



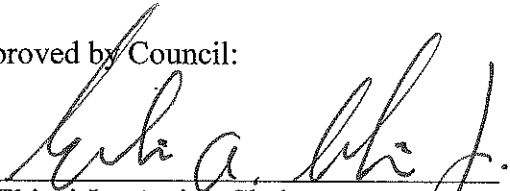
WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

**DRAFT MINUTES OF 160<sup>TH</sup> MEETING OF THE  
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

June 25–27, 2014  
Laniakea YWCA, Fuller Hall  
1040 Richards Street, Honolulu

**Ahupua`a o Nu`uanu, Moku o Kona  
Mokupuni o Hawai`i**

Approved by Council:

  
Ed Ebisui Jr., Acting Chair  
Western Pacific Regional Fishery Management Council

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## 1. Welcome and Introductions

The following Western Pacific Regional Fishery Management Council members were in attendance:

- Arnold Palacios, chair, Commonwealth of the Northern Mariana Islands (CNMI) Departments 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)
- McGrew Rice (Hawai`i)
- Claire Poumele (Hawai`i)
- Ruth Matagi-Tofiga, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Mariquita Taitague, Guam Department of Agriculture (DOA)
- Frazier McGilvray, Hawai`i Departments of Land and Natural Resources (DLNR) (designee)
- Mike Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- Beth Flint from US Fish and Wildlife Services (USFWS)
- Lt. Cmdr. Charter Tschirgi, US Coast Guard (USCG), District 14

The Council member representing the Department of State was not in attendance.

Also in attendance at the table were Council Executive Director Kitty Simonds, Council Scientific and Statistical Committee (SSC) Chair Chuck Daxboeck, NOAA Fisheries Deputy Assistant Administrator for Regulatory Programs Sam Rauch and Fred Tucher, NOAA Office of General Counsel (GC).

## 2. Opening Remarks

Rauch commented on the status of the US sustainable fisheries and some initiatives that are being undertaken. US fisheries are doing very well nationally. In March, the US Fisheries Economics Report said the combined commercial and recreational fisheries contributed 1.7 million full or part-time jobs to the US economy in 2012, \$199 billion in total sales impacts and \$89 billion in contribution to the gross domestic product, with a 3 percent increase over 2011. The commercial fishery, which includes imports, had \$141 billion in sales impacts, added \$59 billion to the gross domestic product and 1.3 million jobs. Hawai'i was one of the top five states for job growth in the country in the commercial fishery. The recreational, or noncommercial, had \$58 billion in sales impacts, which is comparable to the commercial fishery before imports. In many areas of the country the recreational impacts to the economy are greater than the commercial, adding \$30 billion to the gross domestic product and 381,000 jobs. The numbers are near record highs in job growth and economic impacts.

Managing fisheries for sustainability is also very successful. As of 2013, 91 percent of US fisheries are not subject to overfishing, only 28 stocks out of 300 are subject to overfishing, 83 percent of US stocks are not overfished, and 34 stocks have been rebuilt from the baseline of early 2000. At the same time that America is adding jobs to the economy and setting near record highs in landings and economic value, the fisheries are becoming more sustainable. This is a testament to the work that the councils, collectively, are doing, in addition to the work of the state and the federal governments and the fishing industry, which in many instances are taking the leadership role. These results could not be achieved without good science, strong enforcement or the management partnerships that the Western Pacific Regional Fishery Management Council and the other Councils represent.

Rauch said the Magnuson-Stevens Fisheries Conservation and Management Act (MSA) reauthorization is up in Congress. There have been numerous discussions with the Hill and the Councils. NMFS has also been working on the revision of National Standard 1 (NS1). The goal for the NS1 revision is to outline the existing flexibility and make improvements through regulations, thus avoiding the difficult and complicated process of going to Congress. Rauch said he expected a proposed rule to be out by the end of 2014 outlining steps taken for flexibility and tailored to all of the regions of the country.

In the recent weeks the President has announced a number of ocean initiatives to strengthen and highlight ocean conservation. Some details are known, other details are unknown. A White House memorandum was released on June 17 regarding establishing a comprehensive framework to combat illegal, unreported and unregulated (IUU) fishing and seafood fraud. A working group will be established to look at tools to combat IUU fishing, including traceability where appropriate. The President also announced the reinvigoration of the Sanctuary designation process, which allows citizens to petition the government for creation or expansion of new sanctuaries. A final rule was issued in recent weeks to restart the process. The Sanctuary designation process is a function of the National Oceans Service (NOS), not NMFS. Rauch read from a press release issued by the President on proposed expansion of the Pacific Remote Islands Marine National Monument (PRIMNM). He noted the details of the input process are being developed.



The President also released the Aquaculture Strategic Research Plan from the White House Office of Science and Technology Policy. It is the Administration's view on aquaculture research and is intended to communicate the federal priorities and promote the adoption and implementation of ideas, concepts, approaches, technology and capability to advance US aquaculture production with nine different strategic goals. It was premised by the statement that US consumers in 2012 spent an estimated \$82.6 billion on seafood, which makes the US one of the top three seafood markets worldwide. Yet, the domestic value of aquaculture products approaches \$1.3 billion annually.

The Food and Drug Administration (FDA) has revised its seafood consumption guidelines and is now suggesting a minimum amount of seafood US individuals should eat, as opposed to a maximum amount.

### Discussion

Ebisui noted the inconsistency about the monument proposal coming from the Administration compared to other sources. He asked if clarification would be forthcoming and when.

Rauch said currently the statement he read to the Council from the White House is the only information he has. The President is engaged in a process to consider the expansion of the PRIMNM and wants to hear from stakeholders and other interested parties. Beyond the statement read to the Council, there is no proposal going forward and no defined process to date, though NMFS is working with the White House to determine what that defined process might be. Beyond the statement, there is no other opening proposal.

Ebisui asked for clarification as to whether fishing will be allowed in the expanded boundaries, which according to the statement will include the full exclusive economic zone (EEZ).

Rauch said commercial fishing is not allowed in the PRIMNM, but other forms of fishing are. At the last monument designation the President did allow for the Council's input into how that was crafted. Beyond that, he could not say.

Sword asked if stakeholders and fishermen in the Territories and Commonwealth would be allowed sufficient time for input before the decision on the expansion is determined.

Rauch said the President did not indicate a time period for which a decision would be made. In the past there have been monuments designated in which no input was gathered. The President has indicated in this expansion he does want input, but has not set a timeframe for when the decision might be made. Rauch said he does not know how the input is going to happen.

Goto asked for clarification as to the statement regarding the White House is also taking input globally for the national monument expansion.

Rauch said the global statement was the President was also calling on other world leaders to join him in the effort to ensure that the world's most valuable ocean ecosystems remain

productive and pristine for our children and grandchildren. The President would hope that other world leaders follow suit in their own areas, not that the world leaders would comment, but he does anticipate some public input into his decision on his proposal.

Rice expressed concern as to the amount of engagement the fishermen would have before the President signs off on the expansion.

Matagi-Tofiga also expressed concern as to the impact the input from the Territory and Commonwealth stakeholders will have on the expansions in their areas. She asked for more information on the timeline of the input process.

Rauch said he did not have an answer regarding the process of giving input. All he knows is that the President has said before making a decision about the scope and details of expansion, he will consider the input of fishermen, scientists, conservation experts, elected officials and other stakeholders.

Sword asked if funds would be available to monitor the proposed expanded areas to prevent illegal fishing of foreign fleets on the stocks in the expanded boundaries.

Rauch said he could not speak to whether or not the USCG budget would increase because of the expansion. He deferred to the USCG representative.

Tschirgi said he understood there would be no increase in budget along with the initiative and the USCG would continue to make do with what they have.

Simonds said the press release read to the Council mentioned saving the corals and vulnerable species. She pointed out that the Western Pacific Region (WPR) already has monuments to protect corals and vulnerable species from 0 to 50 miles, and she did not believe corals extend beyond 50 miles. The Council has asked the science providers for information on what exists in the rest of the 150 miles of the Pacific Remote Islands Areas (PRIAs) waters that warrants protection. From the press release information, it appears as if nobody is aware of the existing protection in the PRIAs.

### **3. Approval of the 160th Agenda**

Moved and seconded.

Motion passed.

### **4. Approval of the 159th Meeting Minutes**

Moved and seconded.

Motion passed.

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

Simonds noted that on June 17, 2014, at the Our Oceans Conference held at the State Department in Washington, DC, President Obama announced his intent to use Presidential authority to immediately consider expansion of the PRIMNM. Further details in what the

public and US fishermen in the Pacific Islands might expect are in the May 20, 2014, report to the US government entitled “Expansion of the US PRIMNM, the largest ocean legacy on earth,” accessible on the Marine Conservation Institute website. The report recommends that the current monument encompassing 50 nautical miles around the seven US Pacific Remote Islands be expanded to the full extent of the US 200-mile EEZ. The intent is to expand the boundaries of all seven PRIMNMs. The Council’s SSC and other members of the scientific community are reviewing the document.

The President’s plan for the US Pacific Islands unfairly penalizes the US fishermen and seafood consumers who depend on the resource. US fishermen, including those in the Pacific, already abide by the strictest fishing regulations in the world, and this plan further inhibits their economic survival. The proposal would result in a tenfold increase in US waters banned from US fishermen and disproportionately burden fishermen in the US Pacific Islands. To ensure their continued survival and because these changes will do little for conservation, the US government should allow US fishermen continued access to the US EEZ beyond the existing 0- to 50-mile PRIMNM.

The Obama Administration proposed monument expansion joins a lengthy list of historical restrictions on US Pacific Island fishermen. In 2006 President Bush used the Antiquities Act to establish the first Pacific Marine National Monument (MNM), which spans 140,000 square miles of waters surrounding the Hawaiian Islands. Its establishment shut down federally managed US fisheries that supplied Hawai`i with nearly 50 percent of its bottomfish by restricting US fishermen from their traditional fishing grounds in the US EEZ around the Northwestern Hawaiian Islands (NWHI). These restrictions led to increased foreign fish imports into Hawai`i, the loss of livelihood for some US fishermen and the displacement of other US fishermen.

In 2009 President Bush used the same act to establish three more MNMs where commercial fishing is banned. Creation of the existing MNMs in the US Pacific Islands also included many broken promises. For example, when the monument in the NWHI was developed Native Hawaiians were told that they could continue traditional fishing. However, once the monument was established fishermen were prohibited from removing their catch and bringing it home to their families and community, as was customary. With the Marianas Trench MNM creation, the Pew Environment Group and James Connaughton from the White House’s Council on Environmental Quality promised millions of dollars in revenue, a visitor’s center and co-management, all of which are still left unfilled.

Simonds read a poem adapted from a World War II poem by Pastor Niemoller to emphasize the danger of doing nothing: “First, they came for Midway, but I did not speak out because I did not fish there. Then they came for the whole Northwestern Hawaiian Islands, but I did not speak out because I did not fish there. Then they came for three of the Mariana Islands but I did not speak out because I did not fish there. Then they came for the PRIAs, but I did not speak out because I did not fish there. Now they may be coming for Penguin Banks and the Cross Seamount, but who will now speak out for me because I fish there.”

## **6. Agency Reports**

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

#### **1. NMFS Agency Report**

No report was presented.

#### **2. Pacific Islands Regional Office**

Tosatto highlighted some of the activities that have taken place since the last Council meeting. The agency worked with parties engaged and interested in the Kona Coast of the Big Island and the Manell-Gues watershed in Guam in putting together an implementation plan as part of the Blueprint Habitat Initiative. National funding is being sought with matching funds from non-government organizations. PIRO has contributed funding to undertake work to implement activities in the focus areas. This item will be reported on later in the meeting.

At the Recreational Fishing Summit held on the East Coast, Eileen Sobeck, assistant administrator for NOAA Fisheries, committed to developing a National Recreational Fisheries Policy. Efforts are ongoing to gather input from the public in the development of the policy. A listening session is scheduled to take place in conjunction with the Council's Fishers Forum. Tosatto said he looked forward to hearing from the public and noncommercial fishermen.

### Discussion

Matagi-Tofiga said there are no Monument personnel in American Samoa and asked if there is any news with regard to replacement personnel.

Flint said the hiring procedure has begun to replace the USFWS refuge manager and monument superintendent in American Samoa.

Tosatto said PIRO staff in Honolulu oversees the Monument Program. In the current budget, there are no plans for locating staff in American Samoa.

Simonds said lack of monument personnel is another item to be added to the unfulfilled promises. When the monuments were created the USFWS and NMFS were to work with the Territories on a management plan. To date, there is no plan.

Tosatto said there has been progress on the management plan and he will be providing an update on those planning processes.

Palacios said that, prior to the 159th meeting, conveyance of submerged lands was made to all of the CNMI islands except the three northernmost islands in the Commonwealth, which were held pending an agreement on a MNM co-management plan among the Department of Commerce (DOC)/NOAA, Department of the Interior (DOI)/USFWS and the Commonwealth government. Two weeks ago, the DOC and DOI sent their regional directors to Saipan to meet with the Governor. The first and foremost desire of the people of the Commonwealth is to convey the areas to the people of the Commonwealth. The co-management arrangement is a

work in progress, and he said he looked forward to major developments and accomplishments relative to the conveyance of the areas to the people of the Commonwealth.

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

Sam Pooley, PIFSC director, presented recent information on the activities of the Science Center since the last Council meeting. He highlighted the recent successful external review of fishery stock assessments held in May in Honolulu with panelists from across the United States to provide advice on improving the quality, relevance and performance of PIFSC stock assessments. The review and presentations are available on the PIFSC website.

The *OSCAR ELTON SETTE* is currently in Maug for insular fish surveys. The *SETTE* will pick up staff at the NWHI monk seal camp, and a marine debris cruise is scheduled for the end of 2014.

In March the *HIIALAKAI* conducted a monument events cruise in the Mariana and a cruise looking at vents and geothermal activity. The vessel is now involved in monk seal activity. One monk seal was sent to the NWHI from Maui.

Small boats were used to survey cetaceans from April to June. There have been small-boat surveys related to the MHI in collaboration with the state. Pooley highlighted some results from the cetacean small-boat survey conducted in the Mariana and collaborative work with partners in South America on neonate sea turtle tagging in the South Atlantic Ocean.

The North Pacific swordfish assessment was conducted as part of the International Scientific Committee (ISC) on tuna and tuna-like species. The results are the stock is not overfished, nor experiencing overfishing, with significant biomass relative to biomass at maximum sustainable yield (MSY), with a harvest rate that has been relatively low. Pooley noted that as an economist he has questions about the assessment because the swordfish component of the Hawai'i longline fishery should be doing better, but it may be related to good bigeye prices.

PIFSC provided to the Council, through the Plan Team process, summaries of the biosampling data in the three territories. Autonomous underwater vehicle and bottomfish research fishing in the MHI was conducted in collaboration with the Pacific Islands Fishery Group (PIFG) with commercial fishermen on Maui and O`ahu. Information will be presented later in the meeting on the MHI bottomfish assessment. Work is ongoing with the Alaska Center and Southwest Fisheries Science Centers on ways to measure effects of El Nino. Acoustic surveys and remotely operated vehicle dives are ongoing with the West Hawai'i Habitat Blueprint and Kona Integrated Ecosystem Assessment (IEA) work. The usual coral surveys took place and data summaries should be available in the near future.

Work is also ongoing on American Samoa longline economics. The decline in catch per unit effort (CPUE) and low market price led to significant fleet-wide losses, though the situation has begun to improve. Pooley noted that there is no underlying stock assessment reason for decline in CPUE. He also pointed out that the small EEZ around American Samoa limits the biomass accessible to the American Samoa longliners.

Collaborative work was conducted with NOAA's Coastal Storms Program doing surveys in Guam. Science Sunday was held in May in Guam, with Eric Cruz demonstrating his work on studying the life histories of reef and bottomfish fish. A Science Camp was held at the Ford Island facility with 60 eighth graders.

### Discussion

Goto said the shallow-set swordfish fishery is a competitive global fishery market. Currently, the market is high. To fish in the deep north is a big travel expense for fishermen, and the vessels have to make it worthwhile. He would like to see more vessels fish shallow-set.

Palacios asked for more information regarding the pictures and records taken of the yacht that broke apart in Maug.

Pooley said the pictures were taken and provided to the USCG and either CNMI DLNR or the parallel environmental agency in Saipan.

Palacios said he received pictures in an e-mail and asked if he could receive a summary report.

Pooley replied in the affirmative.

Palacios asked Tosatto if Mr. Hall from PIRO could provide a summary report from the beginning to the end of the mishap. He noted USFWS also has an ongoing investigation, and he would like to be provided their summary reports and documentation, as well as summary reports of the current OSCAR SETTE cruise and the focus of its research.

Pooley said there will be an effort to do that. He could not guarantee it because he does not have the experience on the SETTE in terms of what its capabilities are to provide a data summary that can be carried off the boat when it returns to Saipan. If not, cruise narratives. could be generated and sent within a couple months after each cruise.

Daxboeck commented on the turtle tracking presented at the SSC and the oversized antenna attached to the immature turtle.

Pooley said there has been research conducted on ways to reduce drag from tags.

Daxboeck noted discussion at the recent SSC meeting that attaching finlets are effective at reducing drag by up to 60 percent or more, as well as improves retention of pop-up satellite archival tags.

Pooley noted that the tag discussed at the SSC would meet the US animal care rules. The scientists were working with partners and their tags.

Daxboeck expressed appreciation for the presentation given at the SSC meeting on the new MHI Bottomfish stock assessment, but there are still lingering questions.

Pooley appreciated the SSC's comments even if he was not in agreement with them.

Simonds noted the SSC also has questions regarding the NMFS stock assessment prioritization process.

Daxboeck said there was a letter to NOAA Fisheries commenting on the stock assessment prioritization. The SSC and a subcommittee reviewed it. The protocol had interesting potential, but three shortcomings were noted: 1) The prioritization process is unclear. 2) A standard unit of measurement on the importance of the net benefit to the nation was lacking. The proper measure of economic importance of a fishery should be expressed in dollars and not in weight, which is commingled in the prioritization. 3) The data quality or stock assessment tier needs to be explicitly incorporated into the scoring process because a lower assessment tier implies lower quality data in a data-poor situation. Those stocks may have a higher priority to do a baseline, which was not clear nor pointed out.

Simonds added that the Council likes the way the prioritization is currently conducted.

Pooley said one of the things nicely presented at the external review on stock assessment was about the nature of the stocks and the management approach. One suggestion of the review was for the Council, Regional Office and Science Center to meet on an annual basis to discuss prioritization as a process. Currently, a meeting tends to be done less formally. Some formality should be established. The SSC comments on the prioritization will be helpful to the agency.

Daxboeck said the national priority-setting scheme for stock assessments should not be used to allocate funds across councils or regions, as it provides for opportunities for misuse at Headquarters. The Region should continue with the way it is currently done.

Pooley said in the fall Daxboeck will have an opportunity to tell the director of the Office of Science and Technology directly.

Palacios noted that, in regards to unfulfilled commitments, he understood that PIFSC and PIRO are allocated a substantial amount of funding for marine monuments. He asked for information on the process for prioritizing the funding to specific projects, whether the local agencies' participate in the process and what process determining is for determining how the funds are spent.

Pooley said PIFSC puts together, in collaboration with researchers and agency staff in CNMI and Guam, a science plan for the monument, which is signed, sealed and delivered. The science plan guides what PIFSC does. Workshops are also held in Saipan and Guam to coordinate with researchers about what would be useful. Work has been merged that might be funded by the Monument that would cover issues across the Mariana Archipelago because of connectivity issues. Pooley suggested Eric Breuer present an overview on the science plan to the SSC or Council. He said American Samoa is complicated with jurisdictional issues in the Sanctuaries Program and deferred to Tostatto. PIFSC personnel Via Taloma is located in Pago Pago and works on the *SETTE* cruises. The Science Center will have a science plan for the PRIAs as well.

Tosatto said the amount of funding is not substantial and is shared among PIFSC, PIRO and the National Marine Sanctuaries Program. The funding comes to NMFS. Funding is then provided to the Sanctuaries Program for its role in the Rose Atoll MNM. The funds cover all four

Pacific monuments. Other NOAA elements also come to the table with research or collaborative efforts, even international research, that PIFSC and other elements of NOAA coordinate. Workshops were held in the Mariana where information was collected to assist in the development of the plan. The plan is a living and evolving document and is now being implemented. PIRO's amount of money provides a small staff dedicated to the Monument that is undertaking planning, with less than 50 percent spent on staff resources. A competitive grant was utilized for a Pelagic Fisheries Research Program for activities by external partners to expand both education, outreach, science and other priorities annually. The grant has ranged from a hundred thousand to a couple hundred thousand dollars per year. In regards to the Rose Atoll Monument one of the tasks was to pursue Sanctuary designation, which occurred. The Sanctuary is implementing its programs, where it looks less like a Rose Atoll effort and more as a continuation of the American Samoa research efforts, such as the work on sea turtles. What the new funding allowed was for dedication of ship time to execute some of the work on a more regular basis. The PRIAs were last in priority, which did not have the ongoing effort in place such as American Samoa and the Mariana.

Matagi-Tofiga said the American Samoa DMWR, the Sanctuary and Frank Pendleton of the USFWS met, but a plan was never in place. Currently, local agencies are not involved in terms of the research. DMWR conducts research through the Wildlife and Sport Fish Restoration (WSFR) funds, such as sea turtles and seabirds. The Monument has not funded any research. There is no co-management in American Samoa of the monument, and it needs to be addressed.

Simonds said the reason this item keeps coming up for discussion is the management plan should have been developed at the beginning in consultation with the Territories that have monuments about what activities are needed. Instead, the opposite happened, and the projects are what the agencies think are best for the Territories, which is the cause of the frustration. Simonds agreed with Matagi-Tofiga's comments regarding the projects are going on without consultation with the Territories.

Palacios encouraged the agencies to engage with the local agencies. The Territories continue to be ready to work with PIFSC and PIRO on the situation and the monument programs.

Pooley said personnel have traveled to American Samoa for an internal scoping process and will conduct workshops similar to the upcoming workshops in Saipan and Guam.

Mike Seki said everyone should be aware that the Sanctuaries program has a big role in the American Samoa monument and sanctuary because it was given resources to create the management plan. A lot of what goes on there is driven by what comes out of the Sanctuaries plan and is from where the science approach is derived, which started with the Mariana and then the PRIAs. American Samoa was last because PIFSC does not control decisions made regarding what and where monument research would be conducted. The PIFSC fishery program and the science research that is done are relative to current priorities, and, until the American Samoa monument management plan is developed, PIFSC is at a loss.



## **B. NOAA Regional Counsel**

Tucher reported on the current litigation activities that have occurred since the last Council meeting. Turtle Island Restoration Network and Center for Biodiversity versus NMFS was initially filed based upon a rule-making that authorized the shallow-set fishery to interact with migratory birds through a Migratory Bird Treaty Act Special Purpose Permit issued by the USFWS and authorized the fishery to incidentally interact with protected species under a biological opinion (BiOp) for leatherback and loggerhead sea turtles. The Plaintiffs challenged both the USFWS determination, as well as the NOAA rulemaking. NMFS prevailed in defending all claims at the District Court. The decision was appealed to the Ninth Circuit Court of Appeals. Plaintiffs are now challenging the issuance of the Migratory Bird Treaty Act (MBTA) permit on the grounds it was an improper permit and USFWS did not follow the regulations in issuing it. The Hawaii Longline Association (HLA) has filed a brief in support of the decision by NOAA in that rulemaking. No hearing date is scheduled. Tucher will keep the Council updated on the progress.

KAHEA and Food and Water Watch versus NMFS challenges NOAA's approval of a one-year special permit authorizing Kona Blue Water Farms, Inc., to culture and harvest fish in a large mesh pen towed behind a sailing vessel as aquaculture. The Ninth Circuit remanded the case back to the District Court. NMFS is awaiting a District Court decision on that pending claim.

### Discussion

Rice asked why the Kona Blue case is ongoing when the project ended over a year ago.

Tucher explained it is the kind of action that is capable of repetition while avoiding review. A second permit was issued, which is another reason to review the permit decision.

Rice asked if there has been litigation brought against the second permit.

Tucher said NMFS just received a Freedom of Information Act (FOIA) request for all records associated with the permit issuance from the same party. There may be a second lawsuit.

Rice noted the project ended up being beneficial to the community. He said he does not understand how a lawsuit would be filed for something that was good for the community.

Tucher said the NEPA document looked at cultural and socioeconomic impacts of supporting infrastructure and jobs in the area. The Plaintiffs' arguments are primarily the environmental impact associated with the activities; that is the issue that is in dispute.

## **C. US Fish and Wildlife Service**

Flint, sitting in for Susan White, reported on USFWS management of the three newest monuments, the PRIAs, Marianas Trench and Rose Atoll. Regional Director Robyn Thorson and Tosatto are working to forge renewed collaboration between the agencies. Staffing levels for the MNMs, National Wildlife Refuges and Ecological Services Division remain low and have created a strain on operations and responsiveness levels. The agency will be able to rehire the

manager and superintendent for Rose Atoll MNM and Refuge in American Samoa and a new coral reef ecologist to work out of the Honolulu office on reef restoration efforts. Focus has been on field projects that reap the greatest ecosystem benefits, including removing shipwrecks at Palmyra and Kingman; eradicating various invasive species, such as yellow crazy ants at Johnston, verbesina at Midway and rats at Wake; and restoring species at the sites using translocation and attraction. Efforts are ongoing to manage entrapment hazards and contaminant problems at Tern Island and French Frigate Shoals.

There have been 24 refuge special use permits for scientific research and photography have been issued so far in 2014, as well as five permits for recreational vessel visitation at Palmyra Atoll.

The Refuges Office and the USFWS Division of Migratory Birds have been working with NOAA's Office of International Affairs, NMFS national seabird coordinator and Washington Sea Grant representing the US at meetings on the Agreement on the Conservation of Albatross and Petrels, which is a multi-lateral agreement seeking to conserve albatrosses and petrels by coordinating international activity to mitigate known threats to their populations. Through the years the United States has contributed to work in understanding methods of bycatch mitigation and the status of the populations that occur in the United States.

## Discussion

Leialoha asked for information on the staffing situation on Midway.

Flint said at Midway there is a manager, Dan Clark; a deputy, Brett Wolf, the former manager of Tern Island, which is now closed; and Meg Duhr-Schultz, who is acting as the wildlife biologist for the site. Midway is closed to public visitation. There are also bio-technicians and staff working on habitat management.

### **D. Enforcement**

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

Tschirgi highlighted USCG fisheries law enforcement activities in the Western and Central Pacific Region since the last Council meeting. It was reported in the March Council meeting that a USCG cutter was able to board a foreign-flagged fishing vessel just outside the EEZ waters around the CNMI that was not broadcasting on Western and Central Pacific Fisheries Commission (WCPFC) fishing vessel monitoring system (VMS) as required under WCPFC. There was similar success with the Navy P-8 patrol aircraft that identified two other vessels of the same flag nation who were not broadcasting on WCPFC VMS. The USCG sent the information to the flag nation and the WCPFC Secretariat, which resulted in forward action as far as getting the vessels to come into compliance and strengthened the protection of CNMI and the US EEZs.

The USCG Cutter *WALNUT* conducted boardings under the WCPFC, distant water tuna fleet boardings and American Samoa and Honolulu-based longline fleets. Some safety issues were identified with the American Samoa longline fleet, as well as minor fisheries violations.

USCG Cutter *MUNRO* conducted six boardings of the US flagged distant water tuna purse seine fleet and identified one potential violation of the Marine Mammal Protection Act (MMPA). It also boarded some Honolulu-based longline fishing fleet vessels without any violations observed.

The C130 conducted some patrols of the US EEZs around the PRIAs. There were no foreign fishing vessels fishing inside the EEZ, but patrols continue.

Tschirgi thanked the Council for the opportunity to participate in its summer high school program.

### Discussion

Simonds said the Council is sympathetic about the lack of funding to enforce the EEZ the way it should be. She asked if a way to get more funding for operations would be through Homeland Security or through Congress, especially with the expansion of the monuments.

Tschirgi said the USCG is eager to further its mission in any way. One of the Department of Homeland Security's goals is border protection, and the USCG tries to tie that into its EEZ patrols. The flow of commerce and the preservation of fish stocks fall within border protection, and the USCG endeavors to raise that level of priority. Any support the USCG can have in achieving its mission, along with the Council's, has value.

Simonds said Kiribati's zones are adjacent to the US EEZ. Its permits are sold to Spanish longliners and purse seiners, as well as Asian countries. There is inadequate enforcement to deter illegal fishing by foreign fleets if the expansion goes into place, which will become a huge dilemma for the USCG.

Tosatto asked for clarification as to whether the USCG is considering updating implementation of Ocean Guardian and what the status of the living marine resources (LMR) mission is in the overall USCG dynamic.

Tschirgi said the final revitalized version of Ocean Guardian has been released. The LMR mission is one of the 11 USCG statutory missions, of lower priority. It is a challenge to revitalize the mission to point out the importance of fisheries in the region, especially with limited operational hours due to sequestration. The new Ocean Guardian keeps the prioritization at the same level, where protection of the US EEZ is primary, enforcement of domestic regulations secondary, and cooperation with international partners for fisheries management and enforcement third. With a new commandant coming online it is difficult to say how the prioritization will change.

Ebisui asked whether the USCG considers commercial fishermen fishing in the EEZ as an enforcement aid.

Tschirgi agreed to the enforcement benefit provided by fishermen. In the past some Honolulu-based longline vessels have reported potential incursions by foreign-flagged vessels and the USCG responded. Having the trust between the fishing fleet to report incursions back to the USCG, back to NOAA is of value.

Sword asked if the USCG uses any resources outside of its immediate sphere to do surveillance in the EEZs.

Tschirgi said the USCG has collaborated with the Department of Defense (DOD) agencies and cooperates with the Australian and French Navy, which provide sighting reports to the USCG. Future ways to patrol are through the use of unmanned aerial systems or water-based systems. USCG is always looking for innovative ways to use partners for better ways to provide continuous enforcement.

## **2. NOAA Office of Law Enforcement**

Bill Pickering, special agent in charge, Office of Law Enforcement (OLE), said the individual who was involved in smuggling endangered species into Honolulu from the Marshall Islands will be sentenced in the near future. Four or five foreign vessels entering into American Samoa were boarded. The Port State Measures are becoming more important because of the foreign purse-seine and longline landings occur nowhere else in the United States except in American Samoa, Guam and CNMI.

OLE spends a lot of time boarding with uniformed personnel, the special agent stationed in American Samoa, Joint Enforcement Agreement (JEA) partners and DMWR, which is a 24/7 job. He expressed appreciation to all of the JEA partners. There were two joint efforts by OLE and the USCG in American Samoa. One OLE enforcement officer conducted a patrol at Rose Atoll and the southern boundaries of American Samoa. OLE actively puts special agents and enforcement officers aboard USCG cutters patrolling areas. Boarding foreign or domestic fishing vessels for on-the-water inspection sends a message to the fleets that the United States is engaged in this type of enforcement. He encouraged American Samoa, Guam, CNMI and Hawai'i to turn their JEAs in as quickly as possible in order to get them processed.

In regards to the letter from the Council and the Technical and Compliance Committee document published in October 2013 referring to several vessels that the Secretariat of the Pacific Community (SPC) was saying had landed fish from American Samoa waters, OLE requested SPC for documentation on how they came to reach the position. Its chart displayed vessels from the Cook Islands, Vanuatu and Taiwan fishing in American Samoa waters, or the US EEZ. Two of the US vessels out of American Samoa had Cook licenses. SPC then reported that two or three vessels were anomalies; instead of there being a West in front of that longitude, there was an East and it put them in American Samoa waters when they were actually in other waters. More documentation was requested from SPC, which they balked at. The WCPFC VMS section provided additional documentation for the rest of the vessels. Some VMS traffic showed the remaining vessels were in Vanuatu's waters or outside of the US EEZ at the date and time that it showed on the logs. He noted great cooperation from WCPFC. OLE was able to determine that except for two American longliners out of American Samoa everybody was outside of the US EEZ and it was just error in the data punching, where logs or reports were incorrectly entered.

## Discussion

Matagi-Tofiga thanked OLE for providing training to DMWR's Enforcement Division. She asked, with the expansion of the Sanctuary and increase in the scope of work to monitor the areas, would there be increased funding for enforcement and a larger vessel. She also requested a workshop be held for local agencies on how to enforce the import of endangered species and products into American Samoa.

Pickering said USFWS and OLE share different laws under the Convention on International Trade in Endangered Species, as well as FDA. One FDA special agent is assigned to Honolulu. Pickering said he could not speak to the budget, but noted OLE is often asked to look into increasing or expanding assets. He said he did not know how to answer her question in regards to a larger vessel, but that is something that can be explored in the next JEA.

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

Duane Smith, NOAA enforcement attorney, reported on six cases that were referred for consideration of a civil penalty, many of which involved purse seine vessels, MMPA violations and fish aggregating device (FAD) sets. Two of the cases are scheduled for hearings in August; three cases are awaiting decision by the administrative law judge; and another awaiting a decision on a penalty amount that was conceded. Six cases are currently on appeal to the District Court.

Smith demonstrated the ease of viewing the organization's website in efforts to become more transparent by having the information available to the public. The administrative law judge's decisions, written warning appeals and the penalty policy are posted on the website. The new and revised Enforcement Policy should be published within the next couple of weeks.

## Discussion

Council staff Eric Kingma said the reason the Council asked about the potential violations of the US EEZ from reports of the WCPFC is because the violations were visible in public reports. With discussion about proposed expansions of the monuments and impacts to US fishermen, one reason the issue was highlighted is the major disparity in the reporting levels by fleets to the WCPFC. US fishermen and NMFS provide operational catch and effort data to the Commission under obligations for catch reporting. The major distant water Asian longline and purse seine fleets are not reporting that information. There is a major discrepancy between the reporting of US fisheries, the management of US fisheries and US obligations to the Commission compared to other foreign vessels and nations. As the United States moves forward and looks at the potential impacts of closing off areas of US waters, US fishermen are forced into the high seas to compete with Asian distant water fleets for the same fish and those foreign fleets are not subject to the same management or monitoring levels. This needs to be monitored as things move forward, as well as looking at reports of the Commission. The level of reporting is still not up to the same standard as the United States'.

Pickering said he did not want anyone to think OLE did not want to run the document down. He appreciated the semi-cooperation of SPC and would have liked it to have been a little

better, but the crew did come through and was very responsive. The exercise highlights that the data in the documents must be verified, and OLE is willing to do that.

Kingma said the Council's opinion is that the most effective gains in managing highly migratory stocks will be made through the Commission and regional fisheries management organizations. Improving compliance, monitoring and the level of all parties meeting their obligations under Conservation and Management Measures (CMMs) through international cooperation is the most appropriate way to address overfishing of migratory stocks, rather than closing off areas of the US EEZ.

**E. Public Comment**

No public comment.

**F. Council Discussion and Action**

No Council discussion or action.

**7. Program Planning and Research**

**A. Stock Assessment Prioritization Review (Action Item)**

Council staff Paul Dalzell reported on the response to the Draft Stock Assessment Prioritization document put out by NMFS, which is the draft protocol for national prioritization of stock assessments for federally managed fish stocks. The document was drafted by Rick Methot, NOAA's science advisor for stock assessments. The draft protocol uses the following aspects of fish stocks to create a numerical score for a given stock:

- Fisheries importance, commercial and recreational value to the regional fishing communities, with additional considerations;
- Ecosystem importance, role of the stock in the ecosystem and strength of its interactions with other species;
- Stock status, relative to target and limit levels of abundance and fishing mortality;
- Stock biology, how much change is expected per year, on average;
- History of assessment, including availability of new information to resolve extant issues or indicate a change in stock abundance.

The prioritization process uses the above factors in two steps. First is the setting of goals for the comprehensiveness and timeliness of assessments for each stock. This step needs to be conducted as an initial step and updated occasionally, but not annually. It includes considering which stocks need assessments and which of the assessments can use simple baseline monitoring. The second prioritization step is near-annual evaluation of changing stock status, new information and fishery importance, among others, in order to establish priorities for

conducting assessments to achieve, to the extent possible, goals of comprehensiveness and timeliness.

Council staff and an SSC Subcommittee reviewed the protocol. The Subcommittee made numerous comments on the process while agreeing that a stock assessment prioritization process was a worthwhile goal. One of the main criticisms was the scoring of stock importance based on pounds of fish landed, which would be biased against fisheries such as in Hawai`i where landings are low volume but value is high. Further, the concept of social and cultural importance also needs to be considered. Also additional regional multiplier impacts and nonmarket values should be accounted for as important modifiers.

The Council's main comments were 1) The document's justification of each step created more difficult-to-understand verbiage; it would be better to show the process up front and provide justification as supporting text; 2) There are serious concerns about catch versus value in assessing stock importance, particularly in Hawai`i where there is high value but low volume fisheries; 3) Contingency valuation needs to be included, such as airfare, hotel, etc.; 4) The Council should have representation on any bodies conducting prioritization exercises; and 5) More emphasis on data issues is needed.

Dalzell reviewed a detailed list of additional comments. He reiterated that the Council supports the idea of a stock assessment prioritization process, which is clearly needed, and regards the document as a good first attempt. The Council hopes the comments provided will result in a document that has much more clarity and one which considers the issue of value versus volume, which is key and critical in Hawai`i.

### Discussion

Rice said the value topic is high priority and a substantial part of the economics.

Taitague noted last year in Guam there was an abundance of atulai and rabbitfish, but this year very few have come in and who knows what will happen next year.

Leialoha asked how the use of pounds versus dollars was developed.

Dalzell said, because this is the first iteration of the document, the focus was on volume to generate the score for prioritization. In the future, value will be considered. Methot has acknowledged that value has to be implicit in the process.

### Council Aside

Ebisui noted a Memorandum of Understanding (MOU) has been prepared by the Council's Education Committee to be executed by the appropriate heads of the colleges and universities throughout the Western Pacific Region, as well as the federal agencies and the Council. Dr. Matthew Liao-Troth, provost from Hawai`i Pacific University, was in attendance at the Council meeting to sign the MOU.

Council staff Sylvia Spalding presented background on the MOU. It is an aspirational MOU to build capacity in the Territories and Commonwealth resource management agencies as

well as educational institutions in Hawai`i providing education in fisheries science. It involves, among other objectives, a scholarship program and internships. Employees of local agencies looking to further their education are also addressed. The MOU was previously signed by the University of Hawai`i's Hawai`i Institute of Marine Biology, the Council and USFWS. The MOU will also be sent out to American Samoa Community College, University of Guam (UOG) and the Northern Marianas College for signature.

Liao-Troth, Matagi-Tofiga, Palacios, Tosatto, Taitague and Pooley signed the MOU.

Simonds noted the first check to support implementation of the MOU was received from NMFS PIRO for \$25,000.

**B. Specifying Annual Catch Limits for Crustaceans, Precious Corals, Coral Reef and Hawai`i Non-Deep Seven Bottomfish in the Western Pacific Region (Action Item)**

Council staff Marlowe Sabater presented information to assist Council members' decision-making in specifying annual catch limits (ACLs) for coral reef fish of particular concern, including humphead wrasse, bumphead parrotfish and reef sharks.

For the humphead wrasse and bumphead parrotfish there is no new data or approach to support re-analysis. For the Fishing Year 2015 ACL the Council may consider a multi-year specification for the ACL.

For the reef shark, the SSC considered setting the acceptable biological catch (ABC) using the biomass augmented catch (BAC)-MSY approach. MSY values of 12,400 pounds, 2,300 pounds and 2,900 pounds were generated for the reef shark in Hawai`i, American Samoa and Guam, respectively. The approach to account for scientific uncertainty and the risk of overfishing (P\*) analysis determined the appropriate risk for reef sharks to be at 35 percent for Hawai`i and American Samoa and 30 percent for Guam. The ABCs were set at the corresponding catch level associated with risk at 9,800 pounds, 1,700 pounds and 2,000 pounds for Hawai`i, American Samoa and Guam, respectively. CNMI will continue to use the 2012 ACL due to absence of catch time series and the fact that the model-based approach cannot be used to estimate MSY for CNMI reef sharks.

The Council considered three options: 1) Status quo, roll over the Fishing Year 2014 ACLs to Fishing Year 2015 to 2018 for humphead wrasse, bumphead parrotfish and reef sharks. 2) Set the ACL equal to ABC for American Samoa, Guam and Hawai`i reef sharks for management unit species (MUS) where the BAC-MSY approach was used. 3) Set the ACLs less than ABCs by 5 percent based on existing Social, Economic, Ecological and Management Uncertainty (SEEM) analysis for the reef sharks in Hawai`i, American Samoa and Guam.

Information was presented on the crustacean species complex, which is comprised of deep-water shrimp, spiny lobster, slipper lobster and Kona crab. The SSC applied Option 2 to spiny lobster. There was no new information for deep-water shrimp, Hawai`i slipper lobsters, Kona crab, Territory slipper lobsters and Kona crabs. The Hawai`i slipper lobster and Kona crab can be updated with time series up until 2013. The MUS is experiencing a ratchet-down effect



where catches in recent years are below the ACLs due to an artifact of the methodology and not related to the status of the stock.

The Council considered three options: 1) Status quo, roll over the Fishing Year 2014 ACLs to Fishing Year 2015 to 2018 for deepwater shrimp, spiny lobster, slipper lobster and Kona crab. 2) Set the ACL equal to ABC for spiny lobsters. 3) Set the ACLs less than ABC by 5 percent using the existing SEEM analysis. The accountability measures would remain the same. For Hawai`i spiny lobster the 2013 ACLs were exceeded. Recalculated numbers were presented using the BAC-MSY method and using the SEEM analysis.

Leialoha asked for clarification as to which tier was used in the calculation presented.

Sabater said the 2012 specification used Tier 5. For Hawai`i slipper lobster the Council adopted the BAC-MSY approach in the previous Council meeting. The same methodology was used to recalculate MSY for spiny lobster, with the new ABCs presented. It resulted in a higher ABC because the 75th percentile approach is no longer being used.

Leialoha asked if there were recommendations for additional or improved monitoring.

Sabater said the spiny lobster is being captured through the Commercial Dealer Reports or the Commercial Marine License (CML) for Hawai`i. There is intermittent data coming in from creel surveys, as well. For slipper lobsters and Kona crab in the Territories there is little data collected and a proxy is used to arrive at the numbers. Sabater agreed that the fisheries should be monitored and that improvements in data collection are warranted.

Leialoha said she would like more information on how the agencies or fishing industry intends to increase monitoring or ensure the catch is at a reasonable level.

Tosatto said evaluating 2013 catch relative to 2013 ACLs will be discussed in an upcoming agenda item. With catch-dependent data available there are questions as to whether the numbers increased from better reporting or catch was missed in the past. He spoke in support of better monitoring of the stock status. He also commented that the new model approach will be undergoing Center for Independent Experts (CIE) review and the results of the review could affect the ability to approve the ACLs going forward.

Sabater presented data on the precious corals species complex, comprised of black corals, precious corals in exploratory areas and pink and bamboo corals at the Hawai`i established beds. Currently, no new information is available. The Council was presented with three options: Option 1 - Status quo, roll over the 2014 ACLs to Fishing Year 2015 to 2018 for all Precious Coral MUS. Option 2 - Set the ACL equal to ABC, technically the same as Option 1. Option 3 - Set the ACL lower by five percent based on existing SEEM analysis, noting that the SEEM analyses done were for nearshore coral reef fisheries and not specific for all Precious Coral MUS. Recalculated numbers were presented in table format for the options. The accountability measures would remain the same.

Sabater provided data in regards to the Hawai`i non-Deep 7 bottomfish complex, which consists of uku, butaguchi, black ula, white ulua and yellowtail kale. Three options were presented to the SSC for ABC specification and the recalculated numbers were presented in table

format. The accountability measures would remain the same. Options for Council consideration included: 1) Roll over the ACL of 140,000 pounds. 2) Set the ACL equal to ABC at 187,100 pounds. 3) Set an ACL lower than the ABC by 5 percent at 178,000 pounds.

**C. Evaluation of 2013 Catch Relative to 2013 Annual Catch Limits (Action Item)**

Sabater presented the Plan Team's assessment of the 2013 catches to the established ACLs.

No ACLs for any MUS complex were exceeded in 2013 in American Samoa. Akule made up 14 percent of the landings and Coral Reef Ecosystem crustaceans made up 92 percent of the landings of the ACLs.

In Guam, Carangidae (jacks) landings were 60,469 pounds relative to an ACL of 45,377 pounds, which generated an overage of 15,000 pounds. The Plan Team noted good juvenile jack runs occurred in the surveyed area, shore-based creel captures data improved and rod-and-reel fishermen occupied area usually fished by net fishermen.

Two MUS complex ACLs were exceeded in 2013 in CNMI, the atulai by 284 pounds and the goatfish by 482 pounds. The overage was in the order of hundreds of pounds. The Plan Team noted that it was a productive year for goatfish. Surveys included nighttime spear fishers. More anglers are doing shore-based hook-and-line fishing.

In Hawai'i seven MUS complex exceeded the ACL, the non-Deep 7 bottomfish complex, spiny lobster, surgeonfish, squirrelfish, mollusk, parrotfish and white crabs, which are families of highly targeted commercial species. The perceived upward trend was associated with the implementation of the Civil Resource Violation System (CRVS) in 2009. Three out of the seven MUS had an increase in fishing licenses.

Sabater asked the Council to recommend actions to address the overages.

Discussion

Leialoha asked about the Hawai'i parrotfish and spiny lobster ACLs. The ACLs could have been underestimated in the past, but she said she has a problem supporting the increases when the long-term data is missing.

Tosatto said the fishery was in a data-poor situation when the ACL process was established. NS1 is currently being reviewed and is dealing with how to best respond to ongoing data-poor stocks. The Hawai'i spiny lobster was moved from Tier 5 to Tier 3, and the MSY-based approach is now being used so the number should become more informed. The accountability measures were established to address overages, which also applies to the Hawai'i Deep 7 bottomfish.

Sabater said all seven species complexes are subject to the BAC-MSY approach and have MSY reference points.

Duenas asked if the Guam overage on jacks included the scads, or atulai.

Sabater said atulai were not included and were monitored separately.

#### **D. Proposed NOAA Recreational Saltwater Fishing Policy**

Rauch told the Council the topic of the Recreational Fishing Policy is discussed because recreational fishing is not only important for coastal communities, but also an important economic driver worth billions of dollars and hundreds of thousands of jobs to the US economy. NMFS has not always recognized the fishery in that manner, but recently the agency has been engaged in a large outreach initiative to better understand the needs of the recreational community. A Recreational Summit was held in the recent past, with another held just recently, in effort to meet with leaders in the recreational community to understand their needs and develop ways to better understand how to manage the fishery. One of the outcomes from the Summits was the need for a national recreational policy advisor, who is Russell Dunn.

Recently some members of the recreational community, namely Johnny Morris, president of Bass Pro Shops, and Scott Deal, from Maverick Boats, led a Commission to evaluate where NMFS was in terms of recreational needs, as well as to suggest which direction to proceed. From that came six recommendations, one of which was to have a National Recreational Fisheries Policy. The NMFS administrator agreed to do that at the most recent recreational summit. NMFS is currently gathering all of the Councils, stakeholders and public comments, including those that will be given at the Council's Fishers Forum.

Some of the questions are how to address noncommercial fishing in the policy, to what extent should it be addressed, or should the focus be on the recreational part of noncommercial fishing. The request from the community was for a recreational fishery policy; how broadly it will be addressed has not been determined.

Dunn presented information on the proposed NOAA Recreational Saltwater Fishing Policy. At the recent 2014 National Saltwater Recreational Fishing Summit NOAA committed to developing a formal NOAA policy on recreational fishing. The policy will guide future NOAA actions regarding recreational fishing and be used to better engage the recreational fishing community and to institutionalize within NOAA the key tenets of recreational fishing. The policy will be a thoughtful set of principles to guide agency actions and decisions.

Eleven participants attended the summit from the WPR. He reviewed the agenda, which was put together based on a series of discussions from around the country over a year period. One major outcome from the summit was developing a detailed summary of the summit.

There is a commitment from NOAA in developing a National Policy, which is a set of principles to help guide NOAA's planning and actions in the long term. It does not necessarily mean new regulations. It will not supersede existing laws. Dunn presented the schedule for the process, traveling to councils and commissions, state agencies and hosting electronic forums for gathering input. Drafting of the policy will begin in the fall of 2014. The draft will be put out for external review, comments incorporated and the policy finalized in January 2015. A website is also set up to receive comments and input through Sept. 13, 2014. A Discussion Guide provides questions and the draft goals based on input from the recent Recreational Summit, the Marine

Fisheries Advisory Committee (MAFAC) Recreational Fisheries Working Group white paper and the Morris-Deal Commission, which put forward the concept of developing a policy from regional roundtables over the last year.

Some items intended as a starting point for discussion are as follows: 1) Comments from private anglers, from shore or vessels, for-hire vessels, the recreational industry, such as tackle manufacturers, bait and tackle shops, from people who are dependent on the recreational community. 2) Comments from noncommercial fishermen. Expense fishing and subsistence fishing are items that are important aspects of fishing in the Central and Western Pacific, input on how broadly the policy should apply. 3) Comments regarding consideration of science and data collection.

Broad framework initial goals identified included to foster and enhance sustainable, healthy and diverse recreational/noncommercial fisheries and public access to them; to integrate recreational/noncommercial considerations throughout NOAA and the federal fisheries management system; to encourage partnership, participation and innovation; and to enhance transparency, follow-through and long-term continuity of action.

### Discussion

Ebisui pointed out the reference to WPR expense fishermen in the presentation slide.

Rauch said he is sensitive to the concept that recreational fishing in the rest of the country does not work in the WPR. He said he was interested in input on the consideration as to how to characterize whether it should be a part of this policy or a different policy.

Dunn said another important point was working in the concept of cultural importance, which is not clearly reflected and may be able to fit in to some of the other pieces of the policy.

McGilvray said the State of Hawai`i currently has a number of licensing systems, such as the CML. One option the state is looking at is the possibility of revamping the system to use commercial and noncommercial licenses. That system will likely take into account all of the listed items in the presentation. There are people who rely on fishing for subsistence and some people who rely on it for other means. All of that would be captured in the way the State is moving in a noncommercial system. Focusing on recreational does not capture much of that.

Dunn asked, if noncommercial and recreational are so dissimilar, should the agency develop a separate noncommercial or subsistence policy.

Rice said recreational fishing in Hawai`i is completely noncommercial because 99 percent of the recreational boats has a fisher on it with a CML license. Recently he gave a marlin to a person for auto body work on his car, which is considered commercial fishing. These kinds of exchanges happen often throughout the whole state. Since his return from the summit the comments he has heard is there is a need to either incorporate recreational/noncommercial or have noncommercial on its own section underneath recreational. Hawai`i, with a relatively small number of anglers, would be easier to incorporate into a separate policy.

Rauch recalled Simonds' comment that the WPR is the largest EEZ in the country.

Simonds noted Rice was referring to fewer people.

Rauch said that some councils have explicit regulations for recreational fishing that preclude the sale of the catch. Those councils are less concerned with the term “noncommercial” and are more concerned with the concept of recreational fishermen being allowed to sell their catch, and there has been push-back from those other councils.

Rice said it is a state concern and the states can make their own rules about selling and catching fish.

Rauch stressed that the policy is not intended to usurp the authority of the states in their waters to deal with recreational fishing. The effort is to guide the federal approach in federal waters, working with the states. NMFS is aware that all of the jurisdictions in the WPR deal with recreational fishing in a different manner than in Florida, as an example, which is why it’s on the list as a main concern.

Rice said three years ago a recreational summit was held in Honolulu with Kona charter fishermen in attendance discussing the same issues.

Simonds supported the concept of separating noncommercial as opposed to recreational/noncommercial. There is also customary exchange, which deals with subsistence fishing in the WPR, which needs to be fleshed out for the feds.

Ebisui thanked Rauch and Dunn for noting the distinction between recreational and noncommercial and said he appreciated their sensitivities and for hearing the message.

Ed Watamura, chair of the Council’s Joint Advisory Panel (AP), agreed with Ebisui’s comments. He added that Pacific Islanders need to celebrate their uniqueness and ensure that the rest of the nation knows there is a difference. While attending the Recreational Summit he experienced people from the other regions. He learned that they all felt each region has its own uniqueness and pointed out the importance for the differences to be reflected in the policy.

Rauch reiterated the statistics mentioned before, 11 million recreational anglers in the United States, contributing \$50-something billion to the US economy.

Dunn clarified the \$58 billion is in sales impacts, and the domestic commercial fishery sales impacts for 2012 were about \$50 billion, noting recreational sales impact is equivalent or greater than commercial in some regions.

Craig Severance said the Council does have in its policy in the fishing regulations for the two monuments the concept of customary exchange. There was confusion at Headquarters as to the meaning. He clarified that under MSA any fish or fish product that enters into commerce through sales, trade or barter must be considered commercial. The Pacific Islanders are unique because fishermen don’t play with food and often fish to give their catch away. Much of what is given away does not include any concept of a negotiated value on either side. It is given and you shared, and eventually something will come back in return, but not immediately and not in any kind of monetary equivalency value. The social and cultural value is important and is part of

what holds the social fabric of the Pacific Island communities together, especially in indigenous communities with cultural practices that have been going on for millennia.

Ebisui thanked all who carried the Region's message to the Recreational Summit.

Dunn agreed that the WPR delivered the message effectively with a coherent, strong presence. He reiterated the commitment made in April. NMFS is on a fast track in developing the policy with broad, comprehensive input from around the country. Input is able to be submitted online through Sept. 12. There will be a number of electronic web-based forums regarding the draft policy. The draft policy will be out for public review in the fall of 2014. Comment summaries will be posted online for public viewing.

Simonds said that, in the US Fisheries Statistical Report, Hawai'i is reported in the top seven in recreational catch.

#### **E. Regional Strategic Plan for Fisheries Data Collection and Research**

Sabater provided the Council with an overview of the outcomes of the recent three-day meeting of the Technical Committee of the Fishery Data Collection and Research Committee (FDCRC), which was held in Honolulu. The FDCRC vision statement is "Communities benefit culturally, socially and economically from sustainable fisheries and healthy marine ecosystems managed using reliable, relevant and representative data." The FDCRC mission statement is "The Fishery Data Collection and Research Committee coordinates and supports the improvements in the collection, analysis and dissemination of relevant, reliable and unbiased information and enhances the trusted exchange between stakeholder groups enabling an effective fishery management at all levels."

The Technical Committee came up with five goals and objectives of each goal. The plan is comprehensive and contains 32 strategies under the objectives and 73 tasks under the strategies. Agency members shall commit to implementing the tasks and attaining funding for each task. The USFWS Sports Fish Restoration Grant, which is a member of the FDCRC, supports the coordination effort. It is up to the agencies to propose projects and implement those projects in their respective five-year plan.

#### Discussion

Palacios asked for a copy of the final plans for his DLNR staff.

Sabater replied in the affirmative. Copies of the draft plan were provided to the members of the Technical Committee for comments. Todd Miller provided several comments from CNMI. More comments are expected to come in.

Pooley said PIFSC will be signing on to the USFWS Exclusion or Special Provision Statement as well in terms of issues having to do with procurement grants and potential issues related to legislation. There was no disagreement. He expressed appreciation for the USFWS GC and NMFS GC for suggesting the approach.

Matagi-Tofiga noted appreciation for a job well done.

Mitsuyasu introduced the Council to the students and teacher of the Council's summer high school course on fisheries and resource management conducted in conjunction with Moanalua High School. They will take part in the Council's Fishers Forum.

Erron Yoshioka, teacher of the course, and some of the students voiced their appreciation for the opportunities the summer course provides the students.

## **F. Council Five-Year Research Priorities**

Sabater said that MSA requires each Council through its SSC to develop a five-year research priority document for NMFS to consider when developing its budget and plans. Recommendations were provided regarding social science research, protected species, and stocks and ecosystem. The Council's task was to review the research priorities and add new and emerging priorities and/or remove outdated and obsolete priorities. The Council was requested to endorse the priorities to be transmitted to PIFSC.

### **1. Ecosystem and Stocks**

Regarding the stocks theme, Sabater said the Technical Committee recommended re-ranking life history and the population parameters as high. Tagging efforts in the Territories should include determining spawning aggregation sites, as well as effects of marine protected areas (MPAs), movement patterns and gear interactions. The Yellowfin Tuna Project was moved from Stock to Human Dimensions or Human Communities.

Regarding the Ecosystem theme, the recommendations included 1) move the false killer whale (FKW) and dolphin priority to the Protected Species theme; 2) merge impacts of societies and ecosystems priority with the impacts of forcing to streamline the priority since humans are one of the forcing factors that affect the ecosystem; 3) re-rank connectivity studies as a higher priority; 4) re-rank estimating carrying capacity as a high priority; and 5) update the status document with studies being done at UOG and Division of Fish and Wildlife (DFW).

### **2. Human Dimension**

Council staff Chris Hawkins said the Council was developing the next set of five-year program priorities when he came onboard with the Council. Various human community and human dimension issues had been identified in each of the program areas, which were put into a master list by area. He worked with the Social Science Planning Committee to create a list of higher and lower priority groupings.

Slight modifications were made, and the final draft of the high priorities was presented recently to the Committee on June 16, 2014. The 27 items on the list were reduced to 19 priority items. The effort resulted in three number one priorities, nine number two priorities, three number three priorities, two number four priorities and five number five priority items.

### **3. Protected Species**

Council staff Asuka Ishizaki reported the recommendations of the Protected Species Advisory Committee: 1) In regards to priority rankings, the committee maintained to evaluate

fishery interactions as the highest priority. 2) In regards to interaction reduction and mitigation methods, the committee recommended a higher priority. 3) In regards to conservation bankings and offsets, the committee recommended a lower priority.

Some items were updated with changes in the wording to reflect the current needs, which included the marine mammal demographic parameters item, the genetic structure for distinct population segment (DPS) definition and the cultural take for sea turtle item. The Committee also updated the status document with additional research.

## Discussion

Rice noted that in regards to the comment of humans being part of the ecosystem reminded him of the problems with the monk seals when humans were taken out of the NWHI.

Hawkins agreed, noting it depends on what ecosystem and what tradeoffs are desired. If humans are taken out of an ecosystem there are going to be some changes, and the changes may not be appreciated. Ecosystem-based management in the Council's Fishery Ecosystem Plans (FEPs) is a work in progress and some of the research priorities will put the human communities and the ecosystem under one umbrella.

### **G. Regional, National and International Education**

#### **1. Regional, National and International Education and Outreach**

Spalding reported on ongoing activities regarding education, beginning with the aspirational Territory Capacity-Building MOU, which was signed earlier in the meeting.

A workshop was held in Honolulu on geologic history, sea level change and water resources in partnership with NOAA OceanWatch. DMWR staff attended from American Samoa to learn the lessons so that they could go back and teach the course on Ta'u. Educators also attended from CNMI and Guam and Hawai` to take back to their communities to teach.

The Council attended Capitol Hill Ocean Week and NOAA Fish Fry. New outreach materials developed for these events included fact sheets on Pacific blue marlin and bigeye tuna and a recipe book of all the recipes the Council has highlighted at the NOAA Fish Fry and published in the newsletter over the years.

In July the First Stewards Symposium on Traditional Places and Climate Change will be held in Washington, DC. Winners of the Council's high school photo essay contests will be attending from each island area to present their photo essays. Students from American Samoa Community College who did a project for the Council looking at climate change and fisheries resources through a traditional viewpoint will attend to exhibit their results.

Work is ongoing on the code of conduct videos and posters for distribution in the territories and translated into the indigenous languages.



## 2. Pacific Islands Regional Planning Body

Sarah Pautzke presented a brief background on the National Ocean Policy, which was created through an executive order by President Obama adopting the final recommendations of the Ocean Policy Task Force, which included the creation of Regional Planning Bodies (RPBs). The policy does not change any existing or create any new regulatory authorities and does not supersede state and territorial laws. States and Territories are not required to participate.

The Pacific Islands RBP consists of 17 members, which includes federal, state and territorial members, as well as the Council. The goal of the body is to create a coastal and marine spatial plan (CMSP) with supporting products, such as a spatially oriented fishery policy.

CMSP is regional, adaptive, integrated and a transparent planning process based on sound science and is used to analyze current and anticipated uses of the ocean and coastal areas. It provides transparent information about ocean uses. It guarantees stakeholders a voice in decision-making and creates an inclusive bottom-up public policy planning process. It identifies areas that are most suitable for various types of activities to facilitate compatible uses, to reduce conflicts among users, to reduce environmental impacts and to preserve critical ecosystem services. The benefits of CMSP include coordinated actions and decision-making across multiple layers of government, increased certainty and predictability doing fishery management actions or permitted process. It can facilitate compatible uses and provides a forum for the state, territory and region to decide what problems to address and the outcomes with the support of federal agencies. It also allows the planning of human uses along with conservation of important ecological areas and provides coordinated mapping assets.

Pautzke said the Marine Planning Handbook was published in July 2013. She reviewed the status of national RPBs.

- West Coast RPB: Hired an executive secretary who is working to engage tribes to finish forming their RPB.
- Gulf of Mexico RPB. Florida is not interested in participating in the Work is ongoing to engage Mississippi.
- South Atlantic RPB: Florida is not interested in participating and the South Atlantic RPB is on hold.
- Great Lakes RBP: Struggling because there are many competing groups, as well as Canada.
- Alaska: Is not interested. The feds are trying to figure out how to proceed without the state. The RPB is not formed at this point, but an Arctic Plan is being formed, which is spatial in nature and deals with multiple uses.
- New England RPB: Has had several meetings and has signed its charter with published goals, a stakeholder plan, an action plan and a drafted framework for ocean planning.

- Mid Atlantic RPB. Held meetings and is ready to sign the charter, with published goals and a framework and are in the process of developing a stakeholder plan.
- Caribbean RPB: Held one meeting, with the charter in the process of development.
- Pacific Islands RPB. Has had two meetings, with the third meeting scheduled for late November. The charter has been signed with the exception of two signatures. The stakeholder plan needs further refinement, as well as the framework and action plan. There is a website for communication with draft documents and meeting information.

The Council is a member of the Pacific Islands RPB with a seat at the table. The Council's RPB member represents the Council during the meetings and for development of the CMSP activities in the region. Palacios is the Council's RPB member. Council members and staff can participate on committees and working groups to provide fishery-relevant information and data. There will be a Data Advisory Committee, and it is expected there will be a person attending representing the Council. The Council can host or sponsor its own activities. To date, the Council has sponsored the 2011 Hawai'i, American Samoa and CNMI CMSP workshops. The Council is also working with the Merizo community to develop a community plan.

### Discussion

Palacios asked the RPB to take a serious look at how to deal with the plans and proposals put forth in the CNMI by the DOD within the waters of the Commonwealth, as well as Ritidian Point in Guam.

Pautzke said being able to respond to different actions is something that has to be developed. DOD sits on the RPB, so it might be awkward to respond to that.

Tosatto said the CMSP process makes for a more orderly process where CMSP informs that Navy of some of the impacts to the local community and environment, such as don't put your small arms range there because we're ranching in that area. The result is the Navy has information and as part of the RBP a process to follow.

Pautzke said that, Palacios, as a participant with a seat on the RPB, needs to feed information and issues from the Council to the RPB.

Palacios noted that DOD's plans in terms of marine waters in all island jurisdictions has been the topic of Council deliberations and is an issue that should be considered by the RPB.

Simonds said the Council has resolved problems with the military by meeting with them in Guam regarding the proposal to close areas. There are other ongoing issues. After meeting with the military in CNMI, problems were resolved having to do with ships in specific zones. If issues are brought to the RPB and all members need to agree to get something resolved, it may work better for the Council to deal with something within two weeks of the Council meeting.

Palacios said the RPB is going to have to take a look at military activities in the different parts of the WPR.

Matagi-Tofiga asked if all of the jurisdictions submitted their mandatory CMSP to the RPB.

Pautzke she was not sure and would follow up after the meeting.

## **H. Advisory Group Reports and Recommendations**

### **1. Joint Archipelagic Plan Team**

Sabater presented the Joint Archipelagic Plan Team recommendations as follows:

*Regarding the noncommercial catch report, the Joint Archipelagic Plan Team recommended the Council request PIFSC, particularly the Western Pacific Fishery Information Network (WPacFIN) program, to develop summaries on the noncommercial component of the creel surveys and the re-estimated Hawaii Marine Recreational Fishing Survey (HMRFS) catches, Williams and Ma 2014, and incorporate these summaries in the 2015 Archipelagic Fishery Ecosystem Annual Report.*

*Regarding the ACLs, the Joint Archipelagic Plan Team recommended its members to investigate the 2013 data to understand the drivers that contribute to the overages in the different MUS with ACLs. The Plan Team members will report back to Council staff on the justification for the overages.*

#### Council Aside:

A resolution was adopted commending Pooley for his dedicated service and congratulating him upon his retirement from NMFS PIFSC.

### **2. Joint Advisory Panel**

Watamura presented the Joint AP recommendations as follows:

*Regarding ACLs for deep-water shrimp, the Joint AP recommended Option 1, to roll over the ACL.*

*Regarding spiny lobster, slipper lobster and Kona crab the Joint AP recommended Option 2, to set the ACL equal to ABC, updated.*

*Regarding precious corals the Joint AP recommended Option 1, to roll over the ACL.*

*Regarding MHI non-Deep 7 bottomfish the Joint AP recommended Option 2, to set ACL equal to ABC, updated.*

*Regarding the MHI deep 7 bottomfish the Joint AP recommended Option 1, to roll over the ACL.*

*Regarding the humphead wrasse, the bumphead parrotfish and CNMI reef sharks, the Joint AP recommended Option 1, to roll over the ACL.*

*Regarding reef sharks in Hawai`i, American Samoa and Guam, the Joint AP recommended Option 1, to roll over the ACL.*

*Regarding the expansion of the MNMs in the Pacific, the Joint AP is firmly against the expansion of MNMs in the Pacific and recommended the Council take such a stance. It further recommended the Council support an ad hoc subcommittee of the AP to address the concerns of the community regarding proposed expansion of Pacific MNMs. The subcommittee should include two AP members from each island area as the coordinators for their island areas. The following members have volunteered to be on the ad hoc AP subcommittee: Nonu Tuisamoa and Michael Panem (American Samoa); Peter Perez and Steven Meno (Guam); John Gourley and Frank Aldan (CNMI); and Watamura and another member yet to be announced (Hawai`i).*

### **3. Fishery Data Collection and Research Committee**

Sabater reported the FDCRC had no recommendations to present under the Program Planning agenda section.

### **4. Fishing Industry Advisory Committee**

Mitsuyasu said the Fishing Industry Advisory Committee had no recommendations to present under the Program Planning agenda section.

### **5. Social Science Planning Committee**

Paul Callaghan, member of the Social Science Planning Committee (SSPC), presented the Committee's recommendations as follows:

*The SSPC recommended that the Council endorse the integrated assessment concept for relevant fisheries under Council jurisdiction and direct staff to develop a pilot project. By integrated assessments, the SSPC means fishery assessments that synthesize and integrate information on relevant physical, chemical, ecological and human resources in relation to specific management issues and objectives.*

*The SSPC recommended that the staff develop a trial integrated assessment research project, as defined above, that includes two or more of the four thematic areas: stocks, protected species, ecosystems and human communities.*

*The SSPC recommended that the SSC and Council accept or endorse the Committee-ranked human research priorities or modify or augment as appropriate.*

*The SSPC recommended that the SSC and Council endorse the Human Dimensions 2014 to 2019 programmatic activities as vetted and modified by the SSPC at the meeting.*

*The SSPC recommended that computer cloud services be engaged to archive reports, gray literature and data sources so that they can be available to Human Dimension researchers and others.*

## 6. Marine Planning and Climate Change Committee

Spalding reported that the Marine Planning and Climate Change Committee (MPCCC) recognized the value of integrating marine planning and climate change and congratulated the Council for convening the MPCCC. The Committee further recognized the value of its deliberations as a venue for information-gathering and sharing and recommended that the Committee continue to meet through teleconference, as well as future face-to-face meetings. The Committee also stressed the importance of acquiring downsized information that is useable for planning and resource management purposes.

The MPCCC recommendations are as follows:

*The MPCCC recognized* that there are numerous organizations and programs addressing climate change and marine planning in the region and encouraged engagement with those entities as partners in the work of the Committee and the Council.

*The MPCCC recommended* that the definition of climate change, for the purposes of this committee, include natural climate variability, such as El Nino Southern Oscillation cycle. The Committee further recommended that the Council and the Committee take advantage of the evolving El Nino and commit to sharing information and supporting planning for this event is appropriate.

*The MPCCC recommended* that the Council's previous decision to "Develop and transmit a formal recommendation to Congress to fund the necessary science to understand impacts of change in climate and ocean chemistry and adaptation strategies for fisheries" be expanded to include the Executive Branch and also marine planning, as well as climate change, i.e., "Develop and transmit a formal recommendation to Congress and the Executive Branch to fund the necessary science to understand impacts of change in climate and ocean chemistry on fisheries and to develop and implement marine planning and adaptation strategies for fisheries."

### Discussion

Ebisui asked for clarification as to downsized information.

Spalding said the term refers to information that's available at a scale usable for local forecasting and resource management and planning.

Leialoha asked if the Pacific Islands Climate Change Cooperative has been contacted.

Spalding said it is on the list of collaborators to contact.

### **I. Marine Fisheries Advisory Committee National Seafood Certification Recommendations**

Council staff Mark Mitsuyasu presented an update on the MAFAC National Seafood Sustainability Recognition Program. For many years the Council has encouraged NOAA to provide a stamp of approval on seafood products coming from domestic fisheries that are

managed through fishery management plans (FMPs) or FEPs under the MSA. MAFAC, an advisory group to the Secretary of Commerce on fisheries, has been addressing this issue and has developed a position paper with recommendations for creation of a new seafood certification program. NMFS recently published a FR notice calling for comments on MAFAC report findings. The Council provided comments on the report in April.

The Council has been consistent in regards NOAA supporting US products that come out of US domestic fisheries, managed under FEPs with no additional cost passed on to the community or the fishing industry with regards to certification programs. There are a number of third-party certifications in the works.

The MAFAC group recommended that the new program not be pursued at this time but to leverage some of the existing resources, such as the US Department of Agriculture (USDA) Program, Country of Origin Labeling and product tracking through Hazard Analysis and Critical Control Points (HACCP). NOAA also administers the Seafood Inspection Program.

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

Daxboeck presented the SSC recommendations as follows:

*Regarding the stock assessment prioritization review, the SSC concurred with the content of the May 23, 2014, letter sent to NMFS.*

*Regarding specifying the ABCs for coral reef species of management concern, crustaceans, precious corals, Hawai`i non-Deep 7 bottomfish, the SSC recommended that the Fishing Year 2014 be rolled over for Fishing Years 2015 to 2018 for species or species complexes that have no new scientific information, no new catch data and for which catches in the past year did not exceed the ACLs. This would apply to CNMI reef shark; bumphead parrotfish and humphead wrasse in American Samoa, Guam and the CNMI; and precious corals, slipper lobsters and Kona crab in all island areas.*

*Regarding the Hawaiian slipper lobster and Hawai`i Kona crab, although there are some new catch data available, recalculating the ABCs using the Tier 5 ABC control rules, that is the 75th percentile of the catch history, would result in a ratchet-down effect since the recent catches are below the ACLs. The same ratchet-down effect would occur in recalculating the ABC for these species in American Samoa, Guam and CNMI using a catch-per-area of habitat ratio that was based on the updated Hawai`i data. The SSC further recommended that these MUS be designated as ecosystem component and that monitoring be improved in case a commercial fishery develops. This will require an FEP amendment.*

*Regarding MHI non-Deep 7 bottomfish; American Samoa, Guam and Hawai`i reef sharks; and spiny lobsters in all island areas, the SSC recommended adoption of the BAC-MSY approach because it results in a reasonable estimate of MSY-based reference points for these otherwise data-poor stocks. This allows the application of the Tier 3 ABC control rule, with ABC equal to the P\* percentile of the catch. For these stocks, the SSC recommended using the 50 percent risk of exceeding MSY as the overfishing (OFL). Additionally, the SSC concurred with the P\* process and the calculations as described in*

the briefing material that was presented to them and adopts the P\* percentile assigned to each species accordingly.

*Regarding specifying the ABCs for coral reef species of management concern, crustaceans, precious corals, Hawai`i non-Deep 7 bottomfish, the SSC recommended ABCs be a multi-year specification of four years, 2015 to 2018, to reduce the administrative and scientific burden of more frequent re-analyses.*

*Regarding the evaluation of 2013 catch relative to 2013 ACLs, the SSC concurred with the Plan Team's explanation for the overages. Although the OFL is not known, the small catch-to-biomass ratio indicates that the overages are not likely to have an impact on stock sustainability or result in overfishing.*

## Discussion

Miyasaka asked more information regarding the Hawai`i overages for spiny lobster and parrotfish, and why the SSC recommended using the BAC-MSY model when parrotfish are so far over the 2014 ACL.

Daxboeck said the overages could have been the result of improved catch data collection or the initial ACLs were estimated with missing data. With each refinement of the estimate the species is moved to a higher tier and a new way is used to establish the baseline from which ABCs are calculated. The overage is at a low level at a 30 to 35 percent risk of overfishing in subsequent years and needs to be monitored.

Leialoha advised caution in regards to increasing the ACL for parrotfish and spiny lobster for a period of time. She would prefer to see the State implement recommendations for parrotfish regarding monitoring and maintaining catch, take or bag limits. She voiced support for maintaining the current ACL for at least a year to ascertain whether or not the MUS are manageable at the current ACL.

Sabater said currently there is no reference point for parrotfish or spiny lobster. This is the first scientific exercise using the BAC-MSY to arrive at a reference point, which takes into consideration the life history aspect and carrying capacity of the species. Catch reports being reviewed from the past five years show evidence of an increase in catch reporting. It is suspected the CRVS has a strong influence in the recent upswing in catches, which were not captured when the initial ACLs were calculated and caused an underestimation.

Leialoha asked if it would make a difference to roll the ACL over for a year to monitor the level of catch, pointing out that the starting point for the calculations are based on a model.

Sabater said, considering the catch to biomass, the overage is a very minute portion of the standing stock biomass that is being harvested and would still result in overages.

Leialoha agreed it would still result in overages. Her recommendation is to continue to closely monitor the species to see if there is any indication to make additional changes.

Sabater said the Council has a graduate student working on the stock assessment for the uhu complex, and he is looking forward to the results.

Ebisui asked if the State is aware of the catch levels.

Sabater replied in the affirmative.

#### **K. Public Comment**

No public comment was offered.

#### **L. Council Discussion and Action**

*Regarding ACLs, the Council recommended that the ACLs for Fishing Year 2014 be rolled over for Fishing Year 2015 to 2018 for certain stock/stock complexes that have no new scientific information, no new catch data, or for which catches in 2012 and 2013 did not exceed the ACLs. This would apply specifically to CNMI reef shark; bumphead parrotfish and humphead wrasse in American Samoa, Guam and the CNMI; and precious corals, deep-water shrimp, slipper lobsters and Kona crab in all island areas.*

*Regarding ACLs for the MHI non-Deep 7 bottomfish; American Samoa, Guam and Hawai`i reef sharks; and spiny lobsters in all island areas, the Council recommended setting the ACLs 5 percent lower, based on the existing SEEM analysis as presented at the 159th Council meeting, than the SSC recommended ABC. The ACLs for all other coral reef species complexes were previously specified at the 159th Council meeting.*

*Regarding ACLs, because near-real-time monitoring of catches are not possible in any coral reef, crustacean, precious corals and Hawai`i non-Deep 7 bottomfish fisheries, the Council recommended utilizing a moving three-year average catch to evaluate fishery performance against the recommended ACLs. For example, use of 2013 to 2015 catches to evaluate the performance against the 2015 ACLs, and so on and so forth. If this three-year average catch exceeds the ACL, but does not exceed the ABC, no overage adjustment is necessary because catch below the ABC does not result in negative impact to stock sustainability.*

*Regarding ACLs, the Council recommended, if the three-year average catch exceeds the ACL and the ABC in any given year, a reduction in the ACL for the subsequent year by the amount of the overage as an accountability measure.*

*Moved by Ebisui; seconded by Sword.*

*Motion passed, with Miyasaka casting a nay vote.*

Leialoha suggested adding a statement in the recommendation to provide better monitoring of the spiny lobster and uhu species.

There were no objections to including an additional recommendation.



Tosatto spoke in favor of moving the recommendation forward pending the results of the CIE review. He noted that if the results are not favorable the Council may need to take further action after the model is addressed based on the CIE comments. This item could be addressed again in the October meeting.

Miyasaka noted that the State of Hawai'i would like to see that the ABCs for spiny lobster and parrotfish be rolled over rather than using the new model.

Ebisui said he would not accept the proposed amendment by Miyasaka.

Palacios clarified Miyasaka's motion was to modify the recommendation.

Miyasaka replied in the affirmative.

The proposed modification was not recognized.

Miyasaka noted he would be casting a nay vote.

*Regarding evaluation of 2013 catches relative to 2013 ACLs, the Council noted that 2013 catches exceeded the specified 2013 catches for MHI non-Deep 7 bottomfish and Hawai'i crabs, mollusk, parrotfish, squirrelfish and surgeonfish. This was the second time catch exceeded ACL for each of these species groups. The Council further noted that 2013 catches exceeded the specified 2013 ACL for Hawai'i spiny lobster, Guam jacks and CNMI bigeye scad and goatfish. The Council determined that overages in Hawai'i may be influenced by improvements in catch reporting compliance due to the 2009 implementation of the Civil Resource Violations Penalties by the State of Hawai'i. CRV Penalties include, but are not limited to, fines for failing to submit a catch report, or for late reporting and non-renewal of a fishing license for chronic violators. Because the 2012 and 2013 ACLs are based on the seventy-fifth percentile of the catch history through 2008, it does not include data after 2009 where catch reporting improved and, therefore, ACLs are underestimated. The Council further determined the overages in CNMI and Guam were likely the result of overestimates of catch caused by a small number of fishermen with high catches being used in expansion algorithms to estimate total island-wide catch. The Council noted that although OFL is not known, other biological indicators show that the overages are not likely to have an impact on stock sustainability, or resulted in overfishing because a) based on probability of overfishing projection presented in the EA of 2013 and 2014 ACL and Accountability Measures for MHI Non-Deep Seven Bottomfish, NMFS 2013, the 2013 catch is associated with less than a 35 percent probability of overfishing; b) based on catch-to-biomass analyses presented in Appendix D of the EA for the 2012 and 2013 ACL and Accountability Measures for Pacific Island Coral Reef Ecosystem Fisheries, NMFS 2011a, 2013 catches of Hawai'i parrotfish, squirrelfish and surgeonfish, CNMI goatfish and jacks, and Guam jacks are an insignificant portion of the estimated stock biomass and is not indicative of excessive fishing pressure; and c) While Hawai'i crabs and mollusk were not included in the catch-to-biomass analyses, the Council concluded the ratio or catch to biomass for these groups is likely to be similar to those of other Hawai'i coral reef taxonomic groups, and 2013 catches is not likely to have resulted in excessive fishing pressure. **Recognizing***

**that for some species groups catch has exceeded the ACL more than once in a four-year period, the Council is modifying its system of ACLs and accountability measures by applying the BAC-MSY model for calculating MSY and OFL for all Pacific Island coral reef ecosystem MUS, Hawai`i spiny lobster and MHI non-Deep 7 bottomfish.**

Moved by Ebisui; seconded by Sword.

Motion passed.

Tosatto spoke in favor of moving the recommendation forward pending the results of the CIE review, noting that if the results are not favorable the Council may need to take further action after the model is addressed based on the CIE comments.

*Regarding fishery monitoring, the Council directed staff to explore the use of re-estimated HMRFS catches, Williams and Ma 2014, in the re-specification of Hawai`i ACLs:*

**The Council recommended NMFS PIFSC, in collaboration with the Council, develop a Biosampling Program for Hawai`i;**

**The Council directed staff to work with the State of Hawai`i and HPU in exploring the impacts of the Civil Resource Violations System on the reported data and how this affects the results of the kumu and uhu stock assessments.**

Moved by Ebisui; seconded by Sword.

Motion passed.

*Regarding fishery data collection improvements and research coordination, the Council endorsed the Comprehensive Regional Strategic Plan for Fishery Data Collection and Research drafted by the FDCRC for implementation. Furthermore, the Council directed staff to work with the FDCRC members and agency staff on specifying the tasks and timeline for implementation.*

Moved by Ebisui; seconded by Sword.

Motion passed.

Palacios noted that he is hopeful this action will address the data-poor issues that exist in the Territories and Commonwealth.

*Regarding the Council's five-year research priorities, the Council directed staff to transmit the updated research priorities to NMFS PIFSC.*

Moved by Ebisui; seconded by Sword.

Motion passed.

*Regarding fisheries research, the Council recommended that NMFS support funding studies to redesign and tank test popup satellite archiving tags (PAT) with finlets in order to reduce hydrodynamic wobble with the goal to reduce drag, which also improves increased tag retention rates.*

Moved by Ebisui; seconded by Sword.  
Motion passed.

*Regarding social science research, the Council endorsed **integrated assessments for relevant fisheries under Council jurisdiction and directed staff to develop a pilot project. By integrated assessments, the Council means fishery assessments that concurrently synthesize and integrate information on the relevant physical, chemical, ecological and human processes in relation to specific fishery management issues and objectives;***

*Directed staff to develop an integrated assessment research project, as defined above, that includes two or more of the four research priority thematic areas, Stocks, Protected Species, Ecosystems and Human Communities, as described in the Council's Five-Year Research Priorities;*

*Endorsed the proposed Human Dimensions 2014 to 2019 programmatic activities as recently vetted and modified by the SSPC.*

Moved by Ebisui; seconded by Sword.  
Motion passed.

Matagi-Tofiga asked for clarification as to whether “specific fishery management” included sea cucumber fisheries.

Hawkins said the committee approached the idea of the integrated assessment related to the relevant fisheries under the Council's jurisdiction, but added assistance could be made available for participation in an integrated research project on the sea cucumber fishery if the Territory decided to pursue such a project.

*Regarding Marine Planning and Climate Change, the Council directed **staff to engage other organizations and programs working on climate change issues to partner with the MPCCC and the Council;***

*Directed staff to define climate change for the purposes of the MPCCC to include natural climate variability, such as the El Nino, Southern Oscillation cycle. The Council further directed staff to take advantage of the evolving El Nino for education and outreach purposes, commit to sharing information and supporting planning for this event as appropriate.*

*Directed staff to send a letter to the Executive Branch related to the Council's previous recommendation, quote, to develop and transmit a formal recommendation to Congress to fund the necessary science to understand impacts of change in climate and ocean chemistry adaptation strategies for fisheries. The letter shall include marine planning as one of the adaptation strategies for fisheries.*

Moved by Ebisui; seconded by Sword.  
Motion passed.

*Regarding noncommercial fisheries, the Council recommended NMFS add noncommercial fisheries as its own category separate from the recreational fisheries and recognize the uniqueness of each region to provide flexibility in the National Policy.*

*Moved by Rice; seconded by Matagi-Tofiga.*  
*Motion passed.*

## **8. American Samoa Archipelago**

### **A. Motu Lipoti**

Sword reported the latest sports fishing activities in American Samoa. The sports fishermen are making efforts to develop the charter and sports fishing industry. The 15th International Γa Lapoa fishing tournament was held in early May with more entrants traveling from New Zealand and Australia. A total of 17 boats entered, with seven from New Zealand and brought in 120 visitors to American Samoa. There were 26 billfish tagged during the tournament. Good fishing resulted in a very successful tournament. He noted thanks from the Pago Game Fish Association to the DMWR for having FADs in place for the anglers and the port director for ensuring a smooth transition with the movement of boats.

Matagi-Tofiga reported on DMWR activities since the last Council meeting. The underwater monitoring survey of American Samoa's coral reefs, reef fish and invertebrates is ongoing. The commercial bio-sampling and creel surveys in the FADs Program continue to be very successful monitoring regimes. The Community Management Fishery Program (CMFP) also continues to be very effective. There is an effort to combine the no-take MPA Program with the CMFP program because of loss of one staff member. Ten villages are currently in the CFMP, with two no-take areas. DMWR and DOA are working to co-sponsor a workshop on aquaponics as an alternative in the CMFP. In the recent months, the University of Hawai'i brought aquaponic specialists for a community workshop. The American Samoa government provided a subsidy to assist alia fishermen, has shown an increase in the boat-based creel survey and funded workshops on engine repair to be held in Tutuila and on Manu'a, as well provided some safety equipment to the alia fishermen.

DMWR deployed two nearshore subsurface FADs and two deep-water FADs during the Γa Lapoa Tournament with assistance from SPC. Word was recently received one FAD was destroyed. Community outreach is planned for the fishermen in an effort to avoid damage to FADs.

Crown of thorns (COT) continues to be a big threat on coral reefs in American Samoa. In recent months assistance was provided by NOAA, the Papahānaumokuākea MNM, the Hawai'i Island Humpback Whale Marine Sanctuary and the Coral Reef Advisory Group (CRAG). By injecting the COT, they have succeeded in eradicating over 300 COTs in two days.

An executive order was issued by Governor Lolo to extend the moratorium on the take of local sea cucumber for another six years. Regulations are being developed for subsistence harvesting of sea cucumber.

The local agencies such as DOA, EPA, DOC and CRAG held a workshop on the effects of climate change.

Matagi-Tofiga thanked Spalding for all her efforts with American Samoa in the education outreach field. DMWR hosts kids even over the summer in field trips related to fisheries and coral reef outreach activities.

The Secretariat of the Pacific Regional Environment Programme hosted two DMWR staff to a climate change workshop in Honiara for training and two staff members to the FAD workshop. One staff traveled to the Solomon Islands to attend training at an electronic-monitoring workshop conducted by Council staff. Two staff attended the Council training workshop. Four staff members attended the grant management course with WSFR.

Sword commented on how the sea cucumber population has disappeared with the influx of Chinese residents. Businesses were gathering coolers full of sea cucumber for sale, which has been put to a halt by the recent executive order.

#### **B. Fono Report**

Matagi-Tofiga reported the Fono is on recess.

#### **C. Enforcement Issues**

Matagi-Tofiga noted that the sea cucumber moratorium has increased work for the Enforcement Division and requested assistance from NOAA OLE.

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

The Council's American Samoa island coordinator, Nate Ilaoa, said John Kaneko, from the Hawai'i Seafood Council, and Nelson Aberilla, from the United Fishing Agency, traveled to American Samoa in May to conduct fresh fish training. The workshop was held at the Tri Marine facility and was well attended by more than 70 vessel operators and crew. Community members have requested an encore.

A Sanitation Control Procedures Workshop was held for local businesses, stores and restaurants that handle fresh seafood. Kaneko gave a three-day workshop going over the sanitation issues. The Department of Education allowed the use of one of the high school cafeterias.

The Council hosted a public hearing in May that provided a forum for community members to comment on the record regarding the proposed Large Vessel Prohibited Area (LVPA) boundary reduction.

#### Discussion

Poumele thanked the Council for providing the training workshops to the community and noted the information will benefit the community long into the future.

## 1. Update on Fisheries Development

Kingma presented an update on ongoing fishery development projects funded by the Council DMWR and the American Samoa government, covering the Manu`a fishermen facilities, Fagatogo Fish Market, fishermen's lending scheme, multipurpose fishing vessel, fresh fish training and demonstrations, and other initiatives.

He provided a brief review of foundational elements in the MSA related to fisheries development and the recent decline in landings in the territory. He noted there are some indicators that American Samoa is on the verge of a fisheries development renaissance and the Council is working with the American Samoa government to reverse the declining trend in landings. The Council's Fisheries Development Coordinator, Ueta Faasili, is located in Tutuila.

DMWR has taken over the administrative responsibility of the ice-making machines in Manu`a. The fishermen's cooperative continues to manage the fuel storage component in an effort to reduce operating costs. Fishing trips remain low in Manu`a, primarily due to poor conditions of fishing vessels and lack of consistent transportation to Tutuila of Manu`a-caught fish. The American Samoa government opened a fuel station in Ta`u that has created competing prices between the cooperatives. Going forward there needs to be some attention to pricing of fuel between the stations.

The renovation of Fagatogo Fish Market is underway, with work to be completed by October 2014. Modifications include replacing the fish benches with a modern-style refrigerated retail display. The existing large freezer storage area will be divided into a freezer and refrigerated cold storage. Proper drainage will be installed, as will an ice machine and split unit air conditioners.

The Council-coordinated a fresh fish training workshop held in May at the Samoa Tuna Processor's facility was reported previous in an earlier agenda item.

The Council provided funds to several American Samoa longline permitted vessels to explore and demonstrate diversified operations, such as fresh fish operations. The Council also has been working with fishermen in American Samoa to explore a boat designed to have multi-purpose and multi-operational capabilities in an effort to diversify the fishery and enhance safety at sea. Features include the ability to take longer trips, increased hold capacity, better quality and maintenance, and better affordability. A 40-foot super alia design has been identified with associated costs. Neighboring Samoa has also developed a boat design with the assistance of FAO. Other small-scale longline vessel designs are capable of doing multi-day trips with similar features. The Council's fisheries development coordinator is in the process of preparing a report to provide recommendations to the American Samoa government.

Simonds added that the coordinator has already discussed the design with Peter Crispin and other American Samoa fishermen who have suggested other features should be included. The small alia is an adequate platform for near-shore fishing. Fishermen who desire to market their fish to Hawai'i or other places will need vessels designed with the capabilities of delivering the product. Once the fishermen decide what kind of fishing they aim to engage in, then an appropriate vessel should be pursued.

Matagi-Tofiga agreed with Simonds' comments. The vessel must be affordable and should involve local builders.

Kingma agreed. There is more work to be done, including investigating the design capabilities of local builders in American Samoa. The goal is to have a report available later in 2014.

Another project involves a fishermen program using the Development Bank of American Samoa and the US DOC related to vessel purchase. The Development Bank has raised its loan ceiling from \$100,000 to \$200,000. The Council is approval from the DOC in order to put the program in effect.

The Fishermen Training Program is a project that is identified in the American Samoa Marine Conservation Plan (MCP). It is a program developing a curriculum to teach fishermen basic methods on longlining, bottomfish fishing, navigation, vessel safety, vessel operation, repair, including account management and bookkeeping. More details will be available at the October Council meeting.

Another project involves providing cold storage bins to keep a couple thousand pounds of fish fresh on ice for several days so they can be ferried between Manu`a and Tutuila when transportation and fishing improves.

Aunu`u fishermen have requested assistance from the Council and DMWR for ice-making capability, a cooler, fishing gear and safety. The Council is looking into cold storage and ice machines. Other efforts being looked at include further engaging with the large fishery processing companies to work collaboratively together and efforts to establish a Fishery Development Office or Officer within the American Samoa government to handle fisheries development projects.

### Discussion

Matagi-Tofiga thanked the Council for providing the opportunity for the fish market project and sticking with it to the end. The procurement process is a very long process. She hopes to hold an opening dedication in the near future.

Simonds said the current Administration has been a pleasure to work with in terms of helping the people of American Samoa.

Palacios asked for more information on the development loan program project.

Kingma said the American Samoa Development Bank, which has a relationship with the US DOC, has local and federal money backing and underwrites the loan program. It is an existing loan program, but the Council has been working to raise the ceiling from \$100,000 to \$200,000. The goal is make the loan amount high enough that a new vessel purchase could qualify.

Sword asked if the funding source for the Development Bank is like a community block grant.

Kingma replied in the affirmative. It is available to fishermen, and there is also a small business-type loan for specific small business activity.

Palacios noted a recent program established by DOC available to the Territories and States that provides for a fisherman to partner with the private banks to put together a development type loan program from small, under-served communities.

Kingma added that the DOC Economic Development Authority is involved.

Sword expressed his appreciation to the Council for the report and the projects. He suggested other projects to consider would be to reduce gasoline taxes to assist fishermen, approach the school lunch program and other government programs to coordinate the purchase of fish that's caught in Manu`a, and transportation of product.

Matagi-Tofiga stated that DMWR is supposed to take over the facility and assist with what the Council has put forth. In regards to a coordinator, that is something that needs to be worked on internally to put a person in place with assistance from the Council.

Palacios noted his encouragement in seeing the success of the project development in American Samoa, noting one of the limitations is the cost of freight for the distribution of the products. He pointed out a USDA program to subsidize transportation for goods from farm to market and suggest there may be a similar program to transport fish products to market.

Kingma noted that is a good suggestion and he will look into it.

## **2. Seafood Market Training Workshop**

This item was reported in a prior agenda item.

### **E. Fisheries Disaster Relief Fund**

Matagi-Tofiga presented information on the Fisheries Disaster Relief Fund regarding the \$1 million grant funds appropriated by Congress for the September 2009 American Samoa tsunami, which caused the commercial bottomfish fishery to fail. She thanked the Council for assistance in submitting the reports for the grant. There is a proposal put forth to hire someone to administer the grant funds, which will be a two-year direct compensation for the alia boat owners that had vessels destroyed in the tsunami. One of the projects the community has voiced interest in is a ramp for alia and recreational boat owners to use, as well as maintenance of the Malaloa floating docks, which will require a permit from the Army Corp. There was an interest in an alia boat maintenance training facility. She thanked the Council for assistance in putting the list of proposals for projects together with the dollar values. She noted this will be a big boost for the alia fleet in American Samoa.

### Discussion

Tosatto provided an update on the status of the grant application. The grant was applied for a few weeks back. Because of the multi-regional nature of the total of \$75 million that was granted for nine separate fishery disasters, the American Samoa grant was available only to the



American Samoa government. The grant is moving forward with the grant process. The target is for this grant to be for Fiscal Year 2014 funds. The decision should be made by June 30. All questions asked by Office of Management and Budget were answered with no red flags raised. Tosatto said he expected the funding will be available very soon.

#### **F. Draft American Samoa Marine Conservation Plan**

Matagi-Tofiga said Governor Lolo sent a letter to the executive director requesting Council approval of the American Samoa MCP.

The objectives are as follows: 1) maximize social and economic benefits through sustainable fishery development; 2) support quality scientific research to assess and manage fisheries; 3) promote an ecosystem approach in fishery management, reduce waste in fishery and minimize interaction between the fishery and protected species; 4) recognize the importance of island culture and traditional fishing in managing fishery resources and foster opportunities for participation; 5) promote education and outreach activities and regional collaboration regarding fishery conservation issues; and 6) encourage development of technology and methods to achieve the most effective level of enforcement and ensure safety at sea. Each objective is followed by activities that will promote those objectives.

#### **G. Education and Outreach**

Iloa updated the Council on education and outreach activities since the last Council meeting held in March. American Samoa is in the process of preparing for a three-week Fisheries Marine Resource Management summer course for 15 high school students. A local marine science high school teacher, who is also a fisherman, was hired to be the facilitator. The students will learn fishing techniques as well as general marine science.

The UH Hilo award recipient is back home working at DMWR with the CRAG.

The Manu`a student educational modules “Exploring Muliava (Rose Atoll) from a Ta`u Perspective” is also in process. A person from DMWR will be going to Manu`a to teach the community about water quality and coral reef monitoring techniques soon.

Two students from the local vocational technical high school who hope to be vessel engineers in the future have been accepted to the Honolulu Community College Summer Engineering Academy.

A three-day sanitation control procedures for processing fish and fishery products workshop was held. Kaneko traveled to American Samoa to lead the workshop. Seventeen individuals finished the course and received certification and 30 people attended to learn. The goal was to improve the quality of American Samoa’s local market quality of seafood, enhance public health and increase the fresh seafood consumer base.

#### **H. American Samoa National Marine Sanctuary**

No report presented.

## **I. Rose Atoll Marine National Monument**

Heide Hirsh, PIRO monument staff, provided an update on the Rose Atoll MNM. Three major actions have been accomplished in preparing the Rose Atoll Monument Management Plan. 1) The Muliawa, Rose Atoll, has been added to the National Marine Sanctuary of American Samoa. 2) Fishing regulations have been established. 3) USFWS has completed the National Wildlife Refuge Comprehensive Conservation Plan, which is currently going to print.

The Rose Atoll Intergovernmental Committee meets quarterly, which is made up of DMWR and the DOC in American Samoa, PIRO NMFS staff, National Marine Sanctuary staff and USFWS. The Intergovernmental Committee is evaluating documents in relation to the Presidential Proclamation for the management and conservation needs in the area. Its next meeting is scheduled in September in Pago Pago to discuss a strategy to identify roles and responsibilities and developing the management plan.

A science planning meeting was held in April. The National Marine Sanctuary Advisory Council Coordinator, Joe Paulin, traveled to Hawai'i, with the Sanctuary Science Coordinator participating via telephone. Breuer from PIFSC and PIRO Monument Program staff had a preliminary discussion on collaborating on science to meet the monument's management needs.

### Discussion

Matagi-Tofiga asked if the updated information on the management plan was shared with her DMWR representative, as this is the first time she has heard of the progress.

Hirsh said Ray Tulafono and Alice Lawrence were on all of the committee's calls.

Matagi-Tofiga pointed out that Tulafono is no longer DMWR director.

Hirsh said Lawrence has been participating in the calls and if Matagi-Tofiga wanted to add another person, she welcomed the addition.

Tosatto added that, immediately upon the designation of Rose Atoll as a monument, the Intergovernmental Committee began to meet. While the situation has changed in American Samoa, progress has been steady in the preliminary steps. The Proclamation required NOAA to look at the sanctuary, which was done, and the Sanctuary Management Plan was completed. The Proclamation required NOAA to develop or consider noncommercial fishing regulations, which the Council did and is now in the FMP, which involved the USFWS Refuge. Its Comprehensive Conservation Plan was updated, all of which was coordinated within the committee. The committee is going through the process of looking for gaps in the plan. Tosatto said Matagi-Tofiga has not missed anything and reiterated that Hirsh is the one with whom to communicate.

Poumele strongly recommended, regarding the gaps to which Tosatto referred, that the community knows what the priorities are, which is why Matagi-Tofiga is important. She urged the committee to avoid gaps that will hinder progress.

Hirsh said staff traveled to Manu`a, Ta`u and Pago Pago in 2010 and held public meetings to inform the community that all three plans were under development and eventually one strategy will be utilized for the management of Muliava.

Sword pointed out that the Committee should have communicated with Matagi-Tofiga the very least. He agreed with Poumele's comment that it is important that the process does not make the experience of the monuments in American Samoa any worse than it already is for the community, which is why it is important to get the community involved.

## **J. Advisory Group Reports and Recommendations**

### **1. American Samoa Regional Ecosystem Advisory Committee**

Poumele reported the American Samoa REAC recommendations as follows:

*The American Samoa REAC recommended the Council work with the American Samoa longline fleet on profit/loss projections related to the development of a new small-scale, multi-purpose fishing vessel within the next 30 days.*

*The American Samoa REAC recommended that the Sanctuary Program's socio-economic study be conducted to identify the direct economic benefits of the Sanctuary to American Samoa and to complete the study within the next six months.*

*The American Samoa REAC recommended that the Sanctuary Program to complete its Sanctuary Research Plan and make it available for review to the local agencies, community members and the Council within the next six months.*

*The American Samoa REAC recommended the Council work with DMWR to translate the American Samoa MCP into the Samoan language and for DMWR to hold meetings with the fishermen, community members, port users and local agencies to update our MCP within the next three months.*

*The American Samoa REAC recommended that the Council facilitate the involvement of federal agencies in the development of a new American Samoa MCP with the objective of incorporating the federal agencies' expertise.*

*The American Samoa REAC recommended that the American Samoa government re-establish the American Samoa Ocean Regional Council and to consider the participation by ocean users and other affected individuals and businesses.*

### **2. Joint Advisory Panel**

Watamura presented the Joint AP recommendation as follows:

*Regarding the American Samoa Fisheries, the Joint AP recommended the Council request the USCG to investigate the aids to navigation around the Manu`a Islands to determine if they are working and appropriate.*

### **3. Archipelagic Plan Team**

Sabater reported there were no American Samoa-specific recommendations from the Archipelagic Plan Team.

### **4. Fishery Industry Advisory Committee**

Mitsuyasu reported the Fishery Industry Advisory Committee (FIAC) recommendations as follows:

*Regarding American Samoa, the FIAC recommended that the Council identify potential markets for locally caught fish in American Samoa, such as the school lunch programs.*

*Regarding American Samoa, the FIAC recommended the Council's contracted Development Coordinator to consult with a wide range of fishing industry representatives in the development of a fisheries training program.*

### **5. Social Science Planning Committee**

Hawkins said the SSPC had no American Samoa-specific recommendations from.

### **6. Marine Planning and Climate Change Committee**

Spalding reported that the MPCCC had no American Samoa-specific recommendations.

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

Daxboeck reported that the SSC had no American Samoa-specific recommendations.

### **L. Public Comment**

There were no comments from the public.

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

*Regarding foreign fish landings in Pago Pago, the Council directed **staff to request Certificate of Origin information from NMFS for foreign landings in Pago Pago to evaluate landings trends and assess the leakage of fish into local markets.***

*Moved by Sword; seconded by Seman.*

*Motion passed.*

*Regarding fisheries development, the Council directed **staff to assist the American Samoa government in identifying potential markets for locally caught fish in American Samoa and to explore the potential for Manu`a fish landings to be used in the local school lunch program.***

*Moved by Sword; seconded by Seman.*

*Motion passed.*

*Regarding fisheries development, the Council directed **staff to ensure that the contracted development coordinator consult with a wide range of fishing industry representatives in the development of a fisheries training program.***

*Moved by Sword; seconded by Seman.*

*Motion passed.*

*Regarding fisheries development, the Council directed **staff to assist the American Samoa government in its efforts to standardize of docking fees for fishing vessels in Pago Pago Harbor and assist in the planning activities to address dock space for all vessels in Pago Pago including container and cruise ships, purse seine and longline and alia fishing vessels.***

*Moved by Sword; seconded by Seman.*

*Motion passed.*

*Regarding the American Samoa MCP, the Council approved **the American Samoa MCP and directed staff to assist DMWR to finalize the plan for submittal to NMFS for approval.***

*Moved by Sword; seconded by Seman.*

*Motion passed.*

*Regarding the potential expansion of MNMs in the US Pacific Islands, the Council directed **staff to assist the American Samoa government in identifying the potential impacts of the proposed expansion to the Territory.***

*Moved by Sword; seconded by Seman.*

*Motion passed.*

*Regarding the American Samoa National Marine Sanctuary, the Council recommended **that the Sanctuary Program complete a socioeconomic study to identify direct economic benefits of the Sanctuary to American Samoa.***

*Moved by Sword; seconded by Seman.*

*Motion passed.*

*Regarding the American Samoa National Marine Sanctuary, the Council recommended **that the Sanctuary Program draft a research plan and make it available for review to local agencies, community members and the Council.***

*Moved by Sword; seconded by Seman.*

*Motion passed.*

*Regarding the American Samoa Ocean Regional Council, the Council recommended **that the American Samoa government re-establish the American Samoa Ocean Regional Council and to consider participation by ocean users and other affected individuals and businesses.***

Moved by Sword; seconded by Seman.  
Motion passed.

Palacios asked for clarification as to what is the role of the American Samoa Ocean Regional Council.

Simonds said it was established by the DOC years back and was never very active. The REAC members would like the body revitalized or re-established.

Poumele said DOC was also in charge of coastal management matters and needs to get more involved again.

Simonds also pointed out it could be re-established out of DMWR.

Matagi-Tofiga spoke in support of the motion.

## **9. Hawai`i Archipelago**

### **A. Moku Pepa**

Rice reported he is waiting to receive a response from an e-mail he sent to Kim Holland requesting him to engage with the community on the subject of replacing FADs along the coast of Kona. It has been one of the better years for fishing thanks to the trade winds.

Ebisui reported on two recent tournaments. The first tournament had 200 boats that entered over a span of two days. `Ahi sizes ranged from 166 pounds to over 210 pounds, with seven `ahi weighing over 233 pounds. The Hale`iwa tournament had 36 boats entered, with `ahi caught ranging up to 192 pounds. It has been a good trolling season, even though there is not much bird activity or bait fish on the surface.

The 2014 Deep 7 bottomfish ACL is 346,000 pounds. As of mid-June, 282,735 pounds were landed, which is 81.7 percent of the ACL.

Goto deferred his Moku Pepa until the Pelagic section of the agenda.

Leialoha reported fishing has been good for East Hawai`i and prices have come down significantly. Susian had a large fire that affected its shipping efforts and is working on the repair. The lower Puna community is making efforts to address the danger to shoreline fishermen in the area. The community has been trying to figure out a way to reduce the number of fishermen that are lost annually.

### **B. Legislative Report**

Council staff Charles Ka`ai`ai presented the legislative report. Out of 22 bills being tracked by the Council three bills were passed. HB 1714 relating to climate change adaptation planning and the creation of an Interagency Climate Adaptation Committee was transmitted to the Governor on May 5. HB 1716 appropriated funds to the Hawai`i Invasive Species Council in the amount of \$5 million. HB 1618 required at least one member of the Board of Land and

Natural Resources other than the member appointed for having a background in conservation and natural resources have a demonstrated expertise in Native Hawaiian traditional and customary practices.

Three bills of interest to the Council, but not being tracked by the Council, include Act 10 requiring proof of age to be put on a wait list for a small-vessel permit; Act 21 making a permanent exemption from the prohibition on operation of thrill craft in state waters for film production permit-holders, authorized government personnel conducting operations approved by the DLNR and ocean cleanup purposes by repealing Section 2 of Act 89; and Act 53 amending the composition of the Endangered Species Recovery Committee.

**C. Enforcement**

**D. Main Hawaiian Islands Bottomfish**

**1. Report on the Main Hawaiian Islands Bottomfish Stock Assessment**

Annie Yau, PIFSC stock assessment scientist, presented the 2014 stock assessment using data through 2013 for the MHI Deep 7 bottomfish species complex. The current assessment model is similar to those used in previous years except for a new CPUE standardization using the tracking of CMLs since 1994, which takes into consideration the effect of individual fisher skill.

The spatial scale of the assessment was depicted as the MHI Hawai'i Division of Aquatic Resources (HDAR) fishing areas, which are used to report and characterize the Deep 7 bottomfish commercial fishery data. More than 97 percent of MHI Deep 7 bottomfish are caught by deep handline gear. Definitions were provided for fishing year and the stock assessment time period (1949 to 2013), with projections through 2016.

The assessment is an update with minor tweaks and improvements, which means starting from an accepted assessment from the previous round of stock assessments, new catch and CPUE numbers were added to the model. The previous assessment, completed in 2011 using data through 2010, was a benchmark assessment.

The model incorporated catch and standardized CPUE data. The standardization model for the fishery adjusts the relative abundance trend for seasonal and fishing area impacts on the CPUE. Absolute catch values were used to model the removal from the stock. Effort efficiency did not change over time within each CPUE series. Definitions were provided for overfishing and overfished.

Bottomfish Restricted Fishing Areas (BRFAs) were implemented in 1998. Total allowable catches (TACs) and ACL management came into effect. Fishers reported departure of highly skilled fishers in the late 1990s. Each variable was tested to determine the effect on the CPUE.

Results of the model fit to the standardized CPUE for the MHI Deep 7 bottomfish followed the real data and smoothed out various annual trends, with the same general trends. Catchability and observation errors are different for each series.

The estimated reference points from the model included a) MSY for commercial catch was estimated at 415,000 pounds, with a standard error of 164,000 pounds; b) The biomass to produce MSY, or BMSY, was 13.5 million pounds, with the standard error of 3.9 million pounds; and c) The annual harvest rate is 6.6 percent, with a standard error of 2.2 percent.

The model estimated biomass of the stock over the entire time period, from 1949 through 2013. The model result depicted that the stock is not overfished and overfishing is not occurring for 2013.

A plot of the stock status of Hawai'i Deep 7 bottomfish over the history of the fishery depicted in 1949 no overfishing and the stock was not overfished and remained so for much of the time. In some years, overfishing was occurring. Yau reiterated that in 2013 the stock was not overfished and overfishing was not occurring. The probability of being overfished in 2013 was 45 percent, suggesting the stock may be approaching an overfished condition.

After presenting background information on the method and assumptions for projections of the stock assessment, Yau presented tables depicting the probabilities of overfishing for a range of projected ACLs assuming a range of 2014 commercial catches.

She stressed that stock assessments are evolving products and it is always hoped that each time a stock assessment is conducted the results are an improvement from the prior stock assessment. The stock assessment will be sent out for independent peer review.

## Discussion

Rice noted that bottomfish data from when Papahanaaumokuakea MNM was put in place is not in her calculation.

Yau said the spatial scope of the study is only the MHI.

Rice pointed out that the catches were landed and counted in Honolulu.

Yau said the catches are reported where the bottomfish are caught. The analysis did not include fish caught in the NWHI.

Ebisui asked if multi-day trips were excluded from the analysis.

Yau said multi-trips were included.

Ebisui pointed out the multi-day trips are the highliners of the fishery and any change to that data can skew the overall picture.

Yau reiterated that multi-day trips were included in the analysis.

Rice noted that her mapping depicted most of the places where the fish are caught were in areas of the BRFA's.



Yau said the BRFA's are difficult to incorporate in the CPUE standardization because the HDAR reporting grids don't correspond to BRFA's; there is no code for a specific BRFA; and they cannot be separated out given the current data structure. In certain HDAR areas, the data is not clear whether it was from next to the BRFA, inside the BRFA, outside the BRFA, etc.

Ebisui said, since the fishery is not being overfished and there is no overfishing, the stocks are not overfished.

Yau said the assessment result jived well with the previous assessment results, no overfishing and the stock is not overfished.

## **2. Deep 7 Annual Catch Limit Specification (Action Item)**

Sabater reported information on the MHI Deep 7 bottomfish fishery, which consists of six snapper and one grouper complex (opakapaka, onaga, gindai, hapupu'u, ehū, kalekale and lehi). The Fishing Year 2014 ACL was set at 346,000 pounds and removed the ACT of 325,000 pounds.

PIFSC presented the updated MHI Deep 7 bottomfish stock assessment at the 116th SSC meeting, which resulted in no significant change in the model structure, but refined the CPUE standardization by adding the CML data, which took into consideration the skill of the fishermen into the analysis. Since there was no significant change in the model structure, the P\* analysis that was used in the previous specification at the level of 41 is still valid. There was a significant change in the stochastic projection table, which is described in the stock assessment report.

The SSC in setting the ABC recognized the previous stock assessment to be the best scientific information available. The existing ABC was rolled over of 346,000 pounds for Fishing Year 2015. This will allow more time to analyze the 2014 stock assessment report, as well as investigate the TAC or the TAC projection. The new stock assessment would set the ACL at 264,000 pounds.

Options for Council consideration included the following: 1) status quo, roll over the ACL of 346,000 pounds. 2) Set the ACL lower than the ABC by 2015. This option would require a change in the P\* value and a rationale would need to be provided for doing so. 3) Set an ACL lower than the ABC by 5 percent.

If the final number shows that the ACL was exceeded, an overage adjustment will be done to adjust the 2015 ACL lower by the amount of the overage.

### Discussion

Tosatto said the Council has many options. It would not require setting a new P\* to choose an ACL other than whatever the number was. The Council needs to enter into thoughtful discussion as this is an important piece of work for the Council at this meeting.

### **3. State of Hawai'i Bottomfish Restricted Fishing Area Management Plan**

Miyasaka reported there was no change to the State's BRFA Management Plan since his prior report on the topic. Talking points are being developed for the public rollout of the plan. Progress is being made in regards to the BRFA research plan. The contract with Jeff Drazen to continue doing some Bot-cam work in some areas that will remain closed is being finalized.

#### Discussion

Ebisui asked if the terms of the new contract for Drazen are able to be disclosed, such as the length of the contract and how much is being paid.

Miyasaka said, at the current time, the details of what will be included in the research are not finalized, which will determine the final cost.

Rice asked if it is the same project that DLNR has been paying \$300,000 a year for the last three years.

Miyasaka said a different set of areas will be studied. It is not going to be the same study. It is hoped that the new study data will be compatible with the data already gathered.

Rice suggested that, if the BRFAs are opened, the fishermen would collect the data and it would be cheaper for the State.

Leialoha expressed hope that the process could be expedited to provide some answers to the bottomfish fishermen, in particular.

### **4. Regulatory Changes to the Main Hawaiian Islands Bottomfish**

Mitsuyasu presented background of some of the key management provisions that currently exist in the Hawai'i Archipelago FEP, such as ACL management, bag limits and permit and trip reporting. The Council was requested to review the preliminary options to be considered at the upcoming meetings: Option 1: Noncommercial bag limit, no change or remove the bag limit. Mitsuyasu stressed the importance of being consistent with State of Hawai'i regulations. Option 2: A market grace period, no change or to allow a three-day or five-day grace period once the fishery is closed by both fishermen and dealers.

#### Discussion

Leialoha said the market grace period should be a priority for the State and NMFS to work to coordinate their efforts.

Goto agreed with Leialoha. He recalled the last time the Deep 7 bottomfish fishery was closed there was confusion and nobody seemed to know what to do. A grace period would alleviate the problem.

Tschirgi said the removal of the noncommercial bag limit would make enforcement at sea a bit easier because as it stands right now it has to be determined whether the trip is commercial or noncommercial. Removal would simplify the enforcement process for at-sea boardings. From the safety perspective, he voiced concern that the removal of the noncommercial bag limit might encourage more fishermen to fish non-commercially. Currently the safety laws for a noncommercial trip are at a lower standard than for a commercial trip.

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

### **1. Supporting the `Aha Moku System**

Ka`ai`ai updated the Council on activities undertaken in the support of the `Aha Moku island councils. Four councils are operating fairly well: `Aha Moku O O`ahu, `Aha Moku O Maui, `Aha Moku Moku O Keawe and the `Aha Moku from Kaua`I, which is in the process of getting organized. The O`ahu `Aha Moku Council has been effective and responding to 106 Consultation Requests, working with the legislature. `Aha Moku O Maui is working with the Maui County. The Council is also planning workshops with the Maui Council for spatial planning projects. The `Aha Moku Moku O Keawe organized in early 2014 through leadership workshops the Council presented at the end of 2013 and are attempting to intervene in the conflict between the aquarium dives and the Sea Shepherd folks to have a peaceful resolution.

Regarding community data collection projects, the Council contracted with the Mo`omomi community to gather lobster samples to determine the connectivity of the lobster population through the Hawaiian Islands through DNA analysis. The samples are going to the Hawai`i Institute of Marine Biology. Work is ongoing developing a Maunalua Bay survey to check the effectiveness of ko`a. People have been contracted to gather geographic information system (GIS) data, working with fishermen who know the ko`a. Video data collection is to ground truth the fishermen's predictions.

### Discussion

Leialoha noted she received messages from members of the community who were confused by the fact that the `Aha Moku representative for Moku O Keawe was not in attendance on a number of the meetings and whether this group was a DLNR `Aha Moku meeting or a Western Pacific Regional Fishery Management Council meeting. Leialoha made efforts to clarify the confusion.

She added that there appears to be a fracture between certain groups on the Big Island in regards to the `Aha Moku program. She asked the executive director of the `Aha Moku system for the legislative report, which she received. It is troubling that funding for the `Aha Moku Council seems to be limited to the executive director. The meeting minutes reflect just two meetings of the four that were supposed to have been held. There is definite confusion in regards to the `Aha Moku structure on the Big Island. She suggested that, in the future, the Western Pacific Regional Fishery Management Council's intention to support `Aha Moku should be made clear because there were concerns that the `Aha Moku System shouldn't just focus on fishery issues. It is supposed to be all encompassing in regards to providing information to the DLNR board.

Ka`ai`ai said the Council has supported the `Aha Moku initiative. When the `Aha Moku Advisory Committee was created by the legislature, the legislature had put aside some funds for that committee for the hiring of the executive director. The Council has tried continuously to be in contact with the representative for the `Aha Moku Advisory Committee, and she has always been invited to meetings. He is unclear of the reason for the rift, but he hopes to resolve whatever the conflict is that exists with the Committee and the Council.

Leialoha said the Council needs to be clear, particularly on the Big Island, because there is confusion to the splintering, especially on East Hawai`i side.

## **2. Outreach and Education Report**

Spalding presented a report of activities that have taken place since the March Council meeting. The Council participated on the Abstract Committee for the annual Hawai`i Conservation Conference. Approximately 307 abstracts were reviewed. The conference will be held July 15 to 17 in Honolulu at the Convention Center. Two tickets given away at the recent Fishers Forum were donated by the Alliance that puts on the conference. The Council will have a booth. Council also participated on April 10 in the Hawai`i Science Teachers Association Open House at the Waikiki Aquarium, which was celebrating its 50th Anniversary. Council participated in May in a focus group with the Harold K. L. Castle Foundation on its Near-shore Marine Conservation grant-making program over the next five years. The Foundation's vision is Hawai`i's near-shore systems are sustainable because they were well managed by empowered communities, experienced managers and effective government authorities. In April and May the Council ran their art contest for Grades 6 through 8. The winning art will be showcased at the First Steward's Symposium in July. The Council photo essay contest will be judged during the Council meeting or shortly after the Council meeting. Articles were placed in *Hawai`i Fishing News*, and public service announcements continue on *Let's Go Fishing and Hawai`i Goes Fishing*. The International Pacific Marine Educators Network Conference will be held in July in Tokyo. Presentations will be given online from Hawai`i. Spalding and Goto will co-present on the influence of the Japanese fishing industry in Hawai`i. Staff is also working on the code of conduct poster and video translation into the Hawaiian language.

### **F. Hawaiian Islands Humpback Whale National Marine Sanctuary**

Elia Herman, the DLNR co-manager of the Humpback Whale National Marine Sanctuary, reported on the status and timeline for the Draft Sanctuary Management Plan and draft environmental impact statement (EIS) to be released to initiate the public review process and other programs and initiatives. After brief background information on the establishment of the Sanctuary she pointed out that the Management Plan Review is required under the National Marine Sanctuaries Act. It is the periodic review of the management plan, the implementation of the existing plan and the goals. The document is site-specific; describes objectives, policies and activities that the Sanctuary undertakes; and guides all of the management actions.

Over 12,000 comments have been received since 2010 from public scoping meetings held throughout the Hawaiian Islands. From the meetings, a series of priority issues were developed in the Sanctuary Advisory Council (SAC), which is a community-based advisory group comprised of island representatives, different constituencies and state and federal agencies that

developed working groups to address these issues. After a year of work, a series of recommendations were forward to Sanctuary management in January 2012. Since that time the Sanctuary has been working to write the new plan, as well as the EIS.

The draft plan is expected out in September 2013. There will be a minimum 90-day public comment period, more public meetings throughout the islands, other informational meetings and then ongoing evaluation and a final plan sometime in 2015.

The document is going forward as a NOAA-only proposal. The management plan, EIS and any regulations, including boundary modifications, are going to be proposed by NOAA only. This will give the State additional time and other opportunities to evaluate the merits of the plan, hear more from the public after it and the different interest groups have a chance to see the plan, and then ultimately determine how to move forward. Final decision from the State's perspective will be made by the Governor once the final plan is put forward.

There have been ongoing SAC meetings, which are open to the public, and countless community meetings, workshops, other kinds of meetings and presentations by Sanctuary leadership staff and SAC members. Upcoming opportunities are scheduled, such as the Hawai'i Conservation Conference. The Sanctuary will host a workshop on July 14, from 1 to 3:30 p.m. The plan will be discussed and input received even before the details of the plan are released. There will also be information sessions and public meetings once the plan comes out. Herman reiterated no final decisions have been made and there continues to be a lot of opportunity for engagement.

Herman reported three confirmed whale-vessel contacts in 2014, down from 11 in 2013. Two of the strikes were in Maui nui and one around O`ahu, one adult and two unknown with a range of vessels, tour, ferry and fishing. There were no injuries. Over time, 92 reports of whale/vessel contacts have been confirmed; 76 were witnessed; and 16 were determined fresh injuries observed later and were not one of the other 76 animals. There are more boats, more whales and more people. The Sanctuary continues to do extensive outreach, encouraging vessels to post a lookout and go slow to reduce collisions and avoid any fatal collisions. The calves are most impacted by the strikes. Of the 74 percent known cases, calves represented the majority of animals, 46 percent. Most of the observed contacts are off of Maui nui.

In terms of entanglement response, there were 37 reports, 21 confirmed with 13 different animals. Three whales were disentangled, and one whale was tagged. An important message in regard to entanglements is don't try to disentangle the animal; let the experts know so the situation is not made worse. Over time entanglements have been confirmed 50 percent of the time. There have been 267 reports representing at least 88 different animals. Juveniles are at the highest risk, comprising 82 percent of the entanglements. Herman said the work could not have happened without the support of the community and Ed Lyman, who spearheads the response.

### Discussion

Simonds for an assessment of the comments that have been made over the years from all of the meetings and workshops.

Herman said the comments have ranged widely, but, after putting in over a year and a half of work and presenting specific recommendations to each other, the SAC recommended moving to ecosystem-based management, which will be the preferred alternative, and that is ecosystem-based management broadly, not just for whales but also habitat, water quality and cultural resources. Boundary modifications on Kaua`i and O`ahu and the inclusion of Ni`ihau will also be proposed. At this point the document is a NOAA-only proposal and all will be captured in the EIS.

Simonds asked if the Sanctuary expects to receive money to monitor all of the proposed activities that would be added to the Sanctuary.

Herman said it is hard to predict, but they made their first pitch this year to get funding for the State co-manager position by the State, which was unsuccessful. Support for next year would be appreciated. There will be leveraging through partnerships.

Tosatto said it is early in the process, but the White House just announced this opening of the Sanctuary nomination process. He asked if there is any sense of breaking the Sanctuary into community areas.

Herman said it is an interesting idea as solutions are community- and locally based. It will be interesting to see what will happen, and in some ways that has happened. The National Marine Sanctuaries Act is flexible, and, even if it is all part of one sanctuary, different things can be done in different places and may be a better use of resources in some instances.

Leialoha asked if the final decisions will be coordinated to occur in fall 2014.

Herman said the Sanctuary is co-managed and there has been coordination throughout the process. The document is going to be proposed as a NOAA-only document that will cover both federal and state waters. There will be a draft plan and then public comment. The comments will all have to be addressed. Then a final plan will be published. The Governor will then have a time period to approve or disapprove the plan in State waters. There is also a period provided to accommodate any changes requested by the Governor.

Simonds asked the amount of funds the State contributes in terms of the Sanctuary.

Herman said the State houses the co-manager and the programs and operations coordinator and provides in-kind support, such as space for the vessel and supplies. In terms of dollars, the State side of the Sanctuary has always been 100 percent federally-funded.

## **G. Papahanaumokuakea Marine National Monument**

David Swatland, the acting NOAA superintendent for Papahanaumokuakea MNM, provided a status update and information regarding how the Monument is structured. He said there are no plans for expansion of the Papahanaumokuakea MNM. A graphic was displayed to show large and remote the monument is by overlaying a map of the monument over a map of the continental United States. After a brief history of efforts taken to protect the NWHI, he noted the monument has a complicated structure, with co-trustees and seven co-managers divided among the DOC, DOI and State of Hawai`i.

All activities that take place within the boundaries of the monument should be in accordance with the Monument Management Plan, which was developed in an adaptive management process. Every activity in the monument must be permitted through a joint permitting process with four exceptions. All of the activities that take place in State waters must also go through Board of Land and Natural Resources approval. There are a number of Best Management Practices. Pre-access briefings are provided for everyone who goes to the monument. The six types of permits are conservation and management, research, education, native Hawaiian practices, special ocean use and recreation, which only takes place at Midway. Total number of permits has been consistent at 60 over the last four years. Many permits list a huge number of people, especially the Conservation and Management Permit, which lists all of the employees of the co-trustee agencies and which is why the number of people who go to the monument is a lot less. A graphic was shown illustrating where permitted activities are throughout the NWHI.

The primary threats include climate change, alien species and marine debris. Access presents another challenge, which is by ship or plane. Ship time is getting scarce due to ship reliability and competition for ship time. Midway has been shut down for everything but conservation and management for the past two years. Currently, the contractor who supplies aircraft transportation to Midway defaulted on its contract. There are no airplane flights to Midway until the end of July, so access is a problem.

Much time is spent doing research and field ops in the summertime. A vessel deploys the monk seal field camps on five different islands, and there is an intertidal monitoring cruise. A reef assessment and monitoring cruise will take place later in the summer. The Office of National Marine Sanctuaries alternates the cruise with PIFSC, which hits every other reef every other year. Maritime heritage research is going on, as well as the Rapid Assessment and Monitoring Program cruise.

Alien invasive species eradication for verbesina is ongoing, with Eastern Island is 100 percent treated and Sand Island is 40 percent treated. Another ongoing initiative is the mesophotic diving using closed-circuit rebreathers, which has uncovered species that occur nowhere else but in the NWHI. The NWHI has the highest level of endemism that's been found on the planet, to date. Unmanned aircraft are also used in research efforts, which are effective for maritime domain awareness. Cetacean, turtle, monk seal and marine debris surveys are also conducted.

There are comprehensive protocols for the use of the data collected, and the imagery is reviewed for appropriate cultural and protected species use prior to any type of public release.

A USFWS initiative with the American Bird Conservancy called for the translocation of two sets of Nihoa Miller birds from Nihoa to Laysan to help the species survive in the event something detrimental happened on Nihoa. In 2011 and 2012, a total of 50 nesting pairs were moved. Now there are 121 birds on Laysan.

The Schmidt Ocean Institute did two five-week cruises in the NWHI mapping the sea floor. Almost 70 percent of the monument sea floor is now mapped, which is an area that is eight times the size of the MHI.

There are also a number of education programs, such as Our Navigating Change Program, which is a collaborative effort with Camp Mokuleia on the North Shore and the newly reopened Discovery Center in Hilo.

The Reserve Advisory Council is the community input group authorized to provide advice to NOAA. All of the co-managing agencies come to the meetings to hear what the Advisory Council has to say.

Google Street View has views of Midway and Kure, five other islands in the NWHI and later this summer much of American Samoa, providing an opportunity to bring awareness of the Monument to people who will not have the ability to travel there.

A native Hawaiian practices permit was issued last summer to one of the voyaging canoes and another group was on Nihoa, which was the first time that both maritime and terrestrial native Hawaiian groups had been there at the same time. The monument also participated in the preparation and launch of the worldwide voyage canoes and the Paina Project, along with a number of local organizations and community groups, one of which is Western Pacific Regional Fishery Management Council. It's been a good effort that brought together a diverse group of people to bring positive, concrete improvement to the environment, oceans and the community by the time the canoes return in 2017. Part of the pre-access briefings for any party traveling into the monument includes a native Hawaiian cultural video by Na`alehu Anthony. The Office of Hawaiian Affairs leadership is moving forward with an effort to become the fourth Monument co-trustee, which was laid out in the 2008 Monument Management Plan.

There is a mandatory ship reporting system. Efforts are being taken to correlate the mandatory ship reports and the actual position information using satellite Automatic Identification System (AIS). The analysis is to be published in the early fall of 2014.

Work on the Climate Change Action Plan is ongoing and is due out in the Fall 2014. Capacity building in partnership with the Phoenix Islands Protected Area and Kiribati is ongoing, working with local organizations, including Hawai`i Green Growth, Hawai`i Conservation Association, Pacific Islands Science Climate Center (PISCC) and others.

The Big Ocean Network was another partnership and outreach initiative the Monument undertook in 2010. Its goal was to bring together large MPAs around the planet to come up with lessons learned, share knowledge, learn from each other's lessons and help other sites manage their areas. There have been five business meetings for Big Ocean since its beginning December 2010. The next business meeting will take place at the World's Parks Conference in Sidney in November 2014 where they hope to roll out the guidelines for the design and management of large-scale MPAs, which is being developed in conjunction with the International Union for Conservation of Nature (ICUN) and other Big Ocean partner sites to develop the Big Ocean Network.

## Discussion

Ebisui said the original Proclamation from President Bush left the door wide open for cruise ships and eco-tourism in the monument. He asked if there has been any interest expressed to start accessing the monument.



Swatland said access for those activities has decreased significantly. Midway Special Management Area is the only place that kind of activity could take place, and Midway is currently closed to all activities, except conservation and management activities. The only group that has been there was for the Battle of Midway Commemoration Ceremony. There has been no interest from cruise ships.

Ebisui noted his concern was for the opportunity for invasive species and human impact was contrary to monument objectives.

Swatland agreed. The only area such an activity would occur is Midway.

Ebisui suggested a better display of the size of the monument is to overlay the Monument on the West Coast of the US mainland to give a perspective of the magnitude of the Monument.

Swatland agreed.

Ebisui asked for more information on the fishing calendar produced.

Swatland said staff on Kaua`i worked in collaboration with a staff member from the whale sanctuary to create the calendar.

Ebisui asked for clarification as to what fishing will be allowed in the Monument.

Swatland said it was not fishing in the monument, but to learn about the monument and learn how to fish sustainably.

## **H. Habitat Blueprint - West Hawai`i**

Jerry Davis, from PIRO, presented information regarding the Habitat Blueprint, which is a program where all of NOAA works together on site-based type management projects with the focus on habitat. The Pacific Islands Region (PIR) was the second region to develop sites for the NOAA Blueprint. The program is a framework to improve habitat for fisheries, marine life and coastal communities. A process was undertaken in January 2013 to select sites, and the results included a site in West Hawai`i.

Three main focal areas for the Habitat Blueprint include measurable natural resource outcomes in three to five years, community engagement and community outcomes, as well as bringing all of NOAA services to the selected areas to address habitat loss and degradation. It is dependent on a community-engaged partnership process that includes state and federal partners, as well as community members.

A two-day workshop of the Habitat Blueprint Focus Area Selection Group was held at the Sanctuaries Office in Honolulu. The first objective of the workshop was to educate staff about the habitat focus area candidates for the PIR. The second objective was to gather information from partners and stakeholders on the candidate habitat focus areas.

A main reason the West Hawai`i site was selected was because there are already a number of over-arching prioritizations in place, the Sentinel sites area, the Pelekane area, the

whale sanctuary and number of fishponds, which is a place for NOAA to bring science and management in a cooperative, coordinated way. In January 2013 NOAA formed a group across the line offices of 13 different NOAA entities represented which started formulating concepts and understanding of what's going on which led to the workshop held in September. Public notice of the two sites selected came out in February 2014.

Because Blueprint is not funded, it meant working internally, taking existing funds and reprioritizing their use.

Currently, the process is to take the information from the workshops and feedback from the community and build implementation teams to strategize how to fill gaps and to partner with the existing efforts that are going on. The participating NOAA entities for the West Hawai'i Group that have committed to finding a way to collaborate in making the areas successful at an ecosystem habitat or watershed include the Coral Reef Conservation Program, Hawaiian Islands Humpback Whale National Marine Sanctuary, Marine Debris Program, National Weather Service, Office of Habitat Conservation, PIFSC, PIRO, Pacific Services Center, Papahānaumokuākea MNM, Restoration Center, Sea Grant and National Environmental Satellite, Data and Information Service (NESDIS). Bringing the Weather Service, NESDIS, Office of Oceanic and Atmospheric Research, Pacific Services Center and Sanctuaries together is providing an interesting combination of expertise with meaningful management attributes. There are a number of guidance documents available to utilize.

There were five criteria develop nationally. It was felt the PIR required adding a sixth one, addressing social and cultural components. There is a lot of interest in trying to improve coastal health by looking at land-based pollution.

The three co-chairs are Christina Kekuewa, acting director, Pacific Services Center; Malia Chow, superintendent, Hawaiian Islands Humpback Whale National Marine Sanctuary; and Davis, assistant regional administrator (RA) of the Habitat Conservation Division.

Next steps include 1) Go to every NOAA partner to find out how they're going to contribute; 2) Meet with other partners individually on how they can engage in the process; and 3) Establish implementation teams. Davis encouraged the public to become more fully engaged in the process.

### Discussion

Rice said he recently went to a workshop on an ocean mapping theme and asked if that entity works in partnership with NOAA.

Davis replied in the affirmative. The IEA Workshop provides an opportunity to wed the science and the mapping of the area. A consistent message from the community is that one of the items they want to know is the condition of their area.

Miyasaka asked Davis whom his team met with in the Kona trip.

Davis said they were there for two and a half days and met with a number of landholders along the Coast. The State had representatives, as well as Bill Walsh. The Hawai'i Fish Council

was met with. The intention was to meet with as broad a cross-section of people as possible. He added that there are other interested groups that will be met with as this is still in the early stage.

## **I. Pacific Remote Island Areas–Hawai`i Western Pacific Sustainable Fisheries Fund Marine Conservation Plan (Action Item)**

Kingma presented the latest iteration of the Western Pacific Sustainable Fisheries Funds (SFF) MCP, which is applicable to the PRIAs and Hawai`i. After a brief background of the Pacific Islands Area Fishery Agreements as related to MCPs, he pointed out that the Council prepares the MCP for the PRIAs for which Secretarial approval is required. The PRIAs MCP includes projects applicable to Hawai`i. Fines and penalties from foreign fishing incursions are used to support MCP projects. Projects can also be implemented through contributions to the SFF. The MCPs are valid for three years and can be modified at any time.

The MSA contains objectives for the MCPs. For example, MCPs should be consistent with but not necessarily limited to observer programs, monitoring the fisheries, marine and fisheries research, conservation, education and enforcement activities and also community development projects, economic enhancement, conservation and management, fisheries development. Also, MCPs have to be consistent with the Council's FEP objectives.

Minor changes being proposed to the PRIAs MCP included the following: a) Flexibility in the timeline of the process for the Executive Committee receiving notification of funds within the SFF and also in terms of the Executive Committee identifying projects and follow-up with NMFS; b) To the PRIAs section objectives, inserting the word monitoring in Objective 1 to be consistent in how the Council approaches research and collecting information surrounding monitoring; c) Including electronic monitoring activities; d) Including climate change adaption and mitigation in MCP activities; e) Promote responsible fisheries development to reduce foreign imports and increase local seafood production; and c) Capacity building.

The 160th Council action is to consider approving the MCP. When the MCP is approved it will be sent to NMFS for review and approval. The MCP will be valid for three years, but can be changed at any time.

## **J. Advisory Group Reports and Recommendations**

### **1. Joint Advisory Panel**

Layne Nakagawa presented the Hawai`i AP recommendations as follows:

*Regarding Hawai`i fisheries, the Joint AP recommended the Council explore the development of a community FAD on O`ahu and consult with the AP on the potential location.*

*Regarding Hawai`i fisheries, the Joint AP recommended the Council require additional monitoring of the marine aquaculture industry to include observers, tagging, double cages or other methods that will minimize or eliminate the effect of escapes or releases of farmed fish.*

*Regarding Hawai`i fisheries, the Joint AP recommended the Council ask NMFS to determine the effects of the BRFA's on the CPUE of the MHI bottomfish fishery pre and post implementation, as well as pre and post any BRFA changes.*

*Regarding Hawai`i fisheries, the Joint AP recommended the Council continue to request the State to remove all of the BRFA's.*

*Regarding Hawai`i fisheries, the Joint AP recommended a minimum size limit for yellowfin tuna of 24 inches with an exception for home consumption of less than 24 inches at five piece per person per day.*

*Regarding Hawai`i fisheries, the Joint AP recommended the Council not remove or increase the MHI bottomfish noncommercial bag limit until the data provided on this fishery is more accurate and further recommends that the Council request the State to do the same.*

### Discussion

Simonds asked for clarification as to the bag limit recommendation.

Nakagawa said, while deliberating a minimum size for the commercial sale of yellowfin and bigeye, they determined it should be 24 inches, which would be approximately 10 pounds, with a limit of five fish per person, per day.

Simonds asked how the regulation would be monitored.

Nakagawa said that would be a State issue.

Simonds pointed out enforcement has to be considered when deliberating recommendations and questioned the limit of five fish for subsistence fishermen.

Nakagawa said the AP was considering the roadside commercial sale in an effort to reduce the number of fish sold.

Simonds noted there is also a recommendation being proposed for the State enforcement to have improved inspection of the roadside sale of fish, as the roadside sale of fish is prevalent on Kaua`i as well.

Rice commented that on the Big Island boats are loading 2,000 pounds to fill their box with fish under 10 pounds and have the fish picked up with coolers to sale on the side of the road. Subsistence people often dry the small fish for their own use. Rice has been waiting for the State to change the weight limit for over two years.

Simonds noted that an outreach video is near completion and will be shown on television and meetings in an effort to inform the community.

Miyasaka said this issue was discussed at a recent public meeting with recreational fishermen, which is the first step in the process of engaging the public in the discussion of raising the minimum size. There were comments that the 3-pound current size limit for sale is too small

and the State is looking to raise it. Considerations include year of maturity. He noted that a length size limit rather than a pound size limit would be preferable for enforcement. The State is looking to hold meetings across the state to continue discussion.

Leialoha said the roadside vendors are also a big problem on the Big Island. She recently counted 10 vendors within a six-mile stretch of road with some drying fish to increase sales. She voiced concern regarding lack of adequate enforcement.

## **2. Hawai`i Plan Team**

Sabater said the Hawai`i Plan Team had no Hawai`i-specific recommendations.

## **3. Archipelagic Plan Team Recommendations**

Sabater said the Archipelagic Plan Team had no Hawai`i-specific recommendations.

## **4. Fishery Industry Advisory Committee**

Mitsuyasu reported the FIAC recommendations as follows:

*Regarding Hawai`i, the FIAC recommended that the State of Hawai`i follow the federal shark finning regulations.*

*Regarding Hawai`i, the FIAC recommended the State of Hawai`i increase inspection of the roadside fish sales to prevent illegal activity.*

## **5. Social Science Planning Committee**

Sabater reported there were no Hawai`i-specific recommendations from the SSPC.

## **6. Marine Planning and Climate Change Committee**

There were no Hawai`i-specific recommendations from the MPCCC.

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

Daxboeck presented the SSC recommendations as follows:

*Regarding the MHI Deep 7 stock assessment, the SSC recommended that the CPUE standardization procedure be examined in some detail. In order to examine the CPUE standardization procedure, the SSC recommended that a one- to two-day meeting be held between a subcommittee of the SSC and the authors of the 2014 assessment to conduct a review of the 2014 CPUE standardization procedure and not any other aspect of the assessment.*

*Regarding the MHI Deep 7 stock assessment, the SSC recommended that PIFSC explore the use of random effects in the context of linear mixed models to generate a more accurate abundance index.*

*Regarding the MHI Deep 7 stock assessment, the SSC recommended that the ABC be set at the previous level of 346,000 pounds at the P\* level of 41 percent fishing for the Year 2015.*

*Regarding the next stock assessment update, the SSC recommended two approaches to evaluating the sensitivity of the assessment to different data stanzas, a standard retrospective analysis that would involve omitting more recent data points and re-running both the standardization and assessment; and analogously to omit early data points in the time series and re-running both the standardization and assessment.*

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

Ronald Tam, a senior citizen raised in Hawai'i and a recreational fisherman, expressed concern regarding the Deep 7 bottomfish fishery pointing out it has caused fishermen to be marginalized. He voiced support for the SSC recommendations of staying with the 2011 assessment and conducting an in-depth study. Tam shared an example of information NMFS released to inform the public about ACLs, which contained a large number of acronyms that he referred to as alphabet soup and pointed out it was not realistic to expect fishermen to understand. The bottomfish fishery is co-managed by the state and the federal government, and there is disagreement as to what are viable science and the need for BRFA's. The battle regarding the bottomfish fishery has been going on for 10-plus years of his retirement. He pointed out the Deep 7 bottomfish fishery is an artisanal fishery and the BRFA initiative has resulted in the loss of half a generation of people who have not learned the skills to fish because fishermen cannot afford to take their kids out to teach them the skills needed. The BRFA's are distorting the bottomfish catch data. He said he was frustrated with the contradicting comments from the state saying BRFA's are needed as added insurance for the bottomfish stock while the federal stock assessment is saying the stock is not overfished. The fishermen are suffering. The Council should continue to disestablish the BRFA's. He asked the Council to adopt the SSC recommendations and continue to eliminate the BRFA's. There is no need for them because an ACL is in place to prevent the stock from being overfished. He urged the Council to include a fisherman in the bottomfish research and discussions for perspective and to be an avenue of conveying information back to the fishing community.

Nakagawa, a full-time commercial bottomfish fisherman from Maui, said he targets only Deep 7 bottomfish and attends meetings on his own time and expense. He voiced support for the SSC recommendations relating to fishing season 2014 and 2015 and BRFA's. He thanked Gerard DiNardo and the stock assessment team for their hard work in standardizing the CPUE. He noted he cannot afford an 80,000-pound reduction in the ACL, which would put him out of work for six months. He volunteered his and his fellow fisherman's, Ed Ebisui Jr., services to help come up with the most accurate stock assessment possible.

Leialoha noted her appreciation for Nakagawa's time and effort put into the fishery and looks forward to arriving at an agreement between the agencies sometime soon.

Watamura voiced support for Nakagawa's and Tam's comments. He recently became aware that there are 60 years of data on the Deep 7 fishery and the average amount of pounds caught per year is 285,000 pounds. He pointed out this reinforces his thought that the fisheries are self-regulated and self-managed because the elements guide how much fish can be caught,

such as the currents and weather. The skill level and the ability to pass down the skill from generation to generation is evidence of how difficult this fishery is. He pointed out that when ACLs or TACs are set too low the unintended consequences include increase in imported fish. Another unintended consequence was the development of the uku fishery. He spoke in support of the SSC recommendations.

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

*Regarding the MHI Deep 7 bottomfish stock assessment, the Council discussed the recommendations from the SSC calling for a review of the CPUE standardization procedure as included in the revised stock assessment. Given that the new assessment confirms that the status of the stock has improved over the last decade and the SSC did not foresee an adverse consequence to the stock of continuing to use the 2011 assessment as the best available science for management purposes until the SSC's CPUE standardization concerns are resolved. To examine the CPUE standardization procedure, the Council recommended staff convene a one- to two-day meeting between a subcommittee of the SSC and the authors of the 2014 assessment to review the 2014 CPUE standardization procedure in addition to addressing the specific recommendations as provided by the SSC, including:*

**a) that PIFSC explore the use of random effects in the context of linear mixed models to generate a more accurate abundance index, and**

**b) that two approaches to evaluating the sensitivity of the assessment to different data strata, it should be, one, a standard retrospective analysis which would involve omitting more recent datapoints and re-running both the standardization and assessment; and, two, analogously to one, omit early datapoints in the time series and re-running both the standardization and assessment.**

*Moved by Leialoha and seconded by Ebisui.  
Motion passed, with one nay vote by Tosatto.*

Tosatto said he would vote in opposition to the recommendation to show his dissatisfaction of statements in the recommendation, including the statement that this new assessment confirms that the status of the stock has improved over the last decade. He reminded the Council overfishing of the stock was occurring during the last decade and there is a 45 percent chance of this stock is being overfished currently. The stock status is barely out of the woods and is not on solid ground. There is reason to have concern about the stock and reason to look hard at the stock assessment and make the improvements to get the best available science. A peer review will be conducted on the improvements made to the stock assessment at the CPUE standardization. PIFSC will meet with the SSC and involve the fishing community. The SSC needs to look at the stock assessment and offer criticism, but remain focused on its task. The best available science needs to be determined because the Council could very likely be using the stock assessment with the standardized CPUE to set an ABC for 2015.

Tucher emphasized the perspective, as he has a procedural concern going forward, and that is the reliance on the notion that the 2014 stock assessment is not the best available science

until the questions are resolved about the CPUE. Completing a peer review process is not necessarily required under the NS guidelines. Having the information subjected to a public process under the MSA is desirable, but is not necessary in all circumstances. The other issues here is that by taking action and the specification is not final, the RA will have to make a decision and it may well be the best available science at that time. If the numbers are drastically different from the two models as they are currently, the RA will have to explain his choice. If the Council's proposal were approved, the RA would be choosing the earlier model, not the most recent information, not the model that was prepared by PIFSC in 2014. The Council is required under the NS guidelines to consider new information up to the point of the final decision if it represents a drastic change to the action. Overfishing must be prevented so as to provide for optimum yield on a continual basis. The case law is well settled that optimum yield can be sacrificed in the current year in order to ensure a sustainable supply of the resource in future years.

Ebisui asked for clarification as to if Council adopted the ABC recommendation by the SSC would there be any MSA violation committed by the Council.

Tucher replied not by itself because the Council has explained its reasons for rejecting one model over the other. He added that ultimately the decision that matters is the RA's and NMFS'. They've got to explain their rational basis for choosing one model over the other. The problem is one of timing. There is the potential that the questions raised in the Council's action will be answered before the final specification is completed. At that point there could be a problem. If the questions raised are answered and the model does not change the ABC appreciably, then the RA is confronted with the more recent science and more recent model and has got to make a decision whether the recommendation of the Council is still the best available science or if it was displaced through the resolved question in the 2014 stock assessment. On the other hand, the question could be resolved and NMFS could decide to go with the Council's recommendation, but it is a concern at the current time.

Simonds asked that if it turns out the Council's recommendation is deemed not appropriate by NMFS could a teleconference meeting be held to address it.

Tosatto said it was too early to answer the question. There is a good record established, but the regulations need to be reviewed, as there are many questions.

Palacios asked Tucher and Tosatto if they had recommended language for the action.

Tosatto said, after discussions with PIFSC, it was determined that a peer review will provide confidence in the stock assessment to the SSC and the public, then meet with fishermen to present it and at that point make decisions on an ABC and ACL. His objection was a warning. He is concerned about the stock. It was in a condition of overfishing. It is not now, but it could be in a condition of overfishing in the near future if the wrong decision is made. He noted he will oppose the recommendation.

Pooley agreed with Tosatto's position. He appreciated input from the bottomfish fishermen who offered public comment and will follow up with them to arrange an opportunity for them to meet with the PIFSC's stock assessment team. He appreciated the SSC's comments



regarding the stock assessment. The timing of the meeting and the external review of the stock assessment remains to be determined and will not be happening in the coming week.

*Regarding ACLs, the Council recommended that the 2013 to 2014 ACL of 346,000 pounds for the MHI Deep 7 bottomfish fishery be rolled over for Fishing Year 2014 to 2015. This level of catch is equal to ABC and is associated with a risk of overfishing, P\*, of 41 percent based on projections from the 2011 bottomfish stock assessment, Brodziak, et al., 2011. The SSC deemed the 2011 to be best scientific information available pending the resolution of the CPUE standardization issues and scientific inquiry of the SSC on the updated assessment.*

*Moved by Leialoha and seconded by Ebisui.*  
*Motion passed, with one vote of abstention by Tosatto.*

Tosatto noted he would be abstaining from voting on the recommendation.

*Regarding ACLs, the Council recommended that in order to prevent the ACL from being exceeded, an in-season closure will be used as an accountability measure based on the projected date on when the ACL will be reached for the MHI Deep 7 bottomfish.*

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

Miyasaka asked for clarification as to which ACL the recommendation is referring.

Mitsuyasu said it is referring to the ACL that is in effect Sept. 1, 2014 to Sept. 31, 2015.

*Regarding ACLs, the Council directed staff to work with the HDAR to closely monitor the spiny lobster and parrotfish fishery and to get a better understanding of the effect of changes in ACLs on these stocks and impacts of the CRVS on the catch trends.*

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

Leialoha noted this is the recommendation proposed from earlier in the meeting.

*Regarding regulatory changes for MHI bottomfish, the Council directed staff to prepare a draft amendment to the Hawai'i FEP considering the options as presented to change the federal noncommercial bag limit of five Deep 7 bottomfish per person per day and to establish a grace period for the possession of bottomfish for seafood dealers and markets once the MHI fishery is closed.*

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

Goto suggested including the length of the grace period.

Mitsuyasu clarified staff will be looking at several options, up to a week long.

Simonds asked Council members for a suggested length of time.

Goto spoke in favor of as long as possible.

Simonds suggested following the longline example.

Mitsuyasu pointed out the longline grace period has to accommodate transit time.

Tosatto said the Council and Advisory Committees have discussed up to seven days. The grace period should be rationally developed and supportable.

Goto suggested a grace period of seven days.

There was no objection to the grace period of seven days.

*Regarding the PRIAs–Hawai`i Western Pacific SFF MCP, the Council approved **the plan as presented and directed staff to transmit final document to NMFS PIRO.***

*Moved by Leialoha and seconded by Ebisui.*

*Motion passed, with a vote of abstention from Tosatto.*

Tosatto noted he will abstain from the vote.

*Regarding the inconsistency between federal and State of Hawai`i shark finning regulations, **the Council requested the State of Hawai`i conform to federal shark finning regulations.***

*Moved by Leialoha and seconded by Ebisui.*

*Motion passed, votes of abstention by Miyasaka and Tosatto.*

Miyasaka said the State is currently discussing how to resolve the differences with the legislation. It would be premature to say that the State will be conforming. The State's perspective is it is conforming. He did not support the language of the recommendation.

Tosatto agreed that the recommendation is premature and said he will abstain from voting.

Simonds asked for clarification as to his use of the word "conforming."

Palacios stated that it is premature.

Miyasaka replied that from the State's interpretation of the federal and state law, the State believes it has conformed to the federal regulation, and PIRO has yet to accept the state law as being in conformance with the federal statute. Until the discussion and agreement has been reached, it would be premature to support the recommendation.

Simonds noted that in 2013m at the Shark Fishers Forum, Bill Aila announced to the public that the State did not have a problem with the fishermen landing the shark whole, and, if that is what Miyasaka meant by conforming, half of the battle is over.

Palacios asked Tucher for clarification.

Tucher said they have been engaging with State's legal counsel, their Attorney General's office and/or legislative counsel in negotiations. Preemption would be avoided under the proposed rule. Preemption would be avoided if the state or territory law did not impede or prohibit the landing of intact shark carcasses under a federal permit or from the US EEZ. The fishermen would be allowed to land those fish intact in accordance with the Shark Conservation Act of 2010 and would be able to sell, distribute and possess the meat. If the fishermen are not penalized for carrying out a lawfully permitted federal activity and are allowed to realize optimum yield on the sale of the carcass, it would be considered that the restrictions on the fins would not be preempted. Draft letters have been sent to each of the territories and the states. Resolution has been reached with a number of states. NMFS is proceeding with negotiations with the State of Hawai'i and the respective territories in the WPR as well. The only issue outstanding is that federal government would want assurances that restrictions on the sale of the fins once lawfully landed with intact carcasses would not create an unnecessary burden on commercial fishermen and their ability to realize optimum yield. From review of the data of the sales of fins the income from fins represents a negligible income to the fishermen so that the state and territory restrictions on the fins do not create a problem. More data is being requested on that aspect.

***The Council encouraged the State of Hawai'i to address and potentially increase the inspection of roadside fish sales to prevent illegal activity.***

*Moved by Leialoha and seconded by Ebisui.*

*Motion passed.*

***The Council directed staff to explore the placement of a community FAD on O`ahu and to consult with Hawai'i AP members on the potential site locations.***

*Moved by Leialoha and seconded by Ebisui.*

*Motion passed, with one vote of abstention by Miyasaka.*

Simonds pointed out discussions go on almost weekly.

***The Council requested NMFS to evaluate the effects of the BRFA's, pre and post implementation, on the long-term MHI bottomfish fishery CPUE.***

*Moved by Leialoha and seconded by Ebisui.*

*Motion passed.*

Ebisui asked for clarification as to whether the evaluation would be independent of Drazen's study.

Watumura said it had nothing to do with Drazen's study, but something the AP felt was a missing element in the stock assessment.

***The Council requested the State of Hawai'i facilitate a discussion with Big Island fishermen on the placement of FADs off West Hawai'i.***

Moved by Leialoha and seconded by Rice.  
Motion passed.

Miyasaka suggested rewording the recommendation to request the Council to facilitate a discussion between the State and Big Island fishermen on the placement.

Rice said he has made efforts to contact Holland, the person in charge of the State of Hawai`i FAD program, to consult with Big Island fishermen regarding FAD placement away from koa and ledges, but has not had any success in getting a response.

## **10. Protected Species**

### **A. Updated Data on False Killer Whale Distribution and Stock Boundaries**

Amanda Bradford, from PIFSC, presented updated information on FKW distribution and stock boundaries. Bradford is part of a working group evaluating new data to revise the stock boundaries and bycatch proration scheme for Hawai`i FKWs. Other members of the working group include Robin Baird, Chris Boggs, Karen Forney, Marti McCracken and Erin Oleson.

The three stocks in the Hawai`i EEZ include the pelagic FKW stock with a boundary defined as from the Hawaiian EEZ to 40 kilometers from the MHI, the insular FKW stock boundary extends out to 140 kilometers from the MHI, with an overlap zone with the pelagic stock of 40 kilometers. The NWHI stock boundary is defined as the Papahanaaumokuakea MNM that has been extended to a 50-nautical-mile radius around Kaua`i.

Relevant data additions for the pelagic stock has increased from one satellite track to six, four collected by Cascadia Research Collective, and two collected by PIFSC. The NWHI stock increased up to six satellite tracks, with four collected by Cascadia and two by PIFSC, with additional sighting data from Cascadia. The MHI stock increased up from 27 satellite tracks to 31, all collected by Cascadia.

The basis of the assessment is telemetry data by stock. Data revealed that there was a group encountered and tagged 14 kilometers offshore of Hawai`i, indicating the pelagic stock individuals can occur in relatively shallow waters close to shore and are traveling within the exclusion zone. The NWHI stock range extends from Gardner Pinnacles to O`ahu, with some movement on the border of and outside of its current stock boundary.

Acoustic-only FKW detections include 21 from two relevant cruises in 2010 and 2013, five of which are of interest to the NWHI stock redefinition, and 42 FKW detections from the high frequency acoustic recording package placed off Pearl and Hermes. The detections could be used in a stock classifier analysis, which currently is in the preliminary stage. The detections in the western area will not be usable for the stock boundary revision.

Social network analyses of the long-term photo-identification data showed three social clusters or groups of animals that are more likely than not to associate with each other in this population.

Data shows that all of the positions are within the existing stock boundary with less offshore movement on windward sides of the islands for the MHI stock. The maximum distance leeward extends to 115 kilometers, while the maximum distance from the windward side is 51.4 kilometers. Currently, changes in distribution by season cannot be considered.

A working group was formed to assess new data and recommend revised boundaries and bycatch proration. Recommendations will be reviewed by the Pacific Scientific Review Group and the revised boundaries and bycatch proration will be reflected in the Draft 2015 Stock Assessment Reports.

## Discussion

Rice asked how the stock to which a FKW belongs is determined without genetically testing each and every animal.

Bradford said different measures of genetic relatedness that have already been done have established that there are demographically independent populations. The animals are not actually mixing even though they can occur in the same space, which is a common occurrence of population overlap within species where they can use the same area and is seen in many other cetacean populations.

Rice asked if that was 100 percent guaranteed.

Bradford said she is a scientist and does not guarantee 100 percent.

Rice said he is unable to grasp that there is no intermingling among stocks in the same area.

Bradford said the genetic information is showing a difference even though the animals are infrequently intermingling. The pelagic stock individuals have broad distribution and genetics show there is no mixing of stocks.

Rice asked what time of year the breeding season occurs.

Bradford said calves are seen regularly throughout the year and in some cetacean populations there can be peaks in smaller whales, or odontocetes. A breeding season has not been established for the MHI population and very little is known about the pelagic and NWHI stocks.

Rice said there is very little known, many unanswered questions and many regulations placed on the fishermen based on the FKW.

Ebisui asked for an explanation of how and under what condition satellite tags are attached and DNA samples are obtained from the individuals.

Bradford said the tags are attached by an air rifle by two bolts that go in the upper dorsal area of the animal. There is a petal on the barb that splays out and holds the tag in place, but does migrate out over time. The scheme for biopsy sampling is when unknown individuals are

encountered as many biopsy samples that can be obtained logistically or with permit considerations are collected. The MHI animals are known so well that researchers can identify some in the field and make choices about which animals are needed to be biopsied.

Ebisui clarified his question regarding the procedural process of tagging an animal.

Bradford replied that the animals are approached to within 10 meters and are tagged with a crossbow. The bow bounces off the animal and is picked up in the water.

## **B. Analysis of Impacts under the Deep-Set Longline Biological Opinion and Marine Mammal Protection Act Permit**

Jean Higgins reported the 101(a)5(e) permit to allow incidental take of Endangered Species Act (ESA)-listed Central North Pacific humpback whale, Hawai`i sperm whale and MHI FKW by the Hawai`i deepset and shallow-set longline fisheries and Negligible Impact Determination (NID) were released. Public comments are requested to be submitted by July 14, 2014. NMFS made a preliminary conclusion of NID for the three species.

Ishizaki provided additional information regarding the NID. There are several documents associated with the determination; one is the Draft NID, an analysis and an internal report of PIFSC. NMFS used five different criteria in the analysis. The basic criteria compare the Potential Biological Removal (PBR) of the stock to the mortality and serious injury (M&SI) of each of the stocks or fisheries. It is a step-wise criterion. If Criteria 1 is met, you no longer have to go through the rest of them. If you do not meet Criteria 1, you go to Criteria 2.

The criterion included are 1) If the total human-related M&SI is less than 10 percent of the PBR, that meets Criteria 1, that leads to a NID; 2) If the total human-related M&SI is over the PBR, but the fishery's part of the M&SI is less than 10 percent of the PBR, that meets the criteria and leads to a NID; 3) If the M&SI is over the 10 percent of PBR level, and if the population is stable or increasing and subject to review of the individual data for that stock and associated fishery, that can also lead to a NID; 4) If a population abundance is declining, then the 10 percent of PBR threshold level will be used; and 5) If the fishery's M&SI is over PBR, permits may not be issued for that stock.

NMFS concluded that for all three of the stocks concerned, the humpback whale, the sperm whale and the insular FKWs, the fishery has a negligible impact. For the sperm whale, Criteria 1 said the PBR is 10.2. The fishery's M&SI is .7, less than 10 percent of the PBR, which leads to a NID. For the humpback whale, the PBR is 61.2. The fishery's M&SI is over 10 percent of the PBR. However, there is good scientific information that shows that the humpback whale population in the Central North Pacific is increasing, which allows the use of Criteria 3. For the MHI insular FKW, the PBR is .3 annually. The fishery's M&SI is .1, which is 33 percent of the PBR. It is over the 10 percent threshold. They arrived at the NID because the current population trajectory of the MHI FKW is unknown, but the longline fishery impact has been reduced or will be reduced through the FKW Take Reduction Plan measures, which include the expanded Longline Exclusion Zone and weak hooks. Recent telemetry data on the MHI insular FKW showed they do not travel much beyond the core area on the windward sides where interactions

had previously occurred. An analysis conducted by McCracken projected a future take of .2698 M&SI per year, which is below .3.

Ishizaki reviewed the observed FKW and blackfish interactions from 2003 to 2012. It is mentioned in the NID document that the McCracken projection for the next five years is likely an overestimate due to the new telemetry data. The data was presented to the SSC at the 116th meeting. After review, the SSC concluded that it concurs with NMFS' conclusion that the Hawai'i longline fishery will have a negligible impact on the three marine mammal stocks. However, the SSC concluded that the fishery's M&SI estimate for the MHI insular FKW stock is probably overestimated and very likely to be less than the 10 percent of the PBR threshold given that current stock boundary of the uniform 140 kilometers around the MHI is over-inflated. It is also likely that the Hawai'i longline fishery effort no longer overlaps with the stock on the windward side.

## Discussion

Rice asked how the interactions between the pelagic and the MHI stock are distinguished.

Ishizaki said the interactions have been prorated because they occurred in an area that both insular and pelagic populations are known to occur. The interactions are partially attributed to the insular stock and partially attributed to the pelagic stock.

Rice asked if the observers determine which stock is involved in an interaction.

Ishizaki said observers could not determine the stock unless they get genetic or photographic identification. No identification was available, which is why it was prorated.

Tucher said, because there is an open public comment period, the Administrative Procedures Act applies. Therefore, public comment cannot be submitted during the Council meeting, and the guidance in the Federal Register notice should be followed.

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

Higgins presented the MMPA and ESA updates to the Council. The NID and permit, which are currently open for a public comment period, was discussed earlier in the agenda.

#### **1. Update on the False Killer Whale Take Reduction Plan Implementation**

Regarding the MMPA updates, the FKW Take Reduction Plan Final Rule was published in 2012, but the gear requirements did not come into effect until February 2013. There was no closure in the Southern Exclusionary Zone in 2013 because the trigger was not met. In 2014, to date, there was only one serious injury, which the Council was updated on previously. The rule has come into effect. Next steps include putting together two working groups to discuss non-longline fisheries and handling and releasing guidelines. The Take Reduction Plan will continue ongoing monitoring.

There was one confirmed serious injury in 2014 inside the EEZ and three FKW takes confirmed outside the EEZ, which are currently preliminary serious injury determinations. There was also an unconfirmed FKW interaction in the deep-set fishery inside the EEZ. That interaction cannot be confirmed until the observer returns to port.

## **2. Final Determination to List 66 Species of Corals under the Endangered Species Act**

The Corals Proposed Rule was published out in December 2012. Work is ongoing towards a Final Rule Decision.

## **3. Final Determination to List Scalloped Hammerhead Shark under the Endangered Species Act**

For the Scalloped Hammerhead Status Review, the proposed rule to list four DPS was issued April 2013. Work is ongoing towards a Final Rule Decision. One threatened DPS was proposed for the Indo-West Pacific. The Central Pacific DPS, which includes Hawai'i and Johnston Atoll, was not warranted. A proposal to list the Eastern Pacific DPS as endangered was issued.

## **4. Green Sea Turtle Status Review**

The Green Sea Turtle Status Review is in the Delisting Petition process.

## **5. North Pacific Humpback Whale Petition**

There were two petitions regarding the Humpback Whale Status Review. The first petition was a positive finding in August 2013. Work is ongoing on the Status Review. A Substantial 90-day Finding was published on the second petition. The information will be incorporated into the Status Review. The public comment period is open until July 29, 2014.

## **6. Other Relevant Actions**

The loggerhead critical habitat proposed rule was published in July 2013. Work is ongoing towards a Final Rule. The Humphead Wrasse Status Review had a Substantial 90-day Finding with a Status Review underway. The Great Hammerhead Status Review published a 12-month finding and was not warranted, which is the final action. Work is ongoing on the Eight Reef Fish Species Petition looking at Pomacentrid species. A 90-day is due in December 2012. The Proposed Rule to revise Monk Seal Critical Habitat was published in June 2011 and work is ongoing towards a final determination on the rule.

## **D. Management of Green Sea Turtles**

Ishizaki updated the Council regarding the recommendations it made at the March Council meeting. The Council directed staff to explore approaches under the existing ESA for traditional take and cultural uses of green turtles, which has come up in the Council's advisory bodies for 20 years. As part of the directive, Council staff was directed to review the exiting ESA and see what may be done under the existing management framework.



The green turtle petition is under review and NMFS is conducting a Global Status Review. The outcome of the Status Review, depending on if and how the DPS is grouped in the Pacific, will dictate the way forward.

Staff looked into what possible options may be under ESA to allow for traditional limited take. The options included exemptions to take prohibitions under the ESA, possible ways for obtaining permits for enhancement of survival or an option to pursue the use of materials through confiscated materials, which would be limited to the use of bones and shells, but not meat. The ESA is clear that if any kind of take were to be permitted, the level of take would have to allow the species to continue to move towards recovery. A management mechanism would have to be established with a scientific basis that would allow for monitoring, for setting limited and for ensuring that the limited take would not have an adverse impact on the population. The Council has repeatedly supported and requested NMFS to continue to support territory turtle science and research monitoring to make sure that there's enough data when opportunity for these discussions come up.

### Discussion

Rice said there needs to be a plan so that the stock does not need to be culled by the State of Hawai'i.

Simonds said NMFS has a concern regarding climate change impact on French Frigate Shoals, where the majority of the turtles nest in Hawai'i.

Rice said, on the Big Island, Honokohau Harbor is full of green turtles and tiger sharks are known to feed on them in the harbor.

## **E. Advisory Group Reports and Recommendations**

### **1. Joint Advisory Panel**

DeMello reported there were no Joint AP recommendations.

### **2. Pelagic Plan Team**

No report on this agenda item.

### **3. Archipelagic Plan Team**

No report on this agenda item.

### **4. Fishing Industry Advisory Committee**

No report on this agenda item.

### **5. Social Science Planning Committee**

No report on this agenda item.

## **6. Marine Planning and Climate Change Committee**

No report on this agenda item.

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

Daxboeck reported the SSC recommendations as follows:

*Regarding the MHI FKW stock boundary, the SSC recommended that NMFS revise the MHI FKW stock boundary in accordance with the satellite tag data.*

*Regarding the MHI FKW stock boundary, the SSC requested PIFSC to include SSC members in that working group deliberations regarding stock boundary revision.*

*Regarding NMFS policy for data, the SSC recommended that NMFS include a data hand-over clause in all contracts and permits to ensure all data used for public policy consideration are readily accessible.*

*Regarding FKW PBR calculations, the SSC repeated its recommendation that NMFS obtain the scientific data upon which the FKW PBR calculations are based and cautions NMFS upon relying on such calculations until such data are obtained and independently reviewed.*

### Discussion

Rice asked for clarification as to the PBR calculations.

Daxboeck said, during deliberations, the SSC subcommittee recognized that the data used to complete the PBR analysis have not yet been made available to either NMFS or the SSC for review. Consequently, the SSC is unable to determine if the NID made by NMFS is based on the best available scientific information because the key underlying scientific information has not been produced nor reviewed.

Rice asked who has possession of the information currently.

Daxboeck said some of the information is proprietary from Cascadia Consulting and has not been released.

Rice asked Tosatto if NMFS will be able to get the information.

Tosatto whether the information referred to is Dr. Baird's data.

Daxboeck replied in the affirmative.

Tosatto reiterated that he thinks NMFS has an issue that needs to be addressed.

Oleson said, in regards to addressing the data availability issue, for insular FKWs the PBR is based on the number of individuals that are in the catalogue, not based on an analysis. The 134 photographs of individual animals that were counted to use as the Nmin in the PBR is

available. What is not available is the sighting histories from which a more complicated abundance analysis would be based, but that is not being used for the PBR at this point.

Rice asked if the photos were from the leeward or windward side of the island.

Oleson said animals have been counted on the windward and leeward sides and photos are available.

Goto asked for more information on the reported FKW interaction within the Hawai`i EEZ.

Tosatto said an observer reported an interaction and the details of the interaction. The location was within the EEZ. The observer will be debriefed upon his return. The information will be validated. The information of the circumstances of the interaction will be collected. At that time NMFS policy and protocol will be followed for determining serious injury and mortality and will determine the effects to the regulations under the Take Reduction Plan.

#### **G. Public Comment**

No public comment was offered.

#### **H. Council Discussion and Action**

*Regarding the MMPA NID, the Council directed staff to draft a letter to NMFS in response to the MMPA NID expressing the Council's concurrence with the determination and concerns regarding the overestimated impact. The Council concurred with NMFS' conclusion that the Hawai`i longline fishery will have a negligible impact on the Central North Pacific humpback whale stock, the Hawai`i sperm whale stock and the MHI insular FKW stock. However, the Council agreed with the SSC's conclusions that based on the available scientific information the fishery M&SI estimated for the MHI insular FKW stock is probably overestimated and very likely to be less than 10 percent of the PBR for the following two reasons:*

- 1) **The current stock boundary of uniform 140 kilometers around the MHI is overinflated given that all existing satellite tag data show that the maximum distance from shore traveled by a MHI insular FKW on the windward side of the island is 51.4 kilometers; and**
- 2) **Given the modified Longline Exclusion Zone under the FKW Take Reduction Plan and the distribution of MHI insular FKW based on satellite tag data, it is likely that the Hawai`i longline fishing effort no longer overlaps with the windward side with the MHI insular FKW stock.**

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

**Regarding the MHI insular FKW, the Council recommended that NMFS revise the stock boundary expeditiously in accordance with the available satellite tag data. The**

**Council further requested that PIFSC include SSC members in the working group deliberations regarding stock boundary revision.**

*Moved by Rice; seconded by Sword.*

*Motion passed.*

Tosatto said he would require a thoughtful and appropriately considered change.

*Regarding scientific data of FKWs, the Council recommended that NMFS include a data hand-over clause in all future contracts and permits to ensure all data used for public policy consideration are readily accessible.*

*Moved by Rice; seconded by Sword.*

*Motion passed, with one vote of abstention by Tosatto.*

*Regarding scientific data on FKWs, the Council recommended that NMFS obtain the scientific data upon which the MHI insular FKW stock assessment report is based and cautioned NMFS upon relying on such calculations until such data are obtained and independently reviewed.*

*Moved by Rice; seconded by Sword.*

*Motion passed, with one vote of abstention by Tosatto.*

Tosatto noted that he will be abstaining from the vote.

*Regarding green turtles, the Council directed staff to develop a white paper for managing green turtles under the Council's Archipelagic FEPs and solicit input from each of the island areas.*

*Moved by Rice; seconded by Sword.*

*Motion passed, with votes of abstention cast by Tosatto, Miyaska and Leialoha.*

Miyasaka asked what is meant by the phrase "solicit input from each of the island areas."

Palacios said it meant "island area and state."

Miyasaka said the State of Hawai'i has been instructed that the State will not be doing a state management plan for turtles. The State's position is that it is premature to participate in the development of a white paper.

Palacios said he does not think that is the recommendation. If the State would like to provide input, it may. If not, then do not.

Simonds said this is not related to just government entities, that it also includes people who are still alive that had permits to fish for subsistence; it is gathering information.

Palacios said the CNMI research program has generated data on nesting sites on Rota and Tinian. He supported the development of the white paper and hoped it would address the issue of the indigenous communities being able to participate in a limited cultural take.

Simonds said, in the late 1980s when the issue was being discussed, the federal agencies were negative because the turtle was not necessary for survival or subsistence. One person at USFWS supported a cultural take as a way to get data on turtles. He has since passed away, and there has been no other interest in the topic of cultural take.

Palacios said CNMI used to be allowed a minimal take until Guam complained.

Leialoha said she would abstain from the vote because there are questions regarding whether the State Management Plan would be developed, the federal and the state issue, and there is no DPS.

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

No comment was offered.

## **12. Mariana Archipelago**

### **A. Guam**

#### **1. Isla Informe**

Taitague reported the activities that have taken place in Guam since the March Council meeting. The DOA Division of Aquatic and Wildlife Resources (DAWR) continues to be involved in shore- and boat-based survey data collection, which included the weight of five shore-based species, fishing method used and number of fish during the last six months. DOA continues to be the primary source of funding through the US Sports Fishery to upgrade heavily used boat ramps on Guam, the Agat Marina, Hagatna Boat Basin and Merizo Boat Ramp. In cooperation with the Port Authority, DOA's Boating Access Program has been active in promoting its program to provide safe access for Guam's fishermen.

Currently, six FADs are online due to lack of funding and complicated procurement process. DOA staff continues to perform inspections and maintenance of three fishing platforms located on the south side of Guam in Ylig and Togcha Bay. Extensive outreach has been conducted in the island community. Two fishing derbies have been sponsored and co-sponsored and presentations given at middle schools, high schools and college conferences. Fairs and multi-media cover topics such as the fisheries, the Piti Pride campaign, the Living Reef and turtles. UOG offered technical and financial support as a result of the outreach. Guam Department of Education has also received approval for five service learning projects with a marine preserve and fish habitat focus. Guam Nature Alliance offers content support and collaboration.

Some of the outcomes of the Piti Tepungan Wide Rare Campaign outreach included expert training on communication in conservation, rare Micronesian programs for island resilience, media development and messaging, community communication and collaboration,

program assessment and program evaluation design, work and budget planning, and timeline and adaptive management development.

Duenas reported that the Safe Boating Week was held May 17 to 24 in partnership with the USCG and the USCG Auxiliary. The USCG Auxiliary conducted some courtesy vessel safety checks at the Hagatna Marina, Agat and the Merizo Pier. The Guam Fishermen's Cooperative also sponsored a blessing of the fleets, as is conducted every year in conjunction with Safe Boating Week. The priests conducting the blessing are involved in fishing. August will be a busy month with the Fishermen's Festival, the Gupot Y Peskadot, which will be held on Aug. 3, with activities related to the fishing industry and traditional fishing. The Marianas Underwater Fishing Federation Spear Fishing Challenge will be held on Aug. 2. The 19th Annual Guam Marianas International Fishing Derby will be held Aug. 9 and 10.

The 4H Program collaborated with UOG on a near-shore tagging program. Two workshops have been held. PIFG helped conduct a workshop with Clay Tam traveling to Guam to train mentors and interested parties in helping the youth tag and release fish. The workshop was successful. The second workshop built on the first workshop, conducting outreach to more fishermen and tackle shops to spread the word about the inshore tagging program. The species tagged include emperors, jacks and surgeonfish. There are many tags in the water. Duenas said he looked forward to reporting numbers in the near future and information on returned tags.

The 4H also is currently conducting their Summer Fisheries Program for 115 elementary and middle school students. Participants have already signed up for the upcoming high school fisheries program.

## **2. Legislative Report**

Taitague reported Public Law 32-145 was signed and established the Guam History and Chamorro Heritage Day as a legal holiday. A status hearing was held for Indigenous Fishing Rights at the legislature on June 18, and the DOA is being tasked by the present administration to draft rules and regulations for it. None of the 21 drafts of the rules and regulations were found agreeable to the indigenous community.

## **3. Enforcement Issues**

Taitague said five arrests for illegal fishing have occurred since the last Council meeting.

### Discussion

Simonds asked what the DOA's plans are in terms of what the Indigenous Community is requesting. She pointed out this is an opportunity to recommend allocations.

Taitague said 21 drafts have been submitted, but further discussion will be conducted upon her return to Guam with other agencies invited. She noted the Merizo community-based management being developed in collaboration with the Council and said a one-time open period and other scenarios may be considered.

#### **4. Status Report on Guam Projects and Programs**

##### **a. Fishery Development Projects**

Carl Dela Cruz, Guam island coordinator for the Council, reported that the Hagatna Marina Rehabilitation Project has been completed. Inspection was performed on June 13, 2014. Closing of documents and final invoice are pending the contractors. The Port Authority of Guam will be hosting a ribbon cutting scheduled for Aug. 13, 2014.

The 4H Program for the restocking of manahak, or rabbitfish, has contracted UOG to conduct the project. The UOG aquaculture facility is the location for the grow-out phase. Once the rabbitfish run, the 4H team will transport them to the facility on the UOG campus.

Taitague presented an update on the Paseo de Susana Americans with Disabilities Act Fishing Platform, or the Hagatna Fishing Platform, funded by NOAA and the Council through the MCP. The project is awaiting the Army Corps review and approval. A decision is expected at the end of July, with a ground breaking scheduled for August. The Guam Organization of Saltwater Anglers and the DOA have been in discussion to clarify and implement responsibility in the different phases of the work.

Dela Cruz reported on the Marianas Seafood Market Survey. The Council is continuing to work with consultants to complete the report. The Army Corps of Engineers and the USCG authorized the Council to deploy a community FAD approximately 15 nautical miles offshore. The Council will work with the Guam Fishermen's Cooperative to deploy the community FAD in the near future.

Duenas added that Council staff sought input from the fishing community and the Cooperative as to the best location. The community has provided feedback. The site has been chosen and permitted. He is looking forward to deployment with a lot of support from the Cooperative and the fishing community.

##### Discussion

Simonds cautioned against placement of FADs near seamounts and ledges due to the report from Kona on how fishing was better when the FADs were not in the area.

Duenas was supportive of the use of the fiberglass FADs, as they are safer and easier for fishermen to retrieve should they break off

Palacios asked how long it took to receive the permits for a new FAD location.

Kingma said four to five months.

Palacios said the advantage to moving to a fiberglass, lighter-weight FAD is they cost less and breakoff is not as severe. In addition, USFWS is getting sensitive and adding additional requirements for FAD projects in terms of NEPA compliance.

Duenas said currently Guam is experiencing very low catches of the juvenile rabbitfish, juvenile trevally and atulai, in contrast to last year, which was a very good year. In essence, there is no seasonal run of juveniles to date.

#### **4. Data Collection Projects**

Sabater briefed the Council on the status of the Council-initiated boat- and shore-based creel surveys at the Guam Naval Base through the Marine Recreational Information Program (MRIP). Currently, it is an area that's not adequately covered, if at all, by the DAWR creel survey due to access issues. The data collection phase has been completed. The data is due to be encoded. The first half of the dataset has been analyzed and presented to the Plan Team, and a summary was presented at the March Council meeting. Most of the fishing is conducted by civilian contractors along the shoreline and very little by military personnel. Most of the boat-based fishing activities are trolling and bottomfish fishing. Inputting and analyzing the second half of the data is ongoing. An update will be presented at the October Council meeting.

Additional MRIP funds were received and were used to initiate a targeted data collection for the seasonal runs of manahak, atulai, jacks and goatfish in Guam, American Samoa and CNMI. The two data collectors from the Guam Naval Base Project are documenting the seasonal runs in Guam. Staff met with the Counsel General of the Federated States of Micronesia and Palau to assist in gathering data from the Micronesian community. The project is also addressing elements of the Merizo Community FMP and working with DAWR and Cliff Kiyota on the Human Dimension of the practice. Socioeconomic interviews will also be conducted with Micronesian fishermen.

A PIFSC funded project for the Territorial Science Initiative is focused on enhancing the vendor report, the commercial receipt book report and/or the purchase receipt system. The Council will provide manpower and train the vendors on filling out the logbook, gathering their input and providing input to improve the logbook. The data collectors are currently working on a plan to conduct an island-wide education and outreach effort for vendors and the public, emphasizing the importance of fishery data collection for the management of the fishery. A recognition program for the vendors cooperating in the data collection is part of the project.

#### Discussion

Duenas expressed appreciation for the project and looked forward to the data from the Micronesian community as it historically been difficult to get any information from that sector of the community.

Sabater said 10 percent of the time will be supporting the Cooperative and bio-sampling with two new bio-samplers.

Duenas noted the need for trained bio-samplers. Fish identification is difficult with 124 different species of fish.

Sabater said the two new data collectors are fishermen and know the network of vendors and the fish.



## 5. Habitat Blueprint, Manell-Geus

Davis continued his presentation, started during the Hawai`i section of the meeting, on the Habitat Blueprint Initiative, focusing on the Manell-Geus watershed area of Guam. Manell-Geus is next to the only shallow-water lagoon system with an extensive sea grass system that is an important nursery and foraging area for marine life and also barrier reef system on Guam. An MPA in the area has the highest known documentation of turtles. It also has the second largest mango stand in Guam and is an important nursery and sediment management resource.

The community is very engaged in fishing. The Council also has a community management program in the area focused on user conflicts. There is an opportunity to bridge the two projects. Habitat quality in the area is the main focus, taking into consideration land-based impacts. The community, including the Mayor's Office and the Municipal Council, has been engaged and are strong advocates for moving forward with the project.

Related activities include taking advantage of the opportunity for updating mapping of the area, avoiding duplication, elevating the opportunity to acquire funding, and coming up with target management initiatives to address concerns expressed by the community, such as erosion, sedimentation and land-based impacts. Next steps include going to each NOAA entity to determine what input is available. Also, NOAA personnel will travel to Guam in August to meet with the community to start building the implementation team.

### Discussion

Duenas asked for clarification as to how it was determined that overharvesting of parrotfish was a threat as listed on Habitat Initiative website.

Davis said the list of threats came from the committee, which expressed interest in the quality of the habitat there. Also there is nutrient loading coming from land and the challenge of increased algae, which would not affect just parrotfish but also herbivore-type animals. Some research has been proposed to do a fish utilization study for the area to get a better understanding of what is there and how it can or cannot amplify the impacts of the land-based pollutants that are coming into the habitat.

Palacios said fishermen also get accused of overfishing certain areas in CNMI, which also have algal growth and runoff from upland. There is a need to manage the ecosystem from poor land management issues, and fishermen end up being blamed.

Davis said Palacios' point was well taken. He said he was just the messenger and is not advocating any particular side. The initiative is trying to get the ecosystem to a healthy balance. Davis said he welcomed input.

Palacios said, when reports are published saying an area is deemed overfished or overfishing is taking place, it is disheartening to fishermen who are trying to make a living from fishing.

Davis reiterated that the focus thus far is largely terrestrially based and community-oriented. He said he hoped that the fishing community will provided guidance in the process. He

has spent quite a bit of time in the area a long time ago and knows what it used to look like and knows that some of the land practices there have made it complicated to try to get it back to a healthy condition. Input is welcome, and there is opportunity at the planning and implementation level for the Council to fully engage. The community is onboard, and it is hoped the community will guide the effort to a good outcome. It is a great opportunity to bring the science and management attributes of NOAA together to fill gaps in data.

Simonds suggested overharvesting and overfishing should be used with care.

Davis said Simonds' point is well taken and reiterated that it is more about the status of the resource.

Matagi-Tofiga said, as a member of the Coral Reef Task Force in American Samoa, there is a well-represented Local Action Strategy for fishing that considers the needs of fishermen and may be something that can be included in the efforts.

Davis stressed again that the planning is in the early phases and he hopes to see groups such as Local Action Strategy participate as well.

## **B. Commonwealth of the Northern Mariana Islands**

### **1. Arongol Falu**

Jack Ogumoro, the Council's island coordinator in the CNMI, reported on activities that have taken place in CNMI since the March Council meeting. The DFW continues a fish tagging study in Managaha, data collection on Tinian, and is gearing up to implement the mandates of the recent public law regarding mandatory reporting. An MPA coordinator was hired April 2013.

Regarding education and community outreach, DFW has requested a reprinting of the Food Fishes of the Marianas, which is widely distributed to fishermen and different households. DFW is collaborating with Mariana Islands Nature Alliance to conduct a fish derby for kids, as well as Kid Fish Clinics and has participated in the 2014 Environmental Expo that targeted 1,500 fourth and fifth graders.

The turtle program is ongoing. Since March 2013 five nesting turtles have been identified, and 25 mature turtles were tagged in the water. Over 1,400 participants have attended public outreach on the turtle program.

Palacios added that the DFW Turtle Program is a robust four-person team that performs almost 24/7 monitoring nesting areas, tagging and undertaking some enforcement. There are cooperative research activities with PIFSC currently in the northernmost islands of the Mariana, which Palacios hopes will continue into the future years. DFW is funded mostly through the WSFR program, which restricts what type of research and activities can be done. The process continues to identify which programs can be funded through the WSFR program and restructure DFW programs accordingly. He looked forward to collaborating on the programs.

CNMI also has a successful juvenile rabbitfish program on Saipan funded through MCP funds in collaboration with the Northern Marianas College's Cooperative Research and

Extension Service with the grow-out phase taking place at its facility. The local aquaculture association sent 10 people to a talapia workshop in Thailand.

## **2. Legislative Report**

Seman reported on the legislative activities that have occurred since March 2013.

House Bill 18-10, known as the Northern Mariana Islands Fisheries Act, provides for the conservation of fisheries in CNMI, such as requirement for permits and licenses, provide law enforcement authority to arrest, inspect, board and seize any vessel, provide fisheries surveillance, such as coastal and surface watch, observers and VMS, impose penalties of up to \$50,000 and imprisonment for the falsification, tampering with monitoring devices, provides fees, royalties and auction of quotas for any fishery in a management plan. This bill is in the Natural Resources Committee.

House Bill 18-25, known as the Marine Resources Investment Act, authorizes the DFW to develop a system for the assessment of fees for non-residents visiting MPAs in order to better invest in the Commonwealth's marine resources.

House Bill 18-53 would amend an existing statute to allow the use of certain types of nets, such as chenchulun surround nets and chenchulun umesugon, for noncommercial purposes in the waters surrounding the municipality of Saipan. This is specifically for Saipan because Tinian and Rota have already enacted its own specific legislation allowing such uses of nets.

House Bill 18-68 would prohibit the taking and selling of certain sizes of reef fish for commercial purposes, but does not affect subsistence fishing. Size limits were based on the best available estimates of reproductive maturity of reef fish that are commonly found in the local markets. This bill is still in the Natural Resources Committee.

House Bill 18-72 would require every scuba diver to pay \$25 with 40 percent of the proceeds going toward the purchase of a decompression chamber and 35 percent to DFW for enforcement of designated dive sites.

### Discussion

Taitague asked what visiting the MPA means and how would visiting be determined.

Seman said the bill applies to specific designated sites that have a specific area where visitors come in order for them to be physically in the MPA. Nonresidents would be assessed a fee and is controllable, such as Managaha.

Palacios noted another example would include the Grotto and is considered a user fee. The size restriction issue was closed to being passed but there was disagreement on the size. The Bill is being held in committee until the Department recommends types of fish and the sizes.

### **3. Enforcement Issues**

Palacios thanked Pickering and NOAA OLE for the assistance provided by the JEA funds and technical assistant and training. A shortage of trained personnel is an ongoing struggle. There are efforts to put aside MCP funds to conduct enforcement. CNMI enforcement officers conduct outreach to high schools and vendors. Since the last Council meeting, several turtle poaching were arrested and successfully prosecuted. A local dive instructor was arrested for illegally shooting an eagle ray when the picture was posted on FaceBook. Prosecutors are beginning to learn how to deal with the resource violations.

### **4. Bottomfish Area Closure Modification**

Mitsuyasu presented information on the draft amendment to modify the closure areas in the Northern Mariana Islands to large bottomfish vessels greater than 40 feet. The multi-species fishery uses predominantly bottomfish gear. He reviewed the information of the fishery, fishing grounds and participants as well as the information on the trends dating from 1983 to 2012. Information was presented on the bottomfish regulations in place, the Federal permit activity, and the outreach conducted with the CNMI community and fishermen.

The purpose and need for the modification is to remove regulations that prohibit commercial fishing vessels 40 feet and longer from fishing within approximately 50 nautical miles of the southern islands of the CNMI, such as Rota, Aquijan, Tinian, Saipan and Farallon de Medinilla, in order to increase efficiency and performance in the fishery and achieve optimum yield.

The two options presented to the Council for the closure around the CNMI southern islands included 1) No action, continue the 50-mile closed area around the CNMI southern islands and the 10-mile closure around Alamagan remains; and 2) Remove the 50 nautical mile closure around the CNMI southern islands and the 10 nautical mile closure around Alamagan.

Impact considerations for option 1 included a) Large bottomfish vessels from Saipan continue to be restricted causing economic impacts; b) Vessels have to travel further, costing more fuel, ice and food; c) More risk with traveling further to fish; and d) Compliance with the closure is unknown.

Impact considerations for option 2 included a) Possible short-term, modest increase in availability of product, with faster turnaround on trips; b) Permit and reporting continues to provide fishery information; and c) Reduced safety at sea risks.

Mitsuyasu noted the Northern Mayor's Office said they are no longer pursuing the Community Development Program-type projects for Alamagan.

The proposed action is to remove the Southern Area Closure. If the Council decides to move forward the staff would finalize the package with NOAA for transmittal.

Palacios thanked the staff for engaging the community and conducting outreach to hear their concerns.

## **5. Status Reports on Commonwealth of the Northern Mariana Islands Projects and Programs**

### **a. Data Collection Projects**

Sabater provided the Council with an update on the CNMI data collection improvement efforts. After a brief background of the project funding, the pilot creel survey project is ongoing on Tinian after procurement of a vehicle and the second month of data is being collected. Funding has also been provided to help with the mandatory reporting law. Currently, draft regulations are being drafted. There is going to be a series of workshops working with the vendors to get them up to speed with the new law. The Science Center provided the funding under the Territorial Science Initiative for a project in Guam to get the vendors trained in fish identification, as well as set up a process where data can be efficiently gathered and will not overlap with the existing biosampling program and will broaden the existing data collection system.

The other project that will be implemented is through MRIP funding, similar to the Guam project, but with a focus on gathering data on seasonal runs. The contracts are being developed.

### **C. Guam and CNMI Marine Conservation Plans**

Taitague reported the Guam MCP is completed and turned in to the Executive Director for review.

Palacios reported the CNMI MCP proposals have been received the Governor and will be transmitted to NMFS for consideration after vetting and approval by the Council. He recently briefed the CNMI AP on the MCP plan. He is appreciative of their interest and participation.

### **D. Marianas Trench Marine National Monument, Volcanic and Trench Units**

Hirsh presented a brief update on the Marianas Trench MNM management activities. In regards to President Obama's announcement to transfer the submerged lands to the CNMI government, Gov. Inos, Tosatto and Thorson held discussions on June 16. Discussions will continue over the next few months to develop an agreement. The submerged lands will be transferred after an agreement between the agencies and the CNMI is in place. The goal is to have the agreement completed within the next six months so it can be incorporated into the draft Monument Management Plan.

The USFWS and NOAA held public meetings in the CNMI to solicit input on the scope of the issues to address in the management plan and re-establish the Marianas Trench Monument Advisory Committee (MTMAC), which is made up of three members from the CNMI government, one from the USCG and one from the DOD. The committee provides advice and recommendations on the development of the management plan. The minutes from the MTMAC meeting are available on the USFWS or NOAA websites.

The management plan is two-thirds complete. NOAA is drafting sections and having USFWS review them to ensure that the National Wildlife Refuge Comprehensive Conservation Plans requirements are met as well. The draft will be shared with CNMI, as a cooperating

agency, as soon as the preliminary draft is completed. They look forward to feedback from DLNR staff to develop rules and responsibilities and ways to move forward with accomplishing the activities to meet the draft Management Plan goals and objectives. The draft plan will be available to the public later in 2014, and the final decision is expected by early 2015.

### Discussion

Simonds asked if the plan is based on the recommendations received at all of the hearings and meetings held over the last couple of years, as well as comments from the government.

Hirsh said input from the MTMAC has been received. Based on the public meetings, six major goals and objectives were developed and have been shared with the public and the MTMAC. Feedback was received and is assisting in the development of the management plan activities.

Palacios said, in his role as the DLNR head, he was appointed by the governor to sit on the MTMAC. It has been contentious discussions at times. When the waters surrounding the islands were not conveyed pending an agreement between the DOC, DOI and the CNMI government, the MTMAC members from the Commonwealth wanted to disengage from the management plan process. He said currently he is hopeful given the meeting between DOI and DOC regional directors and the CNMI Governor. The Governor made a commitment that by June 30 he will submit a communication to the NMFS and USFWS regional directors with the goal of the conveyance of the Territorial waters. He is disturbed with a map with a wildlife refuge depicted on the island of Maug, which could become a sticking point with the people of the Commonwealth. It is etched in the minds of the Commonwealth people that the islands are going to be left alone as unique conservation areas. These islands belong to the people of the Commonwealth, who are also US citizens.

Hirsh said the monument, the waters and the submerged lands are of the people of CNMI and she looked forward to working with Palacios. She understood the preliminary meetings went fairly well and everybody is supposed to put their goals and objectives on the table for discussion at the next meeting. She is hopeful that they will be able to adopt the coordination and cooperation agreements into the management plan later in 2014.

Flint had nothing to add.

### **E. Education and Outreach Initiatives**

Ogumoro said has been involved in the International Fishing Derby scheduled for July 19 and 20 and will have a booth and display of Council materials and brochures. He is continuing with the radio fish talk once a month with a new time slot during the hours when people drive home after work. The high school summer course will convene beginning July 7 and up to 20 students are expected to participate. The course covers local resources and different professions in the fishing industry.

## **F. Advisory Group Reports and Recommendations**

### **1. Joint Advisory Panel**

Joshua DeMello, Council staff, presented the Joint AP recommendations as follows:

*Regarding Guam fisheries, the Joint AP recommended the Council continue to support Guam's stance on the military buildup.*

*Regarding Guam fisheries, the Joint AP recommended the Council continue to support the work on immigrant fishing impacts on Guam started by the Council staff this past June.*

*Regarding CNMI fisheries, the Joint AP recommended the Council remove the CNMI bottomfish closed area.*

*Regarding CNMI fisheries, the Joint AP recommended the Council support the CNMI MCP, as revised.*

*Regarding CNMI fisheries, the Joint AP requested the Council inquire with the USFWS and NMFS on the responsibility for the removal of a grounded vessel within the Marianas Trench MNM.*

*Regarding CNMI fisheries, the Joint AP requested workshops on fishing techniques, HACCP training, and process and marketing of fish products for the CNMI.*

### **2. Archipelagic Plan Team**

Sabater reported there were no Archipelagic Plan Team recommendations.

### **3. Fishery Industry Advisory Committee**

Mitsuyasu reported the FIAC recommendations as follows:

*The FIAC recommended the Council continue to communicate the fishermen's concerns regarding the impacts to traditional fishing grounds from the potential establishment of the Ritidian firing range, which is also a National Wildlife Preserve and an MPA.*

### **4. Social Science Planning Committee**

Hawkins reported there were no SSPC recommendations.

### **5. Marine Planning and Climate Change Committee**

DeMello reported there were no MPCCC recommendations.

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

Daxboeck reported the SSC recommendations as follows:

*Regarding the CNMI bottomfish amendment, the SSC recommended that the Council support the option to remove the large vessel 50 nautical mile geographic closure for the Northern Mariana bottomfish fishery.*

#### **H. Public Hearing**

There was no public testimony.

#### **I. Council Discussion and Action**

*Regarding Guam, the Council recommended **staff continue to communicate to the DOD fishermen’s concern regarding impacts to traditional fishing grounds from the potential establishment of the Ritidian firing range, which is also a National Wildlife Preserve and MPA, as well as communicate concerns over other military buildup activities that may impact the Guam fishing community.***

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

*Regarding Guam, the Council directed **staff to continue to support activities to address immigrant fishing impacts on Guam’s resources through existing Council projects.***

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

*Regarding Guam, the Council approved **the Guam MCP and requested Gov. Calvo send the MCP for approval by NMFS as soon as practicable.***

*Moved by Duenas; seconded by Sword.*  
*Motion passed, with a vote to abstain cast by Tosatto.*

Tosatto noted he will abstain from the vote.

*Regarding CNMI, the Council directed **staff to prepare the final amendment package for transmittal to NMFS with the proposed action being the removal of the 50 nautical mile closure for bottomfish vessels over 40 feet in length around the southern islands of Rota, Tinian, Aguigan and Farallon de Menidilla and 10 nautical miles around Alamagan.***

***Further, the Council deemed that regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the MSA. In doing so, the Council directed Council staff to work with NMFS to complete regulatory language to implement the Council’s final action. Unless otherwise explicitly directed by the Council, the Council authorized the executive director and the chair to review the draft regulations to verify that they are consistent with the Council action before submitting them along with this determination to the Secretary on behalf of the Council. The executive director and the chair are authorized to withhold submission of the Council action and/or proposed***



**regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.**

Moved by Duenas; seconded by Sword.  
Motion passed, Tosatto voting to abstain.

Regarding CNMI, *the Council approved the Guam MCP and requested Gov. Inos send the MCP for approval by NMFS as soon as practicable.*

Moved by Duenas; seconded by Sword.  
Motion passed, Tosatto voting to abstain.

*Regarding CNMI, the Council requested USFWS and/or NMFS remove the grounded vessel within the Marianas Trench MNM, or Maug.*

Palacios noted this is a marine debris issue.

Tosatto reported that a Japanese-flagged fiberglass multi-hulled private sailboat used the caldera of Maug for protection from bad weather. The anchor did not hold, and the vessel ended up on the beach. The Japanese USCG assisted the boater, removed him from his vessel and returned to Japan. The USCG and the Monument managers monitored the situation. Because the location was so remote, nothing could be done. The vessel broke apart on the beach. The last NOAA cruise reported the vessel was in pieces, with pieces both on the shoreline and under water. Tosatto agreed it is a marine debris issue.

Palacios voiced his unhappiness with the way the whole incident happened. It was inappropriate that he was not kept informed of the progress or lack of progress. He is hopeful that lessons were learned from the mistakes.

*Regarding CNMI, the Council directed staff to conduct workshops on fishing techniques, HACCP and processing and marketing of fish products for the CNMI.*

Moved by Duenas; seconded by Sword.  
Motion passed.

### **13. Pelagic and International Fisheries**

#### **A. Modification of American Samoa Large Vessel Prohibited Area (Action Item)**

Dalzell presented information on the modification of the LVPA in American Samoa. In February, conventional, large monohull longline vessels were tied up with for sale signs. Vessels in Fiji, including Chinese longline vessels, which are heavily subsidized, were also tied up. Even with the subsidies the Chinese longline vessels could not make a profit.

Fishing for South Pacific albacore has had low catch rates for several years. The CPUE has declined over time. In 2001 a longline operator in American Samoa could make up to \$170,000 a year net annual return per vessel. In 2009, return had reduced to \$6,379, a 96 percent

decline in revenues. In 2013, the fishery was in negative equity territory, where it cost more to go fishing than it cost to stay home.

The albacore fishery is a strongly seasonal fishery. The February-March period is a time of low albacore catch; the catch increases from May to September. The fishery has improved in the recent months.

In 2012, the albacore catch was 87,000 metric tons, with a record catch in 2010 of almost 90,000 metric tons. Since 2010, the catch has gone down, with its lowest catch in 2013 of 2,000 metric tons, low catch rates are now coupled with low ex-vessel prices and high operating costs. The South Pacific albacore is not experiencing overfishing and is not in an overfished condition. However, there has been decline in the exploitable biomass available to the longline fishery. A map depicting the current LVPA and the American Samoa albacore longline catch for 2011 to 2012 was shown.

At the 159th Council meeting the Council directed staff to prepare a draft regulatory/FEP amendment/framework measure to the Pelagic FEP to modify the LVPA and identify options to reduce for a period of one year the northern boundary of the LVPA around Tutuila, Manu`a and Rose to 25 nautical miles. The LVPA around Swains would also extend 12 nautical miles as the preliminary preferred alternative. Dalzell noted that he interpreted the word “reduce” to mean exempted areas.

Around Tutuila and Manu`a, the 25-nautical-mile boundary would amount to a reduction of 10 or 12 miles from the existing boundary to the proposed boundary. The exemption would be for one year, but possibly could extend to three years based upon comments received at the American Samoa public meetings. Another alternative would provide an exemption to the longliners to additional boxes in the west and southeast where seamounts exist that are important to the troll, commercial and sports fishing vessels in American Samoa.

The summary of options included:

- 1) No action. The pros, it would maintain the current administrative and monitoring burden for the American Samoa longline fleet with almost 26 percent of the EEZ remaining closed to large longline vessels. It would maintain the maximum separation between large longline vessels and small-scale alia and troll vessels. The cons of no action include that it would maintain potential for catch competition between large longline vessels in the open areas of the US EEZ around American Samoa and would deny opportunity to large vessels in areas where albacore may accumulate.
- 2) The Council’s preliminarily preferred alternative, modify the LVPA and identify options to reduce for a period of one year the northern boundary of the LVPA around Tutuila, Manu`a and Rose to 25 nautical miles and to reduce the LVPA around Swains to 12 nautical miles. This would mean 18.3 percent of the EEZ closed would be closed to large longline vessels. The pros would involve reduced catch competition. The exemption sunsets after a year and still maintains a separation of the large and small pelagic fishing vessels. The cons are, while the exemption around Swains is substantial, the southern exemption is small, so it is likely to make very little difference, if any at all. A one-year

exemption is too short to make any significant difference to the longline fishery, and perhaps it should be for three years instead, as the Council heard in public meetings in American Samoa.

- 3) The same as Option 2, but with the added exemptions to the south, which would result in 15.2 percent of the EEZ closed to large longline vessels. The pros include much greater exemptions in the southern LVPA. Besides reducing catch competition, it may mean much shorter trip times and cost savings for the longline fleet. It maintains separation of large and small fleets and quarantines seamounts. The cons are the option may likely be unpopular with small-scale fishermen regardless of any sunset provisions and regardless of the fact that it does not impinge on the seamounts. If longline fishing improves, longliners may want to extend to the three-year option or even longer.

The Council was tasked with deliberating adoption of the preliminary preferred alternative as final, adopt a modified preliminary alternative as final, or adopt a new alternative. Dalzell presented the summary of comments received by the Council regarding the modifications.

Simonds said the Council respects the wishes of the Governor and people of American Samoa and she is hopeful a resolution will be reached that is agreeable to everyone in American Samoa.

**B. Experimental Fishing Permit - American Samoa Large Vessel Prohibited Area (Action Item)**

Dalzell reported the Experimental Fishing Permit for the American Samoa LVPA was withdrawn prior to the Council meeting.

**C. Overfished Determination for Western and Central Pacific Ocean North Pacific Striped Marlin (Action Item)**

Dalzell reported that in 2012 a stock assessment conducted by the ISC, the science body for the Northern Committee, showed that the Western and Central North Pacific Ocean (WCPNO) striped marlin was overfished. The stock was officially determined by NMFS to be overfished in a letter received by the Council dated Dec. 5, 2013, which was followed by a May 19, 2014 notice in the Federal Register.

Dalzell reviewed WCNPO striped marlin catch by gear and by country. Japan accounts for 66 percent of the total striped marlin catch; Taiwan, 17.5 percent; and the United States, 14 percent.

The stock assessment showed a significant decline in spawning biomass and was among the factors considered by NMFS in making its overfishing determination. Kobe plots illustrated the stock is overfished. A stock assessment conducted and published by Piner et al. in 2013 states, if fishing mortality is reduced, stock recruitment would show improvement. Stock recruitment is largely independent of stock size and more a function of environmental factors. The best alternative is to maintain a constant catch of 3,600 metric tons.

WCPFC and IATTC have management measures for the stock. WCPFC CMM 2010-01 provides that the total catch of North Pacific striped marlin be subject to a phased reduction to 80 percent of the levels caught in 2000 to 2003 by Jan. 1, 2013. Dalzell presented data collected on the annual catch landed by the US North Pacific troll and longline fisheries during the years of 2006 to 2013.

At the 157th Council meeting the Council recommended that NMFS develop management measures that would end overfishing, such as fishing at the constant catch of 3,600 metric tons as noted in the 2012 stock assessment. The Council further advocated measures that establish limits of not more than 500 metric tons for any WCPFC cooperating nonmember or member with a history of catching less than 500 metric tons of striped marlin. Council transmitted the recommendation to NMFS and the State Department.

Options presented to Council members as domestic measures to address overfishing of striped marlin included the following:

- 1) No action, which has no additional regulatory burden but may be contrary to MSA where domestic rulemaking is obligatory.
- 2) Prohibit retention of WCNPO striped marlin by the Hawai`i longline and troll fisheries when the WCPFC catch limit of 458 metric tons is reached. This option is consistent with MSA and permits landings into Hawai`i albeit with an upper limit on landings. The measure applies to all fisheries, not just the longline fishery. One con of the measure would be that it is unlikely that similar domestic rulemaking would be conducted by other WCPFC members and participating territories and may have a disproportionate impact on the charter vessel fishery.
- 3) Prohibit retention of WCPO striped marlin by the Hawai`i longline fishery when 95 percent of the limit is reached by the longline fishery. The advantages of this option includes the Hawai`i longline fishery conducts close monitoring for bigeye tuna and it may be relatively straightforward to add striped marlin in the near real-time monitoring from the fishery with little potential for the troll fishery to exceed the catch limit. It would also lessen the impact on the charter vessel fishery. Some disadvantages include that this option may be perceived inequitable by the longline fishery despite being consistent with the MSA. Options 2 and 3 will have little to no impact on the striped marlin stock status.

The Council was asked to select one of the alternatives as a preliminary preferred alternative or develop another alternative that would address the domestic regulation of WCNPO striped marlin catch consistent with MSA 304(i)(2) and 304(i)(2).

### Discussion

Goto said one item of note was to monitor what effect the decrease in Japanese landings of striped marlin will have on total catch. The effect should be included for consideration in the review of catch rates.

Palacios said there is potential for Japanese longline fleets decreasing effort in light of the recent report stating that younger fishers are not replacing the aging, skilled longliners.

Dalzell said there was some decline in the Japanese catch recently because the earthquake and tsunami affected the operation of two ports responsible for the driftnet and longline fishery. There is potential for natural retrenchment of the Japanese fleets that target striped marlin. The WCPFC CMM from 2010 is still in effect, but there has been no interest expressed in serious evaluation of the measure.

Tschirgi said, regarding at-sea enforcement for options 2 and 3, having no retention, it would be difficult and a challenge for the USCG to identify the difference between a striped and blue marlin in a headed and frozen condition.

#### **D. Longline Quarterly Reports**

##### **1. Hawai`i**

Boggs said there would be no report on this item due to scheduling difficulty. PIFSC did not regard it as a high priority item and asked the Council to consider removing all reports to the Council since the quarterly reports are available online.

Goto directed Council members to the PIFSC website.

##### **2. American Samoa**

No presentation due to a scheduling difficulty and due to the fact the report is available on PIFSC's website.

Goto said in light of the recent news about Hawai`i longline fisheries and the decrease in market value there is a small contingency of longline boats wanting to tie up and not go fishing. This prompted a closer look at the numbers to discern what is going on and why. The average bigeye price per pound was high for the first quarter and half in 2014 while the supply remained steady. In April, there was a noticeable decrease in volume while the price remained low. When the average price of bigeye is low, the price goes up for the other species, like marlin, opah and mahimahi. Even though supply was steady, the demand went down. The quality of fish has been low for 2014, but not to the point that would discourage demand. The assumption is there is a big influx in outsourcing into Hawai`i by the buying community and is reflected in the market, which is why the fishery is struggling. It usually does pick up throughout the summer months, but it is a disturbing trend.

#### **E. Big Tuna Movement Workshop**

Dalzell reported on the April 2014 Bigeye Tuna Movement Workshop held in the Council office, which resulted from an SSC recommendation from the 114th SSC meeting. The workshop stemmed from the spatially disaggregated bigeye stock assessment. It was clear that the impacts of fishing are not homogenous across the entire Pacific, particularly in Region 2.

Workshop participants were comprised of experts on Pacific bigeye from PIFSC, Australia, SPC, IATTC, Hawai`i, Texas A&M University and France. The agenda included presentations on life history and biology, fisheries synopses, stock structure and assessment, current assumptions and hypotheses, genetic studies, tagging studies and implication of bigeye management measures. Meeting recommendations and comments will be used to develop a technical report and manuscript for a peer review journal.

David Itano, from PIRO, acted as co-chair of the meeting and shared background information of the biology of Pacific bigeye. One of the largest data gaps on the species is information from reproductive studies, such as where and when they spawn and how often. The Japanese longline fleet in the past had a large, high-valued bigeye fishery. Since 1992 purse seine effort has increased in the Eastern Pacific on drifting FADs where large numbers of juvenile and sub-adults are caught resulting in stress being put on populations across the Pacific Basin. In the Western and Central Pacific Ocean (WCPO), CPUE in the longline fisheries are on the decline and CPUE of bigeye in the purse seine catches east of 170 are increasingly high. The Central Equatorial Pacific has a similar increase in CPUE of bigeye caught on purse seine gear, which has been accelerating since 1995 and is partially attributable to the influx of large Spanish purse seine vessels fishing on drifting FADs.

Hawai`i's longline fresh fish fishery is dependent on bigeye tuna. The increasing effort of purse seine vessels on drifting FADs has reduced the bigeye stock in the Pacific. It in combination with longline effort across the whole Pacific on the adult spawning stock has contributed to the overfished or close to overfished or overfishing designation in recent years. One report stated the maximum exploitation potential of bigeye was reached in 2012, approximately 240,000 metric tons per year.

Data gaps include information of a finer spatial scale and operational data from all of the fisheries. The most noteworthy need for data was for FAD characteristics used by the purse seine fleet to aggregate fish to increase purse seine efficiency, such as basic information on numbers of FADs used by vessel, by fleet and by area. Currently, the information is proprietary.

Little is known about stock structure and transfer rate in areas. Bigeye movement can be highly influenced by oceanography and productivity along the oceanic fronts. There is some evidence from tagging data the fish in the far west mix with the Central Pacific, fish from the east mix with the Central Pacific, but the east and west hardly mix at all. More research is needed on the origin and exchange rates of bigeye tuna between regions and fisheries. It is important to understand where the bigeye that sustain the Hawai`i fishery comes from and where they go.

It is also important to accommodate regional differences in characteristics of growth and reproduction in stock assessment models, to identify the characteristics that influence movement and their resident nature in certain situations, and to develop better area-based management tools that incorporate specific information more accurately into assessments.

In regards to tagging studies, Itano said he supported expanding the size range of tagged releases with more tagging of large sub-adults and adults. He urged exploring different fishery-independent means of obtaining information. He noted the use of genetics was explored and is

showing promising results for looking at stock structure for yellowfin and bigeye. Otolith analysis is useful to determine where the fish were born and recruited.

New technologies were discussed, and some time was spent looking at methods yet to be developed, such as using the industry's lead to use drifting FADs to aggregate bigeye tuna, tag them, remove the FADs from the water and let the fish disperse freely. Otolith sampling needs to take place in areas not yet properly sampled and there is the potential of using commercial longline vessels in the effort. Movement models need to be developed that incorporate size, maturity, feeding areas, spawning areas, currents and oceanography.

Some questions came out of the discussion. For example, a fundamental question is where does the bigeye tuna that supplies the Hawai'i fishery spawn. Researchers also want to know the connectivity or potential connectivity between the NWHI and Japan to the Hawaiian Island fisheries for aku, bigeye and yellowfin and want to conduct tagging studies to the northeast, northwest and north of Hawai'i.

Itano said it is important to learn what is occurring in the fishery in the Central Pacific, as the purse seine fishery has expanded to fish on a population that was previously unexploited. He stressed this topic should have significant consideration going forward. Development of the projects will continue with the Council's support.

#### **F. Disproportionate Burden Workshop**

Dalzell presented background information of the workshop. In the WCPFC CMM 2013-01 for bigeye, yellowfin and skipjack. Various stipulations were included, one of which was an instruction that the various measures adopted do not result in transferring directly or indirectly at a disproportionate burden of conservation action onto Small Island Developing States. A CMM also came out of the Cairns meeting which addressed that future measures should not result in a disproportionate burden on the Small Island Developing States.

The Council has been working to put together a workshop on disproportionate burden. The workshop is scheduled for Sept. 18 to 20, 2014. Dalzell presented the list of participants, proposed agenda and discussion topics. Participants include experts on welfare economics, policy and others. The workshop will examine the claim by small island states in the WCPO that CMMs for bigeye and other tuna impose an unfair and disproportionate higher management burden on them than on distant water fishing nations. On the agenda are presentations on fishery management arrangements in the Commission and the distinction between the Commission, Forum Fisheries Agency and the Parties to the Nauru Agreement, as well as institutional history and legal aspects of disproportionate burden, its meaning and interpretation and origin. What disproportionate burden in the WCPO actually means will be a major topic. There are invited papers to be discussed from various resource economists.

Some of the discussion questions are as follows: Who has standing? Who gets to sit around the table and discuss disproportionate burden? How is disproportionate burden defined, and who is going to be the recipients of any compensation? What is disproportionate burden? All aspect needs to be looked at, as do benchmarks. Among the other topics were economic theory and distribution, basic needs, social affordability, nonmarket impacts and indirect effects.

Meeting outputs include an economic framework to analyze and measure the distributional impacts and policy questions that need answers. The disproportionate burden workshop preparation is ongoing.

### Discussion

Simonds asked if the welfare economists would be weighting any of the items. She said she did not know what shadow pricing means.

Dalzell said shadow pricing and shadow wage rates are transactions that do not show up in the normal financial records. Another term is the black economy.

Simonds asked if anybody would ever share shadow price information.

Dalzell said it is difficult to get people to agree to come to the workshop. There is enough information available to develop a mechanism, equation or algorithm into which numbers can be plugged.

Simonds said it is difficult to get them to share the price of their fishing permits, which is a key piece of information.

Dalzell said the price of fuel and labor, the gross national product, and financial accounts from the governments are available for use. The biggest proportion of the revenue comes from the volume of fish associated with the permits reported in the Commission's annual reports.

Palacios voiced support for the workshop. It is something that needs to be addressed.

Simonds said, every time there is a cut in quota, there is a disproportionate burden on the Hawai'i longliners compared to the rest of the countries whose quotas remain the same or are increased.

Goto also agreed.

## **G. International Fisheries**

### **1. Inter-American Tropical Tuna Commission Science Committee**

Dalzell presented information on the Inter-American Tropical Tuna Commission (IATTC) Science Committee. The IATTC's area of jurisdiction has annual catch between 500,000 metric tons to 600,000 metric tons of yellowfin, skipjack, bigeye and Pacific bluefin. Over time, skipjack has replaced yellowfin as the predominant species taken in the fishery. In 2013, bigeye catch was reduced from 66,000 metric tons to 49,000 metric tons. Over a 10-year period spawning biomass of bigeye has just about equaled biomass at MSY.

The recovery trends since 2005 coinciding with the beginning of the IATTC tuna conservation resolutions have not been sustained since 2010. Biomasses were reduced to historic levels at the start of 2014. The recent declines may be related to a series of below-average recruitments coinciding with strong La Nina events since 2007. At current fishing mortality



levels and average recruitment, spawning biomass ratio was predicted to stabilize at spawning potential ratio at MSY. Even though bigeye catches have reduced, other environmental effects may be having an influence.

Yellowfin fishing mortality is estimated to be below those corresponding to the MSY. The fishery is now being fished at MSY.

There was no stock assessment conducted for skipjack. The main concern with skipjack is related to the constantly increasing exploitation rate, which appears to have leveled off in recent years. Indicators have yet to detect any adverse consequences. However, the average rate is below its reference level in 2009, which might be a consequence of overexploitation but could be caused by recent recruitments being greater than past recruitments or expansion of the fishery into areas occupied by smaller skipjack. The continued decline in the average length is also a concern, and combined with the leveling off catch in the CPUE may indicate that the exploitation rate is approaching or above the level associated with MSY.

Northern albacore is in good condition, currently fished at levels below MSY.

Spawning biomass for bluefin has shown a long-term decline. It is a highly depleted stock, and current biomass is at or below the level recorded. Pacific bluefin is not in good shape.

The IATTC is also exploring white-tip shark CPUE in the northern and southern part of the zone.

Dalzell noted that almost half of the mahimahi caught globally comes out of Peru, and most is imported to the United States. The committee is looking at indexes of abundance using CPUE.

## **H. Advisory Group Reports and Recommendations**

### **1. Joint Advisory Panel**

DeMello reported there were no Pelagic-specific recommendations from the Joint AP.

### **2. Pelagic Plan Team**

Keith Bigelow reported that the Pelagic Plan Team had no recommendations to present under the Pelagic and International Fisheries agenda section.

### **3. Fishing Industry Advisory Panel**

Mitsuyasu presented the FIAC recommendations as follows:

*Regarding American Samoa, the FIAC recommended the Council allow an exemption to the American Samoa longline permit holders to fish in the LVPA on a temporary basis, which will support the local economy, fishery participants and canneries.*

*Regarding American Samoa, the FIAC recommended the American Samoa government assess and address the lack of dock space for all vessel activities, container and cruise ships and purse seine, longline and alia vessels in the Pago Pago Harbor. In addition, it recommended that the American Samoa government look at establishing a dedicated dock for the local longline vessels.*

*Regarding American Samoa, the FIAC recommended that the Council request the Certificate of Origin information from NMFS for foreign landings in Pago Pago.*

*Regarding Hawai`i, the FIAC recommended that the State of Hawai`i coordinate with the Council and NMFS on increasing the commercial yellowfin and bigeye minimum size limit.*

*Regarding Hawai`i, the FIAC recommended that the Council and NMFS consult with the FDA on their interpretation of the seafood guidelines with respect to fresh tuna in relation to parasites in skipjack.*

*Regarding Hawai`i, the FIAC recommended that the Council establish a regulation to prohibit the retention of WCNPO striped marlin when 95 percent of the US limit is reached by the Hawai`i longline fishery.*

*Regarding pelagic fisheries region-wide, the FIAC recommended the Council support economic assessments for US Pacific Islands fishing fleets with respect to resource conditions, capacity levels and competition.*

*Regarding pelagic fisheries region-wide, the FIAC recommended the Council convene a workshop with international participation on the Parties to the Nauru Agreement longline vessel day scheme.*

*Regarding pelagic fisheries region-wide, the FIAC recommended that the Council oppose the proposed expansion of monuments in the WPR and communicate to the White House that the proposal will have no added conservation benefits and will negatively impact US purse seine and longline fishermen, economies of the US Pacific and diminishing US presence in the region.*

#### **4. Social Science Planning Committee**

Hawkins reported there were no pelagic-specific recommendations from the SSPC.

#### **5. Marine Planning and Climate Change Committee**

Spalding reported there were no pelagic-specific recommendations from the MPCCC.

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

Daxboeck reported the SSC recommendations as follows:

*Regarding the overfished determination of WCPO North Pacific striped marlin, the SSC recommended Alternative 3 because the troll fishery has never caught more than 5 percent of the total Hawai'i striped marlin catch.*

*Regarding the Bigeye Tuna Movement Workshop, the SSC would like to see the application of existing models to evaluate alternate management strategies.*

#### **J. Standing Committee Recommendations**

Goto reported the Pelagic and International Standing Committee deferred discussion regarding the Committee's recommendations to the full Council.

#### **K. Public Hearing**

Stuart Chikami, commercial fisherman from American Samoa, said his family has operated a purse seiner and three longliners out of American Samoa since 1982. Most places would fight to have an established longline industry in the Pacific that is productive with canneries. American Samoa's longline fishery needs support. It is part of the Territory's economy with a trickle-down effect. He said he did not view the fishery as small longliners or large longliners, but as one industry that consists of all types of vessels. If an industry is not economically viable, there is no industry.

He pointed out operating out of American Samoa is difficult, isolated and remote. During the recent years there were twice as many vessels fishing. Not many vessels can afford to pay for the licensing in the different areas and require vessels to stay within their waters in order to build up a catch history. The vessels that are currently in American Samoa are local vessels with established businesses and participate in the economy. There are not many job opportunities to enable people to stay in American Samoa. The fishing industry could provide job opportunities.

Boats are tied up for two months for the first time in over 15 years. Vessels usually fish through the bad time of year to keep turnover down and crew employed. Some boats tied up for five or six months. The situation has improved. During the downturn, owners went through reserves on hand and are not taking out loans to go fishing in the hope it will be a good year. He added the economics of the fishery are skewed because of the heavily subsidized Chinese vessels, which are very competitive. He said, if the exemption went in, it would be helpful and appreciated, but most importantly, it would be good for American Samoa. The fishing industry is good for American Samoa, and American Samoa's fishing industry should be supported.

#### Discussion

Simonds said, in regards to the vessels maintaining the captain and crew when not fishing, those costs are multiplied by the number of boats that the owner possesses.

Chikami said the costs include generators, security, insurance, USCG requirements, etc.

Sword asked Chikami to discuss the impact of the price of fish and the subsidized foreign fleets.

Chikami said the fish price right now reflects a tie-up at the beginning of the year. In the last few months prices have started moving up. The season is just beginning with all of the boats actively fishing so he is not sure how much higher the price will rise. Currently, the catches have improved, averaging three-quarters of a ton a night. The large catch trips are necessary because the season lasts only a few months.

Poumele asked when was the last time one of Chikami's vessels offloaded at one of the canneries.

Chikami replied just over a week ago.

Poumele said her understanding is vessels are waiting for the price to change or be taken elsewhere. She noted that Tri Marine has ample cold storage filled with skipjack. The comment she heard was there was no shortage of fish, but more a matter of where the fish will be shipped.

Chikami said that was a misconception. The ships that are actually in port are not there for the longline fleet. The albacore is in American Samoa because albacore is the money fish for American Samoa. Albacore is one of the most important species for American Samoa. ... There is limited volume that StarKist can take as it has limited freezer capacity. Instead of vessels staying in port waiting on the cannery, the carrier will go to Bangkok or the Eastern Pacific. His understanding is Tri Marine tries to get the best price for its vessels, which basically acts as a buffer for StarKist in case of a shortage of fish. The albacore is different.

Simonds asked where the albacore was caught that is delivered by other longliners.

Chikami replied from all over the Pacific, but mostly the Cook Islands.

Simonds asked if Taiwanese boats or Luen Thai vessels have licenses to fish in the Cook Islands.

Chikami replied the boats would be Taiwanese Chinese.

Simonds said the Council supports all fishery development and is seeking a way to deal with the opportunities for development and aspirations of the government, itself.

Goto said there is a continuing topic of inequity in fisheries that is now beginning to affect US domestic commerce. The Council is pushing through to turn it around.

Sword asked what the other regional countries are charging for fishing and if the Chinese fleet pays the same fees.

Chikami said the Cook Islands number was just something he had heard. He does not know firsthand. Vessels are also fishing in Niue and Tokelau. As far as the Chinese fees, he thinks they are the same fees, but not sure in what form.

## L. Council Discussion and Recommendations

*Regarding exemption to fish within the American Samoa LVPA, the Council supported all forms of pelagic fishing in American Samoa and the need to balance existing fishing activity and fishery development aspirations. The Council recommended deferring action at this time until further discussions and public meetings with representatives of the American Samoa government, Swains Island, Tutuila and Manu`a Islands and American Samoa fishermen. The Council will work with Council members and advisors to coordinate the various discussions and public meetings.*

*Moved by Goto; seconded by Sword.*

*Motion passed.*

Sword noted the difficulty in addressing the topic for the American Samoa Council members hearing the public testimony given during the Council meeting and all of the other businesses that fish and trying to earn a living out of fishing in American Samoa. Village chiefs are writing petitions. He added that the Council has been the champion of the people ensuring that the public is heard and works to strike a balance after listening to the fishermen and community members and considering the economics of the Territory while addressing fishery development aspirations. A compromise is needed that will assist everyone, sports fishers, alias, longliners and the canneries. Providing more time will help to arrive at an amicable decision.

Poumele pointed out the impact the canneries have on the economic development of the Territory. Establishing a balance so the people will benefit the most economically is what is needed and is why more time is needed to assess all of the critical components and to be mindful of the development on the island to American Samoa's children.

Matagi-Tofiga agreed with her colleague's comments. From the cultural, government and industry perspectives, the Council needs more time to go back to the table and sort through all of the issues.

Palacios encouraged staff, the executive director and members of the Council from American Samoa to engage appropriately and as much as possible to address the topic of the LVPA and receive input from the community to inform the decision-making at the next Council meeting.

*Regarding the overfished condition of WCNPO striped marlin stock, the Council directed **staff to prepare, for consideration at the 161st meeting, draft domestic regulations to prohibit the retention of WCNPO striped marlin in the Hawai`i longline fishery when 95 percent of the US limit is reached by the Hawai`i longline fishery.***

*Moved by Goto; seconded by Sword.*

*Motion passed.*

Goto noted that this action is required domestically under the MSA, and it would be helpful to look at the mortality rate of striped marlin that has been hooked. It would be nice to see in any year how the foreign fleets diminish capacity to land the striped marlin in the WCPO

and how that has affected the stock status. He spoke in support of the recommendation, adding that there is a lot riding on it.

*Regarding seafood guidelines, the Council recommended **that the Council and NMFS consult with the FDA on their interpretation of seafood guidelines with respect to fresh tuna, such as parasites in skipjack.***

*Moved by Goto; seconded by Sword.*

*Motion passed.*

Goto noted the importance of this recommendation as there is only one skipjack boat operating, which provides the best skipjack in the area. Vendors have been meeting to discuss how to continue to sell fresh aku.

*Regarding a WCPO longline vessel day scheme, the Council recommended **that staff convene a workshop with international participation on a potential WCPO longline vessel day scheme.***

*Moved by Goto; seconded by Sword.*

*Motion passed.*

Simonds noted her assurance that the Region will help fund the workshop.

*Regarding the MNMs, the Council directed **staff to work with the US purse seine fleets and Hawai`i and American Samoa longline fisheries to identify impacts to these fleets from the proposed expansion of monuments in the WPR.***

*Moved by Goto; seconded by Sword.*

*Motion passed.*

Palacios noted he and the vice chair of the Council signed a letter on behalf of the Council to the President expressing the Council's concern about the expansions of the monuments. The press release on the Council's position will be sent to the President.

Simonds said the comment document is included in the Council members' briefing materials.

Sword said, since there is a longline fishery in American Samoa that may be impacted, to include American Samoa along with Hawai`i's longline fleet.

There were no objections to the addition.

*Regarding the cost-earnings studies of the Hawai`i longline fishery, the Council endorsed **the SSC recommendation that NMFS examine non-marketed landings and shadow prices and to document the movements and economic performance of longline vessels moving between Hawai`i and California.***

Moved by Goto; seconded by Sword.  
Motion passed.

Callaghan clarified economists use the term shadow price to reflect an estimated price for fish given away or bartered by using the market price to account for the fish given away, or put another way, an estimated price when there is no recorded price available.

Sword said there are non-marketed landings in American Samoa.

Goto acknowledged there is longline movement between Hawai`i and California in the shallow-set swordfish fishery. The market system differs greatly and needs to be factored into the study in order to make a direct comparison.

Tosatto said the recommendation came out of the SSC when the SSC received a cost earnings study of the Hawai`i longline fishery from PIFSC, which led to questions about the nonmarket landings and shadow prices. With respect to the nonmarket landings in American Samoa, he is unaware of a cost earnings study of the American Samoa longline fishery.

Simonds pointed out the topic should be addressed in a separate recommendation.

*Regarding spatial management of Pacific bigeye tuna, the Council directed staff to work with NMFS, SPC, WCPFC and IATTC on the application of existing models to evaluate spatial management strategies for Pacific bigeye.*

Moved by Goto; seconded by Sword.  
Motion passed.

*Regarding Hawai`i yellowfin and bigeye commercial minimum size, the Council directed staff work with the State of Hawai`i to explore options for increasing the minimum size limit for yellowfin and bigeye tuna, including a potential size limit of 24 inches.*

Moved by Goto; seconded by Sword.  
Motion passed.

Simonds said the word commercial should be included because it only applies to commercial fishing, not subsistence, or recreational.

Goto said there is a market value for the small tuna and it is a viable resource, though he does not condone the practice.

Simonds said raising the minimum size for commercial sales was discussed in the 1970s and 1980s. At that time Council member Frank Goto encouraged the Council to help the people who cannot afford the larger-sized fish.

Michael Goto added there are small markets in Chinatown and the roadside vendors, which is a component of the fresh fish market.

Sword asked why American Samoa is not listed under NOAA's Program, when it used to be listed in the top five fish-producing territories or states.

Tosatto said he does not know the reason, but in the mid-2000s the fishery economics of the US report stopped reporting total landings in US ports and shifted to US-caught landings and could not discrete the US landings in American Samoa. He has engaged with the Science and Technology Division, who created that report for NMFS, to try to get an understanding for the change and how to return American Samoa to the list.

Simonds said it is not about cost earnings. It will be included in a letter to PIFSC and there is no need for a recommendation.

Palacios said those same numbers were used to calculate the Interjurisdictional Fisheries Act (IFA) grants to each of the coastal states and territories and is why at one point American Samoa had high IFA grants. DMWR may be losing financial sources.

Matagi-Tofiga noted DMWR no longer receives those funds.

Palacios supported the Council sending the letter.

A resolution was adopted in recognition of Tschirgi for his service and contribution to the Council, the WPR island communities and the nation.

#### **14. Administrative Matters**

Palacios reported that the Administrative Executive and Program Committee met at 3 p.m., May 24. All Council members were present.

##### **A. Financial Reports**

Simonds reported that the Council is waiting to receive all of the funds of the 2014 budget, which is the last year of the multi-year budget. The funds are held up while the Administration receives Congress' response to the Administration's spending plan. A no-cost extension for 2014 funds will be requested. At the 159th Council meeting the FY2015 to FY2019 budget was approved with a 5 percent increase for each year; some councils may be asking for more than 5 percent. The Coral Reef 2012 grant ends September 2014, with two outstanding contracts to be completed. The Coral Reef 2013 grant also ends in 2014. The stock assessment models with genetic and connectivity components are underway. The Turtle 2013 grant funds were received several weeks ago. The grant ends 2014 and may require a no-cost extension. The SFF, SFF2 and SSF3 were reported earlier in the meeting. The SFF4 was submitted to PIRO for review. Simonds welcomed any questions regarding the SFF. The bigeye tuna SFF received a no-cost extension to April 30 and is expected to be completed in spite of bureaucratic delays.

#### Discussion

Palacios suggested assistance from the Council be utilized in efforts for the long outstanding fishing platform project in Guam and that information and lessons learned should be shared amongst the Territorial and Commonwealth agencies in regards to obtaining the required



permits. He spoke of his recent experience in CNMI dealing with the US Army Corps of Engineers with a 20-year dredging permit.

Taitague noted her frustration in the fishing platform project, which is now working with a new employee at the Army Corps of Engineers. She hopes there will be progress to report within the next month.

Sword asked for more information on the Army Corps of Engineers dredging permit.

Palacios said the Army Corps issued a 20-year permit to perform maintenance dredging on an annual basis in the Sugar Dock area in CNMI.

## **B. Administrative Matters**

Simonds reported a fishery analyst was hired, Becky Walker, who is a GIS specialist and will provide spatial analysis and assist in the updating of the Archipelago FEPs. The staff is reviewing potential information technology candidates. The Council's annual audit is underway and is expected to be concluded in September. The most recent FOIA was submitted to NMFS by Environment Hawaii requesting Council records, recordings, attendance sheets, reports and subcommittee meeting documents. NMFS provided a response on April 7 based on the information provided by the Council. Council communication is using technology called Constant Contact for its press releases. A copier is needed to replace the old one. Staff attended the recent Financial Assistance Workshop in Seattle to be kept current on grants as required by the Grants Office.

## **C. Standard Operating Procedures and Policies Review**

There was no report presented on this agenda item.

## **D. Council Family Changes**

DeMello reported the Joint AP reviewed the AP process for ways to be more effective in providing recommendations to the Council, the purpose and need from MSA that mandates the AP and ways to restructure the current way in which the AP is conducted. Solicitation for new members will begin in December. He put forward a proposal to remove the Pelagic AP and create Pelagic Fisheries subpanels under each of the AP to mirror the Council's Five-Year Plan with APs under each of the three Archipelagic FEPs. The current plan components consist of membership qualifications, duties and responsibilities, meeting reports and communications and outreach.

AP members said that the import items for success are attendance, participation, members who provide useful knowledge and following through with recommendations put forward. Members wanted to see increased participation from all of the islands, equal representation from all of the islands and a better selection process. After solicitation, a subcommittee will review all applications before the October meeting to have a solid foundation for selecting AP members. The members also stressed that the commitment from the AP needs to be clearly explained up front and to remove people from the AP if they are not living up to the commitment.

For duties and responsibilities, it was proposed that each member be responsible for an issue and see it through to conclusion. Council staff will provide support, membership and training. Duties and responsibilities would also include attending and participating in meetings, providing outreach, being the liaison in the community and providing feedback from the Council to the community and vice versa.

The AP suggested more face time with Council members and members attending their meetings to discuss issues directly rather than through island coordinators. More interaction with Plan Team and SSC members was also requested as well as greater Council staff support for meetings. Communication and outreach technology was discussed, noting that e-mail works well, along with other social media. Members also would like early notification of meetings or requests for comments.

The next steps include soliciting for applicants in the next two months. Staff will begin revising the application and using a newer form of electronic application, as well as the paper form for those who can't access the web. A subcommittee of Council members and other Council family will be convened to review the applications and put forward a list for approval at the October Council meeting.

### Discussion

Palacios voiced support for the restructuring of the APs. He said he looked forward to the engagement of the AP members into the Council process. Having the issues and concerns of the communities brought to the table will lead to AP members who engage themselves in a meaningful and active manner.

Simonds said the way the AP started was with separate subpanels for separate species. She stressed the importance of having spirited members who want to be engaged and agreed that the outlined principles will generate improved participation.

Palacios noted some AP members from CNMI were so inspired he reminded them to participate in a respectful and civil manner.

DeMello noted appreciation for the inspired engagement as it helped Council staff in its efforts.

Palacios voiced agreement with the AP changes.

Duenas agreed with the Council member joining in on the AP meetings and suggested the AP chairs be rotated every quarter in an effort to encourage more participation.

### **E. Advisory Panel Review and Plan**

This agenda item was reported in a prior presentation.

## **F. Meetings and Workshops**

### **1. May Council Coordination Committee**

Simonds reported the she and Dalzell will participate in the upcoming IATTC meeting. Spalding will attend the Living Earth Festival and First Stewards, with people from each of the island areas. Council member Poumele will present at the symposium. Spalding will attend one day of the National Marine Educators Association conference.

Dalzell will attend the Science Committee Aug. 6 to 14. Staff is considering holding a Puwalu on Kaua`i for the `Aha Moku council representatives. The Northern Committee takes place in Japan in September. The Council is considering participating in the Small Island Developing States meeting in Apia in September. Simonds is considering attending the UN World Conference on Indigenous People in September in New York. Kingma and Goto will attend the WCPFC Technical and Compliance meeting. The Permanent Advisory Committee meeting is scheduled for Oct. 6 and 7, followed by the 117th SSC meeting and the 161st Council meeting. Some Council members may be due for retraining; she would need to know as soon as possible. The chair of the AP may attend training as well. The WCPFC meeting is scheduled for Dec. 1 to 5 in Apia.

Poumele noted a reception is being planned in Pago Pago and efforts are underway for a special flight on Hawaiian or Polynesian Airlines.

Simonds suggested coordination with the Secretariat.

Poumele said the information will be provided in the near future.

Tosatto noted the announcement for the hiring and screening is due for selection to take place during the meeting.

Simonds suggested a meeting to discuss the matter.

## **G. Report on Magnuson-Stevens Fisheries Conservation and Management Act Reauthorization**

Simonds reported that Senator Begich will introduce a bill to strengthen fishing communities and increasing flexibility in fisheries management in the near future. It hopefully will include some of the items the Council has commented on in testimony sent to the House and the Senate, such as subsistence, ESA and MMPA. The bill language is still being worked on. Consistency in how the Fishery Management Councils handle NEPA has been worked through. Interest was noted in regards to the definition of and use of subsistence and customary exchange.

## **H. Other Business**

No other business was reported.

## **I. Standing Committee Recommendations**

Palacios presented the Standing Committee recommendations as follows:

*Regarding the AP five-year plan, the Standing Committee supported the AP five-year plan developed by staff.*

*Regarding administrative matters, the Standing Committee requested PIFSC and PIRO to provide assistance to CNMI, Guam and American Samoa by compiling the sea turtle data collected through PIRO- and PIFSC-funded activities into one technical report.*

## **J. Public Comment**

Dan Purcell, member of the public, reported after attending the Hawai`i State Board of Lands and Natural Resources meeting that the Board approved to streamline the process for the 400 fishponds in Hawai`i on public property. He also suggested the use of video conferencing to enable the participation of the public on the outer islands and other remote areas.

Palacios noted Purcell's suggestion, adding that the time difference, technology and communication availability hinders the progress to provide that service.

Tosatto added that the NMFS aquaculture coordinator embraced the fishpond process as a CMSP effort to organize the federal and state agencies in a multi-year collaboration to develop the streamlined process.

DeMello added the Council provided comments on the EIS, which included having a tiered class system for the permitting. He said the Council meetings are live-streamed on the web and work is ongoing to improve the technology.

## **K. Council Discussion and Action**

*Regarding administrative matters, the Council supported **the AP five-year plan as developed by staff and advisors and directed staff to move forward with the solicitation for new AP members as soon as possible.***

*Moved by Seman; seconded by Sword.*

*Motion passed.*

*Regarding administrative matters, the Council requests that **PIFSC and PIRO provide assistance to CNMI, Guam and American Samoa by compiling all of the sea turtle data collected through the PIRO- and PIFSC-funded activities into a technical report.***

*Moved by Ebisui; seconded by Sword.*

*Motion passed.*

Palacios noted appreciation for the funds and looked forward to the technical reports.

**15. Other Business**

There were no items under other business.

A resolution was presented commending Seman for his distinguished and dedicated service to the WPR island communities.

## Acronyms

ABC	acceptable biological catch
ACL	annual catch limit
AIS	automatic identification system
AP	Advisory Panel
BAC	biomass augmented catch
BiOp	biological opinion
BRFA	Bottomfish Restricted Fishing Areas
CIE	Center for Independent Experts
CMFP	Community Management Fishery Program
CML	Commercial Marine License
CMM	conservation and management measure
CMSP	coastal and marine spatial planning
CNMI	Commonwealth of the Northern Mariana Islands
COT	crown of thorns
CPUE	catch per unit effort
CRAG	Coral Reef Advisory Group
CRVS	Civil Resource Violation System
DAWR	Division of Aquatic and Wildlife Resources
DFW	Division of Fish and Wildlife
DLNR	Department of Lands and Natural Resources (CNMI)
DLNR	Department of Lands and Natural Resources
DMWR	Department of Marine and Wildlife Resources
DOA	Department of Agriculture
DOC	Department of Commerce
DOD	Department of Defense
DOI	Department of the Interior
DPS	distinct population segment
EA	environmental assessment
EEZ	Exclusive Economic Zone
EIS	environmental impact statement
ESA	Endangered Species Act
FAD	fish aggregating device
FDA	Food and Drug Administration
FDCRC	Fishery Data Collection and Research Committee
FEP	fishery ecosystem plan
FIAC	Fishery Industry Advisory Committee
FKW	false killer whale
FMP	fishery management plan
FOIA	Freedom of Information Act

GC	General Counsel
GIS	Geographic Information System
HACCP	Hazard Analysis and Critical Control Points
HDAR	Hawai`I Division of Aquatic Resources
HLA	Hawaii Longline Association
HMRFS	Hawaii Marine Recreational Fishing Survey
IATTC	Inter-American Tropical Tuna Commission
ICUN	International Union for Conservation of Nature
IEA	Integrated Ecosystem Assessment
IFA	Interjurisdictional Fisheries Act
ISC	International Scientific Committee
IUU	illegal, unreported and unregulated
JEA	Joint Enforcement Agreement
LMR	Living Marine Resources
LVPA	Large Vessel Prohibited Area
MAFAC	Marine Fisheries Advisory Committee
MBTA	Migratory Bird Treaty Act
MCP	Marine Conservation Plan
MHI	main Hawaiian Islands
MMPA	Marine Mammal Protection Act
MNM	Marine National Monument
MOU	memorandum of understanding
MPA	marine protected area
MPCCC	Marine Planning and Climate Change Committee
MRIP	Marine Recreational Information Program
MSA	Magnuson-Stevens Fisheries Conservation and Management Act
MSY	maximum sustainable yield
M&SI	mortality and serious injury
MTMAC	Marianas Trench Monument Advisory Committee
NEPA	National Environmental Policy Act
NESDIS	National Environmental Satellite, Data and Information Service
NID	Negligible Impact Determination
NMFS	National Marine Fisheries Service
NOS	National Oceans Service
NS1	National Standard 1
NWHI	Northwestern Hawaiian Islands
OFL	overfishing limit
OLE	Office of Law Enforcement
P*	approach to account for scientific uncertainty and the risk of overfishing
PBR	potential biological removal
PIFG	Pacific Islands Fishery Group

PIR	Pacific Islands Region
PIRO	Pacific Islands Regional Office
PISCC	Pacific Islands Science Climate Center
PRIAs	Pacific Remote Island Areas
PRIMNM	Pacific Remote Islands Marine National Monument
RA	regional administrator
RPB	Regional Planning Body
SAC	Sanctuary Advisory Council
SEEM	social, economic, ecological and management uncertainty
SFF	Sustainable Fisheries Funds
SPC	Secretariat of the Pacific Community
SSC	Scientific and Statistical Committee
SSPC	Social Science Planning Committee
TAC	total allowable catch
UOG	University of Guam
USCG	United States Coast Guard
USDA	US Department of Agriculture
USFWS	US Fish and Wildlife Services
VMS	vessel monitoring system
WCPO	Western and Central Pacific Ocean
WCNPO	Western and Central North Pacific Ocean
WCPFC	Western and Central Pacific Fisheries Commission
WPacFIN	Western Pacific Fishery Information Network
WPR	Western Pacific Region
WSFR	Wildlife and Sport Fish Restoration