**, American Samoa resident, requested information from NMFS on how to receive a copy of the reports, as she would like to include the information in her paper, which she writes in the Samoan language. Recently she reported on two fishermen who died at sea and asked if some of the enforcement funds could be used to provide compensation to the families of the deceased fishermen, as the families are struggling, and if there was a mechanism to include the Western Samoa fisheries with the Western Pacific fisheries. She acknowledged the USCG does a good job, but more attention is needed for safety considerations of the fishermen.

**Vaiou** asked, what safety equipment does the USCG provide for alia boats? He said availability of the equipment is sometimes difficult. He asked if the larger alia are still authorized to carry six passengers.

Council Aside:

A closed session was held to discuss litigation matters.

**G. Council Discussion and Action**

This agenda item was deferred to be addressed in the appropriate agenda sections.

**7. American Samoa Archipelago**

**A. Motu Lipoti**

Tulafono reported that the DMWR technician training continues in the No-Take Marine Protected Area (MPA) Program. Plans are in place to publish a complete project summary in April 2011 and to establish no-take MPAs in other villages. There are also ongoing discussions regarding outreach programs. The first no-take MPA was established in December 2010 in the Village of Fagamalo.

In the Key Reef Species Project, nine fore-reef slope sites were surveyed on Tutuila Island, consisting of 40 percent of the fore-reef slope of the 24 established in the islands. Surveys documented notable recruitment of several species. General results indicate that the major recruitment events in Tutuila Island occur in the reef flats for several key reef species except for the bristletooth surgeonfish (*Ctenochaetus straitus*). The analysis of recruit and juvenile densities of selected key reef species indicate varying impact on coral reef degradation. Project members attended the Biosampling and Life History Training in Honolulu from October 25 to 29, 2010. Before becoming involved in the Biosampling Project, staff conducted some life history and aging research and noted a manuscript was published on the population structure of Acanthuridae in Tutuila and are used in the size-at-age data in multi-scale population size surveys.

Three FADs were deployed late last year, one is already reported missing. Plans are in place to deploy the replacement FAD as well as Manua Islands FAD.

Eleven villages are participating in the Community-Based Fishery Management Program. Village representatives will participate in an exchange program with the community-based fishery management in Samoa.

Dr. Domingo Ochavillo has taken over as the chief of the Fisheries Division, replacing Marlowe Sabater, who is now working for the Council. The Division has completed the draft of the five-year plan for the Fish Restoration Grant. The Council-funded project Connectivity Project has conducted surveys in various areas of the territory. The Coral Reef Monitoring Program scientists have assisted with projects of shading corals and bleaching funded by NOAA. There is a project to identify coral in photos for the National Park Service. Monitoring of coral bleaching at the airport and the Nu'uuli side continues.

## Discussion

Duenas acknowledged the success in the Coral Reef Monitoring Program.

### **B. Fono Report**

Tulafono reported that the government employees are now under reduction in hours. There reduction in hours does not include federal grants. He also said that several bills were submitted to the Fono in order to alleviate budgetary problem. One of the bills was the increase in the income tax from 4 percent to 8 percent. He also noted that the Fono is discussing the monitoring of the new company, TriMarine.

Sword reported that the TriMarine operations manager gave a report at the recent Regional Ecosystem Advisory Committee (REAC) meeting regarding plans for 1,000 new jobs. The fish processing will include frozen fish to be exported via air to West Coast markets. They will have outside boats as well as the local fleet bringing in fish. Sword also reported that StarKist has increased its number of employees to 1,600. The outlook for the canneries is good, but they still require assistance from local utilities and the government. Sword noted that these two canneries are the last in the United States and are important for the whole regional fishing industry.

## Discussion

Simonds said one of the first questions asked of TriMarine, Luen Thai and Taiwan Interim Agreement was if their operations include accepting tailpipe tuna, CO<sub>2</sub> gassed product, which the Council is against. Their response was they would not and added that the fish will bypass Hawaii so as not to interfere with the Hawaii fishing industry. She noted they will need Hazard and Analysis Critical Control Point (HACCP) training for the outside vessels and directed them to John Kaneko to perform the training.

Eric Kingma, Council staff, added that the companies are very interested in working with the local fleets and helping the Council, DMWR and others rebuild the local alia fleet and to help coordinate with the Council on the Maritime Safety Training Program and HACCP Programs with the local alia fleet. There are plans for dock improvements to enhance offloading. He noted that there is a real opportunity for the fresh fish market export.

### **C. Enforcement Issues**

Tulafono reported ongoing international shipping monitoring and patrols on stores and inspections.

## Discussion

Haleck asked if there was any feedback from Luen Thai since the last Council meeting. Tulafono replied Luen Thai is interested, but negotiations are still ongoing.

Kingma noted that TriMarine has formed partnerships with Luen Thai and another company that owns 20 or so fishing vessels that fish in the Cook Islands. There is a current agreement with the three companies, TriMarine, Luen Thai and the other company, which has an existing joint venture for doing fresh fish.

Itano asked if there was a written agreement regarding not engaging or processing carbon-monoxide treated tuna. Simonds replied she did not know, but will ask if it is included in the interim agreement. She added they verbally said they would not engage in tailpipe tuna.

### **D. Fishery Development Plans**

Ueta Faasili, coordinator for the Fisheries Development Project funded under the Council for American Samoa, reported there are four projects funded by the Council: 1) development of programs in Tutuila at the Lion's Park and Fagaalu; 2) development of Manua fuel storage facilities, which will be located in Tau and Ofu; 3) development of Manua ice-making facilities, which will be located in Tau and Ofu; and 4) assistance to the Fish Market and Fishermen's Co-operative, which began in November 2010. The initial work is mostly Territorial work, consisting of small working groups to help facilitate progress, site visits, acquisition of permits and certifications, designs, drawings and cost estimates.

There were no questions or comments.

### **E. American Samoa Marine Conservation Plan**

Tulafono reported that the existing three-year MCP expires in August of 2012. All four of the development projects are included in the MCP. The funds for the plan are derived from foreign access fees and penalties from foreign incursion into the US EEZ waters around American Samoa. Community meetings are ongoing to hear what projects they would like to see included in the next MCP.

## Discussion

Duenas expressed appreciation of Tulafono's efforts to assist the small communities to benefit from the development plans.

Itano asked how the ongoing operations are going to work. Tulafono replied the fishermen co-op will manage the facility in Manua and set the pricing. Simonds added there is a need for a Samoan Manny who has experience with running a cooperative.

Duenas said the equipment has really helped the progress and meetings have been held to discuss the operations.

#### **F. Community Activities and Issues**

Fini Aitaoto, Council staff, reported on the following topics: 1) The American Samoa government has just enforced the ban on plastic shopping bags. 2) There will be a task force to look into climate change issues that were discussed during the Climate Change Workshop held earlier in the year. 3) The Samoa Tuna Processors will start renovations of the former Chicken of the Sea (COS) Samoa Packing facility. When production starts, it will include receiving, grading, storing and processing of tuna from purse seiners, as well as longliners. The new cannery also plans to produce canned tuna, canned wahoo, pouch tuna, fresh tuna, frozen cut tuna, fishmeal and fish oil and will provide many jobs for the local community. 4) The Governor has submitted three revenue measures to the Fono aimed at warding off planned reduction in work hours for government employees. 5) StarKist recently announced hiring more workers after the government approved a tax exempt certificate for the cannery. The cannery currently employs about 1,800 workers and will add at least 300 before the end of this year.

There were no comments or questions.

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

Aitaoto reported the Council has provided many materials to various schools, held a Student Symposium and associated poster art contest, held the student art competition in association with the lunar calendar, facilitated Community College researchers to conduct studies in Western Samoa to be used in the lunar calendar, provided media with information regarding the development projects, provided federal opportunity information to several government agencies and organizations, and held a successful climate change workshop sponsored by American Samoa Department of Commerce and Coral Reef Advisory Group (CRAG) early this year. Fini also noted that a video created by John Wasko filmed during the Council's High School Summer Course is available on YouTube.

#### Discussion

Duenas said reusable bags were also provided and expressed appreciation for the Office of Samoan Affairs for organizing meetings held in support of the Council process in the recent days. Tulafono acknowledged the great support from the Office of Samoan Affairs.

#### Council Aside:

Paul Dalzell, Council staff, gave a brief overview of the amendment regarding the Proposed Changes to the American Samoa Large Pelagic Vessel Area Closure, which will be presented during the Pelagic and International Fisheries section of the agenda.

Kingma presented the background of a letter sent to Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere, from the Governor of American Samoa regarding the MNMs and a letter from the Council seeking clarification as to status of a document regarding amending the fishing regulations proposed as a result of the Proclamation establishing the MNMs. The American Samoa Governor favors no fishing, and the Council voted to allow subsistence fishing. After consultation with the American Samoa government's designee, a draft document was provided to NMFS, Sustainable Fisheries Division in PIRO, which was forwarded to Headquarters. The Council desires to transmit a final document to the Secretary of Commerce, and hopes the response from Dr. Lubchenco will clarify the way forward.

### Discussion

Duenas noted that the Governor's letter recognizes that the process takes too long and voices support for a permanent no-take area, as well as to observe sustenance and traditional indigenous fishing. Tosatto said a response to the letter is being developed in which a clear way forward will be laid out. He noted the Governor has provided a number of letters in which his position has changed. He reads the letters to be consistent with a 12-mile closure position, which supports sustenance and traditional indigenous fishing. After the package is transmitted a consultation will be held with the Governor and the government of CNMI. The response will contain the next step, which is to seek consultation with USFWS, finalize the amendment package, transmit the amendment package and then get consultations with the appropriate governors, along with inviting public comment on the package. Duenas pointed out the Council's definition of customary exchange has also caused some delay as there is no federal guidance on the subject.

Tulafono asked for clarification of the status of the Disaster Relief Package. Tosatto replied the Service has been working on a proposed rule to update the Disaster Relief provisions of the Re-authorized Magnuson Act. After guidance was received, a letter was sent out containing the information needed to move forward, although the March 31st deadline probably will not be met, although they intend to proceed expeditiously on the recommendation for transmittal to Headquarters for the Secretary's consideration. He noted there is still a funding issue that will be determined by Congress. Tosatto agreed to work with DMWR and Council staff to compile the information needed to complete the package. Simonds pointed out it is bad timing with regards to the state of the budget.

Tosatto hopes to create a template for guidance for the jurisdictions for use in future to help streamline the process.

### **H. Fishery Ecosystem Plan Advisory Panel Recommendations**

Joshua DeMello, Council staff, presented the American Samoa FEP Advisory Panel (AP) recommendations as follows:

- The Council and DMWR halt development of the Lion's Park Boat Ramp and reassess using alternate boat ramps, such as Leone, Asili or Fagaalu.
- The Council requests that the National Marine Sanctuary Program (NMSP) translate the upcoming Federal Register Notice to be published this Spring 2011 into Samoan and translate the NMSP management plan proposal into Samoan as well.
- The Council requests that the NMSP submit an article in Samoan to the local newspaper to inform all communities about their upcoming actions and proposed sites and hold meetings in communities other than those with MPAs proposed directly off their coastline.
- The Council requests that the NMSP provide clarification about its selection process for the selected sites. (The AP had made this same request in April 2010.)
- The Council works with partners to submit an article in Samoan and English to the local newspaper describing the Federal Register Notice that was published January 24, 2011, particularly noting the comment period closure of April 29, 2011.
- The Council supports preferred alternative 2c.
- The Council explores interest in a Community Development Plan (CDP) that would permit access to the current closed areas for large pelagic fishing vessels that would benefit the indigenous fishing communities through revenues generated from the large longline vessel catch.
- The Council continues work with respective agencies to a) identify a place on the West Coast of Tutuila that could be used as a fish market, and b) identify other ways to export fresh fish out of American Samoa, including engaging with the airlines.
- The Council helps enhance small local business through the direct support of companies or by subsidizing costs incurred by fishermen (e.g., ice-making companies) instead of creating public entities that directly compete with private sector businesses in American Samoa. (AP had provided this recommendation before.)
- The Council considers funding maritime trading programs, including appropriate fish handling techniques in American Samoa utilizing the MCP, Marine Education and Training (MET) or other funds to expand the local pool of qualified mariners.
- The Council considers longline limited entry program modifications that provide the American Samoa community with priority to obtain permits. (The AP had made this same recommendation before.)

There were no comments or questions.

## **I. Plan Team Recommendations**

Sabater presented the American Samoa FEP Plan Team recommendations as follows:

- The Council requests the local and federal agency to collect environmental data in American Samoa through adding sensors to existing offshore buoys.
- The Council supports local aquaculture development, including assisting in the acquisition of protein-rich fish meal for the talapia production into Tutuila from the canneries.
- The Council approves the report structure for the Archipelago Fishery Ecosystem Annual Report.
- The Council provides funding to improve the fishery data collection:
  - Hire a data manager to ensure the quality, the data processing and the integration of the fishery data collection programs;
  - Increase data collection coverage throughout American Samoa, particularly in the Manua Islands;
  - Conduct data validation of the creel surveys on the appropriateness to new management mandates like annual catch limits (ACLs);
  - Conduct baseline fishery data collection as related to MPA establishment; and
  - Explore options for incentives, encourage participation of fishermen in the data collection program, like subsidizing the cost of ice.
- The Council works with DMWR to conduct a survey of the fishing community to gather anecdotal evidence of ciguatera toxin poisoning in the various fishing areas.

There were no comments or questions.

## **J. Regional Ecosystem Advisory Committee Recommendations**

Kingma presented the REAC recommendations as follows:

- The American Samoa CRAG introduces the recently developed climate change curriculum in American Samoa schools.
- NOAA, USFWS and the American Samoa CRAG focus not solely on education and outreach to build community capacity related to climate change impacts, but also involve local community members to monitor areas, gather information and help create ecosystem models based on the American Samoa environment.
- NOAA request VMS information from the WCPFC for all vessels that enter the US EEZ around American Samoa and monitor vessels that are transiting close to areas such as Rose Atoll and Swains Island that have particularly sensitive coral reef habitat.

- Fagatele Bay National Marine Sanctuary, DMWR and USFWS evaluate the potential safety issues of implementing a no-take MPA in American Samoa.
- The Council works with the DMWR, the Port Authority, the local Department of Commerce and the Office of Samoan Affairs and other partners to hold a workshop this year to assess the different uses and users of Pago Pago Harbor and to initiate a CMSP process to help address some of the existing conditions within the harbor.
- The Council directs its staff to work with TriMarine, American Samoa Community College and fishermen from Tutuila and Manua and Swains to develop a Fisheries Training Program that includes vessel financing, vessel safety, fishing techniques and fish handling.
- American Samoa Power Authority works to reduce energy costs and improve energy production efficiency that will benefit residents, businesses and the continuity of the canneries.
- Do not make any changes to the closed area around Tutuila, Manua Islands nor any changes to the large vessel prohibited area around Swains Island.
- The Council urges the NMFS to expedite their information-gathering process and to secure disaster relief funding in 2011, especially given the current opportunities for fisheries development relating to TriMarine's Fish Export Plants, as well as Council's funding support for fisheries development projects.

There were no comments or questions.

#### **K. SSC Recommendations**

Severance reported there are no formal recommendations on this agenda item.

#### **L. Public Comment**

**Henry Seseapasara**, Legislative Representative from the Village of Pago Pago, thanked the Council and DMWR for providing the opportunity of the development projects in the Manua Islands and for including the people in the Council process. He spoke in favor of the AP recommendation for the boat ramp project at Lion's Park as an option for use for emergency access in the event of a disaster which leaves the roadway impassable. He did not support the modification to the large pelagic vessel area closure as it will take away fishing area for the Manua Island fishermen and with the TriMarine providing a fresh fish market for the fishermen to resume longlining and sports fishing opportunities. He suggested a discussion be held with the indigenous fishermen and the longliners.

**Jennings** thanked the Council for the attention being brought to Swains Island, which has been overlooked when it comes to the economic benefits it has contributed. A video was played of the conditions on Swains after Hurricane Wilma, solutions are sought to bring the recognition and assistance Swains Island deserves. Residents were

evacuated on December 28th due to the lack of an adequate warning system and will return as the hurricane season is ending. As a counterproposal to the modifications to the large pelagic vessel area closure, set aside compensation from the fish caught for the residents of Swains Island.

**Thompson** voiced his support for the opportunity that exists presently to develop the American Samoa fishing industry. He encouraged more USCG safety training and suggested a pilot project that provides financing of 50-foot fiberglass multi-purpose boats that can bottomfish or longline and have a large enough capacity to make fishing economically feasible.

Itano pointed out Steve Beverly, fisheries scientist and fisherman, in the audience, who is very knowledgeable in boat design.

Duerr suggested charter boats will also contribute to a successful fishing industry.

## **M. Council Discussion and Action**

### Final Motions:

*In Regards to Climate Change Education and Outreach, the Council:*

- 1. Recommended the American Samoa Coral Reef Advisory Group introduce the recently developed climate change curriculum in American Samoa schools.**

Moved by Haleck; seconded by Sablan.

Motion passed.

*In regards to building community capacity related to climate change impacts, the Council:*

- 2. Recommended NOAA, USFWS and American Samoa CRAG not solely focus on education and outreach, but also involved local community members to monitor areas, gather information and help create ecosystem models based on the American Samoa environment.**

Moved by Haleck; seconded by Sablan.

Motion passed.

*In regards to monitoring foreign vessels that may travel through the US EEZ around American Samoa and close to areas with sensitive habitat, such as Rose Atoll and Swains Island, the Council:*

- 3. Recommended NOAA request VMS information from the Western and Central Pacific Fisheries Commission for all vessels that enter the US EEZ around American Samoa and for NOAA and USCG to monitor vessels that are transiting close to such areas.**

Moved by Haleck; seconded by Sablan.

Motion passed.

*In regards to impacts related to fishermen safety from no-take MPAs in American Samoa, the Council:*

- 4. Recommended the Fagatele Bay National Marine Sanctuary, DMWR and USFWS evaluate the potential safety issues of implementing no-take MPAs in American Samoa.**

Moved by Haleck; seconded by Sablan.

Motion passed.

*In regards to coastal and marine spatial planning, the Council:*

- 5. Directed staff to work with the DMWR, Port Authority, Department of Commerce, Office of Samoan Affairs, Environmental Protection Agency and other partners to hold a workshop this year to assess the different uses and users of Pago Pago Harbor and to initiate a CMSP process to help address some of the existing conditions within the harbor.**

Moved by Haleck; seconded by Sablan.

Motion passed.

*In regards to the revitalization of the small vessel pelagic fleet, the Council:*

- 6. Directed staff to work with TriMarine, American Samoa Community College, DMWR and fishermen from Tutuila, Manua and Swains Island to develop a fisheries training program that includes vessel financing, seamanship, pilot licensing, vessel safety, fishing techniques and fish handling.**

Moved by Haleck; seconded by Sablan.

Motion passed.

*In regards to the high energy costs for American Samoa residents, businesses and canning industry, the Council:*

- 7. Recommended the American Samoa Power Authority work to reduce energy costs and improve energy production efficiency in American Samoa that will benefit American Samoa residents, businesses and help assure the continuity of the canneries.**

Moved by Haleck; seconded by Sablan.

Motion passed.

*In regards to the disaster relief funding from impacts of September 29, 2009, tsunami, the Council:*

- 8. Directed staff to send a letter to NMFS urging it to expedite its information gathering process and to secure funding in 2011 given the current opportunities for fisheries development related to TriMarine's plans for fresh fish export and the Council's funding support of the MCP projects.**

Moved by Haleck; seconded by Sablan.

Motion passed.

*In regards to the proposed Lion's Park boat ramp being funded by the Council in coordination with DMWR, the Council:*

- 9. Recommended that DMWR work with the local boating community to address concerns raised by the AP related to vessel safety, dredging and potential siltation in the project area, as well as prepare outreach and education material related to the new boat ramp, and to note that the proposed boat ramp will facilitate emergency response operations.**

Moved by Haleck; seconded by Tulafono.

Motion passed.

*In regards to the Fagatele Bay National Marine Sanctuary Management Review Process and proposal for additional sites, the Council:*

- 10. Recommended that the National Marine Sanctuary Program translate their proposals in to Samoan, as well as publish public meeting announcements related to their Management Plan Review Process in Samoan local newspapers.**

Moved by Haleck; seconded by Tulafono.

Motion passed.

*In regards to fisheries development in American Samoa, the Council:*

- 11. Directed staff to work with DMWR, local agencies and local businesses to establish a fresh fish market on the west side of Tutuila benefiting both fishermen and seafood consumers that live on that side of the island.**

Moved by Haleck; seconded by Tulafono.

Motion passed.

*In regards to CMSP, the Council:*

- 12. Directed staff to work with partners, such as the American Samoa Department of Commerce, to submit an article in Samoan and English to the local newspaper describing the National Ocean Council's request of public comments related to the development of Strategic Action Plans for the Nation's National Ocean Policy, which is a recent Federal Register Notice.**

Moved by Haleck; seconded by Tulafono.

Motion passed.

*In regards to ecosystem monitoring, the Council:*

- 13. Recommended that NMFS work with DMWR to collect environmental data in American Samoa, for example, pH levels, through adding sensors to existing offshore buoys.**

Moved by Sablan; seconded by Sablan.

Motion passed, with one vote of abstention by Tosatto.

*In regards to aquaculture development, the Council:*

- 14. Directed staff to work with StarKist and TriMarine to help local aquaculture operations acquire the protein-rich fish meal that is produced at these canneries.**

Moved by Haleck; seconded by Sablan.  
Motion passed, with one vote of abstention by Tosatto.

*In regards to improving fisheries data collection in American Samoa, the Council:*

- 15. Directed staff to continue to work with DMWR and NMFS on the following:**
- A) Hire a data manager to ensure the quality, data processing and integration of the fishery data collection programs:**
  - B) Increase data collection coverage throughout American Samoa.**
  - C) Conduct data validation of the creel surveys on the appropriateness to new management mandates, like ACLs.**
  - D) Conduct baseline data collection as related to MPA establishment.**
  - E) Explore options for incentives to encourage participation in the data collection program.**

Moved by Haleck; seconded by Sablan.  
Motion passed, with one vote of abstention by Tosatto

*In regards to obtaining evidence of ciguatera in American Samoa, the Council:*

- 16. Directed staff to work with DMWR to conduct a survey of the fishing community to gather anecdotal evidence of ciguatera, other toxins and histamine in various areas of American Samoa, including imported reef fish in local markets.**

Moved by Haleck; seconded by Sablan.

Tulafono noted anecdotal information has been collected regarding ciguatera. Sabater clarified this is referencing gathering information from the public health records.

Duenas asked if information on fish imported from Western Samoa will be covered also. Sabater replied in the affirmative.

Itano suggested including the review of previous studies and a community survey to gather possible incidents of ciguatera poisoning.

Sablan pointed out there are other toxins as well as histamine poisoning that have very similar symptoms.

Tosatto noted he will abstain, as there is a potential for request for resources.

Motion passed, with one vote of abstention by Tosatto.

*In regards to compensation to families of commercial fishermen that are killed in the line of work, the Council:*

- 17. Directed Council staff to work with DMWR and other partners to identify opportunities for funding compensation to families whose family members have been killed while commercial fishing.**

Moved by Haleck; seconded by Sablan.  
Motion passed.

## **8. Mariana Archipelago**

### **A. Arongo flaeey**

Dela Cruz reported that the Fisheries Research Section (FRS) continued to review samples and catches to be added to the project checklist of fisheries in the CNMI that tracks records of fish observed by researchers or caught by fishermen at all islands and banks in the CNMI. Currently 1,261 species of fish have been listed for the CNMI. FRS began planning underwater visual surveys of fisheries resources in all CNMI MPAs. Dela Cruz also reported that the inshore and boat-based creel surveys are successfully operating and is planned to expand to the Islands of Tinian and Rota.

Based on the 2007 reef food fish re-survey, as well as data from other sources, the FRS derived an estimate of total allowable catch (TAC) for reef fish resources in Saipan Lagoon for use in supplying harvest levels for net use exemptions. Another survey is scheduled for the Saipan Lagoon. The FRS began preparation of a manuscript evaluating the effectiveness of implemented net use restrictions for submission to a peer reviewed journal. This manuscript is being developed with the assistance of NOAA PIRO and NOAA PIFSC personnel.

FRS applied for a permit from the USCG for the installation of the marker buoys of the boundaries of the Managaha Marine Conservation Area (MMCA). Issues arose regarding positioning of the boundaries near the Tanapag Channel. Initial installation tests were conducted to determine the feasibility of using sand anchors at the marker sites. FRS has worked with the CNMI Coastal Resource Management Office (CRMO) to obtain permits for the MMCA marker buoys.

FRS deployed two more FAD systems over the past months, and six more are planned for deployment, as well as solar-powered navigation lights, which are due in by the end of March. There are five active FAD systems around Saipan, Tinian and Rota. FRS retrofitted two FAD systems with a sensor system to be deployed soon.

### **B. Isla Informe**

Duenas referred Council members to the written report for Guam.

### **C. Legislative Report**

Dela Cruz reported that House Bill 17-94 on shark finning was passed and signed into law. It is now Public Law 7-27, with penalties between \$5,000 to \$30,000 and imprisonment for not more than six months. HR 670 on CNMI submerged lands was introduced in the US Congress, which would convey submerged lands from 0 to 3 miles from shore around each of the Northern Mariana Islands back to the people of the islands. The 111th Congress ended without any action.

Duenas reported the Guam shark bill will have a big impact on the fishing community. The Senator stated there was empirical data that the sharks around the waters of Guam are vanishing. He pointed out there is no directed shark fishery, no one targeting sharks, no longline fishery. A NMFS representative gave testimony at a public hearing in support of sharks vanishing in Guam waters to a bill regarding shark finning. Her testimony was based on a towed diver survey conducted once a year for one week during the wintertime. He added none of the information was reviewed by PIFSC. The recent BRAV experiments were cited, as well as information from two aerial surveys conducted twice a month. There was no mention that there was no landing of sharks. He added if the Agency is asked to provide testimony on a bill he would hope the testimony would be germane to the bill in question. He added fishermen still ask scientists to research the overpopulation of sharks around Guam. Duenas also expressed concern about the way the science is applied, and there is no review of the science. He is very suspect of the numbers provided by the Agency, which can be easily manipulated to serve a cause rather than to serve science. He said it is unfair for the people of Guam, the Marianas or the Western and Central Pacific to suffer through misguided scientific methodology.

### Discussion

Tosatto objected to most of Manny's comments and he tries to be responsive, but when an e-mail or a conversation degenerates to a certain level he will cease being responsive until the discussion returns back to a level of decorum, and hoped to do so on this issue. When the Agency is requested to provide support to a state or territory or commonwealth management agency, the Agency cannot advocate either side of an issue or tailor a response to advocate for fishing or conservation. Only the information can be provided. In this case the information requested pertained to sharks in the ecosystem and information on populations of sharks around Guam. What was provided was information about the shark in the ecosystem as the top apex predator level, a limited view of some time series data on aerial surveys, BRAVs and other work that provided a snapshot view of the shark population around Guam. Tosatto stated he sincerely hopes they can get back on track in this discussion, look at what occurred, why it occurred, how it occurred and look to move forward on this and other issues.

Duenas further clarified the testimony was given at a legislative public hearing for a shark finning bill where the person testified on the population dynamics as presented by NOAA, which was not germane to the discussion and there is a low level of effort for the Agency to work with the community.

### **D. Enforcement Issues**

Dela Cruz reported that two cases were cited for illegal fishing in the Sanctuary since the last Council meeting. One involved fishing inside the Bird Island Sanctuary where nine spiny lobsters, assorted reef fish and fishing equipment were confiscated from three individuals. The other involved fishing inside the Tank Beach Sanctuary, where sea crabs, assorted reef fish and fishing equipment were confiscated. Both incidents are still under investigation.

Dela Cruz said enforcement officers participated in the Council's Mariana Archipelago Green Turtle Workshop held on Saipan.

Duenas referred Council members to the written enforcement report for Guam.

### Discussion

Tucher reported the Shark Conservation Act of 2010 throws into doubt a number of issues concerning some preemptive effects of the existing federal regulations. The new law requires that sharks be landed whole with their fins attached, including the tail. There are no regulations issued for the new federal law at this time. Until there are new regulations implementing the statute, the answer to the preemptive effects of local laws remains unanswered.

Simonds asked if the law will say fishing for sharks is not allowed, which would be the same as the State of Hawaii law. Tucher replied in the negative, as sharks are a Management Unit Species (MUS), which carries restriction the shark must have fins and tail attached.

Simonds asked how CNMI intends to enforce the new CNMI regulation as any sharks caught there would be in federal waters. Dela Cruz replied as yet there is no regulation to accompany the law. The Department of Public Safety is to assist in enforcement.

Tosatto pointed out the local laws would need to be interpreted by the local jurisdictions. The federal law allows for the take of sharks within the fisheries. The provision of the Shark Finning Prohibition Act prevents the possession of fins onboard a vessel separate from the shark carcass.

Duenas clarified in Guam the law prohibits landing of the shark and the federal law says you may be in possession of the shark, but not its fins, which is very confusing.

Tucher agreed with Tosatto's statement that the jurisdictions must make the interpretation of their own regulations. There is an effort to avoid conflict in laws and allow the state the opportunity to interpret their laws and the federal government to interpret its laws. There is a potential problem only when you get to a point of absolute conflict and you cannot comply with both.

Sablan clarified the CNMI Public Law 17-27 allows people to harvest shark, incidental shark, to take home to eat, which is a conflict with the federal law. He asked Tucher, which law should the residents of CNMI follow? Tucher replied CNMI should be given the opportunity to interpret its laws. He added there are a number of iterations you could come up with that would not violate both. He also noted that he did not have the law available to read. Sablan asked for a legal opinion for the Council, emphasizing Dela Cruz's statement that the CNMI is the only US territory without state waters.

Martin stated that the CNMI law mirrors the Hawaii law, that the shark must be landed whole, with the definition of whole and head on, which basically is a waste of a resource. He suggested the Council should work with the State of Hawaii to get a definition.

Simonds asked how fishermen currently land sharks. Duenas replied Guam lands a shark carcass. Martin replied sharks are landed at the auction with the head off, guts out and fins attached. He noted the State of Hawaii definition contained in the State law defines whole as with the head attached, which creates a problem.

## **E. Community Activities and Issues**

### **1. Community Monitoring Activities**

Duenas referred the Council Members to the written report on Community Monitoring Activities.

### **2. Shoreline Access Restrictions in Relation to Fishermen Deaths**

Charles Kaaiai, Council staff, reported on research conducted in December 2009 by Jennifer Lincoln and Devin Lucas of the Centers for Disease Control, the National Institute of Safety and Occupational Health (NIOSH ) requested by the Council and the community. Items of the study included the following: 1) Did a loss of inshore fishing grounds put fishermen at greater risk? 2) Has the drowning of the fishermen changed after the establishment of MPAs? 3) Whether the location of drowning changed after the establishment of MPAs?

The results revealed there were 316 drowning deaths in Guam during the study period; 68, or 22 percent, were identified as residents of Guam. Thirty-nine of the fatalities were Chamorro fishermen; 29 were non-Chamorro deaths. Although the MPAs did not affect the aggregate drowning rate, MPAs affected the drowning rates of the two subgroups differently. For Chamorro fishermen, the drowning rate increased 125 percent. For non-Chamorro fishermen living in Guam, the drowning rate decreased by 50 percent. There was a substantial change in the location of the drowning deaths for Chamorro fishermen. Pre-MPAs, 20 percent of the drowning occurred on the East Coast, the more dangerous side of the island due to ocean conditions. Post-MPA, 63 percent of the drowning occurred on the East Coast. The conclusion noted that the residents of Guam fished mostly on the protected West Coast. Non-Chamorro residents of primarily recreational users scaled back their fishing activities when MPAs were created. Chamorro residents are more dependent on fishing activities; when the MPAs were created, they traveled farther and fished in more hazardous conditions and locations, which resulted in a higher risk of drowning.

There were no comments or questions.

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

Kaaiai reported that on January 27 and 28, 2011, a Traditional Lunar Calendar Workshop was held in Saipan. The workshop included discussion as to the best way to present traditional information on the lunar phases and how different indigenous cultures in the Pacific use the lunar calendar. Information used in the calendars cover oceanic, terrestrial conditions and moon phases. There was also discussion about creating a template to be used to present lunar calendars to communities. In conclusion, it was found the calendar inspired participants to continue producing calendars because there was more interest. It promoted cultural activities and the use of indigenous languages as well as an awareness of the ecosystem. The Council continued to encourage people to produce different lunar calendars in hopes of coming to a common language in describing these activities and to use the calendar as a tool for fishery and natural resource management. There was a request to continue this discussion as a biennial workshop series.

There were no comments or questions.

### **4. Report on the Marianas Aquaculture Workshop**

DeMello reported that on January 26 and 27, 2011, the Council partnered with the Northern Marianas College Cooperative Research Extension and Education Service (NMC CREES) to hold an Open Ocean Cage Culture Symposium at the Saipan World Resort. The workshop stemmed from a meeting between the Council staff and NMC CREES back in August 2010 and was proposed at the Council's 149th meeting. The NMC provided the logistics and the site. The Council provided the expert presentations from Randy Cates, Neil Sims, John Corbin, Yoon Kil Lee, John Gourley and John Brown. There was a pre-workshop tour with Council member Sablan to look at aquaculture in Saipan. Old garment factories could be an option for land-based aquaculture. More than 200 persons participated in the symposium, which included video conference with Rota and Tinian and webcasting. The speakers provided background on regulations, business aspects and examples from Hawaii. The workshop concluded with a panel discussion.

Outcomes of the workshop include the following: 1) The House vice chair is to provide a resolution on open ocean cage aquaculture in CNMI; 2) Effort to collect oceanographic data on potential sites; 3) Develop a small-scale offshore aquaculture pilot project, such as inside the lagoon as opposed to outside; 4) Produce aquaculture development plans for Guam and CNMI; 5) Have fisheries and aquaculture developed in CNMI as part of the MET Program; and 6) Support the development of marketing and shipping for products, as shipping costs are very high.

#### Discussion

Itano asked if consideration was given to a business plan and the possibility of this development in Guam and Saipan. He also asked about the species being considered. He said it did not seem very viable and wished the wild fisheries would be managed

better rather than putting money into this area. DeMello replied rabbitfish because there's a natural recruitment there and also moi.

Duenas noted the only feasible area in CNMI is around Farallon de Medinilla (FDM). In Guam there is a hope to do a rabbitfish nursery to alleviate problem with invasive algae.

#### **F. Update on Military Activities**

Duenas reported the fishermen are routinely dislocated when the military conducts target practice at bottomfish fishing grounds. In the last two years there were 67 announcements for the use of Whiskey 517. There was a recent announcement in the *Marianas Variety* for 48 F-15s to train on Guam. There is no consideration for seabirds or fruit bats, which have a very small population. There are many concerns, which will continue for a decade.

#### Discussion

Tosatto commented the Agency is distressed that the DOD dismissed two of EFH recommendations. Under the MSA, the recommendations made do not carry the force of law, as they would under an Endangered Species Act (ESA) consultation. He stated he intends to continue to address these issues with DOD, and there are still ongoing discussions through a Coordinating Committee. There is more work to do with DOD and engage with the community at the same time.

Duenas said there seems to be a movement to create more and more legislation on Guam because of the military movement. He expressed concern about the cumulative effect on the community.

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

This agenda topic was deferred to be reported under another agenda item.

#### **H. Marine Conservation Plan**

Dela Cruz reported that, sometime in 2011, the Council will be amending the CNMI MCP. Currently, 22 MCP projects are listed, and work has begun on some of them. When the amendment to the MCP is completed, the Governor will review and prepare it for introduction to the Council, possibly in October.

Duenas reported there is a new Administration in Guam, which is not yet familiar with the MCP and is presently dealing with the military buildup and major issues with the economy. One staffer is dedicated to work on the document. There is a letter from the Governor recommending three projects that will be incorporated into the final plan, which will be available for the Council at its June meeting.

There were no comments or questions.

### Council Aside:

Tucher reported that the Executive Session that was closed to the public for 20 minutes prior to lunch concerned Amendment 18, and no action was taken.

#### **I. Mariana FEP AP Recommendations**

DeMello reported the FEP AP recommendations as follows:

- The Council in the development of marine spatial planning ensure marine spatial planning considers the safety of human life at sea.
- The Council requests the federal government to mitigate the deaths of fishermen on Guam by providing funding for additional Fire/Rescue Units on the east side of Guam.
- The Council requests that PIRO provide funding to the CNMI Turtle Program in light of Section 6 proposal not being funded and budgetary funding cutbacks and identify other funding for this program.
- The Council requests that NMFS expand the Guam Life History Collection Program to provide additional staff resources to collect samples.
- The Council provides assistance to the CNMI community to determine methods to work with the military to mitigate effects of firing range closures on the fishing community and to regain control of FDM.
- The Council requests that PIRO Protected Resources assess the potential impacts caused by the dumping of dredge material on the spinner dolphin population around Guam.
- The Council look into shark harvest regulations in Guam and CNMI to determine the right course of action to both increase of protection of sharks from finning and allow the harvest of sharks for a potential fishery and indigenous/cultural take.
- The Council provides reports on outcomes of fishery research in Guam and the CNMI, such as biosampling, data results of cooperative research, economic surveys, etc. at future meetings as available.
- The Council holds an annual meeting of all of its AP members to provide training, to review the responsibilities of the AP and to determine if the AP is meeting its mandate.

### Discussion

Duenas stated the community is concerned the impact to the local spinner dolphin population and other cetaceans the dredge dump site will have.

## **J. Mariana FEP Plan Team Recommendations**

Mark Mitsuyasu, Council staff, reported the FEP Plan Team recommendations as follows:

- Direct staff to support outreach efforts to Mariana fishermen to increase fishermen participation in current Mariana data collection programs.
- Endorse the modified Mariana Islands Annual Report Structure as included in the Plan Team Report, Appendix 1.
- Support the proposed annual Plan Team meeting schedule, as funding permits, to initially review and analyze available data from previous year during the first quarter of the following year with a follow-up meeting to finalize interpretations at a Joint Plan Team meeting in Honolulu prior to the annual mid-year June Council meeting.
- Support conducting an external review of the Mariana Islands creel survey and data management program to determine the validity of this information for preparing stock assessments and for its use of management.
- Support the following prioritized proposals to improve the fishery data collection for stock assessments in the Marianas:
  - Regarding staff training to enhance fish identification skills, fund efforts to utilize electronic coral reef identification tools developed by the Coral Reef Ecosystem Division (CRED); hire an external contractor to provide support, training and coordination; and create a waterproof key for species identification, which will be useful during field operations.
  - Regarding bolstering the biosampling program, supports the contracting of one full-time equivalent (FTE) to support the existing biosampling staff in Guam.
  - Regarding additional support for the creel surveys, augment the number of survey days to offset those lost from government furloughs in CNMI. For Guam, supplement the Division of Aquatic and Wildlife Resources (DAWR) staff with one FTE dedicated to conducting creel surveys. Work with village mayors governing villages with large fishing pressure and explore alternate means of data collection.
  - Regarding additional support for data processing, contract one FTE to process the fishery voluntary data collected by the Guam Fishermen's Cooperative Association (GFCA) in Guam and to provide funds to print the voluntary logbooks used for this program.

### Discussion

Duenas supported the recommendation to bolster the biosampling program as there is too much to do for one person. He said there are hopes the logbook program will

keep expanding, and the fishing community is looking forward to the information being analyzed.

Tulafono asked for clarification on the amount of days being furloughed. Mitsuyasu replied there is one furlough day a week, and, weeks with holidays, there would be two furlough days. Dela Cruz further clarified the pay periods were 64 hours per pay period and now down to 57 hours per pay period and holidays are unpaid and includes federally funded positions. Tulafono voiced support for the recommendation. Sablan noted because people are working less, they are fishing more.

#### **K. Mariana FEP REAC Recommendations**

Duenas reported the Guam FEP REAC recommendations as follows:

- The Council looks at ways to support through its fishery development program the rebuilding of a boat ramp at Ylig, which is scheduled to be removed due to a bridge expansion.
- The Council sends a letter to the appropriate agencies on Guam regarding the clarification of public access times to parks and beaches.
- The Council develops NIOSH follow-up studies to the NIOSH report to determine additional factors in drowning, such as weather conditions, current swimming ability, etc. and provide recommendations to improve safety at sea.
- The Council assists Guam fishermen in developing a memorandum of understanding (MOU) with the military to recognize or acknowledge fishing rights on Guam.
- The Council supports a cooperative community project to develop a better relationship between the Guam fishing community and the DAWR.
- The Council works through the Mayors' Council on Guam to develop community-based fishery ecosystem monitoring and management plans to enhance community participation on fisheries management.

There were no comments or questions.

Sablan reported the Joint Guam Program Office was invited to participate in the REAC FEP meeting in CNMI, but they declined.

Sablan reported the CNMI FEP REAC recommendations as follows:

- The Council keeps the REAC abreast about CMSP and invites Laura Hamilton, NOAA regional coordinator, to provide a presentation to the CNMI on CMSP and other NOAA regional efforts.
- The Council assists the CNMI with developing a formal discussion with the military on future plans for FDM.

- The Council inquires with the federal government about the status of the Marianas Trench MNM Visitors Center and available funding for it.
- The Council recommends that NMFS to expand the Biosampling Project to include fish from all of CNMI and provide resources to do so.
- The Council's ACLs for CNMI be set at a level that allows CNMI to obtain the maximum benefit from the resources, as fishing in the CNMI is occurring well below the maximum sustainable yield (MSY).
- Develop a community-based co-management plan to assign catch shares if the Council chooses to use this management tool.
- The Council supports the development of a longline fishery and fishery economic development in the CNMI through feasibility, marketing and shipping studies. These studies would also look at the process of docking some boats in Guam and find a way to reduce costs and streamline the process.
- The Council works with CNMI to investigate the feasibility of a shark fishing industry.
- The Council assists CNMI in holding scoping meetings to update CNMI MCP before it is approved by the Council.

Discussion:

Duenas asked if the CNMI is getting additional funds for the use of FDM and the expanded use from 3 to 10 miles offshore. Sablan replied that he had no such knowledge as to whether there were additional funds.

Duenas noted that Tinian and FDM, specifically waters adjacent to FDM, are part of the Air Combat Element (ACE) Agreement, and the federal government does recognize that CNMI owns the water because it specifically says, adjacent waters of FDM. He was curious if CNMI will be compensated for the loss of those additional seven miles of resources, and, if not, the CNMI government should investigate the situation.

**L. SSC Recommendations**

Severance reported the SSC recommendations as follows:

- Notes the various recommendations in the Plan Team report and specifically recommends that the Marianas CNMI Plan Teams develop clear Terms of Reference for the proposed creel census data review.
- Notes and has no objection to the various recommendations in the AP report.
- Notes and has no objection to the various recommendations in the REAC meeting reports.
- Thanks Dave Hamm, PIFSC Fisheries Research and Monitoring Division, Fishery Monitoring Branch, for an informative presentation on biosampling.

There were no comments or questions.

**M. Public Comment**

There were no public comments.

**N. Council Discussion and Action**

*Regarding the Mariana Archipelago Plan Team recommendations, the Council:*

- 1. Directs staff to support outreach efforts to Mariana fishermen to increase fishermen participation in current Mariana data collection.**
- 2. Endorses the modified Mariana annual report structure as included in the Plan Team report, Appendix 1.**
- 3. Supports the proposed annual Plan Team meeting schedule as funding permits to initially review and analyze available data from previous year during the first quarter of the following year with a follow-up meeting to finalize interpretation at a joint Plan Team meeting in Honolulu prior to the annual mid-year June Council meeting.**
- 4. Supports conducting an external review of the Mariana Islands creel survey and data management program to determine the validity of this information for preparing stock assessments and its use in management, e.g., ACLs Data Workshop recommendation 14.**
- 5. Supports the following prioritized proposal to move the fishery data collection for stock assessments in the Marianas:**
  - A. Regarding staff training to enhance fish identification skills, fund efforts to**
    - 1) Utilize the electronic coral reef identification tool developed by CRED;**
    - 2) Hire an external contractor to provide support, training and coordination;**
    - 3) Create water proof key for species identification which will be useful during field operations.**
  - B. Regarding boosting the biosampling program, supports a contracting of one FTE to support the existing biosampling staff, Eric Cruz, in Guam.**
  - C. Regarding additional support for creel surveys:**
    - 1) Augment the number of survey days to offset those lost from government furloughs in the CNMI;**
    - 2) For Guam, recommends supplementing DAWR staff with one FTE dedicated for conducting creel surveys and supports**

**working with the Village Mayors governing villages with large fishing pressures and explore alternate means of data collection.**

- D. Regarding additional support for data processing, recommends contracting one FTE to process the fishery voluntary data collected by GFCA in Guam and provide funds to print the voluntary logbooks used for this program.**

Moved by Sablan; seconded by Dela Cruz.

Tosatto asked for clarification as to whom the recommendation is directed. Mitsuyasu replied a solicitation for resources was sent out and there are some project funds available, but funds will be sought where possible as activities increase.

Duenas recommended hiring the DAWR FTE from the fishing community.

Motion passed.

*Regarding the Mariana Archipelago AP recommendations, the Council:*

- 6. Will facilitate consideration of the safety of human life as it moves forward in CMSP efforts.**
- 7. Directs staff to request the appropriate federal agency to provide funding for additional fire/rescue units on the east of Guam to help mitigate the deaths of fishermen along that remote coast.**
- 8. Directs staff to provide assistance to the CNMI community to determine the best approach to work with the military to mitigate the effects of firing range closures on the fishing community and to facilitate the return of FDM to the government of the CNMI.**
- 9. Directs staff to work with the fisheries research agencies and organizations to provide reports on the outcomes of fisheries research in Guam and CNMI, for example, biosampling, catch data results, cooperative research, economic surveys, etc., at future advisory group meetings as available.**
- 10. Convene an annual meeting as funding permits of its AP to provide training, review responsibilities and evaluate member performance.**

Moved by Sablan; seconded by Dela Cruz.

Tulafono asked for clarification as to whether the Recommendation 10 applied to AP members in the Marianas. Duenas replied the recommendation refers to all jurisdictions of the Western Pacific Region.

Motion passed.

*Regarding the Guam REAC recommendations, the Council:*

- 11. Directs staff explore options with Federal Highway Administration to re-establish the boat ramp in Ylig Guam.**
- 12. Requests the Guam Visitors Bureau and other agencies to clarify their respective rules and schedules for public access in the coastal parks and other public areas around Guam.**
- 13. Thanks Devin Lucas and Dr. Jennifer Lincoln of the Center for Disease Control and Prevention NIOSH for completing the study “The Impacts of MPAs on the Safety of Fishermen on Guam” and looks forward to the final publication. The Council also requests that follow-up studies be conducted addressing public comments heard on other social and economic factors that may improve the findings of this report.**
- 14. Directs staff to assist Guam fishermen in developing an MOU with the military to address impacts of military activities on the Guam fishing community. Staff should also contact Civilian Coordination Council to request membership for the Council and Guam fishermen.**

Moved by Sablan; seconded by Dela Cruz.

Palawski noted shortage of staff at the Guam Refuge and makes efforts to use radio announcements regarding hours of operation and closures. Duenas suggested using a flag at the entrance.

Tosatto expressed support for the reestablishment of the Ylig boat ramp. Caputo also expressed support. Duenas noted a letter stating their support could assist the government of Guam and Federal Highway Administration addresses the ramp at Ylig.

Motion passed.

*Regarding the CNMI REAC recommendations, the Council:*

- 15. Directs staff to inquire with the appropriate federal agencies the status of the Marianas Trench MNM Visitors Center funding and activities.**
- 16. Requests NMFS to expand current Biosampling Project on Saipan to collect biosamples on Rota and Tinian.**
- 17. Supports the CNMI REAC recommendation on the application of ACLs and catch shares in the Marianas fisheries to consider the following:**
  - A. That any catch share allocation be administered through the community.**
  - B. That a community-based management or co-management plan for ACLs and catch shares be developed if necessary to operate under no limits given to the low number of fishermen fishing in the Marianas at the present.**

- C. That the ACLs be set at a level where it can allow CNMI community to obtain potential economic benefits from its fishery while still allowing ACL meet its required purpose.
18. Supports the development of a longline fishery in CNMI. Encourages that feasibility, marketing and shipping studies be completed to support fishery economic development in CNMI. These studies would also look at streamlining the process to enter and dock fishing boats in Guam and explore ways to reduce associated costs.
  19. Directs staff to assist the CNMI government in holding wider public meetings to provide updates on the CNMI MCP before it is processed for formal review and approval.
  20. Recommends NMFS review the existing scientific shark literature to assess if the population status of the shark in the Marianas is depleted and if depleted identify the source of that depletion. The Council looks forward to the report on this review at its June Council meeting.

Moved by Sablan; seconded by Dela Cruz.  
Motion passed.

**9. Public Comment on Non-Agenda Items**

There was no public comment offered.

**10. Hawaii Archipelago**

Itano noted a letter acknowledging the approval of Amendment 2 to the Hawaii FEP extending the fishing moratorium on Hancock Seamount indefinitely.

**A. Moku Pepa**

Martin reported that approximately 10 boats are active in the swordfish fishery, with reasonably good catches and loggerhead turtle interactions reasonably bad. Tuna fishery is fishing from the Palmyra EEZ to north of Maro Reef with reasonably good catches.

Duerr reported fishing has been sporadic with low mahimahi prices. Fishermen are concerned with the proposed deepwater aquaculture operations off the northwestern coast of the Big Island for such things as disease, fish escaping and the location.

Oishi reported that there is evidence of a larger recruitment of striped marlin around Hawaii this year, as large numbers of small striped marlin have been showing up since January. He noted that the confirmation of William J. Aila Jr. as the DLNR director and said the Division of Aquatic Resources (DAR) administrator recruitment process is near completion and the Division of Conservation and Resource Enforcement (DOCARE) chief's process will begin again.

Oishi noted that the bottomfish TAC is approaching. Regulatory agencies met to determine a closure date, set for March 12th when the TAC is expected to be reached. As of March 4th the estimated catch is 97 percent of the TAC. Public notices went out in February. He said federal and state staffs are working to implement trip reporting requirements for the next fishing season.

He also reported that a five-year report of the aquarium fishery was submitted to the legislature and is available on the DAR website. The West Hawaii fishery represents 75 percent of the aquarium fishery in the state.

### Discussion

Duenas noted a decrease of striped marlin off the Baja coast and asked for an opinion as to the stock status of striped marlin. Itano replied he is hopeful results from an ongoing satellite tagging of striped marlin project will provide information on the stock structure.

### **B. Legislative Report**

Oishi reported 42 bills of interest to the Council were introduced at the 2011 Legislature, subjects ranging from aquarium fishing, fishing regulations, bag limits, opihi, shark feeding, and budget and administrative matters. Only seven bills remain active. He said Senate Bill (SB) 580, to ban commercial fishing for aquarium fish, was passed as amended. The Senate Draft (SD) 1 version proposes to establish two Marine Life Conservation Districts on Maui. SB 23, to establish an Aha Kiole Commission within DLNR, passed with technical amendment, and two companion bills are surviving.

### Discussion

Duerr asked for clarification on SB 120, which transfers earmark funds into the General Fund, as to the loss of matching funds. Oishi replied Senate Bill 120 was removed.

Simonds asked Oishi to keep the Council informed as to the status of SB 23.

Duenas asked for clarification as to the bill relating to the shark feeding bill. Oishi replied there were two bills related to shark feeding. The one that survived the longest had to do with bolstering the penalty. The bills did not survive.

Martin asked for an update on the ocean aquaculture project off Ewa Beach. Oishi replied he did not know enough about it to comment. Itano noted the project is a moi cage project and is dealing with litigation amongst the principals.

Itano requested an update on the shark feeding operations in the State of Hawaii be presented to the Council at the next meeting.

Dela Cruz asked about the process for reopening the fishery once it is closed. Oishi replied if the bottomfish fishery closes, federal regulations set the fishing year to begin on September 1.

Leialoha voiced her concern regarding the unfilled DOCARE administrative position as mandatory checks are unable to be conducted and the critical shortage of DOCARE officers on the Big Island. Oishi agreed. He added Randy Awo, the Maui Nui branch chief, is currently serving as the acting administrator.

### **C. Enforcement Issues**

No enforcement issues were reported.

### **D. Main Hawaiian Islands Bottomfish**

#### **1. Stock Assessment Review**

Pooley reported the stock assessment was in response to the reviews of the previous assessment by the Western Pacific Stock Assessment Review (WPSAR), but focused on the seven deepwater (Deep 7) bottomfish, assessing the MHI biomass independently, evaluating changes in effort and fishing power through time and new longer projections of bottomfish life span. In the 12 assessment scenarios, MSY ranged between 417,000 and 299,000 pounds. The baseline case was selected based on the best statistical fit and on the advice of the SSC. There was a definitive way of choosing scenarios. The assessment was able to backcast and looked at overfishing over time and was able to determine that there is no overfishing of the Deep Seven in the MHI today.

The objective of the assessment was to provide the SSC information for selecting a TAC and setting ACLs. Some of the details included in the assessment were a) assessment of the Deep Seven species (six snappers and hapuupuu); b) Whether to assess as individual species or a group; c) To identify the key biological parameters to provide the information for the management side of the federal government in collaboration with the State to provide sustainable harvest; d) Hawaii DAR commercial catch reports are the best available information; e) Number of short-term studies and more recent information were useful; and f) Fishery-independent scientific surveys were not available. The 2010 stock assessment included the main stock assessment, a review of unreported catches, which means basically underreporting by commercial fishermen and the non-required catch of recreational and subsistence, a look at catch per unit effort (CPUE) diagnostics. CPUE is an index of stock status and the association with environmental variables.

After a brief review of the Deep Seven bottomfish assessment through 2010, the four recommendations of the 2009 WPSAR included a) Construct noncommercial bottomfish catch histories; b) Develop standardized CPUE time series and ensure appropriate testing of CPUE uncertainty through sensitivity analyses; c) Develop an informative prior for intrinsic growth rate using metadata or other analyses; and d) Assess

the MHI Deep 7 bottomfish complex as a single stock unit. All four recommendations were addressed in the latest assessment.

Pooley presented several tables and graphs illustrating the various scenarios that were addressed and examples of what the assessment does.

### Discussion

Itano asked how much the TAC levels suggested MSY levels would change with the mid level scenario. Pooley replied the MSY in the baseline scenario, 417,000 pounds, with ramping up of fishing power goes down to 407,000 pounds, with a 1.2 percent continuous rise it goes down to 387,000 pounds. He added underreporting can have a more significant impact. Itano suggested sensitivity analyses may be useful.

Duenas asked for clarification as to the change in the biomass in the 1960s as illustrated on the slides. Pooley replied that the underlying dynamics of fishing pressure on the population could tell a reasonable story regarding the change in biomass, such as little to no fishing during World War II, then a slow rise in effort after the end of the war, and then tourism and a taste for the species becomes more popular. The drop may be due to the fact that the CPUE began to drop, high fuel prices, among other reasons.

Duerr suggested accounting for the amount of demand as well. Pooley agreed and noted PIFSC does a retail market survey of fish prices, as well as prices from the DAR catch and dealer reports, and he would be happy to do such an analysis if invited to do so.

Itano noted it appears the stock assessment is being used; the SSC has confidence in it; and it is a work in progress. Pooley agreed, noting the Region has one of the best stock assessment people in NMFS and refinements will continue to be applied.

## **2. Bottomfish EFH and HAPC**

Mitsuyasu provided an update on the Hawaii bottomfish EFH and HAPC designation efforts. PIRO contracted Chris Kelley to review new information to update the EFH and HAPC designations in the FEP related to Hawaii bottomfish. Kelley finished his work at the end of 2010 and presented the information to the SSC in February, as well as life history information and maps. The next step is to do an independent review of the information. Staff is working on coordinating the WPSAR-type review, tentatively scheduled for April 5 to 7 in Honolulu. The intent is to bring the findings of the review to the SSC and the Council at its next meeting. There is another contract out to review the habitat for bottomfish in American Samoa, CNMI and Guam. Kelly and Michael Park are working to develop that assessment.

## Discussion

Itano asked for clarification on the review process. Mitsuyasu replied that Bob Skillman, chair of the WPSAR Panel, will conduct the review. Some of NMFS staff members and others are working to identify reviewers to sit on the panel.

### **E. Community Activities and Issues**

#### **1. Hawaii Puwalu Report**

Kaai'ai provided a brief summary of the Hoo Lei Ia PaeAina Puwalu held in November 2010 at the Hawaii Convention Center. After reviewing briefly the background of the Puwalu series, he presented the following update. In 2010 a series of island and community meetings were held throughout the State of Hawaii to take the concept of traditional management of natural resources out to the community. On November 19 and 20, a Puwalu was held where the general public was invited to comment on the traditional system based on a natural land tenure system including various ahupuaa, moku and mokupuni. The Aha Kiole is a Molokai-specific concept that was adopted by the traditional practitioners. The moku system was a traditional means of management, having a system of chiefs, starting with the konohiki who managed all of the near-shore resources and terrestrial resources in each ahupuaa. The result of the Hoo Lei Ia PaeAina Puwalu was a broad and specific resolution, written in English and Hawaiian, which gave direction to the Hawaii State Legislature, which resulted in SB23, which intends to place the Aha Kiole Commission as part of the DLNR. SB23, SD1 is now going through the process.

In 2007 the native practitioners began to advise the Council with regard to the FEPs. The Aha Kiole Advisory Committee was created in 2007. Their report in 2009 identified the following five pillars of traditional management: 1) Adaptive management, which was a regulatory process; 2) A code of conduct, a nonregulatory process to support adaptive management; 3) Community consultation as part of the system of management; 4) Education, to establish a broad base of knowledge about environmental factors, natural resource management, natural and cultural resources; and 5) Eligibility criteria to participate in natural resource management which required site-specific generational knowledge. Benefits derived from implementation of traditional resource management into the current management regime includes sustainability, perpetuation of a long, continuous tradition, cultural practices, decentralization of natural resource management authority, participation of the community in resource management and creates community support for resource management.

There were no comments or questions.

## **2. Report on Scoping Meetings for Noncommercial, Catch Shares, ACL and other Council Initiatives**

Roy Morioka, Council contractor and fisherman, presented results of scoping meetings held throughout the State of Hawaii at fishing clubs and community groups, as well as one-on-one discussions, regarding noncommercial catch shares, ACLs, the National Saltwater Angler Registry (NSWAR), noncommercial fisheries data, CMSP, protected species concerns, removing marlin from the menu and community-based resource management. With regard to NSWAR, confusion and complaints continue about visiting family members and friends, noncommercial MHI bottomfish permit holders and inactive fishers. With regard to catch shares, there is interest in the New England experience with catch shares, Alaska's recreational fishing community seeking to buy commercial shares and the recent Congressional measure to unfund catch shares policy; there is fear of the potential threat posed to "mom and pop" small-scale operations. With regard to ACLs, there are questions about what species will be included, when it will go into effect and how commercial and noncommercial fishing communities and sectors will be affected. With regard to noncommercial data gap and unreported data gap, there have been comments about the critical need for data from all sectors for quality stock assessments, problems associated with data-poor scenarios and the problems with the recent Hawaii bottomfish stock assessment. Morioka pointed out that it is critical to engage the fishing community and provide updates and consistent delivery of issue status to the communities. Information and comment requests, networking and outreach by Council members, advisors and staff are essential. Hearing community concerns and response is the key to success.

### Discussion

Duerr compared catch shares to when people sold their small farms to large corporations, similar to the Alaskan small, local fishermen who sold their shares to big companies. He noted the need to find a way to ensure people they will always be able to afford to fish.

Duenas voiced appreciation for the efforts extended to inform fishermen and encourage community participation, which is lacking in Guam and has led to distrust of resource management agencies.

### Council Aside:

Oishi reported updated information for the Hawaii Legislative Report. The Aha Kiole bill, SB 23 SD1 received 24 aye votes, with one senator excused. The measure passed in the Senate and moves to the House side of the Legislature. Three shark feeding bills, two directed at increasing penalties, one directed at the operations of the shark feeding companies, were all held over, which means the bills could possibly be reintroduced in Year 2.

## F. SSC Recommendations

Severance said the SSC acknowledges that the revised stock assessment is an improvement over the 2008 assessment and takes into account some of the concerns raised in the 2009 WPSAR Review. In its deliberations the SSC also considered the Center for Independent Experts (CIE) reviews of the 2011 stock assessment. The SSC considers that the revised assessment is adequate for management use for the 2011-2012 MHI bottomfish season using a probability-of-overfishing of 50 percent. The SSC notes that this is the first formal bottomfish stock assessment used to set the TAC. Based on this stock assessment, the SSC recommended the following:

- C. Set the TAC for 2011-2012 at 383,000 pounds for MHI Deep Seven bottomfish (see page 78 of the document, Stock Assessment of the MHI Deep Seven Bottomfish Complex through 2010).
- D. By the June 2011 SSC meeting, NMFS Pacific Islands Fisheries Science Center provide the following:
  - The prior and corresponding posterior distributions to be overlaid on the same plot as a visual aid for model assessment.
  - The impact of the priors for Rmax, K and P on model performance be evaluated, including the validity of using inverse gamma priors.
  - The documentation be expanded to better explain the Bayesian state-space surplus production stock assessment model and justification of all of the priors used.
  - The various catch and CPUE scenarios be more succinctly described to aid management decision-making.
- For future bottomfish assessments:
  - The CPUE data standardization includes assessment of relevant environmental variables, such as sea surface temperature (SST).
  - The CPUE data standardization considers Generalized Linear Mixed Model (GLMM) approaches with year and island as random effects (perhaps random slope and intercepts, such as random equals one plus year or island).
  - The sensitivity of the posteriors to the priors be thoroughly evaluated.
  - Alternative model performance measures, such as DIC be used in place of AIC and BIC.
  - A more comprehensive reassessment be undertaken of the use of multi-level priors to address the stock complex and the changing catch composition problems that were identified in the 2009 WPSAR Review, (adoption of a more robust model performance measure, such as DIC would support this reassessment).
  - Separate assessments be considered for faster and slower-growing species groups in the Deep Seven complex.
- The Council form two committees with membership from the Council, SSC, advisory groups and other individuals with expertise in Western Pacific fisheries for developing recommendations for P-Star, (probability-of-overfishing) and the Social, Economic, Ecological and Management uncertainty (SEEM) analyses.

The initial products of these committees should be reviewed at the 107th SSC and the 151st Council meetings from which Acceptable Biological Catches (ABCs) and ACLs may be established as appropriate for the 2012-2013 fishing year.

Severance said the SSC also advises that it expects bottomfish assessments to evolve as new data accumulate and as new ideas are incorporated into the assessment. Such changes will undoubtedly alter estimates of OFL, ABC and ACL over time. In addition, the SSC expects that the format of the stock assessment reports will also evolve to include additional model diagnostic information and more succinct summaries of model inputs, including data standardization and Bayesian priors.

### Discussion

Severance concurred with Pooley's earlier statement regarding the catch scenario and the ratio of unreported-to-reported catch is between Scenario 2 and Scenario 3 and the change in fishing power probably has not changed. He added it takes enormous skill and experience to become proficient at bottomfish fishing.

### **G. Public Comment**

**Morioka** stressed that understanding a fisherman's motivation would contribute to better stock assessments. A recreational fisherman's motivation differs greatly from a commercial fisherman. He added that opakapaka should not be used as a reference species, as it is a nighttime fishery and recreational fisherman are not motivated to fish at night. He added this year was unusual in that regular fishing spots resulted in mixed catches of juvenile and adults and could be mistakenly identified as a nursery. Anecdotal information needs to be considered by PIFSC in stock assessments. He extended an invitation to the scientists to join him on some of his recreational fishing trips. Morioka also took exception to Kelley's EFH and HAPC research results, pointing out his work duplicated prior State of Hawaii research. He agreed with unbaited BotCam experiments.

**Vaiiau** objected to a sanctuary being established offshore of Aunu'u as there has been no community input to the process and would be a violation of provisions in the Deed of Cession. Written documentation of an agreement with the Village of Aunu'u is necessary to establish a sanctuary around Aunu'u.

**Thompson** asked if there are any bottomfish areas or time closures planned for American Samoa similar to the ones implemented in Hawaii. Duenas responded that the Council is always very reluctant to apply closure areas and believes in sustainable extraction, which may limit the amount of harvest. The NMSP has implemented closures in American Samoa.

## H. Council Discussion and Action

*With regard to Hawaii Bottomfish, the Council:*

1. **Recommends, based on the SSC recommendation of using a probability-of-overfishing of 50 percent, setting the TAC for 2011-2012 at 383,000 pounds for the MHI Deep Seven bottomfish.**

Moved by Itano; seconded by Duerr.

Tosatto asked for clarification as to how the probability-of-overfishing of 50 percent compares to the probability-of-overfishing calculation made in past years. Mitsuyasu replied, in the past, risk tables produced by PIFSC were used by the SSC to arrive at a limit, which equated to 43 to 44 percent.

Motion passed, with no abstentions.

2. **Recommends that by the June 2011 SSC meeting PIFSC provides the SSC the following:**
  - A. **The prior and corresponding posterior distributions to be overlaid on the same plot as a visual aid for model assessment;**
  - B. **The impact of the priors for Rmax, K and P initial on model performance be evaluated, including the validity of using inverse gamma priors;**
  - C. **The documentation be extended to better explain the Bayesian Space Surplus Production Stock Assessment Model and justification for all of the priors used; and**
  - D. **The various catch and CPUE scenarios be more succinctly described to aid management decision-making.**

Moved by Itano; seconded by Sword.

Motion passed, with no abstentions.

3. **Recommends that PIFSC address the following SSC comments in future bottomfish assessments:**
  - A. **CPUE data standardization include assessment of relevant environmental variables, such as SST;**
  - B. **CPUE data standardization consider GLMM approaches with year and island as random effects (perhaps random slope and intercept such as “random= $\sim(1+year|island)$ ”);**
  - C. **The sensitivity of the posteriors to the priors be thoroughly evaluated;**
  - D. **Alternative model performance measures, such as DIC, be used in place of AIC and BIC;**

- E. A more comprehensive reassessment be undertaken of the use of multi-level priors to address the stock complex and the changing catch composition problems that were identified in the 2009 WPSAR Review, (adoption of a more robust model performance measure, such as DIC, would support this reassessment); and**
- F. Separate assessments be considered for faster-growing and slower-growing species groups within the Deep Seven complex.**

Moved by Itano; seconded by Sablan.

Dalzell gave a brief summary of GLMM, a form of regression modeling. Itano noted these efforts serve to improve the model and get better CPUE standardization.

Motion passed with no abstentions.

## **11. Program Planning and Research**

### **A. Action Item**

#### **1. ACL Specification Process**

Pautzke presented a review of the Council's ACL Specification Process approved at the 149th Council meeting, which included the procedures for determining ABCs, ACLs and annual catch targets (ACTs) and clarification of the roles and responsibilities of the SSC, Council and NMFS in the process and provided conceptual examples of each step of the process. The Council's Omnibus ACL amendment is under completeness review. Initiation of Secretarial Review is projected to begin February 15, 2011; Proposed Rule is expected in March 2011. If approved, a Final Rule is estimated for publication mid June 2011. Council can begin ACL recommendations at the June 2011 Council meeting.

Pelagic fisheries qualify for international exemptions. The bottomfish fishery for all FEP areas, except the Deep Seven species, begins January 1, 2011, as well as the coral reef and crustacean fisheries. The precious corals fishery begins in July 1st, 2011, and the MHI Deep Seven bottomfish begins in September 1, 2011. The MHI Deep Seven fishery requires a final ACL recommendation made at the June 2011 Council meeting. Work to support the ACL specification process needs to be conducted as soon as possible, including the appropriate NEPA analyses. The process started with the SSC's review of the NMFS stock assessment in February 2011. Final ACL recommendations need to be made in the October 2011 Council meeting to be in place by January 1, 2012. For all of the FEP fisheries without a stock assessment, all relevant data must be compiled and analyzed for the June and October Council meetings.

Pautzke reviewed the relationship between the overfishing limit (OFL), ABC, ACL and ACT. She reviewed Step 1: the ABC being set by the SSC, the five tier levels

assigned to stocks, the P-Star determination process conducted by the Council, consideration of the assessment information, uncertainty characterization, stock status, productivity and susceptibility with an outcome example of P-Star. She went on to review Step 2, the process for the ACL to be performed by the Council, consisting of three methods: Method 1, the ACL is determined by the Council based on consideration of four factors, social, economic, ecological, and management (SEEM) uncertainty factors; Method 2, the ACL is determined by the Council in consideration of management uncertainty and set as a percentage of the ABC, up to 100 percent; Method 3, the ACL can be set equal to ABC, then use an ACT to set it lower than the ACL based on the SEEM analysis or average catch for the last three years. She summarized Step 3, an optional step in which an ACT can be used for setting of the ACL, consists of two approaches, and Step 4, AMs, which can be used to prevent ACLs from being exceeded. A timeline of Council action were also presented for Council information.

### Discussion

Tosatto noted the tight timeline to set an ACL for the Hawaii bottomfish fishery and encouraged the work to have a package ready for the June meeting at which time can be submitted for Secretarial review in efforts to meet the 2011 requirement. Duenas pointed out the Council will be working on the final document for the next two meetings.

Simonds stated the Council and NMFS will be working together, having formed two working groups to develop a process for the Council to choose a risk level at the June Council meeting.

Itano asked if the start of the fishing year could be adjusted to coincide with or begin after the publication of the ACL. Pautzke answered in the negative. Tosatto added that adjusting the start of the fishing year would require a Council action.

Tucher noted such an action could not be taken at this meeting as it is not listed as an agenda item. Pautzke explained this review was brought forward because staff only recently finalized the regulations.

### **B. Report of the Coral Reef ACL Workshop**

Dalzell presented the summary of the Coral Reef ACL Workshop held in Honolulu in January 2011 with participants attending from the Caribbean and Gulf Fishery Management Councils, American Samoa DMWR, CNMI Division of Fish and Wildlife (DFW), Guam DAWR, Hawaii DAR, the University's Fisheries Research Unit, the University of Puerto Rico, PIRO Habitat Conservation Division and Sustainable Fisheries, and PIFSC.

The ACL guidelines that resulted from the workshop included:

- A simplistic approach for data-poor situations.
- Incremental inventory of data and life histories.

- Catch limits should not replace existing management such as size limits, gear restrictions.
- High level of recreational and subsistence fishing compounding data problems.
- High level of recreational and subsistence fishing compounding data problems.
- Additional resources needed to establish ACLs and probably zero potential for cost recovery.
- Consider removing species from FEPs that rarely occur or are primarily caught within state/territorial waters. If most of the catch, 80 to 90 percent, comes from state/territorial waters, consider removal from fishery management plan (FMP) and support for local government management.
- Map fishing effort and determine 5 to 15 primary species forming catch.
- Consider inflated catch as guideline for OFL when catch is thought to be higher than reported, but include bigger buffer for ABC.
- Incorporate species dynamics, life history, productivity and susceptibility when setting ABCs.
- Incorporate social, cultural, traditional and economic factors when setting ACLs relative to ABCs.
- Improve data collection and life history data.
- Review risk-ranking exercises conducted by Archipelago Plan Teams.

## Discussion

Oishi asked how monitoring would occur for an ACL for coral reef species. Dalzell replied that the Guam, Marianas and American Samoa data from the Western Pacific Fisheries Information Network (WPacFIN) Program can separate noncommercial data from commercial data using caution with the expansions. The Hawaii data is more problematic with the high recreational catch. There was no weight data for parrotfish and the monitoring would be post season.

### **C. National ACL Science Needs Workshop**

Pautzke reported on the ACL Science Needs Workshop held in Silver Spring in February 2011. NMFS stock assessment scientists, Council members and non-NMFS participants attended. The eight topics discussed included:

- Assessment data needs. All regions need more data, to consider different types of abundance surveys, such as other than industry-based surveys.
- Fishery monitoring. Needs to improve timeliness of data submissions and reporting and improvement of data quality through validation, one-stop shops and improve forecasting.
- Data-limited approaches. Need to I.D. stocks that have enough data for data-limited assessments, use Depletion-Based Stock Reduction Analysis (DB-SRA),

Depletion Corrected Average Catch (DCAC) or Only Reliable Catch Series Data Group (ORCS).

- Role of cooperative research. Need to provide a clear direction on where Cooperative Research should be headed, improve on cooperation by involving all parties at all stages of research.
- Quantifying uncertainties in forecasts. Need to develop models for the right capabilities instead of forcing inappropriate data just to achieve forecasting needs and improve on communicating the technicalities of uncertainties to Council and general public.
- Including economics in risk analyses and Optimum Yield (OY). Need to conduct risk analysis with socioeconomic components and explore the use of marginal cost benefit in light of setting buffers.
- Linkage to ecosystem and habitats. Need to continue to bring ecosystem and habitat and environmental research directly into ACL context and mesh with Integrated Environmental Assessment and focus on habitat usage by life stage and forage species.
- Assessment tempo and review. Need to use best practice approach, adjust throughput to meet management needs of each region and aim for Level 4 assessment might be too ambitious, thus evaluate what level is applicable for which stock.

Western Pacific science needs include a need to evaluate our current data collection to determine if the expansion process is a precise indicator of the true harvest and if the data is appropriate for stock assessment purposes, increase resolution of species identification and spatial and temporal coverage of creel surveys, among others.

A NMFS report will be generated and the Western Pacific Science Needs document will be submitted to NMFS. The report will be available for review at the June Council meeting.

### Discussion

Duenas stressed data collection must be improved because of data concerns and limitations associated with creel surveys used for development of ACLs and frustration over the fact of no funds are available for the work to be accomplished. Tulafono agreed with Duenas' comments, noting the funds provided for the work does not cover half of what is needed.

### **D. NOAA Catch Shares and Community Workshop**

Dalzell provided a summary of the NOAA Catch Shares and Community workshop held in Washington, DC, in January 2011. The meeting was held to coincide with Council Coordination Committee Meeting. Presentations and white papers were presented for each topic. The participants split into small working groups.

The agenda contained nine discussion topics: 1) Communities in fisheries management; 2) Limited access privilege programs and communities; 3) Non-303 community pathways for Councils and community fishery allocation and sectors; 4) Sustainability Plans and regional fishery association (RFA) Plans (this is defined by the MSA); 5) Monitoring, evaluating and amending responsibilities of Councils, NMFS and communities; 6) Communities getting and holding quota; 7) Facilitating community organization efforts; 8) Current FMP goals and objectives affecting communities; and 9) Transferring knowledge, future communication and engagement strategies with communities.

Examples of catch shares across the country included Port Clyde and New England (catch shares has been very controversial); Cape Cod Fisheries Trust (organized their catch share program); Central California groundfish project (which is complex); the Alaskan example (which began against the catch shares program but has since accepted the catch share program); and Cortez, Florida (a community of 300 people of which fishing is their sole economic base).

Dalzell noted it is crucial to take time when creating a catch shares program to minimize a program which may shrink a fishery and run the risk of marginalizing people.

### Discussion

Duenas had a concern about the fishery participation would be restricted and hoped there would not be any more money spent on catch shares.

Itano noted the workshop was interesting and noticed the subject of cultural continuity and generational continuity were only discussed by the Western Pacific participants.

Duerr asked if native populations have exemptions to fish. Dalzell replied there are shares put aside specifically for native communities, which many lease the shares to catcher producers.

Duenas pointed out the native Alaskan communities by state law have restrictions on the sale of their catch and views catch shares in a corporate structure.

Dela Cruz asked for clarification on how the catch share program process is applied. Dalzell replied there are many ways to divide up the catch, for example, a lottery.

Martin noted in a recent discussion with the deputy executive director for the North Pacific Council, he learned the catch allocations for communities in Alaska have restrictions as to how the community can use the revenue derived from their leasing of catch shares. One example is the funds must be re-invested back into the fishery. Funds could not be used for a community benefit such as building a school.

Severance pointed out that PIFSC convened a Catch Shares Workshop recently. From that workshop a series of papers will be published regarding the appropriateness or inappropriateness of catch shares for the Western Pacific Region. Draft papers may be available. He added that catch shares can be a useful tool for a stock that is in an overfishing condition. Catch shares are opposed by noneconomic and social scientists. Catch shares should be considered against the FEP objectives, and getting it right in the initial allocation is essential. He recommended Council members to read Dan Bromley's paper entitled "The Deceits of Fishery Management."

#### **E. CMSP and Climate Change**

Morioka presented an update on meetings to inform the communities about CMSP and climate change. An Executive Order was signed July 2010 establishing a National Policy for Stewardship of the Ocean, Coasts and Great Lakes. One goal of the policy is to familiarize communities with the process and encourage participation in the process, protect, maintain and restore health and biological diversity of oceans, coastal ecosystems and resources, increase scientific understanding, foster public understanding of the value of the ocean and coastal environments.

To date Council actions include conducting the Fishers Forum in October 2010 on CMSP; initiating the formation of a Pacific Regional Ocean Partnership with the governments of American Samoa, Guam, CNMI and Hawaii; and sponsoring a community CMSP training workshop in May 2011 in coordination with NOAA's Marine Sanctuaries Program and the State of Hawaii.

Morioka's take-home messages included 1) The CMSP is a policy for a planning process of the Obama Administration and not a mandate; 2) The Regional Fishery Management Councils are trying to determine their role in the process; 3) The Council has been conducting CMSP planning for decades; and 4) There is a strong need for fishing communities to stay engaged in the formation of CMSP policies, regional planning bodies and regional CMSP plans.

On January 24 a Federal Register Notice was published for Notice of Intent to Prepare Strategic Action Plans for the Nine Priority Objectives for Implementation of the National Policy for the Stewardship of the Ocean, Our Coasts and the Great Lakes. Comments are due by April 29, 2011. The Council is translating the Federal Register Notice into the Samoan language. He noted the regions do have representation. Lelei Peau, deputy director of Department of Commerce in American Samoa, is the representative for the Western Pacific Region.

#### Discussion

Haleck asked for a website to submit comments. Morioka replied in the affirmative and promised to provide it.

Tosatto clarified that Peau was selected as the Regional Representative to the Governance Coordinating Council, which advises the National Ocean Council. The National Ocean Council is comprised of federal representatives within the Administration at the national level in DC. The CMSP is a planning process that will help make the Council's planning process easier.

Duenas expressed a concern that the CMSP seemed to be duplicating what the Regional Fisheries Councils are mandated to do and wished some of the money spent on this endeavor would be used to fund data collection efforts.

Simonds asked Tosatto how long does he estimate the process to take. Tosatto estimated by early May all of the representatives from the federal agencies will be designated for each region and be invited to attend a national workshop. Immediately after the workshop, each governor will put forward representatives to the Regional Planning Body.

Simonds asked how this will be funded. Tosatto replied he did not know how it will be funded.

Simonds pointed out Council's role has always been to go to the communities and ascertain their needs, which is why they are going to the communities and holding holding training workshops on CMSP and climate change. Tosatto agreed the Council and others have been doing "little CMSP" for some time and "big CMSP" is what the national policy is referring to.

Duenas expressed concern that there will be little community involvement, and it will be the usual top-down approach. Simonds pointed out that's why the Council is educating the communities, so they can write to their senators and congressman as well as the Council putting forth their issues. She added things may change in two years.

#### **F. Traditional Lunar Calendar Workshop**

This agenda item was previously presented.

#### **G. Hawaii, Regional, National & International Education and Outreach**

Asuka Ishizaki, Council staff, provided an update on the Outreach and Education Activities of the Council since the last meeting in October. Mariana education and outreach activities included a radio talk show featuring the Council and issues of sustainable fisheries development and ecosystem-based management for CNMI; 2011 lunar calendars featuring the winning designs from a poster contest; the Chamorro Lunar Calendar Festival held in January; and publication of articles and ads in the *Marianas Fishing Magazine*. Hawaii education and outreach activities included Council staff participating in outreach events, such as the Lahaina Jackpot and the Izuo Brothers Fishing Supply Trade Show; articles in *Hawaii Fishing News*, *Lawaia* and *Hawaii Skin Diver*; 15-minute segments weekly in the Mike Buck *Go Fish* radio talk show; and a

number of other activities. Regional activities included the development of a communication framework for the Council with the assistance of 10-13 Integrated Branding and Production, which identifies a target audience, current issues and appropriate messaging that should be consistently communicated; and the handling of media relations for WCPFC7 held in Hawaii in December. On the national level, Council staff has worked to engage other NOAA events, education programs, such as NOAA Education, NMFS Education, NOAA Coral Reef Conservation Program and Education and Preserve America to discuss improved coordination and collaboration between the Council and NOAA as the lines of communication currently are very limited or do not exist. The Council staff has also ongoing work with other Regional Fishery Management Councils on possible participation in the 2011 NOAA Fish Fry and Capitol Hill Ocean Week. Council staff presented two presentations during the Traditional Knowledge strand of the AGU Conference in December 2010 in San Francisco. An article on traditional knowledge published in The Wildlife Society's journal, the *Wildlife Professional*, cited the Council staff who participated in this conference in December.

There were no comments or questions.

#### **H. Sustainable Fisheries Fund Marine Conservation Plan**

Kingma provided an update on the Sustainable Fisheries Fund MCP, which was approved by NMFS in 2008 and will expire April 2011. Council staff proposes to revise and update the plan, which covers activities and projects in the Pacific Remote Island Areas (PRIAs), as well as for projects in Hawaii which uses its Sustainable Fisheries Funds. Funds can also be used for MCPs in American Samoa, Guam and CNMI. Currently, MCP projects are associated with data collection and monitoring, biological research and assessment, social and economic research, policy development, protected species research and outreach. The revisions will remain consistent within the same broad categories and be revised as appropriate. Staff will present the new MCP for Council action and approval at the June 2011 Council meeting.

#### Discussion

Duenas noted the Acting Governor Ray Tenorio of Guam sent a letter to the Council stating the new Guam MCP, which will include three new projects, will be submitted for consideration by the Council in the June Council meeting.

#### **I. SSC Recommendations**

There were no formal SSC recommendations.

#### **J. Public Hearing**

**Kimi Apiki**, concerned citizen and representative of a Native Hawaiian nonprofit organization, recently attended a conference on Molokai regarding fishponds with 80 fishpond practitioners and fishermen. She appreciated the efforts of the Council in getting

the information to targeted groups who are interested in helping to spread the news into the communities.

Duenas asked Apiki to provide her organization's information to Kaaiaia to be included in the list of interested community groups.

**K. Council Discussion and Action**

*In regards to the establishment of working groups for establishing ACLs for bottomfish, the Council:*

**1. Recommends the formation of the following:**

- A. Working Group I: To identify the risk level, P-Star, for the Council that a given annual catch would lead to overfishing the MHI bottomfish stock in the subsequent year, in order for the SSC to set an ABC the proposed membership of that group is as follows: David Itano (Council member); Jarad Makaiau (PIRO fisheries policy analyst); Bob Skillman (SSC member and fisheries scientist); Pierre Kleiber (SSC member and stock assessment scientist); Don Kobayashi (SSC member and fisheries oceanographer)**
- B. Working Group II, the SEEM Analysis, to provide advice to the Council on Social, Economic, Ecological and Management uncertainty which will applied to the ABC to set an ACL, members proposed as follows: Craig Severance, (SSC member and social scientist); Stewart Allen (NMFS social scientist and SSC member); Francis Oishi (SSC member and HDAR fisheries scientist); Ed Watamura (AP member and fisherman); Leonard Yamada (AP member and fisherman); Layne Nakagawa (AP member and fisherman), Chris Hawkins (PIRO social scientist); Justin Hospital (PIFSC economist), Larry Gaddis (Hawaii FEP Plan Team member and Hawaii Bottomfish Area Review Board (BARB) member), Kurt Kawamoto, (PIFSC and Hawaii FEP PT member)**

Moved by Sword; seconded by Duerr.

Itano noted he would abstain from voting because he was included on the list. He asked for clarification if the inclusion of the members depend on their agreement to be members. Dalzell replied in the affirmative. Duenas noted there was no reason to abstain as there was no financial interest involved in serving as a member on the working group. Tucher agreed there was no disqualifying financial interest associated with serving on an official subcommittee that reports to the Council, although he is welcome to abstain if he so wished.

Motion passed with no abstentions.

*In regards to the proposed regulations for the ACL Omnibus Amendment for all FEPs, the Council:*

- 2. Reviewed the draft regulations and had no additional recommendations.**

Moved by Sword; seconded by Sablan.

Motion passed with no abstentions.

*In regards to the Guam's Marine Conservation Plan priorities as outlined in the Governor of Guam's March 2nd, 2011 letter, the Council:*

- 3. Looked forward to receiving the completed MCP for approval at its June 2011 meeting and receiving additional information on these and other projects.**

Moved by Sword; seconded by Sablan.

Motion passed with no abstentions.

*In regards to the American Samoa Marine Conservation Plan, the Council:*

- 3. Recommended exploring the potential for including a Fishing Vessel Loan Program in future drafts of the American Samoa MCP.**

Moved by Sword; seconded by Sablan.

Motion passed with no abstentions.

## **12. Protected Species**

### **A. Updates on ESA and Marine Mammal Protection Act (MMPA) Issues**

Tosatto presented an update on protected species issues. Dawn Golden, formerly from the Observer Program, has joined the Protected Resources Division. She will be the Council's staff go-to person for protected resources issues of interest to the Council.

The False Killer Whale Take Reduction Team has a consensus recommendation that is being turned into a regulatory package to be put out as a proposed rule. The consensus plan consists of a suite of regulatory and non-regulatory measures. It contains a southern closed area that is triggered by a level of take, which will close and reopen. Staff is also completing the analysis impacts of the Regulatory Impact Analysis, including the economic analysis.

A petition was received to list the Hawaii insular population of false killer whales as an endangered species. A Biological Review Team (BRT) was created, a proposed rule was put out, and the comment period has closed. The comments are being addressed in order to develop a final decision and a Final Rule for a listing determination by the deadline of November 17, 2011.

A petition was received to list 83 coral species, 75 of which occur in the Pacific and eight that occur in the Caribbean. There have been two review processes, a biological

review of the species and a management review on the protection status for these species. Public meetings will be held. The statutory deadline has passed, and work is proceeding as quickly as possible.

A petition was received to list the bumphead parrotfish in January 2010. The statutory deadline has passed, and the Agency is close to a decision. It is still waiting on the final status review report.

A petition was received for a monk seal critical habitat revision, to increase critical habitat in the Northwestern Hawaiian Islands (NWHI) and to include habitat in the MHI. A proposed rule is under review and is expected to be published in the spring of 2011.

### Discussion

Duenas asked for clarification as to public hearings being held only if the bumphead parrotfish is going to be listed and if an assessment has been done as to the location of the corals located in the Marianas and the impact a listing would have to the tourism industry and economy. He requested photos and descriptions of the petitioned corals and expressed concern for the false killer whale DPS. Tosatto agreed, except for Hawaii and with the caveat, if funds are available. Tosatto that replied an economic impact analysis is not included in considering listing a species under the ESA. An EA will be undertaken when designating critical habitat for a listed species. Tosatto said he appreciated Duenas' point of requesting photos of the coral species. The insular false killer whale population warrants DPS determination as there are genetic and behavioral differences. Further if the stock is listed, an ITS will be issued under the MMPA and then potentially the ESA.

Dela Cruz would like to see a detailed study done on the petitioned corals in the Marianas to be sure the corals are not an invasive species and noted all corals are threatened by climate change, which the Marianas cannot control and for which it should not be punished. He added the Mariana people depend on the corals for their livelihood. Tosatto agreed that the threats to coral are global in nature. He said Congress developed the ESA to protect a species that is threatened from extinction. The Agency does its best to determine threats and the level of risk. A status review and a biological review were conducted on the species, where they exist, what their threats are, what the threat to those species mean, are they likely to go extinct in the near term or are they likely to go extinct in the future. He added the best available team is involved, and even an introduced species into an area warrants the protection of the ESA.

Tucher clarified the purpose of the ESA listing process as follows: Critical habitat designation is where economics are balanced in the decision. Congress prohibits the Agency from considering economic impacts in the listing decision in response to a petition. The law would need to be changed in order to look at economic impacts. Among the five factors under which NMFS will make a listing determination is the conservation status of the species throughout its range and, if that range includes areas

overseas, then that is considered in defining what would be the significant portion of that species range, which has built in it considerations where a species may be allowed to go extinct in particular areas of former habitat or particular areas of current range that the species can tolerate.

Itano asked if that also applies to the insular population of false killer whales. He also asked when the Coral BRT report will be published and requested distribution maps of the petitioned corals to be made available in the report or at the June Council meeting. He asked when the final listing rule for the petitioned turtle species would be due and feels the DPS on the insular false killer whale population should be critically examined. Tosatto replied they are responding to comments received regarding the DPS and potential listing, and a key piece of information is where the population was in the past, using the best available scientific information. The loggerhead listing decision is not expected to be released in the next 30 days, and distribution maps of the petitioned corals will be provided at the next Council meeting.

Martin noted there was a mention earlier in the meeting there will be a six-month extension on the loggerhead designation.

Pooley noted the coral status review went through one CIE review and comments received were positive. Additional comments from within the Agency were more difficult, such as the separation of science from policy aspect. The document is expected to be completed by the end of March and transmitted to PIRO sometime in April, at which time the listing is decided and posted on the web. Photos of 82 species of the corals and distribution maps are included in the status review.

Simonds asked if form comments were received, how many substantive comments were received and from what geographical region did the comments originate. Tosatto replied that the false killer whale proposal is the only one that received public comments, which consisted of a number of substantive comments in the form of individual letters and thousands of postcard comments. He did not know the geographical distribution of the comments received.

Martin said he looks forward to the results of the recently completed cetacean survey and asked for information regarding the Marine Conservation Biology Institute (MCBI) workshop planned regarding seabirds and what involvement the Council will have in the workshop. He also cited the following comment contained in the conclusions of the false killer whale DPS designation, which reads: "We believe that the Biological Review Team conducted the review and the analysis with a preconceived assumption that the DPS has in fact declined instead of critically examining the evidence." Tosatto replied that MCBI and NOAA had engaged in a facilitated discussion at a workshop regarding the various threats to the resources in the Pacific Remote Islands (PRI) MNM. Those discussions evolved into the planned workshop, which has been performed collaboratively with PIRO. Dalzell has been invited from the Council staff, as well as a number of PIFSC, Southwest Science Center and Pelagic Fisheries Research Program (PFRP) members. The objective is to examine the relationship between seabirds, their

prey species and pelagic resources, with the goal of determining linkages to investigate further. From there, the next step would be investigating the linkages which are relevant to management of the PRIAs.

Martin expressed concern that the results of the MCBI research activities may be applied to other areas as well. He said this is a concern for the industry as well. Tosatto said he can't disagree and hoped that that is the case as the scientific understanding of the interrelationships of species is part of ecosystem-based management. The goal is to understand the ecosystem.

Itano stated he was invited to the workshop and plans to attend. Tosatto added NMFS gave MCBI a grant that included three activities, which included the workshop, mining the scientific information regarding the value of large MPAs for conservation and looking into the written record of what the state of ecology was over time.

Martin noted he noticed there were no industry representatives on the list of participants.

Duerr expressed concern, saying that the federal government taking resources away from the Pacific Islanders is like taking food out of their mouths, and the process should include extensive community consultation.

Dalzell said the money would be better spent on contracting some good ecological modelers to look at issues about seabirds and forage fish. Asking MCBI, an environmental advocacy organization that has an expressed interest in MPAs, to look at whether they can prove that large MPAs are worthwhile reminds him of comments from a decade ago accusing the Council that having commercial fishermen as Council members is having the fox guard the henhouse and it is naive to expect they would come up with a report that is negative to large MPAs. Tosatto replied their interest is getting at the conservation value of ocean MPAs for pelagic resources and MCBI is very interested in the conservation of the monuments in the PRIAs. They have been a group that we have been able to work with in a constructive and positive way. He cannot say MCBI is interested in all of the monuments. Their interest is answering the questions and getting the information needed to make management decisions in the monument.

Martin asked if the final report was available regarding the large area MPAs. Tosatto replied it is what he would term a state of the science report, which looks at the documentation that's out there and what reports say what and then digests that down to a report on the efficacy and value of large area MPAs.

## **B. Report of the American Samoa Longline Circle Hook Study**

Beverly presented the results of an experiment on the comparison of fishing efficiency of two sizes of circle hooks in the American Samoa-based longline. A paper of the same title is available on the Council's website.

The use of 16/0 and larger circle hooks have been shown to reduce turtle takes and reduce mortality when turtles are taken in other longline fisheries worldwide. The Council considered a regulation requirement in the American Samoan longline fleet to use 16/0 circle hooks. The experiment consisted of field trials of up to 50 longline sets alternating between 14/0 and 16/0 hooks on all sets. No other changes were made to fishing gear or fishing strategy and data was recorded for all fish caught, including species, hook size, condition, hook number and fork length. The species included wahoo, albacore, bigeye, yellowfin, wahoo, dolphinfish, blue shark and escolar.

The experiment was conducted to answer three questions:

- Catch rate: Does the CPUE of effort differ between the two hooks sizes for albacore and other species? There was no reduction in catch rate for albacore, bigeye, yellowfin or mahimahi between 14/0 hooks and 16/0 hooks.
- Condition on landing: Does the likelihood of the fish being alive upon landing differ between two hook sizes? There was a reduction in catch rate for the incidental catch of skipjack and wahoo with the 16/0 hooks, incidental because those fish have market value and are retained, but are not the target catch.
- Size. Does the size of the catch differ between the two hooks sizes? Whether the fish were alive or dead, there was no effect for any of the species. There was no effect for albacore tuna, but there was an increase in larger bigeye and yellowfin on the larger hooks. No reduction in income from albacore, bigeye, yellowfin or mahimahi, but roughly a 50 percent reduction in revenue from skipjack and wahoo. For size composition, no effect for albacore, but there would be an increase in income from the catch of larger bigeye and larger yellowfin.

In summarizing the results of the experiment, Beverly said that changing to 16/0 circle hooks would not adversely affect the economic viability of the American Samoa-based longline fishery. There would be a one-time cost to switch over to 16/0 hooks of about \$3,000 per vessel. A gradual implementation would allow fishermen to replace lost or damaged smaller hooks as necessary, thus reducing costs. The small reduction in income from skipjack and wahoo may be offset by the increase in the value of the larger bigeye and yellowfin. There was no evidence that the 16/0 hooks would affect bait retention or fish retention, which was an issue raised by fishermen. The results should be transferrable to many other South Pacific longline fisheries where albacore comprises more than 50 percent of the catch, such as Cook Islands, Fiji, New Caledonia and Tahiti.

### Discussion

Sablan asked Beverly how many green turtle interactions were observed and is he comfortable with recommending the 16/0 circle hooks as a requirement for the American Samoan longline fishery. Beverly replied that they didn't see any turtles, didn't catch any turtles and there were no turtle interactions. There were interactions with cetaceans on one set, probably false killer whales. He feels comfortable recommending the 16/0 circle hooks and thinks it is a good idea.

Dela Cruz asked for clarification on the alternating of the two hooks. Beverly replied they were alternated with each set.

Martin noted similar work was recently completed in Hawaii on wire diameter of the hook with similar methodology to study the effects of weak hooks related to the False Killer Whale Reduction Team recommendations. Results will be available soon.

### **C. Mariana Archipelago Green Sea Turtle Workshop Report**

Ishizaki provided a summary of the Marianas Archipelago Green Turtle Workshop held in Saipan in January 2011. Over 50 participants attended from Japan, Hawaii, American Samoa, Guam, CNMI and the Philippines.

The workshop goals and objectives were 1) To strengthen international collaborations with areas with known common green turtle stocks with a focus on green turtles nesting and foraging in the Marianas Archipelago; 2) Identify cultural needs and traditions associated with green turtles; and 3) Develop and identify methods for integrating cultural needs and traditions in the conservation and management of green turtles in CNMI and Guam.

Some of the cultural practitioners who participated in the workshop offered to question-and-answer sessions, whereby they had one participant from CNMI be the translator for questions that were brought up by the rest of the participants. They would discuss them in their own language and then share with the participants what they felt comfortable sharing.

Five Workshop Ground Rules were suggested from the outset, be respectful, open-minded, attentive to others, receptive to different ideas and be productive.

Regarding integrating cultures and traditions, the cultural practitioners shared the importance of green sea turtles for three specific cultural uses: a) Turtle is a symbol of peace and brings peace; b) Turtles have an importance use for the women's menstruation house; they are used to re-energize women so they can join the rest of the villages when they leave the menstruation house; and c) Turtles are used for traditional navigation, of which 182 routes are known. Another outcome from the workshop was a greater understanding among participants that turtle customs cannot be separated from the Carolinian/Refaluwasch cultures. There was also recognition that traditional practices and observations are a form of science.

Ishizaki shared some quotes from the participants from CNMI: One participant said, "If there were strong support for the cultural practices, I don't believe that there will be a pressure over the endangered species like these days." Another said, "I wasn't around 100 years ago so I can't say how much the population was, but you can depend on your grandfathers and your grandmothers in sharing the relationships with the sea turtle. What I do remember is that they never used words such as kill, eat, that kind of stuff. Everything about turtle is special; everything about the way they focus on the turtle take

is not something just for the heck of it. It's something that is desired among the community, which is family, and, when it is taken, it is taken with absolute respect.”

Some of the other themes that came out of the cultural discussions included a) Traditional cultures have their own conservation methods; b) Traditional practices also have built in sanctions and self-enforcement; c) Traditional learning and information-sharing methods must be respected if cultural practices are to be integrated into modern conservation; d) Involve cultural practitioners and research without take, for example, involving them in satellite tagging and other tagging activities; e) Video document stories and practices; f) Commitments to share data and information among participants and beyond; g) Suggestion to develop regional ecosystem plans; h) Suggestions made from participants for study tours and exchange programs for a variety of purposes, such as scientific, cultural, enforcement and governance; and i) Strong interest to produce contact list for individuals and organizations in the region.

A final report will be available, which will include a summary of the presentations and discussions, include the Turtle Power Agreement, the list of individual commitments and written ideas on turtle hatchlings.

### Discussion

Duenas noted he had very positive feedback from some of the participants who shared that they felt NMFS participants did not seem to listen and was upset and insulted.

Severance commented he felt privileged to participate in the workshop, enjoyed the challenge of bringing turtle scientists and cultural practitioners together to see if they could listen to each other respectfully. He felt it was very productive.

Dela Cruz expressed his appreciation for the workshop which he felt was very productive and suggested there be follow-up workshops held.

#### **D. SSC Recommendations**

Severance presented the SSC recommendation for protected species.

- The SSC is concerned that the permitting process for scientific work on protected species often involves bureaucratic barriers, including lengthy delays that hinder scientific investigation in support of management programs. The SSC recommends that the Council write a letter to the Secretaries of Commerce and the Interior as well as the science advisor in the White House expressing these concerns and the need for streamlining the process to minimize the time between permit application and permit issuance.

#### **E. Public Comment**

**Morioka** expressed concern over the current trend of resource management by policy, which tends to subvert governance by law, as well as the problem of science

advocacy, i.e., science that is bought by people and agencies to confirm what they want to confirm. In the past he was an advocate of having science as a cornerstone for decision-making. He added that transparency is disappearing. At a recent false killer whale public hearing he was questioned by a NOAA employee why he is concerned if he is not a longline fisherman. He said there is swiss cheese science, full of holes. He ended by saying he had asked the regional administrator for an opportunity to comment regarding the ongoing MCBI study and has yet to hear a reply.

### **Guest Speaker**

**Sualua Tapolo**, American Samoan chef, welcomed the Council to American Samoa. He has been involved with the NOAA Fish Fry and the Kapiolani Community College culinary program in Hawaii. He is planning to open the first Culinary Arts Program in American Samoa and looks forward to interacting with the fisheries community and promoting the fish products.

### **F. Discussion and Action**

*In regards to the petitions to list the bumphead parrotfish and 83 species of corals under the ESA, the Council:*

- 1. Requests NMFS to provide distribution maps and photographs of 82 species of coral considered for listing, and provide presentations on the bumphead parrotfish and Coral Biological Reviews at the 151st Meeting in June 2011.**

Moved by Martin; seconded by Sablan.

Sablan noted in a prior meeting the Napoleon wrasse was included and inquired as to why it is no longer included. Tosatto clarified that the Napoleon wrasse was listed as a species of particular concern and no petition has been submitted to list the wrasse under ESA.

Dela Cruz suggested more research may be needed to ascertain whether some of the 82 species may be invasive corals as opposed to native corals.

Duenas noted ocean acidification and global climate change could be impacting the corals more than any human impact.

Motion was passed with one abstention by Dela Cruz.

*In regards the Marianas Archipelago Green Turtle Workshop, the Council:*

- 2. Commends the participants for their contributions and recommends staff draft an options document considering the reestablishment of cultural practices involving green sea turtles in the Marianas Archipelago. The Council directs staff to award the cultural practitioners with certificates for their contribution. In addition, the Council directs staff to continue to engage with the workshop participants and conduct follow-up meetings in Guam**

**and CNMI to expand the regional focus to include FSM, the Republic of Palau, Republic of Marshall Islands and other surrounding areas, and to develop a plan for re-establishing the cultural practices.**

Moved by Martin; seconded by Sablan.

Tulafono offered a friendly amendment to include American Samoa in the recommendation. Ishizaki clarified there are plans to hold a workshop in American Samoa, after which the request to include American Samoa can be followed up on. Tulafono withdrew his friendly amendment.

Tosatto spoke in support of the workshop and its intent to address the cultural relationship with the green sea turtle, but wanted to make sure the Council is fully aware that cultural practices that include cultural take are areas where the communities can investigate and deal with, but the likelihood of a cultural practice that involves cultural take is not likely in at least the near future.

Duenas spoke in favor of the motion, also pointing out all of the surrounding areas around the Mariana Archipelago are not prohibited from harvesting green turtles and they have a sustenance take. These established cultural practices are slowly being eroded and lost in the cultures in the US territories. He said he finds it sad that a culture has to try to be reestablished in such a formal process.

Motion passed.

*Regarding the CNMI Turtle Program, the Council:*

- 3. Requests PIRO to provide increased funding to the CNMI Turtle Program and to identify other funding for this program in light of its Section 6 proposal likely not being funded due to the reduction of the NMFS Section 6 Program budget.**

Moved by Martin; seconded by Sablan.

Tucher stated protocol regarding main motions and amendments. There are no friendly amendments after the chair states the main motion because it prolongs the assembly. Any motion to amend language of a motion in a matter before the Council should be moved, seconded and voted on, at which time the main motion is voted on as amended..

Motion passed, with one abstention by Tosatto.

*Regarding the dredge material disposal site in Guam the Council:*

- 4. Recommends that PIRO Protected Resources assess the potential impacts caused by the dumping of dredge materials on sea turtles and cetacean populations around Guam, including spinner dolphins and sperm whales.**

Moved by Martin; seconded by Sablan.  
Motion passed.

*Regarding the process of protected species scientific permit application, the Council:*

- 5. Expresses its concern that the permitting process for scientific work on protected species often involves bureaucratic barriers, including lengthy delays that hinder scientific investigation in support of management programs. The Council recommends that staff write a letter to the Secretaries of Commerce and the Interior, as well as the White House science advisor, expressing these concerns and the need for streamlining the process to minimize the time between permit application and issuance.**

Moved by Martin; seconded by Sablan.

Martin spoke in favor of the motion and noted it is a direct recommendation from the SSC and will hopefully expedite some of the scientific work the SSC feels important.

Tulafono also spoke in favor of the motion pointing out the delay in permits delays the research.

Motion passed.

### **13. Pelagic and International Fisheries**

#### **A. Action Items**

##### **1. Potential Modifications to the American Samoa Longline Limited Entry Program**

Kingma summarized the history of the longline fishery and Amendment 11 that established the American Samoa Limited Entry Program in 2005. The Program created four vessel classes with required eligibility criteria, including official documentation of ownership of a vessel that used longline gear to harvest Pelagic Management Unit Species (PMUS) in the EEZ around American Samoa prior to March 2002 and US citizen or national status. Class A permit holders are allowed to upgrade to larger class sizes. Once a permit holder upgraded, the permit for the original vessel class was lost. The limited entry program also had a requirement for minimum landings, over a three-year period. Class A and Class B are required to land 1,000 pounds of PMUS and Class C and Class D are required to land 5,000 pounds of PMUS. If the minimum landing requirements are not met, the permits are relinquished back to NMFS and can be re-issued to qualified applicants with priority considerations. Permits are transferrable, which is defined as by sale, gift, request, interstate succession or barter or trade. Sixty permits were initially approved and issued by NMFS.

The vessel classes were as follows: Class A for vessels less than or equal to 40 feet; Class B for vessels 40 to 50 feet; Class C, 50 to 70 feet; and Class D permits over 70 feet with no restriction on the upper end on vessel size.

The five management objectives were a) To prevent local depletion; b) Maintain sustained community participation; c) Ensure opportunities for indigenous participation by American Samoans; d) Reduce gear conflicts; and e) Minimize fish bycatch.

The alternatives being considered regard vessel sizes classes and permit eligibility criteria with minimum landing requirements. One of the objectives of the review of the permitting process is to simplify the issuing of permits, ensure there are no unnecessary obstacles in obtaining and renewing permits and to ensure the long-term continuity of the fishery.

The alternatives for Topic 1, Vessel Size Classes, include A) No action; B) Eliminate vessel size classes; C) Modify to establish two vessel classes, the preliminarily preferred alternative; and D) Modify to establish three vessel classes.

The alternatives for Topic 2, Eligibility Criteria, include A) No action; B) Remove eligibility criteria related to documented history in the fishery, but include US citizenship or national requirements, which is the preliminarily preferred alternative; B(i) Maintain existing criteria related to permit transfers, must have catch history; B(ii) Modify permit transfer criteria so that Class A, Class B or D permits can only be transferred to US citizens or nationals, no requirement for vessels participation or documented history in the fishery; C) Remove eligibility criteria related to documented history in the fishery; C(i) Maintain existing criteria related to permit transfers; C(ii) Modify permit transfer criteria so permits can transfer to anyone without any requirement for documented history in fishery; D) Remove eligibility criteria related to documented history in the fishery, include US citizenship or national requirements for Class A and Class B permits only; D(i) Maintain existing criteria related to permit transfers, must have catch history; D(ii) Modify permit transfer criteria so that Class A and Class B permits can only be transferred to U.S. citizens and nationals.

The alternatives for Topic 3, Minimum Landing Requirements, include A) No action; B) Reduce Class A and Class B minimum landing requirements and maintain Class C and Class D landing requirements, which is the preliminarily preferred alternative; and C) Remove minimum landing requirements for all vessel classes.

Kingma summarized the impacts of each of topic alternatives and asked the Council to consider final action on the three topic areas.

### Discussion

Itano asked why an upper size limit was never considered, similar to the Hawaii limited entry program. He said, considering the hook density in American Samoa, such a limit should be revisited. Kingma replied during Council deliberations in 2002 it was

decided it was not necessary given the composition of the fleet, adding the Council could consider it in the future should hook densities begin to have an economic impact on the fleet. Martin added there were other circumstances for implementing the size cap in the Hawaii fishery, but it is less of an issue in American Samoa, noting the difference of a freezer fishery versus a fresh fish fishery. Itano noted that reductions in efficiency and catches happen well below the point where gear is so dense that you have physical gear conflict and that he is uneasy with not having a total cap on the fishery. Kingma pointed out that the Jones Act exemption for American Samoa under USCG regulation caps US-flagged, foreign-built hull vessels at 200 gross tons to be allowed in the fishery.

Duenas expressed concern that in trying to regulate and establish a permit, the process attributed to the decline in the number of permit holders. At the same time, he said he is worried about removing the eligibility requirements.

Sablan asked for clarification as to when the new re-authorized USCG law will come into force regarding the Merchant Mariners Certificate. Caputo replied the regulations are very complicated. If the vessel is not a US-built hull, in order to get a permit, there must be a fisheries endorsement on the certificate of documentation, as the discussions stand presently. If it is an uninspected vessel, a US master is required. Purse seine vessels have separate requirements. He offered to go into further detail if the Council members desired him to.

Tucher said there is no current requirement to land catch in American Samoa provided you harvested the catch within the EEZ. Kingma agreed with Tucher's statement.

Kingma reminded the Council that it did recommend temporarily lifting the minimum harvest requirement for the small vessel size classes to help them recover from the impacts of the 2009 tsunami, and the recommendation was forwarded to NMFS. The response was there is no authority as the current regulations are written to give them the flexibility to suspend those landing requirements.

Martin noted that the development of new markets coming along will be an incentive for some of the smaller boats. He said he is encouraged by the new interest in developing the fisheries and markets for the fisheries in American Samoa.

Sword voiced concern with the impact of larger boats in the fleet on the CPUE. Kingma said that could be addressed in a modeling exercise, and there has been some attention to it in the development of the permit program.

## **2. Proposed Changes to the American Samoa Large Pelagic Vessel Area Closure**

Dalzell provided background of the American Samoa Large Vessel Area Closure, which was implemented in 2002 for the purpose of protecting the small vessels of the longline fleet. He explained that the modification addresses the incongruence of the

boundaries of the large vessel prohibited area around Tutuila, the Manua Islands and Rose Atoll with the New Rose Atoll MNM as well as the contraction of the small-vessel fleet.

Alternatives for dealing with incongruence of the monument boundary included 1) No action; 2) Modify the current closed area boundaries of the southern segment of the large vessel area to be congruent with the Rose Atoll MNM boundaries; 2A) Adjust large vessel area closure in the south and the northeast so that the eastern and southern boundaries would be congruent with the Rose Atoll MNM; 2B) Reduce the northern boundary to be congruent with monument and extend southern and eastern boundaries to be congruent with monument; 2C) Reduce northern boundary and extend eastern boundary to be congruent with the monument.

Alternatives for modifying the large pelagic fishing vessel area closure include 3) Temporarily reduce the current large pelagic fishing vessel area closure to; 3A) 25 nautical miles; 3B) 12 nautical miles; 4) Permanently reduce the current large pelagic fishing vessel area closure to; 4A) 25 nautical miles; 4B) 12 nautical miles.

The requested Council action alternatives included the following:

- No action.
- Select a Preliminarily Preferred Alternative regarding the incongruence of the large vessel area closure boundaries and those of Rose Atoll MNM; and/or
- Select a Preliminarily Preferred Alternative to modify the boundaries of the current 50 nautical mile large vessel area closure recognizing that if you chose a 12 or a 25 nautical mile closure as opposed to 50 you would resolve the incongruence of the boundaries.

At the 149th Council meeting the Council selected Alternative 2C as its Preliminarily Preferred Alternative to minimize incongruence with the Rose Atoll MNM while returning available fishing area to the longline fleet that was lost due to the establishment of incongruent boundaries of the Rose Atoll MNM with the large vessel prohibited area. Alternative 2C will also maintain protection of the various banks and seamounts important for the American Samoa troll and sports fisheries. The Council also selected a modified version of Alternative 3A as its Preliminarily Preferred Alternative to temporarily reduce the large pelagic vessel area closure around Swains Island to 25 nautical miles.

Dalzell summarized an analysis of the alternatives, including the pros and cons of each alternative with maps and tables displaying the alternatives. Dalzell requested Council action to address and consider the no action alternative; confirm the Preliminarily Preferred Alternative, which reduces area closures from 27.7 percent to 21 percent of the US EEZ waters; specify time periods of temporary reduction of area Council around Swains; or select a new alternative.

## Discussion

Oishi asked Dalzell to elaborate on the concern for the diminishment of the area closures. Dalzell said public comment received included a preference for the closure to be maintained as is and also an alternative for preferential access into those areas by vessels compensating Swains from the revenue collected from the catch within the closure areas.

Leialoha asked what number of alias transferred to a larger size class of vessel and the reason behind the statement regarding the alia size class not increasing in number of permits. Walter Ikehara, PIRO, replied that five Class A boats went to a larger size class. Dalzell added that the economics are more favorable in American Samoa for the larger vessels

Duenas noted the alia fleet has also suffered a manpower problem. He supported addressing the incongruent boundaries, but did not favor increasing more area to be closed and acknowledged the importance of the comments of the residents of Swains.

Ikehara said that, after meetings held earlier in the week, some vessel owners expressed an interest in the alia size class permits.

Itano noted the revitalization of the small-boat component of the American Samoa fishery is of great interest to the Council and would encourage fishermen to look into perhaps 45-foot boats and voice support for maintaining the closure area around the main islands.

Sword asked the amount of fish caught within the Swains 50-mile closure. Dalzell replied that, for 2010, the records showed 350,000 pounds of albacore.

Martin agreed with the comments of Council Members Sword and Itano and said he is reluctant to make changes given the opportunities that are coming in the near term.

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

Hamm reviewed the 2010 Annual Report Highlights for the American Samoa Longline Fishery, which included the level of effort (CPUE), catch as in number of fish by species (albacore, yellowfin, skipjack, bigeye, wahoo, mahimahi and billfish) and total catch, and number of vessels, lines set and hooks set. Overall, the 2010 Annual Report Highlights for the American Samoa Longline showed a slight decrease in effort, an increase in overall catch for major species and 18 percent more albacore caught than the previous year.

Hamm also reviewed the longline catch and effort data for the Hawaii Longline Logbook Report, which summarized vessel activity, effort and number of fish caught. Overall, the 2010 Hawaii Longline Logbook Report showed effort decreased in 2010, tuna catches increased, swordfish catches decreased, incidental species catch increased or remained the same, and marlin catch decreased while blue shark catch increased.

## Discussion

Itano asked if the increase in the oilfish catch was a true increase. Hamm replied in the affirmative.

Duenas asked for information on size frequency and if the results show any change in size of fish being caught. Hamm replied that approximately 130,000 individual measurements on bigeye tuna, for instance, is being converted to weight estimates in metric tons. The size frequency can be included in the quarterly report. From memory, the bigeye catch was average size and has not fluctuated dramatically.

### **C. Impacts to Hawaii longline Fleet from Western and Central Pacific Ocean Bigeye Tuna Closure**

Dawn Kotowicz and Laurie Richmond, from the PIFSC Human Dimensions Research Program, presented preliminary findings of the socioeconomic impacts of the bigeye tuna fishery closure that occurred the last two months of 2010. There was a great deal of media attention surrounding the idea that ahi might not be available to people living in Hawaii from Thanksgiving through January, which is the most important time for traditional consumption red fish. The research overview included the background, purpose and methods of the analysis, impacts and experiences of the Western and Central Pacific Ocean (WCPO) closure, such as boats fishing in the east to supply ahi to the local Hawaii market and the quality and price of the ahi that was coming in to the auction, as well as the conclusions and future directions for continued research.

Some key findings included a) There were no drastic disruptions in supply or increase in price, with \$5.5 million of bigeye revenue in December 2010; b) Although there were some impacts, but nothing far outside of the normal level of variability of the fishery system; c) Fishermen, buyers, retailers, consumers and others with sometimes competing interests were affected in different ways; and d) Buyers, wholesalers, retailers and consumer were impacted by fishery policies but not actively involved in policy or management decisions.

Suggestions from study participants were as follows a) Several people supported adding quota from Guam and American Samoa to Hawaii, with increased attention to dual permits; b) Numerous participants support changing the timing of the closure, but didn't necessarily agree on the season; c) Some supported and some opposed an individual quota program; d) Failure to see conservation benefits to the closure. On boater owner was quoted as saying, "The real question is how did it help the resource? We are participating in an act of abject stupidity because of the regulatory scheme and yet we're all scurrying about figuring out how to make things better."

Next steps for the research are a) Economic modeling, to be presented at the June 2011 SSC meeting; b) Understanding distribution chains is ongoing; c) Understanding

more of the import activity; d) More effort given to the small boat fishery; e) Consumer perspectives; and f) Increased interaction with the swordfish fishery.

## Discussion

Itano asked if the yearly value graphs in the presentation included the value of all of the bigeye sold, including the small boat fleet. He said it would be of interest to see the breakdown between Hawaii-permitted vessels and non-permitted vessels to see the impacts to the individual components of the fleet. He suggested a closer look to the imports as well as the shortline fishery. Kotowicz replied the values measures both longline and shortline, anything that was landed at the auction.

Duerr asked if buyers at restaurants, hotels and the big box stores, such as Costco, were interviewed in the research. They replied they interviewed retailers but not restaurant or hotel buyers or the big box stores, but there are plans to do so in future research.

Duenas expressed interest in hearing how tailpipe tuna is impacting the market and a concern over the impacts of the transferred effects of the closure. They replied that, because this is a study looking at monthly fresh ahi, they did not see much of an impact. Although they noted it is a complicated issue and should be addressed in a separate project.

Simonds asked if their market study was fresh fresh fish or fresh frozen fish. Kotowicz replied the study focused on fresh fresh fish.

Caputo asked if there were any comments regarding the enforcement of the closure. They replied that specific questions regarding enforcement were not asked, but they did hear some comments regarding confusion as to whether they were required to land the fish before going back out to the west and as to when the closure began and ended, perhaps due to a language barrier.

Martin commented on the complicated CO tuna import question because it enters Hawaii as a frozen product and highlighted the 103 metric tons of bigeye that was miscalculated has an ex-vessel value worth more than a million dollars, which cannot be recovered under the current measures. He noted this year was unusual as the effort in the Eastern Pacific Ocean (EPO) occurred much later than most years. He asked if they researched the vessels behavior aspect of the closure. Kotowicz replied that teasing out data on imports would be very difficult. In terms of the length of trips, most fishermen said their trips were longer than they'd like them to be and that was reflected in the quality of the fish brought in, and the number of trips in December decreased in 2010 compared to 2009.

## Preliminary Hawaii 2010 Longline Bigeye Tuna Quota Status

In regards to the projected date of the 2010 WCPO bigeye tuna closure, Hamm reported the bigeye tuna fast-track data comes from the most recently submitted logbook data, tallied daily and forecasted weekly. These data are generally about 99 percent complete for a time period ending 2.5 weeks before the weekly compilation. These data provide a starting point for a forecast date for reaching the catch limit.

The bigeye tuna forecast is based on average catches by month during the previous years, 2005-2009. The forecast simply adds the monthly average of catches from previous years to the most recent estimate of cumulative catch that is fairly complete, to get the projected cumulative total for each future projected month. Between the end of one month and the next, projected values are interpolated.

With the complete data needed as a starting point for the forecast being always 2.5 weeks old, with half a week to circulate the forecast and to make a final decision, and with two weeks required to provide notice, the fast-track data used for the deciding forecast is from about five weeks before the restriction date.

In 2010, logbook data compiled afterwards matched the forecast very closely up until two weeks before the restriction date. Almost all of the departure from the forecast occurred after the two-week notice was posted. Thus, more recent, more accurate data would not have provided a better forecast in 2010.

Hamm displayed a graph illustrating the bigeye tuna landings as of February 18, 2011m for the WCPO and Eastern Pacific Ocean (EPO) vessels.

Martin asked what the confidence intervals were for the projections. Hamm replied the prediction is calculated with confidence limits put around the average from the last five years and was developed based on the variates around the mean; he predicts a 25 percent, 50 percent, 75 percent risk factor of going either over or under. The date was selected at a 50 percent rate factor. In other words, 50 percent of the time the prediction will be over and 50 percent of the time it will be under, providing the fishermen don't change their behavior. In the future, an adjustment factor may be applied in the last couple of weeks of the fishery.

### **D. International Fisheries**

#### **1. Seventh Meeting of the Western and Central Pacific Fisheries Commission**

Dalzell presented the main highlights of the Seventh Regular Session of the Western and Central Pacific Fisheries Commission held in Honolulu. No new measures agreed to for bigeye and yellowfin conservation (for 2012 and beyond). The Parties to the Nauru Agreement (PNA) members proposed that the Commission adopt a total purse seine closure to the eastern high seas, but the proposal was not adopted. Four

hammerhead and porbeagle sharks were added to list of key species. CMM 2005-02 was revised, requiring vessels taking South Pacific albacore as bycatch to report catches as well as vessels targeting albacore. A Cook Islands proposal for an eastern high seas pocket control measure was adopted. The North Pacific striped marlin reduced in 2011 to 90 percent of highest annual catch between 2000 and 2003; the measures will be amended based on 2011 stock assessment for 2012 and 2013. WCPFC members are to ensure that total fishing effort by their vessels fishing for Pacific bluefin tuna in the area north of the 20 degrees North stays below the 2002 to 2004 levels for 2011 and 2012, except for artisanal fisheries. Cooperating nonmember status was granted to Belize, Mexico, Ecuador, Vietnam, Thailand, El Salvador, Panama, Senegal, Indonesia, Thailand and Panama, but not to North Korea. Dr. Charles Karnella (USA) was elected Commission chair to replace the outgoing chair, Satya Nandan (Fiji).

### Discussion

Itano noted that the whole meeting was influenced by the PNA group, which controls most of the skipjack resources of the Western Pacific and is becoming quite an entity with this zone. A lot of measure didn't pass because of the issues with the PNA and the Commission.

Duerr asked what the penalty is for countries submitting inaccurate scientific information. Dalzell replied that currently are no sanctions or penalty.

Duenas suggested three items for the Council to address as the upcoming Scientific Committee, Northern Committee and Technical and Compliance Committee (TCC) meetings approach. First, the analysis of fishing gear compared to FAO standards on Responsible Fisheries; second, the development of a modified fishing year; and third, agreement to access of the VMS information for the WCPFC.

Martin voiced disappointment given that one sector of the US fishery is approaching meeting the mandates of the Commission while another sector continues to increase its bigeye take, which compounds the problem for everybody involved in the fishery.

Dalzell added that all fisheries must reduce their catch striped marlin to the level of their highest catch in any one year between 2001 and 2003.

Tosatto added that, with striped marlin, the US is in a wait-and-see mode, as catches are well below the limit. The real concern is the status of that stock and what needs to be done across all of the fisheries to make sure that we have striped marlin available to exploit. He noted some changes in place within the US framework for the WCPFC as follows. Russel Smith will be the lead federal Commissioner at WCPFC. Language fixes were made to the WCPFC Implementation Act, which allows non-federal Commissioners to fully participate in the deliberations of the US Delegation.

Duenas' two points about needing to look at what can be done domestically to manage within the impacts of the WCPFC closure is important. The Council should continue to address managing the impacts of WCPFC's management measures.

Martin noted that a change in fishing year should be kept on the table for consideration and encouraged the Council to work with the US Delegation and Commissioners to advance an approach where underages or overages could be addressed so they're not lost. Duenas agreed with Martin's comments. Tosatto said there is enough precedent with enough of the players where there may be a chance to get traction on such a scheme.

### ISSF Purse Seine Bycatch Workshop Report

Jefferson Maura, from International Seafood and Sustainability Foundation (ISSF), reported on Bycatch Reduction Workshops held in conjunction with purse seine skippers and the purse seine industry to address some of the problems such as the bycatch of small juvenile bigeye and other species. The ISSF was created to work towards sustainability of tuna fish stocks. One method is to hold bycatch workshops to learn from fishers, share ideas and test the ideas in the ISSF research purse seine boat, to gain understanding of fishing conditions in each ocean and fleet, and share results of bycatch research with the Council and others. Research is conducted globally.

In the purse seine industry, bycatch can be categorized into different groups: a) Finfish, in terms of triggerfish, mahimahi, wahoo; b) Sharks and turtles, in smaller numbers, but the impact is still there; and c) Tuna, the juvenile tuna, which fall into purse seine bycatch because they are not of a commercial size and have a big impact on the fishery. Solutions to bycatch problems the ISSF is promoting include area closures; TAC limits; FAD moratoriums, such as the three-month moratorium on FADs; economic fines; and more intelligent fishing, such as use of better selectivity of gear, use of best practices, use of technology. The workshops serve to communicate with skippers and crew who have the knowledge of being out at sea for years and get their feedback. Workshops have been conducted in Ecuador, Panama, Spain and the Seychelles.

Next year the results from the first ISSF research vessel cruise will be presented to captains in an effort to get measures adopted by the fleet. The Scientific Committee discusses ideas and selects the research to be conducted. The research vessel is operated for three months at a time in each of the oceans every year to see what works and passes it on back to fishers; it is discussed in the Scientific Committee. At the end of three years the ISSF hopes to have found a set of solutions, protocols and best practices to reduce bycatch, which can be passed to the different regulatory bodies and governments. A brief overview was presented of the technological protocols being developed.

Itano expressed his strong support for the project and noted the tremendous value of ISSF efforts. He briefly discussed the Scientific Steering Committee and Research Purse Seine Vessel Cruise Planning Group of which he is a member. The first cruise is planned to begin in April 2011 in the EPO.

Duenas said he attended the workshop and found it quite enlightening as to the interaction between the purse seiners.

Martin said the process is much more productive when industry is engaged in finding solutions.

#### International, US Commissioners Meeting

Martin reported the US Commissioners gathered with the Regional Fishery Management Organizations (RFMOs) to meet in Washington, DC, for a one-day meeting. Some of the topics discussed included a) use of the UN Food and Agriculture Organization (FAO) as a vehicle to evaluate fisheries, though none of the NOAA Fisheries International Division were aware of the work that was done out in the Pacific related to the Code of Conduct for Responsible Fishing that the Hawaii longline fishery has gone through twice; b) a petition by the Center for Biological Diversity to restrict the imports of swordfish into the United States from countries that don't meet the MMPA standards that the US has established; c) Ongoing activities where NMFS has chosen not to impose any import sanctions on swordfish that don't meet the MMPA standards because there were other complications; d) international rights-based prospects in tuna fisheries, reported by the Southwest Region; e) Kobe III scheduled to be held on July 11 or July 14 in San Diego, which the Council will be participating in; f) the ongoing solicitation for AP positions; Martin encouraged the territories to take advantage of the opportunity to get names submitted to participate in the process in an advisory role; and g) a US Delegation phone call to solicit input prior to the TCC meeting.

There were no comments or questions.

#### Highly Migratory Species for the FMP Designation

Tosatto reported that the Pacific Fishery Management Council has been working on Amendment 2 of the Highly Migratory Species (HMS) FMP, which includes its ACL framework for pelagic, or HMS, species. The Western Pacific Council shares responsibility and fisheries on most of the species in the Pacific Fishery Management Council. There is a discussion of the importance of establishing a primary FMP and the need for a lead in developing the management objectives for these species. There are distinct differences between the two Councils in the level of fisheries on the species, on the types of fisheries on the species, and what's covered in each of the FMPs. Tosatto noted what is before the Council is some consideration on issues such as, does the Council support that need for Primary FMP Designations and what are the thoughts on the potential Primary FMP Designation shown in the table shown. Also, feedback will be provided to the Pacific Fishery Management Council and to NMFS during the consideration, review and potential approval of the draft recommendation.

Simonds asked Dalzell to go through the table to see if there are things the Council is interested in sharing and decide how this item should be addressed.

Dalzell addressed the species in the table as follows:

- North Pacific albacore tuna is the biggest commercial pelagic species for the Pacific Council. Most of the catch in the Western Pacific Region is inside the US EEZ off the West Coast caught by trolling. The troll fishery is managed under a treaty between the US and Canada.
- Bigeye tuna in the Eastern Pacific is split between the EPO and WCPO because it's managed under the Inter-American Tropical Tuna Commission (IATTC) and WCPFC. Bigeye is a single stock.
- Skipjack is split between the east and west.
- Bluefin tuna is a Northern Committee stock. The Western Pacific Region does not catch it in any abundance in Hawaii. It's important to the recreational fisheries off the West Coast. Seasonally it is fished by purse seiners that actually target anchovies and sardines, but at certain times they target bluefin.
- Yellowfin is very important to the Western Pacific Region. It is split between the east and west.
- Striped marlin is important for the West Coast recreational fisheries. Striped and blue marlin are very important in the Western Pacific Region as commercial species landed in Hawaii, as a food fish and as an important target of the charter vessel fishery.
- Swordfish, the Western Pacific Region catches considerably more swordfish than the West Coast. The Pacific Council has 30 to 40 vessels that drift gill net inside the EEZ. The Hawaii swordfish longline fleet, which is predominantly outside of the EEZ, even with the removal of effort limits in 2010, has tended to remain at about 10 vessels. The Western Pacific Region catches two to three times as much as the West Coast.
- Bigeye thresher shark, not much is caught in the Western Pacific Region.
- Blue shark, the Western Pacific Region catches a considerable number and NMFS has published a stock assessment.
- Common thresher shark, very rarely seen in the Western Pacific Region.
- Mako, the Western Pacific Region catches some.
- Dorado/dolphinfish is extremely important in the Western Pacific Region. The Pacific Fishery Council lists this species as local.
- Opah has become significantly more important in Hawaii's longline fishery. Stock dynamics are unknown. This species is also listed as local by the Pacific Fishery Council.

Pooley noted the operating agreement being worked on with the Southwest Fisheries Science Center. He said a breakdown like this splits responsibilities sometimes between fisheries and sometimes between species. He stated on the species side leads and supporting Centers were identified. The Pacific Islands were the lead for yellowfin,

bigeye, skipjack, South Pacific albacore, blue shark, oceanic white-tip and silky sharks, which leaves the Southwest Center to take the lead on the North Pacific bluefin tuna and thresher sharks. PIFSC is doing the stock assessments for the North Pacific albacore and bluefin this year. On monitoring and data management issues the division was made by fishery. The final item is who gives conservation advice to whom. This Region's conservation advice goes to the Regional Office of the Western Pacific Council for fisheries for which it's responsible, and the Pacific Council's conservation advice goes to the Southwest Region and Pacific Council. There was a lack of congruity between the table and how the two Centers worked it out.

Duenas said his concern was whether development of BiOps and other similar items would be shared.

Tosatto said they would not join a consultation in another Council's action area.

Martin expressed concern regarding splitting of turtle species incidental takes between regions.

Itano said he smelled a rat, there was just an amendment and now they're asking the Western Pacific Council to acquiesce to its provisions. He said it was easier to just say no.

Dalzell noted the biggest commercial West Coast pelagic fishery catching some of these species is the drift gill net fishery, which is based almost entirely in California. The next biggest pelagic fishery is the recreational fishery on the West Coast, along with the private charter vessels. There was a brief discussion of the purse seine fishery.

Martin pointed to the footnote regarding one of the differences between the Western Pacific Region and the Southwest. The Western Pacific Region has FEPs. They have FMPs.

Simonds noted a recommendation will be drafted for the Council to review and vote on later in the agenda.

Tosatto wanted to make sure the Council is aware that the Pacific HMS Amendment 2 was transmitted to the Regional Administrator on January 27 and is undergoing Secretarial Review now and the Council would need to make its comments on that proposed rule and proposed amendment.

Itano mentioned there is a stakeholders meeting in San Diego in May for the swordfish fishery on the West Coast to look at options for their fishery.

#### **E. SSC Recommendations**

Severance reported the SSC recommendations and comments:

- Topic 1, on Vessel Size Class: The SSC concurs with the Council's Preliminarily Preferred Alternative 1C, which would replace the four vessel classes with two, where Class A and B vessels would be considered small and Class C and D vessels would be considered large.
- Topic 2, on Permit Eligibility: The SSC again concurs with the Council's Preliminarily Preferred Alternative 2B, which would limit permit ownership to U.S. citizens and nationals and require no history of participation eligibility, but would maintain the priority ranking system based on earliest documented history of fishing participation in vessel class size. Similarly, the SSC recommends 2b(ii), whereby transfers of permits would require US citizenship/national status, but no American Samoa participation history.
- Topic 3, Minimum Landing Requirements: The SSC concurs with the Council's Preliminarily Preferred Alternative 3b, which would lower the Class A and B Minimum Landing Requirements to 500 pounds within a three-year period, but would maintain the existing 5,000 pound landing requirement for Class C and D.

Duenas asked for clarification on the present status regarding the request to waive the landing requirements. Tosatto replied the Regional Administrator does not have discretion to waive landing requirements. It requires a regulatory amendment.

## **F. Public Hearing**

**Rasila Feliciano**, an American Samoa resident, asked if the intent of the modifications to the American Samoa Limited Entry Program is to make changes to the criteria. Martin replied the language simplifies the criteria into two vessel class sizes, large and small; everything else remains the same. Changing the fishing area is a separate issue.

**Feliciano** said the modification proposed in Alternative 2B and Alternative 2B(ii) eliminates criteria for having a documented history of participation for qualifying for a permit and stressed the original language was there to protect the Samoan people. Her main concern is to protect the locally owned fishing corporations, as well as the fishing companies that are US citizens who have faithfully fished in this area and have landed their catch in American Samoa because these companies contribute to the local economy. She worries by eliminating that language it will open a loophole allowing the US flagged foreign-owned boats to benefit from fishing in their zone but not landing their catch in American Samoa and not contributing to the economy. She noted that she prefers to not change the language, but if the Council so decides, she suggested to modify the language to require in a fair manner by requiring them to land their fish in American Samoa. Her suggested alternatives included to require prior history in the American Samoa fishery and to require a locally established company in American Samoa, paying taxes in American Samoa, contributing to American Samoa. She said Samoa needs to develop its fishing industry for the American Samoan people.

**Vai** said that in the '40s and '50s the Mitsubishi Corporation used only longliners to fish. No nets were used. The purse seiners use all nets and catch all species. He asked questions concerning overfishing and if there is any way to alleviate this problem, such as returning to the use of longline gear only as this would reduce waste of the resource.

#### **G. Council Discussion and Action**

Duerr directed Council staff to draft a motion to write a letter to oppose the taking-marlin-off-the-menu campaign.

*Regarding modifications to the American Samoa Longline Limited Entry Program, the Council:*

- 1. Directs staff to prepare an amendment/regulatory amendment, to the FEP and transmit the final document to the Secretary of Commerce based on the Council's following Preferred Alternatives:**
  - a. Alternative 1C, which would replace the four vessel classes with two, where Classes A and B would be considered small, and Classes C and D vessels will be considered large.**
  - b. Alternative 2B, which would restrict ownership to U.S. citizens and nationals only, and eliminate criteria of having a documented history of participation to be eligible for owning a permit but would maintain the priority ranking system based on earliest documented history of fishing participation for vessel class size.**
  - c. Alternative 2B(ii), which would require that permits can only be transferred to U.S. citizens or nationals and eliminate the requirements to have documented participation in American Samoa Longline Fishery to be eligible to receive a transferred permit.**
  - d. Alternative 3B, which would lower the small vessel class minimum harvesting requirement to 500 pounds of PMUS caught with longline gear in the EEZ around American Samoa within a three-year period, but would maintain the existing 5,000 pounds harvesting requirement of PMUS caught with longline gear around the EEZ around American Samoa for the large class vessels.**

Moved by Martin; seconded by Sablan.

Duenas reminded the Council members of comments made earlier by the audience regarding Alternative 2B and the elimination of criteria. He noted this language contains a qualifier. Martin asked if Duenas is asking to remove the language, vessel size class. Duenas moved to amend the alternative to say, participation in American Samoa fisheries, period, and remove the vessel class size.

Kingma noted in making the motion to change the language it is seeking to change the limited entry program because the existing ranking priority system is based by vessel size class. If there's a permit that becomes available through revocation or relinquishment and NMFS puts out a solicitation for that permit, the person with the longest history in the fishery on a Class A vessel goes to the top of the list. So it is by vessel size class under the current limited entry program.

Duenas stated the qualifier has to be removed as it will hamper the development of the fishing industry in American Samoa. Kingma pointed out that Classes A and B are the vessel size classes most likely to have indigenous Samoan participation and community participation.

Sword stated the goal is to get more local participation, and make it easier for local folks to get into the fishery.

Itano asked for clarification as to whether the language gives a priority ranking system without excluding anybody. Kingma replied in the affirmative.

Duenas said it allows a person from Hawaii or California who has never participated in the American Samoa fishery to be eligible for a permit and he has a concern about opening the door to such a possibility.

Duerr asked if such a requirement is considered discrimination. Tucher replied in the affirmative. He added in order to achieve a legitimate objective under the FMP a disproportionate burden can be placed on some participants in a fishery if it achieved an overall benefit to most or a majority of user groups under an FMP. Tucher explained, in this instance there is a limited access permit system. The original purpose for the limited entry program was to allow an entry and progression through that system by community members within American Samoa and also to prevent over-capitalization. Whatever the Council does today should be intended to promote the purpose for the limited access system. He further clarified that one may discriminate if it serves the FEP objective and convey the net benefits on the greatest number of participants in that fishery.

Duerr spoke in support of any effort to assist the American Samoa people to develop their fishing industry and build their economy.

Duenas said the language is to assist American Samoa and he does not promote discrimination.

Tucher said he does not want to bring up the word discrimination. He was speaking in the context of different fishery groups, as is used in National Standard 5, speaking in terms of communities and different fishery groups.

Tulafono asked for clarification as to how the priority ranking system works with a person who does not have a history in the vessel class sizes. Kingma clarified that if permits become available in Class D and two participants apply, one is a current Class D

permit holder with a history, the other one is a Class A permit holder that also has history, the Class A permit holder has an earlier history in the fishery, the Class A permit holder has priority over the Class D participant. He further clarified the history must be in the American Samoa fishery.

Ikehara added that any applicant with any prior history in American Samoa will out-prioritize anyone who has no history as an applicant.

Duenas stated the purpose of his amendment was American Samoa participation in the fishery followed by fishermen from Hawaii or California. He suggested a separate measure to develop an options paper to look at the priority ranking system.

Tucher asked for clarification as to whether Duenas was asking for an options paper and deferring Council action or offering a regulatory amendment. Duenas asked for feedback from the American Samoa Council members.

Itano suggested an additional criteria tier that clearly gives priority above outsiders to enter the fishery. Duenas clarified he is asking for another alternative.

Simonds suggested the Council CDP provides an exemption and later work on a regulatory amendment to the Pelagics FEP.

Duerr suggested requiring residency to enter the fishery, similar to Hawaii.

Tulafono recommended moving forward and then investigate other alternatives at a later time because it works both ways. Samoans returning from the mainland who don't have experience want to get in the fishery.

Haleck asked the Council to look at the way to be able to give the people of American Samoa the best options to move forward in getting permits to be able to engage in the longline fishery.

Duenas withdrew his amendment to the main motion.

Motion passed with one abstention by Duenas.

*Regarding landing requirements for American Samoa pelagic fisheries, the Council:*

- 2. Directs staff to write an options paper investigating the pros and cons of requiring the landing of PMUS harvested in the EEZ around American Samoa by all longline and purse seine fisheries. The paper would also investigate options for prioritizing participation in the longline fishery by community residents.**

Move by Martin; seconded by Haleck.

Tosatto noted it is only an options paper and the Council's Pelagic FEP manages only the component of the purse seine fishery that is conducted in the US EEZ.

Motion passed.

*Regarding the proposed large vessel prohibited area closure, the Council:*

- 3. Directs staff to prepare an amendment or regulatory amendment to the FEP and transmit the final document to the Secretary of Commerce for approval based on the Council's following preferred alternative: Alternative 2C, which would minimize the incongruity between the boundaries of the large vessel prohibited area around Tutuila, Manua and Rose Atoll, and the Rose Atoll MNM.**

Moved by Martin; seconded by Tulafono.

Motion passed.

*Regarding the large vessel prohibited area, the Council:*

- 4. Directs staff to draft a white paper that explores a CDP that would permit access to the current closed areas for large pelagic fishing vessels that would benefit the indigenous fishing communities through revenues generated from catches by the large-longline vessel within the large vessel prohibited area.**

Moved by Martin; seconded by Haleck.

Palawski asked if the options paper would still look at the possibility of not reducing the closed area as well. Dalzell replied in the affirmative.

Sword asked if this in regards to all of American Samoa or for only Swains Island area closure. Duenas replied for all areas.

Motion passed.

*Regarding the American Samoa longline fishery, the Council:*

- 5. Directs staff to prepare a draft amendment to the Pelagics FEP that would specify regulations for an American Samoa shallow-set longline fishery, which would operate under the American Samoa Longline Limited Entry Program to target swordfish and other pelagic species.**

Moved by Martin; seconded by Tulafono.

Motion passed.

*Regarding taking the Marlins-off-the-Menu Campaign:*

- 6. The Council directs staff to compose a letter to the Chair of Hawaii DLNR and copy the International Game Fish Association (IGFA) and PEW Foundation and other supporters of the proposed legislation voicing the**

**importance of marlin and other billfish to fishermen, fishing communities and seafood in the Western Pacific Region.**

Moved by Martin; seconded by Tulafono.

Simonds clarified there was there was a similar bill in the last Congress that died. Some of the proponents of the bill came to Hawaii to work with people in Hawaii regarding the bill. The bill was introduced in the State Legislature. Simonds suggested sending a letter to the DLNR chair with a copy to all organizations or to the person who introduced the bill.

Amendment moved by Duerr; seconded by Sablan.

Motion passed with two abstentions by Oishi and Leialoha.

Oishi suggested sending the letter to Josh Green, House Speaker and the Senate President so that they understand that this kind of legislation is of great concern to the residents. Simonds pointed out that would be considered lobbying for the Council. DLNR is the Council's partner in resource management and would share information with DLNR. Council members will have an opportunity to offer comments.

Motion passed, with two abstentions by Leialoha and Oishi.

**14. Administrative Matters**

**A. Financial Reports**

Simonds reported that, because of the Continuing Resolution, funds have been received for only the first quarter.

**B. Administrative Reports**

Simonds reported that Sabater was hired as the marine ecosystem scientist. He will be focusing on insular fisheries. An independent, in-house audit was completed. Staff completed a Freedom of Information Act (FOIA) request and provided documents to NMFS.

**C. SOPP Review and Changes**

Simonds reported no changes regarding the Statement of Organization Practices and Procedures (SOPP). The SOPP is an agenda item for the June Council meeting.

**D. Council Family Changes**

Mitsuyasu displayed a list of potential Council family changes.

## **E. Meetings and Workshops**

Some of the meetings of interest to the Council reported are as follows: a) Sea Turtle Advisory Committee will meet on March 23–24, 2011; b) Fifth International Marine Debris Conference, taking place March 21–25, 2011, in Honolulu (the Council is a sponsor of the conference); c) Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Committee meeting, April 4–5, 2011, on Maui (Council staff will be attending); d) Hawaii Bottomfish WPSAR scheduled for April 5–7, 2011; e) International Sea Turtle Symposium, to be held in San Diego, California, April 11–15, 2011 (Martin and Council staff will participate on a panel discussion on sea turtle–longline fisheries interactions); f) Council Coordination Committee meeting to occur May 3–5, 2011, in Charleston, South Carolina; and g) the 151st Council meeting set for June 15–18, 2011, in Honolulu.

## **F. Other Business**

Regarding the issues associated with fisheries disaster relief, Simonds passed on a friendly request for NMFS to complete work on a template that will facilitate information gathering after a disaster. Simonds also reminded NMFS to continue to work on a CDP template for potential program applicants.

Simonds added discussions regarding terms for SSC members, such as a four-year term of service, and should be part of the SOPP.

Simonds reported that Brooks Tanaka from the United Fishing Agency organized a meeting that included the Council, Conservation International, The Nature Conservancy and others to discuss management of the marine resources, habitat, marine laws, which ones are based on science, which ones aren't, which ones are enforceable, which ones aren't, etc. A facilitated meeting is planned with the goal of fostering a working relationship between the environmental community and fishermen. DLNR will also be invited to participate.

## **G. Standing Committee Recommendations**

Duenas reported the Standing Committee met on March 7 and discussed the issues under the Administrative Matters agenda item. There are recommendations to be considered by the full Council.

## **H. Public Comment**

**Sesepasara** thanked the Council for taking the time to consider the Samoan indigenous fishermen and the fishing zone modifications in American Samoa and the Community Development Projects for the Manua community.

**Jennings** thanked the Council for their consideration. He said Swains is honored and appreciated the decisions made regarding Swains Island.

## I. Council Discussion and Action

*Regarding Administrative Matters, the Council:*

- 1. Directs staff to change the SOPP to add four-year term limits for members of the SSC.**

Moved by Duenas; seconded by Sablan.

Itano asked for clarification as to the whether the terms are renewable, i.e., what happens after four years? Duenas clarified the purpose is a way for the members to choose not to continue if other commitments should arise.

Motion passed.

- 2. Appoints Mike Tenorio from the CNMI DFW and Domingo Ochavillo from American Samoa DMWR to the SSC. Tenorio will replace Mike Trianni and Ochavillo will replace Sabater, respectively.**

Moved by Duenas; seconded by Sablan.

Motion passed.

- 3. Appoints Peter Ruzevich and William Dunn III from CNMI DFW to the Mariana Archipelago Plan Team.**

Moved by Duenas; seconded by Duerr.

Motion passed.

- 4. Appoints Judith Guthertz from Guam to the Council's CMSP Working Group.**

Moved by Duenas; seconded by Sablan.

Motion passed.

- 5. Directs staff to:**

- A) Coordinate Council participation in the 52nd Hawaii International Billfish Tournament as the winner of the 2010 Great Marlin Race and leverage that participation to inform the community about potential local fishing and seafood community impacts from the national effort to take marlin off the menu. Council staff should also use this opportunity to coordinate and plan Council programs and activities, staff responsibilities and Council operations.**
- B) Convene the Climate Change and CMSP Workshops as planned.**
- C) Work with Conservation International in a joint initiative to review Hawaii fishery regulatory regime.**

Moved by Duenas; seconded by Sablan.  
Motion passed.

- 6. Requests NMFS to complete the review as soon as possible of the EFH and HAPC for bottomfish MUS in American Samoa and the Mariana Archipelago.**

Moved by Duenas; seconded by Sablan.  
Motion passed.

- 7. Directs staff to produce a timeline on the development of the CDP Amendment and summaries the issues preventing the finalization of the template.**

Moved by Duenas; seconded by Sablan.  
Motion passed.

*Regarding Education and Outreach, the Council:*

- **8A) Directs staff to write a letter to the Pacific Services Center requesting the opportunity to review the Marine Science Curriculum for Hawaii prior to publication.**
- **8B) Directs staff to write a letter requesting that the Council be included on the NOAA National Education Council.**
- **8C) Directs staff to request the Council's communications officer be included as a member of the NMFS Fishery Education Committee.**
- **8D) Directs staff to coordinate and host Regional Lunar Calendar Workshops every other year.**

Moved by Duenas; seconded by Haleck.

Duenas asked for clarification of the frequency of publication of the lunar calendars. Mitsuyasu replied the calendars would be published every year.

Motion passed, with abstention by Tosatto.

- 9. The Council convene a working group of PIFSC, Hawaii DAR, Council and the fishing community to explore options to develop a joint federal-state boat-based noncommercial data collection program for Council consideration.**

Moved by Duenas; seconded by Dela Cruz.

Oishi asked for clarification as to how this would defer from the Hawaii Marine Recreational Fishing Survey (HMRFS) Program. Mitsuyasu replied a similar package

was sent in for approval and was declined by the Secretary. The mandates have changed since then, and this is an effort to collect information that can be used in regards to determining ACLs, such as some boat-based fisheries do not have required noncommercial permit and reporting in place. This recommendation will create an option for that. Oishi said it would add manpower and budget pressure so he would abstain.

Motion passed, with an abstention by Oishi.

*Regarding the NMFS' February 24, 2011, letter asking for more information to complete the American Samoa Disaster Relief Request, the Council:*

- 10. Recommends the Council, PIRO and DMWR staffs meet to work on preparing this information immediately and that NMFS develop a template for this and future Disaster Relief Requests.**

Moved by Duenas; seconded by Sablan.

Tosatto reported that the meeting was recently held and there is commitment to working on a template for future disaster relief requests.

Motion passed.

*The Council Regarding the NOAA/USFWS/MCBI Seabird and Pelagic Fishes Interrelationships Workshop, the Council:*

- 11. Directs staff to send a letter to NMFS communicating the Council's concern regarding NMFS' decision to provide federal funds to an environmental advocacy organization that has provided questionable scientific reports related to the NWHI bottomfish fishery. This organization has been funded by NMFS to implement three workshops and projects related to the PRIAs that could have significant implications to the management of marine resources within Council jurisdiction. The Council requests that NMFS provide detailed descriptions of these workshops and projects at the 151st Council meeting.**

Moved by Duenas; seconded by Sablan.

Leialoha asked as to whether there was a standard request for proposals. Tosatto clarified it was a legitimate grant issued under broad agency authority.

Martin spoke in support of the motion and expressed concern with the circuitous route of informing the Council of the awarding of the grant. He said he hoped the Council would be more engaged and better informed when such activities are contemplated.

Duenas suggested requesting NMFS to provide a detailed report of the workshops and projects. Tosatto replied he understands the recommendation to mean he is to provide a report on the workshops.

Motion passed, with one nay by Tosatto, one abstention by Leialoha.

- 12. Directs staff to review the January 2011 Oversight Plan of the House Committee on Natural Resources in preparation for the Council Coordinating Committee meeting in May.**

Moved by Duenas; seconded by Sablan.

Motion passed.

- 13. The Council directs staff to send a letter to the Pacific Council and NMFS indicating that the Council does not support the Pacific Council's recommendation to identify a primary FMP/FEP for HMS MUS.**

Moved by Duenas; seconded by Martin.

Motion passed, with one abstention by Tosatto.

The 151st Council meeting adjourned.

**Abbreviations in the 150<sup>th</sup> CM Draft Minutes**

Acceptable Biological Catch (ABC)

Advisory Panel (AP)

American Samoa Coral Reef Advisory Group (CRAG)

American Samoa Department of Marine and Wildlife Resources (DMWR)

Annual catch limit (ACL)

Annual Catch Target (ACT)

Baited Remote Underwater Video (BRAV)

biological opinion (BiOp)

Biological Review Team (BRT)

catch per unit effort (CPUE)

Center for Independent Experts (CIE)

Chicken of the Sea (COS)

coastal and marine spatial planning (CMSP)

Commonwealth of the Northern Mariana Islands (CNMI)

CNMI Coastal Resource Management Office (CRMO)

CNMI Department of Lands and Natural Resources (DLNR)

CNMI Division of Fish and Wildlife (DFW)

Community Development Plan (CDP)

Coral Reef Ecosystem Division (CRED)

Department of Defense (DOD)

Distinct Population Segment (DPS)

Eastern Pacific Ocean (EPO)

Endangered Species Act (ESA)

environmental assessment (EA)

essential fish habitat (EFH)

exclusive economic zone (EEZ)

Farallon de Medinilla (FDM)

fish aggregation device (FAD)

Fisheries Research Section (FRS)

Fishery Ecosystem Plan (FEP)  
fishery management plan (FMP)  
Forum Fisheries Agency (FFA)  
Freedom of Information Act (FOIA)  
full-time equivalent (FTE)  
General Counsel (GC)  
Generalized Linear Mixed Model (GLMM)  
Generalized Linear Mixed Model (GLMM)  
Guam Division of Aquatic and Wildlife Resources (DAWR)  
Guam Fishermen's Cooperative Association (GFCA)  
Hawaii Bottomfish Area Review Board (BARB)  
Hawaii Department of Land and Natural Resources (DLNR)  
Hawaii Division of Aquatic Resources (DAR)  
Hawaii Division of Conservation and Resource Enforcement (DOCARE)  
Hawaii Longline Association (HLA)  
Hawaii Marine Recreational Fishing Survey (HMRFS)  
Hazard and Analysis Critical Control Point (HACCP)  
Highly Migratory Species (HMS)  
Incidental Take Statement (ITS)  
Inter-American Tropical Tuna Commission (IATTC)  
International Game Fish Association (IGFA)  
International Seafood and Sustainability Foundation (ISSF)  
Joint Enforcement Agreement (JEA)  
Magnuson-Stevens Fishery Conservation and Management Act (MSA)  
main Hawaiian Islands (MHI)  
Managaha Marine Conservation Area (MMCA)  
Management Unit Species (MUS)  
Marine Conservation Biology Institute (MCBI)  
Marine Conservation Plan (MCP)  
Marine Education and Training (MET)  
Marine Mammal Protection Act (MMPA)  
Marine National Monument (MNM)  
marine protected area (MPA)

memorandum of understanding (MOU)  
monitoring, control and surveillance (MCS)  
National Environmental Policy Act (NEPA)  
National Institute of Safety and Occupational Health (NIOSH )  
National Marine Fisheries Service (NMFS)  
National Marine Sanctuary Program (NMSP)  
National Ocean Policy (NOP)  
National Oceanic and Atmospheric Administration (NOAA)  
National Saltwater Angler Registry (NSWAR)  
Northwestern Hawaiian Islands (NWHI)  
Northern Marianas College Cooperative Research Extension and Education Service  
(NMC CREES)  
Office of Law Enforcement (OLE)  
Overfishing Limit (OFL)  
Pacific Islands Division (PID)  
Pacific Islands Fisheries Science Center (PIFSC)  
Pacific Islands Regional Office (PIRO)  
Pacific Remote Islands (PRI)  
Pacific Remote Island Areas (PRIAs)  
Parties to the Nauru Agreement (PNA)  
Pelagic Fisheries Research Program (PFRP)  
Pelagic Management Unit Species (PMUS)  
Regional Ecosystem Advisory Committee (REAC)  
regional fishery association (RFA)  
Regional Fishery Management Organizations (RFMOs)  
Scientific and Statistical (SSC)  
sea surface temperature (SST)  
Senate Bill (SB)  
Senate Draft (SD)  
Social, Economic, Ecological and Management uncertainty (SEEM)  
Statement of Organization Practices and Procedures (SOPP)  
Technical and Compliance Committee (TCC)  
Total Allowable Catch (TAC)

UN Food and Agriculture Organization (FAO)  
US Coast Guard (USCG)  
US Coral Reef Task Force (CRTF)  
US Fish and Wildlife Service (USFWS)  
University of Guam (UOG)  
Vessel Monitoring System (VMS)  
Western and Central Pacific Fisheries Commission (WCPFC)  
Western and Central Pacific Ocean (WCPO)  
Western Pacific Fisheries Information Network (WPacFIN)  
Western Pacific Stock Assessment Review (WPSAR)

**Persons Cited in the 150<sup>th</sup> Council Meeting Draft Minutes**

Fini Aitaoto, Council staff

Kimi Apiki, concerned citizen and Native Hawaiian nonprofit organization representative

Randy Awo, Maui Nui branch chief, Hawaii DOCARE

Steve Beverly, fisheries scientist and fisherman

Cmdr. Jay Caputo, US Coast Guard

Alexa Cole, NOAA General Counsel for Enforcement and Litigation

Eric Cruz

Paul Dalzell, Council staff

Ignacio Dela Cruz, CNMI Department of Lands and Natural Resources

Joshua DeMello, Council staff

Manuel Duenas, chair, Guam Council member

Fred Duerr, Hawaii Council member

William Dunn III, CNMI DFW

Ueta Faasili, coordinator for the Fisheries Development Project funded under the Council for American Samoa

Rasila Feliciano, American Samoa resident

Leua Aiono Frost, American Samoa resident

Laura Hamilton, NOAA Regional Coordinator

Dave Hamm, PIFSC Fisheries Research and Monitoring Division, Fishery Monitoring Branch

Stephen Haleck, vice chair, American Samoa Council member

Walter Ikehara, PIRO

Asuka Ishizaki, Council staff

David Itano, vice chair, Hawaii Council member

Alexander Jennings, Swains Island Representative in the American Samoa House of Representatives

Charles Kaaiyai, Council staff

Charles Karnella, elected chair, Western and Central Pacific Fisheries Commission

Chris Kelley

Eric Kingma, Council staff  
Dawn Kotowicz, PIFSC Human Dimensions Research Program  
Julie Leialoha, Hawaii Council member  
Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere  
Sean Martin, Hawaii Council member  
Jefferson Maura, from International Seafood and Sustainability Foundation  
Mark Mitsuyasu, Council staff  
Roy Morioka, Council contractor and fisherman  
Satya Nandan, outgoing chair, Western and Central Pacific Fisheries Commission  
Domingo Ochavillo, American Samoa DMWR  
Francis Oishi, Hawaii Department of Land and Natural Resources  
Don Palawski, US Fish and Wildlife Service  
Michael Park  
Lelei Peau, deputy director of Department of Commerce in American Samoa  
Bill Pickering, from Pacific Islands Division, Office of Law Enforcement  
Sam Pooley, director of NMFS Pacific Islands Fisheries Science Center  
Laurie Richmond, PIFSC Human Dimensions Research Program  
Peter Ruzevich, CNMI DFW  
Marlowe Sabater, Council staff  
Ben Sablan, vice chair, CNMI Council Member  
Henry Seseapasara, Legislative Representative from the Village of Pago Pago  
Craig Severance, SSC member  
Kitty Simonds, Council executive director  
Bob Skillman, chair of the WPSAR Panel  
Russel Smith, new lead federal Commissioner at WCPFC  
Lieutenant Governor Sunia  
William Sword, American Samoa Council member  
Brooks Tanaka, United Fishing Agency  
Sualua Tapolo, American Samoan chef  
Mike Tenorio, CNMI DFW  
Captain Wally Thompson, fisherman from Swains Island and Manua  
Mike Tosatto, acting regional administrator, Pacific Islands Regional Office  
Mike Trianni, outgoing SSC member

Fred Tucher, NOAA GC

Ray Tulafono, American Samoa Department of Marine and Wildlife Resources

Reverend Iasepi Ulu

Kitara Vaiau, Manua fisherman, Talking Chief of the Village of Aunuu

Sua Vaie, Manua Islands resident and fisherman