



## ACTION MEMORANDUM

**155<sup>th</sup> Council Meeting**  
 October 29-November 1, 2012  
 Laniakea YWCA  
 Honolulu, Hawaii

### American Samoa Fisheries

*Regarding Annual Catch Limits (ACLs), the Council:*

1. Recommended setting the ACL equal to the Acceptable Biological Catch (ABCs) for the Bottomfish Management Unit Species in American Samoa resulting in a 2 year ACL of 101,000 lbs. This landing corresponds to a risk of overfishing level of 30% and 41% for fishing year 2013 and 2014, respectively. The current low catches due to low fishery participation makes it unlikely that the ACLs will be exceeded;
2. Recommended rolling over the ACLs for the crustacean and precious corals in fishing year 2012 to fishing year 2013 due to no new information to significantly recalculate ACLs. The ACLs are as follows:

<b>Fishery</b>	<b>Management Unit Species</b>	<b>Am. Samoa (lbs)</b>
<b>Crustacean</b>	Deepwater Shrimp	80,000
	Spiny Lobster	2,300
	Slipper Lobster	30
	Kona Crabs	3,200
<b>Precious Coral</b>	Black Coral	790
	Exploratory Area	2,205 (1,000 kg)

*Regarding accountability measures, the Council:*

3. Recommended continuing the use of overage reduction in fishing year 2013.

*STATUS 1-3: The Council transmitted letter to NMFS-PIRO regarding recommendations on ACLs for fishing year 2013. Follow ups with SFD were conducted on EA and proposed rule. The letter was drafted 11/02/2012 and sent 11/06/2012. Tosatto acknowledged receiving the recommendations and NMFS is preparing the documents as of 11/19/2012. Proposed FR was released on January 31, 2013. Public comment period is open for 15 days to 02/15/2013.*



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### Marianas Archipelago Fisheries

*Regarding Annual Catch Limits (ACLs), the Council:*

1. Recommended setting the ACL equal to the Acceptable Biological Catch (ABCs) for the Bottomfish Management Unit Species in Guam and CNMI resulting in a 2 year ACL of 66,800 and 228,000 lbs, respectively. This landing corresponds to a risk of overfishing level of 28% and 40% in Guam and 28% and 39% in CNMI for fishing year 2013 and 2014, respectively. Based on historical catch data, the fishery would need to harvest nearly twice the recent average catch in Guam and seven times in CNMI for two consecutive years for overfishing to occur;
2. Recommended rolling over the ACLs for the crustacean and precious corals in fishing year 2012 to fishing year 2013 due to no new information to significantly recalculate ACLs. The ACLs are as follows:

Fishery	Management Unit Species	CNMI (lbs)	Guam (lbs)
<b>Crustacean</b>	Deepwater Shrimp	275,570	48,488
	Spiny Lobster	5,500	2,700
	Slipper Lobster	60	20
	Kona Crabs	6,300	1,900
<b>Precious Coral</b>	Black Coral	2,100	700
	Exploratory Area	2,205 (1,000 kg)	2,205 (1,000 kg)

*Regarding accountability measures, the Council:*

3. Recommended continuing the use of overage reduction in fishing year 2013.  
*STATUS 1-3: The Council transmitted letter to NMFS-PIRO regarding recommendations on ACLs for fishing year 2013. Follow ups with SFD were conducted on EA and proposed rule. The letter was drafted 11/02/2012 and sent 11/06/2012. Tosatto acknowledged receiving the recommendations and NMFS is preparing the documents as of 11/19/2012. Proposed FR was released on January 31, 2013. Public comment period is open for 15 days to 02/15/2013*



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### Hawaii Archipelago and PRIA Fisheries

*Regarding Annual Catch Limits (ACLs), the Council:*

1. Recommended setting the FY 2013 ACL equal to ABC for the non-deep 7 bottomfish species in Hawaii resulting in an ACL of 140,000 lb. Applying the Deep 7 Stock Assessment risk projection by analogy, this catch level corresponds to less than 26% risk of overfishing;
2. Recommended rolling over the ACLs for the crustacean and precious corals in fishing year 2012 to fishing year 2013 due to no new information to significantly recalculate ACLs. The ACLs are as follows:

Fishery	Management Unit Species	Hawaii (lbs)
<b>Crustacean</b>	Deepwater Shrimp	250,773
	Spiny Lobster	10,000
	Slipper Lobster	280
	Kona Crabs	27,600
<b>Precious Coral</b>	Black Coral	`Au`au Channel – 5,512 (2,500 kg)
	Exploratory Area	2,205 (1,000 kg)
	Pink/Bamboo Coral	Makapu`u Bed - 2,205/551 (1,000 /250 kg) 180 Fathom Bank - 489/123 (222/56 kg) Brooks Bank - 979/245 (444/111 kg) Ka`ena Point Bed - 148/37 (67/17 kg) Ke`ahole Bed - 148/37 (67/17 kg)

*Regarding accountability measures, the Council:*

3. Recommended continuing the use of overage reduction in fishing year 2013;  
*STATUS 1-3: The Council transmitted letter to NMFS-PIRO regarding recommendations on ACLs for fishing year 2013. Follow ups with SFD were conducted on EA and proposed rule. The letter was drafted 11/02/2012 and sent 11/06/2012. Tosatto acknowledged receiving the recommendations and NMFS is preparing the documents as of 11/19/2012. Proposed FR was released on January 31, 2013. Public comment period is open for 15 days to 02/15/2013*

*Regarding Hawaii bottomfish research, the Council:*

4. Requested the State DLNR provide a presentation on the results of their first 3 years of Bot-Cam research at the March 2013 meeting of the SSC and the Council, and a final report on the analysis of the full 5 years of Bot-Cam data at the June 2013 SSC and Council meetings;

*STATUS: A letter was sent to DLNR on November 2, 2012 calling for the completion of analysis and presentations at the SSC and Council meetings. Council staff discussed letter with Francis Oishi on December 6, 2012 to confirm schedule of contract deliverables and feasibility of presentations at the March Council meeting. Oishi expressed uncertainty of who would participating in the March Council meeting to be held in American Samoa and the likelihood of someone flying to American Samoa to make the presentation.*

5. Requested PIFSC convene a meeting of all agencies and institutions conducting Hawaii bottomfish research to coordinate ongoing cooperative research and fishery independent research efforts;

*STATUS: This was included in the draft PIFSC Omnibus letter dated November 5<sup>th</sup>, 2012. Sam Pooley confirmed that Mike Seki would be taking the lead on this initiative. Seki confirmed that he is in discussion with Gerard DiNardo and Jeff Drazen on potential timeframe for the joint meeting.*

6. Requested PIFSC expand their multidisciplinary surveys to include sampling within the State's BRFAs to help determine the efficacy of the BRFAs;

*STATUS: This was included in the draft PIFSC Omnibus letter dated November 5<sup>th</sup>, 2012. Pooley and Seki raised couple of points regarding this request 1) No baseline will make it difficult to design sampling protocols; 2) permitting to fish within closures may be an issue. Pooley was to follow up with his staff on these issues.*

*Regarding education and outreach, the Council:*

7. Supported posting the Fishermen Code of Conduct signs in additional Hawaii small boat harbors

*STATUS: Council staff sent a proposed revised MOU to DOBOR (Clifford Inn) on Nov. 15 and spoke to him about it. He was going to run it by his boss (Ed Underwood). Follow up email was sent on Dec. 11.*



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### Program Planning and Research

*Regarding gold coral moratorium, the Council:*

1. Recommended extending the gold coral moratorium for another five years. The Council further recommended staff work with PIFSC and the Plan Teams in developing reference points (i.e. revised MSY) for potential ACL development prior to the expiration of the extended moratorium in 2018.

*STATUS: This issue will be added to April 2013 Plan Team Meeting. Council staff developed reference points based upon the new information for growth and sent to PIFSC for review in December 2012. Council staff is working with PIRO to extend the moratorium. The proposed rule is expected to be released at the end of March 2013 at the latest.*

*Regarding education and outreach, the Council:*

2. Supported the First Stewards 2012 resolution and the continuing involvement of Council staff in future First Stewards symposia and associated activities;

*STATUS: The second First Stewards Symposium is slated for the week of October 28, 2013, at the National Museum of the American Indian, with potential trade show at a nearby hotel. The theme is "United Indigenous Voices Address Sustainability: Climate Change and Traditional Places." Strands include a) Cultural and Food Security; b) Recognizing Rights and Responsibilities; c) Traditional Natural Resource Management Practices; and d) Cultural Resource Damage Assessments. The Council conducted student poster art contests in Guam, CNMI and American Samoa on the theme as it relates to the strand on cultural and food security. The winning posters are featured in the Council's 2013 traditional lunar calendars for these island areas. The winning 6th-8th grade artwork will be displayed at the Symposium. The focus will remain on coastal communities and the involvement of inland communities will be extended.*

3. Supported the CCC recommendation that outreach and education staff from all Regional Fishery Management Councils (RFMCs) should have a face to face meeting and recommended that this meeting take place during the February 2013 CCC meeting in order for the RFMCs communication staff to review MONF 3 conference site.

*STATUS: Attempts to organize the face-to-face meeting in conjunction with the February CCED did not effectuate. The outreach and education parties from the New England, Western Pacific, Mid-Atlantic and Pacific Council are on the MONF3 communications team. Perhaps the face-to-face meeting could occur in May in conjunction with MONF3/CCED, although there has been no discussion about this.*

*Regarding the Recreational Specialist activities, the Council:*

4. Recommended NMFS-PIRO to allow the Recreational Specialist to attend Council advisory group meetings

*STATUS: Letter to PIRO drafted and awaiting Kitty's signature*

*Regarding the US Coast Guard commercial fishing vessel safety certificate of compliance requirement, the Council:*

5. Directed staff to work with the US Coast Guard and affected fishermen in the Western Pacific Region to identify potential exemptions and equivalencies that are locally available and appropriate for the region's fishing activities, and further, to work with the US Coast Guard on education and outreach on these issues.

*STATUS: Letter sent (Nov. 20, 2012) to USCG District 14 Commander, ADM Ray. Council staff is working with USCG office in AS and DMWR to procure safety equipment for local alia fleet. USCG Reauthorization Act passed Congress in December 2012, which delays the required dockside safety examination to 2015. Commercial fishermen still required to have certain safety equipment.*

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WESTERN  
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### Protected Species

*Regarding Hawaiian green turtles, the Council:*

1. Directed staff to work with the State of Hawaii and other potential partner agencies including NMFS, FWS and the Papahānaumokuākea Marine National Monument to explore management options for Hawaiian green turtles.

*STATUS: Council staff is planning to organize a meeting before the end of the year to discuss a plan for the plan. Included in draft PIFSC Omnibus letter dated November 5<sup>th</sup>, 2012*

*Regarding False Killer Whales, the Council:*

2. Supported the establishment of the SSC subcommittee to undertake a review of existing scientific information on false killer whales.

*STATUS: Included in draft PIFSC Omnibus letter dated November 5<sup>th</sup>, 2012. SSC subcommittee reviewed and provided comments on the Council's letter in response to the Draft 2012 Stock Assessment Report, dated November 5, 2012. SSC Subcommittee tasked to review additional documents and prepare a report. The Subcommittee report will be presented at the February SSC meeting, and the report will also be forwarded to the PSRG for its meeting in April 2013. In a response dated January 11, 2013, PIFSC noted that their cetacean staff would be happy to collaborate with SSC scientists concerning current scientific literature on the subject.*

3. Requested that NMFS commission an independent review of the current scientific information on the Hawaii false killer whale population abundance, genetics, and stock structure.

*STATUS: Included in draft PIFSC Omnibus letter dated November 5<sup>th</sup>, 2012. Letter dated November 16, 2012 sent to Sam Rauch requesting independent review. Response from Rauch, dated January 14, 2013, indicated that annual Stock Assessment Reports go through a variety of review mechanisms, including the annual Pacific Scientific Review Group external review and internal technical review. Rauch also noted that genetics, photo-identification, and satellite tagging data were independently reviewed by the PSRG, the Biological Review Team, and the public, and that new information regarding the NWHI stock had been peer reviewed and accepted for publication in the journal Pacific Science prior to the ESA listing decision of the MHI insular population.*

*Regarding the Marine Mammal Protection Act Stock Assessment Requirements, the Council:*

4. Directed staff to draft a letter to the NOAA Administrator Dr. Jane Lubchenco to request addition of two members to the Pacific Scientific Review Group (PSRG) with expertise in commercial fishing technology and practices for Hawaii and the U.S. Pacific Insular Areas prior to the next scheduled meeting of the PSRG in April 2013. The additional members should be selected in consultation with the Council, local governments, and other appropriate organizations. The letter should also include a request that a Western Pacific subgroup of the PSRG be formed to represent Hawaii and the U.S. Pacific Insular Areas. PSRG currently consists of 11 members for the entire Pacific Coast and Hawaii, but does not have any commercial fishery expertise from Hawaii or the U.S. Pacific Insular Areas despite growing attention for marine mammal interactions in fisheries in this region.

*STATUS: Included in draft PIFSC Omnibus letter dated November 5<sup>th</sup>, 2012. Letter dated November 15, 2012 sent to Jane Lubchenco. PSRG sent letter dated December 11, 2012, opposing the circumvention of the traditional PSRG process to recommend addition of new members as well as the reorganization of the PSRG into two subgroups. The PSRG has conventionally recommended addition of members after prospective members demonstrated that they complement the PSRG's expertise; however, this process is not required under the MMPA. Response from Lubchenco, dated January 10, 2013, indicated that NMFS is committed to ensuring appropriate balance of scientific knowledge, background, and viewpoints on the SRGs, and that NMFS will evaluate the Council's concerns in consultation with the PSRG, USFWS, Marine Mammal Commission, and others as appropriate. Lubchenco also stated that MMPA Section 117(d)(1) specifically establishes three regional SRGs and does not provide for subdivision of these three groups; thus representation of Hawaii and U.S. Pacific Insular Areas will be addressed through the review of the PSRG membership.*





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### **Pelagics and International Fisheries**

*Regarding economic performance indicator, the Council:*

1. Endorsed the SSC recommendations for the PIFSC economics project tracking economic performance indicators for the main commercial fisheries in the Western Pacific.

*STATUS: Included in draft PIFSC Omnibus letter dated November 5<sup>th</sup>, 2012*

*Regarding HI longline shallow-set observer coverage levels, the Council:*

2. Recommended that the SSC form a sub-committee to review various questions relating to a recent PIFSC study on levels of observer coverage in the shallow set swordfish longline fishery.

*STATUS: PD sent email to SSC on Nov 5, 2012 asking for subcommittee volunteers and included in draft PIFSC Omnibus letter dated November 5<sup>th</sup>, 2012. Volunteers for working group include Milani Chaloupka, Bob Skillman, Pierre Kleiber, Don Kobayashi and Jim Lynch. Doodle Poll established December 27, 2012 to select date for initial conference call in second half of January 2012*

*Regarding opah catches in the HI longline fishery, the Council:*

3. Recommended that opah be added to the list of species described in the Hawaii quarterly report due to its increasing importance in the Hawaii longline fishery. Further, the Council endorsed SSC recommendations for future research, on opah, including seeking the opinions of highline fishermen on why opah catch rates declined so precipitously in the year 2000.

*STATUS: Included in draft PIFSC Omnibus letter dated November 5<sup>th</sup>, 2012.*

*Regarding a new WCPFC tropical tuna measure, the Council:*

4. Noted that the longline fisheries in the WCPO have reduced their catches of bigeye in compliance with CMM 2008-01, including the Hawaii longline fishery. By contrast, CMM 2008-01 has failed to control total purse seine fishing effort and FAD-associated purse seine catch of juvenile bigeye fishing. Therefore, the Council:
  - a. Reiterated its recommendation that a new CMM must address the substantial catch of juvenile bigeye by purse seine fleets, especially in light of the continued increase in the number purse seine vessels, fishing effort, purse seine catch of juvenile bigeye, and increasing prevalence of FAD sets;

- b. Recommended that no additional longline bigeye catch reductions be included in a new measure;
- c. Recommended that the US develop future proposals that may be more effective for the conservation of bigeye tuna, including individual purse seine vessel bigeye catch limits, individual purse seine FAD limits, spatial longline bigeye limits, and fishing capacity limits for purse seine and longline fisheries;

*STATUS: Draft letter from KS to Russell Smith sent to ATA for review on November 13, 2012, reply received on November 14<sup>th</sup>, Finalized letter from KS sent to Russell Smith dated November 20<sup>th</sup>, 2012. KS, PD and EK participated in WCPFC9, where a new CMM for tropical tunas was adopted, and which focused primarily on purse seine-FAD fishing with no reduction for US longline bigeye catch and no limit on yellowfin.*

*Regarding North Pacific Striped Marlin, the Council:*

- 5. Noted the seriously depleted condition of North Pacific striped marlin from the recent ISC stock assessment, but is encouraged that current catches of this stock, if maintained and not increased in the North Pacific, are expected to contribute to stock recovery. Therefore, the Council did not recommend the adoption of a new measure at WCPFC 9 and suggested that the WCPFC review the status of North Pacific striped marlin in 2013.

*STATUS: Finalized letter from KS sent to Russell Smith dated November 20<sup>th</sup>, 2012. No striped marlin measure adopted at WCPFC9, current measure, with catch limits, expires in 2013*

*Regarding South Pacific Albacore, the Council:*

- 6. Supported the development of a stronger conservation and management measure for South Pacific albacore due to the dependence of the American Samoa longline fishery on this stock. Further, the Council tentatively supported the development of a conservation and management measure that included high seas and EEZ-based catch limits, and directed staff to request further information from the FFA on how they are developing EEZ numbers as well as for staff to continue to engage with Te Vaka Moana members on this and other associated issues.

*STATUS: Letter from KS sent to James Movick FFA dated November 2, 2012, which included Council recommendations and support for timely action on SP Albacore. Finalized letter from KS sent to Russell Smith dated November 20<sup>th</sup>, 2012. No new SP Albacore measures adopted at WCPFC9. New measure is anticipated in 2013 with MSY in zone and high seas catch limits*

*Regarding WCPFC Compliance Monitoring, the Council:*

- 7. Noted that the WCPFC compliance monitoring scheme relies on incomplete self-reporting by WCPFC member and cooperating non-members and recommends that the US lead a working group to improve the this process, and further that the US consider providing monetary and technical support to the Secretariat to enhance the CMR process.

*STATUS: Draft letter sent to ATA for review on 11/13/2012, reply received on November 14<sup>th</sup>. Finalized letter from KS sent to Russell Smith dated November 20<sup>th</sup>, 2012, Council staff to investigate using BET funds to enhance Secretariat ability to conduct compliance reviews. Trial period of CMS CMM extended at WCPFC9. Issues related to data keypunching by WCPFC Secretariat confirmed, especially backlog of observer data. Conference call held December 28, 2012 between WCPFC Secretariat, Council and PIRO to discuss ways in which compliance monitoring can be improved, especially the review of observer reports.*

*Regarding WCPO Skipjack Range Contraction, the Council:*

8. Recommended that tagging studies and catch rate analyses be conducted in the Marianas Archipelago by NMFS PIFSC to help understand potential effects from WCPO skipjack range contraction, and directed staff to identify funding sources and potential partners for this work.

*STATUS: Email sent by PD dated November 2, 2012, asking if the Marianas could be included in the 2013 SPC Pacific Tuna Tagging Program for which Council could provide funding support. Included in draft PIFSC Omnibus letter dated November 5<sup>th</sup>, 2012. Recommendation also included in letter from KS sent to Russell Smith dated November 20<sup>th</sup>, 2012. Email exchange between EK, John Hampton and Miki Ogura dated December 28, 2012 indicates SPC and Japan far Seas Lab interest in potential collaboration on Marianas tagging.*

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### Administrative Matters

*Regarding Administrative Matters, the Council:*

1. Approved the Council SOPP for transmittal to NMFS for review and approval, and in addition authorized the Executive Director to make minor or technical adjustments to the SOPP as may be necessary to respond to DOC review.

*STATUS: SOPP and cover letter transmitted November 2, 2012 to M. Tosatto NMFS PIRO.*

2. Appointed Dr. Todd Miller to the SSC to represent CNMI DFW, replacing Mike Tenorio.

*STATUS: Letter sent December 27, 2011 to T. Miller confirming SSC appointment.*

3. Appointed Mr. Jim Lynch to the SSC.

*STATUS: Letter sent December 27, 2011 from K. Simonds to J. Lynch confirming SSC appointment.*

4. Appointed Manny Duenas as the Vice Chair Advisory Panel for Guam.

*STATUS: Letter sent December 13, 2012 from K. Simonds to M. Duenas confirming his appointment to the Guam AP.*

5. Directed staff to explore expanding the Sea Turtle Advisory Committee to include expertise for marine mammals and other protected species.

*STATUS: Asuka to explore STAC expertise*

6. Requested the National Ocean Council to include indigenous US Pacific Island representatives on the Governance Coordinating Committee (GCC).

*STATUS: Letter to Nancy Sutley sent 28 November 2012.*

7. Elects the following Council Officers for 2013:

- a. Arnold Palacios, Chairman
- b. William Sword, Vice Chair American Samoa
- c. Richard Seman, Vice Chair CNMI
- d. Michael Duenas, Vice Chair Guam
- e. Edwin Ebisui, Vice Chair Hawaii