

**MINUTES OF THE**  
**154th WESTERN PACIFIC REGIONAL**  
**FISHERY MANAGEMENT COUNCIL**  
**MEETING**



**June 26-28, 2012**

**Laniakea YWCA-Fuller Hall**  
**1040 Richards Street**  
**Honolulu, Hawai'i**

Approved by Council:

  
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William Aila, Interim Chair

Western Pacific Regional Fishery Management Council

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**1. Introductions**

The following Council members were in attendance.

- Manuel Duenas, chair (Guam)
- Stephen Haleck, vice chair (American Samoa)
- William Sword (American Samoa)
- Richard Seman (Commonwealth of the Northern Mariana Islands (CNMI))
- Julie Leialoha (Hawai`i)
- Sean Martin (Hawai`i)
- McGrew Rice (Hawai`i)
- Ray Tulafono, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Arnold Palacios, CNMI Department of Lands and Natural Resources (DLNR)
- Mariquita Taitague, Guam Department of Agriculture (DOA)
- William J. Aila Jr., Hawai`i Department of Land and Natural Resources (DLNR)
- Mike Tosatto, National Marine Fisheries Service (NMFS), Pacific Islands Regional Office (PIRO)
- CMDR Hendrickson, US Coast Guard (USCG)
- CMDR Eric Roberts, USCG

Council members Bill Gibbons-Fly from the US Department of State and Don Palawski from the US Fish and Wildlife (USFWS) were absent.

Also in attendance were Council Executive Director Kitty Simonds, Council Scientific and Statistical Committee (SSC) Chair Chuck Daxboeck, National Oceanic and Atmospheric Administration (NOAA) General Counsel (GC) Fred Tucher and Elena Onaga, State of Hawai`i DLNR Designee Francis Oishi, NMFS PIRO Designee Lisa Croft

**2. Approval of the 154th Agenda**

Moved and seconded.

Motion passed.

**3. Approval of the 153rd Meeting Minutes**

Moved and seconded.

Motion passed.

Duenas noted the Federal Register Notice for the 154th Western Pacific Regional Fishery Council was published on June 5, 2012. He also noted Former Secretary of Commerce John Bryson announced his resignation and Dr. Rebecca Blank will serve as Acting Secretary of Commerce until appointment of a new Commerce Secretary.

**4. Executive Director's Report**

No Executive Director's Report was presented to the Council.

**5. Agency Reports**

**A. National Marine Fisheries Service**

**1. Pacific Islands Regional Office**

Tosatto reported proposed rules are out for public comment and invited the public to submit input. He highlighted the Recreational Fisheries Initiative is ongoing. The Pacific Islands Regional Strategic Plan for 2012 includes the hiring of former Council member David Itano as the recreational fishing coordinator. He is scheduled to begin later in the summer. The upcoming Regional Summit on Recreational Fisheries will be held on August 21 and 22. The recreational community throughout the Region has been invited to offer input for recreational fisheries management into the future.

Tosatto also reported the National Ocean Council has sent letters to the Governors of the State and the Territories inviting membership of two members of each Territory and State Government, as well as a Council representative, to join the federal Regional Planning Body (RPB) for coastal marine and spatial planning (CMSP).

Discussion

Tulafono asked for clarification on the number of representatives from each jurisdiction.

Tosatto clarified that the letters are inviting the Governors to provide two names for the RPB, for a total of eight nonfederal members. There will also be a Council representative.

Simonds asked for clarification as to whether PIRO will be paying for all costs associated with RPB workshops and training.

Tosatto said PIRO will not cover all costs. He foresees the State and Territory governments being challenged to fully participate and will probably seek federal support. Because of issues with Congressional funding for the National Ocean Policy, he could not say what level of support would be provided. He reiterated the Region's understanding is that the State and Territories' full involvement would require federal resources.

Simonds noted that, in the past, committees that have been formed ended up meeting around the Council meeting, using Council funds to pay for travel, and such costs are not included in the Council's budget.

Simonds introduced Michael Goto, who will take office on Aug. 10, 2012 as a new Council member representing Hawai'i.



Tosatto added that Michael Duenas will be the new Council member representing Guam; the American Samoa obligatory seat remains to be filled. The process has not begun to fill the vacancy created by Itano's withdrawal.

Simonds asked about the process that will be followed if the Governor of American Samoa does not submit names for the vacant American Samoa Council member position.

Tosatto said the Governor must nominate three people or the seat will remain vacant. Since Itano's seat is at large, all Governors will be solicited for names to fill the position.

Duenas asked for clarification on the procedure of filling the vacated seat by Itano and the prerequisites for the two seats awaiting nomination by the Governors.

Tosatto said it is an interim fill, so it does not follow the usual timing cycle. The Governors are given a request to nominate, and the process will proceed all the way to the Secretary to get the approval in time to have a Council member in place for the October meeting. He said the requirements include the Council member must have the ability to speak on the Governor's behalf with the appropriate qualifications and role within marine and coastal resource management.

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

Mike Seki, deputy director of the Pacific Islands Fisheries Science Center (PIFSC), reported changes in the Western Pacific Fisheries Information Network (WPacFIN) program. David Hamm intends to retire at the end of 2012. Dr. Kimberly Lowe has taken on the role as project manager for the program. Mike Quach will be in charge of the technological aspects of the program's implementation. An external review of the program will be conducted in the latter part of 2012.

Tosatto added a modeling effort by the Ecosystems Group took a size-based ecosystem model combined with a climate model to look at the effects of climate change on fish abundance and catch for the North Pacific ecosystem over the 21st Century. The effort concluded that the North Pacific is projected to experience a significant decline in both abundance and catch of large pelagics, with the exception of the California Current, driven by a decrease in density of large phytoplankton, which is the base of the food web.

Seki noted papers published since the March Council meeting included the Territorial bottomfish assessment, the status review of the 82 species of coral being considered for Endangered Species Act (ESA) listing, the coral reef ecosystems monitoring report for the Mariana archipelago from 2003 to 2010, a paper on the modeling of swordfish daytime vertical habitat in the North Pacific based on archival tag data, a couple of papers that used Rapid Assessment and Monitoring Program (RAMP) survey data to recreate the population baselines for Pacific reef sharks, some work looking at the environmental factors influencing large-bodied coral reef fish assemblages with respect to habitat and completion of the economic and social aspects of bottomfish in the main Hawaiian Islands (MHI).

Seki also reported that the NOAA research vessels *HIHALAKAI* and *OSCAR ELTON SETTE* were in American Samoa during March and part of April doing triennial surveys

commonly known as ASRAMP. They conducted benthic habitat characterization surveys in Faga`alu Bay to assess the effects of sedimentation, as well as ecological assessments of the Fatia and Faga`alu watersheds. Surveys were also conducted at Johnston Atoll, Howland and Baker Islands of the Pacific Remote Island Areas (PRIAs), Swains, Tutuila, Rose, Ofu and Olosega, Ta`u and South Bank in American Samoa and oceanographic surveys of the offshore fishing banks and life history sampling for Eteline snappers, among other research. The most important part of the cruise was working with American Samoa personnel as well as students from the community college.

The second leg of the cruise was a fishery-independent cross-comparison cruise. This involved teams from both the *HIIALAKAI* and the *OSCAR ELTON SETTE*, using both coral surveys and fish surveys to enhance the ability to use the information in determining abundance estimates. Varied technologies were used in an approach to develop fishery-independent means to look at abundance estimates throughout the Region. The last leg conducted a cetacean survey in the exclusive economic zone (EEZ) around Palmyra, which was considered successful with 48 visual sightings and more than 150 acoustic detections.

The field season is busy with nearshore cetacean surveys currently ongoing in CNMI (a project funded by the Navy), active Hawaiian monk seal field camp deployments, a marine debris operation and multibeam surveys off the northwest coast of the Big Island.

PIFSC recently hosted a science workshop on the review of the 82 species of corals petitioned for listing under ESA and a Joint Institute of Marine and Atmospheric Research–PIFSC Symposium, which included participation by 150 scientists, administrators and managers. PIFSC co-hosted the annual Hawaiian Island Archipelago Symposium with the Hawaii Institute of Marine Biology and the Sanctuaries Program.

### Discussion

Tulafono expressed appreciation for the opportunity provided by the American Samoa cruise for the DMWR staff and community college students to improve their skills by working alongside PIFSC personnel.

Simonds asked for clarification as to the recreation of shark baselines work and if future reports are expected.

Seki said the study was led by Mark Nadon using current survey data to project past inshore reef shark populations through a modeling exercise. No future reports are expected.

Simonds asked if the baselines resulting from the study will be used in future monitoring of reef sharks.

Seki said it will be a paper that would be cited when looking at projections. The work has been published.

Simonds asked if the meeting held regarding the 82 candidate coral species provided information useful for decision-makers.

Seki said the status review confirmed the gaps the experts were already aware of and provided discussion in clarifying the ocean acidification issues.

Simonds asked if there were any discussion regarding missing reference citations.

Seki replied in the negative.

Leialoha asked if shark predation mitigation will be taking place at French Frigate Shoals.

Seki replied in the affirmative.

Duenas asked about the information used in the published paper regarding the status of the shark and whether Coral Reef Ecosystem Division (CRED) information was utilized.

Seki said the CRED surveys are focused predominantly on very shallow reefs. The paper, itself, focuses more on gray reef or black-tips sharks. Baited remote underwater video stations (BRUVS) research entails offshore shark species. The study is not intended to be a comprehensive work on sharks at all depths.

Duenas noted that sharks are more plentiful during nighttime dives. He said a proposed shark depredation study for the Mariana archipelago was declined by the Agency. He expressed concern that the CRED cruises are two-week snapshots of the Mariana archipelago marine resources that are used as empirical science. Members of the Guam fishing community feel they are being attacked for the targeting and finning of sharks. Duenas questioned the credibility of the coral status review since the review was conducted by CRED. The three top extinction risks of bottom trawling, climate change and ocean acidification are unfairly causing hardship to the small island communities. He is not satisfied with the way PIFSC handled the review. He thanked Seki for the support for the ongoing biosampling program and said he hopes it will result in more accurate data on the fishery resources.

Seki agreed RAMP surveys are conducted during the daytime and do not include nighttime observations. In regard to the coral status review, it was conducted by a panel of seven federal experts. Great effort was taken to ensure no individuals had overbearing influence in the deliberations. He said it was not fair to place blame on [Russell] Brainard, who put forth a tremendous effort to coordinate the amount of informational input that went into creating the status review report in the time period allowed. He added that new information being published made it into the status review, which was completed in 2011.

Duenas clarified his dissatisfaction is with CRED.

Rice agreed with Duenas' comment that science should consist of research being conducted during nighttime as well for completeness and accuracy.

Palacios asked for clarification on the Agency's plan to deal with the gaps revealed in the coral status review.

Seki deferred to Tosatto. PIFSC was tasked to conduct the status review, which was accomplished. There are plans to look at new information and incorporate that.

Tulafono voiced concern about the impact that the possible listing of the corals will have on the American Samoa community. He looks forward to the soliciting of community input while the Coral Reef Task Force (CRTF) meeting takes place in American Samoa in August.

Simonds pointed out the comment period ends in July.

Seman expressed appreciation for the scoping meeting NMFS held recently in the Mariana archipelago as it is important to enable the people to fully understand the ramifications of the listing. He said he would like an opportunity to express to the petitioners the concerns of the islanders and he hopes NMFS uses all of the information in decision-making.

Sword asked for clarification as to the timing of the public comment period and the CRTF meeting in August in American Samoa.

Tosatto clarified the Agency is pausing the process of making a finding on the listing petition as to whether the 82 candidate coral species warrant ESA protection to seek additional scientific and other information not currently included in the status review report and the draft management report. A 12-month finding will be published based on the best available information regardless of when and how the information is submitted. It will include the information received before, during and after the July 30 deadline for public comment, which will synthesize all information on the 82 coral species. At that time, if the finding favors listing any coral species, the rationale will be included in the findings, and there will be an additional public comment period.

Duenas said the lack of science makes it hard for the community to respond. He emphasized the need to consider the cumulative effects of the military training grounds in the Mariana archipelago, the entire range of the coral species and the extent to which the Guam population relies on their marine resources to feed their families.

## **B. NOAA General Counsel**

Tucher reported that there was a recent name change and reorganization at NOAA GC, which is now Section Chiefs of the Pacific Islands Section, though all clients remain the same and their function remains the same.

A draft Memorandum of Understanding (MOU) between the Department of Commerce (DOC) and Department of the Interior (DOI) as required by Executive Order 13186 to guide NMFS in integrating migratory bird conservation, principles, measures and practices into NMFS activities, including but not limited to the formulation of fishery management plans (FMPs) and FMP amendments is undergoing headquarters review. He will report results from the review to the Council when available.

Tucher reported the National Resources Defense Council (NRDC) filed a complaint in May 2012 in the District of Columbia (DC) alleging a violation of the ESA and NMFS' failure to perform the nondiscretionary duty to make a timely final decision on the NRDC's petition to list the insular false killer whale (FKW) as an endangered distinct population segment (DPS). A decision package is being reviewed at DOC with a draft answer due August 2012.

The Kona Blue case filed by KAHEA and Food and Water Watch against NMFS challenging the issuance of a special coral reef fishing permit was found by the Court to be moot and not arbitrary and capricious. There is an appeal filed in the case.

In the 2009 High Court of American Samoa case, Longline Services versus Kupher was dismissed on appeal for ineffective service of process and lack of personal justification.

In the case of Dettling and Cabos versus NMFS, a Federal Tort Claims Act claim alleging Agency failure to consider impact of lost fishing opportunities as a result of the establishment of the Pacific Remote Islands Marine National Monument (MNM), a motion to dismiss was filed and is pending. The hearing is scheduled for August 2012.

A notice of complaint filed in the Center for Biological Diversity (CBD) versus NMFS alleged that NMFS failed to take timely and appropriate action to implement a final rule implementing provisions of the Take Reduction Plan (TRP). The proposed take reduction rule for pelagic FKW is pending.

### **C. National Marine Sanctuary Program**

Allen Tom, regional director, National Marine Sanctuary Program (NMSP), provided an update on the Management Plan Review for Fagatele Bay National Marine Sanctuary (NMS). The final environmental impact statement (EIS) for Fagatele Bay was recently released. The process is in a 30-day cooling off period, which means no comments are being received and Congress must be in session continuously for 45 days. The final rule is projected to be issued the end of July 2012 and is expected to go into effect by the end of 2012, during which time Congress or the American Samoa governor can make desired changes.

Fagatele Bay NMS was renamed the NMS of American Samoa. The proposed sites to be included in the new sanctuary include a) Fagatele Bay, which is proposed to become a complete no-take zone except for take by the villagers; b) Larsen Bay, which is proposed to allow fishing; c) Aunu`u Unit, Subzone B would allow fishing after a check-in process still to be worked out with the Village of Aunu`u; the northern boundary allows fishing when transiting; d) Ta`u Unit, a large bed of the giant coral colonies will be protected under the NMSP, as well as the large adjacent bay; e) Swains Unit excludes two channel areas and allows for fishing caught in the area to be taken to Tutuila; and f) Rose Atoll MNM will continue to exist and be co-managed by DOI and NMFS; the Muilava Unit is also included, which is an underwater volcano. Fagatele Bay is being considered as a UNESCO World Heritage Site.

A marine protected area (MPA) workshop is planned to be held in CNMI in September 2012, which completes the allocated funds obtained by Congressman Gregorio Kilili Camacho Sablan's office, as well as the proposal to look at the Garapan Lighthouse as a Visitor Center for the CNMI Monument.

### Discussion

Tulafono noted the concern voiced by the communities regarding the expansion around the island of Aunu`u impacting subsistence and recreational fishing. The area is a prime area for recreational fishing, especially with the recent deployment of a fish aggregation device (FAD) in

the area and is favored by tournament participants. He noted the Swains Representative's desire to develop the fishing opportunities for the residents of Swains.

Tom said he recently became aware of the request from the Swains resident and will let the Governor's Office know. The regulations can be tweaked. Tom said he wants to continue to work with the Jennings' family to ensure that any proposal around Swains is what they are in agreement with.

Sword asked if the area designated for research will be open to fishing.

Tom replied in the negative.

Sword asked for information on the report that residents were promised jobs in exchange for signing a petition.

Tom said he did not know but will check on it. NMSP is not planning to hire a lot of people.

Sword agreed with Tulafono's comments in regard to the importance of the Aunu'u area to recreational fishing, as it is a safe distance with rich trolling grounds. The recreational and tourism industry would take a hit if this area closed to fishing. He noted concern as well for the insufficient community outreach and the nefarious activities that are occurring to garner support for the expansions.

Haleck agreed with Tulafono and Sword's comments. He said American Samoa has not fully recovered from the 2009 tsunami. He expressed concern for people having to travel greater distances away from shore in small boats just to be able to get food. He noted that, at a recent town meeting held by the American Samoa Congressman, more than 95 percent of the attendees opposed the expansion. He reiterated his opposition to the expansion for Aunu'u, noting the need for marine resources to be available for the American Samoa people for health reasons. He said the NMSP should listen to the community as it will be the most affected.

Tulafono said the residents of the Manu'a Islands also voiced opposition to the expansion and have grave concerns for the loss of fishing opportunities they depend on to offset the expense of the transport of goods from Tutuila. They also requested, if there has to be an expansion in their area, to allow subsistence around the Manu'a waters.

Eric Kingma, Council staff member, asked Tom if the draft management plan included a research plan or EIS, what research is going to be conducted and if trolling will be allowed.

Tom said there would be a no-take research zone. A research plan will be developed when and if the expansion is implemented.

Kingma asked for clarification as to the exclusion of two channels at Swains and NMSP's plan for enforcement for the area.

Tom said the enforcement plan will be developed working with USCG, Office of Law Enforcement (OLE) and DMWR, as well as gather input from the communities.

Kingma asked about the process of the Governor’s changes to the proposed action.

Tom clarified that, after the 45-day period has run for Congress, the Governor can do nothing and the proposal will go into place unchanged. If the Governor would like to make any changes, he would have to write a letter to NOAA in DC.

Haleck asked if any community outreach would be conducted or any opportunity provided for comments on the changes made by the Governor.

Tom replied in the negative.

Haleck voiced concern about the NMSP not providing enough outreach and sufficient opportunity for community input.

Tom said he has no indication as to what the Governor’s Office may or may not do.

Haleck noted the minutes of one of the public hearings held in American Samoa recently included a statement made by an employee of NMSP that jobs will be offered to the people of Aunu`u to work for the NMSP. He asked if an option is available for the people affected by the expansions to file for compensation for the loss of fishing grounds.

Tom said no such option is available currently. He did not know whether such an option is available.

Haleck asked how the people of American Samoa will benefit from the NMSP.

Tom said the research and educational programs will be a major benefit for the people of American Samoa and for those communities that have a sanctuary adjacent to their village.

Simonds asked Tucher whether a Disaster Relief Program is contained in the Magnuson-Stevens Fisheries Conservation and Management Act (MSA) where compensation is available for the current situation in American Samoa.

Tucher said ordinarily two separate provisions address unanticipated impacts to fisheries that deal with natural disasters. He said he would research the question and get back to the Council with an answer.

Tom said he will also check.

Simonds suggested the Governor could ask that the compensation program be included.

Hendrickson said he looked forward to working with Tom on an enforcement regime. He suggested that enforcement be addressed before implementation of the expansion. Developing an enforcement scheme that requires enforcement where enforcement is not feasible or not efficient only serves to further undermine enforcement overall.

Tom said they have been engaging with USCG since the proposal began with contact to the DC office.

Hendrickson asked for a point of contact so he can follow up.

Tom replied in the affirmative.

Sword asked for clarification as to the check-in procedure proposed for Aunu`u and clarification as to the fishing allowed in the Larsen Cove proposal.

Tom said the check-in procedure still has to be worked out in conjunction with the villages. He would check on the Larsen Cove fishing regulations as they changed from fish-and-line to be much broader. He will pass on to the Council the current content of the regulations.

Sword noted his appreciation of the National Parks supervisor who at the last Sanctuary board meeting was the single vote out of five members to speak against the plan, bringing up the concerns of the community, that they haven't been engaged adequately in the preparation of the plan. The other four members were directors. Sword noted the need to have people who represent the community.

Duenas noted Fagatele Bay was put in place 20 years ago to rehabilitate the bay. He wished the NMSP would continue with that mission. He voiced concern regarding the National Environmental Policy Act (NEPA) analysis taking into account minority and low-income populations being affected by the proposed action and the potential for cumulative exposure to human health and environmental hazards by the implementation of the proposal. He took offense to the mention of conceding the two channels to the Swains residents. He pointed out the NMSP is taking over territorial seas and the channels belong to the Swains residents. He asked if there was any way to endorse the regulations.

Tucher, after researching the earlier question with regards to compensation for loss of fishing grounds, said there are two provisions in the MSA and Interjurisdictional Fisheries Act of 1986 that address economic impacts to fisheries. Regulatory closures would be addressed through Section 315, a catastrophic regional fishery disaster usually looked at in the context of natural disasters. But regulatory closures resulting from agency action or from judicial action for the purpose of protecting the marine environment or human health can qualify for assistance aid, as well as certain commercial fishery failures under Section 312 of the Act. Both acts require consultation with the affected Territory or State governor with conditions placed on assistance monies. In some circumstances it has to affect more than one state or major fishery or State or Territory. Tucher offered to talk further offline if any of the Council members had further questions.

Rice noted that fishermen are never considered part of the ecosystem, but should be as fishing has been ongoing for hundreds of years.

Palacios asked Tom to take time to have further discussion offline in regard to the Marianas.

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

The USFWS did not present a report as the USFWS representative was not in attendance.



## **E. Enforcement**

### **1. US Coast Guard**

Hendrickson acknowledged and introduced attending USCG personnel in the audience. He reported the USCG is currently revalidating its Fisheries Enforcement Strategy, Ocean Guardian. He encouraged everyone to feel free to provide open, frank feedback as it would benefit the development for the next 10 years' worth of enforcement strategy for fisheries law enforcement.

Hendrickson reported that between Jan. 31 and May 31, 2012, the *JARVIS* patrolled for 92 days covering the noncontiguous US EEZ. The *WAESCHE* patrolled 21 days in route to a multi-national exercise in the Western Pacific. The *KUKUI* and *SEQUOIA* conducted law enforcement patrols. A US Navy carrier strike group provided maritime surveillance during a transit opportunity from the Philippines back to Hawai`i and the *USS CHAFEE*, a US Navy destroyer, provided maritime surveillance patrol during a transit from Japan to the United States. The *KUKUI* and *GALVESTON ISLAND* completed a three-week multi-unit law enforcement patrol of the EEZs surrounding Kingman, Palmyra and Jarvis. C-130s conducted a total of 260 hours of patrol time, which included patrols of the EEZs surrounding Howland and Baker, Kingman, Palmyra, Jarvis and Johnston, as well as helicopter time over the EEZ surrounding Guam.

The ninth bilateral shiprider agreement was signed with the Independent State of Samoa. A memorandum of agreement between the USCG, NOAA and the US Department of Defense for the Oceania Maritime Security Initiative was completed, which allows boarding teams to be placed onboard US Navy ships as they transit areas of responsibility in order to conduct regular law enforcement boarding operations. A recent search and rescue case on the fishing vessel *GOLDEN EAGLE II* was successful due to the personal locator beacon of the NOAA observer and the emergency position indicating radio beacon that was onboard the vessel.

A total of 89 boardings were conducted, 70 boardings on foreign fishing vessels on the high seas or in the EEZ of another nation and 19 US boardings, with a number of licensure violations on the foreign fishing vessels. No significant violations were noted on the US fishing vessels.

### Discussion

Martin said that boats fishing quite a distance west northwest of O`ahu have reported sightings to the USCG of foreign vessels within the EEZ fishing and that there has been significant foreign fishing incursions. Some members of the local longline fleet are interested in supporting enforcement in hopes of trying to ascertain the activities of the foreign vessels. Over the last 45 days there have been a couple of observations. He hopes information provided to the USCG will help provide enforcement of the foreign vessels.

Hendrickson said they received a report of a foreign fishing vessel possibly occurring in the US EEZ to the north and east of Midway Island about two weeks ago. A C-130 responded and did not find a foreign fishing vessel. He voiced appreciation for the assistance and vigilance

of the fleet. Getting a name or hull number or some other identification would help them pursue the case.

Simonds asked if there was any information as to which country flag the vessel displayed.

Martin replied in the negative. Two vessels were sighted, including radio traffic on low range radio. When the fishermen tried to communicate the information to the USCG, the vessels disappeared over the horizon.

Simonds asked for clarification as to the Western and Central Pacific Fisheries Commission (WCPFC) vessel monitoring system (VMS) regulation.

Hendrickson said a vessel engaged in WCPFC fishing should have VMS, but usually when a vessel is engaging in illegal fishing it does not activate the VMS.

Alexa Cole, from NMFS OLE, added that there is no basis to say they weren't carrying VMS. There is no access to the VMS status if they're not licensed to fish in the zone.

Simonds asked if the WCPFC should notify the country whose boat was in violation.

Cole said the data is quarantined. WCPFC is not allowed to look at data in zone until and unless there is agreement for access to in-zone VMS data. The VMS only exists for the high seas under WCPFC.

Simonds noted the agreement for access has been worked on for many years.

Cole agreed.

Simonds suggested the USCG needs to search for the foreign boats illegally fishing.

Hendrickson said he did not disagree. It's a matter of constrained resources. The USCG is currently doing a lot of operational research, looking at ways to make the search more efficient. Fleet reporting is very helpful. He needs 51 percent assuredness that something is out there and then resources will be committed to find it.

Simonds said when the Council began looking at VMS in the 1980s it was an effort to get VMS placed on the foreign vessels when they entered the US EEZ.

Sword commended the USCG for its efforts and outreach in American Samoa, which has brought in a lot of business to American Samoa and is helping StarKist in keeping its production operations going, as well as the series of outreach events and the recent inauguration of the American Samoa Coast Guard Auxiliary. Sword said he looks forward to more outreach.

Duenas commended the Guam Coast Guard Auxiliary in Guam, which recently had a very successful Safe Boating Week Program with the Guam fishing community. He noted the fishermen are concerned that the newly implemented Rescue 21 System does not include channel 68 as that is the emergency channel used in most Pacific Islands.

Hendrickson said he will carry the message back regarding the importance of channel 68.

Duenas asked about the status of the reauthorization of the manning exemption for the purse seine fleet. He reiterated his opposition to renewing the exemption from the US manning requirement on foreign large vessels while there is no exemption for the smaller vessels. He suggested dialogue be held in American Samoa on that topic and landing requirements in the near future.

Hendrickson said he did not have an answer, but will carry the message back to the office that has direct oversight on the subject.

Duenas noted the practice of the USCG buoy tenders on Guam assisting foreign governments throughout Micronesia in redeploying, inspecting and assisting their aids to navigation program. He asked if such help could be given to the Guam DOA in the deployment of its buoys.

Hendrickson said the USCG does not participate in aids to navigation of other countries. He did not have any information regarding the capabilities of the buoy tenders, but he will carry the question back to the appropriate office.

Taitague said she was recently onboard the *SEQUOIA* along with the Guam Lt. Governor and the Commander agreed to meet to discuss assisting the DOA in deployment of a FAD.

Tosatto voiced his support and encouragement for the USCG to work with the Guam DOA in assisting in FAD deployment and offered to provide the annual report to Congress, which is a collaborative report between NOAA and the USCG that contains information on things such as the manning exemption reauthorization.

Duenas noted it is in the briefing book. He also pointed out the need for capacity building for the Pacific island territories to produce engineers who can replace the foreign engineers.

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

Bill Pickering, from the NMFS OLE, Pacific Islands Division (PID), reported that 28 incidents were reported to the PID during the past period. Fourteen were categorized as protected resources, 12 as fisheries management and two as Sanctuary cases. There was one US longline vessel incursion in the Northwestern Hawaiian Islands (NWHI) monument. The case is still under investigation.

OLE agents travel to Forum Fisheries Agency (FFA) headquarters to review observer reports and other documentations in regards to the US purse seine fleet. They have uncovered a couple of cases that involved two foreign nations alleging possible fishing by US vessels in their EEZs. Investigation is ongoing.

Investigations are ongoing into the deaths of Hawaiian monk seals in the MHI. The cases remain unsolved. OLE assisted with an investigation on Rabbit Island involving an individual that was stoning a Hawaiian monk seal with rocks. The individual was fined and had to do community service.

The humpback whale monitoring and patrol season ended with a decreased number of incidents reported and with successful outreach to the public on the guidelines for the humpback whale season.

Some foreign fishing vessels were boarded that were landing on Guam. Agents board foreign vessels to look at catch and logbooks to ensure compliance with US and WCPFC regulations. The amount of hours so far in 2012 in Joint Enforcement Agreement (JEA) boardings in Pago was over 1,290 man hours, as well as CNMI, Guam and Hawai`i.

The Marine Conservation Institute (MCI) held a workshop in Hawai`i, which was beneficial.

### Discussion

Duenas asked for clarification as to what areas are reported on the VMS.

Pickering said the VMS coordinator and his group deal every day with their counterparts at WCPFC and FFA. They are able to view US vessels and the vessels that the US is allowed to see within the US zone at the time. An expansion of that will be worked on at the next Technical and Compliance Committee (TCC) and WCPFC 9.

Tulafono noted his appreciation to the OLE for providing proper equipment for DMWR enforcement officers to perform their job. Two acquired jet skis are helping them accomplish their work in the DMWR Community-Based Program.

Pickering announced the new 2012 JEAs should have been received by Hawai`i, CNMI, Guam and American Samoa.

### **3. NOAA General Counsel for Enforcement and Litigation**

Cole, NOAA GC for Enforcement and Litigation, reported that three cases were referred to her office since the last Council meeting in March 2012. The cases were settled for a total of \$36,518.33 in civil penalties.

Three hearings are coming up in July involving six purse-seine vessels that are alleged to have fished on FADs during the 2009 FAD closure. The penalties totaled about \$2.3 million. The July hearing is Part 2. Part 3 of the hearing will be in August. Part 4 will be in September or October.

An August hearing is scheduled involving a longline vessel charged under the bigeye closure.

Two installments are outstanding. The first is due in June, on the *ALBACORA UNO* case. There will be a check shortly for CNMI in the amount of \$234,972.94 from the Taiwanese foreign vessels that were caught fishing inside the US EEZ around CNMI.

## Discussion

Simonds asked if port state inspections have increased in US ports.

Cole said agents in American Samoa board every foreign vessel that is coming into port. In Guam they board a very high percentage of the foreign vessels coming in.

Duenas asked if there was a traceability scheme for the fish to be used in conjunction with noncompliance.

Cole said the WCPFC is in the process of developing a catch documentation scheme, which is similar to a traceability scheme. Proposals and terms of reference for the working group on the catch documentation scheme along with the port state measures and other things are being worked on to help increase the ability to track illegally caught fish. There is also the illegal, unreported and unregulated (IUU) measure that says, if a vessel is on an IUU list, nobody is allowed to purchase that vessel's fish or re-supply the boat.

Seman expressed his appreciation for Cole's diligent work on the prosecution of violations. As a result of it, CNMI is able to move forward with multiple projects in its Marine Conservation Plan (MCP).

Simonds pointed out the provisions were in the 1996 Reauthorization of MSA.

### **F. Public Comment**

Saite Moliga, American Samoa Advisory Panel (AP) member, fisherman and secretary of the Manu`a Cooperative, extended sincere appreciation on behalf of the president of the Cooperative and the local fishermen from Manu`a, for the efforts the Council has taken to assist them. He expressed deep concern that the sanctuary expansion as planned will take their fishing grounds. The fish he catches is used to feed his family and community. There are eight fishing alias on Ta`u and seven on Ofu and Olesega that are not built for going far offshore. The impact of the sanctuary expansion will be tremendous with the loss of the fishing grounds. He thanked the Council members for their work, as well as Faasili Ueta for the opportunity they have provided the community. He asked the Council to assist in organizing federal agencies to coordinate their work through the DMWR as the contact agency in American Samoa.

Roy Morioka, Hawai`i fisherman, asked the Council to remember the small guys as an important and integral part of the ecosystem. He said recently, while fishing off of Waianae, the radio traffic all day long was between the dolphin cruises and whale watch tours communicating where the critters were. He suggested the enforcement agencies should listen to Channel 78 to see the harassment going on, to pay attention and deploy resources effectively. He also encouraged the use of the latest technology in patrolling the US EEZ.

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

There was no discussion under this agenda item.

## **6. Program Planning and Research**

### **A. Cooperative Research Priorities (Action Item)**

Marlowe Sabater, Council staff member, presented an update on the 2012-2013 set of cooperative research priorities. There were no changes to the American Samoa archipelago cooperative research priorities. The three priorities are to determine what the FADs are producing in terms of catch, explore the potential for using an alternate improved FAD design and mapping coral reef fishing grounds to identify important habitats for fisheries management. The Mariana archipelago priorities are an evaluation of shark depredation occurrence in the Guam and Saipan small-boat fishery and a study of nearshore FADs. The Plan Team added the improvement of catch by fishing location and ground-truthing of the catch interview information through advanced technology. The Hawai`i archipelago revised cooperative research priorities include continuation of the bottomfish tagging study with the addition of doing cross-tagging of fish in and out of bottomfish restricted fishing areas (BRFAs) with the use of electronic tags to determine movements and continuation of the cooperative bottomfish sampling through bottomfishers and Pacific Islands Fisheries Group (PIFG) for life history studies.

The Pacific pelagic cooperative research priorities include a study to determine longline fishery post-hooking mortality of marlin and secondarily of other species as appropriate and mark-and-recapture studies of reef and pelagic sharks in the Mariana archipelago to determine residency time and migration. Conducting detailed fishery analysis, socioeconomic and sociocultural studies of yellowfin tuna in the Hawai`i-based fisheries was removed because the Plan Team felt this priority was not eligible to be considered.

Sabater asked the Council to discuss and approve priorities for NMFS funding consideration.

### **B. Fishery Data Collection Improvement Proposal**

Sabater presented an update on the proposals that the Council is developing to improve fisheries data collection in the different island areas, which was a recommendation from the Data Improvement Workshop. At the 153rd meeting the Council recommended a set of projects and requested NMFS to provide funding support for the following:

- Analysis of the existing creel data to determine which species and fishing methods the current survey design adequately represents;
- Development and/or support of other survey methods to cover species and fishing methods not adequately represented by the existing creel survey design;
- Documentation and correction of any bias in the existing creel survey data; and
- Evaluation of assumptions behind the WPacFIN estimation methods and refinement of methods to generate a better estimate of the catch and catch per unit effort (CPUE) for stock assessment.

NMFS replied that no funding was available, but the priorities were good to know. The Council has been trying to improve the data collection for several years. The next steps include consolidating the recommendations from the data evaluation contract and the Data Workshop.

The draft proposal for the Marine Recreational Information Program (MRIP) funding for 2013, as recommended by NMFS Acting NOAA Assistant Administrator for Fisheries Sam Rauch was presented to the Data Principals Workshop last May. The PIFSC deputy director also recommended the proposal be submitted to the Enhanced Annual Stock Assessment Program.

The eight projects in the proposal are as follows:

- Review and conduct an optimization of the existing 30-year creel survey data using statistical models to attain a standardized catch effort and CPUE, getting it ready for possible stock assessment.
- Develop biological reference points (BRPs) for priority species or species groups using fishery-dependent and fishery-independent data to facilitate species status determination.
- Develop automated annual fishery status report modules, online status reporting and annual catch limit (ACL) monitoring reports.
- Pilot surveys at unsampled ports and shoreline to calibrate adjustment factors in the expansion of catch, effort and CPUE from the existing creel survey in American Samoa, Guam and CNMI.
- Develop and implement specialized surveys to document fishing methods and events not adequately addressed by the existing creel survey.
- Determine coverage requirements and statistically valid minimum sample size for all fisheries in the Western Pacific Region.
- Document the boat and shore-based creel survey protocol, including the expansion methodology.
- Enhance participation of fishermen and vendor in creel surveys and vendor reporting through incentive and outreach programs.

The Council is working with Hawai'i Division of Aquatic Resources (DAR) to develop its set of projects to be included under this proposal.

Sabater asked Council members to submit comments on the proposal. The next steps will incorporate the data improvement projects for Hawai'i, finalize the proposal and submit it for funding.

### Discussion

Duenas voiced concern that the major problem with the creel survey is the expansion formula needs to be analyzed. The Agency is not providing enough support to analyze the data. He requested a comparison be done between the creel survey data and the commercial data reports to look for a common trend.

Sabater said the statistical analysis of the data is one of the biggest gaps and is the objective of the first project, to review the existing data.

Tulafono agreed with Duenas' comment on the problem with the expansion formula and added that he is glad the calibration of the adjustment factor is included as a project because

areas in American Samoa are not captured in the creel surveys and he is worried about how the expansion affects the data collected.

Sabater said currently the expansion comes from available data collected and does not contain any guess or speculation.

Palacios commended Council staff for its work on identifying the gaps in the data, but added that the years of work by WestPacFIN and the infrastructure resources can be improved and should be utilized.

Sabater agreed and pointed out the proposal is based upon what exists and is not trying to recreate the data collection process. The biggest challenge is getting stable funding.

Duenas asked if a survey form could be provided to be printed by Guam Fishermen's Cooperative Association (GFCA) to collect the necessary data or information from the fishing community.

Sabater said he would draft the request as a Council recommendation, and the proposal will be discussed to determine the best way to be successful in receiving funding support.

Taitague asked about the time period needed to improve the data collection process once the proposal is implemented.

Sabater said implementing the project will enhance the data that goes into the process, but the overall mechanism of collecting the data will still depend on the level of funding available. The implementation by the local fishery management agency applies almost instantaneously to the data, but not the actual data collection process.

### **C. Territorial Essential Fish Habitat and Habitat Area of Particular Concern Review**

Danielle Jayewardene, NMFS PIRO Habitat Conservation Division, provided the Council recommendations for the refinement of the essential fish habitat (EFH) and habitat area of particular concern (HAPC) designations for bottomfish, pelagic, precious coral and coral reef ecosystem management unit species (MUS) in the Pacific Islands Region. Recommendations for MHI bottomfish MUS have already been provided, and recommendations for crustacean MUS are not provided as these MUS were not included in the science review. The recommendations are based primarily upon review of the scientific information provided by PIFSC in the report entitled "Review of Scientific Information for the EFH and HAPC Designations for the Management Unit Species in the Pacific Islands Region."

PIRO also made recommendations for bottomfish MUS based upon the science that was provided and accepted in refining EFH and HAPC for bottomfish in Hawai'i, Guam, CNMI and American Samoa. In developing recommendations for coral reef ecosystem MUS, additional publications were reviewed and the best professional judgement of PIRO staff was used.

The NMFS recommendations included a) for bottomfish, EFH is from 0 to 400 meters, with three sub-complexes and EFH for each life stage and removal of existing HAPCs; b) for



pelagics, no change to EFH and HAPC; c) for precious corals, EFH and HAPC is yet to be determined; and d) for coral reef ecosystem, EFH extends all bottom to 150 meters with new HAPC designated for the Mariana and American Samoa Archipelagos with updates for consistency across the jurisdictions.

Jayewardene said the Agency is asking for feedback to help in their efforts to use all available information.

### Discussion

Seman asked if provisions exist to take cultural uses into consideration in the determination of EFH or HAPC.

Jayewardene said EFH designation is usually based on scientific information of the species being managed, such as where the species is found, what the species range is, population density in the area and reproduction. The designations are to protect the species from activities that could degrade the habitat and would not stop the use of an area for cultural purposes.

Seman said his question was directed more to the cultural use of the area preventing the designation of EFH or HAPC.

Jayewardene said the EFH rule specifies how EFH is to be designated, reviewed and how NMFS should consult, such as to solicit information from local entities, everybody involved, as well as scientific information. It does not specify taking into account cultural use needs.

Tosatto said human uses could come into account in designating HAPC, more along the lines of sensitivity of habitat to that use. When information that EFH will be impacted exists, then NMFS will consult and offer conservation recommendations to mitigate that habitat so the fish continue to be available for cultural uses, human uses, fisher uses et cetera.

Duenas noted the designation of EFH and HAPC is another way for the federal government to stifle the development of the island fisheries and seems to duplicate coastal zone management. He questioned why EFH designation does not address a remedy for the habitat degradation caused by 60 years of land use impacts to the marine ecosystem. He noted the process lacked community input on the designation determination. Members of the public know about the impacts of the sedimentation and live fire ranges in Guam. The waters being considered for EFH and HAPC designation are in the Territorial waters and the Council has no jurisdiction.

Tosatto said he wished Duenas better understood the EFH provisions of MSA. The EFH provisions benefit the species, which benefits the island residents and do apply within the Territorial sea and internal waters of the States and Territories, as does ESA, the Marine Mammal Protection Act (MMPA) and other federal authorities. EFH designation does not close any activity to any person or any agency. EFH is designated because without it there is no ability to affect a lot of the activities that take place in the harbors, nearshore waters and offshore waters.

Duenas said he is concerned the process will morph into the designation of more MPAs.

Palacios asked for clarification on the CNMI lagoon designated.

Jayewardene said it is currently designated as EFH, but the list is open to comment.

Palacios pointed out many of the areas on the list are already proposed for MPAs in CNMI and will have restrictions on the activities. He hoped that would be taken into consideration. The fishing grounds around Farallon de Medinilla (FDM) are very productive and were lost to the military closures. It is common knowledge that that habitat is EFH. He would like to put FDM on the list for consideration.

Duenas said Cocos Lagoon is contaminated with PCBs. Haputo has major runoff from the military radar and is an ecological reserve with no fishing allowed.

Tulafono expressed grave concern about the impact to the village of Leone and those villages that lie to the west. He pointed out Pago Pago has mud inside the harbor. Most of the designated areas in American Samoa are subsistence fishing grounds.

Tosatto reiterated that an EFH designation has no parallel to a sanctuary or MPA designation. An EFH designation in the nearshore waters will benefit the communities in NMFS' view.

Jayewardene reiterated PIRO is soliciting feedback on the proposed designations as to whether to remove or add designations. Fishing is not restricted.

Sword noted the list seems like a prerequisite to the NMS expansion.

#### **D. Report on Territory Bottomfish Stock Assessments**

Jon Brodziak, NMFS PIFSC, presented the report on the Territorial bottomfish stock assessment. The initial assessment was provided in 2006 by PIFSC for bottomfish MUS in American Samoa, Guam and CNMI. The assessment was updated using more recent data in February 2012, which was supposed to go through the Western Pacific Stock Assessment Review (WPSAR) process prior to this SSC meeting. PIFSC did not recommend a WPSAR review because there was no significant change to the model structure and underlying assumptions. It is recognized that the data review workshops and related contracts may play a large role on how the data will be used in future assessments. Given the timing of this assessment in relation to the SSC and Council meetings, the Council and PIFSC agreed to convene the WPSAR Panel in September 2012 to review and make recommendations related to the updated assessment.

Brodziak reviewed 2007 and 2010 catch and CPUE data for American Samoa, Guam and CNMI. After a brief explanation of the model exercise, the results were presented. For the American Samoa bottomfish complex, the probability of depletion in 2010 was about one in 100, overfishing, a chance of less than one in 100, as well as the exploitable biomass estimate, landings and unfished biomass. CNMI had a similar positive situation, with a little bit higher exploitation rate with low probabilities of depletion and low probability of overfishing. For Guam, the biomass appears to have been impacted with a higher yield relative to the exploitable biomass and low probability of overfishing in the current time frame.

**E. Report on Open Ocean Marine Protected Areas for Highly Migratory Species—Pacific Islands Regional Office Grant to Marine Conservation Institute**

Tosatto reported a grant was provided to MCI to develop a report on the open ocean MPAs for highly migratory species (HMS). A draft report was reviewed. He is awaiting a final report and will let the Council know when it is received.

**F. Report on Education and Outreach Programs and Projects**

Sylvia Spalding, Council staff member, reported on the Hawai`i fishermen code of conduct, which was presented at the October 2011 Fishers Forum. An MOU with the Hawai`i Division of Boating and Ocean Recreation was signed, and signage is posted at He`eia Kea, Kaunakakai and Mo`omomi boat ramps and weigh stations. Other State of Hawai`i harbors are also interested in having signage posted. Posters will be sent out to harbor masters and fishing clubs, as well as handouts.

Evaluation on the Hawai`i traditional lunar calendar was completed. Nine fishermen were queried by a professional research firm. Some points raised in the evaluation included a request for more information on species and species behavior, fishing regulations and wider calendar distribution. An evaluation was also completed on the American Samoa lunar calendar which resulted in much appreciation expressed and suggestions for improvement, such as providing information on months when species are abundant and providing the calendar to schools.

Prior to the Council Coordination Committee (CCC) meeting being held on May 1, a communications group was convened of all of the eight Councils on April 30. Recommendations from the group included, among other items, holding a face-to-face council communications meeting annually and developing a solid communication plan for the Managing Our Nation's Fisheries (MONF) 3 conference.

Other activities reported on included the Capitol Hill Ocean Week with a display of a traditional fishing canoe and traditional fishing gear; the NOAA Fish Fry, which is an opportunity to showcase chefs and fish from the Pacific Islands; and upcoming events such as the First Stewards Symposium on climate change impacts to be held July 17 to 20 at the National Museum of the American Indian and the Living Earth Festival, July 20-22.

**G. Advisory Group Recommendations**

**1. Archipelagic Plan Team Report and Recommendations**

Sabater reported the recommendations of the Archipelagic Plan Team as follows:

*Regarding ACLs*, the Archipelagic Plan Team recommends the Council to

- Immediately pursue the ecosystem component option for fisheries that do not occur in federal waters and work in collaboration with NMFS and the Fishery Ecosystem Plan (FEP) Plan Teams to evaluate the MUS of each FEP that may be eligible for ecosystem component classification. The classification of ecosystem

component species for each FEP area should be implemented prior to the start of the 2014 fishing year to be pertinent to ACL re-specification. The ecosystem component species remain in the FEP for data collection purposes and ecosystem considerations.

- Work in collaboration with NMFS and the Plan Team to consider supplemental data, like commercial receipt books and the biosampling data and other analytical methods, particularly the work initiated by Council Senior Scientist Paul Dalzell using the Garcia et al. method and also the recommendations from the NMFS Council Workshop for ACL specification last December to improve the ACL specifications for species groups that are not designated as ecosystem component. Since the current ACLs are specified for the 2010-2013 fishing years, any improved or revised ACL specifications can be implemented in the 2014 fishing year.

*Regarding Fishery Data Collection*, the Archipelagic Plan Team recommends NMFS and Council to support the local fishery management agencies in American Samoa, Guam and CNMI to develop an incentive program for fishermen and vendors to enhance their participation in the data collection. The Plan Team further recommends NMFS and Council to support the local fishery management agencies in bringing fishery information back to the stakeholders via education and outreach.

*Regarding Improving Creel Survey Data*, the Archipelagic Plan Team recommends the Council request PIFSC to conduct a pilot study to test the potential effect of the new a and b values from the Biosampling Program and the creel surveys and examine any resultant changes in the trends in the catch time series.

*Regarding Cooperative Research*, the Archipelagic Plan Team recommends the Council to include improving catch by fishing location information through advanced technology in its priorities for the Mariana Islands.

*Regarding EFH and HAPC*, the Archipelagic Plan Team recommends that its members conduct a critical review of the coral reef section of the EFH and HAPC science and management recommendation document and provide comments to the Council on or before May 30, 2012.

*Regarding the Coral Biological Review Team (BRT) Status Review Report*, the Archipelagic Plan Team recommends that its members conduct a critical review of the document and the management review report and provide comments to the Council on or before July 21, 2012.

*Regarding the Annual Report Modules*, the Archipelagic Plan Team recommends Council, in collaboration with PIFSC and Plan Team members, to make the following changes in the modules:

- Add a section that describes the meta-data pertaining to the fishery statistic presented in the report;

- Limit the detailed catch and CPUE figures to the major fisheries, describe the minor fisheries briefly and present the information as tables in the appendix;
- Convert all catch time series charts to component line charts and add a seventh category that includes all other species caught by that method;
- Insert an overall fishery summary that includes total catches for the ACL species categories pooled among all methods;
- Combine nominal and inflation adjusted prices of the major fisheries into one graph;
- Remove the coral reef fishery heading and add the bottomfish fishery in the general boat-based fishery.

*Regarding the Plan Team Meeting Format*, the Archipelagic Plan Team recommends the Council continue to hold regular Joint FEP Plan Team meetings as it provides a productive venue to discuss fishery issues.

## **2. Hawai`i Plan Team Report and Recommendations**

Sabater reported two recommendations of the Hawai`i Plan Team as follows:

*Regarding ACLs*, the Hawai`i Plan Team recommends the Council to immediately pursue the ecosystem component option for fisheries that do not occur in federal waters. The Plan Team further recommends the Council, in collaboration with NMFS and the FEP Plan Teams, to evaluate the MUS of each FEP that may be eligible for ecosystem component classification. The classification of ecosystem component species for each FEP area should be implemented prior to the start of the 2014 fishing year. Ecosystem component species remain in the FEP for data collection purposes and ecosystem considerations, but do not require specification of reference points.

*Regarding Improving the Specified ACLs*, the Hawai`i Plan Team recommends the Council request PIFSC review and provide recommendations to the Council on the approach developed by Council staff using biomass, catch and natural mortality information to generate a maximum sustainable yield (MSY) proxy for various reef fish families to improve ACL specification.

Other recommendations will be submitted during the Hawai`i insular fisheries section of the agenda.

## **3. Data Principals Meeting Report**

No report was given under this agenda item.

## **4. Joint Advisory Panel Report and Recommendations**

Ed Watamura, AP chair, reported the recommendations of the Joint AP as follows:

*Regarding NMFS and Other Agencies*, the Joint AP recommends the following:

- The Council request NMFS and other agencies to provide for oral testimony at all its public meetings, not just written testimony.
- The Council to work with NMFS to develop training workshops on agency roles and regulatory processes to be provided throughout the region.
- The Council request NMFS and other agencies to provide regular review of the fishing regulations to ensure their effectiveness, incorporate new information and provide for adaptive management of the resources. The AP recommends the Council start by requesting the State of Hawai`i to consider reviewing the current minimum size for the sale of yellowfin tuna as its first regulation for review.
- The Council request NMFS to provide a system to help finance or purchase fishing boats in the Western Pacific Region.
- The Council request NMFS to continue to provide financial support to the ongoing Mariana Archipelago Biosampling Programs.

*Regarding the Marine Education and Training (MET) and Community Demonstration Project Programs (CDPP), the Joint AP recommends the Council continue to seek MET and CDPP funds for the Western Pacific Region.*

*Regarding Cooperative Research Priorities, the Joint AP recommends the Council continue to seek support for the proposal to address shark depredation on local pelagic and bottomfish fisheries in the Western Pacific Region.*

## **H. Scientific and Statistical Committee Recommendations**

Daxboeck presented the SSC recommendations as follows:

*Regarding Cooperative Research Priorities on the Joint American Samoa, Mariana and Hawai`i Archipelago and Pacific Pelagics, the SSC endorsed the Plan Team’s cooperative research priorities. The SSC requests a presentation from PIFSC at the 111th SSC on the interim results of the current bottomfish tagging projects in Hawai`i and looks forward to reviewing results for similar tagging projects being conducted elsewhere in the region.*

*Regarding the EFH and HAPC Review, the SSC recommends that a WPSAR review be conducted on the Territorial EFH–HAPC once the PIRO review and analysis is completed.*

*Regarding the Archipelagic Plan Team Report and Recommendations, the SSC concurs with the Plan Team’s recommendations.*

## **I. Council Coordination Committee Recommendations**

Duenas reported that the CCC is a national body comprised of all eight Regional Fishery Management Councils (RFMCs), which meets twice a year. The most recent meeting was held on the Big Island of Hawai`i in May. It produced a robust exchange of ideas, concepts and collaboration. Of note was the discussion of potential conflicts due to the requirement that the Council representative be a government representative for the RPBs for CMSP. The CCC also

noted that funding support is needed for stock assessments in all regions for use in determination of ACL specifications while \$7 million was provided to the Western Pacific Science Center for technology. Also discussed were the National SSC Working Group being available to work with the CCC and planning for the next CCC meeting to coincide with MONF 3 conference. Electronic monitoring and National Standard (NS) guidelines were also discussed at length.

### Discussion

Martin commended Council staff for organizing a no-nonsense, successful and productive meeting.

Duenas agreed with Martin and thanked the Council members who were in attendance.

Simonds noted a panel was held on ESA jeopardy determinations. All Councils are dealing with similar issues with marine mammals and whales. She said Marine Fisheries Advisory Committee (MAFAC) will also be involved in the ESA jeopardy determinations issue.

### **J. National Standard 1 Advanced Notice of Proposed Rule-Making**

Jarad Makaiau, NMFS PIRO, presented a background on NS1 contained in the MSA, which requires conservation and management measures to prevent overfishing while achieving optimum yield from each fishery of the US fishing industry on a continuing basis. To help implement NS1, Advisory Guidelines were implemented in the Code of Federal Regulations. In January 2009 the Agency published new guidelines for implementation of the mandated ACL and accountability measures (AMs). During the process of determining the ACLs and other reference points, a number of issues were raised regarding what certain elements of the NS Guidelines meant and how they were to be applied. An Advanced Notice of Proposed Rule-Making was recently issued to seek public comments on any topics that the Councils or other public stakeholders may have with respect to the NS1 Guidelines. Some examples presented included which stocks in the fishery need BRPs, overfishing and multi-year impacts, ACLs and optimum yield, how to handle data-poor stocks, AMs, ACL exceptions and mixed stock fisheries and optimum yield.

Makaiau invited comments on whether to revise the guidelines at this time or continue monitoring the ACL implementation for potential solutions. He asked if any issues should be addressed through technical memos, policy directives or other means. The deadline for comments is 5 p.m., Aug. 1, 2012.

### **K. Public Hearing**

John Gourley, Saipan AP member, noted the recent Joint AP meetings were very productive. He enjoyed the camaraderie with the other island members. The meeting appeared to be especially useful for the government attendees. He voiced support for future joint AP meetings.

Seki noted a correction to the CCC meeting report regarding the figure of \$7 million being provided for stock assessment, as PIFSC did not even get \$1 million.

Simonds asked if the \$1 million was received for enhanced stocks assessments.

Seki replied in the affirmative, adding the funds were used for the surveys previously described.

Morioka said that the EFH–HAPC action becomes a tool for the environmental nongovernment organizations (NGOs) to file an intent-to-sue against the Agency, and, in the end, the only losers are the fishermen. He said the biodiversity in Moanalua Bay turned into a dead zone because of the development of subdivisions, replacement of fishponds, diversion of fresh water and the concrete laid, but the fishermen are blamed for changing the habitat and ecosystem. The social and cultural component needs to be addressed. NMFS would not exist if there were no fisheries.

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

***Regarding Cooperative Research, the Council endorsed the sets of priorities and will attach the Cooperative Research Priority documents, the Action Memo for Fiscal Year 2012-2013 for NMFS funding under the National Cooperative Research Program.***

*Moved by Sword; seconded by Tulafono.*

*Motion passed.*

***Regarding ACLs, the Council directed staff to conduct an analysis on all available data to determine species or stocks that are eligible for ecosystem component designation. The Council further directed staff to draft an options paper evaluating sets of alternatives to designate stocks as ecosystem components or retain these stocks under ACL management.***

*Moved by Sword; seconded by Tulafono.*

*Motion passed.*

***Regarding Fishery Data Collection, the Council directed staff to work with the PIFSC to incorporate shark bycatch and depredation information in the existing fishery data collection programs to assess the level of shark-fishery interactions.***

*Moved by Sword; seconded by Tulafono.*

*Motion passed.*

***Regarding Fishery Data Collection, the Council requested PIFSC WPacFIN to conduct a pilot study to test the potential effect of the new a and b values from the Biosampling Program and determine if there are changes in the temporal trend in the catch time series from the creel survey data.***

*Moved by Sword; seconded by Tulafono.*

*Motion passed.*

Oishi asked for clarification as to a and b values.



Sabater said a and b values are the coefficients that are derived from the length-weight relationships and are the values that are used to convert length information into weights. The recommendation came from the Plan Team. With information from the new Biosampling Program, a and b values would be more localized rather than using information from FishBase.

*Regarding NMFS Open Public Comment and Consultation Process, the Council requested NMFS to provide an opportunity for the communities to allow for oral testimonies instead of written testimonies at all its public meetings.*

Moved by Sword; seconded by Tulafono.

Motion passed.

*Regarding the Regulatory Process, the Council requested NMFS to develop training workshops on the Agency's roles and regulatory processes to be provided throughout the Western Pacific Region.*

Moved by Sword; seconded by Tulafono.

Motion passed.

Tosatto asked for clarification on the recommendation.

Joshua DeMello, Council staff member, said the AP made the request to help in understanding the way NOAA and all of the different divisions, such as Protected Resources Division, relate to ESA, MMPA and other Acts that govern US fisheries.

*Regarding the Regulatory Process, the Council requested that NMFS and other fishery management agencies provide regular review of their fishing regulations to ensure their effectiveness, incorporate new information and provide for adaptive management of the resources. As an initial step, the Council requested the State of Hawai'i to consider reviewing the current minimum size for the sale of yellowfin tuna, at 3 pounds, as its first regulation for review.*

Moved by Sword; seconded by Tulafono.

Motion passed.

Tosatto said PIRO will commit to working with staff as far as the federal regulations go. He pointed out that Council action may be needed in amending the management plans.

*Regarding Fishery Development, the Council directed staff develop a mechanism in coordination with NMFS and the local governments to assist fishermen in the financing of fishing boats in the Western Pacific Region.*

Moved by Sword; seconded by Tulafono.

Motion passed.

Tosatto voiced support for joining the effort.

Duenas said he would appreciate Agency endorsement in making funds available in the Territories.

Simonds noted that some Congressmen proposed changes and she is waiting to hear the results of the proposals.

Seman asked if boat engines and gear are included in the recommendation.

Duenas said he preferred the recommendation be in the broadest context.

Tosatto said the current NMFS fishing financing program does fund significant upgrades and other items.

Sword asked if it would fund the licensing costs, such as for USCG requirements.

Duenas replied in the negative.

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

Keeaumoku Kapu, AP member from Maui, voiced appreciation for the opportunity the Council has provided to fishermen from the island jurisdictions to be able to get together to share customs and traditions on fishing practices. He gave a brief background of the Council Puwalu Series and the creation of the Aha Moku Council, which consists of 86 representatives from 12 mokus, and the opportunity provided to the indigenous communities to participate in the management of natural resources in the traditional system, which also gives opportunity for the younger generation to learn about it and practice it before the Aha Moku system is forgotten.

Saite Moliga, American Samoa AP member, said he does not think fishermen disturb the habitats for fish. He wondered why the federal government did not take action to stop runoff, sedimentation and pollution if it is so concerned with fish habitat. He said there is no development on the Manu`a Islands and the EFH–HAPC designations could cause loss of more fishing grounds that are vital to his family’s survival.

Watamura voiced appreciation for the opportunity provided to the AP members, such as the tour of the Fish Auction, visit to the MET Center at Sand Island, the trip to Mokauea Island and attendance at the Council meeting.

## **8. Protected Species**

### **A. North Pacific Humpback Whale Population in Alaska**

John Moran, from the Alaska Fisheries Science Center, presented the results of a study conducted on the impact of the humpback whale predation on Pacific herring populations in the Gulf of Alaska (GOA). The herring fishery brings in \$20 million into the Alaska small town economies annually. Herring is important to the ecosystem as one of only a few fish species that transfer energy from eating zooplankton-type creatures up the food chain to species such as halibut, salmon, rockfish, whales and sea lions. The herring in GOA consists of seven stocks not

fished, two stocks infrequently fished and seven stocks that are doing well. The historic harvest of herring centered near Southeast Alaska.

Moran reviewed the historic catch levels, commercial whaling in the North Pacific, the SPLASH study, problems in recovery of some herring stocks, the impacts of the increased humpback whale population on the recovery of herring stocks, little evidence of herring and whales competing for food, the cascade effects of the whales and management concerns.

### Discussion

Rice asked how much a whale eats in a day and whether the whales eat when they winter in Hawai`i.

Moran estimated whales eat about 0.4 tons a day, although this varies on the quality of food. Some people believe they do eat while in Hawai`i and others do not. He did not know if they eat in Hawai`i, but, if prey were available in Hawaiian waters, he did not see why they wouldn't eat.

Rice pointed out nehu and `opelu are like herring. He has heard reports of people seeing whales in Hawai`i acting the same way as they do when they feed in Alaska.

An audience member from American Samoa explained the humpback whales in American Samoa are seen in May and often have babies accompanying them, but when they arrive in October they do not have babies.

Moran said the whales come up from the Antarctic waters and down from the Arctic waters to give birth in warmer waters and to breed.

Leialoha asked if it is accurate to say the herring do not travel more than 100 miles away from their spawning and feeding grounds and if the current fishing quota is 20 percent of the estimated biomass.

Moran said that was a fair statement and the fishing quota is set at 20 percent of the biomass if the threshold biomass is reached.

Leialoha asked about the impacts to the fishing industry with the increase of humpback whales on the herring grounds and about the harvest season for herring.

Moran said the economics of the impacts is hard to determine. Some argue that the whale watch tours and tourism industry are worth more than the herring fishery. Harvest season varies. Spawning harvest in Sitka begins in late March, Prince William Sound a little later and as spring progresses the harvest moves north. A smaller bait fishery takes place in the winter, and there is also a sac roe fishery to harvest the eggs.

Rice asked if the whales do not eat their fill before leaving for Hawai`i would there be a potential for them to eat in Hawai`i.

Moran said some whales that do not migrate, which is difficult to verify. One whale presumably became impregnated while in Alaska. They also hear songs in Alaska. He reiterated that, if a whale saw food on its way to Hawai`i, he sees no reason why they would not eat.

## **B. Council Coordination Committee Jeopardy Panel Report**

Asuka Ishizaki, Council staff member, reported that, as part of the CCC meeting, a panel of guest speakers discussed jeopardy determinations under the ESA, to review the current state of ESA jeopardy determinations and consider solutions to improve scientific certainty for ESA policy determinations affecting fishery management. Four panel presentations included two case studies, endangered species, litigation realities and the role of science in making credible policy determinations. The issues touched on how the ESA consultation process is inconsistent across regions, litigation results in breakdown of communication, standards for ESA jeopardy determinations changed overtime as a result of litigations and lack of evaluation of protected species take against absolute abundance.

*The CCC recommended* the establishment of a working group of RFMCs, NMFS and MAFAC to make recommendations on policy and best practices to effectively and consistently integrate RFMCs in ESA Consultation process by a) integrating RFMCs and committees–advisory bodies and b) identifying mechanisms to consistently include Council consultation in negotiated settlements.

*The CCC recommended* that NMFS should strive for greater clarity in biological opinion by developing models to evaluate fishery impacts against the absolute protected species populations, providing better explanations of scientific certainty and uncertainty, and improving protected species stock assessments.

## **C. General Update on Endangered Species Act and Marine Mammal Protection Act Actions**

Lance Smith, PIRO Protected Resource Division (PRD), presented an update on the ongoing ESA actions:

- The monk seal critical habitat proposed rule came out June 2011. Public comments focused on the economic impact analysis and the scope of the proposed rule. The PRD is working on both of the issues. The final rule is due out Dec. 2, 2012.
- The Hawai`i insular FKW proposed listing as a DPS came out November 2010. The final listing decision is overdue and received a 60-day Notice of Intent to sue from the petitioner, NRDC. The lawsuit was filed February 2012.
- The 82 Coral Status Review was completed and released to the public in April. The public comment period is open until July 31. Seven of the 82 species are found in the Caribbean; 75 are found in the Pacific. The 12-month finding is due by stipulated agreement with the petitioners and with the approval of the court on Dec. 1, 2012.

- The 12-month finding of the Bumphead Parrotfish Status Review is overdue. It was due January 2011. A 60-day Notice of Intent to sue was received from the petitioner, Wildlife Guardians, in February 2012.
- The 12-month finding of the Scallop Hammerhead Sharks Status Review is being worked on and is due in August 2012.
- The 90-day finding on the Honu Delisting Petition is being worked on and is presently a month overdue.
- Regarding the loggerhead critical habitat, PRD is working on a Draft Proposed Critical Habitat Rule, which is currently overdue. A final listing rule for nine different DPS was published in September 2011.
- The Draft Report of the Humpback Whale Status Review is in peer review. The next step is to finalize the Status Review Report.
- The Great White Shark Petition on the Northeast Pacific population was received on June 25, 2012. PRD is working on a 90-day finding. It is due August 2012.

Smith then presented an update on the ongoing MMPA actions:

- The FKW Take Reduction Rule came out in October 2011. The final rule is overdue. PRD is working to have the final rule done by October 2012. A lawsuit was recently filed by Earthjustice.
- The 2011 Final Stock Assessment Report (SAR) was published May 2012 in the Federal Register and is available on the NOAA website. The Public Review Draft 2012 SARs are not available, but are being finalized and will be out soon. The four SARs that were revised for 2011 are the Hawaiian Monk Seal SAR and three SARs for FKW stocks found in the Western Pacific Region, the Hawai'i insular stock, Hawai'i pelagic stock and Palmyra stock. PIFSC put out a final report on pelagic FKW, which contains new population estimates that triples the estimate of the number of individuals in that stock.
- The 2013 List of Fisheries (LOF) is currently in preparation. Either a proposed 2013 LOF or a Notice of Continuing Effect will be published. A decision is expected by August 2012.
- The Guidance on the Assessment of Marine Mammal Stocks proposed policy came out in January 2012. A public comment period closed at the end of March. The comments are being reviewed. PRD is working on a final policy on how data older than eight years should be handled.
- A Draft Proposed Spinner Dolphin rule is being worked on, addressing the National Historic Preservation Act, Section 106. The next step includes the proposed rule being published.

- Dolphin SMART is a voluntary program where tour operators can be certified. PRD has been working with a variety of tour operators, mostly on O`ahu and Kaua`i, to get them certified. There are now four certified operators.

### Discussion

Rice asked how the new numbers for the population of the FKW stocks affect the MHI FKW stock in relation to the ESA proposed listing.

Smith did not know the answer to the question, but the information is under consideration.

Rice voiced concern over the confusion for the diverse number of animals being cited over the last 20 years and the use of the different surveys with such varying results between 400 and 150 animals. If there are only 150 animals left, where did the other 300 animals go without any reports of carcasses? He considers the record of 400 FKW seen at one time as misidentification.

Duenas asked for clarification as to the Humpback Delisting Petition.

Smith said a Status Review can be undertaken whenever the Agency thinks it is appropriate. If the protected species appears to be on the road to recovery, it is a good time to do a Status Review to determine whether or not the status has changed.

Martin asked, in relation to the FKW proposed listing, given the new abundance sets and the significant change in populations, whether the new information can still be incorporated into the decision.

Smith said the Administrative Report that PIFSC just came out with has a new population estimate for Pelagic FKWs, not for Insular FKWs, which are being considered for listing. The PRD is in the middle of a decision-making process to be based on best available information, and the information needs to be considered.

Roberts asked if the Honu Delisting Petition is in relation to green sea turtles only.

Smith replied in the affirmative.

### **D. Status Review Report and Management Report of 82 Candidate Coral Species Petitioned under the Endangered Species Act**

Smith provided an overview of the Coral Status Review Report and Management Report. On Monday evening a public listening session was held. Information was provided on this petition and the petition response. In October 2009 the petition was received from CBD to list 83 reef-building coral species, eight of them in the Caribbean and 75 in the Indo-Pacific. A 90-day finding was done, which resulted in a substantial finding for 82 of the 83 species. A public comment period was held. The Agency received 450 comments, mostly from the Caribbean. A status review was conducted for all 82 species of corals. Because there are 82 species, there will be 82 decisions.

The status review reports have been made available for public review. The PRD is soliciting comments on any of the 82 species between now and July 31. A 12-month finding is due December 1 by stipulated agreement with the petitioner, CBD.

Two reports were made available to the public: a biological report and a management report. The biological report makes up the bulk of the information available. Smith noted any additional information on the status of the species is especially requested.

PIFSC led the Coral Status Review effort. They established a BRT comprised of seven federal scientists. The report was peer reviewed by the Center for Independent Experts. The draft was revised based on peer review. The report looks at the status and trends of 82 species and provides an Extinction Risk Analysis.

The Council's SSC also put together a subcommittee to review the Coral Status Review Report and will be providing comment, especially on the Extinction Risk Analysis methodology.

Conclusions of the Status Review Report include a) comprehensive summary and extinction risk assessment of 82 species of corals; b) identification of a broad range of potential threats with ocean warming, coral disease and ocean acidification posing the greatest extinction risk; c) higher risk species, restricted geographic ranges, low population sizes and/or extreme vulnerabilities to threats; and d) lower risk species, wide geographic/habitat distributions, tolerance to marginal environmental conditions and/or known tolerance of threats.

A Draft Management Report is available. Public comment period is open until July 31. Listening sessions will be held in Hawai'i and Florida.

### Discussion

Rice asked how many corals are in the Western Pacific Region.

Smith replied that 75 corals are found in the Western Pacific Region.

Duenas expressed concern for the impacts the Pacific island communities. They are dependent on their coral reef for gathering food and for tourism, which drives many island economies. The islanders will suffer due to circumstances beyond their control, like ocean acidification and climate warming. He said there is no science available to support such a decision, and there is no action taken to stop the degradation from obvious threats such as runoff, pollution and sedimentation.

Tulafono agreed with Duenas' comments. In American Samoa the taking of coral has been banned for 20 years. If the corals are determined to be threatened or endangered it will have such a negative impact on people's livelihood, especially subsistence fishing. He asked that as they go forward with the review to be mindful of the people of the Pacific islands who will be affected by this proposed action. He asked Smith about the upcoming public meetings in American Samoa for the proposed action, since the deadline for comments is July 30.

Smith said he would like to hold the public meetings before the close of the comment period, but the budget does not permit it. He is planning an ESA coordination meeting with

Tulafono and DMWR staff in August. Currently, no public meetings are planned for August in American Samoa. He said, if Tulafono wants public meetings to be held in American Samoa, to request that to happen. If the comments come in late, they would try to deal with that situation, but before July 31 would be preferable.

Tulafono said the public meetings are needed for the American Samoa people on this issue. He suggested WebEx so the people have a chance to understand the upcoming actions.

Tosatto said there is a Final Scientific Report and a Draft Management Report. The Agency is asking the public for information on their views on the reports. There is no action on the proposal to list at this time. If the decision is made to list any of the species, there will be opportunities for public comment. Reports are being published every day. The decisions will be based on the best available information.

Palacios asked Smith if the recent public listening sessions in the Mariana Islands generated helpful information for NOAA.

Smith replied in the affirmative. On the management side, there was information on regulatory mechanisms that had not been characterized correctly.

Palacios said he thought that the listening session was valuable, and, regardless which way the decision goes, the community will be engaged. He expressed appreciation for the Agency's patience in listening to the community's comments. He spoke in support of Tulafono's request to gather data in American Samoa.

Seman asked if there was any way to offer protection to the 82 corals short of being listed under ESA. He pointed out the logistical nightmare it could cause for the local regulatory agencies in their efforts to enforce an ESA listing of 82 species of corals. He asked about the time frame for putting together the management regime for such a listing and recovery plan.

Tosatto said the Agency has to respond to the petition or it will be legally liable. One key is looking at the protections already in place, which is what the Draft Management Report provides. Because corals are an invertebrate they have some special status as a species and there are some limitations within the ESA. He asked the government representatives to ensure their management regimes were characterized correctly. During the process, alternatives will be considered for protecting these species against threats.

Duenas pointed out that 95 percent of the corals in Guam are remote and have little human impact. The cumulative impacts by the military and the coral species throughout their range of distribution should be considered.

#### **E. Value of Marker Bigeye Tuna in Relations to the Proposed False Killer Whale Management Measure**

Chris Boggs, NMFS PIFSC, presented an update to a study of the Hawai'i Marine Dealer Data from 2005 to 2009, which was conducted to illustrate seasonal variability in bigeye tuna size from the Hawai'i-based deepset longline fishery. This study was a followup study to the weak circle hook field trials conducted from October to December 2010 as recommended by the



Draft TRP to reduce interactions with FKWs. The purpose was to expand on the field trials with regard to bigeye tuna size data to portray the percentage in number and economic revenue of marker fish landed, estimate the percentage of economic loss to the fishery based on bigeye weight categories and assumptions on reduced catch rates reflecting differences in hook escapement among hook types, and provide cumulative distribution functions of bigeye weight to compare fish caught in the longline trials with historical landings.

Boggs displayed the types of hooks used in the field trial experiment. The overall result was no significant difference between the control and weak hook. The Take Reduction Team had concerns with the results because the research was not conducted when the bigeye tuna are at their maximum weight. The Take Reduction Team wanted to know what the pattern of seasonality is, the sizes of the fish, and what kind of impacts might exist if the experiment had been conducted when fish were bigger. It also wanted to know if there was some kind of unknown negative effect on longline fishery performance.

The conclusions included a) annual revenue of bigeye tuna sold, derived from Hawai`i Marine Dealer data, averaged \$38.9 million from 2005 to 2009, with a range of \$32.4 to \$48.2 million; b) the marker fish, bigger fish, are important and make up about 63 percent of the revenue; c) the month of May is the best month for catch of marker fish in terms of percentage; and d) an estimation of economic loss might be in the fish if the larger marker fish, or any size of fish, tended to get off the weaker hooks.

## **F. Advisory Group Recommendations**

### **1. Joint Advisory Panel Meeting Report and Recommendations**

Watumura reported the recommendations of the Joint AP as follows:

*Regarding Protected Species*, the AP recommends the Council oppose the listing of the 82 species of coral under the ESA because the scientific data presented is limited and insufficient to support the listing. The proposed measure directly affects the people of the Western Pacific who are dependent upon coral reef resources for cultural, social and economic purposes.

*Regarding Sea Turtles*, the AP recommends the Council to

- Request NOAA, in concert with local agencies, to conduct scientific study and data collections regarding the population and habitat activities of the green sea turtle found occurring in the Western Pacific. The AP supports the current efforts for delisting of the Hawaiian green sea turtle from the ESA.
- Request PIRO to restore funding for the local turtle research program to its original level consistent with last year's budget.

*Regarding Humpback Whales*, the AP commends NOAA in its work in recovering the humpback whale population and supports the delisting of this species from the ESA in the near future.

## 2. **Hawai`i Regional Ecosystem Advisory Committee Report and Recommendations**

Ishizaki reported the recommendations of the Hawai`i Regional Ecosystem Advisory Committee (REAC) as follows:

*Regarding the North Pacific Humpback Whale*, the REAC recommends that NMFS or an appropriate research organization evaluates the level of feeding activity by humpback whales around the MHI, the species and volume of fish being consumed and whether this feeding activity has the potential to impact any of Hawai`i's domestic fisheries. The REAC noted that there is reliable anecdotal evidence to suggest that some of the humpback whales that migrate into Hawai`i's waters may be feeding on coastal fish stocks. The REAC had heard reports on the recovery of the North Pacific humpback whale populations. It understood that the SPLASH Program updates the analysis of North Pacific humpback stock structure and population abundance and that increasing humpback whale abundance will lead to impacts to coastal marine ecosystems, especially fishery interactions and fish stocks.

*Regarding marine mammal protection and the MMPA*, the REAC recommends that NMFS and undertake an education and outreach program on this topic for Hawai`i commercial and noncommercial fishermen, the public and agencies.

*Regarding Protected Species Discussions during REAC Meetings*, the REAC requests the presence of appropriate individuals from PIRO Office of Protected Resources who can explain the technical issues arising from these statutes and respond to questions in order for the REAC to formulate recommendations.

*Regarding Corals*, the REAC recommends the following:

- NMFS evaluate the impact of nonpoint source pollution on coral reefs, such as heavy metals from tires and other sources.
- PIRO Office of Protected Resources evaluate the issue of taxonomic uncertainty of corals included the ESA listing petition.
- DLNR and NMFS conduct education and outreach to groups conducting tours in Kane`ohe Bay that impact coral reef resources and provide information on the recovery rates of corals damaged by reef walking.
- NMFS consider the increased cost and administrative burden for permitting activities, as seen in Florida's coastal zone as a result of that ESA listing of corals in the Southeast United States. The REAC noted the potential impacts from ESA coral listing to activities such as storm water discharge.

*Regarding ESA and MMPA Impacts*, the REAC recommends that the Council draft a letter to Congress to ask for a review of the ESA and MMPA with respect to their impacts on fisheries and other ocean users. These statutes were established in the 1970s, and the original intent of the statutes may be resulting in unintended consequences.

*Regarding Green Sea Turtle*, the REAC recommends that the State of Hawai`i begin drafting a Green Sea Turtle Management Plan and work with interested communities and countries that have advanced planning efforts on their own, such as Moloka`i and the Federated States of Micronesia. In considering management plan issues, management and enforcement should be discussed with communities on the Aha Moku ahupua`a level.

*Regarding Protected Species*, the REAC noted that the Council and NMFS would benefit from additional traditional and community knowledge of protected species and fish populations, local behavior and ecology, and ways that fishermen interact with these populations at a local level.

### **3. Sea Turtle Advisory Committee Report and Recommendations**

Ishizaki reported on the Sea Turtle Advisory Committee (STAC) meeting held in May 2012. Topics included review of the 2011 STAC recommendations and 2011 sea turtle projects, an update of sea turtle interactions in the Hawai`i-based longline fisheries, an overview of agency activities, the outcomes for the 2012 Request for Proposals (RFP), and other projects and issues of interest were discussed over the two-day meeting.

Ishizaki reported the STAC recommendations as follows:

*Regarding offsets*, the STAC recommends that the Council convene a Bellagio-style workshop to address issues relating to ecological offsets.

*Regarding the Sea Turtle Request for Proposals Process*, the STAC recommends that the Council review the efficacy of the RFP process and consider the options for soliciting projects where appropriate.

*Regarding Future Project Priorities*, the STAC recommends that Council staff finalize the priority list for future sea turtle projects as developed at this meeting and coordinate with agency and nonagency partners to develop project recommendations for future projects starting in 2012.

*Regarding the Next Meeting*, the STAC recommends that the Council convene the 9th STAC meeting in Kobe, Japan, as suggested by STAC member Naoki Kamezaki.

#### Discussion

Duenas asked for clarification as to the status of offsets being put into practice.

Ishizaki noted recently published research on conservation banking, which is similar to offsets. Certain parts of the conservation community are interested in looking into offsets. Also, a sea turtle group in Baja California, Mexico, is starting to work on the topic of conservation offsets in terms of trading bycatch mitigation with other fisheries. Although this interest continues, the challenge will be development of a policy for use of offsets.

Duenas asked about the use of offsets in ESA jeopardy determinations or modeling efforts. He voiced concern about the impact of the reduction in funds to the Council’s conservation projects.

Ishizaki said multiple levels of impacts came from the funding reduction. For example, components of some projects were terminated and community buy-in to participate in the conservation projects was lost.

Martin commended the staff for the continuation of the sea turtle conservation work and noted the 15 years of effort has been beneficial to sea turtle populations. He supported seeking new sources of funding to keep the efforts going.

### **G. Scientific and Statistical Committee Recommendations**

Daxboeck reported the SSC recommendation as follows:

*Regarding the New Assessment of the Hawaiian FKW Abundance*, the SSC recommends that the Council request that this information be considered in the final listing decision by NMFS PRD.

Daxboeck also reported further guidance from the SSC as follows:

*Regarding the Status Review of the 82 Candidate Coral Species*, the SSC suggested that the Report include the CV for each of the seven experts used to assess extinction risk of the 82 candidate coral species. The SSC acknowledged the comprehensiveness of the report but queried whether listing the species would be of any benefit to the conservation or protection of the corals. The SSC noted that climate change is the primary global threat to corals and ESA listing of these species may have significant impacts on fisheries management without a conservation benefit to corals. The assessment ranked threats from fisheries as relatively minor.

*Regarding the Marker Bigeye Tuna and Weak Hooks Study*, the SSC suggested conducting a similar experiment in the summer season when marker fish landings are high.

### **H. Public Comment**

Watamura commented on the 82 candidate coral species petitioned for ESA listing. AP members stressed that corals in Guam, CNMI and American Samoa are thriving. If corals are suffering in other parts of the world, future restrictions should be localized. He referred to published research reporting that corals are adapting to ocean acidification and rise in temperatures, such as in American Samoa. He also noted research illustrating corals are adapting to acidification by use of a molecular pump to regulate internal acid balance, as well as results showing a relationship between symbiotic algae to counterbalance the effect of acidification. The Status Review cited a correlation between densely populated areas and coral destruction. American Samoa, Guam and CNMI are not heavily populated. He objected to the way fishermen are the only viable target to blame for the coral damage. He suggested putting funding into research to study corals that are adapting to the changes in climate and ocean acidification.

Moliga voiced concern that the federal agencies traveling to American Samoa to conduct research seemingly care more about protecting the coral than the effect that decisions made thousands of miles away by people who have never been to American Samoa will have to his family. He and his ancestors have practiced conservation for thousands of years, and feels he knows what is best for his family. The federal government has said sand cannot be taken from the beach, corals cannot be taken from the water and now are closing their fishing grounds from which they gather their food. He reiterated his request for the powers to be to consider the effects their decisions have on the people of American Samoa. Moliga noted that he was a US Veteran and currently has four children serving in the US Armed Forces.

Morioka voiced appreciation for the PRD's efforts to share information with communities regarding the species that are utilized by the residents. He noted that now is the time for the mandates of ESA and MMPA to be reviewed and updated.

Kapu voiced concern about the numerous overdue petitions, the number of petitions and the petitions that seem to contradict each other (such as the parrotfish and coral petitions). He noted that the honu delisting gets less attention than the petitions for listing. He suggested selective management is being practiced. He found it odd that scientific data was being requested from the public. He requested the traditions of the indigenous people be taken into consideration when making the findings on the petitions.

Henry Lau, Hawai'i fisherman, chair of Hawai'i FEP AP and concerned citizen, asked that the decision-making process take into consideration the impacts to the people of the island areas. Listing the 82 candidate coral species will have a huge impact on fishing, which islanders rely on for food, as well as tourism, which they rely on for their island economies.

Nonu Tuisamoa, American Samoa fisherman and AP member, spoke to the process involving community outreach. He recommended that information on their resources should be first shared with them. He noted that they have a right to know and understand the impacts of the decision-making that is going on.

Lino Olopai, CNMI fisherman and AP member, said it is time to protect islanders' last resource of food. Some groups look at things as an economic gain. Pacific Islanders still rely on the environment for survival. He asked if the information that is shared with the communities at the agency's outreach meetings could be kept simple with the use of ordinary English language and technical terms kept to a minimum. In the traditional ways of island living, land cannot be separated from the ocean. He asked, how can we work together to protect our ocean when we cannot communicate with each other or respect one another? He asked the Council to petition the federal government to return the ancestral land to the people of CNMI so the natural resources can be managed according to the traditional way of life.

Ray Mafnas, fisherman and CNMI Pelagic FEP AP member, voiced appreciation for the opportunity the Council provides to present issues and concerns. He noted the importance the ocean has to the island communities. He noted he is Chamorro and an American veteran. He voiced concern for the economic and social impacts the listing of the 82 candidate coral species will bring upon them. He asked that the process be evaluated, that it include the communities, and that the means and methods used to gather information by direct observation be viewed as

empirical and acceptable to the scientific community. He added, if pushed, they may begin to seek semi-independent political status in order for them to secure their lands and oceans.

Kitara Vaiau, chair of American Samoa FEP AP, said when he used to work for DMWR he escorted the NOAA scientists on their research. It was apparent they were not familiar with the environment of the ocean in American Samoa. He recommended more extensive use of the local biologists. He noted David Itano would be a good person to utilize.

Michael Goto, representing the Hawaii Longline Association (HLA), noted the Hawai`i longline industry is pleased that NMFS conducted a new survey in the EEZ around Hawai`I and has released a report updating its pelagic FKW population estimate based upon that survey. However, NMFS' report comes over one and a half years after the survey was completed. In the meantime, NMFS has issued a proposed rule implementing substantial FKW reduction measures of its 2011 SAR, both of which are based on the outdated and incorrect population estimate. The Hawai`i longline fisheries were substantially and negatively affected by NMFS' delay and its election to base important regulatory decisions on an incorrect population estimate in the face of data that the Agency had. The industry requests that NMFS fully consider and take into account all of the available data and information included in the recent report documenting the new pelagic FKW estimate in its rule-making process for the FKW and reduction measures and the issuance of its Draft 2012 SAR. He noted the Hawai`i deepset fishery, which has been operating at this time, does not take pelagic FKWs at a rate that is even remotely unsustainable.

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

***Regarding Humpback Whales, the Council recommended that the SPLASH Program update the analysis of North Pacific humpback stock structure and population abundance using available genetic samples.***

*Moved by Leialoha; seconded by Rice.*

*Motion passed.*

***Regarding Humpback Whales, the Council requests NMFS or appropriate research organization evaluate the level of feeding activity by humpback whales around the MHI, the species and volume of fish being consumed and if this feeding activity has the potential to impact any of Hawai`i's domestic fisheries. The Council understands that increasing humpback whale abundance may lead to impacts to costal marine ecosystems, especially fishery interactions and fish stocks.***

*Moved by Leialoha; seconded by Sword.*

*Motion passed, with abstention by Tosatto.*

***Regarding Humpback Whales, the Council commends NMFS in its work in recovering the North Pacific humpback whale population and recommends the delisting of the species from the ESA in the near future.***

*Moved by Leialoha; seconded by Sword.*

*Motion passed, with abstention by Tosatto and Leialoha.*

Tosatto noted his intention to abstain, but appreciates the commendation included in the recommendation.

***Regarding False Killer Whales, the Council requests that NMFS convene a meeting of the FKW Take Reduction Team as soon as the Draft 2012 SARs are published to revisit management measures considered under the Proposed TRP, considering the new abundance estimate for the pelagic stock that is now three times greater than perviously estimated. Specifically, the Take Reduction Team should discuss whether the Southern Exclusion Zone closure measure is necessary in achieving the goals of the TRP, given the higher potential biological removal (PBR).***

*Moved by Leialoha; seconded by Tulafono.*  
*Motion passed.*

Martin spoke in favor of the motion. He noted the significant changes to the background information would warrant a review by the Take Reduction Team of the measures agreed to in the past.

Tosatto spoke in support of a review. He would review whether a meeting needed to be convened or not. He said the Agency is awaiting the outcome of what the PBR will be set at, as well as consideration of take now and over the last couple of years. The goal is to drive the take down to a minimum level.

Martin asked what drives the decision as to whether to reconvene the Take Reduction Team, and, if a meeting is not reconvened, what level of participation the Council and/or industry may have in the reevaluation

***Regarding the 82 Candidate Coral Species petitioned under the ESA, the Council directed staff to send a letter to NMFS in response to the ongoing public comment period and include the following:***

- A. NMFS evaluate impacts of nonpoint source pollution on coral reefs, such as heavy metals from tires and other sources.**
- B. NMFS evaluate the issue of taxonomic uncertainty of corals included in the ESA listing petition.**
- C. NMFS consider increased cost and administrative burden for permitting activities, as seen in Florida’s coastal zone as a result of that ESA listing of corals in the southeast United States.**
- D. It is misleading to create precise numerical risk values from qualitative categories for the extinction risk evaluation methodology employed in the BRT Report, as it creates a false impression of precision in the decision-making.**
- E. NMFS attach CVs of each of the members to the BRT report, as membership heavily influences the extinction risk evaluation.**

- F. **The BRT report is limited in its scientific data and greatly insufficient to support ESA listing of most petitioned species.**
- G. **The Council notes that climate change is the primary global threat to corals and ESA listing will have no benefits to the conservation or protection of these coral species. By contrast, the assessment ranked threats from fisheries as relatively minor, but ESA listing of these species will have significant impacts on fisheries management without any corresponding conservation benefit to corals.**
- H. **Local and federal regulations already provide the maximum protection to corals through prohibitions on coral harvest, harvest of live rock and extensive areas of coral reef that are closed to fishing.**

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

Tosatto said he will place a vote of abstention. If not for his position, he would vote to oppose as Item C (the cost of the administrative burden) is not an item the Agency would consider in determining whether the listing is warranted or not.

Leialoha agreed with Tosatto and asked about the request for each BRT member's CV.

Daxboeck said the reason is to have information on the relevant background and experience of the seven BRT members.

Sword agreed with the request for information of BRT members' qualifications.

Leialoha said she would vote in support if Item C were removed. She said Item C would be more appropriate as part of the actual listing process, not during the review process.

Duenas said this item would be part of the management regime, not the review process.

Tosatto said he cannot consider the administrative cost or burden when considering extinction risk.

Simonds said it would be something to consider if the corals are listed and it was included in the management plans.

Tosatto said it is a required consideration under ESA and is outside the scope of a listing consideration under the ESA.

Ishizaki said this item came from a Hawai'i REAC recommendation. The recommendation was the result of comments from Sam Rauch regarding the ESA listing of corals found in Florida has not led to obvious impacts of people getting arrested for standing on coral. Negative impacts from potential listing of corals were not explicitly discussed by Sam Rauch. Following that meeting, at the Hawai'i REAC, Smith stated that there were increased administrative costs and burdens as a result of the Florida coral listings.



Duenas said the recommendation is from the Plan Team, which is composed of biologists who have an obvious concern.

Leialoha agreed to leave it and will state on the record her affirmative vote with reservations to Item C.

**Regarding Corals, the Council recommended that DLNR and NMFS conduct education and outreach to groups conducting tours in Kane`ohe Bay that impact coral reef resources. Further, the Council requests that PIFSC provide information on the recovery rates of corals damaged by reef walking.**

Moved by Leialoha; seconded by Tulafono.

Motion passed.

**Regarding Green Turtles, the Council recommended that the State of Hawai`i begin drafting a green sea turtle management plan and work with interested communities and countries that have advanced planning efforts on their own, such as Moloka`i and the Federated States of Micronesia. In considering management plan issues, management and enforcement should be discussed with communities on the Aha Moku ahupua`a level.**

Moved by Leialoha; seconded by Tulafono.

Motion passed.

**Regarding Green Turtles, the Council requested NMFS, in collaboration with local agencies and the Secretariat of the Pacific Regional Environment Programme (SPREP), to conduct scientific studies and data collection regarding the population and habitat activities of the green sea turtle found occurring in the Mariana archipelago, American Samoa archipelago and the wider Western Pacific.**

Moved by Leialoha, seconded by Tulafono.

Motion passed.

Duenas asked to include American Samoa because it is a SPREP project and SPREP is all inclusive. There was no objection from the maker or the second.

**Regarding Territorial Sea Turtle Programs, the Council requested PIRO restore funding for the local turtle research programs to its original level consistent with last year's budget.**

Moved by Leialoha; seconded by Palacios.

Motion passed.

Tosatto spoke in support of the recommendation in spirit, adding that he is working with the Territories to get to the right level.

Duenas spoke in favor of the motion and the possible allowance for a cultural take of the green sea turtle in Hawai`i.

**Regarding Marine Mammal Protection Act, the Council requested NMFS, in collaboration with the Council and local governments, to develop and undertake an education and outreach program for Hawai'i, American Samoa, CNMI and Guam commercial and noncommercial fishermen, the public and agencies related to marine mammal protection, the ESA and MMPA.**

Moved by Leialoha; seconded by Rice.

Motion passed.

Rice noted the importance of the recommendation for commercial and noncommercial fishermen who need to be more educated on the MMPA and the impacts it can have on them.

Oishi suggested the addition of the ESA to the recommendation.

Tulafono voiced agreement with Oishi and asked that American Samoa also be included.

Duenas suggested including all jurisdictions to the recommendation and collaboration with the four island governments. There were no objections to the addition.

**Regarding the ESA and MMPA, the Council directed staff to draft a letter to Congress to ask for a review of the ESA and MMPA with respect to their impacts on fisheries and other ocean users. These statutes were established in the 1970s, and the original intent of the statutes may be resulting in unintended consequences.**

Moved by Leialoha; seconded by Rice.

Motion passed, with abstention by Tosatto.

**Regarding the STAC, the Council endorsed the STAC's recommendations as follows:**

- A. Direct staff, in collaboration with appropriate partners, to convene a workshop to address issues relating to ecological offsets.**
- B. Direct staff to review the efficacy of the Sea Turtle RFP process and consider options for soliciting projects, where appropriate.**
- C. Direct staff to finalize the priority list for future Sea Turtle Projects as developed at this meeting, and coordinate with Agency and nonagency partners to develop project recommendations for future projects starting in 2013 and the Agency to provide sufficient funding to implement these projects.**
- D. Convene the 9th STAC meeting in Kobe, Japan.**

Moved by Leialoha; seconded by Tulafono.

Motion passed.

Tosatto noted PIRO staff would welcome membership and requested to include Headquarters and GC on Item A if considering the framework to the use of ecological offsets and conservation banking. He asked PIRO be involved with the policy/legal side of the workshop.

Simonds noted the STAC chair is developing a proposal and will share with PIRO.

Duenas supported including the Agency so the policy issue can be addressed. He asked to include a sentence about seeking funding or support from the Agency or an NGO.

Tosatto suggested including a clause such as “including potential funding sources or finding additional funding.”

Simonds asked if Section funding is a separate line item.

Tosatto replied in the affirmative and noted it is a wavering amount of money. Congress now has a different view than the Service on the best use of Section 6 funds. To manage a Section 6 Program, the Service needs funding. Going into the future, all lines are restricted. Section 6 funds to the Region are helpful in that they help fund ESA programs within the State and Territories. The problem is right now only the State of Hawai`i is getting Section 6 funds, so the Agency relies on species-specific funding lines to support ESA programs for a particular species.

Duenas asked that Tosatto’s clause be added to Item C. There was no objection from the maker or the second.

## **9. American Samoa Archipelago**

### **A. Motu Lipoti**

Tulafono reported on the items of Council interest contained in the Island Report document. The MPA assistant program lead was assigned to replace Lucy Wiles until a permanent replacement is found. The chief fisheries biologist and staff of the program are working closely to meet the program objectives until the end of the fiscal year. The supervisor of the FAD Program resigned and a technician from the Fisheries Division has been appointed to take over the position.

Tulafono said he had requested assistance from the Secretariat of the Pacific Community (SPC) to hold a workshop in American Samoa on the design, fabrication and deployment of FADs. The SPC sent a FAD expert, William Sokimi, to assist in the week-long workshop, which was held in April. Two FADs were fabricated and deployed during the workshop the week prior to the Ia Lapoa Fishing tournament in American Samoa. They were reported to very productive.

The Community-based Fishery Management Program (CFMP) was extended to include the village of Ta`u in the Manu`a Islands. Staff is developing the draft FMP for the village and finalizing the design and questionnaire for the CFMP socioeconomic assessment to be conducted by the end of the fiscal year, with assistance provided by Dr. Arielle Levine from NOAA. The survey will be used as the standard socioeconomic assessment design to be conducted every three to five years.

Four technicians and the chief fisheries biologist recently completed a fish taxonomy workshop in Hawai`i at the Bishop Museum. Staff also participated in a workshop held by PIRO on Socioeconomic Assessment and Monitoring for MPA and Watershed Management.

The Samoan Studies Institute of the community college completed a draft report and DVD documentary of the trip to Rose and interviews conducted in all of the islands of Manu`a regarding Rose Atoll. The materials will be presented to the people of Manu`a. Tulafono looks forward to their feedback on the documentary.

Sword reported the Ia Lapoa International Gamefish Tournament held in May was a great success, with entry of 11 boats from New Zealand, two from Samoa and five local boats. Participants caught over 2,500 pounds of fish in three and a half days. Sword appreciated the help provided by DMWR in getting two FADs out in time for the fishermen and in having temporary berthing available to accommodate the participants. The tournament brought 140 visitors to the island.

## **B. Fono Report**

Tulafono said the members of the legislature are looking forward to the hiring of employees when the cannery operations begin, hopefully at the end of the year. TriMarine is currently unloading and providing cold storage service to the American Samoa-based fleet, as well as purchasing, processing and exporting high-quality tuna and other fresh fish to Japan and US premium-quality fish markets.

Fono members are divided on the issue of the Sanctuary expansion proposal with a majority expressing a strong opposition.

It is election year in American Samoa. So far two former Council members are running for office, one for the House of Representatives and another for the Office of the Governor.

## Discussion

Simonds asked for the names of the Council members running for office.

Tulafono said Henry Sesepasara is running for the House of Representatives, and Faoa Sunia is running for governor.

Sword added that since the tsunami StarKist has gone from 600 to 2,100 employees. There is concern with any increase in the minimum wage.

## **C. Enforcement Report**

Tulafono referred the Council members to the enforcement report in the briefing book.

## **D. Community Activities and Issues**

Fini Aitaoto, Council on-site coordinator in American Samoa, highlighted the community activities since the last Council meeting in March 2012. A contract to build TriMarine's 500-ton capacity cold storage facility was signed. Construction is expected to begin soon. The facility will enable fish to be unloaded, sorted, stored and processed.

Fifteen coral surveys and one archeological survey were conducted during a trip to Rose Atoll by employees of the USFWS, National Park Service and the local Historical Preservation Office. The surveys are in response to the 1993 shipwreck of a Taiwanese longliner. Scientists completed the first-ever archeological survey of Rose Atoll during this trip. The team confirmed the discovery of some rocks and flakes, which is evidence that stone tools were made on the island. Records indicate a family was relocated to Rose Atoll by the Germans in the early 1860s.

The EIS was released on June 22 for the Sanctuary expansion proposal before a Congressional review requested by the Fono could be conducted.

The Trial Court has denied the government's motion to dismiss a lawsuit filed by two companies that were unhappy with the government's move to dismantle a fishing vessel that was beached at Malaloa following a 2009 earthquake and tsunami.

A study on corals off of Ofu Island in the Manu`a Islands indicates the coral species are growing faster than the same species elsewhere in the world despite warm temperatures. The results of the study could help scientists find ways to protect these and other corals.

More than 20 local fishermen have completed a two-week training for US masters operating in the American Samoa longline fishery.

The Department of Public Works (DPW) plans to deliver a boat to the Manu`a Islands.

The US DOI has asked the local government to provide a revised scope of work, a NEPA review assessment and an EIS for the expansion and reconstruction of the main service dock in Fagatogo, which includes the proposed StarKist cold storage facility, before \$7 million in funding is awarded to the Territory.

Two DMWR FADs were deployed on May 4 with the help of SPC, one near Aunu`u and another for the village of Vaitogi.

## Discussion

Sword asked for clarification as to the status of the EIS for the cold storage facility, which was requested at the last Council meeting.

Kingma said communication indicates that the construction of a new cold storage facility would require a local permitting approval and process, which would entail an environmental review of the establishment of the cold storage. It is being developed.

Simonds asked if people of American Samoa are opposed to the cold storage facility.

Sword replied in the affirmative, for reasons such as congestion in traffic, pollution and lack of adequate space for boat traffic. He suggested it would be better served if it were placed where it was located before.

Tulafono noted the proposal is being reviewed by the government agencies. It will probably take a couple of months to complete the review.

## 1. Update on Community Fisheries Development

Faasili presented an update on the fisheries development projects conducted in American Samoa since last reported at the 2012 Council meeting. The projects in Tutuila consist of the construction of boat ramps at Lyons and Faga`alu Parks and the renovation of the fish market, which is pending. The projects in Manu`a consist of development of fuel storage facilities and an ice-making facility for use by fishermen, construction of facility shelters on Ta`u and Ofu, and the establishment of fishermen cooperatives.

The Lyon`s Park Boat Ramp is completed, with funding provided by the Council in partnership with DMWR, DPW (which provided an engineer) and Department of Parks and Recreation, which provided the land.

The Faga`alu boat ramp is also completed with funding provided by the Council in partnership with the same three local agencies.

The renovation of the fish market has been suspended while a problem with the removal or relocation of some of the existing structures are addressed and resolved.

In Manu`a, the development of the fuel storage facilities is awaiting logistical information from the Manua fishermen, which is necessary for the development of the design for the fuel tanks. Faasili thanked Sword for his contribution in helping with the negotiations with the manufacturers of the fuel tanks. The four fuel tanks are in storage and ready for shipment to Manu`a to be installed. The ice-making machines are sitting in Manu`a ready for installation. A local company (Forest, Inc.) was contracted to install the ice-making machine in Manu`a. The construction of the shelters to house the fuel tanks and the ice-making machines has been completed in Ta`u and Ofu.

Manu`a fishermen decided to have two fishermen`s cooperatives: one on Ta`u, the Tai Samasama Fishermens CoOp, and one on Ofu, the Falelauaunuu Fishermen`s Cooperative. A workshop was held to ensure the provisions within the articles of incorporation were understood by the fishermen. The articles were signed in November 2011 and approved in January 2012. The bylaws have been completed and are awaiting the signatures of the directors of both CoOps to become effective.

### Discussion

Duenas congratulated Faasili for work well done.

Simonds asked how the task of collecting data from the fishermen will be accomplished.

Tulafono said managers will be hired, one in Ta`u and one in Ofu, who will sign an agreement that each CoOp will provide data from the fishermen.

Tosatto congratulated Faasili. He plans to send the report to NMFS Leadership to illustrate what can be accomplished when the Territory government works in cooperation with communities and how the Council contributed to the meaningful work. He noted no one outside

of the Western Pacific Region understands the Sustainable Fisheries Fund and the meaningful work it accomplishes.

**E. American Samoa Marine Conservation Plan (Action Item)**

Aitaoto reported that DMWR has reviewed and revised the MCP. It has been submitted and reviewed by Council staff. The document is awaiting the signature of the governor at which time the MCP will be officially submitted.

Discussion

Tulafono asked for clarification as to whether Council endorsement is needed.

Simonds suggested the Council should review the MCP and can agree to it in the interim while waiting for the governor’s signature. She asked for clarification as to what, if any, difference there is between the MCP waiting for signature and the previous MCP.

Tulafono said the new MCP has additional projects but the same objectives.

**F. Education and Outreach Initiatives**

Aitaoto reported that the Council continues to provide local students with printed education material. The winner of the photo-essay contest will showcase her entry at the Washington, DC, First Stewards Symposium on climate change in July. The High School Summer Program, funded by the Council, just ended. Students requested for the program to continue.

Discussion

Tulafono voiced support for the continuation of the high school summer program.

**G. Advisory Panel Recommendations**

Watamura reported the AP recommendations as follows:

*Regarding FADs*, the AP recommends the Council work with DMWR to identify new funding sources or existing funding sources, such as the Council’s Community FAD Program, to fund and deploy more FADs.

*Regarding ACLs*, the AP requests the Council provide the American Samoa community with the details and updates regarding ACLs during its family meeting so that the community can provide their local perspective on this issue.

*Regarding recreational and subsistence fisheries data*, the AP recommends the Council request NMFS to improve the collection of this data in American Samoa and consider the use of incentive programs.

## **H. Scientific and Stastical Committee Recommendations**

Daxboeck presented the SSC recommendations as follows:

*Regarding recommendations for the Fishery Data Collection Improvement Proposal, the SSC agreed with the proposal to implement projects to support improvements in the data currently being collected in American Samoa, Guam, CNMI and Hawai`i, particularly fishermen and vendor incentive and outreach programs to enhance participation in creel surveys and vendor reporting.*

## **I. Public Comment**

Judy McCoy, American Samoa Pelagics FEP AP chair, requested that the APs be involved in the process of generating the MCPs earlier in the process so as to engage and enhance collaboration with the local fishery communities.

## **J. Council Discussion and Action**

*Regarding the American Samoa MCP, the Council approved the American Samoa MCP as provided and encouraged the Governor of American Samoa to transmit the MCP to the NMFS Regional Administrator for approval.*

*Moved by Haleck; seconded by Sword.*

*Motion passed, with one abstention by Tosatto.*

*Regarding American Samoa Fisheries, the Council directed staff to work with DMWR, SPC and the American Samoa fishing community to identify long-lasting and economically viable designs and safe deployment strategies for FADs in American Samoa.*

*Moved by Haleck; seconded by Tulafono.*

*Motion passed.*

*Regarding the American Samoa MCP, the Council requested DMWR to engage the Council Family (Plan Team, REAC and AP) in American Samoa in the development and the finalization of the Territory's MCP.*

*Moved by Haleck; seconded by Sword.*

*Motion passed.*

## Discussion

Tulafono requested the Plan Teams be included in the recommendation.

Duenas requested all advisory bodies in the Council Family be included.

There were no objections to the addition of Plan Team and REAC.



Duenas introduced the students from the Council’s Marine Science Course on Fishery and Resource Management in attendance. Erron Yoshioka, the instructor of the class from the Moanalua High School, thanked the Council for sponsoring the class for the last five years. The students have been learning about sustainable fisheries and fisheries management.

**10. Mariana Archipelago**

**A. Island Reports**

**1. Arongo Flaeey**

Palacios reported the highlights of the CNMI Island Report. CNMI worked with NMFS and the Council to resolve some of the challenges and shortcomings of the current data collection and data gaps. MCP projects are underway after CNMI was awarded \$270,000. Projects are located in Tinian, Rota and Saipan and range from a longline training project, FAD community projects, a bottomfish training project and an enforcement project. The Turtle Nesting Program has been active in tagging and protecting nests from poachers. Nonetheless, there were two poaching cases. The investigations are ongoing. The Fisheries Section at the Division of Fish and Wildlife (DFW) is rebuilding and recruiting professional staff.

The Mariana Archipelago Visitors Center is moving forward. The inaugural meeting of the Mariana Archipelago Monument Advisory Council was held. It focused on creating the infrastructure under which the Advisory Council will operate and the election of officers. The officers are Benigno Sablan, chair; Dr. John Joyner, vice chair; and Roy Tsutsui, secretary.

**2. Isla Informe**

Taitague reported some of the highlights of the Guam Island Report. Gas prices dropped to \$4.29/gallon. There is still a lack of FADs. DOA has no control over the Guam Procurement Law, which is the big obstacle in their deployment. The FAD deployment contract is in the hands of the Procurement Office. She is seeking help from the USCG in the deployment efforts. The Shallow Water Mooring Program buoys also have not been deployed.

DOA is collaborating with the Port Authority of Guam to upgrade two of the most used boat ramps and marinas on Guam, as well as with the Guam Organization of Saltwater Anglers (GOSA) in the installation of a 500-foot fishing platform that complies to the American Disability Act along the Hagatna Marina Channel at Paseo de Susana Park with funds from a NOAA grant received for the Guam MCP. The latest set of design plans for the platform is in review at the Army Corp of Engineers.

A ground-breaking ceremony was held recently for the new DOA building to house fishery staff.

Discussion

Duenas asked Palacios how many turtles have been tagged by the Turtle Program, over what period of time and if an annual report is produced on the program’s activities.

Palacios said tagging has been occurred over two to three years. He did not have a number of turtles tagged. The Turtle Program staff does a good, professional job. He offered to get the numbers and get back to Duenas. There is a technical report requirement for the program.

## **B. Legislative Reports**

### **1. Commonwealth of the Northern Mariana Islands**

Jack Ogumoro, Council on-site coordinator in the CNMI, reported that three house bills were introduced since January of 2012 and are pending in the legislature.

- House Bill 17-272, a comprehensive bill that attempts to provide the Government or DLNR the authority to manage commercial fishing. Without the legal standing the CNMI cannot regulate the commercial take of fish in the Commonwealth waters. It also incorporates definitions included in the MSA.
- House Bill 17-282 to establish a mandatory reporting system for an individual or business engaging in the selling or harvesting of marine resources for commercial purposes.
- House Bill 17-299, legislation proposed to amend an existing law that would disallow the harvesting of certain fish sizes.

### **2. Guam**

Taitague provided the report for Guam.

- Resolution 31-405, sponsored by two Guam senators, seeks to compensate Guam for scientific and other endeavors in the Mariana Trench within the EEZ surrounding Guam. Noting the commercial opportunities being made by National Geographic and others, the Senators seek to have a global recognition and hope to develop a sustainable economy for Guam. The resolution aims to allow Guam to set up some type of fee system for ventures into the EEZ surrounding Guam.
- Resolution Number 31-408, sponsored by the same two senators, requests two seats on the Mariana Trench MNM Advisory Council so that Guam will have a voice in the management of the resource. There is still much discontent in the local community over the monument as there was no public hearing on Guam prior to the announcement of the program by former President Bush. It has been considered another resource grab by the federal government.

## **C. Enforcement Issues**

### **1. Commonwealth of the Northern Mariana Islands**

Seman reported on enforcement activities since March 2012.

- Conservation officers responded to four cases of illegal fishing taking place at Tank Beach, Bird Island and Forbidden Island, which are no-take MPAs. One case is being prosecuted, three are under investigation.

- A case of illegal take of coral and sea cucumber at Obyan Beach without a permit was made. The case is under investigation.
- Six cases of turtle poaching were reported. One case resulted in an arrest for possession of a green sea turtle and has been forwarded to the Office of Attorney General for prosecution. A trial hearing is scheduled for July 16. The other cases involve poaching of turtle eggs and are under investigation.
- Conservation officers responded to two calls regarding gill net fishing at LaoLao Bay and Outer Cove Marine, but no gill net was found.
- Conservation officers conducted 245 hours of vessel patrols around Saipan and Tinian, as well as 724 hours within Saipan Lagoon and three vessel inspections involving a single vessel returning from a commercial fishing trip in the Northern Islands.
- Conservation officers conducted five Community Orientation Policing Program Workshops for individuals fishing or returning from fishing trips during this reporting period. The workshops entailed fishing and MPA regulations. The officers also participated in the 2012 Environmental Expo held at the American Memorial Park from April 17 to 19. The officers also visited and gave presentations at several schools.

### Discussion

Duenas asked Seman if the turtle poaching involved tagged turtles. Turtle poaching seems to be reported in numerous CNMI enforcement reports to the Council. He asked if it correlates to the economic situation.

Seman said the Turtle Program staff has been so active and consistent that it knows where and when the turtles will come up for nesting. This has improved the ability to make more cases. Also, there is more public outreach with the weekly radio show.

Palacios said he will not tolerate poaching of nesting females. The public has been assisting with more reports of poaching.

## **2. Guam**

Taitague reported on the enforcement activities in Guam.

- The community continues to question selective enforcement of the Tumon Bay Marine Preserve. Fishermen are arrested for illegal fishing while infractions by the tourism industry are not enforced, such as beach raking, removal of trees, obstructions and construction in the public access portion of the reserve.
- The Beach Bar, which opened in 2011 at Gun Beach, has installed floodlights that face the ocean to illuminate the nearshore water. Fishermen are concerned that this would affect the natural process of the habitats.

- Two people were arrested in the Piti MPA, and two people, in the Achang MPA. All of the cases are under investigation.
- Conservation officers continue to participate in training exercises. They are also in discussion with the Army National Guard to seek sponsorship of an adult offshore and inshore fishing derby.

### Discussion

Seman asked about the beach raker, as he has experience with such machines and noted they are very heavy. He also asked whether the bleaching was coral or chemical bleaching.

John Calvo, Council on-site coordinator on Guam, said coral bleaching related to the use of floodlights.

Taitague noted the beach raking is under the control of the Bureau of Tourism. DOA is discussing with Tourism about using a method that will be more environmentally friendly.

Calvo said the raking removes unsightly seaweed, sea cucumber and other debris to make for a more pleasant tourist experience.

Duenas said the practice is used on other coastal areas where jet ski operations are conducted. He disagreed with Taitague regarding jurisdiction. He said it is under DOA's authority. The hotels complain so the choice is made to use the beach raker rather than address freshwater intrusion into Tumon Bay, which affects the seasonal rabbitfish run and leaves nothing for the fish to eat.

Taitague reiterated DOA is working with Tourism to use a method other than beach raking. She pointed out that the tourism industry makes more money than the DOA.

### **D. Status of Guam Indigenous Fishing Rights Law**

Taitague reported the Guam Indigenous Fishing Rights has become a federal issue in regard to race discrimination. In 2008 Gov. Camacho's veto was overruled and the bill became law. The Department is looking into the experience of the State of Hawai'i in handling the case as guidance.

In late 2011 Judy Guthertz sent a letter to Gov. Calvo asking him to direct the DOA to complete the rules and regulations of the indigenous fishing rights. The government is holding ongoing discussions with indigenous people and activist groups to inform them of the discrimination issues and the risk of losing federal funding. They hope to arrive at a solution to satisfy the indigenous people as well as protect the natural resources and avoid discrimination.

DOA plans to work with the Mayors Council of Guam in considering a pilot project whereby DOA would delegate some of its authority to manage MPAs to the mayors and community of Merizo and Piti. The mayors would have permitting authority to issue fishing permits and collect data and fishery information. DOA Conservation Officers would continue to retain full arresting and detention duties and responsibility as mandated by the local law.

## Discussion

Duenas noted the GFCA has been trying to work with the DOA over the years with the legislation. He was not invited to the discussion meetings. He and the fishing community have been slighted by the whole exercise, which was created to engage the community. After two years they have not been engaged with yet. He is concerned that all of the expertise, knowledge and traditions of the indigenous people have been ignored. When the new director came into DOA, he met with her and asked her to engage the fishing community. There has been no engagement, but instead a new million dollar building is being constructed. The largest fishing community on Guam was not invited. At least two other large and well-known fishing organizations were also ignored by DOA.

Taitague said the meeting was an initial meeting. He will be invited to the next one.

Duenas said, if one has to force to be invited, according to Chamorro culture, one does not attend.

Seman asked for background on the indigenous law.

Duenas said part of the resolution was to recognize indigenous peoples' fishing rights, but the resolution died. In lieu of that, the legislature asked the DOA to work with the community to develop fishing regulations that would enhance traditional and indigenous fishermen. That legislation was created without any community consultation. After many contentious hearings, the community hoped that DOA would incorporate the concerns of the community, but that did not happen.

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

Calvo presented the report on community activities and issues for Guam.

In his welcoming remarks during the CRTF meeting, Gov. Calvo noted that, with the federal definition of de facto preserves, Guam may have already achieved the requirements of the Micronesia Challenge. Gov. Calvo signed Executive Order 12-05 in February creating the Coral Reef Initiative Coordinating Committee and the Coral Reef Initiative Policy Advisory Committee to address the non-participatory process that was in place prior to this Executive Order. The Committees are in the process of being formed. The efforts to produce a map defining the various restrictions and impacts are in progress as discussed at the Guam REAC and the 153rd Council meeting.

With the potential listing of the 82 corals in relation to the de facto preserves (which includes the military bases, the Mariana Islands Range Complex, private property, natural barriers and safe areas, Environmental Protection Act (EPA) advisories, et cetera), many in the community question the need for an overlapping ESA. They also are concerned about the impact to Chamorro cultural practices.

Current discussions focus on the potential reduction to half the number of Marines expected to be stationed on Guam by 2014. There are questions regarding the loss of Guam's fishing FADS and correlation to the military exercises in the area. It is widely felt that this item

should be studied and could be an opportunity for Guam to receive mitigation funding to replace the FADs lost and address the loss of fishing grounds due to military exercises.

Ogumoro presented the report on community activities and issues for CNMI. DLNR approved funding for seven projects under the MCP, including the Saipan Bottomfish Training Project and the Fisheries Phone Survey Project.

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

Calvo presented the report on education and outreach initiatives for Guam.

The Council has been working closely with the University of Guam Sea Grant with various programs and with the Navigating Change curriculum and Department of Education with projects such as the Backpack Project with various teachers at the high school level, CMORE digital microscopes and the March teachers' workshop.

The First Stewards Symposium is scheduled for July 17 to 20 in Washington, DC, at the National Museum of the American Indian. This symposium will feature an indigenous perspective to climate change and its potential impacts to local peoples. Guam's delegation continues to prepare for the event.

The University of Guam College of Natural and Applied Science 4H Program held the 4H Summer Program in early June with 43 participants and the same format as previous years.

Ogumoro presented the education and outreach activities report for CNMI.

More than 500 fourth and fifth grade students participated in the Environmental Awareness Week, held April 17 to 19 at the American Memorial Park. Seman was in attendance. Impacts of climate change were discussed. Council brochures, pamphlets and lunar calendars were distributed.

A team from CNMI will also attend the climate change symposium in Washington, DC.

The Mahi Fishing Tournament was held in Saipan on April 14, 2012. The winning vessel was *LADY GLORIA*. There were 35 vessels, mostly from Saipan. Lunar calendars were distributed.

A radio talk show on KKMP airs weekly with discussion on different fishery topics and guest hosts.

The International Fishing Tournament is scheduled for July 14 and 15. Council brochures and lunar calendars will be distributed to the participants.

#### Discussion

Duenas said the fishermen who participate in the derby are welcome to purchase fuel at the GFCA.

Seman also invited American Samoa to participate in the derby.

**G. Report of the Joint Advisory Panel Meeting**

Jesse Rosario, Guam AP co-chair, reported the Guam AP recommendations as follows:

*Regarding Community-Based Management Plans*, the Guam AP recommends the Council provide assistance and resources to the Guam DOA to continue the development of these plans.

*Regarding USCG Radio Station Monitoring*, the Guam AP recommends the Council request the USCG to continue monitoring the marine radio channel 68, the most commonly used channel on the island for all mariners, boaters and other water-way users, and provide additional outreach and education on the newly developed Maritime Search and Rescue Channel 21, also called the Rescue 21, on how it operates and the total 20 nautical mile (nm) coverage.

*Regarding Deployment of FADs*, the Guam AP recommends the Council assist the fishing community of Guam to obtain a barge for deployment of the FADs currently with DOA involved with the Guam Fishermen’s CoOp for use of the *GALAIDES*.

Cecilio Raiukiulipiy, CNMI AP co-chair, reported the CNMI recommendations:

*Regarding Ramps*, the CNMI AP recommends the Council assist DFW in seeking the necessary funds to modify the existing ramp or construct a new ramp in Tinian and Rota, as the existing ramp is not high enough or is always submerged under water during high tide. Data can be collected from fishermen through improvements of the boat ramp.

*Regarding FADs*, the CNMI AP recommends the Council assist DFW and community organizations in seeking funding to replace lost FADs and further recommends that new FADS be equipped with long-lasting materials to withstand rough waters, especially during typhoons.

*Regarding Rota*, the CNMI AP recommends the Council assist DFW and USCG in seeking funds for the construction of a marker buoy on Rota and obtain the necessary permits at the entrance of Rota East Harbor to guide fishermen leaving or returning from fishing in the evening.

*Regarding DFW*, the CNMI AP recommends the Council assist DFW in revising its fishing regulations and managing public education and outreach.

*Regarding DFW*, the CNMI AP recommends the Council assist DFW in exploring the possibilities of implementing a fishing license program for the CNMI.

Discussion

Rice said capable people are available to go to Guam and deploy FADs for a lot less money than was noted in the report.

Taitague said the Guam Procurement Law requires the use of only on-island contracts.

Duenas said the Department has chosen not to subcontract the project because they need to justify the employee in charge of the project. They would not allow the GFCA a contract to deploy the FAD.

Palacios said the same problem exists in CNMI. The procurement process is very slow and something they continue to work on.

Seman said the CNMI has announced a Request for Bid for FAD deployment. There may be a need to change the structure of the bid. Instead of outlining the type of materials to be used in the construction of the FAD, leave those details more broad and use a RFP, which would encourage more response and involvement in the program.

Simonds suggested a better idea would be to put all of the money into the Council's Sustainable Fisheries Fund because the fund can accept money from anyone, any country, unlimited and it's much easier for the Council to deal with contracts than it is for the government.

Palacios would like to ask Kingma to help the folks on Tinian do a similar community FAD project as the Maui community FAD project.

Duenas said that, even if the contractors come from outside of Guam, they would still need a boat with the capacity to deploy a FAD. It would still be a huge expense of \$25,000, unless the USCG could assist in deployment.

Roberts asked for clarification as to what \$25,000 pays for, just deployment or deployment and the FAD.

Taitague said just the deployment.

Rice said the boats used for parasailing could be used to deploy a FAD.

Duenas noted the GFCA could do that.

## **H. Scientific and Statistical Committee Recommendations**

Daxboeck reported that there were no SSC recommendations regarding this agenda item.

### Discussion

Palacios thanked Tosatto for conducting the PIRO listening sessions in the Mariana archipelago. The exchange was productive. He also noted a meeting with PIRO staff regarding holding a fisheries workshop in the Marianas similar to the one held in American Samoa. He will seek advice from American Samoa DMWR.

Duenas also thanked the Agency for providing the listening session in the Marianas and noted the community was very engaged.



**I. Public Comment or Hearing**

No public comments were offered.

**J. Council Discussion and Action**

**Regarding Guam Fisheries, the Council directed staff to continue to provide assistance and resources to the Guam DOA to continue the development of community-based management plans.**

Moved by Palacios; seconded by Seman.

Motion passed.

**Regarding Guam Fisheries, the Council recommended that the USCG continue monitoring marine radio channel 68, the most commonly used marine radio channel by boaters and other water-way users, and provide additional outreach and education on the newly developed maritime Search and Rescue Channel 21 on how the Rescue 21 operates and the 20-nm coverage.**

Moved by Palacios; seconded by Seman.

Motion passed.

Duenas voiced support for the recommendation.

**Regarding Guam Fisheries, the Council directed staff to work with the fishing community and local fishery agencies to identify long-lasting, economically viable designs and self-deployment strategies for FADs in Guam and the CNMI.**

Moved by Palacios; seconded by Seman.

Motion passed.

**Regarding CNMI Fisheries, the Council directed staff to assist DFW in the following:**

- **Seeking the necessary funds to modify the existing ramps or construct new ramps in Tinian or Rota.**
- **Seeking funds for the construction of a marker buoy at the entrance of Rota East Harbor to guide fishermen leaving or returning from fishing in the evening.**
- **Revising the fishing regulations and managing public health and education and outreach.**
- **Exploring the possibilities of implementing a fishing license program for the CNMI.**

Moved by Palacios; seconded by Seman.

Motion passed.

**Regarding CNMI Fisheries, the Council requested NMFS to increase its funding assistance to DFW data collection efforts.**

*Regarding CNMI Fisheries, the Council directed staff to continue to investigate the need for changes to the CNMI bottomfish regulations.*

Moved by Palacios; seconded by Seman.  
Motion passed.

Duenas thanked the AP members for their participation and attendance in the Council process. He pointed out the importance of providing their personal knowledge into Council decision-making.

## **11. Pelagic and International Fisheries**

### **A. Amendment Options for the Mariana Purse Seine Area Closure (Action Item)**

Dalzell presented the amendment options for the proposed Mariana purse-seine area closure. The proposed Amendment 2 to the Pelagics FEP would have implemented a 30-nm longline area closure and a purse-seine closure of the entire US EEZ around the Mariana Islands. The longline closure was approved, but not the purse-seine closure. At the 153rd Council meeting the Council recommended an option of a purse-seine closure congruent with the CNMI and Guam longline area closures. Given the previous analysis of the purse-seine area closure in Amendment 2, the Council can take final action at the 154th Council meeting.

Dalzell presented information on alternatives and the analysis of the alternatives for Council consideration. The Guam domestic pelagic fishery has varied between 250 and 400 vessels and is currently at 353 vessels. The fishery catches a broad range of species, with half of the catch consisting of tuna, predominantly skipjack, as well as yellowfin, mahi, wahoo and blue marlin. The CNMI troll fishery is much smaller with 40 vessels; the catch is predominantly skipjack, as well as yellowfin, mahi, yellowfin and blue marlin.

Graphs depicting the troll catch time series, Guam commercial tuna landings, Guam and CNMI skipjack troll CPUE and yellowfin troll CPUE were presented. The data illustrated a major decline in the commercial catch of tunas in Guam since 2000. By comparison, the total catch overall has not declined.

One-third of Guam's population is below the poverty line. By comparison, the US poverty and Food Stamp recipient rate is 15 percent. Guam has almost double the US Mainland poverty rate, while at the same time the commercial catch of tunas has declined. It is suspected that a large amount of the commercial catch in Guam goes to satisfy a large subsistence demand for skipjack and yellowfin.

There are reports of some purse-seine fishing occurring in Guam by US vessels. Vessels were based in Guam when a processing plant was located on Tinian in recent history. There is no official catch data to refer to as in American Samoa, which has records of intermittent catches in the US EEZ. The Mariana Archipelago sits immediately north of the world's largest tuna purse-seine fishery. Skipjack and yellowfin are socially, culturally and economically important to Guam and CNMI.

The alternatives for CNMI included the following:

- 1A. No action. There would be no additional administrative burden. There would be no protection for CNMI troll fisheries.
- 1B. 30-nm Purse Seine Prohibited Area. There would be minimal administrative burden. It would provide a limited measure of protection for CNMI troll fisheries.
- 1C. 100-nm Purse Seine Prohibited Area. This option offers more buffer zone between the purse seine fishery and troll fishery. Purse-seine fisheries may already be influencing CNMI troll fishery catches.

The alternatives for Guam included the following:

- 1A. No action. There would be no additional administrative burden. There would be no protection for Guam troll fisheries.
- 1B. 50- to 100-nm Purse Seine Prohibited Area (Preferred). There would be minimal administrative burden. It would provide a limited measure of protection for the Guam troll fisheries.
- 1C. 100-nm Purse Seine Prohibited Area. This option offers more buffer zone between the purse-seine fishery and troll fishery. Purse-seine fisheries may already be influencing Guam troll fishery catch.

Dalzell asked the Council to deliberate on whether it wants to confirm the preliminary preferred alternative, which is to have the area closure congruent with the longline closure, and/or recommend another alternative to move the action forward.

### Discussion

Seman asked what data was used for the Guam noncommercial tuna landing information presented, which showed more noncommercial landings than commercial landings.

Dalzell said the information is from the Annual Report, which is generated from the Guam creel surveys. The catch has gone down so low that fishermen are keeping what they catch because it is only a couple pieces of fish. Seamount-associated fish are not addressed. They are outside of the 100-nm buffer zone and are open to commercial industrialized fishing. He noted concerns regarding the 1,000-metric ton (mt) capacity of the purse seiners and their ever-increasing catch rates, the fact that the EEZ around Guam is extremely small, and the spawning area for bigeye is thought to be in an area which includes the Mariana archipelago. He voiced disagreement with the Agency's assessment that there is not enough science, pointing to the vast amount of data that has yet to be analyzed.

Rice asked for clarification on the size of the proposed closure in the disapproved amendment.

Dalzell said the proposal was for the entire 200-nm EEZ. He reiterated the lack of logic in the Agency’s disapproval. He noted the requested closure during the establishment of the Mariana MNM was for the entire EEZ to provide protection for the pelagic stocks.

Rice pointed out that the seamounts are the spawning grounds for tuna in Hawai`i and is probably true elsewhere.

Seman said he did not understand the rationale for allowing purse-seine vessels with such a large capacity to fish in an area that is known to have a limited amount of fish. It is not responsible management. He said that, instead of putting out a number that is acceptable by NMFS, he would much rather use commonsense science.

Duenas said the whole exercise is another example of the federal government being culturally insensitive to the needs of the Pacific Islanders.

Simonds asked for clarification as to the management regulations for the Mariana MNM.

Tosatto said the monument designation restriction is for the bottom, not the water column. To collect anything in the area, a Special Use Permit must be issued by USFWS.

Duenas clarified fishing is allowed, but fishing gear is not allowed to touch the bottom.

Simonds said the seamounts should be protected if the bottom is protected.

Martin said this action is really about the Mariana communities being able to continue to access their traditional fishing areas and to have opportunities to have fish in them. As presented in the report, one would be hard-pressed not to think that bordering on the largest tuna fishery in the world doesn’t have some impact on the resource. Having experience with the area closures in Hawai`i, he recognized the importance of the closures to the local communities. He said the Council owes it to the Mariana communities to afford them as much protection as is reasonable, especially since they are losing opportunities by the establishment of the monuments and the military buildup activities, which prohibit them from accessing traditional areas as well. He spoke in support of a purse-seine closure that mirrors or exceeds the longline closure. He also said it would be nice to have the US purse-seine fishery weigh in on the amendment. The federal government does not have any qualms about removing areas through Sanctuaries and Monuments, as the Council has heard what it does to local communities. He urged the Council members to consider providing as much protection as is reasonable for these communities

Duenas noted his disappointment in the lack of collaboration and mutual understanding between the Council and the Region.

Simonds said there is always room for improvement. She suggested that she sit down with the Regional Administrator and PIFSC director to generate discussion on how things can be done better. She looks forward to improving the relationships and interactions.

**B. Recommendations on Territory Bigeye Tuna Catch Limits (Action Item)**

Kingma presented an update on the recommendations on Territory bigeye catch limits. After presenting a background on the WCPFC, he noted that as Participating Territories (PTs), Guam, CNMI and American Samoa are associated with the Small Island Developing States (SIDS) and are provided special provisions. Ten HMS are currently managed by WCPFC. He briefed the Council on the status of six Western and Central Pacific Ocean (WCPO) stocks: bigeye, yellowfin, skipjack and southern albacore tuna and Southwest and North Pacific striped marlin. Each of the species is addressed in species-specific conservation and management measures (CMMs) by limiting vessels and catch, with some exemptions for SIDS and PTs.

He presented a summary of the CMM 2008-01, the Territory authority in regard to WCPFC and the MSA, background of Council action regarding the development of the recommendations on Territory bigeye tuna catch limits.

Amendment 20 has not been transmitted to the Secretary of Commerce for approval. It has been in review between NMFS, PIRO and Council staff in an attempt to address commentary. There is no projection for when Amendment 20 will be transmitted. He also gave background on Section 113, 2011 legislation and the current baseline.

There is an existing American Samoa–HLA two-year agreement that expires at the end of 2012. At the 153rd Council meeting the Council directed staff to develop additional options related to Amendment 20 and take into account Section 113.

The purpose and need is that Congress directed the Council to recommend an amendment that authorizes use, assignment, allocation and management of catch or effort limits of HMS established by the WCPFC and applicable to US Territories. The Territories are looking to responsibly develop their fisheries. Foreign imports of tuna have exceeded US production in recent years. The US government should be supporting US fisheries that supply US markets in an effort to reduce transferred effects.

Kingma summarized the options being considered as follows:

- A. No action option. Maintain the existing Amendment 20 recommendations.
- B. Provide the Territories the authority to use, assign, allocate and manage catch limits of HMS fish stocks or fishing effort limits, agreed to by the WCPFC through arrangements with US vessels with Pelagic FEP permits. It includes a provision that arrangements are integral to the domestic fisheries of the US Territories and that the arrangements shall not impose any landing requirements or where the catch should be caught as long as the arrangements are funded through the Western Pacific Sustainable Fisheries Fund.
- C. Same as Option B, but includes the provision for the Council to have some oversight to restrict assignable catch or effort limits.
- D. Hybrid of Option A, the existing amendment recommendation, and Option C.

After further review of the options and their pros and cons, Kingma asked the Council to consider and take action on three items: a) Section 113 and the Congressional direction; b) the existing American Samoa–HLA arrangement; and c) a new CMM scheduled for WCPFC 9.

## Discussion

Martin asked Kingma to provide some information on CMM 2008-01, specifically to the time periods attached to the measures.

Kingma explained the CMM for bigeye was established in 2005 and provided some longline and purse-seine limits. That measure lasted until the end of 2008 and was applicable in 2009, 2010 and 2011. The objective of that measure was to reduce bigeye mortality by 30 percent. The longline achieved the 30 percent reduction. For the purse-seine fishery, the measure called for a three-month FAD closure. There was some uncertainty as to whether the vessels were complying, but it has reduced their level of impact on bigeye for that period. In 2010 effort levels were 18 percent higher than that of 2004, which was the baseline year for CMM 2008-01. An effective measure for purse seine and longline is needed going forward and will be taken up at the WCPFC 9 meeting in December 2012 in Manila. WCPFC was unable to achieve and agree on a new three-year measure after the CMM expired in 2011, largely because of competing interests between purse-seine and longline fisheries.

Martin pointed out that in the 2011-01 measure, the one that carried over the 2008-01 measure, one country dictated that it was not going to take any reductions and increased significantly from its historical catch levels. He is hopeful that the CMM that replaces 2008-01 will take place in the Philippines in December.

### **C. Options for the American Samoa Longline and Purse-Seine Landing Requirements (Action Item)**

Kingma presented the report on options for the American Samoa longline and purse-seine landing requirements, as recommended by the Council at its 150th meeting in March 2011, to combine Class A and B into a small vessel class and Class C and D into a large vessel class, reduce minimum harvest from 1,000 pounds to 500 pounds for small vessels, and eliminate past history criteria to be eligible for available permits. The Council also directed staff to write an options paper on requiring the landing of Pelagic MUS in American Samoa by US longline and purse-seine vessels operating in the Western Pacific Region, as well as options for enhancing participation in the longline fisheries by American Samoa residents. At the 151st meeting in June 2011, the Council considered the options paper and directed staff to refine the options for further consideration. He reviewed the issues, the purpose and need, and graphs of the trend in US purse-seine fleet landing location.

Afterward, he presented the options:

- A. Require that all pelagic MUS retained by American Samoa longline permitted vessels and US purse-seine vessels in the EEZ around American Samoa be landed in American Samoa.
- B. Require minimum annual landings for American Samoa longline fishery and penalties to prevent latent permits and vessel inactivity.
- C. Require minimum annual landings of pelagic MUS by American Samoa longline limited entry permitted vessels.

- D. Require minimum landing requirements of pelagic MUS by American Samoa longline limited entry permitted vessels over a three-year period.
- E. Require at least one annual landing in American Samoa of pelagic MUS by US purse-seine vessels that receive a US manning exemption.
- F. Require minimum annual landings in American Samoa by US purse-seine vessels that fish in the US EEZ around Guam, CNMI, PRIA or American Samoa.

After summarizing the pros and cons of each option, Kingma requested the Council to discuss and take action. He noted that the options paper mixes fisheries and potentially involves several management objectives. The objective of the action needs to be clearly defined, whether it be economic, conservation or management. Depending on the management objective and operational characteristics, the Council's ability to regulate the US purse-seine fleet is limited, especially if the purse-seine fleet is not fishing in the US EEZ. The Council needs to identify issues and objectives to carry any of the options further.

#### Discussion

Tosatto stressed that the Council's ability to place measures on the US purse-seine fleet is limited. It is important to fully identify the management objective and the purpose of addressing a conservation or management need before going forward. He said the options paper is mixed and would benefit from clarifying the issues, whether it's dealing with landing requirements for all of the fisheries together or separate. There is a need to focus on the object and the action and then provide supportive information, taking into consideration all of the NS.

#### **D. Implementation of the Incidental Take Statement in the 2012 Biological Opinion for the Shallow-Set Fishery**

Tosatto provided an update on the rule-making that will implement the no-jeopardy biological opinion for the Hawai'i shallow-set longline fishery issued January 2012. The rule-making, if approved, would increase the number of leatherback and loggerhead sea turtles authorized for take in the fishery from 16 to 26 and 17 to 34, respectively. The Council should review the proposed rule and consider whether it is consistent with Amendment 18 to the Pelagic FEP. A 2009 lawsuit brought by several environmental NGOs challenged Amendment 18 and NMFS' 2008 biological opinion. The resulting settlement agreement reinstated the incidental take statement (ITS) for leatherback and loggerhead sea turtles established by the 2004 biological opinion, 16 and 17 turtles, respectively, and required NMFS to issue a new biological opinion and ITS for the fishery. The loggerhead and leatherback take levels authorized by the new biological opinion are lower and higher, respectively, than those authorized by the 2008 biological opinion.

Tosatto asked the Council to express its views on whether this proposed rule is consistent with Amendment 18.

#### Discussion

Simonds asked what would happen if the Council did not do as requested.

Tosatto said the Service would probably view it as increasing the Service’s legal risk and would likely proceed anyway because its view is it is consistent with the law.

Duenas asked Martin for the industry’s viewpoint.

Martin said the industry is disappointed in the way the Agency handled the Amendment 18 process, in the Agency’s decision to work with the plaintiffs to settle and, especially, in the Agency’s lack of engaging the Council in the settlement negotiation process or even notifying the Council, which was a poor decision by the Agency. Martin was surprised that the Department of Justice made decisions to remand, remove or negotiate an amendment that had already been approved. He added that it is important to move forward, noting that the Council only found out about this 20 days ago. The industry would support moving the issue forward through the Council process.

Tosatto said that the interaction limits in the regulations go back to the 2004 numbers, from 16 and 19, which went up. The Amendment 18 numbers, one number is lower, from 46 to 34, and one number is higher, from 16 to 26. So 34 and 26 are proposed. Public comment on the proposal is being accepted.

Duenas asked if the Service is going to have another biological opinion and another lawsuit.

Tosatto said the Service would not issue it if it was not defensible.

Martin said it is reasonable to expect a filing of a lawsuit because that’s the nature of the legal business.

Simonds said it depends on who is sitting in Washington, DC. She agreed with Martin that it was unfortunate how things evolved, but there’s always room for improvement in relationships. Many of the other Councils are also going through issues with marine mammals and protected species, and all have had different relationships with the Region and Center. The Councils are trying to have a process that is followed by everyone, which she looks forward to.

#### **E. American Samoa and Hawai`i Longline Quarterly Reports**

Hamm presented the American Samoa longline report for the first quarter of 2012, including a review of active vessels, number of sets, hooks, total harvest, CPUE, trips and species composition. The fishery included 19 vessels, a decrease of one from a year ago. There were 702 sets, an increase from 601. The hooks increased from 1.6 million to 1.9 million. Total fish amounted to 32,283, an increase from 29,498. The albacore catch increased by almost 10,000 fish, for a total of 21,226. The albacore CPUE increased from seven fish per thousand hooks to 11 fish per thousand hooks. The total CPUE decreased from 17.4 fish per thousand hooks to 16.8 fish per thousand hooks.

Russell Ito, from PIFSC, presented the Hawai`i longline report for the first quarter of 2012, with a review of active vessels, number of sets, hooks, CPUE, trips and species composition. The fishery included 123 active vessels, taking 426 trips (382 tuna trips and 44 swordfish trips). There were 4,796 sets (4,100 deepset for tuna and about 700 shallow-sets). A



record 10.5 million hooks were set, about half of them outside of the EEZ and about a quarter in the EEZ around the MHI. The largest component of the catch was bigeye tuna (37,000 fish), followed by mahimahi (2,300), pomfrets, yellowfin and albacore. Swordfish ranked sixth.

### Discussion

Martin said an important component of the significantly higher hook rates in the American Samoa report is the very high price of albacore on the world market, which may motivate fishermen to increase effort to take advantage of the high prices. Regarding the Hawai`i report, he said anecdotally it seemed like the second-quarter bigeye catch increased significantly over what has been seen in the past.

Ito said there was not as much shallow-set effort because bigeye tuna prices have been good. He has seen a higher composition of the bigeye in the deepset sector of the longline landings, with bigger sized fish.

Kingma provided more information to an earlier query by Martin regarding WCPFC catch levels of other countries versus the United States, illustrating the catch levels of China continuously rising over recent years while the Hawai`i longline fishery has been below its 10-year average.

## **F. International Fisheries Meetings**

### **1. Western and Central Pacific Fisheries Commission 8<sup>th</sup> Regular Session**

Dalzell reported on the WCPFC 8<sup>th</sup> Regular Session meeting. Of most interest was the CMM for tropical tunas. There was no consensus. There was some push to get the United States to take the full 30 percent reduction based upon the original base year of 2004 for the CMM 2008-01. The measure has been rolled over until the December meeting of WCPFC 9. One exemption that came out of the meeting was that the Western high seas pocket, which is the doughnut hole to the south of Guam, will be open to a Philippine fresh fish iceboat purse-seine fishery, which consists of 36 vessels that are subject to fairly stringent monitoring.

Another notable event surrounding the CMM 2008-01 was the adoption of 2010 as the base year for purse-seine vessels. When the process of developing the Convention text was going in the late 1990s–early 2000s, there were 200 purse-seine vessels in the WCPO. Now that number has risen to 280. The check on effort is supposed to be through vessel days, but it is difficult to understand how the vessel day scheme, operated by the FFA and the Parties to the Nauru Agreement, has any conservation benefits.

The other interesting topic around CMM 2008-01 was China being allocated almost 12,000 mt of bigeye, up from 8,000 mt.

Another CMM that went through was for oceanic white-tip sharks, which have been in fairly bad shape over a wide spatial area and also through different indices of abundance and size. The measure is basically a nonretention measure. There's a push to have a CMM for whales and whale sharks, which may end up in separate CMMs.

Another CMM that went through protects cetaceans from purse-seine fishing. Members must refrain from fishing on tunas aggregated under cetaceans, under big whales, and if they do trap a whale, then to practice safe release.

Cooperating nonmember status was granted to North Korea, Saint Kitts and Nevis in the Caribbean.

### Discussion

Martin noted that in Guam it was learned that 11 or 12 new purse seiners are under construction in various places, such as Vietnam and China.

Dalzell agreed, adding that the WCPFC Convention Area is the only area where the trajectory of the tuna catch continues to increase. In the Indian Ocean, Eastern Pacific and Atlantic, the total tuna catch has bent over or flattened out. But in the WCPO it's still rising for skipjack, yellowfin and bigeye.

## **2. Inter-American Tropical Tuna Commission General Advisory Committee and Scientific Advisory Subcommittee Meeting**

Dalzell reported on the Inter-American Tropical Tuna Commission (IATTC) General Advisory Committee (GAC) and the Scientific Advisory Subcommittee (SAC) Meeting. The list of items discussed at the SAC meeting included:

- Support for IATTC staff recommendations for yellowfin, bigeye and skipjack conservation, with no basis for further restrictions on longline vessels since the longline effort in the Eastern Pacific has declined substantially and the total catch of bigeye by longliners is less than half of what would potentially be allocated to the longline fishery.
- Support for the formation of a working group to determine current levels of effort for North Pacific albacore.
- No changes to the seabird resolution (C-11-02).
- Expand Resolution C-11-10 from oceanic white-tip shark resolution to include silky sharks.
- Support for the InterAmerican Convention proposals for sea turtle conservation.
- Recommend GAC to consider proposals for an IATTC Performance Review.
- Recommend GAC to not support longline capacity limits.
- Recommend GAC to support efforts to facilitate discussions between Mexico and Japan on Pacific bluefin tuna conservation.
- GAC to consider monitoring and compliance of FAD management measures and mechanisms to coordinate FAD measures between regional fishery management organizations (RFMOs).

- GAC to support articulation of management objectives and development of IATTC reference points.

The SAC recommendations were informally adopted by the GAC. Unlike the Pacific Advisory Committee, the IATTC GAC is generally used by the United States to sound out industry on different management measures and is not used to develop US positions.

Dalzell showed graphs illustrating the status of the yellowfin and bigeye stocks. The yellowfin point estimate was below the fishing mortality index for MSY. The bigeye biomass was above the biomass at MSY, but the fishing mortality was slightly above the fishing mortality at MSY.

### Discussion

Martin said, at the very recent IATTC meeting in California, Japan announced it has an arrangement to transfer 3,000 tons of bigeye from the Japan quota to the China quota. He noted things are dynamic and changing moment to moment.

Simonds said that is good for the Council's amendment.

### **3. US Report on the Tuna Commission**

Tosatto said the WCPFC report consists of two parts. Part 1 is the Catch Report, summarizing the 2011 catch from each of the fisheries, each of the Territory areas on each species. It was submitted on time. The Council has seen that report. Part 2 is the basis of US Compliance and reports on US implementation of each of the CMMs and other data. The report is due on July 1. It is expected out in the next couple days.

#### **G. Council Coordination Committee Recommendations on International Fisheries Management**

Duenas reported the CCC recommendations on international fisheries management are about accountability and traceability and how the Agency can assist in the effort to address IUU fishing and preventing those fish from getting into US markets.

#### **H. Pelagics Plan Team Report**

Dalzell presented the Pelagics Plan Team report. No recommendations were generated. The Plan Team took a detailed look at the Annual Report. The report would consist of a deep and shallow component and an east and west component. The Plan Team reviewed how catches may be reported in the future and ways to reduce the duplication in the report. The end result would be a comprehensive list of action items for Plan Team members and a synopsis available for the public.

#### **I. Pelagic Advisory Panel Report and Recommendations**

Watamura reported the Pelagic AP recommendations as follows:

*Regarding Territorial Bigeye Tuna Catch Limits*, the Pelagic AP recommends the Council look at the economic impacts of Pelagic FEP Amendment 20/Congressional Legislation Section 113 on the small-boat fishery of Hawai`i. The AP supports the Territories having the authority to utilize catch limits assigned by the WCPFC.

*Regarding Pelagic Fisheries in the Marianas*, the Pelagic AP recommends the Council request the SPC Offshore Fisheries Programme (OFFP) to extend its tuna tagging program to the Mariana archipelago. The AP recommends the Council continue to pursue the EEZ as a prohibited area around the Marianas, but, if this is not feasible, to implement a 100-nm closure with a 50-nm closure around any seamounts beyond the 100-nm areas within the EEZ.

#### **J. Scientific and Statistical Committee Discussion and Recommendations**

Daxboeck reported the SSC recommendations as follows:

*Regarding the Mariana Purse Seine Area Closure*, the SSC suggests that although interaction analyses has not been conducted for this case, excluding purse-seine fishing in the vicinity of the Marianas would reduce the possibility of interactions between local skipjack fisheries and a purse-seine fishery, should such a fishery develop. Council staff will work with SSC members to strengthen the fisheries science and the social science arguments in the amendment document.

*Regarding the American Samoa and Hawai`i Longline Quarterly Reports*, the SSC recommends that changes in fishing variable, things such as fish bait, bait loss and reduction in bait predation, changes in fishing styles and sets, be examined in these quarterly reports to determine how such changes would affect CPUE.

#### **K. Standing Committee Report**

Martin referred Council members to the Standing Committee report.

#### **L. Public Hearing**

No public comments were offered.

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

*Regarding the Purse Seine Prohibited Area in the Mariana Archipelago*, **the Council recommended amending the Pelagics FEP to establish a large vessel (vessels over 120 feet) area closure of 100-nm around the Mariana archipelago and directed 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 the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the MSA. In doing so, the Council directed 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 authorized the executive**

**director to review the regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of 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 Martin; seconded by Palacios.  
Motion passed, abstention by Tosatto.

Tosatto said he will abstain from voting. He wanted to make sure the Council is aware that its document package will need to fully support the management need and the benefits of a closure of that size and that 100 miles adds less support because it becomes a distance issue. He said his staff and legal advisors will work as hard as was done on the previous proposal and will work with the Council to get the package into a legally sufficient form as supportable as it can be, which then will undergo Secretarial review that will include a public comment period and discussion with the purse-seine industry.

Martin spoke in favor of the recommendation. He said sufficient information is provided. The Council meeting was duly noticed in the Federal Register, and the affected party hasn't engaged the Council. The Hawai'i longline fishery has lived with a significant area closure that predates most of the people on the Council. The area closures that the Hawai'i longline experiences to the south are probably not scientifically justified, but industry supported the initiative. He hoped that the 11 US-flagged purse-seine vessels that might have access to these waters will recognize the cultural practices of the island communities and not object to, and maybe even support, the measure.

Duenas said that that community requested this recommendation. He understood the foreign-hulled vessels with US flags are considering getting a Congressional amendment to allow them to fish. He is concerned about biological considerations, such as the western seamounts of the Marianas which are just outside of the 100 miles, about 120 miles west of Guam and the Marianas, and will be subject to impact by any large-scale fishing vessel. The target species of the local community is the same target species as the purse seiners. He supported including a clause to consult with the US purse-seine industry. He was disheartened that there is a quota for bigeye and the Agency wants to allow fleets into Guam's waters that will not have an ACL. He said he is confused as to the direction and the scientific logic as to why this amendment should be denied. He spoke in favor of the proposal to allow the executive director to continue working in this direction.

Sword asked if the public is allowed to review the VMS tracks of the purse seiners as to where they fish or don't fish in the EEZs surrounding Guam or American Samoa.

Tosatto said VMS is provided to NOAA OLE and shared with the USCG for assistance and monitoring for enforcement and safety reasons. It also can be provided to the owner and/or operator of the vessel. Viewing access is not allowed to the public.

Palacios asked Tosatto what size of an area closure he would be comfortable with.

Tosatto said the full EEZ was disapproved because of lack of scientific justification, the future loss of potential economic opportunity and consideration of the NS to look at whether a single party/industry component is unduly affected. So the whole EEZ was not supportable. He noted the benefit of matching the American Samoa large vessel closed area, which disadvantaged all large vessels the same way, and allowed the Agency to look at American Samoa in a slightly different way. He noted Manny's point that the fishery and Guam target the same species is supportable. He acknowledged Martin's point that decisions made in the past for precautionary closures were made with a lot less support. He reiterated the Agency will work as hard as it did on the last package with Council staff to make it a supportable action if the Council goes forward.

Sword said it may be helpful to know the number of sets made inside the EEZ over the last five or 10 years to provide a layer of comfort.

Tosatto said that information was available. He noted now there is clearly the potential for vessels to go into the area.

Duenas asked if changing the recommendation to establish a large vessel closure requiring all vessels 120 feet or greater to operate outside 100 miles from Guam would be more palatable.

Tosatto said he would have to research to see how many large vessels have the potential to be impacted. He said he hopes information is provided and used by the staffs to support the amendment.

Duenas said his information for the Western Pacific Region is from the WPacFIN record.

Tosatto said that then he should be able to ensure him that it's being considered.

Duenas said it wasn't considered the first time.

Simonds said there used to be something called front-loading or regulatory streamlining, which doesn't happen anymore. All three of the agencies need to work together, the Center, Region and the Council, to improve the way the staffs work together so all of the discussion going on would have already been decided. The attorneys prefer not to front-load because they want to have a document to review.

Tosatto noted his view at the beginning of the meeting was the alternative to propose a closure that matched the longline closed areas was the most supportable. Moving forward with the recommendation to close 100 nm needs more work than the other proposal that the Council is not going with. He is committed to do the work necessary to make the Council's alternative an approvable amendment, as well as commit Fred and Elena.

Duenas said in the past amendments have been passed that had no scientific support. The top three islands have been taken away so the fishermen are not able to travel 120 miles and go fishing. The purse seiners are being paid to fish wherever they want. This measure was favored by all of the advisory groups and is beneficial for the artisanal small-boat fleet.

Simonds pointed out a big boat closure for longliners has been done in the past.

Duenas reiterated his amendment to take out purse-seine vessels and put large vessel closure for vessels longer than 120 feet.

Tosatto said he needs to know how many longline vessels in the region are larger than 120 feet.

Simonds said regulations do not allow vessels larger than 110 feet in Hawai'i only, but some vessels with general permits could be larger.

Kingma said there is no size limit in American Samoa.

Tosatto said 120 feet is palatable.

Simonds noted it was the SSC who encouraged the 100-nm closure.

Daxboeck said it was suggested because the whole EEZ was not palatable. There was no scientific evidence to show whether it was a positive or negative impact, and a precedent was set with the Hawaiian Islands closure to reduce potential conflicts between fisheries.

There were no objections for the change by the maker and the second.

*Regarding Territory HMS catch and effort limits and the Council's existing recommendations to amend the Pelagics FEP on these issues (Amendment 20), the Council recommended to provide Territories the authority to use, assign, allocate and manage catch limits of highly migratory fish stocks or fishing effort limits established by the WCPFC through arrangements with US vessels permitted under the FEP. Further, the Council recommended establishing the authority provided in this Pelagics FEP amendment may be subject to maximum annual limits and any other terms or conditions as recommended by the Council and approved by the Secretary of Commerce.*

*Moved by Martin; seconded by Seman.*

*Motion passed; abstention by Tosatto.*

Tosatto said he was abstaining because this is final action, but he supports the direction the Council is going and is committed to working with Council staff.

*Regarding Territory HMS catch and effort limits and the Council's existing recommendations to amend the Pelagics FEP on these issues (Amendment 20), the Council recommended to establish annual longline bigeye catch limits of 1,000 mt for each of the Territories and, further, that the Council can review this limit on an annual basis.*

*Moved by Martin; seconded by Rice.*

*Motion passed; abstention by Tosatto.*

Martin noted he is not supportive of the Territories accepting something less than what the Commission had allowed, but he also recognizes the importance of the Territories and their desires to have opportunity and supports the Territories with some kind of a limit, whether it's

2,000 mt or different. It is hard to swallow self-imposed limits when there are WCPFC members and cooperating non-members who treat numbers as just numbers for somebody else and not for themselves. He spoke in favor of supporting, with reservations, whatever the two Territories and the Commonwealth desire.

Duenas said he was concerned with language that states somebody is giving the Territories something that already belongs to the Territories.

Sword said his understanding is that basically there is no limit put upon the Territories and asked the reason for using the 2,000 number and why not use the WCPFC limit.

Duenas suggested the language applied to the Territories and Commonwealth should reflect any WCPFC measure regarding SIDS.

Simonds asked if the language from the Commission and the SIDS language was the recommendation. There was an arrangement between HLA and American Samoa. They agreed on landings or a sum of money. How would the Agency treat such an arrangement and what would happen if it were unlimited with no number.

Tosatto said, if the Council makes the change to the motion with no limit and proceeds, the Service would have to look at whether it can approve allowing the Territories to assign an unlimited amount. NMFS has consistently discussed around 2,000 mt and views it as a reasonable level. He noted it is important to ensure overfishing of bigeye is being addressed. The Agency's ability to approve the Territories to allow assigning catch needs to be with some limit and 2,000 mt is viewed as reasonable.

Duenas asked if the Territory can assign up to the 2,000 mt and not greater than 2,000 mt.

Tosatto replied in the negative. If the Territory gets a quota of 2,000 mt, they can assign 750 to these arrangements, such as American Samoa which has a catch of 400, to allow for growth of the Territories fisheries.

Duenas said he was confused. The WCPFC has given the Territories an allocation, so why go for a smaller allocation.

Tosatto clarified that the US allows the PTs to participate in the WCPFC to the greatest extent possible, but the resources within the EEZ are federal resources. The United States wants to pass to the Territories the quota that the WCPFC gave to the United States.

Martin said that probably the most important and key component that Kingma pointed out is that it's going to be reviewed on an annual basis. In December 2012 there is a real possibility that there could be a change; 2,000 could be unlimited. It could be 5,000. It could be some other number. So the last phrase in the recommendation is a key component in that the Council will review the limit on an annual basis and take into account the actions of WCPFC. So there is an opportunity to continue to review. Although he would prefer higher numbers, he recognizes there are constraints.

Tosatto said he was fine with the language of the recommendation.



Duenas said the WCPFC could also reduce the allocation to 1,000 so the 2,000 number is even better.

*Regarding Territory HMS catch and effort limits and the Council's existing recommendations to amend the Pelagics FEP on these issues (Amendment 20), the Council recommended establishing that vessels under such arrangements are integral to the domestic fisheries of the US PTs provided that such arrangements satisfy either of the following:*

- a) **Contain no requirements regarding where such vessels must fish or land their catch and shall be funded by deposits to the Western Pacific Sustainable Fisheries Fund in support of fishery development projects identified in a Territory's MCP;**
  - o **The funding of such arrangements authorized under this Pelagics FEP amendment shall be of a sufficient amount to substantially contribute to MCP fisheries development objectives; or**
- b) **Provide a landing requirement to offload catch in the ports of the Territory for which the arrangement exists.**

*Moved by Martin; seconded by Sword.*

*Motion passed; abstention by Tosatto.*

*Regarding Territory HMS catch and effort limits and the Council's existing recommendations to amend the Pelagics FEP on these issues (Amendment 20), the Council recommended to establish that the Territories may only assign up to 2,000 mt per year of their annual longline bigeye catch limits through arrangements with the US vessels permitted under the FEP and, further, that the Council review this limit on an annual basis.*

*Moved by Martin; seconded by Palacios.*

*Motion passed; abstention by Tosatto.*

Martin noted that the Territories are potentially taking the limit and through the language they're highly restricted as to whom transfers can be made. It's not an open market situation. They can only transfer quota to other FEP-permitted vessels. So there's a high level of restriction, and this is to maintain the flexibility for the Territories to use their quota to the maximum economic benefit.

Sword said, in order to maximize production for the canneries, there should be a provision to be able to lease it out to non-US-flagged vessels. Currently StarKist is looking at bringing in boats of its own because of the clash with Samoa Tuna. With this recommendation, if it were to get US boats to go and catch bigeye, it would not have an option.

Duenas noted the assignment is for vessels outside of the jurisdiction. He would prefer to reduce the amount down to 1,000 mt in the spirit of conservation, considering the reality of the whole exercise, and to be prudent. It is within the American Samoa jurisdiction so the American

Samoa cannery will be operating under American Samoa’s quota. He thought 1,000 mt would be more palatable.

Martin did not object to the change, as he supports the desires of the Territories, as it is about the two Territories and the Commonwealth. No objection by the second.

Simonds asked Sword for clarification on his comments.

Sword asked, if there is a 1,000 mt limit for US vessels, what prevents the canneries from going to non-US vessels.

Kingma replied this measure prevents them. All US vessels would be allowed.

Simonds noted there is another amendment that could help canneries in terms of lifting some of the requirements from the American Samoa limited entry program. It is known that canneries want to purchase permits so they have their own US boats supplying their canneries.

Sword said American Samoa is limited in the licenses that are available for US boats and the only place to find any other boats is to get non-US boats.

Tosatto said that sourcing of tuna for the cannery is an international proposition; American Samoa foreign fish can be landed on purpose. So the Cook Island vessels can land fish and enter into the canneries in the Territories and Commonwealth. To gain access to the American Samoa limited entry permits, they would be required to follow the regulations. But they would have to be US-built vessels to be able to fish in the US EEZ, or they’d have to operate outside of that EEZ. He pointed out this is not really relevant because if it’s an American Samoa-permitted vessel it would already be counted against American Samoa’s quota.

*Regarding Territory HMS catch-and-effort limits and the Council’s existing recommendations to amend the Pelagics FEP on these issues (Amendment 20), the Council recommended that arrangements authorized under this Pelagic FEP amendment shall become effective 30 days after submission to the Council and NMFS unless the Regional Administrator with the advice and recommendation of the Council’s executive director determines that the arrangements do not comply with the Pelagics FEP or applicable law. Further, that catch or effort under qualifying arrangements shall be subject to attribution to the applicable Territory for purposes of annual reporting to WCPFC.*

*Moved by Martin; seconded by Rice.*

*Motion passed.*

*Regarding Territory HMS catch-and-effort limits and the Council’s existing recommendations to amend the Pelagics FEP on these issues (Amendment 20), the Council directed 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 the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the MSA. In doing so, the Council directed its 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 authorized the executive director to review the regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of 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 Martin; seconded by Rice.*

*Motion passed.*

*Regarding the minimum sale size of yellowfin and bigeye tuna in the State of Hawai`i, the Council directed staff to coordinate with the State of Hawai`i to form an ad hoc working group to review the minimum sale size of these species and to evaluate the impacts of increasing the minimum sale size on the resource, fishing community and seafood markets.*

*Moved by Martin; seconded by Rice.*

*Motion passed.*

Duenas asked for clarification on the minimum landing size in Hawai`i.

Oishi replied it is 3 pounds currently.

*Regarding changes in bigeye longline tuna CPUE over time noted by the SSC, the Council recommended that changes in deepset longline fishing variables (for example, bait type, bait loss/reduction in bait predation, changes in fishing styles and sets) be examined by NMFS Science Center to determine how such changes would affect CPUE statistics.*

*Moved by Martin; seconded by Rice.*

*Motion passed.*

*Regarding the post-release mortality in striped and blue marlin, the Council noted the SSC’s comments that post-release patho-physiology studies are valuable for large pelagic fish and bycatch species, such as sea turtles, and endorsed the SSC recommendation that the study by Dr. Chris Moyes of Queens University Canada be expanded to document physiological status and to predict survivorship following fisheries interactions.*

*Moved by Martin; seconded by Rice.*

*Motion passed.*

*Regarding the incidental take of sea turtles by the Hawai`i shallow-set swordfish longline fishery, the Council found that the proposed action to amend the sea turtle hard caps is consistent with Amendment 18 for the following reasons: As approved, Amendment 18 established, among other conservation and management measures, sea turtle*

**hard caps of 46 loggerheads and 16 leatherbacks, based on an expected annual effort level of 5,500 annual shallow-sets and consistent with NMFS’ ITS in a 2008-no-jeopardy biological opinion completed under the authority of ESA Section 7. On Jan. 30, 2012, NMFS completed a new no-jeopardy biological opinion authorizing the shallow-set fishery to interact with up to 34 North Pacific loggerheads and 26 leatherback sea turtles based on an expected effort level of 5,500 annual sets. NMFS proposes to implement, by regulatory amendment, sea turtles hard caps of 34 North Pacific loggerheads and 26 leatherback sea turtles, to ensure that the fishery continues to operate consistent with the determinations under ESA.**

*Moved by Martin; seconded by Palacios.*

*Motion passed.*

Martin asked if the recommendation met the requirements of the Agency.

Tosatto replied in the affirmative.

*Regarding the Report of the Eighth Meeting of the WCPFC, the Council noted that Deputy Assistant Secretary for International Fisheries Russell Smith’s intervention on the Hawai`i longline fishery was absent from the WCPFC 8 Meeting Report. Accordingly, the Council recommended that NMFS PIRO contact the WCPFC Secretariat to ensure that the intervention text is added to the WCPFC 8 Final Report as Smith’s comments speak to the Hawai`i fishery as being a stringently regulated, closely monitored, environmentally responsible fresh fish longline fishery.*

*Moved by Martin; seconded by Rice.*

*Motion passed.*

*Regarding the SPC OFP Tuna Tagging Program, the Council recommended that the Council staff contact the SPC to request the extension of this tagging program to the Mariana archipelago and American Samoa.*

*Moved by Martin; seconded by Palacios.*

*Motion passed.*

## **12. Hawai`i Archipelago and Pacific Remote Island Areas**

### **A. Moku Pepa**

Martin reported the swordfish fishing effort has been curtailed, which is the usual seasonal cycle. Fishing was good during the first and second quarters. The deepset fishery has had an average year. The second quarter was an exceptional period for fishing on large fish, but not of the highest quality. The fleet is quite dispersed with some very good trips coming in. In general, it is an average year with slightly higher market prices.

Rice reported that, on Aug. 21 and 22, NOAA will host a Recreational Fisheries Summit at Pier 38. Recreational and charter fishermen from each island will be in attendance.

Oishi touched on a few highlights of his Island Report, which included the State of Hawai`i making progress on Administrative Rules for West Hawai`i and the O`ahu aquarium fishery with rule amendments moving through the system. Trip reporting is going well, with 75 percent of the trip reports submitted on time. He referred Council members to the Hawai`i Island Report for information on the status of the Hawai`i FAD program. Effort has been ongoing with cleanup of alien invasive species in Kane`ohe Bay and the culture of sea urchins to implement bio control. The Division's administrator position is still vacant. The Department is currently considering realignment of programs.

## **B. Legislative Report**

Oishi reported that at the beginning of the 2012 Legislature there were 12 bills of interest to DAR, dealing with aquarium fish, fishing regulations (specifically `opihi), budget and administration. At the end of the session, the only bill of interest left is House Bill 2806 related to the Aha Moku Advisory Committee to be established within DLNR, which will be reported on later in the agenda.

Other bills of interest in the Legislative Report included the following:

- 2953 related to authorizing emergency rules due to natural resources exposed or being exposed to imminent peril. The basis for this bill was the unlawful introduction and establishment of axis deer on the island of Hawai`i.
- Act 57 now authorizes DLNR to have control over a grounded vessel for anything longer than 24 hours.
- Act 106 approved \$5 million in expenditures for watershed protection.

Draft rules for the O`ahu aquarium fishery are being worked on.

As requested at the 153rd Council meeting, Dr. Jeff Drazen (University of Hawai`i Department of Oceanography) will be giving a report on the status of the BRFA research.

## **C. Enforcement**

Oishi reported that on June 8, 2012 the Board of Land and Natural Resources approved a letter to be sent to DLNR to encourage Enforcement to enter into a grant agreement with Conservation International to facilitate enforcement.

### Discussion

Kingma asked for more information on the MOU between DLNR and Conservation International.

Oishi said the Board approved entering into the agreement, not the agreement, itself. He has no information on the status of the agreement.

## **D. Bottomfish**

### **1. Report on Bottomfish Restricted Fishing Areas Review**

Drazen presented an update on the State of Hawai`i contracted research to evaluate the effectiveness of six BRFAs in a system of 12 BRFAs throughout the MHI. The research abstract highlights the importance of integrating biological, sociological and environmental context when establishing baselines for species management. Differences in bottomfish relative abundance and size distribution were evaluated. While no differences were detected in species relative abundance, evaluation of size frequency distributions found the two most commercially valuable species, *Etelis coruscans* and *Pritipomoides filamentosus*, to be significantly larger inside the BRFA at Ni`ihau, located off the most remote of the MHI. The BRFA is one of the two ongoing BRFAs offering 10 years of protection; the second is located off Hawai`i. This result highlighted the time it may take a long-lived and slow-growing species to show a detectable response to protection. It also highlighted that size distribution analyses can detect the subtle changes. While there have been ongoing improvements in experimental design and statistical analysis to evaluate spatial closures, this study demonstrates that context must also be considered when testing their efficacy.

#### Discussion

Duenas asked if there were any size frequency comparisons with fish harvested in the area. He said that the reproductive cycle is different and better in Hawai`i than Guam because Hawai`i is warmer.

Drazen replied in the negative, but there have been talks with the State to do comparisons in the future. He agreed there are regional differences.

Rice recommended comparing size of fish caught inside and outside the BRFA.

Duenas asked how long the research is planned to continue and how much consultation was had with fishermen on items such as bait used in his research.

Drazen said the project is funded year-to-year. It is up to the State how long the project will run. Fishermen were consulted in the beginning of the project, and the bait mimics what fishermen in the islands typically use.

Rice asked about consulting fishermen for information in the research.

Drazen said fishermen were consulted when the revision and review of the BRFA system occurred, which was before he became involved in early 2007.

Rice said the fishers should be an important part of this process since they're out fishing every day. Their information would be invaluable.

Drazen agreed. He noted that Layne Nakagawa, a Maui bottomfish fisherman, and a number of other fishermen have been helping out with a project off of Maui to compare techniques as well.

Duenas asked how much time is necessary to determine whether the BRFAs are effective.

Drazen said the answer is dictated by the life history of the species. The species in the BRFAs are slow-growing. So to see increases in abundance and changes in size would take time. Improvements have been made in terms of statistical power by doubling the sampling size. But ultimately, one cannot change the fish. He estimated, being five years into the research, 10 years. Results are coming along and will be refined in the next year or so.

Sword asked what variables are taken into account in the analysis.

Drazen said the main factors, aside from protection from fishing, are habitat variables, including depth and substrate type. The other factors considered are things like sampling in different seasons.

Simonds noted that the work started in 2007. What has been analyzed is from year 2007.

Drazen said the results presented to the Council are the results most ready to present from the first year baseline data. Video has been compared to video that was taken a little less than a year ago. The analysis is being worked through, and the multi-year averages, some of which were presented, are going very fast.

Duenas pointed out that it is important to know what kind of food is in the habitat around the bottom camera (bot-cam) drops. He has noticed spawning areas occur usually in the low-current areas.

Simonds asked if the BRFAs need to be in place in order to complete the analysis as to the efficacy of the BRFAs because 10 more years sounds scary.

Drazen said he has evidence that suggests that the BRFAs can protect bottomfish stocks and can result in larger fish and potentially more fish. A major concern is the need for enforcement.

Simonds pointed out that ACLs are in place. It has been said that there is no need to have BRFAs and a catch limit in order to sustain the fishery. She asked Drazen if there are any plans to work with other tools other than the bot-cam to conduct the research.

Drazen said other techniques are being evaluated, and there is an innercalibration project. In collaboration with fishers and NMFS, they are evaluating the bot-cam, along with video transects with an autonomous underwater vehicle, acoustics from a surface ship and conventional fishing.

Rice said fishermen are concerned because they are getting double-regulated.

Duenas said it is unfair for fishermen to have a catch limit and closed protected areas, which forces pressure on fishing spots. The fishermen have a catch limit, when the limit is reached the fishing stops.

Martin asked the State of Hawai`i about the enforcement level for BRFAs.

Oishi said there are occasional surveys at the docks and some on-the-water patrol.

Martin asked the USCG what enforcement activity is carried out.

Roberts said the USCG needs an effective enforcement program and an effective compliance agreement. The BRFA's are not federally managed so the USCG does not have jurisdiction to provide enforcement from the federal side. The USCG does run operations when there is a federal bottomfish closure.

Simonds reiterated the BRFA's in federal waters are not part of the Council's federal FMP. It is difficult to enforce when there are no federal regulations for BRFA's located in federal waters.

Rice said the BRFA's are located in rough waters, and DLNR does not like to go into rough waters.

## **2. Update on Bottomfish Annual Catch Target**

Jessica Miller, DLNR, presented an update on the bottomfish annual catch target (ACT). As of June 8, 2012, a total of 2,740 bottomfish trip reported Deep Seven landings by 459 commercial fishers. The average submission time was 7.45 days, and 75 percent of the trip reports were submitted within the deadline (submitted on time within 2.69 days), and 25 percent of the trip reports were submitted late (average time of 21.66 days). Out of the total reports, 35.3 percent were filed online. The data was processed on June 21, 2012. The total bottomfish landing is below the ACT and ACL. The fishery will close on Aug. 31 and will reopen Sept. 1.

The summary is from data comparing the landings and dealer reports, with landings being 15 percent greater than the dealer reports. The landings amount to 65.7 percent of the ACT.

Miller presented graphical information by month and island. Maui has higher landings than other islands. Monthly figures are based on port landings, not necessarily the area fished. She presented graphical information illustrating landings by species and island. Opakapaka, onaga and ehu are the top species landed on each island. Maui has the high opaka and onaga landings.

Beginning Sept. 1, 2012, there will be a Civil Resource Violations System violation if a fisherman submits his trip report late. There are plans to improve the online trip reporting process. Of the bottomfish boats registered, 77 percent were commercial out of a total of 1,375 registrants.

### Discussion

Rice asked about information provided to fishermen in regard to online registration.

Miller said informational cards were distributed as well as phone numbers to call if assistance is needed.

Duenas asked if the BRFA information is tied in with the information just presented.



Miller replied it has not been linked together, but noted it was a good idea.

Martin asked if bottomfish fishers could be accommodated by submitting catch reports at the new facility at Pier 38.

Miller agreed that it is a good idea. She will see if there's a possibility to do that.

Tosatto said NMFS has been in discussion with the State of Hawai`i and is in the process of working out the new Service Center capabilities.

Oishi suggested a smart phone app would also be an additional option to offer.

Miller agreed. There has been discussion with a web developer who may be able to make a specific site for smart phones.

Duenas also suggested his favorite option, similar to an automated teller machine (ATM) setup, with a camera and record information with the swipe of a card.

### **3. Recommendations on 2012-2013 Main Hawaiian Islands Bottomfish Annual Catch Target (Action Item)**

Makaiau presented the recommendations on the 2012-2013 MHI bottomfish ACL. He began by giving details about the ACL determination process; a recap of the steps taken in the setting of the ABC of 346,000 pounds for the 2011-2012 fishing year; the MHI Deep Seven Stock Assessment Model Projection; the social, economic, ecological and management (SEEM) uncertainty analysis scoring; and past fishery performances. He noted that there is no new stock assessment for the fishery, so the 2010 assessment remains the best available scientific information for use in setting the 2012-2013 MHI bottomfish ACT.

The Council must specify an ACL by Tuesday. The current ACL is 346,000 pounds. The ACT is 325,000 pounds and has already been evaluated for consistency with MSA and NEPA in the context of current conditions and can be implemented again quickly through rule-making.

Makaiau asked if there was any new information that would persuade the Council to modify the ACL and ACT.

### **4. Hawai`i Essential Fish Habitat and Habitat Areas of Particular Concern (Action Item)**

Mark Mitsuyasu, Council staff member, presented the status of the EFH and HAPC designation. After a brief review of the background of action taken to date, he provided information on the deepslope Deep Seven species, the deepslope bottomfish and groundfish, other bottomfish MUS and the current bottomfish EFH designations,

The alternatives for updating bottomfish EFH included the following:

- A. No action. EFH remains the same, zero to 400 meters. Shallow and deep water complex descriptions.

- B. EFH designation remains zero to 400 meters. Description of subcomplex changes to shallow, intermediate and deepwater complexes with individual EFH definitions for all species and life stages, eggs, post-hatch pelagic, post-settlement and subadult and adult, which is WPSAR Recommended.
- C. EFH designation remains zero to 400. Description changes to shallow, intermediate and deepwater complexes with individual EFH definitions for Deep Seven species and life stages, eggs, post-hatch pelagic, post-settlement and a sub adult and adult.

Mitsuyasu presented maps depicting the EFH designation in the Hawaiian Islands.

The alternatives for updating groundfish EFH included the following:

- A. No action. EFH for groundfish remain the same, 100 to 600 meters and Hancock Seamount.
- B. Define EFH for specific life stages and area specific boundary designations for groundfish at Cross Seamount.
- C. Define species-specific EFH for life stages and remove the area-specific designation for groundfish.

The alternatives for bottomfish HAPC designations included the following:

- A. No action. Current designation.
- B. Sixteen defined HAPC areas.
- C. Seven defined HAPC areas, WPSAR recommendations.

The alternatives for updating groundfish HAPC designations included the following:

- A. No action.
- B. WPSAR recommendation.

Mitsuyasu presented maps depicting the HAPC designations in the Hawaiian Islands. He also presented and discussed new additional EFH and HAPC issues for review, which included nonfishing impacts, whether the two species of kahala should be designated coral reef ecosystem MUS or bottomfish MUS, and Cross Seamount groundfish.

### Discussion

Oishi asked how zero was determined to be the EFH designation for eggs and larvae.

Mitsuyasu said it is because the designation covers the entire life stage. So for the bottomfish MUS complex, for all of its life stages, the EFH designation is from zero to 400 meters. The eggs are assumed to be on the surface. It was divided into four categories in the WPSAR review.

Oishi said he is not aware of any information that would support classifying zero as the shallow end range for bottomfish. He wanted to make sure that there is scientific basis for including zero because it has implications for State managers.

Mitsuyasu said the WPSAR committee wanted to make sure that zero reflects the surface of the ocean down to a depth, not zero from the shoreline. One of the existing gaps is where spawning occurs. Although there is not a lot of information, that is what the committee recommended based on the literature review.

Duenas agreed the zero depth has to be further refined and defined to state that that's in the water column of the ocean as well as refinement of the distribution.

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

### **1. Status of the Aha Moku Legislation**

Charles Ka`ai`ai, Council staff member, reported that House Bill 2806, the Aha Moku Bill, is sitting on the Governor's desk. The options for the Governor consists of veto, let the bill pass without his signature or sign the bill.

### **2. Report on Aha Moku Projects**

Ka`ai`ai reported that the Council has supported small community projects to restore the traditional natural resource management of the Aha Moku system, improve ecosystem function and operationalize the FEP. On O`ahu, the Council supports the Kako`o Oiwi project that educates and engages the community in work that restores traditional practices, land and alternatives on the windward side of O`ahu. On Lana`i, the Council supports the Maunalei Ahupua`a Restoration Project to restore the ecosystem. On Maui, the Council is supporting the development of the Aha Moku O Maui project that identifies and recruits traditional practitioners to participate in an Aha Moku Committee representing the island of Maui. Other projects being developed are ecosystem restoration at Mokauea Island on O`ahu, Aha Moku Advisory Committee on Kaua`i, Moloka`i Aha Moku, and Hawai`i island Aha Moku coordinator and community liaison.

Ka`ai`ai also presented a Council Community Development Program (CDP) project that has been ongoing for some time. Leo Ohai, a long-time fisherman, requested the project Hawaii Traditional Training Program receive exemption to fish in closed area, which began in 2006. Ohai, asked for an exemption to fish seven miles of flagline within the longline closed area. He was fishing longline flagline less than a mile long. The project was to support his traditional way of fishing, a multi-species, multi-gear type of fishery that was practiced at the turn of the 20th century and in the Territorial period, and to receive an exemption so that he could do this practice and also train this way of fishing to students.

In December 2011 the Council learned Ohai is in semi-retirement and the project will be taken over by his son and his daughter, Nephi Ohai and Lola Kau. They will submit a revised proposal. Changes include new principals and a refined curriculum. The basket gear proposal has changed to monofilament longline gear, the area of exemptions has increased and the new platform will be the fishing vessel *KAUAI*, with a map indicating the exempted areas. The Council is still working with PIRO staff to finalize the proposal for the Council.

## Discussion

Duenas noted the need for a template to be used to apply for a CDP exemption.

A resolution was adopted in appreciation of Vice Chair Stephen Haleck, a former Council chair, for his service and dedication in serving three consecutive terms representing the American Samoa and US Pacific Islanders.

### **F. Advisory Group Recommendations**

#### **1. Joint Advisory Panel Meeting Report and Recommendations**

Watamura presented the Joint AP recommendations as follows:

*Regarding the State of Hawai`i Rule-Making Process*, the AP recommends the Council request the State of Hawai`i clearly define its objectives or goals and consider developing a suite of alternatives in developing its current and future fisheries rules (e.g., the proposal to ban fish taken by spear while scuba diving in coastal waters of West Hawai`i, the proposal to ban the commercial sale of ulua on Maui) and provide these to the public during its public hearing process.

*Regarding Requirements for Commercial Marine Licenses for All Those aboard a Commercial Fishing Vessel*, the AP recommends the Council request the State of Hawai`i DAR to amend its regulations so that only the captain or owner is required to have a commercial marine license (CML) and be required to file the monthly catch report. The AP believes with everyone required to have a CML there may be a good chance of duplicative reporting, and it is a burden when you have guests or out-of-town visitors out on a fishing trip.

*Regarding Hawai`i Bottomfish*, the Hawai`i AP recommends the Council request from the State of Hawai`i to remove the federal portion of the BRFA's, as well as to complete the evaluation of the BRFA's.

*Regarding Hawai`i Bottomfish*, the AP recommends the Council request PIFSC to provide an analysis of the Hawai`i bottomfish CPUE data for 2012 in comparison to past seasons to determine any usefulness for future stock assessments.

#### **2. Hawai`i Plan Team Meeting Report and Recommendations**

Frank Parrish presented the Hawai`i Plan Team recommendations as follows:

*Regarding the Kona Crab Fishery*, the Hawai`i Plan Team recommends the Council, in collaboration with DAR and PIFSC to develop and distribute outreach materials regarding the potential effect of limb loss on the Kona crab survival. The Hawai`i Plan Team further recommends the Council, in collaboration with DAR and PIFSC, to review the recent science related to Kona crab biology, ecology, population level and evaluate the potential population impact of the existing no-take of female regulation.

*Regarding the Gold Coral Moratorium*, the Hawai`i Plan Team recommends the Council to renew the harvest moratorium for gold coral that expires in 2013. Recent study of marked and re-measured gold colonies by Parrish and Roark 2009 indicates the linear growth is 2.2 millimeters per year, much slower than the 6 centimeters per year growth rate historically used for management.

*Regarding the Black Coral Fishery*, the Hawai`i Plan Team recommends the Council to convene a subgroup to review new data on black corals and make recommendations on potential changes in the regulations to conserve the black coral populations.

*Regarding the Bottomfish Life History Projects*, the Hawai`i Plan Team recommends the Council request PIFSC to update life history information for onaga and `opakapaka, using more recent samples from the PIFG project.

*Regarding the BRFAs*, the Hawai`i Plan Team recommends the Council to request DLNR Division of Conservation and Resources Enforcement and NMFS OLE to enhance the enforcement of the BRFAs. Some anecdotal evidence and concerns expressed by complying fishermen about poaching in the area should be evaluated.

*Regarding the Cooperative Research Program*, the Hawai`i Plan Team recommends the following activities be added to the Hawai`i cooperative research properties: a) tagging. Electronic tags on top of conventional tags in the BRFAs in both State and Federal waters to gather movement patterns across the BRFA boundaries; and b) biosampling in retail markets to gather bottomfish life history samples.

### **3. Hawai`i Regional Ecosystem Advisory Committee Report and Recommendations**

There were no recommendations from the Hawai`i REAC.

#### **G. Scientific and Statistical Committee Recommendations**

*Regarding the BRFAs*, the SSC notes that initial results from the BRFA analysis indicate no measurable statistical difference in abundance within the BRFA and adjacent areas. Further, determining if there are significant effects of the BRFAs on bottomfish size frequency and abundance may take an additional 10 years to be realized. The SSC suggested some additional approaches for evaluating the efficacy of BRFAs. These might include capture-mark-recapture of fish to assess dispersal and connectivity between potential seed sources (BRFAs) and sinks (depleted areas) and video-based transect sampling to assess spatial and temporal abundance given imperfect detection within and outside BRFAs.

*Regarding MHI BRFAs*, the SSC raised the following points for information to the Council:

- a) The status of the Deep Seven bottomfish stock is healthy, not overfished nor overfishing occurring;
- b) The fishery operates under an ACL, based on a current stock assessment;
- c) The BRFAs have not been factored into the development and production of the accepted stock assessment;
- d) The fishery is now subject to near real-time monitoring through permitting and trip reporting; and
- e) There has been no evidence

presented to suggest that fishing mortality has been reduced through the implementation of the BRFAs.

*Regarding the 2012-2013 ABC, ACL, ACT for the Deep Seven Bottomfish Complex*, the SSC notes that it is highly unlikely that this year's ACT will be reached and recommends that the Council carry over the ABC and ACL based on the current stock assessment and consider keeping the current ACT of 325,000 pounds.

## **H. Public Hearing**

Nakagawa, Hawai'i AP member, voiced concerns about the research going on for such a long period of time. He is worried that there probably will never be any evidence of spawning. He would like the removal of the BRFAs in the federal waters and the setting of a reasonable date for research to end on the efficacy of the BRFAs. The BRFA management regime is damaging the fishery by creating excessive fishing pressure in other areas.

Morioka gave a brief historical recap of the process gone through with the BRFA management scheme and offered suggestions to improve the conditions the Hawai'i fishermen are dealing with, such as removing the BRFAs in federal waters, credit the remaining 20 percent of BRFA in State waters in the stock assessment analyses so as not to continue to penalize the MHI bottomfish fishermen, and continue the ongoing engagement of the MHI bottomfish fishermen in collaborative projects such as the Deep Seven tagging and fishery-independent research projects using gear, bait and the knowledge and experience of the bottomfish fishermen. Since the MHI Deep Seven bottomfish fishery is currently the only jointly managed stock in Hawai'i, he asked the Council, State of Hawai'i and NMFS to put politics and personalities aside and collaboratively develop and implement an effective single MHI bottomfish management plan to end organizational and enforcement duplication and fishermen confusion and to effect a comprehensive data collection regime that requires the noncommercial MHI bottomfish fishermen to report their bottomfish catch as required of the noncommercial MHI bottomfish fishermen in federal waters and the commercial MHI bottomfish fishermen in both State and federal waters.

Watumura said that, according to NOAA's Status of Stock Report, Hawai'i's Deep Seven bottomfish are no longer and have not been in a state of overfishing for two years. He cited the research by [Dr. Réka] Domokos who reported findings that the estimated pounds of fish in Area D is equal to one-half of the 2011 ACT and that such findings will impact the estimated biomass of the Deep Seven.

Kevin Weng, from the University of Hawai'i's Pelagic Fisheries Research Program (PFRP), presented slides that showed preliminary results of research from tracking fish inside, outside and within BRFA B on the east side of Ni'ihau, done in collaboration with a Kaua'i commercial fisherman. The results included a) Genetics show the NWHI is not a big source area for the MHI because of the way the currents flow; b) Very large females are needed in the MHI to produce a high production; and c) Most of the data for fish that didn't move all that much was a mixture primarily of onaga and ehu, with a little bit of `opaka. He said it will be important to combine the results with the work of PIFG. He hopes to continue the work with input from fishermen on the design and provide ways to keep interested parties informed of the results.

Seki spoke to Watamura's point on Domokos' acoustic work. He cautioned that a lot of the work is developmental and there are no estimates to say that there was the biomass number put forward. The acoustic signal is still being interpreted. She can decipher some of the signatures from bottomfish targets versus bait fish or some of the other echoes, but to convert it to actual biomass is still a ways off. The Science Center has made a very big commitment and dedicated effort to developing alternate technologies to gather supplemental information from catch to come up with better estimates for bottomfish, but it is still far from getting to that point.

Watamura said that he was reporting on something that was said during Domokos' presentation during the recent SSC meeting.

Daxboeck offered that that the preliminary way Domokos was interpreting the echo was an expansion into three dimension from two dimension signals. If she were going to expand it, the signal that she found in that one area would be approximately 70 mt. The fish size of that 70 mt averaged of 1.2 to 1.5 kilos. So it was a big school of small fish. She didn't know which fish, but she thought they were bottomfish of a mixed species because the acoustic signals of all seven bottomfish are similar. There's no distinguishing one species from another.

Seki reiterated the use of caution.

Nakagawa said he fishes Box D. It is a seasonal area and only good for two months out of the year. Productive days can average 500 to 700 pounds, and large `opaka come from that area.

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

*Regarding the 2012-2013 ABC, ACL, ACT for the MHI Deep Seven Bottomfish Complex, the Council endorsed the SSC recommendation to retain the ABC and ACL based on the current stock assessment and recommended NMFS specify the 2012-2013 ACT for this fishery to be 325,000 pounds.*

*Moved by Rice; seconded by Sword.*

*Motion passed.*

*Regarding Hawai'i bottomfish MUS and seamount groundfish EFH and HAPC, the Council endorsed the preliminary preferred alternative as presented in the draft amendment package to refine the Hawai'i bottomfish MUS and seamount groundfish EFH and HAPC without designating EFH and HAPC for groundfish at Cross Seamount and reclassifying *Seriola rivoliana* as bottomfish MUS at this time. The Council recommended that staff prepare a final package for transmittal to NMFS. In addition, the Council recommended NMFS continue to research and refine the distribution of bottomfish MUS for all life stages to improve EFH and HAPC designations.*

*Moved by Rice; seconded by Sword.*

*Motion passed, with abstention by Tosatto and opposition by Oishi.*

Oishi said he opposed the recommendation for the reasons stated previously. He spoke in favor of refinement of the definitions of EFH and HAPC.

Duenas agreed with Oishi's statements but favored the recommendation.

*Regarding the Kona Crab Fishery, the Council directed its staff to work with the HDAR and PIFSC staff to review the recent science related to Kona crab biology and ecology and evaluate the population impact of the State's "no take of female" regulation. In addition, staff should produce and distribute outreach materials regarding the potential effect of the leg breakage on the Kona crab survival.*

*Moved by Rice; seconded by Sword.*

*Motion passed.*

*Regarding the gold coral moratorium, the Council supported the Hawai'i Plan Team recommendation to renew the harvest moratorium for gold coral that expires in 2013 for an additional five years and directed staff to initiate development of the regulatory action for consideration at the next Council meeting.*

*Moved by Rice; seconded by Sword.*

*Motion passed.*

*Regarding Precious Coral Management, the Council directed staff to convene a subgroup to review new data on black corals and make recommendations on potential changes in the regulations to conserve the black coral populations.*

*Moved by Rice; seconded by Sword.*

*Motion passed.*

*Regarding the State of Hawai'i Rule-Making Process, the Council requested the State of Hawai'i clearly define the objectives and/or goals and consider analyzing a suite of alternatives when developing current and future fisheries rules (e.g., the proposal to ban fish taken by spear while scuba diving in coastal waters of West Hawai'i island, the proposal to ban the commercial sale of ulua on Maui) and provide these to the public during its public hearing process.*

*Moved by Rice; seconded by Sword.*

*Motion passed, with abstention by Oishi.*

Oishi said he was unfamiliar with the background and would abstain.

*Regarding Requirements for Commercial Marine Licenses for All Those aboard a Commercial Fishing Vessel, the Council directed staff to work with the State of Hawai'i DAR and NMFS to analyze the impacts of amending current regulations to allow only captains or owners to be required to have a CML and be required to file monthly/trip catch reports.*

*Moved by Rice; seconded by Sword.*

*Motion passed, with abstention by Oishi.*



Oishi said he was unfamiliar with the details of the State’s plans for vessel licensing and would abstain.

***Regarding Hawai`i bottomfish, the Council heard the reports and recommendations on the evaluation of the efficacy of the MHI BRFA and a) recommended that the State of Hawai`i remove the BRFAs located within federal waters around the MHI, and b) directed staff to work with the State of Hawai`i and NMFS to develop an integrated research plan for the remaining BRFAs in State waters incorporating existing bot-cam information, new bottomfish acoustic data using sonar and electronic tags, and cooperative research tagging efforts to provide a comprehensive evaluation of the efficacy of BRFAs.***

*Moved by Rice; seconded by Sword.*

*Motion passed, with abstention by Leialoha and opposition by Tosatto and Oishi.*

Oishi opposed Item A of the recommendation, noting the State’s ongoing research will be compromised if the BRFAs in federal waters (the body of the research) were to be removed. As a State employee, he is sworn to uphold the State Constitution and the BRFAs lie within archipelagic waters, which are included in the State constitution.

Simonds asked if there is a way to have the research done with the BRFAs opened up to fishermen.

Tosatto voiced opposition to the recommendation. He said he is not convinced there has been a fair evaluation of the efficacy of the BRFAs. He agreed with Oishi’s point and supported the item to work together on research of the BRFAs to get to a convincing way forward with spatial management in conjunction with the management in the EEZ.

Rice noted agreement with Item B, but that it is taking too long.

Duenas said this is a moot discussion. The research will continue, and sometime in the future the boundary lines will be congruent.

Simonds said enforcement of the BRFAs in federal water is part of a cooperative agreement and, since there’s currently no cooperative agreement, fishermen can fish in the BRFAs in federal waters. She suggested conducting research in similar MPAs and making comparisons.

Leialoha said she will abstain from voting because there is enough data to show the efficacy of the BRFA. At the same time she would like to have definite follow-up to what will realistically be enough data to make a determination, such as by the next Council meeting, within the next six months, by the next year.

Duenas suggested recommending staff to work with the State of Hawai`i regarding removal of the BRFAs and the possibilities of different management regimes that would work and maintain the science part of it.

Daxboeck said there are other ways of doing the research, but, based on the way that the fishery is managed at the moment, the SSC has serious doubts as to the usefulness of the BRFA as they were initially intended. That doesn't mean to say that research shouldn't continue, but the research to prove or disprove the efficacy of the BRFAs is perhaps moot at this point.

Simonds said that at the recent SSC meeting the statement was made that the research will not answer the question of efficacy. This sounds like the monk seal fatty acid study that went on for years. It turned out monk seals eat more bottomfish than they eat lobsters. She queried if there were any MPA experts present.

Duenas said he considers it a moot question as the State doesn't have to agree to remove the BRFA boundaries and the Council doesn't have to agree to enforce the BRFAs.

### **13. Administrative Matters**

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

Simonds referred Council members to the briefing documents regarding the financial reports.

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

Simonds referred Council members to briefing documents regarding the administrative reports.

#### **C. Freedom of Information Act Requests**

Simonds reported the Council is following the requirements in response to Freedom of Information Act requests.

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

##### **1. Data Committee**

Simonds said assigning committees to address topics results in a more in-depth evaluation and more timely deliberations.

##### **2. Scientific and Statistical Committee Term Limits**

Simonds said, given the major shift in SSC responsibility due to the 2006 Reauthorized MSA, now is an appropriate time to evaluate implementation of fixed term limits for SSC membership and changes to the solicitation of new membership. The Council was asked to deliberate on the topic of implementation of term limits and new member solicitation process. Simonds said Itano would be a good addition to the SSC now that he is no longer a Council member.

### Discussion

Martin agreed with the idea to establish a cycle of a term of service for the SSC as well as solicit existing SSC members for input into the development of a pool of interested parties.

### **3. Plan Teams**

Mitsuyasu reported the proposed changes to the Mariana Plan Team: Richard Randall, as recommended by SSC member Paul Callaghan with SSC concurrence; Kimberly Lowe as an ex-officio member to all Plan Teams as a replacement for Michael Quach; and Jeff Seminoff as a new member on the STAC.

Sabater reported three proposed changes to the Plan Team chair positions: Sam Kahng for the Hawai`i Archipelago and PRIA Plan Team, Selaina Vaitautolu for the American Samoa Archipelago Plan Team, and John Gourley for the Mariana Archipelago Plan Team.

#### **E. Meetings and Workshops**

##### **1. Council Coordination Committee Meeting Report and Recommendations**

Duenas noted this topic was previously discussed.

###### **a. Consultation with the Government Accountability Office Regarding Moving the National Marine Fisheries Service to US Fish and Wildlife Service**

There was no discussion regarding this agenda item.

###### **b. 2013 Budget**

There was no discussion regarding this agenda item.

#### **F. Department of Commerce Office of Inspector General Review of the Fishery Management Rule-Making Process**

Simonds reminded Council members to submit completed surveys and encouraged 100 percent participation to take full advantage of the opportunity for all RFMCs to submit recommendations regarding interactions with NMFS, interactions between the fishing industry and NGOs, RFMC operations and regulatory requirements to the DOC Office of Inspector General.

Simonds reported Sabater will attend the Coral Reef Symposium in Australia to present a paper. In August 2012 Council representatives will attend the CRTF as well as hold the Council REAC meeting. Simonds noted the need for Council to resume attending the South Pacific regional meetings of the SPC.

**G. Other Business**

Simonds asked the Council to consider writing a letter to the President, NMFS and USFWS requesting a change to the existing Monument regulations to allow permitted indigenous fishermen who travel to fish in the NWHI to bring their fish back to their families. She pointed out that the Mariana and American Samoa MNMs allow subsistence fishing.

Duenas voiced his support for consistency and fairness throughout Pacific Island monument regulations.

**H. Standing Committee Recommendations**

Duenas noted this topic was previously discussed.

**I. Public Comment**

No public comments offered.

**J. Council Discussion and Action**

**Regarding ESA, the Council requested NMFS to clarify the process for incorporating new scientific information made available between the proposed and final rule for ESA listings.**

Moved by Duenas; seconded by Rice.

Motion passed.

**Regarding green sea turtle, the Council requested NMFS to contribute more funding for green sea turtle research in the Mariana archipelago.**

Moved by Duenas; seconded by Martin.

Motion passed.

**Regarding CMSP and the Pacific Islands RPB, the Council nominated Arnold Palacios to represent the Council on the Pacific Islands RPB.**

Moved by Duenas; seconded by Leialoha.

Motion passed.

Tosatto welcomed Palacios' participation on the Pacific Islands RPB.

**Regarding the STAC, the Council appointed Jeff Seminoff to the STAC.**

Moved by Duenas; seconded by Sword.

Motion passed.

**Regarding the Mariana Plan Team, the Council appointed Dr. Richard Randall to the Mariana Archipelago Ecosystem Plan Team.**

Moved by Duenas; seconded by Palacios.  
Motion passed.

**Regarding the Plan Teams, the Council appointed Kimberly Lowe as an ex-officio Plan Team member, replacing Michael Quach.**

Moved by Duenas; seconded by Leialoha.  
Motion passed.

**Regarding Council officers, the Council appointed William Aila Jr. as an interim Council chair for the 155th Council meeting to be held in October 2012, at which time the Council will appoint its officers for 2013.**

Moved by Duenas; seconded by Martin.  
Motion passed.

Duenas offered background information as to the two Hawai'i Council members' terms ending. Aila logistically was the best choice for the interim time period.

**Regarding funding to support fishery-related projects, the Council recommended staff work with the NMFS to coordinate and host Grant Training Workshops in each of the island areas to assist with communities obtaining funding to support fishery-related projects.**

Moved by Duenas; seconded by Rice.  
Motion passed.

Tosatto voiced his support for the recommendation.

Duenas thanked Tosatto for his support and noted the need to resolve the deadline timing for packet submittal.

**Regarding the SSC, the Council directed staff to ask SSC members if they wish to continue serving on the SSC and to inform them of the implementation of new four-year term limits to begin in 2013.**

Moved by Duenas; seconded by Martin.  
Motion passed.

Duenas asked for clarification as to the term limits.

Simonds clarified each term of service is four years with no limit on number of terms.

**Regarding Plan Team chairs, the Council assigned John Gourley as the Mariana Plan Team chair, Selaina Vaitautolu as American Samoa Plan Team chair and Dr. Sam Kahng for the Hawai'i Plan Team chair.**

Moved by Duenas; seconded by Rice.  
Motion passed.

**Regarding the Advisory Panel, the Council assigned Lawrence R. Concepcion as a new member of the Mariana FEP AP.**

Moved by Seman; seconded by Palacios.  
Motion passed.

Seman noted Concepcion has been a recreational fisherman for over 30 years, a licensed USCG marine merchant and captain for the past 22 years, and a combat veteran who served in Operation Iraqi Freedom II, as well as a reservist for over eight years.

#### **14. Other Business**

A resolution was adopted in appreciation of Council Member Sean Martin, a former Council chair, for his service and dedication in serving three consecutive terms representing US Pacific Islands fishermen. A second resolution was adopted in appreciation of Council Chair Manuel Duenas for his service and dedication in serving three consecutive terms representing the Guam artisanal fishing community. A third resolution was adopted in appreciation of Vice Chair David Itano for his contributions and dedication to the goals and mission of the Council.

**APPENDIX: List of Acronyms**

ACL	annual catch limit
ACT	annual catch target
AMs	accountability measures
AP	Advisory Panel
BRFAs	Bottomfish Restricted Fishing Areas (Hawai`i)
BRPs	biological reference points
BRT	Biological Review Team
BRUVS	Baited Remote Underwater Video Stations
CBD	Center for Biological Diversity
CCC	Council Coordination Committee
CDP	Community Development Program
CDPP	Community Demonstration Project Program
CFMP	Community-based Fishery Management Program (American Samoa)
CML	commercial marine license (Hawai`i)
CMMs	conservation and management measures (WCPFC)
CMSP	Coastal and marine spatial planning
CNMI	Commonwealth of the Northern Mariana Islands
CPUE	catch per unit effort
CRED	Coral Reef Ecosystem Division
CRTF	Coral Reef Task Force
DAR	Division of Aquatic Resources (Hawai`i)
DFW	Division of Fish and Wildlife (CNMI)
DLNR	Department of Land and Natural Resources (Hawai`i)
DLNR	Department of Lands and Natural Resources (CNMI)
DMWR	American Samoa Department of Marine and Wildlife Resources
DOA	Department of Agriculture
DOC	Department of Commerce
DOI	Department of the Interior
DPS	Distinct Population Segment
DPW	Department of Public Works
EEZ	exclusive economic zone
EFH	essential fish habitat
EIS	environmental impact statement
EPA	Environmental Protection Act
ESA	Endangered Species Act
FAD	fish aggregation device
FDM	Farallon de Medinilla
FEP	Fishery Ecosystem Plan
FFA	Forum Fisheries Agency

FKW	false killer whale
FMPs	Fishery Management Plans
GAC	General Advisory Committee (IATTC)
GC	General Counsel
GFCA	Guam Fishermen’s Cooperative Association
GOA	Gulf of Alaska
GOSA	Guam Organization of Saltwater Anglers
HAPC	habitat area of particular concern
HLA	Hawaii Longline Association
HMS	highly migratory species
IATTC	Inter-American Tropical Tuna Commission
ITS	incidental take statement
IUU	illegal, unreported and unregulated
JEA	Joint Enforcement Agreement
LOF	List of Fisheries
MCI	Marine Conservation Institute
MCP	Marine Conservation Plan
MET	Marine Education and Training
MHI	main Hawaiian Islands
MMPA	Marine Mammal Protection Act
MNM	Marine National Monument
MONF	Managing Our Nation’s Fisheries
MOU	memorandum of understanding
MPA	marine protected area
MRIP	Marine Recreational Information Program
MSA	Magnuson-Stevens Fisheries Conservation and Management Act
MSY	maximum sustainable yield
mt	metric ton
MUS	management unit species
NEPA	National Environmental Policy Act
NGO	nongovernment organization
nm	nautical mile
NMFS	National Marine Fisheries Service
NMS	National Marine Sanctuary
NMSP	National Marine Sanctuary Program
NOAA	National Oceanic and Atmospheric Administration
NRDC	National Resources Defense Council
NS	National Standard
NWHI	Northwestern Hawaiian Islands



OFF	Offshore Fisheries Programme (SPC)
OLE	Office of Law Enforcement
PBR	potential biological removal
PFRP	Pelagic Fisheries Research Program
PID	Pacific Islands Division
PIFG	Pacific Islands Fisheries Group
PIFSC	Pacific Islands Fisheries Science Center
PIRO	Pacific Islands Regional Office
PRD	Protected Resource Division
PRIA	Pacific Remote Island Area
PTs	Participating Territories
RAMP	Rapid Assessment and Monitoring Program
REAC	Regional Ecosystem Advisory Committee
RFMCs	Regional Fishery Management Councils
RFMO	regional fishery management organization
RFPs	Request for Proposals
RPB	Regional Planning Body
SAC	Scientific Advisory Subcommittee (IATTC)
SAR	Stock Assessment Report
SEEM	social, economic, ecological and management
SIDS	Small Island Developing States
SPC	Secretariat of the Pacific Community
SPREP	Secretariat of the Pacific Regional Environment Programme
SSC	Scientific and Statistical Committee
STAC	Sea Turtle Advisory Committee
TCC	Technical and Compliance Committee
TRP	Take Reduction Plan
USCG	US Coast Guard
USFWS	US Fish and Wildlife
VMS	vessel monitoring system
WCPFC	Western and Central Pacific Fisheries Commission
WCPO	Western and Central Pacific Ocean
WPacFIN	Western Pacific Fisheries Information Network
WPSAR	Western Pacific Stock Assessment Review