MINUTES OF THE

153rd MEETING OF THE

WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

March 5 and 6, 2012

Saipan Fiesta Resort and Spa

Saipan, Commonwealth of Northern Mariana Islands

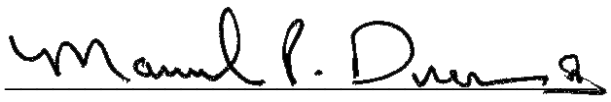
and

March 8 and 9, 2012

Hilton Guam Resort and Spa

Tumon Bay, Guam

Approved by



Manny Duenas, Chair
Western Pacific Regional Fishery Management Council

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1. Opening Ceremony, Introductions and Governor's Address

Melvin Faisao, Secretary of the Department of Community and Cultural Affairs, welcomed the Council to the Commonwealth of the Northern Mariana Islands (CNMI) and performed an indigenous chant related to the ocean, land and wind.

The following Council Members were in attendance.

- Manuel Duenas, Chair (Guam)
- Stephen Haleck, Vice Chair (American Samoa)
- David Itano, Vice Chair (at Large, from Hawaii)
- Julie Leialoha (at Large, from Hawaii)
- Sean Martin (Hawaii)
- McGrew F. Rice (Hawaii)
- Richard Seman (CNMI)
- William Sword (at Large, from American Samoa)
- Francis Oishi, State of Hawaii, Department of Land and Natural Resources (DLNR)
- Arnold Palacios, Commonwealth of the Northern Mariana Islands (CNMI), Department of Land and Natural Resources (DLNR)
- Marquita Taitague, Guam Department of Agriculture (DOA)
- Ray Tulafono, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Don Palawski, US Fish and Wildlife Service (USFWS)
- Mike Tosatto, Regional Administrator, National Marine Fisheries Service (NMFS), Pacific Islands Regional Office (PIRO)
- LCDR. Charter Tschirgi, US Coast Guard (USCG)

Also in attendance were Council Executive Director Kitty Simonds, Council Scientific and Statistical Committee (SSC) Chair Paul Callaghan and National Oceanic and Atmospheric Administration (NOAA) General Counsel (GC) Elena Onaga. NMFS Acting Assistant Administrator Sam Rauch was in attendance for two days. Council Member Bill Gibbons-Fly from the US Department of State was absent.

Palacios introduced the Acting Governor, Lt. Governor Eloy Inos, and CNMI Legislators in attendance. Inos welcomed the Council and its guests to CNMI and expressed appreciation for the Council being a voice in local issues of concern, such as annual catch limits (ACLs), climate change, coastal and marine spatial planning (CMSP), the current military activities and Monument impacts.

CNMI Speaker Eliceo Cabrera echoed the comments of the Lt. Governor. He stressed the importance of marine resources in the daily lives of the people of CNMI.

2. Approval of the 153rd Agenda

Moved and seconded.
Motion passed.

3. Approval of the 152nd Meeting Minutes

Moved and seconded.
Motion passed.

4. Executive Director's Report

Simonds reviewed the following Council activities since the 152nd Council meeting held in October 2011:

- The final ACL specifications were published in the Federal Register on February 7th, 2012.
- Two workshops were held in December 2011 on data collection, data and ACLs.
- The SSC reviewed the workshop product at the 109th SSC meeting in February 2012. At the same meeting, the SSC heard a review of the Territory Creel Surveys presented by, Council contractor Sunny Bak. The SSC noted that the Territory creel surveys might be adequate only for the lowest level specifications of the acceptable biological catch (ABC) and ACLs and discussed whether it might be worthwhile reallocating resources to other forms of data collection. The SSC also reiterated its long-held position that permit and reporting for all sectors may be the only way to get the data adequate for ACL estimations and model-based estimations of catch.
- A number of options resulted from the ACL Data Workshop, including those to improve development of ABCs and ACLs for coral reef species. Work should begin for next year's ACL specifications using options for various species and documenting and justifying the choice of method.
- An updated stock assessment for the bottomfish resources in American Samoa and the Mariana Archipelago was anticipated in January, but was delayed until May 15th in time for review by the SSC and a Western Pacific Stock Assessment Review (WPSAR) assessment.

- Two measures to minimize impacts of purse seine fishing on small-boat fisheries in the Mariana Archipelago and American Samoa were disapproved by the Secretary of Commerce in 2011.

- The measure to prohibit fish aggregation device (FAD) or floating object fishing by purse seiners in the Pacific Remote Island Areas (PRIAs) is currently under review by PIRO.

- Amendment 20 to the Pelagics Fishery Ecosystem Plan (FEP) is still undergoing Magnuson-Stevens Fishery Conservation and Mangement Act (MSA) and National Environmental Policy Act (NEPA) review by the PIRO and NOAA GC.

- The review process is ongoing regarding essential fish habitat (EFH) and habitat areas of particular concern (HAPC) of all species, including the seven non-deep bottomfish in Hawaii and is expected to be delivered to the Council in May 2012 in time for review by WPSAR and the 110th SSC meeting.

- A teleconference was held of the Sea Turtle Climate Forcing Model by Kyle Van Houtan of Pacific Islands Fisheries Science Center (PIFSC), which was used in the new biological opinion (BO) for the Hawaii shallow-set longline fishery.

- Council comments were submitted regarding the 2011 Stock Assessment Report (SAR) under the Marine Mammal Protection Act (MMPA), a 90-day Finding on the Petition to List Scalloped Hammerhead Sharks under the Endangered Species Act (ESA), Supplemental Comments to the Hawaiian Monk Seal Critical Habitat, as well as the Draft Environmental Assessment (EA) for the Migratory Bird Treaty Act (MBTA) Permit to NMFS authorizing incidental take of seabirds in the Hawaii-based shallow-set longline fishery.

- Staff and a Council Member participated in a Pacific Scientific Review Group (PSRG) meeting in Seattle in November, as well as a workshop on science and conservation in Tampa, Florida in November.

- Staff also participated in an informational meeting with Kona fishermen, which provided an overview of marine mammal issues with potential impacts on small-vessel fisheries in the main Hawaiian Islands (MHI).

- The Council received a letter from NMFS regarding Draft FEP Amendments for Rose Atoll, Marianas Trench and Pacific Remote Islands Marine National Monuments (MNMs) stating that the Council's recommendation did not provide adequate safeguards to distinguish commercial fishing in the monuments and suggesting the Council consider trip cost, reimbursement limits related to customary exchange, as well as bag limits. In response, the staff developed a Supplemental Options Paper for Council consideration.

Palacios introduced Senior Senator Reyes from the Island of Saipan who was in attendance.

Rice was duly sworn in as a member of the Council by Tosatto.

5. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Tosatto reported that an application was submitted for an MBTA permit for the Hawaii shallow-set longline fishery in association with Presidential Executive Order 13-186, which calls for federal agencies to minimize impact on migratory birds. He invited the Council to review the Memorandum of Understanding (MOU) between NOAA and USFWS, which is out for review. He said the MOU does not establish any new legal authority or any new requirement on the Council nor direct any future activity under the MBTA.

Tosatto also reported that a National Ocean Policy (NOP) Strategic Action Plan is out for review for an extended period. A letter was sent to the Governors of the State of Hawaii and the Territories regarding CMSP under the NOP requesting a point of contact be identified to work with the Region on forming a CMSP Regional Planning Body (RPB). The Council will have a seat on the RPB, and there will also be a standing committee of technical and scientific experts. [Note: Letter not sent as of June 18, 2012.]

Regarding the consolidation of NOAA, Tosatto said the proposals are before Congress for approval. If approved, some programs will be reorganized; the Sandy Hook and Pacific Grove labs are proposed to be closed; and some leadership positions will be consolidated.

Discussion

Martin asked for a timeline of the Satellite Office in Honolulu.

Tosatto said construction of the Pier 38 Customer Service Center in the Fishing Village is expected to be completed by end of March 2012 and the center open for operation April 2012. Services offered at the site include processing of permitting transactions, logbook transactions, turn in and pick up of logbooks, turn in and pick up of permits and Protected Species Workshop offered online, as well as a small meeting room. The Council will be invited to the ribbon-cutting.

Itano noted appreciation for the upcoming opening and reiterated the interest of Pelagic Fisheries Research Program (PFRP) in using the facility to provide presentations to auction staff and fishermen on pelagic resources.

Duenas asked for clarification regarding NMFS being placed under the umbrella of Department of the Interior (DOI).

Tosatto said that, while it was mentioned by the President, the Department of Commerce (DOC) has presented no proposal for movement into the DOI.

Palawski said the President needs authority to reorganize the government, which would be the first step.

2. Pacific Islands Fisheries Science Center

PIFSC Director Sam Pooley reported that former SSC member Mike Trianni is the newly hired on-island NMFS representative in the ongoing effort to develop capacity in the science field in the CNMI. Recent reorganization at PIFSC resulted in four research divisions, a combined Fisheries Program, a Protected Species Division, Ecosystems and Oceanography and Coral Reef Ecosystems and a separate Socioeconomics, Human Dimensions Program, a Scientific Operations Group and the newly consolidated Operations Management and Information Services Program.

Pooley said the striped marlin stock assessment conducted in conjunction with the International Scientific Committee (ISC) for Tuna and Tuna-Like Species results included unfavorable estimates of biomass over the last 20 years. The assessment will be addressed at the Western and Central Pacific Fisheries Commission (WCPFC) and may lead to future action. There was a failure of coordination within two Center programs in terms of integrating data required to conduct the assessment and preparation of that data for the assessment. Delivery of the assessment to the Council is now scheduled for May.

Pooley also reported on recent work looking at vertical habitat of swordfish. He noted that during the night, swordfish are at the surface more so there's more likelihood the fishery will interact with turtles. So some experiments were conducted on fishing for swordfish during the day. He said it looks like there are some possibilities there. Regarding other matters, he said meetings will be held in the near future regarding the monuments in the Territories. He asked for input from the Council's SSC regarding the Center's new Science Plan. Pooley said the NOAA Ford Island facility was recently blessed. Construction is ongoing and is scheduled for completion in June 2013. The Center is looking at integrating Western Pacific Fisheries Information Network (WPacFIN) surveys with the biosampling data and looking at new integrative assessment techniques.

Discussion

Tulafono expressed appreciation for the Biosampling Program and the opportunity provided for the local technicians to gain experience by working alongside Science Center personnel.

Itano asked for clarification as to the conclusions cited in the striped marlin stock assessment confirming the over-exploitation. He also expressed appreciation for the collaborative work between the Science Center and the Keller Kopf work on striped marlin.

Pooley said it was premature to comment on the assessment conclusions as he had not yet seen the final report. The assessment will become public in July at the plenary meeting in Japan.

Palacios asked for clarification as to the protocol to have CNMI personnel join the Science Center research cruises in CNMI. He requested the Fisheries staff contact his office in regard to any future cruises.

Pooley replied that Science Center on-island staff members Mike Trianni in CNMI and Eric Cruz in Guam are one avenue for coordination of the cruises. A similar position is in the process of being filled for American Samoa. The present schedule for research cruises is uncertain due to the budgetary environment.

Palacios stressed the importance of working together to resolve the data gaps and data collection programs to determine more accurate ACL levels. Pooley agreed.

Simonds asked if the Resource Assessment Investigation of the Mariana Archipelago **(**RAIOMA) survey data will be used in the assessment that is due in May. In regard to the Ford Island Facility, she inquired as to the process for foreign visitors getting access to the facility.

Pooley said the assessment will be mainly based on the PIFSC Coral Reef Ecosystem Division (CRED) surveys because RAIOMA looked at deeper species. With regard to foreign visitor access to the Ford Island Facility, it would depend on the length of visit, but he presumed they would travel by bus, much like visitors to the Arizona Memorial.

Duenas expressed concern that the use of L50 leads to inaccurate conclusions on the status of a stock. He also disagreed with the *Sharks of the Marianas* booklet recently released by PIRO, which makes statements such as sharks are susceptible to localized depletion from fishing. Guam fishermen have consistently complained about shark depredation over the years. He also reiterated his request for the Agency to engage with the community regarding the ongoing military buildup, monument management and scientific outreach with less show-and-tell type meetings and more dialogue so concerns can be voiced by the community members. He added that capacity-building efforts are seriously needed in Guam and that the two-week snapshot of the marine resources collected by the Science Center cruises is not long enough to be an accurate assessment. He urged the Science Center to analyze the data that has been collected over many years.

B. NOAA Regional Counsel

Onaga reported that, regarding the Turtle Island Restoration Network versus NMFS litigation, the Ninth Circuit heard the appellate case at the University of Hawaii (UH) on Feb. 16. The Court took the matter under advisement. In the Kona Blue case filed by KAHEA (The Hawaiian-Environmental Alliance) and Food and Water Watch against NMFS relating to a special coral reef fishing permit, a motion for summary judgment was filed on Jan. 3 and cross motions were filed by the agency on Feb. 7. A reply brief by the agency is due on March 6. The hearing on the case will be heard on April 2, 2012.

C. US Fish and Wildlife Service

Palawski thanked the Council staff for compilation of USFWS Council briefing materials. He reported that the superintendent for the Papahanaumokuakea Monument is retiring and he will take on the Superintendent duties until the position is filled. The USFWS budget had a decrease of 5 percent in 2011, and 3 to 4 percent in 2012, which creates difficulty to cover all of the programs. The short-tailed albatross pair at Midway was successful in hatching a chick again at Midway, and there are more sightings of subadults in the Northwestern Hawaiian Islands (NWHI). Collaborative work with NMFS continues on the MBTA Permit/EA issue.

Discussion

Palacios requested Tosatto and Palawski to make efforts to provide direct funding towards the monuments, as that was part of the understanding of the community during the Proclamation negotiations.

Duenas asked if USFWS could provide additional funding towards turtle work being conducted in the Marianas by NMFS, as turtle nesting areas are adjacent to the Wildlife Refuge on Guam. He also requested USFWS to look into the feasibility of geothermal energy of the Volcanic Units with regard to their energy endeavors. He also pointed out a need for financial assistance to the CNMI for the management of the monuments, noting the compensation provided to Hawaii lobster fishermen who fished in the NWHI. He explained the importance of public fora for the local population of the Marianas as it is a way to voice their concerns of the agency's actions. He also objected to the fence at the Wildlife Refuge, which prevents the indigenous harvest of breadfruit inside the fence.

Palawski replied they have been working to reinitiate the Haggan Watch Program to involve all citizens in the program. A volunteer program is being developed, and there are coordination efforts with NMFS to do better island-wide surveys. Time is needed to assess whether the fence provides the necessary protection for the birds of Guam. He stressed the fence is not to keep people out. The intent is to restore the bird population on Guam that has been lost for three generations.

D. Enforcement

1. US Coast Guard

Tschirgi reported that between Oct. 1, 2011, and Jan. 31, 2012, that the *KUKUI* deployment patrolled the boundaries of Kingman, Palmyra, Jarvis and American Samoa and conducted 31 boardings. Five were domestic boardings of the United States, Hawaii and American Samoa longline vessels and one distant-water purse-seiner. The remaining 25 boardings were high seas boardings of foreign flagged fishing vessels under WCPFC. He noted pretty good compliance among foreign and domestic fishing vessels. A C-130 was deployed to American Samoa, Tahiti and Christmas Island, and *KUKUI* took part in the Forum Fisheries Agency (FFA) Operation Kurukuru, which is a coordinated operation between the USCG, US Navy, French Navy, Royal Australian Air Force, New Zealand Defense Forces and Pacific Island nation's patrol boats. It resulted in 400 sightings, 80 at-sea boardings and eight fishing vessel seizures for Illegal, Unregulated and Unreported (IUU) fishing in foreign exclusive economic zones (EEZs) abutting the US EEZ.

From Nov. 19 to Dec. 8, USCG Cutter *SEQUOIA* patrolled the US EEZ surrounding Johnston Atoll and Guam and assisted the Republic of the Marshall Islands (RMI) shiprider with three boardings inside the RMI EEZ, which is adjacent to the US EEZ around Wake Atoll, one of which had significant shark finning and pollution violations.

USCG *WALNUT* patrolled the US EEZ at Howland and Baker, completing five international boardings under the WCPFC boarding and inspection scheme. One vessel had a permit violation. The *CHUNG HOON* had 14 vessel sightings and one seizure by the Federated

States of Micronesia (FSM) for a vessel that was not licensed to fish within the FSM EEZ. Two-day C-130 patrols focused on the EEZs surrounding the NWHI and Johnston Atoll. Several fisheries enforcement-related meetings were attended by USCG personnel, including those in Silver Spring, Maryland, and French Polynesia.

The USCG is continuing to work with the Navy to have boarding teams aboard naval vessels to expand enforcement capabilities in the Western Pacific Region (WPR). In the near future there will be public service announcement (PSA) as the USCG is attempting to conduct a deterrence study of living marine resource violations and enforcement efforts.

Discussion

Martin expressed appreciation for the strong relationship enjoyed between the commercial fleet and the USCG over the years, but noted that relationship has become strained in recent months because some fishing captains and owners feel there's not quite the respect experienced in previous boarding activities.

Rice saidd he also experienced a recent boarding where the crew seemed less professional than boardings conducted previously.

Sword commended the USCG for the effort to enforce regulations in American Samoa while at the same time providing outreach to vessels and vessel owners. He said more collaborative efforts between the fleet and USCG are needed to ensure that everybody is aware and understands the requirements so that there is no slowdown in the supply of the fish that comes into American Samoa.

Martin said in the last 60 days there were instances of vessels breaking down. One vessel was disabled and adrift near a closed area. That vessel was able to have a mechanic transported out to the boat to repair the vessel, so it was able to return to port under its own power. A week later the owner was notified that the vessel was in violation of a regulation requirement to notify the USCG when the vessel became disabled. A warning was issued. Another vessel was disabled and was towed in by another fishing vessel and received a fine of $35,000 for lack of notification. Martin advised fishermen to be aware of the notification requirement.

Tschirgi said he was not familiar with the incidents Martin spoke of, but will check on the requirements and provide feedback to the Council. He noted that the USCG's goal is to achieve compliance, not to levy fines. He also appreciated the feedback regarding the lack of professionalism of the boarding teams.

Haleck voiced his appreciation of the work and outreach conducted by the USCG. He said fishermen were recently rescued by a cruise ship after being adrift for 17 days in the waters around American Samoa.

Duenas noted the difficulties in acquiring USCG required safety equipment due to shipping time and costs, as well as the economic impact of imposing the safety requirements on foreign vessels in Guam. He added that his boat was recently damaged during a boarding inspection when returning from fishing. He also noted community concerns that selective enforcement is occurring and that Guam does not have a boat towing service to assist in rescures

and the USCG has refused requests to provide these services. Duenas noted appreciation for the USCG presence in Guam and their community outreach.

2. NOAA Office of Law Enforcement Report

Bill Pickering, from the NMFS Office of Law Enforcement (OLE), Pacific Islands Division (PID), introduced Bruce Buckson, the new director of the NOAA OLE from NOAA Headquarters. Buckson spoke briefly of his background and noted his appreciation for the hospitality that he has experienced and for being able to be on-the-ground in the Marianas to gain insight to its uniqueness, which will serve well to help him perform his duties.

Discussion

Simonds asked about the next steps to implement the Enforcement Strategic Plan.

Buckson said the plan is still being wrapped up. Comments are being integrated into the enforcement priorities. Once that process is completed, there will be a public document. At the same time, staffing and deployment plans are also being worked on and will hopefully be completed and become available by the end of March.

Duenas commended Buckson on the OLE personnel, saying he has always found them to be proactive and approachable.

Simonds asked for clarification on the congressional proposal for removing the enforcement funds his office receives.

Buckson said several bills are in Congress with regard to the Asset Forfeiture Fund. Significant changes have been made in the approach and use of the fund, which has presented challenges.

Pickering reported that during the last quarter PID had 61 incidents: 23 involved protected species; 28, fisheries management; and 10, Sanctuary. Extensive investigations are in process regarding the killings of Hawaiian monk seals. The cases remain unsolved and there are no suspects. Investigations are also ongoing in regards to the purse seine violations of the WCPFC Conservation Measures, which occurred in 2011. In these investigations agents are sent to review the US observer notes. He noted there has been better compliance, but he expects more cases in the near future. There have also been a couple humpback whale interactions, as the season runs until April 1. There have also been more aggressive interactions by tour operators with dolphins, and he foresees new regulations being instituted sometime in the future. He also reported that NMFS OLE has made available to the Hawaii longline fleet and US purse seine fleet, which are both subject to 100% VMS requirements, a Google Earth /VMS software interface that allows vessels owners to track their vessels using VMS data. He stated that 34 percent of Hawaii longliner owners are now using the Google Earth software, although he suspects the rate is closer to 45 percent. Most of the US purse seine fleet is now using the Google Earth/VMS interface software as well.

Discussion

Martin noted his appreciation for the good relationship between the Hawaii fleet and OLE over the years. He expressed his gratitude for the VMS Program and said he looked forward to that continuing. He cautioned that some of the VMS units may be beginning to have problems due to their age.

Pickering said supplemental VMS units are available for timely replacement when needed.

Tulafono thanked the OLE agents in American Samoa for the support given to his staff, as it makes his job easier.

Pickering said the Joint Enforcement Agreement (JEA) letters have been sent to the WPR and the plans are being put together for signature by Buckson.

Simonds asked if any enforcement outreach activities are ongoing regarding the monk seal incidents.

Pickering said they at times accompany PIRO staff to community meetings. There is outreach with regard to tour operators regarding the humpback whale season, but no formal outreach for monk seals.

Simonds stressed the importance of community outreach in the efforts to achieve compliance and the need for open communication to enable the communities to come together and discuss the situation. She asked if the OLE is planning to table something at the upcoming Commission meeting in working with other partners about compliance.

Pickering said he did not know of any document being prepared, but he would like to see some issues addressed, such as VMS rules and in-zone reporting.

Itano asked if the USCG can board and examine any vessel within the WCPFC arrangement under the Shiprider Agreements.

Pickering said if the vessel is flying the Commission flag the USCG will board those vessels at sea, both foreign and domestic. From there, they complete a report and then ship it to the flag nation. If they find violations they will illuminate those violations in the transmission. But at this point the USCG has not taken any other action other than reporting to the flag nation.

Tschirgi noted a slight distinction between the bilateral boardings and the WCPFC boardings. The WCPFC boardings are conducted only on the high seas. The bilateral boardings are conducted within whatever EEZ the vessel is within. That nation is required to have laws specifically under WCPFC governing its EEZ. The USCG assists that nation with enforcing those laws that are either licensed or flagged to that nation within its EEZ.

Itano asked if in the past year there have been boardings of other vessels and notations of violations or perceived violations of those vessels of WCPFC rules and, if so, requested those be enumerated in the OLE report.

Pickering replied that would be up to the USCG to take such an action.

Tschirgi replied it is broadly reported under their report to Council, but he would have to check with the legal department as to whether the vessel could be named.

Duenas asked if the monk seals killed were part of the relocation program from the NWHI to the MHI.

Tosatto replied in the negative.

Duenas asked if the US purse seine vessel fished on FADs during the closure period or operated without an observer and if the vessel was US-hulled or foreign-hulled.

Pickering replied they were fishing on FADs during the closure period and a US vessel.

Duenas reiterated a prior request for a GPS program be developed and provided to show clearly the closed areas so fishermen can better avoid crossing closed area boundaries.

3. NOAA General Counsel for Enforcement and Litigation

Alexa Cole, NOAA General Counsel for Enforcement and Litigation (GCEL), reported that since the last Council meeting only one case was referred to her from OLE or USCG; three hearings were attended with five more scheduled in the near future; and $18,000 worth of settlements were collected. Most of her time has been spent dealing with the six large ongoing purse seine cases, such as deposing FFA observers. They are continuing the push with FFA and others to ensure that not just US observer reports are being reviewed, but observer reports from all of the FSM boats and other boats operating in the Pacific are getting reviewed. Also the South Pacific Tuna Treaty (SPTT) negotiations are continuing.

E. Public Comment

There were no comments offered.

F. Council Discussion and Action

There was no further Council discussion and action.

6. Marianas Archipelago

A. Arongo Flaeey

Palacios reported that the Fishery Research Programs and Life History Programs are ongoing. A Data Workshop was held in December to begin efforts to improve data collection, such as gathering more of the appropriate and size-based data to be used to generate the ACLs. The Boating Access Programs continue to address the needs for the Commonwealth using primarily Sports Fish Funding. The Smiling Cove dock system has completed renovation, and Tinian and Rota facilities have begun renovation. The federal grant for the Marine Monument

Visitors Center was extended, and the process has begun for selection of a contractor. Marine Conservation Plan (MCP) project proposals were submitted and are being evaluated.

B. Legislative Report

Palacios reported H.R. 670, which would convey 0 to 3 miles of submerged lands around each of the Northern Mariana Islands back to the people of the Commonwealth, passed the House on Oct. 3, 2011. The bill is expected to be passed later this year. There is concern regarding a recommendation from the DOI to exclude the Northern Islands Unit of the Monument from Territorial waters. Palacios noted that the Northern Islands were declared as conservation and wildlife preserves in the First Constitutional Convention. A bill has been initiated in the Commonwealth Legislature to make it mandatory that fish wholesalers, retailers and fishermen submit reports to the DLNR Division of Fish and Wildlife (DFW) under proscribed situations to be determined when the regulations are promulgated.

C. Enforcement Issues

Seman reported on enforcement activities that occurred between October 2011 and March 2012. Conservation officers responded to two cases of illegal fishing inside two no-takes zones or marine protected areas (MPAs), Tank Beach and Bird Island. One case will be dealt with through an Administrative Hearing. The other is pending. A dead turtle found in the LaoLao Bay area is under investigation. The green sea turtle sustained puncture wounds on the carapace area. In response to a report of gill net use at LaoLao Bay, no gill net was found. Conservation officers responded to a call from the Saipan International Airport regarding a passenger who was in custody in the departure area for possession of a shark fin. This case is pending further investigation.

The conservation officers conducted a survey under the Community-Oriented Policing Program, called COPPS. The survey included random inspection of fishing vessels and talking to fishermen about fishery regulations. They also participated on a local radio talk show to discuss enforcement of federal and local fishing regulations.

The conservation officers continue to work NOAA OLE to enforce federal regulations on illegal foreign fishing activities and other federal mandates under the JEA. DFW receives funding under the Coral Reef Initiative which helps supports protection of MPAs and the hiring of marine enforcement officers.

D. Report of Marianas Trench Marine National Monument Scoping

John Joyner, member of the Marianas Monument Advisory Council (MMAC), described some of the background of the Monument Designation Process that took place in the Marianas. He noted that although the members are grateful for the collegiality, sincerity, dedication and professionalism of USFWS and NOAA staff, they remain mindful that a monument management plan needs continuing formal CNMI input throughout the perpetuity of the monument beyond the point of having successfully developed a management plan. The MMAC requested 1) to co-exist with perpetuity of the Marine Monument; 2) to function with a decision-making role; 3) adding the Volcanic and Trench Units of the Monument to the purview of the MMAC, which

was granted; and 4) ongoing budget and funding needs. The MMAC requested the community be able to submit input to the agencies at any future scoping meetings held.

Discussion

Simonds asked the status of the statements made by former Council on Environmental Quality (CEQ) Chairman James Connaughton written in an e-mail regarding full traditional indigenous access and practices in the Conservation Management Zone subject to approval and regulation by local officials and citizens, and not by the federal government, which the Bush Administration agreed to.

Joyner replied that it was requested that the current Administration should honor the commitments made by the Bush Administration.

Palacios asked Palawski to clarify DOI's position on the bill regarding Territorial waters that is currently going through the Senate.

Palawski said he had no direct knowledge of the negotiations occurring in Washington, DC, although he has heard the DOI Office of Insular Affairs is part of the discussion.

Palacios noted this is an opportunity for the Council to articulate its position on the issue to the DOI Office of Insular Affairs.

E. Report on Mariana Projects

1. Traditional Fishing Survey

Dawn Kotowicz, from the PIFSC Human Dimensions Research Program, reported on the research conducted on traditional fishing patterns in waters around the Islands Unit of the Marianas Trench MNM, the results of which will provide a basis for addressing the issues of traditional access and indigenous fishing in the Monument Management Plan being developed by USFWS and NOAA. Oral histories were conducted in November 2011 from 40 fishermen and others who have traveled to and fished in the waters surrounding the monument islands. Some of the topics the fishermen shared information on included gear, target species, catch disposition, spatial information of the islands, cultural connections to the Islands Unit, practice of customary exchange, non-use values and personal experiences.

The Presidential Proclamation authorized the Secretary of Commerce to manage fishing regulations within the Islands Unit. It prohibited commercial fishing but authorized the Secretary to ensure that sustenance, recreational and traditional indigenous fishing be managed as a sustainable activity consistent with other applicable law. Another objective of the research was to define the historical fishing patterns in the waters of the Islands Unit to provide a scientific basis to manage traditional access and traditional indigenous fishing going forward. Information covered the period from 1939 until the Monument was declared in 2009.

Discussion

Itano expressed his appreciation for the research results and noted it was clear that the monetary profit is separate from the cultural and social benefits they experience from traveling to the Islands Unit to fish.

Duenas appreciated that there is now scientific evidence documenting the value of the experience of being able to travel to the Islands Unit to fish.

Tulafono agreed with the importance of the research to indigenous people and asked if similar research is going to also take place in American Samoa. He also asked for clarification regarding the possibility of compensation to fishermen who were displaced from their fishing grounds.

Tosatto said there are no plans to compensate commercial fishermen at this time, nor for-hire charter fishermen, as there are no resources available. For-hire charters will be a prohibited activity.

Rice said the survey results could apply to all islands, as it is the same in Hawaii with regard to traditional fishing.

Duenas asked Kotowicz if her research results match the definition of cultural take.

Kotowicz deferred to legal counsel.

Tosatto said documenting the information is helpful. The difficulty is coming to a clear understanding of the difference between commercial fishing and noncommercial fishing and allowing customary exchange which includes monetary exchange. The clarity drawn for the Marianas is that a commercial venture is something drastically different from a noncommercial venture to the Islands Unit, and there would have to be a reasonably dedicated focused amount of fishing to be able to come back and cover costs as a successful commercial venture. The research is helpful in going forward.

Duenas pointed out that the variables in the logistics of the fishing trips will make it a difficult for the agency to settle on a monetary provision. He asked Palawski if USFWS is willing to accept the customary exchange definition with the traditional fishing patterns research and documentation.

Palawski said he accepts the concept of customary exchange, as he stated in the last Council meeting, and was okay with being silent on the topic of money. The idea of customary exchange is the people bringing back the fish to share and whatever they do among themselves is their traditional business.

Onaga said, in terms of the definition, there were no concerns about what the definition was of customary exchange. The concern was to the application and how to define the difference between potential commercial fishing and traditional indigenous fishing. She pointed out the research regarded historical patterns as opposed to what will happen in the future. The drafted

regulation will have to capture not only what existed in the past and what exists now, but also what may happen in the future.

Simonds said, because it is not known what will happen in the future, the fishery will be monitored. If changes are needed, changes will be made. That is what fisheries management is all about.

Palacios agreed with Simonds' comment and urged the agency to consider the Council's request to access those grounds for subsistence and traditional take.

Seman reminded Council members that customary exchange maintains cultural continuity. It is true sharing that allows such factors to exist, and resource managers must always bear that in mind in every aspect of management actions.

Itano agreed with Palawski's comment regarding leaving the monetary caveats out of the discussion.

Palacios recognized the attendance of the Vice Speaker Felicidad Ogumoro of the CNMI House of Representatives.

2. Marianas Spearfishing Assessment

John Gourley, from Micronesian Environmental Services, discussed the results of his contract to conduct an assessment on the spearfishing fishery in the Mariana Archipelago, which consisted of an assessment of gear, areas fished, participation, overview of the spearfishing component of the Marianas Biosampling Project, catch composition, biology of predominant catch species, the retail market conditions, personal consumption level and questionnaires and personal surveys. Some of the assessment results included information such as total reef area available to Guam spearfishers, 32.5 square miles; total reef area available to Saipan spearfishers, 36.1 square miles; total number of spearfishing trips taken from January 2011 through February 2012, 2,809 trips; and total reported speared fish landings for same period, 124,461. *Hiyok* (blue-banded surgeonfish), *hiteng kahloa* (fork-tail rabbitfish) and *palakse* (redlip parrotfish) were some of the most abundant reef fish species landed by the spearfishermen from December 2010 to January 2012. There is a large subsistence fishery as well as commercial fishery. Data will continue to be collected in the Mariana Biosampling Project.

Discussion

Duenas noted that the results of the Marianas Archipelago Spearfishery Assessment will help the Science Center in future efforts to fill some of the data gaps. He voiced concern that the use of L50 is problematic because the L50 method should be site-specific to be accurate.

3. Small Boat Economic Assessment

Justin Hospital, from PIFSC, presented preliminary results of the Marianas Archipelago Boat-Based Fishing Survey conducted in collaboration with the Pacific Islands Fisheries Group (PIFG). The economic survey documented important social and cultural aspects of fishing, such

as patterns of resource utilization and dependence, fishery cost-earnings data, community perceptions and demographics. Survey methods included survey booklets completed at community meetings and distributed at tackle shops and personal interviews.

A total of 260 people completed surveys, 146 on Guam and 114 in the CNMI (95 on Saipan, 11 on Tinian and eight on Rota). The median age of fishermen responding to the survey was 42 to 44 years old across all island areas with close to 60 percent of survey respondents reported to have lived in the Marianas for their entire life.

Sixty-one percent of the fishermen reported fishing once every other week or less with a median of 18 fishing trips in the past 12 months. Gear usage varied slightly by island area, with noticeably more bottomfish and reef fish effort in the CNMI relative to Guam fishermen, who reported to primarily target pelagic fish. Catch distribution was similar across the archipelago with slightly more reported landings in the CNMI with boat owners reporting more catch than nonboat owners. Fifty-three percent of the Guam fishermen and 24 percent of the CNMI fishermen reported conducting FAD fishing during past 12 months.

Trolling, on average, nine-hour trip with seven hours fishing, cost $235 for Guam and $184 for CNMI. Bottomfish, on average, nine-hour trip with seven hours fishing, cost $165 for Guam, $132 for CNMI. Reef fish, on average, six-hour trip with five hours fishing, cost $125 for Guam, $94 for CNMI. The median total annual fishing expenditure in 2010 for boat owners was $3,550 relative to about $300 for nonboat owners.

Survey results confirmed a strong cultural role of fishing across the archipelago with little difference across island areas. The majority of fish is either consumed at home, given away or caught for fiestas and other community or cultural events. Guam fishermen reported to sell approximately 23 percent of their catch, CNMI fishermen reported approximately 30 percent. Median annual fishing revenues ranged from $500 and $1,000 on Guam and between $1,000 and $5,000 in the CNMI. Median trip level revenues equaled $74on Guam and $95 in CNMI.

In summary, boat fishing traditions are strong in the CNMI and Guam. The increasing costs of fishing are making it harder to catch fish and having impacts on the type of gear that fishermen are using. Market conditions are an issue in the CNMI. The majority of fish in Guam and the CNMI is consumed at home, given away or caught for fiestas and other community and cultural events. There are diverse cultural, social and economic motivations for fishing in the region which complicates fisher classification.

Next steps for research include publication of survey results, PIFSC Administrative Report, peer-reviewed journal articles, and outreach materials and fact sheets. Baseline data is available for future economic and social impact analyses.

Discussion

Duenas thanked Hospital for his efforts and noted fishermen were happy to accommodate him by filling in his questionnaire. He said this also served as evidence that economics is not the major factor in fishing. Fishing is more of a cultural and social activity in the Mariana Archipelago. Subsistence fishing is a 4,000-year-old tradition in the Marianas and occurs more

than any other sector of the fishery. He suggested combining the Small Boat Economic Assessment with the Traditional Fishing Patterns work.

Hospital agreed that the cultural significance of fishing evidenced in the results of his small boat economic assessment.

McGrew said the assessment sounds similar to the situation in Hawaii.

Hospital agreed that many times the bulk of fish is not sold even for licensed commercial fishermen in Hawaii, which was the result of a similar assessment conducted in Hawaii.

Duenas noted that the Guam Fishermen's Cooperative Association (GFCA) defines commercial fishermen as those for whom more than 50 percent of their income is from fishing. If the fishermen's income is less than the national poverty level, they would be considered a subsistence fisherman, which defined 99.9 percent of the fishermen in the Marianas.

Taitague agreed that people go fishing more as a cultural activity than an economic activity in the Marianas.

F. Community Activities and Issues

1. Marianas Military Range Complex - Farallon de Medinilla

Seman reported that the military has been actively conducting scoping meetings with regards to its Marianas Islands Range Complex (MIRC) proposed updates. One of the primary proposals has been discussing with local government agencies the expansion of restricted areas for both air and surface around the Island of Farallon de Medinilla (FDM). The MIRC proposes to extend the aerial restricted area from 3 nautical miles (nm) radius up to 12 nm and the surface area from 10 nm to 12 nm.

The CNMI scoping meeting held in November was attended by staff from the Governor's Office, DLNR, members of the CNMI Legislature, fishermen and the Council's Advisory Panel chair. Because of the significant loss of the best fishing grounds in the CNMI for military exercises, Seman suggested that the Department of Defense (DOD) compensate the CNMI by building adequate infrastructure and facility to include docks, ice plant, processing plant and a gear supplies building and providing four to five modern fishing vessels with modern electronic equipment and gear with the capacity and range to fish up to two weeks in the Northern Islands. The military offered to conduct a follow-up meeting, which has not happened at this time.

Palacios noted the area acts as a very large de facto MPA.

Duenas reported on the Mariana Islands Training and Testing Area (MITT), illustrating the area which stretches from Palau to the Mariana Islands. The MITT proposes closing areas for live fire training, including small arm and machine guns, land-based firing ranges, Surface Danger Zones, Whiskey 517, airspace exercise zones, and research-and-design testing on military arsenal, which are adjacent to the Guam Wildlife Refuge, MPAs and the most productive fishing grounds in Guam. Duenas reiterated his request for assistance from the agency in addressing the concerns. The GFCA is developing a paper entitled "The Cumulative Effect to

Fisheries on Guam" to address local, national and international military issues. A meeting is scheduled in the near future with the military to discuss the topic.

2. Potential Aquaculture Development Plans

Gary Sword, from Guihan-Pasifiku (GP), reported on the recent efforts to develop open ocean aquaculture in CNMI, which stemmed from a symposium on the subject that was sponsored by the Council and Northern Marianas College (NMC) Cooperative Research, Extension and Education Service (CREES) Program. The vision of GP is to create jobs for the CNMI through ecologically responsible, economically sustainable aquaculture and provide healthy food for today's community without compromising provisions for future generations. The members consist of local indigenous community members. The current economic status and the unhealthy diet consumed in CNMI are some of the challenges GP faces.

GP believes a solution to the health and economic challenges would be open ocean aquaculture, which has minimal environmental impacts. The operation consists of wild-harvested fingerlings are stocked in cages, fed daily, tended, cleaned and harvested after eight to twelve months. The submergible net pens are secured during hurricanes. It will provide alternative employment for displaced fishermen as well as relieves pressure on wild stocks. No electricity is required. Export markets are accessible. It increases food security, a healthy food source and it is indigenous.

GP plans to work with local farmers to provide the food source for the fish and work with the CNMI Government to produce legislation to assure that the aquaculture development is sustainable and environmentally friendly. Community buy-in is a priority and GP plans to ensure no one is displaced and accommodated for in the plan. GP plans to begin as a nonprofit to conduct studies, gain local buy-in, and seeks $3 million in grant funding over three years to fund the studies and training and achieve commercial stability, and establish a link with the farmers for food growth. After three years, GP plans to become commercial, Pacific Fisheries, at which time will seek $10 million in investment to develop the commercial side of the fishery.

The CNMI Aquaculture Development Plan is being implemented. Four small Aquapod cages are planned to be used to hold the giant grouper and a species of rabbitfish. They look forward to being able to share the lessons learned during the operation Pacific-wide.

Sword briefly summarized funding and budgetary items. He reiterated the goal, to create a healthy, sustainable food source while creating employment for the local population.

Discussion

Rice asked if product has already been harvested from the pens and noted the pen is similar to a moving FAD.

Sword replied in the affirmative, though the project is now closed.

Leialoha asked how GP responds to questions raised in regard to disease and predatory factors related to aquaculture farms and clarification as to where the feed originates.

Sword replied an Aquaculture Coordinating Committee (ACC) was formed consisting of regulators and members of the community to address issues like best practices. They took action to address those kinds of community concerns, to ensure their operation is environmentally friendly and economically sustainable and also to share the lessons learned with the rest of the Pacific. Sword reiterated the fingerlings were harvested from the wild around CNMI and all feed is 100 percent CNMI. The first year of the project is planned to be shore-based to conduct all training and ensure all things are environmentally friendly. He again noted the first step is to set up the ACC.

Haleck commended the operation and offered help from local aquaculture experience in American Samoa.

3. Marianas Community Meetings

Sylvia Spalding reported on results of the Council's community meetings held Tinian and Rota. There was very good attendance at the meetings. The 2012 meetings addressed several topics. With regard to monitoring, the meetings provided feedback on the Tinian and Rota Marine Reserve Area Surveys, information from Gourley on the Biosampling Survey on Tinian and information on the upcoming creel surveys. Fisheries development opportunities shared during the meeting included information on the Council's projects providing fuel, ice and boat ramp projects in American Samoa; the Council's Community FAD Projects in Hawaii, and the MCP. At the meetings, Neil Kanemoto, president of the Hawaii-based PIFG, demonstrated new gear and techniques used in Hawaii.

The communities responded by expressing interest in community FADs, in forming and revitalizing fishermen associations, in MCP funding and in fishing gear and techniques. Next steps the Council may consider include inform the NOAA Coral Reef Conservation Program (CRCP) of the importance of community meetings for coral reef conservation, as well as other NOAA offices and programs and projects of the importance of these meetings and the option to work in collaboration with Cooperative Research, Habitat Conservation and the NOAA Five-Year Review. Also, consider village-specific meetings on Saipan.

Discussion

Palacios noted that he was very pleased with the attendance to the meetings and appreciated the value of continuing to hold the community meetings not just for the community, but also for him as a resource manager. He stressed the importance of staying informed and creating cooperation of the community members to create successful policies.

Seman also was appreciative of the efforts of the Council to hold the meetings in the Rota and Tinian communities. The members are hungry for more interaction with regard to fisheries, as they depend on fishing for their food.

Tulafono voiced agreement with Palacios' and Seman's comments, noting the importance of engaging the communities in all management decisions to better understand the impacts to the people.

Duenas thanked Kanemoto for taking the time to reach out to the Mariana fishing community

G. Education and Outreach Initiatives

Jack Ogumoro reported on two initiatives in CNMI. The Chamorro and Refaluwasch traditional lunar calendars have been published and being distributed by DFW. Next year farm products will be included because in CNMI farmers are fishermen and fishermen are farmers. Since the last Council meeting the Radio Fish Talk, which the Council sponsors, has covered topics such as the Monuments, ACLs, fishery development, traditional fishing techniques, community programs and the MCP. DFW also participates in a talk show, so the fisheries are well covered.

Discussion

Duenas noted that the GFCA is involved with the Lunar Calendar Festival each year and if the CNMI chooses not to have one in CNMI a display could be set up representing CNMI at the Guam Festival.

1. Report of the Lunar Calendar Festival

John Calvo reported on the Fourth Annual Gupot Fanha`aniyan Pulan Chamoru (Chamorro Lunar Calendar Festival). The moon has held much significance for the Chamorro people for 4,000 years. The lunar movement synchronizes the life cycles of the flora and fauna of the islands and the ocean. The ancient Chamorro, being a seafaring people, relied on the moon phase to guide daily activities. Modern Chamorro traditions and cultural values have evolved with these practices that encourage living in respect and harmony with the island environment. Lunar calendars, Council brochures and newsletters were available at the Council's exhibit.

The calendar showcased beautiful artwork from Guam's local students. The art contest prizes were provided by Fish Eye Marine Park, Guam Tropical Dive Station, McDonalds of Guam and Under Water World. The Council exhibit featured a touch table for children to explore items found in the marine environment, games to identify fish by Chamorro names, ecosystem threats and map games.

The theme for the calendar and the festival was *Fino` Gualaffon: Espiriton Lina`la`gi Tinilaikan Klema gineni Kutterat Kustombre yan Manerani ManChamorro Siha* (Moonlight Talk: Surviving Climate Change through Chamorro Culture Traditions and Values). This theme encouraged discussion on how traditional knowledge and practices has and can prepare the community to adapt and survive the impacts of climate change.

2. Report of the Marianas Teachers Workshop

Lucas Moxey, from the NOAA OceanWatch Program, reported on the teacher workshops held in partnership with the Council to promote teacher awareness of water resource awareness and environmental stewardship in the Marianas. The teachers learn how to conduct water sampling, analyze, discuss and report the sample findings. The goal is for teachers to teach the

same to their students in hopes of instilling an interest in the students to monitor and report on the conditions of the waters surrounding their island waters and general water quality.

The workshop held recently in Saipan included an offshore field component where teachers traveled to conduct sampling offshore. This was made possible with the support of the local DFW. A presentation was also given at the workshop on the effects of land-based pollution on Saipan's coral reefs. At the conclusion of the day the educators were given water monitoring kits and advanced digital monitoring probes so they could commence their own environmental monitoring programs at their schools. A similar workshop will be held on Guam.

Discussion

Palacios noted that many entities, such as the CRCP, Coastal Resources Management and the public school system, could model something based on the workshop so monitoring could be conducted on a continuing basis. The CRCP is doing work in a lot of the watersheds and is an opportunity for the community to be involved.

Tulafono thanked Moxey for the presentation and asked if a similar workshop could be conducted in American Samoa.

Moxey said the program is applicable to American Samoa and he is hoping for the opportunity to conduct a workshop in American Samoa.

Spalding said the Council's initial intent was to hold the workshop in American Samoa, but the funding request under the 2011 CRCP was rejected. She added that there are plans to bring the workshop to American Samoa in 2012.

H. Advisory Group Recommendations

1. Advisory Panel Recommendations

Cecelio Raiukiulipy, chair of the Mariana Archipelago Advisory Panel (AP), reported the AP recommendations as follows:

Regarding the Mariana Islands Marine National Monument, the Mariana AP recommended, the Council request the Federal partners of the Marianas Trench Marine National Monument to develop information Visitors Center and offices of the populated islands of the Marianas Archipelago to provide education and outreach on the monument, particularly to those communities that will not be able to afford a trip to the planned Visitors Center in Saipan.

The Mariana AP recommended, that the Council request the Federal partners of the Marianas Trench Marine National Monument provide funding for a baseline characterization of the Marianas Trench Marine National Monument be done prior to permitting of any activities in any of the monument units.

The Mariana AP recommended, that the Council request the Federal partners of the Marianas Trench Marine National Monument collaborate with the CNMI Government on any

scientific research in the Marianas Trench Marine National Monument and provide all scientific information available to date to the governments of the Mariana Islands and the public regarding past and present research in the Marianas Trench Marine National Monument.

The Mariana AP recommended, the Council forward its concerns to the military regarding the military training at FDM, Guam Training Area Whiskey 517, Guam firing ranges, Mariana Islands Training and Testings Areas.

The Mariana AP recommended, recirculating the Mariana Islands Annual Report for comments on interpretations to the AP prior to the Council finalizing the document for public dissemination.

Regarding ACLs, Coral Reef Fishery Issues, the Mariana AP recommended, that the Council request NMFS to produce peer-reviewed reports utilizing the data being collected by the NMFS Biosampling Program that can be used for both stock assessments and the revision of the ACLs.

The Mariana AP recommended, the Council explore options for removing the restrictions on the vessel size limits in the existing CNMI bottomfish regulations for existing vessels, including the potential for grandfathering in the existing large vessels that have historically participated in the fishery.

The Mariana AP recommended, the Council continue to prioritize and pursue funding for the shark depredation and nearshore FAD studies under the Council's Cooperative Research priorities.

Discussion

Duenas asked for clarification as to the recommendation regarding sharks.

Raiukiulipy replied that the AP cautions that the document provides information on sharks based on false, limited and dated scientific information from a document from the 1980s and not on recent shark studies.

2. Regional Ecosystem Advisory Committee Recommendations

Palacios reported the Regional Ecosystem Advisory Committee (REAC) recommendations as follows:

Recognizing the importance of local involvement in science and management, the REAC recommends, that PIFSC and PIRO involve the Northern Marianas College, to the extent possible, in the various research and community activities so that we can build local capacity in CNMI.

Regarding the military closures impacting CNMI fishing grounds, the REAC recommends, Department of Defense (DOD) conduct a public forum and engage the local communities

to determine amicable solutions to fishing ground access, particularly setting a fixed time frame to which the area is open to fishing.

The REAC further recommends that the DOD provide compensation to local communities that are directly impacted by the closures either through direct compensation or through fisheries infrastructure development to access areas beyond the potentially inaccessible traditional fishing grounds, i.e., FDM.

Regarding the data issues related to ACL specification, the REAC recommends, utilizing the Biosampling Program data to improve the future specification of ACLs, particularly on the species that have under-estimated landings from the nighttime spearfisheries.

The REAC further recommends, that DFW take the lead to work with NOAA-PIRO and PIFSC to utilize information from the Biosampling Program and DFW Life History Projects to improve the L50 estimates, which have been basically a PIRO and NOAA-driven outreach program that has been for the past years in our community.

Regarding improving future ACL specifications, the REAC recommends, that PIFSC prioritize improving the data collection programs in the Western Pacific and conduct stock assessments for species that are highly targeted in the CNMI fisheries.

Regarding noncommercial fishing regulations in the Marianas Trench Marine National Monument, the REAC, endorses the SSC's 109th meeting recommendations on limits of cash reimbursements, bag limits, and a time frame on traditional indigenous fishing and, further, supports maintaining the Council's existing recommendations related to fishing in the Islands Unit.

I. Scientific and Statistical Committee Recommendations

Callaghan noted there were no SSC recommendations to report on this agenda item.

Discussion

Pooley said it was the first time he had heard of the recommendation regarding the NMC and he will report back at the next Council meeting in terms of preliminary investigation of the subject.

Palacios said the projects would help the college's fledgling Marine Science Program.

J. Public Comments

Gourley commented regarding the promises that Connaughton, the former CEQ chairman, made during the time the benefits of having the Monuments were being presented to the community. In a meeting with the Chamber of Commerce some of the statements made included that the CNMI Government would have equal, 50/50 percent, decision-making authority in the monument and would have veto authority over Federal actions that the CNMI Government didn't like. The Chamber of Commerce wrote a letter after the meeting with Connaughton documenting the promises that Connaughton made and basing the support that the Chamber

board members had for the monument on the promises that he made at the meeting. At the end of the letter they suggested that the CEQ put the promises in writing to the people of the Marianas, which never happened. At the recent scoping meetings when he told the USFWS of the promises made, the reply was that it was not part of the Proclamation, which is the guidance they follow. Gourley said he will submit a letter documenting his testimony.

Discussion

Palacios noted that, at the time, Connaughton in finalizing the agreement and support from the people and the Government of the Commonwealth wrote a letter to the Governor, then Senate President Reyes and himself encapsulating some of the discussion points of the commitment to pursue in the Proclamation. The movement forward to put together a management plan with the USFWS and NOAA is taking place. He noted that there are a whole slew of issues that the people of the Northern Marianas expected and even though it is not in the Proclamation there is a commitment from the President's representative on the CEQ and he hopes they find it in their hearts to honor some of the commitments. He noted they cannot continue the process where communities begin to distrust the federal agencies when they begin to implement programs in the communities. He is a a member of the MMAC and will engage and represent the community, but there has to be some give in terms of the policies that goes forward in governing how this national treasure is run.

Duenas noted that, even though the promises are not within the Proclamation creating the Monument, they could serve to go a long way to smooth things out in the Mariana communities.

K. Council Discussion and Action

Regarding Sharks in the Marianas, **the Council recommends NMFS PIRO revise its document charts to the Mariana Archipelago to remove any implications that fishing may be causing the depletion of sharks in the Marianas, as there is no directed shark fishing in the islands.**

Moved by Palacios, seconded by Sword.
Motion passed.

Regarding Military Issues in the Marianas, **the Council directs staff to continue working with the military regarding the following issues in the Marianas and encouraged the military to conduct public forum and engage the local community to determine amicable solution to fishing ground access, particularly setting a fixed time frame to which the area is open to fishing. In working with the military the Council notes the following issues identified by Mariana Fishing Communities:**

- **Military training at FDM: The fishing community would like to be allowed to fish during the calm weather periods of the year with the military utilizing FDM during the period of the periods of the year when weather is too rough for fishing. The fishing community is also against expanding the training zone around FDM beyond its current limits because all of the fishing grounds would be incorporated within the proposed extension.**

- **Guam Training Area Whiskey 517: The fishing community would like the US military to move its boundaries for training at Whiskey 517 30 miles to the east to avoid conflicts with fishermen at the Southern Banks.**

- **Guam firing ranges: The fishing community is concerned with the firing ranges on Guam that point out to sea as it causes long and costly detours to avoid the closed firing range areas just to get out to the fishing grounds.**

- **Mariana Islands Training and Testing Areas: The fishing community is concerned with any potential live fire training in open waters in the training area from Palau to Maug as the military is traveling in the area. The fishing community would like to be notified of any possible training to avoid any conflicts that may occur during unannounced training and live fire exercises.**

- **Data collection on military bases and controlled areas: Fishery data collection by the Government of Guam is limited on the military bases of Guam and dependent upon the base management. Surveyors are often turned away. There should be better coordination between the government agencies and the military to enhance fisheries data collection in places such as Apra Harbor and Andersen Air Force Base.**

- **Addressing fishery impacts: Many local communities are directly impacted by the closures of fishing areas. The fishing community would like the US Department of Defense to provide mitigation of these impacts through direct compensation or through support for fishery infrastructure development and access beyond the potentially inaccessible fishing grounds**.

Moved by Palacios; seconded by Sword.
Motion passed.

Regarding Existing Federal CNMI Bottomfish Regulations, **the Council directs staff to explore options for easing the restrictions on the closed areas by vessel size limits in the existing NMI bottomfish regulations for existing vessels, including the potential for grandfathering in existing large vessels that have historically participated in the fishery.**

Moved by Palacios; seconded by Tulafono.
Motion passed.

Regarding Local Capacity in Fisheries Science and Management, **the Council recommends NMFS PIFSC and PIRO, the Science Center and Regional Office, involve the Northern Marianas College to the extent possible in the various research and community activities being supported by NMFS in the Marianas to potentially build local capacity for fisheries, science and management in the Marianas**.

Moved by Palacios; seconded by Tulafono.
Motion passed.

Duenas suggested a friendly amendment to change CNMI to the Marianas. There was no objection to the change.

Regarding Outreach and Education, t**he Council directs staff to inform NOAA Coral Reef Conservation Program and other NOAA offices, programs and projects, for example, Cooperative Research, Habitat Conservation or the NOAA Five-Year Review, of the importance of community meetings and request they partner with the Council in future ones.**

Moved by Palacios, seconded by Tulafono
Motion passed.

Regarding Outreach and Education, **the Council directs staff to use village-specific meetings on Saipan for future community meetings and develop comprehensive workshops to be held in the CNMI on new fishing gears and methods to assist in the continuing development of fisheries in CNMI**.

Moved by Palacios; seconded by Tulafono.
Motion passed.

Regarding Aquaculture Development in the CNMI, **the Council directs staff to work with the NMFS PIRO Aquaculture Coordinator to provide assistance to CNMI to develop aquaculture in the islands**

Moved by Palacios; seconded by Tulafono.
Motion passed.

Regarding Fishing Access and Cumulative Impacts to the Guam Fishing Community, **the Council directs staff to draft a letter to the Governor of Guam requesting an official informative map to illustrate existing and planned restricted areas on land and nearshore and offshore areas, to be used to identify cumulative impacts to the Guam fishing community and identify traditional bull cart trails and other public access routes to identify existing and proposed access routes to coastal areas. The Council further directs staff to include in the letter a request for the Government to support and engage with Pacific Islands Ocean Observing System (PacIOOS) to help inform the map**.

Moved by Palacios; seconded by Tulafono.
Motion passed.

Regarding Ecosystem Threats to Local Areas, **the Council directs staff to draft a letter to the Governor of Guam requesting the appropriate Guam agencies and local organizations to develop a detailed inventory of ecosystem threats by location and/or village and suggest the Government of Guam work with various partners to develop a mitigation plan to address these threats**.

Moved by Palacios; seconded by Tulafono.
Motion passed.

Regarding Guam's Coral Reef Research Program, **the Council directs staff to draft a letter to the Governor of Guam requesting the completion of the Government of Guam's 2012 Coral Reef Research Program.**

Moved by Palacios; seconded by Tulafono.
Motion passed.

Regarding the Compact Impact Issues, **the Council directs staff to hold a workshop in Guam to address the challenges of cultural differences between local fishermen and immigrants from the Freely Associated States to increase understanding of cultural differences and resolve fishing conflicts between these sectors.**

Moved by Palacios and seconded.
Motion passed.

Regarding the Fishery Management Measures in the Marianas Trench, Rose Atoll and Pacific Remote Island Marine National Monument, **the Council recommends that its existing recommendations are maintained and not modified in relation to the following topics: a) limits on cash reimbursements under customary exchange practices; b) regards to bag limits for allowed fishing activities; and c) definitional time frame for traditional indigenous fishing.**

Moved by Palacios; seconded by Tulafono.
Motion passed, with abstention by Tosatto.

Tosatto highlighted that in the recommendation the Council made an affirmative statement that they will review fisheries statistics on an annual basis and take action to refine measures as necessary.

Regarding the Fishery Management Measures in the Marianas Trench, Rose Atoll and Pacific Remote Island Marine National Monument, **the Council recommends that fishing vessels be prohibited from conducting commercial fishing outside the monuments and noncommercial fishing in the monuments on the same trip.**

Moved by Palacios and seconded.
Motion passed, with abstention by Tosatto.

Regarding Jurisdictional Issues in the Pacific Remote Island Marine National Monument, **the Council recommends that the no-take, no-fishing zones within the PRIA Monument may be subject to US Fish and Wildlife Service authority to issue permits for noncommercial fishing in consultation with NOAA and the Council.**

Moved by Palacios and seconded.
Motion passed, with abstention by Tosatto.

Regarding Transmitting the FEP Amendments for Secretarial Review, **the Council recommends that staff work with NOAA to complete the FEP amendments for completeness and transmit the amendments for Secretarial Review as soon as possible and as**

appropriate and, further, that the Council is deeming that regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Management Act. In doing so, the Council directs Council staff to work with NMFS and the US Fish and Wildlife Service to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorizes the executive director to review the regulations to verify that they are consistent with the Council action before submitting them along with his determination to the Secretary on behalf o the Council. The executive director is authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in her determination, the proposed regulations are not consistent with the Council action.

Moved by Palacios and seconded.
Motion passed.

Regarding the Development of the Science Plan for the Marianas Trench Marine National Monument, **the Council notes that research in the Islands Unit of the Mariana Trench Marine National Monument may provide estimates of natural mortality rates and life history parameters of unfished reef and bottomfish stocks. However, the Council also notes that the main impact from anthropogenic effects occurs within the southern islands of the Marianas Archipelago, specifically from the Southern Banks, south of Guam to FDM. As such, the Council recommends that the Science Plan should focus on fishery resources and habitat within both this segment of the Marianas Archipelago, as well as the Mariana Trench Marine National Monument. To address fishery ecosystem-related research, the types of investigation that should be conducted in this Marianas Trench Marine National Monument and the other portions of the Marianas Archipelago should include:**

- **Tag and release of reef and bottomfish fishing to investigate intra and interisland movement, growth and mortality rates.**
- **Continuation and expansion of the life history studies of reef and bottomfish to obtain age, growth, longevity, mortality and size and ages at reproduction and recruitment to fishing.**
- **Genetic studies to investigate the connectivity of the reef and bottomfish island meta-populations, links with tagging, in paren.**
- **Estimation of habitat productivity and carrying capacity of Marianas coral reef and deep reef slope habitats.**
- **Further UVC investigations through CRED to refine biomass estimates of reef fish to provide reliable species level biomass data.**
- **Evaluation of existing MPAs and areas closed to fishing to determine their conservation benefits to reef and bottomfish and fishery enhancement.**

- **Evaluation of shark depredation of bottomfish and troll catches.**

- **Exploration of banks, islands slopes and seamounts for invertebrate resources, such as kona crab and stony precious corals.**

Moved by Palacios and seconded.
Motion passed.

Regarding Science Plan Activities, **the Council recommends that NOAA and US Fish and Wildlife Service conduct baseline characterizations of the Marianas Trench Marine National Monument as soon as possible and, further, that NOAA and US Fish and Wildlife Service collaborate with the CNMI and Guam Governments on any scientific research in the Marianas Trench Marine National Monument and provide all scientific information available to date to CNMI and Guam Governments regarding past research in the Monument**.

Moved by Palacios and seconded.
Motion passed.

Regarding Co-Management of the Marianas Trench Marine National Monument, **the Council recommends the US Fish and Wildlife Service and NOAA provide the CNMI with co-management authority. The Council further recommends that the Government of Guam be included in the management of the Trench Unit and the Volcanic Unit.**

Moved by Palacios and seconded.
Motion passed with abstention by Tosatto.

Palawski asked for clarification as to the recommendation is referring to having a Guam representative on the MMAC.

Palacios noted the CNMI Governor supports having a Guam representative on MMAC.

Palawski said that USFWS also supports Guam becoming a member of the Advisory Council if the Governor of the CNMI concurs.

Regarding Monument Visitor Centers, **the Council recommends the NOAA and US Fish and Wildlife Service work to develop Monument information/visitor centers and/or office on each of the populated islands of the Marianas Archipelago to provide education and outreach on the monument, particularly to those communities that will not be able to afford a trip to the planned Visitors Center in Saipan.**

Moved by Palacios and seconded.
Motion passed.

Palacios noted the Mariana people would like to see something representative of the monument on their respective islands.

Taitague asked to include Guam in the request for Visitors Center.

7. Program Planning and Research

A. Recommendations on Fishing Regulations for the Rose Atoll, Marianas Trench Monument and PRI Marine National Monuments (Action Item)

Eric Kingma repeated the presentation that was given at the Council meeting in the CNMI.

Discussion

Simonds said a review of the permits and reporting of the fishermen would occur after the first year and adjustments can be made as necessary to the management. She suggested, therefore, not having any limit at all in terms of catch.

Kingma said putting a limit on catch for traditional indigenous fishing and customary exchange for religious and cultural uses in traditional ancestral waters seems unreasonable and does not make sense in terms of sustainability.

Tosatto said the Council staff has presented information on customary exchange that is supportable and the agency is not questioning the concept, the value of or allowing customary exchange to occur and has no intention to inhibit customary exchange. The Proclamation prohibits commercial fishing and to approve an amendment which doesn't prohibit commercial fishing would violate the Proclamation's Administrative Procedure Act (APA), for instance. The agency's goal is to not violate the Proclamations and not violate the law. He said the Proclamations recognize USFWS' authority and ongoing fishing at Palmyra and to approve something that didn't recognize that the fishing was going on and not attempt to prevent it would then similarly violate the Proclamation and potentially violate law.

The agency has a narrow view of how to allow customary exchange to occur uninhibited while ensuring that commercial fishing is not occurring with a line distinguishing between commercial and other fishing. According to the information available there may be some resource concern regarding reef fish. The agency's view has evolved slightly in the last few months. The agency does not concur that there is no information in hand to support a definition of noncommercial fishing at some level occurred in the discussion of the monument designation in January 2009, and there is no information on how much cultural exchange had occurred. Tosatto said it seems a way forward is to focus on trying to establish a limit on catch that is reasonable and will not inhibit customary exchange, to monitor the level of fishing, not putting an enforcement burden on trying to delineate from each and every transaction, but merely put into place a longstanding mechanism and framework that will keep catches to a certain level so that customary exchange can continue in a noncommercial way, adding that it will be a focus of management as things move forward. He said the Council and NMFS are interested in promoting the cultural use of the resources. It is something that will happen in the forefront and will move forward with a focus on catch limits of some sort.

Onaga said the GC is concerned that traditional indigenous fishing could be viewed by some as commercial fishing. GC's advice to the Council has been to consider options that would clearly mark the difference between traditional indigenous fishing and commercial fishing. One option was limitations on fishing. GC position is to create for the Council a document that will

meet legal sufficiency, and for that reason the recommendation was made to make a line between traditional indigenous fishing and commercial fishing.

Palawski said DOI supports the option of the no-take zones subject to USFWS permitting. In terms of bag limits for the PRIA MNM, he recommended setting the bag limit at five of each pelagic species. Regarding customary exchange, he reiterated that DOI supports the concept of customary exchange. He said the Council needs to hear American Samoa and the Mariana representatives' position on the tradition of the people from those areas.

Itano said he did not think limits were needed for noncommercial use or customary exchange and they would just add an enforcement burden. Few fish would be caught outside of the 12-mile limit around the Rose Atoll Monument. He reiterated that tuna is not in danger of being overfished by customary exchange and there will not be a huge extraction for cultural use. There may be a slight concern regarding bottomfish, but he felt it would not be a problem to not have any catch limit and evaluate the fishery after the first year and make adjustments as necessary. He was in disagreement with the suggestion of five per species per trip.

Duenas reiterated his statement that the fish caught in the areas are intended to feed the communities and not for profit and by definition regulating cultural exchange is beyond the agency's authority. He did not agree with the harvest limit because of the long distances travelled and no refrigerated storage available for large quantities of catch. His priority is to afford the people of the CNMI the opportunity to continue to fish the resource on traditional grounds and feed their community.

Palacios agreed with Itano's comments. The more important issue is giving the CNMI indigenous people a sense of ownership and not taking away the right even though the majority of the population will never have the opportunity to go to the waters of the monument. Traditional access to fisheries is also important. During the negotiations of the MNM he was privy to an e-mail from former CEQ Chairman Connaughton to the CNMI Governor which encapsulated the traditional rights would not be taken away from the CNMI, which resulted in the Governor agreeing to move forward. He voiced appreciation for the Council's effort to submit this into regulation and respecting the people's rights of the islands of Samoa and the Commonwealth to be able to continue to fish in the areas as they have done in the past and to enable them to recover some expense costs. He suggested this would be an item to be considered by the MMAC.

Tulafono also agreed with Itano's remarks regarding the Rose Atoll Monument. As long as there is no noncommercial fishing beyond 10 miles there should be no need for catch limits. The data reflects very minimal noncommercial catch around that area.

Martin agreed with remarks of Council members Tulafono, Palacios and Itano. It is not a resource issue, but a compliance issue. A handful of boats may access these areas, and there are defined spots where they can land fish. He disagreed with the USFWS' suggestion of a five fish limit. He agreed this item should go forward with no limits and be closely monitored. He said the Council is spending more time on the issue than is warranted.

Tschirgi asked consideration for transparency in some way for the on-scene assets to be able to identify whether a vessel is authorized to be in the area and conduct whatever fisheries they're engaged in would be helpful and important for the USCG.

Simonds said the Connaughton e-mail which Palacios mentioned conveys some agreement between the Bush Administration, the CNMI Governor, the President of the Senate and the Speaker. There is mention that access would allow full traditional indigenous access and practices in the Conservation Management Zone subject to approval and regulation by a group of local officials and citizens and not by the federal government. But now the Council is making rules and the federal government will be the body that approves or disapproves. The discussion has been held for several days and the Council should try to follow in the spirit of keeping with what the previous administration discussed with the local administration. She noted that the Council can take more time if needed. She said the SSC recommendations have not yet been presented to the Council. The Council action can be taken up later in the meeting. She reiterated the importance of considering the prior negotiations between the Bush Administration and the CNMI government.

B. Research Priorities

1. Cooperative Research Priorities

Marlowe Sabater presented an update on the status of the Cooperative Research Proposals from the competitive request for proposal (RFP) issued in November 2011. At the 152nd Council meeting the Council endorsed Cooperative Research Priorities for funding by the Cooperative Research Program to be administered by PIFSC. The proposals included 1) the evaluation of shark depredation occurrence in the Guam and Saipan small-boat fisheries for $186,350; 2) mapping coral reef and bottomfish fishing grounds to identify critical habitats for fisheries management and improvement of stock assessments in American Samoa for $104,000; 3) yellowfin tuna in Hawaii-based fisheries, a fishery and socioeconomic study for $94,937; and 4) [redicting post-release mortality in Pacific blue and striped marlin released from commercial longline gear and acoustically tracking false killer whales depredating deepset commercial longline gear for $300,000.

The proposals were evaluated by representatives from PIRO, Council and the Science Center. The shark depredation project was considered a top priority. The proposals were then submitted to the National Cooperative Research Working Group (NCRWG), whose recommendation then goes to NMFS Office of Science and Technology (OST), at which point some issues arose during the process. The issues included unclear guidelines issued by NMFS Headquarters to the NCRWG on evaluating proposals; NCRWG recommendations were rejected by NMFS Headquarters; and NMFS Headquarters did their own evaluation without input from the Regions. As a result, no proposals got funded for the WPR.

Sabater presented a list of recommendations to streamline the process, which included 1) proposals be based on the Council's five-year research priorities; 2) technical consultations with American Samoa DMWR, CNMI DFW and Guam Division of Aquatic and Wildlife Resources (DAWR); 3) priorities and proposals be vetted to the Plan Team in the April meeting for clarification and ranking of priorities and proposals; 4) proposals be provided to the SSC and

Council at its June meeting; and 5) allow more time for the Council, PIFSC and PIRO to improve proposals for competitive evaluation by the NCRWG.

Discussion

Itano said the NCRWG does not seem to understand the local issues and/or the proposals yet are evaluating the worthiness of projects. He asked Pooley if there are any other funding sources available to pursue for the rejected proposals.

Pooley agreed with Itano's frustration and said there was a failure to seek clarification before decisions were made. The flaw has been pointed out to OST. The Science Center does not have funds to put toward Cooperative Research Projects for 2012.

Duenas asked if the working group rejected the project or if OST rejected the project.

Sabater said the OST rejected a recommendation from the working group. The Council sent a letter to the head of the OST expressing concern regarding the issue.

Duenas noted his frustration and concern for actions taken by NOAA without any scientific review. He reiterated his disappointment in the recent release of the booklet regarding the status of sharks in the Mariana Archipelago.

Tosatto said every word in the shark booklet is factually correct with no misstatements.

Duenas reiterated he was flabbergasted by the comments such as may be susceptible to localized depletion, with no science to support the comment. He requested the agency to provide the scientific documentation to the Council.

Itano requested letters be sent to OST expressing the dissatisfaction with the evaluation process. He added that the issue of shark depredation is a problem throughout all of the States and Territories, as well as the problem of poorly documented fisheries. He said all of the projects have a broad base of appeal and should go forward. He encouraged the Council to seek any form of funding to get the projects done so as to not have to rely on Cooperative Research Grants.

Sword voiced agreement with the need to correct the problems with the evaluation process and he would be glad to see work done on the shark depredation problem.

2. NMFS Pacific Insular Research Plan

Pooley reported that PIFSC's different divisions and branches conducts numerous insular research projects, ranging from coral reef and fishery monitoring to ecosystem modeling. Insular research covers both ecological as well as socioeconomic topics. With the limited fiscal resources streamlining towards a common goal through an Insular Science Research Plan would make spending more efficient while maximizing useful outputs to support fishery management. The aim of this plan is to consolidate the insular science and research programs to support management. The concept was well supported by the PIFSC leadership. At this time, development of the plan is ongoing.

Discussion

Simonds asked for clarification as to the relationship between the Science Center plan being developed and the Council Five-Year Research Plan and if they're connected.

Pooley said a draft of the Science Center Plan introduction is available, which starts with the NOAA mission and priorities, MSA, MMPA, ESA and looks at the Annual Guidance Memorandum that the NOAA Administrator puts out in terms of short-term advice. The Council would have input into the research priorities, and part of the planning conversation is that the planning should involve something along the line of the Science Center would be telling the Council which direction it is headed and vice versa.

Duenas thanked Pooley for the Cooperative Research opportunities. He added the GFCA will start a shark depredation project locally since there is no assistance from the agency.

Pooley offered that the Biosampling Program or the Monument Program or WPacFIN may be able to provide assistance in data management in the way of technical advice.

Duenas said there has been recent information in Guam that conflicts with the agency information regarding L50.

Palacios requested better collaboration and communication between the Science Center and the local staff in the future with simple phone calls so CNMI DLNR can engage with the Science Center on the different research conducted locally.

Pooley agreed and hoped the addition of the onsite personnel will help in that regard.

C. Data Improvement

1. Report on Program Review of the Creel Survey Systems on Guam, CNMI and American Samoa

Sunny Bak, a Council contractor, reported on a review of the data collection systems in the WPR, particularly Guam, Saipan and American Samoa. The study's objective was to identify issues of the existing data collection programs and how they relate to the production of statistically valid estimates of total catch and effort for the implementation of ACL requirements. Three fishery data collection programs were evaluated as requested by the Council, the commercial purchase system, tournament data collection program and the creel survey programs, both boat and shore-based. Due to its complexity and reliance from management, the creel survey programs were the primary focus of the evaluation.

The creel survey was designed to collect fishery information by intercepting fishermen or fishing trips from public access sites on survey days using available resources for use in understanding the trend of fisheries for monitoring purposes. Bak evaluated areas of the creel survey programs, including sampling design, survey implementation and estimation methods.

The evaluation concluded that the currently implemented data collection programs are not adequate to provide statistically valid estimates for the ACL implementation because the

survey design and strategy of the creel service programs do not extend to all fisheries sectors, the operational procedures and protocols of the creel survey program are unclear in practice thus producing unknown errors in the data and estimates, and the expansion algorithm uses unverified assumptions and imputation methods that introduce unknown levels of uncertainty in the estimates.

Other survey methods and strategies are needed for the fishery sectors that the creel survey design does not adequately cover. While there are other existing data collection systems, such as the commercial purchase system and tournament data collection, they need significant improvement in survey design, strategy and implementation effort. Data collected from the commercial purchase system may be biased and inaccurate for its low response rates due to the sensitivity of the requested data and unreliable quality from its self-reported nature. The tournament data collection program is also currently not well developed.

Some of the recommendations noted by Bak also included a) operational manuals and references be provided, as well as training in community outreach for data collectors; b) keep the expansion algorithm simple; c) do data processing and data quality control locally; d) provide operational and statistical support in addition to the technical support now provided; e) the expectation of the data is presently beyond the creel survey's capacity and the creel survey program needs to be evaluated properly so the issues can be properly addressed and resolved; f) analyze the data already collected and come up with a survey design, which could already exist, modified or new; g) conduct outreach efforts, build relationships with the fishermen by providing something back to them for sharing their information; and h) evaluation of the data program should be conducted on a regular basis so the objectives of the data collection meet the management goal.

Discussion

Duenas thanked Bak for her work and agreed there is disconnect between the national initiative for data collection and the local capacity. He would like to see a trend analysis of the fishery and less money spent on research cruises and more on the local resources agencies for data collection efforts.

Tulafono thanked Bak for her report and agreed with Duenas' comments. American Samoa faces the same issues, especially with commercial data and scheduling of collection. Funds are needed for salaries and transportation to the remote locations to collect the quality of data needed for the ACL mandate.

Palacios noted he experiences similar issues as Tulafono mentioned. He looks to the Science Center and PIRO to work together to solve the data problems. He said funding is badly needed in CNMI.

Seman agreed with all of the comments and expressed the difficulty of every year having to sit down with the other jurisdictions of the WPR and WPacFIN and divide the small amount of funds available to cover the costs of data collection in their islands. He noted a Council recommendation is needed to address the issue.

2. Report of the Fishery Data Collection Improvement Workshop

Sabater summarized the outcome of the Fishery Data Collection Improvement Workshop held in December 2011. At its 152nd meeting the Council reiterated the urgent need to improve the fishery data collection in all island areas striving towards species-specific identification, especially for federally managed species, or management unit species (MUS). Therefore, the Council directed staff and PIFSC to work together to identify concrete steps in improving the fishery data collection and present the plans to the 153rd meeting.

Directors and technical staff of the American Samoa DMWR, CNMI DFW, Guam DAWR, Hawaii Division of Aquatic Resources (DAR), PIFSC, USFWS and Council convened the workshop and discussed problems and issues related to data collection that hampers stock assessments. Data collection issues were identified and prioritized according to importance and urgency, such as incomplete data frames to estimate total catch, lack of variance estimations of catch and effort, voluntary nature of reporting and participation in interviews and rare methods not accounted for in creel surveys. Potential solutions were assigned to each issue with estimates of cost for the solution and a time frame when results could be obtained, some of which included a) expand data collection or conduct a pilot study to estimate calibration factor where there are incomplete data frames to estimate total catch; b) hire a contractor to analyze data where there is a lack of variance estimations of catch and effort; c) develop local regulations to make reporting and participation mandatory instead of voluntary reporting and participation in interviews; and d) design of a specialized survey for rare methods, use opportunistic survey and incorporate to the expansion to account for rare methods not accounted for in creel surveys. The total estimated cost of improvement were American Samoa $185,000, Guam $398,000 and CNMI $410,000.

Discussion

Palacios asked Pooley if any efforts are being undertaken with regard to the recommendations of the workshop.

Pooley said PIFSC has looked into integrating the corals surveys with fishery-dependent data using additional assessment techniques. PIFSC's intention is to review the report of the workshop and Bak's final report, to utilize academic support in the coral survey re-evaluation to look at the WPacFIN survey approach to creel surveys and, taking advantage of the lessons learned during the ACL development process, to be more efficient at its survey design and implementation.

Itano said the ACL development process highlighted a lot of the inadequacies in the data collection. The data workshop presentation illustrated that the data collected is a snapshot of the fishery and the data should be estimated and expanded to get the big picture of all of the catches. He suggested implementing mandatory reporting and taking snapshot surveys to capture the uncaptured gear types in fisheries and special situations, such as Aunuu and Manua Islands data. He questioned the possibility and/or probability of the data collection system transitioning in the something that will estimate total catch through expansion of creel survey data.

Pooley said the creel survey systems make estimates of total catch and were designed to focus on the most prevalent fishing methods, such as trolling and some of the nearshore fishing

methods. PIFSC has been looking at what the surveys were designed to capture and then focused on the pieces that were left out. He said it is possible that expanding the surveys to capture the missing pieces may be successful. He agreed that specialized snapshot designed surveys are needed in those circumstances and that the need for mandatory reporting is conceivable. He preferred WPacFIN data not be rejected because some of it does not meet all of the objectives of the current needs. He said one recommendation was to look at the survey design, look at the estimates and compare them with other sources of information to see in which case the surveys are validated.

Simonds said the Council started all of the data collection programs in the early 1980s, including monitoring of the fish auction, and then turned them over to NMFS. The program has never been funded sufficiently. She said sometimes it isn't a matter of more money, but about how the money is allocated and knowing what is important. The monitoring programs in the three island areas have always been important to the Council, but they have never received enough attention, which is why the data is in the state is in now. Many efforts have been made to improve the whole program. Everyone is taking a bit of the blame for the system not working, but not enough attention has been given to one of the most important programs for the Territories. What is needed in the WPR is on-the-ground people and money for on-the-ground services. She requested funds be provided for these efforts so the Science Center will have sufficient money to have sufficient programs to provide the Council with the information it needs to do its job.

Rauch said no Science Center has sufficient funds to provide the Councils with the data and information they need to get the job done. There is not enough resources to fully implement everything that the agency would like to do. The good news is there has been an increase in the amount of funds for stock assessment nationally as it is recognized that in order to meet these new requirements there needs to be an investment, although he did not think the Western Pacific has received any of those funds to date. He said he had not seen the kind of information just presented and the specific information about what the Council would do with the money is going to be very helpful. The first step is the need for a joint commitment in working through these key issues. He could not say what will happen with the budget, but the one place that the budget has been increasing has been in dealing with recreational data and dealing with data collection.

Duenas said, when data started being collected 30 years ago in Guam, he thought it would mainly be to understand the resource and address issues that affect the resource, such as land-based or habitat issues, to help maintain the access or use of the resource. He has questioned the accuracy for a long time, although it seems as if this was not a big issue until the recent development of the ACLs brought it to light. He reiterated his recommendation for that research cruises be timed in relationship to the resource. He also suggested putting kiosks at points of entry and exit for fishermen with a camera and a scale, as fishermen love to take pictures of their catch. He agreed with Bak's recommendation to give something in return for the information collected from the fisherman, even if it's just ice or a ball cap or even just feedback from the data collection. He offered to help in the efforts in Guam, but sharing in the feedback would go a long way to improve the situation.

Rice voiced agreement with Duenas' comments. If fishermen received some feedback from the data collection they would be much more willing to get involved.

Taitague introduced and welcomed Lieutenant Governor Raymond S. Tenorio to the Council meeting and thanked him for taking time to attend.

Tenorio welcomed the Council to Guam. He said Guam depends on the Council to ensure that the federal government does the necessary monitoring, scientific research and analysis to determine the right harvest levels as well as to advocate the community's perspective and keep stakeholders accountable. He thanked the Council for all of the work it conducts, with special mention as to the prevention of illegal fishing occurring in the Mariana EEZ and the FAD placement and replacement.

3. Improving Specification of Acceptable Biological Catch: Report of the Annual Catch Limit Data Workshop

Dalzell presented the outcomes from the workshop held on improving estimation of ABCs for species subject to ACLs, which was held in December 2011. At its 152nd meeting, the Council directed the SSC to revisit all of the ACLs at its March 2012 meeting and provide a better estimate of ABCs utilizing all available information to calculate new ABC specifications for 2013. The agenda of the workshop included items such as an overview of the ACL specification process, initial ABC and ACL specifications, timeline for addressing accountability measures on ACLs, justifications for changing an ACL and recommendations.

The workshop generated several options:

- No action. The ABC control rules would remain as the primary method for specifying ABCs unless data collection improved and the existing catch datasets were reanalyzed to estimate total catch, catch rates and fishing mortality. This assumes that the current ACL specifications is sufficient and will not be exceeded.

- Improvements of catch reporting, used to explain why the ACLs had been exceeded, which could be the case for the Hawaii parrotfish and surgeonfish.

- Recalculate the 75th percentile on a stable time period, which is based upon the SSC's recommendation.

- If an ACL is exceeded, trigger a accountability measure.

- Reassign as an Ecosystem Component, with four criteria having to be met.

- Conduct stock assessments and shift tiers in the ABC Control Rule.

- Utilize other data sources aside from creel surveys.

- Conduct more directed research to determine status of the stock.

Dalzell asked the Council to deliberate on the options and how to move forward on improving ABCs and ACLs.

Discussion

Duenas noted work with regard to the spearfish fishery and looking at the variation in catch of parrotfish in CNMI, Guam and Palau.

Leialoha asked for clarification regarding Option 5.

Dalzell said one problem is that many of the fishing methods for coral reef species are nonselective and the variation can be because of hook size as opposed to using a net, which catches across the trophic level of the fishery, which is hard to sort out for an ecosystem component classification.

Itano asked for a written form of the workshop report.

Dalzell noted that in the report the options were called alternatives.

D. Reef Fish Stock Assessment Methodology

Pooley reported that the Council staff, participants from the different jurisdictions, and PIRO and Science Center staff had a series of workshops following the last Council meeting to discuss a range of subjects, including reef fish stock assessment methodology. He was not in attendance but understood the workshops were productive. One resulting idea was to use the information that was learned during the development of the ACLs to enhance the next round of ACL development.

E. Archipelagic Fishery Ecosystem Plan Management Unit Species Reviews

1. Update on Territory Bottomfish Stock Assessments

Pooley repeated his report regarding the Territory Bottomfish Stock Assessments from earlier in the meeting. The stock assessments were to be delivered to the Council in January but have been delayed until May because of failure to coordinate between the data providers and the stock assessors. This time around Pooley requested a detailed work plan. The Stock Assessment Group has begun the work. During the interim period, work has been conducted on a range of data modeling issues using simulated data. A contractor is getting the data into stock assessment form for American Samoa, Guam and CNMI that have been integrated using relatively similar techniques. The product will be done by May 15 for WPSAR Review and SSC review at its June meeting.

Discussion

Palacios asked if the RAIOMA data will be incorporated into the stock assessments.

Pooley said the data did not provide stock assessments of the deep bottomfish and deepwater shrimp, which was the focus of the research cruise. Jon Brodziak, who is leading the stock assessment, is looking at the RAIOMA reports, but other than the life history information it is not germane.

Palacios noted the urgency of data being made available in a timely manner, especially with respect to ACL management decisions.

Pooley said there is a difference of opinion on the relationship of developing ACLs and monitoring ACLs. The ACL cannot be measured by using a different measure, such as landings data, cooperative data or something else, when the ACLs were developed using WPacFIN or creel survey data, although the WPacFIN data could have been re-scaled to cover some of those differences if there had been more time in the development of them. The survey data and coral surveys were viewed as long-term time series that provided a relatively consistent method. Evaluation of how a fishery was being managed would be based on the subsequent year surveys, not from some other source. He said the SSC and Council staffs deserve credit for getting the ACLs done quickly. Now the task is to do better for the next round. The process can be improved, and the Council is in a position to do it better. The Biosampling Program will be very helpful in that endeavor.

Duenas expressed concern regarding the next generation stock assessment strategies having more emphasis on the BRAVs and other technologies available before the techniques have been validated, while there is 30 years worth of collected data from Guam which has yet to be mined, filtered or measured for validity and disagrees with the two-week research cruise as the basis for scientific conclusions. He encouraged the agency again to further engage the community to provide a reality check.

Pooley noted that one advantage of working with fishermen and their data is it covers the entire year and a broader scale of any survey that could be done. Using alternative techniques can complement that. One thing being done with Cooperative Research in Hawaii is trying to see how the fishery-independent methods and the fishery-dependent methods come up with either similar or different answers. He said it is foolish to not utilize information from fishermen, and that continues to be the primary source of the Science Center's assessment methodologies.

2. Revision of Essential Fish Habitat and Habitat Areas of Particular Concern for Territory Management Unit Species

Steve Kagan, from PIRO Habitat Conservation Division, presented the update on the revision of EFH and HAPC for Territory MUS for American Samoa, Guam and the CNMI. A document was sent to the Council for review. Upon review by the Council substantial changes and corrections need to be made particularly for the coral reef habitat component. The document was sent back to PIRO for revision. The update included information on what EFH and HAPC is and why it is important, the MUS species, the review process, the findings of the review and PIRO recommendations. Bottomfish, precious corals and pelagic MUS reviewed by PIRO is completed and there will likely be no revision to the EFH/HAPC designations. The coral reef MUS review is ongoing.

Discussion

Duenas noted his concern regarding the location of the military dredge material disposal site located 15 miles off the west coast of Guam and the seamount zone on the western side of

the Marianas are not being considered in the habitat conservation work or even addressed in comments addressed to the military in regard to the importance of the areas.

McKagan said they learned of the sites recently and are still gathering the information regarding those locations as they are in the second stage of a three-part process. The next level is the results will go to the Council and there will be more opportunity for public comment.

Tosatto clarified the process ongoing now is to refine EFH definitions, which will be used in EFH consultations, and that PIRO did review the proposed dredge material site and completed an EFH consultation on the dredge site.

Duenas reiterated in the comments submitted to the mitigation efforts the GFCA requested offshore sediment traps be set to gauge the validity of their estimated amount of dredge that will be disposed at the site, which estimated the material would travel for three miles. The fishermen disagreed and are deeply concerned about the impact to the community if 72 acres gets dredged in Apra Harbor as proposed.

3. Western Pacific Stock Assessment Review of Essential Fish Habitat and Habitat Areas of Particular Concern for Territory Management Unit Species

Mark Mitsuyasu presented the WPSAR Review timeline for the EFH/HAPC. PIFSC review was completed January 2012. PIRO review of draft and development of recommendations for bottomfish, precious corals and pelagic MUS is completed with no likely revision to designations. The coral reef MUS review is ongoing. The completed review will be submitted to the joint Plan Team in April. WPSAR Review is now scheduled for May. Initial action will be taken in June for the preliminary preferred recommendations.

F. National Initiatives

1. Update on Recreational Fishing

Andrew Torres, from PIRO Sustainable Fisheries Division, presented an update on the agency's recreational fisheries engagement initiative. NMFS has long since recognized the importance of recreational fishing. Nationally, 25 percent of the targeted species are caught recreationally. The key to regional engagement is the development and execution of recreational fisheries action plans. Locally, regional action plans are aligned with the over-arching goals identified in the National Recreation Action Agenda. The plans need to be broad, flexible and adaptable to accommodate each Region's individual circumstances. It is important that Regional Action Plans contain realistic, achievable actions with appropriate timelines for completion to build public confidence and trust in NMFS. In 2010 a Recreational Saltwater Fishing Summit was held in Washington, DC. Part of their goal was to come up with objectives to address the regional needs for taking into consideration the recreational fishing sector.

Fishing is unique in the islands. Understanding noncommercial catch and effort is important to manage for sustaining the fishery. Understanding fishermen's concerns and satisfaction with their fishing experience is important to fishery resource managers. NOAA's

Regional Saltwater Action Plans include a Pacific Islands Region Saltwater Recreational Fishing Action Agenda for 2012, which at this time is Hawaii-centric.

The goals and objectives and projects for 2012 include the following:

- 1) Improve the recreational fishing opportunities with the objective to reduce post-release mortality of recreationally-caught fish. The project is the Barbless Circle Hook Project.

- 2) Improve the recreational catch effort and status data. The objective is to improve collection on noncommercial fishery data. The projects for this goal are:

    - An MOU with the State of Hawaii on the exchange of confidential fisheries information between the State and NMFS.

    - Collaborate with and support the State in modifying its Vessel Registration System to serve as a vehicle for data collection.

    - Inform and encourage Hawaii's marine recreational fishermen to register with the NSAR.

- 3) Improve the social and economic data on recreational fisheries, with the objective to increase the understanding of the importance of fisheries to Hawaiian communities that can also be used as a model for conducting similar research throughout the region. The project is to implement a study to understand the flow of noncommercial catch in Hawaiian communities.

- 4) Improve communication, with the objective to enable island recreational fishermen to participate in NMFS activities in fisheries, habitat conservation and Protected Species Program and to help develop fisheries research initiatives. The project is to hold a Pacific Islands Regional Recreational Summit in 2012.

- 5) Institutional Orientation. The objective is to strengthen and then maintain NMFS ability to manage for the goals of the Pacific Islands recreational fishery, which differs from the traditional management goals of commercial fisheries that have historically guided agency action. The project is to hire a marine recreational fisheries specialist.

The next steps are to complete the 2012 projects and develop 2013 projects and hold the recreational fishing summit in Honolulu this summer with fishermen representatives from CNMI, Guam and American Samoa.

Discussion

Duenas noted that it seems that the agency has recognized there is a subsistence fishery in the WPR but categorizes it as noncommercial. Subsistence fisherman would be a more accurate category than recreational fisherman.

Torres noted that the intent is to address the noncommercial, specifically recreational. He acknowledged that defining the fishery sectors in the WPR is challenging.

Duenas said that using the term noncommercial infers being inclusive and recreational infers exclusivity. He preferred the position be called a noncommercial specialist rather than recreational.

Torres said the leadership will have to address this topic.

Tosatto explained when dealing with a national program it is called marine recreational fisheries specialist as it fits within the system and is easy for the human resource system to understand. Tosatto assured Duenas a noncommercial fisheries specialist will be hired.

Duenas asked the agency to recognize the implications of such a program with such goals and objectives to a community that uses the marine resource as a food source rather than as a community that is coastal-associated and uses the resource as a playground. He voiced his concern that the program may have cultural implications and impact the community in way that could change their way of life through initiatives. His hope is that the Council and the agency can take the lead in truly describing and recognizing the unique characteristics of the Pacific Islands way of life and the way things are done in the islands.

Sword pointed out that subsistence has always been a way of life in American Samoa and in the Council things are done is to fit into the definition. Subsistence is recreational fishing because there is not another set of definitions, but he thanked Duenas for his effort to correct the definition.

Rice agreed that recreational and commercial fishing in the islands are completely different than anywhere else.

Simonds offered to provide a copy of the Christopher Hawkins' article that appeared in the *Hawaii Fishing News* called "What's in a Name." She agreed with Duenas that there is a distinct difference between recreational and noncommercial in the WPR and that the Council will be following this initiative.

2. Update on the Coastal and Marine Spatial Planning Initiatives

Tosatto gave an update on CMSP activities. Progress is expected soon on the formation of the RPBs for CMSP. There are nine representatives for the region. Tosatto was selected as the co-lead for the Region. The National Ocean Council (NOC) will send letters to the Governors of the State and Territories to assign a point of contact to coordinate the Territory and State participation on the RPB. The board will consist of nine federal agencies, eight state and territoria; representatives, two from each, and one representative from the Fishery Management Council. It is hoped once the RPB is formed there will be guidelines to follow. The bodies need to be formed within the next five years. The plan is more of a framework to follow so that federal agencies and state and territory governments can better take input from the communities, organize both the coastal and marine uses and the coastal and marine resources and fulfill all of the mandates in a more efficient way. Once the RPB is formed they have five years to deliver a plan to the NOC.

Tosatto noted that the Fishery Management Council has been very active since the CMSP was initiated. He stressed the importance of the community understanding what CMSP is. A

workshop was held in the summer of 2011, which included constituents from all of the island areas and walked through what the CMSP process might look like. At the end of workshop, the Council also held a one-day workshop for 40 fishermen to begin to scope out what effective participation in the CMSP process might look like. Tosatto pointed out the Region needs more of that type of effort replicated in all of the island areas.

Discussion

Duenas asked for clarification of the timeline.

Tosatto said the timeline set out starts after the RPB is formed. From that point, they have five years to deliver a plan to the NOC. He hoped for a timely response from the Governors regarding nominations.

Duenas pointed out that the Governors will need time to digest the whole exercise and asked if additional advice or guidance would be available to them.

Tosatto said the first exercise is to get one person named so in due order two people will be named to form the RPB. He understands that each Governor may have to go through a different process to get those two officially designated persons to be on the RPB. The broader concept of community involvement is on the plate of the RPB. Once it is formed work will be laid out which will require technical input and community input.

Simonds asked if extra funding is provided to carry out the CMSP initiatives.

Tosatto replied the federal department has not used the acronym CMSP or the words Coastal and Marine Spatial Planning in their 2012 or 2013 budget by direction of the Congress. NOAA has committed to the NOP, including the framework for CMSP. There is no longer a formal CMSP Program, but there are responsibilities within each of the line offices that they will continue to execute. There is still a grant program for 2012. On the federal side, no federal agency has direct funding. He does not have an answer to the question as to whether NMFS will pay for the state and territories to participate in CMSP.

Simonds pointed out that there are some funds available to Regional Ocean Partnerships. Two of these cooperative agreements were approved, one at UH with some of the coral reef people point of contacts, and then another one for Hawaii. A document is being developed for funding for the Governors within the Pacific Basin Development Council, which will be forthcoming.

Palacios noted that the presence of Former Speaker Heinz Hofsneider from the CNMI Legislature, who is a recreational, subsistence and a commercial fisherman.

3. First Stewards Climate Change Symposium Plans

Spalding reported that the First Stewards Climate Change Symposium will be held in July in Washington, DC, at the National Museum of the American Indian. The purpose of the symposium is to highlight how traditional ecological knowledge has enabled indigenous communities to adapt, survive to environmental change and how this might help the communities

to adapt to impacts of climate change and to encourage policy and funding changes to better enable and to validate native communities. The Pacific Islands Team is being led by the Council in partnership with NMFS PIRO and had meetings in August, September and December of 2011.

G. Hawaii, Regional, National and International Education and Outreach

Spalding reported on the Code of Conduct for Hawaii fishermen, which originally was part of the Council's outreach project in the 2010 Coral Reef Conservation Program Grant. The Code of Conduct that is being used was gleaned from information from the Puwalu that was held in 2006 and 2007 and 2010, which were attended by over 200 traditional Hawaiian practitioners, fishermen, environmentalists and other people. The Council held a Fishers Forum on a Code of Conduct for Hawaii fishermen at the last Council meeting in October 2011. The current Code of Conduct is in the Council's briefing book. An MOU was signed with the Division of Boating and Ocean Recreation. The Code be posted at two small-boat harbors, one on Oahu and one in Molokai.

The Hawaiian lunar calendar was completed in partnership with a native Hawaiian charter school on the Big Island. It highlights the observations that school has made on their native traditional fishpond. The students gave four community presentations on the lunar calendar. The Council has received interest from two communities, one on Kauai and one on Maui to work on the 2013 calendar.

Other activities included evaluation of the effectiveness of the lunar calendars as a fisheries outreach tool; Mariana Archipelago outreach materials for the Tinian and Rota community meetings and ACL display, FEP brochures in Chamorro and Refaluwasch; Hawaii Speakers Bureau; and attendance at the Wildlife Society's Native Peoples' Working Group to present on the Aha Moku and lunar calendar. Spalding also reported on ongoing activities.

Discussion

Duenas noted that the GFCA recently revised their Code of Conduct in 2002 which includes for each violation of the rules.

Spalding requested a copy.

Duenas introduced Sam Rauch, Assistant Administrator for NOAA Fisheries.

Rauch gave a brief personal background and noted he was pleased to be the first Director of NMFS to visit the Mariana Archipelago. He thanked Manny for his leadership on the Council over the years. He noted that it has been a very important year for the Fisheries Service nationally. In 2011 all plans were to be put in place to end overfishing, and the Western Pacific Council did its part by putting in ACLs for every stock ahead of the deadline. He spoke in support of the Pacific Islands Region proactive collaboration with the recreational communities to address the recreational fisheries needs. This summer the Region will host representatives from Hawaii, Samoa, Guam and the Marianas at a Pacific Islands Regional Recreational Summit. Rauch commented that the President recently came out with his 2013 budget, which follows the significant cuts taken by the Agency in the 2012 budget in which the budget was cut back to the 2009 levels. The overall budget is at the $880 million level, and substantial cuts are being felt

throughout every region, in every program as the result of Congress' choices. The Councils were also put back to the 2009 levels as well, which will make things difficult. Some good news is the agency intends to put support towards expanding stock assessments.

Discussion

Simonds asked where the agency is with the core missions of earth observations, being weather-ready and vibrant coastal communities, which were presented at a Council Coordination Committee (CCC) meeting earlier in the year.

Rauch replied that vibrant coastal communities mission is a recognition that fishing is an important part of the fabric of the communities, whether it's recreational or commercial. There are a number of actions nested within the three core missions of the Fisheries Service.

Seman welcomed Rauch to the Mariana Islands and expressed hope his visit will serve to improve dialogue, relationship and management efforts in the Mariana Archipelago. He noted that management on the federal level often is a one-size-fits-all approach. He expressed appreciation for the Fishery Council because it provides participation by the community in a bottom-up approach and opportunities to get involved in the management process. He hopes to convey the uniqueness of the small island aspect of the fisheries.

Tulafono welcomed Rauch and expressed his appreciation for him taking time to support efforts in the Pacific Islands area.

Duenas referred back to the earlier update on the recreational fisheries presentation. He repeated his concern about the use of the term, recreational, being used to describe subsistence and noncommercial fishing in the Pacific Island communities. He asked that consideration be given to using the term noncommercial so as to include the subsistence fishing practiced in the islands, which would show cultural respect to the way of life of the Pacific Islanders.

Rauch noted it is not the intent of the agency to exclude subsistence use and said the Agency will look into using the term, as he raised some good points. He added that part of the purpose for the regional forums is to be able to reflect a diversity of issues and stakeholders in a bottom-up approach as they move forward, and he concurs with the sentiments Duenas expressed.

Itano welcomed Rauch to the region and also appreciated his presence at the Council meeting, noting that it reinforces the challenges to running and monitoring fisheries in the area because of the isolation and remoteness and unique nature of the fisheries. He added that as long as there is understanding of the differences between the regions and the Council is not bound by the hard definitions of recreational, noncommercial and subsistence, the word recreational is not a problem. But he spoke in support of the idea of changing the terminology to be broader in scope and not to get bound into the definition of recreational.

(Evaluating CREMUS ACLs Relative to Current Stock Abundance)

Dalzell gave a presentation on the evaluation of Coral Reef Ecosystem MUS (CREMUS) ACLs relative to current stocks abundances. Apart from special cases, CREMUS ABCs are set at the 75th percentile of the entire catch data. It captures variation in catch times series, but no

sense of a level of catch that maintains fishery at below fishing mortality that produces the maximum sustainable yield (FMSY). For CREMUS, most catches appear to be a small fraction of biomass, recognizing that there are errors associated with WPacFIN catch data and CRED biomass data. The question remains, how catch can be evaluated relative to maximum sustainable yield (MSY)

Dalzell reported on various papers and models used in efforts to evaluate catch relative to MSY, such as Scheafer and Fox models, papers by Gullands, Cadima and Garcia. He concluded by asking whether it is worth exploring this further given that our examples are coarse aggregates at the family level. He noted that not a great deal is known about mortality values for reef fish. He also questioned what method to use to improve biomass and catch estimates and disaggregate into species or genus groups.

Discussion

Itano commented that Dalzell's report looks like a good option for the use of developing ACLs for CREMUS and suggested looking into the option of also using habitat indices for species such as slipper lobster.

(Itano Update Regarding PFRP)

Itano gave a brief overview of the current status of the PFRP. The program, which began in 1992, uses federal funds through the UH to fund projects designed to provide scientific research and information for American Samoa, Guam, CNMI and Hawaii and the broader Western Pacific and to address specific management questions. The projects are run on cooperative agreements that have to be renewed regularly. Projects are scheduled to be reassessed in 2012 per agreement, at which time funds for projects are zeroed out. Because of the federal budget situation there will be no allocation funds available. It is likely that the program will cease to exist this year.

Discussion

Simonds asked for clarification as to the deadline for spending the funds.

Itano clarified that to his understanding the projects funds need to be spent or returned to the federal government if not spend by the deadline and cannot be re-allocated.

Pooley reminded the Council that PFRP is a collaborative project, and the Council, UH and PIFSC are on the Steering Committee, but effectively managed by the Joint Institute for Marine and Atmospheric Research (JIMAR), which is part of NOAA Cooperative Institute's programs. A ruling a few years ago indicated that they all needed to be re-competed, and they have been re-competed around the country. It's not just PFRP, but all of the 17 projects across NOAA line offices in Hawaii have been spending down their balances over the last two years in anticipation of this. To his understanding, there is no alternative, and within the Science Center the projects have been spending down balances.

Simonds asked if PFRP can turn some of the unspent money over to an entity and in the future what sort of funding can the Council expect from NMFS. She also asked if the PFRP can search for funds from other areas, such as foundations.

Pooley replied in the negative as far as turning the money over to any other entity. The PIFSC budget has continued to fund the program manager and executive assistant's salaries and graduate students who are wrapping up. He noted the short-term funds do not seem to be a problem, but the residual funds problems still exists.

Rice commented that PFRP's work is not only good for the region but throughout the United States because the pelagic stocks are the ones that are being attacked the most throughout the international realm. He hopes there is some way to find monies to be able to keep supporting PFRP projects.

Duenas agreed with all of the comments and ask the agency to make efforts to find funding for PFRP which is very important to the Region's fisheries.

Martin agreed and noted the value PFRP's work as been to the industry, as well as the Council, and has provided a strong supporting network for supporting SSC projects. He noted that it would be a shame if years of hard work and the established program that they put together were to be lost. The importance of PFRP cannot be over-stressed as the pelagic stocks in the region are continuing to be exploited and some of the reports that PFRP provides gives background for the Council to move forward with mandates to assist in managing those stocks where they can.

Itano thanks the Council members for their sentiments and noted that PFRP has been actively looking for other sources of funding to maintain the program and will continue to do so.

Simonds said the program started when Congress included tuna in the MSA. She would like to see it continue.

H. Advisory Group Recommendations

1. Advisory Panel Recommendations

Gourley presented the AP recommendations as follows:

The Marianas AP recommended the Council continue to prioritize and pursue funding for the shark depredation and nearshore FAD studies under the Council's Cooperative Research Priorities.

The Marianas AP recommended the Council continue to revise and incorporate other data streams used for ACLs for better specifications for 2012. The AP further recommended the Council request NMFS to provide funding for data collection programs and public outreach that are used for ACLs.

2. Regional Ecosystem Advisory Committee Recommendations

Duenas noted that the REAC met on Guam on March 1, 2012. The recommendations are as follows:

REAC Recommendation 1, the Council write a letter to the Government of Guam requesting the Government of Guam (GovGuam) agencies, Bureau of Statistics and Plans, DOA, Department of Parks and Recreation, Guam Environmental Protection Agency (EPA), Port Authority of Guam, to develop an official informative map to illustrate existing and planned restricted areas on land, inshore, offshore, and be used to identify cumulative impacts to the fishing community of Guam.

REAC Recommendation 2, the Council write a letter to the Director of Bureau of Statistics and Plans to request the Guam Coastal Zone Management Program to work with the GovGuam agencies and other local organizations to develop a detailed inventory of ecosystem threats by location and produce a mitigation plan to address those various items.

REAC Recommendation 3, the Council requests the director of the Guam DOA ask the Governor of Guam to write to the dommander of Joint Guam Program Office (JGPO) concerning data collection issues on the military issues and request better coordination communication to enhance fisheries data collection at Apra Harbor and Andersen Air Force Base.

Write a letter to NOAA and USFWS to request that the MMAC include a Guam representative as issues related to the management of associated or adjacent resources of the Marianas Trench MNM are important to people of Guam.

A letter to the Governor of Guam requesting the Department of Land Management to continue its work on identifying traditional bull cart trails and other public access routes and develop an official informative map to identify existing and proposed access routes for coastal areas.

Biosampling Program initiated by the PIFSC be provided cooperation and support to continue and further engage the community to obtain information important to fisheries management, as well as education of outreach opportunities.

A letter to the Governor requesting that the GovGuam support and encourage further community engagement with PacIOOS.

A letter to the Governor of Guam requesting the GovGuam pursue the completion of the 2010 Coral Reef Research Program.

A letter to the Governor requesting an endorsement of Guam's participation in the first Stewards Climate Change Symposium in Washington, DC, that's made for indigenous people.

Regarding the Compact Impact, the REAC recommends that a project be developed to address the challenges of cultural differences between local fishermen and immigrants from the FSM and increase understanding of cultural differences and resolve fishing conflicts between these sectors.

I. Scientific and Statistical Committee Recommendations

Callaghan presented the recommendations as follows:

Regarding recommendations for improving catch data collection, the SSC expressed its appreciation to Bak for her review of the regional data collection programs and recommendations for improving catch data collection. The SSC noted that the Territory creel surveys might be adequate only for Tier 5 specifications of ABC and ACLs. Therefore, the SSC discussed whether it might be worthwhile re-allocating resources to other forms of data collection. If the Council wishes to raise many of these fisheries out of Tier 5, the SSC reiterates its long-held position that permitting and reporting for all sectors may be the only way to get data adequate for ACL estimations and model-based estimates of catch.

Discussion

Itano asked for clarification as to whether the recommendation specified federal reporting or some other form of reporting.

Callaghan replied it was not specified, but it was clear that total reporting is needed.

Duenas asked for clarification as to the basis for the reporting requirement recommendation.

Callaghan said to improve the existing creel survey programs to a level which would allow raising fish out of Tier 5 to some higher level would require funds that are not available. In the current budget environment it would be more feasible to simply require licensing and full reporting than to try to salvage the existing creel census program.

Duenas said reporting requirements may save money for the agency, but not for the community and the local Guam agency is already over-burdened by its many responsibilities and duties.

Palacios voiced disappointment in the recommendation in that the December workshop identified steps to improve the data collection and implementing mandatory permitting and reporting will require funding for implementation and enforcement. CNMI DLNR has identified areas to improve and would like to hear the SSC recommendations regarding other ways to collect the data.

Rice noted that the reporting and permitting will probably not be as accurate as needed because people fish whether they have a permit or not. He suggested creel surveys in conjunction with community outreach be undertaken to educate the fishermen on the importance of submitting accurate fishing information.

Duenas noted that trends in the fishery are as important as the actual data. He spoke against mandatory reporting and permit systems, noting the lack of enforcement.

Callaghan noted that he is simply reiterating what the SSC has been recommending for more than 20 years noting that fixing the Creel Census Program will be very expensive.

J. Public Hearing

No comments were offered.

K. Council Discussion and Action

Regarding the Data Collection Issues and Future ACL Specifications, **Council recommends NMFS to provide funding support for the following:**

- **The analysis of the existing creel data to determine which species and fishing methods the current survey design adequately represent.**
- **The development/support of other survey methods to cover species and fishing methods not adequately represented by the existing creel survey design. For example, biosampling commercial receipt books.**
- **The documentation and correction of any bias in the existing creel survey data.**
- **Evaluation of the assumptions behind the WPacFIN estimation methods and the refinement of these methods to generate a better estimate of catch and catch per unit of effort (CPUE) for stock assessment.**

Moved by Sword; seconded by Tulafono.
Motion passed, with one abstention by Tosatto.

Pooley noted a correction to include, any bias, because as sated it is presuming a conclusion that is yet to be reached. There were no objections.

The Council also recommends that the Archipelagic Plan Team and the Fishery Data Coordinating Committee examine and address the findings and recommendations describing the two data collection reviews and determine the best approach to obtain improvements in the fishery data collection in the Western Pacific Region.

Moved by Sword; seconded by Tulafono.
Motion passed.

The Council directs Council staff to work with Joint Region Marianas to develop and establish a fisheries data collection program for fishing operations that are both based in and/or occurring within military installations on Guam.

Moved by Sword; seconded by Tulafono.
Motion passed.

The Council directs staff in collaboration with NMFS PIFSC and local fishery agencies to continue revising the ACLs for Fishing Year 2013. This collaborative effort should also include using other data streams, for example, biosampling and commercial receipt books, in developing future ACL specifications. **The Council further recommends that the NMFS provide funding for Data Collection Programs and public outreach regarding the importance of accurate data to refine ACLs.**

Moved by Sword; seconded by Tulafono.
Motion passed.

The Council recommends NMFS PIRO and PIFSC work with the GovGuam and CNMI regarding the appropriate use and limitations of L50 as a management tool as being promoted in the Marianas.

Moved by Sword; seconded by Tulafono.
Motion passed.

Tosatto noted that NMFS will work with the fishing communities of Guam and CNMI to ensure L50 is improved.

Palacios noted that the information being collected in the CNMI is contradicting the size of the L50 that is being put forth in the community, but was appreciative that efforts are taking place to get the specifics of the L50 for the Mariana Islands to achieve more accurate numbers for the Mariana Archipelago.

Seman noted that significant resources are being put toward the promotion and outreach for the use of L50 and encouraged using some of those resources for correcting the current version of L50.

Duenas asked for clarification as to the definition of L50.

Sabater stated that L50 is a management strategy to allow the fish the ability to spawn at least once in its life span and can also be used to determine a minimum size for harvest.

Itano noted that the definition he uses is that L50 classically means the estimated length at which 50 percent of the population of that species in that area of that sex is mature, capable of spawning, and noted that the L50 can differ regionally. It assures that some spawning has occurred in the population and in a general sense that enough spawning has occurred that the resource will be sustainable. It should be determined histologically.

Tosatto further explained a minimum size limit would be set on the L50 point so everything smaller than that cannot be retained or cannot be caught and fishermen would target reproductive individuals. Presently it is an informal tool being used in fishery management.

The Council recommends NMFS PIFSC and PIRO work with CNMI Division of Fish and Wildlife to produce and publish peer reviewed reports or outreach materials utilizing the data collected by the NMFS Biosampling Program and the DFW Life

History Projects which may be utilized for generation of stock assessments, the improvement of ACLs and improving L50 estimates.

Moved by Sword; seconded by Tulafono.
Motion passed, with one abstention by Tosatto.

The Council recommends NMFS PIFSC provide its Biosampling Program in the Marianas with additional support to further engage the community, to obtain information important to fisheries management as well as participate in educational and outreach opportunities.

Moved by Sword; seconded by Tulafono.
Motion passed.

Regarding the National and Regional Climate Change Issues, **Council directs staff to request an endorsement of Guam's participation in the First Stewards Climate Change Symposium in Washington, DC, from the GovGuam.**

Moved by Sword; seconded by Tulafono.
Motion passed.

Tulafono asked for clarification.

Sabater replied the motion pertains to travel requirements by local GovGuam.

Simonds replied that she would write a letter to the Governor regarding travel requirements.

Regarding the PIFSC Science Plan, **the Council recommends that PIFSC work collaboratively with the Council and the local fishery management agencies in the Western Pacific Region in the development of the PIFSC Science Plan.**

Moved by Sword; seconded by Tulafono.
Motion passed.

Regarding Cooperative Research Priorities, **the Council recommends that NMFS provide funding for the Cooperative Research proposals that were identified by the Region as a priority either through the succeeding RFPs or by other funding sources. The Council further recommends that NMFS should consider the unique nature of the Western Pacific island fisheries when developing criteria for evaluating competitive proposals at the national level.**

Moved by Sword and seconded.
Motion passed, with one abstention by Tosatto.

Regarding Pelagic Fisheries Research Program, **the Council recognizes the value of the PFRP as a critical component of fisheries management in the Region and noting that the continued existence of the program is in doubt due to current funding levels.**

The Council reiterates its previous recommendation to NMFS to provide funding to support PFRP and assist PFRP in identifying options for other funding sources.

Moved by Sword and seconded.
Motion passed.

8. American Samoa Archipelago

A. Motu Lipoti

Tulafono reported the items of Council interest contained in the Island Report:

The MPA project leader, Lucy Wiles, resigned recently to relocate to Samoa. Tafito Aitaoto is now the project leader.

The Key Reef Species Program training is being conducted for local staff as part of DMWR's Capacity-Building Program to conduct independent coral reef fish and benthic monitoring. One technician has been trained as the underwater fish species specialist to lead the program surveys. The training of local staff will serve to fulfill the grant's objective of enhancing local capacity to perform scientific work.

The Survey Program is closely coordinating with the survey team under the Community-Based Fishery Management Program. The goal is to have a single coral reef monitoring team using a standard protocol to survey all sites with the chief fisheries biologist doing the scientific supervision of the program.

The cultural visit to Rose Atoll MNM was funded by NMFS. Though reported at the June 2011 Council meeting, further work has been undertaken between April and December 2011 by the Samoan Studies Institute, which interviewed chiefs and elder fishermen and other Manua Island community members and leaders both in Tutuila and Manua. A report of the interviews and summary brochure documenting the history will be produced in the near future.

The Marine Debris Removal Program is a new initiative also funded by the NMFS. The goal of the short-term goal is to remove the tsunami-generated debris from the marine environment on Tutuila Island using local surveyors and marine salvage contractors. The long-term goal is to reduce the accumulation of trash and potential future impacts from marine debris in coastal areas.

DMWR Fisheries staff undertook seven days of marine debris surveys around Tutuila from November 2011 to January 2012. The implementation by a salvage and debris removal contract began last week on the north shore in the Village of Faagasa. A Coastal Cleanup Day was organized at Utulei Beach and was undertaken with the assistance of the American Samoa aquatic agency and other governmental agencies. Further interagency events have been organized over the next 12 months to complement the Trash-Free Territory Community Group activities.

The run of the atuli on the western side of the island, the villages affected by the tsunami of 2009, lasted a week and was the first time the atuli had a run on this part of the island since 1987.

Discussion

Itano noted the good news about the atuli run and asked Tulafono if he had any idea why the atuli returned after more than 20 years.

Tulafono said he thinks it is a natural occurrence due to the large amount of staghorn coral destroyed by the tsunami.

Haleck added that the Village Councils also controlled the method of harvesting and did not allow gill nets and hook and line was prohibited and only the traditional hukilau style fishing was allowed.

Tulafono added DMWR is discouraging fish weir use around the Territory and requires a permit to ensure removal of the weir.

B. Legislature Report

Sword reported the Fono has been working on a resolution to delay the Sanctuary in order to hold hearings to provide information to the communities. There is also concerns regarding the cold storage at the small-boat harbor and mooring area in town causing traffic and pollution. There are concerns regarding the impact to the canneries by the US tuna treaty negotiations regarding costs will be passed on to the US consumer. They urged the promotion of longline activity in American Samoa and are happy that NOAA issued the notice to increase permits. The USCG is doing a great job, but urges more training programs for local fishermen.

Discussion

Duenas asked if there is any news regarding the proposal to increase the minimum wage.

Sword replied that it has not come to the forefront but is in the back of everybody's mind. He added that without a cold storage facility, some shipments have been sent to the West Coast and the cannery is slow in hiring for packing. Star-Kist does not have raw fish. So TriMarine sells the product to a mothership to transport to another location.

Duenas asked if it would be helpful to require the fleet to make more landings in American Samoa.

Sword said more landings is always good. He thought the problem will be settled between the two canneries.

Rauch referred to the request from the Council and the American Samoa Governor which included an assessment of the economic impacts of the 2009 tsunami and a detailed report requesting a Fisheries Resource Disaster Declaration from the Commerce Department. In January 2012 it was determined there had been a commercial fishery failure as a result of the

fisheries resource disaster for the bottomfish fishery, but not for the pelagic fishery, which allows Congress, if they choose to do so, to appropriate funds for that disaster, if they have not yet chosen to do so.

Tulafono asked for clarification as to what would happen if Congress did not appropriate funds and if an economic spending plan is needed.

Rauch said there is no standing fund within the Commerce Department for disaster relief. When the declaration is submitted to the agency it goes to Congress and Congress will choose to appropriate funds or not. There have been occasions where Congress has chosen not to appropriate funds in the wake of a disaster finding. Congress will then dictate how that money is to be spent, and, based on what Congress does, NMFS will work with the territorial government, if the territorial government chooses to, to appropriate funds on how to best spend those. Rauch said he is aware that the Council has already done a lot of work in terms of what the economic loss was, which constitutes a big portion of the work. To the extent that the Territory has ideas about how to expend any funds should they become available, those discussions could happen.

C. Enforcement Report

Tulafono reported there were not many enforcement activities since the last Council meeting, but DMWR is increasing enforcement for the requirement for commercial fishing licenses as there are less fishing licenses but more fishermen.

D. Community Activities and Issues

1. Update on Community Fisheries Development

Kingma presented an update on the Community Fisheries Development Projects after providing a brief review of the history of the projects, funding mechanism and description of the projects, the remoteness of the sites and lack of infrastructure for the island residents.

The Manua Island eight portable 500-gallon fuel storage, as well as ice-makers with a 5,000-pound daily capacity and refrigerated storage containers at Tau and Ofu, is expected to be completed in April 2012, as well as the development and establishment of two Fishermen's CoOps that will take over the administrative and oversight duties of the fuel storage and ice-making facilities. Their Articles of Incorporation has been approved and bylaws are being drafted.

Both boat ramps in Tutuila have been completed in coordination with the DMWR, Department of Public Works and Department of Parks and Recreation. The official dedication is set for May to coincide with the AP and REAC meetings in American Samoa.

The existing Fagatogo Fish Market is in need of a redesign and upgrade to its facilities.

Samoa Tuna Processors (STP) has experimented with fresh fish export in the last quarter of 2011, but fresh fish operations with an alia vessel were not successful. STP asked the Council to facilitate a safe seafood handling workshop or provide funds to do some more trials with the local alia fleet.

The Council is contributing funds to the construction of a small vessel dock fronting a facility in Pago Pago Harbor. The application is still be reviewed by the Army Corp of Engineers.

The American Samoa MCP expires in August 2012. A new MCP is expected to be available by the June Council meeting for review and forward to the Secretary of Commerce for approval.

Discussion

Itano asked for clarification as to the main constraints that made the alia exporting venture unsuccessful.

Kingma said the trial was done in conjunction with STP. The products delivered by the alia did not meet the standards for quality fish, and more work needs to be done with getting the fish cooled down.

Tulafono noted the two offices of the Fishermen's CoOps in Tau and Ofu asked him to extend their appreciation to the Council for providing the facilities for the fishermen. The organizations have been formed is working together in the Manua Islands and is going to be very helpful for the fishermen.

Tosatto offered congratulations to the Council and DMWR in the success of the CoOps up and will play a very meaningful part of continuing the community fisheries in the region. He added consideration should be given to making the MCPs a five-year plan rather than a three-year plan.

Tulafono stated they are already working with the Council's representative in American Samoa to ensure the completion of the MCP before its expiration date.

Duenas expressed appreciation to the Council for the develop projects as they provide seafood safety to locations that are in need of it and opportunity to keep the operations going. He looks forward to more successful programs of this type.

2. Update on the Fagatele Bay National Marine Management Plan Review

Kingma reported on the Council's comments submitted regarding the proposed expansion of the Fagatele Bay National Marine Sanctuary. The comment deadline was January 6. At the last Council meeting the Council requested an extension of the public comment period. The Council wrote a letter to the Sanctuary Program, and it responded no extension will be given. Although, the deadline is now scheduled for March 9, which was probably based on Congressman Eni Faleomavaega's request, who also requested the Congressional Research Services to examine several issues related to the proposed expansion, which may delay NOAA's plans. In the submitted comments the Council questioned the scientific rationale for the expansion, the use of the establishment of a research zone off Aunuu that would be closed to an important fishing area for Aunuu and Tutuila fishermen. Kingma directed the Council members to review the related documents for more details.

3. Report on the American Samoa Council Family Meeting

Haleck reported on the meeting in American Samoa held on February 11, 2012. Council Members Sword, Tulafono and Haleck were in attendance, as well as members of the AP and employees from the DMWR, SSC member Domingo, Council contractor Ueta Faasili, Council Coordinator Fini Aitaoto and Council staff member Marlowe Sabater. An overview of topics presented included ACLs, development of complimentary regulations, an update on the previous Council actions specific to American Samoa, the Fagatele Bay National Marine Sanctuary Management Plan Review and site expansion proposal, wharf and berthing congestion, bait availability, or shortage, coastal and marine spatial planning, enhanced data collection, future teacher watershed monitoring workshop, cooperative research and American Samoa's MCP. It was hoped more fishermen would have attended the meeting to address issues pertaining to American Samoa on ACLs and CMSP. The DMWR director stated a meeting will be held in the near future for all local fishermen for further explanation of the current issues and to make efforts towards improvement of data collection. All of the participants voiced support for improving data collection, particularly from the sports fishing community. The DMWR director pointed out that the agency needs funding in hiring an attorney to work on proposed complementary regulations and outreach programs are planned to inform the public regarding ACLs.

Participants recommended that Capt. Wally Thompson be contracted to provide the training or as local collaborator for the Community Development Program (CDP) project training for seamanship, emergency response for local fishermen. This is referring to the training for seamanship and emergency response for local fishermen. They also recommended that the local USCG office be contacted for input.

Regarding scoping of current emerging issues, the Fagatele Bay National Marine Sanctuary Management Plan Review and site expansion, some of the participants commented on the negative impact of the Sanctuary expansion proposal to tourism, and especially to the I`a Lapoa Tournament, the people of Aunuu and the people of American Samoa. The proposed no-take area in the research zone in and around Aunuu Island is known to be good trolling grounds. It will impact the I`a Lapoa Tournament when this area closes down. Some of the participants raised the question, what benefit the community has gained from the Sanctuary Program in the past 25-plus years. The majority of the public are currently opposed to this plan and the Sanctuary should consider this in their planning process. In December Congressman Faleomavaega held a town meeting and was an opportunity for the people of Tutuila and Manua to voice their opinions. The majority of the people voiced their opinion against the Sanctuary Program and stated there was lack of transparency during the Sanctuary scoping process. Aunuu residents are waiting for NOAA officials to provide an amended version of the Sanctuary proposal to continue the discussion. Fagatele Bay National Marine Sanctuary staff who attended a meeting on Aunuu assured the residents there would be no fishing restrictions on the proposed sites around Aunuu and the residents were promised to be hired to work for the Sanctuary Program, but a final agreement has not been reached at this time. The DMWR Director encouraged the residents to submit comments before the March 9 deadline.

Some of the participants showed support and encouragement for the development of the Fisheries Program for American Samoa. Faasili suggested DMWR's mandate be improved to

include Fisheries Development Projects and not just fisheries management. The group recommended that a letter be sent to the government requesting an EA be done for the facility. A progress report should be provided on the project. There is a need for fisheries data and fishermen input, and suggestions are needed. The group requested the Council to provide support in providing waterproof data forms.

Council staff summarized the process and projects included in the MCP, which expires in August 2012. The DMWR director plans to meet with fishermen and the community to solicit suggestions on new projects. Pago Pago Game Fishing Association (PPGFA) may also suggest a project that will support the recreational fishing community.

Sword reported the PPGFA has been active so far in 2012. The I`a Lapoa Tournament is scheduled for May 8 to 11 with 10 confirmed New Zealand boats, five from Western Samoa and 10 from American Samoa. The week before the tournament Samoa will hold a five-day tournament. A three-day tournament is scheduled for Independence Day, June 2. PPGFA gained international recognition by getting a listing in the *New Zealand Fishing News*. Capture of the first grander between occurred in February 2012 and have been listed as a destination in the IGFA magazine. The winner from our I`a Lapoa Tournament, as usual, goes to the Cabos San Lucas International Game Fish Association (IGFA) Shootout. Cleanup was conducted at the Marine harbor with the removal of over 100 tires recently.

E. Education and Outreach Initiatives

Haleck referred Council members to Document 8.E(1) for the report.

F. Scientific and Statistical Committee Recommendations

There were no recommendations for this agenda item.

G. Public Comments

There was no public comment.

H. Council Discussion and Action

Regarding Marine Safety and Vessel Operating Regulations, **the Council directs staff to write a letter to the USCG to conduct education and outreach in American Samoa on marine safety and vessel operating regulations.**

Moved by Haleck; seconded by Tulafono.
Motion passed.

Duenas asked if the USCG could provide assistance in the establishment of an auxiliary in American Samoa to help provide boating safety education and outreach to the community.

Martin offered to provide a copy of the USCG regulations and requirements for all commercial vessels will have to comply with in the near future.

Sword pointed out the importance of the recommendation for the larger fishing vessels and asked to add language to include mention of the larger fishing vessels requirement to have US passport masters and the new requirements that Martin mentioned.

Regarding Coastal Marine Spatial Planning, **the Council directs staff to send a letter to the Pacific Islands Representative to the Governance Coordinating Committee of the National Ocean Council, Lelei Peau, requesting a community meeting with stakeholders in American Samoa to discuss current spatial planning issues, including the proposed Star-Kist cold storage facility.**

Moved by Haleck; seconded by Tulafono.
Motion passed.

Regarding the Relocation of the Star-Kist Cold Storage Facility, **the Council directs staff to send a letter to the American Samoa Government requesting that an Environmental Assessment (EA) be conducted on the planned relocation of the Star-Kist cold storage facility.**

Moved by Haleck; seconded by Tulafono.
Motion passed.

Leialoha asked for clarification as to the reason for the requirement of the EA for relocation of the storage facility.

Sword replied the major concerns by the community regarding the odor, traffic and pollution in the area of the harbor that is in the middle of a major village, as well as the offloading of a large fleet.

Kingma added new construction also triggers an EA.

Regarding Enhancing Data Collection in American Samoa, **the Council directs staff to provide technical support via printing of waterproof data sheets to complement the drop-box to be provided by the Pago Pago Game Fish Association for sport fishing data collection from its members.**

Moved by Haleck; seconded by Tulafono.
Motion passed.

Regarding the Secretary of Commerce's determination that there was a bottomfish commercial fishery failure in American Samoa due to the 2009 tsunami, **the Council directs staff to provide the offices of Congressman Faleomavaega and Senator Inouye information relating to the Secretary of Commerce's determination on January 26, 2012 and to provide responses to Congressional inquiries relating to the disaster determination.**

Moved by Haleck; seconded by Tulafono.
Motion passed.

R*egarding the Fagatele Bay National Marine Sanctuary*, **the Council directs staff to send a letter to Congressman Faleomavaega supporting his request that the Congressional Research Service review NOAA's proposal to expand the Fagatele Bay National Marine Sanctuary.**

Moved by Haleck; seconded by Tulafono.
Motion passed.

Sword requested the addition of navigation aids for the newly built ramps in American Samoa.

Duenas added that CNMI and Guam joined in the request.

9. Public Comment on Non-Agenda Items

No public comments were offered.

10. Marianas Archipelago - Part 2: Guam

A. Island Report

Taitague reported that the DOA received $1 million from the Sports Fishery Restoration Fund for the construction of the fishery building to house DOA biologists and their staff and equipment. After some challenges, ground breaking is expected to occur in May 2012. She also reported that there are currenly only seven FADs in place out of 14 sites. The procurement process has presented challenges, but five FADs are predicted to be deployed by the end of the 2012. She also noted that the Shallow-water Mooring Program has 12 sites online. An memorandum of agreement is being drawn up to get the other 22 sites online.

Duenas reported that fuel is at $4.97 a gallon.The Guam Organization of Saltwater Anglers (GOSA) Americans with Disabilities Act (ADA) compliant fishing platform is moving forward slowly. A final design has been completed. The SubRegional Aquaculture Network visited Guam from Feb. 29 to March 2 and is an ongoing project with the University of Guam (UOG).

B. Legislative Report

Duenas reported Public Law 31-162 placed Tagachang Beach Park under the management of the Yona Mayor's Office, which will have administrative responsibility of the park and will adopt the rules and regulations provided by the Department of Parks and Recreation. Hopefully, this will empower communities and encourage further involvement. He added that the coral reef bill that he reported on at the last Council meeting has not moved out of committee.

C. Enforcement Report

There were not items to report.

Rice asked if advice was provided on the site placement of the FADs. He said in the State of Hawaii no consultation was conducted.

Duenas said fishermen were consulted on the site locations.

D. Recommendations for Fishing Regulations for the Marianas Trench Marine National Monument (Action Item)

Kingma began by noting that as a result of the Monuments, around 15 percent of the entire US EEZ prohibits commercial fishing and around 18 percent of the US EEZ is off limits to longline fishing. He presented the the timeline on this issue, which began with the January 2009 Bush Administration Executive Orders establishing the MNMs, up to September 2011, when the Council received a letter from NMFS indicating Council recommendations on customary exchange did not identify adequate safeguards to ensure that the practice of customary exchange does not blur the line of commercial fishing. He outlined the Council's existing recommendations, which include the prohibition on commercial fishing, noncommercial fishing allowed with permits, logbook requirements, eligibility criteria for noncommercial permits, customary exchange allowed except for recreational fishermen and separate permit and logbook requirements for recreational charter for hire, no recommendation for a no-take or no fishing area and the Council definitions of customary exchange, noncommercial fishing and recreational fishing. Kingma pointed out that the draft regulations proposed in the FEP amendment clearly distinguish between commercial fishing and noncommercial fishing. Then the NMFS letter sent in September 2011 wanted the Council to also consider the issue of not only trip cost limits, but also bag limits, clarification of the definition of noncommercial fishing as it relates to the time frame as to when the Proclamations were established and clarify the no-take zones in the PRIA MNM. An Options Paper was developed to address the concerns in the NMFS letter.

The options for Trip Cost Reimbursement Limits for the Marianas Trench Islands Unit included a five-day trip originating from Saipan to Asuncion up to $5,350; a seven-day trip originating from Saipan to Uracas up to $6,400; a trip cost reimbursement limit as a percentage of trip costs, such as 50 percent; and do not establish trip cost reimbursement limit. Similar options were shown for Rose Atoll MNM and PRIA MNM.

The Marianas Trench Islands Unit had no no-fishing areas recommended. Therefore, coral reef, bottomfish and pelagic species could be harvested from within the monument. After description of the methods used in the analysis of options, the bag limit options included 1) five coral reef species, five bottomfish, five pelagic species per vessel per day; 2) 10 coral reef species, 10 bottomfish, 10 pelagics species per vessel per day; and 3) 20 coral reef species, 20 bottomfish, 20 pelagic species per vessel per day. Similar options were shown for Rose Atoll MNM and PRIA MNM.

With regards to the definitional time frame for traditional indigenous fishing, the options included 1) Do not recommend that traditional indigenous fishing is limited to traditional and culturally significant fishing practices in existence within the fishing community of American Samoa and the Marianas Archipelago at the time the proclamations were established, January 2009. 2) Recommend that traditional indigenous fishing is limited to traditional and culturally

significant fishing practices in existence within the fishing community of American Samoa and the Marianas Archipelago at the time the proclamations were established, January 2009.

With regards to the jurisdictional issues in the PRIA MNM, the options included 1) Do not recommend that the no-take zones within the PRIA Monument are subject to USFWS authority to issues permits for noncommercial fishing in consultation with NOAA; and 2) Recommend that the no-take zones within the PRIA Monument are subject to USFWS authority to issues permits for noncommercial fishing in consultation with NOAA.

Kingma asked the Council to take into account the recent interview survey data, the SSC and REAC recommendations regarding fish harvested should stay within the community and consider making recommendations on the options presented and associated issues.

E. Community Activities and Issues

1. Marianas Military Range Complex

Duenas reiterated the area the MITT encompasses, which includes the waters from Palau to the Marianas up into the Marianas Trench Monument and the MIRC, as well as the other training areas, was the topic of meeting held just recently with the military. The military seems to be somewhat willing to talk about the issues and willing to find a resolution to some of the problems. The fishermen will identify the fishing grounds for them in an effort to get some accommodations for the fishermen and marine operators of Guam.

2. Guam Fisheries Act

Duenas reported that the Guam Fisheries Act is a community initiative spearheaded by the GFCA, GOSA and the Marianas Underwater Fishing Federation which aims to create a permitting system to address the issues of the military buildup and ongoing compact impact. It sets a date based on the military buildup announcement as a cutoff date for permits, which is 12/31/2006 as a date when all participants residing on Guam will be allowed to have a permanent no-cost permit for fishing and will be deemed as fishing rights, and anyone coming to Guam as of January 1st, 2007 must apply for a limited entry permit to fish in Guam's waters. This permit applies for those individuals 18 to 64 years of age.

3. Report on the Marianas Community Meetings

Charles Kaaiai reported on the two recent meeting held in Merizo community to provide information on the Council CDPs. The meeting became a round-table discussion. The second meeting was well attended. Manny Cruz, from DOA, also was present to engage the communities and talk about monitoring and data collection. The meeting participants discussed developing a way that the Merizo community can begin to manage their own area, starting with the Achang Flats Reserve.

Some of the community issues and concerns highlighted included access to a Marine Protected Area for traditional and commercial fishing, regulation of the harvest of land crabs, maintenance of the harbor and boat facilities, enforcement and boat access in preserve areas. Their priority is to maintain traditional access to their fishing grounds. A pilot project is being

developed to work through the Mayors Council to give communities the authority to manage their own areas and the skills to develop the regulations and encourage continuing engagement. Community workshops are also planned to be part of the initiative.

Discussion

Duenas noted that work is ongoing with the Mayors Council to transfer authority to Mayors.

4. Report on the Marianas Spearfishing Assessment

Gourley repeated his presentation on the Spearfishing Fishery of the Marianas Archipelago Update which was presented earlier in the meeting on the Island of Saipan.

Discussion

Duenas reiterated the weather factor plays a big part in spearfishing in the Marianas, as well as the moon phase and tides. He noted the importance of spawning data specific to the Marianas Archipelago. Gourley agreed.

F. Education and Outreach Initiatives

1. Lunar Calendar Festival

Calvo reported that the Fourth Annual Gupot Fanha`aniyan Pulan Chamoru was recently held. Collaborations continue with UOG Sea Grant, which provided five microscopes for middle school programs and an online game to locate ecosystem threats on the Island of Guam. A Marianas Teachers Workshop will be held in the near future, which will be reported on later in the meeting. The Guam EPA and Guam Energy Office will be sponsoring Earth Month, which include the themes of Waste Reduction, Go Local, Green Building and Watersheds. Plans are underway for the College of Natural Applied Sciences 4-H Program regarding summer programs.

2. Report of the Marianas Teachers Workshops

Moxey repeated his report on the Marianas Teachers Workshop which was presented earlier in the meeting.

3. Indigenous Climate Change Symposium Plans

Duenas introduced Joseph Cameron, who is the Point of Contact for the Coral Reef Task Force representing the Government of Guam and is President of Chamorro Affairs.

Simonds added that Cameron is also the Governor’s Contact to the Pacific Basin Development Council and the Governor's Ocean Policy person.

Cameron welcomed the Council participants to the Island of Guam and expressed deep appreciation to Sam Rauch, Kitty Simonds, Mike Tosatto, Ray Tulafono and Arnold Palacios. The First Stewards Climate Change Symposium is scheduled for July 17 to 20 in Washington,

DC, at the National Museum of the American Indian. The symposium will feature an indigenous perspective to climate change and its potential impacts to local peoples. Guam is joining American Samoa, the CNMI and Hawaii to represent the Pacific Region at the symposium. A plan for protocol, chant, music, dance, exhibit and presentations from each of the WPR island areas is being planned. Guam will feature the Chamorro value system as it relates to the climate change issue, which will serve to encourage discussion on how traditional knowledge and practices can prepare the community to adapt and survive the impacts of climate change. The practice of culture and tradition has provided the people of the Marianas resiliency in the face of such challenges. In the spirit of getting together and getting along, all of the Government of Guam agencies must work together with the community to resolve those problems that have compromised and continues to threaten our island culture and people.

G. Advisory Group Recommendations

1. Advisory Panel Recommendations

Regarding sharks in the Marianas, the Marianas AP reviewed the NMFS PIRO document, Sharks of the Marianas Archipelago, and recommended the Council forward the following concerns to NMFS for immediate revisions: The AP cautions that the document provides information on sharks based on false, slash, limited and dated scientific information and the document implies that there could be or may be a problem. It also implies that the fishing community could be guilty of these problems even though there's no shark fishery in the Marianas. The document also states that there is no data available but it is susceptible to overfishing. The authors of the document should be made to remove these types of statements in the document.

Regarding Marianas MNM, the Marianas FEP AP recommended the Council adopt Alternatives A.2.G, B.2.1.G, B.2.2.H and B.2.3.K, which have no bag limits or trip cost, reimbursement limits.

Regarding Marianas MNM, the Marianas AP recommended the Council support CNMI's effort to gain co-management responsibilities of the Marianas Trench MNM and further recommends the Council strongly insist with NMFS and USFWS that Guam be a participant in this process.

Regarding Marianas MNM, the Marianas FEP AP recommended the Council request the federal partners of the monument develop information for a Visitors Center and/or office on each of the populated islands of the Marianas Archipelago to provide education and outreach on the monument, particularly to those communities that will not be able to afford a trip to the planned Visitors Center in Saipan.

Regarding Marianas MNM, the Marianas AP recommended that the Council request the federal partners provide funding for baseline characterization of the monument to be done prior to the permitting of any activities in any of the monument units.

Regarding Marianas MNM, the Marianas AP recommended the Council request the federal partners of the monument collaborate with the CNMI Government on any scientific research in the monument and provide all scientific information available to date to the

Governments of the Mariana Islands and the public regarding past and present research in the monument.

Regarding Military Issues, the Marianas AP recommended the Council forward its concerns to the military regarding military training at FDM. The AP would like to be allowed to fish during the calm weather periods of the year with the military utilizing FDM during the periods of rough weather. The AP also recommended against expanding the training zone around FDM beyond its current limits because all of the fishing grounds would be incorporated within the proposed extension. Also, the Guam training area, Whiskey 517, the AP would like the US military to move its boundaries for training at Whiskey 517 30 miles to the east to avoid conflicts with fishermen at the southern banks.

The AP is concerned with the firing ranges on Guam that point out to sea as it causes long and costly detours to avoid the closed firing range areas just to get to the fishing grounds.

Regarding the Mariana Islands Training and Testing Areas, the AP is concerned with any potential live fire training in open waters in the training area from Palau to Maug as the military is traveling in the area.

The AP would like to be notified of any possible training to avoid any conflicts that may occur during unannounced training and live fire exercises.

Regarding Marianas Fishing Data, the Marianas AP recommended circulating the Marianas Annual Report for comments on interpretations to the AP prior to the Council finalizing the document for public dissemination.

Regarding Coral Reef Fishery Issues, the Marianas AP recommended the Council communicate with NMFS PIRO and the Governments of Guam and CNMI regarding the appropriate use and limitations of L50 as a management tool as being promoted in the Marianas.

Regarding Data Collection, the Marianas AP recommended the Council request NMFS to produce published peer-reviewed reports utilizing the data being collected by the NMFS Biosampling Program that can be used for both stock assessments and the revision of the ACLs.

Regarding Existing CNMI Bottomfish Regulations, the Marianas AP recommended the Council explore options for removing the restrictions on the vessel size limits in the existing CNMI bottomfish regulations for existing vessels, including the potential for grandfathering in existing large vessels that have historically participated in the fishery.

2. Regional Ecosystem Advisory Committee Recommendations

The REAC Recommendations were presented in a previous agenda section.

H. Scientific and Statistical Committee Recommendations

Callaghan presented the SSC recommendations as follows:

Council staff presented a Draft Supplemental Options Paper in response to the NMFS' suggestions. The SSC concurs with the methodology used in that Draft Supplemental Options Paper to assess fishery productivity and sustainability in the Monument areas. It is the position of the SSC that the suggestions put forward by the NMFS regarding cost reimbursement and bag limits are potentially damaging to American Samoa and Marianas indigenous fishing communities, and unreasonable, especially since the existing Draft FEP Amendment already requires permits and catch reporting. The SSC recommends that the cost reimbursement limits, bag limits and use of a date for defining traditional fishing practices not be implemented, i.e., the SSC supports the No Action Option.

I. Public Hearing

No public comments were offered.

J. Council Discussion and Action

Recommendations appear under Marianas Archipelago – Part 1: CNMI Council Discussion and Action.

11. Hawaii Archipelago

A. Moku Pepa

Martin reported the Hawaii longline fishery catches have been reasonably good and fairly close to the islands and surge in market conditions which may be associated with the Food and Drug Administration (FDA) not accepting several shipments of frozen carbon-monoxide-treated tuna, which created a shortage. The swordfish fishery has been doing well, and the prices are high. Approximately 20 boats are involved in the fishery.

Leialoha reported her neighbors who are commercial fishermen and not happy with the ACL levels were questioning her about how the ACLs were determined. She is happy to be able to go home and tell them there is more work to be done. She said more outreach in the rural communities with regard to the ACLs is needed.

Oishi clarified that Document 11.A(2), Gov. Neil Abercrombie's letter on reorganization is a memo to all State departments on strategic planning, which is different from the Aquatic Resources proposed consolidation.

Itano welcomed Council Member Rice to the Council and noted he represents the fifth generation of the Rice family in Hawaii. The Council is lucky to have as a member a real professional fisherman who practices customary exchange on a daily basis.

Rice reported the biggest concerns in Kona are the MMPA regulations, which involve all of Kona. He said he has learned much during the short time he's been a Council member. There is concern with the method used to count the mammals. The Kona community needs more education and outreach from scientists or from NOAA so the community can get involved.

Itano agreed that it may be time for another series of public meetings to explain the impacts of the MMPA on fishermen.

Duenas asked Leialoha what kind of fishing her neighbors participate in.

Leialoha replied bottomfish, ika shibi and spearfishing.

Oishi reported the DAR administrative position remains frozen as the department currently is undergoing restructuring.

B. Legislative Report

Oishi reported that the 2012 Legislature began with the introduction of 20 bills that were of interest to DAR, which included aquarium fishing bills mainly banning the sale of fish, regulations on opihi, and budget and administrative type bills. Overall, the department faced 350-plus bills and resolutions this year. The number of bills that are of direct interest to DAR is 12 presently. They include Senate Bill 2852, which creates new civil penalties for violations that include community service provisions and driver license denial or suspension as an alternative when other civil fine provisions do not work; Senate Bill 2923 to manage the harvest of opihi, the latest draft has a provision for the removal of commercial sales; Bill 578, which is from last year, to establish administrative fines for shark feeding; House Bill 2806, which establishes an Aha Moku Advisory Committee within DLNR (a Senate companion bill has been amended to propose that the Aha Moku Advisory Committee get established in the Office of Hawaiian Affairs); and House Bill 2793 would add four members to the Board of Land and Natural Resources to focus on ocean resources management.

C. Enforcement

1. Hawaii Shark Finning Report

Oishi reported in 2011 there was a case involving a traveler returning from China possessing a shark fin. Presently fishermen can be cited for possessing a shark with the fins still attached. At the docks one longline vessels was found to have shark fins but was not cited. Oishi noted a Division of Conservation and Resources Enforcement (DOCARE) conservation officer mentioned more outreach was needed.

2. Enforcement of Bottomfish Restricted Fishing Areas

Oishi noted that regarding Bottomfish Restricted Fishing Area (BRFA) enforcement, DOCARE partnered with OLE for monitoring efforts twice during the month of January. There was one at-sea inspection and at the docks inspections of catches occurring at Moanalua Bay and Keehi Boat Harbors on Oahu.

Simonds asked for clarification as to what kind of outreach, for the federal law or the state law.

Oishi replied he thinks the conservation officer was referring to the State law.

Oishi also reported on several miscellaneous items. Staff prepared a newsletter to be sent to the bottomfish fishermen with updates on the annual catch target (ACT) and other information. This is the first year that DAR implemented their trip reporting. Currently there is a 71 percent compliance rate with respect to the trip reports, which is a testament to efforts of the Council staff, NOAA Science Center and DAR, especially the outreach meetings that were conducted statewide right before the beginning of the fishing season. The average submittal time is 2.8 days. Rules regarding the Oahu aquarium fishery are currently undergoing legal review.

D. Bottomfish

1. Update on Bottomfish Annual Catch Target

Mitsuyasu reported that there are copies of the weekly reports of the status of the bottomfish quota in the Council members' documents that shows the State is doing a good job. He also clarified that the State actually has a five-day reporting requirement. The last report received shows the catch is a little over 50 percent of that ACT. Mitsuyasu said it looked hopeful that there may not be a closure this year, adding that it depends on the weather. The information is also available on the Hawaii Bottomfish website as well as the PIRO website.

Discussion

Rice asked for a breakdown by island of the catch.

Mitsuyasu replied the information is included in a spreadsheet in the report in the Council briefing documents.

Duenas requested to include the breakdown by island information in future presentations.

2. Report on Bottomfish Restricted Fishing Area Review

Oishi reported that DAR has been supporting the BotCam research conducted by Dr. Jeff Drazen, which recently provided some preliminary data analysis of the first year after the revised BRFA closures. Oishi highlighted a couple of points about the research: The Niihau BRFA showed significant size differences for onaga and opaka within the BRFA compared to the same species outside the BRFA. The BRFA in Hilo showed significant size differences for opaka and kale outside the BRFA as compared to inside the BRFA. The Contract is calling for the complete analysis of Years 2 to 4 due June 2012.

Discussion

Rice said that a quota on bottomfish in addition to the BRFAs seems like double regulations.

Simonds asked how many enforcement officers were hired with the $4 million received from Conservation International.

Oishi said DLNR and Conservation International have not consummated an MOU yet, so there is no release of funds.

Simonds congratulated Oishi on the trip reporting and asked if the co-manager position for the Sanctuary Program has been filled.

Oishi replied in the affirmative, Ms. Herman is in the co-manager position. He added that the monument co-manager position is vacant.

Duenas asked for clarification on the BotCam work.

Oishi said he can provide a copy of the statistical analysis of the work. The BotCam is placed on the bottom for 45-minute segments with stations inside and out.

Duenas asked how much time it took for the bottomfish to appear and the range of sizes of the bottomfish.

Itano suggested the Council request a report at the next Council meeting on the project. He asked for Oishi's opinion on the success of the ban on aquarium fish passing in the legislation.

Oishi replied that all bills regarding aquarium fish failed to have a first hearing. The same scenario happened with bills addressing aquaculture.

E. Report of the Hawaii Noncommercial Data Workshop

Mitsuyasu presented the results of the Hawaii Noncommercial Data Workshop held on December 7, 2011 which was recommended at the 152nd Council meeting to develop solutions and address data gaps. Participants from the Council, Science Center, PIRO and Hawaii DAR focused on estimating the noncommercial universe, determining commercial versus noncommercial participation, the current efforts of data collection and developing a plan going forward. Presentations were made by the agencies and discussions on the best methods for Hawaii indicated a regional survey that integrates effort and catch for shoreline and one that uses a vessel-based survey.

The proposals will be vetted through the Marine Recreational Information Program (MRIP). He noted there is agreement from the local agency to utilize the registry system and some funding has been made available from PIRO to support the Division of Boating and Ocean Recreation (DOBOR) Program to revise the Hawaii Marine Recreational Fishery Survey (HMRFS) survey design and also look at collecting effort information in the intercepts, which is a change from the phone interview segment of the survey.

With regard to cooperative research for collecting recreational yellowfin discard information, a proposal was developed through the Council with regards to partnering with some of the fishing clubs and noncommercial fishing groups to look at discards of juvenile yellowfin and also tying some of that to support tagging.

Discussion

Rice said he sat in on a couple of the sessions and a timeline is being worked on. Students are working on getting surveys out to the public and trying different methods to be able to collect the data. A meeting is scheduled for the end of the month to review the collection methods for progress to come up with the best method for the surveys.

Itano asked for clarification regarding the yellowfin discards.

Mitsuyasu said this was in an effort to engage the pelagic fishing community and the noncommercial fishing community and also using the tagging as part of an incentive to get buy-in from the community in terms of participating in information-gathering and research. Some fishermen release the smaller yellowfin. The proposal was built in a way to meet criteria to qualify for funding support.

Itano noted in the past he has had involvement with clubs and voluntary tagging efforts but because the release characteristics are so varied it was very difficult to analyze. But he continues to come up with ways to incorporate that information.

Rice said this work includes letting the fishermen know they will get information back, which is one of Bak's recommendations from her research, which was to get fishermen to feel personally involved by giving something back to the fishermen for sharing their information.

F. Community Projects, Activities and Issues

1. Hawaii Regulatory Review

Mitsuyasu presented a brief follow up to the Hawaii Regulatory Review. The Council started in May holding a series of public meetings, organized a coordinating committee and island committees. The effort was to try and vet the issues of regulatory processes, consultation processes and other concerns of the community. The final step was to hold a statewide meeting, the Puwalu, to review the list of issues that came up from the different island areas.

In Honolulu the issues of concern included ahi minimum sizes, Kahana Bay user conflict issues and regulatory process problems, such as Chapter 91 rule-making with the legislative process. Kauai issues of concern included potential conflicts between Niihau and Kauai fishermen, Sanctuary expansion and monk seal issues. Molokai issues of concern included green sea turtle traditional take and impacts from regattas and canoe races. Maui issues of concern included user conflicts between tourism and fishing, BRFAs, closed area around Kahoolawe and traditional consultation, Section 106. Big Island issues of concern included Wai Opae Marine Life Conservation District (MLCD) managed area, DOCARE and offshore aquaculture.

The Puwalu meeting was held Nov. 2 to 4 at the Pagoda Hotel with over 120 participants from across the state. The agenda was broken down into panel discussions and breakout working group session. Panel topics included Periodic Review and Should It Be Mandated, and Communities in Review Process. He noted the details are included in the Council briefing documents. The breakout session topics included CMSP; Interisland Conflicts; Protected Species Decision-making, Rule-making and Conservation Management; and Regulation and

Enforcement. The key outcome was the overall resolution to support the Aha Moku-based process to establish a community consultation process to resolve the issues raised in the working group, which the community by island, by community or moku, to engage and discuss these issues. From there, those issues can be taken to State, Federal, County, any level to be addressed.

Discussion

Itano asked about the next steps. He said he attended some of the breakout sessions and noted they were very constructive, although some discussions were aggressive, antagonistic, racist and not very constructive.

Simonds said some of the items reported on have been addressed. Tosatto addressed the Section 106 concerns.

Tosatto explained that Section 106 of the National Historic Preservation Act is an act that requires early consultation on actions that have impacts to historic properties. Training is ongoing to take a broader view on Section 106 requirements.

Simonds said the communities learned a lot about the issues that they could be asking to be consulted on with regard to federal agency actions, such as the monk seal critical habitat information. Also, the Molokai community and the State held meetings regarding the conflicts arising out of the regattas and are coming to some agreement on how to deal with the issues.

Rice said he was very impressed when he attended the Puwalu and appreciated the protected species and BRFA discussions.

Palawski confirmed that the State Historic Preservation applies out in the Territories. Guam has a Historic Preservation Office, as well as American Samoa, and might have some influence on the firing range issue for the DOD in terms of consultations.

Duenas commended the Council for keeping the Puwalu series going as it empowers the communities and encourages it to continue.

2. Maunalei Ahupuaa Restoration Project

Kingma presented an update the community project ongoing on Lanai in the Maunalei Ahupuaa. The project will examine reasons for the sedimentation of the nearshore coastal area of Maunalei, provide educational opportunities for Lanai High School, provide opportunities for community partnerships in projects that address ecosystem and environmental impact mitigation and provide opportunities to partner with Hawaii Institute of Marine Biology (HIMB) in establishing community nearshore monitoring.

After a brief background review, he reported on discussions conducted with the US Geological Survey to understand the water resource and to get further information related to sediment gauges and water flow gauges; working with the HIMB to develop a nearshore monitoring program involving the community and students; and work with local community groups in an area near the headland of the waters to cultivate Native Hawaiian crops and food crops in the area using some of the water that is coming out of the mountainside into a breaker

tank. Food crops include banana, sweet potato, papaya, taro and others. The next step is to develop the restoration plan working with the partners. The project is being funded under the Sustainable Fisheries Fund.

3. Community Fish Aggregation Devices

Kingma presented an update on the Council's Community FAD (CFAD) projects. After a brief background, he showed a schematic of the State of Hawaii FAD design versus the Council CFAD design. The Council CFAD design uses a skiff hull that is capped in foam with a mandatory 5-foot high light and a global positioning system (GPS) beacon that reports twice daily to aid in location of the CFAD. Permits have been obtained to include minimum length streamers to attract bait fish. The anchoring system is a 750-pound Danforth anchor, which is less weight than a concrete block system with higher holding power.

CFADs are placed farther out than the State of Hawaii FADs in strategic locations in an effort aggregate bigeye and yellowfin, as well as other pelagic species. The Council CFADs include KC1, approximately 26 nautical miles offshore in 1700 fathoms; KC2, approximately 38 nautical miles offshore in approximately 2,000 fathoms; one FAD approximately 20 nautical miles offshore from Mililii; and another CFAD depoloyed in January of 2012 by the Hana community. All CFADS are legally established under the USCG and the Army Corp of Engineers.

The CFAD Project includes a Voluntary Data Collection Program to collect catch information, species composition, as well as CPUE and to gauge the importance of the CFADs to fishermen. The Kahului CFADs have been reported as being the only consistent FADs on Maui and have enhanced fishing opportunities there. Approximately 15 fishermen fishing the North Maui CFAD are voluntarily reporting their catches on a consistent basis. However, the number is likely to be around 30 fishermen. The South Big Island CFAD is in a location that is difficult to access due to distance and weather. Outreach to Kona and Kau fishermen was conducted in November 2011, but to date voluntary fish reporting related to this CFAD has not been successful. The Hana CFAD has recently been deployed and the Council has contracted with a local Hana fisherman to reorganize the Hana Offshore Fishermen's Association as well as to ensure voluntary catch reporting on a regular basis.

Regarding cooperative research, Itano successfully equipped the North Maui CFAD with sonic receivers and tagged 19 tunas on a trip in January 2101, including the first bigeye tuna with a population-up satellite tag in the MHI.

The next steps is to integrate the position of the FADs into the Council's FishBox project so people will be able more easily locate where the FAD is at all times. Kingma noted a need a FAD workshop in Hawaii to bring different fishing communities together to examine the State and Council systems and existing gaps. The Council CFAD project is not intended to replace the State system, but to supplement it and work together with the State.

Discussion

Duenas noted his continued endorsement of the program. He suggested military disposal as a good resource for FAD construction materials to cut down on costs. They also have stainless tables that can be used in community coops. The program helps the fishermen and is a good avenue to collect data.

Kingma said he receives hundreds of calls in relation to the program.

Rice agreed the program is engaging the community and foresees it taking off on the Big Island in the near future.

Palacios said that, with the high price of gas, the fishermen in the Marianas are very interested in the CFAD Program and requested the Council consider putting a package together for Saipan as well as Rota and Tinian.

Taitague noted the very high cost for deployment of FADs in Guam and would like more information on applying for funding.

Palacios said the restrictions on the use of Sports Fishing Restoration funds complicates and hinders the FAD deployments.

Kingma noted that working directly with fishermen who have knowledge in the private FAD fishery helped keep the costs down.

Itano added Secretariat of the Pacific Community (SPC) also has a program on developing low-cost FADs and it might be beneficial to seek their services.

Duenas explained one reason for the high cost of deployment is only one company deploys the FADs. The fishermen have offered their services to deploy them, but there is a need to construct the FADs.

Kingma noted an important part of the program is the community buy-in and pooling resources, and communities with CoOps or associations is key to these types of projects.

Tulafono thanked Kingma for the report and asked for the costs of the FAD and where fabricated.

Kingma replied it is a fiberglass float that was made for the project.

Seman noted that last eight FADs that were deployed under a contract in CNMI cost $14,000 each, which included deployment in Rota and Tinian.

Simonds emphasized the Council funds are not to take over anybody's program but are used to supplement communities. The funds are not to pay for the Territory's programs.

Taitague noted the procurement process drives the costs up in Guam.

Itano voiced appreciation for Council support in research efforts in light of PFRP's lack of funds. The Council support helped get bigeye satellite and acoustic tag work done, which will supplement the State FADs and the ability to test the differences between shallower State FADs and deep community FADs that aggregate bigeye.

4. Supporting the Aha Moku System

Simonds updated the Council on the two Aha Moku bills going through the House and Senate of the Hawaii Legislature. The Senate bill has been amended to establish the Aha Committee be housed under Office of Hawaiian Affairs, which would change the emphasis from Hawaiian values for all of the people of Hawaii to be exclusive.

Discussion

Duenas supported the concept of Hawaiian values because it applies throughout the Pacific.

5. Report of Humpback Whale National Marine Sanctuary Management Plan Review

Kingma noted that he serves as the Council's representative on the Hawaiian Humpback Whale National Marine Sanctuary Advisory Council (SAC). The Council is a voting member of the SAC. After briefing on the Sanctuary Management Plan Review progress, Kingma stated that at the last SAC meeting the Council voted against proposals that would expand the Sanctuary's management authority from humpback whales to the ecosystem and all resources found within the Sanctuary boundaries. Based on the public comments received during the initial scoping process, small working groups were formed on the following issues: humpback whale protections, ecosystem protections, Native Hawaiian culture, water quality, enforcement, ocean literacy, maritime heritage, offshore development and climate change.

There is a set of 150 recommendations from SAC as well as different stakeholder groups. Kingma noted a strong conservation and/or preservation bias in the SAC. The Sanctuary is interested in adopting an ecosystem-based management approach with ecosystem-based authority to be able to manage everything within their existing boundaries.

Representation on the SAC includes ocean recreation; commercial fishing; Native Hawaiian, as well as representation from Native Hawaiian communities on Kauai, Molokai and Lanai; several government seats, which are nonvoting members; and shipping (vacant).

A meeting was held to adopt recommendations for management. The chair requested to go through the recommendations report by report rather than recommendation by recommendation.

The reasons the Council voiced its opposition to several of the recommendations included the following among others:

- A management gap analysis has not been conducted thus there is no information on whether an ecosystem Sanctuary would benefit the conservation of management of Hawaii's marine resources.

- Management duplication in the current budgetary climate is a major concern.

- Expanded authority to the Sanctuary would likely duplicate management of many marine resources.

- The Sanctuary is already conducting ecosystem-based education and outreach and could continue this important work without the expansion of management responsibility.

- With an increasing humpback whale population there continues to be a major need to manage and conduct education and outreach to lessen whale/vessel collisions and potential impacts from whale/human encounters.

The Council and the commercial fishing representative were the only votes against approving the recommendations. The recommendations were approved. The Sanctuary management is going to start formulating their Draft Management Plan, as well as its environmental impact statement (EIS), which is expected out in 12 months and will identify their preferred alternatives.

Discussion

Simonds noted the Council wrote to the Sanctuary years ago encouraging them to continue to do education for the whales and include the monk seals and turtles, but stressed to them not to include them into their management authority because three agencies already have authority over the monk seals and turtles—the USFWS, NMFS and the State of Hawaii. Last year the Council reviewed President Obama's Executive Order to, among others, minimize duplication, which was part of the basis for the negative vote.

Oishi asked for clarification on the timeline for public meetings on the Management Plan review.

Kingma guessed it would be mid 2013 or 2014 before they see their chosen preferred alternative.

Simonds noted Allen Tom told her a draft would come out in the summer and people may be disappointed.

Tosatto said he had a copy of the timeline that says Sanctuary Draft Plan is due out for public comment in the summer of 2013.

Duenas asked Eric to clarify how the action would affect fishing.

Kingma said the only federal waters in the Humpback Whale National Marine Sanctuary is Penguin Banks, which contains some of Hawaii's most productive bottomfish grounds in Hawaii and is important for trolling for Oahu fishermen. The Sanctuary program has ability to

regulate fishing within federal waters under the National Marine Sanctuaries Act, but does not do so now. If the Sanctuary Program were to develop goals and objectives for the Sanctuary that included, fisheries issues, the Council, under the Sanctuaries Act, is provided the first opportunity to develop fishery management regulations for the Sanctuary in Federal waters. He believes some folks involved in the Sanctuary redesignation process would like to see MPAs for fisheries management, as well as for species and benthic habitat protection.

Tosatto said that, if the Sanctuary were to gain through the process Sanctuary resources on an ecosystem level, the Sanctuaries Act provides a section whereby, if they felt that a fishery resource or fishing activity needed some level of control, they must come to the Council and the Council would have the first opportunity to propose a recommendation to meet their needs.

Duenas cautioned against letting the process end up similar to NWHI experience.

Simonds said she remembers the experience well and hoped nobody has to go through that.

Tschirgi noted concerns of the USCG regarding the extra burden on enforcement, which the USCG may not be able to meet.

Rice expressed concern in regard to fishermen losing more fishing grounds and agreed the Council needs to stay abreast of the Sanctuary's activities.

G. Scientific and Statistical Committee Recommendations

There were no recommendations on this agenda item.

H. Public Comment

No comment was offered.

I. Council Discussion and Action

Regarding Hawaii Archipelago, **the Council directs staff to conduct public outreach meetings throughout Hawaii to inform the fishing community on the management of fisheries under the new ACL regime.**

Moved by Itano; seconded by Tulafono.
Motion passed.

Regarding the Hawaii Archipelago, **the Council requests the State of Hawaii to report on the findings of the BRFA research conducted by the University of Hawaii contractor at the June SSC and Council meetings.**

Moved by Itano; seconded by Seman.
Motion passed.

Regarding Hawaii Archipelago, **the Council directs staff to send a letter to the State of Hawaii encouraging the execution of the Memorandum of Agreement between DLNR and Conservation International to support DOCARE activities.**

Moved by Itano; seconded by Seman.
Motion passed.

12. Public Comment on Non-Agenda Items

Alan Aimbinder (phonetic), owner of charter boat in Guam, reiterated his frustration his frustration with the Guam DOA FAD Program, which he submitted public comment on at the last Council meeting two years previous. Currently there are only four FADs deployed. The lack of FADs has a negative impact on his business, subsistence fishermen and the barter and trade business. Fuel is $4 to $5. It is very expensive to go fishing to come home with only four or five skipjacks. He suggested that since the DOA cannot properly manage the FAD Program to form a foundation or through the GFCA or some other entity be created to bypass the GovGuam financial mayhem to manage the FAD program, maintain and replace in a timely manner. He asked the for the Council's help.

Taitague said that by the end of the year the five FADs are scheduled to be deployed.

13. Pelagics and International Fisheries

A. Action Items

1. Recommendations on Options for American Samoa Shallow-set Longline Fishery

Dalzell presented the background on this topic. This amendment would permit shallow-set longline fishing for swordfish by the American Samoa longline fleet, an activity now not possible under current longline fishery regulations. In 2008 the Council took action to reduce green sea turtle interaction rates with the American Samoa longline fishery. This was accomplished through a Pelagic FEP (PFEP) amendment that requires the fishery to modify the deployment of longline gear such that all hooks are set at least 100 meters deep. The final rule stemming from this amendment was published in September 2011. However, as a result of this amendment, shallow-set swordfish longline fishing is not possible under the current regulations.

Some American Samoa vessels have targeted South Pacific swordfish in the past, but transporting the fresh fish to the lucrative mainland swordfish markets did not yield the expected financial returns. If marketing issues could be solved, American Samoa fishermen may regain interest in targeting swordfish. At the 150th Council meeting the Council directed staff to prepare a draft amendment of the PFEP. This draft amendment 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.

At its 151st meeting, the Council considered different mechanisms for implementing a shallow-set longline fisheries including amending the PFEP to permit shallow-set longline fishing; using an Exempted Fishing Permit to allow for shallow-set swordfish fishing; and

establish a CDP to allow American Samoa communities to be exempted from the deepset requirements of the PFEP. Also at its 151st meeting, the Council recommended the staff should prepare a draft FEP amendment to establish measures for an American Samoa shallow-set longline fishery. This recommendation was reiterated at the 152nd Council meeting.

The purpose of this action is to choose a preferred alternative for final action to permit shallow-set swordfish fishing by American Samoa longline vessels. This included requirements to ensure that any American Samoa longline vessel making shallow sets will minimize the potential for interactions with sea turtles and seabirds. The following alternatives were analyzed in detail:

- No Action.
- Amend the PFEP to permit the use of shallow-set longline fishing to target swordfish without any sea turtle or seabird mitigations measures.
- Amend the PFEP to permit the use of shallow-set longline fishing to target swordfish employing the full suite of mitigation measures required for sea turtles in the Hawaii shallow-set fishery but without specific seabird mitigations measures.
- Amend the PFEP to permit the use of shallow-set longline fishing to target swordfish employing the full suite of mitigation measures required for sea turtle mitigation and including seabird mitigation measures required in Hawaii.
- Amend the PFEP to permit the use of shallow-set longline fishing to target swordfish employing sea turtle mitigation measures and seabird mitigation measures required in Hawaii and included spatial restrictions on shallow-set fishery, i.e., exclude fishing from within the US EEZ around American Samoa and permit fishing below 20 Degrees South.

The Council was asked to select a preferred alternative, select a different alternative or a combination of alternatives.

2. Recommendations on Territory Bigeye Tuna Catch Limits

Kingma presented a review and update to the Council on the recommendations on Territory bigeye tuna catch limits. At its 148th meeting, the Council recommended Amendment 20 to the PFEP that would implement the following:

- Establish annual longline bigeye catch limits of 2,000 metric tons for the US Pacific Island Territories of American Samoa, Guam and CNMI, which is consistent with and more conservative than what was agreed to for the Territories by the WCPFC of which the US is a Cooperating Member.
- Provide limited authority to the Territories to assign up to 750 metric tons per year of their annual longline bigeye catch limits through domestic charger arrangements or similar mechanisms with only US vessels permitted under the FEP.

- Establish criteria for US vessels operating under domestic charter arrangements or similar mechanisms to be further integrated with the Territory's domestic fleet by supporting fisheries development within the Territory.

Transmittal of Amendment 20 has been held up due to continued reviews of the document between Council staff and NMFS PIRO and discussions with NOAA GC Pacific Islands. In November 2011, Congress passed the FY2012 appropriations bill for the DOC that included Section 113. This legislation provided American Samoa, Guam and CNMI the authority to use, assign, allocate and manage catch limits of highly migratory fish stocks or fishing effort limits agreed to by the WCPFC through arrangements with US vessels with PFEP permits. Section 113 accomplished much of what Amendment 20 was intended to establish, but in a much simpler manner. Section 113 also states that the legislation shall remain in effect until Dec. 31, 2012, or earlier than this date if the Council transmits and the Secretary of Commerce approves and implements an amendment to the PFEP.

The Council will consider directing staff to develop options for further consideration or to maintain Amendment 20 as recommended, recognizing that Section 113 provides a simpler approach than Amendment 20 that could be replicated. Further, there may be other options that could also accomplish responsible fisheries development in the US Pacific Territories through the use of their assigned WCPFC catch limits. The Council was requested to consider going ahead with the existing recommendations or to direct staff to provide additional options that are consistent with Section 113 and other measures.

Discussion

Duenas noted that the purse seine reports their catch in weight and the longline fishery reports catch by pieces, which is not a logical comparison. He added the Vessel Day Scheme used in the purse seine fishery is not an effective conservation tool.

Kingma noted an analysis was conducted of the purse seine weight versus the longline number of fish caught, which showed the purse seine catch was six to 10 times the number of bigeye versus the longline fishery.

Martin asked Tosatto if any work was being conducted with the Territories and Commonwealth related to deveoping any proposals for the upcoming WCPFC.

Tosatto said the Territories are part of the US Advisory Committee, which met in October and have representatives on the US Delegation, as well as have delegates of their own who provide opportunities for input. He did not know of any specific proposals between NMFS and the Territories.

Martin asked Tosatto if there was any expectation of a replacement for conservation and management measure (CMM) 2008-01 that will be taken up at the WCPFC meeting.

Tosatto said, after the Palau meeting was postponed, the Commission extended the CMM into 2012, but the measure states expiration will take effect at the end of the meeting. He added that something needs to be done. The most likely outcome of the March meeting will be something like an extension of the existing measure.

Itano said the two gear types have significant impact on the bigeye stock and there is certainly a huge impact on the juveniles by purse seine fishing. However, the latest stock assessment also indicates that the longline fisheries significantly impact the spawning stock biomass. The inequity also is because the fisheries are not equally monitored by regulations while other fleets routinely exceed their quotas. One way to reduce catches is to hold countries accountable for CMMs that have been passed.

B. Economic Impact of the Hawaii Longline Fisheries in Establishing Size Categories for Striped and Blue Marlin

Pooley reported, in response to request from a prior Council meeting, on issues related to striped marlin bycatch in the longline fisheries. The current stock assessment suggests that overfishing is likely to occur, and, in fact, striped marlin may in fact be overfished. The stock assessment has been updated with information in the middle of the year.

The question was asked at the last Council meeting, what would be the impact of establishing size limit categories for striped and blue marlin. The marine dealer data in the State of Hawaii from the various places where the longline fish is sold and the observer data from the shallow-set and deepset were combined into an analysis of the impact of having a minimum size limit or if something else was implemented in the fishery to reduce the bycatch of striped marlin. The value of striped marlin averaged at about $1.1 million over the last number of years and has declined quite a bit, whereas blue marlin value has remained relatively stable at $700,000. A graph was shown depicting a 50 percent loss of revenue if the requirement was implemented to release everything larger than 33.5 kilograms.

Pooley said the Council could choose a minimum or a maximum size limit, or both, but he is not recommending either. In summary, there has been work on reducing bycatch by different methods. One approach was to convert from tuna hooks to 18/0 circle hooks, and that led to a 43 percent reduction for striped marlin and a 29 percent reduction in blue marlin. Another option discussed in the past related to not setting the shallowest two hooks in deepset gear, which that would reduce the striped marlin catch by 34 percent and blue marlin catch by 28 percent. The economic impact and cost of both of those options would be a 62 percent reduction in striped marlin catch and a 49 percent of blue marlin.

Discussion

Itano asked if there was any estimate of what proportion the local troll catch of striped marlin compared to the longline catch.

Pooley replied he would guess the catch of striped marlin by the small-boat fishery, recreational or commercial, is quite small relative to the longline catch. He offered to get back to Itano with a definitive statement.

Rice noted that between 85 and 90 percent of striped marlin get released in the Kona fishery, maybe 3 percent of the rest gets sold and the rest gets eaten.

Itano said he learned probably 99 percent are kept in Waianae and are sold, and the rest is eaten.

Martin asked if the Northern Committee is interested in striped marlin as well.

Pooley said because the striped marlin was determined to not be a northern stock it is addressed in the Science Committee, but added there have been ongoing discussions in the Northern Committee about striped marlin.

Tosatto agreed that the Northern Committee likes to think of striped marlin as a northern stock and discusses it. The US is in the middle of a gap where there are no measures under US law for striped marlin. Further action is not expected until December.

Martin further queried whether it could be a national measure or an international measure, depending on if and what comes out of the WCPFC.

Tosatto said it depended on what the measure would be, which may be to ensure no increases of catch of striped marlin. If the Council has an adequate measure in place that would achieve US responsibility under the WCPFC, there may not be a need for an additional Secretarial measure. Anything that the US can do through the Council process to implement US obligations under WCPFC is preferable, and this is one of those occasions.

Pooley added that is the reason the Science Center is looking at the alternative measures other than quota, in order to avoid a quota kind of an approach which is more difficult with the bycatch species.

Itano noted Keith Bigelow is watching via live-stream of the Council meeting and replied via e-mail the striped marlin catch is 3 percent troll/handline, 97 percent longline. Itano said striped marlins are sensitive animals and asked for comment on the condition of the fish when caught and the ability to release the small-sized fish.

Martin did not know, but suggested the log book data may contain that information.

Pooley suggested the observer data may also contain that information.

C. Longline Sea Turtle Hard Caps

Dalzell presented the report regarding loggerhead and leatherback turtle hard caps. The hard caps that trigger fishery closure have been a key feature of the Hawaii shallow-set longline fishery since its reopening in 2004. On two instances, in 2006 and 2011, hard caps were reached for loggerheads and leatherbacks, respectively, and the fishery closed accordingly for two years.

The new BO for the Hawaii shallow-set longline fishery no longer requires hard caps for loggerhead and leatherback turtles, although reaching the incidental take may result in the fishery being closed for the remainder of the year. The hard caps as implemented were part of the previous 2008 BiOP that was incorporated into Amendment 18 to the PFMP. Reaching hard caps for loggerheads and leatherbacks in a given year would shut the fishery for the remainder of the year. There was also a mechanism to subtract any overage of the incidental takes in a given year in the subsequent year of a three-year period covered by the BO.

By contrast, the new 2012 BO treats loggerheads and leatherbacks like other turtles, without a hard cap, and no longer requires 100 percent observer coverage. The BO states that NMFS shall maintain observer coverage at rates that have been determined to be statistically reliable for estimating protected species interaction rates onboard Hawaii-based shallow-set longline vessels. This is at odds with Amendment 18, which has different values for the incidental take for loggerheads and leatherbacks and hard cap fishery closures in the event of hitting those take limits. However, the change in the annual incidental interaction limits may be taken care of through rule-making under Section 305(d) of the MSA. Nevertheless, the regulations will continue to require a fishery closure if either the loggerhead or leatherback turtle limits are reached.

Therefore, the Council may wish to consider hard caps and the triggering of a fisheries closure should be one of the mechanisms by which the shallow-set fishery continues to be managed. Further, was 100 percent observer coverage still an appropriate management option for the Hawaii shallow-set longline fishery in light of the Reasonable and Prudent Measures in the new BO?

Discussion

Tosatto noted that the BO on the continuance of the fishery and the framework for the fishery are very separate things. The BO was not changed. A new BO was conducted based on the nature of the fishery, and the nature of the fishery has a regulatory hard cap, an annual sea turtle limit.

This BO issued an Incidental Take Statement (ITS) based on a fishery. The fishery has a hard cap and an annual sea turtle interaction limit. Nothing was retracted. The annual sea turtle interaction limit is in the regulations. The 100 percent observer requirement is not in the regulations, but it's in practice, and the Service has no intention of changing that at this time. It is fair game to consider anything within the framework. If you want to consider whether or not to remove hard caps or an annual sea turtle interaction limit closing the fishery, then the Council can consider that. The Service would then have to do a BO as a result of that action and give you its opinion on what impact that would have on this species.

D. American Samoa and Hawaii Longline Quarterly Reports

Pooley presented the report of the American Samoa longline report for 2011, including a brief history of the fishery and review of the vessel activity, effort, catch, number of fish, trips, sets, hooks set and species composition.

The summary for the American Samoa longline fishery in 2011 included 24 vessels, a decrease of 7.7 percent; 274 trips, a decrease of 3.8 percent; 3,776 sets, decrease of 16.7 percent; 10.8 million hooks, a decrease of 18.3 percent; CPUE for albacore, bigeye, wahoo and mahi decreased; CPUE for yellowfin, skipjack and billfish increased; and catch, number of fish, decreased for all seven species.

The summary for the Hawaii Longline Logbook Report for 2011 included 129 vessels, an increase of five vessels; 1,388 trips, an increase of 75 trips, 1,306 tuna-targeted and 82

swordfish-target; 18,623 total sets, 17,155 deepset, and 1,468 shallow sets; and record 42.2 million hooks set. The targeted species were bigeye 156,000; albacore 34,000; yellowfin 32,000; and swordfish 19,000. The incidental species included mahi 81,000; oilfish 39,000; monchong 33,000; aku 25,000; opah 18,000; and striped marlin 17,000. Sharks included blue 56,000; thresher 4,600; and mako 3,200.

Discussion

Tulafono asked for clarification on the statement in the written report noting that catch information on different species, and the number of swordfish is 14 pieces have been released, spearfish 266, and, going down the line, it says total about 7,288 have been released.

Pooley clarified the number refers to number of discards.

E. International Fisheries Meetings

1. Eighth Meeting of the Western and Central Pacific Fisheries Commission

The 8th Regular Meeting of the WCPFC that was scheduled for December 2011 was postponed until the last week of March 2012. The most significant CMM for the US WPR is renewal of CMM 2008-01 for bigeye and yellowfin tuna. For the years 2009, 2010 and 2011 the Hawaii longline fishery has operated under a cap of 3,763 metric tons (mt) of bigeye from the Western and Central Pacific Ocean (WCPO). The cap was reached in late December 2009, but the fishery closed for 40 days in 2010, forcing vessels to fish in the Eastern Pacific Ocean (EPO) for bigeye. EPO rules established by the Inter-American Tropical Tuna Commission (IATTC) restrict US longline vessels longer than 24 meters in length to an annual cap of 500 mt, but most of the fleet are smaller than this size class and, therefore, not subject to the catch limit.

Presentations on the social and economic impacts of the WCPO bigeye catch limit were made at to the SSC at meetings in 2011. The 2010 closure severely impacted the fleet and associated businesses. There are serious concerns that any further curtailment of the fishery will allow foreign sources to take over significant portions of the local Hawaii market. This would be devastating to the longline fishery. Any reduction in the US catch limit will increase the likelihood that foreign sources will capture greater portions of the local market, as these sources have the ability to provide fresh tuna year-round, while the Hawaii fishery is likely to be closed for extended periods due to reaching the US limit before the end of the year. With only the EPO open, the fishery experienced lower landings, higher fishing costs and higher market price for high quality tuna in December. Moreover, fuel prices now account for 50 percent of a longline trip as opposed to 30 percent in the past.

Under CMM 2008-01 the three US Territories of American Samoa, Guam and CNMI each had a catch limit of 2,000 mt or unlimited if pursuing responsible fisheries development. However, until recently there was no mechanism for pooling or sharing the Territory allocation with the Hawaii longline fishery. The Council has a draft amendment to establish such a mechanism and which caps the Territory allocation at 2,000 mt. In 2011, language in the 2012 Appropriations Bill provided for arrangements to be made between US Participating Territories

to the Commission and US fishing vessels permitted under the Council PFEP. This arrangement will remain in place until December 2012 and is expected to be superseded by the approval of the Council's amendment.

In addition, there may be changes to the CMM for yellowfin although this species is not being subject to overfishing. A revision of the striped marlin CMM is unlikely at the March WCPFC meeting since the stock assessment will not be ready until June 2012.

Cole spoke briefly about the US Compliance Monitoring Scheme, as this is the first year of the Pilot Compliance and Monitoring Scheme. At the WCPFC Technical and Compliance Committee meeting each member and Cooperating Nonmember was given a preliminary compliance status. In the beginning the process is going to be determining every country's compliance status, which is a Compliance Review, which means that there are compliance issues, which means that there are measures that haven't been fully complied with or fully implemented.

There is no sanction portion to the Compliance Monitoring Scheme yet. The second phase of the Compliance Monitoring Scheme is to develop a sanction mechanism. Types of sanctions that have very preliminarily been discussed could include loss of quota for the next year and increased fees to the Commission. At the moment there is no compliance mechanism.

2. Te Vaka Moana

Kingma reported on the newly developed Te Vaka Moana (TVM) website. This is an agreement that was established in 2010 between the countries of Niue, Cook Islands, New Zealand, Samoa, Tokelau and Tonga. The members of TVM have recognized American Samoa as integral and key to any furthering of this agreement, not only because it's strategically, but also because of its location to the region's primary processing facilities, as well as access to the US markets. A meeting is scheduled in April in Auckland after WCPFC 8. American Samoa representatives were invited, as well as Council representatives. One day of the meeting will focus on furthering consistent management measures in the region, as well as some enforcement issues.

Discussion

Tulafono noted that the director of Office of Fisheries from the Ministry of Resources in the Cook Islands visited American Samoa. They have an interest in establishing an office in American Samoa. Tulafono committed his full support and asked them to become part of TVM. He looks forward to the meeting in April.

3. South Pacific Tuna Treaty Report

Tosatto reported that the SPTT controls the access by the US purse seine fleet, which currently consists of 38 vessels, into the EEZs of foreign countries. There is a limited amount of fishing on the high seas and within the US EEZ. Fishing predominantly occurs inside foreign countries. The SPTT is set to expire June of 2013. Negotiations continue on a revision to the treaty. It is hoped the treaty will extend into the future.

The Parties to the Nauru Agreement (PNA), a subset of the Pacific Island Parties to the SPTT, have shifted to a Vessel Day Scheme for management of the fishery. The US will join that Vessel Day Scheme. The US is committed to participate under the new treaty along the lines of that in a broader PNA and non-PNA Vessel Day Scheme. The US is negotiating toward a level of fishing effort that is commensurate with purse seine activity today.

Discussion

Itano asked if the negotiations boil down to number of days.

Tosatto replied it is both number of days available through the treaty for a number of vessels and the right amount of dollars for it. The US will pay through an Economic Assistance Agreement under the treaty, and then the industry will pay a fee for those vessel days.

(Itano Upcoming Project Briefing)

Itano reported on a research project being coordinated and funded primarily by the International Seafood Sustainability Foundation (ISSF). The project is chartering large purse seiners in all of the world's oceans to address bycatch issues in the fishery. The vessel he will be conducting the experiment on will be *CAPE FINISH* of the TriMarine fleet and will be home-ported in American Samoa. The project will start in late April in the Western Pacific. Personnel will include scientists from UH, HIMB and SPC.

Experiments will include catch and bycatch estimation with video sampling and species composition sampling comparisons; natural behavior of catch and bycatch; vertical and horizontal behavior of tuna on FADs; targeting skipjack and avoiding bigeye; release of bycatch from the net; condition and post-release survival of sharks; and best practices for release of whale sharks and manta rays. The eventual goal is to develop best practices for bycatch mitigation and guidelines for the fleet that may be considered as management options to reduce bycatch in the fishery.

Discussion

Kingma noted that the Council is contributing $100,000 to this project. He saidit is a good project worthy of future contributions if there’s an opportunity.

Itano agreed. The Council contributed $100,000 in equipment costs and to support personnel.

Tschirgi asked if there is any intent in sampling in the high seas closed areas.

Itano replied in the negative. The vessel will operate under all of the CMMs of the WCPFC.

F. Advisory Group Recommendations

Recommendations were reported under another agenda item.

G. Scientific and Statistical Committee Recommendations

Callaghan reported the recommendations as follows:

In regard to the Amendment Options for American Samoa Shallow-set Longline fishery, since the same species of turtles are present in the area of a potential Samoa-based shallow-set fishery as the same turtles that exist in Hawaii, the SSC believes that turtle interactions will likely occur but that the Hawaii gear restrictions would likely be effective in American Samoa. In contrast, there are both different and more bird species in the South Pacific and no protected bird species nest in Samoa. Thus, the SSC is uncertain whether there would be similar bird interaction issues or whether the North Pacific management actions for birds would be effective. Based on these considerations, the SSC recommends Alternative 3 with an initial 100 percent observer coverage to document interactions of both birds and turtles.

With Regard to the Longline Sea Turtle Hard Caps, the SSC recommends that the Council request NMFS provide the SSC with an analysis of an appropriate observer coverage level for the shallow-set fishery that would lead to reliable interaction estimates.

H. Public Comment

No public comments were offered.

I. Council Discussion and Action

Regarding the Amendment to the Pelagics FEP to Permit Shallow-Set Longline Fishing for Swordfish in the American Samoa Longline Fishery, **the Council adopts Alternative 3 as its preferred alternative and to carry an observer when required by NMFS to document interactions with both birds and turtles. This would implement the sea turtle mitigation measures employed in Hawaii, but without the hard caps for loggerhead and leatherback turtles.**

The Council also recommends that this amendment be used to implement WCPFC CMM 2007-04 requiring the use of two seabird mitigation measures by longline vessels fishing south of 30 degrees South.

The Council directs staff to work with NMFS to complete the FEP amendment for completeness and transmit the amendment for Secretarial Review as soon as possible and as appropriate.

And further, that the Council is deeming that regulations implementing recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act. In doing so, the Council directs Council staff to work with NMFS to complete regulatory language to implement the Council's final action.

Unless otherwise explicitly directed by the Council, the Council authorizes executive director to review the regulations to verify that they are consistent with the Council

action before submitting them along with his determination to the Secretary on behalf of the Council.

The executive director is authorized to withhold submission of the Council action and of proposed regulations under and deter actions back to the Council if in her determination the proposed regulations are not consistent with the Council action.

Moved by Martin; seconded by Tulafono.
Motion passed.

Leialoha asked for clarification as to the two seabird mitigation measures used by the longline fishery and whether side-setting is included in the measures.

Dalzell clarified there is a choice of two options from each column of the CMM, and he thinks side-setting is included.

Tosatto spoke in favor of the option of the Experimental Fishing Permit since there is little interest in a fishery at this time.

Martin noted that given the albacore fishery has not done as well as in previous years that it is important to afford opportunities to the fleet in American Samoa to pursue such a fishery if they choose to.

Regarding Territory Bigeye Tuna Catch Limits for the US Territories and Responsible Fisheries Development, **the Council directs staff to utilize and take into account the 2012 Appropriations Bill language, any subsequent catch attribution arrangements, as well as any related agreed-to measures from the Eighth Regular Session of the Western and Central Pacific Fisheries Commission to develop additional options related to Territory bigeye tuna catch limits and responsible fisheries development for Council consideration at its 154th meeting.**

Moved by Martin; seconded by Haleck.
Motion passed.

Regarding Future Management of the Hawaii Shallow-set Swordfish Longline Fishery, **the Council requests NMFS PIFSC provide the SSC with an analysis of an appropriate observer coverage level for the shallow-set fishery that would lead to reliable turtle interaction estimates.**

Moved by Martin; seconded by Palacios.
Motion passed.

Regarding the New WCPFC Conservation and Management Measure for WCPO Tropical Tunas, the Council **recommends that the US negotiate for a 5,000 mt fresh fish bigeye tuna allocation for the US taking into account that the Hawaii longline fishery primarily fishes in a region that has the lowest fishing mortality in bigeye and that US longline catches at that level will not impact bigeye stock condition validated by the model.**

In addition, several criteria listed in Article 10(3) of the Convention pertaining to the allocations of Total Allowable Catch in the Convention Area apply to the Hawaii longline fishery. The applicable criteria underlined below, and these include the respective interests past and present fishing patents and fishing practices of participants in the fishery and the extent of the catch being utilized for domestic consumption.

The historic catch in an area.

The respective contributions of participants to Conservation and Management of the stocks, including a provision by them of accurate data in their contribution to the conduct of scientific research in the Convention Area.

Record of compliance by the participants with CMMs.

The needs of coastal communities that are dependent mainly on fishing for the stocks.

And lastly, the fishing interests and aspirations of coastal states, particularly Small Island Developing States and Territories and Possessions in whose area of natural jurisdiction the stocks also occur.

Moved by Martin; seconded by Tulafono.
Motion passed, with abstention by Tosatto.

Regarding the New WCPFC Conservation and Management Measure for WCPO Tropical Tunas, the Council **recommends that the US show that the catch limits provided to the US Territories are not diminished and that the Territories status and rights are further associated with the aspirations of the Small Island Developing States to develop their pelagic fisheries.**

Moved by Martin; seconded by Tulafono.
Motion passed.

Regarding the New WCPFC Conservation and Management Measure for WCPO Tropical Tunas, the Council, **recommends that the total Western and Central Pacific Ocean longline bigeye catch, as well as the current US longline catch, should not be reduced further than the requirements in CMM 2008-01 since the region-wide total catch met the target established by the Conservation and Management Measure and the reductions in purse seine bigeye catches will have a greater positive impact on the bigeye MSY.**

Moved by Martin; seconded by Tulafono.
Motion passed.

Regarding the New WCPFC Conservation and Management Measure for WCPO Tropical Tunas, the Council **recommends need to strongly advocate that further increases by the Chinese longline fishery in the WCPO cannot be tolerated as this fleet has**

increased its bigeye catch from about 2,000 mt in the Year 2000 to 11,565 mt in 2009. Longline catches of bigeye in 2010 are likely to exceed 12,000 mt.

Moved by Martin; seconded by Tulafono.
Motion passed.

Regarding the New WCPFC Conservation and Management Measure for WCPO Tropical Tunas, the Council **recommends the effort in the purse seine fishery be limited to 2010 levels, but recognizes that effort limits must be augmented by other effective management measures to limit the impact to the purse seine fishery impact on bigeye and yellowfin, as well as a precautionary limit for skipjack.**

Moved by Martin; seconded by Tulafono.
Motion passed.

Regarding the New WCPFC Conservation and Management Measure for WCPO Tropical Tunas, the Council **recommends a total purse seine seasonal closure mainly because it promotes greater compliance than a FAD closure**.

Moved by Martin and seconded.
Motion passed.

Regarding the New WCPFC Conservation and Management Measure for WCPO Tropical Tunas, the Council **recommends that the US develop a binding draft proposal with other WCPFC Members and Cooperating Nonmembers to clearly limit or reduce purse seine and longline capacity in the WCPO.**

Moved by Martin and seconded.
Motion passed, with abstention by Tosatto.

Regarding ISSF Research on Methods to Minimize Purse Seine Bigeye Catches, **the Council recommends continued funding support for this research be provided by the Council to ISSF.**

Moved by Martin; seconded by Tulafono.
Motion passed.

Martin commend the Council on taking the initiative to help with such a large problem and associating themselves with doing something other than complaining about the problem, but actually participating where they can and assisting to solve the problem is something that the Council should be quite proud of.

Regarding FAD Deployment around Guam, the Commonwealth of Northern Mariana Islands and Hawaii, **the Council recognizes the importance of FADs in offsetting the rising cost of recreational charter fishing and urges the GovGuam to facilitate the replacement and servicing of government-deployed FADs. Further, the Council requests Council staff to investigate the potential for implementing community FAD**

projects on Guam, CNMI and Hawaii, including the consideration of appropriate designs and deployment.

Moved by Martin; seconded by Seman.
Motion passed.

Regarding the Disapproved Purse Seine Area Closures for the Marianas Archipelago, **the Council recommends that staff redraft the amendment to the Pelagic Fisheries Ecosystem Plan that would include an alternative for a purse seine area closure with the same boundaries used for managing longline fishing for consideration in a future Council meeting.**

Moved by Martin; seconded by Tulafono.
Motion passed.

Regarding Boat Ramps, **the Council directs staff to write a letter to the USCG requesting that they, in consultation with American Samoa, CNMI, Guam and Hawaii install aids to navigation at boat ramp locations to enhance boating safety for fishermen, including but not limited to Aunuu, Fagaalu, Lion's Park and Leone in American Samoa and East Harbor, Rota, CNMI.**

Moved by Martin; seconded by Tulafono.
Motion passed.

Duenas offered a friendly amendment to include language such as, to consult with DMWR or the appropriate agencies to identify and assist in deployment rather than to name all of the places.

14. Protected Species

A. New Biological Opinion for the Shallow-Set Longline Fishery

Lance Smith, from Protected Species Division of PIRO, presented information on the BO signed on January 30, 2012, regarding the shallow-set longline fishery. The proposed federal action analyzed is the operation of the shallow-set fishery under the PFEP with effort up to 5,500 sets annually over the next 25 years in an attempt to achieve optimum yield of the North Pacific swordfish. The purpose of the BO is to determine if any ESA-listed species would be jeopardized by the particular action. The BO analyzed the proposed action against the estimated annual interactions as follows: one humpback whale; 34 loggerhead turtles; 26 leatherback turtles; two olive ridley turtles; and three green turtles.

Based on the annual interactions, estimated annual mortalities from direct effects were determined to be as follows: one humpback whale every five years; seven loggerhead turtles every year, which would be equivalent to one adult female per year; six leatherback turtles; one olive ridley turtle; and one green turtle.

The BO introduced two modeling approaches to determine the impact on the affected populations, which were the Classical Population Viability Analysis and the Climate-based

Population Viability Analysis. The opinion used the Climate-based Population Viability Analysis, which produced population projections for loggerhead and leatherback turtles out 25 years. Smith also noted that the BO took into consideration indirect spillover effects, also known as market-transfer effects, as an indirect effect base on a recent PIFSC Technical Report.

In conclusion, the proposed action will not jeopardize any of the five species considered in the opinion and incidental take is authorized at the following annual levels: one humpback; 34 loggerhead; 26 leatherbacks; two olive ridleys; and three greens.

Discussion

Tosatto clarified an interaction limit and 100 percent observer coverage was considered as a fact in the opinion. There was no need in an ITS or in the BO to place that in as a term and condition. It was a fact that was expected to continue. This BO's outcome would not have been what it is had that not been considered as a fact. If the Council considers removing annual interaction limits or is to consider a reduction or proposing a reduced level of observer coverage, it would produce a different opinion.

B. Update on Endangered Species Act and Marine Mammal Protection Act

Smith presented an update on the six ESA petitions and the Coral Status Review. The Monk Seal Critical Habitat Revision proposed rule came out in June of 2011. The next step is the final rule due in June of 2012. The final rule for the Hawaii Insular False Killer Whale Distinct Population Segment, proposed as endangered in November of 2010, is due out November 2011. The 82 Corals Status Review is ongoing with a court-mandated deadline for the 12-month finding April 2012. The Bumphead Parrotfish Status Review is ongoing. The 12-month finding is overdue. The Scalloped Hammerhead Listing Petition's 90-day finding in November 2011 led to a Status Review, which is ongoing. The Honu Delisting Petition was received in February 2012, and a 90-day finding is pending.

Smith noted other ESA issues are included in the written report in the Council briefing documents. The Loggerhead Turtle Critical Habitat Review is ongoing with more details contained in the PIRO agency report.

MMPA updates included the Proposed Rule for the Take Reduction Plan (issued July 2011 and work is ongoing with the Final Rule) and the Proposed List of Fisheries, in which Hawaii troll and charter fisheries were proposed for reclassification from Category III to Category II. These fisheries were not reclassified in the Final Rule based on information that PIRO received from the SSC and other sources.

After a brief review of the petition response steps, Smith reported the 82 Corals Petition was received October 2009 from the Center for Biological Diversity (CBD) requesting 83 species to be listed as endangered or threatened. During the comment period 400 comments were received which are being considered. The Substantial 90-Day Finding in February 2010 led to the Status Review for 82 species. If a proposed rule to list is published, there will be another comment period. Smith described the process followed in the Status Review process. The next steps included make listing determinations of Not Warranted or propose to list as Threatened or Endangered for each of the 82 species of coral; draft 12-month finding jointly between PIRO and

the Southeast Regional Office; and publish finding in Federal Register. The deadline is April 15, 2012. If 12-month finding is not warranted, the process will end. If the 12-month finding is to propose as threatened or endangered, then public comment period will be open for 60 to 90 days. If any corals proposed for listing, final rule would be due one year later, April 15, 2013. Final rule would take effect 60 days later, June 15, 2013. Potential implications include 1) any federal agency that funds, permits or carries out an action that's likely to cause incidental take of coral species listed under the ESA is required to complete a formal Section 7 Consultation with NMFS; and 2) any nonfederal entity that funds, permits or carries out an action that's likely to cause incidental take of coral species listed under the ESA is required to obtain a Section 10 permit from NMFS. Smith provided an extensive list of regulated activities that may cause incidental take of coral species and require consultation.

Discussion

Duenas reiterated his concern of the impact the coral action may have on the community, as well as the culturally biased and insensitive process and stated again that the agency has to work with the community on addressing what the community can do to correct the threats.

Simonds asked for clarification as to what the enforcement part of the management plan will look like.

Tosatto said the document is a proposal for listing the corals as threatened or endangered, not a management plan for corals.

Simonds said enforcement is always considered when Council is developing options and enforcement should be included in discussions for a listing.

Rauch said enforcement considerations are not criteria for listing, whether it's enforceable or not. The ESA is enforceable. Two species of corals are listed in the Caribbean and there have been no enforcement concerns nor has anyone been prosecuted for stepping on corals. In terms of what the future implications are, there's a multi-step process. Federal agencies will have to consult, and that may or may not require any action on the Navy's part. There is usually a follow-on rule that is done after the listing that elaborates on what is prohibited or not. The goal is to recover the species. In general, it has not stopped the way-of-life development in the Caribbean and it mostly likely would not affect the way of life in the WPR.

Palacios asked for clarification as to the Endangered Species Program Interagency Policy for USFWS and NMFS because he is not seeing a participatory process which includes the CNMI government.

Rauch said the policy is very old policy regarding the interactions between the Federal government, USFWS, NMFS and the States to effectuate the understanding that the states have a strong role in the ESA, and for this purpose the Territories are the same as the states. For many years the policy was not fully enforced or honored. Recently efforts were initiated to create a joint State-Federal Task Force to work with the States to reinvigorate that policy. USFWS and NMFS sent letters to the Regional Offices to remind ourselves of the policy and to reach out and to work on that. The Task Force is ongoing and everybody on the Task Force recognizes that the policy is old and needs to be updated. The principle of coordination with the States is still valid

and vibrant, but needs updating. In regard to the coral petition, there has been outreach to the community and the Governor that there would be direct communication with whomever is appropriate in the CNMI government before the decision is made.

Itano asked if the International Union for Conservation of Nature (IUCN) Red List criteria are similar or used by the agency. He said the communities are feeling threatened by the listing of the 83 corals, which is much different than the scenario mentioned earlier in the Caribbean regarding listing of two corals.

Tosatto said, though it is a valid scientific organization, it has vastly different criteria, what is considered baseline information in the criteria used in ESA determinations.

Duenas said the agencies need to provide more outreach to the communities, and knowing where the coral habitat is located would help the communities' anxiety level of 82 corals being listed under ESA.

Itano encouraged use of the best science, recognizing that in all of these determinations there's a great deal of room for subjectivity in the evaluation of threatened or endangered status and looks forward to a very rigorous look in the evaluation process.

Rice asked for clarification as to the consequences of missing the deadlines for the ESA findings.

Tosatto said the agency works hard to be on time. The true measure of how long a petition can remain overdue is enter into a litigiousness state with the petitioner and discussions for the completion date. There is currently a stipulated settlement date with CBD on the corals, which is April 15. In other cases, there could be a lawsuit involved. In general, efforts are made to be timely and do a thorough job and communicate with the petitioner to the extent possible on the progress being made and try to be accommodating to their desires for a timely agency action.

Dalzell gave a lengthy recap regarding Council 2010 comments in response to the 82 corals listing petition. For example, the Petition did not contain items, such as the fact that more than 50,000 islands lie within the tropics between the Indian and Pacific Oceans and are capable of supporting coral reefs. The coral reefs are found in areas where conditions can be particularly adverse, such as the Persian Gulf, where temperatures can go from as low as 15 degrees Centigrade in winter to over 40 degrees Centigrade in summer, and where they're also inundated by major river systems. He also noted the sustainable harvest of live rock and coral that goes on in the independent nations of the Pacific Islands, and the activity if conducted properly has been found to be sustainable by the SPC. The Petition also failed to the designation of no-take MNMs in Palmyra Atoll, Kingman Reef, Howland and Baker Islands, Jarvis Island, Johnston, Wake Island, American Samoa, CNMI and Hawaii, which creates huge substantial marine reserves in which no coral or live rock extractive activities are allowed. This provides guaranteed permanent protection for coral reefs across a huge arc of the Pacific Ocean from Micronesia to Polynesia.

(Draft Revisions to the Guidelines for Preparing Stock Assessment Reports)

Pooley reported on the Guidelines for Assessing Marine Mammal Stocks (GAMMS) Workshop to update the guidelines developed in LaJolla in 2011. A Federal Notice was put out

in January 2012 requesting public comment on the guidelines and encouraged the Council to submit comments if interested. The workshop covered seven main points all having to do with Potential Biological Removals (PBR) and assessments of stocks, particularly in data-poor situations. The new guidelines propose a method to incorporate estimates of uncertainty into calculation of PBR and include use of a worst-case scenario to apply after Year 8, which assumes a 10 percent annual decline in abundance. The workshop resulted in a number of recommended changes to the SARs.

Discussion

Martin thanked Pooley and stated the most likely the Council will be submitting comments, which is due March 26.

Itano said the people who are involved in setting criteria and making judgment calls is important. There seems to be precaution upon precaution, and assumptions are made that stocks are declining rather than stable.

Pooley said PIFSC works with the Southwest Fisheries Science Center to determine the measurement of the species and many people attend the annual stock assessment review meetings.

Martin noted concern with the uncertainty projections in that there is no mechanism for applying increasing stocks if the data are out of date and that precautionary is a word that's used often, but scientifically based seems to be missing in the document.

Duenas asked why the same model cannot be used across the board with every species.

Pooley said the MMPA and the ESA have different standards. The MMPA sets a zero mortality goal for fisheries, whereas ESA allows incidental takes in certain circumstances. On the question of consistent approaches, efforts are increasing to find similar approaches to do the science. He noted the MMPA folks have been consistent for a long time. In ESA determinations, the modeling depends quite a bit on the nature of the species and there are always going to be differences. The goal is to have similarity in approach.

C. Hawaiian Islands Cetacean and Ecosystem Assessment Survey

Pooley presented the report on the Hawaiian Islands Cetacean and Ecosystem Assessment Survey (HICEAS). He noted the agency does cetacean surveys on an irregular schedule which is based on ship time. The surveys are conducted in conjunction with the Southwest Fisheries Science Center. The current analysis is as much as about looking at problems with the survey analysis using the traditional method as it is about looking at the survey itself. One of the adjustment is to focus on the issues related to the different behavior of false killer whales and what that means for the transect surveys. A lot of progress has been made in that regard. The results are still preliminary and have not been fully reviewed.

The survey methodologies were described. The wind states in the Central and Western Pacific has to do with much more difficult challenges. The primary method of the survey traditionally has been visual transect analysis and alternative methods are being researched. The

total sightings represents those that were seen, but during the sea states in which they could not be reliably identified or their group size identified. Two components to doing a cetacean stock assessment is to identify the stock structure and to look at abundance. Stock structure is primarily done by genetics, but it also uses photo identification and movement analysis. Graphs were shown to illustrate the abundance estimation process. The methodology was changed from the methodology used in the original analysis. There are a couple of different ways of trying to get a reliable estimate of the number and the size of groups of false killer whale. Update information on sightings. They're also looking at the encounter rate and how broad to look.

The analysis is being finalized of each component and combination of components of the overall estimate of uncertainty and the results will be used to update the abundance estimates in the 2012 Draft SARs, which is expected in June.

Discussion

Rice noted over the last six months he has seen three different estimates of the stock size of the insular false killer whales. At a symposium in Tampa it was 150 animals; in another paper it was 170 animals. He wanted to know how the numbers are determined to justify listing of the false killer whales.

Pooley said it is not unusual for there to be different estimates. Different methods are used, and without knowing the specifics, 150 and 170 would be within the range of uncertainty that would be expected. The question of windward versus leeward sides of the islands is an important one. A lot of the cetacean work in the MHI has been done through the use of various kind of partners, in particular the Navy and UH. They have different objectives, not necessarily to look for abundance. In many cases, it's looking for behavioral patterns and how that might be of interest to the Navy or academic researchers. It is not unusual. He added that Erin Oleson addressed the windward versus leeward issue at the 109th SSC. There is sighting and movement data on false killer whales in the MHI. They're seen over a period of time on both leeward and windward sides of the islands. In other words, they're not spatially as tied to one side of the island as spinner dolphins are, for example.

Smith pointed out that the final listing will use the best available information, whether it's public comments or newly published scientific information.

Rice asked what would happen if somebody finds a bunch of animals somewhere.

Smith said if the information comes in early in the process is better as it's hard to change the direction the decision is going if it's last-minute information. He said they try hard to use the best available information.

Martin said one complication is that industry information that may be provided is not scientifically credible because it's not part of a design protocol.

Pooley disagreed in that he has always stated for the false killer whales is that photo identification is a major part of the assessment, and if the industry is doing photographs of false killer whales and identifies time and place, then PIFSC is eager to put those into an online

catalogue and those would contribute to the assessment. That kind of information from the industry is welcomed information.

Martin asked why the acoustics used in the Pacific Islands Cetacean Ecosystem Assessment Survey (PICEAS) cruise was not mentioned in the presentation.

Pooley apologized for not highlighting the acoustic portion of the report. They have not been able to identify species by acoustics. At the moment, the main way that the tool is being used is to redirect the track and get a better sighting of whatever species it is that they're in the midst of. They are working on trying to count acoustically as well, it just hasn't figured into this cruise except through adjusting the track.

Itano asked if the NWHI stock was determined through genetic sampling and how areas are assigned where there are overlaps.

Pooley said they use a couple of different biopsy approaches of different types of DNA to differentiate from the pelagic and insular stocks. There was some ambiguity at the area around Kauai between Nihoa and Kauai. Regarding the overlap areas, basically in the longline fishery case where there is good observer coverage it is done proportionally from how far they are from location. The closer to the MHI, the presumption is that it is an insular false killer whale. The further out, the presumption becomes it is part of the pelagic stock. There are fractions in between, and they do it proportionally to distance. In cases where they don't have such good location data and as good genetic information, it's much more difficult to do that. But it turns out in Hawaii this is one of the cases where it's relatively data rich.

Rice suggested that, especially with regard to the windward side, there are a dozen ika shibi fishermen who fish out and, instead of spending the money on a boat, if Oleson befriends and talks to them, they might let her know where the false killer whales are and it would be easier to go and find them.

Pooley agreed, and noted that one of the themes from this set of meetings is increased outreach. He'll take the offer back to the Science Center.

D. Sea Turtle Post-Release Mortality Workshop

Pooley reported the Sea Turtle Post-Release Mortality Workshop was a webinar held in mid-November to reevaluate post-release mortality of sea turtles from longline fisheries. Yonat Swimmer and Eric Gilman helped facilitate. This was a follow-up to a workshop held in 2004 where the NMFS Office of Protected Species had an expert review of how NMFS predicted the proportion of sea turtles that are expected to die after their release. The outcome was summarized in a report by Cheryl Ryder from the Northeast Fisheries Science Center, which included a matrix to determine likelyhood of post-release mortality based on factors such as the location of hooking and presence of training gear. The webinar was convened to critique the assumptions and uncertainties in that report to see what we know now that we didn't know seven or eight years ago and to look at the information from satellite telemetry studies, which has been a topic of interest at the Council.

There was a presentation on the history of the NMFS activities by Sherry Epperly from the Southeast Fisheries Science Center, focusing on not only the 2004 workshop, but a 2011 workshop held by the Southwest Fisheries Science Center last year. There was a presentation by Patrick Opay of Protected Resources on how the matrix is actually applied to observer data, and a table was shown with its application under different conditions. That's how the number of mortalities based on releases is estimated.

There was quite a discussion of unpublished data related to turtle survival based on tags. There was a veterinarian perspective in terms of the timeline of potential effects of interactions. They validated some of the estimates. They raised questions about others. They had ideas for doing stuff into the future.

The summary here is despite extensive international efforts by a whole variety of partners in different countries, the ability to definitely predict turtle's probability of survival based on location of hooking, amount of gear remains limited. Although they are not making a management recommendation, they're saying that in many ways expert opinion remains the best way to put together estimates.

It is up now to the NMFS Protected Resource folks to utilize this information to update the guidelines or keep them the same. Pooley noted that it was somewhat disappointing but he thinks it's symptomatic of how difficult it is to do this kind of work, using interactions from a commercial fishery that doesn't catch very many, those are the ones that we can control, i.e., the Hawaii longline fleet versus more experimental conditions that you might be able to do in places like Central America, but where the conditions of the turtles and sizes, and so forth, are also different.

Discussion

Duenas said the turtle is one of the toughest creatures in the water. He has seen turtles with three flippers rather than four and part of their shell damaged, but they're still swimming healthy, with a melanoma growing out of the side of their head.

Pooley said everybody involved in this workshop are people who have spent their careers working with turtles. The veterinarians are used to dealing with reptiles. He agreed turtles are tough, but that doesn't mean that if they've got a hook in their gut they're a happy animal.

E. Migratory Bird Treaty Act Permit for the Hawaii Shallow-set Longline Fishery Draft Environmental Assessment

Brett Wiedoff, from PIRO Sustainable Fisheries, presented information on the process for the application of the MBTA Special Permit for the shallow-set longline fishery. In August 2011 NMFS applied for a Special Use Permit under the MBTA seeking that the USFWS authorize incidental take of migratory birds in the shallow-set fishery, which is the first time that the Service has received an application for a federally managed fishery and is precedent-setting. USFWS completed a short-tailed albatross BO in January 2012 authorizing incidental take over a five-year period for the shallow-set and deepset fishery. Each fishery had a separate ITS.

The MBTA application included seabird interaction information, effort data on the fishery from 2004 to 2010 and a compelling justification for USFWS to issue a permit and proposed options to further conserve migratory birds. The shallow-set fishery would continue under the current regulations to avoid and mitigate seabird in the fishery and it also included a proposal to examine the current fishing practices that may lead to hooking and entanglement in an effort to reduce take.

Currently, the shallow-set fishery annually takes less than 100 birds a year, usually black-footed albatross and Laysan albatross. The Service would work to reduce take through study plans and research.

The USFWS published a draft EA. The comment period closed on February 9. The Draft EA included three alternatives: 1) No action, a permit would be issued; 2) The preferred alternative, issue a permit for a three-year period, with no conditions or changes in the fishery. The burden would be on NMFS to examine how and when take is occurring now, and possibly identify methods to further reduce take and propose research or develop compensation plans with the Service; and 3) Issue a permit with additional conditions to conduct specific research and include conservation benefits. This alternative would require NMFS to conduct new research and field trials to develop new or modified seabird deterrent measures.

USFWS will issue a special permit only if it determines that the take is compatible with the conservation intent of the MBTA.

NMFS noted these concerns in the Draft EA. If the permit is issued by the Service, NMFS will specify a level of take by species for NMFS. Possible levels of take were not analyzed or speculated on as to what they might put in the permit, nor does it discuss the ramifications if the take is exceeded. Some of the public comments that were sent to USFWS included these concerns, but also some over-arching concerns about the implications of permits and to other fisheries and how and whether this means that the act, itself, applies in federal waters or on the high seas.

The Service is responding to the comments and developing a Final EA, which is hoped to be out in the near future.

Discussion

Martin asked legal counsel whether the request for the change in approach that NMFS took related to the MBTA permits for the fishery was part of a settlement agreement with respect to Amendment 18.

Onaga said the request for a submission of an application was not part of the settlement, but her understanding was that the application was driven in part by the litigation.

Martin said he found it curious that the agency has taken a specific approach for a number of years related to MBTA, and subsequent to a settlement agreement that the agency entered into with plaintiffs in a lawsuit, all of sudden there's a change in approach.

Kingma asked with regard to USFWS responding to public comments whether there was a proposed rule or if it was the USFWS protocol to respond to EA comments. He also asked if NMFS will be working jointly on responding to public comments.

Wiedoff replied the latter, and his understanding is they will put the responses to public comments in the Final EA, itself. Wiedoff replied the USFWS will respond to the comments under their own policies and their own decision-making process.

Palawski clarified that USFWS responds to comments. They may not respond to each individual letter received, but respond to the issues raised in the letters, which is USFWS policy.

Martin noted the efforts of the Council and the Hawaii longline fishery and the success of those efforts in the mitigation measures that have been implemented over the years as related to seabirds, as well as sea turtles. He added that the Council should be complimented on the initiatives that were put forth and imposed on the fishery, as well as the resulting effect. He said that the Hawaii longline fishery can be described as a model fishery in regard to protected species mitigation efforts.

Duenas agreed with Martin's comments.

Simonds asked if this applied to other fisheries in the US, such as Alaska.

Rauch said the Fisheries Service has not made any public revision to the statements made in prior litigation filing about the application of the MBTA in the EEZ. However, if this process goes through NMFS would be looking at potentially authorizing other fisheries through the MBTA as well. There is the possibility of using this permit process and discussions are being held with USFWS about a broader regulation which would comprehensively cover the fisheries. Because of timing, NMFS is going forward with the permit process for the Hawaii fishery.

Simonds asked the reasons for the policy change.

Rauch replied there is no written policy. What Simonds is referring to are statements that the Justice Department made on their behalf in a series of District Court legal briefs, and that encompasses the position of the Fisheries Service. What has changed is that the Fisheries Service has decided to apply for the permits in a collaborative way with the Interior Department.

Simonds voiced a hope that this doesn't lead to each of the boats having to individually apply for permits.

Rauch noted it is NMFS intention to cover any takes from fisheries at the agency-to-agency level and not through individual vessel permits.

Simonds asked if USFWS decides that they would like to see a change in requirements, whether the process would come back to the Council.

Rauch said it conceivably could. It would depend somewhat on what USFWS would decide to do and how NMFS decided to respond. Not everything requires Council action. Some things would.

Simonds said she was specifically referring to talking about changes in the management regime of the longline industry.

Rauch said USFWS is a representative on this Council and this Council has been concerned about impacts on migratory birds. If there was a belief that the impacts could be lessened in a practicable, achievable manner, this Council would take that up regardless of whether USFWS put it in a permit requirement or not, and that is a proper role for this Council.

F. Advisory Group Recommendations

Duenas reported that this agenda item was taken up under the Marianas Archipelago, CNMI section, of the agenda.

G. Scientific and Statistical Committee Recommendations

Callaghan reported the SSC recommendations as follows:

The SSC supports efforts to provide more robust estimates of abundance uncertainty. The SSC also recommends adequate support and funding to conduct marine mammal abundance surveys in the region, at least every five years.

H. Public Comment

No public comments offered.

The Council recognized AJ Tornito of Okkuddo High School, who took first place in the Council's photo essay contest in Guam on Traditional Knowledge and Climate Change. Tornito will travel with his counterparts from Hawaii, CNMI and American Samoa to attend the First Stewards Climate Change Symposium and Living Earth Festival at the National Museum of the American Indian, Washington, DC, on July 17 to 20 and July 20 to 22, respectively. The students will present their photo essays at these events.

I. Council Discussion and Action

Regarding the Draft Revisions to the Guidelines for Preparing Marine Mammal Stock Assessment Reports, **the Council directs staff to send a comment letter to NMFS expressing the Council's concern with a precautionary approach taken in the Draft Guidelines on PBR calculations with outdated abundance estimates. The Draft Guideline proposes to calculate a stocks minimum population size by using an uncertainty projection that would decrease the minimum population size over time and assumes a worst-case scenario of 10 percent annual population decline after Year 8 since the last abundance survey.**

The application of the ten percent annual population decline, which is based on the greatest reduction rate in marine mammals but not based on scientific data for all species could result in substantially reduced and arbitrary PBR levels.

Moved by Martin; seconded by Tulafono.
Motion passed.

Regarding the Draft Revisions to the Guidelines for Preparing Marine Mammal Stock Assessment Reports, **the Council supports efforts to provide more robust estimates of uncertainty and recommends adequate support and funding to conduct marine mammal abundance surveys in the region at least every five years.**

Moved by Martin; seconded by Haleck.
Motion passed.

Regarding the Hawaiian Island Cetacean and Ecosystem Assessment Survey II Analysis, **the Council recommends that PIFSC in collaboration with the Council and NMFS PIRO conduct outreach with the fishing industry and communities and develop approaches to ensure information and photographs from fishermen are incorporated into cetacean abundance estimates**.

Moved by Martin; seconded by Rice.
Motion passed.

Regarding Sea Turtle Conservation in the Marianas, **the Council recommends that USFWS share funding responsibility with NMFS with respect to sea turtle work in the Mariana Archipelago.**

Moved by Martin; seconded by Tulafono.
Motion passed.

Regarding the Marine Mammal Protection Act, **the Council directs staff in collaboration with NMFS PIRO to conduct outreach to fishermen to better familiarize the community with the MMPA and opportunities for the communities' involvement in MMPA actions.**

Moved by Martin; seconded by Palacios.
Motion passed.

15. Administrative Matters

A. Financial Reports

Simonds reported that the budget decreases are laid out in the report distributed to the Council Members depicting that the largest decreases are the Council's turtle and coral funding. She also commented on the next allotment due from the Spanish purse seiner penalty and expectation of National Environmental Policy Act (NEPA) funds becoming available in 2012 and offered a brief review of the Sustainable Fisheries Funds.

B. Administrative Reports

Simonds reported former Council staff Sarah Pautzke is on a year contract at PIRO in the position of CMSP coordinator. Council audits are now posted on the Government website. The DOC Inspector General's office is beginning a review of the NMFS rule-making process.

C. Statement of Organization Practices and Procedures Review and Changes

Onaga reported that the GC reviewed the most recent Statement of Organization Practices and Procedures (SOPP) submitted by the Council and changes were made to be consistent with the Model SOPP.

D. Council Family Changes

Mitsuyasu reported three proposed changes to the American Samoa Plan Team: Tafito Aitaoto as replacement for Lucy Jacobs; Yvonne Mika, Plan Team addition; and Tim Clarke, from the National Parks of American Samoa.

E. Meetings and Workshops

Simonds noted 2012 meetings and workshops Council members will be attending, including the State Director's Meeting in Washington, DC; the MCPC meeting the week of March 26 to 30; two meetings not listed on the 2012 Meetings List, the Bilateral meeting and a meeting of TVM; the Joint Plan Team in Hawaii to discuss data collection; Capitol Ocean Week and NOAA Fish Fry in June; the Coral Reef Symposium; the Indigenous Climate Change Symposium, the WCPFC Scientific Committee; the International Marine Educator's Network; and the Coral Reef Task Force meeting in American Samoa. Simonds noted if there are other meetings of interest, to please bring her attention to them via e-mail.

F. Program Review

Simonds said progress is ongoing to revise internal staff processes to streamline and improve staff tasks.

G. Other Business

No other business noted.

H. Standing Committee Recommendations

Duenas noted the Standing Committee met and discussed all agenda items.

I. Public Comment

No public comments were offered.

J. Council Discussion and Action

Regarding Administration and Budget, **the Council directs staff to develop the budget proposal for the next installment of the Sustainable Fisheries Fund that includes projects and programs in the MCPs which are related, but not limited to, discussions held during the recent Mariana Archipelago Community, Council Advisory Bodies and Council meetings held in the Mariana Islands.**

Moved by Duenas; seconded by Tulafono.
Motion passed.

The Council work with the four Island Governors to develop the Regional Ocean Partnership Proposal for the US Pacific Islands under the FY2012 NOAA Regional Ocean Partnership Funding Program.

Moved by Duenas; seconded by Haleck.
Motion passed.

The Council appoints the following members to the American Samoa Ecosystem Plan Team: Tafito Aitaoto to the Plan Team to replace Lucy Jacob; Yvonne Mika and Tim Clarke.

Moved by Duenas; seconded by Haleck.
Motion passed.

16. Other Business

A resolution was adopted recognizing Callaghan, former Council member and former chair of the Council's SSC for 30 years. Callaghan will remain on the SSC.

The 153rd Council meeting adjourned.

APPENDIX

List of Acronyms

A
acceptable biological catch (ABC)
Administrative Procedure Act (APA)
Advisory Panel (AP)
Americans with Disabilities Act (ADA)
annual catch limit (ACL)
annual catch target (ACT)
Aquaculture Coordinating Committee (ACC)

B
Biological Opinion (BO)
bottomfish restricted fishing areas (BRFAs)

C
catch per unit effort (CPUE)
Center for Biological Diversity (CBD)
coastal and marine spatial planning (CMSP)
Commonwealth of the Northern Mariana Islands (CNMI)
Community Development Program (CDP)
Community FAD (CFAD)
Community-Oriented Policing Program (COPP)
conservation and management measure (CMM)
Cooperative Research, Extension and Education Service (CREES)
Coral Reef Conservation Program (CRCP)
Coral Reef Ecosystem Division (CRED) (PIFSC)
Coral Reef Ecosystem MUS (CREMUS)
Council Coordination Committee (CCC)
Council on Environmental Quality (CEQ)

D
Department of Agriculture (DOA)
Department of Commerce (DOC)
Department of Defense (DOD)
Department of the Interior (DOI)
Department of Land and Natural Resources (DLNR - Hawaii)
Department of Lands and Natural Resources (DLNR - CNMI)
Department of Marine and Wildlife Resources (DMWR – American Samoa)
Department of the Interior (DOI)
Division of Aquatic and Wildlife Resources (DAWR – Guam)
Division of Aquatic Resources (DAR – Hawaii)
Division of Boating and Ocean Recreation (DOBOR – Hawaii)
Division of Conservation and Resources Enforcement (DOCARE – Hawaii)

Division of Fish and Wildlife (DFW – CNMI)

E
Eastern Pacific Ocean (EPO)
Endangered Species Act (ESA)
Environmental assessment (EA)
environmental impact statement (EIS)
Environmental Protection Agency (EPA)
essential fish habitat (EFH)
exclusive economic zone (EEZ)

F
Farallon de Medinilla (FDM)
Federated States of Micronesia (FSM)
fish aggregation devices (FADs)
Fishery Ecosystem Plan (FEP)
fishing mortality that produces maximum sustainable yield (FMSY)
Food and Drug Administration (FDA)
Forum Fisheries Agency (FFA)

G
General Counsel (GC)
General Counsel for Enforcement and Litigation (GCEL)
global positioning system (GPS)
Government of Guam (GovGuam)
Guam Fishermen's Cooperative Association (GFCA)
Guam Organization of Saltwater Anglers (GOSA)
Guidelines for Assessing Marine Mammal Stocks (GAMMS)

H
Habitat areas of particular concern (HAPC)
Hawaii Institute of Marine Biology (HIMB)
Hawaii Marine Recreational Fishery Survey (HMRFS)
Hawaiian Islands Cetacean and Ecosystem Assessment Survey (HICEAS)

I
Illegal, Unregulated and Unreported *(*IUU*)*
Incidental Take Statement (ITS)
Inter-American Tropical Tuna Commission (IATTC)
International Game Fish Association (IGFA)
International Scientific Committee for Tuna and Tuna-Like Species (ISC)
International Seafood Sustainability Foundation (ISSF)
International Union for Conservation of Nature (IUCN)

J
Joint Enforcement Agreement (JEA)

Joint Guam Program Office (JGPO)
Joint Institute for Marine and Atmospheric Research (JIMAR)

K
KAHEA (The Hawaiian-Environmental Alliance)

M
Magnuson-Stevens Fishery Conservation and Management Act (MSA)
main Hawaiian Islands (MHI)
Management Unit Species (MUS)
Mariana Islands Range Complex (MIRC)
Mariana Islands Training and Testing (MITT)
Marianas Monument Advisory Council (MMAC)
Marine Conservation Plan (MCP)
Marine Life Conservation District (MLCD)
Marine Mammal Protection Act (MMPA)
Marine National Monument (MNM)
marine protected area (MPA)
Marine Recreational Information Program (MRIP)
maximum sustainable yield (MSY)
memorandum of understanding (MOU)
metric ton (mt)
Migratory Bird Treaty Act (MBTA)

N
National Cooperative Research Working Group (NCRWG)
National Environmental Policy Act (NEPA)
National Marine Fisheries Service (NMFS)
National Ocean Council (NOC)
National Ocean Policy (NOP)
National Oceanic and Atmospheric Administration (NOAA)
nautical miles (nm)
Northern Marianas College (NMC)
Northwestern Hawaiian Islands (NWHI)

O
Office of Law Enforcement (OLE)
Office of Science and Technology (OST)

P
Pacific Islands Cetacean Ecosystem Assessment Survey (PICEAS)
Pacific Islands Division (PID)
Pacific Islands Fisheries Science Center (PIFSC)
Pacific Islands Fishing Group (PIFG)
Pacific Islands Ocean Observing System (PacIOOS)
Pacific Islands Regional Office (PIRO)

Pacific Remote Island Areas (PRIA)
Pacific Scientific Review Group (PSRG)
PagoPago Game Fishing Association (PGFA)
Parties to the Nauru Agreement (PNA)
Pelagic Fisheries Research Program (PFRP)
Pelagic Fishery Ecosystem Plan (PFEP)
Potential Biological Removal (PBR)
public service announcement (PSA)

R
Regional Ecosystem Advisory Committee (REAC)
Regional Planning Body (RPB)
Republic of the Marshall Islands (RMI)
request for proposal (RFP)
Resource Assessment Investigation of the Mariana Archipelago (RAIOMA)

S
Samoa Tuna Processors (STP)
Sanctuary Advisory Council (SAC)
Scientific and Statistical Committee (SSC)
Secretariat of the Pacific Community (SPC)
South Pacific Tuna Treaty (SPTT)
Statement of Organization Practices and Procedures (SOPP)
Stock Assessment Report (SAR)

T
Te Vaka Moana (TVM)

U
United States Coast Guard (USCG)
United States Fish and Wildlife Service (USFWS)
University of Guam (UOG)
University of Hawaii (UH)

V
vessel monitoring system (VMS)

W
Western and Central Pacific Fisheries Commission (WCPFC)
Western and Central Pacific Ocean (WCPO)
Western Pacific Fisheries Information Network (WPacFIN)
Western Pacific Region (WPR)
Western Pacific Stock Assessment Review (WPSAR)