



WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

**MINUTES OF THE 162nd MEETING OF THE  
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

**March 16–18, 2015**

**Laniakea YWCA-Fuller Hall**

**1040 Richards Street, Honolulu**

**Ahupua‘a o Nu‘uanu, Moku o Kona**

**Mokupuni o O‘ahu**

Approved by Council:

A handwritten signature in cursive script, appearing to read 'Edwin Ebisui Jr.', is written over a horizontal line.

Edwin Ebisui Jr., Chair  
Western Pacific Regional Fishery Management Council



## Contents

1.	Welcome and Introductions .....	1
2.	Approval of the 162 <sup>nd</sup> Agenda .....	1
3.	Approval of the 161 <sup>st</sup> Meeting Minutes .....	2
4.	Executive Director's .....	2
5.	Agency Reports .....	4
	A. National Marine Fisheries Service.....	4
	1. Pacific Islands Regional Office .....	4
	2. Pacific Islands Fisheries Science Center.....	5
	B. NOAA Office of General Counsel, Pacific Islands Section .....	7
	C. US Fish and Wildlife Service .....	7
	D. Enforcement .....	9
	1. US Coast Guard .....	9
	2. NOAA Office of Law Enforcement.....	10
	3. NOAA Office of General Counsel, Enforcement Section .....	10
	4. Sea Dragon Aerial Surveillance System .....	10
	E. Public Comment.....	12
	F. Council Discussion and Action.....	12
6.	Program Planning and Research .....	12
	A. National Standard Guidelines 1, 3 and 7 Proposed Rule .....	12
	B. Report on National Scientific and Statistical Committee Workshop V .....	13
	C. Report on Fishery Ecosystem Plan Review by Council Family and Public .....	13
	D. NOAA Fisheries Draft Climate Science Strategy.....	14
	E. Fisheries Internship and Student Help Project.....	16
	F. Regional, National and International Outreach and Education .....	17

G.	Advisory Group Reports and Recommendations .....	18
1.	Marine Planning and Climate Change Committee .....	18
2.	Marine Fisheries Adviosry Committee’s Climate and Marine Resources Task Force Report.....	18
H.	Social Science Reports.....	20
1.	Report on Regional Fishery Management Councils' Social Science Meeting .....	20
I.	Advisory Panel Recommendations .....	21
J.	Scientific and Statistical Committee Recommendations .....	21
K.	Public Comment.....	21
L.	Council Discussion and Action.....	21
7.	American Samoa Archipelago .....	22
A.	Motu Lipoti .....	22
B.	Fono Report .....	23
C.	Enforcement Issues .....	23
D.	Community Activities and Issues .....	24
1.	Report on the Governor’s Fisheries Committee .....	24
2.	Fisheries Development.....	24
a.	Fish Market Dedication.....	24
b.	Tri Marine/Samoa Tuna Processors Grand Opening of Canning Operations .....	24
3.	Marine Recreational Information Program and Territorial Science Initiative .....	25
E.	Education and Outreach Initiatives.....	26
1.	American Samoa Lunar Calendar and Student Poster Contest.....	26
2.	American Samoa Summer High School Fisheries and Marine Resource Management Course .....	26

3.	Territorial Science Initiative Seafood Vendors Forum.....	27
4.	Marine Recreational Information Program’s Fishermen Forum .....	27
5.	Manu‘a Outreach Project Summary.....	27
F.	Advisory Panel Recommendations .....	27
G.	Scientific and Statistical Committee.....	28
H.	Public Comment.....	28
I.	Council Discussion and Action.....	28
8.	Hawai‘i Archipelago and Pacific Remote Island Areas .....	29
A.	Moku Pepa .....	29
B.	Legislative Report.....	29
C.	Enforcement Issues .....	31
D.	Main Hawaiian Islands Bottomfish .....	31
1.	Pacific Islands Fisheries Science Center Meeting with Main Hawaiian Islands Bottomfish Fishermen .....	31
2.	Report on the Center for Independent Experts Review of the 2014 Main Hawaiian Islands Deep 7 Bottomfish Stock Assessment .....	33
3.	Report on the Second Hawaiian Bottomfish Research Workshop .....	35
4.	Report on Public Scoping Meetings .....	36
E.	Committee Projects Activities .....	38
1.	Fish Processing Waste: A Valuable Co-product from Hawai‘i Fisheries. ....	38
2.	Hawai‘i Community Fish Aggregation Devices .....	39
3.	Outreach and Education Report .....	40
4.	Lahaina Marine Planning Project.....	42
5.	Report on West Hawai‘i Habitat Blueprint Focus Area .....	42
F.	Hawaiian Islands Humpback Whale National Marine Sanctuary.....	43
G.	Advisory Panel Recommendations .....	46

1.	Cross Seamount .....	46
H.	Scientific and Statistical Committee Recommendations .....	47
I.	Public Comment.....	47
J.	Council Discussion and Action .....	48
9.	Protected Species .....	50
A.	Endangered Species Act Listed Corals .....	50
1.	Section 7 Consultation for Coral Species .....	50
2.(1)	Advanced Notice of Proposed Rule-making on 4(d) Take Prohibition for Corals .....	51
2.(2)	Coral 4(d) Draft Council Comment Letter.....	53
3.	Other Relevant Actions.....	53
B.	Effectiveness of Management Measures Implemented Under the False Killer Whale Take Reduction Plan.....	53
C.	Draft 2014 Marine Mammal Stock Assessment Reports.....	55
D.	Updates on Endangered Species Act and Marine Mammal Protection Act Actions .....	56
1.	Green Turtle Status Review .....	56
2.	North Pacific Humpback Whale Status Review .....	56
3.	Other Relevant Actions.....	56
E.	Endangered Species Act Section 7 Integration Directive .....	57
F.	Managing Green Turtles under the Council's Archipelagic Fishery Ecosystem Plans.....	57
G.	Advisory Panel Recommendations .....	57
H.	Scientific and Statistical Committee Recommendations .....	58
I.	Public Comment.....	58
J.	Council Discussion and Action.....	58
10.	Public Comment on Non-Agenda Items .....	59

11.	Mariana Archipelago .....	60
	A. Guam .....	60
	1. Isla Informe .....	60
	2. Legislative Report .....	60
	3. Enforcement Report .....	61
	4. Community Activities and Issues .....	61
	a. Update on Malessso Community-Based Management Plan Implementation .....	61
	b. Report on Village of Yigo Community-Based Management Plan .....	61
	c. Report on Manell-Geus Habitat Blueprint Focus Area.....	62
	d. Report on Indigenous Fishing Rights Initiative .....	64
	e. Report on Guam Fishing Conflict.....	64
	B. Commonwealth of the Northern Mariana Islands.....	66
	1. Arongol Falu .....	66
	2. Legislative Report .....	67
	3. Enforcement Report .....	67
	4. Community Activities and Issues .....	68
	a. Report on Northern Islands Community-Based Management Plan Meeting .....	68
	b. Report on the Commonwealth of the Northern Mariana Islands Joint Military Training .....	68
	5. Education and Outreach .....	70
	a. Radio Talk Show .....	71
	C. Marianas Trench Marine National Monument: Islands, Volcanic and Trench Units .....	71
	D. Advisory Panel Recommendations .....	71

E.	Scientific and Statistical Committee Recommendations .....	72
F.	Public Comment.....	72
G.	Council Discussion and Action.....	72
12.	Pelagic and International Fisheries .....	74
A.	Hawai‘i Yellowfin and Bigeye Commercial Minimum Size Limit.....	74
1.	Report on Public Meetings.....	74
2.	Update on Biological Implications of Changing Size Limit.....	74
3.	Socioeconomic Considerations .....	75
B.	American Samoa Large Vessel Prohibited Area Temporary Exemption (Action Item) .....	76
C.	American Samoa Longline Exclusive Economic Zone Albacore Catch Limit (Actin Item) .....	79
D.	Territory Longline Bigeye Specification (Action Item) .....	80
E.	Report on Illegal, Unregulated and Unreported Fishing and Seafood Labeling ..	82
F.	International Fisheries .....	82
1.	Western and Central Pacific Fisheries Commission 11 <sup>th</sup> Regular Session .....	82
G.	Advisory Panel Recommendations .....	83
H.	Scientific and Statistical Committee Recommendations .....	84
I.	Standing Committee Recommendations .....	84
J.	Public Comment .....	85
K.	Council Discussion and Action .....	86
13.	Administrative Matters .....	90
A.	Financial Matters .....	90
B.	Administrative Reports .....	91
C.	Council Family Changes.....	91

1.	Advisory Panel Changes .....	91
2.	Plan Team Changes.....	91
D.	Meetings and Workshops.....	92
E.	Other Business .....	92
F.	Standing Committee Recommendations.....	93
G.	Public Comment.....	93
H.	Council Discussion and Action.....	93
14.	Other Business .....	94
APPENDIX:	Acroynms .....	95

## **1. Welcome and Introductions**

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

- Edwin Ebisui Jr., chair (Hawai‘i)
- Michael Duenas, vice chair (Guam)
- John Gourley, vice chair (Commonwealth of the Northern Mariana Islands (CNMI))
- McGrew Rice, vice chair (Hawai‘i)
- William Sword, vice chair (American Samoa)
- Matt Brown, US Fish and Wildlife Service (USFWS)
- Lt. Cmdr. Rula Deisher, US Coast Guard (USCG), District 14 (designee)
- Michael Goto (Hawai‘i)
- Julie Leialoha (Hawai‘i)
- Ruth Matagi-Tofiga, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Alton Miyasaka, Hawai‘i Department of Land and Natural Resources (DLNR) (designee)
- Claire Poumele (American Samoa)
- Matthew Sablan, Deputy Director, Guam Department of Agriculture (DOA)
- Richard Seman, CNMI Department of Lands and Natural Resources (DLNR)
- Mike Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)

Also in attendance were Council Executive Director Kitty Simonds, Council Scientific and Statistical Committee (SSC) Chair Chuck Daxboeck and Kamaile Turcan NOAA Office of General Counsel (GC). The Council member representing the Department of State was not in attendance.

## **2. Approval of the 162<sup>nd</sup> Agenda**

Moved and seconded.

Motion passed.

### **3. Approval of the 161<sup>st</sup> Meeting Minutes**

Moved and seconded.

Motion passed.

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

Simonds said the Council hosted a three-day meeting of the Fifth National SSC in February 2015 in Honolulu. SSC members from all eight Regional Fishery Management Councils (RFMCs) attended, as well as topnotch fishery scientists. The theme, "Providing Scientific Advice in the Face of Uncertainty, from Data to Climate and Ecosystems," promoted discussion that highlighted regional differences in data availability and quality and quantity of stock assessments. Some of the other regions are able to generate up to 45 assessments per year because they have a comprehensive database system that can produce updated data to the most recent three days. The meeting also highlighted the need for regions that face similar challenges to collaborate. The participants agreed that Management Strategy Evaluation (MSE) is an important tool and supported capacity building in all areas.

The Council also hosted the first National Social Science Workshop for three days in December 2014. Thirteen social and economic scientists attended representing each of the RFMCs. The group was created following a recommendation from the Fourth National SSC meeting held in October 2011. The group's focus is improving the application of social science research and analysis in the federal management process. Meeting topics included the history and challenges of fishery social science in each region; addressing relevant federal requirements, such as National Standards (NSs), the National Environmental Policy Act (NEPA) and executive orders; regional approaches to social impact assessment; social indicators; and predicted versus actual regarding social assessment. A final report will be posted on the [www.fisherycouncils.org](http://www.fisherycouncils.org) website.

The Small Island Developing States (SIDS) disproportionate burden issue continues to hamper efforts for effective bigeye fishing mortality reductions in the Western and Central Pacific Ocean (WCPO) fisheries. The Council's Disproportionate Burden Workshop findings played an important role at the 11<sup>th</sup> meeting of the Western and Central Pacific Fisheries Commission (WCPFC). The workshop identified the type of issues and process to address the disproportionate burden issue.

The Council will be holding a three-day international WCPO Purse-Seine Bigeye Tuna Management Workshop in April. Participating government, purse-seine, tuna processing and industry representatives will evaluate purse-seine management measures with regard to implementation, effectiveness and enforceability.

The Council will also be holding a one-day workshop on the implementation of the longline vessel day scheme (VDS) by certain Pacific Island countries and evaluation of the management strategy as it relates to bigeye conservation and applicability of WCPO longline fisheries, including the Hawai'i longline fishery.

The Council's Hawai'i longline vessel observer e-log project continues with slow progress. Pacific Islands Fisheries Science Center (PIFSC) staff has been testing phase of the

system to be completed by the end of April. Once the system is fully operational, daily vessel and observer reporting in the Hawai'i longline fishery will improve the timeliness of fisheries data and reduce the time burden on filling out logbooks.

The Hawai'i fleet size has increased to 140 vessels. More entries are expected to fill the remaining 14 available permits. Much of the expansion of the fishery has been in the Eastern Pacific where annual catches of bigeye now exceed 2,000 metric tons (mt), even with the 500-mt limit on longline vessels greater than 24 meters in length.

The American Samoa longline fishery remains in dire straits with only 19 operating vessels in 2014. Many vessels have tied up to avoid losing money. The Council will deliberate on options to benefit the fleet, such as opportunities to diversify the fishery.

Also on the agenda is the 2015 Territorial bigeye specification. The WCPO bigeye stock is subject to overfishing but is not considered overfished under the Pelagic Fishery Ecosystem Plan (FEP) status determination criteria. Given record purse-seine bigeye catch levels, the current purse-seine management measures with six seasonal fish aggregation device (FAD) closures have not reduced purse-seine bigeye catches to effective levels. In addition, increased numbers of purse-seine vessels entering the fishery with increased capacity, coupled with no requirements for removal of FADs during the season closure, continue to result in increased bigeye catches. By contrast, the WCPO bigeye longline catch has been reducing steadily in recent years with 2013 catches at the lowest levels since 1996, 30 percent of 2001 to 2004 baseline levels. The WCPO stock assessment shows the area of Region 2, where the Hawai'i longline vessels predominantly fish, has the least impact on the stock. In 2014 the Pelagic FEP Amendment 7 authorized the United States to use, assign or allocate and manage the catch and effort limits agreed to by the WCPFC through specific agreements for permitted vessels under the Pelagic FEP. Anticipated catches by Hawai'i and the Territory longline fisheries, including amounts transferred under specified fishing agreements, when combined with the US longline limit for WCPO bigeye tuna of 3,554 mt, would have negligible impacts on bigeye tuna stocks and are not expected to impede the effectiveness of international measures to eliminate WCPO bigeye overfishing. The authorization of bigeye tuna catch transfers supports fisheries development in the Territories while mitigating potential negative impacts to fishery participants, such as safety at sea, and deleterious impacts to Hawai'i seafood markets.

Council staff will present options for establishing a longline catch limit for South Pacific albacore in the exclusive economic zone (EEZ) waters surrounding American Samoa. The Council will hear information regarding the recent establishment of the Tokelau Arrangement and proposals for more comprehensive management of South Pacific albacore within the WCPFC. Coordinated effective international management of South Pacific albacore and cooperation among Pacific Island countries and distant water fishing nations (DWFN) are needed to address the 25 percent increase in catches since 2008. The WCPFC at its 11<sup>th</sup> meeting in December 2014 failed to adopt effective management measures. The American Samoa longline fishery could be an indicator fishery in relation to a harvest strategy developed by WCPFC. The Secretariat of the Pacific Community (SPC) will complete a new stock assessment in August 2015. Because American Samoa holds a pivotal role as a strategic fish processing hub and is a well-managed domestic longline fishery, regional cooperation may require American Samoa to seek observer or associate participant status to the Tokelau Arrangement, which will require the

establishment of an EEZ-based albacore limit. The Council will be asked to consider supporting the establishment of an annual American Samoa EEZ longline limit of 5,425 mt and to support the need for international management efforts, including the Tokelau Arrangement, which has potential benefits of increased cooperation and coordination amongst members.

Council staff continues progress on the five-year review and revision of the FEPs with the objective to improve the ability of the plans and the capacity of the Council and its partners to comprehensively manage pelagic and archipelagic fishery resources. Council staff has conducted meetings of the Council family, including the Regional Ecosystem Advisory Councils (REACs), in all jurisdictions between November and February. Also completed was an external expert review of the plans by Hawai'i-based Sustainable Resources Group International. The report advises better articulation and justification of the transition to ecosystem-based fishery management, development of more strategic and place-based specific fishery objectives, and improvement in internal communication and collaboration among staff.

The Council staff continues to work with PIFSC to finalize the agreement to enhance the stock assessment development and review process, particularly for bottomfish. A data and assessment workshop will be added to the process, keeping the peer-review phase separate in an effort to enhance transparency on how the assessments are generated and to foster participatory and collaborative relationships among the agencies involved and fishing communities. The agreement is nearly complete. The new process will be used to develop the next benchmark assessment for the main Hawaiian Islands (MHI) deep 7 bottomfish.

## Discussion

Ebisui spoke in support of the upcoming WCPO Purse-Seine Bigeye Management Workshop, noting that the workshop could have huge implications for pelagic fisheries in the Pacific.

## **5. Agency Reports**

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

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

Tosatto reported on several regulatory actions that have been completed since the last Council meeting. The Pelagic FEP Amendment 7 was approved. He said limits need to be set under that framework for 2014, which is an action item on the Council meeting agenda. A proposed rule for the implementation of fishing rules in the Pacific Remote Island Marine National Monument (MNM) after the President's expansion was issued, with a final rule set to be issued in the near future. The Recreational Fisheries Policy was completed. A proposed rule to revise NSs 1, 3 and 7 was issued, which is also on the Council meeting agenda. A Draft Climate Science Strategy briefing will also be addressed during the Council meeting. The final recommendations of the Presidential Task Force on Combatting Illegal, Unregulated and Unreported (IUU) Fishing and Seafood Fraud have been released. Tosatto passed out a report summarizing the work performed over the year by the Federal Program Office, issuing over \$11 million in grants to a variety of programs and partners throughout the region.

## Discussion

Ebisui asked for information regarding the seafood tracing IUU program, how it will work and be implemented and how product will be tracked. He recently read an article that said that the United States imports 90 percent of the seafood consumed domestically and 30 percent of that is from IUU fishing, which the Council has been saying for some time.

Tosatto said that the Presidential Task Force's initial efforts will focus on seafood fraud and traceability within the international context, ensuring the product is correctly handled and labeled and the economics of the seafood chain are managed. There may be new requirements for longline fishery exports. Ocean-to-plate traceability is difficult and will take time.

Goto voiced appreciation for the focus on IUU fishing, which he witnessed in Washington, DC, when testifying at a Senate Subcommittee on Oceans in January 2015. It is paramount for Hawai'i consumers to know where the imported seafood is coming from and how it was handled. It will be difficult to implement.

Ebisui said the IUU issue has bearing on many different aspects of fishery management and commerce. It is good to see the Administration take the position it has.

Sword said IUU fishing is damaging to fishermen. He said longliners coming out of the West have two books, one with underreported amounts and one for the boat owners. These should also be investigated.

The Council welcomed Council founding member Frank Goto to the Council meeting.

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

Mike Seki, PIFSC director, reported on the retirement of the former PIFSC director, Sam Pooley, in October 2014. Seki said he became director on Feb. 23, 2015. Gerard DiNardo has departed PIFSC to take over the division director's job for the Southwest Fisheries Science Center. The process is ongoing to find a replacement for DiNardo's position. In the interim, Annie Yau, PhD, will assume the role as the acting lead for PIFSC's Stock Assessment Program. Ed Glazier, the lead social scientist for the Socioeconomics Program, also departed. PIFSC is seeking his replacement. In the interim, Nori Shoji will be overseeing the Science Operations Program. Justin Hospital has returned to the Economics Program.

Regarding current cruise activities, the *OSCAR ELTON SETTE* will begin the field season in the Mariana Archipelago to pick up two projects that were lost in the previous season. The *HIILAKAI* is currently in American Samoa on a 103-day mission, with time in the Pacific Remote Islands MNM, Swains and Pago Pago conducting coral reef assessment monitoring surveys, which are conducted every third year. Fish surveys, benthic surveys and some ocean acidification is conducted in collaboration with the NOAA Atmospheric Research Program. A report will be presented at the next Council meeting.

NOAA is also conducting a cooperative effort with PIFSC, the Sanctuary Program, private entities and nongovernment organizations (NGOs) on the NOAA Blueprint project at Manell-Geus in Guam. They are conducting baseline survey work through the Office of Science

and Technology. Fish surveys are being conducted with the goal to support the habitat improvement activities and the community-based projects, such as infrastructure improvements. The inaugural efforts included 54 reef fish surveys and involved a number of Guam partners.

Independent peer review of the 2014 MHI deep 7 bottomfish stock assessment through the Center for Independent Experts (CIE) took place. The CIE Panel concluded the following: a) Methods to standardize catch-per-unit effort (CPUE) were an improvement from the 2011 assessment; b) The Bayesian Surplus Production model was appropriate for the application; c) There was much concern over the quality of the available catch and effort data and the derived CPUE index of abundance; and d) Due to concern over input data, utility of the stock assessment for management was compromised and not considered the best scientific information available (BSIA).

The CIE Panel recommended the following: a) Strengthen the fishery monitoring for complete and accurate catch and effort data; b) Investigate the highliner catch rate series; c) Investigate incorporating biosampling data, such as the size data; d) Continue developing fishery-independent survey of bottomfish abundance; e) Develop and implement a large-scale tagging program for bottomfish; and e) Single-species stock assessments. The results will be passed on to PIRO to begin working on establishing next steps.

The Second Bottomfish Coordination Workshop was held with 45 participants. The focus was for PIFSC to coordinate all of the bottomfish science and research across government, academia, nonprofit institutions and industry. Fishermen, government, academia, non-profit and industry participants attended. Three research priorities were identified: 1) operationalize a fishery-independent relative abundance survey; 2) update habitat maps and 3) continue to conduct bottomfish life history studies.

A new modular optical technology was acquired for 2015 gear comparison trials. The Modular Underwater Survey System (MOUSS) is an upgrade from the bottom camera (BotCam). The system is assembled at PIFSC and was designed and built Woods Hole. The system includes lightweight, high-definition stereo cameras that can be deployed off any commercial boat platform and will help standardize the surveys. PIFSC is also looking at using acoustics in the development of surveys.

Another aspect being considered is bottomfish life history parameters in all of the island areas. A recent workshop in Saipan taught participants how to stage ovaries for bottomfish and some reef fish. At the end of the two-day workshop participants had enough training to begin processing some of the biosampling material collected throughout the year. The workshop is planned to be held in all Territories.

PIFSC is working in partnership with the American Samoa DMWR and the National Parks Service on Rose Atoll to study green turtles. Eleven satellite transmitters were deployed; health assessments were conducted; and tissue samples were collected. Rose Atoll nesters were shown to migrate to Fiji, American Samoa, Vanuatu, Tahiti, Solomon Islands and Papua New Guinea with an average migration time of 39 days. Some green turtle populations that interact with the American Samoa longline fishery were also studied.

A member of the PIFSC staff completed a master's thesis on mesophotic fish assemblages in the Au'au Channel, which found that planktivorous fish fauna dominated the ecosystem. PIFSC will continue to focus on the area to understand the dynamics of its ecosystem.

## Discussion

Matagi-Tofiga noted her appreciation for the four-day coral demographic training workshop held in Hawai'i.

Gourley expressed appreciation for the biosampling workshop in Saipan. They have since acquired three compound scopes and have gone over slides as a refresher course. All that is needed now from PIFSC is a test for staff so see if it can deliver a product for use in stock assessments.

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

Turcan reported on the Turtle Island Restoration Network versus Department of Commerce case regarding the 2012 final rule implementing sea turtle incidental take levels for the Hawai'i-based shallow-set fishery. After NOAA prevailed at the District Court, there was an appeal to the Ninth Circuit. The Ninth Circuit has not yet set a hearing date.

Regarding the Conservation Council for Hawaii versus NMFS case regarding Amendment 7 to the Pelagic FEP and the final rule establishing the framework process for the Territories to transfer certain bigeye quota to US longline vessels, the Plaintiffs sued in late 2014. The two main components of the complaint were 1) NOAA had violated the Western and Central Pacific Fisheries Convention Implementation Act and the Administrative Procedures Act (APA) by undermining WCPFC efforts to recover the bigeye stock and 2) NOAA is in violation of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) because it is not in compliance with all applicable laws. NOAA believes these positions are incorrect and plans to defend its rule in court. No briefs have been filed yet.

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

Brown reported that in November in Sidney, Australia, the US Secretary of the Interior, Sally Jewell, entered into a cooperative agreement with the Republic of Kiribati for joint cooperation between the Pacific Remote Islands MNM and the Phoenix Islands Protected Area. USFWS continues its efforts to maintain a field presence at some of the remote stations, including Palmyra, Johnston Atoll and Midway Atoll, and to support State of Hawai'i operations at Kure Atoll. In conjunction with NOAA, remote terrestrial monitoring equipment was set up at Howland and Baker. USFWS continues to move forward with the management plan for the Marianas Trench MNM, as well as the transfer of the submerged lands for the three Northern Islands to the CNMI government.

Personnel changes included the hiring of a Monument Manager for Rose Atoll, Brian Peck, scheduled to be in American Samoa in May. The Pacific Islands Wildlife Office, the USFWS Ecological Services Branch, is seeking a project leader. Kristi Young is the acting

project leader. USFWS Deputy Director Jim Kurthm visited parts of the MNM in Guam and the CNMI and the Guam National Wildlife Refuge.

### Discussion

Gourley asked for an update of the conveyance of the nearshore (0 to 3 miles) submerged land to the CNMI government.

Brown said the conveyance is in the internal review process and is moving forward. He said it is a matter of timing with the management plan and submerged lands.

Gourley asked if information is available to the public and requested copies of the documents that are currently under review.

Brown said it is public information but he is not sure what the documents are. He offered to get back to the Council with the answer.

Tosatto said PIRO is working with USFWS and the CNMI government on the transfer of the 3 miles in the monuments and to finalize a memorandum of agreement (MOA) for cooperative management of the submerged lands. The public will have an opportunity to review the draft MOA, along with the draft environmental assessment (EA) and draft action document, called Patent, when published. The process is in the final stage of review and will be released for a 60-day public comment period. The public comments will then be summarized and the Patent will be finalized as well as the MOU and the NEPA document. Tosatto estimated that the transfer would be completed in late summer 2015.

Gourley asked if the conveyance will have conditions attached, which if violated would revert the lands back to the USFWS.

Tosatto said that for the three miles within the monuments there is a requirement for the area to be managed consistent with the establishing Proclamation. He reiterated that the process is to transfer the submerged lands in the monument, as well as to transfer the submerged lands outside the monument out to 3 miles, with the condition that they be managed consistent with the monument Proclamations. The return of lands to the federal government would involve a legal process.

Gourley asked for an update on the visitors' center.

Tosatto said the visitors' center is part of the monument planning process, which currently is in internal review. When given clearance by the CNMI government and the departments it will be released for public view as well.

Tosatto delivered the oath of office to Mike Goto as commissioner on the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the WCPO.

## **D. Enforcement**

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

Deisher reported a summary of the USCG fisheries law enforcement activities in the Western and Central Pacific Region for the period of Oct. 1, 2014, to Feb. 28, 2015. The *SEQUOIA* patrolled the US EEZ waters surrounding Guam and the CNMI and parts of Palau's EEZ from October through November. The *WASHINGTON* patrolled the EEZ waters around Guam in November. The *RUSH* patrolled EEZ waters around the MHI for 10 days in December. The *ASSATEAGUE* patrolled EEZ waters around Guam and the CNMI for two weeks in February. No foreign vessel incursions were detected.

Two US Navy assets embarked with USCG boarding personnel for three weeks apiece during this last period. From Oct. 20 through Nov. 7 the US Navy asset transiting from Hawai'i to Guam conducted 11 boardings and also patrolled the US EEZ waters surrounding Johnston Atoll and Guam. The 11 boardings were conducted under the authority of WCPFC. Federated States of Micronesia (FSM) and Republic of the Marshall Islands (RMI) ship-riders were onboard.

From Jan. 15 through Feb. 5, a US Navy asset with USCG personnel onboard conducted eight boardings under the WCPFC and Nauru ship-riders while in transit from Guam to Hawai'i. Three US distant-water tuna vessels and a Hawai'i-based longliner operating east of Johnston Atoll were boarded in the EEZ waters of Nauru and the RMI. No incursions were detected. Dedicated C130 patrols were conducted in EEZ waters surrounding American Samoa, Wake Island and Johnston Atoll.

There were 192 commercial fishing vessel exams conducted dockside in 2014, including 112 in Honolulu, 68 in American Samoa, 10 in Guam and two in Saipan. The inspections reduce the amount of time the US boarding officers have to be onboard conducting inspections.

#### Discussion

Rice asked if the captain with a Commercial Marine License (CML) and a six passenger, 45-foot charter vessel is considered commercial or if the vessel is considered commercial.

Deisher said she would check the regulations and get back to Rice with an answer.

Duenas asked what number of recreational boats were boarded or had dockside examinations.

Deisher said the dockside examinations are not conducted on recreational vessels. She said she will check the number of boardings that were conducted on recreational vessels.

Rice said it is hard to follow and understand the law and how it works for Hawai'i vessels.

Council staff Eric Kingma asked if the automatic identification system (AIS) is a fisheries enforcement tool and if the information is accessible by the public.

Deisher said AIS is a navigational safety tool, not an enforcement tool. It is used to look for vessels. The USCG does not make AIS information available to the public currently, but it is available to anyone with an AIS receiver.

Kingma asked if the data available in the public domain is on a near real-time basis.

Deisher replied in the affirmative.

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

Duane Smith, NOAA Enforcement attorney, reported that the Office of Law Enforcement (OLE) since the last Council meeting investigated 66 incidents, including 26 involving protected resources complaints and 40 involving fishery management. OLE agents traveled to Majuro and Pohnpei to conduct capacity building and IUU detection training. While there, US vessels were boarded. Smith said OLE rescued nine people in response to a May Day call. OLE is distributing new vessel monitoring system (VMS) units to Hawai'i longline vessels, after which American Samoa vessels will receive new VMS units.

### Discussion

Ebisui asked about the sexual harassment case that referred to the observer as the purported victim or suspect.

Smith replied that the observer was the purported victim.

## **3. NOAA Office of General Counsel, Enforcement Section**

Smith reported the NOAA Office of GC Enforcement Section information is readily available online and contains links to the agency's penalty policy, procedural regulations, enforcement charging information and administrative law judge's opinions. Since the last Council meeting five cases were referred from OLE to the Enforcement Section for prosecution. Twelve cases are currently being prosecuted from the Pacific Islands Region. Five cases were resolved, which included Marine Mammal Protection Act (MMPA) and FAD issues in the purse-seine fishery. A number of cases are working their way through judicial review at District Court.

## **4. Sea Dragon Aerial Surveillance System**

Mike Syracuse, from Technology Service Corporation, presented information on low-cost surveillance systems for use in management of IUU fishing. Sea Dragon was developed from the US Air Force Research Laboratory based on a system that operated with an unmanned aerial vehicle. For the current application and demonstration purposes, a twin-engine Cessna airplane was used. The system is purported to close critical surveillance and enforcement gaps for partners with large EEZs and/or limited resources. The system was demonstrated for feasibility and effectiveness in Palau in July 2013. Another demonstration is scheduled in Yap and Guam in April 2015. The task was to come up with a low-cost system that can be maintained and operated in remote areas and that is suitable for law enforcement to conduct appropriate followup so as to bridge the gap between identifying suspicious activity and documenting the type of activity and who was involved. The airplane contains an imaging-

surveillance radar with capability for 40 miles on either side of the flight track at cruising speeds of 150 miles an hour. When a target of interest is found, the plane can descend to a fairly low level and document the activity with photographic and video evidence.

A five-week demonstration conducted 25 missions within the Palau EEZ and covered a total of 8,923 nautical miles (nm) flown. It detected, geo-registered and photographed illegal transshipping in progress, six FADs, five of which were illegal, and three incidences of unlawful disabling of VMS. Airborne surveillance was validated for Synthetic Aperture Radar for wide area of detection of vessels and FADs, high-definition cameras suitable for identification of vessels and FADs, real-time dissemination of data and coordination with marine law enforcement, documentation of activities, natural disaster assessment, real-time autonomous operations possible and a small support footprint.

The key findings of the Palau experience concluded that it is affordable to Pacific Island nations, with small operations teams, using low-cost general aviation aircraft and is modular and upgradable. It is easily integrated into current law enforcement operations and requires only internet and high frequency communications and a computer. Onboard data sensors and cameras provide stand-alone capability to detect, geo-locate, identify and collect evidence on illegal fishing and other activity.

A Sea Dragon II demonstration is scheduled for FSM beginning in April with more emphasis put on use of collateral sources of information to help guide and direct the system for more efficient operations in an expanded range.

Sea Dragon objectives and future plans include making a meaningful contribution to maritime surveillance enforcement, working to facilitate the national strategy to increase awareness of the maritime and environmental threats and to collect data on technologies and collateral sources supporting enforcement, facilitating a multi-year pilot program and providing operational capability while learning and refining.

## Discussion

Sablan asked if the outcomes from the Guam demonstration are available to the Guam DOA.

Syracuse said the intent is to make as much of the outcomes of the demonstration generally available. The demonstration is flying in support of the FSM, but it will be staging and flying out of Guam.

Leialoha asked about the cost of utilizing the plane versus an unmanned aircraft and how many people are in the plane.

Syracuse said unmanned vehicles range from model airplanes to sophisticated, multi-million dollar platforms. The aircraft used was a twin-engine Cessna 337, a utility grade airplane flown with a pilot and one systems operator. The systems operator receives real-time updates of VMS and other information via a satellite link and radar signal. Information is processed onboard the plane. It has real-time capability from two operators.

Kingma asked if the USGC uses similar technology to Sea Dragon.

Deisher replied in the affirmative.

Kingma said an added benefit is it could free up USCG assets to be dedicated to US EEZ patrols rather than spending time patrolling EEZs of foreign nations.

**E. Public Comment**

No public comment was offered.

**F. Council Discussion and Action**

No Council action was taken.

**6. Program Planning and Research**

**A. National Standard Guidelines 1, 3 and 7 Proposed Rule**

Wes Patrick, from NOAA Fisheries, gave an overview of the proposed revisions for the NS 1, 3 and 7 Guidelines. The proposed rule was published on Jan. 20, 2015, and public comments are being accepted until June 30, 2015. An overview was presented to the Council Coordination Committee (CCC) and the National SSC V in February and will be presented to RFMCs and the NOAA Marine Fisheries Advisory Committee (MAFAC) in March and April.

The MSA includes 10 NSs, which guide all fisheries management actions. NS 1 states that the conservation and management measures shall prevent overfishing while achieving on a continuing basis the optimum yield from each US fishery. The NS1 guidelines were last updated in 2009 following passage of the MSA Reauthorization Act of 2006. The 2009 NS 1 guidance addresses new MSA requirements for annual catch limits (ACL) and accountability measures to end and prevent overfishing. NS 3 guidance addresses managing stocks as a unit throughout its range. NS 7 is to minimize duplication and cost of management measures.

The need and purpose of the action is to address experience gained and concerns raised during the implementation of ACLs and accountability measures and is based on input from a wide range of perspectives, including the advanced notice of proposed rulemaking and extensive comment period, the Managing our Nations Fisheries meeting, National Research Council Study of 2013, CCC meetings in 2013 and 2014, and the Commission on Saltwater Recreational Fisheries Management. The proposed rules do not establish any new requirements or require RFMCs to revise current management plans. It offers additional clarity and potential flexibility in meeting current MSA mandates. It also requires that stocks in need of conservation and management must have ACLs and accountability measures, as well as other reference points. The revisions will be able to address some of the topics that have been raised by Congress regarding MSA Reauthorization. In the application of the proposed flexibilities, the NS2 requirement to use best scientific information available applies.

Patrick provided information regarding the seven major elements of the proposed rule: increased flexibility in rebuilding programs within statutory limits, improved management of

data-limited stocks, clarified guidance on which stocks require conservation and management, enhanced ecosystem approaches to management, stability provided in ACLs, depleted stocks defined and improvements to the routine review of management plans.

The proposed revisions will improve, clarify and streamline the NS 1 guidelines, provide additional flexibility within current MSA statutory requirements, and address input received from the RFMCs, commercial and recreational fishing industry, environmental organizations, National Research Council and NOAA Fisheries. The revisions will result in better managed and more sustainable fisheries. Public comments will be accepted until June 30, 2015. Additional information is available online.

## **B. Report on National Scientific and Statistical Committee Workshop V**

Daxboeck reported the National SSC V meeting which he chaired in Honolulu in February. The theme of the meeting was “Providing Scientific Advice in the Face of Uncertainty: from Data to Climate and Ecosystems.” Eleven keynote presentations illustrated the regional differences in addressing data-poor situations and evaluation of acceptable biological catch (ABC) performance. A draft findings and recommendations document was generated that will be presented to the CCC in June 2015. One of the tasks for the delegation was to discuss SSC membership, such as term conditions and membership, as well as procedures or tools that might assist the SSC to bring forth management decisions for Councils. It was evident MSE will be a major topic at the National SSC VI meeting. Daxboeck said the discussions revealed that there were a lot of commonalities, as well as differences. Most SSCs and RFMCs struggle with appropriately using all collected data in stock assessments. However, the Western Pacific and Caribbean Councils are struggling with how to do stock assessments with data-poor or data-missing information.

## **C. Report on Fishery Ecosystem Plan Review by Council Family and Public**

Council staff member Chris Hawkins presented a progress report on the five-year review of the FEPs adopted in 2009. The management review is focused on incrementally improving the ability of the FEPs and the capacity of the Council and its partners to comprehensively manage pelagic and archipelagic fishery ecosystems. In January and February 2015 the Council convened joint meetings of its various advisory body members in American Samoa and Hawai‘i. As in Guam and the CNMI in November 2014, participants provided candid perspectives on FEP objectives, the Council process, communication and awareness and data sufficiency. Information from the meetings has been combined with recommendations from an external review of the FEPs conducted for the Council by Sustainable Resource Group International in a 68-page report. Five key items are to streamline and improve the FEPs, improve communication, strengthen the annual reports, enhance involvement of Council committees in various Council activities and improve awareness among Council family and other important stakeholders. Additional conclusions are to improve data and the living FEP concept to assist in reducing the burden on the public and others in terms of understanding the totality of the FEP, itself. A timeline for nine tasks was presented. The first are to streamline and improve the FEPs, which should be completed by October 2015, complete the living FEP by June 2016 and improve data for management on an ongoing basis.

## Discussion

Gourley asked about the plans to improve communication with the Advisory Panel (AP).

Council staff member Joshua DeMello replied that more meetings will be held prior to Council meetings, the flow of information between the AP and Council staff will continue and AP chairs are being encouraged to get more involved in the planning of the meetings

Hawkins added the Island Coordinators will be called upon to ensure follow-through.

Tosatto asked about the living FEP.

Hawkins responded, rather than having an FEP that is promulgated and five years later the master document is updated, it is to have stand-alone addendums or amendment documents. After the Secretary approves the amended language, that language would be brought into the master FEP and become the living document, itself.

### **D. NOAA Fisheries Draft Climate Science Strategy**

Ned Cyr, director of the NOAA Fisheries Office of Science and Technology, presented the new NMFS Draft Climate Science Strategy, which was recently released for public comment. Council members were encouraged to review and provide comments on it. Cyr said climate is changing and there is ample evidence that it has started to affect resources in the Pacific Ocean. NMFS is trying to get out ahead or catch up with the impacts in an effort to support management actions that incorporate consideration of the climate changes. The goal of the Climate Science Strategy is to increase the production, delivery and use of climate-related information to apprise and fulfill NMFS's living marine resources (LMR) stewardship mission. Although the information needed to understand, prepare for and respond to climate change impacts on LMRs is diverse, this Strategy identifies common themes and priorities for action.

The Strategy identifies seven key objectives to meet the science information requirements for fulfilling NMFS's mandates in a changing climate: 1) Identify appropriate, climate-informed reference points for managing LMRs. 2) Identify robust strategies for managing LMRs under changing climate conditions. 3) Design adaptive decision processes that can incorporate and respond to changing climate conditions. 4) Identify future states of marine, coastal, and freshwater ecosystems, LMRs, and LMR -dependent human communities in a changing climate. 5) Identify the mechanisms of climate effects on ecosystems, LMRs and LMR-dependent human communities. 6) Track trends in ecosystems, LMRs and LMR-dependent human communities and provide early warning of change. 7) Build and maintain the science infrastructure needed to fulfill NOAA Fisheries mandates under changing climate conditions

The Strategy provides a nationally consistent path for regional efforts to address common climate-LMR science needs that support better informed decision-making and fulfillment of NMFS's mandates. For each of the objectives, the Strategy identifies specific actions to help achieve the objective. The Strategy also identifies a set of priority recommendations that are common across mandates, regions, LMRs and objectives that have high and immediate return on investment. The cross-cutting priority actions include a) Conduct climate vulnerability analyses in each region for all LMRs; b) Establish and strengthen ecosystem indicators and status reports

in all regions; and c) Develop capacity to conduct MSEs regarding climate change impacts on management targets, priorities and goals.

The Strategy also identifies specific near- and medium-term recommendations to advance the seven objectives. The recommended near-term actions are grouped under the following categories: a) Strengthen climate-related science capacity regionally and nationally; b) Develop regional implementation plans to execute this Strategy, led by the regional Science Centers in coordination with the regional offices and other partners; c) Ensure that adequate resources are dedicated to climate-related, process-oriented research; and d) Establish standard, climate-smart terms of reference to apply to all of NMFS's LMR management, environmental compliance requirements and other processes that cross multiple mandates and core policy areas.

This Strategy provides a nation-wide blueprint to help guide regional implementation plans tailored to address the specific issues, needs and priorities of each region. Implementation of the Strategy over the next five years is crucial for effective fulfillment of NMFS's mission and mandates in a changing climate. Implementing these recommendations will efficiently and effectively increase the production, delivery and use. More information is accessible online.

### Discussion

Rice asked if the Strategy will take precedence in fisheries policymaking.

Cyr said it is a strategy to provide climate-informed science information to existing management processes, such as stock assessments, biological opinions or protected species. It is not a separate management process, in and of itself.

Gourley asked if the Strategy will help drive fisheries management.

Cyr said it certainly will drive fisheries assessments. If there is environmental change that is affecting recruitment or affecting growth or natural mortality, that information needs to be incorporated into stock assessments so that the assessments are more robust to climate change.

Simonds said changes in climate are already affecting fisheries. Over the last several years the Western Pacific longline fleets are catching fish more to the east.

Cyr said climate-related funding has been requested for a number of years, not just within NMFS but in other parts of NOAA as well. There is no current specific amount, and he welcomed assistance in raising awareness of the importance of the strategy.

Simonds asked if more people will be provided to PIFSC.

Cyr replied it will likely be at a national level. Regional Action Strategies will need to be developed, and there are likely to be requests in regards to those, as well.

Simonds said a climate workshop will be held in Guam in June that will include the Territories and former Trust Territories. She pointed out that \$8 million was directed for the Territories, and similar funding for indigenous peoples on the mainland. She stressed the importance of working together.

Cyr added that the Administration put \$12 million in the 2016 fiscal year (FY) budget at the Office of Management and Budget level for ocean acidification, which will be a major issue in the tropical Pacific. The time is right to try to get resources for climate-related strategies. The intent of the strategy was not just to generate a budget request, but to get NOAA's internal house in order and to align the scientific enterprise.

Goto noted the migratory pattern change due to climate change by Simonds and asked if there were other known near-term effects on the pelagic fisheries.

Cyr directed the question to Jeff Polovina.

Matagi-Tofiga spoke in support of more funding for ongoing vulnerability assessments.

Cyr agreed that national vulnerability assessments are an important first step. Currently, there is a vulnerability assessment on the managed stocks. There is opportunity that NOAA will be able to do the assessment nationally or in each region without additional resources because it is similar to a desk audit, using information that is also available as opposed to having to go out and collect additional information.

Sword asked if there is any evidence that the sea level rise is accelerating.

Cyr replied, probably so.

Eileen Shea, chair of the Council's Marine Planning and Climate Change Committee (MPCCC), agreed, noting that the current sea level rise estimates are considered to be conservative.

Gourley pointed out that estimates are not worldwide; sea level rise will vary.

Shea agreed.

Cyr added that information is needed regarding the local effects.

Sablan asked for more information on the climate workshop to be held in Guam.

Simonds said Esther Kia'aina, the deputy secretary for insular affairs, is holding the climate-related workshop in Guam and has been working with the Governor's office. It is in the early stages.

#### **E. Fisheries Internship and Student Help Project**

DeMello presented information on the Council's Fisheries Internship and Student Help project to provide mentoring for students. The goals and objectives are to increase local capacity over time in the islands. The project helps to create a more informed community that can participate in the Council process, as well as an understanding of fisheries and fishery issues on a local basis. It also increases the Council's productivity. The components of this project include a high school component, which is part of the Council's high school fisheries courses held in each of the island areas, which is ongoing for 2015. There are also undergraduate summer internships

available, with slots open for two interns; applications are being accepted online until March 31. He encouraged students going to school in Hawai‘i or elsewhere that have a place to live to submit an application. The opportunity for master’s students at Hawai‘i Pacific University to work on stock assessments is also continuing.

### Discussion

Gourley asked about the financial considerations of the student.

DeMello said for 2015 room and board is the student’s responsibility as there is no funding. The intern is a paid internship, which lasts eight to 10 weeks, with an hourly rate of between \$12 and \$15 an hour for a 40-hour week. Tasks will include working on projects, such as annual reports, helping with amendments and so forth.

Seman asked about the application deadlines.

DeMello said the deadline for the summer internship is March 31. The Council is still recruiting for the Hawai‘i Pacific University opportunity, but the sooner the better as the university has different deadlines.

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

Council staff member Sylvia Spalding reported that the winners of the first US Pacific Territories Fishery Capacity-Building Scholarships are Fa‘asalafa D. Kitiona, a marine science student at the University of Hawaii at Hilo, entering her junior year, and Keena Leon Guerrero, a marine biology student at Hawai‘i Pacific University. The memorandum of understanding developed by the Council’s Education Committee, which was signed in 2014, established this scholarship program for undergraduate and graduate students and other efforts to build the capacity of the Territories to manage their own fisheries.

The Council has published its spring newsletter, as well as code of conduct posters available in English, Hawaiian, Samoan, Guam Chamorro, CNMI Chamorro, Refaluwasch and Chuukese. The poster is available in two versions, regular poster paper and a waterproof, lightproof, tear-proof paper suitable for posting outdoors. The posters will be available to the Territories and Hawai‘i. Public service announcements on the code of conduct for television and radio broadcast are forthcoming

The 2015 Hawaiian lunar calendar, which focuses on fishponds, was resized for ease of printing. Many requests have been received, including a request the calendar in educational activities in New Zealand as part of the worldwide voyage of the Hokule‘a.

Since the last Council meeting Council staff has distributed six press releases to more than 1,000 recipients via Constant Contact and fax. Seven letters were sent to editors about erroneous information published by the *National Geographic*, *Seattle Times*, *Honolulu Civil Beat*, *Hawaii News Now* and the *Saipan Blog*. Staff has also responded to over 11 requests from the media for interviews, information and images. There have been at least 20 news coverages of the Council since its 161st Council meeting.

Public outreach included two direct mailings to about 5,000-plus each; paid advertisements in print, radio and television; community calendar notices sent to 14 publications; 40 Facebook posts, liked by 367 and reached up to 2,230 people; and 18 videos posted on Vimeo and YouTube. The Council's Twitter account now has 170 followers. Council staff has also responded to dozens of community queries on various topics. Handouts were provided at the National SSC V and to the Hokule'a worldwide voyage and Pacific Asian Affairs Council in New Zealand by request.

The Council's website is continuously updated. The ISSUU bookshelves provide documents that can be viewed in a book format or downloaded as a PDF. A publication tab has been added, which will provide access to Council-generated grey literature. Since the last Council meeting, the Council's website has been accessed by 7,500 users from the United States, Guam, CNMI, Brazil, American Samoa and other locations. There have been approximately 1100 sessions and about 2,600 web pages have been viewed.

### Discussion

Matagi-Tofiga thanked Spalding for the assistance she has provided to American Samoa and keeping them updated on the various programs. The translated code of conduct in the Samoan language has been a great help for the fishermen.

Tosatto announced that PIRO now has a Facebook page and is also on Twitter.

Rice said his fishing Facebook page has been enhanced by liking other pages that are related to his area of interest.

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

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

Shea updated the Council on the draft policy on marine planning and climate change being developed by the MPCCC. In November 2014 in Honolulu, the Committee met to develop an annotated outline of the draft policy and assign subgroups to flesh out the components. The MPCCC then met by teleconference in January 2015 to review the draft policy and plan. Finalization of the draft followed via Google Docs and e-mail. The background section points to federal directives relevant to the policy, references the community needs and desires resulting from meetings and workshops held in all jurisdictions, and the growing importance of marine planning and climate change. The next section includes definitions. The third section covers over-arching principles, and the fourth section is the policy, itself, structured around the Council's Guiding Principles.

### **2. Marine Fisheries Advisory Committee's Climate and Marine Resources Task Force Report**

Spalding presented her perceptions of the first face-to-face meeting of the MAFAC Climate and Marine Resources Task Force meetings to date. The Task Force was created to provide expert advice and a communication conduit for stakeholders to MAFAC and subsequently to the NOAA leadership on the production, delivery and use of climate-related

information in fulfilling NMFS's mission activities. The objectives included reviewing and providing input on the NMFS (also known as NOAA Fisheries) Climate Science Strategy, providing a national perspective on regional implementation of the plan, and helping to identify socioeconomic issues and community impacts related to climate change and fisheries. The Task Force has a three-year term for membership. There are one dozen members. Spalding and Rick Gaffney represent the Western Pacific Region.

The Task Force has met three times. The first two meetings were by webinar to provide background to the Task Force members. On March 11, 2015 the first face-to-face meeting was held in Silver Spring, Md., to review the draft Strategy. Prior to the meeting, the Task Force organizers were provided comments on the Strategy from Council staff with input from Shea as the acting chair of the Council's MPCCC. These recommendations included strengthening the need to address natural variability; to provide information on ecosystems and indices at the regional and sub-regional scales; and to emphasize cultural concerns. Other pre-meeting suggestions from the Council were to have allocation of resources reflect regional needs, to recognize other NOAA partners like the RFMCs and to identify regional gaps.

The Silver Spring meeting was led by Roger Griffis (science lead) and Wendy Morrison (management lead). They noted that the science was pulling the management in the strategy and needed to be strengthened. The draft Strategy included seven objectives: reference points, management strategies, management processes, projections, mechanisms of change, status and trends and science infrastructure.

Meeting participants expressed concern that the document's purpose and audience were not clear. Griffis said the document is to help with a budget. There was discussion about how the draft Strategy seemed NOAA-centric and did not address the needs of the communities. Another criticism was the document was dense. It was felt that the priorities of the different communities as far as risk should be addressed in the strategy. The Task Force members wanted more socioeconomic information included, for instance, regarding subsistence fishermen, and more about collaboration with other stakeholders, including traditional knowledge holders.

The Task Force is working via Google Docs to finalize their notes from the March 11 meeting. The public comment period ends March 31. MAFAC meets April 28. The Task Force comments will be considered by MAFAC at the April meeting via the MAFAC Ecosystem Approach Subcommittee. The MAFAC comments will then be considered by NOAA even though the public comment period would be over.

### Discussion

Rice reiterated his question about the impact climate change policies will have on the fisheries management process.

Spalding pointed out that the policy is not solely MSA-focused but also relates to the MMPA and Endangered Species Act (ESA). The Task Force did not include many fishery managers and there are still many unknowns. She pointed out the policy focuses on science needs.

Simonds said the Council will be sending in comments.

Seman asked if there was any discussion regarding the Task Force's effort to connect on an international level.

Spalding said the Task Force stated that international climate change issues should be recognized.

Seman questioned the effectiveness of efforts being made without having the main players being included in the discussion.

Simonds said the President has been meeting with the countries and there were international meetings about climate change in 2014. There is nothing to do except adapt and get better science and better information.

Gourley asked what happened to the Marine Spatial Planning Task Force.

Spalding said currently there are two task forces, the MAFAC Climate and Marine Resources Task Force and the Aquaculture Task Force. Coastal Marine and Spatial Planning was in the National Ocean Policy. When the implementation plan for the National Ocean Policy came out, it no longer had Coastal Marine and Spatial Planning. It contained Marine Planning, which is why the Council's Committee is Marine Planning and Climate Change. Marine planning is still moving forward with the Regional Bodies and is recognized in the MPCC Draft Policy.

Keena Leon Guerrero, one of the winners of the first US Territories Capacity-Building Scholarship was present. She thanked the Council for the opportunity and said the scholarship will allow her to fully focus on her core studies.

## **H. Social Science Reports**

### **1. Report on Regional Fishery Management Councils' Social Science Meeting**

Hawkins reported on the outcomes of the Social Science Regional Fisheries Management meeting held in December 2014. The group was established in 2012 and meets via conference call four times per year. Thirteen persons—including representatives from all of the RFMCs, two the NMFS Fishery Science Centers, Massachusetts Institute of Technology Sea Grant and AECOM—participated in this group's first face-to-face meeting. There were two days of presentations and discussions and one day touring the Honolulu Fish Auction, Fresh Island Fish and fishing areas on O'ahu and watching a video presentation of handline fishing off of the Big Island. The agenda consisted of an overview and history of social science in the RFMCs; federal requirements for NS 2, 4, 5, 8, 10 and NEPA; regional approaches to social assessments of actions; data collection; analysis methods and standards; and fishery and community indicators.

Some of the major conclusions from the meeting are the available data for social assessments are rarely sufficient to conduct a comprehensive management analysis of the alternatives and regional work is necessary to develop socioeconomic indicators by fishery. The current NMFS social impact guidelines are impractical, given the data and time constraints. Most RFMCs do not even try to use the current guidelines. There is misalignment between Councils' socioeconomic needs and planned and ongoing regional Science Center projects. Earlier

communication is desired regarding planned Science Center human dimensions work. Also, the NMFS Human Dimensions Team and the Social Science Regional Fisheries Management are disconnected. Disparate guidance and practices for NEPA was also mentioned.

In general, participants recognized the unique opportunities and barriers for social scientists in RFMCs; the importance of their work; and the complexity of a fishery as social-ecological system. Participants expressed a desire to have the tools given the environment and time to do a good job. The next steps include finalizing a comprehensive meeting report to be posted online and the development of a list of key recommendations for the June 2015 CCC meeting.

#### **I. Advisory Panel Recommendations**

DeMello reported the AP members in the Mariana Archipelago met on March 10. The Hawaii Archipelago AP members met on March 12. The American Samoa Archipelago AP members met on March 13. There were no formal program planning recommendations.

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

Daxboeck had no recommendations regarding program planning.

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

No public comment was offered.

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

*Regarding the revisions to the NSI, 3 and 7 guidelines, the Council directed staff to work with the SSC subgroup to finalize the comments to the proposed rule and officially transmit the comments to NMFS prior to the June 30, 2015, deadline.*

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

*Regarding the five-year FEP Review, the Council endorsed the review activities timeline as discussed at the 162nd meeting and directs staff to:*

- **Revise the annual report outline to include important missing ecosystem elements.**
- **Identify the most appropriate Plan Team expertise to address the new annual report elements and develop contents.**
- **Develop an outline for the revised FEPs that address internal and external critiques related to information, process and modus operandi, including the various recommendations from the three Ecosystem Management Workshops the Council held in 2006 and 2007.**

- **Develop or implement existing mechanisms to improve communication between the Council and its advisory groups prior to and following Council meetings.**
- **Develop a process and timeline to engage the region's fishing communities and stakeholders to identify FEPs goals and objectives, under the direction of the Executive Director.**

Moved by Gourley; seconded by Sword.

Motion passed.

*Regarding the draft Marine Planning and Climate Change Policy, the Council approved **the Policy as presented and directed staff to implement it.***

Moved by Gourley; seconded by Sword.

Motion passed.

*Regarding the NMFS Draft Climate Science Strategy, the Council directed **staff to draft comments on behalf of the Council and requested the Council's executive director to make revisions, as appropriate.***

Moved by Gourley; seconded by Sword.

Motion passed.

## **7. American Samoa Archipelago**

### **A. Motu Lipoti**

Matagi-Tofiga reported activities conducted by the DMWR since the last Council meeting. Participation by local fishermen in the Inshore Fishery Documentation Program, which is a shore-based creel survey, has increased. The Community-Based Management Fishery Management Program remains successful. Increased outreach is ongoing to improve the program's effectiveness and enforcement of marine protected areas (MPAs). The village mayors are deputized to better enforce the areas. One of the deputized mayors attended an SPC workshop on village outreach in New Caledonia to share information on the program. The Biosampling Program continues. Otoliths and gonads have been extracted from three species, the humpback snapper, the red-lip parrotfish and brick soldierfish. The otoliths and gonads are being analyzed. The FAD Program is ongoing and has collected data from recreational and *alia* fishermen. USFWS recently approved a DMWR grant. The grant and a NEPA review by USFWS are overdue so activities in the program are currently suspended. The Coral Program is monitoring reef flats and found extensive bleaching and crown of thorns present. Education and outreach activities have included fishing safety classes with the local elementary and high schools and numerous field trips to the DMWR and village outreach.

A government subsidy is providing safety equipment to *alia* fishermen. The fish market is completed and recently held its grand opening.

Matagi-Tofiga expressed her appreciation to the Council for all of the assistance the Council provided.

## Discussion

Rice asked if fishermen are providing fish to the fish market.

Matagi-Tofiga replied that is the goal. The fish market just recently opened.

Rice asked if the Manu‘a facilities are being utilized.

Matagi-Tofiga said the fishery participation in Manu‘a is low. Most of the people from Manu‘a work for the government and fish part-time. There are plans for DMWR staff to travel to Manu‘a to promote fishing by the Manu‘a residents.

Rice asked if the American Samoan government assists the fishermen in acquiring boats.

Matagi-Tofiga said the Department of Commerce (DOC) is looking into that area of assistance. DMWR offers help in terms of fuel and safety equipment for the local fisherman.

Poumele said the Governor and DOC director were recently in Seattle for a meeting regarding the transportation catamaran between Pago Pago and Manu‘a and a design for a fishing boat. Plans were developed for a company representative to travel to American Samoa to fabricate the boats on island. Approximately \$10 million has been provided through the State Small Business Credit Initiative program to stimulate the economic development on the island. The intent is to get people, especially in Manu‘a, to buy into it so as to provide at least 10 fishing boats. Currently, transportation from Manu‘a is once a week. Fish must be iced, but they lack the proper coolers.

Seman asked for further information on the subsidy mentioned in the report.

Matagi-Tofiga said the government subsidy offers discounted fuel. The American Samoa government buys fuel in bulk quantities and sells it to fishermen at approximately half price.

### **B. Fono Report**

Matagi-Tofiga reported a regulation was recently passed for the conservation of sea cucumbers with a prohibition on commercial harvest.

Nate Ilaoa, the Council island coordinator in American Samoa, added that there were three hearings in January on the Large Vessel Prohibited Area (LVPA) and work is ongoing on a resolution on the LVPA.

### **C. Enforcement Issues**

Matagi-Tofiga reported that the DMWR Enforcement scope of work has increased because of the need to provide enforcement coverage for the Sanctuary. Assistance is needed from the Sanctuary office.

## Discussion

Simonds pointed out that NMFS provides enforcement for the Sanctuaries.

Tosatto said OLE reports to the NMFS assistant administrator so NMFS does not enforce it. OLE enforces all of the regulatory provisions of NOAA's charge. He offered to follow up with OLE.

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

### **1. Report on the Governor's Fisheries Committee**

Ilaoa said Governor's Fisheries Committee was established in December 2014. It is a multi-stakeholder task force whose purpose is to provide advice on local fishery issues.

Poumele said, over the last two years, the Administration recognized the need for a closer working relationship with the canneries and wanted to also provide assistance to DMWR in efforts to get local people interested in fishing. The members of the task force include the three Council members, a member from the private sector, two members from the two canneries and former DMWR Director Henry Seseapasara, who will lead the task force. The purpose and the goal of the task force have been identified so as not to interfere with the goals of DMWR. The intent is to hear from the canneries and the purse-seine and longline boat owners about anything that has to do with fishing activities in American Samoa. The task force reports directly to the Governor.

### **2. Fisheries Development**

#### **a. Fish Market Dedication**

Ilaoa provided added details on the dedication and January opening of the Fagatogo Fish Market. Some of the major improvements from the renovation included the installation of floor drainage, air conditioning, a large table saw for bigger fish, counter space, an industrial sink with spray hose, display cases for value-added products, a walk-in freezer and cold storage. The fish market has been leased by a fisherman.

#### **b. Tri Marine/Samoa Tuna Processors Grand Opening of Canning Operations**

On Jan. 26, Tri Marine held its inauguration ceremony for the opening of its canning operations in American Samoa. The company has invested \$70 million in new operation. Tri Marine said 1,500 employees will be hired to facilitate the operations. Tours were given to the 200 guests who were present for a ceremonial fish cleaning. Council members were able to attend, as well as the governor and the Renato Curto, the Tri Marine chief executive officer.

## Discussion

Simonds about a report that Tri Marine sold several boats following the disastrous treaty negotiation in October and were concerned its boats would have to fish elsewhere because of the reduction of fishing days from 5,500 to 300 days.

Kingma said he knows about one boat being sold.

Sword said Tri Marine sold one boat because two boats were built. There is rumor of another vessel being sold, but it has not been substantiated.

Rice asked if Tri Marine is still interested in getting into the fresh fish market.

Ilaoa said the latest information is Tri Marine is taking all fish and paying market prices.

Simonds said, because vessels from China, Taiwan and other countries are fishing in the Cooks and waters surrounding American Samoa, Tri Marine wanted to accept fresh and fresh-frozen fish. Hawai'i does not want to see any foreign fish coming from those entities to Hawai'i.

Sword said there are two flash freezers for fresh fish export. The dock is completed and can be easily used for *alia* and other bigger boats. The fresh fish market is a key for development of the local fisheries.

Tosatto said the WCPFC has attempted some measures that would make purse-seine fisheries retain all catch. Currently, the Parties to the Nauru Agreement (PNA) countries require the vessels fishing under agreements inside their zones to retain all catch. The United States does not require the fleet to retain all catch. Several of the newly constructed purse seiners are responding to the regional requirements to retain all with construction of refrigeration versus freezers and will likely end up with a new product line.

Simonds said it will not be sashimi-quality fish.

Tosatto agreed.

### **3. Marine Recreational Information Program and Territories Science Initiative**

Ilaoa reported in August 2014 the Council hired a contractor to work with local vendors in conjunction with the Territorial Science Initiative (TSI). Vendors will be trained on how to complete the commercial receipt book and be in compliance with local regulations on submission of data for seafood purchases and sales. As a result, DMWR has increased the businesses involved from 21 to 41 as of March 2015. A Seafood Vendor Forum was also held, which will be reported on later in the agenda.

A contractor was hired in September 2014 for a Marine Recreational Information Program (MRIP) project. The contractor has worked with local fishermen to collect information on seasonal run fisheries and gaps in the creel survey. The creel surveys include the north shore areas, villages, spear fishing and after-hour collection. A Fishers Forum is planned for March 31 to inform the community about MRIP and introduce an incentive program to promote sharing of data. Progress was slow for the first half of the contract but looks better for the second half.

#### Discussion

Rice asked if there was an online program for the vendors to submit their data. Hawai'i has an incentive to submit the reports on a timely basis to avoid a fine.

Ilaoa replied not at the present time, but it was a good suggestion and would save fuel on the data collection process.

Matagi-Tofiga expressed her appreciation for the help from the Council in setting up the program. Vendors have responded positively to the incentives, and the contractor has done a great job.

Council staff Marlowe Sabater said DMWR is also working with the sports fishing clubs to collect data from the recreational sector. Work is ongoing to combine the two databases into one comprehensive data set.

Simonds asked about the status of FishBox, which had to do with data from the American Samoa recreational fishermen.

DeMello said there are forms that are currently being used but they have not been compiled into a database. There are plans to create a database so the information can be put into the annual reports and to also begin a monitoring program.

Sword said there is a DropBox for the catch reports. He inquired as to the status of the School Lunch Program in relation to contracting with the fish market.

Matagi-Tofiga said she did not know the answer to that question and was not aware if that avenue was ever explored.

Ilaoa said he met with representatives from the School Lunch Program the Department of Health and the US Department of Agriculture. The US Department of Agriculture was willing to waive some regulations in order for the school lunch to buy locally caught fish, but it needed a clearance from the Department of Health that the fish passed local standards. To date, there has been no news regarding any form of clearance, which would include hazard analysis and critical control point requirements.

## **E. Education and Outreach Initiatives**

### **1. American Samoa Lunar Calendar and Student Poster Contest**

Ilaoa said the lunar tide calendars featuring artwork from American Samoa students have been completed and were distributed in January. The current year's winners were selected in partnership with the DOC in December.

### **2. American Samoa Summer High School Fisheries and Marine Resource Management Course**

Ilaoa said the American Samoa high school summer course is planned to begin in June. The three-week course provides students with hands-on lessons in local fisheries, fishing methods and marine resource management. The students are provided insight on the work being done by local and federal resource agencies and fishing organizations. They are instructed on swimming safety and first aid and certified for cardiopulmonary resuscitation.

### **3. Territorial Science Initiative Seafood Vendors Forum**

The Seafood Vendor Forum was held on Nov. 20 at Sadie's by the Sea conference room. Ilaoa and DMWR provided information for vendors on the regulations for purchase and sale of fish and the importance of participation in the data collection efforts and introduced an incentive program. The vendors were able to get answers to their questions on the program.

### **4. Marine Recreational Information Program Fishermen Forum**

The MRIP Forum is scheduled to be held in late March. A report of the forum will be presented at the June Council meeting.

### **5. Manu'a Outreach Project Summary**

In February two modules of the Manu'a outreach project was conducted with students from Manu'a High School carried out by DMWR staff on the Island of Ta'u. The focus was on coral reef and water quality monitoring techniques, geology and climate change. The third module of the course will take place in April with a focus on creel survey and data collection methods, along with a community event.

#### **F. Advisory Panel Recommendations**

DeMello presented the following recommendations:

*Regarding catch size limits for insular fisheries, the American Samoa AP recommended developing an education and outreach plan.*

*Regarding American Samoa ACLs, the American Samoa AP requested more information be provided regarding how ACLs are developed.*

*Regarding the National Marine Sanctuary of American Samoa, the American Samoa AP requested Sanctuary updates at future AP meetings.*

*Regarding the American Samoa Marine Conservation Plan, the American Samoa AP recommended the Council request DMWR to include the AP in revisions and use of the AP as a forum for revisions.*

#### Discussion

Simonds asked about the request for catch size limits.

DeMello said currently there are no size limits and a lot of small fish are being caught. The requested information is on how catch size limits work and if it would be appropriate for American Samoa.

Simonds said the first step would be to conduct an assessment of the fisheries in the insular areas and the ACLs.

DeMello said they have an interest in avoiding federal rules and regulations.

Simonds said the Council and DMWR will need to discuss the topic. She added the Sanctuary office needs to keep the music down as it is heard at the hotel.

Gourley said the catching a large amount of small fish may be a misperception possibly due to larger fish being sold off first so at the time the data is recorded there are only small fish left for sale. He suggested using a more scientific approach.

Matagi-Tofiga said it should be done in a way that does not interfere with the seasonal runs of small fish common in American Samoa.

Sword agreed with Gourley's comments regarding the market behavior.

Seman noted his concern regarding a similar problem in CNMI when there is conflicting research results. He stressed the need for better collaboration and communication.

DeMello said DMWR staff has been working on the Biosampling Program with PIFSC and the information could help shed light on the issue.

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

Daxboeck had no SSC recommendations regarding American Samoa.

#### **H. Public Comment**

No public comment was offered.

#### **I. Council Discussion and Action**

*Regarding American Samoa data collection, the Council recommended **NMFS and PIFSC Western Pacific Fisheries Information Network (WPacFIN) assist American Samoa DMWR in developing a database for its noncommercial data collection program for annual report module creation.***

Moved by Sword; seconded by Matagi-Tofiga.  
Motion passed.

*Regarding American Samoa data collection, the Council recommended that **NMFS PIFSC provide reports on the results of the Biosampling Program in American Samoa for consideration in catch size monitoring.***

Moved by Sword; seconded by Matagi-Tofiga.  
Motion passed.

*Regarding the Marine Conservation Plan, the Council recommended **the DMWR include the Council's advisors in future revision of the Marine Conservation Plan and offered the AP meeting as a forum for Marine Conservation Plan revision discussions, as needed.***

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

## **8. Hawai‘i Archipelago and Pacific Remote Island Areas**

### **A. Moku Pepa**

Leialoha reported that fishing has been good and the fish markets are flooded with ‘ahi.

Goto reported the longline market has been strong since the last Council meeting. Effort has been low in the swordfish fleet. There was an initiative among the Hawaii Longline Association, United Fishing Agency and the Council to provide outreach to longline captains on techniques to mitigate false killer whale entanglements, which has reached more than 100 captains. Goto shared a brief video.

Rice said fishing has been good since the fall in Kona with big fish showing up, with the average weight for tuna at 190 pounds. His charter boat caught the biggest tuna of the year so far, weighing 1,058 pounds, which has been reported on media worldwide. It took only 30 minutes to get the fish onboard. It was donated to charity. He played a short video interview for the Council.

### Discussion

Simonds asked if marlins follow yellowfin and if that happens with other species also.

Rice replied in the affirmative; when yellowfin run, the bigger marlin show up. When the yellowfin show up, the spearfish show up. Marlin love to eat spearfish.

Daxboeck told a tale of catching a marlin at the harbor buoy.

### **B. Legislative Report**

Miyasaka reported the new governor, David Ige, was elected in December and appointed former DLNR Chair William Aila as deputy director of the Department of Hawaiian Homelands. Carty Chang is in place as the interim DLNR chair until he is confirmed by the Senate.

The Division of Aquatic Resources (DAR) administrator resigned in October 2014. The position remains open. All four management positions within DLNR remain unfilled.

Miyasaka reported the major items from the legislature include the tracking of four bills.

House Bill 483, House Draft 1, refers to administrative inspections in West Hawai‘i. It would give DLNR additional authorities to conduct inspections in the West Hawai‘i area, such as inspect catches. There are concerns related to civil rights. The bill was deferred until the civil rights concerns can be addressed by the Attorney General’s office. The bill came from the Big Island’s Kona District representatives.

House Bill 1478 has to do with the Hawaiian Island Humpback Whale National Marine Sanctuary and formally establishes the sanctuary in statute within the Hawai‘i state law. It would

establish the State co-manager position, as well as provide for funding from the State General Funds. DLNR supports the bill.

Senate Bill 1127 is in regard to Civil Resource Violation System, an administration bill introduced by DLNR. It would provide an additional incentive for people who are violating DLNR regulations by not allowing them to register their vehicles while their violation is outstanding.

Senate Bill 1377 has to do with the Waikiki/Diamond Head Shoreline Fishery Management Area on southern O'ahu. The bill would completely prohibit the use of spears within the management area. DLNR is attempting to work with the legislature on any issues with the bill.

### Discussion

Simonds about the amount of the Humpback Whale Sanctuary budget request.

Miyasaka was unsure of the exact figure because the Senate zeros out the funds until the legislative bills pass and then figures out how much is available for funding bills. The original request was about \$150,000 a year, which would fund two positions, the co-manager and the permit research coordinator.

Simonds asked if the Sanctuary Program will be providing funds to the State.

Miyasaka said the State will be getting some funds, but he was not sure of the exact amount. It may pay for the research coordinator position and partially fund the co-manager position, but it would not cover a full year and does not provide funds for operating expenses.

Simonds said there should be co-management. The Sanctuary has between 15 and 20 people on their staff and the State should be getting much more support.

Miyasaka added that the Papahānaumokuākea MNM is in a similar situation, federal funds for the co-manager position are being cut. DLNR would like to put that position and budget in the State's general budget to ensure there is a position and funds for the position. However, because the bill that established the program in statute is no longer alive, the plan now is to seek to keep the position and the funding and worry about the program in the State law for the future sessions.

Simonds asked if there has been a reduction of federal funds for the National Sanctuary Program.

Miyasaka was not sure of the answer. There may not have been a reduction in the overall budget for the Sanctuary Program but rather a reduction in the amount allocated.

Simonds questioned the timing of proposed sanctuary expansion and the reduction in an already insufficient budget.

## **C. Enforcement Issues**

Miyasaka reported that the Enforcement Department currently has two administrative rules in the Governor's office awaiting signature to become law. One bill is in regards to the Ha'ena Subsistence Fishing Area on North Kaua'i. Commercial fishermen have challenged provisions in the rule prohibiting commercial fishing in the area as being unnecessarily restrictive and are interested in being granted an exemption. The Board of Land and Natural Resources approved the rule to go to the Governor's office and indicated support for a commercial fishing exemption, in addition to an exemption to extract the alien *ta'ape* species in the area. There has been some agreement between the community and commercial fishermen. DLNR plans to go back to the community to work out details of the arrangement so that when the governor signs the rule an amendment process will be put in place to implement the agreement. The Aquarium Fish bill on O'ahu is in regards to an effort by the industry to regulate itself by creating regulations to impose restrictions on gear length, commercial bag limits and prohibitive take of certain species. Currently there is some opposition to the bill. DLNR is waiting for the bill to be signed.

The Ahu Moku Advisory Committee was established in 2012. The mission of the committee is to enhance, protect, conserve and manage unique natural, cultural and historic resources of Hawai'i held in public trust for current and future generations. The authorizing statute was not funded by the legislature. The funds have been provided by the Office of Hawaiian Affairs. DLNR is seeking long-term general funds.

In December, the Division of Conservation of Resources Enforcement Chief Randy Awo, retired. Jason Redulla is now the acting chief of enforcement.

## **D. Main Hawaiian Islands Bottomfish**

### **1. Pacific Islands Fisheries Science Center Meeting with Main Hawaiian Islands Bottomfish Fishermen**

Chris Boggs, from PIFSC, briefly presented the report of the PIFSC meeting with the MHI bottomfish fishermen and other agencies working on bottomfish research and management that was held at Pier 38 in December 2014. The meeting covered a broad range of topics, such as understanding the CIE review process, technical elements of the 2011 and 2014 stock assessments and fishery data, characteristics and history. The meeting was the first of a series of meetings that PIFSC will be organizing to coordinate fishers' knowledge and gather fishers' concerns.

Regarding the deep 7 bottomfish assessment, fishermen say the fishing has not reduced the stock to the threshold of overfishing. It may look like the stock has been reduced, but one reason for that is the restricted areas have made it much harder to fish. The restricted areas make fishing look less successful because of the difficulty in getting to other areas to fish and not because of reduced abundance in other areas. Fishermen think that the restricted areas have caused fishing pressure on the stocks to be reduced, and they want PIFSC to recognize in the stock assessment that the biomass in the restricted areas are not quantified by the assessment. When the Bottomfish Restricted Fishing Areas (BRFAs) were put in place, it was assumed to

encompass 20 percent of the biomass, but the stock assessment makes no explicit assumption of the 20 percent.

Fishing technology impacts needs to be taken into account in the stock assessment. The stock biomass is much larger than given by the assessment, and the amount of catch in Hawai'i is too small to have had such a big effect on the stock biomass.

Fishermen said they can catch lots of large fish if they want to. If the stock had been badly overfished then it should be hard to find large fish, but they're very common.

Fishing styles and marketing have an effect on reported average size. There is a market which prefers smaller fish.

The big change in biomass is due to an environmental change in Hawai'i, which is something fishery management cannot control. One opinion was that the 1960s downward trend happened during a time of environmental change in the archipelago. Boggs said PIFSC has talked about a decadal-scale change occurring in the Northwestern Hawaiian Islands (NWHI) during the 1960s, but there is no evidence of a similar change in the MHI.

Fishermen said the assessment is wrong because individual species are not assessed. Fishermen can easily switch to target species that are not accounted for in the assessments. Effort for a combined fishing behavior may not represent the same signal as a single-target behavior, and is not accounted for in the stock assessment. When kahala were no longer marketed, it created shark depredation and a bias on catch rates in the assessment.

Fishermen also noted that recreational catch or noncommercial catch is not being reported. There are issues with how the recording forms are formatted. Entry of effort on individual hooks and lines is difficult to report. Fishermen find it easier to report a combination of information. Fishermen believe that CPUE should be a sophisticated measure and should include some actual measure of effort, such as line hours or hooks or hooks per line. Fishermen were upset because they had been recording more detailed information since 2003 and assumed that PIFSC was using a more sophisticated CPUE. Instead, it is called catch per day or catch per date. There was much confusion about how to report the information and whether it is useful.

Fishermen stressed the need to include the biomass protected within the BRFA's in the stock assessment, as well as consideration of the reductions in fishing power over time based on what fishermen report on the matter.

PIFSC will consider all ideas and explore them as they move ahead to a benchmark assessment, but not all problems can be solved. These comments and concerns of the fishermen will be taken into consideration and explored.

## Discussion

Simonds asked if the effort could be given to prioritize what PIFSC could accomplish and could not accomplish.

Boggs said efforts could be made to locate the missing data to allow PIFSC to link to fishermen prior to 1994. There will be progress reports to the Council as the benchmark assessment is developed, which is the first thing on the list.

Simonds said this topic should be addressed at the upcoming Data Workshop.

Boggs said fishermen did not provide a prioritized list. One way forward is to look at recommendations from the SSC, from the CIE review and from the fishermen, and those would have a high priority for consideration.

Rice said 90 percent of the Big Island fishermen are fishing for different species, such as uku, monchong, ‘ahi, ‘opakapaka and onaga.

Boggs said, in a fishery where there is no explicit information on the target species, a great deal of creativity is required by stock assessment scientists to get a signal that would represent a change in target. Scientists can only move ahead and explore the data. It is a complex problem to address.

Gourley asked if the fishermen indicated whether or not they would be interested in providing more detailed fishing effort information.

Boggs said there was no indication better than what was reported by Miyasaka, which is that half of the fishermen are interested in reporting line hours on the State form. There are highliners interested in being very detailed. Scientists could use good data from people who have been in the fishery a long time and are going to stay in a long time. It would go a long way towards a solution.

Ebisui asked if any fishermen offered information on correlating seabird activity with bottomfish catch.

Boggs replied in the negative. He does not know of any data source to address correlating seabird activity and catch of bottomfish.

Ebisui said that he has experienced during downtimes when fish are present, but, because conditions are not right, the fish don't bite. When the seabirds begin to lift up off the water, the fish start to bite; this happens as far away as 12 miles from shore.

Boggs said one could imagine ecosystem linkages that would be responsible for such an event.

## **2. Report on the Center for Independent Experts Review of the 2014 Main Hawaiian Islands Deep 7 Bottomfish Stock Assessment**

Yau presented the CIE review of the 2014 MMHI deep 7 bottomfish stock assessment conducted in December 2014. The panel of reviewers was include John Neilson, PhD (chair), independent fisheries consultant, New Brunswick, Canada; Noel Cadigan, PhD, Marine Institute of Memorial University of Newfoundland, Canada; Panayiota Apostolaki, PhD, Center for Environment, Fisheries & Aquaculture Science, United Kingdom; and Vivian Haist, PhD,

independent consultant, British Columbia, Canada. The chair's summary of the review is as follows and was structured on six terms of reference for the review.

1. Comment on the assessment methods that were used in stock assessment. The Panel concluded that the methods employed, the Bayesian surplus production analyses, were generally appropriate.
2. Consider the input data used. The Panel had strong reservations regarding the quality of the input catch data and CPUE index of abundance used for the stock assessment. The Panel was also concerned about the influence of highly informative priors, but the model formulation issues were viewed as secondary compared with the input data, catch and CPUE concerns. Given the data quality issues, the Panel concluded that the stock assessment has serious flaws that compromised its utility for management.
3. Consider the scientific soundness of the estimated population benchmarks and management parameters. The Panel noted that given the conclusion the stock assessment model was not credible implied that the estimated population benchmarks and management parameters derived from the model are likely not reliable for addressing the management goals stated in the relevant fisheries management plan.
4. Evaluate the adequacy, appropriateness and application of the methods used to project future population status. The Panel concluded that, while the methods used to conduct the short-term projections were valid, population projections were not adequate for management purposes given the concerns with the assessment model. In addition, work completed by the Panel during the meeting showed that there are time trends in process error, which implied a less productive stock in the contemporary period. This will have implications for longer-term projections and the calculation of benchmarks.
5. Determine if the science reviewed was considered to be the best scientific information available. The Panel noted the availability of important new information on population dynamics that was not used in the proposed assessment model. Only limited changes to the previous assessment formulation established during the 2011 benchmark assessment were done due to the nature of the process where the assessment reviewed by the panel was an update only. Given this procedural constraint, as well as the areas for improvement in the index and the model, the science reviewed was not considered to be the best available information.
6. Make recommendations for future research directions. The Panel responded with a number of recommendations, structured into immediate and longer term categories. Within the immediate group of recommendations, the need for improved monitoring of the fishery was highlighted to ensure that improved catch and effort information is available for the assessment. The Panel suggested investigating the development of a catch rate series using known highliners that have a history of good logbook completion. Considering the longer-term recommendations, the Panel considered that given the problems with the development of a credible commercial catch rate series, development of alternative indices of abundance is needed. The Panel was encouraged to see that NMFS has recently started on such work. Continued development of the fisheries

independent surveys is critical for an improved assessment, and the Panel strongly endorsed the initiatives. The Panel recommended investigating the new length frequency information from biological sampling data and new age information by completing catch curve analyses. Such analyses would provide estimates of total mortality, which could then be compared with the current estimates of  $Z$ . However, the Panel cautioned that the program of biological sampling did not appear to follow a particular design, which may limit the utility of the data obtained. Given the significant additional information on the biology of the species complex that is arising from the new research conducted by NMFS, the Panel recommended the independent evaluation of priors such as the one assumed for  $r$  using this additional new information. Finally, the Panel supported the intention of NMFS to move towards assessing species individually, as the needed data become available to support this evolution of the assessment.

The summary report contains several recommendations concerning the review process. In particular, the Panel found that the update format for the stock assessment documentation was often too terse to allow a thorough assessment of the stock assessment. For example, it was very difficult to determine the details of the fishery evolution over time, and that in turn impacted the Panel's ability to comment on the suitability of the approach for catch rate standardization, a critical part of the stock assessment.

### Discussion

Simonds asked if there has been any discussion regarding PIFSC's next steps and what sort of budget will be required. She noted that tagging was also involved.

Yau said many recommendations from the CIE review panel were not uniquely put forward by the panel. The fishers and the SSC had similar recommendations. PIFSC recognized the need for some of the items to move forward. There are major common recommendations from different sources that are in the forefront moving forward. It is also a matter of staff availability and expertise. Some tagging is going on and will be launched as a project soon.

Rice noted that the absence of bottomfish fishermen in the audience and the importance of their presence and involvement.

### **3. Report on Second Hawaiian Bottomfish Research Workshop**

Yau reported on the Second Hawaiian Bottomfish Coordination Workshop, held in January 2015 with over 45 participants in attendance. The workshop's objective was to build on progress achieved at the first workshop held in 2013 by PIFSC at the request of the Council to coordinate ongoing Hawai'i bottomfish and cooperative and fishery-independent research efforts being conducted by all of the agencies and institutions in the region. The workshop goals were to have participants provide updates on new activities or findings since the 2013 workshop; identify how the research could be used to inform and improve the stock assessment science currently used to manage the bottomfish fishery; develop collaborations and priority research recommendations to coordinate future bottomfish research; and create a summary document describing the current and future prioritized research for MHI bottomfish.

The participants heard 14 presentations, divided into four major research themes, such as life history, fishery socioeconomics and fishery-independent abundance estimation. Attendees brainstormed in small groups about future bottomfish research priorities. A list of research priorities were identified on what was believed to be the most important future research efforts to improve the science used for management of bottomfish in the Hawaiian Islands. The top three outcomes identified as research priorities were 1) operationalize a fishery-independent relative abundance survey; 2) update habitat maps using existing data from several sources to create a four-dimensional map that synthesizes knowledge on habitat associations and life history dependency to refine the design for fishery-independent survey design; and 3) conduct life history studies that include age and growth, age at maturity and natural mortality.

The next steps include finalizing the consensus summary report that describes current research and future prioritized research. Prior to being finalized it will be sent to all of the participants for comments. The final report will be made publicly available. The consensus summary report will serve as a consensus document on the current status and future recommendations for bottomfish research in the MHI. If necessary, future workshops will be held.

#### **4. Report on Public Scoping Meetings**

Miyasaka reported on a series of seven public scoping meetings held collaboratively by the Council, DAR and PIRO during the first two weeks of December 2014. The discussions focused on the MHI bottomfish fishery and the commercial size limits for ‘ahi. The meetings were held mostly during the evenings when most fishers could attend; one meeting was on a Saturday morning.

During the meetings, presentations were given on the background of the commercial minimum size for ‘ahi and the State’s bottomfish management plan. The purpose of the meetings was to gather the public’s thoughts on proposed changes to the current state and federal management of the bottomfish and ‘ahi fisheries. The question-and-answer format of the meetings allowed for full discussion of the various topics. The agencies are working together to create a concerted set of management regulations since these resources occur in shared jurisdictions.

Public meeting attendance included 179 signed in attendees, with 160 surveys submitted.

Bottomfish measures included options for non-commercial fishing daily bag limits, creating a market grace period during which seafood dealers and markets can sell deep 7 bottomfish after a fishery closure and changes to the State’s BRFA’s and reporting grids

During the earlier years when the bottomfish fishery reached the catch limit and had to close, some markets were not buying fish as the closure approached because of concerns they would not be able to sell the bottomfish after the season closed. The markets and fishers asked the managers to allow a delay for the markets that bought the fish legally caught during the open season but allow for the inventory in the markets to be sold during the closed season. The length of the delay was five days in initial discussions. Later discussions with the retailers and restaurants indicated that a longer time delay would be helpful for the bottomfish to be sold if

purchased on the last day of the open season. There was recognition that different levels of the market may need more time to sell their inventory; primary dealers should have a five-day delay, secondary dealers should have a 10-day delay, and restaurants and retailers should have a 14-day delay. There was not a consensus on what that delay should be.

Current State law limits non-commercial bottomfishers to five of the deep 7 species per person. These fishers have asked DLNR to reconsider this limit as the costs and effort to make a bottomfishing trip to catch only five fish makes the trip not worthwhile. Increasing the noncommercial bag limit would enable more fish to be caught by noncommercial fishers. It is known that some noncommercial fishers have commercial licenses to avoid the noncommercial bag limit. Increasing the bag limit would encourage some fishers to not get the commercial license and stop reporting the commercial catch. Losing this data would mean that less fish would be reported and added to the ACL. There was some support for keeping the limit at five per person.

Since there would be some loss of the bottomfish catch information being reported from those commercial fishers that switch to noncommercial status, the idea that noncommercial bottomfishers should also be reporting is being considered. Currently, noncommercial bottomfishers are not required to submit reports of their fishing activity but commercial fishers are. Overall, there was strong support for requiring mandatory reporting for noncommercial bottomfishing.

In January 2014, the DLNR chair announced a plan to open six of the 12 BRFAs and keep the remaining six closed. The six that would remain closed are the Ni‘ihau, Makapu‘u, Penguin Bank, Pailolo, Kalaupapa and Kohala BRFAs. The Kaula Rock, Poipu on Kaua‘i, Ka‘ena Point on O‘ahu, Ke‘anae on Maui, and the Big Island’s Hilo and South Point BRFAs would open. The process for opening these areas would involve a rule change that normally takes about a year to effect. There was strong agreement that all BRFAs should be opened. But given the alternative of the proposal, there were mixed comments, depending on the island asked. Kaua‘i supported the proposed opening of the Kaua‘i BRFAs. O‘ahu was not supportive of the continued closures of the Makapu‘u and Penguin Bank BRFAs but asked for consideration of a rotating opening to allow some fishing in these BRFAs; otherwise, the knowledge of fishing these grounds would be lost. Hilo was supportive of the Hilo BRFA opening. Kona asked for a partial opening of the northern half of the Kohala BRFA.

Information was also provided on State of Hawai‘i bottomfish reporting requirements, such as standardizing and improving catch and effort reporting and volunteer noncommercial report, federal noncommercial bottomfish permit and report, and ‘ahi science and minimum size considerations.

## Discussion

Rice suggested that if fishermen understood the method of reporting line hours it would result in more accurate data.

## **E. Committee Projects Activities**

### **1. Fish Processing Waste: A Valuable Co-product from Hawai'i Fisheries**

Warren Dominy, from Aquafeed, LLC, an independent contractor hired by the Council to evaluate options to utilize fish waste generated from commercial fisheries in Hawai'i, presented the results of his evaluations. The multi-disciplinary project has been underway since 2008. The study focused on the raw fish processing waste (FPW) generated on the islands of Hawai'i, Moloka'i, Maui, Kaua'i and O'ahu, and its potential for conversion and use on each of the respective islands as a feed or fertilizer. Objectives of the study were to determine the volume of FPW being generated in the State of Hawaii; determine the quality, nutrient content; and determine the value of FPW and the value of the potential products that can be converted from FPW.

FPW consists of fish carcasses, viscera, heads, gills, bone, tail, fins, skin, scales, cartilage and ligaments that are the discarded parts from a fish processing plant.

Fish processing waste has a huge disposal cost burden for the wholesale fish industry. Some wholesalers on O'ahu are paying more than a \$100,000 year, and statewide the estimated cost is over \$1 million per year. FPW has the potential to be a valuable resource that could yield an income stream instead of dumped in a landfill, especially on the outer islands.

The current FPW generated in Hawaii, if maintained and processed properly, can meet or exceed the fishmeal market standards for the various fishmeal and fish oils that are sold commercially today. It also could be converted to feed or fertilizer. Products that are manufactured on island avoid the high cost of shipping imports from the mainland and other foreign ports and could be competitively sold locally to farmers and livestock producers to support food security for the islands.

The estimated volume of FPW being generated in the State of Hawaii, and on each of the five main islands was determined from information in the 2011 Commercial Marine Landings Summary Trend Report from DLNR, the Council's survey and interviews with seafood wholesalers and retailers on each island. Companies that were interviewed included a) large buyers of deep 7 bottomfish per the company listing from the Council's 2007 data; b) seafood wholesalers in the State, by internet listings; c) top 10 wholesale buyers at the fish auction; and d) major waste disposal companies of FPW on O'ahu.

Potential products of FPW are as follows:

- Fishmeal and fish oil: The FPW or whole fish in fishmeal and fish oil manufacturing are composed of three major fractions: solids, oil and water. A fishmeal plant processes and separates these fractions from each other as completely as possible, with the least possible expense and under conditions that will produce the best product values possible.
- Fish silage: This liquid product is made from whole fish, combinations of whole fish and FPW or FPW alone. The liquefaction of fish tissue by enzymes is naturally present in the

FPW raw material. Addition of acid, inorganic and/or organic acid lowers the pH of the silage sufficiently to prevent microbial spoilage.

- Fish fertilizer: A fertilizer plant will take any grade of raw fish. The enzymatic digestive process breaks the FPW down to its basic elements of nitrogen, phosphorus and potassium; the addition of an acid lowers the pH, which stops microbial growth. Fish guts in FPW contain endogenous enzymes that are of major importance for the enzymatic digestion process breaking down of FPW into fish silage and/or a fish fertilizer.

## Discussion

Goto said the fish auction is interested in this type of project. The fish auction generates a consistent amount of fish waste and hopes to use the FPW as efficiently as possible.

Poumele thanked Dominy for the research. Recently in American Samoa there were delayed shipments from the West Coast that negatively impacted the piggeries and the chicken farms in the territory, which led to a shortage of eggs. She sent an e-mail to the Agriculture Department about the FPW presentation.

Dominy said that a publication was done in conjunction with Center for Tropical and Subtropical Aquaculture about a proportioning method, which is a simplified method that results in pellets. The process has been demonstrated at the American Samoa Community College. He said it is easy for farmers to make fish fertilizer in a 55-gallon barrel.

Simonds noted Dominy had a long career at the Oceanic Institute and is now retired.

Rice pointed out that Kampachi Farms uses tons of fish feed.

Dominy said all that fish feed is imported. O‘ahu produces about 12 tons per day from fish waste.

Ebisui noted that years ago the efforts to raise mahimahi had limited success because the cost of feed was prohibitive. He can see many implications for similar projects. He recalled that bluefin tuna was used for dog food in the 1950s and 1960s.

## **2. Hawai‘i Community Fish Aggregation Devices**

Kingma presented an update on the Hawai‘i community FADs (CFADs). The Council hosts a program working with the fishing community to construct and place CFADs in the coastal waters to support pelagic fisheries. One of the requirements for placing a CFAD is the voluntary recording and submittal of fisheries catch-and-effort information from fishing on the FADs.

Anchored FADs are not designed as fishing gear under federal regulations but are considered property if legally established. If a legally established FAD is on the water, no one can restrict others from fishing around a FAD, legal or otherwise, under the existing legal landscape. Properly deployed and maintained FADs can provide positive community benefits to

fishing communities, enhancing fish sharing and economic opportunities. FADs also reduce search time and decreases fuel costs.

The Council has been working with fishing communities on FAD projects since 2006. In 2014, the Council had four CFAD projects in Guam, Kaua‘i, West Hawai‘i and Maui, all legally established and permitted by the Army Corps of Engineers and the USCG. Council CFADs are not meant to replace the Hawai‘i State program. They are placed further offshore in deeper waters and supplement the existing FAD framework.

The primary objectives of the voluntary data collection program is to provide data on the species composition harvested off the CFADs, the amount of fishing effort it takes to catch the fish and the number of participants using the CFADs. It also can be used to gauge fishermen cooperation and interest in the project and to obtain size class information and number of pieces of species. The data is held confidential. More than 30 fishermen have been fishing the CFADs since 2011. Aku, bigeye, mahimahi, marlin, ono and yellowfin tuna have been reportedly caught at the buoys. The Mama’s Fish House buoy is 38 miles off of the north shore of Maui and is one of the most productive in the state, with catches of mahimahi, bigeye and yellowfin. CFADs also provide opportunities for cooperative research.

The Council has received requests for additional CFADs. There is no dedicated funding mechanism available currently. Work is ongoing with fishermen on cooperative funding mechanisms and identifying additional permit locations. The Hana community provides its own supplies and materials and funding for redeployment when the FADs become detached. It is similar with the Maui Mama’s Fish House buoy and Kaua‘i buoy. Efforts are also ongoing on FAD designs and aggregation streamers as well.

### Discussion

Simonds asked about the State’s FAD Program budget and the frequency of FAD replacement.

Miyasaka said the the University of Hawai‘i provides a match of about \$100,000, with a \$300,000 allocation for a total of \$400,000. The FADs need constant replacement, although it has not been performed regularly. FADs last on average for three years, depending on location and current, among other considerations.

Rice said the State FADs need to have structure under them in order to hold the fish. The two buoys off Kona have no fish on them because there are no streamers. It has also been difficult to get fishermen to submit the data from fishing on FADs.

Kingma said the reporting is voluntary and allows the Council to gauge the interest and participation on the FADs.

### **3. Outreach and Education Report**

Spalding reported on the Hawai‘i outreach and education activities that have taken place since the last Council meeting. Pocket-sized waterproof lunar calendars that are convenient for fishermen were distributed through the fishing clubs. Larger classroom-sized lunar calendars

were distributed through school science and Hawaiian studies departments for all schools K through 12 in the State of Hawai‘i. The Council has received positive response.

The Hawai‘i Speakers Program brochure has been updated and includes several speakers from PIFSC.

The long version of the yellowfin tuna video has been completed and was aired on KGMB on Feb. 7 and March 14. Request for copies have been received from CNMI, Hanauma Bay and fishing clubs.

Public service announcements (PSAs) on the yellowfin minimum size for Hawai‘i and on the Council’s 2014 accomplishments have been finalized and aired on *Let’s Go Fishing*. Another on spearfishing was completed and aired on *Hawaii Goes Fishing*. The PSAs can also be viewed on the Council’s YouTube station.

The Council continues to co-sponsor the *Go Fish!* radio talk show, which is broadcast twice a week and streamed live on the web. Each week members from the Council family speak on different topics.

*Hawaii Fishing News* ran an article on the Council’s high school summer course written by one of the students. *Hawaii Boat and Yachts* ran an article about Fishers Forum and the Council’s Hawaii Speakers Program written by Mike Buck. Media requests have been received from KHON on tiger sharks and the Associated Press on bigeye tuna. Council staff has also done media corrections for *Environment Hawaii* and *Honolulu Civil Beat* on their misreporting of the Council’s meeting with the White House on the Pacific Remote Islands MNM expansion.

The Council’s involvement in community events includes booths and documents provided on request at the Pearl City High School Career Day, National Association of Counties Symposium, Windward Family Activity Night, Project Holowai Ho‘ike on Kaua‘i and the Honolulu District Hawaiian Studies Teachers meeting.

Education projects since the last Council meeting included the completion of the Project Holowai, a community-based marine resource monitoring and outreach project on Kaua‘i. The final products were a bilingual marine resource guidebook as well as several PSAs that are running, which were funded by the Hawaii Visitor’s Authority and the County of Kaua‘i and recognize the Council. The project will continue under other sponsorship with efforts to merge traditional knowledge and Western science together.

The Loko I‘a electronic logbook and website project is completed. The project began when the lunar calendar featured a fishpond on the Big Island and then expanded to be useful to fishponds throughout the state. The website is being transferred to Alu Like.

## Discussion

Rice noted his appreciation for the Council’s calendars, especially the waterproof ones.

#### **4. Lahaina Marine Planning Project**

Council staff member Charles Ka'ai'ai reported on the progress of the Lahaina coastal and marine spatial planning project, which was requested by the Lahaina community after a community member was struck fatally by a recreational boat during a local regatta. The planning for a workshop is proceeding with the development of a stakeholder list, agenda, facilitator and location. The scope of activity is changing as planning progresses. Council staff is working with Na Aikane O Maui and Friends of Moku'ula on the development of a marine spatial plan within a year to take into account all of the stakeholders. A two-phased workshop will focus on the development and implementation of the plan.

#### **5. Report on West Hawai'i Habitat Blueprint Focus Area**

Lani Watson, from NOAA Fisheries Restoration Center, presented information on the status of the West Hawai'i Habitat Blueprint focus area and past work performed. An overview of the national Blueprint initiative was discussed earlier in the meeting.

Focus areas were chosen in an effort to highlight some of the existing, ongoing and potential new work in the area so benefits of the work spill over into other areas to enhance and restore the habitat for natural resources. The intent is to have results and be able to demonstrate some change in three to five years.

The objectives of the initiative are to prevent and reduce discharge of land-based pollutants, mitigate localized climate change effects, support community and local capacity, build and expand science and provide tools and information to communities and local resource managers.

The list of projects to prevent and reduce discharge of land-based pollutants include a) Pelekane Bay Watershed, which addresses upland sedimentation and monitors coral reef and sediment; b) Puako, which monitors nutrient flow and coral reefs and mitigates localized climate change effects; and c) Kiholo, which addresses GPS elevation data points and coral reef resilience.

An ArcGIS database was developed online. Work is ongoing on an implementation plan to track the different ongoing work in the West Hawai'i area and the different projects being funded across different NOAA Programs. Over the next three months, partner input will be sought. The plan is expected to be completed by the end of the year.

DAR has been working to match efforts in South Kohala. A partnership was developed with the The Nature Conservancy, which has done a lot of in-water monitoring work and working with communities.

Next steps include continuing outreach to community and other agencies and groups to let people know about the project and learn about what their needs are and what would be most useful in the area; completing the implementation plan; looking for potential sources of funding; doing work in collaboration; and meeting with Council staff to provide updates and receive input.

## Discussion

Matagi-Tofiga asked about the watershed and the local action strategy (LAS) for fisheries, as there are problems with crown of thorns in American Samoa. She asked if assistance for the LAS would be an option.

Watson did not know about LAS. For sedimentation issues, looking at revegetation and fencing out the ungulates are helpful. Maps depicting hot spots where erosion is a problem have been successfully used on Moloka'i and West Maui.

Simonds said looking for solutions and gathering information are important.

Rice suggested reaching out to some of the Big Island AP members who are very knowledgeable about the bottomfish fishing areas for input and assistance with the mapping efforts.

Simonds asked if meetings are held on a regular basis with the partner agencies and if reports are generated, such as an annual report listing all of the work that is done.

Watson replied in the affirmative. Partners meet on a monthly basis. The partners listed are all NOAA partners. The implementation plan will contain a list of projects organized in a way to reach the objectives. The process helps to keep track of what the different offices are doing and pieces it together.

Simonds encouraged having a thorough understanding of what data collection programs are out in the universe and the information collected, especially with regards to noncommercial fisheries data, before attempting to manage it.

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

Malia Chow, NOAA Hawaiian Islands Humpback Whale National Marine Sanctuary superintendent, presented a report 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, Sanctuary programs and initiatives.

The draft EIS and Management Plan proposed rule will be published in the near future and the document will soon be available. Sanctuaries are special places within the ocean that are set aside of national significance for a variety of different reasons and to facilitate all private and public uses to the extent compatible with the primary purpose of resource protection. It is not just for ecological reasons. There could be special conservation, cultural and recreational reasons. The process developed in Hawai'i through the management plan review is to look at what is important to people and communities in the islands. Less than 1 percent of all waters are closed to fishing.

The Humpback Whale Sanctuary is the only sanctuary in the system that, when established by Congress, was created to protect a single species. It is co-managed between NOAA and the State of Hawai'i. Chow said language was inserted to provide for considering additional resources at some point in the future.

The Sanctuary management plan review will develop a process to determine the Sanctuary's future direction and scope, to address current and emerging issues and to consider additional protection for marine and cultural resources of national significance.

There were 12,583 over-arching comments received during the comment period.

Sanctuary Advisory Councils are community advisors who provide advice on general management of the Sanctuary and serve as a liaison between the Sanctuary and its community, disseminating information about the Sanctuary to the various constituencies of members and bringing the concerns of constituents and the public to Sanctuary management. In 2012 the Humpback Whale Sanctuary Advisory Council submitted nine working group reports with 150 recommended actions for the Sanctuary Management Plan. A total of 153 subject matter experts participated in 64 meetings contributing more than 2,000 volunteer hours.

Management priorities included a) implementing ecosystem protection; b) perpetuating cultural heritage; c) transitioning towards sustainability; d) Sanctuary focus areas; and e) ensuring management effectiveness.

The proposed boundaries were depicted on map slides. Chow said there is currently an agreement to include Ni'ihau and make minor adjustments around Kaua'i and O'ahu. Discrete areas within the Sanctuary with specific place-based management actions include Ni'ihau, Pila'a, Southern Maui Nui and Maunalua Bay. Special Sanctuary Management Areas include Penguin Banks, Maui Nui and Maunalua and are discrete areas within the sanctuary with targeted regulations. Proposed regulations will address marine resource issues, such as historic/cultural resource preservation, marine resource conservation, water quality protection, habitat protection and enforcement.

Next steps included a) March 2015 public comment period; b) April-May 2015 statewide public hearings; end of public comment period in June 2015; d) briefing of the governor's office in the summer; and release of the final Management Plan and EIS in 2016. More information can be found by emailing [Malia.Chow@noaa.gov](mailto:Malia.Chow@noaa.gov) or going to <http://hawaiihumpbackwhale.noaa.gov>.

## Discussion

Gourley asked how many comments were received from Hawai'i, how many were substantive comments and how were the form letter comments weighted against substantive comments.

Chow said about 6,000 comments came from the islands. Probably 4,000 of the 12,000 submissions were unique comments. She said it is not a popularity contest. If a comment is within a form letter, it is counted as one comment. Each unique comment was given to the Advisory Council, who then came out with 183 unique recommendations. At the end of March, the Advisory Council will receive a report on the status of each of the recommendations.

Gourley asked if there is any information on efforts to establishing a marine sanctuary in the Northern Mariana Islands.

Chow replied in the negative.

Leialoha asked about the funding aspects of the co-partnership with the State and how the lack of the full support from the State is being addressed.

Chow said there is new leadership and she is looking forward to guidance and direction on what the new leadership's priorities are. State staff has worked very closely in drafting the range of alternatives and boundary changes. It is not known where the State will stand on the issue. The resources are held in trust. The State and NOAA need work out how to collectively come together in days of dwindling budgets to achieve the higher good in ensuring that the resources are well protected. The Sanctuaries and NOAA Fisheries do a tremendous amount of work in the Hawaiian Islands.

Matagi-Tofiga said she looked forward to sitting down to work out the co-management plan of the sanctuary in American Samoa.

Simonds pointed out that the management memoranda of understandings differ in each sanctuary.

Miyasaka asked why this is a NOAA-only effort and why the State is not involved.

Chow said, when the Sanctuary consulted with the Hawai'i Attorney General's office about whether this was a State action or a federal action, the Attorney General working at the time made it clear that this was a federal action done under NEPA. The State may weigh in during the public comment period. This does not trigger Hawai'i Revised Statute 343 now.

Simonds asked what kinds of things are considered regulatory gaps.

Chow said the areas proposed for regulations are Maui Nui and Penguin Bank. In discussions with the State, a consistent level of protection moving out from State to federal waters is needed, for example, extending the state prohibitions out to the federal waters in the Sanctuary. A State rule recently passed prohibiting anchoring on live coral extending to federal waters would be an example. It is more like a consistency within Sanctuary waters. Maunalua Bay is the test place where it could be demonstrated how NMFS regulations could be codified in State waters. The Army Corps of Engineers is also interested in coordinating work.

Simonds asked what is being done at Maunalua Bay, is it necessary and are there other federal agencies in charge of the activities.

Chow noted a recent request from the DLNR chair to explore collaborating to create artificial reef habitat under Sanctuary authority in the co-management relationship. It may not be a gap, but a way to work more closely with the federal government to achieve some of the State's objectives.

Simonds pointed out that with artificial reefs, NMFS and the State would be involved.

Chow used the Maunalua example because there is a proposed prohibition of no disturbance of the sea floor. It would require some kind of Sanctuary if the proposal goes through. There would have to be some coordination among the Sanctuary, the Army Corps of Engineers and the DLNR office of Conservation of Coastal Lands.

Simonds asked if there are any perceived future problems.

Chow noted the telecommunication cables in the Sanctuary.

Simonds said a regulatory regime is needed to protect the ocean floor. She asked if there is any upcoming research that would be different than what is going on right now that would be detrimental to the ocean floor.

Chow said Maunalua Bay is fully protected within state waters. The gap exists at Penguin Bank and Maui Nui, where there is no protection in place.

Simonds asked if any other federal agency had jurisdiction in federal waters.

Chow said she would get back to her with the answer.

Simonds asked for NMFS's views on the new regulations that would go into place.

Tosatto said, if regulations are finalized, OLE would enforce those regulations. He said he would hold further comment until the proposal is publicly released.

## **G. Advisory Panel Recommendations**

DeMello presented the Hawai'i AP recommendations as follows:

*Regarding the Hawai'i CML reporting, the Hawai'i AP recommended the Council work with the State on increased outreach for correct reporting on CML forms and provide the tools to the AP to provide assistance with outreach.*

### **1. Cross Seamount**

Hawkins presented results of information and data analysis and interviews from a project regarding the character and nature of fishing at the Cross Seamount. Cross Seamount is approximately 140 miles southwest of the Big Island and is the shallowest of the Navigator Seamounts at 330 meters. It has consistent commercially viable aggregations of smaller bigeye and yellowfin 'ahi. The most important species caught at and around the seamount include bigeye, yellowfin, monchong and mahimahi.

Longliners first fished Cross in the early 1970s. Offshore handliners began making trips in the mid-1970s. Three to five vessels have made low levels of effort through most of the 1980s. Fishing increased from 14 to 30 vessels through the late 1980s to the mid-1990s. The Council petitioned for a limited entry program in 1991. An offshore handline control date was put in place in July 1992 and was superseded by a June 2005 control date. Information was graphed relating to participation, catches, other fish caught and total pounds landed on the seamount.

Cross Seamount fishermen are fairly regular and stable. Fishing the seamount is specialized with unique and tricky currents. Marketing has varied over the year. Fishermen email their land connections to alert buyers when the boat will be arriving, and fish are then sold directly from the boat.

According to information gathered in interviews with Cross Seamount fishermen, fishing methods at Cross have changed over time. Some fishermen have evolved from ika-shibi and dangle to shortline or varying types of deep jigs at night with live bait and squid. Technology has improved Cross fishing. Shortlining can be tricky because when tuna hook up, their reaction can be to dive and twist, which can cause shortlines to entangle on the bottom. There had been historic conflicts between longline and non-longline fishermen at the Cross Seamount. All fishermen interviewed said there is no current conflict. Longliners know not to fish at Cross Seamount. Cross Seamount fishermen view themselves as a community or family. Fishermen interviewed said they self-regulate and communicate to avoid problems.

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

Daxboeck presented the SSC recommendations as follows:

*Regarding the MHI bottomfish report on public scoping meetings, the SSC recommended that other approaches be considered, including the use of random walk statistical theory, using catch alone to produce management advice. This method should be taken into consideration in the upcoming assessment workshop*

*Regarding the report on the CIE review of the 2014 MHI deep 7 bottomfish stock assessment, the SSC recommended that the Western Pacific Stock Assessment Review (WPSAR) and CIE terms of reference should include specifics regarding what constitutes best available science at the time of the assessment and not after the assessment process has been initiated. If an assessment is found not to be the best available science, then guidance must be given as to what the reviewers consider best science, including guidance as to what should be addressed immediately in the short term or in the long term. All available information, previous assessments, previous assessment reviews, WPSAR and CIE, supportive documents, etc. should be provided to SSC, WPSAR and CIE peer reviewers in advance. The three agencies who established the WPSAR process should collaborate on this effort. Information not available at the time of the assessment but made available subsequently should not be cause to determine the assessment was not based on best available science.*

*The SSC also requested that NMFS deliver the assessment results from 2014 no later than April 15, 2015, for use in setting ABC for the 2015-2016 fishing year using the 2011 unmodified assessment model, with three years of additional data. This would allow for the P\* process to be performed before the June SSC meeting.*

*The SSC further recommended that Council staff work with the State of Hawai‘i and other groups to conduct statewide education and outreach to explain to fishers how to fill out the Hawai‘i commercial catch report and why it needs to be done correctly.*

## **I. Public Comment**

Dan Purcell said he attends public meetings fulltime and is dedicated to ensuring public participation. He voiced concern regarding the lack of agendas published for Council and Standing Committee meetings. He said the chair runs the meeting and not the executive director. He received misinformation from Council staff that there were no requirements to publish an

agenda for the committee meetings, as he was told by legal counsel there are existing requirements. He received two agendas when he arrived; one had an incorrect date. He pointed out there was no agenda item to approve minutes, which is an important item. There was also no Americans with Disabilities Act information included on the agenda for the benefit of the public and no information on when the public can or cannot testify. He also stated that a member present wished to testify and was discouraged by the executive director, although he went ahead and made his comment. He encouraged the Council to publish agendas to give the public a fair opportunity to participate and to maintain legitimacy.

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

*Regarding the SSC comments on the CIE review of the 2014 MHI deep 7 bottomfish stock assessment, the Council supported and directed **staff to transmit its findings to PIFSC and PIRO for reference and guidance in developing terms of reference for future WPSAR and CIE reviews/***

**The WPSAR and CIE terms of reference should include specifics regarding what constitutes best available science at the time of the assessment and not after the assessment process has been initiated. If an assessment is found not to be best available science, then guidance must be given as to what the reviewers consider best science, including guidance as to what should be addressed immediately, in the short term or in the long term.**

**All available information, previous assessments, previous assessment reviews, WPSAR and CIE, supportive documents, etc. should be provided to SSC, WPSAR and CIE peer reviewers in advance. The three agencies who establish the WPSAR process should collaborate on this effort.**

**Information not available at the time of the assessment but made available subsequently should not invalidate the assessment unless it has drastically changed the conservation status of the stock and it should be considered in a future assessment.**

*Moved by Rice; seconded by Sword.*

*Motion passed.*

*The Council requested that NMFS deliver the assessment results for SSC consideration, no later than April 15, 2015, for use in setting the ABC for the 2015-16 fishing year using the 2011 unmodified assessment model with three years of additional data. This would allow for the P\* process to be performed before the June SSC meeting.*

*Moved by Rice; seconded by Sword.*

*Motion passed.*

*The Council recommended that staff work with the State of Hawai'i and other groups to conduct statewide education and outreach to explain to fishers how to fill out the Hawai'i commercial catch report and why it needs to be done correctly.*

Moved by Rice; seconded by Sword.  
Motion passed.

**The Council directed staff to immediately engage PIFSC staff to organize the 2015 Data Workshop for the MHI deep 7 bottomfish stock assessment and request PIFSC to develop a matrix of data-related comments from the 2014 PIFSC-bottomfish fishermen meeting and SSC and CIE review for consideration at the Data Workshop.**

Moved by Rice; seconded by Sword.  
Motion passed.

**Regarding the West Hawai‘i Habitat Blueprint focus area, the Council recommended that a) NOAA provide regular updates on the initiative’s progress in meeting habitat conservation objectives; b) NOAA Blueprint staff involve Council advisors with local and traditional knowledge about the focus area as part of stakeholder engagement; and c) a copy of the Implementation Plan be provided to the Council when available.**

Moved by Rice; seconded by Sword.  
Motion passed.

**The Council directed staff to disseminate the Hawai‘i fish waste report to the Council family and other interested parties.**

Moved by Rice; seconded by Sword.  
Motion passed.

**The Council directed staff to review and draft comments on the proposed Sanctuary plan for consideration by the Council.**

Moved by Rice; seconded by Sword.  
Motion passed.

Tosatto pointed out a concern regarding the timing of the publication date of the Sanctuary Plan.

Ebisui suggested removing any reference to a time period for the recommendation.

Tosatto agreed.

The Maker and the Second agreed to the friendly amendment.

## **9. Protected Species**

### **A. Endangered Species Act Listed Corals**

#### **1. Section 7 Consultation for Coral Species**

Melanie Brown, from PIRO Sustainable Fisheries Division, presented an update on the progress of the ESA Section 7 Consultations for fisheries managed under the Council's FEPs triggered by the recent listing of coral species, the scalloped hammerhead shark and an exceedance of an Incidental Take Statement in the American Samoa longline fishery for olive ridley and leatherback turtles. Since the 161st Council meeting, four of seven Section 7 Consultations have been completed.

The Pelagic FEP Fisheries Section 7 Consultation on ESA-listed corals resulted with a No Effect memo determination, which included longline fisheries, other than the American Samoa and Hawai'i longline fisheries, troll fishery, hand-lining, the squid jig fishery and the pole-and-line fisheries.

The PRIAs FEP Section 7 Consultation on corals also resulted with a No Effect memo determination, which included the bottomfish, crustacean, precious coral and coral reef fisheries.

The PRIAs FEP Section 7 Consultation on the Indo-West Pacific distinct population segment (DPS) of scalloped hammerhead shark resulted in Not Likely to Adversely Affect determination out of Sustainable Fisheries and with a Letter of Concurrence from the Protected Resources Division (PRD), which included the bottomfish, crustacean, precious coral and coral reef fisheries and concluded the consultation.

The Pelagic FEP Section 7 Consultation on the MHI false killer whale and the Eastern Pacific DPS of scalloped hammerhead shark resulted in a Not Likely to Adversely Affect determination for both species, with a Letter of Concurrence from the PRD, which included the Hawai'i shallow-set longline fishery and concluded the consultation.

The American Samoa FEP Section 7 Consultation on the Indo-West Pacific DPS of scalloped hammerhead shark and corals is ongoing. It is a programmatic level consultation for the American Samoa bottomfish crustacean, precious coral and coral reef fisheries. A biological evaluation was developed and is in review. A potential preliminary finding of Not Likely to Adversely Affect was sent forward to the PRD.

The Mariana FEP Section 7 Consultation is ongoing for the Indo-West Pacific DPS of scalloped hammerhead shark and corals for the Mariana bottomfish, crustacean, precious coral and coral reef fisheries. A biological evaluation was developed and is ongoing.

The Pelagic FEP Section 7 Consultation for the American Samoa longline fishery, which includes marine mammals (humpback, sperm, blue, fin and sei whales) sea turtles (green, hawksbill, leatherback, olive ridley and South Pacific loggerhead DPS), Indo-West Pacific DPS of scalloped hammerhead shark and corals, is ongoing and covers species needed to assist the Council's decision-making on the LVPA. A biological evaluation is being developed.

Brown thanked the Council for providing useful and timely feedback in the process. An update will be provided at the 163rd Council meeting.

### Discussion

Leialoha asked if the evaluations will be completed by the next Council meeting.

Brown replied in the affirmative.

## **2.(1) Advanced Notice of Proposed Rule-making on 4(d) Take Prohibition for Corals**

Lance Smith, from PIRO PRD, presented information on the Advanced Notice of Proposed Rulemaking on 4(d) Take Prohibition regulations for coral species listed as threatened under the ESA in September 2014. The Advanced Notice of Proposed Rulemaking was published on Jan. 13, 2015. Species listed by NMFS as threatened do not automatically receive protective regulations. The newly listed coral species (six in American Samoa, three in Guam and the CNMI, and none in Hawai'i) currently do not have any take prohibitions applied. This means that "take" (defined under the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or to attempt to engage in any such conduct) is not a violation under the ESA at this time. NMFS is considering whether take prohibition is necessary and advisable for the conservation of the newly listed coral species. Under Section 4(d) of the ESA, NMFS has flexibility to tailor protective regulations based on the contributions of other existing conservation measures, and regulations may prohibit some or all of the activities that constitute as take.

Smith updated the Council on the next steps expected for the ESA listed corals in the Pacific Islands Region. He reviewed the listed species distribution in the Council jurisdictions, the Section 7 Consultation process, the ESA 4(d) rule and the designation process of critical habitat for ESA listed species.

Section 7 Consultations are automatic after ESA listing. For example, federal agencies consult with NMFS on proposed actions that may affect listed corals. Some of the consultation challenges for the listed corals in the region include unclear and incomplete knowledge of distribution, difficulty in identifying species and global threats.

Section 4(d) of the ESA automatically prohibits take of a species listed as endangered under the act. Threatened listings do not automatically prohibit take. The federal government has the discretion to extend the prohibition against take under Section 4(d), as stated, if necessary and advisable to provide for the conservation of the listed species. This provides flexibility for the federal government to implement threatened listings in the most effective way for conservation of the species. It is not assumed that new regulations are always most effective for conservation. In order to determine 4(d) is needed or not, public comment will be accepted until March 16, 2015, although the Council may submit comments at the conclusion of the Council meeting. Possible outcomes include no 4(d) rule if it is not necessary and advisable for the conservation of the species. Another outcome includes a 4(d) rule that prohibits all take unless a permit is obtained, with exceptions.

Critical habitat is required for newly listed species if it's prudent and determinable. Critical habitat is prudent and determinable for listed corals in the Indo-Pacific and work is underway with the Southeast Region on separate draft proposed critical habitat rules. Economic and national security impacts must be considered. Critical habitat only affects federal actions. It has no impact on nonfederal actions. The statutory deadline for getting critical habitat designated is one year after the final listing, which is September 2015.

Next steps include recovery planning. Attempts are being made to coordinate coral essential fish habitat (EFH) and ESA efforts with NOAA's Coral Reef Conservation Program and focus on the goal of coral reef ecosystem conservation.

### Discussion

Simonds said, given all of the issues in terms of identifying habitat and corals, wouldn't it have been more prudent for the petitioned corals to have been on a List of Species of Concern and then conduct the research. Clarification was requested on when the information regarding the coral species identified as endangered will be available to the public.

Smith said the coral species are listed as threatened. Efforts are ongoing to provide species identification guides for experts to reliably identify listed corals.

Simonds asked the name of the Pacific Ocean coral expert.

Smith said Doug Fenner has been contracted and has been working on the species identification guides. There are plans for workshops to be held in the Territories later in the fiscal year. PIFSC has also had input.

Simonds noted there are not many experts available.

Smith agreed.

Gourley asked how critical habitat will be designated for the coral species without knowing ecological limitations or optimal ecological habitat

Smith said critical habitat is based on the presence of essential features for the conservation of the species and not necessarily on the presence or absence of the listed species. The location of the essential features for conservation of the species can be determined. The designation of critical habitat is required. An ecosystem approach can be used to designate critical habitat as well.

Gourley asked what kind of minimum area is required to be designated as critical habitat.

Smith said small areas of critical habitat have been designated for broadly distributed species and that may be a good approach for some species.

Matagi-Tofiga asked if Section 4(d) would be appropriate for American Samoa in relation to the corals found in American Samoa and, if so, what impact would that have.

Smith said one reason 4(d) is so flexible is to account for pre-existing regulations at different levels of government, whether territorial, local or federal. If there are existing laws that already protect the species, then prohibiting take may not be needed. A tailored approach could be taken, depending on jurisdiction. It is not usually done but could be.

## **2.(2) Coral 4(d) Draft Council Comment Letter**

Ishizaki reviewed the Council's draft comment letter in response to the Advanced Notice of Proposed Rulemaking for issuance of protective regulations under Section 4(d) of the ESA take prohibition regulations for the recently listed corals. The Council had taken previous action in October 2014 and requested that NMFS consult and work with the Council and the Territorial governments in developing take prohibition regulations, if applicable and necessary, that consider exemptions for cultural and traditional activities and fisheries. She briefly covered the points in the comment letter, noting that the primary identified threats were ocean warming, disease and ocean acidification and that the ESA take prohibition has limited utility beyond the US jurisdiction, which is where the known distribution of the listed corals mostly occurs. The 4(d) take prohibition is not necessary at this time because the primary effects to the listed corals cannot be addressed through take prohibition. In addition, existing federal and territorial protections provide sufficient conservation benefit to the newly listed corals, such as the Council's FEPs, local laws and regulations, EFH and Section 7 Consultations. The Council was asked to provide additional comments to the staff to be included in the final comment letter.

### Discussion

Leialoha said the flexibility of 4(d) with regards to specific Territorial and Hawai'i concerns needs to be explored further. As far as taking into account the whole ecosystem aspects of the corals listed, there are extenuating circumstances regarding a potential lawsuit with USFWS for a critical habitat listing for multiple species. In the newly listed corals case, she was not so sure.

Gourley suggested adding to the letter the potential unintended consequences of passing a take statement because of the difficulty in identification and enforcement.

Ishizaki said she would leave that up to the Council.

## **3. Other Relevant Actions**

There was no information presented on this agenda item.

### **B. Effectiveness of Management Measures Implemented under the False Killer Whale Take Reduction Plan**

Nancy Young, coordinator of the False Killer Whale Take Reduction Team from PIRO PRD, presented information on the effectiveness of management measures implemented under the False Killer Whale Take Reduction Plan (TRP). The TRP was implemented in December 2012, with delayed implementation of February 2013 for new gear requirements. The TRP measures included gear modifications, expanded year-round longline exclusion zone, triggered closure of the Southern Exclusion Zone and measures to improve handling of hooked or

entangled marine mammals. The goal of the TRP are in the short term to reduce the MS&I of false killer whales to below their PBR level and in the long term to get to insignificant levels, which are defined as less than 10 percent of PBR.

At the 161st meeting the Council requested an update on the effectiveness of management measures implemented under the TRP, including the use of weak circle hooks. In response to the Council's recommendations, PIRO indicated it could provide a presentation but does not anticipate a full analysis of the data to be completed in time for the next Council meeting. NMFS has not issued a report of compliance and effectiveness of the TRP, in part due to the natural lag between data availability and processing.

Given the available data and timeline for when the regulations went into effect, it is too soon to comprehensively evaluate the plan's effectiveness. With only two years of data available, the takes are statistically rare events with high inter-annual variability. Many years of data may be necessary to detect actual changes in the M&SI relative to MMPA goals. Effort and logbook data are still being processed. It may be necessary to look at fleet-wide M&SI rates.

Information was presented from observer data and injury determinations. In 2013, the deep-set longline fishery had four observed interactions with false killer whales and blackfish, similar to previous years. In 2014, there were 11 interactions, most of which were serious injuries. In the shallow-set fishery, which has 100 percent observer coverage, the false killer whale and blackfish interactions ranged from zero to two since 2009.

Young shared some preliminary evaluations. The gear requirement objectives were to reduce the takes and the take rate of false killer whales that are caught and to reduce the severity of their injuries. The objectives of the closure areas were to reduce the takes in those specific areas to protect specific stocks. The objective of the handling, release and response to hooked and entangled marine mammals was to reduce the injury severity.

Young presented information on take estimates and take rate, injury severity and area-specific take for the first two years the fishery has operated since the TRP was enacted. It was concluded that it is too soon to make an evaluation of its effectiveness and the extrapolated estimates and effort data are not yet available.

The Monitoring Strategy was completed in December 2014 and serves as a living guiding document. It lays out things that will be used to evaluate the effectiveness of the plan and compliance with the plan. It establishes a monitoring protocol for annual assessments and/or detailed assessments when a problem is identified. The TRT will discuss the Monitoring Strategy at the next meeting and begin implementing it with the current data.

The next steps included a TRP meeting on April 29 and May 1, 2015, to be held in Honolulu, development of annual report under the TRP Monitoring Strategy, addressing key issues through Work Groups and continuing research efforts.

## Discussion

Leialoha suggested following up with the video training of captains to track its effectiveness.

### **C. Draft 2014 Marine Mammal Stock Assessment Reports**

Frank Parrish, chief of the Protected Species Division at PIFSC, presented an update on changes made for the Pacific Islands stocks in the draft 2014 Marine Mammal Stock Assessment Report (SAR), which was published on Jan. 29, 2015, and is open for public comment until April 29, 2015. NMFS annually updates the SAR under the MMPA to incorporate new information on marine mammal stocks occurring in waters under US jurisdiction. The SAR includes description of the stock's geographic range, population estimates and trends; each stock's PBR level; and estimates of human-caused M&SI. The three false killer whale stocks in Hawai'i are the Hawai'i pelagic stock, NWHI stock and MHI insular stock.

In 2010 the abundance estimates for the Hawai'i pelagic stock was 1,552, which is the number of animals seen in the surveys, with an Nmin of 935. The abundance estimates for the NWHI stock was 552, with an Nmin of 262. The abundance estimate for the MHI stock had an Nmin of 138. Nmin is the estimate from the coefficient of variation to identify the 20 percent lower bound estimate of the stock. The Nmin for the MHI stock is based on the number of individuals validated through successive photo validations.

There were no changes in false killer whale stock boundaries in 2014.

In 2013 there was a stranding of a MHI insular false killer whale, which presented an opportunity to perform a necropsy in which five fish hooks were found inside its stomach. There was no direct cause of death determined, but it shows interactions with some hook and line fisheries.

From 2008 to 2012, observed takes of false killer whales in the deep-set longline fishery totaled 22 with 19 classified as serious injury and in the shallow-set fishery totaled four, with one serious injury. There were also eight unidentified blackfish.

In late 2012 there were two false killer whale takes inside the three-way overlap zone between the MHI, NWHI and pelagic stocks. Marti McCracken used a three-way proration approach to assign these takes to stocks for the 2014 SAR.

The five-year average versus the PBR from 2008 to 2012 classified the MHI insular stock as strategic based on M&SI for this stock exceeding the PBR. The MHI insular stock is also considered strategic on the basis of being listed as an endangered species. The pelagic stock MS&I exceeds the PBR so that stock is listed as strategic. The NWHI stock is not strategic.

## **D. Updates on Endangered Species Act and Marine Mammal Protection Act Actions**

### **1. Green Turtle Status Review**

Golden, from PIRO PRD, reported that the Green Turtle Status Review is imminent. She will keep the Council updated. There are plans for webinars to be conducted for the specifics for the proposed rule for the 12-month finding.

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

The Humpback Whale Status Review has been completed and is expected to be released soon.

### **3. Other Relevant Actions**

Progress has been made on the monk seal proposed critical habitat. The final rule is expected to be released sometime in 2015.

The Reef Fish Status Review has a substantial 90-day finding. The status review on the orange clownfish is underway. The next step is to publish a 12-month finding.

NMFS published a 90-day finding on the common thresher shark, which initiated a status review. The public comment period on the 90-day finding is open until May 4, 2015. The next step is to publish a 12-month finding.

The scalloped hammerhead shark final rule was published in July 2014. There are four DPSs. The next step is the designation of critical habitat and a recovery plan for the species.

The 2015 List of Fisheries was published in December. For Hawai'i, there was some fine-tuning on the number of participants and the description of the fisheries to be consistent with the State's description.

## Discussion

Rice asked for a description of the common thresher shark.

Golden said they are more common on the California coast. They are seen in the shallow-set longline fishery at times.

Goto said for every 10 mako sharks seen in the fishery, one thresher is seen, and it is not targeted.

Golden said the Hawai'i fleet sees mostly the bigeye thresher and not the common thresher. The shallow-set longline vessels interact with the common thresher when fishing closer to California.

Goto asked if there is a way for the longline vessels landing in Hawai'i to distinguish the common thresher from the bigeye thresher.

Golden said the observer records what species are caught and there is information on the species and distribution of catches for the longline fleet.

#### **E. Endangered Species Act Section 7 Integration Directive**

Ishizaki updated the Council regarding the Policy Directive on the Integration of ESA Section 7 with the MSA Process issued on Jan. 19, 2015. The directive implements recommendations from the ESA Working Group of the CCC, NMFS and MAFAC. The directive generally follows the ESA Working Group's recommendations for improving transparency of Section 7 Consultations under the ESA and provides guidance for each Council to establish agreements with its respective NMFS Regional Office to improve coordination of Section 7 Consultations. The directive formally recognizes the RFMCs' unique relationship with NMFS as a result of authorities and responsibilities under the MSA, stresses the importance of early coordination and establishes a process through which Councils may request involvement in the Section 7 Consultation process, such as reviewing draft biological opinions. The Council may establish an ESA/MSA Integration Agreement with NMFS PIRO either through action-specific requests as needed or a general agreement document. Per the directive, the ESA/MSA Integration Agreement should outline roles, responsibilities and expectations for the Region and the Council.

The working group included members from the RFMCs, MAFAC and NMFS. From the Western Pacific Council, Ebisui served as a member, with SSC member Jim Lynch as an alternate.

Next steps include determining the best approach for establishing an agreement for the Western Pacific Region between the Council and PIRO and to begin developing a Draft Agreement in coordination with PIRO. An update will be presented to the CCC at its June meeting.

#### **F. Managing Green Turtles under the Council's Archipelagic Fishery Ecosystem Plans**

Ishizaki updated the Council on the white paper on green turtle management under the FEPs. At the 159th meeting held in the Mariana Archipelago, the Council directed staff to report on approaches that may allow for traditional harvest and cultural uses of green turtles under the ESA. At the 160th meeting, Council staff reported on possible approaches, such as exemptions to take prohibitions and enhancement of survival permits. The Council subsequently directed staff to develop a white paper for managing green turtles under the Council's archipelagic FEPs. Because the decision on the petition to delist the Hawai'i green sea turtle has not been published, staff is continuing to look into the matter and hopes to come back to the Council with additional details in the near future.

#### **G. Advisory Panel Recommendations**

Ishizaki presented the AP concerns as follows:

*Regarding critical habitat, the Hawai'i AP members were concerned about the critical habitat designations for monk seals.*

## H. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

*Regarding the ESA-listed threatened corals post-listing activities, the SSC recommended that NMFS continue to improve coral habitat maps and make such maps available to the public.*

*Regarding the effectiveness of the management measures implemented under the False Killer Whale TRP, the SSC recommended that NMFS consider evaluating the effectiveness of the TRP now using pre- and post-interaction control charts based on the sampling distribution of 20 years of interaction data prior to the implementation plan.*

*Regarding the false killer whale stock boundary revision, the SSC concurred with the convening of the subcommittee, which will be held on March 30, 2015.*

## I. Public Comment

No public comment was offered.

## J. Council Discussion and Action

***Regarding the 4(d) take prohibition for corals, the Council directed staff to finalize the comments in response to the Advanced Notice of Proposed Rulemaking and transmit the letter to NMFS with an additional comment conveying the Council's concern regarding the difficulty in enforcing take prohibition due to species identification issues.***

*Moved by Leialoha; seconded by Rice.*

*Motion passed, with abstention by Tosatto.*

Leialoha spoke in support of the letter with regards to the 4(d) aspects of the take issue. But from the Council's perspective, she said, information is currently lacking to make the determinations on the take prohibition. She did not support removing the take prohibition at this stage of the process.

Tosatto abstained from voting so as not to prejudice his providing advice to the eventual decision-making.

***Regarding the ESA-listed coral species, the Council expressed its concern that basic questions on distribution and abundance are not answerable at this time and that there are difficulties regarding species identification. The Council, therefore, recommended that NMFS continue to improve coral habitat maps and make such maps available to the public.***

*Moved by Leialoha; seconded by Rice.*

*Motion passed.*

*Regarding the False Killer Whale TRP, the Council requested that NMFS provide a briefing on the effectiveness of the TRP at least annually to the SSC and Council and provide reports from future TRT meetings to the SSC and Council in a timely manner.*

*Moved by Leialoha; seconded by Rice.*

*Motion passed.*

*Regarding the False Killer Whale TRP, the Council concurred with the SSC's concern that the TRP measures currently in place to reduce false killer whale interactions may never be analyzed conclusively due to the rare event nature of these interactions and thus alternative approaches should be explored. The Council recommended that NMFS consider the utility of pre- and post-intervention control charts to evaluate the effectiveness of TRP and variability in false killer whale interactions since TRP implementation.*

*Moved by Leialoha; seconded by Rice.*

*Motion passed.*

*Regarding the ESA Policy Directive, the Council directed staff to work with PIRO to develop an ESA/MSA Integration Agreement to implement the Policy Directive. The agreement should include, at minimum, the following: a) Roles, responsibilities and expectations for the Council and the Region, and b) Areas of Council involvement and coordination with PIRO in the ESA Section 7 Consultation process, including considerations for reviewing draft biological opinions and reasonable and prudent alternatives or reasonable and prudent measures.*

*Moved by Leialoha; seconded by Rice.*

*Motion passed, with abstention by Tosatto.*

Tosatto said that the improved relationship with the Council on ESA and Section 7 Consultations on fisheries is encouraging and he appreciated the assistance provided. The new policy is due and has been underway for a while. Consideration of the utility of an agreement with the Council is ongoing. There are merits to clarifying the roles, responsibilities and expectations of the process. There is some leeway to use a case-by-case agreement framework, and it at least initially could be considered. He said he will not rush into an agreement with the Council on this kind of complex process and would abstain from the vote as opposed to voting nay.

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

No public comment was offered.

## **11. Mariana Archipelago**

### **A. Guam**

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

Sablan reported that 94 of 120 shore-based and boat-based surveys were completed for the calendar year. Information was presented on the top five species caught, fishing methods, numbers of fishers and the number of gear counted. There were no aerial observations because of lack of funding.

The Boat Access Program maintains four locations. The Hagatna, Merizo and Agat Boat Basins have scheduled repairs. The Inarajan Boat Ramp is in need of repairs. The proposed Pago Bay boat ramp is on the west side of the island, on donated land, which is badly needed because of no emergency access on that side of the island.

The algal bloom at Cocos Lagoon continues to be monitored. The algae have been identified as a *Chaetomorpha* species. The algae form dense mats on affected reef up to a meter thick. The shoreline at Cocos Lagoon has large accumulations of decaying algae. Management strategies are being developed to address the algal bloom in the event that it begins to spread.

The FAD Program has eight FADs online and six offline.

The Paseo Fishing Platform is an American with Disabilities Act-compliant recreational and subsistence fishing platform. The project is undertaken in conjunction with the Hagatna Restoration Project. The engineering design is completed, and negotiations are ongoing.

Piti Pride outreach is actively distributing information regarding the Marine Preserve Area and held an annual fishing derby for kids. There is also radio, training, presentations and newsletter outreach covering various topics.

Duenas reported that it has been a slow few months on Guam, as far as activities outside of the government realm. A small, pilot spearfishing tournament was held in conjunction with the Guam History and Chamorro Heritage Day, formerly known as the Discovery Day. It was a successful tournament with more than 30 participants and may become an annual tournament. It was held at Umatac Bay and was a walk-off, swim-out meet, with a point system. Several AP members participated in the event. The first-place team was Chris DeBeer and Mr. Green. Second place was James Borja and Steve Meno; both are on the AP. Third place was Ray Flores and Mike Cassidy. Flores is also on the AP.

The Seventh Annual Chamorro Lunar Festival was held Jan. 17 at the Sagan Kotturan Chamoru, which is the Cultural Chamorro Center. The lunar calendar has become very popular, not only with fishermen but with farmers, who utilize moon phases for their activities.

#### **2. Legislative Report**

Sablan reported that the Guam Attorney General's office is reviewing the latest version of the indigenous rules and regulations. A public hearing was held for the indigenous group in

February. More discussions are scheduled to air concerns on both sides. The indigenous group is asking for a full-time Marine Preserve Area to be available for them as opposed to on a seasonal basis.

### **3. Enforcement Report**

Conservation officers performed various outreach island-wide. There were four arrests at Piti Bomb Holes Preserve.

From May 22 to June 4, 2016, the 12th Festival of Pacific Arts will host 27 Countries in a showcase of all of the islands. It will be located at the Paseo Stadium.

#### Discussion

Simonds said, when the Council started the moon calendars, the idea was to generate the management of all of the natural resources, which the Moloka'i calendar does by addressing spawning seasons. Eventually, all calendars will include management aspects.

Duenas said the calendars are very popular with the Chamorro teachers.

### **4. Community Activities and Issues**

#### **a. Update on Malesso Community-Based Management Plan Implementation**

Carl Dela Cruz, the Council's island coordinator on Guam, provided an update on the Malesso Community-Based Management Plan. In November the Peskadot Committee for the Village of Malesso was formed. The members include avid fishermen from the fishing community of Malesso, elders and practitioners. Responsibilities and actions were discussed. The committee members agreed to meet in April 2015 to review the Draft Code of Conduct for the Village of Malesso.

A Steering Committee was also formed in November 2014. Members include representatives from the Bureau of Statistics and Plans, DOA, Department of Parks and Recreation and the Council. The committee will assist the Mayor in vetting community issues and concerns. During that meeting the committee reviewed the Malesso Management Plan and made recommendations regarding governance, conservation and socioeconomic objectives. The committee will meet in April 2015 to move the Malesso Implementation forward.

#### **b. Report on Village of Yigo Community-Based Management Plan Meeting**

Ka'ai'ai reported that, as a result of the community-based management plan in Malesso, a number of other villages have expressed interest in doing community-based management in their community. The community of Yigo approached the Council and asked for a Yigo community-based planning process with a project in mind. The Council agreed to do a two-phased project in Yigo. The first phase is to develop a plan, have the community review the plan and then present

the plan to the Mayors Council. The Western Pacific Council is also in the beginning stages of conducting similar projects in CNMI.

### Discussion

Sablan asked the Council to keep Guam DOA informed of any meetings so it can lend support.

Ka'ai'ai replied in the affirmative. A six-hour workshop will be held. Although the general public is invited, a stable group of community members to stay throughout the duration of the process is necessary.

Duenas asked what preliminary needs have been identified by the community.

Ka'ai'ai said they have an idea of what they want in the community plan but still need to go through the process of prioritization, which is the first phase. The objectives will be developed for implementation, which gives the community a framework to address the problems.

#### **c. Report on Manell-Geus Habitat Blueprint Focus Area**

Gerry Davis, PIRO assistant regional administrator for the Habitat Conservation Division, reported on the Habitat Blueprint initiative in the Pacific Islands Region. In July 2013, NMFS Habitat Division announced the Habitat Blueprint Initiative for the Pacific Island Region. The Habitat Blueprint program is a framework to improve habitat for fisheries, marine life and coastal communities. In September 2013, a two-day workshop of the Habitat Blueprint Focus Area Selection Group was held at the Sanctuary's office in Hawaii Kai, Honolulu. The first objective of the workshop was to educate stakeholders and partners about the habitat focus area candidates for the Pacific Islands Region. The second objective was to gather information from partners and stakeholders on the candidate habitat focus areas.

The purpose was to bring all NOAA services to the selected areas to address habitat loss and degradation. The outcomes for the program are a) sustainable and abundant fish populations; b) recovered threatened and endangered species; c) protected coastal and marine areas and habitats at risk; d) resilient coastal communities; and e) increased coastal/marine tourism, access, and recreation.

On Feb. 4, 2014, the two selected focus sites were announced; they are West Hawai'i on the Island of Hawai'i and Manell-Geus on Guam. The Manell-Geus Watershed Priority Site lies at the very southern tip of the island of Guam primarily in the village of Merizo. 'Malesso' is the village's local name and refers to the juvenile rabbitfish. While this site has amazing marine resources, there are serious threats in the watershed that could degrade these resources. Ten rivers drain into this area. There are areas that have been denuded of soil due to overgrazing, wild fires and off-roading. The NOAA Coral Reef Conservation Program has funded a number of projects since the site was designated as a Priority Watershed in 2010. The Guam government and NMFS PIRO have carried out work, with support from The Nature Conservancy.

Future work includes a) update the Conservation Action Plan for Habitat Blueprint; b) conduct baseline ecological surveys of reef flats, mangroves and streams; c) establish socio-

economic monitoring and baseline; d) NOAA National Centers for Coastal Ocean Science to assess sediment and biota in Cocos Lagoon for 140 contaminants; e) additional plantings to prevent erosion and stabilize stream banks; f) Water and Environmental Research Institute of the Western Pacific assessment of turbidity in the Geus River Watershed in Southern Guam; g) satellite tracking of resident sea turtles in Cocos Lagoon; and h) leverage partnerships to encourage Department of Public Works and Federal Highway Administration to help improve storm-water management in the village.

The participating NOAA entities in this initiative 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. The co-chairs are Kristina Kekuewa, acting director of the Pacific Services Center; Malia Chow, superintendent of the Hawaiian Islands Humpback Whale National Marine Sanctuary; and Davis. The local point of contact for Guam is Val Brown.

### Discussion

Sablan noted that there are two seasons in Guam, typhoon and fire. The fire season causes ash and sediments to erode during the storm season. He was pleased the area was nominated as a focus area.

Ebisui described a site on the North Shore of O‘ahu where green sea turtles swim up the Anahulu River system and graze on the bank vegetation to the point where there are only mud banks, which causes runoff during heavy rains into the ocean.

Davis noted that channel or canal systems are important to monitor to avoid those kinds of situations from happening.

Duenas asked if there has been any research on the sword grass that grows on the hillsides, which are known to clump and enhance erosion runoff.

Sablan said the DOA Forestry Division is conducting a Reforestation Program. The sword grass does increase erosion. There is also damage caused by pigs and deer. Fencing put in place to keep the animals out of the area has not been successful.

Davis said the DOA has a long history of using non-native plants to restore nitrate in the soil and then replanting native plants. That has not been done successfully in the area but has been successful along Cross Island Road in the past. The Blueprint initiative has supported the DOA program and works closely on the sediment erosion control plan for the watersheds.

Duenas asked which partners conduct the fish surveys.

Davis said there are two components of fish surveys. The Coral Reef Ecosystem Division, partnering with Division of Aquatic and Wildlife Resources (DAWR), was hired to do an evaluation study, trying to get a better understanding of the range of the species. The second component was more community-based, where fishermen from the area participate in

assessments, which is still pending. It will be an opportunity to work with the people in Malesso. Funding has not yet been established for that project. The intent is to have people from the area be in the water, helping and assessing the resources.

Duenas asked how a community organization or its members who want to get involved can organize, attend a workshop and be able to participate in some of the fish surveys.

Davis said it is too early to know whether it will be participation by a community organization or whether community members will be hired for the surveys.

Simonds asked if there will be annual funding to deal with the fires year in and year out.

Davis said there is a way to build systems to prevent repeated fires. It is not easy; it takes time and needs community involvement. The ungulate issue also needs to be managed and replanting must take place. All of this is subject to availability of funds. As long as the community engagement and knowledge is there, it will work. There needs to be a balance and endurance.

Simonds asked if the Department of the Interior provides the majority of the funds.

Davis replied that it is a balance. DAWR's funding is largely from the USFWS through federal aid programs. There has been forestry money, and he expects there would be opportunities with the Office of Insular Affairs.

Sablan added that DOA is trying to network with the military to conduct hunting derbies as a way to address the ungulate issue.

Matagi-Tofiga pointed out the importance of the community buy-in with such efforts. The use of sedimentation pools is utilized in a watershed in American Samoa to minimize the sedimentation erosion, and community engagement is necessary.

#### **d. Report on Indigenous Fishing Rights Initiatives**

A public hearing for the indigenous rules and regulations in accordance with Public Law 29-127 was held on Sept. 16, 2014 at the public hearing room at the Guam Legislature. A public notice about the hearing was published on Sept. 3, 2014. Draft rules and regulations and an economic impact statement were made available to the public. Both oral and written testimony was accepted; written comments were accepted five days after the public hearing. DOA transcribed and compiled the testimonies and comments from the public hearing. DOA sent the documents to the offices of the Guam attorney general and governor for review both legally and administratively. An update will be given at the next Council meeting.

#### **e. Report on the Guam Fishing Conflict**

Hawkins presented an update on efforts taken to understand the fishing-based conflict between indigenous residents of Guam and relative newcomers, especially from the Compact of Free Association countries. Issues include fishing locations, frequency, types and amounts of fishing being taken, and gear conflicts.

At its 159th meeting (March 2014), the Council directed staff to explore the matter further. In November 2014, staff, in partnership with the Guam Fishermen's Cooperative Association, convened a meeting with Guam fishermen to discuss the history and current state of the conflict. Approximately 60 fishermen attended the two-hour meeting. The Council also developed a small exploratory project with the University of Guam 4-H Extension to learn more about Micronesian fishing practices, level of understanding of local fishing norms and regulations, and conflicts with local Guam fishermen. The project was initiated in late 2014.

Several Micronesian University of Guam students are conducting semi-structured interviews with up to 150 Micronesian fishermen, skewed towards members of the local Chuukese community. The data is currently being entered. Initial takeaways from the surveys included a) low awareness or familiarity with rules, regulations and private land issues; b) same fishing practices as back home; c) fish for food and profit; d) some descriptions of run-ins with locals; and e) outreach program targeting rules and regulation in home languages.

Hawkins said the anger is real and the perceptions seem genuine. He is not sure if the resources impacts are real. A full report will be available at the 163<sup>rd</sup> meeting.

### Discussion

Sablan asked if the consulate is involved.

Hawkins replied Council staff met and updated the Palauan Consulate in November but attempts to meet with the FSM Consulate were unsuccessful.

Leialoha suggested holding interviews in the Micronesian churches, which was effective in Hawai'i.

Sword asked if there were any perceived or mentioned conflicts of any kind.

Hawkins said conflict and boat chases were mentioned. One fellow is now carrying a gun. There were reports of conflict in the surveys on both sides. The full report should provide more details.

Sword asked if Guam has gun control laws similar to American Samoa.

Duenas said the gun laws mirror Hawai'i gun control laws, need a valid firearms identification card, cannot have a criminal history and only US citizens are allowed to obtain the firearms identification. There is also permitted conceal and carry.

Sword said American Samoa has gun laws also, but almost everyone carries a weapon. He asked if it was similar in Guam.

Duenas replied in the affirmative.

Rice said people running through fish schools is an ongoing conflict anywhere and is part of life.

Sablan noted that the Department's conservation officers report confrontational incidents.

Duenas reported some of the local Guam people felt they have been targeted by the USCG and have been boarded four times in three months and inspected for safety equipment in an effort to make an easy quota compared to the Micronesian boats that may not have safety equipment or paperwork.

Deisher replied that she is concerned about any perceptions that the USCG has been seen boarding people unfairly and assured Duenas there is no quota they are trying to meet. She will follow up with Sector Guam to look at the boarding numbers and get back with the information. She reiterated that there is no targeting of vessels to get a quota.

Hawkins agreed it would be good to look into that information.

Duenas said one of the examples heard that night was two of the boats had traversed into the channel without navigational lights or bow lights; they were using a cell phone on the bow as their light. Yet, local fisherman were stopped and boarded. He said two people in front of him were obviously without navigational equipment, yet he was the one that was boarded.

Sword pointed out that, at an evening function at the Guam Cooperative last year, three boats came in one after another at night without any lights.

## **B. Commonwealth of Northern Mariana Islands**

### **1. Arongol Falu**

Seman reported that FADs have been deployed in waters around Tinian, Rota and Saipan. Additional deployments will occur once the contract is completed. Rota's West Harbor Marina is waiting for major repairs through funds from the Sports Fish Restoration Funds. A floating dock that has been damaged from a previous typhoon will be replaced. Marina improvement and standard maintenance on all three islands are underway as well.

The Sea Turtle Program has tagged 54 immature turtles during an in-water survey on Saipan between Oct. 21, 2014, and Feb. 12, 2015. Of these, 53 were green turtles and one was a hawksbill; 16 were recaptures. The first nesting turtle for the season was documented on Tank Beach, Saipan, on Jan. 12, 2015. Three nests were observed on Chulu Beach on Tinian on Dec. 13, 2014.

In a cooperative research project, NOAA PIFSC and CNMI DLNR staff performed nocturnal surveys and deployed a satellite transmitter on the first Tinian nesting turtle ever. T. Todd Jones, PhD, is currently tracking the turtle's movements to the Philippines.

Jack Ogumoro, Council island coordinator in the CNMI, reported that a 400-pound turtle tagged on Saipan on the northern part of the island was equipped with a transmitter and named Raraina Wong, which means Queen Refaluwasch. Ten tags were provided by PIFSC.

Gourley presented a brief overview of the Biosampling Program in the CNMI from 2011 to 2015. This cooperative partnership involves the federal government, the local CNMI

government and the private sector, including NOAA PIFSC, CNMI Division of Fish and Wildlife (DFW), the Council and Micronesian Environmental Services (MES). Basic general statistics of the Saipan commercial spearfishing database include invertebrates and vertebrates from January 2011 through March 12, 2015. The team has sampled 2,224 spearfishing events. Ninety-nine percent of the spearfishing is at night. The total of 161,000 individual fish and invertebrates were measured, including 178 different species and more than 88,000 pounds of reef fish. The team developed its own data collection system that was beyond the contract requirements. The data will be meshed with the DFW commercial purchase, which will provide a more accurate picture of the fisheries. The total reported commercial reef fish landing has been consistent for the last four years between 102,000 pounds to 109,000 pounds for spearfishing, net and hook-and-line.

Under the Life History Program, MES is collecting data for PIFSC and for DFW. The biggest collection of data relates to *Naso unicornis*, with over 2,000 otoliths and gonads. Ed DeMartini, PhD, from PIFSC, held a histological staging of fish gonads training course in December. A refresher course was held in February. Michael Trianni from PIFSC spent the full day with DFW and MES on the same information DeMartini discussed in December. The immediate goal is to test the capacity of local staff to produce lab data in a form and quality that can be used by PIFSC scientists. The team is at a point where they would like to contract using local capacity to read and stage histological slides. They are currently simply collecting the data. All of the equipment needed to cut, polish and prepare otoliths for subsequent reading is available.

Gourley is currently writing a paper on the description of the 2011 to 2014 Saipan commercial spearfishing industry. Trianni is writing a paper on the temporal and spatial characteristics of the nearshore coral reef fishery. Brett Taylor is working on “Life History Studies on *Siganus Argenteus* and *Naso Unicornis*. Other publications include Todd Miller, DFW, “Regulatory Driven Shifts in Reef Fish Market Survey Results over 20 years: a Case of the Northern Mariana Islands” and Meagan Sundberg, “Status of Life History Sampling through the Commercial Biosampling Programs Conducted in the Western Pacific Territories of American Samoa, Guam and in the CNMI.”

## **2. Legislative Report**

Seman said the only piece of legislation since the last Council meeting was to prohibit boating under the influence of alcohol.

## **3. Enforcement Report**

DFW officers logged 177.5 hours of sea time from September to January, with 20 fish market inspections of local vendors. There were 59 vessel inspections in the water under the Joint Enforcement Agreement. There was one arrest of a fisher for the illegal use of gillnet.

#### 4. Community Activities and Issues

The 11th Annual Mahi Fishing Derby will be held on April 11, 2015.

##### a. Report on Northern Islands Community-Based Management Plan Meeting

Ka'ai'ai reported that the Council met with the Northern Islands mayor's office in November. The mayor's office asked the Council to develop a community-based fishery management planning process. There are plans to begin the first phase in April for the Northern Islands. The Council has had a long relationship with the Northern Islands. They received one of the Council's Community Demonstration Project Program grants, which established fishing stations in the Northern Islands that are still in use.

##### Discussion

Simonds asked if the CNMI government started populating the islands.

Seman said the repositioning ships are assisting the Northern Island mayor to move goods and equipment to Pagan. The Northern Island mayor is taking the lead to proceed as if there was no military plan.

Simonds said, if the military wants to use the island, the people will have to move out.

##### b. Report on the Commonwealth of the Northern Mariana Islands Joint Military Training

Lori Robertson, biologist with Naval Facilities Command in the Pacific, presented information regarding the CNMI Joint Military Training (CJMT) EIS effort on behalf of the Pacific Command Service Components. There are proposed activities for training by the Navy, Marines, Air Force and Army. After brief background information, she noted the proposed action is to conduct training on Tinian and Pagan and build ranges and training areas on the islands to eliminate or reduce the deficiencies that exist in military readiness in the Western Pacific.

The Marine Corp has entered into MOAs with a variety of organizations that have a special expertise or jurisdiction by law, including the Federal Aviation Administration, NOAA, the Interior Department, Office of Insular Affairs, Army Corps and the International Broadcasting Bureau (IBB). There will be a number of consultations to comply with a variety of federal environmental laws, such as the Historic Preservation Office and the Advisory Council going through Section 106 Consultation. A programmatic agreement will be developed through collaborative efforts with USFWS and NMFS.

The alternatives include no action, i.e., not implementing the training or proposing anything new. Under this scenario, some ongoing existing training would continue into the future. There are four live-fire ranges that were identified in the Joint Guam Program Office Record of Decision of 2010 that would be built. There is a large amount of military-leased area on Tinian.

Three alternatives have been analyzed in detail that include a variety of different ranges, high hazard impact area and the needed infrastructure, e.g., airport and road improvements and electrical and communication systems. On Pagan, there would be expeditionary-type training, improvements to the airstrip at an expeditionary level and expeditionary-type facilities. There would be 16 weeks of live-fire training per year on Pagan and 20 weeks of live-fire training per year on Tinian. Alternative 1 retains the IBB. Alternatives 2 and 3 do not retain the IBB. High hazard impact areas are present on all three alternatives on Tinian and both action alternatives on Pagan.

Amphibious training would be conducted on a variety of beaches on Tinian and Pagan. On Tinian, Unai Chulu will be a proposed amphibious assault vehicles landing. Babui and Masalok would experience landing craft cushion vehicles and swimmer and small inflatable boats training. Amphibious training will be conducted on the beaches at Pagan as well.

Alternatives that have been developed consider the following: a) How to provide as much safe access as possible; b) How to minimize impacts to natural resources as much as possible; c) How to minimize impacts to cultural resources, to the extent possible; d) How to deal with solid waste issues that the island faces; e) How to keep air travel into the future and avoid dangerous situations and conflicts; and f) How can the project provide some economic benefit to the community.

More information is available on the website. It currently has scoping information, comments from public scoping, reports, studies and a video about the project. The draft EIS is due out in April 2015 with a 60-day public comment period. Public Meetings begin in May 2015.

## Discussion

Sablan asked if the training ranges are for small arms or high caliber weapons and if the proposed activities related to the military buildup on Guam.

Robertson said it included the Air Force, Marines, Navy and Army; aircraft firing live-fire; amphibious vehicles firing live-fire onto targets on the island that are large caliber; and small arms ranges, as well. She was unsure from whence the troops would come but the activities are related to improving training across the Pacific.

Sablan asked about the 20 weeks of training on Tinian.

Robertson replied there would be training for 20 weeks per year.

Seman asked how and to whom he could request a longer public comment period due to the thickness of the EIS.

Robertson said she will pass the request along to the appropriate office and offered her phone number and email address for followup.

Leialoha said that there would be a strong contingency of opposition coming from Hawai'i concerning live-fire training on Pagan.

Gourley asked how the federal government acquires real estate interest and if there are plans to lease Pagan.

Robertson replied that would be a good option. It would have to be conducted in a collaborative fashion.

Gourley asked how accessibility would work if the military leased Pagan.

Robertson said safe access would be made available. High hazard impact areas on both islands would not be accessible when the ranges are in use. It would be managed access due to safety concerns.

Gourley asked if people would be stationed on Pagan in order to enforce access.

Robertson said she did not know.

Gourley asked if there is an update as to the significant amount of nearshore area closures around Tinian for boaters and fishermen related to the firearm ranges.

Robertson replied in the affirmative, there are safety danger zones that extend out over the water for some distance to ensure that folks in the water are protected from any fire that might end up in that spot.

Gourley reiterated Seman's request for an extension of the public comment period.

Robertson said no coastal areas are being closed. There would be temporary lack of access during some training activity, but the areas would not be closed. The only areas that would be completely restricted would be the high hazard impact areas, which are land-based.

Gourley said he fully expects 16 weeks of training in Pagan to be expanded to longer and longer periods of time.

Robertson replied that the NEPA analysis analyzes a maximum of 16 weeks of live-fire training on Pagan and NEPA compliance would not cover training beyond 16 weeks on Pagan.

## **5. Education and Outreach**

Seman reported that the Education and Outreach Program's educational videos of 15 minutes, five minutes, one minute and 30 seconds on the Managaha Marine Conservation Area are near completion for television advertising. The "Fishes of the Mariana Islands" poster has been reprinted and distributed to various offices on Rota and Tinian. The Summer Kids Shoreline Derby on Saipan is now in preparation. Education and outreach activities will be presented during upcoming fishing derbies that will occur in April, May and July of this year. DFW has completed a new Fisheries webpage and is also on Facebook. This is the first time the agency has had its own website. Access is available to planning and strategy documents, reports, scientific information and even educational materials for students and teachers.

**a. Radio Fish Talk**

The Council-sponsored radio show, “Fish Talk,” ended early this month, with topics on FADs, bottomfish and fish festivals. Other topics discussed on the show since the last Council meeting included traditional fishing, fishing industry development, coral program, aquaculture and mariculture, watershed, transport vessels, pelagic fisheries, landings, economics, vessel types, species, pollution, sedimentations and runoffs. Besides the radio show, different fisheries ads were played repeatedly throughout the day, highlighting fisheries and related issues in the hope of engaging the communities to discuss and participate in the management of their resources.

**C. Marianas Trench Marine National Monument: Islands, Volcanic and Trench Units**

Seman reported a draft EA on the Northern Islands Submerged Land Transfer to the CNMI was developed. The Department of the Interior proposes to enter into an MOA to ensure management of the accepted submerged lands consistent with the Presidential Proclamation. The submerged lands will be conveyed via patent with reserved easements surrounding the Islands of Farallon de Pajaros, Maug and Asuncion. Included will be lands permanently or periodically covered by tidal waters up to but not above the lines of the mean high tide and seaward to the line 3 miles distant from the coastlines of each of these islands. It will also include the Marianas Trench MNM established by Presidential Proclamation 8335 of Jan. 6, 2009, pursuant to the Antiquity Act of June 8, 1906.

Seman said he will replace Arnold Palacios, former DLNR secretary and Council chair who is now a Senator, as a member of the Marianas Trench MNM Advisory Council. Members of the Advisory Council are appointed for three-year terms by Secretaries of Commerce and the Interior after considering nomination from the CNMI governor.

Tosatto said he will offer a more thorough briefing on both efforts at the June meeting. The management plan should be out for public review.

Discussion

Seman asked Tosatto, in the absence of the MOA, if there is foreign fishing within the three miles in any of the three islands of the Islands Unit, what kind of enforcement is available.

Tosatto said, until the submerged lands are transferred, the EEZ remains all of the way to the beach. A violation within three miles would remain a federal violation.

**D. Advisory Panel Recommendations**

DeMello reported that the Mariana Archipelago AP members had no formal recommendations.

## Discussion

Simonds asked about the status of the letter written regarding the anchoring of ships in the CNMI that came before the Council several meetings ago.

DeMello said no response has been received to date. There was a study done on the anchor damage previously, which was provided to the AP. What the AP wants are moorings.

Simonds said there needs to be follow up as well as follow-through in locating a boat and captain to shark fish in the archipelago to collect data on the shark depredation issue.

DeMello suggested the AP find a scientist to do a statistically rigorous research project.

Simonds agreed.

DeMello said a canned project is ready to go, pending PIFSC support of the project.

Simonds asked if fishing would be involved.

DeMello replied in the affirmative, as part of cooperative research.

Gourley said there is information in regards to reduced salaries if the ships tie up to a mooring buoy.

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

Daxboeck said the SSC had no recommendations regarding the Mariana Archipelago.

### **F. Public Comment**

There was no public comment offered.

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

*Regarding the Manell-Geus Habitat Blueprint focus area, the Council recommended that*  
**a) NOAA provide regular updates to the Council on the initiative's progress in meeting habitat conservation objectives; b) NOAA Blueprint staff involve Council advisors with local and traditional knowledge about the focus areas as part of stakeholder engagement; c) A copy of the Fish Team Abundance Survey Final Report is provided to the Council when available; and d) The Implementation Plan incorporate the Draft Malessso Community-Based Management Plan objectives to the extent that they fulfill the Blueprint mission and a copy of the Implementation Plan be provided when available.**

Moved by Seman; seconded by Duenas.

Motion passed.

*Regarding Monitoring of the US EEZ around the Mariana Archipelago, the Council understood that the Sea Dragon Aerial Surveillance Program will be demonstrated in April in the*

*FSM and directed staff to write to the project coordinators of the program and request that monitoring patrols also be conducted for the Mariana Archipelago in conjunction with the USCG during the April time frame.*

*Moved by Seman; seconded by Duenas.*

*Motion passed.*

*Regarding USCG marine safety enforcement in Guam, the Council requested the USCG to communicate with Sector Guam regarding reports of disproportionate enforcement between local fishermen and Freely Associated States in terms of safety and other relevant enforcement issues and report back at the 163rd meeting.*

*Moved by Seman; seconded by Duenas.*

*Motion passed.*

*Regarding the CJMT draft EIS/Overseas EIS, the Council directed staff to request comments on the draft EIS/OEIS and to develop comments in consultation with local CNMI agencies and Council advisory bodies.*

*Moved by Gourley; seconded by Seman.*

*Motion passed.*

*Regarding the CNMI CJMT draft EIS/Overseas EIS the Council directed staff to request a 30-day extension of the comment period to enable the public to fully review impacts of the proposed action and for the Council to submit comments after its 163rd meeting in June.*

*Moved by Gourley; seconded by Duenas.*

*Motion passed.*

*Regarding the impacts of sharks on Mariana fisheries, the Council continued to request for the fifth time for PIFSC to work with Council and local fishing communities to support a cooperative research study on identifying shark species and shark depredation rates in pelagic and bottomfish fisheries.*

*Moved by Gourley; seconded by Duenas.*

*Motion passed.*

*Regarding the military prepositioning ships, the Council recommended that staff follow up on the letter sent regarding mooring impacts to corals and fisheries.*

*Moved by Seman; seconded by Gourley.*

*Motion passed.*

## **12. Pelagic and International Fisheries**

### **A. Hawai'i Yellowfin and Bigeye Commercial Minimum Size Limit**

#### **1. Report on Public Meetings**

Miyasaka described a series of public meetings jointly hosted by DAR, PIRO and the Council that were held throughout the M in December 2014. The meetings included presentation and discussion on the commercial minimum size issue for Hawai'i 'ahi, both yellowfin and bigeye. Seven public meetings were held, mostly during the evenings when most fishers could attend. Presentations provided background for the discussions on the commercial minimum size for 'ahi and the State's bottomfish management plan. The purposes of the meetings were to gather the public's thoughts on some proposed changes to the current State and federal management of the bottomfish and 'ahi fisheries. The question-and-answer format of the meetings allowed for full discussion of the various topics. Responses varied by island and by composition of attendees.

There were 163 surveys collected and most respondents were commercial fishermen. The majority of respondents favored including both species of 'ahi (yellowfin and bigeye) for ease of enforcement and compliance. In response to the question regarding commercial minimum size, 64 percent of the respondents agreed with a 10-pound minimum size for sale. This did not include a petition signed by 326 signatures who wanted to leave the current size as is and stop longline fishing for 'ahi during May thru August. Maui supported leaving the size as is or raising it to five pounds; it did not favor 10 pounds. Some thought there should a noncommercial size limit that is the same as the commercial size limit and the daily bag limit should be the same for commercial and non-commercial fishers.

There currently is no size or bag limit for aku in Hawai'i. Most respondents supported no daily noncommercial bag limit for aku, but supported an aku commercial size limit of 3 to 5 pounds.

#### Discussion

Rice asked about the reasoning behind the preferences from the Maui fishermen.

Miyasaka said their argument was for geographical reasons. The banks occupy most of the grounds around Maui. The smaller fish favor the shallow banks, so the minimum size should be different for Maui.

Rice said there has to be a one-size-fits-all reg. He supported raising to a 10-pound minimum size.

#### **2. Update on Biological Implications of Changing Size Limit**

Dalzell presented estimates of natural and fishing mortality. Two different sources were used to compute yield per recruit for yellowfin tuna fisheries in the North Pacific Ocean. The results show that increasing the size at first capture in the equatorial fisheries would increase the yield per recruit by 30 percent. The results for Hawai'i fisheries are more difficult to interpret.

The available data suggest that increasing the size at first capture would decrease the yield to the fishery. Further yield per recruit analysis on existing information base is unlikely to change conclusions. The Hawaii Tuna Tagging Program Tag Recapture database should be updated and reanalyzed to improve mortality estimates. The WCPFC Convention Area stock assessments could potentially assist in addressing management issues in Hawai‘i, but MultiFanCL (a computer program that implements a statistical, length-based, age-structured model for use in fisheries stock assessment) regions needs realignment and mortality of longline fleets should be accommodated.

### Discussion

Goto said, from the longline perspective, it is prudent to bring other fisheries into the analysis.

Dalzell said that longliners and other fisheries each catch a million pounds of yellowfin annually.

Rice said the smaller fish are caught on boats that fish the seamounts, which often catch thousands of pounds of 5-pound fish in order to fill up their hull at the end of a trip. The roadside vendors on the Big Island seem to no longer sell cooler fish and have turned to drying and smoking the bigger tuna. Fishermen on the Big Island support a minimum size change.

### **3. Socioeconomic Considerations**

Hawkins said, at the 161<sup>st</sup> Council meeting, the Council requested additional biological and socioeconomic information with regard to raising the minimum commercial size of yellowfin ‘ahi in Hawai‘i. In late 2014, the Council and the State jointly held a series of community meetings around the islands in part to describe this issue and solicit public input. Council staff subsequently met with additional community members, developed a small survey of potentially affected residents and implemented a brief project to learn about the prevalence and price of small ‘ahi in markets on O‘ahu. Preliminary conclusions are a) Increasing the minimum size is not likely to adversely affect a high proportion of Hawai‘i residents; b) Those who will be affected are likely to be affected substantially and are passionate about the issue; c) Some opponents seem willing to support an increase but not by more than a few pounds, such as a new minimum size of 5 to 7 pounds; d) Communities are not likely to be homogenous in support or opposition; e) For perceptions of fairness, minimum size limit should apply across the board; and f) Consumers have a few potential substitutes for 3-pound ‘ahi, based on price data, but better preference and choice data would need to be collected to understand the substitution issue.

### Discussion

Goto appreciated the alternatives considered. He said there are markets where a substitute for small ‘ahi is the smaller-sized kawakawa. At the auction, it has a large market value because wholesalers buy it is an affordable alternative to the large-sized fish. It can translate to a more economically feasible option to certain consumers than even the 10-pound ‘ahi.

Rice spoke to the sustainability of the yellowfin and bigeye. One reason he supports the 10-pound minimum size is because the majority of the ‘ahi caught around FADs are juvenile bigeye as. There is not adequate enforcement for bag limits.

Hawkins said the market data indicates that the ‘ahi under 3 pounds are easily sold.

**B. American Samoa Large Vessel Prohibited Area Temporary Exemption (Action Item)**

Kingma presented the proposed regulatory amendment to modify the American Samoa LVPA. The LVPA was established in 2002 to minimize competition between large fishing vessels and small longline vessels, especially *alia*. Today, these conditions no longer exist. In addition, there is a current need to help alleviate economic hardships facing the 19 large longline vessels remaining in the fleet.

The alternatives have differing amounts of area that would become available to the large longline vessels. The LVPA exemption should assist the large vessel fleet by allowing vessels to follow albacore into areas that are currently restricted. The LVPA exemption should allow shorter trips and, therefore, reduce fuel costs. Furthermore, it would be unlikely to cause significant interaction between large and small vessels and little expectation of increased interactions with protected species and sharks.

Providing the LVPA exemption to purse-seine vessels would not be appropriate because purse-seine vessels target skipjack and yellowfin, which are also targeted by troll vessels operating in American Samoa, while the longline fishery targets adult albacore. An exemption of longer duration will reduce business uncertainty and, thereby, aid economic conditions in the fleet.

The Council will consider recommending a regulatory amendment to the Pelagic FEP to temporarily allow large fishing vessels to operate within the LVPA located within the US EEZ waters around American Samoa. The Council may consider taking Emergency Action pursuant to the MSA Section 305(c) or other options that may allow for prompt action so as to provide relief to the American Samoa longline fishery, which has endured several years of poor fishing where the profitability of the fishery is zero or even negative.

Options to be considered include the following: 1) No Action; 2) Exemption for longline vessels holding an American Samoa longline limited entry permit to be able to fish seaward 25 nm to the north of Tutuila and Manu‘a Islands and seaward from 12 nm around Swains Island; 3) Exemption for longline vessels holding an American Samoa longline limited entry permit to be able to fish in waters of the LVPA as describe in #2 (above) plus within designated waters south of Tutuila and Manu‘a; 4) Exemption for longline vessels holding an American Samoa longline limited entry permit to be able to fish in waters of the LVPA seaward from 12 nm around Swains Islands Tutuila and Manu‘a Islands; and 5) Removal of the LVPA.

The LVPA was implemented in 2002, when nearly 40 *alia* and other small vessels and 24 large vessels operated in the local longline fleet. The LVPA was established to minimize potential catch competition and gear conflict between small (*alia* troll and longline) and large pelagic fishing vessels, e.g., longline, purse seine, etc. The LVPA prohibits longline vessels 50

feet or greater from operating within 50 nm of Swains Island and generally within 50 nm around Tutuila and the Manu‘a Islands (the northern boundary of the LVPA around Tutuila and Manu‘a is approximately 32 nm).

The *alia* fishery reached its zenith in 2001 and by 2002 had begun to decline. In 2007 less than three vessels operated in the fishery. In 2014, no small *alia* longline vessels operated, while 19 large longline vessels fished outside the LVPA. Twelve small troll vessels reportedly caught pelagic species in 2013.

A NMFS study showed that a vessel operator could expect to clear \$100,000 from the fishery in 2001. In 2009, this revenue had fallen by 94 percent to \$6,000 and has worsened since then. An update of this study in 2015 showed that the fishery had indeed worsened in 2013 compared to 2009. The situation became so dire that in January 2014, many American Samoa-based owners offered their vessels for sale.

This economic collapse is not confined to American Samoa; it has also been documented across the Central South Pacific. Longline fishermen in American Samoa, Fiji, Samoa and other Pacific Islands have a shared perception that an influx of Chinese longline vessels across the region is mostly responsible for the collapse. The Chinese government has encouraged and facilitated substantial longline vessel construction in recent years, and Chinese vessels enjoy generous subsidies on fuel, licensing, freight costs, exports, tax, loans and labor. In other words, this foreign fleet is not dependent on catches to continue to fish.

A temporary exemption to the LVPA includes the following benefits: a) Addresses the underutilization of the LVPA by *alia* and other small vessels, which has resulted in the fishery’s inability to achieve optimum yield (OY) within the EEZ around American Samoa; b) Promotes the potential for vessels to not only continue to supply sustainably caught, high quality albacore to the Pago Pago based canneries but also to diversify to provide fish for fresh fish markets. For example, in order for StarKist to market to US schools and military, the albacore (white tuna) must come from US boats; and c) Increases efficiency by reducing trip times and distances and associated trip costs. Opening up additional areas for large vessels active in the fishery, while contributing to OY, is not anticipated to lead to overfishing of South Pacific albacore or any other pelagic management unit species occurring in the EEZ around American Samoa.

## Discussion

Ebisui asked what would be the effect if the Council were to choose to defer action until the next Council meeting in June.

Kingma said, if Council chose to defer action, there would not be enough time to get anything on the books to allow vessels to take advantage of an LVPA exempted area for 2015 and fishing during the high season. Given the economic conditions of past negative profits, even more vessels may leave the fishery under the current regime.

Ebisui stated for the record the Council received letters from Gov. Moliga, dated March 13, 2015, stating his position and his request. Letters received in support of the LVPA exemption included KS, Inc., general manager, dated January 25, 2015; StarKist, Jan. 29, 2015; Tri Marine, Feb. 24, 2015; Purse Seine Samoa, Inc., Jan. 30th, 2015; Afoa Lutu, Jan. 29, 2015; Longline

Services, Inc., Pago Pago, March 1, 2015; Bridge of Southern Horizon, March 11, 2015; and Island Tuna Management, Inc., March 11, 2015. A letter opposed to the LVPA was received from Peter Crispin, March 16, 2015.

Rice noted that, economically, allowing the large longline vessels to fish in the area would serve as a jump-start for the fishers on Manu'a as well.

Kingma said there is anecdotal information that on several occasions longline vessel owners have expressed interest in working with *alia* in regards to the fisheries development, recognizing *alia* often don't have the right refrigeration or capacity. Allowing larger vessels to fish closer also provides some safety at sea consideration. American Samoa does not have USCG search and rescue assets. Opening the LVPA could enable a more rapid response in times of distress, which occurred in the past year.

Gourley asked if the purse-seine industry has taken any action regarding the LVPA proposal.

Kingma replied in the negative. No communication has been received from any purse-seine interest that it would like to fish closer within the LVPA area.

Sword asked if there is any information on purse-seine activity inside the EEZ.

Kingma said, historically, there has been some activity, but not in recent years.

Valerie Chan, from NMFS, said there has been a little bit of purse-seine activity in recent years.

Kingma said, in recent years, purse seiners have access to fish in the Cook Islands EEZ, which is neighboring American Samoa.

Sword asked for an estimate of tons annually taken by purse seiners.

Kingma estimated a few thousand metric tons.

Sword asked if the seasonal catch information was shared with the local *alia*.

Kingma replied in the affirmative. At times throughout the time series, catch rates are much higher within the LVPA area, and those albacore would have been available to *alia* at that same time as well.

Sword asked if the one vessel that is allowed inside the LVPA shows more catches during those seasonal times inside the 50-mile closure.

Kingma replied in the affirmative. Its data is included.

Sword asked if any studies show the bycatch value of purse seiners or larger longliners.

Kingma said he was not aware of any. The Council has heard the issue of leakage for decades from foreign and US purse-seine and longline vessels into the market. The Council

made efforts to get the information, but that information has not been released. To his knowledge, the requirement is not being applied consistently locally.

Bottomfish has always been perhaps a more lucrative venture. Recent information is Tri Marine's fresh frozen facility is interested in exporting bottomfish. What is needed for there to be a market is three or four vessels with improved fish handling. Concerning fisheries development, the Council has identified a new multi-purpose design and the need for a fishermen-training program and a fishermen lending scheme. Components are there to start working on this fisheries development as a whole package.

Matagi-Tofiga asked for Kingma for his opinion on the impact of the 2009 tsunami to the status of the fishery currently.

Kingma said it impacted the *alia* that were trolling and bottomfish fishing. In 2009, there were only a couple fishing at that time. There was a decrease of five vessels that were trolling in 2009. The *alia* were operating in the troll and bottomfish fishery.

Rice pointed out the importance of providing a kick start for the fishery because it would take a lot longer to bring it back from totally collapsing.

### **C. American Samoa Longline Exclusive Economic Zone Albacore Catch Limit (Action Item)**

Kingma presented the alternatives for specifying the annual Territory longline bigeye catch limits: 1) No action: no 2015 Territory specifications; 2) Specify 2,000-mt total annual longline catch limits and 1,000-mt transferable catch limits for bigeye tuna per Territory for 2015 and 2016; and 3) Specify 2,000-mt total annual longline catch limits and 750-mt transferable catch limits for Bigeye Tuna per Territory for 2015 and 2016.

In March 2014, NMFS approved Amendment 7 to the Pelagic FEP. In October 2014, NMFS issued the final rule implementing Amendment 7. Specifically, Amendment 7 established a management framework to establish catch or effort limits applicable to the US Participating Territories that includes the authorization for the US Participating Territories to use, assign, allocate and manage the pelagic management species catch and effort limits agreed to by the WCPFC through arrangements with US vessels permitted under the Pelagic FEP for the purposes of responsible fisheries development. The Council could also recommend and the NMFS could specify catch or effort limits in the absence of such limits or additional or more restrictive limits than the WCPFC for conservation and management purposes. The framework would also provide for consistency review of Territory arrangements with the Pelagic FEP and other applicable laws by the Council and NMFS, as well as annual review and specification recommendations by the Council.

The management framework established in Amendment 7 was replicated from legislation established by Congress in 2011. Specifically, Congress authorized that WCPFC catch limits provided to the US Participating Territories should be made available for transfer to qualifying US longline vessels, such that it provides a mechanism to support the development of fishery infrastructure in the Territories. Congress directed the Council to recommend an amendment to the Pelagic FEP and associated regulations to implement Section 113 to authorize the use,

assignment, allocation and management of catch limits of the pelagic species, or fishing effort limits, agreed to by the WCPFC and applicable to the Territories.

In 2014, NMFS approved the Council's recommended specification of annual bigeye tuna longline limits of 2,000 mt per year for each of the US Participating Territories, of which 1,000 mt may be transferred annually under agreements consistent with the Pelagic FEP and other applicable laws to eligible US vessels permitted under the Pelagic FEP.

In 2014, the CNMI government had a Specified Fishing Agreement with nearly all active Hawai'i longline vessels. All of the potential 1,000 mt of bigeye was transferred to Hawai'i longline vessels that operated under the agreement. Prior to 2014, and under the authority provided in Section 113, the CNMI government and Hawai'i longline vessels had catch transfer agreement that resulted in approximately 500 mt transferred in 2013. The American Samoa government and Hawai'i longline vessels had a catch transfer agreement in 2011 and 2012 with 628 mt and 771 mt of bigeye tuna attributed by NMFS to American Samoa, respectively.

The US WCPO longline bigeye catch, which is caught in its entirety by longline vessels operating out of Hawai'i, was reduced to 3,763 mt since 2009. For 2015 and 2016, the US WCPO longline limit will be 3,554 mt, and further reduced to 3,345 mt in 2017.

Bigeye tuna is considered a Pacific-wide stock that is managed and assessed separately by the WCPFC and Inter-American Tropical Tuna Commission. In the WCPO, bigeye tuna is subject to overfishing, but in the eastern Pacific Ocean, bigeye tuna is not in an overfishing condition. Bigeye tuna in both the WCPO and eastern Pacific Ocean is not overfished according to the status determination reference points of the Pelagic FEP. However, bigeye is considered overfished when using the non-maximum-sustainable-yield associated WCPFC limit reference point of SB/SBF=0. In the WCPO, bigeye tuna is harvested using a range of fishing gears, with primary impacts from longline and purse-seine fisheries. Bigeye tuna has been experiencing overfishing since the 1990s in the WCPO. The United States cannot end overfishing on bigeye tuna through unilateral actions. International cooperation within the WCPFC is required to end and prevent overfishing on bigeye tuna.

Anticipated catches by Hawai'i and Territory longline fisheries, including amounts transferred under Specified Fishing Agreements, when combined with US longline limit for WCPO bigeye tuna (3,554 mt) would have negligible impacts on bigeye tuna stocks in terms of overfishing and overfished reference points, and thus are not expected to impede the effectiveness of international measures to eliminate WCPO bigeye overfishing.

#### **D. Territory Longline Bigeye Specification (Action Item)**

Kingma presented information to consider for decision-making on the establishment of a longline South Pacific albacore ACL for the EEZ around American Samoa consistent with the regional approach proposed by the Forum Fisheries Agency (FFA). The Council will also consider making non-regulatory recommendations for the US State Department to initiate consultations with the FFA for American Samoa to obtain Associate Participant status under the Tokelau Arrangement.

Catch limit options to be considered include the following: 1) No Action; 2) Establish an ACL of 5,425 mt of albacore for the EEZ around American Samoa, highest level of South Pacific albacore catch reported from the EEZ; and 3) Establish an ACL of 2,658 mt, which is the recent five-year average catch of South Pacific albacore within the EEZ around American Samoa.

South Pacific albacore is a highly migratory species that requires international cooperation for effective management. Existing international management measures have been ineffective to restrict the rapid catch increases observed in the last decade. There is growing concern for the future of the South Pacific albacore stock and the domestic South Pacific longline fisheries that depend primarily on this stock. To address this situation, the FFA has proposed that the WCPFC endorse EEZ-based ACLs and set flag-based high seas ACLs and a total annual catch limit of South Pacific albacore within the WCPO.

In late 2014, Australia, Cook Islands, New Zealand, Niue, Samoa, Tokelau, Tonga, Tuvalu and Vanuatu signed the Tokelau Arrangement. According to the FFA, the arrangement provides a framework for the development of cooperative zone-based management of South Pacific albacore tuna fisheries. The primary function of the Arrangement is to implement measures to fisheries that take South Pacific albacore tuna, whether specifically targeted or taken as bycatch, within the EEZs of participating countries. The Tokelau Arrangement also provides for Associate Participation by non-FFA members, particularly South Pacific Territories, such as American Samoa, whose waters host fisheries for South Pacific albacore tuna and who declare zone limits on the catch of albacore in ways that are compatible with the limits adopted by Tokelau Arrangement participants.

The American Samoa longline fishery primarily targets South Pacific albacore tuna. Most of the albacore caught by the fishery is landed in Pago Pago for processing at the local canneries. In 2013 and 2014, the American Samoa longline fishery experienced difficult economic conditions, with its lowest catch rates of South Pacific albacore on record and revenues that were unable to exceed operating costs. Other domestic longline fisheries in neighboring South Pacific countries are also facing tough economic conditions.

The total catch of South Pacific albacore in the WCPO has more than doubled in the past decade, with about 82,000 mt caught in 2013. The estimated maximum sustainable yield of this stock is approximately 99,000 mt. Although the stock is considered biologically healthy, lower catch rates of longline vessel targeting adult fish, when coupled with high operating costs and low ex-vessel fish prices, are resulting in conditions that are likely economically unsustainable. American Samoa plays a central role in the management of South Pacific albacore. Its longline fishery is well-managed and highly monitored and serves as example to other fisheries in the region. American Samoa's tuna processing facilities make Pago Pago a strategic port in the South Pacific.

At its 161st meeting, the Council recommended as initial action to establish an albacore longline catch limit for the EEZ around American Samoa at 5,418 mt and directed staff to prepare appropriate analyses for the Council to take final action. The annual catch total of 5,418 mt is based on 2002 catch statistics, which has now been revised by NMFS to be 5,425 mt, and

represents the highest amount of longline caught albacore that was harvested in the EEZ around American Samoa.

### Discussion

Goto noted the importance of the fishery to Hawai‘i and the Territories. Having the ability to transfer the quota within the US Territories would be beneficial.

Simonds noted that in the past there was discussion regarding the United States having one quota for the Territories and Hawai‘i. She asked Tosatto, in today’s environment, what might be the result if a request was made for 12,000 mt of bigeye for the entire US fishery.

Tosatto said, when 2008-01 was being negotiated, the baseline for the US catch history was the Hawai‘i longline fishery. When the reduction was being negotiated, it was a reduction from the historical timeline of the Hawai‘i longline fishery. All countries, including Territories and SIDS, were given 2,000 mt. He noted a single US quota should be shared amongst all US fisheries, meaning all the Territories, etc., and it would be approached from a consolidation of quotas upward. Absent quotas for the Territories in the WCPFC, it could be difficult. The United States would go back to the Commission with an overall pie, slice up the pie, and then as a matter of policy say the United States is implementing the quota as one large piece versus four smaller pieces.

### **E. Report on Illegal, Unregulated and Unreported Fishing and Seafood Labeling**

Tosatto said the final report from the Administration on the IUU Task Force, co-chaired by DOC and NOAA, is fresh off the press. He encouraged the Council to review the report. The focus is on seafood labeling from an international perspective, but he foresees labeling and catch documentation impacts to fisheries that catch fish on the high seas and participate in international fisheries.

### Discussion

Simonds reiterated the Council’s statement made to the government that the focus should be on the foreign fisheries and not on domestic fisheries.

Goto agreed.

### **F. International Fisheries**

#### **1. Western and Central Pacific Fisheries Commission 11th Regular Session**

Kingma reported on some of the outcomes of the 11th Regular Session of the WCPFC, held Dec. 1 to 5, 2014, in Apia. Major agenda items included the conservation and management measure for tropical tunas with specific focus on addressing bigeye overfishing and the implementation of an additional month of FAD closure for the WCPO purse-seine fishery. Prior to WCPFC11, it was understood that the fifth month of FAD closure was conditional upon WCPFC agreement that the provision was not transferring a disproportionate conservation

burden on to SIDs and Participating Territories. WCPFC11 failed to reach agreement on this issue; however, the Council's 2014 Disproportionate Burden workshop was helpful in identifying the type of information and process the WCPFC needs to consider when addressing disproportionate burden.

The WCPFC did amend Conservation and Management Measure 2014-01 to include new data provision requirements for China, Indonesia, Japan, Korea, Philippines and Chinese Taipei. Historically, these countries have not provided operational level data to the WCPFC for their vessels operating on the high seas. The new provision requires the submission of aggregate data by 1 degree by 1 degree (latitude/longitude) square and that operational level data be submitted for stock assessments and upon request of the WCPFC science provider.

The WCPFC again failed to agree on a more comprehensive measure for South Pacific albacore, which is concerning given the its dramatic increase in catch in recent years and the viability of domestic longline fisheries including the American Samoa longline fishery.

The WCPFC did agree to a new measure for Pacific bluefin tuna, which is expected to result in rebuilding of this overfished stock. Lastly, the WCPFC also agreed on a measure to develop a harvest strategy for key tuna fisheries and stocks in the WCPO.

### Discussion

Simonds noted that Russell Smith is the vice chair and Tosatto is the vice chair of the Northern Committee.

Kingma added that Alexa Cole is the chair of Technical and Compliance Committee.

### **G. Advisory Panel Recommendations**

DeMello presented the AP Recommendations as follows:

*Regarding the LVPA, the American Samoa AP members recommended the Council select Alternative 4, a 12-nm closure and to not include a sunset. Further, they requested the Council conduct this under emergency action.*

*Regarding the South Pacific albacore catch limit, the American Samoa AP members recommended the Council proceed with initiating an EEZ-based limit for South Pacific albacore of approximately 6,000 mt for American Samoa and support the inclusion of American Samoa in the Tokelau Arrangement.*

*Regarding bigeye tuna catch limits, the American Samoa AP members recommended the Council support a bigeye tuna catch limit of 2,000 mt with 1,000 mt transferrable.*

*The Mariana AP members supported the establishment of Territory limits, recognizing the fishery development funding is important to the Territories and the CNMI.*

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

Daxboeck presented the SSC recommendations as follows:

*Regarding the American Samoa LVPA changes, the SSC supported Alternative 4, with the LVPA exempted area seaward of 12 nm, without a defined sunset period, but with annual review by the Council.*

*Regarding the American Samoa longline South Pacific albacore catch limits, the SSC supported the establishment of an annual American Samoa EEZ longline limit of 5,425 mt and recognizes the need for international management efforts, including the Tokelau Arrangement, noting potential benefits from increased cooperation and coordination among members. For these reasons, the SSC supports American Samoa seeking some form of formal participation status under the Tokelau Arrangement.*

*Regarding the Territorial bigeye specification, the SSC supported Alternative 2, the specification of a 2,000 mt total annual longline catch limit and a 1,000 mt transferrable catch limit for bigeye tuna per territory.*

*Regarding the Territorial bigeye specification, the SSC recommended that future assessment workshops identify suitable realignments of the MultiFanCL regions in the North Pacific and devise means to include all sources of fishing mortality in the assessment. Therefore, the SSC further recommended that US participation in WCPFC stock assessment endeavors should be strengthened.*

## **I. Standing Committee Recommendations**

Goto reported the Standing Committee met on Saturday afternoon at the Council office. Having heard the AP and the SSC, the Standing Committee agreed on the following recommendations on the action items:

*Regarding the Territorial bigeye specification, the Pelagic Standing Committee supported Alternative 2, the specification of a 2,000 mt total annual longline catch limit and a 1,000 mt transferrable catch limit for bigeye tuna per territory.*

*Regarding the American Samoa longline South Pacific albacore catch limits, the Pelagic Standing Committee supported the establishment of an annual American Samoa EEZ longline limit of 5,425 mt and recognizes the need for international management efforts, including the Tokelau Arrangement, noting potential benefits from increased cooperation and coordination among members. For these reasons, the SSC supports American Samoa seeking some form of formal participation status under the Tokelau Arrangement.*

*Regarding the American Samoa LVPA changes, the Pelagic Standing Committee supported Alternative 4, with the LVPA exempted area seaward of 12 nm, without a defined sunset period, but with annual review by the Council.*

## **J. Public Comment**

Jim Cook, former Council chair and co-president of the Hawaii Longline Association, spoke on behalf of all Pacific Islanders who fish. The WCPFC SIDS scheme has made a mockery out of bigeye conservation and conservation of other fish in the Pacific. It has given competitors in the business, primarily Chinese, open season to do anything they want, yet the longline fisheries are confined by enforced quotas. Cook asked the Council to do whatever can be done within the confines of the Council process to benefit all Pacific Islanders.

Sean Martin, former Council chair and co-president of Hawaii Longline Association, said he was unaware that the fishing activities of Cross Seamount were under discussion. The Hawai'i longline fishery would be interested in participating in any future discussion. It seemed odd to him that a fishery that is not regulated by federal regulations is asking for the federal managers to close areas that are productive grounds for longline fishers and have been for many decades.

In relation to the US Territory bigeye longline specifications, the Hawaii Longline Association, which represents 700-plus members, is supportive of Alternative 2, which is a 2,000 mt annual limit for the Territories, with 1,000 mt allowed to be transferred. Having participated in the Council process and international meetings, he pointed out that the bigeye issue has become an allocation issue between purse-seiners, longliners and SIDS and is not a conservation issue. The Hawai'i longline fleet is set to experience an additional 5 percent quota reduction in 2015 and 2017. The US longline fishery continues to be further constrained by more area closures through Presidential proclamation, with no basis in science. Enough is enough. Bigeye purse-seine catch continues to increase while the longline catch is relatively stable. Purse-seine catch in 2013 was up 40 percent from the previous year and is at a historical high. The WCPFC conservation measures that implemented the additional 5 percent reduction in 2015 and an additional 5 percent in 2017 versus no reduction of bigeye catch called for in the purse-seine fishery demonstrates the conservation and management measures are ineffective. The Council and the US government should be taking initiative to hold peoples' feet to the fire. Consideration should be given to a performance standard. He asked the Council to begin discussions regarding rolling back the 5 percent reductions in 2015 and 2017 until the purse-seine fleet demonstrates results. The longline fleet is suffering.

### Discussion

Simonds noted American Samoan Gov. Moliga's letter regarding the LVPA closure. In June 2014 the governor wrote a letter thanking the Council for its work and addressed concerns that he has had, as does the Council, about the federal government's actions regarding monuments and sanctuaries. Because of the governor's letter and his concerns and his discussions with his representatives on the Council, the Council postponed final decision on the LVPA at the June Council meeting to give American Samoa time to work things out and have discussions with the constituents. The Council again postponed final decision on the exemption at the October 2014 meeting to allow additional time. Council staff also traveled to American Samoa to hold informational meetings. The Governor is again asking the vote to be postponed.

## K. Council Discussion and Action

*Regarding a temporary exemption to the American Samoa LVPA, the Council recommended a regulatory amendment for the temporary exemption to the LVPA by American Samoa longline limited entry permitted vessels greater than 50 feet in length. The LVPA exempted area is defined as the area seaward of 12 nm from Tutuila, Manu‘a Islands and Swains Island. The temporary exemption is authorized for an indeterminate period, but the Council will review the LVPA exemptions on an annual basis with regards, but not limited to, the following topics: catch rates of fishery participants, small vessel participation and fisheries development initiatives.*

*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 authorizes 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 the 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 regulation and take action back to the Council if in their determination the proposed regulations are not consistent with the Council action.*

*Moved by Rice; seconded by Goto.*

*Motion passed, with abstention by Tosatto and Sword, nay vote by Matagi-Tofiga and Poumele, and yay with reservation by Leialoha.*

Sword said that the Council is about people, fishing policies and science that affect the community. American Samoa in the recent past has been cursed with people doing the wrong things and circumventing peoples’ involvement just to get what they want. Not involving the people in decisions to affect the people who they are supposed to help is wrong, which is what happened in the Sanctuary and the Rose Atoll MNM process. The governor at the time offered away Rose Island without consulting with the Manu‘a chiefs, which resulted in President Bush making it a monument. There was no science involved in prohibiting fishing in the 12 miles surrounding Rose Atoll, closing Fagatele to any fishing and the closure of the Aunu‘u reefs, which is a place for traditional bottomfish fishing for the people in that district. In this particular case, Gov. Moliga has the Fono’s backing in asking for a postponement. His request should be honored despite having to wait a few more months to meet the MSA commitments. In Samoa there is a saying, let this warrior sleep. Another day may bring a more peaceful resolution. Sword added that his heart says to open the 50 miles, but the governor and the Fono are asking for another delay; the Council should consider the request seriously.

When this 50-mile closure was implemented it was because a longline vessel owner wrote the Council and said there was a gear conflict, with actual fighting on the high seas between the small boats and the larger longliners. The Council closed the 50 miles to prevent conflict and potential physical interactions. Today the same folks are asking the Council to open the closed waters. He voiced support to open the waters on a temporary basis.

American Samoa's traditional leaders have asked to review the fishing regulations and the treaty with the United States to find why the United States does not protect the Territory's seas and allow more say to the local government. This letter from the governor and the Fono resolution are coming out shortly and represent a huge social issue and a personal dilemma. What does it do for the fleet, canneries, the economy and the longliners? The SSC's recommendation regarding 12 nm also presents a social issue. He foresees conflict between the fishers. The SSC did not see the social implications because they do not live on Tutuila Island. The leaders of the government want to review the fishing rights. Let the warrior sleep, another day, a new idea, a new thought, there will be a way forward.

As a recreational fisherman, as a subsistence fisherman, many years on the AP and then on the Council, he sees many boats fishing the banks regularly, including the South Bank. The 50-mile closure has allowed the recreational fleet to develop the charter industry, and having international tournaments promotes recreational fishing. What is bad for the banks is bad for recreational, subsistence and the local boat fishing.

Fuel prices are low, and still these boats do not go out fishing. If the longline *alia* could go out, then the closure would not be an issue. He voiced agreement that other avenues should be explored to develop a market for the local *alia* and thus a reason to go fishing. As a chief, he asked the Council to postpone the LVPA decision, if possible. He asked the SSC and Council, if it has to enact something, to think of its preferred recommendation on Alternative 4, and Alternative 2 or 3, for one year as favorable. It is the socially responsible thing to do.

Matagi-Tofiga noted that one local longliner is allowed to fish in the area. Other vessels may already be fishing in the zone. The Council has put a lot of effort into the Manu'a Islands, where her family is from. The 2009 tsunami caused much delay in the fishery development activities, but progress has been achieved. The American Samoa government has provided fuel subsidies and safety equipment to fishers with the assistance of the Council. More time is needed. She asked the Council to postpone the LVPA decision to allow more time for American Samoa to work out a solution.

Poumele said this is a hot topic for the American Samoan people and the Council. She thanked the Council for working with American Samoa to develop its fisheries. The government recognizes the need to improve the efficiency of the longliners. The past year has brought the people of American Samoa together so they can move forward with one voice. Unfortunately, there is not yet one voice. A group has requested assistance, and a humble request has come from the governor, who is the steward of the islands and has the responsibility to ensure that the decisions made will be in the best interest of all. The governor has asked in his letter for three more months, until the June 2015 Council meeting. He recognizes all that has been raised as well as the economic benefits it will bring to the Territory. Poumele asked the Council members on behalf of the government and the American Samoan people to delay the decision for three months in an effort for them to become a unified voice.

Ebisui stated that his first reaction is to do what the governor is asking but he has a strong sense of obligation to the National Standards. It is a very difficult issue. The current status quo is not acceptable. Effectively, what exists is a private fishing reserve for a class of people who are no longer exercising that provision.

He is hopeful that any exemption does not derail or defer the rebuilding of the *alia* longline activity. NS 1 is to achieve OY in every fishery. In effect, what has evolved from the situation is an allocation, and he feels compelled to alter the status quo. With respect to the alternatives, Ebisui spoke in favor of the annual review process. The exemption is for a limited group, only US-permitted longline vessels only. He pointed out that the *alia* activity dropped off significantly well before the typhoon. The LVPA exemption is temporary. He felt it appropriate to explain the dilemma of the position that is contrary to what the American Samoa Council members may want, but it is done with the best of intents and with the utmost of respect.

Leialoha asked what would be the outcome at the end of three months.

Poumele said that it would most likely be one of the options, with a clear understanding of all the people.

Ebisui called for a roll call vote.

Onaga nodded agreement.

*Regarding an American Samoa longline albacore catch limit, the Council recommended **the specification of an annual longline catch limit of 5,425 mt of albacore within the EEZ around American Samoa for 2015 and 2016.***

*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 authorizes 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 the 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 regulation and take action back to the Council if in their determination the proposed regulations are not consistent with the Council action.***

*Moved by Rice; seconded by Goto.*

*Motion passed.*

*Regarding regional cooperation in the conservation and management of South Pacific albacore, the Council recommended **that the Department of State, NOAA, the Council and the American Samoa government evaluate the potential benefits, drawbacks and complexities for the American Samoa government to obtain formal status under the Tokelau Arrangement.***

*Moved by Rice; seconded by Goto.*

*Motion passed.*

*Regarding bigeye longline limits agreed to by the WCPFC, the Council, recognizing that the total WCPO longline bigeye catch has been reduced by approximately 30 percent from*

2001 to 2004 average levels, which meets the identified conservation objective in Conservation and Management Measure 2008-01, while the catch of bigeye catch by purse-seine vessels have increased by 40 percent over the same period, recommended that **NMFS PIFSC evaluate the level of purse-seine bigeye catch needed to eliminate bigeye overfishing if the scheduled longline bigeye catch limit reductions for 2015 and 2017 applicable to WCPFC members are removed and longline catch was maintained at 2014 longline catch levels.**

Moved by Goto; seconded by Rice.

Motion passed.

Regarding the yellowfin 'ahi minimum size issue, the Council directed **staff to work with DAR and NMFS staff to develop more rigorous and representative information statewide about the potential social and economic impacts of eliminating smaller 'ahi from the formal market.**

Moved by Rice; seconded by Goto.

Motion passed.

Regarding engagement on Hawai'i pelagic issues, the Council recommended **staff engage the Hawai'i AP members, Fishing Industry Advisory Committee, Pelagic Plan Team, Hawaii Longline Association and other interested parties to review and evaluate a) recent fishing trends and interview information regarding the Cross Seamount fishery to develop recommendations for further consideration at the next Council meeting; and b) new information regarding changing the 'ahi minimum size and associated impacts of those options being considered.**

Moved by Rice; seconded by Goto.

Motion passed.

Regarding US Territory bigeye longline specifications, the Council recommended **the specification of a 2,000 mt annual bigeye longline catch limit and a 1,000 mt transferable longline bigeye limit per US Participating Territory for 2015 and 2016.**

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 authorizes 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 the 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 regulation and take action back to the Council if in their determination the proposed regulations are not consistent with the Council action.**

Moved by Goto; seconded by Rice.

Motion passed, with abstention by Tosatto.

Tosatto said he would be abstaining from voting. He noted that if the Council takes this action there should be thorough analysis of the status of the stock.

Onaga reminded the Council that its actions must comply with all of the NSs, including NS 1, which requires that any measure shall prevent overfishing while achieving on a continuing basis the OY from a fishery. The actions should be consistent with and not impede the achievement of the WCPFC's objectives in ending the overfishing of bigeye tuna. Any Council recommendation should carefully consider those objectives and any changed circumstances that may affect the status of the stock.

*Regarding stock assessments of highly migratory species in the WCPO, the Council directed staff to work with NMFS and the SPC to ensure that future yellowfin and bigeye stock assessments identify suitable realignments of the MultiFanCL regions in the North Pacific and devise means to include all sources of fishing mortality in the assessment. The Council further recommended that US participation in WCPFC stock assessment endeavors should be strengthened.*

*Moved by Goto; seconded by Rice.  
Motion passed, with abstention by Tosatto.*

### **13. Administrative Matters**

#### **A. Financial Matters**

Simonds reported for the period between November 2013 and March 2015. The 2014 Council compensation was transparent. 2015 funds have not been received from the Grants Office. The other RFMCs have not received their funds to date.

Of the three Coral Reef Grants, two are due to end in 2015. Most of the projects are to assist American Samoa and Guam with genetic sampling and productivity/susceptibility analysis for the Guam coral reef fisheries and the CNMI assay test and data-poor assessment model run for Guam and CNMI. Each of the Territories are benefiting from the Council's Coral Reef Grants.

The Turtle 2013 grant is almost completed, with \$56,000 left to cover the final project report from the leatherback project. Turtle grant will be completed Dec. 31, 2015. It includes the Hawai'i green turtle data analysis and the Marine Mammal Independent Advisory Team, which is developing a tiered system for marine mammal assessments.

Sustainable Fisheries Fund II ends September 2015 and has some outstanding projects.

Sustainable Fisheries Fund IV includes the Territorial capacity building, lunar calendars, marine planning and climate change, EFH mapping, evaluating fish ko'a in Hawai'i, Hawaii Fish Flow Workshop, island coordinators, the Council's education and outreach assistant and most of the American Samoa fishery development projects. The grant ends in 2018.

The Sustainable Fisheries Bigeye Tuna grant ends April 30, 2015, and includes some of the workshops reported on in the meeting.

## **B. Administrative Reports**

Simonds reported there were no staff changes since the last Council meeting in October. The 2014 audit has been completed with an unmodified opinion. In 2013 the audit was completed with an unqualified opinion, which is the best opinion an auditor can give.

NMFS received some Freedom of Information Act requests that involved the Council, including one from Center for Biodiversity regarding the petition to list 66 corals and another from Pat Tummons regarding 'Aha Moku activities. Responsive documents were provided to PIRO.

Staff is currently looking for a new internet service provider as the current provider, lava.net, is closing.

### Discussion

Sword asked when lava.net will cease service.

Simonds said in June.

## **C. Council Family Changes**

### **1. Advisory Panel Changes**

DeMello reported the requested Advisory Panel changes are contained in the Council's briefing materials. There have been AP members who have left the panel. The policy is to use alternates to replace members who leave. There are also requests from members to move to a different subpanel.

### **2. Plan Team Changes**

Sabater said staff is preparing to make changes to the Council's Plan Team composition in order to facilitate improved annual reports to satisfy the NS 2 requirement of Stock Assessment and Fishery Evaluation reports to be generated with enhanced dissemination of relevant fisheries information and better streamline the analysis of the fisheries. Protected species, habitat, socioeconomic, noncommercial and ecosystem information, including climate change, will be incorporated into the report. The reports will be the source documents for Council decision-making and research recommendations and will be FEP living documents.

The Plan Team will generate the modules. The information will be vetted through the Council advisory bodies. The Plan Team will make the final revisions in April. A report will be given at the June meetings of the SSC and Council on the elements of the annual reports.

Plan Team membership includes expertise in fishery data collection, fishery policy, federal licensing and permits, protected species, habitat, ecosystem and oceanography, stock assessment, marine ecology, life history, human dimensions and economics.

## Discussion

Gourley suggested adding Manny Romone from CNMI to the Plan Team. He is the data manager for the CNMI biosampling and is an AP member.

Sabater said staff will work with all parties and have the final list by the June meetings.

### **D. Meetings and Workshops**

Simonds noted the Whale Sanctuary Advisory Committee and NWHI Coral Reef Ecosystem Reserve Advisory Council will meet on March 30 and 31 to review the expansion of the Humpback Whale Sanctuary. Kingma will attend as the Western Pacific RFMC representative.

The Territories and State of Hawai'i have been contacted regarding the Saltonstall-Kennedy National Review Panel to review the projects in St. Petersburg, Fla., and have had follow-up webinars. The team meetings and Fishery Data Collection and Research Committee meeting will follow.

A False Killer Whale Take Reduction Team meeting will be held April 29 and May 1.

The NWHI Reserve Advisory Council meeting is scheduled for May 18 and 19. The Council is interested in beginning a dialogue with the new superintendent regarding allowing subsistence fishers to bring catch back to family and friends, which is allowed in other monuments.

Sabater will attend the Tools and Strategies for Assessment and Management of Data-Limited Fish Stocks in Alaska. If others are interested in attending the conference they should contact Simonds.

The 119<sup>th</sup> SSC, 163<sup>rd</sup> Council and the CCC meetings occur in June. The 89<sup>th</sup> Inter-American Tropical Tuna Commission meeting is set to occur in July, and the Hawai'i Conservation Conference and the WCPFC Scientific Committee meeting are scheduled for August. Simonds advised Council members to contact her in regards to meetings of importance.

### **E. Other Business**

Simonds noted that Purcell's public comment that she purportedly discouraged a Council member from participating and commenting was not true.

Ebisui said he was present at the meeting and did not see anything resembling that happen.

Sword said he too did not see anything similar to Purcell's statement occurring during the meeting.

## **F. Standing Committee Recommendations**

Mitsuyasu reported on the draft report containing a recommendation regarding the WPSAR stock review process and recommendations regarding advisory group recommendations.

## **G. Public Comment**

No public comment was offered.

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

*Regarding the stock assessment and review framework, the Council directed **staff to work with PIFSC to finalize the framework agreement as presented by staff.***

*Moved by Ebisui; seconded by Sword.*

*Motion passed.*

*Regarding the Plan Team membership, the Executive and Budget Standing Committee supported the findings from the FEP review and the changes to the annual report and Plan Team structure and, therefore, recommended **the Council direct staff to work with the directors of DMWR, DFW, DAWR, DLNR, PIFSC and PIRO to identify Archipelagic and Pelagic Plan Team members.***

*Moved by Ebisui; seconded by Sword.*

*Motion passed.*

Seman requested an amendment to include the DOA.

The maker and the second of the motion agreed to the amendment.

*Regarding Advisory Panel membership, the Council supported **the below changes as presented by staff.***

**American Samoa: Appoint Krista Corry to replace Craig Double on the Pelagic Fisheries Sub-Panel and appoint alternate Fa'asala Augafa to replace Corry on the Indigenous Fishing Rights Sub-Panel.**

**Hawaii: Move Clay Tam to Island Fisheries Sub-Panel; move Nathan Abe to indigenous Fishing Rights Sub-Panel; appoint Lynn McNutt and Tam as AP representatives on the Council's Protected Species Advisory Committee; and appoint James Kuwada to replace Ed Watamura as an Hawai'i AP member. (Watamura is overall vice chair and a member of all panels; therefore, the alternative moves up, and an alternate spot is opened.)**

**CNMI: Appoint alternate Michael Fleming to replace Seman on the Pelagic Fisheries Sub-Panel.**

Moved by Ebisui; seconded by Gourley.  
Motion passed.

The maker and the second of the motion agreed to the amendment.

DeMello pointed out that Peter Crispin is not eligible to be appointed as alternate until the re-solicitation is made.

The maker and the second of the motion agreed to accept the original motion.

**Council directed staff to re-solicit for AP alternates in each of the island areas to replace those alternates that were moved to the AP.**

Moved by Ebisui; seconded by Seman.  
Motion passed.

**Regarding the MPCCC, the Council endorsed Augustine Kaipat, CNMI DLNR, to fill the position left vacant by Therese Ogomoro, zoning administrator of the CNMI Zoning Office, who has stepped down.**

Moved by Ebisui; seconded by Seman.  
Motion passed.

**Regarding the Education Committee, the Council endorsed the inclusion of Lusila Minoneti to replace Saopapa (Honcho) Taifane as the American Samoa DMWR representative and inclusion of Todd Miller to replace Vina Saures as the CNMI DLNR representative.**

Moved by Ebisui; seconded by Gourley.  
Motion passed.

**The Council endorsed the Marine Planning and Climate Change Committee's nominations of Shea as the chair and Frank Villagomez as vice chair.**

Moved by Gourley; seconded by Seman.  
Motion passed.

#### **14. Other Business**

There was no other business.

## Acronyms

ABC	acceptable biological catch
ACL	annual catch limit
AIS	automatic identification system
AP	Advisory Panel
APA	Administrative Procedures Act
BotCam	bottom camera
BRFA	Bottomfish Restricted Fishing Area
BSIA	best scientific information available
CCC	Council Coordination Committee
CFAD	community fish aggregation device
CIE	Center for Independent Experts
CJMT	CNMI Joint Military Training
CML	Commercial Marine License
CNMI	Commonwealth of the Northern Mariana Islands
CPUE	catch-per-unit effort
DAR	Division of Aquatic Resources
DAWR	Division of Aquatic and Wildlife Resources
DFW	Division of Fish and Wildlife
DLNR	Department of Land and Natural Resources (Hawai'i)
DMWR	Department of Marine and Wildlife Resources
DOA	Department of Agriculture
DOC	Department of Commerce
DPS	distinct population segment
DWFN	distant water fishing nations
EA	environmental assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
EIS	environmental impact statement
ESA	Endangered Species Act
FAD	fish aggregation device
FEP	Fishery Ecosystem Plan
FFA	Forum Fisheries Agency
FPW	fish processing waste
FSM	Federated States of Micronesia
FY	fiscal year
GC	General Counsel
IBB	International Broadcasting Bureau
IUU	Illegal, Unregulated and Unreported
LAS	local action strategy
LMR	living marine resources
LVPA	Large Vessel Prohibited Area
MAFAC	Marine Fisheries Advisory Committee
MES	Micronesian Environmental Services

MHI	main Hawaiian Islands
MMPA	Marine Mammal Protection Act
MNM	Marine National Monument
MOA	memorandum of agreement
MOUSS	Modular Underwater Survey System
MPA	marine protected areas
MPCCC	Marine Planning and Climate Change Committee
MRIP	Marine Recreational Information Program
MSA	Magnuson-Stevens Fishery Conservation and Management Act
MS&I	Mortality and Serious Injury
MSE	Management Strategy Evaluation
mt	metric tons
NEPA	National Environmental Policy Act
NGO	nongovernment organization
nm	nautical miles
NMFS	National Marine Fisheries Service
NS	National Standard
NWHI	Northwestern Hawaiian Islands
OLE	Office of Law Enforcement
OY	optimum yield
PBR	Potential Biological Removal
PIFSC	Pacific Islands Fisheries Science Center
PIRO	Pacific Islands Regional Office
PNA	Parties to the Nauru Agreement
PRD	Protected Resources Division
PSA	Public service announcement
REAC	Regional Ecosystem Advisory Council
RFMC	Regional Fishery Management Council
RMI	Republic of the Marshall Islands
SAR	Stock Assessment Report
SIDS	Small Island Developing States
SPC	Secretariat of the Pacific Community
SSC	Scientific and Statistical Committee
TRP	Take Reduction Plan
TSI	Territorial Science Initiative
USCG	US Coast Guard
USFWS	US Fish and Wildlife Service
VDS	vessel day scheme
VMS	vessel monitoring system
WCPFC	Western and Central Pacific Fisheries Commission
WCPO	Western and Central Pacific Ocean
WPacFIN	Western Pacific Fisheries Information Network
WPSAR	Western Pacific Stock Assessment Review