



## ACTION MEMORANDUM

150<sup>th</sup> Council Meeting  
March 8-10, 2011  
Governor H. Rex Lee Auditorium  
Utulei, American Samoa

### American Samoa Archipelago Fisheries

*In regards to climate change education and outreach, the Council:*

1. Recommended the American Samoa coral reef advisory group introduce the recently developed climate change curriculum in American Samoa schools.

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

2. Recommended NOAA, USFWS, and the American Samoa government's coral reef advisory group not solely focus on education and outreach, but also involve local community members to monitor areas, gather information, and help create ecosystem models based on the American Samoa environment.

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

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

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

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

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

5. Recommended the National Marine Sanctuary Program translate their proposals into Samoan as well as publish public meeting announcements related to the their management plan review process in Samoan in local newspapers.

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

6. Directed staff to work with the Dept. of Marine and Wildlife Resources, Port Authority, Dept. of Commerce, Office of Samoan Affairs, Environmental Protection Agency and other partners to hold a workshop this year to assess the different uses and users of Pago Pago Harbor and to initiate a CSMP process to help addresses some of the existing conditions within the harbor.

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7. Directed staff to work with partners such as the American Samoa Dept. of Commerce to submit an article in Samoan and English to the local newspaper describing the National Ocean Council's request of public comments related to Development of Strategic Action Plans for the Nation's National Ocean Policy (Federal Register notice (76 FR 4139) published January 24, 2011).

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

8. Directed staff to work with Tri Marine, American Samoa Community College, DMWR, and fishermen from Tutuila and Manua and Swains Islands to develop a fisheries training program that includes vessel financing, seamanship, pilot licensing, vessel safety, fishing techniques, and fish handling.

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

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

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

10. Directed staff to send a letter to NMFS urging them to expedite their information gathering process and to secure funding in 2011 given the current opportunities for fisheries development related to Tri Marine's plans for fresh fish export and the Council's funding support of MCP projects.

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

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

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

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

*In regards to ecosystem monitoring, the Council:*

13. Recommended NMFS work with DMWR to collect environmental data in American Samoa (e.g. pH levels) through adding sensors to existing offshore buoys.

*In regards to local aquaculture development, the Council:*

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

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

15. Directed staff to continue to work with DMWR and NMFS on the following:
  - a. hire a data manager to ensure the quality, data processing and integration of fishery data collection programs;
  - b. increase data collection coverage throughout American Samoa;
  - c. conduct data validation of the creel surveys on the appropriateness to new management mandates like ACLs;
  - d. conduct baseline data collection as related to MPA establishment; and
  - e. explore options for incentives to encourage participation in the data collection program

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

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

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

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



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### Mariana Archipelago Fisheries

*In regards to the Mariana Archipelago Plan Team recommendations, the Council:*

1. Directed staff to support outreach efforts to Mariana fishermen to increase fishermen participation in current Mariana data collection programs.
2. Endorsed the modified Mariana Islands Annual Report Structure as included in the Plan Team Report appendix 1.
3. Supported the proposed annual Plan Team meeting schedule, as funding permits, to initially review and analyze available data from previous year during the first quarter of the following year with a follow-up meeting to finalize interpretations at a joint PT meeting in Honolulu prior to the annual mid-year (June) Council meeting.
4. Supported conducting an external review of the Mariana Islands creel survey and data management program to determine the validity of this information for preparing stock assessments and for its use in management (i.e. ACLs). (Data Workshop Recommendation #14)
5. Supported the following prioritized proposals to improve the fishery data collection for stock assessments in the Marianas.
  - a. Regarding staff training to enhance fish identification skills, fund efforts to: 1) utilize electronic coral reef identification tools developed by CRED; 2) hire an external contractor to provide support, training and coordination; and 3) create a waterproof key for species ID which will be useful during field operations;
  - b. Regarding bolstering the Bio-Sampling Program, supports the contracting of 1 FTE to support the existing Biosampling staff (Eric Cruz) in Guam;
  - c. Regarding additional support for the creel surveys, augment the number of survey days to offset those lost from government furloughs in CNMI. For Guam, recommends supplementing the DAWR staff with 1 FTE dedicated to conducting creel surveys. The Plan Team also supports working with village mayors governing villages with large fishing pressure and explore alternate means of data collection;
  - d. Regarding additional support for data processing, recommends contracting 1 FTE to process the fishery voluntary data collected by GFCA in Guam and to provide funds to print the voluntary logbooks used for this program

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### *In regards to the Mariana Archipelago Advisory Panel recommendations, the Council:*

6. Will facilitate the consideration of the safety of human life as it moves forward in coastal and marine spatial planning efforts.
7. Directed staff to request the appropriate Federal agency to provide funding for additional fire/rescue units on east Guam to help mitigate the deaths of fishermen along that remote coast.
8. Directed staff to provide assistance to the CNMI community to determine the best approach to work with the military to mitigate the effects of firing range closures on the fishing community and to facilitate the return of FDM to the government of CNMI.
9. Directed staff to work with fishery research agencies and organizations to provide reports on the outcomes of fishery research in Guam and CNMI (i.e. biosampling data results, cooperative research, economic survey, etc) at future Advisory group meetings as available.
10. Recommended convening an annual meeting, as funding permits, of its Advisory Panel to provide training, review responsibilities and evaluate member performance.

### *In regards to the Guam Regional Ecosystem Advisory Committee recommendations, the Council:*

11. Directed staff explore options with the Federal Highway Administration to re-establish the boat ramp in Ylig, Guam and to review the EIS to determine if impacts to fishermen by the bridge expansion were considered.
12. Requested the Guam Visitors Bureau and other agencies clarify their respective rules and schedules for public access in the coastal parks and other public areas around Guam.
13. Commended Devin Lucas and Dr. Jennifer Lincoln of the Center for Disease Control & Prevention, National Institute for Occupational Safety and Health for completing the study on “The impacts of Marine Protected Areas on the Safety of Fishermen on Guam” and looks forward to the final publication. The Council also requested follow-up studies be conducted addressing comments heard on other social and economic factors that may improve the findings of this report.
14. Directed staff to assist Guam fishermen in developing an MOU with the military to address impacts of military activities on the Guam fishing community. Staff should also contact the Civilian Coordination Council to request membership for the Fishery Council and Guam fishermen.

### *In regards to the CNMI Regional Ecosystem Advisory Committee, the Council:*

15. Directed staff to inquire with the appropriate Federal agency(s) the status of the Marianas Trench Marine National Monument visitor’s center funding and activities.

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16. Requested NMFS to expand current bio-sampling project on Saipan to collect bio-samples on Rota and Tinian.
17. Supported the CNMI REAC recommendations on the application of ACLs and Catch Shares in Mariana fisheries consider the following:
  - a. That any catch share allocation be administered through the community;
  - b. That a community-based management, or co-management, plan for ACLs and catch shares be developed, if necessary, to operate under no limits given the low number of fishermen fishing in the Marianas at present;
  - c. That the ACLs be set at a level where it can allow the CNMI community to attain potential economic benefits from its fishery while still allowing the ACL to meet its required purpose
18. Supported the development of a longline fishery in CNMI and encourages feasibility, marketing and shipping studies be completed to support fishery economic development in CNMI. These studies would also look at streamlining the process to enter and dock fishing boats in Guam and explore ways to reduce associated costs.
19. Directed staff to assist the CNMI Government in holding wider public meetings to update the CNMI MCP before it is processed for formal review and approval.

*In regards to shark populations around the Mariana Archipelago, the Council:*

20. Recommended NMFS review the existing scientific shark literature to assess if the population status of the sharks in the Mariana Archipelago is depleted and, if depleted, identify the source of that depletion. The Council looks forward to the report on this review at its June Council meeting.



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### Hawaii Archipelago & PRIA Fisheries

*In Regards to Hawaii Bottomfish, the Council:*

1. Based on the SSC recommendation of using a probability-of-overfishing of 50%, recommended setting the TAC for 2011/2012 at 383,000 lbs for MHI Deep-7 bottomfish.
2. Recommended that, by the June 2011 SSC meeting, NMFS PIFSC provide the SSC the following:
  - a. the prior and corresponding posterior distributions be overlaid on the same plot as a visual aid for model assessment;
  - b. the impact of the priors for  $R_{max}$ ,  $K$  and  $P(\text{initial})$  on model performance be evaluated (including the validity of using inverse gamma priors);
  - c. the documentation be expanded to better explain the Bayesian state-space surplus production stock assessment model and justification of all the priors used; and
  - d. the various catch and CPUE scenarios be more succinctly described to aid management decision-making
3. Recommended NMFS PIFSC address the following SSC comments in future bottomfish assessments:
  - a. CPUE data standardization include assessment of relevant environmental variables such as Sea Surface Temperature (SST);
  - b. CPUE data standardization consider GLMM approaches with year and island as random effects (perhaps random slope and intercept such as "random= $\sim(1+\text{year}|\text{island})$ ");
  - c. sensitivity of the posteriors to the priors be thoroughly evaluated;
  - d. alternative model performance measures such as DIC be used in place of AIC and BIC;
  - e. a more comprehensive re-assessment be undertaken of the use of multilevel priors to address the stock complex and the changing catch composition problems that were identified in the 2009 WPSAR review (adoption of a more robust model performance measure such as DIC would support this re-assessment); and
  - f. separate assessments be considered for faster and slower growing species groups in the Deep 7 complex



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### Program Planning & Research

*In regards to the establishment of working groups for establishing annual catch limits for bottomfish, the Council:*

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

*In regards to the proposed regulations for the ACL omnibus amendment for all Fishery Ecosystem Plans, the Council:*

2. Reviewed the draft regulations and had no additional recommendations



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

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

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

4. Recommended exploring the potential for including a fishing vessel loan program in future drafts of the American Samoa MCP.



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### Pacific Pelagic and International Fisheries

*In regards to modifications to the American Samoa longline limited entry program, the Council:*

1. Directs staff to prepare an amendment/regulatory amendment to the FEP and transmit the final document to the Secretary of Commerce based on the Council's following preferred alternatives:
  - a. Alternative 1C, which would replace the four vessel classes with two, where Class A and B vessels would be considered "small" and Class C and D vessels would be considered "large."
  - b. Alternative 2B, which would restrict permit ownership to U.S. citizens and nationals only and eliminate criteria for having documented history of participation to be eligible for owning a permit, but would maintain the priority ranking system based on earliest documented history of fishing participation in vessel class size.
  - c. Alternative 2Bii, which would require that permits can only be transferred to U.S. citizens or nationals, and eliminated requirements to have documented participation in American Samoa longline fishery to be eligible to receive a transferred permit.
  - d. Alternative 3B, which would lower the "small" vessel class minimum harvesting requirement to 500 lbs of PMUS caught with longline gear in the EEZ around American Samoa within a 3-year period, but would maintain the existing 5000 lbs harvesting requirement of PMUS caught with longline gear in the EEZ around American Samoa for the "large" vessel class.

*In regards to landing requirements for American Samoa pelagic fisheries, the Council:*

2. Directed staff to write an options paper investigating the pros and cons of requiring the landing of pelagic management unit species in American Samoa by all longline and purse seine fisheries. The paper would also investigate options for prioritizing participation in the longline fishery by community residents.

*In regards to the proposed large vessel prohibited area closure, the Council:*

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

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*In regards to the large vessel prohibited area, the Council:*

4. Directed staff to draft a white paper that explores a community development program that would permit access to the current closed areas for large pelagic fishing vessels that would benefit the indigenous fishing communities through revenues generated from catches by the large-longline vessel (>50 ft) within the large vessel prohibited area.

*In regards to the American Samoa longline fishery, the Council:*

5. Directed staff to prepare a draft amendment to the Pelagics FEP that would specify regulations for an American Samoa shallow-set longline fishery, which would operate under the American Samoa longline limited entry program, to target swordfish and other pelagic species.

*In regards to the “taking marlins off the menu” campaign, the Council:*

6. Directed staff to compose a letter to the Chair of Hawaii DLNR and copy the IGFA, the PEW Foundation, and other supporters of the proposed legislation voicing the importance of marlin and other billfish to fishermen, fishing communities, and seafood consumers in the Western Pacific Region



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### Protected Species

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

1. Requested NMFS to provide distribution maps and photographs of 82 species of coral considered for listing, and provide presentations on the bumphead parrotfish and coral biological reviews at the 151<sup>st</sup> Council Meeting in June 2011.

*In regards to the Mariana Archipelago Green Turtle Workshop, the Council:*

2. Commended the participants for their contributions and recommends staff draft an options document considering the reestablishment of cultural practices involving green sea turtles in the Mariana Archipelago. The Council directs staff to award the cultural practitioners with certificates for their contribution. In addition, the Council directs staff to continue to engage with the workshop participants and conduct follow-up meetings in Guam and CNMI to expand the regional focus to include FSM, Republic of Belau, Republic of Marshall Islands and other surrounding areas and to develop a plan for reestablishing the cultural practices.

*In regards to the CNMI Turtle Program, the Council:*

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

*In regards to the Dredge Material Disposal Site in Guam, the Council:*

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

*In regards to the process of protected species scientific permit application, the Council:*

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



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### Administrative Activities

*In regards to Administrative Matters, the Council:*

1. Directed staff to change the SOPP to add 4-year term limits for members of the Scientific and Statistical Committee.
2. Appointed Mike Tenorio from the CNMI DFW and Domingo Ochavillo from American Samoa DMWR to the SSC. Tenorio will replace Mike Trianni and Domingo Ochavillo will replace Marlowe Sabater, respectively.
3. Appointed Peter Ruzevich and William Dunn III from the CNMI DFW to the Mariana Archipelago Plan Team.
4. Appointed Judith Guthertz from Guam to the Council's Coastal and Marine Spatial Planning working group.
5. Directed staff to:
  1. Coordinate Council participation in the 52<sup>nd</sup> Hawaii International Billfish Tournament as the winner of the 2010 Great Marlin Race and leverage that participation to inform the community about potential local fishing and seafood community impacts from the National effort to "take marlin off the menu."
  2. Convene the Climate Change/CMSP workshop as planned.
  3. Work with Conservation International in a joint initiative to review Hawaii fishery regulatory regime.
6. Requested NMFS to complete the review as soon as possible of the essential fish habitat and habitat areas of particular concern for bottomfish MUS in American Samoa and the Marianas archipelago.
7. Directed staff to produce a timeline on the development of the CDP amendment and summarize the issues preventing the finalization of the template.

*In regards to education and outreach, the Council:*

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8. Directed staff to write a letter to the Pacific Services Center requesting the opportunity to review the Marine Science Curriculum for Hawaii prior to publication.
9. Directed staff to write a letter requesting that the Council be included on the NOAA National Education Council.
10. Directed staff to request that council communications officer be included as a member of the NMFS Fishery Education Committee
11. Directed staff to coordinate and host regional lunar calendar workshops every other year.

*In regards to the NMFS' February 24, 2011 letter asking for more information to complete the American Samoa disaster relief request, the Council:*

12. Recommended staff meet with PIRO and DMWR staff to work on preparing this information immediately and that NMFS develop a template for this and future disaster relief requests.

*In regards to the NOAA/USFWS/MCBI Seabird and Pelagic Fishes Interrelationships Workshop, the Council:*

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

*In regards to other business, the Council:*

14. Directed staff to convene a working group of PIFSC, HDAR, Council and the fishing community to explore options to develop a joint state-federal boat based non-commercial data collection program for Council consideration.
15. Directed staff to review the January 2011 oversight plan of the House Committee on Natural Resources in preparation for the CCC meeting in May.
16. Directed staff to send a letter to the Pacific Council and NMFS indicating that the Council does not support the Pacific Council's recommendation to identify a primary FMP/FEP for HMS MUS.