



ACTION MEMORANDUM

**152nd Council Meeting
October 19-22, 2011
Laniakea YWCA-Fuller Hall
Honolulu, Hawaii**

Marianas Archipelago

Regarding the Marianas Trench Marine National Monument Workshop, the Council:

1. Directed staff to draft a letter to NMFS relating its concerns at the lack of indigenous representation at the workshop and the lack of Guam representation on the Monument Advisory Council, and expressing the need for indigenous representation at future Monument meetings.

Status: COMPLETE

Letter sent to NMFS PIRO Regional Administrator, Mike Tosatto, on November 14, 2011. No response provided. The first meeting of the MAC will be held in Saipan on February 23, 2012. No member from Guam has been appointed to MAC

2. Recommended NMFS and USFWS convene the Marianas Trench Marine Monument Advisory Committee (MAC) immediately, pursuant to the Presidential proclamation, to prevent exclusion of the MAC in future Monument activities.

Status: COMPLETE

This recommendation included in letter described in Number 1 above. The first meeting of the MAC will be held in Saipan on February 23, 2012. No member from Guam has been appointed to MAC

Regarding the Marianas Islands Range Complex, the Council:

3. Directed staff to write to the Department of Defense reiterating the importance of consulting with the fishing community while developing changes to the Marianas Islands Training and Testing area.

Status: COMPLETE

Letter sent to Donald Schregardus, Dept. Assistant Secretary of Navy (Environment) on Nov.30, 2011. Letter also sent to National Ocean Council Co-Chairs Nancy Sutley and Dr. John Holdren on Nov. 30, 2011 informing them of ongoing issue. Council is looking to schedule a meeting with Joint Guam Program Office and Joint Region Marianas to discuss these issues on February 28, 2012



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American Samoa

Regarding the Proposed American Samoa National Marine Sanctuary, the Council:

1. Directed staff to request an extension to the comment period to allow the Council to consider the draft management plan and proposed regulations and their potential effects on the current fisheries management regime in American Samoa.

Status: COMPLETE

Letter was sent to Allen Tom on Nov. 11/23/2011. Allen Tom responded 12/2/2011 that ONMS will not extend comment period for Council. NMS then extended the comment period to March 9, 2012 upon the request of Congressman Faleomavaega Eni Hunkin.

2. Directed staff to analyze the draft management plan and proposed regulations and their potential effects on the current fisheries management regime in American Samoa and prepare comments for Council consideration at its 153rd meeting.

Status: COMPLETE

The comments were drafted and submitted 12/30/2011 supporting Alternative 1 without the permitting action. After thorough review of the DMP/DEIS, the Council believes that any alternative above alternative 1 does not have a solid scientific credence due to inconsistent use of scientific information. With no solid information provided, the impacts to the fishery is hard to quantify and based on a cursory analysis of the fishery data done by Council staff, closure of the fishery in Aunuu as a large economic impact on boat based fisheries.

3. Directed staff to request the National Marine Sanctuary Program produce maps that clearly delineate American Samoa territorial waters and make those available to the Council and public before January 2012.

Status: COMPLETE

Council staff received maps from Kevin Kelly and sent email to Gene Brighthouse, FBNMS Superintendent, cc'd Allen Tom. Maps emailed to AS Council members and AS council family.

4. Directed staff work with American Samoa DMWR to develop a GIS-based map of all existing marine managed areas and areas of concern (e.g. cliff lines, dangerous currents) in American Samoa.

Status: COMPLETE

Draft a letter to Ray Tulafono requesting development of GIS maps of existing MMAs and hazardous areas; letter drafted 11/15/2011; signed 11/15/2011; sent 11/15/2011. Currently DMWR is consolidating the data for the boundaries of all marine managed areas into a single map. Product was finalized 01/30/2012

Regarding the Coral Reef Advisory Group Proposed Ban on “Big Fish”, the Council:

5. Recommended NMFS/PIFSC conduct a study on the biological and socio-economic impacts, and institutional capability of implementing a prohibited take of “Big Fish” (i.e. Sharks, Bumphead Parrotfish, Large Groupers, Jacks, and Humphead Wrasse) by the Government of American Samoa as proposed by the American Samoa Coral Reef Advisory Group (CRAG).

Status: REQUEST COMPLETED; NEEDS FURTHER ACTION

Draft letter to NMFS –PIFSC to analyze existing data from CRED on the ecological and population status; cultural importance; socio-economic impact of the ban; and institutional capability of implementing the take prohibition; included in the letter to Sam Pooley dated 10/25/2011; letter signed 11/1/2011; mailed to PIFSC 11/9/2011. PIFSC replied (Sam Pooleys’ email to Kitty Simonds dated 01/18/2012) PIFSC has no particular expertise on this subject particularly since the species concerned are monitored primarily through the WPacFIN surveys but is willing to have PIFSC staff work with Council staff to work on this issue with the endorsement of ASG (particularly DMWR).



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Hawaii Archipelago and PRIA

Regarding Non-commercial Fishery Data Collection in Hawaii, the Council:

1. Directed staff to hold a workshop in December with State of Hawaii, NMFS PIRO and NMFS PIFSC, fishermen, and other interested persons to develop solutions for collecting non-commercial fishery data for Hawaii.

Status: COMPLETE

Meeting held December 7, 2011 in the Council office with PIRO, PIFSC, State of Hawaii and Fishermen. The participants at the workshop developed priorities and proposed projects to address these priorities for funding by MRIP and other sources. These projects include reviewing HMRFS, testing alternative methods for collecting data, and providing additional survey ground-truthing through complementary project for pelagic species. A report of the workshop will be provided to the Council at its 153rd meeting.

Regarding Hawaii Bottomfish and Seamount Groundfish Essential Fish Habitat, the Council:

2. Directed staff to prepare the draft amendment for final action at the Council's June meeting that includes the following preferred alternatives:
 - a. Bottomfish EFH Alternative 2: (WPSAR Recommended)
EFH designation remains 0-400 m. Description of sub-complex for bottomfish changes from 2 sub-complexes (shallow and deep) to three complexes (Shallow, Intermediate and Deep-water) with individual EFH definitions for all species and life stages (eggs, post hatch pelagic, post settlement and sub-adult/adult).
 - b. Seamount Groundfish EFH Alternative 2: (WPSAR Recommended)
 - a. Maintain four species in a single groundfish complex.
 - b. Add area specific EFH designations around Cross Seamount.
 - c. Changes the overall EFH depth range from 100-600m to 0-600m.
 - d. Establish post settlement, sub-adult and adult depth range as 120-600m.
 - e. Provide a more accurate descriptor of the water column zone that each species is generally found in at different life stages (as described in appendix 3).
 - c. Bottomfish Complex HAPC Alternative 3: (WPSAR Recommended)
 1. Kaena Point, Oahu
 2. Kaneohe Bay, Oahu
 3. Makapuu, Oahu
 4. Penguin Bank, South Molokai
 5. Pailolo Channel, Maui
 6. North Kahoolawe, Kahoolawe

7. Hilo, Hawaii
- d. Seamount Groundfish HAPC Alternative 2: (WPSAR Recommended)
- a. Establish HAPC designation as congruent with the EFH designations for Seamount Groundfish in that it:
- i) Maintain four species in a single groundfish complex.
 - ii) Adds area specific EFH designations around Cross Seamount,
 - iii) Changes the overall depth range to 0-600m,
 - iv) Changes the post settlement, sub-adults and adult depth ranges to 120-600m, and
 - v) Provides a more accurate descriptor of the water column zone each species is generally found in at different life stages.

Status: COMPLETE

Council staff added lat/long to updated Penguin Bank HAPC (10-17-11). PIRO sent the draft amendment in September 26, 2011 with request to provide comments on draft amendment, in particular identify potential impacts from future activities. Council staff held meetings w/PIRO/PIFSC staff regarding the Amendment on Dec 1. Provided hard copies to Danielle Jaywardene and Michael Parke at the meeting followed by electronic files on Dec 2. PIRO is currently reviewing the document in preparation for the June Council meeting.

Regarding Hawaii Bottomfish Stock Assessments, the Council:

3. Recommended NMFS PIFSC conduct a stock assessment on Uku (*Aprion virescens*) in Hawaii.

Status: REQUEST COMPLETE and FOR FURTHER ACTION BY PIFSC

*Council staff drafted a letter to NMFS-PIFSC to conduct a stock assessment of *Aprion virescens* in Hawaii; included in the letter to Sam Pooley dated 11/1/2011; letter signed 11/1/2011; mailed to PIFSC 11/9/2011. Dr. Pooley in his reply to the Council dated 1/18/2012 indicated that PIFSC will take on the assessment for uku. No timeline was given.*



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Program Planning

Regarding Annual Catch Limits, the Council:

1. Accepted the recommended Allowable Biological Catches (ABC) and specifies Annual Catch Limits (ACL)=ABCs for all management unit species, except precious corals (see attached tables 1-8). However the Council noted that the specification process has identified shortcomings in the insular area catch monitoring programs leading to marked underestimates of catches and hence unrealistically low ABCs and ACLs. The Council recognized that the ACLs as specified may have severe negative social and economic impacts due to these underestimates of catch. Therefore, the Council directed its SSC to revisit all the ACLs at its March 2012 meeting and provide a better estimate of ABCs utilizing all available information to calculate new ABC specifications for 2013.

Table 1. Annual Catch Limits for the coral reef fish families that comprise the top 90% of the total coral reef fish catch and species complex comprising the remaining 10% of the total coral reef fish catch regarded as the minor fishery components in American Samoa.

Family	ACL (lbs) FY12&13
Acanthuridae – surgeonfish	19,516
Lutjanidae – snapper	18,839
<i>Selar crumenophthalmus</i> (akule)	8,396
Mollusk	16,694
Carangidae – jacks	9,490
Lethrinidae – emperor	7,350
Scaridae – parrotfish	8,145
Serranidae – grouper	5,600
Holocentridae – squirrelfish	2,585
Mugilidae – mullet	2,857
Crustacean	2,136
Remaining 10%	18,910

Table 2. Annual Catch Limits for the coral reef fish families that comprise the top 85% of the total coral reef fish catch and species complex comprising the remaining 15% of the total coral reef fish catch regarded as the minor fishery components in Guam. The incremental difference between each group is small that only 85% was reach with family level grouping and the rest are general CREMUS categories analogous to the remaining 10% bin in other island areas.

Family	ACL (lbs) FY12&13
Acanthuridae – surgeonfish	70,702
Carangidae – jacks	45,377
<i>Selar crumenophthalmus</i> (akule)	56,514
Lethrinidae – emperor	38,720
Scaridae – parrotfish	28,649
Mullidae – goatfish	25,367
Mollusk	21,941
Siganidae – rabbitfish	26,120
Lutjanidae – snapper	17,726
Serranidae – grouper	17,958
Mugilidae – mullet	15,032
Kyphosidae – chubs/rudderfish	13,247
Crustacean	5,523
Holocentridae – squirrelfish	8,300
Algae	5,329
Labridae – wrasse	5,195
Other CREMUS	83,214

Table 3. Annual Catch Limits for the coral reef fish families that comprise the top 90% of the total coral reef fish catch and species complex comprising the remaining 10% of the total coral reef fish catch regarded as the minor fishery component in CNMI.

Family	ACL (lbs) FY12&13
Lethrinidae – emperor	27,466
Carangidae – jack	21,512
Acanthuridae – surgeonfish	6,884
<i>Selar crumenophthalmus</i> (akule)	7,459
Serranidae – grouper	5,519
Lutjanidae – snapper	3,905
Mullidae – goatfish	3,670
Scaridae – parrotfish	3,784
Mollusk	4,446
Mugilidae – mullet	3,308
Siganidae – rabbitfish	2,537
Remaining 10%	9,820

Table 4. Acceptable Biological Catches and Annual Catch Limits for the coral reef fish families that comprise the top 90% of the total coral reef fish catch and species complex comprising the remaining 10% of the total coral reef fish catch regarded as the minor fishery component in Hawaii.

Family	ACL (lbs) FY12&13
Carangidae – jacks	193,423
Mullidae – goatfish	125,813
Acanthuridae – surgeonfish	80,545
Lutjanidae – snapper	65,102
Holocentridae – squirrelfish	44,122
Mugilidae – mullet	41,112
Mollusk	28,765
Parrotfish – parrotfish	33,326
Crustaceans	20,686
Remaining 10%	142,282

Table 5. Annual Catch Limits for reef sharks, humphead wrasse, and bumphead parrotfish in American Samoa, Guam, CNMI and Hawaii based on percentage reduction from the habitat expanded biomass estimates for fishing year 2012 and 2013.

	AS	CNMI	Guam	Hawaii	Mariana Arch.
<i>Reef Sharks</i>					
Estimated biomass (lbs)	26,181	111,997	138,830	2,231,321	
ACL FY 2012 and 2013	1,309	5,600	6,942	111,566	
<i>Humphead wrasse</i>					
Estimated biomass (lbs)	34,860	40,184	39,200		
ACL FY 2012 and 2013	1,743	2,009	1,960		
<i>Bumphead parrotfish</i>					
Estimated biomass (lbs)	4,699				15,931
ACL FY 2012 and 2013	235				797

Table 6. Annual Catch Limits for akule and opelu in Hawaii based on the MSY estimates reported by Weng and Sibert 2000.

Species	ACL (lbs) FY12&13
<i>Selar crumenophthalmus</i> (akule)	651,292
<i>Decapterus macarellus</i> (opelu)	393,563

Table 7. Annual catch limits for deepwater shrimp, spiny lobsters, slipper lobsters, and Kona crabs in American Samoa, Guam, CNMI, and Hawaii.

	Deepwater Shrimp (lbs)	Spiny Lobster (lbs)	Slipper Lobster (lbs)	Kona Crabs (lbs)
American Samoa	80,000	2,300	30	3,200
CNMI	268,000	5,500	60	6,300
Guam	56,000	2,700	20	1,900

Hawaii	544,000	10,000	280	27,600
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Table 8. Annual catch limits for bottomfish in American Samoa, Guam, CNMI, and Hawaii.

Island areas	All BMUS ACL (lbs)	Non-deep 7 BMUS ACL (lbs)
American Samoa	99,200	
Guam	48,200	
CNMI	182,500	
Hawaii		135,000

Status: COMPLETE

The ACL specification document for: 1) CREMUS, vulnerable species and HI akule and opelu; 2) non fin fish; 3) Territorial bottomfish and Hawaii non deep 7 bottomfish were completed and sent to PIRO 10/31/2011. A letter addressed to Tosatto regarding ACLs for all MUS for fishing year 2012 was drafted on 10/25/2011. The letter was signed by the Executive Director on 11/1/2011 and mailed to PIRO 11/9/2011. Tosatto acknowledged receiving the letter and PIRO staff is currently working on the NEPA compliance.

Council staff coordinated with PIFSC FRMD and CRED with regards to improving the ACL values by incorporating biomass information when calculating for ABCs and possible use of basic fishery model to calculate proxy MSYs for each species complex. Council convenes a pre-meeting with Chris Boggs, Gerard DiNardo, and Joe O'Malley to discuss strategy and staff availability for the December workshop. A conference call was held on 11/10/2011 to discuss agenda and logistics of workshop. A follow up meeting with Chris Boggs was held 11/18/2011. The workshop was held on December 19-20, 2011. The workshop report was finalized and sent out for comments on 1/27/2012.

The proposed rule was published on December 31, 2011 and the public comment period closed January 18, 2012. NMFS PIRO is currently reviewing and evaluating the comments.

Regarding Accountability Measures, the Council:

2. Recognized that in each island area, catches to be counted towards the ACL are primarily collected by local fisheries agencies through their respective fishery monitoring programs. However, in-season monitoring and processing of catch data is not possible and therefore recommended the Accountability Measures (AM) for all fisheries be a post-season evaluation of catch relative to the recommended ACLs. If an ACL for any stock complex is exceeded, the Council would take action to correct the operational issue that caused the ACL overage which could include an adjustment of the ACL.

Status: COMPLETE

The accountability measure using an overage adjustment was incorporated in the three ACL specification documents. The documents were submitted on October 31, 2011. The proposed rule was published on December 31, 2011 and the public comment period closed January 18, 2012. NMFS PIRO is currently reviewing and evaluating the comments.

Accountability measures were included in the Council-NMFS ACL workshop. Number of survey runs, number of participation run, and number of interviews will be used tentatively to monitor the survey improvement and performance. Accounting of changes in the survey protocol and fishery rules will be conducted to monitor data improvements to justify sudden increase in catches that may trigger AMs.

3. Recommended State and Territorial Governments begin to consider developing local regulations to implement compatible ACL measures.

Status: COMPLETE

Staff drafted a letter to State and Territorial Governments to consider developing local regulations compatible with implementation of ACL measures; letter signed 11/1/2011; mailed to agency directors on 11/9/2011. This is part of the agenda for the insular technical consultation meetings.

Regarding ACLs for Precious Corals, the Council:

4. Recommended Alternative 18c, which maintains the current harvest limits as ACLs as specified in the code of federal regulations for pink and bamboo corals in conditional and established beds of Hawaii, but specifies them on an annual instead of biennial basis.

	Alt. 18c
Bed	Pink / Bamboo Coral Limits (kg)
Makapuu	1,000 / 250
180 Fathom Bank	111 / 28
Brooks Bank	444 / 111
Kaena Point	67 / 17
Keahole	67 / 17
Westpac	0 / 0

5. Recommended maintaining the existing quota of 1000 kg precious corals (Alt 17b) for the exploratory area around Hawaii. Exploratory area includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of the State of Hawaii.
6. Recommended Alternative 16c for black corals in Hawaii, which sets the ACL at 5,500 lbs. Further, the Council recommends elimination of the biennial quota system in favor of setting catch limits annually.
7. For American Samoa, CNMI, and Guam, recommended setting the ACL for precious corals (except black corals) equal to the existing quota of 1,000 kg per exploratory area (US EEZ around each archipelago) and setting the ACLs for black corals equal to their ABCs:
 - American Samoa: 790 lbs
 - CNMI: 2,100 lbs
 - Guam: 700 lbs

Exploratory Area includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of the Territory of American Samoa, Territory of Guam and Commonwealth of the Northern Mariana Islands, respectively.

Status: COMPLETE

This was incorporated into ACL specification document for non-fish (crustaceans, squid and precious corals). The proposed rule was published on December 31, 2011 and the public comment period closed January 18, 2012. NMFS PIRO is currently reviewing and evaluating the comments.

Regarding Fishery Management under Catch Limits, the Council:

8. Reiterated the urgent need to improve the fishery data collection in all island areas striving towards species specific identification, especially for federally managed species or management units. Therefore, the Council directed staff and PIFSC work together to identify concrete steps in improving the fishery data collection and present the plans to the 153rd Council Meeting.

Status: COMPLETE

Council staff drafted a letter to PIFSC regarding data collection improvements on 10/25/2011 for Kitty's approval; letter signed 11/1/2011; mailed to PIFSC 11/9/2011

Agenda for the workshop drafted 11/03/2011. Council staff coordinated with WPacFIN and State and Territorial Agencies on data collection improvements, fishery monitoring and reporting. The Council convened a workshop with PIFSC FRMD (particularly WPacFIN and some stock assessment folks) and State/Territorial agency heads and scientist and identified concrete steps to improve data collections (including expansion algorithms). Meeting for fisheries data improvements for Am. Samoa, Guam and CNMI convened between December 13-15, 2012. A separate meeting for developing better ACL specifications held between December 19-21, 2012. Report was completed in early January 2012. Both reports will be reviewed by 109th SSC in February 2012.

Council staff sent an email last October 24 to the PIFSC Director requesting for an update on the Territory Bottomfish Stock Assessment. Dr. Pooley responded Oct 25 asking Dr. Gerard DiNardo to confirm/deny timeline by which the assessment could be made available. Dr. DiNardo stated in his email dated Nov 15, 2011 that they will contract Dr. Bob Moffitt in November to update the data used to for the review (as he did the last one). It will take 6 weeks to review the update. They do not recommend a WPSAR review as this is simply an update of the information and there is no change in the model structure and underlying assumptions. The data review workshops and contracts may play a large role on how the data will be used in future assessments. Moffitt was able to extract data from the WPacFIN database and is in the process of QA/QC. No timeline was given to deliver the updated assessment to date (01/30/2012)

Regarding Commercial Fishery Data, the Council:

9. Requested PIFSC provide Council staff access to the commercial fishery data from all areas that will be used in the re-evaluation of the ABCs, and other management purposes.

Status: COMPLETE

Council staff made data requests for commercial fishery landing in Guam and evaluated its utility for ABC recalculations. This was included in the letter to Sam Pooley dated 10/25/2011; letter signed 11/1/2011; mailed to PIFSC 11/9/2011. An initial analysis of the commercial landing data from the WPacFIN website was conducted. Results showed much lower ACLs will be generated if these datasets are to be used.

Regarding EFH Review for Bottomfish in other Management Unit Species in all Island Areas, the Council:

10. Recommended NMFS-PIFSC, prior to completion of the EFH review, coordinate with local Council members and agencies in the different island areas to ground-truth the mapping information based on local knowledge.

Status: COMPLETE

Communication with Michael Parke and Danielle Jayewardene indicate that the report will be finalized by end of December, but then will be reviewed by PIRO (8weeks) which will not make the report available until end of February. Staff has indicated that delay does not meet the agreed upon timeline for the report to undergo a WPSAR review prior to the March SSC and Council meetings. PIRO staff has agreed to discuss meeting the Council/NMFS agreed upon timeline. Held meeting with PIRO/PIFSC to discussed status of EFH/HAPC review of non Hawaii bottomfish MUS on December 1, 2011. Parke to provide Draft Report to PIRO by Dec 2, 2011 to initiate review. Final report targeted for delivery to the Council by January 20, 2012 for distribution for WPSAR.

Regarding Future Coastal and Marine Spatial Planning Initiatives, the Council:

11. Recommended NMFS PIRO and PIFSC continue to support the Council mapping and GIS requests.

Status: COMPLETE

Council staff drafted a letter to PIRO and PIFSC (signed and sent Dec 19) requesting to continue support of mapping and GIS requests.

Regarding Cooperative Research priorities, the Council:

12. Endorsed these priorities for funding by the Cooperative Research Program administered by the Pacific Island Fisheries Science Center.

Status: COMPLETE

Council staff drafted the cover letter to PIFSC and submitted the research priorities. The letter was signed 11/1/2011 and mailed to PIFSC 11/9/2011. Staff coordinated drafting of the proposals ready for competitive bidding on December 2011. A series of communication exchanges with Gerard DiNardo was held on the week of 11/08/2011. An email was sent out to proposal proponents on 11/10/2011. Staff coordinated with PIFG and DMWR with regards to their proposals. The proposals were submitted to Gerard 11/28/2011. PIFSC acknowledged receiving the updated Cooperative Research priorities. None of the proposal for funded.

Regarding the Council's Five Year Research Priorities, the Council:

13. Endorsed the changes recommended by the SSC and inclusion of the research topics on yellowfin tuna.

Status: COMPLETE

Council staff incorporated yellowfin tuna research topics as well as demographic studies for FKW and PSD in the research priorities. Cover letter was drafted and letter signed 11/1/2011; mailed to PIFSC and NMFS on 11/9/2011. NMFS HQ (Eric Scwaab) acknowledged receiving the updated research priorities.

Regarding the Pelagic Fisheries Research Program, the Council:

14. Directed staff to draft a letter, in consultation with the PFRP manager, in support for funding from NMFS in light of the loss of congressional discretionary funding for the program.

Status: COMPLETE

Letter dated November 15, 2011 was sent to Eric Schwaab. Eric Schwaab acknowledged the letter and indicated that no funding would be available in the foreseeable future and will strive to find support for the program when funds are made available.

Regarding the Community Development Program Proposal to Allow an Exemption to the Pelagic Longline Closure Area around Hawaii, the Council:

15. Determined the CDP proposal includes all necessary information and recommends staff transmit the proposal to NMFS for review.

Status: COMPLETE

Transmittal Letter drafted 28 November to Mike Tossatto. Proposal and transmittal sent December 19, 2011. NMFS PIRO wanted to further interview the applicant and Council staff is currently setting the interview process

Regarding the Community Development Program Process, the Council:

16. Recommended NMFS PIRO draft a user friendly version of the regulations and application process.

Status: ONGOING

A letter was drafted requesting development of compliance guide for CDP 28 November. Council staff coordinated with Mr. Toby Wood to deal with the issue but the PIRO representative could not make the three scheduled meetings.

Regarding Council Recommended Fishing Regulations for Marine National Monuments, the Council:

17. Directed staff to develop options in coordination with the SSC working group for Council consideration during the 153rd Council Meeting.

Status: COMPLETE

Council staff to coordinate SSC small group review. EK sent email to Dr. Severance to help develop process. Severance emailed group (Allen, BioDax, Ochavillo, Amesbury, Pan) identifying need to have something agreed to as a short report/recommendation prior to next SSC. Staff emailed out reference documents, letters, etc to group. Council staff convened a conference call with SSC members on 01/12/2012 and 01/26/2012. The amendment is currently being revised and the results from the working group discussions will be presented in the 109th SSC and 153rd Council Meeting.

Regarding the Structure of the SSC, the Council:

18. Recommended including a fisherman in order to provide a realistic local community and fishery perspective when formulating scientific recommendations and that scientists and fishermen familiar with the fisheries in question be consulted where necessary.

Status: ONGOING

Council staff was tasked to find a fisherman for the SSC that has broad knowledge of fisheries in the US Pacific Islands. Several candidates came to mind. However, the Council is still in the process of finding a suitable candidate.

Regarding the NMFS PIRO letter concerning the Council's Monument Amendment, the Council:

19. Directed staff to further analyze the issues raised in the NMFS letter (dated September 28, 2011) and develop potential options for Council consideration at its 153rd Meeting in March 2012.

Status: ONGOING

Eric Kingma to coordinate further work. Eric and Kitty Simonds met with Elena Onaga on Dec. 2, 2012 whereby Onaga submitted several questions related to the NMFS letter to NOAA GC in HQ, specifically asking for additional examples of options to ensure adequate safeguards. Simonds, Kingma, and Dalzell met (February 2, 2012) with Fred Tucher, Elena Onaga and Kamaile Nichols, to discuss issues raised in September 28, 2012 and discuss potential options for Council consideration. Kingma to send Onaga draft report of SSC working group on Customary Exchange which considers options such as cash limits and bag limits for her consideration and potential informal consultation with USFWS. After additional discussions with Onaga and Staff, Kingma will prepare range of options for Council consideration at its 153rd meeting.

Regarding the request from the American Samoa Fono representative for Swains Island Concerning the Acquisition of a Fishing Vessel for Community Development of Swains Island, the Council:

20. Directed staff to work with NMFS PIRO staff to facilitate responding to this request.

Status: ONGOING

Council staff emailed letter from Mr. Jennings to Scott Bloom asking for his review and how Council/NMFS could support request. Scott Bloom responded that unlikely there will be CDPP money for FY12. Eric Kingma and Scott Bloom met on Dec. 16, 2011 to discuss potential options

for Council to support this request, such as AS MCP. A meeting was held on December 20, 2012 between Kitty, Eric Kingma, and Mr. Jennings to discuss the issue further. Mr. Jennings agreed to prepare a Swain's Island development plan that would used to support in-depth consideration of this funding request.



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Pacific Pelagics and International Fisheries

Regarding a shallow set longline fishery for swordfish in American Samoa:

1. The Council directed staff to continue to develop a draft FEP amendment that contains an appropriate range of management alternatives and associated impact analyses

Status: COMPLETE

Data received November 7th, 2011 from PIFSC on swordfish catches by Am Samoa longline fishery First draft of amendment document completed by December 21, 2011. The draft amendment will be finalized for final action on the 153rd Council Meeting.

Regarding the development of a new tuna conservation and management measure in the Western and Central Pacific Ocean:

2. The Council endorsed the SSC conclusion that the choice of a time-frame to serve as a basis for making projections of future stock conditions or for defining a “current” state of the fishery is more complicated than simply picking a particular base year. The Council strongly recommends that NMFS request a thorough investigation be conducted by the science provider to the WCPFC to determine an appropriate base time-frame in the context of the western Pacific tuna fisheries.

Status: ONGOING

Letter from Executive Director dated Dec 19 2011 to WCPFC Executive Director requesting this study. WCPFC 8 was officially postponed until November 18, 2011 due to problems in Palau with power supply. Postponed meeting will be convened in between March 26-30, 2012 in Guam. In the interim, the WCPO bigeye catch limit closure did not take place due to Congressional language in 2012 appropriations bill.

Regarding North Pacific striped marlin, the Council:

3. Directed staff to continue developing management options that considers minimum sizes, gear modifications, discards and allocation, and any other options that may be deemed appropriate.

Status: COMPLETE

Letter to Sam Pooley, NMFS PIFSC, dated November 7th 2011 includes request for follow-up presentation at 109th SSC and 153rd Council Meeting. Letter from Sam Pooley dated January 18,

2012 indicates that ISC striped marlin stock assessment completed and now being drafted. PPT Chair Keith Bigelow will present information on minimum size impacts for striped and blue marlin to 109th SSC and 153rd CM

Regarding landing of Pelagics Management Unit Species of Sharks in the Western Pacific Region, the Council:

4. Directed staff to work with fishermen to provide additional information to NMFS to evaluate the impact of State of Hawaii's, Guam, and CNMI shark fin possession/sales laws on the lawful harvesting of sharks under federal permits.

Status: COMPLETE

Information on Hawaii longline fisheries shark catches received from NMFS PIFSC in September and drafted into information paper and sent to NOAA GC. Emails sent to Manny Duenas, John Calvo and Jack Ogumoro on November 24, 2011, and replies received on November 25, 2010 with information on shark catches in CNMI and Guam.



ACTION MEMORANDUM

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October 19-22, 2011
Laniakea YWCA-Fuller Hall
Honolulu, Hawaii

Protected Species

Regarding the new Biological Opinion under development by NMFS, the Council:

1. Recommended NMFS PIRO, at its earliest opportunity, provide the Council its Climate Forcing Population Assessment Model and associated data for review as well as to provide the Council an opportunity to review the draft BiOp prior to its finalization.

Status: COMPLETE

Letter dated November 1st, 2011 sent to Mike Tosatto, NMFS PIRO, requesting SSC review of the model and Council review of the draft BiOp, as well as a request to PIRO to participate in a teleconference review of the model. Letter dated November 2, 2011 sent to Sam Pooley, NMFS PIFSC, requesting PIFSC participation in the teleconference. Email correspondence from Pat Opay, PIRO PRD, received November 7th, 2011 declining participation in a teleconference with SSC due to the consultation timeline, and noting that PIRO will provide the Council and SSC with updated information on the development of the BiOp, as they are able. Email correspondence from Mike Tosatto received on November 10, 2011 explaining the circumstances prohibiting SSC review of the model. Follow-up letter dated November 10th, 2011 sent to Mike Tosatto disagreeing with the prohibitive circumstances and reiterating the request for SSC review. Response from Tosatto dated Dec 1, 2011 reiterated that PIRO is unable to provide the models to the SSC or to participate in a teleconference with the SSC. PIRO also noted that they are unable to provide the Council with a draft BiOp for review and input prior to it becoming finalized. PIFSC email response received from Pooley on December 8, 2011 indicating that PIFSC can participate in a teleconference on the climate forcing model. The teleconference was held on December 14, 2011, and the author Kyle Van Houtan presented the published paper to the SSC members. The new BiOp was issued on January 30, 2012.

2. Recommended NMFS invite Council staff to participate in the sea turtle post-hooking mortality webinar to be held in November 2011.

Status: COMPLETE

Included in letter to PIRO dated November 1st, 2011 and letter to PIFSC dated November 2nd, 2011 (item #1 above). Email correspondence with Yonat Swimmer, the lead organizer of the workshop, on October 24, 2011 requesting participation of Council staff and two SSC members (Milani Chaloupka & Molly Lutcavage). Response from Swimmer on October 25, 2011 indicating that Chaloupka and Lutcavage participation have been confirmed, and Council staff are welcome to participate in the webinar. The two SSC members and Council staff participated in the November 15-16, 2011 webinar. In a response letter dated January 18, 2012, Pooley noted

that the workshop went well, and that they intend to treat the workshop output as a scientific publication that would acknowledge the progress that has been made on the topic and the differences of perspectives that may exist.

Regarding the false killer whale take reduction plan proposed rule, the Council:

3. Endorsed the SSC Subcommittee's paper and directed staff to send a letter to NMFS PIRO, with explanatory text and a cover letter, as an alternative management regime for the southern exclusion zone.
4. Recommended NMFS, prior to finalizing the final rule, conduct a detailed analysis of direct, indirect, and cumulative impacts of the proposed southern exclusion zone on small vessels within the Hawaii longline fishery.
5. Endorsed the SSC recommendation that NMFS forward their apparent concerns about the Hilborn analysis of the FKW Potential Biological Removal (PBR) to Professor Hilborn for him to provide a considered response, and further that that a Bayesian approach analogous to the Hilborn analysis be further explored by NMFS.

Status: COMPLETE

Included #3-5 in the letter to Mike Tosatto dated November 1st, 2011 (item #1 above). Supplemental comment letter with SSC subcommittee's paper sent dated November 1, 2011 to Lance Smith, PIRO PRD, in response to the proposed FKW TRP. Response letter received from Tosatto dated Dec 1, 2011 thanking the SSC's Subcommittee members for their efforts in developing an alternative management regime for the southern exclusion zone, and that NMFS will consider the alternative plan when developing the final rule. The response letter also noted that NMFS conducted an analysis of the potential direct, indirect, and cumulative impacts of all of the measures in the proposed FKWTRP, but NMFS will be reevaluating the impacts and include the updated analyses in the final rule supporting documents. The letter also noted that the recommendation regarding Dr. Hilborn will be forwarded to PIFSC for consideration.

6. Recommended NMFS provide a written explanation to the Council of how the false killer whale final rule will be developed consistent with the requirements of the Magnuson-Steven's Act including the National Standards.

Status: COMPLETE

Letter dated November 7, 2011 sent to Mike Tosatto seeking clarification about how the FKWTRP plan proposed modification of fishery regulations would be achieved without adhering to MSA process. Response letter received from Tosatto dated January 25, 2012, indicating that MSA does not require that conservation measures developed in accordance with MMPA Section 118 be consistent with MSA's National Standards. The letter further noted that MSA Section 303(a) requires that fishery management plans and regulations be consistent with "any other applicable law", which includes the MMPA. Conversely, the MMPA does not have a requirement to be consistent with MSA fishery management plans. Moreover, Tosatto noted that MSA Section 305(d) provides the Secretary with general responsibility to carry out any fishery management plan or plan amendment previously approved by him in accordance with the procedures of the MSA, and that such regulations would be placed under 50 CFR 665.

Regarding the proposed 2012 List of Fisheries and Draft 2011 Stock Assessment Report, the Council:

7. Recommended NMFS collect and use better demographic and population abundance data of pantropical spotted dolphins to improve monitoring of population trends and to strengthen risk assessment and notes that these improvements will contribute to more scientifically-based management.

Status: COMPLETE UNTIL THE NEXT ITERATION

Included in letter to PIRO dated November 1st, 2011 and letter to PIFSC dated November 2nd, 2011 (item #1 above). Response letter received from Tosatto dated Dec 1, 2011 agreeing that additional data on the demographics and abundance would be useful and would strengthen risk assessment, and noting that the abundance estimate in the SAR represents the best available information. PIRO further noted in the response letter that additional data have been collected by PIFSC survey in 2010 and genetic samples collected throughout the MHI. In a response letter dated January 18, 2012, Pooley noted that they think there is relatively good information on insular dolphins in Hawaii and deferred to PIRO on determining the LOF categorizations.

8. Recommended more accurate operational data be collected on the Hawaii small-boat pelagic fisheries before finalizing the proposed rule.

Status: COMPLETE

Included in letter to PIRO dated November 1st, 2011 and letter to PIFSC dated November 2nd, 2011 (item #1 above). Response letter received from Tosatto dated Dec 1, 2011 stating that new information were received in response to the proposed 2012 LOF that were not considered in the initial analysis, including evidence that may further corroborate the anecdotal reports of hookings reported by fishermen to researchers as well as information suggestion NMFS may have overestimated the level of interactions. The letter further noted that the final 2012 LOF was published on November 28, 2011 stating that NMFS needs additional time to consider and investigate the information and that the troll and charter fisheries were not elevated to Category II. In a response letter dated January 18, 2012, Pooley noted they will be happy to work with PIRO on this issue and would appreciate insights from the Council and its fishery constituents on specific matters that might be researched.

Regarding the 82 species of coral, the Council:

9. Recommended NMFS PIRO include a summary list and a summary table of the 82 species of coral under review for ESA listing in the executive summary of the 12-month finding, with information regarding each species general distribution, depth range, and occurrence (present or absent) in Hawaii, American Samoa, Guam, and CNMI.

Status: COMPLETE

Included in letter to PIRO dated November 1st, 2011 (item #1 above). Response letter received from Tosatto dated Dec 1, 2011 including a table summarizing the 82 species of coral under review for ESA listing, and noting that NMFS will consider including the table in the executive summary of the 12-month finding.



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Administrative Matters

Regarding the Sustainable Fisheries Fund award, the Council:

1. Requested NOAA GC clarify and provide further guidance on the lien requirements as included in the recent SFF award terms and conditions.

Status: EK asked Elena Onaga to provide draft lien language for Guam MCP projects. Draft language will be provided in January 2012.

Regarding the disapproved amendments for the purse seine area closures in the US EEZs around the Mariana Archipelago and American Samoa, the Council:

2. Directed staff to work with NMFS PIFSC and PIRO staff to strengthen the arguments supporting purse seine closed areas and, with respect to the Mariana Islands, an expanded range of alternatives.

Status: Letter to NMFS PIFSC dated November 7th 2011, included request for study between purse seine and small vessel fisheries in Marianas and American Samoa to strengthen case for purse seine closures.

Regarding CNMI Advisory Panel members, the Council:

3. Appointed Francisco Aldan and Richard Farrell to the Mariana Archipelago Advisory Panel to fill the vacant positions resulting from Mr. Arnold Palacios and Mr. Richard Seman being appointed as CNMI Council members.

Status: Sent email to Jack to get Francisco and Farrell to fill in AP application. Applications forwarded to Francisco and Farrell. Application received from Farrell and information added to the Council family list. Jack to follow up with Francisco (Dec 15, 2011).

Regarding Council operations, the Council:

4. Adopted the inclusion of Section 457(b) Eligible Deferred Compensation Plan as presented for Council staff.

Status: EDCP is in place.

Regarding the Appointment of Council Officers, the Council:

5. Appointed the following as Council Officers:
 - a) Manny Duenas, Council Chair
 - b) Steven Haleck, American Samoa Vice-Chair
 - c) Arnold Palacios, Commonwealth of the Northern Mariana Islands Vice-Chair
 - d) Mariquita Taitague, Guam Vice Chair
 - e) David Itano, Hawaii Vice Chair

Status: Appointments effective January 1, 2012.