



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

**MINUTES OF THE
158th MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

October 16–18, 2013

**Laniakea YWCA-Fuller Hall
1040 Richards Street, Honolulu
Ahupua`a o Nu`uanu, Moku o Kona
Mokupuni o Hawai`i**

Approved by Council:

A handwritten signature in black ink, appearing to read 'Arnold Palacios', is written over a horizontal line.

Arnold Palacios, Chair
Western Pacific Regional Fishery Management Council

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1. Welcome and Introductions

The following Council members were present:

- Arnold Palacios, chair, Commonwealth of the Northern Mariana Islands (CNMI) Department of Lands and Natural Resources (DLNR)
- Michael Duenas, vice chair (Guam)
- Edwin Ebisui, vice chair (Hawai`i)
- Richard Seman, vice chair (CNMI)
- William Sword, vice chair (American Samoa)
- Michael Goto (Hawai`i)
- Julie Leialoha (Hawai`i)
- Ruth Matagi-Tofiga, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Frazer McGilvray, Hawai`i Department of Land and Natural Resources (DLNR) (designee)
- Claire Poumele (Hawai`i)
- McGrew Rice (Hawai`i)
- Mariquita Taitague, Guam Department of Agriculture (DOA)
- Mike Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- Cmdr. Charter Tschirgi, United State Coast Guard (USCG) (designee)

Susan White (US Fish and Wildlife Service (USFWS)), Bill Gibbons-Fly (Department of State), and Elena Onaga and Fred Tucher (National Oceanic and Atmospheric Administration (NOAA) Office of General Counsel (GC)) were excused due to the federal shutdown. [Note: Tucher was present on Day 2, and Kamaile Nichols was present on Day 3.] Also in attendance were Council Executive Director Kitty Simonds and Council Scientific and Statistical Committee (SSC) Chair Chuck Daxboeck.

Tosatto duly swore Poumele into office.

2. Approval of the 158th Agenda

Moved and seconded.

Motion passed.

3. Approval of the 157th Meeting Minutes

Moved and seconded.

Motion passed.

Due to Gov. Eloy Inos' emergency return to the Commonwealth, Palacios delivered the Governor's remarks. Palacios spoke of the Governor's appreciation for the passage of the Submerged Lands Act, which returned the jurisdiction of the near-shore waters out to 3 miles to the Commonwealth, as well as the Council's efforts regarding the Mariana Skipjack Resource Assessment and the gathering of information on the scale and sustainability of shark populations in the Mariana Archipelago. The Governor is looking forward to the expansion of the CNMI fishing industry.

4. Executive Director's Report

Simonds reviewed Council actions since its June meeting. The federal government shut down just as the Council was set to send its Pelagic Fisheries Ecosystem Plan (FEP) amendment to the Secretary of Commerce. The amendment would allow the Territories to share quota with the US longline fisheries operating with Council permits. Simonds looked forward to NMFS taking action on the amendment within 90 days.

The agenda for the Council meeting includes the complicated measures scheduled to be proposed at the upcoming December 2013 Western and Central Pacific Fisheries Commission (WCPFC) meeting, the Council's shark options paper resulting from a survey of shark resources of the Mariana Archipelago and the Marianas Skipjack Resource Assessment.

The Council will also hear an update on the Council Coordination Committee (CCC), Marine Fisheries Advisory Committee (MAFAC) Endangered Species Act (ESA) Working Group regarding the ongoing effort to develop a working partnership between the regions and councils for the ESA consultation process.

The Council will hear the results of the main Hawaiian Island (MHI) Bottomfish Working Group meeting, which focused on the Bottomfish Restricted Fishing Areas (BRFAs).

In 2012, NMFS decided to pursue electronic monitoring options. In the mid-1990s, the Council began exploring options regarding the use of electronic monitoring for implementation in the Council's fisheries. In January 2014, NMFS will host a national meeting on the topic in Seattle with invited participants from each of the regions. The Council hopes to provide support for attendance at the meeting.

The Fishers Forum scheduled for Oct. 17, 2013, is entitled "Debunking Fishery Myths." The forum will provide accurate information regarding the Council's fisheries and management efforts. NMFS has a similar effort going on across the country.

5. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Tosatto reported that PIRO and the Pacific Islands Fisheries Science Center (PIFSC) furloughed all employees on Oct. 1, 2013, and the effect has been reasonably significant. He was able to support minimal support to the 114th SSC meeting and the 158th Council meeting. With

the restart of the government, a number of fishery management actions received priority; the Pelagic FEP Amendment 7 was a top priority. Tosatto said he would be available to answer questions on the agenda items as they arise.

Discussion

Palacios asked for an update regarding the petitioned coral listings.

Tosatto said the 12-month finding received a six-month extension to June 2014. Activities are ongoing to gather more information to resolve existing scientific disagreements, which involves the Council. The November 1st deadline for the publication of additional information would not be met. He encouraged the Council's continued support in gathering information regarding threats to the proposed corals species.

Simonds said the Council sent a letter to Tosatto requesting acceptance of the findings of a project scheduled for completion in December. She asked for an update regarding the *honu* (Hawaiian green sea turtle) and humpback whale delisting petitions.

Tosatto said NMFS found warrant in the petitions to consider developing a Distinct Population Segment (DPS) and to delist. Headquarters is leading the Status Reviews, which are being conducted on a global basis, with PIRO and PIFSC participating. In regards to the *honu*, if a Hawaiian DPS is designated the status will be determined along with the rest of the population. The 12-month finding is overdue, with no projected date for completion. The humpback whale is also undergoing a review, to determine a North Pacific DPS, and then NMFS will proceed with a North Pacific DPS Status Review. He could not confirm whether completion of the review would be within the one-year timeline. He said any work done prior to receiving the petition to delist did not assist in shortening the time needed for making a determination regarding the North Pacific humpback population.

Simonds asked for clarification regarding appropriations NOAA receives for the Mariana and American Samoa monuments.

Tosatto said that, since the monument proclamations, NOAA has received from Congress an appropriation of approximately \$3 million for work in the monuments. PIRO, PIFSC and the Sanctuaries Program received an equal share of the funds. The division of funds has shifted heavily towards PIFSC receiving most of the funds and the Sanctuaries Program receiving the least. He could not predict the amount of appropriations that will be available in the future.

Simonds said that, in an effort to share funds with the local agencies, the Department heads will collaborate to draft a list of work they would like to see be conducted in the monuments.

Tosatto spoke in support of the Council's efforts, adding that he will work to coordinate with PIFSC to tap into its portion of the funding. He noted that small grants are available each year focused on outreach and education endeavors.

Palacios recommended further effort beyond the workshop held in 2013 to receive input regarding the PIFSC research plan. He advocated for more communication with the Territories

and Commonwealth regarding the research plans. He said the resource agencies are eager to engage in the planning process with the Science Center and the Sanctuaries office.

Matagi-Tofiga suggested more discussion regarding research with the agencies that are involved in the co-management of the monuments. She asked what entity makes the determination as to who is involved in co-management of the monuments and sanctuaries.

Tosatto said the NOAA Sanctuary Program's only involvement in American Samoa was to consider the inclusion of the Rose Atoll Monument into the newly established Sanctuary of American Samoa. Engagement with the NOAA Sanctuary Program is limited to American Samoa and does not include the Pacific Remote Islands Areas (PRIAs) or the Marianas.

In regards to the co-management structure, each of the proclamations is slightly different. American Samoa's proclamation does not have the same language regarding an advisory committee as the Marianas' does. The creation of an intergovernmental committee to work on co-management of the monument occurred early in the process, at a meeting with the American Samoa government. It initially involved three organizations and expanded to five or more organizations. The USFWS Refuge Program continued to exist as what was the Rose Atoll National Marine Wildlife Refuge. The Department of the Interior (DOI) received the overall management authority within Rose Atoll Monument. The Sanctuaries Program received responsibility for the sanctuary, which overlays that area.

NOAA gained responsibilities for monument resource management and retained fishery management responsibility for the monument areas. The DMWR and Department of Commerce (DOC) came to the table for the American Samoa government. The purpose of forming the intergovernmental committee was to coordinate management. The proclamation did not mandate its creation. Progress seems to wax and wane. The Sanctuaries has a plan. The Refuge has a plan. NOAA is working with the intergovernmental group to determine what is not covered. A gap-filling plan is what NOAA is undertaking currently to look at management of the monument.

Tosatto responded to Palacios' comments regarding PIFSC's scientific endeavors. PIFSC receives funding to support activities in all three of the new monuments, American Samoa, the Marianas and the PRIAs. The majority has funded cruises in the monuments, the efforts of Eric Breuer, the workshop and the development of the Marianas plan. He agreed that the plan should focus on CNMI needs. The Center is responsible for the entire exclusive economic zone (EEZ), as well as supporting what the monument's needs are. If the Commonwealth or Territories feel that PIFSC has not addressed their input in the Marianas science planning process, they should convey that message to the Science Center while the planning process is taking place.

Palacios asked Tosatto to pass his comments on to Pooley. Now that the Commonwealth has jurisdiction over waters from 0 to 3 nautical miles from shore, the issue of co-management is important and the local CNMI resource agencies want to be actively engaged in the research plans. PIFSC, PIRO and the Sanctuaries Program should convene intergovernmental committees for American Samoa, CNMI and Guam to look holistically at what is feasible and necessary from the federal and local government perspectives. To date, the local agencies have not been fully engaged in the planning of research to be conducted in the area.

Simonds said the federal government deals with the local governments differently in each of the sanctuaries. In Hawai`i, the DLNR receives funds for sanctuary work and two positions.

Matagi-Tofiga said DMWR does not currently have any Sanctuary positions.

Simonds stressed that all sanctuaries and monuments should be handled as it has been done in Hawai`i so that some of that money goes to the local government to provide positions to perform work related to the sanctuaries and monuments in the jurisdiction.

Matagi-Tofiga agreed with the comments from Palacios and Simonds. She added that DMWR and USFWS conduct enforcement efforts in American Samoa while receiving no funds for the co-management activities.

2. Pacific Islands Fisheries Science Center

There was no presentation due to the federal government furlough.

B. NOAA Office of General Counsel, Pacific Islands Report

There was no presentation due to the federal government furlough.

C. US Fish and Wildlife Service

1. Sport Fish Restoration Program

E. Flinn Curren presented information on the Wildlife and Sport Fish Restoration Program (WSFR), which assists state fish and wildlife agencies to implement projects and programs to improve fishing, boating and hunting activities. The revenues come from manufacturers' excise taxes on sport fishing equipment; import duties on fishing tackle, yachts and pleasure craft; and a portion of the gasoline fuel tax attributable to small engines and motorboats.

According to the Sport Fish Restoration Act, the funding is for the restoration and management of fish species for sport or recreation and does not include invertebrates, such as giant clams or octopus. It also excludes any enforcement activities. The funding is a permanent and definite appropriation set up by Congress. Congress revisits the act every five years.

WSFR funds are available for two years after apportionment to the states. There are matching fund requirements for the states. The maximum federal share for a grant is 75 percent. The state must provide matching funds of 25 percent. Smaller island jurisdictions receive a waiver from the matched fund requirement.

Curren summarized some established criteria for the funds, such as the Wallop Breaux Amendment. Sport fish restoration receives 57 percent of the funds; boating safety, 18.5 percent; and Clean Vessel Act (CVA) and Boating Infrastructure Grant (BIG) receives 2 percent. Approximately \$8.2 million a year is for fund administration. The formula for determining the apportionment to the states includes the square mile area of the jurisdiction (40 percent) and

number of fishing license holders (60 percent). A maximum of 5 percent goes to Alaska and Texas. Hawai`i gets a minimum of 1 percent. Insular areas receive one-third of 1 percent.

The Sport Fish funds provide resources for surveys, development, maintenance, operations and facilities, including marina facilities. The BIG grant provides resources for tie-up facilities for transient, non-trailerable recreational vessels greater than 26 feet in length. Tier 1 grants are noncompetitive, up to \$100,000 per year. Tier 2 grants are competitive, with no upper limit other than the amount of funds available, which varies year to year. The CVA is a competitive grant program for the construction and operation and maintenance of pump-out stations and waste reception facilities for recreational vessels.

Discussion

Rice asked for clarification as to how the State of Hawai`i appropriates its funds.

Curren said the decision on where funds go in Hawai`i rests with the DLNR Division of Aquatic Resources (DAR). Fifteen percent of the money apportioned to the State goes to the Division of Boating and Ocean Recreation (DOBOR), which decides on eligible projects.

Rice asked about the involvement of fishermen in the decision-making on the uses of the funds.

Curren said some of the money goes for fisheries research to inform resource management. He deferred to a DAR representative to provide more details.

Rice said fishermen should be involved in the decision-making since they are the beneficiaries of the WSFR.

Curren said DAR could perhaps be more proactive in soliciting public opinion on the spending of the funds.

Miyasaka said the funds pay for operations of the division, such as conducting environmental reviews of the projects' impact to fishing along the shoreline and mitigation measures needed to ensure public access and to avoid negative impacts, with which the fishermen do not get involved, as well as near-shore underwater surveys and monitoring of fish populations. Miyasaka offered to continue the discussion with Rice offline.

Simonds asked whether an annual report is publicly available.

Miyasaka said each project is required to submit a report to the funding agency on the progress during the funding period and is a public document.

Simonds said the Council would follow up and ask for a copy of the report when it becomes available.

Sword asked whether the amount of funds used for such activities as administration, construction and studies is limited.

Curren replied in the negative. Each grantee must conform to the 15 percent minimum of the apportionment for boating access. Upon review, grantees must be able to justify that costs are necessary for administration, etc.

Sword asked if 85 percent of the funds could go to hiring employees.

Curren said it would not be an allowable cost to have that many people on a grant.

Sword asked for further clarification as to the allowable administrative costs.

Curren said there is no set limit for administrative costs. However, grantees are encouraged to keep administrative costs down. There are limits on the amount of personnel that grantees can have within a particular grant, but it does not apply to all of the grantees, such as high-risk agencies.

Taitague expressed her appreciation for the assistance provided in Guam by the USFWS Sports Fish Restoration Fund.

Simonds asked about the requirements that continue after a project is completed.

Curren said the jurisdiction owns the facility. However, there are provisions regarding proper maintenance and use of the facility, which must conform to the funded purpose.

Simonds asked if the provisions are consistent across the country for the building of fish aggregation devices (FADs) or docks.

Curren replied in the affirmative, as far as he is aware.

Seman asked for the date of the BIG for 2013 and the difference between BIG and the regular Sports Fish grants.

Curren said the system closed down in September for BIG and will open up again on Oct. 25. One can submit Sports Fish Restoration grants throughout the year. The BIG and CVA grants have specific requests for applications and deadlines, which are in October and December, respectively.

Sword asked if grants are set aside for local agencies, if there are requirements for funds to be set aside for maintenance, and if there is a process for groups to enter into a memorandum of understanding (MOU) for use of infrastructure as built to provide funds for maintenance.

Curren said a group could enter into an MOU or contract with an organization to provide maintenance. It would be up to the local jurisdiction whether they want to enter such a contract. There would need to be a new MOU or contract for the duration of each grant period.

Sword said there is dock space in American Samoa not used by sport fishing boats. Would the grant process allow for the rent of the open space to commercial vessels with those rental fees going toward the cost of dock maintenance?

Curren said a cost-allocation plan would need to be set up with a percentage dedicated to commercial vessels and provided by some other means other than Sport Fish Restoration money.

Sword asked whether the grant process allows renting space to commercial longline vessels in order to generate funds for maintenance.

Curren said this is allowable for docks built for recreational and commercial purposes.

Matagi-Tofiga said the construction was for recreational vessels. Currently, the docks are awaiting the Federal Emergency Management Agency (FEMA) to perform repair work, after which WSFR funds would be used for work the FEMA funds did not cover.

D. Enforcement

1. US Coast Guard

Tschirgi introduced Cmdr. Richard Howes, USCG replacement for Capt. Hendrickson as the Honolulu chief of the Enforcement Branch. Howes has experience in the Pacific Islands and fisheries enforcement within the EEZ.

Howes said he looks forward to working with the Council to protect the natural resources of the Western Pacific Region and other USCG duties.

Tschirgi reported on USCG law enforcement activities in the Western and Central Pacific Region for the period from July 2013 to August 2013. The cutter *MORGENTHAU* conducted a patrol of the EEZ around the MHI and Johnston Atoll resulting in three domestic longline vessel boardings for safety violations. It conducted four boardings under the WCPFC high seas boarding and inspection scheme. One of the boardings was the first-ever US boarding of a bunkering vessel.

Cutter *ASSATEAGUE* patrolled the EEZ around CNMI and detected no foreign fishing vessel incursions.

Between June and September, a District 14 C-130 flew four patrols of the EEZ surrounding the Hawaiian Islands and one patrol of the EEZ surrounding Howland and Baker and detected no incursions. During the patrol around Howland and Baker, the USCG flew two patrols in support of Republic of the Marshall Islands (RMI) and its underway patrol vessel.

Due to limited hours available and asset maintenance, there have been fewer operations.

Staff attended numerous meetings. A USCG representative attended the ninth meeting of the WCPFC Technical and Compliance Committee (TCC) in Pohnpei, Federated States of Micronesia (FSM). Tschirgi and Howes visited American Samoa and met with Matagi-Tofiga, Sword and Nate Ilaoa to familiarize Howes with the Territory's issues.

Discussion

Goto asked for clarification as to what a bunkering vessel is.

Tschirgi said bunkering vessels fuel the distant water tuna fleet and transshipment vessels and provide alcohol, cigarettes and other sundries. It provided an opportunity for the USCG to get onboard to make sure there was no shark finning.

Sword said similar situations are occurring in American Samoa as well and noted that the local fisheries receive no benefits and a lot of dumping goes on. He thanked the USCG for continuing to monitor the high-risk pollution activities of the vessels.

Seman, referring to a previous Marianas foreign fishing violation, asked if there have been instances where foreign vessels observed on radar within the EEZ are out of the boundary when the USCG arrives.

Tschirgi agreed that sometimes there is a delay before USCG assets get onsite; however, the vessel monitoring system (VMS) can identify the vessels. In order to prosecute, the USCG must have eyes on the vessels, whether from aircraft or surface asset. The USCG tracks the vessels, but it needs to catch them in the act within the EEZ. A new model of C-130 will become available that provides a faster response time and a greater range.

Sword noted similar incidents of sightings within the 50-mile closure, but the vessels are gone by morning. He commended the access to the better assets.

Tschirgi noted a mechanical failure on the USCG asset scheduled for the EEZ around American Samoa during a recent visit.

Simonds said she sent a press release regarding Kiribati issuing more permits to European Union (EU) and Spanish longliners and purse seiners, providing more opportunity for the USCG to catch violators. She noted that there was only one patrol between June and October around Howland, Baker and Jarvis.

Tschirgi said one issue is that, under the sequestration and limited operating budget, fuel costs produce the biggest savings. In the past, the USCG could carry out 11 patrols between Council meetings. During this past period, the USCG carried out only four patrols, most of which were limited to day patrols out of Air Station Barbers Point. Under the constrained budget environment, it is a challenge to push assets to where they need to be.

Simonds asked about the process behind the decisions to devote assets to shiprider enforcement agreements or monitoring the EEZs.

Tschirgi said that, operating out of Majuro, the USCG patrolled the western side of Howland and Baker. The Ocean Guardian, which is the USCG operation policy, places priority on the enforcement of the US EEZ, then domestic enforcement of fisheries fleets and then international agreements. In FY13, the USCG flew only one patrol in support of another nation. The USCG sees value in operating out of Majuro to provide support there. Fisheries enforcement in areas adjacent to the US EEZ is a positive gain.

Simonds suggested seeking funds from the wealthy foundations that are coming to the islands.

2. National Marine Fisheries Service Office of Law Enforcement

Bill Pickering reported that during the period, the NMFS Office of Law Enforcement (OLE) Pacific Islands Division (PID) received 46 reports. Twenty of these involved protected resources; 25 involved fisheries management; and one was Sanctuary related. Investigations included the following:

- A two-count indictment charged a US military contractor with violation of the ESA and smuggling, a Convention on International Trade of Endangered Species of Wild Fauna and Flora violation.
- In August 2013, a finding was made that the owner, operator and fishing master of the *AMERICAN TRIUMPH* had conducted six sets on or within 1 nautical miles of a FAD and had deployed a FAD during the 2009 FAD closure period, all of which are violations of the Magnuson Act, resulting in a fine of \$562,068.
- Five cases were against the fishing vessels *OCEAN ENCOUNTER*, *OCEAN CONQUEST*, *SEA HONOR*, *SEA QUEST* and *PACIFIC RANGER*. Owners, operators and fishing masters were charged with settling their purse-seine nets on whales in violation of the Marine Mammal Protection Act (MMPA); 10 counts of setting on or within 1 nautical mile of a FAD; and two counts of deploying FADs during the 2009 FAD closure period in violation of the WCPFC. The court found all 17 counts proven and assessed a civil penalty of \$953,054.
- The fishing vessel *GLORIA PARK* unlawfully fished for Western Pacific Pelagic management unit species (MUS) in the Large Vessel Prohibited Area. The fine was \$13,945.
- Two cases involved US purse-seine vessels setting on marine mammals and utilizing FADs during the WCPFC FAD closure period. Their fine was approximately \$158,000. The final outcome is pending the court's decision.

More foreign boardings are being conducted in American Samoa as more foreign vessels are visiting or replenishing in Pago.

The VMS team is in the process of contacting longliners in Hawai'i and American Samoa and trading out older VMS units. There is a new regulation in regards to commercial fishing and the entering and exit of the eastern high seas pockets. A website gives the protocols and the report format needed to comply with the regulation.

The VMS staff also developed and tested new software that automatically analyzes massive quantities of VMS data and then identifies vessels of interest that have possibly and/or are likely conducting at-sea transshipments. The WCPFC Secretariat intends to utilize the software to analyze its 2013 data and provide a report at its December 2013 annual meeting or by TCC-10 in September 2014.

The VMS program manager was able to progress technical issues with WCPFC staff at TCC-9 that improved the output and utility of WCPFC's VMS data that can now be accessed by PID to monitor foreign commercial fishing vessel activity in and near US waters. This data has

already proven useful for monitoring potential illegal, unreported and unregulated (IUU) fishing activity.

Discussion

Matagi-Tofiga asked if the fines out of American Samoa would come to the territory.

Simonds explained only from foreign incursions.

Pickering explained these penalties go to the Asset Forfeiture Fund, which pays for training and prosecution costs.

Matagi-Tofiga thanked OLE for the work with the Joint Enforcement Agreement (JEA) program.

Seman asked for information regarding Palau's recent testing of drones for its maritime surveillance, as the leaders of Palau believe it will solve the country's enforcement problems.

Pickering replied in the negative.

Simonds asked OLE to review the reports of illegal incursions in the US EEZ discussed at the tuna workshop in Tokyo and at the TCC meeting.

Pickering said they would be happy to assist the WCPFC in establishing protocols in how to examine observer reports, as the Secretariat has projects in regards to reviewing observer reports of other nations, which is very sensitive. The last information is the Secretary was in the process of getting someone to cooperate with the project in regards to other foreign fishing nations.

Simonds said she would figure out to whom to direct the recommendation. She recalled a case with a South American country in which Alexa Cole had back and forth with the country in order to review the observer report.

Pickering remembered there was quite a negotiation.

3. NOAA General Counsel for Enforcement and Litigation

There was no presentation due to the federal government furlough.

E. Public Comment

The public offered no comments.

F. Council Discussion and Action

Regarding the Sports Fish Restoration Program funding in American Samoa, Hawai`i, Guam and CNMI, the Council requested the appropriate American Samoa, Hawai`i, Guam and CNMI agencies engage the public in the development of projects to be included

in the five-year plan and annual grant agreements, and further requests the Council be provided copies of the annual project reports.

Moved by Rice; seconded by Leialoha.
Motion passed.

Duenas asked to include Guam, CNMI and American Samoa in the recommendation. The three territorial representatives agreed with the request. The maker of the motion and the second had no objections to the change.

Regarding patrols of the US EEZ, the Council recommended that the USCG prioritize patrols of the US EEZ to detect foreign fishing violations and further requests that the USCG acquire or direct additional patrol assets for the Western Pacific Region.

Moved by Ebisui; seconded by Rice.
Motion passed.

Seman asked for clarification as to the word “prioritize” and whether it includes USCG drug interdictions and Homeland Security operations.

Palacios clarified the recommendation speaks to prioritizing patrols within the US EEZ versus EEZs around other Pacific Islands in the WCPFC areas concerning fisheries.

Simonds pointed out that fisheries were the third priority on the list iterated by the USCG representative.

Tschirgi reiterated the number one priority under the USCG Ocean Guardian policy is the prevention of foreign fishing vessel incursions in the US EEZ. The second priority is domestic enforcement. The third priority refers to shiprider international agreement engagements.

Sword asked to include language for Homeland Security to employ drones in surveillance and monitoring of the EEZs for incursions.

Tschirgi said placement of newer Homeland Security cutters in Hawai`i is a priority to enhance effective patrols of the US EEZ, adding political and budget concerns affects the timing of the placement of assets.

Tosatto spoke in support of the overall motion, but did not agree with ending or reducing the shiprider agreements. He noted the importance of the agreements and suggested a higher priority placed on the shiprider agreements.

The mover of the motion and the second had no objection to the changes.

Regarding potential illegal foreign fishing in the US EEZ as indicated in reports presented in the WCPFC, the Council recommended that NOAA OLE pursue this information as potential violations of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Moved by Rice; seconded by Ebisui.
Motion passed.

6. Hawai`i Archipelago and Pacific Remote Island Areas

A. Moku Pepa

Rice reported Kampachi Farms has put a buoy outside of Keauhou and reiterated his recommendation from the 157th Council meeting for the removal of the State of Hawai`i VV buoy, as Big Island fishermen believe the buoys draw the fish away from the ledge. The Big Island charter fleet is still waiting for a response from the USCG regarding equipment exemptions from the upcoming 2015 commercial fishing rules since they already have State of Hawai`i commercial marine licenses (CMLs).

B. Department of Land and Natural Resources

1. Enforcement - Cooperative Enforcement

Alton Miyasaka reported that the Division of Conservation and Resource Enforcement (DOCARE) recently acquired Anna Fernandez as of August 2013 to liaison between the Prosecutor's Office and DOCARE, as well as between DOCARE and the different enforcement divisions. The funding cycle runs for a year. DLNR is also working on a separate, alternative internal Civil Resource Violation System outside of the criminal court system.

Discussion

Simonds asked if the new position replaced DLNR's previous legal intern.

Miyasaka replied in the negative. The previous legal intern was Wayne Tanaka; his assignment was with DAR. David Sakoda was Tanaka's replacement.

Ebisui noted the new position would improve the State's effectiveness to prosecute resource violations. He noted a history of disconnect between the legal system and DOCARE officer training and prosecutors' unfamiliarity with resource law.

Leialoha voiced her support for the new developments and looked forward to a more effective enforcement of the State's resource violations.

Rice asked for an update on progress in regards to the State providing boat-based CMLs in place of individual-based CMLs.

Miyasaka said the discussions are continuing. The State received constructive input from the Waialua Boat Club regarding fee structure and vessel licensing by vessel length rather than by number of people on the vessel.

Rice volunteered to forward any questions from the State for input from the Big Island fishermen via his e-mail list.

Miyasaka noted plans to get to all of the islands to discuss the topic with fishermen. He would be glad to send questions ahead of time so that people who are not able to make the meetings can still participate and have their comments heard.

2. New Regulations Per Chapter 91 Rule-Making

Miyasaka said a number of rule regulations are in development. One is the Waiakea Public Fishing Area rule amendment. There will be a public hearing on Oct. 24 in Hilo. The amendment's purpose is to prohibit stand-up paddle boarders in the public fishing area.

The State is moving ahead with public hearings regarding bag and size limits to apply to all fishermen. The hearings will be held Nov. 19 through 21 on Maui and Lana`i.

The State is working on new rules for coral and live rock. Public hearings are tentatively scheduled for December 2013. The primary purpose of the rule amendments is to clarify and strengthen the State's regulations regarding vessel groundings and sediment events.

The Land Board has addressed the West Hawai`i Rule package, which is currently in the Governor's office awaiting his decision. The scuba spear provision has garnered much interest. The Board also addressed the O`ahu aquarium rules, which are currently in the Division for review. Future rules will address `opihi take and the minimum size for sale of aku and `ahi.

Discussion

Leialoha asked the location of the Oct. 24 meeting in Hilo and the timeline for the rule to address the size limits for `ahi and aku.

Miyasaka said the meeting's location is the Aupuni Center. The size limit for `ahi and aku rule will most likely begin in 2014.

Goto asked if there was any idea as to the minimum size for `ahi or aku.

Miyasaka replied that a 3-pound size limit for aku and species a range of about 10 to 12 pounds for the bigeye and yellowfin are currently being considered.

Simonds asked for information on the science behind the size limits regarding the aku.

Miyasaka said the Division will be looking into the science and has been discussing the numbers that he provided.

Simonds noted plans to produce a video regarding `ahi in an effort to educate the community on the science to help arrive at the best numbers for the regulations. Simonds asked for a copy of the PowerPoint used in the informational meetings to clarify the information used in public meetings.

Miyasaka replied in the affirmative.

Ebisui asked if the size limit rules applied to sale and not possession.

Miyasaka replied in the affirmative, the rule would address size limits for sale, but it could change.

C. Community Projects, Activities and Issues

1. Community Development Program Multi-Fishery Proposal

Chris Hawkins, from PIRO Joint Institute of Marine and Atmospheric Research (JIMAR), briefly recapped the progress of an application received in January and considered by the Council at the March meeting. The Council ensured that the application met the initial screening criteria before the application moved forward to the Regional Administrator. PIRO Sustainable Fisheries Division received the forwarded application. Recent analyses determined that a modest increase in effort would result from the boat coming into the fishery. PIRO will likely issue a Record of Environmental Consideration and a Supplemental Information Record (SIR) under the National Environmental Policy Act (NEPA). SIR is a document that compiles existing information under the current NEPA analyses to determine if there is a need to develop an environmental assessment (EA) or an environmental impact statement (EIS). Once the EA is completed, the proposal will move forward with Secretarial approval. He noted the long history of the proposal, which began in 2006 with Leo Ohai.

Discussion

Simonds said she is glad to see it is moving quicker than in the past and hopes to see it concluded soon.

Hawkins agreed. The proposal has changed significantly from 2006. There is support for the multi-fishery training program that is proposed, but the longline component of the application needs more evaluation.

2. Report on `Aha Moku Projects

Charles Ka`ai`ai, Council staff, presented the report on the `Aha Moku Projects. `Aha Moku councils have been formed for Ni`ihau, Kaua`i, O`ahu, Maui, Kaho`olawe and Moloka`i. The councils continue to organize and form the basis of support for the `Aha Moku Advisory Committee at DLNR pursuant to Act 288. Lana`i and Hawai`i Islands are in the process of forming and organizing their councils.

The Council's Ola Mau Ke `Aha Moku Support Program supports the development of `Aha Moku councils on each of the islands. Currently, there are four projects ongoing: a) Na Aikane O Maui organizational and informational meetings process; b) Kako`o O Iwi, ongoing on O`ahu; c) Hui Malama O Mo`omomi, a new project for collecting deoxyribonucleic acid (DNA) samples for Hawai`i Institute of Marine Biology (HIMB) and University of Hawai`i (UH) from the Hawaiian lobster to assist in determining the connectivity of the lobster population in Hawai`i; and d) hiring of an `Aha Moku coordinator for the Island of Hawai`i. Future projects include a) `Aha Moku of Maui request for assistance in developing a near-shore marine management plan for the community of Kaupo; and b) assisting Nephi Ohai to develop a curriculum for distribution through the community college system on the multi-species style of fishing that Leo Ohai utilized.

D. Big Ocean – Network of Large-Scale Marine Managed Areas

There was no presentation due to the federal government furlough.

E. Hawai`i Outreach Activities

Sylvia Spalding, Council staff, presented recent Hawai`i outreach and education activities. The Council concluded its current agreement with *Let's Go Fishing* to run two 30-second television spots per week. The latest ads were on recreational fishing and bottomfish management. The Council is entering into a new agreement to include six 30-second spots to rotate with two spots running per week to address various misconceptions about Hawai`i fisheries and the Council. Educational displays continue in *Hawaii Skin Diver* and *Lawaia* magazines. The current ads also address debunking different myths about the Council. The Council submitted articles in *Hawaii Fishing News* on the 157th Council meeting in August, on the coral listing for September and seafood labeling for the October issue.

The Council has responded to various media requests on the bigeye tuna issue and appeared on three of television channels in the last two weeks. The Council is also involved with a radio show on KZOO as well as a radio show called *All Things Marine*. In December, the latter program will include fisheries scientists and a fisherman, and, in the spring one of the topics will be fisheries management and the fishing industry. Efforts continue on the production of an informational video about the yellowfin tuna.

In regards to education, the Kona moku of O`ahu will be featured in the 2014 Traditional Lunar Calendar for Hawai`i. A version for classrooms and another for fishermen will be produced. The calendar is due out in January.

Council staff helped to organize an indigenous session during the 2013 Conservation Conference of Hawai`i, July 16 to 18, in Honolulu and hosted a post-conference meeting of the indigenous group at the Council office on July 19. Council staff is assisting NMFS with preparations for the 2014 Conference, which NMFS is chairing.

The Council had an informational table at the Hawaii Science Teachers Association conference on Sept. 14, 2013, and is providing educational materials for teachers who will be attending the "Why Do We Explore?" professional development event on Oct. 19 at HIMB.

F. Report on Main Hawaiian Islands Bottomfish Working Group

Mark Mitsuyasu, Council staff, presented the MHI Bottomfish Working Group report. The Council directed the formation of the working group at its 157th meeting held in June 2013. The goal of the working group is to review and consider the current understanding of the MHI bottomfish fishery dependent and independent monitoring programs, research activities and outcomes and to develop and propose an integrated and coordinated research and monitoring plan for the MHI bottomfish fishery. The Council also directed the working group to consider the utility of the state BRFAs, considering management of the fishery through conservative catch limits, and to incorporate in the research plan potential options for the future treatment of the BRFAs. The findings of the working group will be presented to the DLNR chair and the Council.

The working group was comprised of 18 invited participants from the State of Hawai'i, PIFSC, UH, Council advisors, members from the fishing community, a Council member and Council staff. The group met three times between July and September 2013.

Outcomes regarding research for improving data included the following: 1) Work through existing fishermen outreach tools and programs to inform the bottomfish fishing community about the importance of understanding and accurately reporting soak time in bottomfish reports. 2) DAR moved forward with dealer licensing to facilitate dealer report and will consider modifying monthly reporting to a more frequent interval, provide outreach and pursue funding for this initiative. 3) Consider targeted survey of new noncommercial bottomfish registrants to get additional data to inform updated assessment. Results are needed by November 2013 for the new stock assessment.

MHI bottomfish research needs include the following: 1) Assess changes in the MHI bottomfish fishery resulting from changes to the state and federal regulatory regimes. Consider quota-based regime and transition to annual catch limits (ACLs), changes in noncommercial participation from new federal noncommercial permits, reporting and bag limits, federal vessel registry system, and other management changes. 2) Consider developing single species or other grouping assessments; e.g., hapu-lehi-kale-paka versus onaga-ehu-gindai. 2) Fill current bottomfish life history information gaps and begin additional species, e.g., hard parts, length frequency, etc. In general, prioritize getting size at maturity. 3) Continue to evaluate potential for fishery-independent survey.

Potential future research topics and directions include completing the report from gear calibration cruises and providing the plan to operationalize a bottomfish assessment and monitoring program. Other considerations include the following: 1) Leverage cooperative research with industry to facilitate annual sampling and monitoring. 2) Build technology into sampling based on outcome of gear calibration studies. In addition to annual monitoring surveys, conduct expanded periodic independent surveys. 3) Conduct a bottomfish ecosystem study to understand trophic interactions, e.g., effects on the ecosystem of kahala not retained in the fishery after concerns of ciguatera. 4) Build time series of size of maturity and growth. Establish baseline and conduct annual monitoring of size at maturity to assess changes over time for inclusion in annual fishery independent monitoring and research. 5) Characterize the uku fishery.

Comments and recommendations regarding Deep 7 stock assessment include the following: 1) Look into providing Stock Assessment Group data from Henry Okamoto tagging program. This recommendation was fulfilled after the July 24 working group meeting. 2) New information be provided to PIFSC for inclusion into new assessment by November 2013. Target completion data of assessment is June 2014. 3) Generate updated reliable length-weight conversion ratios.

The Working Group developed and endorsed the following options:

Option 1: Open eight BRFAs (A, C, D, G, J, K, M and L) and implement a cooperative research project to gather baseline data from the openings.

A. Maintain four BRFAs (B, E, F and H) closures through completion of the State contracted BRFA analysis for future decision-making. The four areas would include

Penguin Bank, Makapu`u, Pailolo and Ni`ihau. These areas are primary BRFA sites being assessed through the Drazen et al. research study.

- B. As a condition of re-opening eight BRFAs, a coordinated cooperative research program among NMFS, the State and the Council will be developed and implemented using contracted bottomfish vessels to collect targeted fishery data to establish a baseline of information when the change in management regime is made. Information that could be helpful to future assessment would include data on size structure, life history and abundance. The subgroup recommended that all fishing communities be provided access to opened areas at the same time. This point was discussed further by members of the working group. Concurrent with the opening, the contracted bottomfish vessels would collect data consistent with data collected in ongoing cooperative research efforts, as follows:
1. Data collection from all BRFAs when the areas are opened.
 2. Monitor for a minimum period of one year after opening to capture data from all seasons.
 3. Collect information on standardized effort, catch, position, habitat and environmental conditions.
 4. Final log sheet forms would be further developed in consultation with the NMFS, the State, the Council Bottomfish Working Group and highliners.

Option 2: Same as Option 1 above, except two of the retained BRFAs (Penguin Bank and Makapu`u) would revert back to their original 1998 closure size and coordinates. This change would take place concurrently with reopening of the eight closures. Changes to the four closures would be as follows:

- A. Ni`ihau would remain unchanged as the new closure boundaries corrected a problem with one boundary line bisecting the top of a fishable seamount.
- B. Makapu`u would be reduced to the original 1998 Makapu`u closure area.
- C. Penguin Banks closure would be reduced to cover the original 1993 third finger only closure. Currently the closure covers both the second and third fingers.
- D. Pailolo Channel would remain the same.

In addition, the cooperative research sampling under Option 2 would be directed to the portion of the BRFAs that are partially re-opened.

G. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

Regarding the Bottomfish Working Group, the SSC supported the recommendations by the Bottomfish Working Group, regarding any opportunities for cooperative research on bottomfish.

The SSC recommended the elimination of all BRFA in federal waters and encouraged the State to consider removing all BRFA in state waters as well because mandatory catch limits has superseded their management utility.

Discussion

Rice asked if the BRFA openings and science data collection could occur simultaneously.

Daxboeck replied in the affirmative, noting there is no use for doing science before opening the BRFAs because there are no benchmarks. The areas have changed twice with no reference points used or any baseline data observations taken in the BRFAs. The BRFAs should be opened allowing full access to all fishermen and include specific catch data of the BRFAs through cooperative data collection. De facto closed areas already exist around places such as Kaho`olawe that provide an opportunity to research the effect of closed areas.

Ebisui asked for clarification as to whether opening up of the BRFAs is independent of the science of the closed areas.

Daxboeck replied in the negative, as there is no point of comparison because there were no benchmarks when the closed areas were established.

H. Standing Committee Recommendations

Leialoha summarized the Hawai`i Archipelago Standing Committee Report.

DLNR addressed enforcement, as well as its regulations and rule-making changes to Chapter 91. Tosatto discussed the PIRO report and the Ohai proposal. Ka`ai`ai presented the `Aha Moku Report. Spalding presented the Hawai`i outreach report, and Mitsuyasu presented the Bottomfish Working Group Report. The Council reviewed the five-year program plan priorities, and a new five-year cooperative agreement is being developed. The SSC recommendations were presented. McGrew spoke in favor of the SSC recommendations to remove the BRFAs in federal waters and to allow fishermen and research vessels into the BRFAs simultaneously.

Regarding the BRFAs, the committee supported the recommendation as offered by Rice.

Miyasaka recused himself from the recommendation.

One topic, which was not discussed, was the inclusion of Ni`ihau in the sanctuary. The development of Memorandum of Agreement (MOA) between the National Ocean Service (NOS) Sanctuary Office, State of Hawai`i and the Robinson family proposal has been deferred. Leialoha noted she might be selected for a Sanctuary position.

I. Public Comment

Dave Itano, private citizen and fisherman, said the `ahi and skipjack management was an interesting initiative for the State to take on. He clarified that the gist of the conversation regarding the topic with Miyasaka was that there was no science to support any particular issue there. Especially with yellowfin, there is solid science to support the management and benefits of delaying harvest until they reach a larger size, which is a simple yield-per-recruit situation. There is no such information available for skipjack. The residence time of skipjack is unknown; there are no tagging results like there is for yellowfin; and there are no known parameters upon which to base sound management. He said the State's pursuit of management efforts for skipjack is unwise and could undermine yellowfin management efforts.

Itano noted that, in his research, one unanswered question was the direct relationship between ko`a and FADs, as the technology was not available at the time. He believes the technology is now available to put receivers on deep reefs or ledges around the islands in ko`a with acoustic releases to get the data. It has been done successfully on Cross Seamount to investigate bigeye and monchong behavior. He clarified that his comment at the SSC meeting was that the tagging data and tag studies provide a tremendous amount of evidence that the animals move between ko`a and FADs, but the effect that the private FADs play is unknown. After years of work, they still don't know the number of private FADs and what they have.

Discussion

Rice voiced support for Itano's comments that fishermen don't understand what private FADs do. Speaking as a fisherman, he said the numbers of fish are not known as they were in the past. FADs don't make more fish, they just move fish from one area to the other.

Ed Watamura, fisherman and Council Advisory Panel chair, voiced support for the vessel CMLs and urged expediency in the matter as fishermen are tired of being lawbreakers. He also supported the `ahi size limit, especially in light of Itano's research on yellowfin being a localized stock. He noted there is no science to support the aku size limit and said it is a self-regulating issue as the price for aku is usually low due to its short shelf life and the low meat quality of the smaller-sized aku. He added that there is a growing disregard for the BRFA's and, on any given day, more fish dropped at the fish auction were caught inside the BRFA's than outside them due to the inability to enforce and prosecute. The climate of civil disobedience is gaining momentum. The longer the BRFA's remain closed, the longer the data will go unreported. He spoke in support of opening the BRFA's to all.

Roy Morioka, a local fisherman, noted that 1,300 annually registered MHI bottomfish vessels have been operating under ACLs for the last three years. He briefly recapped the history of the BRFA's, beginning with the creation in 1998 to address a perceived overfishing condition of onaga and ehu. The BRFA's were chosen because of the presence of larger fish that complemented the management regime in place at the time, which was spawning potential ratio (SPR). In 2007, state and federal managing bodies introduced a catch-based management scheme called total allowable catch (TAC), which was followed by ACLs, with accountability measures. The current ACL was established in 2011 when improved stock assessments became available. During this time, fishermen have remained restricted from fishing in BRFA's, thus doubling the

management regulations. The BRFA's have taken away accessible fishing grounds from local fishermen and created safety and economic hardships. The Deep 7 species are managed under a duplicative management scheme and are no longer experiencing overfishing nor are they overfished. Morioka said the elimination of the BRFA's is both timely and appropriate. The BRFA's are difficult to enforce. The locations are governed by prevailing wind and sea conditions. The seasonality of pelagic and shallow-water species should also be considered. He spoke in support for the elimination of all BRFA's as mandatory catch limits have superseded their management utility. He asked the Council to take definitive action to provide bottomfish fishermen with relief from the regulation. He reiterated that there are about 1,300 registered bottomfish vessels and 450 CML holders that report catching bottomfish. Out of the 450 CML holders, only 10 to 12 bottomfish fishermen (3 percent) catch more than 500 pounds a month, which illustrates how highly specialized and highly skilled bottomfish fishermen are. He also noted that 50 percent of the catch was lost with the creation of the Papahānaumokuākea Monument. The ACL is sufficient management for the stocks.

Ron Tam, a senior citizen, recreational fisherman with a commercial license and a representative of Hawaii Fishermen's Alliance for Conservation and Tradition (HFACT), a statewide organization that serves as the voice and ears of Hawai'i fishermen, spoke in support of the full removal of the BRFA's. The BRFA's caused the unintended consequence of reducing the number of Deep 7 bottomfish fishermen. To become skilled as a bottomfish fisherman takes time, and the skill is only gained by experience, knowledge and trial and error. The establishment of the BRFA's caused fishermen to take bigger risks by traveling further out to sea and increased costs using more fuel. The increased cost and higher risk resulted in the loss of the tradition of passing their knowledge and experience to their children. Tam briefly summarized the history of the BRFA's since 1998. He noted in 2007 the Deep 7 stock was deemed healthy, not overfished and no overfishing occurring. The BRFA's have changed in size, and the fishery is now managed by ACLs and/or annual catch target (ACT) with near real-time reporting. In addition, the information from the BRFA's is not factored into the bottomfish stock assessment, which further distorts the results. He pointed out the redundancy of the ACLs and BRFA's, compounded by placing BRFA's in the federal waters, and the confusion and lack of enforcement. The reported science is inconclusive and has not been peer reviewed, and it will reportedly take 10 more years for the efficacy of the BRFA to be scientifically determined. Because there is no enforcement the fish within the BRFA's are facing concentrated fishing pressure, which could create an overfished situation. The BRFA's are contrary to proper management and their efficacies are not evident. HFACT recommends elimination of the BRFA's and use of Kaho'olawe to gather science on the efficacy of closed fishing areas.

Discussion

Rice agreed with Tam's comments, noting that 30 percent of the fishers have left the fishery and the loss of the tradition to the families in Hawai'i.

Kevin Weng, from the Pelagic Fisheries Research Program (PFRP), agreed that the bottomfish fishery requires an enormous amount of knowledge and experience, sometimes decades, to develop the skill needed to be successful. The BRFA's have prevented fishermen from using some of the spots they had developed over many years of experience and have caused a large disruption to the fishery. He sees BRFA's as a management tool, although redundant, and

a learning opportunity. He advocated against losing valuable opportunities for learning, such as what level of rebound occurs in what period of time, size of animals inside versus outside the closed area, and effects on spawning output. He emphasized the importance of ensuring that modifications of spatial management and reduction of BRFA occur in such a way that the learning opportunities are maximized so that in the future the fishery can be managed in the best way possible. He supported the idea of creating a cooperative research program, getting highliners involved and gathering data prior to the reopening as well as following the reopening. He pointed out the need for outreach and communication with the fishing community to explain what is being done and why. He added that the Northwestern Hawaiian Islands (NWHI) and Middle Bank are also good sites to study the effects of closed areas to fish stocks.

Discussion

Leialoha asked if Kaho`olawe, Papahānaumokuākea and Middle Bank would provide enough data to meet the scientific objectives.

Weng said Kaho`olawe and Middle Bank would be great sites to use as permanent closed area comparison sites, but each spot is different from every other spot. There is opportunity for every single individual area to gather some information before the reopening and then collect time-series data following the reopening. A cooperative research program could accomplish this.

Leialoha asked about the justification for gathering the science prior to opening the BRFAs.

Weng said the justification is catching bigger fish should be easier inside the BRFAs as they have been closed for a period of time than outside of the areas. He recommended a group of experts, commercial fishermen and highliners conduct controlled fishing experiments inside the BRFAs prior to the opening.

Tam noted that, as soon as the BRFAs are opened, catch would improve, which would be a starting point. According to Drazen's research, two of the BRFAs had smaller and fewer fish [than outside the BRFAs].

Daxboeck said the supposition is the BRFAs worked and there was no fishing inside the closed areas, which is highly suspect. However, if all of the BRFAs were opened at the same time with the caveat that everyone can go fishing, including the calibrated fishing inside and outside the BRFAs and with more rigorous catch reporting, it may provide answers to some of the questions as to their efficacy. The fact remains that the BRFAs are no longer needed because of the other management efforts in place. He agreed with Weng's comment as to the lost opportunity if the data is not collected, and he supported gathering all of the science information possible. He reiterated that the BRFAs should provide access to all fishermen.

Rice said fishermen land 5,000 to 6,000 pounds from Area N on the chart before Christmas every year, which is well known. Once the BRFAs are opened there would be opportunity to get more accurate data.

Morioka reiterated that there is no enforcement, which negates whatever science is hoped to be learned from the BRFAs. After five months of meeting with the DLNR chair, the

bottomfish fishermen are still fishing under federal rules in federal waters with state rules being imposed.

Ebisui agreed that blatant fishing occurs inside the BRFAs because it is well known there is no enforcement. As a matter of principle, an unenforceable regulation should not be enacted.

Clay Tam, a local fisherman and researcher, said he has been affected by the closure, especially on the east side of O`ahu. It is difficult not being able or allowed to pass on his knowledge and skills to his 30-year-old sons. Tam understands the issues with the science and chooses not to break the law, but after all the years the data never came through and it is hard to justify the loss of the cultural practice and tradition of bottomfish fishing. His hope is that he will be able to pass the tradition and skill to his sons in his lifetime. His bottomfish spots are based on landmarks and are unique to his family. He asked the Council to consider this in their decision-making. The socioeconomic concerns and science needs to be balanced, but the fishermen have been patient long enough and need some relief.

Simonds noted that an apology is due to the fishermen. The Council did not take action on the BRFAs and could have said that the fishermen are allowed to fish in the federal BRFAs. The Council did not because it was working in partnership with the State on the establishment of ACLs and was waiting for the State to take action.

J. Council Discussion and Action

Regarding MHI bottomfish, the Council recommended the BRFAs located in federal waters be eliminated and encouraged the State to consider removing all BRFAs in State waters based on the SSC's comments regarding the future utility of the closed areas given the current coordinated ACL state/federal management regime. The Council noted the SSC's comments regarding the opening of the BRFAs should not be conditioned on the proposed research and monitoring of the fishery and that the science can be accomplished simultaneously with the opening of the BRFAs. The Council further supported the MHI Bottomfish Working Group's outcomes regarding improving research data collection and monitoring research needs, future research topics and directions, and stock assessments.

Moved by Leialoha; seconded by Ebisui.

Motion passed.

Leialoha said she agreed with the SSC and Council recommendations to remove all BRFAs but had reservations. She agreed with removal of BRFAs in federal waters and wanted to hear statements from the chair of the State of Hawai'i DLNR with regard to removal of BRFAs in State waters. She noted there is enough information to move the SSC recommendation forward. She spoke in favor of the motion.

Regarding MHI Bottomfish, the Council directed the MHI Bottomfish Working Group to meet as soon as possible to undertake the following:

- **Identify appropriate agencies and institutions and potential funding sources to carry forward the Working Group’s recommendations regarding the MHI bottomfish research monitoring and assessments.**
- **Develop a proposal and budget to implement a targeted survey based on the findings of the Science Center’s gear calibration cruises and cooperative research effort to establish a time zero for future fishery independent monitoring of the MHI bottomfish fishery. The goal would be to implement the targeted survey in coordination with the opening of the BRFA’s.**
- **Review and provide recommendations how to utilize the State’s CML logbook requirements and reporting grids to provide more accurate spatial reporting from the BRFA’s when open.**
- **Provide a full report, including scope of work and timeline for implementation and completion of the above work, to the Council at its March 2014 meeting.**

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

Regarding the Hawai`i FAD Program, the Council requested the State of Hawai`i FAD Program manager to engage the West Hawai`i fishing community in discussions to consider options for relocating the existing FADs in the area, for example, the VV buoy.

*Moved by Rice; seconded by Ebisui.
Motion passed.*

Leialoha asked about the purpose of moving the FADs and to where they would be moved.

Rice said fishermen believe the FAD takes fish away from the nearby ledge or ko`a, as it has been noticed in the last 15 years since the FAD was put in. It is also very close in proximity to the Kona Kampachi pen. The fishermen would like the FAD removed.

McGilvray asked for the name of the State of Hawai`i FAD Program manager.

Mitsuyasu said HIMB took over the FAD Program under Kim Holland’s group.

Itano said the recommendation should be addressed to Holland. Warren Cortez works for Holland and puts the FADs together.

7. Pelagic and International Fisheries

A. International Fisheries Meeting

1. 9th Science Committee of the Western and Central Pacific Fisheries Commission

Paul Dalzell, Council staff, presented an overview of the activities of the 9th Science Committee of the WCPFC. The meeting took place in August 2013 in Pohnpei, FSM.

The 2012 provisional total tuna catch in the Central and Western Pacific equaled 2.6 million metric tons, the highest on record. The purse-seine catch, 1.8 million metric tons, was also a record, and 69 percent of the total catch. Longline production made up only 10 percent of the catch and remains relatively stable. Pole and line accounted for less 0.25 million metric tons, the lowest since the late 1960s, and reflects the fact that the Japanese long-range pole and line fishery has been under many decades of contraction.

Total purse-seine catch in the Western and Central Pacific has risen sharply since the 1980s. The bulk of the catch is skipjack tuna, followed by yellowfin and bigeye, which is the basis of the current concern about the stock status for bigeye. In 1999 there were approximately 200 purse-seine vessels in the region. Today the fishery expansion has been driven by domestic fleet increases, particularly fleets belonging to the Parties to the Nauru Agreement (PNA), which are archipelagos that surround the Pacific Warm Pool, the area of the Western Pacific Ocean where most of the skipjack resource is located.

The purse-seine fishery sets on free-swimming schools or associated sets, i.e., on FADs and other floating objects. Over time, the proportion of associated versus unassociated sets has varied. FAD sets in 2012 are down from 2011, but up 10 percent on the 2007 to 2011 average. The total number of sets made per day has been increasing.

Longline catch generally shows an increasing trend. The catch is comprised of primarily three species: albacore, bigeye and yellowfin, with bigeye being the most valuable.

The purse-seine catch per unit effort (CPUE) showed an increase while the stock is declining. A preliminary analysis in late 2011 suggested an episode of poor recruitment or a natural consequence of reduced stock size.

Albacore has undergone a period of expansion. South Pacific albacore has shown the biggest increase of new vessels and effort. The vessels are coming from China and licensed by South Pacific countries. These new Chinese vessels are ultra-low temperature, freezer longliners, which can out-compete domestic fleets.

The tropical longline fishery is relatively stable. The southern longline fisheries are ramping up effort, with the volume of deployed hooks up by 27 percent in 2011 and 42 percent in the last five years, driven by the Chinese vessels in the South Pacific.

Skipjack catch is 1.7 million tons, up 9 percent from 2011. Pole and line catch is down 24 percent from 2011. Purse-seine catch is up 16 percent in 2011 and 5 percent on the five-year average.

Longline fisheries are static in the tropics and north of the equator. Longline fisheries are rapidly expanding south of the equator focused primarily on albacore. There is an unrestricted expansion of the purse-seine fishery even though the PNA Vessel Day Scheme is supposed to limit it. Purse-seine CPUE is increasing while the stock is declining, although the stock biomass is still healthy, i.e., greater than that which would generate maximum sustainable yield (MSY).

The bigeye tuna total catch was 161,000 metric tons, up 1 percent on 2011 and 6 percent the last five years. Longline is down 2 percent on 2011 and 5 percent the last five years.

Purse-seine catch is down 2 percent from 2011, but up 16 percent in the last five years. The purse-seine catch is comprised of almost entirely juveniles and is about the same size as the longline catch. The total bigeye catch is twice MSY.

The trends in the various CPUE for yellowfin showed declines. In the last three decades, the longline bigeye CPUE has declined. Albacore tuna in total is up 5 percent in 2011 and 7 percent on the five-year average.

2. Tropical Tunas Working Group of the Western and Central Pacific Fisheries Commission

Tosatto reported the Tropical Tuna Working Group held in August 2013 in Tokyo. The establishment of the working group was an outcome of a meeting held in Manila that extended the conservation and management measure (CMM) 2008-01 to develop a multi-year management measure for tropical tunas. Tosatto said there was little consensus among Commission members, but the meeting helped the United States to solidify its negotiating position going into the annual WCPFC meeting in December.

Discussion

Rice asked for clarification as to the 2,000-metric ton limit for the US Pacific Territories as discussed at the 157th Council meeting.

Tosatto said efforts are ongoing to transmit the amendment package for consideration by the Secretary. The point is unconstrained growth does not address overfishing and the United States will not allow unconstrained growth within US Territories.

3. Northern Committee of the Western and Central Pacific Fisheries Commission

Tosatto presented the results of the Northern Committee (NC) meeting held in Fukuoka, Japan, in August. The Committee focuses on northern stocks of Pacific bluefin, North Pacific albacore, North Pacific blue shark and North Pacific swordfish. The science provider to the NC, the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific

Ocean (ISC), also conducts stock assessments of Pacific blue marlin and North Pacific striped marlin.

Pacific bluefin tuna received an updated stock assessment in 2013 demonstrating that the stock size is about 4 percent of its unfished size. It is greatly overfished and at its record low biomass size. The results of the stock assessment compelled Japan to take action.

The United States put an aggressive proposal together, which included ending exemptions for the Japan and Korea fisheries, a 25 percent reduction in immediate catch, implementing efforts to rebuild the stock and further fishery reductions. There was an internal consensus for a 15-percent reduction in catch for 2014, as well as ending Korea's exemption. There is hope of reaching a final agreement.

The United States has been working for the last couple of years to get a management framework in place for North Pacific albacore, hopefully using this as the first stock within WCPFC to have this management framework in place, which includes limit reference points, harvest guidelines, target reference points and precautionary measures, among others. Unfortunately, Canada withdrew its support for the measure. When the United States put forth the measure as an individual proposal without Canadian support, it was easily dismissed. The United States will continue to work with Canada in 2014 to get a new stock assessment. The stock is believed to be in a good state.

The North Pacific swordfish stock is considered healthy. The United States has proposed a limit reference point at the last three meetings, but Japan has been opposed it. North Pacific swordfish will also get an updated stock assessment in 2014.

Discussion

Rice asked if panned bluefin were included in the North Pacific bluefin stock assessment.

Tosatto replied in the affirmative, it is counted when the fish are caught to be panned as Year Zero.

4. Technical and Compliance Committee of the Western and Central Pacific Fisheries Commission

Eric Kingma, Council staff, presented on the WCPFC TCC meeting held in Pohnpei, FSM, in September 2013. The functions of TCC are to provide the WCPFC with information, technical advice and recommendations relating to the implementation of and compliance with CMMs, to monitor and review compliance with the CMMs and to review the implementation of cooperative measures for monitoring, control and surveillance, such as observer coverage, VMS and logbooks.

The bulk of the meeting focused on the compliance, monitoring and review process, based on CMMs adopted by the Commission. The review process relies primarily on self-reported information by the members of the Commission, their Part II annual reports and information gathered by the Secretariat. The process occurs in a closed session, without members of the public and observer groups allowed in the room.

At the outset, there were questions as to what constitutes obligations of members of the Commission in addition to CMMs. For example, there were some questions related to whether or not various levels of data provision are obligations, such as operational level data. Asian distant water fishing nation (DWFN) longline fleets are not providing operational level data, which is an obligation. They provide aggregated data, which is allowed only under certain circumstances. This lack of data from major DWFN fleets hampers compliance review with other obligations related to observer coverage, catch limits, transshipment, shark finning and shark catch reporting, and the whether or not compatible measures are being achieved between the high seas or in the zone. There was a call for members that are not providing such data to be restricted from accessing WCPFC non-public domain data under the data rules.

Under the current WCPFC CMMs, purse-seiners are required to transship in port. Longliners are prohibited from transshipping on the high seas, except under special circumstances. The Compliance Manager Report highlighted that the quantity of tuna catch reported as being transshipped on the high seas ranged as high as 25 percent of the total, pointing out a loophole of which some members are taking advantage. There is concern that the practice is unmonitored and potentially conducive to IUU fishing activity.

In recent years, there has been evidence of a change in purse-seine effort logbook reporting methodology by some vessels, principally by the Asian DWFN purse-seine fleets. These have been reporting a higher percentage of effort as in-transit days versus fishing days. The TCC recommended clarifying the definition of transit day, transiting from port to port in the tropical WCPFC area, transiting back to port and transiting with the gear stowed.

The TCC also reviewed information related to compliance with CMM 2008-01. Purse-seine effort has increased by 37 percent. The measure was thus ineffective in curbing or restricting purse-seine effort. In terms of bigeye catch, the longline measure reduced longline bigeye catches by approximately 25 percent from the established baseline levels.

Kingma noted there is little comparison between US fisheries under the Pelagics FEP versus the operations of the DWFN longline fisheries. Many fleets do not fill out daily logbooks, and enforcement levels are greatly different. The current compliance-monitoring scheme does not meaningfully address noncompliance. The distinction between implementation under domestic law and monitoring/enforcement action is important. US longline fisheries are operating at much higher standards than the DWFNs, yet there is a push to reduce the Hawai'i longline fishery's bigeye tuna limit.

The only tuna regional fishery management organization (RFMO) that has a response mechanism for noncompliance is the International Commission for the Conservation of Atlantic Tunas (ICCAT). The compliance review process for the Inter-American Tropical Tuna Commission (IATTC) is new but open and transparent in terms of public review. The TCC forwarded its Compliance and Monitoring Review Report to the 10th Annual WCPFC meeting for adoption.

Discussion

Rice asked about the measures that are taken when countries such as China, Chinese Taipei and Papua New Guinea (PNG) are not compliant and exceed their bigeye allocations.

Tosatto said that in 2012 Indonesia, Korea and other countries also went over quota. There is no penalty if a country is found to be noncompliant during the compliance review process. There are proposals on the issue of noncompliance, such as those proposed by the Pacific Islands Forum Fisheries Agency (FFA) on the tropical tuna measure, which includes loss of quota and paying back overages.

Rice asked if there were any consequences for the vessels that the Commission had evidence of transshipping.

Kingma said there is no consequence to any noncompliance at present time. OLE will assist the Commission's Secretariat identify the signatures of potential transshipment to a level where the Secretariat could then identify potential illegal activity to the flag state. The flag state would then take enforcement action on that potential illegal activity if the longline vessel did not declare that it was operating under some special circumstance.

Simonds voiced support for the use of more stringent regulations and sanctions for noncompliance.

Tosatto said it is apparent that countries find it hard to be truthful in their self-assessment. A better and more efficient method would be to build capacity so the Secretariat would no longer have to rely on self-reporting but would have an independent, impartial tally with a catch documentation scheme with trade implications. There is reliance on the United Fishing Agency (UFA) dealer data as the most accurate view of weight of fish. It is a truthful transaction and an independent and impartial tally of catch.

B. Evaluation of Tropical Tuna Management Measures by the Scientific and Statistical Committee

Dalzell reported on the SSC evaluation of tropical tuna management measures. In this effort, the SSC discussed some of the issues involved with the overfishing of bigeye in the Western and Central Pacific Ocean (WCPO) and the significant reduction in MSY after the catching of juvenile bigeye tuna by the WCPO purse-seine fishery. The current total catch is twice the MSY. The longline fisheries had catch limits imposed on them, to which they have generally adhered, while the purse-seine catch continues its unfettered expansion.

Fishing mortality has varied across time from half of the fishing mortality at MSY up to almost $1.7 \times F_{MSY}$, while the biomass ratio has remained steady. The volume of recruitment plays a big role in this steadiness. Nonetheless, the very large catch of purse seine-caught juvenile bigeye causes the major depression of the MSY. Using catch as a management measure when the MSY continues to be depressed would never be fair and equitable for the longline fishery as long as purse seiners catch large volumes of juvenile bigeye tuna.

Maintenance of observed 2009 bigeye tuna catch and fishery effort levels results in F at MSY remaining high with a projected level of the fishing mortality ratio of 1.4 in 2021. The fishing mortality declines and will be at a projected level of 0.96 in 2021 if the operations of the fishery approximate the conditions in 2010. This is driven by lower than usual FAD use in 2010, lower longline catches and a large reduction in reported catches from the domestic fisheries of Indonesia and the Philippines.

For a scenario approximating 2011 fishery conditions, the fishing mortality stabilizes at a projected level of 1.29. The difference between 2010 and 2011 fishery outcomes is mainly due to the return to higher levels of FAD-based purse-seine effort in 2011

In 2012, the WCPFC agreed on CMM 2012-01, which establishes a goal of reducing bigeye tuna mortality to a level of no greater than F over MSY equal to or less than 1.0 through a step-by-step approach through 2017, which is not very likely by 2017.

Dalzell projected that if the longline fishery catch remained stable, purse seiners would need to reduce overfishing by 100 percent, which would require an eight-month FAD closure and is not included in any of the different proposed CMMs. To reduce overfishing by 50 percent would require a five-month closure on FAD-based fishing. It would be more realistic and achievable to aim for a 50-percent reduction, which is using a level of FAD-based fishing reduction as proposed by the United States. The PNA proposal included a five- or six-month reduction of FAD-based fishing.

The trend of Hawaii bigeye CPUE and average size has been flat for over 20 years.

Dalzell posed the following questions for Council consideration: Overfishing has been occurring on bigeye for over 20-plus years, so why has the stock not collapsed? Why is eliminating bigeye overfishing in the WCPO necessary by 2018? If 50 percent of WCPO bigeye overfishing were eliminated by 2018, what is the payoff, what is the increased MSY and how long would it take to be realized? Is there scientific rationale for treating all fisheries as equal? Why have spatially disaggregated stock assessment models if management measures are not spatially explicit? Why is the Hawai`i longline fishery not affected by 20-plus years of bigeye overfishing? Why should the Hawai`i fishery be sacrificed for purse-seine fishing 5,000 miles away?

Tagging studies conducted on the equator show some degree of separation of the Hawai`i fishery from that in the far west. Currently some proposals would reduce the Hawai`i longline WCPO catch limit by 45 percent from the 2004 level, resulting in an annual limit of 2,300 metric tons. The economic impact would be substantial with little conservation benefit.

C. Mariana Archipelago Shark Fishery Management

Dalzell reported on managing sustainable shark fishing in the Mariana Archipelago. The purpose and need for the agenda item stemmed from fishermen in the archipelago continuing to experience high levels of catch depredation from sharks. Their pelagic fishery resources are greatly under-utilized, and the shark resource may be a significant. Shark catches would reduce shark biomass and may reduce catch depredation by sharks. Sustainable shark fishing could

contribute to optimum yield (OY). The Mariana Islands are located close to markets for shark products, including fins, which are unlikely to decline with increasing wealth in China.

NMFS PIRO published a booklet on the sharks commonly observed in the Mariana Archipelago, which included black-tip reef sharks, Galapagos sharks, gray reef sharks, the tawny nurse shark and the white-tip reef shark as coastal and reef species. The pelagic species included the blue shark, blunt-nose six-gill, cookie-cutter, great hammerhead, oceanic white-tip, pelagic thresher, scalloped hammerhead, shortfin mako, silky, silvertip, tiger and whale sharks.

The Guam troll fishery in the period 1996 to 2004 annually caught 2.5 metric tons of sharks, mostly silky, Galapagos and oceanic white-tips. In 2011, 0.1 metric tons of pelagic sharks were landed in Guam.

The CNMI troll catch is predominantly skipjack, whereas the catch in Guam is a mix of skipjack, yellowfin, wahoo and mahi.

The CNMI catches twice as much bottomfish as Guam because of the northern fishery. However, the Guam reef fish catch is higher than in CNMI.

Reef shark productivity is considered medium at best. Pelagic shark productivity is in the medium range, except for the blue sharks, which are medium to high.

Vulnerability is high for most of the shark species, except for the scalloped hammerhead.

Traditional uses of sharks include traditional food source in the Mariana Archipelago, skin used for drums and teeth used for tools and weapons.

Contemporary uses of shark include meat, liver oil, dietary supplements and ointments, cosmetics, cartilage for skin grafts, skin for wood polish and leather, and the fins.

Existing pelagic fisheries management measures include longline permits for pelagic fishing, logbooks, VMS, observers if requested, and longline closed areas for Guam and CNMI.

Shark management consideration should sharks be targeted as a fishery include the following: 1) Coastal and reef sharks could be easily depleted; and 2) Pelagic sharks are a larger resource and could likely be fished sustainably as an incidental fishery, part-time fishery, full-time fishery or via Pacific Islands Area Fishery Agreements (PIAFAs).

The first step would be to conduct a systematic survey of shark resources in the Mariana Archipelago to establish shark species composition, catch rates, size frequencies, economic information and a parallel study of small boat catches to establish a baseline shark-depredation rate.

The SSC had encouraged the continuation of this initiative.

Discussion

Goto agreed with the comment that the cookie cutter shark is a pest, as it degrades the value of fish by the damage its bite causes. He is interested in a study of the shark.

D. Workshop on Ecosystem Approaches to Pelagic Fisheries Management

There was no presentation due to the furlough of the federal government.

Discussion

Dalzell noted that Jeff Polovina's work on the North Pacific marine ecosystem and his observation of changes provide an opportunity for a workshop on the data and models needed to generate a total ecosystem production model for the North Pacific and/or the entire WCPO. Email exchanges with the chief scientists of the two tuna commissions suggested the topic be put on the agenda of the 115th SSC meeting for discussion, recommendations and progress.

E. American Samoa and Hawai`i Longline Quarterly Reports

Goto reported the landings are steady and typical for the time of year.

F. Effects from Fish Aggregation Devices on Fish Migrations

Kingma reported that at its 157th meeting the Council recommended that NMFS and the State of Hawai`i conduct research regarding FAD effects on migratory fish and possible disruption of seasonal migrations. The Council wrote a letter to PIFSC requesting its participation in the research. PIFSC was not interested.

Kingma noted the scientific literature was included in the Council's briefing documents.

Staff presented the information to the SSC at the 114th meeting. One peer-reviewed paper, which included Holland and Itano, hypothesized that anchored FADs may concentrate fish and make them more vulnerable to fishing, but at the meso-scale level they may not retain fish longer than if there were few or no FADs in the area. The island effect is likely to be responsible for the general presence of fish around islands and FADs, but further investigation of the hypothesis is recommended.

During its discussion, the SSC noted there has been a lot of work on fish movements on FADs, both vertical and horizontal, as well as tag recaptures and satellite tagging on yellowfin and bigeye around Hawai`i. The SSC encouraged analysis of the data and recommended that the Council develop a publication summarizing the existing studies available on the Council's website and/or distribute it to fishing communities.

Discussion

Rice said that any new study should consider the existence of new improved technology.

Kingma said the Council is interested in deploying more satellite tags around the MHI for bigeye to get a better handle on movement. There may be some funds available for that purpose.

G. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

Regarding the Working Group on Tropical Tunas, the SSC concluded the Commission's CCMs have failed to prevent increase in fleet capacity, fishing effort and catch of tropical tunas. The SSC asked that the Council convey these concerns to the US Delegation to the WCPFC and requested that they be discussed in the plenary session of the 10th meeting of the WCPFC.

Regarding the Working Group on Tropical Tunas, the SSC noted that the US Delegation's counterproposal should maintain the current harvest levels for bigeye of the US longline fleet.

Regarding the SSC evaluation of tropical tuna management:

The SSC recommended that the bigeye otolith stable isotope study be completed and then published. Similar studies helped resolve the spatial distribution and connectivity of Hawai'i yellowfin tuna. Further, the bigeye study should be expanded to include sampling of otoliths from other locations not yet sampled, e.g., the northwestern Pacific.

The SSC recommended that the Council convene a workshop on bigeye movement and distribution, with the objective of designing a collaborative study of bigeye movements in the Pacific and the data requirements to support such a study.

The SSC continued to support the spatially based management approaches to bigeye in the WCPO, given the availability of spatially disaggregated stock assessments. The SSC recommended that the Council advocate this approach be incorporated in the CMM proposals to the WCPFC by the US Delegation.

Regarding Mariana Archipelago shark fishery management, the SSC concurred with the initiative.

Regarding the effects of FADs on fish migrations, the SSC recommended the Council staff collect the reports of various Hawai'i tagging projects and summarize and disseminate the findings in an accessible format for the public.

H. Standing Committee Recommendations

Goto noted the Standing Committee recommendations were handed out in hard copy.

Simonds noted all of the territories have dishes that utilize shark and suggested providing pictures of the dishes for information on harvested shark uses.

I. Public Comment

Morioka said, over the last two years, bigeye tuna has been notably absent at the MM FAD, which is located off Kane`ohe in 1,500 fathoms of water, which in the past has been a steady producer of bigeye. Fishermen suspect that the migration has stopped and the fish are remaining offshore due to the proliferation of private FADs.

Rice agreed with Morioka's comment. He said, before private FADs were deployed, 40- to 60-pound bigeye tuna (which is what is being caught at the private FADs) annually ran through Kona in February and March. Rice asked for clarification as to what action the USCG takes when they find a private FAD.

Tschirgi said, if the FAD had identification on it, the owner would potentially be contacted and informed that the FAD has been observed and is an issue. The USCG does not want to interfere with property, whether legal or illegal, as the laws are not clear as to how to deal with them. It is very difficult to address each individual private FAD.

J. Council Discussion and Action

Regarding a new WCPFC tropical tuna management measure:

- **The Council noted that previous CMMs have failed to prevent increases in fleet capacity, fishing effort and total catch of tropical tunas, which is a concern for the sustainability and long-term continuity of WCPO tropical tuna fisheries.**
- **The Council further noted that bigeye overfishing continues in the WCPO primarily from incidental catch of bigeye and the purse-seine fishery when fishing on FADs.**
- **The Council supported the US proposal for tropical tuna management, which maintains the current Hawai'i longline bigeye catch-limit and recommends that the United States not accept any reductions in bigeye limits applicable to the Hawai'i longline fishery as this fishery operates several thousand miles from the equatorial Pacific where nearly 90 percent of bigeye fishing mortality occurs.**
- **The Council continued to be concerned about the effectiveness of the proposed purse-seine management measures to achieve effective reductions of juvenile-bigeye fishing mortality and saw no scientific or legal rationale to perceive treatment of purse-seine and longline fisheries equitably in terms of reducing bigeye overfishing.**
- **The Council directed staff to work with PIRO and PIFSC on spatial management approaches for bigeye tuna for incorporation in future US CMM proposals.**

Moved by Sword; seconded by Goto.

Motion passed unanimously

Regarding bigeye tuna life history and movement:

- **The Council recommended that the UH PFRP bigeye otolith stable isotope study be completed and published noting that studies help resolve spatial distribution and connectivity of Hawai'i yellowfin tuna and, further, that the bigeye study be expanded to include sampling of otoliths from other locations not yet sampled, for example, the northwestern Pacific.**

- **The Council directed staff to convene a workshop on bigeye movement and distribution with the objective to design a collaborative study of bigeye movement in the Pacific and the data requirements to support such a study.**
- **The Council directed staff to collect the reports of various Hawai`i tuna tagging projects and summarize and disseminate the findings in an accessible format for the public.**

Moved by Sword; seconded by Goto.

Motion passed unanimously.

Regarding the Marianas Skipjack Resource Assessment Study, the Council recommended that the Secretariat of the Pacific Community (SPC) include local catch data and regional skipjack tagging results into the Seapodym model and assessment.

Moved by Seman; seconded by Sword.

Motion passed.

Daxboeck noted that the subject of the recommendation will be presented under a different agenda item.

The Council deferred the recommendation to the proper section of the agenda.

Regarding the Billfish Conservation Act, the Council directed staff to write a letter to the NMFS assistant administrator indicating Congressional intent to maintain the ability of Hawai`i, American Samoa, Guam and CNMI fisheries to send billfish to the US mainland for sale, as well as the intent to allow billfish landed in American Samoa, Guam and CNMI by foreign vessels to be sold in Hawai`i.

Moved by Seman; seconded by Sword.

Motion passed unanimously.

Tosatto suggested addressing the letter to the NMFS assistant administrator in Washington, DC.

Duenas asked for clarification as to “sold in Hawai`i.”

Dalzell replied that, since the ports of American Samoa, Guam and CNMI are open ports and foreign vessels can land there, any marlin landed by those vessels could be sent to Hawai`i.

Duenas asked if the territories would be allowed to send the marlin direct.

Dalzell replied in the affirmative.

Rice added that foreign vessels are not allowed to send it direct to the mainland.

Dalzell replied in the affirmative.

Rice asked for a copy of the letter.

Goto asked how foreign landed billfish have been handled in the past.

Dalzell replied that it has always been handled the same.

Daxboeck read Section 4(c)(2)(a), with respect to billfish and billfish products, does not apply to billfish landed by foreign vessels in the Pacific insular areas when foreign-caught billfish is exported to non-US markets or retained within Hawai`i and the Pacific insular areas for local consumption.

Simonds reiterated the question as to how billfish have been handled in the past.

Daxboeck stated that at the present time there is no economically feasible way of landing the product in Samoa on a foreign vessel to be shipped on.

Regarding the Mariana shark resources, the Council directed staff to work with the NMFS PIFSC and Mariana fishermen to conduct a shark fishery resource assessment in the Mariana Archipelago.

Moved by Sword; seconded by Goto.

Motion passed unanimously.

8. Public Comment on Non-Agenda Items

Don Hawn, from PIRO, asked about enforcement efforts regarding marlin from the US Territories entering Hawai`i.

Daxboeck said the marlin can be exported to non-US markets.

9. Protected Species

A. Kona Integrated Ecosystem Assessment Survey

Jeff Polovina, chief of the PIFSC Ecosystems and Oceanography Division, presented background information and an update on the Integrated Ecosystem Assessment (IEA) Program currently conducted off the coast of Kona.

The IEA Program is a NOAA nationwide program that aims to operationalize the ecosystem approaches to management. The program consists of IEAs ongoing in the California Current system, the Gulf of Mexico, the Northeast Atlantic Shelf, the Gulf of Alaska and Kona. The intent of the NOAA plan is that over time each of the IEAs will build to full funding of approximately \$1 million. Given the current budget, the funds may remain at \$75,000 to \$100,000 a year or may even disappear.

The Kona IEA projects include the Kona Science Symposium, Ecopath reef and near-shore ecosystem models, reef fish recruitment surveys, larval circulation models, oceanographic surveys, socioeconomic indicators review, oceanographic review paper and cetacean habitat

modeling. The Kona IEA focus is to describe cetacean habitat and is a collaborative effort with Erin Oleson from PIFSC, Robin Baird from Cascadia Research and Whit Au, Adrienne Copeland and Giacomo Giorli from UH HIMB.

The second Kona IEA survey was completed in June 2013 aboard the NOAA R/V *Oscar Elton Sette*. It built on the 2011 Kona IEA survey. A suite of data was collected, including active and passive acoustics, trawls, cetacean visual observations and conductivity, temperature, and depth (CTD) in an effort to bring in broader participation than just fisheries. A key focus of the cruise was to describe the physical and biological linkages that create a foraging hotspot for pilot and beaked whales off Kona.

Polovina presented some results of the 2011 and 2013 cruises. The two species of interest were pilot whales and Blainsville's beaked whales. Based on tagging data, the center of the Kona Coast was identified as a prime foraging habitat for pilot whales. The core part of the foraging habitat began at Keahole Point down to Miloli'i close to shore. He pointed out that even though the whales forage along the whole coast and around the whole island there is a hotspot right at the center of the Kona Coast. There was also key foraging habitat identified in the same area for the Blainsville's beaked whale.

Dive data included tracks of a pilot whale diurnal diving down to depths of 600 to 800 meters, with accelerated speed for a brief period, presumably chasing prey. Diving at night appeared to be in the 200- to 300-meter range, with the same pulse-speed swimming-pattern. The cruise also found evidence of partially eaten *Architeuthis* (giant squid) off Kona, which is presumed to be a preferred prey of pilot whales.

In the 2013 cruise a Didson profile (a sonar device) was deployed at a depth of 800 meters and encountered what appeared to be a 9-foot squid at a depth of 600 meters. Evidence suggests that a group of prey is attracting the large squid, which in turn provide foraging for the large cetaceans. There are plans for January 2014 to use a remotely operated underwater vehicle (ROV) to discover what prey may be attracting the squid. Oceanographic research is ongoing off the Kona Coast looking at current flow, which would provide organic material residing in the area that would be the base of the food web for the whales.

Polovina summarized the results of the IEA cruises as follows: The nearshore area along the middle of the Kona Coast provides a foraging habitat for pilot whales and Blainsville's beaked whales. The cetaceans may be foraging on large squid that in turn forage on a dense scattering layer at 400 to 600 meters. Persistent eastward zonal flow concentrates and transports organic matter that supports the base of the food web. The plans going forward include analysis of the active and passive acoustics from the July 2013 Kona cruise and a ROV cruise off the Kona Coast in January 2014.

Discussion

Rice asked if the cruise collected data on water temperature.

Polovina replied in the affirmative; there are CTDs placed along the area.

Rice said the squid usually disappear in January and are prevalent for nighttime fishing from June or July through September. In January there are no squid when there is a 3 degree difference in water temperature.

Polovina asked for clarification of the fishing method and depth.

Rice said fishers catch the squid by jigging at the surface using a light.

Polovina said confusion over the species names of the squid is common.

Rice said dead 6-foot squid are found floating along the coastline. Sperm whales show up in the summer months when bigger squid are in the area.

Polovina agreed that sperm whales have been seen further offshore from where the pilot whales were sighted.

Rice said that when the trade winds stop blowing the current patterns completely change.

Polovina said models show that the oceanography can be quite dynamic in the area. When averaged over a longer period, such as on a monthly basis, the current flow is persistent.

Rice noted the current pattern used in the PowerPoint is the perfect current pattern for fishing but does not always happen. Squid are used as live bait for night fishing. The ika shibi fishery had poor fishing in 2013, but 2012 was exceptional.

Polovina noted his appreciation of Rice's comments on the seasonality of the squid. He said he would reconsider the timing of the January cruise by reviewing the seasonality of the diving behavior of pilot whales during the winter months versus summer months.

Simonds noted efforts made many years ago to conduct cooperative research activities off the Kona Coast that never happened because of local opposition. She added that it is nice that there is finally an opportunity to study the area. She said it would be great if some of the work could take place in the US Territories. Because the Western Pacific Region is such a large geographic zone, more money is needed to conduct research.

Polovina agreed, noting similar systems may be operating off some of the US Territories. The ROV cruise in January is the first attempt to use a baited ROV in a pelagic environment, down to a depth of 600 meters and draw in organisms.

Duenas asked if the presence of the squid and/or cetaceans affect fishing.

Rice replied in the affirmative. The cetaceans are not a problem at night, except for toothed dolphins, which causes a change of location.

Daxboeck recalled a *Calypso* cruise in the late 1970s out of Kealahou Bay and suggested getting the information from the log of the cruise.

Sabater asked if the ultrasound equipment has the capability to identify fish species.

Polovina said it will provide lengths but is not as good as a camera that shows the entire animal. The image is based on sound waves bouncing off the animal. Organisms that are 3 or 4 feet long can be identified, but it is mostly getting the size structure of scattering layers, which are smaller organisms.

Rice said it can also pick up whole squid piles.

Polovina asked what squid piles means.

Rice said, on his 50-kilohertz echo sounder, he has seen a huge red ball under the boat, estimated to be 500 to 1,000 squid. He can see the individual fish and distinguish whether it's a tuna or marlin and the balls of bait.

Ishizaki asked if there are plans to look at false killer whales (FKWs) and habitat off the Kona Coast.

Polovina said the data from tagged FKWs show the habitat hotspots are in the areas of the channels on the windward side of the island and much of their prey fish is shallow-swimming fish. Based on the tag data, the FKW hotspots appear to be distinct from the central Kona area.

Rice said the FKWs are in the channels and the Hilo side because of the placement of the 50 private buoys in those areas. That is the reason Baird has not seen any FKWs in his research.

B. Leatherback Turtle Bycatch Analysis

Ishizaki announced Evan Howell was not able to attend because of the federal government furlough. Council staff will follow up with PIFSC on the leatherback-turtle bycatch analysis in the context of the Hawai'i longline fishery. The Council requested the analysis several years ago when a leatherback hard cap of 16 animals was in place. In 2011, the shallow-set fishery closed after reaching the hard cap limit. The hard cap has increased. The Council will receive updated information at the next Council meeting.

The purpose the analysis was to look at leatherback bycatch hotspots to see whether TurtleWatch could be expanded to include leatherback turtles. TurtleWatch has been in place to inform the longline fishery of loggerhead hotspot areas to avoid interactions.

Discussion

Goto said the Hawaii Longline Association is proud of the mitigation efforts that the longline fishery undertakes and looks forward to continuing the progress.

C. Deep-Set Fishery Endangered Species Act Section 7 Consultation

Tosatto reported that the deep-set fishery ESA Section 7 consultation began in June. The Council assisted the PIRO Sustainable Fisheries Division in developing the biological opinion (BiOP) evaluation of the fishery and its impact on species. The listing of the MHI insular FKW DPS triggered the consultation, which also considered impacts on other listed large whales, all turtle species and scalloped hammerhead sharks. Before take can be authorized for any ESA

listed marine mammal species, the impact to the species must have a negligible impact determination under the MMPA. The Council request for an extension to allow presentation of the analysis was received. The consultation is conducted as a government activity. The Hawaii Longline Association is an applicant and has a legal status in the consultation. The work will quickly proceed to conclusion.

Discussion

Rice asked if a timeline was available.

Tosatto corrected his prior statement in that there is an existing BiOp and 7(a) coverage for the fishery during the course of the consultation. Currently, no timeline is available.

D. Endangered Species Act and Marine Mammal Protection Act Action Updates

Tosatto provided an update on ESA and MMPA actions.

1. Proposed Rule to List 66 Species of Corals as Endangered or Threatened under the Endangered Species Act

The petition to list 66 coral species created significant scientific disagreement and resulted in a September notice of a six-month extension to consider a final decision on the petition. The notice allowed the public to provide comments until Nov. 1. Tosatto voiced uncertainty as to meeting the deadline. He said the goal is to have the additional information compiled and put on the website, which will remain open for additional information up to the last possible moment. Final decision is now due on June 7, 2014.

Discussion

Simonds requested that NMFS take into consideration Charlie Veron's work, which will be complete in December.

2. Green Sea Turtle Status Review

NMFS received a petition to consider whether the Hawaiian green sea turtle is a DPS and, if so, to delist it. A 90-day finding found the petition warranted. The petition proceeded to a Status Review, which is being conducted on a global scale. A finding for DPSs and the status of each of the species is expected. The Status Review Team has met, with PIRO, PIFSC and other experts throughout the country participating. The group is meeting by teleconference to further its work. There is no timeline available for the completion of the Status Review.

Discussion

Simonds asked if the Status Review completion is expected before the end of 2015.

Tosatto replied that the goal is to complete the review in 2014.

Simonds asked if writing a letter to Headquarters would provide extra motivation.

Tosatto said the Council and the petitioner would be relevant entities to speak to NMFS.

3. North Pacific Humpback Whale Petition

NMFS received a petition to consider the North Pacific humpback whale as a DPS and delist it. The 90-day finding found the petition warranted, and NMFS has proceeded to undertake a Status Review. NMFS had previously undertaken a Status Review on the North Pacific humpback whale without a petition. However, it was not completed and accepted. As the new Status Review is undertaken, a new Status Review Team will be formed and start from scratch. It is too early to tell whether NMFS would meet the 12-month finding deadline.

4. Proposed 2014 List of Fisheries

Tosatto reported that the 2014 List of Fisheries is not out yet.

5. Proposed Rule on Endangered Species Act Incidental Take Statement Regulations

NMFS and USFWS have undertaken efforts to clarify certain technical aspects and circumstances under the ESA Incidental Take Statement (ITS) regulations. The proposed rule deals with the use of proxies in fisheries management for habitat conditions or affected species to allow for an ITS. The rule would lay out when it may be done and how NMFS would do it. The rule would inform the public how a Programmatic ITS would be developed for individual actions. The proposed rule is out for public comment and is reasonably technical in nature. Tosatto said he expected comments from those who are interested in the technical aspects of ESA.

E. False Killer Whale Take Reduction Plan Research Priorities

Asuka Ishizaki reported on the FKW Take Reduction Plan (TRP) research priorities. The TRP went into effect December 2012. Currently, the Hawai'i longline fishery is operating with a new set of measures implemented under the MMPA regulations. The main regulatory measures in effect include the following: 1) Gear requirements for weak circle hooks and strong branchlines; 2) Implementation of a new longline exclusion zone, elimination of the winter fishing zone north of the MHI and a triggered Southern Exclusion Zone (SEZ); 3) Improvement of captain and crew response to hooked and entangled marine mammals to reduce serious injury; and 4) Seven non-regulatory measures and 35 research recommendations to reach the TRP goals.

In 2011, the team developed and ranked research priorities. Since the implementation of the plan, the TRT met in May 2013. It discussed the progress of the research priorities and formed a working group to refine and rank a new list of priorities. Council staff is part of the working group.

The working group refined the list of research activities and was tasked to rank within and across four different categories of research activities: FKW biology, longline gear, State fisheries and FKW assessments. The ranking of categories are to be based on the importance of

each research activity in addressing the TRP goals while taking into account feasibility and costs. The short-term goal is to reduce the mortality and serious injury (M&SI) of FKWs in the longline fishery below the potential biological removal (PBR) within six months of the TRP implementation. The long-term goal is to reduce the M&SI to insignificant levels approaching 0 or less than 10 percent of the PBR within five years.

The SSC at its 114th meeting reviewed the list and provided input on the ranking. The SSC had four priority objectives: 1) Collect demographic data for FKW to improve the stock assessment report (SAR) and further to evaluate concerns about the use of genetic evidence, including spatial genetics structure and appropriate management units; age class specific abundance; and demographic parameters. 2) Improve understanding of species-specific post-hooking mortality. 3) Improve understanding of longline interactions on the MHI insular FKW stock in light of the expanded year-round 50-mile longline exclusion zone. 4) Seek technical solutions for reducing depredation.

The next steps are as follows: Staff works with the SSC subgroup to conduct ranking exercise based on the priority objectives. The SSC reviews the ranking. The staff finalizes ranking and submits it to the TRT working group.

Discussion

Rice asked for clarification as to the overlap of the insular FKWs and NWHI FKWs.

Ishizaki said currently the outer boundary of the NWHI stock is considered the monument boundary. The longliners are not allowed to fish in the monument waters. It is considered that there is no overlap between the longline fishery and the NWHI FKW stock.

Rice asked if the two stocks ever meet.

Ishizaki replied that there is a geographic overlap of the NWHI and MHI stocks around the island of Kaua'i based on satellite tracking.

Rice asked how observers are trained to determine from which stock the interaction occurred.

Ishizaki said there are no genetic samples of the FKWs with which interaction occurred. The location of the interaction is documented. Currently, if there is an interaction in the longline fishery in the insular–pelagic overlap zone, a model prorates the animal partly into the insular stock and partly into the pelagic stock.

Rice said that should be one of the priorities for the subcommittee to look at.

F. Workshop on Marine Mammal Stock Assessment Issues

Ishizaki reported that the Workshop on Marine Mammal Assessment Issues was based on a recommendation from the 157th Council meeting. The Council directed staff to work with NMFS and other appropriate experts to develop a workshop to explore improvements on marine

mammal stock assessments, including methods to evaluate anthropogenic impacts, such as fisheries, and stock delineations.

Correspondence is included in the Council briefing from Rebecca Lent, the new director for the Marine Mammal Commission (MMC). In the correspondence, the Council explained issues such as the SSC subcommittee's report regarding issues with marine mammal stock assessments. The letter indicated that the Council would be interested in working in collaboration with the MMC on a series of workshops to deal with some of those PBR issues that are central to marine mammal stock assessments and stock delineations, which gets back to the whole issue of FKW insular stock, pelagic stock and NWHI stock in Hawai'i.

In her response, Lent mentioned that the issue of PBR is difficult to tackle because it is used to evaluate impacts of fisheries and is written into the act. It was meant to be a cost-effective way of evaluating fisheries across the board. Even if the act allowed the use of other models, not enough resources exist currently to undertake the efforts needed. However, MMC is interested in stock delineation and is in discussion with NMFS regarding the subject.

In addition, the Council had discussions with the PIRO Protected Resources Division on the subject. The Pacific Scientific Review Group (PSRG) recently had a recommendation to look at the stock delineation issue.

Council staff will continue to follow up with NMFS, MMC and other partners. PIRO is aware that the Council is interested in collaborating with any kind of planning or workshop.

Discussion

Rice voiced support for stock delineation and noted its importance in stock assessments.

Simonds voiced support for holding the workshops as soon as possible.

Ishizaki said there will be follow-up, especially since the longline fishery has had several takes of FKWs, both in the EEZ and outside. No takes have occurred within the SEZ, although the TRT teleconference discussed concern for such a take.

Tosatto said the TRT selected the SEZ based on a historic record of where takes occurred versus closing the entire EEZ, understanding that the insular FKW takes may have occurred within the whole of the EEZ. There was rationale for closing a portion versus all and then some sense that there will be takes outside of the SEZ that lead to the closure of the SEZ, which is 100 percent within the rationale for the closure being designated.

G. Update on the Endangered Species Act Working Group of the Council Coordination and Marine Fisheries Advisory Committees

Ishizaki presented an update on the CCC-MAFAC Joint Working Group on ESA. The working group was established in response to the CCC recommendation at its May 2012 meeting.

The purpose of the working group is to identify potential options for improving processes used for ESA Section 7 Consultations on fishery-management actions as consistency in the involvement of the councils in the process across the regions does not exist. For the Western Pacific Council, Ebisui is the primary member for the working group. SSC member Jim Lynch is an alternate and has been heavily involved in the deliberations of the working group.

The working group officially started work in October with the Terms of Reference (TOR) to complete deliberations and report recommendations by the end of October 2013. The group held a series of teleconferences and a face-to-face meeting in May in conjunction with the CCC and MAFAC meetings held in Washington, DC, during which a six-month progress report was presented. The working group met through teleconference in July and August 2013.

The results of the August teleconference included the following: 1) The working group supported approach to better integrate councils with ESA Section 7 consultations; 2) The working group recognized existing authorities allow councils to be involved throughout the consultation process; and 3) The working group established a process for councils to request level of involvement in consultation.

Additional discussions in progress included determining the best scientific information available for consultations and potential mechanisms for interim actions. Ishizaki expected further instructions on the next teleconference, as well as finalizing the report which was due by October.

Discussion

Matagi-Tofiga asked how much influence would this have in terms of the actual ESA listing petitions.

Ishizaki said the consultations discussed are for listed species, such as the BiOp developed to address the species and the impacts of a federal action on those species. The Council is not involved in listings done under ESA Section 4 and that is not part of the working group's discussion.

H. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

Regarding the FKW TRP research priorities, the SSC ranked the four general FKW research priorities to achieve TRP goals as follows:

- Collect demographic data for FKW to improve the SAR and further to evaluate concerns about the use of genetic evidence. This should include spatial genetics structure and appropriate management units; age class specific abundance for each management unit; and demographic parameter estimates for each management unit.
- Improve understanding of species-specific post-hooking mortality.

- Improve understanding of longline interactions on the MHI insular FKW stock in light of the expanded year-round 50-mile longline exclusion zone.
- Seek technical solutions for reducing depredation.

Regarding the FKW TRP research priorities, the SSC recommended that the FKW Subcommittee formed at the October 2012 meeting be reconvened in conjunction with the Protected Species Committee meeting in January 2014 to review a presentation from Dr. Baird and provide a report to the SSC at the 115th meeting.

Discussion

Tosatto said, just prior to the federal government shutdown, NMFS published a notice seeking public comments and announcing the intent to undertake the development of a recovery plan for the MHI insular FKW stock. NMFS was petitioned to consider the status, as well as critical habitat. A determination has not been made on whether critical habit is determinable and, if so, what that might be. There is a need to begin the process of recovery planning so as not to withhold agency action, proceed as required under the Administrative Procedure Act (APA) and comply with the ESA. Recovery planning is a long process. It was determined that starting that process while closing other ESA Section 4 requirements was prudent. If anyone has thoughts on how to go about planning for the recovery of the MHI FKWs now is the time to submit the comments. Recovery planning is a reasonably transparent and collaborative process.

Ishizaki asked if a team would be formed to develop the recovery plan.

Tosatto said the agency is currently struggling to meet its diminishing resource-capacity with an increasing protected-species workload. Undertaking critical habitat consideration will take priority over recovery planning. There are also less costly recovery planning that could be undertaken. A team would be formed to develop a recovery plan and present it for consideration by the agency, which is resource-challenged to undertake work to consider critical habitat. There is no funding available to undertake recovery planning. Funds are being sought, and recovery planning will be at some point in the future.

I. Standing Committee Recommendations

Rice reported the Protected Species Standing Committee convened and deferred all action to the Council meeting.

J. Public Comment

Watamura said Baird's work on the MHI FKW stock would result in better abundance estimates if it used satellite tagging to determine the population density in combination with flyovers and aerial observations.

Rice noted that, according to talks with Baird, one difficulty is attaching tags to the animals in rough waters, as well as bad timing of the research.

K. Council Discussion and Action

Regarding insular FKW research, the Council recommended that the SSC FKW Subcommittee formed at the October 2012 meeting be reconvened in conjunction with the Protected Species Committee meeting in January 2014 to review a presentation from Dr. Baird on the photo-identification data analysis and provide a report to the SSC at the 115th meeting and to the Council at the 159th meeting.

Moved by Rice; seconded by Sword.

Motion carried.

Regarding the FKW TRT research priorities, the Council endorsed the SSC's four general priorities in achieving the TRP goals as below and directed staff to finalize the ranking exercise for submission to the TRT work group:

- **Collect demographic data for FKWs to improve the SAR and further to evaluate concerns about the use of genetic evidence. This should include spatial genetic structure and appropriate management units, age class specific abundance for each management unit and demographic parameter estimates for each management unit.**
- **Improve understanding of species-specific post-hooking mortality.**
- **Improve understanding of longline interactions on the MHI insular FKW stock in light of the expanded year-round 50-mile exclusion zone.**
- **Seek technical solutions for reducing depredation.**

Moved by Rice; seconded by Sword.

Motion carried, with Miyasaka abstaining.

Rice spoke in support of the recommendation and noted its importance. This past summer he saw a pod of whales with three different age groups, which would indicate an increase or decrease in the number of individuals in the pod.

Simonds asked if they travel in families.

Rice replied in the affirmative, noting it is considered anecdotal information.

Simonds said the information can be included in the documents as best available information.

Miyasaka said he would abstain from the vote, as he is a member of the TRT work group.

Regarding the Notice of Intent to Prepare a MHI Insular FKW Recovery Plan, the Council directed staff to draft a letter to NMFS requesting that a recovery team convene to develop the plan. The team should include fishery representatives from the Council and the State of Hawai'i, as well as members of commercial and noncommercial

sectors of Hawai`i's fisheries considering that a number of the threats NMFS believes are contributing most significantly to the current or future decline of the MHI insular FKWs are related to fisheries.

Moved by Rice; seconded by Sword.

Motion carried.

Rice voiced support for including commercial and noncommercial members in the recovery team.

Palacios agreed with the importance of industry participants being involved in the recovery planning.

Regarding North Pacific humpback whales, the Council directed staff to draft a letter to NMFS expressing the Council's concurrence with the positive 90-day finding in response to the petition to delist the North Pacific humpback whale population under the ESA. The Council reiterated its previous recommendation to recognize the recovery and delist the North Pacific humpback whales and looks forward to a timely 12-month finding from NMFS.

Moved by Rice; seconded by Sword.

Motion carried, with Miyasaka abstaining and Leialoha voting nay.

Miyasaka said he would abstain from voting as he would prefer to see the 12-month finding report before he could recognize recovery or whether delisting is warranted or justified.

10. Program Planning and Research

A. Estimated Maximum Sustainable Yield for Data-Poor Stocks Based on Modified Catch–Maximum Sustainable Yield Model

Marlowe Sabater, Council staff, presented information on the estimated MSY for data-poor stocks based on a modified catch–MSY model. The Council initiated a model-based approach to improve the specification of ACLs for data-poor stocks. The Council contracted Pierre Kleiber to provide technical support in developing an augmented version of the catch-MSY approach by Martell and Froese 2012. The model was improved by incorporating biomass information from the NMFS Coral Reef Ecosystem Division (CRED) surveys to estimate biomass projections and derive MSY from a combination of r (rate of population increase) and K (carrying capacity). The catch data used were from creel surveys and dealer reports for American Samoa, Guam and CNMI. For Hawai`i, the catch data came from fishermen's monthly trip reports. Each coral reef MUS group by its respective family was assigned with specific resilience information based on FishBase.

The goal of this work is to apply these estimates from the model-based approach for the Fishing Year 2012 ACL specification for the data-poor stocks.

The SSC was asked for endorsement of the model for management use. The SSC reviewed the model as a peer-reviewed body, according to the new National Standard 2

Guidelines, and recommended to reconvene the P* working group. The results will be presented at 115th meeting of the SSC.

The Council is expected to deliberate on the results and recommend moving forward with the P* analysis to provide comment as to whether a social, economic and ecological factors and management uncertainty (SEEM) analysis is required.

B. Evaluating the Need to Amend the Acceptable Biological Catch and Annual Catch Limit Control Rules

At its 113th meeting, the SSC recommended an amendment to the FEPs to accommodate other methods in the acceptable biological catch (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, as well as flexibility in dealing with overages. Other councils addressed data-limited stocks using various methods. However, the current effort to utilize a model-based approach for ABC specification coupled with the ecosystem component options renders amendment of the FEP moot because no MUS would remain under Tier 5. The SSC is expected to weigh the options and evaluate whether the change in the control rule is still warranted given the development and approval of the amendment will take several years.

Discussion

Leialoha asked if NOAA commented on the changes made by the Caribbean and Atlantic Councils.

Sabater said the Caribbean and Atlantic Council control rules were accepted.

Matagi-Tofiga asked whether potential sources of management uncertainty, such as overfishing, are taken into consideration when setting the ACL and ACT control rules.

Sabater said the status of overfishing is usually accounted for when the overfishing limit is established. Management uncertainty is usually accounted for in the SEEM analysis. However, since most of the stocks are in a data-poor situation, the overfishing limit cannot be defined and SEEM analysis cannot be applied because the information available is very limited.

C. Council Coral Reef Ecosystem Program and Proposal

Josh DeMello, Council staff, reported the overall goal of the Council's Coral Reef Ecosystem Program is to maintain sustainable coral reef fisheries while preventing any adverse impacts to stocks, habitat, protected species or the ecosystem and to build community engagement and capacity.

Objective 1 is to foster sustainable use of multi-species resources in an ecologically and culturally sensitive manner based on science and the principles of ecosystem-based resource management. Objective 2 is to engage and build capacity within island communities, providing opportunities for schools and universities to participate in the science and the management so there is capacity built within each of the island areas. Objective 3 is to promote scientific fishery

and ecological data because of the data-poor situation. Objective 4 is to provide a flexible and responsive management system for coral reef resources, otherwise known as adaptive management. Objective 5 is to minimize adverse human impacts, not just fishing but also other anthropogenic effects on coral reef fisheries and the coral reef ecosystem. Objective 6 is to provide for sustainable participation by the community. Objective 7 is to encourage and promote improved surveillance and enforcement.

In the past, the Council has supported these objectives through different projects and through the NOAA Coral Reef Conservation Program grant that the Council received. Numerous research, outreach and education projects have been funded, ecosystem workshops have been held, lunar calendars have been developed for the island areas and high summer courses were held in each of the island areas. The Council has provided support to the island territories to collect data through the creel survey program.

The next round of funding is coming up for 2014 to 2016, and Council staff has identified three different areas for the Council to look at in the next grant:

- Coral reef ecosystem science and monitoring. Most of the products proposed are to help with ACLs to improve the data-poor situation or to develop a model and/or revising it so ACL estimates are better in the future, a project for mapping the use of the coral reefs where each type of fishing is occurring and continued stock assessments.
- Coral reef ecosystem management. Review the FEPs and coral reef regulations to make sure they are still relevant and how to improve or changes made.
- Coral reef ecosystem capacity building. This is tied to the Council's Ad Hoc Education Committee and plans for providing community engagement and capacity for the different territories.

Discussion

Palacios asked if the Coral Reef Ecosystem Program submitted fund requests to the Coral Reef Conservation Program.

DeMello replied in the affirmative.

Palacios said the US Island Territories have their own local Coral Reef Initiative Program to which they submit local proposals. It would be appropriate for Council staff and his Division of Fish and Wildlife (DFW) staff to meet and discuss the projects to complement each other's efforts and projects. He suggested Sean McDuff and Todd Miller as points of contact (POC).

DeMello explained that there are four funding mechanisms for the projects:

- Each state and territory can apply for projects under a two-year grant, with 2013 as the first year of the grant.
- Funding is available for the three Fishery Management Councils with coral reef jurisdiction under the Regional Council grant.

- The international grant is applicable to coral reef work globally.
- The domestic pot is a competitive grant open to all. NMFS and PIFSC apply for proposals, as well as the island territories. Examples of a project applied for included tagging conducted within and outside of marine protected areas (MPAs) to look at movement of fish between and within MPAs, exploring options for community management. The projects were suggested to be included in the domestic grant because the goals include priorities for domestic use.

One of the issues with coordination between the Territories' grant and the Council's grant is that the purpose for any Council project should be to amend FEPs, e.g., ACLs. The Council is willing to support any of the Territorial projects as well.

Simonds said the Council worked with Guam in 2012 to organize an advisory committee made up of fishermen and different agencies to develop the coral reef grant, as well as other proposals. She suggested the Territories include the Council in the All Island Committee to enable collaborative work.

Matagi-Tofiga pointed out the Coral Reef Advisory Group (CRAG) in American Samoa functions as the management group and the Council is a part of it. DMWR acts as the POC. It works together in terms of management and managing money, and the projects complement each other.

D. Revision and Re-Prioritization of the Council's Five-Year Research Priorities

Sabater reported that the Council developed its five-year research priorities in 2008. It is currently due for revision and updating. The MSA includes language that the priorities are to be established for five years and updated as necessary. A recap of the priorities was presented, which included recent changes in the priority, the SSC's review of new priorities and removal of obsolete priorities, review of the next steps and discussion and recommendation for the Council. The four research categories include stocks, human communities, ecosystem and protected species.

At its 97th meeting, the SSC established the Council's five-year priorities. At its 101st meeting, the SSC reviewed the priorities as needed. At its 108th meeting in 2011, the SSC reviewed the priorities and added status lines that are on publications from PIFSC and work that the Council performed. Two priorities were added: 1) to conduct detailed fisheries analysis, socioeconomic and social cultural studies of yellowfin tuna in the Hawai'i-based small-boat fishery; and 2) population demographics specific for FKW and pan-tropical spotted dolphins. At its 156th meeting, the Council participated in a prioritization session of the PIFSC's Science Plan.

At the 157th Council meeting the Council requested PIFSC to review the five-year research priorities. PIFSC provided the following recommendations:

- To add a priority for the advancement of stock assessment methodologies. This is under the stock research priority, and this is Priority S-1.
- To improve the existing fishery data collection but not additional logbooks.

- To separate fishery-independent and fishery-dependent data-collection methodologies.
- To prioritize the elements that go into stock assessments. The stock assessment is ranked as the highest priority.
- To downgrade the rank of the stock structure and merge it with the stock definition priority.
- To move impact of climate change and ocean acidification and sea level rise to the other research categories under ecosystem.
- To upgrade the interaction and reduction of mitigation methods under the protected species category.

The SSC was asked to evaluate the priorities and determine if any new and emerging priorities need to be addressed. The SSC formed a subgroup, which will present its report at the 115th SSC meeting.

E. Update on Pacific Islands Regional Planning Body

Tosatto reported that the Regional Planning Body (RPB) for Coastal Marine and Spatial Planning (CMSP) under the National Ocean Policy (NOP) held its inaugural meeting in Honolulu in July 2013. The RPB developed its mission statement, guiding principles, draft objectives and charter. The summary for the RPB meeting has been finalized. The review of the charter is ongoing. The next RPB meeting has not yet been scheduled, but potentially could be late winter or early spring 2014.

There was no consensus on the need to develop a group of data people to begin to organize all of the information that might be needed going forward. There is hope that between sessions, new science will be forthcoming from past workshops held on habitat, as well as draft goals and objectives for the RPB to review.

F. Noncommercial Fisheries Update

This agenda item was deferred.

G. National and International Education and Outreach

Spalding summarized the Council's national and international education and outreach efforts since the 157th Council meeting. The Council's newsletter is now available electronically and has been sent out to 400 people, which includes the Council family, news media and members of the community who signed up to receive electronic communiques from the Council at community events.

Regarding the Council's traditional lunar calendars, a company in New Zealand is now providing the tide predictions. The student art contests are ongoing. The Guam, American Samoa and CNMI calendars will feature the winning art. The first-place art in the grades 6-8 category will be displayed at the First Stewards Symposium and Living Earth Festival, which are

scheduled for July 2014 in Washington, DC. The Council will also bring the winners of its high school photo-essay contests to the events. The theme of both the art and photo-essay contests was “Climate Change and Traditional Places: Rights and Responsibilities,” which is one of the subthemes of the Symposium.

The Council assisted American Samoa DMWR with the NOAA marine monument grant proposal. The proposal was awarded for a Rose Atoll educational project that will be conducted with Manu`a High School. DMWR is the applicant with the Council as manager and NOAA OceanWatch as co-manager. The American Samoa Department of Education (DOE), District Governor of Manu`a and American Samoa Community College (ASCC) Samoan Studies Institute signed letters of support and are reviewing the curriculum to ensure alignment with DOE standards and field sites that are culturally acceptable. The educational project includes a module in water quality monitoring and a module in sea level rise and climate change that will be conducted in November or December by Lucas Moxey from NOAA OceanWatch, after which a community event will be held. In January 2013 DMWR will conduct a module on coral reef survey techniques. Students will also make a site visit to the fishermen cooperative that the Council helped developed to learn about data collection. To promote a permanent monitoring program on the island, the course will be open to teachers and community members as well as students.

Spalding noted additional information on the Council’s education and outreach efforts is included in the document in the Council’s briefing book.

Discussion

Palacios asked for more information regarding the NOAA marine monument grant.

Spalding said the Monument Program oversees the grant. DMWR is the applicant, and the Council is the manager of the grant. The request for proposals came out the same time as the Marine Education and Training (MET) grant. The Manu`a proposal was developed when the Council was in American Samoa for the 156th Council meeting in March.

Palacios pointed out that this would be beneficial for the Guam and CNMI high school and college students as well.

Spalding said other areas could replicate the activities in the project.

H. Ad Hoc Education Committee Meeting Report

Spalding presented the report of the Ad Hoc Education Committee. The Council requested the formation of the committee at its 156th and 157th meetings as a mechanism to build capacity in the islands supporting local students pursuing a marine science degree so they are able to fill the positions in local fisheries and other natural resource management agencies. The Ad Hoc Education Committee held teleconferences on Aug. 8 and Sept. 9, 2013.

The Council and CRAG currently have an MOU to fund an ASCC student who has completed two years of education to finish his/her four-year degree at UH Hilo. The student returns to American Samoa to work in natural resource and/or fisheries management. The

Council has plans to expand scholarships to all of the Territories and the Commonwealth and work with other community colleges and Hawaii Pacific University.

The committee reiterated the need to build local capacity by educating Territory and Commonwealth students in fisheries and natural resource management at tertiary education and institutions located within the Western Pacific Region. Fishery managers and/or scientists who originate from outside the territories or Commonwealth tend to stay for only one to three years. The committee noted that students need adequate preparation to study in Hawai'i and discussed developing financial, mentoring and counseling support in Hawai'i and the Territory and Commonwealth institutions. It was also pointed out the efforts should begin in high school or earlier to get students interested in fisheries and natural resource management.

Education for fisheries management is currently located on the US mainland and does not prepare students to address the species and local fishing communities in the US Pacific Islands. The committee favored long-term internships with the Council, PIFSC or HIMB to improve skills. The ability of the graduates to secure employment in the Territories and Commonwealth also needs to be improved, as there have been issues with job availability, the decision-making process and pay scale. The committee also noted the need for continuing education opportunities for those already employed in the Territory and Commonwealth office with two or four-year degrees.

The committee's third meeting will be on Oct. 10.

Discussion

Simonds expressed her appreciation for the committee and bringing to light the elements to enhance the program.

Spalding said progress is being made to develop an articulation MOU between the University of Guam (UOG) and UH Hilo, as well as with a proposal for a Saltonstall-Kennedy (S-K) grant to train agency staff.

Matagi-Tofiga noted her appreciation for the work done providing the opportunity for American Samoa students and building capacity with DMWR.

I. Marine Planning and Climate Change Committee Report

Spalding provided an update on the Marine Planning and Climate Change Committee, which was previously the CMSP Committee. Council staff is working on membership of the redesigned committee and planning to convene the first meeting in January 2014. At its 157th meeting, the Council recommended that the committee provide advice on a climate change policy for the Council, incorporation of climate change into the FEPs and the organization of informational meetings for communities regarding climate change.

J. Noncommercial Fisheries Advisory Committee Report

DeMello said the Council at its 156th meeting reconstituted the Noncommercial Fisheries Advisory Committee. The focus of the committee is now on boat-based clubs fishing in the EEZ.

The committee met Sept. 25 and 26, 2013, at the Council office. The participants represented all of the island areas except Maui and Guam. They discussed issues germane to noncommercial boat-based fishermen and priorities for a program plan for noncommercial fisheries.

Four recommendations resulted from the committee's deliberations: 1) The Committee recommended the Council provide more and better communication on noncommercial fisheries. 2) How the different laws and government agencies control, support and affect noncommercial fisheries. 3) Information advisors can use to explain regulations or issues to motivate club membership to participate in proposed regulations and management regimes. 4) The extent and timing of the Japan tsunami marine debris, including a form of communication, such as a website with maps and information, as well as an action plan for what fishermen should do when they upon the debris at sea.

The Committee recommended the Council's future priorities and plans incorporate the following, regarding noncommercial fishing: 1) fishery infrastructure, including boating facilities and access, such as safe ramps and accessible ramps; 2) improvement in data collection for noncommercial fisheries; 3) depredation of noncommercial fishery catch by protected species and sharks; 4) developing formal communication plans for communicating information and providing feedback to and from the Council; and 5) the importance of billfish fisheries, including cultural use and commercial sale.

The Committee supported the intent of the Council's revised definition for recreational fishing, but recommended that the MSA definition of recreational fishing be shortened; culturally acceptable; and include fishing undertaken for sport, pleasure, subsistence, traditional, cultural and other noncommercial purposes.

The committee recommended the Council appoint Norman Swift as the chair of the Noncommercial Fisheries Advisory Committee.

Discussion

Rice said he recently heard a report that the recreational fisheries data collection is ahead of the rest of the United States because of the CML system.

DeMello agreed and clarified the report was in regards to the charter fishery.

Rice noted that the Council's boat-based data collection may enhance the system overall.

DeMello said that under the pilot project the data collection is voluntary.

K. Fishery Data Clients Meeting Report

Sabater presented the report from the Oct. 14, 2013, Fishery Data Clients Meeting, which convened in Honolulu. It included an overview of the Council staff's review of the fishery data-collection proposals to improve coordination and maximize the opportunity for the Region to improve fishery data.

Some of the problems with the data collection program included lack of direction, follow through, coordination, funds and milestones, as well as redundancy and duplication of efforts. In 30 years, the data collection has not evolved.

The purpose and needs identified included a) Revising the current data coordination framework; b) Enhancing the fishery data collection; c) Developing a strategic plan and a Fishery Data Improvement Plan; and d) Implementing the improvement plan and monitoring the data collection over time.

Some of the existing data collection programs ongoing included a) Creel surveys, both boat-based and shore-based; b) Commercial dealer reports; c) Transshipment data from Guam; d) Net-exemption data in the CNMI; and e) Hawaii Marine Recreational Fishing Survey (HMRFS).

Some of the funding vehicles available are a) S-K grants, which provide up to \$500,000 and available the new Territorial Fisheries Science Initiative; b) Marine Recreation Information Program (MRIP), \$150,000; c) WSFR, which provides the territories approximately \$150,000 to \$300,000 for data collection; d) Sustainable Fisheries Fund, \$100,000; e) Inter-jurisdictional Fisheries Act (IFA), up to \$100,000; and f) Coral Reef Conservation Program, up to \$150,000.

Sabater briefed the Council on numerous data workshops held, dating back to 1997 where priorities were developed for the Western Pacific Fisheries Information Network (WPacFIN), as well as more recent efforts taken. The list of workshops included a) 2006 workshop to support the transition from the Fishery Management Plans (FMPs) to the FEPs; b) 2009 workshop to determine gaps for the new MSA requirements; and c) 2011 workshop where issues were prioritized, gaps were identified and an action plan was developed.

The Council has spent \$673,247.73 on fishery data collection-related activities and paid for all of the Fisheries Data Coordinating Committee (FDCC) meetings. Council staff has been leading the data improvements for the region. The staff reviewed the programs and the process to which the Council and NMFS work in terms of data collection. Suggested improvements included establishing a Council Standing Committee on Fishery Data Coordination and Research. It would include of the directors of the fishery management agencies in American Samoa, Samoa, Guam, CNMI and Hawai`i; the Guam Bureau of Statistics and Plans (BSP); director of PIFSC; a representative from the USFWS; and the Council. It would make policy level decisions on implementation of fishery data improvements. A two-tiered technical committee would support the Standing Committee. Tier 1 would consist of people directly involved in fishery data collection. Tier 2 would consist of researchers. The technical committee would do most of the groundwork in terms of developing proposals, the strategic plan and an implementation plan and make sure that the people on the ground are applying the data improvement efforts.

L. National Marine Fisheries Service's Cooperative Research Proposal

Sabater reported that an internal Request for Proposals (RFP) came out in August for cooperative research. The Council reviewed the cooperative research priorities at the 157th Council meeting. There was no change in priorities. Erik Franklin, an SSC member from UH, is

currently drafting the proposal to assist the Council in alleviating the bottleneck in the processing of the life history samples from CNMI, American Samoa and Guam. The cooperative research proposal is due in the near future. It will be submitted to Gerard DiNardo at PIFSC for vetting on a national level through the Cooperative Research Working Group.

M. National Standard 1

Dalzell presented an update on the recent activities related to the Advanced Notice for Public Review (ANPR) of the National Standard 1 by NMFS soliciting comments, with 11 issues identified. The ANPR follows implementation of Councils' ACLs, accountability measures and ABCs. The rationale for taking comments on the 11 topics is get a sense of the operational experience from the Councils, as well as the public and non-government organizations (NGOs).

The 11 topics included stocks in a fishery; overfishing and multi-year impacts; ACLs and OY; mixed stock fisheries and OY; scientific and management uncertainty; data-poor stocks; ABC control rules; catch accounting; accountability measures; ACL exemptions; and rebuilding progress and revising rebuilding plans.

The Council wrote a letter and addressed each of these 11 issues. The comments on each of the 11 issues varied widely.

In general, the Councils are asking for more flexibility. Operational experience has shown that there needs to be some flexibility in the various elements of National Standard 1 with respect to catch limits and accountability measures. The relationship between ACLs and OY was not clear. Data-poor stocks also received several comments from the Councils.

The document is included in the Council documents. The Council is awaiting word from NMFS as to what the next steps will be on National Standard 1.

N. Update on the Magnuson-Stevens Act Reauthorization

Simonds provided an update on the MSA reauthorization. Congress recently held hearings, one dealing with data collection. No further hearings are expected in 2013. She will let the Council know if there are any additional developments in regards to an upcoming reauthorization of the MSA.

O. Scientific and Statistical Committee Allocation Working Group

Dalzell reported an update on the recommendation the Council made at the 157th Council meeting to convene a meeting of the Allocation Working Group composed of SSC members to provide recommendations to the SSC and Council for consideration. He reviewed the Council's efforts in regards to allocation to date. There is potential for allocation of tunas, especially bigeye and yellowfin, in the Hawai'i longline fishery. There are manpower needs for a full-time allocation program. Hawai'i longline fishermen and MHI Deep 7 bottomfish highliners oppose allocation. Allocation means more than just catch, for example, also permits.

The working group also discussed characteristics involved in allocation programs. They are data hungry and must consider the recreational sector. Allocation cannot work without an

adequate catch reporting database. Allocation program can throttle fisheries, such as the NWHI lobster and bottomfish fisheries. A few individuals and entities can consolidate allocation. Captain and crew catch history enhances employment. Allocation may not be culturally appropriate.

The working group concluded that allocation programs are top-down management and must have constituent buy-in. It is currently premature for the Council to consider implementing a catch allocation program.

Next steps are to complete reports and data needs, especially recreational fishery data, and address funding to deal with data issues.

Discussion

Simonds noted the Council asked PIFSC to review the bottomfish information in the event that there was progress on allocation programs. The standards and the database would be in line. There has not yet been a reply.

An audience member from PIFSC said an answer would come by January.

P. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

Regarding estimated MSY for data poor stocks based on modified catch-MSY model, in its role as a scientific peer review body, in accordance with the National Standard 2 Guidelines, the SSC recommended that Council staff apply the biomass-augmented Martell-Froese-Kleiber (MFK) model to compute MSY for the Tier 5 stocks in Hawai'i, Guam, CNMI and American Samoa. The SSC further recommended re-convening the P* working group to determine the appropriate level of risk of overfishing and the ABC. The P* working group should re-evaluate the P* criteria to account for scientific uncertainty in the MFK model and the biomass data.

Regarding the amendment to the ABC and ACL control rule, the SSC recommended proceeding with the MFK model for application to data-poor stocks, which would allow for consideration of most Tier 5 stocks to be under Tier 3 of the ABC control rule. The MFK model coupled with the ecosystem component amendment will nullify the need for a control rule amendment because no stocks would be subject to Tier 5.

Regarding revision and re-prioritization of the WCPFC five-year research priorities, in order to effectively evaluate and revise the research priorities, the SSC formed a subgroup for each research theme. The subgroup members are as follows: For stocks: Sibert, Hampton, Kobayashi, Skillman. For Ecosystem: Ochavillo, Camacho, Lutcavage, Franklin. For Human Communities: Ochavillo, Severance, Amesbury, Callaghan. For Protected Species: The priorities for the protected species section will be vetted through the Protected Species Committee, whose member include two SSC members, Chaloupka and Lynch, and will be meeting in January 2014.

Regarding SSC allocation working group, the SSC recommended that Council staff keep the SSC abreast of new developments in fisheries allocations in other jurisdictions. However, the SSC recommends no further action on allocation be taken at this time.

Q. Standing Committee Recommendations

Ebisui reported the Program Planning Standing Committee met on Tuesday. The committee heard the Program Planning agenda items, including a presentation regarding the noncommercial fisheries update by Itano. Following the meeting, recommendations were made for Council discussion and action.

R. Public Comment

There was no public comment.

S. Council Discussion and Action

Regarding ACLs, the Council recognized the SSC as an appropriate scientific peer review body, in accordance to the new National Standard 2 guidelines, to review the biomass-augmented MFK model.

- **The Council endorsed the MFK model for management purposes.**
- **The Council directed staff to finalize the MSY estimates from the MFK model.**
- **The Council directed staff to convene the P* Working Group to determine the appropriate level of risk of overfishing and associated ABC.**
- **The Council directed staff to convene the SEEM Working Group to account for management uncertainty in deriving ACLs.**
- **The Council directed staff to present the recommended ABCs to the Council at its 159th meeting in March 2014.**

Moved by Ebisui; seconded by Sword.
Motion passed.

Tosatto voiced discomfort with endorsing every word of the recommendation. Having worked with the Council, he understands the issues, but it is a matter of ensuring the action taken is consistent with the FMP or it will lead to potentially making an amendment to the FMP. Noting the uncertainty, he will have the recommendation reviewed, and, if amendments are needed, he will raise them later.

Palacios noted Tosatto's comments.

Regarding the amendment to the ABC and ACL control rule, the Council recommended proceeding with the MFK model for application to data-poor stocks to estimate ABCs. This would move most stocks currently considered under Tier 5 of the

Council's ABC control rule where ABCs are established from catch history to Tier 3, where ABCs are based on model-based approaches, such as the MFK model.

The Council understood that the use of the MFK model, coupled with the ecosystem component amendment, would nullify the need for a control rule amendment because no stocks will be subject to Tier 5.

Moved by Ebisui; seconded by Sword.

Motion passed.

Tosatto noted the same intervention previously made.

Palacios noted Tosatto's comments.

Regarding fishery data collection, the Council recommended the formation of the Fishery Data Collection and Research Committee (FDRC) as a committee of the Council. The committee shall be comprised of the American Samoa DMWR director, Guam director, CNMI DLNR secretary, Hawai'i DLNR chair, Guam BSP director, NMFS PIFSC director, USFWS representative and Western Pacific Fishery Management Council chair.

The Council recommended the formation of the Technical Committee that will provide technical support for the FDRC, which will be comprised of fishery data managers, fishery researchers, fishermen advisors and representatives from the various agency partners identified in the White Paper.

The Council directed staff to convene the Technical Committee, develop the Strategic Plan and Standard Operating Practices and Procedures, and present the plan at the 160th meeting in June 2014.

The Council recommended PIFSC consult with the FDRC members on how the FY 2013 Territorial Science Initiative funding will be spent. Funding was supposed to be used for enhancing biological sampling, improving catch data and data collection programs that will support the Council for setting ACLs and better understand fish stocks and build local capacity.

The Council recommended that the future funding of the Territorial Science Initiative be used to address the needs and priorities that will be identified by the FDRC as described in the Strategic Plan that will be developed by the Technical Committee.

Moved by Ebisui; seconded by Sword.

Motion passed.

Tosatto spoke in support of the development of the committee, but asked for PIFSC, WPacFIN, FDCC, the Cooperative Research and the Territorial Science Initiative be given adequate time to improve coordination and leadership and work in sync.

Simonds announced a meeting will be held to discuss organizing in a structured way to help the Territories' staff get the job done. The Committee also could look at other things that are out in the Territories that could take advantage of some of these funding initiatives.

11. Mariana Archipelago

A. Island Reports

1. Arongo Flaeey

Jack Ogumoro highlighted some of the activities that have taken place in CNMI since the 157th Council meeting held in June 2013:

- The creel survey expanded to the Island of Tinian thanks to \$35,000 received from the Council. DFW is also attempting to record catches from the Northern Islands. They have not been reported for some time. These efforts are to help develop more reliable and accurate ACLs.
- Five FADs have been deployed in the FAD Program, with three more set to be deployed and eight more FADs being fabricated by a new contractor.
- The DFW fisheries biologist participated at the Monument Advisory Council meeting held on Sept. 12. The three members of the CNMI and two federal counterparts attended the meeting. The meeting resulted in the passage of bylaws. CNMI members made sure the bylaws included the promises of the federal government with respect to the management of the monument.
- Turtle nesting continues on Saipan, Tinian and Rota. The Turtle Program staff tagged 43 in-water at Tinian and Rota. Staff is actively promoting the program at the schools and other events.

Discussion

Simonds asked if the turtles are a mix of foraging and nesting.

Ogumoro said the turtles tagged with satellites were foraging around coastal areas. PIFSC provided the satellite tags. The maps of the turtle tracks will be available in the near future.

Palacios said it was disheartening that at least one of the members of this advisory council was very reluctant to insert language to memorialize the promised concessions given during development of the monument designation. He moved to dismiss the advisory council if the language was not inserted because there would have been no reason for CNMI to participate if co-management language was not inserted into the bylaws or operating principles. In the end, acceptable language was inserted.

Another issue at the meeting regarded the Visitors Center, which was one of the more substantial selling points to the people in the community of the Marianas regarding the monument. In the end, the advisory council formed a working group tasked with making

recommendations on the Visitors Center to present to the DOC and the DOI. The community's issues need to be addressed before anything moves forward, he suggested. He requested that PIFSC representatives sit down to discuss a more clearly defined role in the Commonwealth's participation in regards to the policies and more effective communication in moving forward with forming the plan for the Visitors Center. He also noted surprise at the absence of any agenda item to describe the science and research plans scheduled for 2014 in the Marianas Trench Monument. The local agencies need to prepare to participate in the research. The CNMI Governor is very interested in ensuring that CNMI participates fully in the co-management of the monument, especially the Island Units. The islands belong to the people of the Commonwealth as well as the nation, and it is very important for the community of the Commonwealth to be fully engaged in the management.

Seman reported that the Saipan Fishermen Association conducted its 29th Annual Fishing Derby on July 13 and 14, with 54 boats participating, 11 traveling from Guam. The grand prizewinner caught a 221-pound marlin. The Association, which DLNR cosponsors, will be conducting its 30th anniversary celebration, and the Council will be involved. The Governor hopes to see something similar to the Hawaii Seafood Festival.

Palacios also commented that the FAD Program, with the help from WSFR, has been very successful with the re-fabrication and deployment of eight FADs for less than \$70,000.

Rice asked if the older fishermen were involved in the FAD placement and expressed the importance of considering their input.

Palacios replied in the affirmative. He participated in the most recent fishing derby. The captain demonstrated to him that the FADs were placed too far out to sea to be of any benefit to the fishermen.

Matagi-Tofiga agreed with Palacios' comments regarding coordination of PIFSC's research with the local resource agencies.

Palacios said there have been many activities by Department of Defense (DOD) researchers traveling to the Northern Islands to conduct research, of which even the CNMI Governor was not aware. There is now a directive stating that all landings on any of the islands for research on public lands and public areas have to get authorization from the CNMI Department of Public Lands.

2. Isla Informe

Taitague reported that the Division of Agriculture and Wildlife Resources (DAWR) is actively collecting data for fishery management through shore-based and boat-based surveys. Data collection includes tides, method, effort, species caught, weight, number of interviews, etc.

The DOA through the WSFR grants continues to be the primary source of funding of the Boat Access Program to upgrade and repair the three most used boat ramps and marinas on Guam. The features of this program ensure safe and reliable launching facilities for recreational and subsistence fishers. Repair work is ongoing at Agat, Merizo and Agana Boat Basin. Completion is scheduled for the end of 2013. The recent storm in Guam may possibly have

further damaged the Agat Marina. The recent inclement weather has also affected fishing, resulting in less fish in the markets.

FADs and shallow water moorings are still under the purview of the DAWR funded by the WSFR Fund, as well as the fishing platforms. A map depicts the FADs that are online and offline. The Hagatna Fishing Platform is still pending. The platform is a 500-foot Americans with Disabilities Act (ADA) compliant fishing platform on the riprap along the Hagatna Marine Channel at Paseo de Susana. DOA has received funds from NOAA and the Council through the Marine Conservation Plan (MCP). There is a holding pattern for the approval to be received from the Army Corps of Engineers, which requires NEPA and platform removal plans.

DOA also maintains platforms in Ylig and Togcha. The maintenance work is contracted through WSFR grant funds.

Fishing signs depicting some of Guam's cultural practices are located across Guam to educate the public on the techniques of Guam's cultural fishing practices.

DOA held fishing derbies for kids at the Asan War in the Pacific Park and the Tumon preserve. The Tumon derby location allowed children to learn about conservation and preservation.

The DOA has gone out into the communities and schools to instill the desire to fish in the children of Guam. A program has been included in the DOA in partnership with an organization called Rare to raise awareness in marine preserves. The slogan is "Our Piti. Our Pride. Our Pledge to Protect the Island Resources."

Duenas said he attended the Guam Advisory Panel meeting held on Sept. 12, 2013, with 11 members present. They discussed several issues. Some of the main issues related to the military buildup. The military's announcement that Pagan was no longer considered as the preferred site for their firing range and the new preferred site was Ritidian at Northwest Field caused concern that it would create a buffer that would extend several miles offshore. Additionally, when the firing is in session, fishermen would have to veer far off course to stay out of the range of the firing range, which would severely hamper their fishing. Smaller boats, in particular, would have to traverse far off course.

Another hot topic was the impacts of the Micronesian migrant fishing. The Advisory Panel wanted to see if it could hash out some of the federal and local issues. They explored outreach and education avenues to address local customs and traditions regarding the exploitation of local fishing.

Another topic was the ongoing shark depredation. Many members noted that it is increasing, and some of the shark behaviors are changing. One member said the shark attacked their marlin and took several big chunks, which has never happened in the past.

Discussion

Sword asked for clarification as to the average cost to deploy a FAD and what depth the FADs are set.

Taitague said the cost of deployment and fabrication of four FADs was approximately \$134,000. The deployment depth is included in the written report.

B. Legislative Report

1. Commonwealth of the Northern Mariana Islands

Ogumoro reported that CNMI now has its own Territorial waters due to the recent signing of US Senate Bill 256. CNMI is the last US Territory to have its Territorial waters after losing them in 2005 through a federal court ruling.

Palacios voiced his appreciation to the Council and NOAA for always showing respect in terms of the unapproved Territorial waters and that the near-shore 3 miles waters belong to the people of the Commonwealth. He noted some federal agencies went on record as being against CNMI having jurisdiction. The Senate and US House of Representatives did the right thing.

2. Guam

Taitague reported that the Guam Legislature introduced four bills since the 157th Council meeting:

- Public Law 32-039 would amend the Guam Code Annotated relative to the expansion of the representation on the Hagatna restoration under Redevelopment Authority to include the Mayor of Hagatna and the legislative representatives and for other purposes. The bill includes a grant of \$2 million to the Guam Fishermen's Cooperative Association for the construction, repair and improvement of its facility as part of the Greg D. Perez Marina Economic Enhancement Master Plan.
- Bill No. 106-32 is an act to mandate that the BSP collect data on the amount and type of produce imported to Guam, such information to be listed quarterly by types of produce on both the BSP and the DOA website.
- Bill No. 138-32 introduced by Pangelinan is an act to amend Section 1515, Article 5, Chapter 1, Title 5 of the Guam Code Annotated, relative to the repair and improvement of the Guam Fishermen's Cooperative.
- Bill 190-32 is an act for a new Chapter 28 to Division 2 of the Title 17 Guam Code Annotated relative to the establishment of the UOG Research Corporation. UOG would have the capacity to grow and expand its economic, social and environmental benefits to the people of Guam and the region while fulfilling its mission as the primary institution of higher education in the region. It would be able to engage in more research and educational programs funded by private and federal sponsors and include business development through commercialization of research and public and private partnerships. The private contracts and federal grants complement the Government of Guam appropriations to the university by adding new revenues that assist in sustaining the university.

- Resolution No. 182-32 commends and thanks the National Organization of Chamorro Veterans of America for being the national voice of Guam and CNMI Veterans and their families.

C. Enforcement Issues

1. Commonwealth of the Northern Mariana Islands

Ogumoro said the Enforcement Report now includes information consistent with the JEA, such as the number of patrol hours of the coastal waters and inspection of fish markets and fishing vessels. The Enforcement Division also provides education and outreach activities, including the Council-sponsored high school summer course program.

Palacios added that the JEA is similar to the American Samoa and Guam's agreements. He voiced his appreciation of the working relationship between NOAA OLE and DLNR's Enforcement Division.

2. Guam

Guam had no enforcement report.

D. Community Development and Issues

1. Merizo Community Resource Planning

Mitsuyasu presented the report from a Merizo Community Resource Planning Workshop held in August 2013 in Merizo, Guam. Council staff has recently worked with Merizo Mayor Chargualof and the Merizo community to develop a community-based marine resource management plan in collaboration with the DOA DAWR. The proposed goals and objectives for the project are to have a community-based plan developed by the the Merizo Village residents, particularly fishermen and the resource users, and then to have the Village Mayors Council and the broader community examine it.

Council staff met with the Mayors and Departments to get agreement on a schedule of activities and plan. The first session, which was a strategic planning session, included identifying management areas community objectives, key resources and activities and uses; drafting a report of the workshop outcomes; and holding two follow-up sessions in September to further examine the details.

Mitsuyasu highlighted some of the results, such as Resources important to the local residents: seasonal fish runs, such as rabbitfish; Habitat, e.g., seagrass, staghorn coral and coral bommies; Special features like Malessso Lagoon, Sand Bar and Babe's Island; Socially and economically important places like Cocos Island, Village Festival, Cocos Reserve; and Cultural and historical sites like the lagoon, Cocos, Babe's Island, coral bommies, Merizo Pier and a church bell.

The Draft Conservation Objectives included the following: a) Ensure Malessso Village living marine resources, along with their ecosystems and habitats, are maintained and restored

and protected for use by future generations; b) With regards to socioeconomic objectives, traditional practices and relationships are preserved, enhanced and maintained; c) The local resources in Malesso are utilized to the benefit of the community, like economic development to increase opportunities for livelihood; and d) Obtain services to help the residents to maintain their rights to the resources and ensure that those resources benefit the community.

With regards to the cultural objectives, they noted the following: a) Protect the local rights and educate and promote their traditional and cultural practices for sustainable livelihood in order to pass on to the future generations; b) Ensure that the consultation and engagement of the elders are factored in the matters related to the traditional practices. They had a few suggestions or recommendations regarding governance that were important, that the elders are consulted and that the consultation process is incorporated into the planning process; c) Support the recognized local and informational governance system, and strategically incorporate it into the management planning to ensure the protection of the Malesso residents; and d) Ensure compatibility between the state and local management regimes that maximizes obligations and local rights to the community.

Council staff will be following up on Nov. 19 to 21, 2013, to vet the ongoing current uses in the area with the community; look at areas of conflicts, concerns and issues; and then carry that forward to see how the residents would like to develop management options to address some of those concerns and issues. In March 2014 it will be brought to the Council's advisory bodies and then to the full Council.

Discussion

Simonds asked, when would the plan be given to the community to take over?

Mitsuyasu said, once the community vets and approves the plan, there would hopefully be action items for the community to take it forward to engage with the appropriate entity, e.g., the Mayor's Council, the Fishery Council or other agency. It is hoped early in 2014 the community will take over.

2. Guam Community Development Project Status Report

Carl Dela Cruz reported on three ongoing Guam Community Development Projects. The Guam Organization of Saltwater Anglers (GOSA) fishing platform received a grant extension from NOAA until June 2014 and is in the process of an acquiring an extension for another year with the Council. Regarding the Agat Small Dock, as of Oct. 10, 2013 an approval letter was sent from JoAnne Brown, the general manager, to the contractor, Rex International, to begin work on Oct. 21, 2013, and have 151 calendar days. The Rabbitfish Hatchery Project is waiting for a new researcher prior to the retirement of the previous researcher.

Discussion

Simonds pointed out the urgency of locating the new researcher as the grant and project end in six months and Guam has already missed three rabbit runs.

3. Military Buildup Activities

a. Tinian

Ogumoro reported the military buildup is continuing. The exercises are not well publicized, and there is little available information of the activities on Tinian and Pagan. There is increasing opposition to the military plan to use Pagan for exercise purposes. Friends to Save Pagan developed an online petition, which has more than 4,000 signatures. The plan is to submit the petition to the elected leaders in CNMI and the federal government.

Operation Tempest Wind, the latest military exercise on Tinian, involves helicopters and planes landing on Tinian to refuel before taking off again.

Discussion

Curren asked if any other military exercises in CNMI involve live fire.

Ogumoro replied in the affirmative for Tinian, but no live firing exercises yet on Pagan. The use of Pagan as a military site is proposed. The military has leased Tinian for 25 years.

Palacios added the exercises are increasing significantly on Farallon de Medinilla (FDM). The military's use of Tinian is planned to increase much more and will include live firing ranges with major artillery. One of the biggest concerns with the plan is once the Tinian and Pagan military facilities are in place, the military intends to restrict access within 7 miles around two-thirds of the island of Tinian, which would greatly disrupt commerce, shipping lanes and fishing access around the whole Commonwealth. Recently there was a Findings of No Significant Impact (FONSI) submitted for the extension of the restricted zone around FDM from 7 miles to 10 miles offshore. Pagan includes aerial bombardment training and ship-to-shore artillery shelling of the island. The Governor has instructed the resource agencies of the Commonwealth Government to submit comments regarding this particular issue in November. He encouraged the Council and federal agencies to look at how the military buildup is going to affect not just the marine and terrestrial resources but also the lives of the people of the Commonwealth.

Discussion

Tosatto said NOAA has been involved with the DOD buildup. The plans on Guam were very large but have been reduced. In CNMI's case, the impact is different. It is from exercises rather than from infrastructure development, long-term population increase, etc. He found it to be very important in the Guam exercise for the federal partners and the Government of Guam to stay cohesive. The only way they made progress was by staying firm. NOAA, USFWS, the Environmental Protection Agency and Guam natural resource partners stayed together on everything. The impacts on firing exercises are slightly different, but still affects clean water, birds, essential fish habitat and marine sound. All the things that were concerns regarding the buildup in Guam are also issues of concern in regard to live firing exercises and development on Tinian and the Northern Islands.

Simonds noted a meeting held with the Navy in 2012 to discuss fishing area closures. The Navy agreed and worked out with the Guam Fishermen's Cooperative and others on when they

would be opening and closing. She pointed out the necessity for everyone to cooperate and assist each other. Simonds asked, what does the CNMI Legislature do when the military submits plans?

Seman said the Legislature attempts to engage directly with the military. Oftentimes they do not check with the Legislature, but with the administration. The Legislature makes a point of requesting a date to personally meet with them, then puts together a resolution requesting that certain things be done, what is needed to be more informed and what is required. He noted they are very aggressive. The biggest concern is how to counteract the clause in the agreement that provides the power to invoke imminent domain.

Palacios said a very robust group of members from the CNMI communities is emerging. They have started to organize and voice their concerns about these activities. In one briefing regarding the FONSI for FDM, the DOD revealed that the live firing exercises would take place 48 weeks out of the year, which takes away a substantial amount of fishing grounds. He did not believe the right to invoke imminent domain is included in the Commonwealth covenant.

Sword asked for more information on how the Governor issued his standing order.

Palacios said the standing order is for all islands, monuments included, inclusive of federal agencies, that in order to go on public lands they must acquire a temporary authorization to access the area.

Simonds asked if there are any residents on Pagan currently.

Palacios said eight people currently live on Pagan. Others from Saipan who were originally from Pagan travel to the island for a few months out of the year when the weather permits. A program in the MCP is to assist them once residency is established.

Simonds asked if the endangered megapode has been moved from the FDM.

Palacios replied in the negative, noting they have instituted mitigation to improve habitat on Sarigan for the megapode.

Seman noted two issues in regards to the re-settlement of Pagan. The residents were removed from Pagan because of volcanic activity. They are waiting the finalization of an Emergency Contingency Plan, which will address an evacuation plan in case the eruption happens again. The second issue is that the residents never owned the land. They are also waiting the issuance of a homestead before they establish a permanent residency. The Homestead Act plays a big role.

Simonds pointed out people living on the island would be one way of preventing the military from taking over the island.

Palacios agreed. He asked Ogumoro to note this as an agenda item for the next Council meeting that is going to be held in CNMI and extend an invitation to the military for a presentation on the subject.

b. Northern Islands

The Council discussed this agenda item in another agenda section.

E. Education and Outreach

1. Commonwealth of the Northern Mariana Islands

Ogumoro presented the education and outreach activities since the 157th Council meeting. The Radio Fish Talk show continues with guest speakers addressing fisheries and fishing issues. They are gearing up for the Chamorro and Refaluwasch Lunar Calendar, which is a very popular educational material, especially for fishers. They will announce the poster contest in the near future. Nineteen students participated in the high school summer course program. The students heard professionals discussing different issues. At the end of the course four groups of students presented PowerPoint presentations about what they learned. All received a certificate of accomplishment from Palacios.

Palacios added that he had the opportunity to meet with the students, and he sensed they were interested in having a longer-running course.

Discussion

Simonds pointed out Hawai`i's program lasts six weeks.

Palacios noted that CNMI should consider lengthening the course.

2. Guam

Duenas reported some of the community activities that have taken place since the 157th Council meeting. Eighty-five boats participated in the 18th Annual Guam–Marianas International Fishing Derby, held on Aug. 17 and 18, 2013. There was a good turnout at the Gupot Y Peskadot, the Fishermen's Festival, on Aug. 11. The Rota fishing derby that was supposed to coincide with the fiesta on Oct. 11 and 12 was cancelled due to weather. The Fishermen's Cooperative was coordinating with Rota to launch boats from Guam. The entrees would be inspected, pay their fees, go through all the rules, launch from Guam, be able to fish all of the way to Rota and then check in at the end of the day at Rota. That would have increased participation in the Rota derby as six boats were scheduled to depart from Guam. From Nov. 8 to 10, GOSA will sponsor the Fish for Wishes Tournament, with all proceeds going to Make a Wish Foundation.

Duenas reported some of the education and outreach activities that have taken place since the 157th Council meeting. The 4H held workshops. PIRO and the Council sponsored the summer fisheries and high school fisheries workshops. The high school fisheries workshop exposed students to biosampling with the help of Eric Cruz. It gave the high school students a new aspect of fisheries. They extracted gonads and otoliths. There was also a field trip to the Coral Reef Marine Center to experience the retail side of the fishing industry. Another project ongoing is the 4H working with the Department of Youth Affairs at-risk kids, exposing them to

hands-on trailer repair, fiberglass work and small engine repair to share the opportunities the fishing industry provides, which may be of interest to them.

Discussion

Goto asked if the unusual shark behavior was a recurring scenario.

Duenas said there have been reports of sharks attacking trolling lures. In the past, the shark would deplete a tuna or a struggling fish on the line. There are also reports of sharks waiting for the fish to be brought to the boat. Similar reports are told by bottomfish fishermen as well. Bottomfish and trolling fishers fishing off banks and even at FADs report increased shark activity.

Sword asked if shark are more plentiful in the closure area than outside the closure. The same behavior of sharks attacking the lures is being experienced in American Samoa by the game fish boats. He attributed the increase of shark depredation to the lack of a targeted shark fishery, resulting in a larger number of sharks in the near-shore area.

Duenas said he is not sure, but the behavior has definitely changed. Sharks are becoming more aggressive and the incidents are increasing.

Palacios noted a copy of a letter addressed to Tosatto regarding the community issues with the Freely Associated States citizens residing on Guam, the potential fishing conflicts and the issues surrounding them. The same situation exists in the CNMI, although not as intense as it is on Guam. Every US state, Territory, the Commonwealth is accessible under the Compact to these citizens. Palacios did not have a solution other than the combination of local laws. He said talking to the leaders of the Freely Associated States could be productive, such as at the Micronesian Chief Executive Summit, where the Governors of Guam, CNMI and Samoa will be participating, as well as the Presidents and Chief Executives of the various Micronesian islands. The Governor of Guam could bring the subject up for discussion. It was his understanding that an ambassador or a counsel from FSM in Guam should be informed of the issues.

Tosatto acknowledged receipt of the letter via the Guam Fishermen's Cooperative from the Guam community on the issue. PIRO is undertaking a legal analysis of the issue, and he did receive some clarifying information that was helpful. Tosatto agreed with Palacios' suggestions of engaging the community members as well as the leadership within the community and within the political structure to address the issue on a local level. He noted a number of complex issues and said the underlying relationship via the Compact that allows free access, immigration and migration movement and employment is not without some conditions. There are requirements for exercising fishing rights on the high seas or in the EEZs. Guam should look at the conduct of employment in the fisheries within their zone, conduct of businesses selling the fish, safety of that fish and fish product. A variety of issues could be addressed, beginning with understanding what they are doing and why it is thought to have impacts and communicating those concerns. Within the NOAA world, the operation of boats to commercially and non-commercially harvest fish in the EEZ is the core issue that is being looked at. The following things would or could be considered: Does the Compact give them legal rights or are they just foreign nationals? Are the boats of the appropriate size? Are they appropriately registered to conduct commercial fisheries?

Are there issues that we think need to be addressed? It should be done as soon as possible. It is not a simple issue. The Council meeting will be held in March in the Mariana Archipelago. The General Counsel Office has already started that review.

F. Marianas Skipjack Resource Assessment

Dalzell presented information given at the 114th SSC meeting by SSC member John Hampton, summarizing the results of a study supported by the Council to look at the Skipjack Resource Assessment of the Marianas. The current Plan Team chair, Keith Bigelow, undertook a similar exercise in the 1990s at a time when the modeling power of today did not exist.

The analyses in the study combined the US EEZs around Guam and CNMI, which have been closed to industrial tuna fishing. The last major fishing activity in the US EEZ around the Mariana Archipelago was a Japanese pole-and-line fishery for skipjack in the 1920s and 1930s.

The domestic troll fishery catches about 300 metric tons per year combined between the two territories. The Guam charter fishery CPUE is stable, increasing for the non-charter and commercial fishery and decreasing for the non-charter fishery in the CNMI. The charter sector in CNMI is relatively small.

The TOR for the project included 1) Provide an overview of the main oceanographic conditions to allow interpretation of climate-related change in skipjack distribution; 2) Use Seapodym, which is a model that's been developed in collaboration with SPC scientists and scientists working in France, particularly Patrick Lahody, to determine the proportion of WCPO skipjack tuna population that occurs on average in the Mariana Islands; and 3) Conduct simulation studies to estimate connectivity with adjacent regions.

Seapodym is a population dynamics model that integrates fisheries data, forage data, environmental data and biological information on the target species. It predicts distribution and abundance of a single species in relation to habitat indices computed from the above information. The spatial and temporal scale of the input data determines the spatial scale of the output.

Dalzell stressed that the quality and resolution of the input data really matters. He briefly described the modeling parameters, such as data resolution and quality and incorporation of tagging data, Mariana Islands oceanography, catch information and other parameters,

The conclusions of the assessment included the following:

- Environmental conditions of the Mariana Islands provide for a lower spawning biomass in comparison to equatorial regions for skipjack.
- Simulated spawning biomass for the Marianas is an estimated 70,000 to 80,000 metric tons in the last 10 years.
- Simulation of the historical WCPO catch results in a 9 percent depletion of the biomass in the Mariana Islands. Current levels of fishing are coming close to causing a 10 percent reduction of the biomass in the Marianas.

- Simulated changes of the spawning biomass in neighboring regions strongly influence the spawning biomass in the Marianas.
- Connectivity with the Northwest Pacific Region, the Kuroshio Current area, was strong in both directions.
- Depletion of spawning biomass and conservation and management measures associated with skipjack harvest in the region are likely to affect the biomass in the Mariana Islands. The United States, in general, has an interest in what any CMM will do with respect to what will happen in neighboring locations, such as the Marianas. Although those conservation measures will be directed primarily to the core area of the skipjack, they are likely to have an impact on fishery conditions in the Mariana Islands.
- Note of caution, the model may be overestimating movement as diffusion is fixed in the upper boundary in the optimization.

There will be a recommendation deferred from the Pelagics section of the agenda concerning this subject.

G. Mariana Regional Ecosystem Advisory Committee–Commonwealth of the Northern Mariana Islands Recommendations

Ogumoro presented the Mariana Archipelago–CNMI FEP Regional Ecosystem Advisory Committee (REAC) recommendations as follows:

The CNMI REAC recommended, based on public vetting of options to locate a commercial fishing vessel dock and shore-side facilities, that the contractor should consider the Puerto Rico Dump site at the primary alternative for this study.

The CNMI REAC recommended the Council should review the current bottomfish fishery and existing management regime in developing an option paper that considers removing the large vessel area closure for bottomfish in the southern CNMI archipelago.

The CNMI REAC and AP supports the coral reef related program and projects as presented by staff for inclusion in the Council’s next three-year coral reef granting cycle.

Palacios said the REAC members were briefed on an alternative site evaluation, after which most of the REAC and Advisory Panel members recommended the site described as close to the Puerto Rico Dump would be most favored site for several reasons. The Advisory Panel requested that issue of a bottomfish closure be revisited for certain sized bottomfish vessels in the Commonwealth as well.

H. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

Regarding the Marianas skipjack resource assessment, the SSC recommended that local catch data be included and that SPC incorporate skipjack tagging results into the model and assessment.

Discussion

Austin Shelton, from UH, briefed the Council on a project he has undertaken as part of his dissertation research, which occurs in the Village of Umatac in Guam, called the Humatac Project. Fourteen years ago, fishers began to notice their fish catch was not the same size or quality as in the past. They reached out to the Mayor and started a partnership with the UOG, community members and a few other agencies. One of the main environmental concerns in the Umatac watershed was accelerated erosion, which started with the building of the Agat/Umatac Road. The government agencies that built the road did not follow an environmental plan that protected the adjacent ecosystem. Large mounds of uncovered sediment were left for a long period. The sediment washed into the ocean and caused expanses of coral reefs to die. The project has been trying to fix the problems. The road still adds sediment to the ocean, but an even bigger problem is hillsides burnt by poachers to make it easier for them to catch deer. There is no vegetation in many of the areas. The DOA donated trees to the project. The project planted one thousand trees with sediment filters placed into the landscape. Establishment of the trees has been a great success. The Humatac Project has a website and FaceBook page.

Palacios asked if there are other causes for the project other than fishers.

Shelton replied in the affirmative, adding that fishers are the driving force for the project being established to correct the problems in Umatac.

Palacios said there is a similar situation in CNMI in Saipan Lagoon where there is heavy sedimentation. The fishers are often blamed when there are problems with the fisheries.

Simonds said all of the villages that have erosion problems need to have a similar project.

I. Standing Committee Recommendations

Seman reported on the Mariana Archipelago Standing Committee recommendations as follows:

The Mariana Archipelago Standing Committee recommended that the Council continue to communicate the fishermen's concerns to the DOD and the Joint-Region Marianas on the expansion of the FDM closure and the military's plans for Tinian and Pagan.

The Mariana Archipelago Standing Committee recommended, based on public vetting of local commercial vessels, dock and shore-side facilities, that the contractor should consider the Puerto Rico Dump site as the primary alternative for the longline dock study.

The Mariana Archipelago Standing Committee recommended the Council conduct a review of the current bottomfish fishery and existing management regime in the CNMI and develop an options paper that considers removing the large vessel area closure for bottomfish in the southern portion of the archipelago.

The Mariana Archipelago Standing Committee recommended the Council request the inclusion of the Mariana Archipelago priorities into the five-year program planning exercise.

The Mariana Archipelago Standing Committee supported the Council's Coral Reef Ecosystem Program grant proposal and request the Council work with the Mariana resource agencies to provide letters of support.

J. Public Comment

There was no public comment.

K. Council Discussion and Action

Regarding the military buildup in the Mariana Archipelago, the Council recommended Council staff continue to communicate the fishermen's concerns to the DOD and the Joint-Region Marianas on the expansion of the FDM closure and the military's plans for Tinian and Pagan.

Moved by Seman; seconded by Sword.
Motion passed.

Regarding the CNMI longline dock evaluation study, the Council directed Council staff to communicate to the contractor that the Puerto Rico Dump site be evaluated as the primary alternative for the study.

Moved by Seman; seconded by Sword.
Motion passed.

Regarding the CNMI bottomfish regulations, the Council directed staff to conduct a review of the current bottomfish fishery and existing management regime in the CNMI and develop an options paper that considers removing the large vessel area closure for bottomfish in the southern portion of the archipelago.

Moved by Seman; seconded by Sword.
Motion passed.

Simonds noted past concerns that large vessels would travel from Guam to fish CNMI waters, but now there is an ecosystem plan so there is no longer a need for the closure.

Palacios agreed, adding that there are larger vessels that fish out of Saipan. He was happy to see efforts to remove the restricted area.

Regarding the Mariana Archipelago FEP, the Council directed staff work with NMFS PIRO regarding any potential modifications to the Mariana Archipelago FEP due to the CNMI gaining its territorial waters.

Moved by Seman; seconded by Sword.
Motion passed.

Simonds asked for clarification as to the word regaining, adding that the Council always recognized the territorial waters by including the 3 miles in FEPs.

Palacios suggested changing the language from regaining to gaining. The maker of the motion and second concurred.

Regarding the Marianas Skipjack Resource Assessment, the Council directed staff to work with the SPC to include local catch data and regional skipjack tagging results into the Seapodym model and assessment.

Moved by Seman; seconded by Sword.

Motion passed.

12. American Samoa Archipelago

A. Motu Lipoti

Matagi-Tofiga highlighted some of the points in the Motu Lipoti report. Many villages have accepted the village-level Community Fisheries Management Program (CFMP). CFMP monitoring has been successful in terms of getting villages to adopt the management.

She thanked the Council for assisting American Samoa in their FAD Program, along with SPC, and hosting the FAD workshop. The results have assisted in the building and deployment of FADs. Fishers provided information as to the best location for placement. The workshop provided information to fishers regarding data collection and marketing for their catch. Two FADs were lost at sea. It is believed that longliners tie up at the FADs and damage the mooring.

A major concern in American Samoa currently is the crown of thorns (COT) outbreak, especially on the north shore of American Samoa. One of two villages on the north shore is set to be designated as a no-take MPA. DMWR is removing COT, but funding assistance is being sought from CRAG, National Parks and the Sanctuary.

The Council assisted DMWR with two students, one from high school and another from ASCC, who interned under DMWR's Biosampling Division. Eight students from local high schools also participated in outreach efforts and learned about fisheries management in the territory.

Radio public awareness ads also help share information about fisheries management. There are efforts ongoing to broadcast a weekly program promoting fishing awareness.

Global positioning system (GPS) drifters were recently placed in the no-take zone in Fagamalo. It is hoped there will be a spillover effect of fish in the areas around the zone.

Sword added that there have been rough conditions in the waters around American Samoa during the past few months. No local tournaments have been held because of the rough conditions, though when the seas have been calm enough there were good catches of marlin, yellowfin and mahimahi. There have been problems with FADs breaking loose. Fishers are working with DMWR to solve the problem.

B. Fono Report

Matagi-Tofiga said Gov. Lolo Moliga signed into law the Derelict Vessel Act. The law will enable the removal of six derelict and abandoned vessels, which have created safety and environmental hazards, as well as an eyesore. The act will take effect in 2014. The Department of Ports will lead in the removal of the vessels.

Discussion

Seman asked if the dock has been completely repaired.

Matagi-Tofiga said the dock has not been repaired, but FEMA is to begin the work. WSFR funds will also assist in the dock repairs.

Sword pointed out there is no contract for the work, which is holding up the progress.

Seman asked how many slips will be occupied by recreational fishermen.

Matagi-Tofiga said the WSFR marina will be entirely recreational fishermen. The FEMA Wharf located next to the DMWR offices will be for the local alias.

Seman asked if there currently is a fee for berthing.

Matagi-Tofiga said, since the docks are in such poor condition, there is no fee. Once the repairs are made, there will be a fee.

Seman asked, if DMWR assesses fees for the newly repaired dock and there are surplus vacant dock sites, would commercial vessels be allowed to dock under a priority category.

Curren said discussions are still ongoing regarding such a scenario.

C. Enforcement Issues

Matagi-Tofiga said there are currently no enforcement issues in American Samoa. The DMWR Enforcement Division is focusing efforts on enforcing MPAs.

D. Community Activities and Issues

1. Update on Community Fisheries Development

Kingma presented an overview of completed and ongoing Council projects. The Council has been implementing projects under the MCP using the Sustainable Fisheries Fund. The goal of the projects is to revive the local small-scale fisheries in American Samoa.

In the Manu`a Islands, a fuel storage tank, ice-making facilities and fishermen's facilities have been completed. Two fishermen co-operatives have been established for these facilities.

On Tutuila, two boat ramps have been completed, one in Fagaalu and one in Lyons Park.

Kingma pointed out the projects are ongoing and that the Council is working on transferring management responsibilities to the co-ops and oversight of the fishermen's facilities to the American Samoa government. The American Samoa government installed a fuel tank on Ta'u, which is impacting co-op fuel sales. The fuel is potentially being sold at a lower price, which impacts the amount of cost recovery that the co-ops can gain from the sale of fuel. One option being considered is requesting a waiver of the fuel road tax, which will reduce some of the costs to the fishermen.

There are no real local machine shops to repair vessels or engine repair shops in Manu'a. The American Samoa government is highly supportive of Manu'a development and fishery development. There is opportunity for these projects to continue and improve.

Some other American Samoa MCP projects that the Council is currently working on include the Fagatogo Fish Market Renovation, constructed in 2010 using DOC Economic Development Administration funding. The market includes agricultural sales and local farm products, as well as a fish market. The Council is working with the coordinator and a local architect to provide detailed renovation plans. The renovation is expected to be completed by early next year.

The Manu'a Islands cold storage facilities are constructed. The Council is exploring providing solar-powered refrigerator containers to reduce operating costs.

The Council's fisheries development coordinator is also working on a report regarding a Developmental Fishermen Loan Program. There is a program with the American Samoa Development Bank and the DOC. The Council is working a lending scheme to be available for fishermen.

A report is also being developed to identify new vessels to replace the alia, a small-scale fishing vessel. The report would outline and identify a new vessel design that could potentially be built locally or sourced at a fairly inexpensive cost.

The Pago Pago longline dock improvements project is related to the Samoa Tuna Processors Facility. The Army Corps of Engineers permits have been received. Construction is ongoing.

Two projects that are in the works and will require a high level of coordination and more development are a local boat-building project and fishermen training programs for fishing methods and safety.

Discussion

Palacios asked for further information regarding solar-powered storage.

Kingma said solar-powered reefer containers are market available. Council staff is looking at the different available options to determine what would be good for Manu'a.

Palacios asked to send the information to Ogumoro.

Simonds noted the Council is working with the American Samoa government on the ongoing issues Kingma just reported on and looks forward to completing the projects.

Poumele pointed out the solar panels would also be viable for Manu`a. The American Samoa Port Authority (ASPA) is exploring performing work in Manu`a. Solar panels are being utilized at the airport and wharf in Ofu, as well as at the airport in Tutuila. The projects presented by Kingma will tie in with what ASPA has in place.

Rice noted a need for education on the new equipment and technology.

Sword said the coordinator is looking at super alias, as well as the mono-hull type vessel. A multi-purpose fishing boat is needed for the area.

E. Forum Fisheries Agency Sub-Regional Satellite Fisheries Office

Kingma reported that in 2012 the Cook Islands and American Samoa entered into an MOU to establish an American Samoa office. The objective would be to help the Cook Islands meet its obligations to collect logbooks and place observers on foreign vessels that fish in its zone and facilitate observer management, monitoring and port sampling, as well as inspection of vessels. It would serve to recognize Pago Pago as being the regional hub for fisheries processing and offloading in the South Pacific Region, with the major StarKist cannery and new TriMarine facility.

The establishment of the office is underway. The Cook Islands has been working with the local American Samoa government officials on establishing the office. It has developed the corporation that would legally establish it to be present in the territory. It is looking for a location for its office. There is a mailing address. An office manager was hired, who was born and raised in American Samoa.

Discussion

Simonds asked if the closer relationship with the Cook Islands would result in better information from the foreign boats that fish in the Cook Islands zone.

Kingma replied in the affirmative. For example, at the most recent TCC, the Chinese delegates said there is no bycatch in longline fisheries. The Cook Islands representative sitting next to the Chinese delegates challenged his statement. It will establish a better monitoring of the fleets that are largely foreign vessels with access agreements with the Pacific Islands countries. The FFA recognizes the importance of this because Pago Pago serves as an offloading and processing area for FFA member states that have foreign vessel fishing access agreements as well, which will improve the regional monitoring and compliance within the WCPO.

Tosatto said NMFS has had an MOU with the Cook Islands government for a number of years to cooperate and help them improve capacity within the region. He sees this as a great step, adding that countries like Cook Islands becoming responsible is good for the fisheries.

Kingma said the Cook Islands is also an emerging purse-seine fishing ground, as well as longline, one of the larger in the South Pacific, and it is important for the United States to maintain a close relationship to ensure accurate information.

F. Report on National Marine Sanctuary of American Samoa Long-Term Monitoring Project

Ilaoa said the National Marine Sanctuary of American Samoa (NMSAS) Superintendent Gene Brighthouse directed him to coordinate with Wendy Cover regarding the long-term monitoring project. To date, there have been no meetings or plans and no coordination with DMWR.

Discussion

Matagi-Tofiga said a letter from the Superintendent of the Sanctuary in American Samoa is included in the Council briefing documents. The letter said it is working together in terms of fish biomass, MSY, etc., but nothing has been done. This is having an effect on the DMWR programs, as well as villages and the local people. The letter says DMWR is involved, but DMWR is not involved. DMWR is doing all of the monitoring in terms of biomass and MSY. There is no cooperation. She is not aware of any agreement between the government of American Samoa and the NMSAS. This topic needs to be addressed. DMWR has not worked together with the Sanctuary on any of the monitoring. DMWR is monitoring all of the MPAs in American Samoa.

Sword said the issue goes back even further. He asked the Council to look at the treaty between the United States and American Samoa, if possible, which has been discussed in the recent past in Council deliberations.

Simonds said the Council directed the staff and also asked the NMFS lawyers to assist in reviewing the Deeds of Cession as they relate to the different management measures the Council develops, especially having to do with the sanctuary. The Council should look at this issue again and it seemed to have got lost in the process.

Simonds said other issues are going on as well. Recently the governor wrote to Kathryn Sullivan, NOAA acting administrator, asking if there is an agreement between the DOC and the Sanctuary Program. The Pacific administrator for the Sanctuary Program looked into this and said that there is an agreement between the government and the Sanctuary Program for most of the sanctuaries, but there is not one for the American Samoa Sanctuary. The regulations that were in the Federal Register in 2012 seem to be the only document where the agreement of closures exists. Simonds asked if there had been any further communication with DMWR.

Matagi-Tofiga replied in the negative.

Simonds said, when the Sanctuary was declared and the area around Aunu`u was closed to subsistence bottomfish fishing, a research plan was to have been developed. The research and monitoring plans have yet to be completed. The Council should return to American Samoa to encourage progress on this topic before too much time goes by.

Sabater provided the Council with a historical perspective on that long-term monitoring that the Sanctuary has been claiming. DMWR has never been involved in any monitoring activities of the Sanctuary. What they usually do is contract Chuck Birkeland, a UH affiliate, and Allison Green, from The Nature Conservancy, to do the monitoring. It was never a collaborative work with DMWR and the Sanctuary. Fagatele Bay was added as one site in the Territorial Monitoring Program of DMWR, but it was never a collaborative work between DMWR and the Sanctuary.

Sword said, when the last vessel went to the Sanctuary, illegal fishing was sighted within the 50-mile closure, but the vessel left the area before there was any contact. Ineffectiveness of patrolling is another problem.

G. Crown of Thorns Eradication Project

Ilaoa reported that the COT outbreak began approximately two years ago. Most of the starfish are found in 30 feet of water. The most affected areas are in the villages of Fagasa on the north shore and on the south shore in the Nu`uuli–Ava area. The DMWR chief biologist confirmed that direct removal is considered the best method. Funding has been secured for tools, equipment, fuel costs and cost of chartering vessels. A bounty program has operated with some success through the local commercial fishermen. There is also outreach to the communities regarding the COT outbreak. The DMWR is coordinating a sweep with some local and federal agencies in the territory, including CRAG, the National Park and possibly the Sanctuary. It will occur in late October or early November, which coincides with the starfish's spawning period.

Discussion

Simonds asked what is done with the removed COT.

Matagi-Tofiga said a local cocoa farmer composts them to be used as fertilizer.

Tosatto said that he is interested in seeing the outcome of the October/November survey and making sure that all of NOAA's Coral Reef Conservation Program and other resources are provided because now is the time to get ahead of the outbreak.

Ilaoa noted the comment and said he will pass it on.

Sabater asked about the method used to remove the animals.

Matagi-Tofiga replied direct removal. A diver removes the animal with a spear and places it in a basket. The basket is raised to the surface and emptied into a boat. She has been present when thousands have been removed in a day.

Sabater said previous studies in Australia have reported that spearing causes the animal to instantaneously release eggs and sperm and spreads the outbreak even further.

Matagi-Tofiga noted Sabater's comments.

H. Coral Reef Monitoring Program

Ilaoa reported that Dr. Douglas Fenner, who was previously with the DMWR in American Samoa, put together his final report on the Coral Reef Monitoring Program. Among the findings are the following:

- Most indices continue to show that the reefs are relatively in good condition.
- Average coral cover is now 36 percent, higher than the averages for the Pacific, South Pacific, US Pacific, Great Barrier Reef and the Caribbean. It has increased over the past decade while other areas have decreased.
- There are very few dead corals, fewer than in the South Pacific, Indonesia, Philippines, Indo-Pacific and other places around the globe.
- Coralline algae, which is considered good, is plentiful. Macroalgae, which is considered bad, is rare in most places around American Samoa. Most of the reef is covered by corals and coralline algae, both of which help build the reef.
- Water on the reef slopes is relatively clear and remains so, indicating relatively good water quality.
- Coral cover and the number of coral species in transects correlate with visibility, which is the best measure of water quality. This supports the view that pollution runoff has a negative impact on coral reefs.
- Reefs inside the harbor are in poor condition, likely due to sediment, nutrient and chemical pollution. Coral diversity on the slopes inside the harbor is lower than outside, most likely due to nutrients or pollution. Water quality is low at the head of the harbor, indicated by murky water.
- Vatia, on the north shore, was badly damaged by the tsunami in September 2009 in the inner bay and by Hurricane Heta a number of years ago in the outer bay. The outer bay is recovering, but the inner bay is not due to nutrients fueling turf algae growth. Fagatele Bay was damaged by the tsunami as well, but began recovering immediately.

Discussion

Sword said a lot of sediment moved from the Aunu`u side down to the canneries area and is causing a bit of a maritime problem in the shallow dock area as well as the main dock area that was missed in the FEMA reviews. The sediment has had an impact on the coral.

I. Education and Outreach Initiatives

Ilaoa reported that one of the action items from that 157th Council meeting was a recommendation to the Sanctuary in American Samoa to do some outreach with the public regarding new regulations that have been put into place since the Sanctuary's expansion. There was one coordination meeting held for that purpose. The National Marine Sanctuary staff invited

the local agencies, as well as some of the federal agencies on island, National Park, CRAG, DMWR and Commerce. It was decided in that meeting that each of the agencies will put together some of the things that they feel need to be addressed in the outreach. A second coordination meeting has not yet been held. One of the big issues that drove the need for this recommendation was the misleading advertisements sponsored by the Sanctuary, which created confusion as to the fishing regulations within Sanctuary waters.

The Council in partnership with CRAG and UH Hilo awarded the second recipient for the marine science fellowship. The recipient, Valentine Vaeoso, an ASCC graduate, started school at UH Hilo in the fall semester. The first recipient of the award, Derrick Taloumu, has completed his degree and is now in American Samoa working for CRAG.

A Monument grant was awarded for a project titled “Exploring Muliava (Rose Atoll) from a Ta`u Perspective.” This is a partnership between DMWR, the Council and NOAA OceanWatch. A curriculum will be developed that will introduce environmental projects to students at Manu`a High School on the island of Ta`u. This curriculum will be implemented at Manu`a High School and looks to establish environmental monitoring projects to assist in conserving local resources.

Outreach efforts are ongoing within the communities regarding the COT.

Discussion

Matagi-Tofiga invited all to the DMWR Management Awareness Fair on Nov. 18 to 22, 2013, in American Samoa. There will be COT removal contests. The theme is “Our Island, Our Resources, Our Life.” EPA, DOC, Youth and Women and the Visitors Bureau will put on other activities every week.

Sword noted that the English versions of the misleading Sanctuary advertisements were discontinued but the Samoan versions continue.

Ilaoa said there is now a television ad campaign with the confusing information.

Sword encouraged an aggressive outreach program to get more community members out fishing and to educate them on the regulations and the importance of data collection. There is subsistence fishing data that is not collected. A radio program discussing fishing in American Samoa would be another good avenue for the outreach, as well teaching the younger generation how to fish and the importance of catch and release in tournaments.

Simonds said DOC should inform the Sanctuary program that it should take the lead and more aggressively correct the misinformation being given to the public.

Sword agreed.

J. Scientific and Statistical Committee Recommendations

There were no SSC recommendations.

K. Standing Committee Recommendations

Sword presented the American Samoa Archipelago Standing Committee recommendations as follows:

Regarding seafood imports into American Samoa, the Council directed staff to assist the American Samoa government, ASPA, Treasury, Customs Office and DMWR in developing standards to prevent illegal seafood imports, which currently may be undercutting the price of locally caught fish in American Samoa markets.

Regarding fisheries development in the Manu`a Islands, the Council directed staff work with the Manu`a Fishermen's Cooperatives to request a waiver from the Office of Petroleum Management on the road tax from the fuel bought by the cooperatives for fishing vessel use in Manu`a.

Regarding local seafood marketing and training, the Council directed staff to assist the American Samoa government to develop seafood safety and handling training programs and other marketing strategies to promote local seafood markets, which would benefit the local economy and enhance food security.

Regarding the Deeds of Cession and federally managed areas, the Council directed staff to assist the Governor's office in reviewing American Samoa's Deeds of Cession to determine applicability to the Rose Atoll Marine National Monument, NMSAS and other federally managed areas.

L. Public Comment

There was no public comment offered.

M. Council Discussion and Action

***Regarding seafood imports into American Samoa*, the Council directed staff to assist the American Samoa government, ASPA, Treasury, Customs Office and DMWR in developing standards to prevent illegal seafood imports, which currently may be undercutting the price of locally caught fish in American Samoa markets.**

Moved by Sword; seconded by Seman.

Motion passed.

***Regarding fisheries development in the Manu`a Islands*, the Council directed staff work with the Manu`a Fishermen's Cooperatives to request a waiver from the Office of Petroleum Management on the road tax from the fuel bought by the cooperatives for fishing vessel use in Manu`a.**

Moved by Sword; seconded by Seman.

Motion passed.

Regarding local seafood marketing and training, the Council directed staff assist the American Samoa government to develop seafood safety and handling training programs and other marketing strategies to promote local seafood markets, which may benefit the local economy and enhance food security.

Moved by Sword; seconded by Matagi-Tofiga.

Motion passed.

Tosatto offered the assistance of PIRO's seafood specialist, Don Hawn, to help Council staff.

Sword asked for clarification as to the availability of ciguatera testing kits.

Miyasaka said the test kits are not currently available. The patent for the test was sold to a private company, Oceania. Currently, the company is not in a position financially to improve the kit or to market it successfully.

Regarding the Deeds of Cession and federally managed areas, the Council directed staff to assist the Governor's office in reviewing American Samoa's Deeds of Cession to determine applicability to the Rose Atoll Marine National Monument, NMSAS and other federally managed areas.

Moved by Sword; seconded by Seman.

Motion passed.

13. Administrative Matters

A. Financial Reports

Simonds noted that Council members received copies of the financial reports at the Executive and Budget Committee. The first page consists of line items and awards the Council received. The first grouping lists Administrative funds for such things as ACL implementation, SSC stipends and Council peer review, as well as cooperative agreements and funds passed through the Council for various items like MRIP and the Omnibus request. The report addressed the coral, turtle and Sustainable Fisheries Fund grants, listing the Council projects that the grant funded. The grant ended on Sept. 30, 2013. The Council requested to extend the Cooperative Agreement to 2015. The projects in the Sustainable Fisheries Fund 3 projects as well as the Sustainable Fisheries Fund Bigeye Tuna to reimburse fishermen for fuel costs did not materialize. The funds were used to fund other projects, which were discussed earlier under the Pelagic Standing Committee meeting.

B. Administrative Reports

The administrative report was in the Council's briefing materials.

C. Regional Operating Agreement with National Marine Fisheries Service

There was no report on this agenda item.

D. Five-Year Program Plan

DeMello reported that the Council is working on its next five-year programmatic grant. Some of the basic functions of the Council as mandated by the MSA are prepare and transmit the FEPs and amendments; prepare comments on any application for foreign fishing; conduct public scoping meetings and hearings; submit to the Secretary periodic reports; review and revise as appropriate stock assessments and related specifications, which is useful for ACLs; develop ACLs; develop with the SSC multi-year research priorities, review any federal or state action that affects the habitat; and conduct other activities that are required by the Council. In the last MSA revision, other tasks were included, such as integrate ecosystem principles, establish ACLs, consider the use of catch shares, direct efforts to improve recreational information, the MET Program and increase international management and coordination.

The Council is mandated to abide by federal acts such as NEPA, the National Marine Sanctuaries Act, ESA, MMPA and others. The Council is also required to hold three Council and SSC meetings annually, as well as meetings of its Archipelago-based Advisory Panels and Plan Team, the Pelagic Advisory Panel and Plan Team, and the Fishing Industry Advisory Committee.

Currently, the Council is working under a multi-year cooperative agreement that spans from 2010 to 2014 with funds distributed on an annual basis. Most of the funds go toward items such as personnel travel, Council compensation contracts, supplies and equipment. The FY2015 to 2019 will be presented at the June 2014 Council meeting.

Discussion

Palacios asked if the advisory panels are required to hold a specific number of meetings annually.

DeMello replied in the negative. Number of meetings is not mandated, but the Council has been working with the coordinators to hold more regular informal meetings to see if more meetings are needed.

Palacios favored holding informal meetings.

DeMello said that unless the meeting is announced in the Federal Register no legal recommendations can be provided to the Council.

Simonds added that the Federal Register notice needs a 21-day advanced notice. The members are able to meet informally with fishermen. The Council provides support for travel within the jurisdiction. A plan needs to be developed by the island coordinators, which will be part of the five-year cooperative agreement.

Palacios noted flexibility is important in holding informal meetings with the public and fishing communities.

DeMello suggested the meetings held on a regular basis, such as American Samoa and Guam have been doing. A web conference is also an option.

E. Council Family Changes

1. Advisory Panel Changes and Restructuring

DeMello reported, as part of the five-year planning process, Council staff will review the Council priorities, including the coordinator's priorities for each of the island areas. Staff will be considering how to change the solicitation and membership of the Advisory Panels to operate more effectively. Advisory Panel membership will expire Dec. 31, 2014.

Discussion

Palacios voiced support for revisiting how the panels are structured to ensure broad coverage from as many communities as possible.

Simonds noted Palacios' comment.

2. Standing Committee Modifications

DeMello reported that Council members provided a matrix.

Simonds said the chair and executive director will discuss the membership and the chair will select the chairs of the committees, taking into consideration the member's top three choices. Members will receive notification before the end of the year via e-mail of the selection.

F. Meetings and Workshops

Simonds reported Regional Councils will hold a webinar meeting in November. Council members will be contacted regarding requests for meetings in the near future. The 115th SSC meeting will be held March 11 through 13, 2014, at the Honolulu Council office. The 159th Council meeting will be held in Guam and Saipan during the week of March 17, 2014. The annual CCC meeting is scheduled for Virginia Beach, Va., on May 12 to 16, 2014, hosted by the Mid-Atlantic Council. The 160th Council meeting is scheduled for the third week of June 2014. Simonds asked Council members to contact her if there are any conflicts. There was a brief discussion of outer island venues.

G. Council Member Rules of Conduct Training

Onaga gave a brief overview on Rules of Conduct for Fishery Management Councils, which consisted of an interactive presentation of various scenarios which the Council members determined were true or false. Onaga provided the legal authority for each scenario. The scenarios included financial interests and disclosures, voting restrictions on actions versus deliberations, representing others before the US government and lobbying prohibitions.

Discussion

Leialoha asked for clarification as to whether the financial closure remains on file with the Council for a period of five years and, if the financial state changes within that period, is it required to report the change in finances.

Onaga replied while the Council member is active the financial statements must be updated annually. Once the Council member's tenure ends, there is no reason to submit financials. The financial disclosures are on file at the Council for a period of five years from the Council member's service termination. She invited members to call the GC office should they have questions.

H. Other Business

There was no other business.

I. Standing Committee Recommendations

DeMello reported the Administrative Standing Committee met and discussed the agenda items. The recommendations for the Council to consider include the following:

Regarding administrative matters, the Committee recommended that Norman Swift be appointed as the chair of the Noncommercial Fisheries Advisory Committee.

Regarding administrative matters, the Committee recommended the Council staff to invite the Guam Fishermen's Cooperative Association to participate on the Council's Noncommercial Fisheries Advisory Committee.

Regarding administrative matters, the Committee recommended that Council staff continue pursuing shark depredation in the Marianas as a priority for funding and research.

Regarding administrative matters, the Committee recommended Council staff work with the Council chair to identify Standing Committee membership.

The recommendation regarding shark depredation in the Marianas was withdrawn because it was included in the Pelagic Fisheries recommendations.

J. Public Comment

There was no public comment offered.

K. Council Discussion and Action

Regarding administrative matters, **the Council appointed Norman Swift as the chair of the Noncommercial Fisheries Advisory Committee.**

Regarding administrative matters, **the Council directed Council staff to invite the Guam Fishermen's Cooperative Association to participate on the Council's Noncommercial Fisheries Advisory Committee.**

Regarding administrative matters, **the Council directed Council staff to work with the Council chair to identify Standing Committee membership.**

Moved by Ebisui; seconded by Sword.

Motion passed.

14. Fisheries Rights of Indigenous People

A. Fisheries Rights of Indigenous People Standing Committee Recommendations

Duenas reported that the Fisheries Rights of Indigenous People Standing Committee met and had four recommendations as follows:

Regarding fisheries rights of indigenous people, the Committee directed Council staff to assist the American Samoa government in developing a response to the NMSAS letter regarding clarification of Sanctuary regulations.

Regarding fisheries rights of indigenous people, the Committee recommended that the NMSAS review and clarify, as necessary, the Samoan language ads regarding the fishing regulations in the Sanctuary, and add language from the Sanctuary letter of July 29th to the informal ads published in Samoan, third paragraph, last sentence, to improve understanding of the regulations in the ads.

Regarding fisheries rights of indigenous people, the Committee supported the Malessa Village community-based marine management planning so that the process can proceed as quickly as possible.

Regarding fisheries rights of indigenous people, the Committee recommended NMFS provide funding for the continuation of the Community Demonstration Project Program (CDPP) so that communities can benefit from this federal opportunity and further request that CDPP, Section 305 note of the MSA remains intact through any Reauthorization of the MSA.

B. Public Comment

There was no public comment offered.

C. Council Discussion and Action

Regarding the fishery rights of indigenous people, the Council directed Council staff to assist the American Samoa government in developing a response to the NMSAS letter regarding clarification of Sanctuary regulations.

Moved by Seman; seconded by Sword.

Motion passed.

Simonds noted the correspondence will present an opportunity to get in writing whether or not there is a document between the Sanctuary Program of the federal government and the American Samoa DOC.

Sword agreed it will provide an opportunity to clarify the differences between the sanctuaries located in American Samoa and CNMI, as well as the regulations that were developed for the Aunu`u closure.

Simonds asked the administrator for the Pacific Region Sanctuaries for a copy of the agreement and after checking he said there were no agreements for the American Samoa Sanctuary.

Regarding fishery rights of indigenous people, the Council recommended the NMSAS review and clarify as necessary the Samoan language ads regarding the fishing regulations in the Sanctuary and to include language from the Sanctuary letter of July 29th to the informational ads published in Samoan, third paragraph, last sentence, to be specific, to improve understanding of the regulations in the ads.

Moved by Sword; seconded by Seman.

Motion passed.

Simonds clarified that the recommendation addresses how the Sanctuary published inaccurate informational ads that were also to be published in the Samoan language. The recommendation is to correct the ads with the involvement of the DOC.

Regarding the fisheries rights of indigenous people, the Council supported the Malesso (Merizo) Village community-based marine management planning so that the process can proceed as quickly as possible.

Moved by Seman; seconded by Sword.

Motion passed.

Regarding the fishery rights of indigenous people, the Council recommended NMFS provide funding for the continuation of the CDPP so that communities can benefit from this federal opportunity and further request that CDPP Section 305 note of the MSA remains intact through any reauthorization of the MSA.

Moved by Seman; seconded by Sword.

Motion passed.

Tosatto said the CDPP provisions are targeted. There are sections that deal with special rights of indigenous peoples in Alaska and Hawai`i. He voiced support for the continuation of the CDPP, but said it is very difficult to fund because the programs do not receive Congressional appropriations. The agency will try to provide funds as it is able.

15. Election of Officers

Sword the vice chairs agreed on the following officers of the Council for 2014: Chair, Arnold Palacios; and Vice Chairs: Hawai`i - Ed Ebisui, Guam - Michael Duenas, CNMI - Richard Seman and American Samoa - Will Sword.

16. Other Business

Tosatto offered a follow-up regarding the recommendations on Program Planning. The language was reviewed, and no amendments were offered. Regarding Recommendation 1A, which deals with recognizing the SSC's peer review of the MFK model, it is agreed that an

adequate and independent review had been conducted. Kleiber, who was the presenter of the model and a SSC member, did not participate in the peer review of the model. As the agency continues to review the ACL setting process, if additional peer reviews were conducted particular to the MFK model, which involved one of the SSC members, the Council should consider using the Western Pacific Stock Assessment Review to maintain a fair, independent and transparent peer review.

List of Acronyms

acceptable biological catch (ABC)
Administrative Procedure Act (APA)
Advanced Notice for Public Review (ANPR)
American Samoa Community College (ASCC)
America Samoa Port Authority (ASPA)
Americans with Disabilities Act (ADA)
annual catch limit (ACL)
annual catch target (ACT)

biological opinion (BiOP)
Boating Infrastructure Grants (BIG)
Bottomfish Restricted Fishing Area (BRFA – Hawai`i)
Bureau of Statistics and Plans (BSP - Guam)

catch per unit effort (CPUE)
Clean Vessel Act (CVA)
Coastal Marine and Spatial Planning (CMSP)
Commercial marine licenses (CML – Hawai`i)
Commonwealth of the Northern Mariana Islands (CNMI)
the Community Demonstration Project Program (CDPP)
Community Fisheries Management Program (CFMP – American Samoa)
conductivity, temperature, and depth (CTD)
conservation and management measure (CMM)
Coral Reef Advisory Group (CRAG)
Coral Reef Ecosystem Division (CRED - NMFS)
Council Coordination Committee (CCC)
crown of thorns (COT)

deoxyribonucleic acid (DNA)
Department of Agriculture (DOA - Guam)
Department of Commerce (DOC – American Samoa)
Department of Defense (DOD)
Department of Education (DOE)
Department of the Interior (DOI)
Department of Land and Natural Resources (DLNR – Hawai`i)
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 Agriculture and Wildlife Resources (DAWR - Guam)
Division of Aquatic Resources (DAR – Hawai`i)
Division of Boating and Ocean Recreation (DOBOR – Hawai`i)

Division of Conservation and Resource Enforcement (DOCARE – Hawai`i)
Division of Fish and Wildlife (DFW - CNMI)

Endangered Species Act (ESA)
environmental assessment (EA)
environmental impact statement (EIS)
European Union (EU)
Exclusive economic zone (EEZ)

false killer whale (FKW)
Farallon de Medinilla (FDM)
Federal Emergency Management Agency (FEMA)
Federated States of Micronesia (FSM)
Findings of No Significant Impact (FONSI)
Fish aggregation devices (FADs)
Fishery Data Collection and Research Committee (FDRC)
Fisheries Ecosystem Plan (FEP)
Fishery Management Plan (FMP)
Forum Fisheries Agency (FFA)

General Counsel (GC - NOAA)
Global positioning system (GPS)
Organization of Saltwater Anglers (GOSA)

Hawai`i Institute of Marine Biology (HIMB)
Hawaii Marine Recreational Fishing Survey (*HMRFS*)

illegal, unreported and unregulated (IUU)
Incidental Take Statement (ITS)
Integrated Ecosystem Assessment (IEA)
Inter-American Tropical Tuna Commission (IATTC)
Inter-jurisdictional Fisheries Act (IFA)
International Commission for the Conservation of Atlantic Tunas (ICCAT)
International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC)

Joint Enforcement Agreement (JEA)
Joint Institute of Marine and Atmospheric Research (JIMAR)

The Magnuson-Stevens Fishery Conservation and Management Act (MSA)
Main Hawaiian Island (MHI)
Management unit species (MUS)
Marine Conservation Plan (MCP)
Marine Education and Training (MET)
Marine Fisheries Advisory Committee (MAFAC - NMFS)
Marine Mammal Commission (MMC)

Marine Mammal Protection Act (MMPA)
marine protected area (MPA)
Marine Recreation Information Program (MRIP)
Martell-Froese-Kleiber (MFK)
maximum sustainable yield (MSY)
Memorandum of Agreement (MOA)
Memorandum of understanding (MOU)
mortality and serious injury (M&SI)

National Environmental Policy Act (NEPA)
National Marine Fisheries Service (NMFS)
National Marine Sanctuary of American Samoa (NMSAS)
National Ocean Policy (NOP)
National Ocean Service (NOS)
National Oceanic and Atmospheric Administration (NOAA)
non-government organizations (NGOs)
Northern Committee (NC)
Northwestern Hawaiian Islands (NWHI)

Office of Law Enforcement (OLE – NOAA/NMFS)
optimum yield (OY)

Pacific Islands Area Fishery Agreement (PIAFA)
Pacific Islands Division (PID – NMFS OLE)
Pacific Islands Fisheries Science Center (PIFSC - NMFS)
Pacific Islands Regional Office (PIRO - NMFS)
Pacific Remote Islands Areas (PRIAs)
Pacific Scientific Review Group (PSRG)
Papua New Guinea (PNG)
Parties to the Nauru Agreement (PNA)
Pelagic Fisheries Research Program (PFRP)
points of contact (POC)
potential biological removal (PBR)

Regional Ecosystem Advisory Committee (REAC)
regional fishery management organization (RFMO)
Regional Planning Body (RPB) for
remotely operated underwater vehicle (ROV)
Republic of the Marshall Islands (RMI)
Request for Proposals (RFP)

Saltonstall-Kennedy (*S-K*)
Scientific and Statistical Committee (SSC - WPRFMC)
Secretariat of the Pacific Community (SPC)
social, economic and ecological factors and management uncertainty (SEEM)
Southern Exclusion Zone (SEZ);

spawning potential ratio (SPR)
stock assessment report (SAR)
Supplemental Information Record (SIR)

Take Reduction Plan (TRP)
Technical and Compliance Committee (TCC - WCPFC)
Terms of Reference (TOR)
total allowable catch (TAC)

United Fishing Agency (UFA)
United States Coast Guard (USCG)
University of Guam (UOG)
US Fish and Wildlife Service (USFWS)
University of Hawai`i (UH)

Vessel monitoring system (VMS)

Western and Central Pacific Fisheries Commission (WCPFC)
Western and Central Pacific Ocean (WCPO)
Western Pacific Fisheries Information Network (WPacFIN)
Wildlife and Sport Fish Restoration Program (WSFR)