



WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

**MINUTES OF THE  
157<sup>th</sup> MEETING OF THE  
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

**June 26–28, 2013**

**Laniakea YWCA-Fuller Hall**

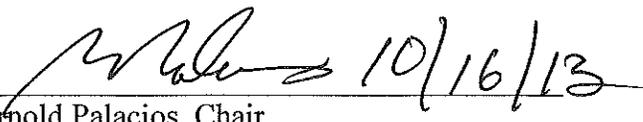
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Approved by Council:

A handwritten signature in black ink, appearing to read 'Arnold Palacios', followed by the date '10/16/13' written in a similar style.

Arnold Palacios, Chair  
Western Pacific Regional Fishery Management Council



## Contents

1.	Welcome and Introductions .....	1
2.	Approval of the 157th Agenda.....	1
3.	Approval of the 156th Meeting Minutes.....	1
4.	Executive Director's Report .....	2
5.	Agency Reports.....	3
A.	National Marine Fisheries Service.....	3
1.	Pacific Islands Regional Office .....	3
2.	Pacific Islands Fisheries Science Center.....	4
B.	NOAA Office of General Counsel, Pacific Islands Report .....	7
C.	US Fish and Wildlife Service .....	8
D.	Enforcement.....	9
1.	US Coast Guard .....	9
2.	National Marine Fisheries Service Office of Law Enforcement .....	10
3.	NOAA General Counsel for Enforcement and Litigation .....	12
E.	US State Department.....	12
F.	Public Comment.....	15
G.	Council Discussion and Action.....	15
6.	Hawaii Archipelago and Pacific Remote Island Areas.....	16
A.	Moku Pepa .....	16
B.	Department of Land and Natural Resources Report .....	16
1.	Enforcement - Cooperative Enforcement .....	16
2.	Legislation.....	17
3.	Notice of Intent to Conduct an Environmental Impacts Statement for the Sanctuary .....	17
4.	Boat-Based Commerical Marine Licensce Changes.....	18
C.	Bottomfish Fishery.....	18
1.	Report of State Evaluation of Bottomfish Restricted Fishing Areas through Bottom Camera Research .....	18
2.	Report on Main Hawaiian Islands Bottomfish Research Cruise .....	20
3.	Challenges of Traditional Age Estimation of Hawaii Bottomfish.....	21
4.	Age-Validated Life Histories of Bottomfish: Hawaii and the Western Pacific .....	21

D.	Community Projects, Activities and Issues .....	22
1.	Community Development Program Multi-Fishery Proposal .....	22
2.	Maui Community Fish Aggregation Devices .....	22
3.	Report on the Aha Moku Projects.....	23
E.	Report on the Northwestern Hawaiian Islands Monument Permits.....	23
F.	Big Ocean - Network of Large-Scale Marine Managed Areas.....	27
G.	Hawaii Outreach Activities.....	27
H.	Regional Ecosystem Advisory Committee Report .....	28
I.	Hawaii Advisory Panel Report .....	29
J.	Plan Team Report .....	29
K.	Scientific and Statistical Committee Recommendations .....	30
L.	Public Comment.....	30
M.	Council Discussion and Action.....	31
7.	Pelagic and International Fisheries .....	33
A.	Fishery-Induced Changes in the Subtropical Pacific Pelagic Ecosystem.....	34
B.	Action Items.....	36
1.	Modifying the Swordfish Trip Limit in the American Samoa Longline Fishery .....	36
2.	Overfishing of Pacific Bluefin .....	37
3.	Overfishing of North Pacific Western and Central Pacific Ocean Striped Marlin .....	38
4.	Territorial Longline Bigeye Tuna Limits.....	40
5.	Implementation of the 2010 Shark Conservation Act.....	42
C.	American Samoa and Hawaii Longline Quarterly Reports .....	44
D.	International Fisheries Meetings.....	45
1.	85th Inter-American Tropical Tuna Commission Resolution on Tropical Tunas .....	45
2.	Forum Fisheries Agency/Forum Fisheries Committee Subcommittee on Tuna and Billfish.....	45
3.	Western and Central Pacific Fisheries Commission Workshop for Tropical Tunas Conservation .....	47
4.	US Purse Seine Treaty .....	47
E.	Advisory Panel Reports .....	47
F.	Pelagic Plan Team.....	47

G.	Scientific and Statistical Committee Recommendations .....	48
H.	Standing Committee Recommendations.....	49
I.	Public Comment.....	49
J.	Council Discussion and Action.....	49
8.	Public Comment on Non-Agenda Items .....	51
9.	Protected Species .....	51
A.	Age-Structured Model of False Killer Whale.....	51
B.	Update on Endangered Species Act and Marine Mammal Protection Act Actions .....	53
1.	Proposed Rule to List 66 Species of Coral as Endangered or Threatened under the Endangered Species Act .....	53
2.	Humphead Wrasse Status Review .....	53
3.	Green Turtle Status Review .....	53
4.	North Pacific Humpback Whale Status Review .....	53
5.	Shark Petitions .....	53
6.	Proposed 2013 List of Fisheries.....	54
C.	ESA Section 7 Consultation of the Hawaii Deepset Longline Fishery ....	56
D.	Update on Monk Seal Recovery Program .....	56
E.	Update on Council Coordination Committee–Marine Fisheries Advisory Committee Endangered Species Act Working Group .....	59
F.	Report on False Killer Whale Take Reduction Team.....	60
G.	Advisory Panel Reports .....	63
H.	Plan Team Reports.....	63
I.	Scientific and Statistical Committee Recommendations .....	63
J.	Standing Committee Report.....	64
K.	Public Comment.....	64
L.	Council Discussion and Action.....	66
10.	Program Planning and Research .....	67
A.	Action Items.....	67
1.	Re-Specification of Annual Catch Limits.....	67
a.	Evaluation of the 2012 Catches relative to 2012 Annual Catch Limits.....	67
b.	Modified Catch-Maximum Sustainable Yield Approach to Specify Acceptable Biological Catches .....	70

c.	Options for Re-Specifying Annual Catch Limits.....	70
i.	Coral Reef Management Unit Species.....	70
ii.	Crustaceans & Precious Corals.....	70
iii.	Main Hawaiian Islands Deep Seven Bottomfish.....	71
iv.	Main Hawaiian Islands Non-Deep Seven Bottomfish.....	72
2.	Report from the P-Star Working Group.....	72
3.	Marine Conservation Plan Modifications.....	73
B.	National Bycatch Report Update.....	74
C.	Allocation.....	75
D.	Subsistence Fisheries Definition.....	75
E.	Update on Pacific Island Planning Body.....	76
F.	Marine Conservation Institute Report on Large Ocean Area Closures.....	76
G.	Cooperative Research Priorities.....	76
H.	Report on Marine Education and Training and Monument Project Grants.....	77
I.	NOAA Seafood Stamp of Approval.....	78
J.	Report of Managing Our Nation’s Fisheries 3.....	79
K.	Recreational Fisheries Update.....	80
L.	National and International Education and Outreach.....	81
M.	Asian Americans and Pacific Islanders Initiative.....	81
N.	Advisory Panel Report.....	82
O.	Plan Team Report.....	83
P.	Scientific and Statistical Committee Recommendations.....	83
Q.	Public Hearing.....	85
R.	Council Discussion and Action.....	85
11.	Marianas Archipelago.....	91
A.	Island Reports.....	91
1.	Arongo Flaeey.....	91
2.	Isla Informe.....	92
B.	Legislative Report.....	93
1.	Commonwealth of the Northern Mariana Islands.....	93
2.	Guam.....	93
C.	Enforcement Report.....	93
1.	Commonwealth of the Northern Mariana Islands.....	93

2.	Guam.....	94
D.	Pacific Islands Regional Office–Pacific Islands Fisheries Science Center Marianas Trench Monument.....	94
1.	Final Rule for Regulations.....	94
2.	Projects and Activities.....	94
E.	Report of the Guam Military Base Data Collection Project.....	94
F.	Community Development and Issues.....	95
1.	Merizo Community Resource Planning.....	95
2.	Guam Community Development Projects Status Report.....	95
3.	Saipan Longline Dock Study.....	96
4.	Saipan Fishermen's Association Cooperative.....	96
5.	Military Buildup Activities.....	97
a.	Tinian.....	97
b.	Northern Islands.....	97
6.	Marianas Skipjack Resource Assessment.....	97
G.	Education and Outreach Initiatives.....	98
1.	Radio Station Program.....	98
2.	Community Events.....	98
H.	Guam and Commonwealth of the Northern Mariana Islands Advisory Panel Reports.....	98
I.	Plan Team Report.....	99
J.	Scientific and Statistical Committee Recommendations.....	99
K.	Public Comment.....	99
L.	Council Discussion and Action.....	99
12.	American Samoa Archipelago.....	101
A.	Motu Lipoti.....	101
B.	Fono Report.....	101
C.	Enforcement Issues.....	102
D.	Community Activities and Issues.....	102
1.	Update on Community Fisheries Development.....	102
E.	Update on American Samoa National Marine Sanctuary.....	104
F.	Rose Atoll Marine National Monumnet.....	104

1.	Pacific Islands Regional Office–Pacific Islands Fisheries Science Center Monument Permits and Projects .....	104
2.	Final Rule for Fishing Regulations .....	104
G.	Forum Fisheries Agency SubRegional Satellite Fisheries Office .....	105
H.	Education and Outreach Initiatives.....	105
I.	American Samoa Advisory Panel Report .....	105
J.	Plan Team Reports.....	106
K.	Scientific and Statistical Committee Recommendations .....	106
L.	Public Comment.....	106
M.	Council Discussion and Action.....	106
13.	Administrative Matters .....	108
A.	Financial Reports .....	108
B.	Administrative Reports .....	109
C.	National Marine Fisheries Service–Council Coordination .....	109
1.	Report of May 2013 Council Coordination Committee Meeting .....	109
2.	Office of Inspector General Report.....	109
D.	Report on Marine Fisheries Advisory Committee Meeting.....	109
E.	Council Family Changes.....	112
1.	American Samoa Advisory Panel .....	112
2.	Noncommercial Advisory Committee .....	112
3.	Protected Species Committee .....	112
4.	Ad Hoc Education Committee .....	112
5.	Coastal Marine Spatial Planning and Climate Change .....	113
6.	Scientific and Statistical Committee Recommendations .....	114
F.	Meetings and Workshops.....	114
G.	Other Business .....	115
H.	Standing Committee Recommendations.....	115
I.	Public Comment.....	115
J.	Council Discussion and Action.....	115
14.	Other Business .....	117
	APPENDIX: List of Acronyms .....	118

## 1. Welcome and Introductions

The following Council members were in attendance:

- Arnold Palacios, chair, Commonwealth of the Northern Mariana Islands (CNMI) Departments of Land and Natural Resources (DLNR)
- Michael Duenas, vice chair (Guam)
- Edwin Ebisui, vice chair (Hawaii)
- Richard Seman, vice chair (CNMI)
- William Sword, vice chair (American Samoa)
- Michael Goto (Hawaii)
- Julie Leialoha (Hawaii)
- McGrew Rice (Hawaii)
- Ruth Matagi-Tofiga, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Mariquita Taitague, Guam Department of Agriculture (DOA)
- Alton Miyasaka, Hawaii Department of Land and Natural Resources (DLNR) (designee)
- Mike Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- Bill Gibbons-Fly, US Department of State
- CMDR. Bob Hendrickson, US Coast Guard (USCG) (designee)
- Susan White, US Fish and Wildlife Service (USFWS)

Also in attendance were Council Executive Director Kitty Simonds, Council Scientific and Statistical Committee (SSC) Chair Chuck Daxboeck, Fred Tucher of the National Oceanic and Atmospheric Administration (NOAA) Office of General Counsel (GC) and NMFS PIRO Designee Lisa Croft.

Palacios referred to the notice to the public regarding potential changes in agenda items and schedules.

## 2. Approval of the 157th Agenda

Moved and seconded.

Motion passed.

## 3. Approval of the 156th Meeting Minutes

Moved and seconded.

Motion passed.

#### **4. Executive Director's Report**

Simonds welcomed Richard Merrick, chief science advisor for NOAA Fisheries, as well as Bob Harman, PIRO Sustainable Fisheries Division, and Duane Smith, NMFS Office of Law Enforcement (OLE), to the Council meeting. She also noted the loss of Colin Brown, formerly from the Cook Islands Marine Resource Ministry and a consultant.

Simonds reviewed Council actions since the March Council meeting. Work is ongoing on the amendment for managing allocations of bigeye tuna, which will be sent to headquarters in August and implemented early 2014.

She noted the Council's continued concern about the long-term viability of the American Samoa longline fishery because of the increasing competition from Chinese longline vessels. Charles Hufflett, from the Pacific Islands Tuna Industry Association based in Fiji, recently voiced concern regarding Chinese subsidized longliners. Increased capacity in the South Pacific is a double-edged sword for the island fisheries because, while it provides revenue from fishing fees, it also increases competition for albacore and reduces catch rates of US domestic fishery.

The Council plans to discuss overfishing of striped marlin. The Western Central Pacific Commission (WCPFC) will be looking at a new comprehensive Conservation Management Measure (CMM) at its upcoming meeting. PIRO will soon announce the new members on the US Permanent Advisory Committee (PAC) to the US Delegation. A meeting being hosted by Japan will be an opportunity for the industry to present ideas regarding catch retention, fishing capacity and the management of tropical tunas.

The Shark Conservation Act of 2010 and Billfish Conservation Act of 2012 will also be a topic of Council discussion. Currently, fishermen in the Western Pacific Region (WPR), unlike those on the US continent, are able to catch, sell and eat billfish.

Information on the NOAA Marine Fisheries Advisory Council (MAFAC) Endangered Species Act (ESA) project will be presented during the Council meeting. It addresses the lack of Council involvement in Biological Opinions (BiOps). Simonds said she is hopeful the project will result in all of the Fishery Management Councils being able to choose their involvement in BiOp and consultation processes.

Simonds noted that a Hawaii-based organization submitted a petition to NMFS to delist the North Pacific humpback whale. The Council submitted comments on a number of petitions, including the humphead wrasse, hammerhead shark, corals and the List of Fisheries. NMFS kept Hawaii's troll fisheries in Category III for 2013. The category is determined on an annual basis.

The Council will also discuss annual catch limits (ACLs) for the coming year.

## **5. Agency Reports**

### **A. National Marine Fisheries Service**

#### **1. Pacific Islands Regional Office**

Tosatto presented an update on the Observer Program. Coverage has been maintained at 100 percent in the Hawaii shallow-set longline fishery and 20 percent in the Hawaii deep-set fishery. Recently, the coverage was lowered from 40 percent to 20 percent in the American Samoa longline fishery. The multi-year contract is currently being re-solicited.

NMFS put out a policy directive about future electronic fisheries monitoring options. NMFS, Council and the fisheries efforts in this regard are scheduled to begin in 2013.

He noted a record-setting deployment out of American Samoa of a 156-day trip. The fishing was poor, with more than 100 sets. He said the perseverance and dedication of the observer is commendable.

#### Discussion

In regards to electronic monitoring, Simonds said Council staff will work with NMFS and members of other Councils.

Rice asked for any update on the Kampachi Farms operation.

Tosatto said Kampachi Farms submitted a permit application to have an anchored cage culture in federal waters off the Big Island. The Council provided comments on the application. Because the cage is anchored in a navigable waterway, a permit is also required from the Army Corps of Engineers. NMFS is working on an environmental analysis with the Army Corps as a cooperating agency. Until the permits are issued, no cages will be placed in the water.

Simonds asked if the observers deployed out of American Samoa are American Samoan.

Tosatto replied in the negative. Although American Samoans are in the program, the staff currently stationed in American Samoa is not local. The goal is to have permanent locally sourced observers in American Samoa, but the contract currently calls for rotation of personnel.

Palacios asked for clarification on the Shark Conservation Act.

Tosatto said the proposed rule to implement the act has a public comment period running to July 8. He suggested the topic be addressed during the other business or pelagic section of the agenda.

Palacios said the Shark Conservation Act needs to be discussed with the State's and Territories' attorney generals.

Tosatto said the local laws of all four jurisdictions have potential issues with the Act. The agency is looking to engage with each of the attorney generals and natural resource agencies on

the interpretation of their local laws before, during and after the public comment period to ensure there is a good understanding within the region. He also welcomed the Council's input.

Palacios asked for information regarding queries into a longline fishing permit being based out of the island of Tinian.

Tosatto said there is none to his knowledge, but he will follow up with his staff and report back to him.

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

Merrick presented information on the Territorial Science Initiative. The need for more science arose in a Council meeting held in Guam with Sam Rauch in attendance. The science initiative will be funded beginning in 2012 and continue into the future with money focused on the Territories, with some going through PIFSC. For 2013, \$125,000 is available for use to enhance biological sampling. Depending on the FY14 budget, an additional \$500,000 is hoped to be available for use on catch data. The goal is to provide more science to support the Council with setting ACLs to better understand fish stocks and to build local capacity. Rauch also proposed that individuals doing science-based work with respect to fisheries be made available in each of the Territories. There is also a companion initiative in the Caribbean. Merrick said the Congressional delegation and the Caribbean Council were briefed on Monday.

Simonds thanked Merrick for the Territorial Science Initiative noting that the Territories are where most of the work is needed.

Merrick said science is being funded separately under the Advanced Sampling Technology Working Group to develop and share ways to use new technologies to survey reef fish, which is meant to be in the Territories or in Hawaii.

Palacios welcomed the initiative. He noted the ACL process has been problematic, especially with data-poor stocks. He welcomed more engagement with the Center and PIRO in CNMI programs, as well as a need for more communication with the local agencies. He suggested the individuals selected to work in the island areas should be well-rounded individuals who have experience working with different personalities and agencies. It is also helpful and important to ensure the individual keeps the local agencies well informed and included in the initiative.

Merrick agreed with Palacios and added that looking for individuals from within the communities to fill the positions has been discussed. He welcomed all advice.

Simonds said the ACL assessment work was carried out by Council staff member Marlowe Sabater at the Council office. He also put together the omnibus data request. She noted the need to ensure all NMFS programs, such as the Coral Reef Ecosystem Division (CRED), work together and share data. She added that the Pelagic Fisheries Research Program (PFRP) at the University of Hawaii (UH), which focused on smaller boat issues, has lost its funding. The Council is entering into a memorandum of understanding (MOU) with PIFSC for \$300,000 from that Sustainable Fisheries Fund (SFF) to concentrate on the Territories as well.

Merrick agreed, adding that there is more to come.

Simonds said marine mammals are currently the biggest issue in terms of keeping the Hawaii longliners afloat and only recently PIFSC received funds to conduct a marine mammal survey. The agency needs to consider the Council's largest issues and fund PIFSC accordingly.

Merrick noted that within a year there will be a 120-day marine mammal survey in the California current. In recent talks with the Southwest Center director the next survey will be the Pacific Islands Region (PIR), pending vessel availability. He hoped a cooperative project through the Southwest Center and PIFSC will enhance the chance for success.

Simonds said a large portion of the Hawaii longline fishery could be closed if the fishery interacts with another false killer whale (FKW), which illustrates the need for more and better information.

Merrick said the agency has a significant initiative overall to survey protected species on both coasts. In the past, marine mammal surveys have not been well funded as budgets have been withdrawn and a decision had to be made between doing fishery or marine mammal work. The new Science Board is evolving to do more protected species and marine mammal work. It is likely more ships will be in port for the Region's marine mammal needs in the future.

Simonds asked whether the decision is made by the agency or Congress.

Merrick said the agency makes that decision to a large degree.

Sam Pooley highlighted some of PIFSC's ongoing work including monitoring the Kahekili Management Area with the State of Hawaii in terms of coral cover, algae and reef fish. This work is an example of doing management-related reviews.

The main Hawaiian Islands (MHI) fishery independent bottomfish survey project involves the use of a whole range of alternative tools for assessing bottomfish populations, as well as cooperative research with the fishing industry to cross-validate and collaborate in the use of alternative tools. There are more cruises in the future.

The Hawaii Marine Recreational Fishing Survey (HMRFS), the Hawaii creel survey, has been running about 10 years in collaboration with the State of Hawaii. There have been issues with the extrapolations used for population estimates. Staff has come up with corrected weight estimates for a number of the near-shore species. PIFSC will be able to roll that information out in the summer of 2013 and will relate it to the Marine Recreational Information Program (MRIP) work that the Council is involved in nationally. PIFSC is looking at different ways to field the survey and use the results in the development of ACLs. A parallel effort is looking at the Western Pacific Fisheries Information Network (WPacFIN) survey approach and the continuation of the Council contract with Sunny Bak. Results are expected to be completed by September on work done in the Region.

Collaborative work in American Samoa tracking turtles is ongoing. A report is coming out on the socioeconomics of the Guam small-boat fishing fleets with a focus on the mixed motivations. CRED is spending more and more time in Southeast Asia, Philippines, Indonesia

and other places using funds from USAID instead of the Coral Reef Conservation Program (CRCP), which is possible because of the move to triennial surveys of American Samoa, Guam and CNMI. PIFSC also assisted the State, US Geological Survey (USGS) and other agencies to survey a coral disease outbreak on Kauai.

The Ecosystem Division is continuing the Kona Integrated Assessment cruise. The International Scientific Committee (ISC) assessment of blue marlin is underway and should be completed by summer 2013.

It is time for the annual monk seal field camps in the Northwestern Hawaiian Islands (NWHI) to begin. Some shark removal at French Frigate Shoals will be attempted under permit. The cetacean cruise in the NWHI just wrapped up, which dealt with species identification issues between Kauai and the NWHI, at the request of the Council.

A report on the successful Ecosystem Science Workshop held in Japan is due out in the fall of 2013.

Pooley said he participated in the recent North Pacific Marine Science Organization (PICES) exercise to look at the use of human indicators in ecosystems, which may be useful to the Councils in the future.

The PIFSC Program Review is underway at Pier 38. A report will be presented at the next Council meeting. Topics of discussion include fishery stock assessments, WPacFIN data, pelagic regional fishery management organization (RFMO) logbook data and coral reef subjects.

The Ford Island building is 98 percent complete. The life history program is scheduled to be moving into the building in August/September 2013.

### Discussion

Matagi-Tofiga asked PIFSC to provide technical assistance to train the creel survey team in American Samoa.

Pooley said providing technical assistance is high on his list of things to do. Travel restrictions are in place, so he currently cannot speak to any schedule. However, he will let each Territory know PIFSC's plans on WPacFIN developments.

Leialoha asked about the use of monk seal meat to capture sharks at French Frigate Shoals.

Pooley said the Technical Board of the Monument Management Board suggested the use of monk seal meat, as it may increase the success of capturing sharks. The monk seal meat comes from dead monk seals. No monk seals were sacrificed.

Rice asked what the NOAA ship was doing in Kona.

Pooley said it is looking at primarily oceanographic related work, such as sea surface temperature and current profiles, with some small-net netting of phytoplankton, and forage in the area.

Rice asked if the information on the currents will be made available to the public.

Pooley said yes, all of the work will be available in one form or another and posted on the PIFSC website or blog as a summary report. The more detailed data can be requested.

Duenas asked about PIFSC's plans for biosampling projects beyond the otolith extractions, weights and measures.

Pooley said there is an agenda item regarding that topic coming up later in the meeting.

Rice asked about the research results between independent surveys and PIFSC surveys.

Pooley said the survey results would be viewed as additional information. The research with Cascadia Research is jointly funded surveys with the Navy, NOAA Fisheries or other agencies. Cascadia surveys tend to be conducted near-shore in lee areas where NOAA vessels are more successful on the windward areas. Erin Oleson and Amanda Bradford are working to integrate the results from acoustic surveys with the visual transect surveys, which is an evolving learning process.

Palacios agreed with Matagi-Tofiga on the need for staff training, especially in the wake of the ACL requirements. He voiced interest in WPacFIN providing support to train CNMI staff. He said the recent WPacFIN workshops held in CNMI were well received and PIFSC's efforts were appreciated. He also noted that NOAA assistance is needed for scientific information to address the potential impacts of the Department of Defense (DOD) plans for Tinian and Pagan.

Pooley noted the monuments in the Territories provided an opportunity for PIFSC to place staffing in American Samoa, Guam and Saipan. The Territorial Science Initiative outlined earlier by Merrick is a chance to provide assistance from WPacFIN and begin to make it possible for a year-round science presence. He said he intends to pursue the endeavor as a partnership.

Palacios said the effort needs to be sustainable.

Pooley said the Territorial Science Initiative makes it possible for it to be carried forward in a more systematic way.

## **B. NOAA Office of General Counsel, Pacific Islands Report**

Tucher introduced Smith, who is filling the position as NOAA GC for Enforcement and Litigation left empty by Alexa Cole. Tucher provided an update on the active litigation cases, including the Kampachi Farms case, the Turtle Island Restoration Network versus Blank, and Dettling versus NMFS.

### C. US Fish and Wildlife Service

White reported that their operations are being significantly impacted by the sequestration. The staff has been reduced by 25 percent.

Repairs to facilities on Tern Island, have been ongoing. Field camps were suspended, although NMFS will conduct monk seal work over the summer.

At Laysan, the USFWS's Ecological Services Office has maintained a camp in conjunction with the American Bird Conservancy to monitor the relocation of the endangered Nihoa millerbird but has suspended habitat management for seabirds.

At Midway, all visitor services and programs were stopped and the volunteers program has been suspended. Permits are being evaluated and scrutinized for mission-critical permits only. It is anticipated support will be pulled back for operations of the airfield starting in FY14.

White provided fishery activity statistics within the refuges and monuments from Midway and Palmyra for the fiscal year. For Midway: 11 ono averaging 30 pounds and three yellowfin averaging 18 pounds. For Palmyra: 18 ono averaging 28 pounds and 21 yellowfin averaging 32.7 pounds.

Funding was received to remove three shipwrecks in Palmyra and Kingman. The hope is to have the shipwrecks removed by the end of 2013. The development of an environmental assessment plan is ongoing and will be released for public comment in the near future.

### Discussion

Leialoha said the 25 percent loss of personnel must be crippling. She suggested funding be sought from the Federal Aviation Administration (FAA) to cover some of the expenses for the airport operations, noting the importance it represents to all aircraft.

White said, if it becomes necessary to end operation of the runway, it will be the FFA's decision to continue.

Matagi-Tofiga spoke in appreciation of Frank Pendleton, USFWS representative in American Samoa, who supports of their efforts in Rose Atoll.

Seman asked if the management of the Marianas Trench Islands Unit has been resolved in regards to the full management of the area.

White said the management of the Monument was delegated to the Secretary of the Interior, working closely with NOAA and the Council, to develop the fisheries-related regulations for the Islands Unit. The other two units of the monument were delegated to the USFWS to be managed as units of the National Wildlife Refuge system.

Tosatto said NOAA and the Department of the Interior (DOI) have not come to full resolution on the terms of management of the monuments.

Palacios pointed out that it is a lot of responsibility for an office that has lost 25 percent of its personnel. He asked how many staff members have responsibility for management of the Marianas Trench Marine National Monument (MNM).

White said there are seven permanent staff as well as volunteers and temporary staff in the Pacific Reefs National Wildlife Refuge Monuments Complex. Permanent staff all based in Honolulu, except for Frank Pendleton in American Samoa.

Palacios noted the monuments continue to be a contentious issue and expectations still exist from when they were first created. He expressed concern that the core responsible agencies are getting cut. He suggested PIFSC, PIRO, USFWS Refuges and the National Marine Sanctuary (NMS) Office should pool their technical and financial resources to do the work that is expected by the community of the area. He added he is grateful that traditional and subsistence fishing is allowed. In light of the DOD plans to extend to Pagan, the people of CNMI are waking up to the fact that out of 15 islands in the Mariana Archipelago, only five will be available to the Mariana citizens. The agencies need to step up and do what they are supposed to do when areas are declared sanctuaries or monuments. He urged the powers that be in the federal government to give due consideration to the resources that the people in the area need.

White voiced complete agreement with Palacios' comments. The Monuments, especially the Marianas Trench, is so large and so complex it is not a one-agency issue and there is a need to continue to work closely across not only the federal agencies but also with CNMI, Guam and non-government organization (NGO) partners to fulfill the promise of the monument.

#### **D. Enforcement**

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

Hendrickson reported USCG law enforcement activities in the Western and Central Pacific Region for the period of March 31 to June 26, 2013. The USCG operated under constrained operational and financial resources. A number of different mitigation factors have been used, such as more vessel monitoring system (VMS), Automatic Identification System (AIS) and other electronic means to monitor the US Exclusive Economic Zone (EEZ), as well as leveraging international partnerships with regional partners, such as France, New Zealand and Australia.

The USCG conducted three patrols totaling 45 days during the three-month period, patrolling the EEZ around Guam and CNMI, Jarvis, Kingman and Palmyra, Howland and Baker, and the MHI, as well as the EEZs of Palau, Nauru, Kiribati and the Federated States of Micronesia (FSM). Conducting operations in the adjacent EEZs had a derivative deterrent effect and served to build capacity and capability of the nations to patrol their own EEZs and affect a regional deterrent. A dozen boardings were conducted with more than a dozen violations on US and foreign vessels.

A proof of concept deployment of the Oceania Maritime Security Initiative (OMSI) was in operation during the 45-day deployment. This consisted of putting a USCG law enforcement detachment onboard a US naval vessel of opportunity that is transiting through the US and other EEZs in the region. The proof of concept was carried onboard the Hawaii-based *USS RUEBEN*

*JAMES*. The USCG deployed a seven-person team, including a five-man boarding team, a liaison officer and an intelligence officer. During the deployment there were 31 sightings, eight boardings and 12 violations. Eight of the violations came on one US flagged vessel. In addition to surface operations, C-130 aircraft flew patrol as well as conducted training.

Overall, the USCG has seen good compliance and is meeting its established metrics for conducting boardings in high and low priority fisheries. The combination of meeting those metrics and seeing good compliance carries over throughout the region.

Hendrickson noted he will be leaving the Council and moving to his next assignment at Pearl Harbor in August.

### Discussion

Gibbons-Fly commended the USCG for the activities undertaken throughout the Pacific with respect to training, capacity building and law enforcement in support of the Pacific Island states. The activities are becoming an increasingly important aspect of the overall relations, and the USCG has played a central role in building that relationship.

Palacios thanked Hendrickson for his service representing the USCG on the Council, adding that without the USCG all of the policies on the books would be worthless.

## **2. National Marine Fisheries Service Office of Law Enforcement**

Bill Pickering reported that during the period there were 60 incidents reported to the Pacific Islands Division (PID): 19 protected resources, 27 fisheries management, two sanctuaries, one Lacey Act, seven Marine Mammal Protection Act (MMPA), one South Pacific Tuna Treaty Act and three Western Pacific-Forum Fisheries Agency (FFA) cases.

The investigations report included two US flagged longliners fishing inside the Large Vessel Prohibited Area at Swains Islands; imported whale meat detected at the Honolulu International Airport by Customs; a Convention on International Trade in Endangered Species (CITES) case involving imported coral and clams harvested at sea; a shark fin case; and a foreign vessel fishing in the NWHI monument area.

CNMI conducts patrols and inspections of fishing activities.

Pickering noted new Joint Enforcement Agreement (JEA) packages have been sent out to Hawaii, American Samoa, Guam and CNMI for 2014. The deadline for return of the JEA packages is July 14. Nick Mitsunaga, JEA coordinator, is working with all of the Territories to submit the packages so they can be funded.

In regards to the WCPFC VMS, at the recent meeting held in Manila, an agreement was reached which allows PID and USCG to receive a direct feed of WCPFC VMS traffic of all vessels within the US EEZ and 100 nautical miles beyond. In addition, a new update is available to the VMS system. He encouraged vessel managers to contact Terry Boone.

Pickering said he hopes to work with the Food and Drug Administration (FDA) to expand OLE's efforts in regards to safety of imported seafood.

### Discussion

Tosatto asked how many vessels are in the EEZ, are they predominantly for transiting through US waters and how close do they get to the monument boundaries?

Pickering said vessels are seen transiting through all monuments and EEZs and the vessels usually are where the fish are. Several vessels have been seen above Midway during certain times of the year, as well as around Palmyra. He said OLE and USCG are in touch on a daily basis with FFA and WCPFC to stay on top of vessels should they turn their VMS off.

Goto asked about FDA's focus of enforcement.

Pickering replied counterfeit prescription drugs and fisheries laws in regards to cleanliness. The FDA agent is experienced and has a good reputation.

Simonds asked for more information on the shark fin case.

Pickering said it is still early in the case, but the sharks were finned at sea and the fins were brought in. The shark carcasses were not brought in.

Simonds said she is glad that the VMS information is being shared, noting 25 years ago the Council began efforts to get VMS on foreign vessels with access to US ports.

Pickering said that OLE is thankful that all persevered and appreciated the relationships with WCPFC, FFA and the Parties to the Nauru Agreement (PNA).

Ebisui asked about the length of time the FDA will be at the Honolulu Airport and how far down the distribution chain will be investigated.

Pickering said he will be on assignment for a while and is the type of individual who will work the whole line of illegal activity.

Ebisui said he recently saw for sale in a local supermarket several types of previously frozen, imported fish that did not look fit to feed to a cat.

Pickering said such information is welcome by OLE and FDA as far as enforcement, as well as reports of mislabeling.

Seman asked if there are any plans to use drones for surveillance, which Palau is considering.

Pickering said the topic has been discussed, but the costs are prohibitive.

Palacios thanked OLE for the JEA arrangements, which has helped build capacity in CNMI.

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

Smith noted his first day on the job as the PIR enforcement attorney will be July 29. His responsibilities will include all domestic legal enforcement matters, including program support responsibility for the OLE, Sustainable Fisheries, Protected Resources, the Observer Program, all four MNMs, the NMS of American Samoa, the Hawaiian Islands Humpback Whale NMS and the Western Pacific Fishery Management Council, as well as all of the enforcement cases that come out of the Region, including both foreign and domestic vessels. Cole will continue to handle the international issues out of Headquarters.

For the October 2012 to June 24, 2013, period, 10 cases were referred to the Enforcement Section. They included an \$11,000 Notice of Violation and Assessment (NOVA) for an MMPA violation issued to the *OCEAN CONQUEST* for setting purse-seine nets on and around marine mammals; a \$149,250 NOVA for five counts of violating the MMPA for setting purse-seine nets on or around marine mammals and one count of violating the WCPFC Implementation Act for setting within 1 nautical mile of a fish aggregating device (FAD) during the FAD closure period; a \$20,500 NOVA for two counts of violating the MMPA for setting purse-seine on marine mammals; and a \$9,000 NOVA for one count of violating the Magnuson-Stevens Fisheries Conservation and Management Act (MSA) for harassment of a fisheries observer. Total penalties assessed during this period were \$189,750.

No permit sanctions issued. One case declined for prosecution.

Two cases involving violations by purse-seine vessels during the 2009 FAD closure period were completed and are awaiting decision by the administrative law judge. The total combined penalties assessed in those cases were \$2,329,250.

Four cases were resolved through settlement during this period for a total of civil penalties of \$118,700, which will be coming in timed payments.

The fourth and final installment payment of \$1,010,000 was received from the F/V *ALBACORA UNO* case. The fifth payment of \$1 million was suspended pending no violations throughout the payment period.

#### Discussion

Simonds urged the USCG to get more cases for the SFF.

#### **E. US Department of State**

Gibbons-Fly provided an update on efforts to negotiate the North Pacific Fisheries Commission, a new commission that will be responsible for managing bottomfish and other fisheries in the North Pacific Ocean currently unregulated by any preexisting international regime. The process began in 2006 as a result of a call from the United Nations (UN) to take steps to protect vulnerable marine ecosystems from significant adverse impacts of destructive fishing practices.

The convention was adopted in February 2011 and dealt with the entire North Pacific Ocean, which included the high seas areas north of 20 degrees, down to 10 degrees around the Hawaiian Islands. The process is now in the preparatory conference phase. The convention could enter into force as early as next year. The only significant bottomfish fisheries that are taking place are for pelagic armorhead and alfonsin on the Emperor Seamount chain. The two primary pelagic species that are not managed by a preexisting Convention subject to the jurisdiction of this organization are the Pacific saury fishery off the east coast of Asia and extending out into the Central Pacific and the Central Pacific squid fishery. The next step is consent to be reached by the Senate and President, at which time the United States would become a member of the Commission and the Convention enters into force, which is expected to be in 2014.

The President sent two other Conventions forward on April 22, one establishing the South Pacific RFMO, which deals with bottomfish fisheries and other unregulated fisheries south of the equator. The United States was actively involved in negotiations, although it has no fishing activity in the Convention area, which is comprised of the high seas areas of the South Pacific Ocean. The primary pelagic species that's covered by that Convention is the jack mackerel fishery off the coast of South America, which is fished within the EEZs of Chile, Ecuador and Peru, as well as significant portions outside of the EEZs off the coast of South America. The third convention that went forward is amendments to the Northwest Atlantic Fisheries Organization Convention, which is of no interest to the Council.

A fourth agreement was sent late in 2012, which is the UN Food and Agriculture Organization (FAO) Agreement on port state measures to combat and deter illegal, unreported and unregulated (IUU) fishing. It has implications for some US ports in the Pacific, including ports in the Territories under the Council's jurisdiction.

It is hoped that the Senate will consider the four agreements as a package and will hold a hearing later in 2013 with the Senate Foreign Relations Committee.

Negotiations have been taking place with respect to fixing some of the maritime boundaries, which have been conducted by the Office of Oceans Affairs in the Bureau of Oceans Environment and Science. Negotiations were concluded on setting the maritime boundaries with Kiribati in May, with one boundary between Kiribati and Palmyra and another one with Jarvis, both in the Line Islands. There is a third line between the Phoenix Islands, Kiribati, and Howland and Baker Islands. The agreement will be signed by the United States and Kiribati at the Pacific Islands Forum in September.

After providing a brief background on the negotiations of the South Pacific Tuna Treaty, Gibbons-Fly said an 18-month interim agreement was signed in the recent past. The core negotiating issues included the level of return provided to the Pacific Islands States was much higher than under any of their other agreements historically; the operation of the US fleet as a responsible fleet; and the status of the United States as a responsible and model flag state. The perception of the treaty began to change about five years ago. The Pacific Islands States felt as if they were locked into a deal when they could have been getting more from others. The terms and conditions applied under the treaty could not be changed except through an amendment agreed to by all parties, which involved a lengthy process. With the advent of the Pacific Island States

Vessel Day Scheme (VDS) one criticism was that the US vessels were not operating under the VDS. Work has been ongoing to address all of the issues.

The level of compensation under the treaty will triple from the last arrangement and will call for review every two years to assess if adjustment is needed for financial compensation and modification of the level of access under the VDS. The terms and conditions will no longer be set in the treaty and will be established by the Pacific Island States. The Pacific Island States will update the terms and conditions and tell the US what they are every year. The United States asked for the terms and conditions to be provided six months in advance.

The US fleet will be operating under the VDS, which will reduce the number of days that will be fished by the US fleet. Using data that NOAA has provided over the last three or four years, the average level of fishing was estimated between 9,300 and 9,500 days a year. Under the new agreement, the interim period will be reduced to 8,000 days per year and will be renegotiated on a periodic basis.

The interim arrangement will last 18 months. During the 18 months the US fleet will become operational under the VDS on a calendar year basis. The licensing period will also transfer to a calendar year and will be issued on an annual basis, beginning in January 2014.

For the interim period, the agreement that was reached a year ago with respect to the level of access and the financial compensation was multiplied by 1.5 and extrapolated to get through the end of 2014. Negotiations will continue to conclude the final extension.

One significant issue left is the application of the national laws of the Pacific Island States to US vessels when outside the jurisdiction of the Pacific Islands, such as fishing on the high seas. It is not an insignificant issue. It will require some finely honed legal drafting to satisfy both sides and then deal with issues as they arise rather than trying to negotiate something that each side thinks can solve every problem that might arise down the road.

## Discussion

Matagi-Tofiga asked for clarification as to how the VDS process works.

Gibbons-Fly said the VDS is a program that has been developed by the eight countries of the PNA, including the three Compact States (Marshall Islands, Palau and FSM) as well as Papua New Guinea, Solomon Islands, Nauru and Kiribati. The countries establish the number of days and determine how the days are allocated among themselves with the total allowable effort set among the parties, collectively. Once each country gets its party's allowable effort, it can decide how to allocate those days to the fleets that are looking to fish in their zone. The treaty is a multi-lateral arrangement. The days that will be available to the US fleet under the treaty will be available for fishing in the waters of any of the PNA. Close to 85 percent of the tuna caught in the Pacific is caught in PNA waters, with 8,000 days annually within PNA waters and just 300 days in non-PNA waters. The country where there are now catches being made where those days could be used is in the Cook Islands. The Cook Islands are contemplating becoming an associate member of the PNA for the purposes of implementation of the VDS. Tokelau is not a PNA member, but waters under the Tokelau jurisdiction are also now included in the VDS.

Sword commended Gibbons-Fly on the treaty renegotiations and asked for clarification as to the amount of the fees under the new interim agreement.

Gibbons-Fly said, from 2003 to 2013, the base package was \$21 million, \$18 million paid by the US government in economic support funds and \$3 million paid by the purse-seine industry as a base fee and another indexing payment that was variable that came out to be another \$3 million. Under the new arrangement the total package is going to be \$63 million, with the government paying \$21 million. The industry payment will increase from \$6 million to \$42 million. The industry share of the payment is the going rate and in some instances more than other fleets in the region. The PNA countries have established a baseline threshold rate of \$5,000 per vessel day. The industry's \$42 million divided by 8,000 equals to \$5,000 a day. Under the treaty, the industry's payment alone is significantly higher than the total combined contribution for the European Union (EU) under the agreement the EU just reached.

Sword asked if the PNA countries have treaties with other fleets.

Gibbons-Fly said, yes. While the US treaty is a multilateral agreement, some of the PNA countries have bilateral agreements with distant water fishing nation (DWFN). Japan, Korea, China, Taiwan and the EU fish in waters under the jurisdiction of the Pacific Island States under these bilateral agreements. All operate at least in theory under the VDS. The United States does not know much about those agreements, which include provisions for implementation of the VDS and the same rules that apply to the US fleet for observers and reporting, etc.

Simonds noted that, regarding the final agreement on the Kiribati and US line, the Council supported keeping the Line Islands in negotiations carried out in 1980, but the area was ultimately given up and was found out later to be an area of good fishing.

#### **F. Public Comment**

Ed Watamura, fisherman and Council Advisory Panel (AP) chair, asked about the amount of billfish being exported to the mainland from Hawaii.

Tosatto said all of the provisions in the Billfish Conservation Act have not yet been implemented and such statistics are not available, but they will be discussed in the deliberations going forward.

Sean Martin, Hawaii Longline Association (HLA), asked how the US VDS is allocated among the pool of vessels.

Gibbons-Fly said the interim arrangement will be an internal decision by the members. Once the treaty is implemented under a more legally binding framework administered by PIRO, those questions will have to be revisited.

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

There were no action items for this agenda section.

## **6. Hawaii Archipelago and Pacific Remote Island Areas**

### **A. Moku Pepa**

Rice said he participated in community outreach activities recently at a fishing tournament on the Big Island. He shared information about recreational and noncommercial activities of the Council and NOAA. He also attended the third Managing Our Nation's Fisheries (MONF3) meeting in Washington, DC, and met with Hawaii Congresswoman Gabbard's aide to discuss fisheries in the WPR. He added that the outreach efforts of NOAA and the Council in addressing the major issues over the last two years is appreciated as evidenced by the feedback he has received from the small-boat fishing community.

Goto reported that the longline industry has seen steady landings with moderate to high catch rates. The fleet appears to be currently fishing mostly in the north. Prices remain consistently high.

Leialoha said she recently attended a lecture regarding climate change impacts causing a drop in zooplankton, which seems to fit into the impacts to top predator species as reported in Jeff Polovina's study results.

### **B. Department of Land and Natural Resources Report**

#### **1. Enforcement - Cooperative Enforcement**

Miyasaka reported on the Maui Community Fisheries Enforcement Unit. The pilot project started operations on May 1, 2013, with one vessel and three officers on staff based out of Kahului Harbor on Maui. The area under operation consists of 13 miles of coastline, extending out 3 miles. The pilot project focuses enforcement on fishery and boating regulations with an educational component. The funding for the project is approximately \$1 million for a two-year funding cycle, with funds coming from Conservation International through the Castle Foundation. If the pilot project is successful, DLNR will seek long-term funding to continue the unit. The Council will be updated on future progress.

#### Discussion

Palacios noted his interest in looking at a model of the Maui Community Fisheries Enforcement Unit, such as the standard operation protocols and how the unit fits into the overall DLNR Division of Conservation and Resource Enforcement (DOCARE).

Miyasaka said the unit is staffed by enforcement officers who receive the same training as DLNR conservation officers, with a two-year funding cycle, but are specifically tasked with enforcing fisheries and boating regulations in this designated area. If there are needs in other areas of enforcement, DOCARE officers are called for assistance. The unit is under the Maui District Chief of Enforcements.

Simonds suggested Miyasaka have the DLNR chief of enforcement come to the Council meeting to share the information initiative with Palacios.

## 2. Legislation

Miyasaka said, during the past legislative session, DLNR received increased funding for the Watershed Initiative, lost eight staff positions, six of which were long-time vacant DOCARE positions. DLNR will try to re-establish the positions during the next session.

### Discussion

Simonds asked if the second increment of the Aha Moku Committee funding, approximately \$75,000, was approved.

Miyasaka said the Aha Moku Committee was appropriated for two years. DLNR is still waiting the Office of Hawaiian Affairs (OHA) portion.

## 3. Notice of Intent to Conduct an Environmental Impact Statement for the Sanctuary

Miyasaka reported the Hawaiian Humpback Whale NMS is jointly managed by NOAA and the State of Hawaii through the DLNR. The sanctuary is currently going through a management plan review and development review process that was initiated in 2010. Currently, it is dealing with National Environmental Policy Act (NEPA) and Hawaii Environmental Policy Act (HEPA) requirements. The draft management plan and draft environmental impact statement (EIS) are expected to be available for public comment later in 2013. The management plan is being prepared jointly by NOAA and DLNR. The EIS will meet the NEPA and HEPA requirements and will include a cultural impact assessment. He noted Elia Herman, State of Hawaii DLNR co-manager of the sanctuary, is in attendance to answer questions of Council members.

### Discussion

Simonds asked when the period for public comment ends.

Herman replied it is unknown. Currently, the document is under review by legal counsel.

Simonds asked if the notice of intent (NOI) includes options.

Herman said DLNR issued the NOI in January 2013 when DLNR made the determination that they met the requirements of NEPA and HEPA to align the processes with NOAA, which issued their NOI back in 2010. A cultural impact assessment is being conducted, which is a unique component of the HEPA and includes a range of alternatives.

Simonds asked how the sanctuary fared the budget results.

Herman said they are still in discussion with the FY13 federal funds.

#### **4. Boat-Based Commercial Marine License Changes**

Miyasaka reported he is currently drafting an amendment to the State law for the possibility of a vessel-based Commercial Marine License (CML). Currently, under Hawaii State law commercial fishermen are required to be individually licensed. The next amendment will include an option for a commercial vessel to be licensed to cover all of the occupants on the vessel at one time. It is still early in the preliminary stages.

##### Discussion

Rice voiced his support for the amendment and asked if it would cover small boats and charters.

Miyasaka said, at this stage, consideration is being given for any vessel licensed as a commercial vessel to be added to the CML individual license. The details are still being worked out. He is hopeful there will be public meetings to discuss the amendment later in 2013.

Rice asked Tosatto how a vessel CML will impact the NMFS noncommercial initiatives.

Tosatto said it may be too soon to determine. NMFS needs to look at the results of such a move, whether it is beneficial and how it meshes with the current flow of data to avoid complication on the existing process. Communication with stakeholders and other regulating agencies on this initiative is important.

Simonds asked if decisions will be made at the upcoming Board of Land and Natural Resources (BLNR) meeting in regards to West Hawaii fishing regulations.

Miyasaka said the upcoming BLNR meeting will be in regard to the proposed Administrative rule package, including the West Hawaii rules with the aquarium and scuba spear. Decisions will be made by the board at that time.

Simonds suggested the BLNR view the video made by the West Hawaii fishermen before any decision-making takes place.

#### **C. Bottomfish Fishery**

##### **1. Report of State Evaluation of Bottomfish Restricted Fishing Areas through Bottom Camera Research**

Jeff Drazen presented an update on evaluation of the effectiveness of bottomfish restricted fishing areas (BRFAs) in the MHI. The project objectives were to determine if bottomfish populations on habitats inside the BRFAs improve over time, such as increase in relative abundance and average size, and if bottomfish populations on adjacent habitats outside the BRFAs also improve as a result of spillover or if bottomfish populations on adjacent habitats outside the BRFAs diminish or decrease in numbers and average size.

The BRFAs chosen for evaluation were Niihau, Penguin Bank, Makapuu and the Pailolo Channel. The bottom camera (botcam) was used as the sampling tool. The botcam is a non-

extractive baited stereo video device. It records for 40 minutes on the bottom with ambient light. The inside and outside of the BRFA are sampled over time to observe different trends. The habitat is characterized as hard bottoms and high slopes, such as pinnacles and cliffs; rocky bottom, but low slope, such as ridges and crevices; soft sandy bottoms with high slopes of 20 degrees or greater; and sandy bottoms with low slope, with few to no bottomfish.

Drazen said Dana Sackette was present to answer questions related to the modeling. A generalized linear model (GLM) was used in the project.

The four years of data show changes and trajectories inside versus outside of the closed zones. The mean length at Penguin Bank for all four years showed statistically significant differences. On average ehu, onaga, opakapaka and kalekale are larger inside the Penguin Bank reserve than outside. The exception is lehi, which shows a reverse trend. The mean size of the three commercially important and most abundant bottomfish species (ehu, onaga and opakapaka) has been increasing inside the reserve since its boundaries were expanded and monitoring began. The abundance or the size of those fish has remained the same or is slightly declining over time outside in the fished zones. The exception is kalekale, which shows a decrease in mean size over time inside the reserve and an increase outside. The measure of relative abundance is higher for onaga inside the Penguin Bank BRFA; there was no change outside.

The Makapuu data showed significant increases in length for opakapaka inside the reserve but no change outside. There was a significant difference between the trajectories of relative abundance inside to out, suggesting that abundance is increasing inside and/or decreasing outside.

At Pailolo Channel, onaga and kalekale are larger inside of the BRFA and opakapaka are smaller. Over time the trends do not appear to be related to fishing. The differences are most likely related to habitat quality inside versus outside the reserve. Onaga shows an increase in length and abundance inside and a slight decline in length and abundance outside of the BRFA.

For the Niihau BRFA, onaga are smaller inside, while opakapaka are larger. The mean size of kalekale is increasing outside of the closed area and decreasing inside.

In summary, protection from the BRFAs seems to have yielded bigger fish, which can produce lots of offspring for the next generations. Protection has also led to more fish in some cases. The results are similar to what has been found in protected areas in shallow waters in Hawaii and elsewhere around the world.

Drazen noted reasons to manage with BRFAs include a) BRFAs can produce robust populations of spawning bottomfish, which increase and stabilize recruitment; b) Adult spillover is a benefit, but is difficult to discern; c) BRFAs provide insurance against uncertainty in the total allowable catch (TAC); d) Deep Seven bottomfish are site attached so that site-based management may be an appropriate strategy; and e) BRFAs reduce the potential for fishery-induced genetic selection. Management objectives and strategies for the bottomfish fishery need to be made clear. The differences between the state and federal objectives and the pros and cons of each strategy currently implemented should be compared objectively.

## Discussion

Rice said it still comes down to the fact that bottomfish fishermen have a quota that can shut down the fishery. He noted that currents affect the bottomfish aggregations and it does not mean all of the fish were caught by fishermen just because no bottomfish are seen when the researchers are there looking for them. The oceanography also affects how bottomfish aggregate. His opinion is that the TAC makes sense and the BRFAs don't.

Drazen said Kevin Weng is currently funded to do a tagging and tracking study on Penguin Banks and off of Makapuu and will be getting data by the end of 2013 to start looking at movement patterns relative to BRFA boundaries, ledges and currents, as well as a number of other factors.

Rice suggested Drazen combine his efforts with Polovina.

Matagi-Tofiga asked if any evidence suggests the implementation of the BRFAs has reduced fishing mortality.

Drazen said reduction of fishing mortality has not been looked at.

Ebisui added that the momentum behind the establishment of the BRFAs was to reduce fishing effort and was not to replenish or provide insurance in case the Council's TACs were wrong. He asked if the BRFAs continue to be relevant and effective to reduce fishing effort.

Drazen said there was no TAC in 1998. The TAC began in approximately 2006. As far as effort reduction, he could not say because he did not look at effort reduction. He noted one concern is that effort has been displaced, but he does not have data to comment on that.

Duenas said that, in an earlier meeting, the Council saw a presentation on acoustic tagging showing movements of fish in and out of the BRFAs. Some of the results showed onaga and lehi constantly moving in and out with some other species, like the ehu, being more residential. He said he saw the same in Drazen's presentation.

## **2. Report on Main Hawaiian Islands Bottomfish Research Cruise**

Mike Seki, PIFSC deputy director, presented an update of the gear calibration cruise conducted by PIFSC in April 2013 off Maui to assess different passive methods that can be used to monitor and evaluate the status of Hawaii's bottomfish fishery resource. The cruise included autonomous underwater vehicles (AUV), botcam and cooperative research fishing during the cruise. The cruise was an effort to pull in some of the advanced technologies to improve PIFSC's assessments and estimates of abundance and an independent estimate based on fisheries other than commercial catches. The process is in the developmental stage. This is the first time PIFSC has had all of the sampling technologies on the same trip to be used for comparison.

A sampling grid was developed, which based most of the work to be done off of Maui and Lanai in areas that have been identified as good bottomfish grounds. The catch per unit effort (CPUE) on the R/V *SETTE* increased tenfold, which will be useful for gear comparison.

The data from the cruise will be updated into a document, which is hoped to be ready by the October SSC and Council meeting. Another survey will be conducted in the late summer of 2013.

### **3. Challenges of Traditional Age Estimation of Hawaii Bottomfish**

Bob Humphreys, PIFSC, presented a brief overview of the challenges of estimating age of Hawaii bottomfish, using opakapaka as an example. The approach uses a technique of reading internal growth marks found on a fish's sagittal otolith, which are made of calcium carbonate and are positioned in the fish below the brain. They function in terms hearing for the fish as well as keeping them balanced when they turn. Tropical marine fish otoliths contain both daily growth increments and annual growth marks, which are not always distinct. In older fish daily growth marks are confused with annual growth marks. Settlement marks also help determine the age of the fish.

Through work on otoliths conducted in Hawaii on opakapaka a way was developed to interpolate the number and distance between marks to age the fish. In the 1980s and 1990s, a lot of work was ongoing in Honolulu with regard to aging opakapaka. Recently, the work has begun looking at a tag recapture study to make estimates. Using old methods, the age of one opakapaka was considered to be 18 to 20 years old. New radiocarbon techniques are a more accurate way of aging.

Conclusions offered regarding the challenges of age estimation included a) the ability to estimate age using annuli depends on species; b) daily growth increments are useful for establishing early growth and the first annulus; c) both methods become problematic in estimating older ages, greater than 30 years; d) age validation based on tagged recaptures requires years of effort; and e) application of otolith age validation methods independent of counting daily growth increments or annuli are now available to PIFSC.

### **4. Age-Validated Life Histories of Bottomfish: Hawaii and the Western Pacific**

Allen Andrews, PIFSC, presented age-validated life histories of bottomfish in Hawaii and bottomfish and reef fish of the Western Pacific. New methods have evolved to determine the age of fish that are independent of counting growth increments in otoliths. The methods rely on otolith chemistry to provide valid estimates of age. Opakapaka provided the first opportunity in Hawaii to use bomb radiocarbon dating as a tool to measure accurate fish age. Previous longevity estimates were five to 18 years for opakapaka, but recent findings using these techniques prove they can live more than 40 years. These methods are being applied to other Hawaiian bottomfish, such as hapuupuu, onaga and gindai. The approach is planned to be used to age bottomfish in the Western Pacific.

Bomb radiocarbon dating is based on detonation of thermal nuclear devices in the 1950s and 1960s. The tests doubled the naturally occurring radiocarbon signal in the atmosphere and were reflected in the marine system with coral cores. It is important to use the proper reference series in order to come up with validated age estimates in fish. Collaboration work with Japan is planned to establish a record spanning from 1940 to 2000.

## Discussion

Leialoha asked if the technique has been used on pelagic species.

Andrews said limited work has been done on pelagic species, largely because the otoliths are small. The southern bluefin tuna have been validated at 50 to 60 years of age. These findings provide better information about the potential productivity of each individual, showing they have a much greater lifetime of egg production.

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

#### **1. Community Development Program Multi-Fishery Proposal**

Tosatto said PIRO has gone through the process of a plan framework to consider community development plans. The first of the applications under the amendment has been received and reviewed. A revised and refined proposal was commented on by the Council and is currently in PIRO. The proposal is a community project for a longline fishing training project with community benefits. Analysis of the proposal and its environmental impacts is ongoing.

#### **2. Maui Community Fish Aggregating Devices**

Eric Kingma, Council staff, presented an update on the Council's Maui community FAD projects. FADs are not designated as fishing gear under federal regulations but are considered property if legally established. No one can legally restrict any other person from fishing around a FAD, legally or otherwise deployed. Properly deployed and maintained FADs can provide positive community benefits, enhancing consistent access to fish and supporting community fish sharing and economic opportunities. FADs can also reduce search time, decrease fuel cost and serve as a platform for cooperative fisheries research with fishermen.

In 2006 the Council put funding together to work with the Hana community to deploy the first legally established non-State of Hawaii FAD in the state with authorization from the USCG and Army Corps. The Hana FAD provided significant community benefits. The Hana community subsequently put out its own FAD under the same permit in 2007 and 2009.

In 2011 the Council funded deployment of five community FADs across the state at distances farther offshore than the State of Hawaii FADs, including two FADs off Maui and one off of the Big Island. The Hana community using the same permit deployed its FAD again.

After a brief description of the State of Hawaii FAD deployment and changes made to the design of the FADs, as well as the voluntary data collection encouraged in conjunction with Council FADs, Kingma noted that in 2013 Kahului fishermen came to the Council seeking additional assistance in re-deploying Kahului FADs. Mama's Fish House on Maui was interested in entering into a partnership with the Council and proposed being responsible for the deployment and assembly of a FAD while the Council would maintain the existing permit with the Corps. The Council agreed to the public-private partnership that provided benefits from data collection to the Council and supported fishing opportunities and local fishery development, with Mama's Fish House providing support to local fishermen.

Earlier this year Mama's Fish House contracted Layne Nakagawa to assemble and deploy FAD KC2 in the same location in late May. Mama's Fish House is helping with data collection and is looking to deploy more FADs in support of local Maui fishermen. The name of the FAD was changed from KC2 to MFH2 (Mama's Fish House 2).

Kingma directed the Council's attention to the report of the FAD Workshop held in mid-2012 in conjunction with PIRO, which looked at FADs across the WPR. The workshop addressed FAD design, cost and effectiveness, as well as Council projects. The Council plans to look into performing research and development with FADs. Several fishing communities in Hawaii are seeking to partner with the Council on community-type FAD projects, including Kauai, West Oahu, Kona, Hilo and Molokai. Council staff is working with others considering potential designs, permitting issues and community participation before initiating any new FAD projects. There is a small amount of funding available in the SFF.

Kingma said the projects are not meant to replace State or Territory FAD programs but are being explored to support and supplement local fisheries by enhancing their ability to consistently catch fish and provide economic opportunities, while reducing some of the cost associated with trolling.

### Discussion

Rice reiterated that the Council FAD workshop was very informative, especially in regard to FAD design and efficiency. He noted improvements are needed with regard to the State of Hawaii FAD system. He recommended more outreach be conducted with local fishermen for input on better placement.

Matagi-Tofiga voiced appreciation for the American Samoa FAD workshop held in conjunction with the Secretariat of the Pacific Community (SPC), which ended up with deployment of two shallow-water FADs. She requested financial assistance from the Council for American Samoa's FAD program.

Palacios also appreciated the Council FAD workshop and said that CNMI is getting ready to redeploy five FADs for the cost of \$30,000. He noted the difference in cost in each region and interest in the cost-effective SPC program.

Kingma acknowledged David Itano, PIRO's regional recreational coordinator, who assisted in the coordination of the FAD workshop.

### **3. Report on the Aha Moku Projects**

This agenda item was deferred.

### **E. Report on the Northwestern Hawaiian Islands Monument Permits**

Maria Carnavale, State of Hawaii, Papahānaumokuākea MNM co-manager, reported on the governance structure, monument permits over the past several years, and activities related to conservation and management, research of native Hawaiian practices and special use permits. The majority of the permits authorized are for research activities, followed by special ocean use

and conservation and management. Permittees include a mix of government agencies, NGOs and education institutions.

The governance structure was defined by Presidential Proclamation 8031 when the monument was designated on June 15, 2006, by President George Bush via the Antiquities Act. The site was renamed Papahānaumokuākea in 2007. The Proclamation specified co-trustees as NOAA, USFWS and State of Hawaii and outlined prohibited activities, regulated activities, access, vessel monitoring, notification permits and the required findings, commercial fishing, sustenance fishing and armed forces actions.

The 2006 memorandum of agreement (MOA) set out how the co-management and trustees coordinate the management: “In agreement to carry out the coordinated resource management for the long-term comprehensive conservation and protection of the Monument.” The agreement established the functional relationships, set the vision, the mission and the guiding principles. The vision stated “To ever protect and perpetuate ecosystem health and diversity and native Hawaiian cultural significance of Papahānaumokuākea.” The mission stated “To carry out seamless integrated management to ensure ecological integrity and achieve strong, long-term protection and perpetuation of Northwest Hawaiian Island ecosystems, native Hawaiian culture and heritage resources for current and future generations.”

The Senior Executive Board (SEB) authorizes the Monument Management Board (MMB) to establish the Interagency Coordinating Committee (ICC). The SEB consists of three co-trustees: the State (represented by the DLNR chair) and NOAA and USFWS, each at regional or national levels. The MMB consists of seven members, represented by DLNR Division of Aquatics (DAR) and Division of Forestry; the USFWS Ecological Services and Refuges; NOAA National Oceans Service (NOS), Office of National Marine Sanctuaries (ONMS) and NMFS; and OHA. The ICC is comprised of entities that have interest and activities in the Monument.

The MMB is the day-to-day decision-making entity, which focuses mainly on the endorsement of permits, access and activities via quarterly business meetings, other meetings and e-mail as necessary and appropriate. Working groups are established under the board, such as Logistics, Permits, Climate Change, Cultural, Emergency Response, Communications, etc.

All activities within the Monument are regulated and require a permit. Law enforcement, emergency response, innocent passage and armed forces are the few exceptions. The six categories of permits include Conservation and Management; Education; Native Hawaiian Practices; Research; Special Ocean Use, which is for commercial activities and any activity that generates revenue; and Recreation within Midway Atoll Special Management Area only.

A brief history was presented of the types and number of permits issued from 2009. Number of permits issued has been fairly consistent, with a drop from 2011 to 2012. A policy change on the length of permits occurred in 2011 to eliminate redundancy. Activities occur throughout Papahānaumokuākea at each of the atolls.

The process begins with the permit application being submitted at one of three deadlines, February 1, May 1 and September 1. Permit applications take approximately four months to be processed. After initial review by Agency Permit Coordinators, the application is posted on the

website for public review and enters into an Agency Review Process. The permit application is submitted and reviewed for completeness. The permit requires BLNR approval for all activities within the State Marine Refuge. If the activities are in federal waters it goes through the MMB, at which time there is communication between the applicants and the seven agencies. Once the application passes through that process, the application then moves for final recommendation of denial or endorsement, then drafting and signature by co-trustees.

Prior to entry into the NWHI, the permit applicant goes through a pre-access training and has to meet certain requirements, such as vessel monitoring, luggage inspection for alien species, rat inspection, notification of entry, a cultural briefing describing the significance of the area, a briefing on the terms of the permit and any special conditions by the permit coordinators, and a series of best management practices for keeping things quarantined, anchoring and small-boat operations, and human hazards for seabirds and turtles.

The Sustenance Fishing Policy was developed in 2010 and updated in 2012. Sustenance fishing is prohibited in state waters. Subsistence fishing may be permitted with the Native Hawaiian Practices Permit. Sustenance fishing is not allowed in federal waters or outside Midway Atoll, a Special Management Area, except in conjunction with that Native Hawaiian Practices Permit. Sustenance fishing is allowed within Midway Management Area with catch limits, best management practice and reporting requirements.

Applicants are required to submit reports 30 days upon the expiration of the permit and at calendar end. The data is compiled into an annual Permitted Activities Report. The 2012 is expected out by fall 2012. Issuance of permits is reported to the Council through the DLNR Agency Report.

### Discussion

Simonds asked if the permits are annual permits. She pointed out the administrative burden of annual permit requirements.

Carnavale replied in the negative. There is a limit for the annual state permits. Those occurring on federal lands of Midway could be multi-year.

Simonds asked if the process could be changed.

Carnavale said the process is prescribed in the rules and any change would have to occur in the legislature. There has been some discussion in the past in that regard.

Simonds asked for examples of special use permits, noting the high number of these in 2012.

Carnavale said special use permits apply to any activity that generates revenue, such as photography or video projects, and must go through the BLNR for public hearings.

Palacios asked if permits are issued to predominantly one kind of user group.

Carnavale said it is a mix of user groups, such as universities, federal and state. The research that's done has to meet one of the major management priorities.

Palacios noted interest in reviewing the model used for the management process of the Papahānaumokuākea MNM as he is involved in the process of developing policies for the Marianas Trench MNM. He asked how the co-management arrangement is working out.

Carnavale said she would be happy to share the information. The co-management is a lot of coordination, and the Monument has provided the mechanism for having the conversations and joint decision-making.

Palacios asked if revenues are being generated through activities in the Monument.

Carnavale said no revenues are generated that directly support state functions. There is an associated nonprofit, KureAtollConservancy.org, that supports conservation and management at Kure Atoll.

Simonds asked what the State's share is of the Congressional funds provided for Papahānaumokuākea MNM.

Carnavale said the State is funded by NOAA ONMS, through an MOA that is negotiated each year. Conversations for the 2013 budget are ongoing.

Simonds noted her curiosity as to funding two staff employees for the State of Hawaii and 15 employees for the Sanctuary.

Seman said CNMI residents often inquire about the economic benefits of the Marianas MNM for the CNMI. He asked if the State of Hawaii has any measure of such economic benefits.

Carnavale said she is not aware of any economic benefits because the main focus has been conservation and management for the area. She added she would be open to discussion.

Sword asked if the State of Hawaii has ever considered a different management regime to generate some economic benefits. He noted American Samoa has similar management of Rose Atoll and is interested in any economic benefits for the community.

Carnavale replied their efforts are directed at maximizing the current structure in place, such as benefits of the partnership and the governance structure as it exists.

Aila said the State of Hawaii has never considered what the positive or negative impacts are in terms of economics to the State of Hawaii. The goal of Papahānaumokuākea and the NWHI Coral Reef Ecosystem Reserve was to look at conservation, which has been highly successful, with discoveries of new species and larger fish found in the NWHI. The State of Hawaii would consider such economic benefits, but at the present time a cost benefit analysis has not been worked out. The situation in Hawaii is different from the monuments in the Marianas and American Samoa.

Simonds pointed out that the Bush Administration did an economic assessment for the Marianas MNM resulting in economic benefits of \$30 million a year being generated for the community, but it has never been realized.

Charter Tschirgi noted that the Papahānaumokuākea permitting process requires permitted individuals to carry VMS, which has made it effective for the USCG to be able to determine whether that individual is allowed inside the Monument. He stressed it is important for other monument governance to take this into consideration for enforcement efforts.

White pointed out Papahānaumokuākea is unique, which may be the reason the requirements are so prescriptive in how it is to be managed. The permit process and permit categories that are identified are defined in the Proclamation. The other monuments do not have the same level of detail.

Sword pointed out the situation in American Samoa is different. The American Samoa EEZ is small in comparison. The Manua Islands, close in proximity to Rose Atoll, are economically deprived. It is necessary for the residents to have access to the fishing grounds for food. If an opportunity exists to move ahead, all avenues should be explored. In Hawaii access is stringent so it is difficult to explore the possibility for economic benefits. In American Samoa it is important for people to have access; at the same time it will provide better data as to what is there.

#### **F. Big Ocean - Network of Large-Scale Marine Managed Areas**

This agenda item was deferred.

#### **G. Hawaii Outreach Activities**

Sylvia Spalding, Council staff, reported on recent Hawaii outreach and educational activities. On March 27, 2013, Ray Hilborn from the University of Washington was featured at a Forum organized by the Pacific Islands Fisheries Group (PIFG) and the Hawaii Fishermen's Alliance for Conservation and Traditions. Hilborn was in Hawaii through Council support. The forum was well attended. A video of it is online at [fishtoday.org](http://fishtoday.org).

In April, the Council had an informational booth at the Hawaii Ocean Expo, which addressed misinformation about federal fishery management and status of fish stocks. In May the Council was invited to present case studies on management of resources for sustainability at the East-West Center's Student Leaders on Global Environmental Issues. The Council is invited to present again in July.

The Council Fisher's Forum on sharks is scheduled to be held on June 27, 2013, at Pier 38. It has been widely publicized via TV, radio, the web, direct mailings and ads in *Hawaii Fishing News*.

Display ads on federal fisheries management in Hawaii were placed in *Lawaia* and *Hawaii Skin Dive* magazines. New 30-second spots on noncommercial fishing and bottomfish fishing were produced for *Let's Go Fishing*.

Mark Mitsuyasu, Council staff, reported that the 2013 Hawaii high school summer course on marine science is underway in partnership with Moanalua High School with approximately 13 students in attendance. The course will run through the first week of July. Students will receive a Department of Education (DOE) science credit. A trip to Molokai is scheduled and will consist of participation in a keiki fishing tournament and two days in Moomomi working with Mac Poepoe on traditional fisheries management.

## **H. Regional Ecosystem Advisory Committee Report**

Ebisui presented the Hawaii Archipelago Fishery Ecosystem Plan (FEP) Regional Ecosystem Advisory Committee (REAC) recommendations as follows:

*The Hawaii REAC recommended* that the Council work with NOAA and other agencies and institutions producing climate change and ocean chemistry forecasting models to incorporate fishery production scenarios.

*The Hawaii REAC recommended* that the Council request that the State of Hawaii develop carrying capacity models for resident populations and tourism industry, recognizing that human impacts are major factors influencing the status of Hawaii's natural resources.

*The Hawaii REAC recommended* that resource management agencies consider cumulative impacts that account for multiple forcing factors, including change in climate and ocean chemistry, land-based impacts and effects from resource users.

*The Hawaii REAC recommended* that there is a need to focus on local adaptation strategies to respond to incremental impacts from change in climate and ocean chemistry.

*The Hawaii REAC recommended* that agencies and other organizations in Hawaii work on translating knowledge on change in climate and ocean chemistry into easy-to-understand formats for use by the public and policymakers.

*The Hawaii REAC recommended* that the State of Hawaii engage the private sector in the development and implementation of adaptation strategies.

*The Hawaii REAC recommended* that the Council work with the NMFS, PIFSC and other institutions to build stock assessment models that consider potential effects in fishery performance and reduced management effectiveness due to change in climate and ocean chemistry.

*The Hawaii REAC recommended* the Council develop and transmit a formal recommendation to congress to fund the necessary science to understand impacts of change in climate and ocean chemistry and adaptation strategies for fisheries.

*The Hawaii REAC recommended* that the State of Hawaii BLNR, in its consideration of new fishing regulations for West Hawaii, to take into account the recent video of offshore reefs of Puako indicating high levels of reef fish biomass.

*The Hawaii REAC recommended the Council conduct community workshops on cumulative impacts, including change in climate and ocean chemistry and related potential impacts. In addition, the workshops should emphasize the understanding of land-sea, aha moku, interactions and prioritize adaptive strategies with the objective of creating recommendations for those strategies.*

## **I. Hawaii Advisory Panel Report**

Watamura reported the Hawaii AP recommendations as follows:

*Regarding bottomfish, the Hawaii AP continued to recommend the Council remove the federal portion of the BRFAs and follow up on its request with the State of Hawaii. The AP further requested the Council to establish and assert where federal waters are within the MHI to provide clear guidance to fishermen on which rules they need to follow.*

The AP recommended the Council utilize its Western Pacific Stock Assessment Review (WPSAR) and SSC to review the science behind the BRFA evaluation.

The AP recommended the Council look at the catch and effort data from the bottomfish fishery pre-and-post BRFA implementation and on an island-by-island basis to determine if the BRFAs played a role in any potential increase or decrease in catch.

*Regarding FADs, the AP recommended the Council request NMFS to conduct research on FAD effects on migratory fish and possible disruption in seasonal migration.*

*Regarding AP roles and responsibilities, the AP recommended the APs be reviewed annually to determine the AP's effectiveness, membership interest and possible changes to responsibilities and members as necessary. Any changes in membership should look at diversifying the AP to be representative of each of the island areas, as well as the different aspects of the fishery, to include fish buyers, fish marketers, tackle dealers, et cetera.*

The AP also recommended the Council assist the Hawaii AP to schedule more frequent meetings and helping to organize possible conference calls on a scheduled basis.

## **J. Plan Team Report**

Joshua DeMello, Council staff, reported the Plan Team recommendations as follows:

*Regarding the bottomfish fishery, the Plan Team supports the investigation of options for market delay, allowing dealers and vendors to sell bottomfish after the closure of the MHI Deep Seven bottomfish fishery.*

*Regarding the precious corals fisheries, the Plan Team endorsed the science needs and research priorities for gold, black and pink, slash, red corals from the Western Pacific Precious Coral Workshop.*

The Plan Team further recommended gathering more life history information for these species to determine maximum age and rate of growth for other black corals, for example, *Aphanipathes vericillata* and *Antipathes grandis*, to possibly support development of new maximum sustainable yield (MSY) estimates.

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

Daxboeck presented the SSC recommendations as follows:

*Regarding the BRFA evaluation*, the SSC recommended that a simulation study be conducted to examine whether or not the exclusion of the BRFAs from the bottomfish stock assessment affects the results. When the SSC recommended BRFAs there was no other management process to address overfishing of bottomfish. Since then, the fishery has been stringently managed through ACLs.

The SSC recommended that Council staff develop a process for further treatment of the BRFAs, including eliminating some or all in a staged manner of the BRFAs and developing a monitoring program for this removal. This should be developed through the Council process, including consultation with experienced deep bottomfish fishermen in Hawaii.

#### **L. Public Comment**

Watamura voiced appreciation for the State of Hawaii boat-based CML licensing progress for vessel permitting and asked clarification as to the cost.

Miyasaka said the current thought is to use a vessel crew rating system, for example, a three-crew vessel license, with crew fees for each rating similar to the current fees. Consideration is also being given to raising the fees of full-time commercial licenses rather than part-time commercial.

Watamura commented that, in regard to Drazen's BRFA evaluation, there should be correlation of the nonfished areas to fished areas. Also, the Deep Seven fishery is not considered to be overfished or in an overfishing state. The money spent on the evaluation of the BRFAs could be better spent on community health issues.

Nakagawa said he had been attending at his own expense various meetings regarding State of Hawaii BRFAs. He has also been involved in cooperative groundfish research with PIFSC and PIFG and has traveled to Guam and CNMI to share knowledge in regard to bottomfish fishing. He pointed out the BRFAs have affected bottomfish CPUE statewide, causing fishermen to quit the fishery or switch to other fisheries to make a living. He is not convinced the BRFAs are the most effective management tool because research is using only the botcam to collect data. Some BRFAs are in federal waters, and the information from the BRFAs is not included in the bottomfish stock assessment. He does not personally think all BRFAs should be reopened, and some BRFAs should be opened to fishing as an avenue for data collection via a management plan with input into the management plan from the bottomfish community with knowledge and the experience of working with management bodies, scientists and the science of bottomfish. The plan should include scientific analysis with the use of

acoustics, AUV, remotely operated vehicles (ROVs), botcam, biosampling for life history and CPUE. He supported the science of the bottomfish fishery. Different scientific analyses will improve understanding of the efficacy of certain sites and further help in managing bottomfish in a sustainable manner. He encouraged fishermen, scientists and fishery managers to work together to answer each other's questions with true and proper data.

Clay Tam, local fisherman, said the State of Hawaii BRFAs have been insensitive from the cultural and traditional perspective. The onaga fishery is a unique fishery in that the knowledge and skill needed to become successful at it comes from experience. The fishery is customary to islanders. He noted the significance of giving onaga as a gift. When the BRFAs were put in place his kids were in elementary school. Today, they are young adults. The boat that is available to them is a small, 17-foot boat, too small to be able to travel safely to the nearest bottomfish grounds, which is 36 miles across the Molokai Channel. He supported a review of the stopgap measure that was put in place by the state. The BRFAs are outdated. He would like all parties to work together to develop a plan that is sensitive to the island culture so fishermen will be able to have the opportunity to give their children the experience needed to become a skilled bottomfish fisherman and to have a sustainable fishery. He noted that 75 percent of the most pristine grounds were closed in the NWHI. That was called conservation, but it seems more like preservation. It would be nice to share and provide resources for the continued culture and tradition of the fishing community.

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

***Regarding Hawaii bottomfish, the Council recommended that PIFSC conduct a simulation study to examine if the exclusion of the State of Hawaii BRFAs from the Deep Seven bottomfish stock assessment affects the results.***

*Moved by Ebisui; seconded by Sword.*

*Motion passed.*

Miyasaka asked for clarification as to the word, exclusion.

Mitsuyasu said the recommendation is to run a simulation study to test if the stock assessment is affected by not including the BRFAs.

Rice spoke in support of the recommendation, noting there is a need to include the 20 percent of the fishing area being taken away.

***Regarding Hawaii bottomfish, the Council recognized that prior to the BRFAs being first implemented there were no management measures in the MHI with little information to address the low spawning potential ratios (SPRs) for onaga and ehu. The understanding of bottomfish abundance, life history, distribution and habitat has improved resulting in the current coordinated regulatory regime for the Deep Seven fishery, including a peer-reviewed stock assessment, monitored on a per trip basis and managed through ACLs. Given these improvements and the new results from the botcam study, gear calibration cruises and outcomes from the February 2013 PIFSC Bottomfish Research Coordination Workshop, the Council directed staff to work with the NMFS, State of Hawaii and other institutions to form a***

**working group to a) Develop a coordinated research and monitoring plan for the MHI bottomfish fishery; b) Consider future treatment of the BRFA's, including potential assessment strategies if restructuring or eliminating some of the BRFA's; c) Prepare a report based on the working group findings for the State and Council consideration by September 2013; and d) Include representatives from the MHI bottomfish fishery in this process.**

Moved by Ebisui; seconded by Sword.

Motion passed.

Leialoha asked whether the recommendation included the state and federal BRFA's.

Mitsuyasu said all BRFA's are State of Hawaii BRFA's. Some are located in federal waters.

Simonds pointed out fishermen should be included in the working group, which is different from consulting.

Miyasaka said the statement that there were no management measures in the MHI is an inaccurate statement. He asked to include the fact that there was little information to address low spawning.

Simonds added that there was information.

Miyasaka said there was minimal information, but he would not categorize it as there was no management measure.

Tosatto voiced support for moving forward with a working group, but agreed with Miyasaka that the first sentence in the recommendation was an inaccurate representation of the history. At that time overfishing was occurring within the Deep Seven complex in the Hawaii Archipelago and the Council was considering action to address the overfishing. Management measures were in place in the NWHI and the MHI. He suggested removing the first sentence and providing additional wording to amend the recommendation.

***Regarding Hawaii bottomfish, the Council recommended a WPSAR be conducted on the methods, data/information and outcomes of the Drazen, Sackett et al. study "Evaluating the Effectiveness of Bottomfish Restricted Fishing Areas in the MHI."***

Moved by Ebisui; seconded by Sword.

Motion passed.

***Regarding the NWHI monument, the Council directed staff to send a letter to the NWHI monument co-managers requesting Council participation on the ICC.***

Moved by Leialoha; seconded by Seman.

Motion passed.

*Regarding climate change impacts, the Council directed staff to follow on the Hawaii REAC recommendations:*

- **Work with NOAA and other agencies and institutions producing climate change and ocean chemistry forecasting models to incorporate fishery production scenarios.**
- **Request the State of Hawaii to develop carrying capacity models for resident populations and tourism industry, recognizing that human impacts are major factors influencing the status of Hawaii's natural resources.**
- **Work with resource management agencies to consider cumulative impacts that account for multiple forcing factors, including change in climate and ocean chemistry, land-based impacts and effects from resource users.**
- **Recognize the need to focus on local adaptation strategies to respond to incremental impacts from change in climate and ocean chemistry.**
- **Work with agencies and other organizations in Hawaii to work on translating knowledge on change in climate and ocean chemistry into easy-to-understand formats for use by the public and policymakers.**
- **Request the State of Hawaii work to engage the private sector in the development and implementation of adaptation strategies.**
- **Work with the NMFS, PIFSC and other institutions to build stock assessment models that consider potential effects in fishery performance and management effectiveness due to change in climate and ocean chemistry.**
- **Develop and transmit a formal recommendation to congress to fund the necessary science to understand impacts of change in climate and ocean chemistry and adaptation strategies for fisheries.**
- **Request the State of Hawaii BLNR, in its consideration of new fishing regulations for West Hawaii, to take into account the recent video of offshore reefs of Puako indicating high levels of reef fish biomass.**
- **Conduct community workshops on cumulative impacts, including change in climate and ocean chemistry and related potential impacts. In addition, the workshops should further the understanding of land-sea, aha moku, interactions and prioritize adaptive strategies with the objective of creating recommendations for those strategies.**

*Moved by Ebisui; seconded by Sword.*

*Motion passed.*

## **7. Pelagic and International Fisheries**

### **A. Fishery-Induced Changes in the Subtropical Pacific Pelagic Ecosystem**

Polovina, from PIFSC, presented analysis of 1996 to 2012 catch and effort data recorded by observers in the Hawaii-based deepset longline fishery, which included 23 species with mean weights ranging from 0.8 kilograms to 224 kilograms. The data showed that over the time period domestic fishing effort increased fourfold. The standardized aggregated annual catch rate for nine small species, less than 15 kilograms, increased 25 percent while the catch rate for 14 large species decreased by 50 percent over the 16-year period. The model further projects that a decline in the abundance of fish larger than 15 kilograms would increase the abundance of animals from 0.1 to 15 kilograms, but with minimal subsequent cascade to sizes smaller than 0.1 kilogram. These results suggest that size-based predation plays a key role in structuring the subtropical ecosystem.

These changes in ecosystem size structure show up in the fishery in various ways. The noncommercial species lancetfish, with a mean weight of 7 kilograms, has now surpassed the target species bigeye tuna as the species with the highest annual catch rate. Based on the increase of snake mackerel and lancetfish catches, the discards in the fishery are estimated to have increased from 30 to 40 percent of the total catch.

Polovina noted that, since 1996, significant changes in the pelagic ecosystem have been observed driven by a reduction in large apex species resulting in an increase of smaller fish. The 2012 pelagic ecosystem is different from the 1996 ecosystem. He noted top-down response cascades to 0.1 kg. He noted that other species that are increasing that are not adequately sampled with longlines include cetaceans, squid and juvenile apex species, such as bigeye. Species being most reduced are pelagic stingray and shark species. Climate change may further reduce abundance of apex species in the Central North Pacific. Model results suggest that fishing efforts may still be sufficiently high to further drive down these apex species to about 70 percent of what they were at the beginning of the century and then stabilize. Fishery impacts may include more variation, more discards and lower revenue.

In summary, there is a pelagic ecosystem monitoring system. Logbook and observer data are useful to monitor changes in a portion of the pelagic ecosystem. Ecosystem models allow inferences to be made about a large part of the ecosystem and how it might be changing beyond just looking at a single-species focus.

Single-species bigeye stock assessments have revealed an increase in recruitment over the past decade or two that researchers are unsure is real and may be an artifact of some improper parameterization in the model. Looking at the changes of the ecosystem suggests that juvenile bigeye as a mid-trophic level species could benefit from this decline of apex species, which provides some evidence that the models may be correct in their observations of higher recruitment.

The tendency is to use at single-species models to look for changes in the physical environment. Changes in the ecosystem will also impact single-species models. As apex fish

decrease, cetaceans may benefit from the lack of competition and increased forage in the ecosystem.

Other organisms that are not being sampled such as squid also could be impacted. Significant losers, like the elasmobranch, the pelagic stingray and oceanic white-tips, have declined in the observed catch rates.

Some fishery impacts include having to fish on a community of smaller, faster-growing animals that may be more susceptible to climate variability or more interannual fluctuations. With more lancetfish and snake mackerel there may be an increase in discards. The value of some species may be offset by an increase in escolar and pomfret.

Polovina said he would like to see an economic analysis of the pelagic fisheries and hear from fishermen who have been in the fisheries since the mid-1990s to the present to share ideas about the changes and other issues.

Plans are to pursue some sort of an ecosystem approach. He asked whether current management is sufficient to limit further changes to the ecosystem. One suggestion for the WCPFC is to use a multi-species MSY in addition to existing single-species quotas to examine how total ecosystem productivity compares to the sum of individual species. The North Pacific Council manages its groundfish fishery by having single-species quotas in addition to a total multi-species quota to prevent excessive impacts to the entire ecosystem. The Western Pacific Council manages bottomfish by having a Deep Seven quota rather than individual species-specific quotas.

## Discussion

Goto remarked that, as far as economic value and the effect it has on an increase in other species, in the Hawaii longline mixed-species catch he has seen an increase in value across the board. He feels the value has less to do with abundance of the species because the species is always utilized, has always retained a certain amount of value and is probably not going to have a significant effect on the fishery.

Polovina said, in his opinion, the value of the fishery is going up and that's because the prices are going up.

Goto replied in the affirmative. There are periods of vast abundance of a certain species, which has to do with fishing grounds and shifts in migration that can't really be tracked, but they do not detract from the value of the fishery. It is more an anomaly that there's an abundance of one species for a certain time period and then a decline and then a reappearance that lasts sometimes a year or more.

Polovina agreed that on a species-by-species basis there will be fluctuations, but the point of his presentation is the change in the whole ecosystem structure. There is less abundance of larger fish with catch rates dropping by 50 percent since 1996, which has been compensated for by an increase in smaller fish. If overall prices are going up substantially, then even though few large fish and more small fish are being caught there would still be an increase in profits. He asked for clarification Goto to clarify his comments in regard to whether the industry is

concerned by shifts in species, such as more escolar than usual, more pomfret and mahi and less striped marlin.

Goto said the industry is always interested in seeing the trends and that the presentation shed some light on why the trends may occur. If the trend is showing a decrease in apex species as well, it's important to the industry to correlate the relationship between effort versus climate change. At the present time, it's still a viable resource across the board, no matter what species.

Polovina noted the need for a market for lancetfish and snake mackerel.

Kingma asked if lancetfish biomass and the major targeted species are taken into consideration in multi-species MSY and if PIFSC has the capacity to develop the types of models needed. Also, would holding a workshop on the topic be of use.

Polovina said it would focus on the commercially important species. Lancetfish and snake mackerel would not necessarily be included. In looking at total biomass, he envisioned a surplus production curve that looks at the sum of all of the commercially and economically valuable species as a function of fishing effort, which empirically takes into account the interactions among a mix of species. Such an exercise requires access to all the international catch and effort information, which PIFSC does not have. His division would be happy to work with the SPC to explore the approach. He deferred to Pooley to answer Kingma's question regarding to PIFSC's capacity to perform the work.

## **B. Action Items**

### **1. Modifying the Swordfish Trip Limit in the American Samoa Longline Fishery**

Paul Dalzell, Council senior scientist, recapped the recent history of the American Samoa longline fishery and efforts to minimize the catch of green sea turtles. In the Pelagic FEP amendment the American Samoa vessels making shallow-set would have to use large 18/0 circle hooks and mackerel bait and carry an observer, but would not be subject to turtle caps like the Hawaii fisheries, which shut the Hawaii swordfish fishery down if the caps are exceeded. The Council asked to modify upwards the trip limit of 10 swordfish per trip. Fishermen catch relatively small swordfish, about 30 pounds. There is a discard of about 33 percent. Currently, there is little enthusiasm for the development of an American Samoa swordfish fishery.

The four alternatives include 1) No action; 2) Increase the trip limit to 25 swordfish per trip; 3) Increase the trip limit to 32 swordfish per trip; and 4) Increase the trip limit and include a provision for unlimited swordfish catch if the vessel is carrying an observer.

In terms of Council action, the Council may want to recommend a modification of the current 10 swordfish per trip limit. The SSC and Council may also want to recommend whether this measure be packaged along with the draft shallow-set Pelagic FEP amendment for the American Samoa fishery or be developed into a separate Pelagic FEP amendment.

## 2. Overfishing of Pacific Bluefin

Dalzell presented information on Pacific bluefin, which is not currently officially evaluated as being overfished. The Hawaii longline fishery catches between 0 to 2 metric tons (mt) of Pacific bluefin, average of 0.8 mt or two to 12 fish. The mean is five fish from 2003 to 2012.

The Eastern Pacific volume of bluefin caught off California ranges from 60 mt to 1,000 mt, with a mean of 402 mt from 2000 to 2011. Total catch ranges from 17,000 mt to 34,000 mt with a mean of 22,000 mt. The US catch in total is 1.8 percent of the total. In 2011 Japan caught 76 percent of the catch; Mexico, 16 percent; and others, 8 percent. The total was 17,613 mt. By country, Japan dominates the catch, followed by Taiwan, Korea and Mexico. Most of the catch is taken by purse seine. Some longline, troll and pole-and-line also catch bluefin.

The age structure of the Pacific bluefin catch is based almost entirely on young of the year and young of the previous year, which is a good example of recruitment overfishing.

The WCPFC CMM 2012-06 for Pacific bluefin asks members and cooperating nonmembers to keep effort north of 20 degrees North below the effort levels of 2002 to 2004 for 2013 except for artisanal fisheries and a comment regarding Korea reducing catches of juveniles in its fisheries and the monitoring the international trade of Pacific bluefin products.

The spawning stock biomass is almost 22,000 mt and estimated to be 4 percent of the spawning stock biomass of 640,000 mt. The current spawning stock biomass is below the biomass at MSY, which 125,000 mt and at historically low levels. Under MSA, the Council is required to develop recommendations to end overfishing. NMFS encourages the Council to work with the Pacific Council to develop management recommendations.

In 2011 at its 151st meeting, the Council recommended that the Pacific Council address the stock's overfishing status, given the requirement for the Council to take management action and the disparity in the US fishery catches of Pacific bluefin tuna between the Western and Eastern Pacific Ocean, with dramatically higher catches in the latter. If appropriate, the chair and appropriate members of the Participating Territory (PT) will confer with the Pacific Council's Highly Migratory Species Plan Team to develop options that would assist in making recommendations to the Secretary of Commerce for domestic regulations to address the relative impact on US fishing vessels on the stock. Furthermore, the teams could assist in the development of recommendations to the Secretary of State and Congress for international actions that will end overfishing.

The alternatives for the Council to deliberate include 1) No action; 2) No domestic action, but recommendation to US Delegation to WCPFC for Pacific bluefin CMM; 3) Domestic action and recommendations to US Delegation for WCPFC for Pacific bluefin CMM; and 4) Develop a different recommendation.

### Discussion

Tosatto said that the Pacific Council received a similar letter from its regional administrator and just recently had an Inter-American Tropical Tuna Commission (IATTC)

meeting. The IATTC continued its measure regarding Pacific bluefin for another three years, establishing a 5,000, mt cap with a provision for 500 mt for any country that has historic catch. At the Pacific Council's most recent meeting they took no action.

### **3. Overfishing of North Pacific Striped Marlin in the Western and Central Pacific Ocean**

Dalzell presented information on the overfishing of North Pacific striped marlin. The fishery is strongly dominated by Japan, although the United States has a substantial catch of striped marlin species. Dalzell showed several graphs depicting North Pacific striped marlin catch by gear, population dynamics and stock status in the Western and Central Pacific Ocean (WCPO). He noted that, if maternal effects dominate the recruitment process, then traditional fisheries management that controls fishing mortality will likely successfully rebuild a population to historical levels because of the high productivity of this stock and compensatory mechanisms associated with the stock-recruitment relationship. If recruitment is regulated more by oceanographic factors and the current environment isn't favorable to recruitment, then rebuilding striped marlin in the Western and Central North Pacific Ocean to historical population levels may be more difficult until such time as the environment becomes favorable again. Fishing a constant catch of 3,600 mt would lead to potential increases of spawning biomass of 48 to 120 percent by 2017. By comparison, fishing at the current fishing mortality rate would lead to spawning biomass increases of only 14 to 29 percent by 2017, while fishing the average of 2001 to 2003 fishing mortality rate would lead to a spawning biomass decrease of under 2 percent below recent recruitment to an increase of 6 percent under the stock-recruitment curve assumption by 2017.

Years 2001 to 2003 were mentioned because the current CMM talks about reduction of catches from 2011 to 2013 to 80 percent of the levels of catch in 2000 to 2003, but then stock recovery is not likely. CMM 2010-01 states that the total catch of North Pacific striped marlin will be subject to a phased reduction such that by Jan. 1, 2013, the catch is 80 percent of the levels caught in 2000 to 2003. This CMM applies to all fisheries.

In the Council's fisheries, 93 percent of the striped marlin is landed by the longline fishery, with 90 percent coming from the WCPO. Historically, between 74 and 90 percent of North Pacific striped marlin has been caught by the Japan domestic longline fleet. From 2006 to 2010, the average US total catch was just over 3,000 mt, the average Japanese catch was just over 2,000 mt.

In 2011, the Plan Team recommended that PIFSC apprise PIRO on a quarterly basis of the North Pacific striped marlin cumulative catch by weight in the WCPFC Convention area from the Hawaii-based longline fishery. The Plan Team also recommended that Hawaii DAR provide a similar quarterly catch total of striped marlin for non-longline pelagic fisheries to PIRO.

To help develop management options for North Pacific striped marlin, should any be needed, the Plan Team recommends that NMFS PIFSC conduct the following analyses: a) Using Hawaii longline observer data, summarize the number of striped marlin based on condition upon retrieval by associated sizes; b) Using Hawaii dealer data, examine the market values of striped

and blue marlin size categories to ascertain the economic impacts to the fisheries if a minimum size category were implemented; and c) Examine the effects on the amounts of retained catches in the Hawaii-based fishery of striped marlin and striped and blue marlin combined in the North Pacific of the WCPFC area if live boated fish smaller than specified minimum sizes were required to be released. The analysis would examine various possible minimum sizes, including no minimum size.

The recovery of the stock depends on Japan. The Japanese fishery is still by far the biggest source of fishing mortality in this stock.

Council alternatives for the Council to deliberate include 1) The current 2010-01 measure could stay in effect. It will be discussed at the WCPFC10 in December. If there is no consensus decision on the measure it possibly could be rolled over and continued another year; 2) Domestic measures for fisheries in the WPR, such as no action or prohibit retention of North Pacific WCPO striped marlin by the Hawaii longline and troll fisheries, establish a trip limit for North Pacific WCPO striped marlin or establish a minimum size for retention for North Pacific WCPO striped marlin; and 3) Other alternatives not yet listed.

The WPR has adhered and been consistent with the WCPFC CMM and has maintained the total catch of striped marlin below the limit that would apply to the North Pacific WCPO element of the catch in Hawaii.

### Discussion

Rice asked what happens if the Hawaii longline fishery goes over the catch limit for striped marlin.

Tosatto said the United States would be found in noncompliance during the Compliance Monitoring Review. Depending on the new measure the United States would look into the need for changing the regulatory framework going forward, as well as look at all aspects of the process. If the United States thought it would not be able to comply, it would be obliged to put measures in to comply.

Dalzell said the measure applies to all fisheries and all fisheries would have to be monitored, which is an added burden.

Tosatto said there is enticement to do something other than just monitor the catches and close or prohibit any further retention after the quota is reached, which is why contemplation of size limits or trip limits was entertained and may need to be entertained again so as not to hit a cap and have no further retention in a variety of fisheries.

Dalzell said the Council documents include the Federal Register notice of the Advanced Notice of Proposed Rule-making on the Billfish Conservation Act of 2012. The deadline for response is July 3, 2013. The Council has been drafting a letter on the proposed rule-making. The act defines billfish as species of marlin and spearfish. Having defined billfish, it then prohibits the sale or having custody, control, possession for purposes of offering them for sale. Individuals, including recreational fishermen, can possess but not sell billfish. The billfish can be taken home to eat, but not for sale. In Hawaii billfish are also a part of the recreational fisheries

and charter fishery, which are tagged and released or retained for food. According to one Council member, the ratio is two-thirds tagged to one-third retained for sale. The Billfish Conservation Act of 2012 language exempts billfish caught by US fishing vessels landing in Hawaii or the Pacific Insular Areas, which is Guam, CNMI, American Samoa and the other islands, from the general prohibitions on sale and custody with the intent to sell. It also exempts billfish landed by foreign vessels in the Pacific Insular Areas and exported to markets outside the United States or retained within Hawaii and the Pacific Insular Areas for local consumption. Under existing regulations, seafood dealers and processors are required to use the Billfish Certificate of Eligibility to document that billfish possessed or offered for sale were not harvested from the Atlantic Ocean.

#### **4. Territorial Longline Bigeye Tuna Limits**

Kingma presented updated information on territorial longline bigeye tuna limits. In 2008 the WCPFC provided each US PT with an annual 2,000 mt longline bigeye limit or unlimited catch if undertaking responsible fisheries development. These limits were extended by the WCPFC in 2011. In 2012, the WCPFC did not provide any longline bigeye limits to the US PTs or any to the Small Island Developing States (SIDS), meaning bigeye catches are unlimited for the PTs and SIDS.

Bigeye is the primary target species of the Hawaii longline fishery. The US WCPO longline bigeye limit under CMM 2008 was 3,763 mt and is principally applicable to the Hawaii longline fishery, which historically has landed over 5,000 mt of bigeye in Honolulu. NMFS implemented the 3,763 mt annual longline bigeye catch limit in 2009, resulting in the fishery prohibited from fishing for and retaining bigeye in the WCPO. In 2010, the Hawaii longline fishery again reached its 3,763 mt quota on Nov. 22, resulting in a 40-day closure from fishing in the WCPO, which had significant economic impacts on fishery participants, Hawaii seafood industry and consumers.

In November 2011, Congress passed the FY2012 Appropriations Bill for the Department of Commerce (DOC), which included Section 113. This legislation provides American Samoa, Guam and CNMI the authority to use, assign, allocate and manage catch limits of highly migratory fish stocks or fishing effort limits agreed to by the WCPFC through arrangements with US vessels with Pelagic FEP permits. As such, Section 113 provides the Territories the authority to utilize catch and effort limits for any highly migratory species (HMS) stock managed by the WCPFC that are assigned to Territories by the WCPFC, with the requirement that such utilization is through arrangements with US vessels permitted under the Pelagic FEP. In Section 113, Congress also directs the Council to recommend an amendment to the Pelagic FEP to implement Section 113.

At the 154th Council meeting, the Council made the following recommendations to amend the Pelagic FEP so as to implement Section 113:

1. Provide the Territories the authority to use, assign, allocate and manage catch limits of Pelagic MUS or fishing effort limits, established by the WCPFC through arrangements with US vessels permitted under the Pelagic FEP. Further, the authority provided in this Pelagic FEP amendment may be subject to maximum annual limits

- and any other terms or conditions, as recommended by the Council and approved by the Secretary of Commerce;
2. Establish annual longline bigeye tuna catch limits for each of the Territories based on the SIDS/PTs provisions in the WCPFC CMMs for tropical tunas, and further that the Council review this limit on an annual basis;
  3. Establish that vessels under such arrangements are integral to the domestic fisheries of the US PTs provided that such arrangements satisfy either of the following:
  4. Contain no requirements regarding where such vessels must fish or land their catch, and shall be funded by deposits to the Western Pacific SFF in material support of fisheries development projects identified in a Territory's Marine Conservation Plan (MCP), and further that the funding of such arrangements authorized under this Pelagic FEP amendment shall be of a sufficient amount to substantially contribute to MCP fisheries development objectives, or
  5. Provide a landing requirement to offload catch in the ports of the Territory for which the arrangement exists; and
  6. Establish that arrangements authorized under this Pelagic FEP amendment shall become effective 30 days after submission to the Council and NMFS, unless the Regional Administrator, with the advice and recommendation of the Council's executive director, determines that the arrangement does not comply with the Pelagic FEP or applicable law. Further, that catch or effort under qualifying arrangements shall be subject to attribution to the applicable Territory for purposes of annual reporting to WCPFC.

As seen in number 2 above, the Council recommended establishing annual longline bigeye catch limits for the Territories, but did not specify a number at the 154th Council meeting, which at that time longline bigeye catches by the Territories were restricted to 2,000 mt annually under CMM 2011-01. As noted, the existing WCPFC CMM 2012-01 for tropical tunas does not provide annual longline bigeye catches for any of the PTs or SIDS.

In regard to action taken at the 154th Council meeting, the Council responded to the Congressional directive to recommend an amendment to the Pelagic FEP to implement Section 113. However, there may be a need to take additional action to establish a management framework that limits the overall amount of bigeye that could be caught in the WCPO by vessels managed under the Pelagic FEP. Thus, the purpose of this option paper is to consider appropriate annual longline bigeye catch limits for the US PTs that support the objectives of Section 113 while also restricting potential bigeye catches by US longline vessels in the WCPO.

Options under consideration include 1) No action. No annual longline bigeye limit for the US PTs, which is currently the WCPFC status quo; 2) 1,000 mt annual longline limit for the US PTs; and 3) 2,000 mt longline bigeye limit for US PTs.

After a review of the pros and cons of the options the Council was asked to deliberate on the Congressional direction provided in Section 113; the existing Council action; the current

WCPFC CMM, which provides no limits for the Territories; bigeye overfishing under MSA provisions; and the relative impact to the US longline fisheries in the WCPFC.

### Discussion

Rice voiced support for the 2,000 mt limit for the US PTs.

Goto said he hoped the decision, whatever it might be, will be reasonable enough for the Territories to continue fisheries development, as developing fisheries is important to them.

Sword hoped the topic will be a useful talking point at the WCPFC.

Rice said conservation is the right thing to do.

## **5. Implementation of the 2010 Shark Conservation Act**

Tosatto reported on the proposed rule to implement the 2010 Shark Conservation Act. The public comment period ends July 8. Congress clearly described that the intent of the rule is to prohibit the practice of shark finning, not to prohibit the possession or sale of shark fins. States and territories have since passed a variety of laws that are also intended to address the practice of shark finning by the prohibition of possession of sharks wholly or shark fins. A potential issue in the rule is that, given the mandates of the MSA to manage federal fisheries, including those directed fisheries for sharks and the legal take of sharks incidentally in fisheries, when a state places a law that would be interpreted as inhibiting an otherwise legal federal practice, the federal government may find the federal law preempts the state law and, therefore, the activity remains legal.

NMFS is engaging with the states and territories. Tosatto notified each of the DLNRs that the rule is coming out and the potential issue of conflict. He welcomed constituents and governments to make comments by July 8. He will continue to consult past July 8 with resource agencies and the attorney general within each of the state and territories clarity on their interpretation of their laws pertaining to prohibition of the practice of shark finning.

### Discussion

Palacios noted appreciation for the notification from Tosatto and requested a formal communication between NOAA GC and CNMI's Attorney General to hash out the issue of conflicting laws regarding shark fins.

Matagi-Tofiga requested the same as CNMI, to have NOAA GC directly talk with the American Samoa attorney general.

Tucher said he reached out to CNMI's attorney general and was not able to make contact. Because this is a national rule-making, he needs to be deliberate and careful when reaching out to the respective attorney generals during a proposed rule-making. His direction from NOAA GC is to find out how to achieve objectives consistent with the federal objectives, such as achieving optimum yield. The discussion of how to approach enforcement of the rule-making while helping the territories and the states achieve their goals within their respective areas of jurisdiction needs

to be continued. It's not a final decision. NOAA GC is eager to continue or initiate the dialogue to hear concerns, conservation interests, but in doing so understanding that there is also concern about preserving and managing federal fisheries and that they should not be unduly obstructed by different laws throughout the country. Tucher said he is happy to make initial contact in coordination with Headquarters in Washington, DC.

Simonds asked for clarification as to what the CNMI laws states.

Palacios said it is going to be illegal to possess, to land or to sell any part of the shark or bring in the fins.

Simonds asked how is the law enforced.

Palacios said there is no enforcement because there is no issue with sharks in the CNMI. The legislation was passed without any real need for it and now it can preempt a shark fishery if there is an interest in starting such a fishery.

Tosatto said the issue is not connected to the importation or transportation of shark fins in commerce, but only to deal with shark fins caught legally in federal waters landed and those fins removed and offered for sale. Current federal regulations would allow that to occur and to impede that it is potentially preemptive. The statements in the proposed rule are clear. Both laws purport to end the practice of finning and to restrict in some way the commerce of shark fins.

Duenas said that the Guam law states that you can land the shark for local consumption.

Rice said there is the same problem in Hawaii. Currently fishermen have been letting the sharks go when they are caught even though there is a market for thresher and mako.

Tosatto reiterated that the federal law would control the activity within the US EEZ, not inside state waters where the state has the authority to prohibit the conduct of its fisheries. It is when landing is prohibited that there is difficulty.

Goto asked, if the shark is landed with the fin and is sold commercially, at what point does possession of fins become an issue?

Tosatto read from the proposed rule: "If sharks are lawfully caught in federal waters, state laws that prohibit the possession and landing of those sharks with fins naturally attached or that prohibit the sale, transfer and possession of fins from those sharks unduly interfere with the achievement of MSA for purposes and objectives, generally that would be preemptively."

Rice posed the scenario of a shark that is caught in federal waters, brought into a state facility and weighed and sold would be legal.

Tosatto replied in the affirmative.

Miyasaka asked how much of the state law would be preempted, is that the decision of the GC and what is entailed in the preemption process.

Tucher said preemption is specified in Section 306 of the MSA. The provision provides for notice to a state or territory if a law creates a disproportionate or undue burden on the carrying out of a federal fishery or regulation. If that determination is made a letter notification and an opportunity to have a formal preemption hearing before an administrative law judge are provided. Preemption can also arise from a private party raising it as a defense to a civil penalty or a criminal penalty. Not all cases of preemption are necessarily litigated. Because there is no final agency decision, there is no way to know what will be decided.

Palacios noted that all waters surrounding the CNMI belong to the federal government.

Tucher said the MSA recognizes that one of the bases for state or territory management is when the applicable fishery management plan (FMP) delegates authority to the state or territory and CNMI has delegated authority over near-shore fisheries.

### **C. American Samoa and Hawaii Longline Quarterly Reports**

Russell Ito, from PIFSC, presented the 1st quarter 2013 Hawaii longline report. The number of active vessels has decreased by two to 127 vessels. The majority of fishing occurs in the deep-set fishery, with about 430 trips, 5,000 sets with 4,500 deep sets and a record 11.6 million hooks, with two-thirds of them set outside of the EEZ and about a quarter set in the EEZ around the MHI. The largest component of the catch was bigeye tuna, 40,000 fish, followed by pomfrets, smaller pelagics and skipjack tuna. Even though blue sharks have no economic value, fishermen still logged 10,600 fish in their logbook forms. Oilfish, one of the top five, almost 10,000 fish, was followed by yellowfin.

#### Discussion

Rice asked for the number of blue marlin and the time of year striped marlin catch peaked.

Ito could not recall the number of blue marlin, but could add it to the report. There is strong seasonality with blue marlin. The first quarter is typically not the best. Catches usually peak in the second quarter for the longline fishery. Striped marlin peaked in the fourth or first quarter of the year. Longline accounts for over 90 percent of the striped marlin catch, and 2013 appears to be a strong year for striped marlin recruitment.

Goto said striped marlin seem to be an extremely large size compared to the past few years.

Ito said 2011 was a strong recruitment year for striped marlin so the fish were small.

Kimberly Lowe, PIFSC, provided the 2012 American Samoa longline annual report. The fishery had one more active vessel than 2011; 195 trips; and 4,099 sets. The catch of tuna increased from 187,287 in 2011 to 248,718 in 2012, only a few more billfish in 2012, and an increase in the non-pelagic management unit species (MUS) from 199 in 2011 to 769. Other pelagic MUS caught increased by 2,000 up to 20,302; sharks had a slight increase. Overall, a higher number of fish were caught with a higher CPUE, dominated by the albacore catch.

## **D. International Fisheries Meetings**

### **1. 85th Inter-American Tropical Tuna Commission Resolution on Tropical Tunas**

Dalzell reported on the IATTC meeting that took place in Veracruz, Mexico. Resolutions included FADs, which is a data-gathering exercise proposed by the United States. The same resolution was rejected at the WCPFC in the past. There were no resolutions passed in regard to sharks, except for mention of whale sharks in the FAD resolution. A data confidentiality resolution was approved, as was an amendment on North Pacific albacore, setting catch limits on bluefin tuna, the conservation of tunas for three years and finances. There was discussion about the selection process for the directors.

The conservation measure for Eastern Pacific tropical tunas are applicable in the years 2014 to 2016 to all purse-seine vessels of more than 182 mt carrying capacity and to longline vessels over 24 meters in length. There is a purse-seine vessel closure for a period of 62 days in 2014 from July 29 to Sept. 28, or from Nov. 18 to Jan. 18. The purse-seine fishery for yellowfin, bigeye and skipjack tuna closed from Sept. 29 to Oct. 29 within the area of 96 to 110 degrees West and 3 to 4 degrees North in an area believed to have a high spawning biomass of bigeye.

The recent bigeye fishing mortality rates are estimated to be below the level corresponding to MSY. The recent levels of spawning biomass are estimated to be above the MSY level. But the recent estimates are uncertain. Much of this is due to the fact that bigeye effort has been massively reduced, even though purse-seine effort continues to be high.

Yellowfin recruitment has been lower than expected, but yellowfin is known to be a productive stock.

For longliners, catch limits are specified for China, Japan and Chinese Taipei. For other contracting parties, vessels greater than 24 meters are limited to 500 mt. The limit has not been achieved in any of the years that the limit has been in place, and 85 percent of the Hawaii fleet is less than 24 meters and not subject to the limit. The new paragraph in the resolution states that longline catches may be adjusted appropriately in 2015 and 2016 based on conservation measures that may be adopted for purse-seine vessels in those years.

Dalzell said six out of 20 resolutions were adopted. The most important from the Council's perspective is the tuna conservation that the bigeye stock is in relatively good condition in the Eastern Pacific. There is concern regarding yellowfin, but less of a concern with respect to the longline fisheries and more so for purse-seine fisheries.

### **2. Forum Fisheries Agency/Forum Fisheries Committee Subcommittee on Tuna and Billfish**

Dalzell reported that the 13th meeting of the Subcommittee on South Pacific Tuna and Billfish was held May 9 and 10, 2013, in Honiara, Solomon Islands. The meeting was chaired by Papua New Guinea. The outcomes of the meeting were as follows:

- The subcommittee noted the concerns on the grim picture in CPUE decline and profitability of fishing fleets, increasing activities and catches of South Pacific albacore in the high seas and WCPFC–IATTC overlap area, and the disconnect between biological limit reference points used to determine overfishing as opposed to levels of fishing that achieve desired economic outcomes. The subcommittee emphasized the need for firm action in a timely manner in order to maintain the economic health of the fisheries, particularly in the harvesting subsector.
- The subcommittee noted the support of scientific and economic related projects that have guided and informed management and policy decisions of the Forum Fisheries Committee (FFC) subcommittee, including support to continue work on a regional bio-economics model for the South Pacific fishery, and speed up the remaining work of range contraction project given its importance of particularly in the setting suitable reference points for yellowfin tuna.
- The subcommittee recommended that the FFA Secretariat prepare a full paper on the concept of staged development of limits, which covers the following elements:
  - Collective EEZ limit equivalent to harvest rule EEZ target of around 80,000 mt recognizing that there is at least 20,000 mt of aspirational catch for growth;
  - Option of dividing this collective EEZ limit into individual interim limits will also be investigated and would be based on the approach discussed in the meeting of a combination of the 2,5000 ton baseline and recent catches for those above that level.
  - Development of business rules that would trigger automated increases once EEZ catches approach 80 percent of the interim limit, depending on the trends and increased monitoring.
  - Annual review of the fishery using stock assessment results and empirical indicators. The annual review would also examine trends for each EEZ against the interim limit; and interim high seas and WCPFC–IATTC overlap area limits based on current levels and the transformative process as per the 2012 Draft FFA South Pacific albacore proposal.
- The subcommittee approved the decision on a clear process and opportunities for advancing allocation discussion and revising the South Pacific albacore measure in 2013 with a proposed timeline, which included in October to December 2013 transmittal of the proposal to the annual Management Options Consultation for further consideration and finalization, seek FFC approval on the proposal at the WCPFC 10 FFA Working Group.

The Council action included 1) Continue to participate as observer to FFA/FFC; 2) Consider FFA proposal and its likely impact on American Samoa longline fishery; 3) Include South Pacific albacore and FFA management options at the PAC meeting; and 4) Formulate recommendations for US Delegation to WCPFC10.

### **3. Western and Central Pacific Fisheries Commission Workshop for Tropical Tunas Conservation**

Tosatto reported that, at the last WCPFC meeting held in Manila, slight amendments were made to the tropical tuna CMM 2012-01, requiring that a workshop be held to establish a multi-year measure for tropical tunas. Japan agreed to host the workshop. The meeting will be late August in Tokyo, with limitations to the logistics. The WCPFC chair will head the meeting. He has sent out an agenda that's available in the Council briefing documents. The focus will be on nine areas identified in the CMM. The United States is preparing discussions on the issues, beginning inside the US Government and broadening to the Commissioners and then a broader full delegation with all of the stakeholders in August. The meetings will be held with the broader group to talk about the issues going forward.

#### Discussion

Simonds said the industry will have a presentation on the first day of the meeting.

### **4. United States Purse Seine Treaty**

This agenda item was discussed under Agenda Item 5.E. US State Department.

#### **E. Advisory Panel Reports**

Watamura reported the recommendations of the AP as follows:

*Regarding pelagic fisheries*, the Hawaii AP recommended the Council request NMFS to look at the fluctuating catch of striped marlin and the potential effects of changing environmental conditions on the Hawaii troll fishery.

The Hawaii AP also recommended the Council look at developing a minimum size for yellowfin tuna in Hawaii by looking at the appropriate minimum size based upon science and begin developing options for management. Furthermore, the Council should also look at putting any available scientific information, i.e., Itano's work, through a peer-reviewed process, such as WPSAR.

*Regarding pelagics and fishery training*, the CNMI AP recommended the Council help train the local fishermen in preparing, handling and exporting tuna anywhere outside the CNMI.

*Regarding pelagics*, the American Samoa AP recommended the Council adopt a 10 swordfish per trip limit for the American Samoa longline fishery.

The American Samoa AP also recommended that the Council engage Guam and CNMI as regional partners to obtain a super alia concept that would be produced locally.

#### **F. Pelagic Plan Team**

Bigelow reported the Pelagic Plan Team recommendations as follows:

*Regarding the expansion of the retail pelagic fish trade in Guam*, the Plan Team recommended that the Council review the CNMI legislation for mandatory fish dealer reporting and evaluate if it would be applicable to Guam where fish dealer reporting is voluntary.

*Regarding striped marlin*, the Pelagic Plan Team understood that an official overfished determination is likely to be forthcoming from NMFS in the near future for the Western Central North Pacific Ocean striped marlin stock. The Pelagic Plan Team also noted with concern the level of depletion of the striped marlin stock indicated in the recent ISC stock assessment. The Plan Team noted that US catches of striped marlin have not exceeded the level allowed under the WCPFC CMM 2010-01, which is 458 mt per year since that measure was adopted, but recommends that the Council continue to consider the likelihood of that occurring in the future and to continue to consider what domestic management measures might be adopted to ensure it does not occur. The Plan Team reminded the Council that live release, minimum and maximum size for retention, large 18/0 circle hooks, not setting hooks adjacent to the longline floats, and spatial area closures have already been evaluated by NMFS PIFSC.

*Regarding swordfish landings by the deep-set longline fishery*, the Plan Team recommended NMFS PIFSC conduct an analysis of swordfish landings by the deep-set longline vessels carrying observers since the new swordfish trip limit went into effect on Aug. 27, 2012. Are deep-set longline vessels with observers retaining more than 25 swordfish than prior to the new trip limits? If so, this may indicate a change in vessel operations and potential targeting since very few vessels incidentally caught more than 25 swordfish prior to the change in trip limits.

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

Daxboeck presented the SSC recommendations as follows:

*Regarding modifying the swordfish trip limit in the American Samoa longline fishery*, the SSC recommended that no limit on swordfish per trip retention be imposed on the American Samoa longline fishery at this point.

*Regarding overfishing of Pacific bluefin*, the SSC recommended that no action regarding Pacific bluefin be taken at this time with respect to our fisheries here.

*Regarding striped marlin overfishing for the North Pacific*, the SSC recommended that the Council advise the US Delegation to the WCPFC to advocate a limit of not more than 500 mt for any CMMs with a history of catching less than 500 mt of striped marlin.

*Regarding the WCPFC*, the SSC had previously requested that the US Delegation to that Commission examine a range of management options that would be effective in conserving bigeye stocks. Such measures include restrictions on use of FADs, area-based constraints and capacity reductions. The SSC was not presented any information at this meeting that contradicted its previous position as stated herein.

The SSC reiterated its recommendation that additional research be conducted on conservation of bigeye tuna using spatial fishery management policies stemming from a

recent paper by SSC member John Sibert and his co-authors, which could prove useful for the Commission.

## **H. Standing Committee Recommendations**

Dalzell presented the Standing Committee recommendations as follows:

*Regarding pelagic and international fisheries*, the Standing Committee endorsed the Pelagic Plan Team and SSC recommendations and recommended that staff be directed to prepare a regulatory amendment to the Pelagic FEP with the preliminarily preferred alternative being the removal of the existing swordfish per trip limit for the American Samoa fishery.

## **I. Public Comment**

There was no public comment.

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

*Regarding the American Samoa longline fishery swordfish trip limit*, **the Council directed staff to prepare a regulatory amendment to the Pelagic FEP and selected as its preliminarily preferred alternative that the existing swordfish per trip limit for the American Samoa fishery be removed.**

*Moved by Sword; seconded by Seman.*  
*Motion passed, with Tosatto abstaining.*

*Regarding Pacific bluefin tuna*, **the Council recommended that no action regarding domestic measures for Pacific bluefin be taken at this time and requested that NMFS work with Japan, Korea and Mexico in developing effective conservation and management measures for this stock.**

*Moved by Sword; seconded by Seman.*  
*Motion passed.*

*Regarding a potential new WCPFC CMM for North and Western and Central Pacific striped marlin*, **the Council recommended NMFS develop management measures that will end overfishing and lead to stock recovery, such as fishing at a constant catch of 3,600 mt as noted in the 2012 stock assessment, and further advocate for measures that establish limits of not more than 500 mt for any member or Cooperating Nonmember with a history of catching less than 500 mt of striped marlin.**

*Moved by Seman; seconded by Sword.*  
*Motion passed.*

*Regarding Territory longline bigeye catch limits*, **the Council recommended a 2,000 mt bigeye longline limit be established for the US territories and included in the Council's amendment to the Pelagic FEP to implement Section 113.**

Moved by Sword; seconded by Seman.  
Motion passed, with Tosatto abstaining.

Regarding additional management measures for tropical tunas in the WCPO, the Council recommended that NMFS, in consultation with the Council, develop and propose a range of management options that will be effective in addressing bigeye overfishing with primary focus on restrictions of the use of FADs, area-based constraints and capacity reductions.

Moved by Seman; seconded by Sword.  
Motion passed.

Regarding bigeye conservation, the Council directed staff to work with NMFS to develop proposals for additional research using spatial fishery management policies stemming from a recent paper by SSC member John Sibert and co-authors which would prove useful for the WCPFC.

Moved by Sword; seconded by Seman.  
Motion passed.

Regarding the noted expansion of the retail fish trade in Guam, the Council directed staff to review the CNMI legislation from mandatory fish dealer reporting and evaluate if it would be applicable to Guam where fish dealer reporting is voluntary.

Moved by Seman; seconded by Sword.  
Motion passed.

Regarding ecosystem approaches to managing pelagic fisheries, the Council directed staff to work with NMFS PIFSC to conduct an ecosystem modeling workshop that would explore changes in the North Pacific pelagic fish abundance and how it is influenced by fishing pressure, climate change and oceanographic factors and to consider potential development of a multi-species MSY.

Moved by Sword; seconded by Ebisui.  
Motion passed.

Regarding striped marlin, the Council requested that NMFS look at the fluctuating catch of striped marlin and the potential effects of changing environmental conditions in the Hawaii troll fishery.

Moved by Seman; seconded by Sword.  
Motion passed.

Ebisui asked about the reference to the changing environmental conditions.

Dalzell said it refers to sea surface temperature, primary productivity, long-term effects of measured basin-scale processes such as Pacific Decadal Oscillation, El Nino, local conditions around Hawaii, and even rainfall and wind.

*Regarding yellowfin minimum size in Hawaii, the Council directed staff to work with Hawaii DLNR to develop options for a minimum size for sale of yellowfin tuna in Hawaii by looking at the appropriate minimum size based upon science and begin developing options for management. Furthermore, the Council should also look at putting any available scientific information, i.e., Itano's work through a peer-reviewed process, such as WPSAR.*

*Moved by Ebisui; seconded by Rice.*

*Motion passed.*

Daxboeck asked for clarification as to whether the intent of the recommendation relates to a minimum size for sale, noting that is the focus of Itano's work in this regard.

There were no objections to include the words, for sale.

Rice noted this is the third time this issue has been raised before the Council.

*Regarding tuna exports from CNMI, the Council directed staff to conduct workshops for local fishermen in preparing, handling and exporting tuna anywhere outside of the CNMI.*

*Moved by Seman; seconded by Ebisui.*

*Motion passed.*

A final recommendation was deferred to a later agenda item.

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

No public comment was offered.

## **9. Protected Species**

### **A. Age-Structured Model of False Killer Whale**

Asuka Ishizaki, Council staff member, provided updated information on the FKW age-structured model, an effort the Council undertook with Hilborn from the University of Washington. The report is near final. The Council received comments from the SSC which are currently being addressed by the author.

Impacts of marine mammals to fisheries are currently evaluated primarily under the MMPA. The statute specifies Potential Biological Removal (PBR), which is the measure that is used to evaluate how much impact fisheries have on marine mammal stocks. It also triggers things like Take Reduction Teams (TRT) and other mitigating actions.

PBR and measuring mortality and serious injury in fisheries do not provide a view of how FKW populations are affected in the long term. A static number in time that compares the PBR over recent time periods does not reveal trends or the status of the stock. The model exercise arose to explore other ways to evaluate impacts in an effort to develop a risk

management framework to assess various hazards on the long-term population viability of FKWs and to inform the PBR calculations.

The PBR is calculated out of three factors, the minimum population estimate, half of the maximum net growth rate and a recovery factor. Other than the minimum population estimate, default values of the other two parameters are used for FKWs. A model to better understand FKW populations may help to inform the values and replace them with the default values that are currently used.

The model was primarily developed by Hilborn, but it was also a collaborative effort by a number of population dynamic experts in a workshop held in March 2013. The model and draft write-up was sent to PIFSC scientists for review and input. Based on the comments received from PIFSC, the near-final draft was provided to the SSC at the 113th meeting and the Council.

Ishizaki provided a brief overview of the model, which is a simple age-structured, non-gender, density independent model. Preliminary results indicate that the pelagic stock of FKWs is almost certainly growing at a rate of nearly 2 percent annually even with the mortality and serious injury rates in the Hawaii longline fishery. However, the results are highly sensitive to the prior distribution. The analysis also demonstrates that despite the great uncertainty in life history parameters, if life history parameters are constrained to be roughly equivalent to the assumptions of PBR, a model that could be used in a risk analysis can be provided.

The caveat of the model is that the results are naturally sensitive to prior distributions, and thus what is put into the model is what affects the outcome. FKW information is sparse. If more can be learned about FKW populations and more scientific surveys conducted, then more demographic information can be learned about the population, the models will improve and understanding of FKWs and fishery impacts will increase. Developing a model is informative, but does not replace getting data in the field.

## Discussion

Rice asked what impact would a 2 percent growth rate of the population have on the PBR.

Ishizaki said currently the PBR is calculated based on the abundance estimate of 1,503. A higher population estimate may not affect the PBR. The SSC had considerable discussion about whether that 2 percent growth rate is a maximum growth rate or the current growth rate.

Tosatto asked if the publication will be published in a peer review journal or just for the Council's use.

Ishizaki said currently the report is being used for Council purposes, but the Council asked the authors to look into the possibility of publishing in a peer review journal.

Tosatto asked if the goal of the effort is to identify better numbers for default values or to not use the calculation for PBR.

Ishizaki said the model provides some context for discussing whether the default values can be replaced with better numbers. The recovery factor is based on the default of a stock with unknown status. If it is known with a level of certainty that the stock may be increasing rather than decreasing, then the recovery factor could be raised rather than maintaining it at 0.5.

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

Dawn Golden, PIRO Protected Resources, provided an update on ESA and MMPA actions.

### **1. Proposed Rule to List 66 Species of Coral as Endangered or Threatened under the ESA**

The petition to list 66 coral species include 59 found in the Pacific and seven in the Caribbean. Seven are proposed as endangered and 52 threatened. There was a 120-day public comment period with 19 hearings held nationally, including 11 in Hawaii, Guam, CNMI and American Samoa. The agency received 1,200 verbal and written comments in addition to the 32,000 identical form letters. They are being analyzed and will be addressed in the final rule, which is due out in December.

### **2. Humphead Wrasse Status Review**

In regard to the petition to list the humphead wrasse, a positive 90-day finding came out in February 2013. A 60-day public comment period ended in April 2013, with eight comments received. The Status Review is being worked on.

### **3. Green Turtle Status Review**

In regard to the petition to delist green turtles, it is hoped that by the end of summer 2013 the Status Review will be completed, which will inform the 12-month finding.

### **4. North Pacific Humpback Whale Status Review**

A petition to delist the humpback whales was received in April. Work is ongoing on the 90-day finding, which is due out in July.

### **5. Shark Petitions**

The scalloped hammerhead shark was petitioned as a global species. The Status Review was led by Headquarters and identified six distinct population segments (DPSs), four of which were proposed for listing. The proposed rule came out in April 2013. The public comment period closed on June 4. There were 670 comments received, which are currently being analyzed. Council comments were received.

There are three DPSs in the WPR. The Eastern DPS, which is proposed as endangered; the Central Pacific DPS, which was found to be not warranted; and the Indo-West Pacific DPS, which is proposed as threatened and includes American Samoa, Guam and CNMI.

The best available information indicates that the species is highly mobile and partly migratory. Species migrations typically occur along continental margins or coastlines or among islands with similar oceanographic conditions but not across deep ocean basins. Pelagic dispersal does occur but only for limited durations. There is no tagging evidence to suggest long distance traversal over open water where no submarine features exist to interrupt migration. The boundary line is based on the best available behavior and biological data from tagging and genetic studies and consideration of physical features of habitats. It was not chosen based on fishing effort by longline fisheries where there are occasional catches of scalloped hammerhead.

The long distance between Hawaii and Johnston from all other areas, coupled with the presence of deep-water barriers between these locations is the rationale behind the boundary to be proposed at 10 degrees. For the Indo-West Pacific there is no genetic data or tagging studies to support associations with the Central Pacific DPS.

In regard to the petition to list the great white shark, which was received in June 2012, a positive 90-day finding indicated that the petition may be warranted. The 12-month finding is due out June 2013.

In regard to the petition to list the whale shark, work on the 90-day finding is ongoing. It should be out soon.

In regard to the petition to list the great hammerhead, the positive 90-day finding came out in April 2013. The public comment period recently closed, with approximately 27 comments received. Work is ongoing on the 12-month finding.

## **6. Proposed 2013 List of Fisheries**

The Proposed 2013 List of Fisheries was published. In the Final 2012 List of Fisheries NMFS had committed to evaluate information received from public comments and any information regarding spotted dolphin interactions in the troll and charter fisheries. Available information suggested that incidental serious injury and mortality of spotted dolphins in these fisheries are rare so a Category III classification is warranted.

Changes to the PIR include updates on the number of participants in those fisheries and identifying the pelagic FKW stock rather than bottlenose dolphins as now driving the shallow-set longline Category II classification.

Golden additionally provided updates on the following actions for which there have not been significant progress since the last Council meeting. Work is ongoing for the Guidelines for Assessing Marine Mammals Stocks (GAMMS) and the spinner dolphin rule. The Dolphin SMART Program is expanding with more operators on Oahu and the other islands, as well as the territories. In regard to the petition to list eight reef fish species, the 90-day finding is being worked on and should be out soon. In regard to the petition to list the humphead wrasse, the agency is working on a status review. Eight comments were received during the public comment period that closed in April 2013. In regard to the Hawaiian monk seal critical habitat, work is ongoing; there is no new information to report. In regard to loggerhead critical habitat proposed rule, work is ongoing; there is no new information to report.

## Discussion

Simonds asked Golden to elaborate on the reef fish petition.

Golden said work is ongoing with the 90-day finding.

Tosatto said the petition was for seven damselfish species and the clownfish. Six species of damselfish and the clownfish are found in the WPR, and one is found in the Caribbean region. They are being addressed geographically. The 90-day finding will determine whether the information warrants proceeding to a Status Review. It is overdue, but it is hoped the decision will be out during July, but is a matter of getting it cleared through GC and Headquarters.

Simonds said it would be preferable to give the Council time to review so they are able to respond at the October Council meeting.

Tosatto said he thought he could guarantee that it will be out before the Council meeting.

Rice asked if the Proposed List of Fisheries is reviewed annually.

Golden said the List of Fisheries is published every year and considers any new information on participants or any new data on the fishery.

Ishizaki said the Council submitted four comment letters on ESA and MMPA issues since the March meeting, regarding the following topics.

- Proposed listing of 66 corals species: The Council stressed it had serious concerns about the lack of species-specific data for the Indo-Pacific coral species. The SSC found a serious flaw in the determination tool, which was biased towards listing either as threatened or endangered and making it difficult to get anything into the not warranted category. The comments included a tool that was developed by one of the SSC members. The Council recommended that the Indo-Pacific coral species be added to the Species of Concern List rather than the threatened or endangered list at this time because of the lack of information on a species basis.
- Proposed listing of scalloped hammerhead: The Council comments focused on the Indo-West Pacific DPS proposed for threatened and stressed that US flagged Pacific Islands do not have the same regulatory concerns that prompted the proposed threatened listing and asked that the US flagged Pacific Islands be considered separately or be excluded from any regulatory measure because there are plenty of other effective fishery management and other protective measures in place.
- Humphead wrasse 90-day finding: The Council provided considerable scientific information about the presence and absence of humphead wrasse in the Pacific region, size distribution information from various surveys that are conducted in the SPC region and catch data to show that the species is still observed throughout most of its extensive range and large specimens are observed in most of the species range. There is no evidence to show that the range has contracted. The species possesses

characteristics that make them resilient to exploitation and other impacts. It was noted that this is a fishery management issue and should not be taken as an ESA issue.

- Proposed 2013 List of Fisheries: The Council thanked NMFS for taking public comment seriously and reflecting the correct information by not elevating the troll and charter fisheries to Category II. The Council also stressed that NMFS should consult with fishermen and other fishery experts prior to publicizing proposed changes to the List of Fisheries.

Rice voiced support regarding the List of Fisheries and outreach to fishermen.

Matagi-Tofiga thanked the Council for its efforts to keep American Samoa DMWR informed and providing assistance in submitting input as the majority of the proposed petitions are species found in American Samoa.

Palacios echoed Matagi-Tofiga's sentiments. He noted that the CNMI Division of Fish and Wildlife (DFW) has spent a lot of man-hours reviewing and responding to the numerous petitions.

### **C. Endangered Species Act Section 7 Consultation of the Hawaii Deep-set Longline Fishery**

Tosatto said development of the BiOp has begun in regard to the consultation of the deep-set longline fishery based on new information, such as the listing of the insular stock. It is a complex consultation and involves associated work with the MMPA, making negligible impact determinations on those endangered species that are marine mammals with which the fishery interacts. He predicted the consultation will be completed within the 135-day timeline. The HLA is an applicant to the consultation.

### **D. Update on Monk Seal Recovery Program**

Jeff Walters, PIRO, presented a quick overview of the status of the population. In the NWHI, the monk seal population is larger but decreasing. The main reason of the decline is low juvenile survival; only one out of five monk seal pups survives to adulthood in the NWHI. In the MHI, the population is approximately 200 monk seals, increasing and with better than 60 percent of the juveniles surviving.

Pups in the NWHI are emaciated due partially to inter-species competition, oscillations in the productivity of the ecosystem, entanglements and shark predation at French Frigate Shoals. Male seal aggression is an intermittent problem. In the MHI, no significant issues slow down recovery, but there is an increase in human-seal interactions that is being addressed. PIRO works closely with PIFSC. Field camps will be conducted from July to September 2013 during which there will be shark predation mitigation activities at French Frigate Shoals, weaned pup translocations, disentanglement, de-worming, medical interventions, male aggression intervention and re-uniting mothers and pups. A recent study and analysis says 20 percent of the seals that are alive today would not be alive were it not for these types of interventions carried out by NMFS and partners over the past 20-plus years.

In the MHI, the population is smaller, but increasing. PIRO works in partnership with the DLNR, county governments, nonprofits, USCG and others. The Response Program serves as the foundation of activities in the MHI. When seals haul out in the MHI, especially in areas where they're likely to be disturbed or interact with people, staff and volunteers create a perimeter or put up signage or Seal Protection Zones (SPZ). The SPZ may become a source of conflict, so perimeters are set up only if it is absolutely necessary and adjusted for each community. The Response Program also conducts de-hooking of seals.

Outreach is a big priority. Some of the messages carried via outreach include not feeding seals and reporting encounters. New infographics are being developed regarding seal prey consumption and ecosystem impacts, which will help transmit that message more effectively to the community. Work is also ongoing to simplify messages regarding fishery interactions and make them more accessible.

PIFSC is working on a crittercam project in the MHI that integrates working with students and communities. Video cameras are deployed on the backs of monk seals in partnership with National Geographic and a new nonprofit called the Monk Seal Foundation. PIFSC provides the raw footage to students, who process the video. The video will then be presented to the communities during July and August on Kauai and Molokai and in September on Oahu.

A fecal DNA study is underway to help better understand the diet of monk seals in the MHI. A small modest fishery interaction study in partnership with DLNR aims to identify fishermen who want to partner with PIRO to discuss interactions.

Seal behavior modification is a growing concern. PIRO is developing files on problem seals and then can act on displacement or aversive conditioning or relocating.

The MHI management plan will have general strategies for how to do outreach, how to do behavior modification and how to reduce fishery interactions. A three-day workshop was held in September. A report was prepared and there is follow up with the workshop participants. Another workshop will be held in the fall. A draft review of management plan is planned for late 2013.

There is an ESA permit application that would permit five years of authorization to take seals for behavior modification, tagging, de-worming, vaccinations and other activities. The current permit, which expires in 2014, is based on survival enhancement and a seal management process. The two-stage translocation process is postponed and is not part of the permit application. The Preliminary EIS is expected to be completed in early 2014. If funding permits, implementation will begin in the summer.

Membership on the Recovery Team is being revised to enhance the number of members who are from Hawaii and have local knowledge. The Terms of Reference are being finalized. The initial meeting is tentatively planned for October 2013.

## Discussion

Ebisui asked if translocation is ongoing.

Walters said the two-stage translocation has been postponed for several years as capacity is developed to manage and track seals in the MHI to keep them out of trouble and to recapture them for return to the NWHI. Translocation to move individual seals for improving survival does occur, but infrequently.

Leialoha highly recommended more outreach be conducted in regard to translocation activities as many constituents at a recent meeting on the Big Island were under the impression that seals were being moved from the NWHI to the MHI.

Walters acknowledged his awareness of the need. He is looking for opportunities to get the word out via media and community meetings.

Tosatto said some translocation occurs, for instance, to care for an abandoned pup until it is recovered.

Simonds asked if an announcement will be made in the Federal Register seeking applicants for the recovery team.

Tosatto said the requirements to convene a recovery team and develop a recovery plan are the purview of NMFS in that NMFS seeks out the expertise. There is a need to have a team in place to implement the recovery and update the plan as required by ESA. There is also the need to gain buy-in from the community and other federal agencies. The decision has not been made to do so via the Federal Register Notice system.

Simonds said the Council may want to make some recommendations but can do so unofficially directly to Tosatto. She asked about the status of the sanctuary, PIRO and State of Hawaii working with Keith Robinson about a closure around Niihau.

Tosatto said the Sanctuary Program is undergoing its management plan review and has engaged with the Niihau and Kauai communities on potential changes to the sanctuary, including additional resources and space-based issues. PIRO is going through the designation of critical habitat and has heard from the Niihau community its views on critical habitat in the area. The DOD also has plans to include Niihau as part of its operation.

Simonds asked about the status of communication with the Niihau community.

Miyasaka said the DLNR chair currently would like some monitoring of the resources in the area to base decisions on whether or not it should be included in the sanctuary. DLNR will be seeking help from the sanctuary staff to work together to do the survey based on everybody's limited resources.

Simonds asked if the Light Detection and Ranging (LIDAR) survey is involved and what resources are being proposed to be monitored.

Miyasaka said LIDAR was mentioned, but it depends on timing and money. The survey would be a more complete underwater survey.

Simonds asked if the LIDAR study would be 0 to 3 or 0 to 12.

Miyasaka said, as far as he knows, it has not been decided.

Rice asked, when a seal is removed and then returned to the NWHI, does it stay there.

Walters said such a move has not been done to date and has been postponed. Part of what they're doing with the current application is to find appropriate animals that could be moved to the NWHI to test the idea of whether they stay there or not. Generally young animals do not have site-fidelity. Adult seals are harder to move and get them to stay where they are placed. Seals are individuals and have individual characteristics.

Rice said a seal in the harbor on the Big Island comes from the NWHI according to the number branded on it.

Walters said that is Lighthouse Mom and is one of the rare instances where a seal came down from the NWHI. He said if she or any seals are causing problems to report the seal so PIRO can act before damage is done.

Goto asked for some elaboration on the shark removal in the NWHI.

Walters said it is a location-specific issue. Galapagos sharks are grabbing nursing pups. Permission was received from the State of Hawaii and the Monument to selectively remove the offending sharks. A few have been caught. The permit allows for the removal of 18 sharks.

Simonds asked if the idea of moving the mother monk seals to Niihau is possible.

Walters said it sounds good in theory, but the agency is reluctant to handle pregnant females as it could cause miscarriage. Females prefer to pick their own birthing spot. The agency's research and enhancement permit allows testing different theories within the ESA standard, which is they cannot make the situation worse or cause jeopardy to the recovery of the species. There is information that seals are selective in choosing their spot.

Simonds asked if there is enough information to model.

Walters replied in the affirmative.

**E. Update on Council Coordination Committee–Marine Fisheries Advisory Committee Endangered Species Working Group**

Ishizaki presented a brief background of the creation, purpose and membership of the ESA Working Group and an update on its progress. The group met on March 27 via teleconference; on May 6 face-to-face in Washington, DC; and on May 10 for a six-month report to the Council Coordination Committee (CCC) and MAFAC.

Some of the priority issues being dealt with include looking at ways to improve Section 7; transparency of Section 7 consultations; guidance from NMFS on Council actions, in particular, defining the jeopardy threshold; and the scientific data and the sufficiency in doing the consultations.

An options matrix slide was presented with nine options for improving communications between the Councils and NMFS through consultations. Four of the recommendations specifically look at involving Councils early in the Section 7 consultation process, including Interdisciplinary Plan Teams for Council actions; technical assistance, one formalized and one not formalized; and NMFS Protected Resources liaison to each Council FMP/FEP action.

The options for involvement of Councils in formal consultations include a) Councils as an action agency or co-lead/cooperating agency along with the Sustainable Fisheries Division; b) Councils as applicants; c) Councils as non-federal representative; and d) sharing of draft BiOP with Council regardless of Council status.

The option for involving Councils throughout the consultation process is an over-arching MOU approach. This option could be implemented as a memorandum, policy guidance or MOU to establish authorities under which Councils can be involved in ESA consultations. For each consultation, a Council may request in writing involvement in the consultation process.

Other topics pending option development include a) Council involvement when consultation triggered by litigation, including Council's role in settlement negotiations; b) Better guidance from NMFS on Council actions; and c) Insufficient scientific data on protected species, discussion ongoing to develop data quality rating.

The next teleconference meeting is anticipated in July. Refining options will continue. The final recommendations are to be delivered by October 2013.

## Discussion

Simonds said the group is working well together.

### **F. Report on False Killer Whale Take Reduction Team**

Nancy Young, PIRO Protected Resources Division and coordinator for the FKW TRT, presented an update on the TRT activities. In May the FKW TRT reconvened for its first in-person meeting since the Take Reduction Plan (TRP) was implemented in December 2012. The meeting objectives were to provide updates on recent TRT related activities, including recent interactions, research initiatives, observer program efforts and fisheries activities; take stock of TRP implementation to date; consider the need for any potential plan amendments and/or updates to research priorities; discuss possible monitoring approaches for the TRP; and outline next steps. A memo of the key outcomes that summarizes the presentations, discussions and the outcomes is being worked on and should be available in the near future.

The final TRP rule was published in November 2012, with a Dec. 31 effective date for all of the requirements of the plan except for the gear requirements for the deep-set fishery, which went into effect on Feb. 27, i.e., 90 days after the plan was published. It is too early to tell the outcome of the plan. They have just recently been able to look at trends and patterns.

The team met via webinar shortly after the rule published in December 2012 to review the final rule. The TRT met via teleconference in March after there was a FKW interaction

counting toward the area closure trigger. The three-day meeting in May is the focus of this report.

Young gave a brief overview of the TRP, regulatory measure and non-regulatory measures. The team received information about FKW assessments, the new stock assessment reports, the most recent abundance estimates and some habitat modeling, as well as information about longline fisheries management. There was also an update on the longline fishery and fishing effort, Council activities related to FKWs and observer program regarding observed marine mammal interactions and injury determination.

Miyasaka, a new member on the team representing the State of Hawaii, gave a presentation about shortline fishing. Dalzell supplemented the report. The shortline fishery is not regulated by the plan currently but is something that's been of interest to the TRT because of the similarity to the longline fishery gear and some anecdotal reports that there may be interactions with FKWs.

Since the plan went into effect in December 2012, four interactions have occurred. An interaction also occurred shortly before the plan went into effect within an area of the three FKW stock overlap, which is now closed year-round. All interactions were in the deep-set fishery; no interactions were observed in the shallow-set fishery. Two interactions are serious injuries, one inside the EEZ and counts toward the Southern Exclusion Zone (SEZ) trigger. This interaction is the reason the TRT was reconvened in March.

There were also two interactions with non-serious injuries. In one interaction, the whale was hooked in the mouth; the hook straightened and was retrieved. The hook was bent and the animal was released with no gear attached, which was exactly what the TRT hoped the TRP gear requirement would do. In the other case, the hooking location was unknown, but the animal jumped a couple of times and came free of the gear and all gear was retrieved; no hooks were bent.

The team then discussed plan implementation considerations. PIRO and HLA gave updates of their perspectives of how the plan is working. The USCG and law enforcement gave updates regarding enforcement efforts and said compliance to date is good. The dockside checks have shown everyone has switched to the gear. The Observer Program is conducting new data and new training in support of the TRP. There was discussion of the expedited injury determination process, which is needed to implement the SEZ on a case-by-case basis.

Potential plan amendments were discussed. There are no immediate plans to tweak the plan in any way, but there are items on which the team many need to provide input: a) the SEZ trigger, how it is currently calculated and whether it works well with how the PBR is currently calculated; b) the NWHI stock that was newly delineated after the original recommendations were established and was not explicitly considered by the team previously; and c) Whether an area closure is appropriate based on the more recent take patterns. The team was strongly interested in implementing the plan as currently drafted with no recommendations for amendments.

The next discussion was related to exemptions from the TRP. Nothing in the regulations currently allow exempting longline fishing from any of the TRP regulations. The team generally supported considering exemptions, especially for research related to the TRP.

The team focused on research, such as collecting straightened hooks to support genetic sampling, acoustic monitoring and data collection in state fisheries. A working group will evaluate research ideas and conduct a prioritization exercise.

A draft monitoring strategy was presented to the team. The document lays out the steps in the analyses by which compliance with the TRP will be evaluated, as well as its effectiveness. The team is providing input on the draft.

Next steps include seeking TRT input on the draft monitoring strategy by July 1 and re-evaluating and revising the research priorities. The team stressed that the agency should conduct regular assessments of cetaceans as a priority. A letter will be written requesting this to the head of NMFS. The next meeting will most likely be a webinar given the funding limitations. If there an in-depth discussion or negotiations are needed, efforts will be made to have an in-person meeting.

### Discussion

Rice asked about research in regard to data collection in other state fisheries.

Young said the ESA Status Review for FKWs identified other fisheries that may have potential interactions. The intent is to find out what other fishery may be interacting. It would be a long separate process through ESA before any regulations were pursued.

Rice recommended having fishermen involved in the process.

Young said, if regulations were being considered, representatives of those fisheries would be included.

Rice asked for more information on the number of vessels that were in the vicinity when the FKWs were hooked in the north.

Young did not know the fishing effort, but interactions seem to track where the fishing effort is.

Rice noted VMS should be helpful in that regard.

Young agreed, as well as logbook data.

Simonds asked what rated as the highest priority for research. The Council thought the annual assessments were a high priority.

Young said, in the past, it had been the weak hook research. Currently there is no consensus.

Simonds asked about the rationale for the SEZ.

Young said it was a backup measure so that, if FKW interactions were not being reduced sufficiently by the gear requirements and the new handling and release procedures, that the large area closure would protect the FKWs. There was a map of FKW interactions and a box was drawn around what historically had been a high concentration of interactions.

Tosatto said the plan needed to address reducing the level of interactions below PBR and then down to near zero and that was the team's consensus view on the way to do that. Closing an area within the EEZ was a comprehensive measure for the purposes of the MMPA.

Goto asked how the Leo Ohai proposal would be handled in regard to the exemption policy.

Tosatto said there has been no decision on the Community Development Program (CDP) application. The application will be analyzed under the context of all purposes, including ESA and MMPA, and how much they operate like the longline fishery. It is not necessarily expected there would be an outright exemption.

Goto said one non-commercial effort could jeopardize the entire commercial effort.

Tosatto said for the TRT to be looking at research exemptions particular to the marine mammal interactions is relevant and important. The MSA and the FMPs already have a framework for experimental fishing permits. How those two play against each other is something that warrants consideration.

#### **G. Advisory Panel Report**

Watamura reported the AP recommendation as follows:

*In regards to protected species and the proposed coral listing, the American Samoa AP recommended the Council request NMFS provide a differentiation between endangered and threatened populations of corals in one area and non-endangered and threatened populations of the same coral in other areas and also recommended that the Council request NMFS to provide additional classification and identification of the proposed corals to be listed under the ESA to ensure that the right species are identified and that a proper public hearing are held.*

#### **H. Plan Team Reports**

No report was given under this agenda item.

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

Daxboeck presented the SSC recommendations as follows:

*Regarding the age-structured model of FKWs, the SSC encouraged Hilborn to finish the report soon, with a more complete description of the model and its sources of input data.*

Also, the SSC encouraged holders of the photo tagging data to redouble their efforts at refining the data and, if necessary, seek assistance in doing so. The SSC reiterated previous calls for the photo tagging data to be made available for independent analysis. The data should be made available despite shortcomings, and those shortcomings should be described.

*Regarding the Papahānaumokuākea Associated Cetacean Ecology Survey (PACES),* the SSC looked forward to updated abundance estimates, the results of the genetic analysis, and revised delineation of stock boundaries. The SSC is concerned about the effects of reducing the number of days at sea available for marine mammal surveys.

## **J. Standing Committee Report**

Rice presented the Standing Committee recommendations as follows:

*Regarding protected species,* the Standing Committee recommended the Council request that Dr. Robin Baird provide a presentation to the SSC at its October 2013 meeting on survival and abundance estimates of MHI Insular FKWs based on photo identification data. The MHI insular population is the best-studied FKW population worldwide and can provide valuable insights into the demographic characteristics of these species and better informed long-term fishery impacts on the FKWs around Hawaii.

*Regarding the proposed ESA coral listing,* the Standing Committee recommended the Council request NMFS to extend the deadline for the Coral ESA Listing Final Rule to allow the Biological Review Team (BRT) to reconsider new information prior to publishing final rule.

*Regarding the deep-set longline fishery ESA Section 7 consultation,* the Standing Committee recommended that the Council request that PIRO present the BiOp analysis to the SSC at the October meeting and allow input from the SSC prior to the completion of the formal consultation.

*Regarding the CCC–MAFAC–NMFS ESA Working Group,* the Standing Committee recommended the Council encourage that ESA Working Group to take into consideration the recent draft BiOp public comment in the Northeast Region in refining options from involving Councils in the ESA Section 7 consultation process.

## **K. Public Comment**

Watamura spoke in regards to monk seals and their aggressive behavior. He is aware of four close friends who have experienced aggressive behavior and have documented it. Another friend was snorkeling at Pupukea when a monk seal charged. He encouraged the ESA Working Group to avoid litigation as it seems to be a process which is making NGOs rich. He asked if the Council's involvement would leave it open to litigation.

Simonds asked how PIRO documents the aggressive behavior incidents.

Tosatto said, through regular interaction with communities, the stories are solicited and delivered. It is generally a matter of outreach.

Walters said the interactions are at the top of his list. He noted one scenario would be working with DLNR and the near-shore fisheries, which is where most of the interactions occur. There is an ESA Section 6 grant provided by NOAA Fisheries to DLNR. He is looking forward to meeting the new DLNR administrator to enhance coordination in this regard. He is aware of many of the reports mentioned. The more information received the more justification to take mitigating action. Feeding a seal is the best way to create a problem animal. He urged never to feed a seal. Reporting to NOAA or DLNR is also important so action can be taken to prevent or do behavior modifications. The network and management plan is still being established.

Simonds said Watamura, as AP chair, should be involved in finding the best ways to get the word out to fishermen about what they should and should not do and how to report the behavior.

Walters said the NOAA hotline, 1-888-256-9840, is a statewide, toll-free, 24/7 hotline. Pictures and documentation are also helpful to identify the seal. A spear fisherman and HMRFS surveyor developed techniques to deal with the behavior and minimize interactions by carrying catch close to the body and, if the seal gets too close, poke the seal with the butt of the spear gun. Walters said, in the near future, a member of his staff will be contacting Watamura and the Hawaii Fishermen's Alliance for Conservation & Tradition (HFACT) for outreach.

Rice said he fears the bottomfish fishermen will be regulated as the monk seals have learned to take the bait and catch off the bottomfish gear.

Walters said he is aware of three incidents with monk seals depredating on bottomfish activity. He encouraged the reporting of the incidents to start the documentation so that a way can be found to coexist.

Rice said the fishermen are afraid to report and want to avoid closures and regulations.

Walters said the record shows that guys who report are not being prosecuted. PIRO has a record of working with fishermen and continues to improve the trust so fishermen will call in and feel like they're not going to get busted.

Rice said what is needed is Watamura's group to do more outreach to take away some of the fear. The outreach done with the dolphins helped in that regard.

Walters agreed. Outreach could always be improved. Partnering with DLNR will also help.

Simonds asked if the state and federal laws are different. The state law is stricter than the federal law, which is why the fishermen were reluctant to report interactions on the state form.

Walters deferred to the state representative.

## L. Council Discussion and Action

*Regarding FKWs, the Council requested that Dr. Robin Baird provide a presentation to the SSC at its October 2013 meeting on survival and abundance estimates of MHI insular FKWs based on photo-identification data. The MHI insular population is the best-studied FKW population worldwide and can provide valuable insights into the demographic characteristics of this species and better inform long-term fishery impacts on FKWs around Hawaii.*

*Moved by Rice; seconded by Seman.*

*Motion passed.*

*Regarding marine mammals, the Council directed staff to work with NMFS and other appropriate experts to develop a workshop to explore improvement to marine mammal stock assessments, including methods to evaluate anthropogenic impacts, such as fisheries and stock delineations.*

*Moved by Rice; seconded by Sword.*

*Motion passed.*

Tosatto noted that while it is a supportable recommendation, NMFS will be guided by its policies. He referred to the GAMMS.

*Regarding the proposed ESA coral listing, the Council requested NMFS to extend deadline for the coral ESA listing final rule and reconvene the BRT to consider new information prior to publishing the final rule.*

*Moved by Rice; seconded by Sword.*

*Motion passed, with Tosatto abstaining.*

Leialoha asked if there a time period for the extension.

Ishizaki replied that the deadline is in December.

Tosatto agreed that the deadline is December 2013. The law allows for a six-month extension with the justification of a significant scientific need to extend.

Leialoha asked if it is expected to meet the deadline and if the timeline was acceptable to the BRT.

Tosatto said the goal is to meet the 12-month deadline. From the Region's perspective, reconvening of the BRT is not needed or possible.

*Regarding the deep-set longline fishery ESA section and consultation, the Council requested that NMFS arrange necessary extensions to allow for a presentation of the BiOp analysis to the SSC at the October 2013 meeting and review of the analysis by the SSC prior to the completion of the formal consultation.*

Moved by Rice; seconded by Sword.  
Motion passed.

Regarding the CCC–MAFAC–NMFS Working Group, **the Council encouraged the Working Group to take into consideration the recent Draft BiOp public comment in the Northeast Region in refining options for involving Councils in the ESA Section 7 consultation process.**

Moved by Rice; seconded by Seman.  
Motion passed.

## **10. Program Planning and Research**

### **A. Action Items**

#### **1. Re-Specification of Annual Catch Limits**

##### **a. Evaluation of the 2012 Catches relative to 2012 Annual Catch Limits**

Sabater reported that this is the first year of evaluation of ACLs relative to the 2012 catches. The task is to review the Plan Team’s assessment on the 2012 catches relative to the established ACLs and provide recommendations of potential actions to address overages and monitoring of catches, such as multi-year averages, relative to its respective ACLs.

With respect to American Samoa, no ACLs were exceeded in 2012. Several fisheries were inactive. For the bottomfish multi-species complex, 16,000 pounds were landed compared to the 2012 ACL of 99,000 pounds. The precious coral fishery and some of the crustacean fishery are currently inactive. There was no overage for the coral reef fishery as landings were below the established 2012 catch limits.

With respect to Guam, there were overages for bottomfish, crustacean and precious corals. In the coral reef fishery, there were atulai and mullet overages. For atulai, in 2012 the fishery landed 120,000 pounds relative to an ACL of 56,000 pounds, generating an overage of 63,000 pounds. The catch was double the ACL. For mullet, the overage was at 1,400 pounds, generating a total catch in 2012 of 16,400 compared to a 15,000 ACL. The Plan Team was tasked to explain why those overages occurred. The Plan Team explained the atulai as a pulse fishery, occurring mostly during the fall months in Guam. There was also a change in the way the fishing has been conducted due to a change in the fishing regulations. For mullet, the overage is considered an artifact of the expansion. The rest of the coral reef MUS were below the ACLs.

For CNMI, the bottomfish and crustacean fisheries had no overages. The precious coral fishery is currently inactive. In the coral reef fishery, four MUS exceeded the ACLs: atulai (6,700 pounds), grouper (700 pounds), mollusk (1,100 pounds) and rabbitfish (40 pounds). The Plan Team explanation for atulai and rabbitfish is they are pulse fisheries and highly productive species. The problem for grouper and mollusk is the expansion.

For Hawaii, the non-Deep Seven bottomfish stock complex was exceeded by 5,000 pounds, is driven mostly by uku and landed by 20 out of the 405 licensed individuals. An artifact of data collection and a change in regulations resulted in a significant increase in the catches, which had nothing to do with the increase in effort. Precious coral fisheries are generally inactive. The data for 2012 was treated as confidential because only one fisherman is active in that fishery. The coral reef fishery had overages for the surgeonfish, squirrelfish and mollusk. The surgeonfish exceeded the ACL by 52,700 pounds; the squirrelfish by 10,000 pounds; mollusk by 10,000 pounds; and parrotfish by 50,000 pounds. The Plan Team said the implementation of civil penalties generated a sudden increase in catch reports and there appears to be an increase in fishing activity on the islands. The overage for squirrelfish in Hawaii was mostly due to landings of menpachi using handlines, light tackle and spear. The landings for mollusk were mostly composed of octopus. For parrotfish, there was a spike in the previous four years, possibly due to increased activity by high liners due to a market demand localized on the Big Island and Oahu. Crustaceans are driven by the white crab trap fishery. There's only a single high liner in the fishery. White crab is considered as bycatch from the Kona crab fishery, which did not exceed its ACL. There was an overage of 407 pounds in the Hawaii coral reef crustacean ACL, which is insignificant according to the Plan Team.

In terms of the overages:

- ABC control rule using the 75th percentile of the entire catch time series will inevitably result in an overage 25 percent of the time.
- Improvements in data collection will result in an overage. In Hawaii, the recent application of the civil penalties resulted in an increase in reporting. The ACL calculations were based on data up to 2008 prior to the implementation of civil penalties. At the same time, no improvements in the creel survey data collection will result in an overage because the low number of catch interviews over inflates the expansion.
- Overages in the WPR have been an insignificant portion of the biomass.
- Akule, rabbitfish and octopus are productive species that can tolerate increasing catches.

In regard to accountability measures, the Council did not specify in the 2012 specification how to deal with evaluating the catch relative to the biomass. The SSC and Plan Team discussed MUS from pulse fisheries and the natural fluctuations in the population. Therefore, the static number in 2012 should not be used as a point of comparison relative to the ACLs. The overages disappear or are much lower using a five-year average from 2008 to 2012. A moving average would be a better measure for MUS with natural fluctuations and is a pulse fishery.

Sabater asked the Council to deliberate on the need to address the overage or not and to recommend corrective actions.

## Discussion

Matagi-Tofiga said in American Samoa the creel surveys have low interview numbers. She asked if this is common in the WPR and how can the problem be addressed.

Sabater said it is an inherent problem of the data collection program across the whole region because of manpower. If the fishery has low participation, it is difficult to randomly intercept fishermen. To increase the numbers, more staff is needed, more hours for intercept and coverage of bigger areas.

Matagi-Tofiga said the manpower is scheduled during the early hours to catch the fishermen, but it isn't always successful.

Palacios said CNMI has the same issue. The atulai fishery is seasonal and does not occur consistently in the same location or same time. CNMI just passed a law for mandatory fishery data requirement for all commercial vendors. It will soon be implemented and should help. It is difficult to catch the spearfish information as it is a night fishery. Other methodology to collect the data is being explored, such as biosampling. Work with an independent contractor is in progress. The methodologies used to collect data do not quite fit the ACLs requirements or even come close to getting an accurate characteristic of the level of fishing activities and catch for the species under the Council's management purview.

Leialoha expressed concern about the Hawaii overage of 50,000 pounds for parrotfish. According to the report, the majority of the landings came from two sites and a handful of fishermen. The overage is even higher if the recreational fishery catch were added.

Taitague asked Sabater to assure her that progress was made in the creel surveys conducted in Guam.

Sabater said he is not sure about the progress. The Council is working to fill some of the data gaps that the Division of Aquatic and Wildlife Resources (DAWR) identified during the Data Improvement Workshop. The Guam staff has been helpful, but it boils down to the ability of the staff members who collect the data. Guam was helpful in terms of explaining what the overages were, but he could not say whether there's significant improvement in the data collection.

Daxboeck suggested breaking out the two species of octopus from the other mollusk.

Sabater said an exemption was requested for the one-year life span of the octopus, but was denied. He agreed the suggestion is worth exploring.

Duenas noted that a lot of expansion and extrapolation increases the possibility that the numbers do not reflect the actual catch. One interview of a good fishing trip could change the whole catch picture.

Sabater agreed, adding that other information is needed because the catch data is limited and does not show the performance of the fishery. Looking at other datasets may be helpful but complicated. Information such as biomass for the year would also be good.

**b. Modified Catch-Maximum Sustainable Yield Approach to Specify Acceptable Biological Catches**

Pierre Kleiber, SSC member, presented information on continuing efforts with Council staff to find an alternative approach to specifying acceptable biological catches (ABCs) used in the setting of an ACL augmented by using measured biomass data. The previous method used was based on a percentage of historical catch for coral reef species, which is considered a Tier 5 or data-poor species. The modified catch-MSY approach being explored searches for plausible biomass scenarios, which is a trajectory in time of biomass that accommodates historical catch parameters to generate MSY modified with the input of biomass data collected by CRED at the PIFSC. This effort is a work in progress.

**c. Options for Re-Specifying Annual Catch Limits**

**i. Coral Reef Management Unit Species**

Sabater presented the results of three options by the SSC for re-specifying the ABCs in the coral reef MUS, crustacean and precious coral MUS, and MHI non-Deep Seven bottomfish. He tasked the Council to take initial action on an option for re-specification and take final action for specifying ACLs for the MHI Deep Seven bottomfish, which opens on Sept. 1.

Sabater reviewed the control rule for coral reef fish, which is a Tier 5 fishery and uses the 75th percentile method in specifying the ABC, which is 1.0 times the 75th percentile of the entire time catch series. For re-specification of the coral reef MUS ACLs, the three options included 1) rolling over the FY12/13 ACLs to FY2014; 2) set ACLs equal to new ABCs (as the SSC chose to roll over the ABC, Option 2 is the same as Option 1); and 3) reduce ACLs from ABC.

After a brief description of the pros and cons of each option, tables were presented with the species and ACL listed in pounds for Option 1, 2, 3 and mean catch for American Samoa, Guam, CNMI and Hawaii reef fish MUS. The options for Council deliberation are 1) no action.; no new data to consider; roll the FY12/13 ABC over to FY14; 2) ACL equal to the new ABC; and 3) reduce the ACLs from the ABC.

**ii. Crustaceans and Precious Corals**

The crustacean MUS consists of deep-water shrimp, spiny lobsters, slipper lobsters and Kona crab. Options available for re-specification are a) rolling the FY12/13 ABCs over to FY2014; 2) set ACLs equal to new ABCs (as the SSC chose to roll over the ABC, Option 2 is the same as Option 1); and 3) Reduce ACLs from ABC. After a brief description of the elements considered in the previous specifications, the only option available in all four jurisdictions was option 1, to roll the FY2012/13 over to 2014. A similar table with the calculations was presented.

The precious coral MUS consists of black corals, precious corals in exploratory areas, pink and bamboo corals at Hawaii established beds. There was no significant new information for the precious corals fisheries as most of the fisheries are inactive. Options available for re-specification are 1) rolling the FY12/13 ACLs over to FY2014; 2) set ACLs equal to the new ABCs (as the SSC chose to roll over the ABC, Option 2 is the same as Option 1); and 3) reduce ACLs from ABC. After a brief description of the elements considered in the previous

specifications, the only option available in all four jurisdictions was option 1, to roll the FY2012/13 ABC over. A similar table with the calculations was presented.

### Discussion

Palacios asked if CNMI is required to adjust some of the ACLs based on the overages.

Sabater said, based on the justification that the Plan Team and SSC provided, an adjustment is not warranted at this time. Staff is in the process of reviewing and revising the ACLs because, if the ACL is exceeded twice in a four-year period, the ACL mechanism has to be reviewed.

Tucher said, while that is correct under the National Standard (NS) guidelines, there is no overfishing. If catch exceeds the ACL for a given stock more than once in the past four years the system of ACLs and accountability measures should be reevaluated and modified as appropriate. However, NS1 also states that if an ACL is exceeded, accountability measures must be triggered and implemented as soon as possible to correct the operational issue that caused the ACL overage, as well as any biological consequences to the stock or stock complex resulting from the overage when it is known. The accountability measures could include, among other things, modifications of in-season accountability, accountability measures or overage adjustments. An overage adjustment is not required after one exceedance, particularly with data-poor stocks. If there are other biological indicators that overfishing is not occurring, then an accountability measure that would make an overage adjustment is not necessary but may be considered. Tucher encouraged staff to look at other biological indicators and status indicators to see whether in fact there is any risk of overfishing. It is important that if the ACL is set at the ABC for data-poor stocks that factual findings are provided as to why there is a belief that overfishing is not occurring and should be sufficient for the record.

### **iii. MHI Deep Seven Bottomfish**

The MHI Deep Seven bottomfish consists of opakapaka, onaga, gindai, hapuupuu, ehu, kalekale and lehi. The options available for re-specification are 1) roll the FY12/13 annual catch target (ACT) to over to FY2014 and 2) remove the ACT and set ACL equal to 346,000 pounds. There was a brief description of the elements considered and a table with the calculations was presented.

### Discussion

Rice asked if Hawaii not hitting the bottomfish fishery limit in the last two years was considered a bad thing.

Sabater said process-wise and ACL-wise it is considered good; no accountability measures were triggered.

Rice asked if the limits will be lowered.

Sabater said there is no sense in lowering the target. At the recent SSC meeting it was noted that the State of Hawaii now requires trip reports to be submitted in five days, which decreases the management uncertainty.

Goto asked, since the catch so far is similar to the prior two years, does it make sense to keep it at the same level as it was two years ago when the same conditions existed.

Sabater said the bottomfish landings have been dictated by the weather. But the stock assessment that was released in 2011 provided a bigger MSY. Better science going into the stock assessment and a better way of accounting for the catch and the unreported catch are the parameters that would drive setting the number, but keeping the number where it is a good thing.

Mitsuyasu introduced the Council's summer course high school students who are observing the Council meeting and will participate in the Fishers Forum. Erron Yoshioka, science teacher at Moanalua High School, thanked the Council members, Simonds and Mitsuyasu for providing the opportunity to the students. Richard Garcia, Moanalua High School senior, expressed his gratitude for the support and opportunity for the activities in the course.

#### **iv. MHI Non-Deep Seven Bottomfish**

The MHI non-Deep Seven Bottomfish MUS include uku, butaguchi, black ulua, white ulua and kalekale. Options available for re-specification are 1) roll the FY12/13 ACLs over to FY2014; 2) set ACLs equal to the new ABCs (as the SSC chose to roll over the ABC, option 2 is the same as option 1); and 3) reduce ACLs from ABC. After a brief description of the elements, the only option available in all four jurisdictions was option 1, to roll the FY2012/13 ACL over to 2014. A table with the calculations was presented.

### **2. Report from the P-Star Working Group**

Sabater presented the deliberations of the P-Star Working Group regarding approaches to be used in data-poor stocks. P-Star is the level of probability that Councils ideally set based on stock assessments and some level of risk of overfishing set at less than 50 percent. Under the Council process, the scoring system is based on the following criteria: a) assessment information, b) characterization of uncertainty, c) stock status and d) productivity and susceptibility of MUS.

The final score from the evaluation is then subtracted from 50 percent to produce a value that feeds into the next stage of the Council process, which evaluates the social, economic, ecological and management (SEEM) uncertainty, to arrive at a final P-Star score. This is the probability the Council may establish that the ABC and subsequent ACL implemented in a given year will not lead to overfishing of the stock.

In summary, the working group was able to establish Tier 3 criteria for the P-Star analysis, improved the P-Star levels by using this revised criteria and will be using this P-Star criteria to determine the risk of overfishing for the ABCs that would be generated for using the model-based approach.

## Discussion

Leialoha asked if the Scaridae issue is based on the new P-Star regime that was outlined.

Sabater replied in the affirmative. The catches associated with each of the risks are generated by the model that Kleiber has been developing. For Hawaii, the ACL or ABC is somewhere around 33,000 pounds. With the model-based approach, at 40 percent risk of overfishing, the new ABC would be 58,000 pounds.

Leialoha asked if the overage would then be 8,500 pounds instead of 50,000 pounds.

Sabater replied in the negative, as the risk table is for Guam. Hawaii will have its own risk table once the data is received from Hawaii DAR.

Leialoha reiterated her concern over the Scaridae. She spoke for the need of a recommendation to review the P-Star data on the species. She was interested in seeing what the new P-Star would result would be.

Sabater said the Council will be hearing the final version of the model and the results of the preliminary runs at the October Council meeting.

Hendrickson introduced Admiral Cari Thomas, commander of the 14th USCG District since May 24, 2013. Thomas noted her priorities are to listen and learn, improve peer leadership and awareness, assist and improve domestic resiliency, and stabilize and improve both economic and environmental security through sustainable fisheries.

### **3. Marine Conservation Plan Modifications**

Kingma presented information regarding modifying MCPs to support fisheries research objectives. The Council develops a MCP for the Pacific Island area and Hawaii. Fines and penalties from foreign fishing vessels go into the Council's SFF, per the MSA. The Council uses the SFF to support and implement all of the MCPs in the region. MCP objectives include monitoring, research, data collection, assessment, conservation, education, fisheries involvement and enforcement.

The PFRP was established in 1992 after MSA included highly migratory fish species within its management purview. The PFRP was created to provide scientific information on pelagic fisheries to the Council for use in developing fisheries management policies. The PFRP solicited and funded research proposals throughout the WPR. Historically, Congress has supported PFRP, but it has not been funded in recent years. There's a need to pick up where PFRP left off. The use of SFF and MCPs is a way to reinitiate the research program, while expanding the scope to include not only pelagic fisheries but also bottomfish, coral reef, crustacean and other types of fisheries. Staff is in initial discussions with PIFSC to establish this research program and revitalize it through a competitive research grant program to focus on WPR fisheries. The program will be jointly funded by the Council and PIFSC.

In order for the Council to use SFF to do so, the MCPs need to be amended. The current MCPs are all due for renewal in 2014, but modifications can be made at any time. Once the

modifications are made and approved by the Council, they will go to the Secretary of Commerce, through NMFS, for final approval. Then the funds can be accessed to support the projects. The objective and purpose are to support quality research to obtain the most complete scientific information available to manage fisheries within an ecosystem approach and to support cooperative research projects and joint project agreements with institutions, agencies, researchers and the fishing community to collect scientific fisheries information, monitor fishery resources and assess programs that conduct fisheries research and monitoring. An agreement will be entered into with PIFSC to conduct a new program to cover the entire WPR and more than just pelagic fisheries.

The action for the Council discussion and action is to consider including the research objective in the PRIA and Hawaii MCPs and recommending that the American Samoa, Guam and CNMI MCPs also contain some of the language to support joint project agreements.

## **B. National Bycatch Report Update**

Keith Bigelow, Plan Team chair, presented an update on the National Bycatch Report (NBR). The first edition, published in September of 2011, included the evaluation of bycatch data sources of all of the regions that have at-sea observers to monitor the catch on various fisheries. It deals with estimation methods for 152 federal commercial fisheries, with bycatch estimates of 81 fisheries. PIR has 31 domestic commercial fisheries of which two had bycatch estimates, the Hawaii deep- and shallow-set longline fisheries.

The Council had several criticisms in regards to the first edition. First, there was a lag of six years between when the data was available (2005) and the report published (2011). The solution is to have biennial updates. The first update will be coming out in the autumn of 2013 and will be more succinct. The second biennial update is scheduled in 2015 covering the years from 2011 to 2013. In 2017 there will be a second comprehensive report published. The Council's second criticism was the lack of review from the Council's Plan Teams, SSC and Council members. The solution is to be more transparent. The Council and PIRO have been provided with all of the data tables in May 2013. A draft has also been provided to the Council. The comment period will be open until June 28. The incorrect data was repaired in the subsequent final version. The Council's third criticism was the poor analytical account of bycatch data.

The contents of the biennial updates will include a short national summary, regional summaries, including progress on addressing NBR recommendations and updated species-specific bycatch estimates for all species included in the original report and updated estimates for all fisheries in the original report. The biennial updates will not include a national bycatch ratio or regional bycatch ratios, discussion of tier scores, key stocks and fisheries of focus, detailed discussion of bycatch estimation improvement plans. The above topics will be covered in the next comprehensive report of 2017.

Bigelow presented a summary of PIR fish bycatch estimates. In 2010, a total of 3,580 (21 percent) of the deep sets and 1,879 (100 percent) of the shallow sets were monitored. The Hawaii deep-set fishery had an estimated bycatch of 8.1 million pounds for a bycatch ratio of 29 percent, which is slightly higher than the 2005 bycatch ratio. The Hawaii shallow-set fishery had an

estimated 0.9 million pounds of bycatch, which is a bycatch ratio of 19 percent. The highest bycatch in the longline fishery is about 5.5 million pounds of blue shark, about 95 percent alive, and 1.2 million pounds of lancetfish, most dead.

Bycatch for the American Samoa fishery will be calculated for the next biennial update.

A summary of protected species bycatch estimates were given for the PIR. The American Samoa deep-set fishery had no marine mammals interactions observed, 42 turtles and no seabirds.

### **C. Allocation**

Daxboeck presented a summary of topics for discussion regarding allocation as discussed at the recent MONF3 meeting held in May 2013. Much of the discussion was based on a review of allocation issues in the different US regions conducted by NMFS. The report summarizes fisheries allocation discussions received from a broad spectrum of stakeholders, including members and staff of the Regional Fishery Management Councils (RFMCs). NMFS also hosted a national webinar with the report's author for stakeholders interested in learning more about the report and its findings. The report addresses five areas: improving stakeholder engagement, increased biological and social science research, more formalized reviews of all allocation decisions, a compilation of allocation decisions and system, and guidance on issues to consider in allocation deliberations. At the recent CCC meeting the Councils were asked to consider NMFS preliminary draft ideas about dealing with marine fishery allocation issues and discuss next steps for addressing the five issue areas identified in the report.

Daxboeck noted that the SSC has already been tasked with some items in the study, such as improving biological and social science research. NMFS will provide guidance on what's been done and what can be done. It will be challenging with the budgetary constraints. An SSC subcommittee will be assigned to work on organizing steps to be taken on the allocations task. The SSC will provide science and give the Council options.

### **D. Subsistence Fisheries Definition**

Daxboeck summarized a SSC subcommittee's recent deliberations about the definition of subsistence fisheries. The Council has been concerned by the blurred boundaries of commercial, recreational and subsistence fisheries. Subsistence fisheries include transfer pathways of fish through communities, which contributes greatly to social cohesion on the various WPR islands.

The subcommittee arrived at a definition of subsistence fishing appropriate for the Western and Central Pacific. There is no formal definition of subsistence in the MSA. It was stressed at the recent MONF3 meeting that recreational and subsistence considerations need higher priority in fishery management policy and defining subsistence fishing in the MSA and expanding recognition of tribes and indigenous people engaged in subsistence fishing need attention. The upcoming MSA reauthorization presents an opportunity for inclusion of a subsistence fishing definition.

Definitions for commercial and recreational fishing already exist in the MSA. Under the FEP, there is a definition of customary exchange and traditional fishing within the monuments.

The intent was to use definitions codified in the MSA as a basis for a subsistence fishing definition applicable nationwide yet specific enough for all the RFMCs to adopt. The definition is included in the SSC recommendations that will be given under another agenda topic.

### Discussion

Leialoha asked if a national standard is possible, considering the traditional knowledge of the various regions.

Daxboeck said it is probably the only way to successfully have a definition included in the MSA reauthorization. Specific language for customary exchange is already codified in the Federal Register. The subcommittee adapted those into a subsistence fishing definition.

Simonds noted that Leialoha's concern regarding gathering rights was raised at the SSC meeting as well. A transcript of the comments was included in the Council's documents. The concerns should be brought up during Council discussion and action section of the agenda.

#### **E. Update on Pacific Island Planning Body**

Croft reported that a May 30 letter from Tosatto to the Council summarizes the status of the Regional Planning Body. A meeting of the 17 members is scheduled for July 11 and 12 in Honolulu. Jesse Souki is the non-federal co-lead; Tosatto serves as the federal co-lead.

#### **F. Marine Conservation Institute's Report on Large Ocean Area Closures**

Croft noted that NMFS was hoping for a more comprehensive, balanced and academic report. They were looking for pros and cons and only received pros.

#### **G. Cooperative Research Priorities**

Sabater reported that the Archipelagic FEP Plan Team reviewed the cooperative research priorities after receiving the report from Council staff regarding previous attempts to get projects funded. The National Cooperative Research Program is administered through NMFS' Office of Science and Technology. The WPR receives a base funding through PIFSC, which funds the bottomfish research in Hawaii. For the Territories, the Council submits proposals to NMFS via a competitive system. The Cooperative Research Working Group reviews and ranks the annual proposals. In the past two years the WPR has not received any money for cooperative research projects in the Territories.

The teams from each jurisdiction met to discuss and modify their research priorities. American Samoa removed two of its three priorities and focused on estimating the productivity of FADs utilizing fishermen conducting experimental fishing around FADs. Guam and CNMI kept their priorities, including an evaluation of shark depredation in the small-boat fisheries; a study on the near-shore FADs, including estimating catches and stock structure by fish tagging also improving fishing location information; and using advanced technology, such as GPS, to ground truth information gathered from creel surveys. Hawaii maintained its priorities to conduct a bottomfish cross-tagging study between fish in and out of the BRFA's and to gather bottomfish samples for life history studies to help inform the stock assessment. For pelagics, the priorities

continue to be a study to determine longline post-hooking mortality of marlin and other secondary species and mark-recapture studies of reef sharks and pelagic sharks in the Mariana Archipelago to determine residency time and migration patterns.

## **H. Report on Marine Education Training and Monument Project Grants**

Kara Miller, PIRO, provided an overview about NMFS Marine Education and Training (MET) mini-grant outcomes, as well as the MNM Competition Program outcomes as well.

Regarding the MET mini-grant competition, 29 proposals were received. Five were ineligible as they were outside of the WPR; 24 were eligible. A seven-member review panel met April 10 and 11, 2013. Thirteen proposals totaling \$192,559 were selected and ranked. Three of the proposals were from Guam, one from CNMI, none from American Samoa, three from Hawaii, one from Maui and five from Oahu.

For the MNM Program Competition six proposals were received. All were eligible. The Review Panel convened on April 25. Three proposals totaling \$59,862 were selected and ranked. One was from American Samoa, and two were from the mainland, one from a company called Open Boat Films and another from an individual.

Croft added that, since the MET Program grants are small (\$10,000), they try to cover a diverse geographical area and a wide diversity of projects. There was not much creative thinking. PIRO is available to help in writing the grants within the bounds the program allows. PIRO would like to diversify the program.

### Discussion

Palacios asked what projects were submitted from CNMI.

Miller said the project was from an organization called Guihan Pasifiku. High school students create audio, mass media and video products about various aspects of marine conservation, fisheries and traditional knowledge to expose more students to careers in marine-related fields and to inform communities and the public about existing opportunities.

Miller could not discuss the other CNMI project because it is being processed.

Palacios asked for clarification as to the monument project.

Miller said the MNM program administrator sets the scope and the specific objectives of the proposals for the year. This year's objectives were outreach related. The American Samoa proposal is from the DMWR, regarding Muliawa, or Rose Atoll. There is also a mainland organization, Open Boat Films, which is creating a video for kids about the monuments. It's covering all monuments in its scope and is an outreach video that will be shown at schools on the mainland, as well as in the islands. The third project is an individual from the mainland who is working with local counterparts and agencies to develop school curriculum. She already has working partnerships with about eight schools.

Palacios said he would be interested in getting more specifics of the grant program.

Croft replied absolutely.

Palacios said he is also interested in looking at the content of and how the current projects are being approached and would like to see the contents of any videos being proposed to be shown in the CNMI schools for appropriateness and perspectives.

Croft said the project that was funded in American Samoa is a terrific project that met all the criteria place-based criteria. It was a partnership with federal agencies and the local schools. There was continuity in the cultural appropriateness piece to transfer knowledge from the elders. She said getting involved early in the process is important.

Miller corrected her previous comment in regard to the project from CNMI. The other CNMI project was the Pacific Marine Resources Institute. The project would document oral history in Tinian, Rota, Saipan and the northern islands through written word, video, art, various mediums, fishing stories and traditional knowledge.

Spalding noted a proposal from American Samoa that had problems being sent over the internet, which led to it arriving late and not be accepted.

Miller said they work closely with constituents through every leg of the application process to try to alleviate some of the challenges they face. When the proposal was finally received it was a week and a half past the deadline, and there was nothing that could be done.

Simonds asked who is in charge of the monument activities program in PIRO.

Croft said Margaret Akamine. She added that PIRO has had to curtail a lot of the projects that are on the fringes of the mission of the monument program. It needs to focus on the core tasks and is grateful that funding is available.

## **I. NOAA Seafood Stamp of Approval**

Mitsuyasu gave an overview of items that would be included in a stamp of approval or certification, e.g., product safety; species identification; whether fresh or frozen; area of the world from which the product originated (e.g., domestic or imported); identification of the supplier, processor and fishery; quality of the fishery; and the water from which it was taken. The concept of seafood certification has been discussed for a long time.

With regard to regard to the government programs and certifications, the FDA carries the burden in terms of safe seafood. There is process certification, such as Hazard Analysis Critical Control Point (HACCP), which addresses manufacturing practices, standards for processing, a guide for acceptable seafood names because marketing sometimes comes up with new names for a fish to boost interest, and processes that track shellfish.

Among the growing number of independent programs are the Marine Stewardship Council, Ocean Trust, Seafood Watch, Blue Ocean Institute, Fish Choice and FishWise, which gives the US DOC stamp of approval for seafood. Some of the programs are pay-to-play programs.

In the 2000s, the Council engaged MAFAC on the topic of NOAA certifying fisheries managed under an approved FMP/FEP as sustainable. Since then there is interest in certifications.

In May the MAFAC met in Washington, DC. It had created a seafood certification working group. There was a panel discussion with representatives from Marine Stewardship Council, the Best Aquaculture Practices Certification Standards of Global Aquaculture Alliance, Systems Assessment of Federal/State Fishery Management Programs and FishWatch.

MAFAC outcomes included the formation of a MAFAC working group to assess interest of seafood certification among seafood dealers and provide a report to the full committee in October 2013; leverage FishWatch website to list companies in good standing with permits, licenses, compliance with best manufacturing practices and assess associated costs; and consider a business-to-business step should buyers demand an eco-label.

The Council's perspective on certification of seafood is to keep it simple: Seek options for NOAA to declare the domestic fishery as sustainable if it is managed under an approved FMP/FEP and stringent evaluation criteria for Secretarial approval. The staff will follow the national discussion on seafood certifications.

### Discussion

Simonds said when the Council approached MAFAC years ago with the subject of seafood certification there was no interest because it was believed there would be a responsibility to follow the fish all of the way to the consumer. The Council's interest was to avoid complication and to pursue a stamp to identify fish caught by fisheries caught under the purview of the Council's FEPs. She pointed out that significant costs are associated with current certifications, which use information obtained by NOAA. She said she is happy that people are finally interested in seafood certification.

Ebisui said he was on the MAFAC at the time it was raised and there seemed to be political reasons for it not being taken up.

Goto asked if John Kaneko's independent analysis used for the UN FAO Code of Conduct was being considered.

Mitsuyasu said, at the MAFAC meeting, FishWatch gave a presentation that had a slide related to fisheries evaluated based on the UN FAO Code of Conduct for Sustainable Fisheries, with approximately 30 countries listed as currently using the criteria. Mitsuyasu was unclear as to how it will end up.

### **J. Report of Managing Our Nation's Fisheries 3**

Rice reported that the MONF3 was informative and allowed him a chance to voice his opinion in the sessions in which he was involved. In the subsistence and recreational fishing session, it was noted that the definition of commercial and recreational fisheries in the MSA does not fit the fisheries in the island areas. The international fisheries session included a discussion on changing recreational commercial fisheries to subsistence. Sean Martin spoke to trying to

level the playing field in the international commercial fishery. The US fishery is the most regulated fishery of all the countries, and 70 percent of US seafood is imported from countries that aren't as regulated. Speakers from Alaska spoke to the same issue.

## **K. Recreational Fisheries Update**

DeMello reported that MRIP continues to work towards improving data collection, surveys and estimates from the marine recreational fisheries across the United States. Information on MRIP can be found at [countmyfish.noaa.gov](http://countmyfish.noaa.gov).

In 2012 PIRO helped to fund the revision of the Hawaii Division of Boating and Ocean Recreation (DOBOR) vessel registry. The registry is used as a sampling frame to interview fishermen and provide the State of Hawaii with an option to ask for an exemption to the National Saltwater Angler Registry. A total of 1,200 surveys have been returned from a mail out of 3,000. A third round of mailers is going to non-respondents. There should be an update soon.

MRIP recently announced the projects being funded for 2013. One project is the Guam Pilot Project to determine if gaps exist in the Guam data collection. The Council is working with DAWR and the US Navy to survey fishermen on the Navy base to determine if enough fishing occurs to warrant the area's inclusion in the DAWR creel survey. The project will run for one year. The other project is to replace the coastal household telephone survey with surveyors collecting effort data from the fishermen when they ask them what they caught.

In July the MRIP Executive Steering Committee will meet in Fell's Point, Md., to discuss implementation of MRIP, changes made to the program, governance and how everything will work within MRIP in the future.

The Council is reconstituting its Noncommercial Fisheries Advisory Committee to include offshore fishing clubs around the region. Council staff is continuing work on including noncommercial information in annual reports as they become available.

Itano updated the Council on NMFS activities regarding recreational fishing. The Recreational Fisheries Engagement Initiative is the federal mandate that announced NOAA's interest in engaging the noncommercial and recreational fishing sector. There is now a National Policy Advisor for Recreational Fisheries to which Itano deals directly. Itano sees his role as a conduit for the recreational fishermen, being the person to whom noncommercial fishermen come regarding any issues with the fishery. The National Engagement Initiative Team has been set up for all of the NOAA Regions. His counterpart on the science side is Hongguang Ma at PIFSC. They are busy developing projects to address noncommercial issues in the region. The projects have stemmed from the 2012 Recreational Fisheries Summit, which included delegates from all of the Territories and the outer islands of Hawaii to address recreational fishing and their needs and desires. It resulted in more than 20 project proposals. Itano said he reconvened the meeting to get consensus on how to move forward with the projects within the goals of improving recreational fishery opportunities, improving data, and improving communication and outreach. He is now in the process of developing the results into the next Regional Saltwater Recreational Action Agenda. A draft is being developed and will be circulated to the Council members for input. Itano added that a large part of his job is outreach and communication. He

welcomes all and would like to have the opportunity to address the Council at all future meetings in some respect.

### Discussion

Rice thanked David for all he's done and for participating in outreach conducted at a recent fishing tournament.

Itano said 2013 has been frustrating to NOAA employees because of the budget situation and travel restrictions. He would like to get out to the Marianas and American Samoa if possible.

Palacios noted that at some point in time marine recreational fisheries and sports fish fisheries need to be integrated. MRIP is now being activated under PIRO. At some point in time there needs to be a review of CNMI's programs to see how they can be integrated.

Simonds suggested inviting someone from the Interior Department to the next Council meeting to talk about their program because they do a survey in the WPR every five years and the Council has taken the survey into consideration when developing amendments.

White agreed. There are people in Honolulu who could come and speak to the Council.

### **L. National and International Education and Outreach**

Spalding reported on outreach and education at the regional, national and international levels since the last Council meeting. Council and SSC members spoke at MONF3, where Council had an exhibit, three posters and helped with press releases.

Council staff attended the Waves of Change Climate Change conference held in Honolulu in April and is also involved in the organization and promotion of the upcoming 2nd annual First Stewards Symposium on climate change to be held at the Smithsonian's National Museum of the American Indian in Washington, DC.

Council staff and contractors have completed transfer of the Council's website to a WordPress platform and are updating and improving the photo archives and mailing database. Logoed table runners, a poster on the Council's authority under the MSA and tide charts for the upcoming 2014 lunar calendar have been produced.

As the vice chair of the National Marine Educators Association (NMEA) Traditional Knowledge (TK) Committee, Council staff has identified a TK scholarship recipient to attend the 2013 NMEA conference and is organizing and promoting the TK committee meeting as well as leading a session at the conference on First Stewards and on the International Pacific Marine Educators Network.

### **M. Asian Americans and Pacific Islanders Initiative**

Spalding presented information about the White House Initiative on Asian Americans and Pacific Islanders (AAPI). President Obama restored the AAPI Advisory Committee through executive order in 2009. The committee has a working group tasked to increase Asian Americans

and Pacific Islanders participating in agencies and accessing federal programs. The AAPI is an avenue to get the government to recognize the Pacific Island indigenous issues, as US Pacific Islanders are not recognized federally. It was AAPI Heritage month in May, when the CCC and MONF3 were meeting in DC.

## **N. Advisory Panel Report**

Watamura reported the AP recommendations as follows:

*Regarding ACLs*, the AP recommended that the Council's evaluation of the recent catch as compared to the ACL be done on a multi-year average instead of a single year to better account for fluctuations in the fishery.

*Regarding ACLs*, the Hawaii AP recommended the Council look at the possibility of removing uku from the non-Deep Seven bottomfish ACL and establish an uku ACL. The AP further recommended the Council continue to request that NMFS PIFSC conduct a stock assessment on uku.

Regarding ACLs, the Hawaii AP recommended that the Council evaluate the effectiveness of its ACLs and determine its confidence in the ACL process to address any concerns from the State of Hawaii.

*Regarding seafood labeling*, the Hawaii AP recommended that any seafood labeling or certificate include Hawaii Caught instead of Product of Hawaii and that all carbon monoxide-treated tuna be labeled with dates for when the fish was caught or a sell by date.

The Guam AP recommended the Council include studies specific to the Mariana Islands in its five-year research plan and also recommended the Council request the NMFS PIFSC to conduct reports on the effects of Guam fisheries using cooperative research. The AP would like to see the PIFSC provide greater fisheries science on Guam fisheries.

*Regarding NMFS MET Program*, the AP recommended the Council request NMFS review the funding and ranking of its MET Program. The AP agreed that there needs to be a review of the whole process, including representation on the review panel. Further, the AP recommended that the Council request that NMFS provide more time to review the MET mini-grant proposals, as well as equal funding for each of the island areas.

## Discussion

Goto asked about the basis of the proposed uku ACL.

Watamura said, since the catch for the non-Deep Seven bottomfish was comprised of 95 percent uku, the AP felt uku required a separate ACL.

Miyasaka asked about the reference to concerns from the State of Hawaii in the recommendation regarding evaluation of the ACLs.

DeMello said this recommendation addressed the concern William Aila, Hawaii DLNR chair, expressed at a meeting with fishermen regarding the effectiveness of removing the BRFA's and having the ACLs as the only mechanism for managing the bottomfish fishery.

#### **O. Plan Team Report**

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

*Regarding program planning*, the Joint Archipelagic Plan Team recommended the Council prioritize the ecosystem component amendment to improve future management guidelines and to reduce the number of species in data-poor situations that would be subject to ACL-based management.

The Joint Archipelagic Plan Team also recommended, with regards to the five-year research priorities, to re-rank the research needs to prioritize research that provides vital components that would lead into stock assessments, such as life history information and also tagging studies.

*Regarding data improvement*, the Joint Archipelagic Plan Team recommended that the Council in collaboration with PIFSC to organize a workshop with participation from biologists from the Territory fisheries management agencies and apply the length-based mortality estimate techniques on their respective datasets. They would like to request that this workshop be held as soon as possible time in order to generate additional information for management purposes.

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

Daxboeck presented the SSC recommendations as follows:

*Regarding options for re-specifying ABCs*, the SSC recommended that Council staff provide standard deviations and maximum and minimum catches when using catch history to specify an ABC.

For FY2015 the SSC recommended the Council amend the FEPs to accommodate other methods in the ABC control rule, particularly for Tier 5. The amendment should include provisions that allow the SSC to have more flexibility in modifying the approaches as appropriate and new techniques develop and flexibility in dealing with overages.

*Regarding the coral reef MUS*, the SSC rolled the 2012-2013 ABCs over to 2014 for the coral reef MUS in American Samoa, Guam, CNMI and Hawaii.

*Regarding crustaceans and precious corals*, the SSC rolled the 2012-2013 ABCs over to 2014 for the crustaceans and precious corals and black corals in American Samoa, CNMI, Guam and Hawaii.

*Regarding the MHI Deep Seven bottomfish*, the SSC recommended removing the ACT and setting the FY2014 ACL equal to an ABC of 346,000 pounds for the MHI Deep Seven bottomfish.

*Regarding the non-Deep Seven bottomfish*, the SSC rolled the 2012-2013 ABCs for non-Deep Seven bottomfish in Hawaii over to 2014, set at 140,000 pounds. The SSC recommended that, in future analyses, uku be removed from the non-Deep Seven bottomfish category and be assessed as a single species due to the dominance in the catch.

*Regarding the P-Star Working Group*, the SSC recommended continued development of the modified catch MSY analysis and the P-Star criteria for the Tier 3 fisheries.

*Regarding allocations*, the SSC recommended the creation of an Allocation Working Group to examine the issue and provide recommendations. The Allocation Working Group will be composed of Council staff Paul Dazell; SSC members Paul Callaghan, Jim Lynch, Minling Pan, David Itano and Craig Severance; Plan Team Chair John Gourley; and Advisory Panel Chair Ed Watamura.

*Regarding fisheries definitions*, the SSC proposed the following definition for inclusion in the MSA reauthorization and for use by the Council in its FEPs.

The term, recreational fishing means fishing undertaken for sport or pleasure in which the fish harvested, in whole or in part, does not enter commerce or enter commerce through sale or barter or trade.

The term subsistence fishing means fishing undertaken by members of a fishing community in waters customarily fished by that community in which fish harvested are used for the purposes of direct consumption or distribution in the community through sharing in ways that contribute to food security and cultural sustainability of the fishing community. For this purpose, the term sharing in the community shall be defined regionally by the RFMCs.

In the WPR the term “sharing in the community” means customary exchange, the nonmarket exchange of marine resources between fishermen and community residents, including family and friends of community residents, for goods and/or services for cultural, social or religious reasons and which may include cost recovery through monetary reimbursements and other means for actual trip expenses including but not limited to ice, bait, food or fuel that may be necessary to participate in fisheries and is consistent with sustainable fishery practices in the WPR.

## Discussion

Rice asked about the recommendation referring to sharing and whether the clause “that may be necessary to participate in the fisheries” is consistent with State and Territory statutes.

Simonds said the SSC is addressing State and Territory regulations and the Council would be following the definition already approved by NMFS.

Daxboeck said the SSC recommendation has been amended to ensure it follows the definition included in the Monument regulations.

## **Q. Public Hearing**

Hawaii fisherman Roy Morioka spoke in support of the recommendations made by the AP and the SSC to separate uku from the six other species in the MHI non-Deep Seven bottomfish fishery as there is sufficient data to establish a separate stock assessment for it. He noted that the uku fishery is a result of the TAC that was placed on the bottomfish fishery. He also was in favor of the Council including the stocks and biomass in the State of Hawaii BRFA's in bottomfish stock assessments. He asked the Council to help fishermen clarify the federal and state jurisdictional consequences in regard to BRFA's. In regard to quota-based management, he stressed the need for NOAA to acknowledge, appreciate and recognize the uniqueness of the fisheries in the Pacific Islands and take them into consideration during decision-making. Morioka spoke in support of Itano's new role at PIRO and noted the tremendous opportunity that would be lost if Itano is not able to meet face-to-face with the Region's fishers.

Watamura also spoke in support of separating the uku to be addressed as a single-species stock in light of the numbers that are being landed.

Simonds said the timing of Itano coming onboard was unfortunate in regard to the federal budget downturn. She suggested use of videos and webinars when travel is not possible.

Ebisui said the noncommercial fishermen are now at the table. Itano brings a lot of credibility and is well respected and well received. He agreed that it is crucial that Itano continues the discussion throughout the region.

## **R. Council Discussion and Action**

***Regarding ACLs, the Council recommended setting the 2014 ACL for the MHI Deep Seven bottomfish fishery equal to an ABC of 346,000 pounds and removing the ACT. The accountability measure is no longer needed because of the significant improvements in the timeliness of bottomfish catch reporting brought about by the five-day trip reporting requirements by DLNR.***

*Moved by Ebisui; seconded by Leialoha.  
Motion passed, with Croft abstaining.*

***Regarding ACLs, the Council recommended setting the 2014 ACLs for coral reef fish, crustaceans, precious corals and other bottomfish fisheries equal to their ABCs, which are identical to the 2012 and 2013 ACLs.***

**The Council noted that the 2012 catches for certain coral reef ecosystem species groups and MHI non-Deep Seven bottomfish complex exceeded the specified 2012 ACLs but determined that overages are due to the following reasons:**

- **Artifact of data expansion: the low number of interviews for atulai, mullet, rabbitfish and mollusk with one fisherman having high amount of catches resulted in an over-expansion in catches.**

- **Increase in catch reporting in the recent years due to implementation of civil resource violation penalties in Hawaii beginning in 2009. Because the 2012-2013 ABC and ACL calculations are based on data through 2008, they do not include the period after 2009 and are underestimated.**
- **Although the overfishing limits (OFLs) are not known, other biological indicators indicate that the overages are not likely to have an impact on stock sustainability or resulted in overfishing because a) Atulai and rabbitfish are highly productive stocks, has high population turnover and high fecundity and exhibits natural variations in stock dynamics; b) Overage for non-Deep Seven bottomfish is only 25 to 30 percent probability of overfishing; c) Overage is an insignificant portion of the biomass for parrotfish, surgeonfish, groupers squirrelfish and rabbitfish; d) Overages are within the bounds of the standard deviation of the catch times series; e) ACL is based on Tier 4 data-poor catch history with no other indicator of excessive fishing pressure on stocks; and f) the Council suspects that ACLs are below optimum yield.**
- **Finally, the Council noted NS1 Guidelines require the Council to address the operational issue or systemic flaws that contributed to the overages. Therefore, the Council is re-examining the system of setting ABC and ACL for data-poor fisheries, including coral reef ecosystem and MHI non-Deep Seven bottomfish to correct the operational issues that contributed to the overages in these fisheries starting in 2015.**

Moved by Ebisui; seconded by Sword.  
Motion passed, with Croft abstaining.

Simonds noted that GC had reviewed and approved the language of the recommendation.

**Regarding ACLs, the Council directed staff, in evaluating catches relative to ACL, to provide information on the historical catch, range and standard deviation and utilize a multi-year average in 2014 instead of a single year to track 2014 catches relative to the ACLs to better account for fluctuations in the fishery.**

Moved by Ebisui; seconded by Sword.  
Motion passed, with Croft abstaining.

**Regarding ACLs, the Council directed staff to look at the possibility of removing uku (*Aprion virescens*) from the non-Deep Seven bottomfish ACL and establish a single-species ACL. Furthermore, the Council reiterated its previous recommendation for PIFSC to conduct a stock assessment on uku.**

Moved by Ebisui; seconded by Seman.  
Motion passed, with Croft abstaining.

Simonds said the PIFSC stock assessment scientists have stated they have the capacity to conduct a stock assessment on uku.

**Regarding ACLs, the Council directed staff to evaluate the effectiveness of ACLs for the MHI Deep Seven bottomfish fishery in preventing overfishing and determine its confidence in the ACL process versus BRFA's to address any concerns from the State of Hawaii.**

Moved by Ebisui; seconded by Sword.  
Motion passed, with Croft abstaining.

**Regarding ACLs, the Council directed staff to develop an amendment to the FEPs to accommodate other methods in the ABC control rule, particularly for Tier 5. The amendment should include provisions that allow the SSC to have more flexibility in modifying the approaches, as appropriate, when new techniques develop and flexibility in dealing with overages.**

Moved by Ebisui; seconded by Seman.  
Motion passed.

**Regarding ACLs, the Council directed staff to prioritize the ecosystem components amendment to both improve future management guidelines and reduce the number of species in data-poor situations that will be subject to ACL-based management.**

Moved by Ebisui; seconded by Sword.  
Motion passed.

**Regarding Hawaii precious coral fisheries, the Council endorsed the science needs and research priorities for gold, black, pink and red corals from the Western Pacific Precious Coral Workshop. Furthermore, the Council requested NMFS PIFSC to gather more life history information for these species to determine maximum age and rate of growth for other black corals, for example, *Aphanipathes vericillata* and *Antipathes grandis*, to possibly support development of new MSY estimates.**

Moved by Ebisui; seconded by Leialoha.  
Motion passed.

**Regarding research issues and priorities, the Council directed staff to work with the SSC in potentially revising the Council's five-year research priorities and include studies that are specific to each jurisdiction.**

Moved by Ebisui; seconded by Sword.  
Motion passed.

**Regarding research issues and priorities, the Council directed staff in collaboration with PIFSC to organize a workshop of biologists from Territorial fisheries management agencies to apply the length-based mortality estimating techniques on their**

respective datasets. This workshop should be held in the soonest possible time in order to generate additional information for management purposes.

Moved by Seman; seconded by Ebisui.

Motion passed.

*Regarding research issues and priorities, the Council requested NMFS PIFSC to conduct fisheries-specific research in collaboration with the Guam fishing communities to evaluate impacts of fishing and other environmental factors, including shark depredation.*

Moved by Seman; seconded by Sword.

Motion passed.

*Regarding research issues and priorities, the Council requested that NMFS and the State of Hawaii conduct research on FAD effects on migratory fish and possible disruption in seasonal migrations.*

Moved by Sword; seconded by Seman.

Motion passed.

Rice suggested including the wording requesting “NMFS and the State of Hawaii.”

There were objections to the amendment.

*Regarding research issues and priorities, the Council endorsed the changes to the Cooperative Research Priorities for 2013 and 2014 and directed staff to coordinate with the Western Pacific Cooperative Research Working Group representative and local fishery management agencies to develop a more robust project proposal for the competitive request for proposals.*

Moved by Seman; seconded by Sword.

Motion passed.

*Regarding MCP modifications, the Council recommended that the American Samoa, Guam, CNMI and Pacific Remote Island Areas (PRIAs)/Hawaii MCPs be modified to include a) **Objective**, support quality research and obtain the most complete scientific information available to assess and manage fisheries within an ecosystem approach; and b) **Project description**, support Cooperative Research projects and joint project agreements with institutions, agencies, researchers and the fishing community to collect scientific fishery information, monitor fishery resources, assess research and monitoring programs and support fisheries research.*

Moved by Sword; seconded by Seman.

Motion passed, with Croft abstaining.

*Regarding marine debris, the Council requested that NOAA and other appropriate agencies provide funding for the removal of marine debris, derelict gear (e.g, FADs, traps,*

**vessels, etc.) and flotsam (e.g., whale carcasses) in American Samoa, Guam, CNMI, Hawaii and PRIAs.**

Moved by Sword; seconded by Seman.  
Motion passed, with Croft abstaining.

Croft clarified that the NOAA Marine Debris Program is through NOS, but NMFS can be a conduit to NOS for that. She would like the USCG and other federal agencies to be included.

Simonds agreed, such as the DOD and other federal agencies.

Taitague said Guam is currently having a big problem with a whale carcass stranded on the reef.

White said to add the PRIAs because marine debris problems exist in those areas.

Matagi-Tofiga said American Samoa sometimes can access funding through its Marine Mammal Program to remove whale carcasses.

Croft said the problem with the whale carcass in Guam is the dangerous location, which is a reef with large breaking waves.

Simonds suggested calling the military.

Goto asked if the recommendation was referring to open ocean collection or near shore and would funds be divided based on availability of fleet.

Palacios said the agency will provide guidance and ensure that it's there when a situation arises.

White asked to include the PRIAs having access for the funding as well, but she was not sure how to articulate the addition.

Simonds said the wording should be to provide funding to these areas, and for the PRIAs, which will be explained in a letter.

There were no objections.

**Regarding allocation, the Council directed staff to convene a meeting of the Allocation Working Group composed of SSC members Paul Callaghan, Jim Lynch, Minling Pan, David Itano and Craig Severance; Plan Team Chair John Gourley; and Advisory Panel Chair Ed Watamura to further examine the issue and provide recommendations for SSC and Council considerations.**

Moved by Sword; seconded by Seman.  
Motion passed, with Croft abstaining.

**Regarding subsistence fishery definition, the Council endorsed the SSC recommendation with respect to recreational and subsistence fishing and recommended the Council**

**amend its FEPs to include these definitions and that this language be incorporated in the re-authorization of the MSA.**

**The term recreational fishing means fishing undertaken for sport and pleasure in which the harvested fish, in whole or in part, do not enter commerce or enter commerce through sale or barter or trade.**

**The term subsistence fishing means fishing undertaken by members of a fishing community in waters customarily fished by that community in which fish harvested are used for the purposes of direct consumption or distribution in the community through sharing in ways that contribute to food security and cultural sustainability of the fishing community. For this purpose, the term sharing in the community shall be defined regionally by the RFMCs.**

**In the WPR, the term sharing in the community means customary exchange, the nonmarket exchange of marine resources between fishermen and community residents, including family and friends of community residents, for goods and/or services for cultural, social or religious reasons and which may include cost recovery through monetary reimbursements and other means for actual trip expenses, including but not limited to ice, bait, food or fuel, and may be necessary to participate in fisheries in the WPR.**

*Moved by Seman; seconded by Sword.*

*Motion passed.*

White noted she did not see the term “sharing in the community” in the definition even though it is defined.

Simonds said the last paragraph is taken from an approved FEP amendment.

**Regarding recreational fisheries, the Council directed staff to invite a representative from the USFWS Sportsfish Restoration Program to present on its grant programs and activities to the Council at its next meeting.**

*Moved by Sword; seconded by Seman.*

*Motion passed.*

**Regarding seafood labeling, the Council recommended any potential NMFS seafood labeling program include a provision that all carbon monoxide-treated tuna be labeled with dates for when fish was caught and/or a sell by date. The local implementation of this program should also include a Hawaii-caught distinction instead of product of Hawaii to distinguish fish being caught in Hawaii rather than foreign caught and processed in Hawaii.**

*Moved by Sword; seconded by Seman.*

*Motion passed, with Croft abstaining.*

*Regarding the NMFS MET Program, the Council recommended that NMFS review the funding and ranking of its MET program to include a review of the whole process, including representation on the review panel. Further, the Council requests NMFS provide more time for both submission and review of the MET mini-grant proposals, as well as provide for equal funding for each of the island areas.*

*Moved by Sword; seconded by Leialoha.  
Motion passed, with Croft abstaining.*

Croft said the most efficient way is to work with constituents as early in the process as possible.

## **11. Mariana Archipelago**

### **A. Island Reports**

#### **1. Arongo Flaeey**

Seman reported that the Fisheries Research Program is conducted by DFW with the checklist of CNMI fisheries that has been ongoing for 30 years. There's also the evaluation of management measures, monitoring and assessment of marine sanctuaries and a fish tagging study in and around the Managaha Marine Conservation Area, the Comprehensive Inshore Creel Survey. Some of the recent additions to data by the DFW are the Tinian data collection supported by the Council, the Rota data collection supported by PIRO and the Northern Island Bottomfish Sampling conducted in conjunction with the DFW and WPacFIN.

In the Fisheries Development Program, DFW is preparing for the launching of additional FADs. A site survey has been completed. The FADs have been rigged, and a bid for the deployment has been advertised. A contractor has been identified, and a Notice to Proceed was issued. They are waiting on the light that goes with the FAD.

Two DFW staff completed training in Honolulu under the USFWS.

DFW is handling Rota, Tinian and Saipan with regards to recreational boating facilities. They have brought older repair work up-to-date for the three islands.

DFW is undertaking the CNMI Sea Turtle Program biannual update. The Sea Turtle Program has little funding and a small staff but is a well-run, successful program.

The Marine Monument Workshop conducted by PIFSC was a productive two-day workshop to review research plans for the monuments.

### Discussion

Matagi-Tofiga said the American Samoa turtle program is under the marine mammal program and most of the funding comes from USFWS.

## **2. Isla Informe**

Duenas reported that the Guam AP is working to generate more input by meeting monthly on the third Thursday. Because the members are volunteers, there is not always consistent attendance.

Another instrumental part of the Guam AP gatherings has been a website for the Guam AP. The website ties all of the AP assignments and provides an avenue for forums on different fisheries topics. It has a section to drop photos and other files pertaining to some of the topics that affect the region. It is hoped that it will expand to some of the other APs, and eventually all of the APs can come together on one website.

Four events are coming up in August 2013. The Guam Organization of Saltwater Anglers Tournament (GOSA), an inshore tournament that alternates between snappers and jacks, is scheduled to be held Saturday, Aug. 11. The Marianas Underwater Fishing Federation Spearfishing Challenge will be held Saturday, Aug. 11. The Gupot Y Peskadot, which is Guam's 15th annual Fishermen's Festival, is scheduled to be held on Sunday, Aug. 12. There will be fishing industry and cultural exhibits, cultural dances and organizations, and seafood tasting. The 18th Annual Marianas International Fishing Derby will be held Aug. 18 and 19.

Other upcoming events include fisheries workshops with 4H and other organizations, such as the USCG Auxiliary and local partners. The fisheries workshops are sponsored by the Council and PIRO. The Youth Fisheries Workshops are getting people interested in marine science.

It was an abundant year for the juvenile rabbitfish, probably the best in 10 or more years. There was a concern that the rabbitfish were affecting the rest of the environment because they would come in to forage and eat all of the available food; some were starving and starting to die off; and maybe they were competing with some of the other fish in the area. The AP is working with other agencies to research that.

Another concern is commercial fishing by members of the FSM who are using vessels that they bring in that weren't made in the United States and were subsidized by other countries. There is a need for a legal opinion on whether this is against the MSA or Compact regulations.

Taitague updated the Council on the Hagatna Marine Fishing Platform. All documents were submitted to Army Corps for the needed permit. The Attorney General determination was made regarding transfer of federal funds from the Sportfish Restoration Fund to the NGOs constructing the first phase of the platform. The Fishermen's Cooperative facility bill passed. The residents on Guam will soon see a new Cooperative building, which will be funded by a \$2.5 million grant from the Guam Hotel Occupancy Bond. The whale carcass has not yet been removed, and people are complaining of the bad smell. The carcass is located in a dangerous place.

## **B. Legislative Report**

### **1. CNMI**

Seman reported on three introduced House bills. House Bill 18-53 calls for DFW to limit the use of surround nets for two months out of the calendar year. All nets, with the exception of the cast net, are currently prohibited. House Bill 18-68 would prohibit the taking and selling of certain size of marine resources for commercial purposes. House Bill 18-72 would require every scuba diver in the CNMI to pay \$25.

### **2. Guam**

Taitague read a quote from the Governor of Guam at the time he signed Public Law 31-10 into law a couple of years ago regarding shark finning:

In enacting this legislation into law I agree with the legislature that the protection of sharks and rays is vital both for preservation of Guam's natural marine resources and as a generally human act as well. However, I must insist that we recognize that our local fishermen population does not currently engage in the practice of finning sharks nor has this activity ever been part of Guam's cultural tradition. Guam's fishing community has been acting responsible and not engaging in shark finning, but instead has performed occasional and reasonable shark fishing for sustainability, traditional or cultural purpose, which has been understandably exempted from the provision of the act. Therefore, I sign this bill into law with the understanding this legislature is intended to address concerns that foreign-based commercial fishermen may undertake shark finning in Guam's regional waters. So it is understood and acknowledged that this law is not directed to any incidental or eventual removal of a fin after local fishermen have legally and appropriately landed a whole shark. Of course, the practice of this law is to seek to stop strictly that of landing a shark, cutting of its dorsal fin and then tossing the shark back into the water to suffer a slow and painful death.

## **C. Enforcement Report**

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

Seman reported that there were three cases of illegal fishing, five cases of turtle poaching, four cases of abandoned gill net and one case of illegal harvest of trochus.

In addition, through an agreement with the NOAA JEA, the law enforcement at DFW conducted three dockside inspections involving vessels returning to port in Saipan after several days of bottomfish fishing in the Northern Islands. Eleven vessels have been issued federal permits to bottomfish in the CNMI. The enforcement officers also conducted vessel inspections involving seven fishing vessels.

Palacios said the partnership with the OLE has been valuable. DFW enforcement is spread thin, but DFW is looking forward to adding new personnel in the near future. OLE has been instrumental in training and providing updates on regulations and enforcement techniques.

He spoke to the need for the OLE agent stationed in Guam to travel to Saipan to assist in training and other enforcement issues.

Efforts will continue on the bottomfish fishing licensing outreach to ensure people are fully aware that even if they sell part of the catch they must have a license.

## **2. Guam**

Taitague reported efforts are ongoing regarding the Merizo marine preserve. Meetings are planned with the Mayor of Merizo regarding implementation of the community-based management of the preserve. Work is also ongoing with the Port Authority in regards to Hagatna Marina.

### **D. Pacific Islands Regional Office–Pacific Islands Fisheries Science Center Marianas Trench Monument**

#### **1. Final Rule for Regulations**

Tosatto reported the rules are published and all of the provisions of the Council's amendment are being implemented effective Aug. 1.

International partners are interested in researching the unique feature of the Marianas Trench MNM. Coordination is ongoing with CNMI to provide comments during the review of the international activities.

#### **2. Projects and Activities**

Sarah Malloy, from PIFSC, gave a brief report of the Mariana Archipelago Ecosystem Science Workshop, which was held in Saipan in May 2013. PIFSC has been working on a plan for science research in the Marianas for 18 months. This was the culmination of an exercise to present research projects to scientists and researcher in the Marianas as well as the Pacific Basin and stakeholders and management officials at all levels. The workshop was run by Eric Breuer from PIFSC. Forty people attended. There was also a workshop held to define the activities that the NOAA research vessel *SETTE* will undertake for several months in the spring of 2014. A summary of the workshop proceedings will be presented at the October Council meeting.

### **E. Report of the Guam Military Base Data Collection Project**

Carl Dela Cruz, the Council's island coordinator on Guam, reported on the Guam Navy Base Fishery Data Collection project. The project originated from the Data Collection Improvement Workshop in 2011. The project assesses fishing activities within the base. The goals are to create a baseline prior to the buildup, evaluate future data collection needs and create adjustment factors to estimate total catch. MRIP funded the project. The partners are the Council, the US Naval Base Guam and Guam DOA. The project consists of boat- and shore-based fishery surveys and a shoreline voluntary interview. The year-long analysis and final report is scheduled for March 2014.

DeMello said the project is being conducted under MRIP. The creel surveys do not collect data on the Navy base. It is hoped the results of the project will give enough information to determine how much fishing is taking place on the base and whether it should be surveyed in the future.

## Discussion

Duenas asked for clarification as to what kind of fishing activities are legal on the base.

Dela Cruz said the rules were recently reviewed, and it was determined that fishing can occur only in designated areas at the west side of the base.

### **F. Community Development and Issues**

#### **1. Merizo Community Resource Planning**

Dela Cruz provided a list of participants for the Merizo Community Resource Planning, which included the Merizo Mayor's Office, DOA, DAWR and the Council. In summary, the Council supports community-based management of marine resources as an essential part of its archipelago-based FEPs. The Council is mandated to engage communities in the WPR in the development of fishery management policies for the benefit of communities it serves.

The proposed goals and objectives include the following: a) The project will result in a fully vetted community-based plan for coastal and marine resources of the Village of Merizo; b) The project will engage village residents, locals, territorial and federal agencies and other stakeholders in open and inclusive process to develop the community based management plan; and c) Once the plan is approved by the community, the Village Mayor will vet the plan through Mayor's Council for review and approval.

Scheduling for the plan development is as follows: a) From April to June 2013, propose agreement among the Merizo Mayor, DOA, the Council and other partners; and contract services to develop tools and analysis; b) From July to September 2013, convene the first Strategic Planning Workshop to identify the management area, community objectives, resources, activities and uses, and draft a report of the planning workshop outcomes; c) From October to December 2013, convene the second Strategic Planning Workshop to develop management strategies to meet community objectives and priorities and address areas of conflict and non-compatibility; and d) From January to March 2014, draft the final Merizo community-based management plan for marine resources and present the Merizo community with the report.

#### **2. Guam Community Development Projects Status Report**

Kingma reported the application for the Hagatna Fishing Platform has been submitted by the Guam DOA to the Army Corps. One more application under a separate permit authorization needs to be submitted. The project is a result of the Community Demonstration Project Program. There's funding online from the USFWS, the Council and GOSA. The project has been delayed for several years. Progress is dependent on all permit applications being submitted and the permits being issued.

Another project identified in the MCP is the Agat Small Boat Marine Dock that the Council initiated funding for last year to the Port Authority of Guam. The Port Authority of Guam was not able to secure matching funds so they are matching the funds themselves. Funding is now in place, and request for proposals will be issued later in 2013 to identify and select contractors.

The rabbitfish restocking program, working with the University of Guam (UOG) 4H Program in the Guam Aquaculture Facility and the Guam Fishermen's Cooperative, is in the early stages. The objective is to rear a limited amount of juvenile rabbitfish in an aquaculture facility and then release them after growout in an effort to reduce their natural mortality as they grow bigger. The environmental assessment is still under review by PIRO. No contract has been awarded to date.

Another MCP project, the Seafood Marketing Plan for the Mariana Archipelago, is ongoing. A contractor has been identified and is coordinating the work, which is anticipated to be completed late summer 2013. A report will be available by the October Council meeting.

The Council is working with Guam DOA on developing a deployment platform that will significantly reduce the cost associated with deployment of FADs. The Council is working with DOA to assist in funding materials and the construction of the platform.

### **3. Saipan Longline Dock Study**

Jack Ogumoro, Council's island coordinator in the CNMI, reported on the growing interest in the CNMI to develop the fishing industry and the lack of a docking facility for fishing vessels, especially longline vessels. To address the problem, the Council funded the Saipan Longline Dock Study. Kingma is the project lead. A company has been selected to provide the necessary technical services to plan construction of the docking facility. The company has looked at several existing locations along the west coast of Saipan and has zeroed in on four locations: Outer Cove Marina, Puerto Rico Dump, Echo Dock and the Seaplane Ramp.

### **4. Saipan Fishermen's Association Cooperative**

Seman presented an update on the Saipan Fishermen's Association Cooperative. The Northern Marianas Fishermen's Cooperative is established to assist the local domestic fishermen in sale and marketing of their fish products and to represent and navigate the interest and concerns of its members at the national, regional and international levels. The Cooperative received a \$75,000 financial grant from the DLNR MCP Special Funding, derived from fees and penalties collected through the settlement of illegal fishing of foreign flagged vessels within EEZ surrounding the CNMI. The Cooperative secured a 2,288-square-foot commercial space in San Jose, Saipan. Its open area allows for the needed design of the Cooperative. The rear of the facility has lots space for offloading. The facility includes a walk-in chiller and freezer, water tanks for the ice machine and for brining fish, a backup water tank and a 1,000-capacity scale. The building is completed. All of the equipment was purchased in 2007 from the prior cooperative. A membership meeting and a seafood safety handling workshop were held with the assistance of the Council.

Palacios said when the MCP program was first approved he said to make sure the projects are for the community, to use the funds wisely and to be accountable. He said he is trying his best. Fish are sold on the side of the road. That needs to change. The Fishermen's Cooperative is a better option for the consumers.

The MCP also has a training program for local residents to learn how to go back to fishing. Over the past 20 years CNMI has come to depend on foreign labor. In the beginning the laborers were targeted to a certain sector of the economy and certain jobs. But as time went on, they also learned how to fish. The younger generation has not picked up the occupation of fishing or learned how to do deep-bottom and pelagic fishing. Some of the fish seen at the market came from the vessel that is doing the training.

### Discussion

Tosatto said fishermen's cooperatives are anchor sites for the community and are the path forward in the development of fisheries within the communities. He is looking forward to further investment in some near-term Saltonstall-Kennedy (S-K) Grant that may come in 2013.

Palacios said it is a way to provide meaningful employment and for the fishermen to know that they have a place to sell their fish.

## **5. Military Buildup Activities**

### **a. Tinian**

Ogumoro said the military conducted scoping meetings on Saipan, Tinian and Pagan to receive community input on its plans to build additional ranges for bombing practice on Tinian and Pagan. Many people were not receptive to the idea of live bombing, especially on Pagan, which is not being leased by the military. The military said more information will be provided to the community regarding their plans for future military exercises.

Palacios added that there was a NOI to begin plans for the range on Tinian and Pagan. Pagan has not been finalized. There is confusion as to what the military's intent was until the NOI was published. The EIS process is ongoing, and the community reaction is just starting to build up, particularly with Pagan. The Tinian facility is already leased by the government, which eventually will extend over two-thirds of the coastal areas of Tinian. NMFS, NOAA and USFWS will review the environmental assessment documents. CNMI looks forward to sharing their thoughts on the buildup. The CNMI Governor has not been fully briefed. Palacios will keep the Council informed of the progress.

### **b. Northern Islands**

This item was addressed in the prior agenda item.

## **6. Marianas Skipjack Resource Assessment**

Kingma reminded the Council of the contract with the SPC to develop a Mariana Skipjack Assessment using a Seapodym model. This ecosystem model allows for an estimate and

prediction of fish biomass within a specific area taking into account various oceanographic and environmental factors. The assessment will hopefully be completed by the October Council meeting.

## **G. Education and Outreach Initiatives**

Ogumoro said the Environmental Expo was held at the American Memorial Park in April with more than 1,400 students from 4<sup>th</sup> and 5<sup>th</sup> grades in attendance. It was organized by the Division of Environmental Quality and the American Memorial Park.

The 29th Annual Saipan International Fishing Derby is scheduled for July. Sponsored by the Saipan Fishermen's Association, it is expected to have 65 to 70 vessels participating.

### **1. Radio Station Program**

Ogumoro reported that every first and last Wednesday of the month guest speakers join him to discuss fishing topics at KKMP. In the recent months topics included environmental issues, marine debris, boating safety requirements, commercial bottomfish fishing regulations and marine protected areas (MPAs). Announcements are also made regarding Council activities.

### **2. Community Events**

These were already reported.

## **H. Mariana Archipelago Advisory Panel Reports**

Dela Cruz reported the Guam AP recommendations as follows:

*Regarding AP roles and responsibilities*, the Guam AP recommended the Council work with DOA to ensure additional participation by its biologists and technicians at Council-sponsored meetings.

*Regarding Guam fisheries*, the Guam AP recommended that the Council work with the DOA to develop a fish tagging program and include tagging in the MPAs.

*Regarding enforcement in Guam*, the Guam AP recommended that the Council request that the USCG continue monitoring marine VHF radio channel 68 and provide additional outreach and education on the newly developed maritime search and rescue channel 21 on how the Rescue 21 operates and the 20-nautical-mile coverage.

*Regarding enforcement in Guam*, the Guam AP recommended the Council seek clarification on the comments made by local USCG about not supporting the FADs.

*Regarding enforcement in Guam*, the Guam AP recommended that the Council request that NMFS include postmarked by on deadlines for comment periods. Due to the difference in time zones, comment out of Guam could be rejected based on time difference and delivery of documents to the US mainland.

Ogumoro reported the CNMI AP recommendations as follows:

*Regarding bottomfish*, the CNMI AP recommended the Council look into the possibility of removing the current CNMI closure area.

*Regarding the DOD training proposals*, the CNMI AP recommended to bitterly, unilaterally and in no way, shape or form support the military plans for the islands of Tinian and Pagan. Furthermore, the CNMI AP recommended that, in the event the military plans prevail on Tinian, the west side of the island be opened for passages to and from Tinian for fishing, as well as commerce and other activities.

*Regarding US House Resolution 573 providing CNMI with rights to territorial waters*, the CNMI AP recommended that the Council support the legislation in the form of a resolution.

*Regarding AP roles and responsibilities*, the CNMI AP recommended meeting every quarter, about two weeks before the Council meeting and halfway between Council meetings, to learn what transpired at the Council meetings and to take action on what needs to be done before the next Council meeting.

*Regarding the AP chair*, the CNMI AP recommended the Council appoint Frank Aldan to replace Cecilio Raiukiulipiy as the chair of the CNMI AP, as Raiukiulipiy no longer resides in CNMI.

## Discussion

Dalzell said, regarding House Resolution 573, the Council is on record in the past of supporting the CNMI's right to territorial waters.

### **I. Plan Team Report**

DeMello said the Mariana Archipelago recommendations were given during the Program Planning Plan Team report.

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

Daxboeck reported the Mariana Archipelago recommendations were given during the Program Planning SSC report.

### **K. Public Comment**

There was no public comment offered.

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

***Regarding Guam fisheries*, the Council directed Council staff to work with the DOA to develop a fish tagging program to determine fish movement within and outside Guam MPAs.**

Moved by Seman; seconded by Taitague.  
Motion passed.

**The Council requested NMFS to include “postmarked by” on deadlines for comment periods. Due to difference in time zones, comments out of Guam could be rejected based on time difference and delivery of documents to the US mainland.**

Moved by Seman; seconded by Sword.  
Motion passed.

**Regarding DOD training proposals for CNMI, the Council recommended that, in the event the military plans to implement a facility on Tinian, the coastal areas of the island be open for passages to and from Tinian for fishing as well as commerce and other activities.**

Moved by Seman; seconded by Sword.  
Motion passed.

**Regarding potential foreign fishing in Guam, the Council requested NMFS GC provide a legal opinion on whether commercial fishing is allowed under the Compact of Free Association and the legality of using vessels not in accordance with the MSA.**

Moved by Seman; seconded by Sword.  
Motion passed.

Tucher clarified his understanding is a foreign flagged vessel is not eligible or allowed to fish in the US EEZ without a permit issued under MSA. The Republic of Palau, the Republic of the Marshall Islands and the FSM are the foreign sovereign countries that make up the Compact States that have a political association with the United States. The Compact States have independent authority over their EEZs and would be considered foreign vessels in the US EEZ. He is not aware of any bilateral or multilateral agreement that provides access for Compact States to the US EEZ; foreign-flagged vessels cannot fish in the US EEZ without a permit.

The small vessels being launched in Guam are under 5 net tons and are being operated by foreign national Compact citizens who are legally present in Guam and allowed to work, which raises a different complexity to the issue. Vessels of 5 net tons must be documented with the USCG and must be issued either a full or restricted fisheries endorsement by the USCG. The vessels of concern would not so qualify because they are not US owned and operated vessels.

If the vessels are not eligible to be USCG documented they can engage in a commercial fishery and would be required to comply with Guam or Territory law. If the operators and owners are lawfully present to work in Guam, their vessels must be registered with Guam and would not necessarily be foreign vessels and could engage in the activity of concern provided that they comply with Guam law.

The MSA provides that, once a state or territory regulates the citizens, it may do so outside of its boundaries. It may regulate the conduct of those citizens in the US EEZ provided that those regulations are consistent with federal regulations in the applicable FMP.

Tucher said he would need to get more information from Council staff, such as target species, fishing gear or equipment, composition of catch, nationality of fishers and are they attempting to register their vessels with the Territory of Guam, at which point he can give a report back in a memo or e-mail. He said it may be an enforcement issue for OLE to address.

**Regarding bottomfish, the Council directed staff to prepare an options paper regarding the current closed areas for bottomfish fishing in the CNMI as they may be hindering fishery development in the islands.**

Moved by Seman; seconded by Palacios.

Motion passed.

**Regarding the Marianas Trench MNM, the Council recommended that NMFS PIRO, PIFSC, USFWS, Guam DOA and CNMI DLNR immediately coordinate on jurisdictional issues, funding and research to improve management of the Marianas Trench MNM.**

Moved by Seman; seconded by Sword.

Motion passed.

## **12. American Samoa Archipelago**

### **A. Motu Lipoti**

Matagi-Tofiga reported the Community Fisheries Management Program (CFMP) has 10 village-based plans on Tutuila and is in the process of doing three more, as well as two in the Manua Islands. The community outreach has proven effective in terms of fishery management.

The FAD Program has also effectively reached its objectives in large part due to outreach, which stresses the idea of preservation as opposed to prohibition or closure.

Matagi-Tofiga voiced her appreciation for the technical assistance Council staff has provided to the DMWR. The SPC has trained staff in creel surveys and held a FAD workshop.

Sword reported that the Ia Lapoa international sportsfishing tournament was successfully held in May with seven boats from New Zealand and six local boats, one from neighboring Independent Samoa. The banks in American Samoa have helped the tournament, which has resulted in groups returning to American Samoa to fish.

### **B. Fono Report**

Matagi-Tofiga highlighted legislation put forth to assist DMWR clear abandoned and derelict vessels that have been in Pago Pago Harbor for six to seven years. Removal was not allowed due to pending lawsuits. The legislation passed the senate. When the Fono reconvenes in July, it will go through the House of Representatives.

Sword noted his appreciation for the assistance from the USCG in passing the Abandoned Vessels Law, which is modeled after an Alaskan law. In the last three years the

removal of the vessels required the USCG resources. With the new law, the process for removal of abandoned vessels will be more streamlined.

### **C. Enforcement Issues**

Matagi-Tofiga said one of the strongholds of DMWR enforcement officers is working with the CFMP to monitor village community-based management. It has been effective because, instead of villagers taking matters into their own hands, they call the enforcement officers. She reiterated the importance of community outreach to the success of DMWR programs.

#### Discussion

Palacios said community outreach has also been successfully utilized in CNMI. Many organizations are willing to help. He is looking at the operational aspect of such an arrangement.

Matagi-Tofiga added, when conducting outreach, they work alongside other agencies, such as Marine Patrol, which is under Public Safety.

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

#### **1. Update on Community Fisheries Development**

Kingma briefly reviewed several American Samoa fisheries development projects funded from the first SFF grant. They were concentrated in Manua and Tutuila and completed in 2012. He presented information for the next phase, including identification of a multi-purpose vessel to replace the alia fleet; a local boat-building program; a fisherman program, both safety and methods; a fishing vessel loan program or a fisheries loan program that provides a loan for not only a fishing vessel but also gear; the Manua Islands cold storage; and Pago Pago longline dock improvements. The Council is working on grant funding proposals to implement these projects, which will be done in close coordination with DMWR and the American Samoa government and hopefully the two canneries could also be partners.

An aerial view was presented of the TriMarine facility in Pago Harbor, which depicted the failing seawall. TriMarine is seeking to expand the area and then build a small-vessel alia dock. The Army Corps of Engineers permit has been approved. TriMarine will also put in a waste processing facility to eliminate odors and waste. The goal is to re-energize the small vessel fleet by working with other partners.

#### Discussion

Palacios asked what caused the demise of the longline fisheries in American Samoa.

Kingma said a PIRO intern will be looking at the socioeconomic costs of small vessel fishing in American Samoa today. In 2006, a small report said the main contributing factors to the decline in the small vessel alia fleet fishing for albacore were reduced catch rates and increased operating costs, including costs for required safety equipment. Also around that time the new limited entry program came online; participants were grand-fathered in and a new

regulatory regime was introduced with needed permits, which could have reduced potential participation.

Palacios asked if the closure of the cannery contributed to the problems.

Kingma said the price per pound might have been a contributing factor. The local alia fleet had issues with fish quality as well.

Matagi-Tofiga said that, in Manua, six out of 10 boats were recently under maintenance and fuel is very expensive. The USCG regulations added pressure on the small alia fleet.

Sword said the price of albacore has a lot to do with the continuation of effort.

Kingma added that TriMarine's offer to export fresh fish and diversify from albacore to other pelagic species will facilitate a resurgence of the local small vessel fleet and is an important new development.

Sword voiced his concern regarding channel markers in the small inlets going in to Leone and Fagaalu and asked that they be included on the list. A lot of the effort for such a project would be obtaining permits for placement, but the effort would be beneficial to the development of the smaller vessels.

Tosatto noted that the Waterways Areas Management System (WAMS) is part of USCG to evaluate the need for Aids to Navigation. He suggested staff engage USCG to get the Aids to Navigation group to do an assessment around American Samoa. There's also provision for privately maintained aids. Those things generally are in coordination with WAMS.

Tschirgi agreed with Tosatto. A WAMS survey is conducted every five years. Questionnaires are sent out. Some places are wary of questionnaires from the federal government. It would be a better way to get the information back because it establishes that the mariners in the water have a need for Aids to Navigation. There is also the issue of how much it is used because of the high associated costs.

Palacios noted the same need on Saipan where active waterways are next to major boat ramps. He also noted the need for technical assistance to get the permits.

Scott Bloom, from PIRO, said the FY13 SK competition is anticipated to be announced in the near future. Funds have been identified. The amount of funds is unknown, but may be between \$4 million and \$8 million. He has advocated that SK should be regionally and not nationally competed. Historically the region has not had success competing against East Coast universities and the stronger proposals. This year each region may be given money to run a regional competition so the constituents can be served better. The main priorities in the past were aquaculture, socioeconomics, optimum utilization of harvested resources and conservation engineering. New priorities are ecosystem studies; the interaction of oceanography, fisheries and climate change; and data collection in the territories. He will be giving notification when the details come out; he welcomed people to contact him as well.

Palacios said Bloom needs to come to the territories to help them navigate through the process. He added that he is glad the process is going to be a regional competition.

Tschirgi said a single lighted fixed aid is approximately \$135,000 and with the requirements for making sure that the environment is not impacted it becomes a lengthy process, but it is definitely something that the USCG can help to engage the constituency of the Council.

Sword said there were volunteers to help in American Samoa. The USCG Auxiliary has it on their agenda but needs assistance getting through the permitting process.

#### **E. Update on American Samoa National Marine Sanctuary**

Matagi-Tofiga said the NMS of American Samoa held the Youth Ocean Summit for high school students and has been busy with the Dive Safety Drill as well as the Coral Reef Program, which is a community-based climate change training. In October the US DOC, DMWR and Land Grant will participate in PALS (People, Air, Land and Sea).

Sword said fishermen are concerned about the misleading ads by the Sanctuary that state fishing is allowed in the sanctuaries, when they should say that bottomfish fishing is not allowed in the Aunuu area; it is necessary to check with the Aunuu mayor in order to go trolling; and that there is no fishing in Fagatele.

#### **F. Rose Atoll Marine National Monument**

##### **1. Pacific Islands Regional Office–Pacific Islands Fisheries Science Center Monument Permits and Projects**

Tosatto said that the report of the projects conducted at Rose Atoll in collaboration with USFWS and DMWR is being put together. There are no permits issued for 2013. Inter-governmental monitoring of the marine ecosystem with DMWR and USFWS continues.

##### **2. Final Rule for Fishing Regulations**

Tosatto said the final rule for the fishing regulations for Rose Atoll and all monument areas was published in May, with a 30-day delay before being effective. Permits and logbook provisions required additional Office of Management and Budget (OMB) approval. The Federal Register just published the second final rule, which announces the OMB approval on the collection of information for those permits and logbooks. The rule should be effective on Aug. 1.

#### Discussion

Matagi-Tofiga thanked the Council for amending the language to include the provision for customary exchange. It will help to alleviate the animosity that's been created with respect to the monument regulations.

## **G. Forum Fisheries Agency Sub-Regional Satellite Fisheries Office**

Matagi-Tofiga said staff traveled to Australia to continue talks with the Cook Islands on Te Vaka Moana. The discussion centered on whether the office would function as a satellite office for the Cook Island Government or as a sub-regional office, as well as the language of the MOU. There was concern regarding patrolling when they're in US waters, especially around the territories, e.g., whether local and federal enforcement policies are in effect. Some discussion focused around the Chinese fleet presence in the region. New Zealand personnel gave a presentation on the relationship between the increase in effort and decrease in CPUE in the region. One concern raised was the targeting of the Chinese when other vessels are around the area. The American Samoa attorney general is reviewing the MOU language and discussions are ongoing.

Sword said he is aware of the concern expressed by the Cook Islands about the proliferation of the Chinese vessels. He asked if the Te Vaka Moana, as a group, is concerned.

Matagi-Tofiga replied in the affirmative, noting that the Chinese fleet is subsidized and the American Samoa fleet is not.

## **H. Education and Outreach Initiatives**

Nate Ilaoa, Council's island coordinator in American Samoa, said in May the DMWR had a good turnout at the community fair it hosted at its marina, which coincided with the monthly First Friday Festival at the marketplace. The Summer Youth Program in American Samoa funded by the Council is tentatively scheduled for mid-July. Outreach was regularly conducted with the local fishermen, allowing them an opportunity to share their concerns and to provide a better understanding of the state of fishing in the Territory.

## **I. American Samoa Advisory Panel Report**

Ilaoa reported the American Samoa Advisory Panel as follows:

*Regarding AP roles and responsibilities*, the American Samoa AP recommended the Council review the AP membership to include new policies with strict attendance measures and the new, motivated and informed members be appointed to the AP as appropriate.

*Regarding NMS of American Samoa*, the American Samoa AP recommended that the Council request that the NMS Program clarify its regulations for fishing in the NMS of American Samoa and retract any misleading advertisements.

*Regarding NMS of American Samoa*, the American Samoa AP recommended that the Council request that NMS Program provide control of the sanctuary area around Aunuu to the DMWR to allow fishing to continue unhindered.

*Regarding American Samoa fisheries*, the American Samoa AP recommended that the Council discuss with the USCG and other federal regulatory agencies the ability to provide future fines against boat owners and operators to the American Samoa Government for capital improvements and infrastructure development.

*Regarding American Samoa fisheries, the American Samoa AP recommended the Council inquire with the American Samoa Government regarding the plans for the Fagatogo market and if it includes a space for a fishing supply store.*

*Regarding American Samoa fisheries, the American Samoa AP recommended the Council assist with the American Samoa Government, through its Fishery Development Program, in its efforts to alleviate docking space issues and provide the marine railway area as a potential site.*

*Regarding American Samoa fisheries, the American Samoa AP recommended the Council establish a training program for fishermen in the Territory.*

*Regarding American Samoa fisheries, the American Samoa AP recommended the Council request DMWR to develop regulations pertaining to the sale of fish at the Fagatogo market.*

#### **J. Plan Team Reports**

There were no Plan Team recommendations.

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

There were no SSC recommendations.

#### **L. Public Comment**

Watamura suggested that, in regard to channel markers, where reefs are marked on global positioning system (GPS) to follow the egress trail out when returning to port and to provide training to teach fishermen how to operate it or provide a GPS map.

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

***Regarding the NMS of American Samoa, the Council requested that the NMS Program conduct education and outreach to clarify its regulations for fishing in the NMS of American Samoa.***

*Moved by Sword; seconded by Matagi-Tofiga.*

*Motion passed.*

***Regarding the National Marine Sanctuary, Council recommended that the NMS of American Samoa work with the DMWR to establish a comprehensive baseline for the research zone around Aunuu, which prohibits reef fish and bottomfish fishing. This work would incorporate existing data on habitats and fishery resources and structure experimental fishing programs within the research zone and outside the zone to obtain a better understanding of the dynamics of the area closure.***

*Moved by Sword; seconded by Matagi-Tofiga.*

*Motion passed.*

Goto noted that the redundancy in the wording of the recommendation.

Sword noted the need to include data inside and outside of the research zone.

Palacios suggested rewording the recommendation to avoid redundancy.

There were no objections.

**Regarding Rose Atoll MNM, the Council directed staff to begin developing a research program to evaluate a comprehensive baseline for evaluating the effectiveness of the zero to 12 mile closure to fishing around Rose Atoll, including working with NOAA, USFWS and DMWR on summarizing existing data and additional studies on fish and habitats of Rose Atoll.**

Moved by Sword; seconded by Matagi-Tofiga.

Motion passed.

**Regarding fines and penalties for marine activities in American Samoa, the Council directed staff to investigate the ability to allow fines for MSA violations by the domestic fleet to go to the DMWR and for staff to request that the Department of Justice consider directing funds received from fines and penalties for marine violations, for example, vessel pollutant discharge in Pago Pago Harbor, to go to the DMWR to support its conservation and management activities.**

Moved by Sword; seconded by Matagi-Tofiga.

Motion passed.

**Regarding fishery development in American Samoa, the Council directed staff to continue to work the American Samoa Government, the local canneries and other entities on the following projects for future fishery development in American Samoa: a) cold storage for the Manua Islands fishermen facilities; b) purchase of a 40 to 48-foot boat with flash freeze capability to transport fish caught by Manua fishermen to Tutuila; c) a fishermen training program; d) a fishermen loan program; e) identification of a multi-purpose fishing vessel to replace aging alia fleet; and f) improving longline vessel docking space in Pago Pago Harbor and funding for materials and deployment of FADs.**

Moved by Sword; seconded by Matagi-Tofiga.

Motion passed.

**Regarding Aids to Navigation, the Council directed staff to work with the USCG and American Samoa Government to identify areas that need Aids to Navigation and to work on permitting, funding and technical assistance for the establishment of channel markers and other such aids.**

Moved by Sword; seconded by Matagi-Tofiga.

Motion passed.

Sword suggested adding language to also secure technical assistance in obtaining permits.

There were no objections.

### **13. Administrative Matters**

#### **A. Financial Reports**

Simonds reported a Federal Register Notice just published by the Office of Marine Sanctuaries proposing a rule for re-establishing the Sanctuary nomination process and requesting public comment by Aug. 27. Staff will submit Council comments. Council members should send in their comments before Aug. 27. There is a CCC webinar conference with NMFS in July.

Ebisui reported the Fishers Forum had good discussion and presentations and was well attended. Dalzell and Tosatto had a lively discussion regarding the disconnect and conflict between the federal and state shark statutes and the dilemma of the confusion around possession of fins. The exchange between Senator Hee and Tosatto illustrated the differences in that regard. The audience was attentive.

Simonds reported that an OMB presentation was given to the Council chairs at the May meeting. There is concern about the FY13 Council funding. A funding matrix was included in the Council documents. Councils were advised in January and February of 2013 that there would be a 5 to 7 percent cut in the Council budgets; it ended being a 10 percent cut, i.e., \$350,000. Canceled meetings and other cost savings are reflected in the 2013 budget. About \$300,000 was saved by moving international meetings to the SFF funds. The Council has not yet received all of the funding.

For 2013, the Council received \$200,000 for turtles, down from \$2 million several years ago before Congress ended earmarks. The Council will ask PIFSC and PIRO about their turtle budgets to see what they are funding.

Staff is working on coral grants. Simonds asked the Territorial governments to share with Council staff their opinion of what projects should be conducted and urged the Territories to work in partnerships to reach the research goals and avoid duplication. Simonds predicted the budget is likely to be reduced even more in 2014.

Kingma reported the bigeye tuna grant included a project for the Hawaii longline fishery for a fuel payment program to support fishing outside of the WCPO area, fishing in the east or landing in the Territories. That project was reprogrammed and re-scoped; the amount is approximately \$1.02 million. The goal is to reprogram it into several different projects, the largest one being an electronic monitoring project with the Hawaii longline fishery to enhance its ability to report on a timelier basis, which will allow PIFSC to monitor their catches against quotas in-season in a more efficient manner. It will be a pilot project with HLA, providing tablets with electronic reporting software or software for vessels with existing computer systems. All FEPs allow for electronic reporting. Currently, little electronic reporting is being done. Electronic monitoring, including video monitoring, is a new national priority. NMFS has developed national policy guidance and is looking at implementing regional electronic monitoring plans. One of the projects in the reprogramming is improving compliance monitoring

at the WCPFC Secretariat level, which will improve or level the playing field between the Hawaii longline fishery and the international foreign fleets that may not be under the same level of monitoring to which the Hawaii longline fishery or the US purse seine fleet is subject.

Among the other projects is a tagging project to get a better understanding on stock residency for Hawaii yellowfin and bigeye tuna. The proposal is being reviewed by the Grants Management Division.

## **B. Administrative Reports**

Simonds reported a technical assistant was hired to assist staff with ongoing projects. The cleanup project continues. The Council's annual audit began on June 3 and is scheduled to conclude by Sept. 30. A FOIA, for which the Council has provided all information requested by NOAA, is still ongoing. Work continues on social media and all of the Council-hosted websites. She invited Council members visit the Council's main website and provide any feedback to Mitsuyasu via e-mail.

Ebisui said he found the website difficult to navigate; it kept looping around.

## **C. National Marine Fisheries Service–Council Coordination**

### **1. Report of May 2013 Council Coordination Committee Meeting**

This item was addressed under a prior agenda item.

### **2. Office of the Inspector General Report**

Simonds reported that the Pacific Council provided a Draft Decision Summary Document. NMFS wanted the Council to insert some protocols in Council meetings, which was discussed. The budget issues were also discussed, as well as the NS Guidelines and MSA Subcommittees. A workshop will be held in January hosted by the Pacific Council on electronic monitoring. Staff is working on allocation, which will be a topic at the National SSC meeting in 2014.

As discussed at the CCC, Senators from New England wanted the Office of the Inspector General (OIG) to look at how NMFS deals with comments from NGOs and the Councils, which ended up with a Council-wide review of Operating Agreements and Draft Operating Agreements. The OIG is asking that all Regions, Centers and Councils have an Operating Agreement. The South Atlantic executive director and Simonds are leading the project.

## **D. Report on Marine Fisheries Advisory Committee Meeting**

John Corbin, MAFAC member, reported on the recent MAFAC meeting held in Washington, DC. The day and a half meeting had three major topics: reports by the Seafood Certification Working Group and the ESA Working Group and a session to identify issues from MONF3 that MAFAC may want to include on a future agenda. There was also a brief discussion of working waterfront issues.

Regarding the certification concerns, the question was raised whether NOAA has a role certifying fisheries and aquaculture operations as sustainable since there's a tremendous trend for eco-labeling. Third-party certifiers are available, but their fees may be prohibitive for the small producer thus hindering their access to markets. Three third-party certifiers presented at the meeting, including the Marine Stewardship Council and the Global Aquaculture Alliance. The working group discussed a wide range of approaches prior to the meeting, which included a) NOAA issuing a letter of compliance to relative laws and regulations in the MSA; b) NOAA certifying producers and then providing an online registry of seafood buyers to access, such as NOAA's FishWatch website; and c) the resource-intensive option of NOAA establishing a US brand for seafood, which entails, inspection, promotion and defending it.

Certification is complicated. Concerns include a) adding more paperwork to producers; b) potential program costs; c) verifying compliance with laws, e.g., self-reporting, third party or some other way; and d) whether this is a producer-to-buyer relationship or do the needs of the end consumer come in.

The working group's job over the summer is to draft recommendations for the full committee to consider at an October meeting. He predicted the working group will want to try to address market access and eco-labeling. The group is cost-conscious with the current budget situation; they don't want a complicated solution. The chair's idea of the committee is a phased approach. Phase 1 would leverage NOAA's FishWatch website to list companies that follow NOAA regulations. Phase 2 would be a business-to-business step. If buyers want an eco-label then MAFAC could consider that at a later time.

The stated goal of the ESA group was to improve communication among Sustainable Fisheries, Protected Resources and the Councils during ESA Section 7 consultations. Early formal and informal consultation might benefit and improve that situation. Corbin summarized four options under the informal and early coordination heading before the BiOp is issued: 1) Early involvement through forming an interdisciplinary plan team of all staff. 2) Staff provides informal technical assistance to developing alternate actions and potential issues. 3) Staff provides more formalized technical assistance under an agreed-upon meeting framework and process. 4) Early involvement of the Protected Resources liaison in each FMP.

There are five options for Council review of the Draft BiOp: 1) The Council acts as an action agency or as a co-lead or cooperating agency along with Sustainable Fisheries. 2) The Council assumes the role of applicant. 3) The Council participates as designated nonfederal representative to the process. 4) During the formal consultation the Draft BiOp is shared with the Council regardless of the status of the Council. 5) A technique for providing clear roles throughout the process is to develop an over-arching MOU between the Sustainable Fisheries and the Council specifying everyone's specified roles and responsibilities. The last option was favored by the committee because it's flexible and adaptable to each Council area. The working group will develop specific recommendations on these options over the summer and come up with a recommendation for the October MAFAC meeting.

MAFAC discussed the findings from MONF3 and identified some sub-issues that were medium to high in priority in terms of the committee consideration. There were three themes: 1) Improving fisheries management essentials; 2) Advancing ecosystem-based decision-making;

and 3) Providing for fishing community stability. The overall purpose of the conference was to inform the coming reauthorization of MSA. The conference concluded with 128 findings; MAFAC members identified 33 for further consideration and potentially future committee agenda. The Council would be interested in all 33 issues. For example, all the findings deal with fundamental concepts of MSA and the fisheries management, ACLs, allocations, optimum sustainable yield, MSY, ecosystem management, precautionary principle, adaptive management, ESA and essential fish habitat. One finding in regard to aquaculture called for clarifying, simplifying and improving the permit process for access to federal waters. Better defining subsistence fishing was also identified.

### Discussion

Ebisui asked who the third company in attendance was.

Corbin said Ocean Trust.

Ebisui asked whether Ocean Trust was for or against a NOAA certification of sustainability.

Corbin said he sensed the company wasn't too thrilled with the idea that NOAA would provide a low-cost option to a service the company was already providing. Global Aquaculture Alliance, which is just starting out, was not thrilled with the idea either.

Ebisui explained that the NOAA certification was initiated by the Council eight years ago to publicize the fact that the Council's pelagic fish are harvested sustainably.

Corbin said there was definitely the idea that if fishers and aquacultures are abiding by these regulations that the government should be able to say something about sustainability and responsibility for use in the marketplace.

Tosatto thanked Corbin for the update and encouraged the Council to continue to use MAFAC members to keep them aware of Council issues. The overlap of MAFAC and the Council is helping NMFS to resolve nationally issues that have been around for some time. It is important to keep the MAFAC members in mind when developing recommendations about how issues may proceed. He spoke in support of the Council's efforts in the past to look at sustainability of fisheries. He noted the importance of staying updated on access for the Region's fisheries to markets such as Wal-Mart, Whole Foods and Costco.

Daxboeck said the NMFS seafood inspection is still one of the two competent authorities recognized by the European Union for seafood import products. FDA seafood is the second competent authority that signs off on HACCP plans for export to the European Union. From that point of view, NMFS is certifying sustainability and is already recognized in the European Union as a competent authority. He does not understand paying \$125,000 to be certified when all of the information comes from NMFS in the first place.

Simonds noted a recently released announcement about MAFAC taking comments on the seafood certification process.

## **E. Council Family Changes**

### **1. American Samoa Advisory Panel**

DeMello said Michael Panem submitted an application for the American Samoa AP to replace the position left vacant when an AP member moved to California. Many of the APs that met in 2013 agreed that a review of membership is needed because of low attendance.

### **2. Noncommercial Advisory Committee**

DeMello reported applications were sent out in May for the Noncommercial Advisory Committee. The responses are being put together. The composition of the committee is changing from only fishermen to include boat clubs from around the Region. A meeting is planned to take place before the October Council meeting.

Simonds pointed out the Council must approve the appointments.

### **3. Protected Species Committee**

Ishizaki reported that, at the last Council meeting, the Council recommended that the Council's two protected species-related advisory committees, the Sea Turtle and Marine Mammal Committees, be combined into a new Protected Species Advisory Committee and that membership be expanded to include experts of other protected species, such as monk seal, seabird, shark, corals and reef fish, and also have SSC and AP representation on the committee. Staff has identified the following potential members: Sea turtle expertise, George Balazs and Milani Chaloupka; marine mammal expertise, Erin Oleson and Robin Baird; seabird expertise, David Hyrenbach; shark, Carl Meyer; coral and reef fish, Sam Kahng; SSC representative, Jim Lynch; and AP representatives, Kimi Apiki and Makani Christensen.

### **4. Ad Hoc Education Committee**

Spalding reported that, at its 156th meeting, the Council recommended that a committee be formed to look at expanding the Marine Science Undergraduate Fellowship Program to include Guam and CNMI. The current program that the Council, UH Hilo and the American Samoa Coral Reef Advisory Group (CRAG) has in place brings a student from American Samoa to UH Hilo to earn a four-year marine science degree. The overall purpose of the project is to build capacity in the Territories by increasing the number of marine science graduates who can work in their home territory. PIFSC expressed interest in being on such a committee, as well as Frank Camacho from UOG; Craig Severance, an SSC member and retired UH Hilo professor; and others in the education field involved with the Council. The final recommendation that will be presented to the Council will include individuals from the American Samoa Community College (ASCC), the American Samoa DMWR, Guam DOA, the CNMI DLNR, the Northern Marianas College, the Council, PIRO and PIFSC. An inaugural meeting will be held the first week of August.

Simonds added that the purpose is to educate people from the areas and to build capacity for those graduates to go back to work in DMWR, local DOC and other departments that manage the resources. The Council had an agreement with the American Samoa DOC and the

Governor's Office that provided an internship for the summer and a job after graduation. The Council needs to have a similar agreement with the administration of the Territories as well.

### Discussion

Matagi-Tofiga elaborated that CRAG is now under DMWR. The agreement is a local committee screens the applicants. A marine science student from Hilo is working as a summer intern at DMWR.

Seman asked if there are requirements already developed for students.

Spalding said the criteria for the current program are the student has to have completed two years of college, be accepted to UH Hilo, have a certain grade point average, write an essay, etc. The Committee will review those criteria. There has been some discussion to have the student attend one year at UH Hilo and one year at UOG, which would mean that consideration would have to be given on how the individual requirements of the two institutions can be acceptable to both of them. There's been other discussion about mentorship, targeting students at high school and following students through high school and on through college.

Palacios said this is a valuable program for dealing with capacity building and he would like to see a recommendation that the program focus not just on the first two years of college or undergraduates, but try to get some graduate work with the UH or UOG in the marine science curriculum, as well as the Natural Resource Program at Northern Marianas College.

Simonds said Camacho from UOG is leading the initial work with the Marianas.

## **5. Coastal and Marine Spatial Planning and Climate Change**

Spalding reported that in 2010 President Obama issued an Executive Order for the National Ocean Policy (NOP), which included coastal marine and spatial planning (CMSP). The Council hosted a Fishers Forum on CMSP. The Council also conducted community training on CMSP in Hawaii, the CNMI and American Samoa and formed a CMSP Committee. After the CMSP Committee was formed, the implementation plan for the NOP came out April 2013. There was resistance nationally to CMSP because people saw it as dividing the ocean for users. Therefore, the implementation plan has no references to CMSP, but instead talks about marine planning. In 2009 President Obama issued an Executive Order on climate change and just recently issued the Action Plan for Climate Change. The Council's task is to consider a change of the CMSP Committee to a Marine Planning and Climate Change Committee. In addition, a list of potential members have been put forth, which needs to be reduced from 26 to about 16. A meeting of the committee is tentatively scheduled for September 2013.

Simonds asked Council members to review the list of names and make recommendations via e-mail. Otherwise, the staff will make the membership decisions.

### Discussion

Leialoha asked if all of the work previously conducted with the CMSP will be incorporated into this new combined effort with regards to the ocean and climate change.

Spalding said the committee would be an advisory group to the Council on issues dealing with marine planning and climate change. The CMSP committee never met.

Simonds said the Council will continue CMSP because communities in Hawaii are familiar with it after several years of working on CMSP.

Spalding said the President directed the agencies to look at how they could address climate change in their operations. The committee could suggest a Council policy for climate change.

Leialoha thanked Spalding and Simonds, reiterating her concern about all the efforts that went into the planning stages for CMSP with regards to the funding and other issues. She was glad to see CMSP will be incorporated into the new committee standards.

Palacios clarified it is a change in name only.

Simonds added that the word “community” is important.

Palacios said the CMSP Regional Planning Body will meet in July and will focus on forming the initial organizational structure and mission statements.

## **6. Scientific and Statistical Committee Recommendation**

Daxboeck said that the Council, at its last meeting, voted to have Todd Miller of CNMI Fisheries and Erik Franklin, a new lecturer in marine science at the Hawaii Institute for Marine Biology, substitute for Brian Bowen on the SSC. An application was received from Robin Baird requesting to become an SSC member. The SSC felt that he would serve the Council better on Protected Species Committee.

### **F. Meetings and Workshops**

Simonds reported on the upcoming meetings in 2013. Spalding will be attending the National Marine Educators Association conference in July. In August, there will be two WCPFC meetings and workshops and one in September. The SSC meeting is scheduled for the week of October 8th and the Council meeting the week of Oct. 15. The PAC is scheduled to meet Oct. 28 and 29 on Oahu. The last big meeting in 2013 is WCPFC10 in Cairns, Australia.

Tosatto said all of the nominations in response to the solicitation for the member nominations have been received and vetted through the Commissioners twice. It is up for final clearance through State Department and DOC for the NOAA Administrator to make those notifications. The current members' terms expire in early August. The target is to get it completed in the next 30 days. By statute, the requirement is to have 15 to 20 members, plus the designated members from the two RFMCs and Territory representatives, which is five more. The number now is at 16.

Simonds noted there may be a change for Guam since Manny Duenas became the Guam DOA deputy director. She suggested discussing it later.

Palacios invited the Council members to CNMI on July 13 and 14 for the 30th annual fishing derby. He offered to help with travel arrangements. It would be a good outreach opportunity.

#### **G. Other Business**

In regard to the territorial bigeye tuna limits, Duenas said it is premature to put a quota on the Territories seeing that Guam has one vessel that is capable of longline fishing and recent interest in building a local fleet. He hoped to solicit help from CNMI and American Samoa as there's been talk of building a super alia capable of fishing in the islands.

Seman said CNMI is surrounded by independent countries that do not have such limits. CNMI would like to move forward to develop a domestic fishery without the limitation of a quota.

Matagi-Tofiga agreed with the statements of Duenas and Palacios. Even though the Council has voted on the limit, from American Samoa's perspective, the limited resources available to the fishermen is a burden. She noted there were no overages of the ACLs.

Palacios said, at the last WCPFC, there was no quota placed on the PTs. The United States is a nation that pushes the envelope on conservation. But coming from CNMI, an insular area, it seems like the US Territories are giving up too much, in general, at the behest of cooperating with national policies set by federal agencies. Guam, American Samoa and CNMI, share the same resources with other islands in Micronesia but cannot have the same access to resources. The US Territories agreed to a 2,000 mt quota but still have concerns.

Simonds noted that the US Territories wanted to be on record to say that they agreed to the 2,000 mt limit but prefer to be like the other territories. The amendment will be reviewed on an annual basis, and there will be opportunity in the future to make changes.

#### **H. Standing Committee Recommendations**

Mitsuyasu said the Standing Committee met and discussed all of the items presented during the administrative matters section. The Standing Committee recommended that staff work on the multi-year administrative grant and the upcoming five years. The Standing Committee considered the appointments presented for the different advisory bodies, which are included in the recommendations. The Standing Committee also heard a report regarding climate change and provided direction to the staff on how to proceed.

#### **I. Public Comment**

No public comment was offered.

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

***Regarding administrative matters, the Council directed staff to initiate the process to develop the next multi-year Administrative Cooperative Agreement to support the Council***

**administration and programs for FY2015–2019 and present the progress at the 158th meeting in October.**

Moved by Sword; seconded by Seman.

Motion passed.

*Regarding the advisory bodies, the Council made the following changes to advisory bodies:*  
**a) appointed Michael Panem to the American Samoa AP; b) appointed Cara Kimi Apiki and Paul Makani Christensen to the Hawaii AP; c) appointed George Balazs, Milani Chaloupka, Erin Oleson, Robin Baird, David Hyrenbach, Carl Meyer, Sam Kahng, Jim Lynch, Cara Kimi Apiki and Paul Makani Christensen to the Protected Species Committee; and d) appointed Frank Aldan to replace Cecelio Raiukiulipiy as the chair of the CNMI AP, seeing that Raiukiulipiy no longer resides in CNMI.**

*Regarding AP membership, the Council recommended that the AP membership in each of the island areas be reviewed by staff and respective Council members prior to the October Council meeting to determine the AP's effectiveness, membership interest and possible changes to responsibilities and members as necessary. Any changes in membership should look at diversifying the AP to be representative of each of the island areas, as well as the different aspects of the fishery to include fisher buyers, fish marketers, tackle dealers, etc.*

Moved by Sword; seconded by Ebisui.

Motion passed.

*Regarding the Ad Hoc Education Committee, the Council directed staff to convene an Ad Hoc Education Committee to address providing more opportunities for college students in the US Pacific Island territories to earn a degree in marine science. The Council invited the following to the Ad Hoc Education Committee, which will meet in early August: Craig Severance, UH Hilo retired; Frank Camacho, UOG; Mike Seki, PIFSC; Scott Bloom, PIRO; an ASCC representative; an American Samoa DMWR representative; a Guam DOA representative; a CNMI DLNR representative; a CNMI Northern Marianas College representative; and Council staff.*

Moved by Ebisui; seconded by Seman.

Motion passed.

Taitague asked who would make the selection.

Palacios said Taitague would make the selection as the head of the DOA.

*Regarding the CMSP Committee, the Council directed staff to revise the CMSP committee into a Marine Planning and Climate Change Committee and to change the membership accordingly. The Council also recommended that the revised committee meet or convene in 2013. In addition, the Committee would continue to work with the communities on CMSP issues.*

Moved by Sword; seconded by Matagi-Tofiga.  
Motion passed.

Leialoha asked to make the addition that the committee will continue to work with the communities on CMSP issues.

There were no objections to the additional language.

**Regarding consultation, the Council directed staff to send a letter to the appropriate agency, the Administrator of the OMB, to expand EO 13-1175, Consultation and Coordination with the Indian Tribal Governments, to include indigenous people of the Pacific Islands Region to engage in meaningful consultation and collaboration to strengthen the indigenous community and government relationships.**

Moved by Sword; seconded by Matagi-Tofiga.  
Motion passed.

**Regarding climate change, the Council directed staff to develop a Council Climate Change Policy for use in the Council programs and the development of amendments and FEPs.**

Moved by Ebisui; seconded by Seman.  
Motion passed.

#### **14. Other Business**

There were no items under other business.

## APPENDIX: List of Acronyms

acceptable biological catch (ABC)  
Advisory Panel (AP)  
annual catch limit (ACL)  
annual catch target (ACT)  
Automatic Identification System (AIS)  
autonomous underwater vehicles (AUV)  
Biological Opinion (BiOp)  
Biological Review Team (BRT)  
Board of Land and Natural Resources (BLNR)  
bottom camera (botcam)  
bottomfish restricted fishing areas (BRFAs)  
catch per unit effort (CPUE)  
Commercial Marine License (CML)  
Commonwealth of the Northern Mariana Islands (CNMI)  
Community Development Program (CDP)  
Conservation Management Measure (CMM)  
Convention on International Trade in Endangered Species (CITES)  
Coral Reef Advisory Group (CRAG)  
Coral Reef Conservation Program (CRCP)  
Coral Reef Ecosystem Division (CRED)  
Council Coordination Committee (CCC)  
Department of Agriculture (DOA - Guam)  
Department of Commerce (DOC)  
Department of Defense (DOD)  
Department of Education (DOE)  
Department of the Interior (DOI)  
Department of Land and Natural Resources (DLNR Hawaii)  
Department of Lands and Natural Resources (DLNR CNMI)  
Department of Marine and Wildlife Resources (DMWR American Samoa)  
distant water fishing nation (DWFN)  
distinct population segment (DPS)  
Division of Aquatic and Wildlife Resources (DAWR Guam)  
Division of Aquatics (DAR Hawaii)  
Division of Conservation and Resource Enforcement (DOCARE Hawaii)  
Division of Fish and Wildlife (DFW CNMI)  
Endangered Species Act (ESA)  
environmental impact statement (EIS)  
European Union (EU)  
Exclusive Economic Zone (EEZ)  
false killer whale (FKW)  
Federal Aviation Administration (FAA)  
Federated States of Micronesia (FSM)  
fish aggregating device (FAD)  
Fishery Ecosystem Plan (FEP)  
fishery management plan (FMP)  
Food and Agriculture Organization (FAO)

Food and Drug Administration (FDA)  
Forum Fisheries Agency (FFA)  
Forum Fisheries Committee (*FFC*)  
General Counsel (GC)  
generalized linear model (GLM)  
global positioning system (GPS)  
Guam Organization of Saltwater Anglers (GOSA)  
Guidelines for Assessing Marine Mammals Stocks (GAMMS)  
Hawaii Environmental Policy Act (HEPA)  
Hawaii Longline Association (HLA)  
Hawaii Marine Recreational Fishing Survey (HMRFS)  
Hazard Analysis Critical Control Point (HACCP)  
highly migratory species (HMS)  
illegal, unreported and unregulated (IUU)  
Interagency Coordinating Committee (ICC)  
Inter-American Tropical Tuna Commission (IATTC)  
International Scientific Committee (ISC)  
Joint Enforcement Agreement (JEA)  
Light Detection and Ranging (LIDAR)  
Magnuson-Stevens Fisheries Conservation and Management Act (MSA)  
main Hawaiian Islands (MHI)  
management unit species (MUS)  
Managing Our Nation's Fisheries (MONF3)  
Marine Conservation Plan (MCP)  
Marine Education and Training (MET)  
Marine Fisheries Advisory Committee (MAFAC)  
Marine Mammal Protection Act (MMPA)  
Marine National Monument (MNM)  
marine protected areas (MPAs)  
Marine Recreational Information Program (MRIP)  
maximum sustainable yield (MSY)  
memorandum of agreement (MOA)  
memorandum of understanding (MOU)  
metric ton (mt)  
Monument Management Board (MMB)  
National Environmental Policy Act (NEPA)  
National Marine Fisheries Service (NMFS)  
National Marine Sanctuary (NMS)  
National Oceans Service (NOS)  
National Oceanic and Atmospheric Administration (NOAA)  
National Standard (NS)  
non-government organization (NGO)  
North Pacific Marine Science Organization (PICES)  
Northwestern Hawaiian Islands (NWHI)  
notice of intent (NOI)  
Notice of Violation and Assessment (NOVA)  
Office of Hawaiian Affairs (OHA)  
Office of Law Enforcement (OLE)  
Office of Management and Budget (OMB)

Office of National Marine Sanctuaries (ONMS)  
overfishing limit (OFL)  
Pacific Islands Division (PID)  
Pacific Islands Fisheries Group (PIFG)  
Pacific Islands Regional Office (PIRO)  
Pacific Remote Island Areas (PRIAs)  
Papahānaumokuākea Associated Cetacean Ecology Survey (PACES)  
Participating Territory (PT)  
Parties to the Nauru Agreement (PNA)  
Pelagic Fisheries Research Program (PFRP)  
Permanent Advisory Committee (PAC)  
Potential Biological Removal (PBR)  
Regional Ecosystem Advisory Committee (REAC)  
Regional Fishery Management Council (RFMC)  
regional fishery management organization (RFMO)  
remotely operated vehicle (ROV)  
Saltonstall-Kennedy (*S-K Grant*)  
Scientific and Statistical Committee (SSC)  
Seal Protection Zone (SPZ)  
Secretariat of the Pacific Community (SPC)  
Senior Executive Board (SEB)  
Small Island Developing States (SIDS)  
social, economic, ecological and management (SEEM)  
Southern Exclusion Zone (SEZ)  
spawning potential ratio (SPR)  
Sustainable Fisheries Fund (SFF)  
Take Reduction Plan (TRP)  
Take Reduction Teams (TRT)  
total allowable catch (TAC)  
United Nations (UN)  
University of Guam (UOG)  
University of Hawaii (UH)  
US Coast Guard (USCG)  
US Fish and Wildlife Service (USFWS)  
US Geological Survey (USGS)  
Vessel Day Scheme (VDS)  
vessel monitoring system (VMS)  
Waterways Areas Management System (WAMS)  
Western and Central Pacific Ocean (WCPO)  
Western Central Pacific Commission (WCPFC)  
Western Pacific Fisheries Information Network (WPacFIN)  
Western Pacific Region (WPR)  
Western Pacific Stock Assessment Review (WPSAR)