



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

**MINUTES OF THE 165th MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

March 15–17, 2016

**Laniakea YWCA, Fuller Hall
1040 Richards St.
Honolulu, Hawai'i 96813**

Approved by Council:

A handwritten signature in black ink, which appears to read "Edwin Ebisui Jr.", is written over a horizontal line. The signature is fluid and cursive in style.

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

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I. Welcome and Introductions

The following Western Pacific Regional Fishery Management Council members 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)
- Michael Goto, (Hawai‘i)
- Taimalelagi Claire Tuia Poumele, (American Samoa)
- Domingo Ochavillo, American Samoa Department of Marine and Wildlife Resources (DMWR) (designee)
- Bruce Anderson, Hawai‘i Department of Land and Natural Resources (DLNR) (designee)
- Matthew Sablan, Guam Department of Agriculture (DOA)
- Richard Seman, CNMI Department of Lands and Natural Resources (DLNR)
- Michael Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- CMDR Eric Roberts, US Coast Guard (USCG), District 14 (designee)
- Michael Brakke, US Department of State
- Matthew Brown, US Fish and Wildlife Service (USFWS)

Also in attendance were NOAA Deputy Assistant Administrator for Fisheries Sam Rauch, Council Executive Director Kitty Simonds, Council Scientific and Statistical Committee (SSC) Chair Chuck Daxboeck and Elena Onaga, NOAA Office of General Counsel (GC).

II. Approval of the 165th Council Meeting Agenda

Moved and seconded.

Motion passed.

III. Approval of the 164th Meeting Minutes

Moved and seconded.

Motion passed.

IV. Executive Director's Report

Simonds welcomed NOAA Deputy Assistant Administrator Sam Rauch and Ted Peck from Progression's Community Endowment Affairs. Progression has applied to develop a floating offshore wind farm off the southern coast of O'ahu.

Simonds reviewed the regulatory items on the agenda for Council's deliberation including overfishing of Eastern Pacific swordfish and modification to the Council's Fishery Ecosystem Plans (FEPs). Administrative items included the Regional Operating Agreement (ROA), which spells out how the Council and NMFS PIRO and Pacific Islands Fisheries Science Center (PIFSC) work together.

There have been improvements in the status of bigeye in the Eastern Pacific Ocean (EPO), data collection, community-based fishery management and indigenous fishing rights. Threats posed by international quotas and marine monument expansion, amongst others, will be topics of discussion, as well.

The Council received a letter from PIRO stating that the swordfish stock in the EPO was overfished. Staff reviewed the letter and background information. The Western Pacific Region's longline industry represents 0.04 percent of the total catch in the EPO. Council will deliberate on options of how to respond in terms of international and domestic management.

A review of the five FEPs began several years ago. At the October meeting in American Samoa, the Council accepted the revised management goals, management policy, goals and objectives and formatting in the non-regulatory modifications. Council sent Draft FEPs to PIRO in mid-January to initiate their review. The review has been frustratingly slow. The Council requested the agency to do an expeditious review and approval as the nature of the technical and administrative changes proposed do not require extensive review and needs only to ensure the Council has addressed the mandatory requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Attached to the ROA are new Council policies, such as the MSA-Endangered Species Act (ESA) Integration Agreement and the Essential Fish Habitat (EFH) Agreement. The template for the Action Plan is undergoing revision as the Council works with PIRO and PIFSC to facilitate compliance to ESA and National Environmental Policy Act (NEPA) requirements.

Simonds testified before the House Resources Committee regarding two new Commissions that are coming onboard. The new commissions will address fisheries not currently managed under international agreements. Attached to the bill on the House side is a section that addresses the Western and Central Pacific Fisheries Commission (WCPFC), which provided an opportunity to discuss the failures of the United States' support of US fisheries. Simonds said one of the biggest problems with the quotas agreed to in the international commissions is the lack of science for the quotas. The current process consists of commission's science provider recommending the percentage of reduction of mortality required. Then the Commissioners decide how to allocate the quota or effort. The international commissions need more transparency, particularly in the Western and Central Pacific Ocean (WCPO).

Simonds thanked Rauch for establishing the Territorial Science Initiative (TSI) in response to the data collection issues that have plagued the territories in the Western Pacific Region. The reporting from commercial receipt books, vendors and restaurants will be available online. Compliance has increased from 46 percent to 69 percent. The Council is continuing to work with PIFSC and PIRO on improving data collection for use in determining annual catch limits (ACLs).

Seven Hawaiians have requested that the Northwestern Hawaiian Islands (NWHI) Marine National Monument (MNM) be expanded from the current 50 nautical miles (nm) offshore to 200 nm offshore. This topic is on the agenda of the meeting.

V. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

a. Status of Pending Management Action

Tosatto provided an update on the status of ongoing management actions. PIRO is continuing to make progress on the Community Development Plan (CDP) for longline fishing by the Ohai family. The environmental review will be completed and put out for public comment and final action.

In September 2015, the PIRO Strategy Plan was completed. PIRO and Council objectives were included, as well as the process of coordination and collaboration between PIRO, the Council, staff, the Council family and the community.

There will be a meeting in American Samoa at the end of March. The federal co-lead for the National Ocean Council's Coastal and Marine Spatial Planning effort will be in the region to meet with the Sub-regional Planning Teams for American Samoa. The new nonfederal co-lead is Jason Biggs, from Guam. There will also be a formal meeting of the Regional Planning Body of federal and nonfederal members. Topics include efforts to undertake for organizing stakeholder planning to improve stakeholder involvement in the development of the Coastal and Marine Spatial Plan. One goal is to get stakeholders formally engaged to reduce conflicts that may arise in the future in coastal and marine areas, options for receiving stakeholder input, and organization of applicants' entry into the state and federal regulatory process. Another goal is to have a smooth a process for the applicant.

Discussion

Simonds said, given that the CDP was established in 1996, it is amazing to finally have a project approved.

2. Pacific Islands Fisheries Science Center

Michael Seki, PIFSC director, reported that there was a fair amount of sea turtle fieldwork in both the Mariana and American Samoa archipelagos since the 164th Council

meeting. In Guam, there were surveys of the number of animals, with biological samples collected, where possible, and tagging with satellite tags. CNMI saw 68 turtles tagged. The turtles were mostly green sea turtles, plus two hawksbills, one in Tinian and one on Guam.

While in Guam, PIFSC staff worked with Division of Aquatics and Wildlife (DAWR) staff in producing a science paper on the long time-series the agency has maintained on some of the larger animals in the area. There was an eightfold increase documented in turtles over the last five decades in the Mariana archipelago.

They also conducted surveys at Rose Atoll. Ten nesting green turtles were measured and tagged. There was one juvenile hawksbill observed during the in-water survey.

Seki said 2015 was an interesting year and a busy one for Chris Boggs who runs the Fisheries Research Program's tracking of bigeye catches in the Hawai'i longline fishery. Bigeye tuna landings in 2015 saw a 23 percent increase compared to 2014. The prediction is for an early reach of the catch limits in 2016. In 2015, the fishery closed in the WCPFC Convention Area on August 5 upon reaching the limit. Those vessels possessing dual permits with American Samoa could continue to fish. Otherwise, the vessels had to fish in waters east of 150 degrees in the Inter-American Tropical Tuna Commission (IATTC) area. On October 9, there was an attribution of 1,000 metric tons (mt) was transferred through the CNMI 2,000 mt quota. The Hawaii longline fishery received another 1,000-mt attribution from the Guam 2,000-mt quota on Nov. 25.

In 2015, there was an external review of the Bio-sampling Programs in the Territories. The panel consisted of Steve Smith from the University of Miami, Frank Camacho of the University of Guam (UOG) and Bradley Moore from the Secretariat of the Pacific Community (SPC). The panel reviewed the program's four major areas, the components, the data, communication and some opportunities that the program put forward. The Terms of Reference and review results are available online. The recommendations from the panel included addressing the sample backlog, revising future sampling strategy, increasing the number of participating vendors in Guam, increasing the opportunities for dialogue between the Bio-sampling Programs, conducting fishery-independent sampling, identifying a dedicated program manager from PIFSC and increasing the interagency cooperation.

The Center is still working on advancing an operational bottomfish-independent survey. The *SETTE* was on a cruise with Pacific Islands Fisheries Group in the fall of 2015. There are still challenges with the use of cameras. The feasibility of the expanding the survey to the greater part of the Hawaiian Islands is being considered. Up to this point, the research has focused in the Maui Nui area. The initial reports seem positive.

Justin Hospital of the Center's Socio-Economics Program completed a Noncommercial Attitudes and Preferences Survey, related to the motivation for fishing, preferences towards fishery management strategies, satisfaction with Hawai'i fish management, and perceptions toward ecosystem conditions and threats to the marine environment. An economic study that examined the change in productivity of the Hawai'i longline fishery was also completed.

In 2015, the Center combined the Coral Reef Program, the Ecosystem Program and the Economics Program into one division. Frank Parrish, the head of Protected Species, is now head of the Ecosystems Program. He is an ecosystem scientist by training. Jennifer Samson, deputy for the Coral Program, has taken on the deputy role for the full division. As Parrish moved to Ecosystems, Erin Oleson from the Cetaceans Program is acting as the Protected Species director. Annie Yau is the lead for Fisheries Biology and Stock Assessments Division.

The Management Strategy Evaluation (MSE) is a position created recently at all Science Centers. Kyle Van Houtan held that position until he left to become the science director for the Monterey Bay Aquarium. The recruiting for the position is currently a priority. CoastWatch Manager Melanie Abecassis is serving all of the satellite data. Michelle Barbieri, a veterinarian, spends most of her time dealing with monk seal hookings and strandings. She works on all of the protected species at the Center.

The second Commercial Bottomfish Data Workshop convened in November. The third workshop will convene in April 2016.

The Center hosted the International Atlantis Summit. The Atlantis is a complex ecosystem modeling effort. It provided an opportunity for select scientists to work on the model and share lessons learned and improvements how to the model.

In April, the Ecosystem Sciences External Review will convene at Pier 38. The Science Centers throughout NMFS undergo the review each year. Joanne Leong, former director of the Hawai'i Institute of Marine Biology, will chair the panel for the review. The panel includes Michael Fogarty from Woods Hole Laboratory; Cisco Werner from NMFS Southwest Fisheries Science Center; Chris Kelble from the Office of Ocean and Atmospheric Research; Anne Cohen, an ocean acidification specialist from Woods Hole; and Jeff Drazen, a bottomfish researcher at University of Hawai'i (UH).

HIIALAKAI is at the pier. The *OSCAR ELTON SETTE* is in American Samoa on a life history cruise. It will spend some time in Independent Samoa, as well.

Discussion

Anderson asked Hospital what technological adjustment caused the declining trend as depicted in his graph.

Hospital offered to talk to Anderson offline.

Seki said there are many parameters in the model. The incorporation of technological advances, such as gear modifications, that improved the efficiency of the fisher enough to make a difference in how the fishery performed is attributed to the divergence in 2009. Parameters included oceanographic and weather conditions, along with the economic factors of the fleet.

Anderson said he understood how biomass is decreasing in terms of catch but was curious to hear more about the factors used to project the differences.

Seki said he could provide the published paper for his perusal.

B. NOAA Office of General Counsel, Pacific Islands Section

Onaga reported on the case entitled, Conservation Council for Hawaii, Turtle Island Restoration Network and Center for Biological Diversity versus NMFS and the Hawaii Longline Association. The action filed in 2014 challenged the Amendment 7 framework regulation, which allows NMFS to allocate up to 1,000 mt of bigeye tuna between the Pacific Territories and US longline permitted vessels under specified fishing agreements. The Plaintiffs alleged that the rule violated the MSA, the WCPFC and the Administrative Procedures Act. On Dec. 23, 2015, the judge issued a lengthy opinion in favor of NMFS on all claims. On Feb. 8, the court entered judgment in favor of NMFS.

A second matter, filed on March 2016, was the Territory of American Samoa versus NMFS. This action challenged the rule relating to the Large Vessel Prohibited Area (LVPA). The rule, published in February, allows vessels greater than 50 feet holding an American Samoan longline limited entry permit to fish seaward of 12 nm of certain islands. The action claimed that the rule violates the MSA, the Deeds of Cession and the Administrative Procedure Act.

C. US State Department

Brakke reported on some significant developments in the South Pacific Tuna Treaty since the last meeting in Pago Pago. In August 2015, the United States and the Pacific Island Parties developed a Statement of Intent to provide fishing access for US purse-seine vessels under the treaty. The long-term access under the treaty expired in 2013. As a result, access was negotiated pursuant to a series of nonbinding interim arrangements.

The terms of access under those arrangements have deteriorated over time. As a result, the United States stated to the Pacific Island Parties that US participation would be reviewed in the treaty, and, absent changes to the short-term and long-term model, withdrawal would be a potential outcome of that review.

Subsequent to that, in November of 2015 the American Tunaboat Association (ATA) informed the State Department that it would not be able to make payments envisioned in the original Statement of Intent. As a result, in the beginning of 2016, the industry was not issued licenses by the Pacific Island Parties to fish in the treaty area. Prior and subsequent to that the United States through the State Department, working with NOAA, unsuccessfully proposed a revised Proposal for Access and a revised Statement of Intent before Jan. 1.

When the payments were not forthcoming, the United States engaged in a long consultation process with the Pacific Island Parties and the US industry to develop a compromise agreement and a new Statement of Intent, which were reached on Feb. 29. The number of days and total payment were reduced. Boats are now out fishing and have received licenses. There is a quarterly payment structure under that Statement of Intent. US purse-seine vessels will be obligated to continue to make those quarterly payments on time and in full in order to maintain their fishing licenses.

A separate issue, related to the deteriorated Terms of Access but is really a longer-term consideration, is United States potentially withdrawing from the treaty. On Jan. 29, the United States submitted its Notice of Withdrawal from the Tuna Treaty owing to a change in terms and

the deteriorated Terms of Access, as well as unproductive negotiations over the last several years that made the Terms of Access no longer economically viable for US industry. The Department had concerns about the impacts of that on the purse-seine fleet, as well as in American Samoa and the implications for our relationships in the region. An important component of the withdrawal is that it takes one year for that withdrawal to take effect.

Absent any major changes in the direction of negotiations and the nature of access by the Pacific Island Parties under the treaty, the United States made the decision that it would be preferable to no longer be a participant of the treaty. The US vessels would no longer have the source of restrictions that prohibited the US fleet from fishing for the first two months of the year. Without the treaty, US purse-seine vessels acting individually or through the ATA would be able to negotiate their own access on a commercial basis with individual Pacific Island Parties or groups of Pacific Island Parties.

Until Jan. 29, 2017, when the treaty would be terminated and absent a decision to rescind the withdrawal notice, the United States will consult with the Pacific Island Parties and the US industry, to try to negotiate a more viable, more sustainable framework for access in the treaty that allows for the continued operation of the US purse-seine fleet and the viable operation of the canneries in American Samoa. The United States is engaging in informal talks with the Pacific Island Parties remotely, and a small group will meet in the near future. That process will eventually lead to some more formal meetings and negotiations with the Pacific Island Parties. If those go in a positive direction, the United States would consider rescinding its withdrawal and restoring some mutually advantageous access for the long term under the treaty.

Discussion

Rice asked about the length of time the new agreement is valid.

Brakke said the interim arrangements run through the end of 2016.

Simonds asked, if there is a new treaty, would fishing on the high seas would be left out.

Brakke replied in the affirmative. There have been many years of negotiations to revise the treaty that was developed in the late 1980s. The current treaty area includes the waters under the jurisdiction of Pacific Island Parties, as well as a significant portion of the high seas. In the process of that renegotiation, the United States and Pacific Island Parties have provisionally agreed that the high seas would no longer be included in the treaty area. Brakke stressed that nothing is agreed until everything is agreed. There was a provisional agreement reached that it would be a necessary condition of the United States remaining in the treaty if the United States decided to rescind the withdrawal.

Simonds commented that, if something would happen on the high seas, those decisions would be made through the Commission.

Brakke nodded in agreement.

Simonds said the islanders would have to agree until one country signs up to satisfy its need for more vessel days.

Brakke reported that the US Congress passed implementing legislation for two agreements, the Antigua Convention related to the IATTC and the Port State Measures Agreement. The Antigua Convention was transmitted to the Secretariat in late February. The United States provided its instrument of accession to the depositary for the Port State Measures Agreement in late February. The United States was the 22nd party to agree. It requires 25 parties before the Port State Measures enters into force.

Brakke will be participating in the resumed Review Conference relative to the UN Fish Stocks Agreement, which has previously been convened twice, and will be convened for a third time this year in the last week of May. It is a forum for State and non-State parties to the agreement, to assess the implementation, where it has been and not been effective in terms of the conservation and management of international straddling and highly migratory fish stocks. The State Department will take the Council's views and the discussions from the Council meeting, as well as any other views, into account while engaging in the forum.

Discussion

Simonds said the United States failed to monitor the Antigua Convention as well as it should have. The Council wanted the longline industry represented because of the quota. As it turned out, it passed and the Council was unaware of it progressing so quickly. Simonds noted that one commissioner may retire soon. There is an email to the State Department requesting consideration of the Hawaii Longline Association to become a commissioner. In June, the UN General Assembly adopted a resolution to develop a new legally binding instrument on the biological diversity of areas beyond national jurisdictions. Simonds asked for additional information regarding a new instrument and information as to how it may affect the US fisheries.

Brakke said the Biodiversity beyond National Jurisdiction process is in the early stages. The General Assembly decided to establish a Preparatory Committee that would meet for two years over the course of four lengthy sessions to discuss the element of a legally binding international instrument under the UN Convention of the Law of the Sea. It could potentially cover many different issues from marine genetic resources to capacity building, to marine protected areas (MPAs), to fisheries. The Preparatory Committee will be discussing what the scope should be. There is a wide range of views among different countries about that topic. Brakke said it would be important for the Council and the stakeholders to provide their views on the appropriate role for such an instrument.

D. US Fish and Wildlife Service

Brown reported that, after six years of work at Johnston Atoll within the Pacific Remote Islands MNM, the USFWS is close to eradicating an invasive ant species, the yellow crazy ant. There are currently near zero detect levels, which had an impact on the seabird population. There are record numbers of seabirds at Johnston Atoll.

Concerning outreach, beginning in November, the largest social media and traditional media event in the history of the MNMs focused on Midway Atoll within the Papahānaumokuākea MNM. News of that the Laysan albatross named Wisdom, the oldest known wild bird in the world, has a chick named Kukini reached over 100 million people.

Brown noted his appreciation to the USCG, which earlier in the winter delivered a generator to Midway Atoll. The equipment is critical to maintaining the field camp and emergency runway in Midway.

E. Enforcement

1. US Coast Guard

Roberts presented a map of the area covered by the Bilateral Shiprider Agreements with some Pacific Island countries. The agreements allow for joint patrol of the Exclusive Economic Zone (EEZ), serve as a force multiplier and reduce jurisdictional gaps.

During the reporting period, the USCG conducted 11 surface patrols as well as C-130 aircraft patrols of American Samoa, Johnston Atoll and Howland, Baker and Jarvis Islands.

The area in the South Central Pacific includes the area covered by the OMSI Agreement, which allows USCG law enforcement teams on naval vessels transiting through the area. During the period, 15 boardings were conducted while on one naval vessel with six violations of some of the partner nations' EEZs.

During the US patrol, 11 boardings were conducted, including nine safety violations on the domestic longline fleet and one domestic closed area violation. There were zero foreign fishing vessel incursions during those patrols.

Discussion

Ebisui noted a recent request submitted to the USCG asking for information about the impact of sharks to the search, recovery and rescue of the twin Marine helicopter crash that occurred in January 2015 on the North Shore of O'ahu that went down in the middle of the shark tour operation area. The shark tours have been feeding sharks daily for the past 10 to 14 years. There was a report of floats being deployed with hooks in the area that ended up with large tiger sharks on the hook. Lt. Cmdr. Rula Deisher reported back that the branches would not divulge that kind of information. Ebisui asked if Roberts had anything to add.

Roberts replied in the negative. During the search and rescue operation, the conditions present were poor visibility, high surf and very strong conditions. The USCG had no interactions with sharks during the search and rescue operation. As soon as that search and rescue operation was over and it changed to a recovery and salvage operation, the USCG operations were no longer involved. The US Navy and Marine Corps took over at that point. The USCG has no knowledge relating to shark incidents.

Ebisui said, from the news reports, the 12 crew members were wearing state of the art safety gear. That there was no rescue or recovery is something to be concerned about, especially because of past incidents in the area. At one time, a 19-foot runabout overturned outside the harbor. The USCG helicopters extracted the people that were in the water and had to expedite the recovery because the divers noticed that there were large sharks circling beneath the boaters that were in the water. More recently, a Chinese tourist at Laniakea Beach got into trouble

swimming. The fire department could not recover the body because there were two tiger sharks actively feeding on the body at the time. They recovered nothing. There is concern.

Charlie Medlicott, the USCG Commercial Fishing Vessels Safety Program manager, presented information on Automatic Identification System (AIS) requirements pertaining to the US fleets. AIS is now required on commercial fishing vessels over 65 feet. The USCG Authorization Act of 2010 requires not only requires mandatory exams but also the USCG to develop in cooperation with the industry Alternate Safety Compliance Programs. The longline fleet and the distant-water tuna fleet are currently 95 percent in compliance with the requirement.

The four USCG Pacific Districts (Alaska, California, Oregon, Washington and Hawai'i) are strategizing the implementation, and will be done in consultation and cooperation with the industry. It is also supposed to be done based on casualty analysis. According to the recent National Institute of Occupational Safety and Health report for the West Coast for a 10-year period, Hawai'i contributed barely 5 percent to commercial fishing vessel fatalities. Alaska and the Pacific Northwest are the worst. The number one cause of death in the longline and distant-water tuna fleets were man overboard incidents where people are not recovered. In the distant-water tuna fleet, it is both man overboard and industrial accidents, which are easy to mitigate.

The vessels that will be affected by the requirement are commercial fishing vessels, tenders or processors 25 years of age or older in 2020 and vessels that have completed a major conversion after the program is prescribed. The vessel has to be at least 50 feet overall in length and operating beyond 3 nm. Vessels meeting all three criteria will need to enroll. Vessels operating with more than 16 people inside of 3 nm also need to enroll. Medlicott said there are no such vessels in Hawai'i.

Working with the industry, mitigation for man overboard procedures will be developed, such as life jackets when on deck in rough weather. Also, improving water-tight integrity, ensuring a GPS-enabled EPIRB and VHF radios are onboard and their DSV is enabled properly for vessels over 65 feet.

For the distant-water tuna fleet, there have been two fatalities in the last 18 months due to winch entanglements. The industry is putting emergency e-stops on capstans and winch controls so somebody who is becoming entangled in a winch can self-rescue him/herself. For the next year, there will be communication with the longline and distant-water tuna fleets through the ATA.

Discussion

Rice noted that there are six charter boats over 50 feet.

Medlicott replied the USCG considers the charter boats as passenger vessels.

2. NOAA Office of Law Enforcement

Bill Pickering, NOAA Office of Law Enforcement (OLE), introduced Lt. Joe Scarpa, who is in charge of the OLE Enforcement Officer Program. Efforts are ongoing to fill an open position in Guam, as well as Hawai'i, CNMI and American Samoa. Scarpa walks the docks

communicating with the industry, the Hawai'i Division of Conservation and Resources Enforcement (DOCARE) and Honolulu Police Department and performs outreach, as well.

Turtle takes in Guam is still a big problem and keeps OLE and its Joint Enforcement Agreement (JEA) counterparts busy. A number of summary settlements were issued during the period. There were 362 incidents, mostly in protected resources and fishery management area.

Regarding outreach, Scarpa and the agents presented at the Mililani middle school and public schools in American Samoa. OLE also was involved as part of the search area for the two Marine Corp helicopters that crashed. Unfortunately, there was nothing found.

Regarding Patrols and Inspection, a variety of different patrols were conducted. There was also a joint training exercise in CNMI where Guam's Customs, along with JEA partners from CNMI, spent five days going over administrative situations and the practical side of boardings, patrols and tactics. Helpful feedback on what is and is not working in CNMI and Guam was an outcome of the meeting.

At WCPFC 12, a measure passed that closed a loophole regarding Vessel Monitoring System (VMS) reporting. Forty-one vessels in WCPFC were not reporting because the VMS equipment was outdated or not compatible with the WCPFC VMS in Pohnpei and, therefore, were undetectable. Due to efforts of Tosatto and the State Department, that loophole closed.

Terry Boone, the VMS manager, and Martina Sagapolu, Pacific Islands district deputy for OLE, are in New Zealand at the Monitoring, Control and Surveillance Conference put on by Forum Fisheries Agency (FFA), where operations are discussed and then deployed throughout the year. Sections of the ocean are parceled out and then targeted by the French, New Zealand, Australia and the United States. For a two- to three-week period, every vessel in that parcel of the ocean boarded in search of illegal, unreported, unregulated (IUU) fishing vessels. There will be three more exercise conducted in 2016.

Discussion

Sword requested OLE outreach for the American Samoa Pago Pago Game Fish Association and expressed appreciation for the USCG outreach to the commercial fishing vessels in American Samoa.

Pickering replied in the affirmative. JEA training is scheduled for American Samoa in the near future.

Simonds asked about the recent State of Hawai'i and NOAA OLE joint press release regarding a vessel seizure for failure to possess the necessary international and longline fishing permit. She noted it was the first time she had seen a joint press release.

Pickering said it was a joint operation but not a joint press release. The press release was factual. It was reviewed. Joint operations with DOCARE have been going on as long as he has been in the islands. He clarified that it was a catch seizure, not a vessel seizure. The case is under judicial action, and he said he is unable to comment further.

Simonds pointed out that there must be different fines for different violations.

Pickering replied in the affirmative.

Simonds asked for clarification as to the list of fines for violations.

Pickering said the GC enforcement section website contains a list of the fines for every type of action in the summary settlement, although each case is different and illegal action can vary between each vessel.

Simonds asked for clarification as to the Region's process for permit renewals.

Tosatto replied that for longline limited entry permit holders, all of the longline series of permits expire in the spring. As reported in January 2016, renewal notices were mailed to all holders of current licenses. The letter included provisions for, A, getting to the PIRO website and finding the forms appropriately, including a reminder that if to fish on international waters an additional permit is needed, including the High Seas Compliance Act Permit and the Western Pacific Commission Endorsement. There is an appliance guide, as well as all of the fees. Most permits can be renewed through the national permit system, as well.

Simonds asked if PIRO follows up with fishermen to renew their permits.

Tosatto said PIRO does not dog an individual to get all of the required permits. It is not PIRO's responsibility to do so.

Kingma clarified that the vessel had its Hawai'i longline permit but was missing the High Seas Fishing Compliance Act and the WCPFC endorsement.

3. NOAA Office of General Counsel, Enforcement Section

Smith reported that all cases that have been adjudicated are on the NOAA GC enforcement section website, as well as the Summary Settlement Schedules.

Four new cases have been referred from OLE since the end of February 2016. Regarding cases charged, the respondents of the Cape San Lucas case have requested a hearing. A number of cases had just finished hearings or are on their way to hearings. The Pacific Ranger case is on appeal to the District Court. Oral arguments are coming up, and there may be a decision in time for the June Council meeting.

Regarding the catch seizure, the process is to eliminate any economic benefit from a violation. If the violation is illegal fishing, fishing without a permit, the catch is subject to forfeiture. If the catch were not seized, the proceeds from the catch would be tacked on to the economic benefit as part of the penalty. The process is in the Penalty Policy, which is on the website. There is a penalty for doing the wrong thing, fishing without a permit. A portion of the penalty seeks to account for the proceeds of the illegal activity. The penalty is enhanced to account for the fish caught in the closed area. A seizure is a different mechanism for removing the unlawful proceeds.

Discussion

Goto asked whether the total gross or net revenue is applied toward the penalty.

Smith said the Agency's position has been that the economic benefit is the fair market value of the gross ex-vessel price of the product that comes off the ship, recognizing that there are normal processing costs involved in the sale. The process has traditionally gone for the gross once those reasonable costs have been deducted.

Kingma asked how the level of economic benefit can be judged from a vessel with an expired permit versus a serious violation, such as cheating and using inappropriate gear or fishing in closed areas.

Smith replied by saying a person without a license to carry a concealed firearm cannot carry a concealed firearm. A person without a license to drive cannot drive. A person without a building permit cannot build. If a person does not have a high seas permit, that person cannot fish on the high seas. Vessels can choose to fish if they have a valid Hawai'i longline entry permit. They can fish in the EEZ, which is what the permit allows. However, they have no right to fish on the high seas without a permit or fish in the WCPFC Convention Area without a WCPFC Area Endorsement. While Smith agreed the permit is easy to get, he said, if persons fish in a place they are not allowed to fish, they do not get to keep the catch.

Simonds said that when the High Seas Compliance Act was passed, the Council suggested that the permits be coupled into one. The Council should consider doing so again.

Ebisui asked if the forfeiture amounted to \$3,600.

Smith said he would not discuss the case specifics; however, according to the press release, it was \$14,000 worth of fish, which was approximately 3,000 pounds.

Tosatto said the Council should be mindful that it can change what it has implemented through regulations. The High Seas Compliance Act Permit is based on the High Seas Compliance Act, which would take an act of Congress to change. The WCPFC requirements are implemented using the WCPFC Implementing Act. It is an obligation under that Convention to have an endorsement for fishing on the high seas. The Council has narrow operating room, which is its underlying longline limited entry permit. The other permits are outside the Council's control. The agency can look at how to facilitate efforts to reinforce the renewal notifications.

Simonds said the Council can ask, suggest and recommend whatever it deems necessary.

Smith addressed the comment regarding the seriousness or lack of seriousness of the violation by pointing out that the violation is considered serious under the WCPFC. Had some other flag or boarding party boarded the vessel, it would have warranted an IUU listing. Any case that reaches his desk he considers a failure. Compliance is the goal.

F. Other Items

There were no other items.

G. Public Comment

Ed Watamura, vice chair of the Council's Advisory Panel (AP), member of the Hawaii Fishermen's Alliance for Conservation and Tradition (HFACT) and president of the Waialua Boat Club, commented on the Progressive Wind Farm Project. HFACT previously in a meeting with Progressive had related concerns regarding negative impacts on seabirds and the migration pattern of 'ahi. His understanding was the fish migrate every summer from Kaua'i to the North Shore of O'ahu, to the Windward side, then around to Wai'anae to spawn and on down the island chain. If a giant massive fish aggregating device (FAD) is sitting in the ocean, there is potential the migration pattern would be disrupted.

Rice agreed, adding that 80 percent of the fish will be caught before migrating.

H. Council Discussion and Action

No action was taken.

Guest Speaker: Theodore Peck, Community and Government Affairs, on Progression's Offshore Wind Project Lease Application

Peck, chief executive officer of HONU Energy, presented information regarding Progression's lease application for an offshore wind project to be located south of O'ahu. The basic principle of the project is wind-flow technology. Offshore wind projects in northern Europe are mounted in shallow water. The project south of O'ahu would be floating platforms. Five sites were identified in 2012 based on water depth, wind resource, distance to and viability of interconnection and environmental, community, native Hawaiian, commercial and military interests. From 2012 to 2015, there were more than 100 stakeholder meetings, which included people from the fishing community, as well as outreach regarding policy, environmental, community, native Hawaiian, industry, regulatory and military issues. For the last four years, time was spent listening to people's concerns to determine what impacts of the project can be minimized and mitigated. There is a project located near the coast of Portugal built for wave energy that has withstood very large waves and high wind.

The price point of this technology integrated with wind means that the project can deliver a quarter of O'ahu's energy needs, taking up less than five acres of land at or below the costs today. The lease application to the Bureau of Ocean Energy Management (BOEM) is approximately nine miles south-southeast of Barbers Point on the north end and runs down another six miles in the southern direction. It may be 40 to 50 wind floats connected to two virtual generators via a substation to two terrestrial substations integrating into O'ahu's grid at two different points. It would be similar to the X-Band radar often seen off Ford Island but not as big. The X-Band has four floats. This is a three-float technology with an active balancing system. The bottom of the float is 60 feet below the surface. The cables are not easily ensnared from the surface by ships. The turbines have a 25-year life. The float will probably have a 50-year life. The floats would likely be re-turbined about halfway through their expected life.

The Progression Hawai'i Team consists of members with expertise in wind float, wind development, finances, government relations, and military and environmental issues.

The lease application was submitted in the fall. The normal BOEM process is, after about a six-month internal process, the applicant will be explored as to their financial viability of the project. Public comments will be solicited. The lease is now publicly available. There will be a task force meeting to engage with policymakers and the community. There is no lease to date.

There are two areas of significant consideration in terms of mitigation and planning. One is with the Department of Defense, which is an ongoing discussion. The other significant impact is the impact on fisheries. The discussion would entail what are the things that the applicant can do to mitigate that and what can the applicant do to help the fishing community and the fishing industry to adjust to the changes that would ensue. The studies that would be done during the environmental process would be to gain as much understanding and ascertain exactly what changes would ensue from a 41- or 51-float field south of O‘ahu.

Discussion

Rice asked the depth of the water in the float field.

Peck replied that it was 700 meters, running along the drop-off that goes to the west with a flat, sandy bottom. It would be off the shipping lanes to gain some distance from O ‘ahu from a viewing perspective. It is in federal waters.

Rice said it would be considered an artificial reef.

Peck said that, in discussions with the Coast Guard, the field would not be an exclusionary zone. Ships could go back and forth between them with a 30- or 100-foot exclusion zone around the individual floats for safety.

Sword asked if the basic design is like a giant FAD, floats with a tendering system.

Peck replied in the affirmative.

Ebisui asked about the BOEM Intergovernmental Task Force meeting on the project.

Peck said BOEM released the project information publicly sooner than expected. Therefore, there is some degree of urgency in their thinking. It is expected in the summer or fall to have the task force bring together agencies around the discussion.

Ebisui asked if the Council could be part of the Task Force and asked how to sign up.

Peck replied in the affirmative. He will let BOEM West know to invite the Council.

Tosatto said BOEM and the State of Hawai‘i have a Renewal Energy Task Force that would be a venue for discussion regarding other lease applications. BOEM’s action on the application for the lease may or may not trigger an ESA or EFH consultation on its own. The core permit required for mooring will definitely trigger an ESA and EFH consultation. The agency will seek to use the still-forming agreements with the Council to undertake those. The ESA consultation will be things that are mostly along the lines of its impact on protected species within the EEZ, within the range of the listed insular false killer whale stock and humpback

whales that move in and around in the mooring lines. There will be both opportunities to address the mitigation of impacts to fishing activities as well as the underlying habitat issues.

Anderson said, just as with FADs, there will be concerns regarding some of the environmental impacts. Similar to the FAD Program in Hawai'i, there were concerns about how they might alter the migration of fish, and so forth. That would be a concern to this group as well. He asked about other environmental impacts being looked at and where the State may have some opportunity to step in besides during review of the Environmental Assessment. He noted that, on the Eastern seaboard, the threat to seabirds was a huge issue and there are migratory birds in Hawai'i.

Peck said Anderson hit on the more significant issues that need to be researched and thought through. The cable, itself, is low impact technology. Then once on land, there is directional drilling to get access to the terrestrial transmission. The fish and bird patterns need to be reviewed. The turbine, itself, spins because the top is at about 600 feet and the bottom is about 200 feet up. Birds that are flying close to the surface would be largely affected. There have been discussions with NOAA regarding the birds at risk and their patterns.

Simonds asked how much of a federal subsidy is needed to make the project a reality.

Peck said the financials were done based on no subsidy at all. The subsidy, if it is available and brought to bear, drive down the price by as much as a third of the price of electricity. The assumption from a financial basis is that there would not be any tax credits available. Construction is to start in 2020 and to have both fields operational by 2022.

Sword asked as to the contingency plan for hurricanes.

Peck said the wind float depicted in the slide has endured three 50-year storms. It is a resilient platform, and the turbines are built to be in high wind. In very high wind, the turbine is feathered and it just rides through.

VI. Hawai'i Archipelago and Pacific Remote Island Areas

A. Moku Pepa

Goto offered an update on the Hawai'i longline fishery since the last meeting in October. Fortunately, the fishery was able to enter into an arrangement to help finish out the 2015 fishing year. It was very significant for the fishery during the holiday season. The fishery finished strongly and was an all-around success for everybody involved in the industry. The volume of landings was at its peak in 2015, and 2016 has seen a steady and significant amount of landings for bigeye and many other species.

Economically, the biggest difference between 2015 and 2016 was the preparedness of the industry for the volume landed. In 2016, everybody was prepared for it and adjusting to it is making the fishery operate as optimally as possible.

There was a brief time when the typhoons going through Fiji hampered seafood imports coming out of the South Pacific, which in turn showed what the true value of the US product is

to the market. It is something for which US fisheries and US fishermen strive. With all of the regulations to which they must adhere, they can celebrate that the fresh product caught in a sustainable and responsible manner is being appreciated. There are not any foreign imports coming in to dilute the price. It is a reflection of what can be and should be. Ideally, the goal is steady fishing here without any market interruption as there was last year during the two-month WCPO closure. Keeping the market as stable as possible will help all parties involved with the industry. That is obviously the goal going forward.

Discussion

Simonds said the Hawaii Longline Association president was concerned a similar situation will arise again in 2016. Reaching the quota is a concern to the Council.

Goto agreed. Fishing effort has shifted over to the EPO. For the majority of 2015 it had been all WCPO landed bigeye catch, which is attributed to the WCPFC quota. Everybody has to be as expedient as possible when it comes to mitigating the situation.

Simonds agreed. The Hawaii Longline Association president said the boats are all fishing closer to the islands because the fish are there and are larger as well.

Ebisui had no report.

Rice thanked Council staff member Paul Dalzell for the Council's newsletter article regarding the poor condition of the Honokohau Harbor. It has no electricity and no paved roads on the north side. The Hawai'i Boating Association has a bill in the legislature, Bill S2-462, asking DLNR to transfer the Honokohau Harbor to public and private partnership. It has passed three readings, with one more to go before it goes to the full legislature. A community group organized at the harbor with all of the stakeholders. The goal is to improve the status of the harbor.

Rice said the Ocean Thermal Energy Conversion (OTEC) facility at Ke'ahole Point has a portion of its pipeline sitting on the surface at 800 fathoms off its facility. It has been sitting there for a year and is a hazard to navigation. They have two red buoys on it with black plastic pipeline sitting on the surface. It needs to be corrected. It has become a natural FAD. He added that the most famous natural ledge known as the Grounds, which goes from the airport to Kona Village, is now known as the Dump because nothing happens. As a fisherman, the pipeline has a lot to do with moving bait to different areas. There are environmental impacts on all of the buoys that are put out on the natural ledges and they are not working. Fishermen are still catching as many fish as they used to but not in the places where they used to catch the fish.

Anderson said the DLNR staff is located at the harbor. He is aware of the conditions being deplorable. Anderson will follow up on the pipeline issue, as he is on the Natural Energy Laboratory of Hawaii Authority board.

Anderson offered an update on the whale sanctuary status. There is an unprecedented number of whales around the islands. He estimated that on any given day there are 100 humpback whales sighted. The humpback whale has been proposed to be removed from the Threatened Species List in Hawai'i. He expressed appreciation for what NOAA National Marine

Sanctuaries Office has accomplished in protecting the species and making it a popular visitor attraction. It has gone a long ways to ensuring the safety of whales in Hawai‘i.

NOAA recently withdrew their proposal to expand that sanctuary because of concerns of the State. Some of the concerns related to jurisdictional and enforcement issues. There were 35 or 40 pages of concerns from the State agencies on the expansion of the sanctuary and the change in the definition of the resource. The issue of conflict as it relates to enforcement was never resolved. Despite that, NOAA did continue to move forward with the proposal.

The sanctuary was formed by a specific act of Congress. It is the only sanctuary nationwide that was not created by an administrative proposal. As such, the intent was that the state and the federal government would co-manage the sanctuary. However, as it turns out, the expansion could not be done under the National Marine Sanctuaries Act. NOAA feels it must follow its national policy consistently.

NOAA’s national policy requires that the full ecosystem be included in the legal definition of the sanctuary resource, which means that legally speaking the federal government would trump the State on any enforcement actions. The sanctuary would work really well in a place where there was no state or jurisdictional presence. It does not work well in Hawai‘i as proposed because of the large State presence in the nearshore waters. If it is a federal and state sanctuary, the law needs to work well for both parties and it did not. It was an incompatible situation, and it could not be resolved. Alternatives were proposed. The Sanctuary did not want to have the sanctuary designated for a single species or even multiple species. They wanted the sanctuary to apply to everything. That concerned the State for many reasons.

At the end of the day, NOAA, because of its mandate to consider everything, rejected the proposed alternatives. Anderson voiced appreciation for all of the work on the part of the Sanctuary Advisory Council. There is a notice in the Federal Register announcing the withdrawal of the proposal.

The lack of resources for the State to engage effectively is a problem that remains. Initially, the State had hundreds of thousands of dollars to co-manage the Sanctuary and to establish a partnership to carve out what the roles of the state and the federal government would be. Over the years, that has diminished to the point where this past year the State did not have any funding at all. The question of what resources would be available to help in managing the sanctuary, regardless of what it becomes, was on the table. No clarity was brought to the table as to what NOAA would do over and above what they are doing now if the Sanctuary were to expand. Thus, it was decided to leave things as they were.

DLNR feels strongly that a seat at the table is needed when discussing the sanctuary or the monument. The Department asked the legislature for an additional position, both for the sanctuary and for the monument, at least one full-time state-funded position, so it is not dependent on state funds to be able to engage. He expressed appreciation for the support NOAA has given the State and he looked forward to continued work together.

Simonds said several years ago the Council decided to oppose the expansion when it first came up because the Council felt at the time that the critters that they were thinking of adding for

protection were already being managed by the State of Hawai‘i, NMFS and the USFWS. The Council did not think that another federal agency needed to manage the same critters. The sanctuary should continue as is, perhaps acting as the education and outreach arm of NOAA, because each of the agencies do not have enough money to have separate efforts. The sanctuary should be working with the communities.

Anderson said education is a big part of the ongoing effort. The outreach that NOAA has put out has been terrific at letting people know about what is happening in the sanctuary.

B. Legislative Report

Anderson reported 30 legislative bills were being tracked. Seven fishery-related bills are still alive at the legislature at crossover. An administration bill called for Mitigation Banks, Senate Bill 2904. It authorizes the DLNR to use mitigation banks to compensate for damage for the marine environment. A mitigation bank allows a developer or others to offset damages to natural resources by purchasing credits to enhance other projects. The mainland uses it for wetland mitigation

Alton Miyasaka, Hawai‘i Division of Aquatic Resources (DAR), reported on legislative bills of interest to the Council.

House Bill 2020 addresses a study of the limu and fish declines off the Ewa coast of O‘ahu. It provides funding for a study. The Department supports the study.

House Bill 2023 calls for the Department to create five new community-based fishing areas within the next five years. While the Department supports the idea of community-based fishing, the timelines in the bill are unrealistic.

House Bill 2025 would establish a task force to identify the top 10 species that are in danger of extinction. DLNR is opposed to the bill because processes exist to investigate the status of species.

Senate Bill 2453, Aquatic Resource Penalties, was created after the Environmental Court came into place. The Legislature set up the Environmental Court in Hawai‘i to look at environmental violation cases. It has been well received in the Legislature.

The Mitigation Bank Bill is also moving very smoothly through the legislature. No discussion. No opposition.

Recently, two concurrent resolutions were introduced in the Legislature urging the President of the United States to deny any request to expand the Papahānaumokuākea MNM. There is both a concurrent resolution and a Senate resolution. They have not been scheduled for hearing yet.

Discussion

Ebisui asked about the definition of a community-based fishing area.

Miyasaka said subsistent fishing areas may be set aside to recognize and enhance traditional Hawaiian cultural gathering practices and fishing practices. The requirement is that local community or some community group has to approach the Department and recommend a proposal on what kinds of fishing restrictions they would like to see in that area. Then the Department will take the proposal to the broader community and move it forward.

Anderson said Ha'ena was the first community that has formally established rules under this law, community-based subsistence fishing area. The idea was that a segment of the community, primarily the Hawaiian community, would be able to continue to fish there in a sustainable manner and subsist on the fish they caught. The rules apply the same to everyone. However, the intent was to ensure that subsistence fishing would be available to those who wanted to do that. Mo'omomi on Moloka'i is probably the next community that is ready to go through the process.

It has taken Ha'ena years for the community to reach consensus on what the rules should be. Developing a management plan gets into a whole other series of issues. A hearing on the management plan is set for April 12 at Ha'ena. The plan has not been approved by the Board, but it is a companion to the establishment of the area. It calls out who is going to be doing what as it relates to monitoring, enforcement and so forth. It is a work in progress. A half dozen other communities are interested in pursuing this. It is an alternative to the traditional method of establishing a Fishery Management Area through rule making.

C. Enforcement Issues

Anderson said there was no enforcement activity since the October Council meeting.

Discussion

Rice said he heard about a recent enforcement action on vendors selling undersized tuna.

Miyasaka said a vendor was charged with a second violation for selling undersized fish. The citation was not included because of the timing of the violation. The case should be a warning to other vendors that they need to be more careful, especially if the transaction is conducted as a business.

Rice voiced his support for the enforcement on the sale of undersized fish and efforts to increase of the size.

Miyasaka said the push is because of the new DOCARE chief. There is also a bill in the Legislature to convert the fishing enforcement units from temporary to permanent. The fishery enforcement units are something that the Department is pushing to put more in the public eye so that these kinds of enforcement actions are possible with the directed units.

Anderson noted that Miysasaka is the acting manager of DAR's Commercial Fisheries Division. Tommy Friel is the new DOCARE enforcement chief and previously worked for NOAA's Fisheries Enforcement Program for many years.

D. West Hawai'i Integrated Ecosystem Assessment Status and Trends

Jamie Gove, from PIFSC, presented an overview and update on the West Hawai'i Integrated Ecosystem Assessment (IEA) Program's recent efforts to develop ecosystem indicators to support ecosystem-based management in the region. The IEA Program is a framework for organizing science to support ecosystem-based management. Its integrated scientific understanding feeds into management choices and receives feedback into changing objectives in an incremental approach.

One of the initial and critical steps is the scoping process. Engaging the local community and resource managers helps to identify important management objectives, the spatial scale of interest, and some of the ecosystem components and threats. The next step is developing indicators to track the ecosystem trends and status and to identify thresholds and target values that reflect management objectives. Risks are then evaluated and provide various scenarios through MSE.

The IEA is a NOAA national level program. Most of the areas around the United States are Large Marine Ecosystems. The focus on West Hawai'i is because it is a unique biogeographical and oceanographic setting. It has one of the largest intact coral reef ecosystems in the state. It has highly active noncommercial and commercial fisheries and a successful aquarium fish trade, sport fishing and aquaculture. It also has ocean energy, high cetacean abundance and ecotourism. The goal is to provide sound and relevant scientific information that addresses the existing and potential resource management concerns in the future in the region.

A Science Symposium was held in Kona in 2014 with 44 speakers and more than 200 participants. There was a follow-on workshop as part of the Hawaii Conservation Conference. The goal was to provide a more formal structure for capturing ecosystem and human-related processes for coral reefs. The outcomes of these initial workshops were the development of conceptual ecosystem models for the region's coral reefs. The models are useful because they help to illustrate system dynamics, key processes and connections between ecosystem components and highlight social and influencing values.

Some of the indicators that have been developed to track the system include social, ecological, climate and oceanographic components of the system. Social indicators include population growth, coastal development, habitat degradation and other related pressures based on human activities. The ultimate driver would be population growth. There has been a 320 percent increase in population growth since 1959 on the island. Ecological indicators to help track the coral reef ecosystem include coral cover, macro-algae cover, the ratio of calcified to non-calcifying organisms and fish abundance. Climate and ocean indicators include rainfall, sea level, sea surface temperature and thermal stress. DAR is currently conducting surveys to quantify mortality of the recent coral bleaching event.

An Ecosystem Assessment Report for West Hawai'i IEA region included 30 indicators that span social, ecological, climate and ocean. It summarizes the current understanding of focal ecosystem components necessary to consider for ecosystem-based management. The information is timely and supports the State's Coral Reef Management Plan, which is being developed in response to the bleaching.

Discussion

Anderson added that DAR is in the process of developing a Coral Reef Bleaching Plan. It is a plan to deal with the bleaching events that are anticipated for the next few years given the El Nino conditions. The Australia Great Barrier Reef's bleaching events are being researched to come up with strategies that would be effective in Hawai'i

E. Community Issues

1. Report on State of Hawai'i Fish Aggregation Devices

Kim Holland, from the UH, presented information on the State of Hawai'i FAD devices. Letters from the Council were received regarding concerns about the placement and construction of some of the FADs. Warren Cortez is a full-time technician who assists in the FAD Program. Funds for the program are derived through the Federal Aid in Sports Fishing Restoration Act, which is the Dingell-Johnson Act. These funds are obtained through a 10 percent tax on sport-fishing gear and from import duties on yachts and fishing equipment. These funds are focused on sport and recreational fishing and are made available as a three-to-one match to the State. The federal portion of the program is administered to the States through the USFWS, with funds dispersed through DAR.

At the time that Holland became involved with the project, 54 FAD sites had been selected through discussions with local fishing communities and other institutions, such as the military and the USCG. Currently, it costs \$8,000 per FAD to deploy. The average life span of each FAD is about 30 to 33 months. The FADs are to support the sports fishing experience and not commercial fishing. The Council has in recent years started to underwrite the deployment of FADs aimed more directly at the commercial sector.

The line between recreational and commercial fishing in Hawai'i is a gray area. The perspective of the commercial fishing community is an important and will be considered. In recent years, the USFWS has decided that the FAD Program needed to update its Environmental Assessment for purposes of NEPA and other permitting purposes. In 2012, a new Environmental Assessment was completed, but the feds did not actually act on that, even though it went through all of the hoops and was passed. Then USFWS two years ago decided that another Environmental Assessment was needed to specifically address the problem of FAD buoys drifting onshore and causing damage to the nearshore reef or beach areas. During that time USFSW refused to allow any of the funds to replace FADs that had gone missing. After a seemingly interminable amount of time, the program is now in compliance and resuming deployment of replacement FADs. There is increased scrutiny in terms of the environmental impact of the FADs.

One outcome of the Hawai'i FAD Program is the State is in the forefront of FAD research and understanding the impact of FADs on tuna, marlin and mahimahi. It has received a lot of out-of-state funding to understand the behavior of fish around FADs. Anchored and especially drifting FADs have now become an important part of the strategy of commercial tuna fisheries around the world. We now know that the area of influence of an anchored FAD is about five miles. FADs bring bigeye tuna closer to the surface than they would be if they were just out

swimming out around in the open. It is also known that the aggregation of tuna under a FAD is comprised of a bunch of sub-schools rather than one coherent school.

Currently, all of the environmental concerns of the FAD Program have now been met and FADs will now be redeployed to fill out what has been an atrophying system. One of the problems is that the UH is changing its funding policy that will affect the amount of match funding. The \$1 local to \$3 of federal money is going to be harder to find, and the budget is going to decline.

Council concerns have included whether or not the FADs are in the right places, especially concerning the West Coast of the Big Island, and whether to enhance construction to include streamers. Streamers were, in fact, on the FADs early on in the program. There were concerns about the amount of additional drag that streamers put on the FADs. This is especially sensitive because all of the agencies involved in the program are interested in maximizing the longevity of the FADs to ameliorate the impact of drifting FAD buoys.

Regarding the placement of FADs, some concerns raised are that specific FADs may negatively affect the movements of tuna in certain parts of the coastline, such as Kona. When the option to discontinue some FADs leaked out, many e-mails were received from Kona fishermen who stated emphatically that they wanted the present network to be retained. Mixed messages were received on that.

Holland reiterated that the 54 sites that are currently permitted were permitted more than 30 years ago after discussion with the user community. To get a permit for one of the new sites currently would be a difficult hill to climb because of the environmental sensitivities involved.

Discussion

Rice voiced his preference is to not to have any FADs, but since he can out fish anybody on them it does not really matter. However, it does matter to have structure on the base of the FAD. In the past, he watched the deployment of TT buoy by the FAD deployment team, and the buoy was skipping across the surface at about 15 knots when deployed. The way in which the buoy was released and dropped is a detriment to its longevity. He suggested having a discussion with the deployment team on how they deploy the buoy. Kampachi Farms deployed its FAD with a big cylinder, which is still in the same place. The reason for having a FAD is to enhance the fishing, and without structure a buoy will work for a week and then it does not work for months. Then it might work for another week. With structure, the FAD would go off for months. He urged the FAD program to look at attaching structure to the base. Rice said 95 percent of the fishermen that fish FADs would prefer to have structure.

Holland said anecdotal evidence suggests larger structures are better at holding fish. The question is the threshold between being too big and sufficiently big to make an impact. In his opinion, simply putting streamers on the top 50 feet of that buoy does not take that buoy to being a bigger size. In the meantime, he has to address the concerns of the funding agencies that efforts are taken to maximize the life span of each of the individual buoys. One way to address that issue is to try to minimize drag.

Holland said the program does not have its own deployment capability. Various locally operated ship owners deploy the FADs. The program contracts out to different vendors, which helps make the federal dollars go further locally. Different vendors have different expertise, although the program asks them all to do it in the same way. The program has had local fishermen deploy FADs one or two at a time off of small vessels, and they have lasted a long time. It is a good way to involve the community while putting some money into the local fishing community at the same time as maintaining the FAD buoy system.

Rice said there are several illegal FADs all over the place. They all have structure and work a lot better than the state FADs. The Big Island is different than any of the other islands because of there is not the wind and current like the other islands, which also has a lot to do with the amount of fish over the years. OTEC and TT buoy are examples of that. Those two buoys are 35 miles apart from each other on either side of the Kona coastline. F-buoy was magic when it had structure under it. Rice suggested F-buoy has broken loose.

Holland said it would be up in the near future.

Rice suggested putting structure under its replacement to test to see what happens.

Holland said he would be happy to have the discussion. From the scientific perspective, it is difficult to do a comparative experiment. Just the logistics of a scientific design of evaluating whether one FAD works better than another because one has structure and the other one does not is difficult. One thing that has to be shown scientifically is that, for reasons not understood, some buoys are hot and some buoys are not, and they can be five miles apart.

Holland said 18 months ago it was not known if the FAD Program would continue due to lack of funds. Now that there is a viable program again, he would be much more eager to participate in some community discussion on structure under the FAD. He noted that the FAD program is supposed to be in support of sport fishing and not everybody has a 35-foot Sportfisher to go 35 miles offshore. Some of the buoys are designed and placed to enhance the sport fishing experiences of anglers that have small boats. Those sites were approved and permitted before he came onboard the program. To get a new site, the old site would be discontinued permanently. It would take a lot of effort and may not be successful to permit a new site.

Rice commented that his preference would be not to put C buoy back.

Holland said Kampachi Farms is a private enterprise. It is not known how long the enterprise will be in that location.

Rice said he has no problem with putting C buoy or F buoy back. He agreed with the idea of setting up community meetings for discussion of the program.

Holland said, as the program is now viable, community discussion will be in the plan.

2. Recreational/Noncommercial Licensing Initiative

This agenda item was presented during another section of the agenda.

3. Hokule‘a Voyage: Update on Council Promise to Pae‘aina

This agenda item was presented during another section of the agenda.

F. Status of the Main Hawaiian Islands Deep Seven Bottomfish Workshops

Seki reported on ongoing bottomfish workshops. For a decade, the Hawai‘i bottomfish community has struggled with the robustness of the commercial fishery data for scientific and management purposes. Many of these issues have been revisited repeatedly for many years. The main data used was self-reporting commercial bottomfish catch and effort submitted to DAR.

In 2014, PIFSC presented the 2014 version of the Deep Seven Bottomfish Stock Assessment. It was subject to a peer review and did not pass muster. The Review Panel deemed the data was inadequate for some of the conclusions that were made, and the assessment was rejected. Subsequently, a series of workshops was considered to reassess the dataset that forms the basis for the stock assessment. It included DAR, PIFSC, PIRO, the Council and the fishery stakeholders who expressed their desire to be involved with the process to help interpret that data that goes into the assessment. There has been much criticism on the use of the catch and effort information. It was used because it is the only data that contains a time series of available information for the stock assessment.

There are now two datasets being scrutinized. The first is the commercial fishery reporting system that resides at the State and covers the period from 1948 to 2014. This is the primary dataset used for the assessment and is being investigated. The second is the dealer reporting system, which covers the period 2000 to 2014. This dataset is mainly to address the issues that help clarify some of the questions that arise in the primary Fishermen Reporting System (FRS) dataset. Yau has taken on the lead and invested a fair amount to make this work.

The workshops are on schedule for the next bottomfish stock assessment, which is slated for 2018. The goals include 1) Identify and agree upon issues that affect the quality and consistency of the DAR FRS data on main Hawaiian Island deep seven bottomfish fishing; 2) Investigate and agree upon an acceptable resolution to each issue, understanding that some issues may not be fully resolvable and/or may not have a significant effect on stock assessment results; 3) To finalize a document describing the issues discussed and the agreed upon resolution for each; and 4) To apply the list of resolutions to a copy of the DAR’s commercial FRS data to create a stock assessment-suitable higher quality set of DAR FRS data on main Hawaiian Island deep seven bottomfish fishing for use by PIFSC in future stock assessments. This higher quality dataset will constitute the best available scientific data for calculating total catch, weight and atch per unit effort (CPUE) of the deep seven bottomfish species.

The first workshop took place September 2015. It focused on setting ground rules and getting through some of the preliminary assessment, e.g., the goals and what the data resolved.

The second workshop was convened in November 2015. Progress was made, but a number of issues needed to be addressed. An important piece was reaching an understanding about the historical dataset. Once agreement is reached, it won’t need to be revisited unless a major finding or cause to revisit the data arises. Otherwise, it is hoped that a resolution will be reached that this will be the data going forward.

The next workshop is scheduled for April 2016 at Pier 38. PIFSC will continue to organize workshops, as needed, to complete the work. Terms of Reference were agreed upon. Issues for calculating catch, weight and CPUE were discussed. Participants were assigned analyses and reported back to receive agreement on solutions. Catch is straightforward to calculate. Weight and CPUE require more discussion and analyses. Expertise by all participants has been valuable in informing analyses and exploration of solutions.

Discussion

Simonds expressed appreciation for the process moving along and thanked Tosatto for including all of the fishermen in the discussions.

Seki said the upcoming Fishers Forum is focused on bottomfish and will be an opportunity to learn more about the Hawai'i bottomfish fishery.

Anderson said, during the four months he has been on his new job, there are more questions about the Bottomfish Restricted Fishing Areas (BRFAs) than any other subject, and most of them are from Simonds.

G. Education and Outreach Initiatives

Sylvia Spalding, Council staff, reported a Hawai'i AP brochure was produced similar to the AP brochures done for the Territories and Commonwealth. A bottomfish poster will be passed out at the upcoming Fishers Forum, which is on the main Hawaiian Islands bottomfish fishery. The poster was also an inset in the Council's last newsletter.

The 2016 Hawai'i lunar calendar for classrooms was produced. There is a larger format for classrooms and a smaller pocket-sized format that is water-resistant for fishermen. Kaua'i was featured in the calendar.

As far as public outreach, Go Fish radio show will continue. Every week a different person is interviewed. Mike Buck, host of the program, will emcee the Fishers Forum.

A fishing community lecture was held. Fishermen, scientists and managers were invited to listen to Professor Ray Hilborn at the Council office. He talked about sustainability of world fisheries and his new project called Cfood. There is a website that features his project, which provides scientific proof that debunks misleading news articles that say fisheries are in demise.

Other outreach activities included the final poster distribution for Hawai'i's Fishermen Code of Conduct. The public service announcements on radio and TV will continue. The Council chair did a video interview for the longline fishery document that NOAA is producing. The Council continues to participate actively in the Oceania Marine Educators Association. A membership meeting was held at the Waikiki Aquarium recently. The Council also participated in the Hawai'i Sea Level Rise Vulnerability and Assessment Workshop that was put on by the State of Hawai'i.

Upcoming events include the International Coral Reef Symposium scheduled in Hawai'i in June. The Oceania Marine Educators Association will have an informational booth there with

Council outreach materials and staff. The public will be invited three days to the symposium. The International Union for the Conservation of Nature (IUCN) World Conservation Congress will be in Hawai‘i in September, with a potential Council booth there as well.

Anderson expressed appreciation for a job well done at getting the word out. He added that the Coral Reef Symposium will be the first time it has been held in the United States. It is an once-in-a-lifetime opportunity for people who are interested in such issues. The World Congress is something everybody will hear more about.

H. Advisory Group Report and Recommendations

1. Advisory Panel

Gary Beals, Hawai‘i AP chair, presented the AP recommendations as follows:

Regarding Hawai‘i fisheries, the Hawai‘i AP recommended that the Council work with any wind energy farm to ensure access to the fishing grounds is not restricted and the fishing in and around the wind energy structures is available to the fishermen of Hawai‘i.

Regarding Hawai‘i fisheries, the Hawai‘i AP recommended that the Council determine the impacts of a proposed closure at Kaupulehu, Hawai‘i, on the Hawai‘i bottomfish fishery, as the proposal extends out to federal waters at the 600-foot, or 100-fathom, contour and send the findings to the State of Hawai‘i.

Regarding Hawai‘i fisheries, the Hawai‘i AP recommended that the Council request NMFS PIFSC to prioritize Kaupulehu in the Kona IEA to determine the nonfishing impacts in the area.

Regarding Hawai‘i fisheries, the Hawai‘i AP did not agree with any proposed expansion of the Papahānaumokuākea MNM and requested the Council look at the impacts of the closed area.

Rice pointed out that the area proposed out to 100 fathoms is the best bottomfish fishing area that side of Kona and would create another BRFA if the area closed.

Anderson said the fishing area is closed up to 20 fathoms, or 120 feet. Trolling and crabbing is allowed from 20 to 100 fathoms. He was unsure of the bottomfish fishing details. He said comments would be appreciated at the hearings being held for the Kaupulehu closure. The shoreline from Kukio to Kaupulehu is three and a half miles long. He agreed it is an important fishing area.

2. Scientific and Statistical Committee

Daxboeck presented the SSC recommendations as follows:

Regarding the IEA, the SSC recommended that the IEA effort be expanded to South O‘ahu and Mamala Bay where there is intense use from a high human population.

Anderson said the next opportunity to provide comment will be at the Board of Land and Natural Resources meeting on O‘ahu on the Kaupuhelu proposed rule in the near future. It will then go to the Governor for final review sometime in the next six months. Approximately 130 people testified mostly in support of the measure. He noted there are many people still to hear from, including many fishermen. After the hearing, there will be another opportunity for input before it goes to the Governor for review and approval, assuming the Board approves it. It could be modified in the Board decision-making.

Rice asked if any hearings were held on the Big Island.

Anderson said one hearing was held on the Big Island at Kealakehe School with hundreds of people in attendance. The biggest impact on the fishery was the opening of Queen K Highway with much more access and more fishing going on.

Rice said the proposed closed area out to 100 fathoms is the best bottomfish fishing area in Kona. If closed, it would create another BRFA.

I. Public Comment

Watamura summarized a response from DLNR Chair Suzanne Case to a HFACT petition requesting all BRFAs be opened. Case said DLNR is working on it and cannot address the petition at this time.

Watamura read a testimony provided by Layne Nakagawa, a Maui full-time bottomfish fisherman who was unable to attend the meeting. Nakagawa targets bottomfish 99 percent of the time with an average catch of 25,000 pounds per year. Nakagawa’s concerns regarding the State of Hawai‘i bottomfish management included the introduction of CPUE standardization not reflecting what is occurring in the fishery. Over the years, he has higher CPUE with record catches, well over 1,200 pounds per trip, while the bottomfish model results in a slowly diminishing ACL. The model is missing key factors of the bottomfish fishery, such as current speed and direction, which cannot be used because they are not in the database. The stock assessment will never be accurate. The BRFAs and other closed areas, such as Kaho‘olawe, are left out of the information used to calculate biomass so it continues to appear to go down. There are very few commercial bottomfish fishermen in the State of Hawai‘i. Photos of large-sized bottomfish were included to serve as proof of a healthy fishery.

Discussion

Rice said there are also serious full-time bottomfish fishermen on the Big Island, which will mean that the quota will be reached quicker.

Simonds said fish seem to be bigger in the pelagic fishery over the last two years, and the scientists do not know why.

Rice said seven granders were caught in the State of Hawai‘i in 2015.

J. Council Discussion and Action

Regarding offshore wind energy, the Council directed staff to request inclusion in the BOEM Intergovernmental Task Force as renewable energy projects undergoing the leasing process directly impact fisheries in the Council's jurisdiction. In addition, the Council directed staff to work with offshore wind energy developers through the BOEM leasing process to ensure access to fishing grounds is not restricted and/or fishing is allowed around or near these wind energy structures and to provide comments on fishing impacts during the public environmental review process.

Moved by Rice; seconded by Sword.

Motion passed.

Regarding Hawai'i fisheries, the Council directed staff to assess the impacts of a proposed closure at Kaupulehu, Hawai'i, on the Hawai'i bottomfish fishery, as the proposal includes bottomfish habitat at 300 to 1,200 feet, or 50 to 200 fathoms, extending into the federal EEZ and communicate the findings to the State of Hawai'i.

Moved by Rice; seconded by Sword.

Motion passed.

Regarding Hawai'i fisheries, the Council requested PIFSC prioritize Kaupulehu in the Kona IEA to determine non-fishing impacts in this area. Further, the Council recommended NMFS to expand the IEA effort to South O'ahu and Mamala Bay, where there is intense use from a high human population.

Moved by Rice; seconded by Sword.

Motion passed.

Regarding Hawai'i fisheries, the Council directed staff to develop and hold a community meeting on the future of FADs and fishing in Hawai'i.

Moved by Rice; seconded by Sword.

Motion passed.

VII. American Samoa Archipelago

A. Motu Lipoti

Sword reported that the Pago Pago Game Fishing Association has had club tournaments. Good-sized yellowfin, marlin, masi and wahoo were caught on the banks, which are very productive for sports fishermen. The I'a Lapoa Tournament is scheduled for May 2 to 8, 2016. Eleven boats are coming from New Zealand and seven from neighboring Samoa. The Samoa tournament is currently being held.

Ochavillo reported the activities of the DMWR Fisheries Division during the last quarter of 2015. Fisheries data collection continues. There were 1,400 pounds of fish landed, mostly by gleaning, rod and reel and throw net. The top species caught were surgeonfish, naso tang,

octopus, mullet and goatfish. Boat-based creel surveys continue to collect catch data on bottomfish fishing, trolling, spearfishing and mixed bottom/trolling. There were 4,000 pounds from bottomfish gear, followed by mixed bottomfish fishing and trolling, and trolling at 1,000-plus pounds. Data collection and dealer participation continues to improve by working in with the Council under the TSI. The sports-fishing fishery landed 1,300 fish during the last quarter of 2014. Top species were yellowfin tuna, skipjack and wahoo. Fishing grounds were predominantly at Two Percent and East Bank.

There are two new nearshore FADs, a subsurface FAD and two deep-water FADs in Tutuila. The problem with the Section 7 permits is ongoing. No FADS deployed in 18 months. FADs are ready for deployment and waiting on the Section 7 permit. FADs are important for the I'a Lapoa Tournament in May.

The Key Reef Program is reviewing the science of highly targeted fish, looking at genetics of three fish in the American Samoa Archipelago. The work is done with an Australian lab to look at population connectivity of the three fish.

The Community-Based Marine Protected Area Program is ongoing. Staff works with various communities to develop their fishery management plans. Monthly community visits are held to discuss issues they face in managing their resources.

American Samoa is still experiencing the crown of thorns starfish outbreak. A Section 7 permit was recently received for eradicating the crown of thorns.

DMWR received the Leone Wetlands Restoration grant and permit to do most of the rehabilitation work for the mangroves by removing marine debris that were deposited by the 2009 tsunami. A permit is still needed for the in-water activities. A coral ocean nursery was developed so grown coral fragments can replace the degraded reefs in Leone Bay.

DMWR enforcement staff continues to conduct store and roadside inspections, land and sea patrols, MPA monitoring and surveillance, monitoring of commercial and recreational fishing fleets, and shipping and flight inspections.

The Education and Outreach staff has conducted activities for more than 400 students and 28 teachers as well as the annual Fisheries Awareness Fair.

The American Samoa Disaster Relief Fund was provided by Congress to alleviate the failure that happened after the 2009 tsunami in American Samoa. The boat owners have been compensated for boats damaged and lost.

DMWR planned to develop a repair facility. After discussion, it was decided to work with the shipyard in developing a contract to repair alia boats in Tutuila. There is going to be a big boat wharf and the ramp will need to be relocated to a new site. The documents have been organized for a permit application for the floating dock maintenance and working with PIRO Sustainable Fisheries Division (SFD). There are plans for purchase of ice machines, a security system and lighting system for the floating docks, and other floating dock supplies.

Discussion

Rice asked if the PacIOOS wave buoy is still active.

Ochavillo said one buoy was recently deployed in Aunu'u.

Rice asked if the coordinates are provided to fishermen.

Ochavillo replied in the affirmative.

Poumele said that, since the Port Authority received funds from the Council in October 2015 at the 164th Council meeting, the Port engineer is working with Council staff member Eric Kingma on that design. More funds are being sought in the amount of \$5 million.

Kingma said the Council is expected to provide the second installment of the funding to complete the study. He expressed his appreciation for the collaboration with the Port Authority and its efforts to identify a future funding source for a dedicated longline dock. The project is completing the feasibility study, including engineering design, Environmental Assessment and permitting process.

Sword noted appreciation to the Council for its generosity and the assistance provided in progressing the project.

B. Fono Report

Sword reported that the Fono has been supportive of the efforts in regards to fishing. Congresswoman Aumua Amata has actively helped push the agenda to keep the canneries afloat and the purse seiners fishing in the area.

Nate Ilaoa, Council island coordinator, said that according to the Fono's legal counsel, Nat Savali, there are plans for upcoming hearings regarding the canneries during the Fono's break.

C. Enforcement Issues

The enforcement issues were presented in a prior agenda item.

D. Community Activities and Issues

1. Report of the Governor's Fisheries Task Force Initiatives

Poumele reported that in 2015 American Samoa Governor established a Fisheries Task Force. Members of the Council include Sword, Ruth Matagi-Tofiga, Poumele and two representatives from the canneries. The purpose of the task force is to improve the relationship and communication between the canneries and the Governor on a timely basis. The Task Force in American Samoa is about economics. The canneries are the economy of the Territory. The task force meets often. They hear directly from the canneries on issues that they would like assistance with from the government. The information is shared with the appropriate community

leaders in an effort to create a closer relationship with the canneries. Even though there has been a reduction in product landed, there is hope and optimism with the vessels out fishing that there will be sufficient landings to supply the canneries. The Governor's Task Force focuses on maintaining a successful relationship with the canneries.

2. Fisheries Development

Krista Corry, American Samoa AP member, reported on the Fagatogo Fish Market, which was created in 2010. In 2014, a renovation resulted in a space that was more user-friendly with coolers and a fish processing area. In January the American Samoa government asked for proposals to run the fish market. Tautai O Samoa Longline Association submitted a proposal. The award letter was recently received and the details are being worked out.

Tautai O Samoa proposes the name to be Amerika Samoa Fisherman's Market. The project goals are to enhance the American Samoa community by collaborating with the fishermen and the vessel owners, to diversify the market opportunities and optimize yield for seafood products landed.

The objectives included supply a steady supply of fresh and frozen fish, provide an immediate market for the small fishing boats and maximize the value of all of the fish caught. Other objectives are to encourage consumers to buy local American Samoa fish, provide port storage for the fish supplies, provide fishing supplies for the fishery, such as hooks and bait, and sell food products.

The benefits included ensuring a variety of fish available for local consumption at affordable prices, assisting fishermen by providing a market for all species caught and encouraging best practices onboard to maintain the best quality of fish.

The sources for the fish will be the fishermen, the small vessels, the alia vessels and US longliners. Products will include fresh fish, all species, whole and lions, as well as frozen fish, all species, whole and lions, crustaceans, shellfish. Prepared dishes, as well as a supply of seasonings and essentials for preparing the fish will be available. Fishermen will also have supplies to purchase. The goal is to have a quality fish for a reasonable price and to service fishermen by providing them with a place to sell their fish.

Discussion

Simonds asked if oka bowls will be available, similar to poke bowls.

Corry replied in the affirmative.

Simonds said she hoped the effort will bring fish to the market. She asked about the status of the boats in Manu'a. The idea was to begin with bringing in the fish from Manu'a to the market, and that cannot be done until the boats are repaired.

Corry deferred to Ochavillo.

Ochavillo said DMWR is working with the shipyard, whose staff will fix the Manu'a boats.

Corry said hopefully there will be a supply from Manu'a as well.

Simonds said she was glad about the contract and some success of the venture for which the Council paid.

Gourley asked if an area was set aside to collect data from the fish brought to the market.

Corry said it is hoped that as fish are brought in information will be collected on items such as the identity of the fisherman or vessel and location of the catch, among others.

Gourley asked if the private sector or the government is working in collaboration with the fish market to collect data.

Corry said they are happy to share any data with the government. She views data collection as a benefit to fisheries development.

Gourley said the Guam Fishermen's Cooperative Association is good at meshing data collection with the product marketing. He encouraged contacting the GFCA to learn from their experience.

Simonds said that, when the two cooperatives were created in Manu'a, DMWR and Council staff worked on a form that would mesh with the Data Collection Program of DMWR. She suggested that they consult with DMWR on the data collection form. It should be readily available from the Department.

Rice asked if the market would export product as well.

Corry said the goal currently is to meet the local needs. If there is enough product for the local markets, export is an option. They are experienced with export to Hawai'i.

Poumele voiced her support and confidence in the current market management.

Duenas said it is great when a group of fishermen actively takes steps to provide what fishermen need to go fishing.

Sword asked what is the plan once Manu'a is back fishing and have product in need of a market outlet.

Corry said it is hoped that they will enter into a contract. The goal is to provide a service for the fishermen. It is not to buy their fish and then hike up the prices. The idea is to buy it at a reasonable price and sell it at a reasonable price. It is not expected to make money. It is to get the fish out to the customers and help the fishermen to continue to go fishing. She believed the variety of fish and the quality, once it is established, will bring the customers.

Sword added that there is room to work with the canneries. He wished them good luck

3. Fisheries Disaster Relief

Sword asked for an update on the Fisheries Disaster Relief.

Ochavillo said the boat owners whose vessels were lost or damaged as a result of the 2009 tsunami have been compensated. DMWR has worked with PIRO to organize documents for the floating docks. Some of the proposed projects have been delayed. It took a year to hire a coordinator. Work is ongoing with several vendors for the security system needed for the floating docks. DMWR is working with the Shipyard to repair the alia.

Sword asked about the progress on getting the Manu‘a boats back fishing.

Ochavillo said he is reviewing the contract with the Shipyard to fix the Manu‘a boats. Personnel from the Shipyard will go to Manu‘a to fix the boats.

E. Education and Outreach Initiatives

Ilaoa reported on the education and outreach activities since the last Council meeting. Preparations are underway for the summer Fisheries and Marine Resource Management course. This year is the first time it is open to the local community college to serve as a bridge for the Pacific Territories Fishery Capacity-Building scholarship program. Solicitation of applications for that scholarship program, which is open to upperclassman and graduate students, just concluded. Applications were solicited from the local community college and all of the networks. Information was also sent to colleges in the State of Hawai‘i and on the mainland who have large groups of American Samoan students. The 2016 Amerika Samoa lunar calendars were distributed. The feedback was positive.

Discussion

Sword said there are graduates going to UH Hilo. He asked if anything has been done to make sure they go back to help DMWR.

Ilaoa said he recently had discussions with the DMWR director about initiating communications with the graduates so that plans are in place for employment when they complete graduation.

Sword asked if the communications would happen.

Ilaoa replied in the affirmative.

Ochavillo said one of DMWR’s supervisors finished a marine biology course at UH Hilo. One student’s internship is during the summer at DMWR. The other graduate as a marine biologist is also going to work under the Coral Reef Advisory Group (CRAG). There are initiatives for the students. The Governor has a program for placement.

Spalding said the first scholarship recipient worked for a while in American Samoa and then moved to Hilo. The second student currently at UH Hilo may need a fourth year of study. Every summer, the Council-CRAG scholarship recipients return to American Samoa to intern.

The US Pacific Territorial Fisheries Capacity-Building Scholarship has one student from American Samoa, Diana Fa'asalafa Kitiona, who is due to graduate in 2017. She is at UH Hilo. The Council is working to get her to intern during the summer at the Council. The Capacity-Building scholarship program has slightly different requirements than the Council-CRAG scholarship. The student must intern with the Council or approved agency or organization. It is a paid internship. There is a one-year requirement for employment for each year of the scholarship. Staff is in the process of confirming with the local fishery agencies that they are ready to employ the interns after they graduate.

Sword asked if the canneries were aware of the program.

Spalding said TriMarine has started a program to raise funds to contribute to the scholarship. Originally, the idea was when the students returned, they would be employees of the local fisheries agencies. Since the memorandum of understanding was signed, there has been word that there may be funding or employment hiring protocol issues for some territories. Council staff has to talk to the local agencies to see what can be done and may consider fellowships in some cases to make sure that they are able to work in the local fishery agencies after graduation. Spalding recently sent a legal document concerning the post-graduation employment obligations to General Counsel for review. They requested to have the DC office review it for approval.

Ilaoa added that, because of the lengthy process with Human Resources, it may be helpful to start evaluating where students who are nearing graduation would best fit in in an agency, putting together job descriptions and looking at how they fit into the budgets of the departments.

Sword agreed that somebody is needed to coordinate with the students so as they graduate they move right into helping to get the fisheries going.

Sword asked Ochavillo to elaborate on the problems with getting the FADs deployed.

Ochavillo said there is no Section 7 permit. It is frustrating and affects other programs, as well. It has been over a year.

Sword asked if they are working with the Army Corps of Engineers.

Ochavillo said whoever is the lead agency for the funding source is the lead agency to organize the permit application. USFWS organizes the documents for the permits and initiates the process. DMWR provides the information needed, and USFS does the documents.

Sword said the FADs have been around for 40 years and are on all of the charts for the USCG. Yet, now permits are needed. He asked if there were permits when the FADs were first deployed.

Ochavillo said it is because of what has happened in recent years with the ESA coral listings.

Tosatto clarified that whenever a federal agency grants funds that have potential environmental impacts, consultations are required. USFWS is providing grants and has to

consult, as well as the Army Corp of Engineers. The Section 7 consultation has to be completed for the grantor to provide the funds to do the activities. The agency is pursuing programmatic consultations. As long as the FADs are put back in the same location, the process should be quick.

Sword said the process needs to be streamlined.

F. Advisory Group Report and Recommendations

1. Advisory Panel

Christinna Lutu-Sanchez presented the American Samoa AP recommendations:

Regarding American Samoa recreational fisheries, the AP recommended that the Council support and encourage local participation in fishing tournaments by providing for a tournament perpetual trophy or a tournament category for American Samoa participants that will enhance fishery science and management and build interest and participation in fishing with residents of the Territory.

Ochavillo clarified that the repair of the boats is under a different funding source than the Disaster Relief Fund, but DMWR will fix the boats.

Rice pointed out that over the last five years bottomfish fishing techniques have advanced in Hawai‘i. He suggested a Hawai‘i bottomfish fisherman travel to American Samoa to share the techniques with the fishermen in American Samoa.

Lutu-Sanchez noted that Hawai‘i fishermen attended the 2015 Fishers Forum in American Samoa and shared some techniques. She pointed out currently the focus is on getting boats out fishing, which includes getting engines on the boats.

Rice suggested some of the up and coming bottomfish fishermen may be interested in sharing the knowledge with the fishers of American Samoa.

Lutu-Sanchez said she is glad Ochavillo is listening.

Ochavillo noted discussions will be held regarding the idea.

Simonds said that the Council would be happy to send a people to American Samoa. It was done in the 1980s for bottomfish training. She suggested Rice develop a package.

2. Scientific and Statistical Committee

Daxboeck said the SSC had no American Samoa Archipelago recommendations.

Simonds said, while in American Samoa for the 164th Council meeting in October 2015, Council received a request from Aunu‘u for help with fisheries development in the way of an icehouse and fuel. The Council is working on plans to move an icehouse and fuel tanks from Manu‘a, which are not being used, to Aunu‘u.

G. Public Comment

No public comments were offered.

H. Council Discussion and Action

Regarding American Samoa fisheries, the Council directed staff to determine ways to support and encourage local participation in fishing tournaments by providing for a tournament perpetual trophy or tournament category for American Samoa participants that will enhance fishery science and management and build interest in participation in fishing with residents of the territory.

Moved by Seman; seconded by Sword.

Motion passed.

Regarding American Samoa fisheries, the Council directed staff to draft a letter to DMWR to identify proposed FAD locations that are currently unauthorized and to submit permit applications to the USCG and the Army Corps of Engineers and further directed staff to draft a letter to the USCG and Army Corps of Engineers to coordinate with DMWR to expedite the permitting process.

Moved by Sword; seconded by Seman.

Motion passed.

Simonds presented a check in the amount of \$94,000 to Poumele, which are the remaining funds for the development of the Malaloa longline dock.

Poumele thanked Simonds, the Council chair and Council. She said they are working quickly to get the design and to seek additional funds to make the dock a reality for the Territory.

VIII. Protected Species

A. Update on Leatherback Turtle Interaction in the Hawai'i Deep-set Longline Fishery

Council staff Asuka Ishizaki reviewed the Council recommendations made in June 2015. The Council directed staff to evaluate further spatial and environmental information regarding leatherback interaction trends in the Hawai'i deep-set longline fishery to assess if there were any significant correlations that should be considered in analyzing impacts and developing proposed fishery actions. The Council noted that recent consultation conclusions that population level effects of the deep-set fishery on Western Pacific leatherbacks remain negligible despite the anomalous observed take level in 2014, which was still well under the authorized level in the current Biological Opinion (BiOP). Staff looked at the information contained in the Observer Program data.

The deep-set fishery has historically and continues to have very low interaction rates with sea turtles. The interaction rates are well below 0.001 interactions per thousand hooks, which is an order of magnitude less than the shallow-set fishery, where most of the focus is on sea turtle

mitigation. In 2014, there was a higher level of observed interaction, which also meant higher interaction rates. In 2015, the number dips back down again.

Council staff conducted a preliminary analysis using observer data related to leatherback takes. PIRO SFD in coordination with Council staff and PIRO Protected Resources Division (PRD) convened an informal working group to review leatherback turtle interactions in the longline fishery. Council staff presented the preliminary analysis at the August 2015 working group meeting.

At the October Council meeting, Council heard a report from staff on the progress, including preliminary analysis on available observer data. In 20 years of observer data coverage for the deep-set fishery there have been 41 observed interactions of leatherback turtles, most of which were released alive. The notable pattern in the data was the spike observed in a two-month period between December 2013 and February 2014. The working group discussions resulted in analyses that PIFSC could do as next steps. One analysis was to evaluate whether that 2014 spike was statistically significant and to try to determine whether it was an anomaly or inter-annual variability that would be expected in a fishery with 20-percent observer coverage. Another analysis would be, if the spike were an anomaly, to determine the patterns and what can be learned about how these interactions are happening.

At the October Council meeting, it was requested that PIFSC report on these analyses at the March 2016 meeting. At the 122nd SSC meeting, PIFSC presented an analysis conducted since October. The SSC received a detailed and technical analysis from Marti McCracken. Her analysis took a precautionary approach in order to avoid missing a change if there were a change. The bottom line of her analysis indicates 2014 was likely a higher than historical level from the period of 2007 to 2013. One caveat is that the 2014 observer coverage was different from previous years due to observer availability and other issues. There is some uncertainty associated with that.

The SSC suggested alternative methods to conduct the statistical analysis. There was discussion for the need for explicit identification of acceptable levels of error, such as where to set that level to detect the change for use in setting a confidence level when conducting the analysis.

There was a suggestion regarding incorporating environmental covariates in sampling and design analysis. The SSC acknowledged that the 2014 spike has already been included in the BiOp analysis, and it was determined not to jeopardize the species.

Continued monitoring of interactions was recommended, as more data points are needed. 2015 had lower interactions. In the first three months of 2016, there were no observed leatherback interactions. From the SSC's perspective, there was no urgency. A follow-up analysis was recommended to evaluate patterns, even with the limited data available.

For next steps, staff will continue discussions in the working group and consider additional analyses. Staff will also consider ecosystem factors. The fishery has seen high CPUE for bigeye and slightly higher olive ridley sea turtle takes, which potentially relate to oceanographic factors, such as El Nino.

The Protected Species Advisory Committee (PSAC) and the Plan Team will be reviewing the information on the leatherback turtle interaction trends via the new FEP Annual Report.

B. Report of the Joint and Pacific Scientific Review Group Meeting

Boggs presented the Joint and Pacific Scientific Review Group (SRG) meeting with Oleson. The three items of interest to the Council were the overview of the Guidelines for Assessing Marine Mammal Stocks (GAMMS) III, which are similar to standard operating procedures for doing Stock Assessment Reports (SARs); new methodologies being applied to SARs for marine mammals; and using habitat modeling for density of marine mammals.

The specific objectives for the GAMMS revision were to consider methods for assessing stock status when abundance data are outdated, nonexistent or only partially available. There were also policies on stock identification and application of the Potential Biological Removal (PBR) framework to small stocks, transboundary stocks and situations where stocks mix, and the development of a consistent national approach, including reporting mortality and serious injury in the marine mammal assessments.

Public comments included support, as well as mixed and opposing comments.

Revisions will be applied in the 2017 Draft SARs. Two proposed revisions that received the most public opposition are not being finalized: 1) the framework to calculate PBR for stocks with outdated abundance information, and 2) the quantitative method to determine when stocks should be designated as strategic if they are declining and likely to be listed as threatened under the ESA in the foreseeable future. Additional guideline revisions for these two topics may come in the future.

There were changes to the SARs that will have a big impact on the Western Pacific Region. One requirement will be for a table that shows the amount of observer coverage over a number of years required to limit small sample bias given a certain limit for marine mammals. It is not saying that there has to be enough sampling to avoid small sampling bias. However, it will be defined, and it will have to be pointed out whether there are biases for each group. Another change is the assessment of small endangered stocks. A limit should be calculated and included in every SAR. The implication of that is there has to be a defined take for monk seals.

A new section of the SARs will be about apportioning the PBR across feeding aggregations, allowing mortality for mixed stocks and estimating PBR for transboundary stocks. The guidelines will caution against extrapolating from one surveyed area to an area that is not surveyed to estimate PBR.

The fifth topic is clarifying and reporting mortality and serious injury and incidental take in commercial fishing. A section summarizes the prevailing human-caused mortality and serious injury threats that are unquantified or undocumented. Known major sources have not been quantified or documented. Next steps include revising the guidance, addressing PBR with outdated abundance information and reconsidering strategic stock determination for declining stocks likely to be threatened.

The next topic was new analytical methods applied to SARs. Statistical modeling work is ongoing to come up with a better approach. A hierarchical trend model makes efficient use of information in the time series. It also improves precision, reduces volatility of individual abundance estimates and is used to make inferences about the future with the same type of modeling. There are also new estimates for estimating R_{max} , which is still in progress. R_{max} is how fast the stock is likely to grow and often relies on unverified defaults. Using the defaults is well supported, but it would be better to use models. There is general support for trying to improve there. It is still preliminary. It needs more work done on it and be published before it is actually used. One of the concerns is about how much you see of what's actually there, that's $g(0)$. A mistake can occur due to scale or inattention or looking the wrong way. The animals could be underwater, behind a swell or somewhere else out of view. Weather and wind can make a big difference, as well.

The next steps included use of available estimates. Estimates for Hawai'i is in review. The greater uncertainty that comes from considering this means that the coefficient of the variation of the noise and the abundance estimates will be bigger.

Another topic is should relationships between where animals are seen and environmental features be used to determine the density that was not surveyed. Model-based results were similar to the ones that were observed. The question of whether such model-based approaches could be used in the Pacific, such as for the Palmyra EEZ where there is limited survey coverage, looks promising where there is enough data. Another question regarding use old data, as well as the data from each place or region, will make it difficult to move towards consensus or a national standard. The SARs are still in draft form, and details were not presented to the Council.

Discussion

Simonds asked about an appropriate time to discuss removing the southern closure area.

Boggs said he did not know.

Tosatto said the southern exclusion area was implemented through a Marine Mammal Protection Act (MMPA) rule making out of the Take Reduction Team. He opined that there would need to be a recommendation out of Take Reduction Team to propose such a closure.

C. Report on the Rare Events Bycatch Workshop Plan

Ishizaki presented a brief update on the Rare Events Bycatch Workshop, which stems from a Council recommendation at the 163rd Council meeting. Staff was directed to work with the PSAC representatives and NMFS to review the different approaches that have been used to estimate anticipated sea turtle takes for the future in several of the past deep-set longline BiOPs and to look at alternative approaches.

Sea turtle bycatch is very rare. The analyses are extremely sensitive to small numbers. With 20 percent observer coverage, the rare interaction rate issue has come up in discussion and in BiOPs. The number of future interactions is typically calculated and referred to as the exposure in ESA consultations. This often becomes a basis for the Incidental Take Statement in (ITS) in BiOps.

Other data might also go into an ITS. However, hooking and entanglements serve as the basis for what becomes the ITS for fisheries because that is where the bulk of the take occurs. Having an accurate assessment of exposure and future interactions going into consultations relies on having a good assessment of the fishery's impacts to protected species. Avoidance of unnecessary re-initiation in response to short-term variability expected from the fishery is a goal. It is also important to detect changes from impacts that are not from short-term variabilities. You do not want to under-estimate or over-estimate.

The 2005 and 2014 Deepset Fishery BiOP each had different data available and each used slightly different statistical methods. Different numbers from the models were selected by the management side during the consultations. In 2005, rather than using the average or point estimate, the upper 80 percent confidence interval was used as a way of accounting for inter-annual variability. In the 2014, only the point estimate was used. In both cases, the three-year time frame for an ITS was a way of also accounting for inter-annual accountability. This has changed over time, and it has produced different ITSs. It then changes the level at which the fishery reconsultation is triggered. In the green turtle example, the ITS in the 2005 BiOP over three years was 21. In the 2014 BiOP, it was nine. The actual numbers of the observed take used as the basis were not that different. Other times, when estimates are not available or if new data become available after estimates are produced by PIFSC, those new numbers still need to be considered in the BiOP.

The most commonly used method by PIRO is an average of the interaction rate, multiplied by anticipated effort. Other methodologies are emerging related to rare events. method by USGS for USFWS-related consultations on wind turbines looked at interactions that have very low detection probabilities. The kinds of problems were different, but the kind of rare interaction events was similar.

An SSC member has brought to the SSC's attention a control chart that is a managing mechanism and modeling method to monitor interactions over time. The idea is to take all of the different methodologies and determine which ones work well for the Western Pacific Council's fisheries, the pros and cons of each of the methodologies, and the best practices to move forward.

Staff is working on a draft terms of reference with a goal to have a workshop later in 2016. PIRO PRD, PIRO SFD and PIFSC staffs are involved, as well as the PSAC and SSC. Additional external expertise will be available in discussions to move forward and inform the tricky subject of rare events bycatch.

Progress on this topic will be reported at future Council meetings.

D. Updates on Endangered Species Act Consultations

Ariel Jacobs, from PIRO SFD, presented updated information on the ESA Section 7 consultations that are in progress or completed since the last Council meeting.

Two separate consultations were completed for the Hawai'i FEP fisheries' Special Coral Reef Ecosystem Permit for Kampachi Farms. The first consultation with NMFS included the listed species of green sea turtle, hawksbill, leatherback and North Pacific Distant Population Segment (DPS) of loggerhead and olive ridley sea turtles, as well as North Pacific right whale,

blue whale, fin whale, sei whale, humpback whale, main Hawaiian Island insular DPS of false killer whale, sperm whale and Hawaiian monk seal. It also included the newly revised Monk Seal Critical Habitat. The consultation was completed Dec. 2, 2015, with a letter of concurrence from NMFS. The second consultation associated with the Kampachi Farms permit was with USFWS. It included the short-tailed albatross, Hawaiian petrel and Newell's shearwater. The consultation was completed in Jan. 12, 2016, with a letter of concurrence.

For the bottomfish, crustacean, precious coral and coral reef fisheries under the Hawai'i FEP, consultations for the newly revised and newly listed Hawaiian Monk Seal Critical Habitat were completed with four separate letters of concurrence on March 1, 2016.

Currently, the Pelagic FEP Hawai'i deep-set longline fishery consultation is ongoing for green sea turtles, including the currently proposed DPS listings, the North Pacific DPS of loggerhead sea turtle and olive ridley sea turtles. The re-initiation trigger for those three species was when the fishery exceeded the ITS. The consultation is in progress, which includes the consultation and the request for conference.

E. Updates on Endangered Species Act and Marine Mammal Protection Act Actions

Krista Graham, from PIRO PRD, presented the ESA and MMPA updates of activities since the October Council meeting.

In September 2014, 15 corals in the Indian-Pacific Ocean, two in CNMI, three in Guam, six in American Samoa, three in the Pacific Remote Island Areas (PRIAs) and one elsewhere in the Indian-Pacific Ocean were listed as threatened. No corals were listed in Hawai'i. Currently, the agency is determining whether protective regulations pursuant to ESA Section 4(d) are necessary and advisable for the conservation of these 15 Indian-Pacific Ocean corals. With regard to critical habitat, areas within waters of the Western Pacific Region's Territories are considered. Analyses for economic and national security impacts to support a potential proposed critical habitat sometime in 2016 were initiated.

Of the 11 green turtle DPSs, eight species are proposed as threatened, which included Hawai'i. The Guam, CNMI and American Samoa populations are listed as endangered. The 60-day initial comment period was extended three separate times, through the end of July, then end of August and then the end of September. The final rule is anticipated to be published in 2016. The USFWS and NMFS solicited information from constituents and experts in Hawai'i and the Territories regarding critical habitat for the green sea turtle. Work is ongoing on the proposed rule for critical habitat for the species.

On April 21, 2015, NMFS issued a proposed rule to divide the globally ESA-listed humpback whale into 14 DPSs, replacing the current species-level listing with two endangered DPSs listings and two threatened DPSs listings. The Hawai'i population and Oceania DPS, which includes American Samoa, would not remain listed if the rule is finalized as proposed, but the Western North Pacific DPS, which includes Guam and CNMI, would be listed as threatened. A final rule is statutorily due in April 2016.

Indo-West Pacific DPS of scalloped hammerhead shark was listed in July 2014 as threatened and included US Pacific Territories and all PRIAs, except Johnston Atoll. The Central Pacific DPS, which includes populations found in Hawai'i and Johnston Atoll, were not listed. On Nov. 17, 2015, NMFS published a notice announcing that no areas meet the definition of critical habitat for the four listed scalloped hammerhead shark DPSs. As such, there is no critical habitat to designate for any DPS. NMFS is in the early stages of recovery planning.

A Status Review is underway for common thresher shark, bigeye thresher shark, and smooth hammerhead shark to inform the 12-month findings due Aug. 26, 2015, for common threshers; and due April 27, 2016 for bigeye threshers and smooth hammerheads. The common thresher and bigeye thresher sharks are bycaught in the Hawai'i-based and American Samoa longline fisheries. The smooth hammerhead shark is bycaught in the Hawai'i-based deep-set longline fishery and American Samoa longline fishery.

A Status Review is underway for oceanic whitetip shark to inform the 12-month finding due on Sept. 21, 2016. The species is bycaught in all three longline fisheries in our region.

A positive 90-day finding on a petition to list giant manta ray and reef manta ray published on Feb. 23, 2016, and was negative for Caribbean manta ray. The Status Review is underway for the giant and reef manta rays. Scientific and commercial information is solicited until April 25, 2016. In the Pacific Islands Region, the reef manta ray is found throughout Hawai'i and the Pacific Territories; the giant manta ray is found in the Big Island.

The 2016 List of Fisheries proposed rule published in late September 2015. The proposed changes include revisions to the list of species injured or killed in the Hawai'i deep-set fishery as well as updates to the number of participants in numerous fisheries. Fact sheets are online for the Category III fisheries. The proposed rule and draft fact sheets are also available online. It is anticipated that the 2016 Final List of Fisheries will publish in the near future.

Discussion

Gourley asked about the timing on the 4(d) decision.

Graham said there is no timeline yet. The decision to go forward with a 4(d) rule has not been determined.

Gourley asked if the critical habitat designation and the economic analysis occur simultaneously with regard to the 4(d) rule.

Graham said areas that may have essential features are being reviewed and economic analysts are in the early stages to determine possible economic or national security impacts.

Gourley said it would be difficult to do an economic analysis while the critical habitat identification is ongoing.

Graham said the economic analysis would determine whether there is any critical habitat.

Gourley asked if the Council is working in conjunction with PIRO PRD on the designation of critical habitat and the economic analysis for the corals and when the critical habitat rule is anticipated to be published.

Graham said the Council will be asked for input on the economic analysis when the PIRO PRD is further along in the critical habitat process, similar to what has been done with prior listings. The critical habitat rule should be published in 2016.

Gourley asked the same questions in regards to the critical habitat and economic analysis for the green sea turtle listing.

Graham said they are a little further along in the process, but he was not sure of where it is at this time.

Gourley asked if the economic analysis is done in-house or by a contractor.

Graham said it is being done out of Headquarters. She said she was not sure but then replied by a contractor when prompted from an audience member.

Gourley asked if the Council is working with PIRO PRD on the critical habitat and economic analysis.

Graham replied that she believes so.

Gourley asked Graham to work with the Council on the economic analysis and critical habitat for both corals and turtles.

Graham replied in the affirmative.

Rice asked Boggs to clarify his spotted dolphin reference on a previous presentation.

Boggs said he had to check if there was a Spotted Dolphin SAR. The answer is it is still in draft and under review. It will be worked on sometime in the summer.

Rice pointed to the term “spotted dolphin fishery interactions.”

Boggs said he had no information on the subject other than he went to the seminar at PFISC by Robin Baird about his research. Baird is using the sightings of fishermen that are involved with spotted dolphins to estimate how many interactions might happen in a larger context as a kind of tag recapture business. That number taken of a larger population and an estimate of the same ratio of the larger population are used to guess how many such interactions are occurring.

Rice said Baird has been looking at that for five years. They keep coming at the troll fishery for the interactions, and the text they use, fishing on the dolphins, is the wrong text. They are fishing around the spotted dolphins. Robin’s material to the fishermen has not been transparent. The fishermen would like to see any paper he authors before it gets used against the fishermen.

Boggs said the subject is the topic of a SSC recommendation and will be further discussed.

F. Advisory Group Report and Recommendations

1. Advisory Panel

Council staff member Joshua DeMello reported that the AP had no protected species recommendations.

2. Scientific and Statistical Committee

Daxboeck reported the SSC recommendations as follows:

Regarding the 2013-14 leatherback sea turtle interactions in the deep-set longline fishery compared to previous years, the SSC recommended that the Council continue to monitor interactions between leatherback turtles and the Hawai‘i deep-set longline fishery.

The SSC recommended exploring the use of time series regression-based analysis rather than the current laborious process, given remaining uncertainties. Further, such an analysis could include environmental and other covariates to provide take rate estimates that are just as reliable but with much less analytical effort.

The SSC recommended pursuing a follow-up analysis to evaluate patterns of leatherback interactions by spatial, temporal, environmental, operational characteristics, ecosystem characteristics and natural variability. Leatherback turtles are known to aggregate at frontal areas and to make directed movements, which may inform understanding of leatherback interaction patterns in the longline fishery.

Regarding the report of the Joint and Pacific SRG meeting, the SSC requested further information, from the Pacific SRG meeting held Feb. 25-26, 2016, on topics related to fishery interactions with spotted dolphins and on swordfish drift gillnet bycatch that were briefly listed but not covered in detail during the presentation.

G. Public Comment

No public comments were offered.

Simonds said the Council would like to know the status of the Council’s request to Rauch to fill the membership gap for the Pacific SRG with appropriate expertise in commercial fishing technology and practices from the MMPA for the Hawai‘i and the US Pacific Islands.

Rauch said he did not know the exact response to that question. There has been concern about the membership of the SRGs nationwide recently, some of it being driven by the concerns raised by this Council. Term limits have been put on the SRGs. There are efforts in process to fill those kinds of gaps. Rauch did not know the status is of the Pacific SRG that Simonds is concerned about and will have to get back with the answer.

Simonds reminded Rauch that the Western Pacific Council helped the agency to bring the SRGs into the 21st Century. The Council and the Governors of the Territories wrote in their comments asking NMFS to extend the period for making a final determination by six months as allowed under the ESA given the substantial disagreement and uncertainty regarding the sufficiency or accuracy of the available data relevant to the proposed rule. There is evidence that the nesting has grown exponentially.

Rauch asked if she is now requesting a six-month extension.

Simonds said it was asked in the letter and a response has not been received. She further asked to extend the period to six months out.

Rauch replied that issue was discussed. One of the things considered when an analysis is done is whether the petitioners present new information that is different than the kind of information that was analyzed in the proposed rule. He did not think there was much new information in the request. The agency received information through the public comment process, which is being considered as the final rule progresses. He did not think there was anything in the request that merited a six-month extension; however, the agency is not finished.

Simonds said, if the green sea turtle is uplisted in the Territories from threatened to endangered, there is no opportunity for them to develop support for a cultural take. She wanted to ensure that Rauch understood the significance.

Rauch said that was clear in the comments received during the comment period.

Simonds asked if climate change would be a part of his response.

Rauch said, if the question is asking whether the final listing decision will incorporate climate change as a consideration, his answer is it will and has been a factor in many of the listing decisions. It was a factor in corals. It was a factor in the Alaskan seals. It is a factor in the turtles. The agency intends to incorporate the potential effects of climate change on the species in the final listing decision, as it did in the proposed rule.

Simonds said the Northwestern Hawaiian Islands have been sinking for years. Turtle experts have said that turtles will move to a new home. She assumed they would move to Ni'ihau.

Ebisui said he recently read a study that stated 60,000 years ago there was a climate event that was much more rapid and extreme than the current one. He inferred that would mean that the turtles have already gone through something far worse than the current climate change and will survive.

Rauch said he is not a climate change expert and could not comment on the veracity or not of the study. Climatic events have obviously happened over the course of the earth's history, and species that were able to adapt once may not be able to adapt now because a lot of the places where they might move to are no longer available to them because of other factors. Rauch does not know whether it is occurring with turtles or not. The final determination has not been made, and he is not going to speak to how it might affect turtles. It has been seen with other species,

where they might have been able to adapt and move, they now have nowhere to go because of human development in and around their ecosystem.

H. Council Discussion and Action

Regarding Leatherback Turtle Interactions in the Hawai'i Deep-set Longline Fishery, the Council took the following actions:

- 1. Directed staff to continue to monitor interactions between leatherback turtles and the Hawai'i deep-set longline fishery.**
- 2. Recommended that PIFSC explore the use of time series regression-based analysis rather than the current laborious process given remaining uncertainties. Further, such an analysis could include environmental and other covariates to provide take rate estimates that are just as reliable but with much less analytical effort.**
- 3. Recommended pursuing a follow-up analysis to evaluate patterns of leatherback interactions by spatial, temporal, environmental, operational characteristics, ecosystem characteristics and natural variability. Leatherback turtles are known to aggregate at frontal areas and make directed movements, which may inform understanding of leatherback interaction patterns in the longline fishery.**

Moved by Rice; seconded by Sword.

Motion passed.

Regarding the SRG meetings, the Council took the following actions:

- 1. Requested PIFSC provide further information to the SSC on topics related to fishery interactions with spotted dolphins and the California swordfish drift gillnet bycatch as discussed at the Pacific SRG meeting on Feb. 25 to 26, 2016.**
- 2. Requested NMFS to fill the membership gap for the Pacific SRG with appropriate expertise in commercial fishing technology and practices for the Hawai'i and US Pacific Islands.**

Moved by Rice; seconded by Sword.

Motion passed.

Regarding the Green Turtle Proposed Rule, the Council reiterated its request that NMFS and USFWS extend the period for making a final determination by six months as allowed under ESA Section 4(b)(6)(B)(i) given the substantial disagreement and uncertainty regarding the sufficiency or accuracy of the available data relevant to the proposed rule.

Moved by Rice; seconded by Sword.

Motion passed, with opposition by Tosatto.

Regarding the Green Turtle and Coral Critical Habitat Determination Process, the Council requested NMFS to consult with the Council and potentially affected fishermen and communities in preparation of the economic analysis required during the determination process.

Moved by Rice; seconded by Sword.

Motion passed.

Tosatto clarified that it is the task of the agency to develop the recommendation. The contractor will consult, then ask for input and then draft an economic analysis, which will then be finalized. Then consult with Council, affected fishermen and communities, such as asking for input on critical habitat, what the essential features are and economic impacts, which will be used in the contractor's drafting of the document to be finalized by the agency.

Gourley expressed his hope that there would be a close collaboration due to the sensitive nature of the green sea turtle and coral in the Western Pacific.

Ebisui noted Tosatto's clarification.

IX. Pelagic and International Fisheries

A. Hawai'i and American Samoa Longline Fisheries Reports

Russell Ito, from PIFSC, presented the 2015 Hawai'i-based longline logbook report, which includes boats from California and preliminary data that is submitted to regional fishery management organizations (RFMOs). In 2015, most of the fleet targeted bigeye. With the closure in August, many boats tied up. There were 142 Hawai'i-based longline vessels, one more than in 2014. There were 120 vessels setting gear deep to target tuna. Twenty-two vessels switched between targeting tuna and setting shallow for swordfish. No vessels fished for swordfish and set their gear shallow exclusively in 2015. There were over 1,500 fishing trips. Of these, 1,450 trips were directed towards tuna deep-set gear. Shallow-set effort has been decreasing from peaking in 2009 and 2010, down to 65 trips in 2015. The same pattern is seen in the number of sets. Of the 19,100 sets in 2015, deep sets accounted for 18,000 and shallow sets for 1,000.

The number of hooks set has increased since 2000, up to a record 49 million hooks. The predominant area of operation is on the high seas, with 34 million hooks set. The EEZ around the main Hawaiian Islands, which is more on a seasonal basis during the fall and winter months, accounted for 12 million hooks set. Effort was steady throughout the years. There were three million hooks set in the NWHI, with a decreasing trend from 2011. There was little effort in the PRIAs, mostly at Kingman Reef and Johnston and Palmyra Atolls.

The number of fish caught in 2015 was at a record high with 231,000 bigeye tuna, despite boats being tied up for two months while the attribution could be worked out. Among other tuna species, yellowfin catch increased by 60 percent. Albacore catch was about 10,000 fish.

The CPUE per thousand hooks for bigeye tuna, the primary target species, shows a seasonal variation early in the time series. As the time series progressed, there is much less

variability.¹⁰ In the latter half of 2014 through 2015 CPUE was 40 percent higher than seen in the previous years. Ito opined the high CPUE contributed to the high catch of bigeye in 2014.

The swordfish catch was similar to 2014, at 20,000 fish. The CPUE for swordfish in 2015 was relatively high in the first two quarters, which is the peak season, and extremely low in the latter part of the year.

Striped marlin was the dominant component of the longline marlin catch. In 2015 the highest component of the marlin catch was spearfish at 18,000 fish. Striped marlin accounted for 15,000 fish, and a record 8,000 blue marlin were caught by the longline fishery.

Another category in the longline fishery is the other Pelagic Management Unit Species (MUS). One major species is mahimahi, at 60,000 fish in 2015. Deeper pelagic species included a record catch of 97,000 pomfrets; 30,000 moonfish; and 31,000 oil fish. There was also a record 25,000 wahoo catches by the longline fishery. Longline catch of blue sharks totaled 78,000 fish last year. No fish were retained. Other shark species caught included 15,000 threshers; 8,000 mako; and 3,000 other shark species. Only mako sharks were retained.

Recent developments in 2016 include new boats entering the fishery. Deep-set boats are operating out of California. As a whole, the longline fleet is mostly targeting tuna and setting gear deep. There is less interest in shallow-set longline fishing. There is ongoing concern regarding the WCPO and EPO bigeye tuna quotas being reached again. Fish prices seemed low, and fuel prices are still low.

Discussion

Rice asked if the fishery is targeting less albacore are being targeted. He noted the albacore catch has been steady off the Big Island.

Ito surmised it is more of where the fishery's effort is. Albacore are typically caught in the south; the longline fleet tends to fish north where the weather is cold and the quality of the fish is better. Ito thought the albacore catches are not increasing because of the area of operation.

Rice noted interest in seeing the report for 2016 with less influence from El Nino.

Ito said there have been issues with logbook data and species identification. The record catch of blue marlin is real because it was not a record year of striped marlin, which is commonly misidentified as blue marlin.

Goto said the catch in 2016 is similar to 2015. The volume is not at the record pace it was, but it is still steady. It seemed to him this may be the norm going forward, and not much more effort is being put out. The CPUE seems to be sky rocketing, and the fish are big. There is no large juvenile fish. If the fishery continues in a similar way, more emphasis should be put on the ability to fish with international quota and Territory arrangements. It is more vital now than it ever was. Seeing record catches of pomfret, monchong, opah and ono is not going to be an economic gain. In 2015, the price was low. Everyone is a bit more prepared. The market has stabilized despite a large volume of fish coming to market. The catch is not going to waste. It is purely satisfying a domestic market demand. The demand is not going away. What is going away

is the inability to go fishing based on quota. Goto reiterated this might be the beginning of a natural progression of a high volume fishery. The fishery is efficient. They will not lose money if the fishery can satisfy a market that is demanding the product. The fishery needs to be evolving and cannot sustain another break in the market or the product flow.

Keith Bigelow, PIFSC, presented the American Samoa 2015 longline fishery report, with the focus on the three dominant tuna species, bigeye, yellowfin and albacore. In 2015, 20 vessels were active in the American Samoa-based fishery, three less than in 2014. The number may be preliminary because the trips were relatively long in American Samoa and the report may not include all of the log sheet data. The number of trips was the same as in 2014, at 197 trips. The number of hooks set was at over seven million, with the record set in 2007 at 17 million hooks. The 60 percent decline in longline effort is due in large part to vessels leaving the fishery.

Typically, the vessels fished inside the EEZ and outside the EEZ. In 2015, about 150 hooks were deployed outside the EEZ, or 2 percent of the total effort. Almost all of the effort was within the EEZ.

About 94,000 albacore, the target species, were caught, up from 81,000 in 2014. CPUE was 12.8 albacore per thousand hooks, an improvement over the two previous years. There were 19,000 yellowfin caught, the most abundant species. The CPUE was slightly higher, at about 2.7 fish per thousand hooks. The third most abundant species, skipjack tuna, which is characterized by high seasonal variability, declined from 19,000 fish caught in 2014 to 13,000 fish caught in 2015. Skipjack CPUE declined to 1.9 per thousand hooks.

Bigelow noted that CPUE has increased by more than 25 percent for blue shark and oil fish, which is relatively meaningless to the fleet because the species are not landed and have no economic value. Skipjack, mahimahi and blue marlin CPUE have declined by 25 percent, which may be due to the Council amendment requiring deployment of longline gear deeper than 100 meters to reduce sea turtle interactions. It may also cause the decline in skipjack, mahimahi and blue marlin as these species are upper water column fishes.

B. Eastern Pacific Ocean Bigeye Tuna Quota

Dalzell presented the Council information reiterating the importance of the EPO to the Hawai'i longline fishery. In 2016, the IATTC Tuna Conservation Resolution C13-01 is up for renewal. The resolution provides an opportunity for the Council to offer modification to the longline quota for bigeye in the EPO. The total catch of bigeye tuna in the EPO reached its peak around 2001 and then began a decline. Purse seine-caught bigeye catch was small until the early 1990s and then increased and has remained at a steady level. The longline catch has fluctuated.

IATTC specified longline catch limits collectively amount to about 54,000 mt of bigeye, of which just over 34,356 mt or 63 percent was caught in 2014 by the four Asian longline fleets, China, Japan, Korea and Chinese Taipei. The US fleet is subject to a limit only on boats greater than 24 meters of 500 mt, which is 20 percent of the fleet. Japan has been fishing well under its quota of 32,000 mt. Korea is fishing close to its quota. Chinese Taipei is still under its quota. China has exceeded its 2,500-mt quota, which is due to transfers of catch from Japan to China. The Chinese fleet is growing and is increasing its catch. Collectively, the Asian fleets caught 63

percent of their quotas, 35,600 mt of the 54,000-mt allocation. The catches since 2005 in the EPO have increased exponentially.

The US longline fishery closed in late August 2015. If a vessel did not have an American Samoa and Hawai'i dual permit, it was unable to continue to fish in the WCPO.

There is an opportunity for possible modification of the allocation of the US quota, as the distant-water fishing nations are not catching to the limit of their allocation.

The Kobe Plot depicted that the Eastern Pacific bigeye stock is not subject to overfishing and is not overfished. The IATTC tends to manage the stock towards maximum sustainable yield (MSY). The health of the stock is quite good.

One potential option would be to increase the US longline bigeye quota in the EPO for large vessels. Under the proposal, the current measure would remain as it is with a specific quota for large vessels, but the United States would promote a larger quota recognizing that the US fishery is more dependent on the EPO.

Alternatively, for all US vessels combined, the United States could seek to amend the current measure to set a single US quota in the EPO. However, it would have to be larger than the current 500-mt limit for large vessels, possibly 5,000 mt.

Another alternative is transferrable quotas. The United States could retain national quotas as in the current measure but allow unlimited transferability of quotas among members with hard limits. Under this approach, the United States would support maintaining the current hard limits for members and would seek partnerships with other nations not using their quotas such that US vessels could continue to fish against those quotas. Alternatively, the national quotas could be retained but limited transferability among members would be allowed. The United States would seek to establish a partnership under which some portion of a limit would be available to US vessels.

The IATTC could establish a total allowable catch (TAC) of bigeye for longline fleets in EPO and set a TAC for the year equal to the current cumulative limit for fleets with limits, with closure if the TAC is reached. If the limit were equal to the total of the current limits, then there would be room for the United States to expand its catch.

Another potential option is the United States could propose that the IATTC set national or fleet catch limits only for tropical zone in the EPO. Limits would be assigned to member nations for fishing in tropical waters, but fishing outside tropical waters would not be limited.

Alternatively, the United States could propose a cumulative TAC for all longline fleets in the tropical EPO zone, with no limit outside the tropical zone. Fishing in the tropical zone would be limited to a cumulative catch level but fishing outside the tropical zone would not be limited either by nation or as a cumulative catch limit.

Council action is to recommend to the US Delegation to the IATTC which measures should be pursued to achieve a larger bigeye catch limit for US longline fleet in the context of a plan that does not increase total exploitation pressure on EPO bigeye.

Discussion

Simonds asked if there is information on the other countries' catch similar to the US catch, such as total catches of the boats more than and less than 24 meters long.

Dalzell replied in the negative. The information was requested, but the requirements for the countries are to report the combined catch of species by the different fleets. The countries do not break the information by size of vessel.

Simonds asked if there is a way to make a recommendation to ask that the other countries provide their information in a consistent form.

Dalzell said an IATTC resolution requiring the countries to do so is necessary before other countries would provide their data in a consistent form.

Simonds said such a recommendation should be communicated to the US Delegation to pursue at the upcoming meeting.

Dalzell agreed.

Rice expressed concern about hitting the quota again in 2016. The Council should start considering how that can be avoided. He also advocated for the Council amendment regarding review of the turtle mitigation in the American Samoa longline industry and consideration if a buyout is feasible.

Simonds asked how the process works regarding the WCPFC quota being met by June 2016.

Tosatto said there is an international obligation to have a quota for 2016 at the same level as 2015, less any overage from 2014. PIFSC is still determining the 2015 catch and how it may or may not affect the 2016 quota. When the determination is made, a proposed rule will be put out, comment will be taken and a final rule will establish the quota, which will provide the ability to close the fishery when the quota is met. The side issue is that the US fishery has exceeded a re-initiation trigger. The fishery must continue to comply with the ESA. Consultation will be reinitiated. The rule would be put in place for use should the quota be met. Connected to that is what Amendment 7 did to allow under the FEP to make a specification of a territorial quota and allocation for arrangements. With the associated development of the package would be ESA coverage, as well as NEPA coverage, to be able to make the decision. Last year's rule was of a multi-year nature. After the quota was put out for the longline fishery, a package will be developed, the proposed specification will be issued and then the final specification to allow the Territory quotas and attribution. There is a similar amount of uncertainty on when the rules will be out and whether it will be in advance of this year's fishery.

Goto said that it could not be emphasized enough the need to avoid what happened in 2015. The WCPO and EPO are essential to the stabilizing the US longline fleet operations in the Pacific.

C. Overfishing of Eastern Pacific Ocean Swordfish (Action Item)

Dalzell presented potential options for the Council to consider in deliberating overfishing of swordfish in the EPO. On June 18, 2015, NMFS determined that the Eastern Pacific swordfish stock is subject to overfishing. The Western Pacific Council was informed that it must take appropriate action to address overfishing of this stock pursuant to MSA Section 304(i). The stock structure for swordfish in the North Pacific Ocean indicates separate stocks in the WCPO and in the EPO. Almost all of the EPO is subject to overfishing.

In addition to domestic management efforts by the Western Pacific and Pacific Fishery Management Councils, the WCPO northern stock of swordfish is co-managed by the WCPFC and IATTC. The WCPFC has authority over fisheries operating north of the Equator and west of 150° W longitude. The IATTC has authority for fisheries operating in an area east of 150° W longitude in the area bounded by 50° N latitude, 50° South latitude and the coast of the Americas. The boundary of the EPO stock is almost entirely within the IATTC Convention Area, except for a small area extending from the equator to approximately 5° N latitude and between 150° and 170° W longitude, encompassing a portion of the US EEZ around the unincorporated islands of Palmyra Atoll and Kingman Reef, south of the Hawaiian Islands.

The majority of catch of the EPO stock of swordfish is taken by longline fishing vessels from Japan, Spain, China, Korea and Taiwan, which together accounted for more than 9,200 mt of the total 9,910-mt harvest in the EPO in 2012. Based on Hawai'i longline logbook records, the 2012 catch of EPO swordfish by the United States was 4.0 mt or 0.04% of the catch total.

The stock is not in any danger of crashing in the near future. The condition of the stock is not bad. The biomass ratio in 1951 and in 2012 is practically identical. There is a buffer under the MSA rules and a minimum stock-size. There is no buffer for fishing mortality. It is either above or not above. If it is above, it triggers action.

One potential Council action for the domestic fishery is to continue to monitor the incidental catch of EPO swordfish by the Hawai'i deep-set longline fishery and for NMFS to report the catch annually to the Council. The second option is to prohibit the retention of EPO swordfish caught incidentally by the Hawai'i deep-set longline fishery and continue to monitor catches for compliance. The Council could opt for a non-retention policy for EPO swordfish, but this would merely be a symbolic gesture with no net conservation gain for the stock.

An international option is to recommend that the US Delegation to the IATTC put forward a recommendation that the IATTC reduce fishing mortality on the North Pacific EPO stock by 10 percent to bring the stock back. There would be no overfishing, which would satisfy the MSA.

Discussion

Goto noted that with the EPO swordfish is incidental and not targeted catch. There is an economic value in swordfish. It seems like a large waste not retaining incidental catch when there is potentially a huge market value for it. There is a demand for the incidental catch, and should there be increased effort in the east the economic viability of being able to retain any

incidental catch is important to maximizing what the vessel is trying to do. It is a small portion of the catch.

Rice said it sounds like the fishery is a small player at .04 percent. The other nations need to step up to account for the 10-percent reduction.

Goto said it is not like the Hawai'i-based US longline vessels are trying to go east when they do not have to. Currently, they are fishing in the west because the fish are in the west. It is a shorter trip so they can bring back fresher fish. It is a win-win for everybody not to have to go to the EPO. The EPO is sometimes where the fish migrate. It is a matter of a highly migratory species. It is one of the MSA standards to optimize the catch. With the minimal impact that the US longline fleet has and the high value that they retain when they do land this species, consideration should be given to allowed retention of the catch.

Fred Tucher, NOAA GC, expressed concerns about that the alternatives presented do not address the legal standard for any Council action because the impact on the swordfish stock is primarily the result of overfishing. The MSA in Section 304(i) requires that the appropriate Council develop regulations for domestic regulations to address the relative impact of fishing vessels of the US on the stock and then submit those regulations for consideration. Option 2, prohibiting the retention of EPO swordfish, goes beyond what MSA would require the Council to do, because that would be an absolute prohibition on any retention, and that goes beyond the relative impact or the relative contribution of the fishery on that particular resource. The Council can conclude that there would be no benefit of prohibiting all retention because it is such a small amount. In the overall scheme, it is not going to help the conservation of the stock. However, even doing that would really go beyond what MSA requires this Council to do.

Goto asked if the GC had any suggestions on where the middle ground would be.

Tucher said, other than to state that the Council is required to follow the legal standard, the relative impact that the Council could conclude is that any restriction would not have an appreciable impact on stock recovery or would not address the relative impact of the fishery because its contribution to mortality is so low. Alternatively, it could come to some kind of proportion or fraction. The Council must apply the proper legal standard that is required under the MSA. He did not see an alternative that addressed that MSA standard.

Dalzell said it was mentioned in the third bullet.

Tucher agreed, adding that it was only to address the relative impact.

Simonds asked if the second option should not be considered.

Tucher said the second option goes beyond the requirements of the MSA.

Simonds said it should be deleted.

Goto said the issue will be taken into consideration going forward.

D. Report on Hawai'i Longline Vessel and Observer Electronic Reporting

Kingma presented information on the longline vessel and observer electronic technology implementation. The topic stems from a project that the Council initiated with grant funding in 2014. The Council was interested in equipping and providing electronic reporting technology to the Hawai'i longline fleet. In doing so, it required an improvement in the fleet's VMS units to be able to send electronic reports of a logbook transmitted via satellite.

In conducting this project, additional grant funding was received from PIFSC, NOAA OLE and the PIRO Regional Observer Program. The combined funds were used to equip the entire fleet with new VMS units that are capable of E-reporting with Bluetooth tablets and to provide the Observer Program with independent tablets that were able to transmit electronic logbook information via satellite, as well.

The Council's Fishery Management Plans (FMPs) were amended in 2006 into FEPs, which were implemented in 2007. All of the fisheries authorized under the FEPs have the option to submit electronic logbook data. Currently, it is optional and not mandatory. The electronic reporting saves time for both NMFS and fishermen, reduces duplication, improves data quality and reduces some time savings to submit more accurate data.

In late 2014, NMFS issued a policy directive that highlighted the importance of electronic reporting and monitoring and video observer monitoring going forward in US fisheries. It required the regions to develop an Electronic Technologies Implementation Plan, which the Council staff assisted the region in doing. It was recognized that electronic reporting technology is the future.

Bigelow reported that via an executive order in 2014, each region was responsible to develop an Electronic Reporting and Electronic Monitoring Implementation Plan, which was done by the Council, PIRO and PIFSC. In the plan, there are 30 fisheries under Council's jurisdiction or under Council and State of Hawai'i joint jurisdiction. Each of the 30 fisheries was evaluated for the applicability of electronic reporting and electronic monitoring. The vast majority of the fisheries are not applicable due to low or nonexistent participation in those fisheries.

In 2007, the fishers had the ability to submit other electronic collection of information. There has been electronic monitoring since August of 2001 with replacement of the VMS units on all Hawai'i- and American Samoa-based longline vessels. Electronic reporting objectives at the time were to improve the timeliness of data availability, improve the quality of relevant fishery data and monitor catch in relation to IATTC and WCPFC limits. The process consists of information being sent from a tablet on the vessel via Bluetooth to the VMS. VMS then sends the data to the satellite and from there to PIFSC's secure server. CLS America is the contractor. It developed the software in the last 16 months and rolled it out to the industry in June 2015. The rollout was not that accessible because some of the software malfunctioned at sea, some of the forms were not sent and some of the data was lost. The fishermen are still filling out their paper log sheets. No data was lost, but the proof of concept was not done. The tablets were recalled for additional software modifications.

In 2016, there was additional money from NMFS Science and Technology. The tablets will be redeployed on several of the vessels to continue the beta testing in the near future. CLS has made some of the software modifications.

Improvements are needed at NOAA Information Technology and Data Security. It is not personal identifiable information, but it is business identifiable information and the software needs to encrypt the data from the point of source on the tablet and un-encrypted at PIFSC. One-on-one demonstrations with the fishermen will be held at Pier 38 in the near future.

In June 2015, cameras were deployed on more than 100 of the Atlantic highly migratory species longline vessels to quantify the bluefin tuna bycatch. A similar project is anticipated in the Western Pacific Region when funding is obtained for three vessels.

In 2009, there was a camera electronic monitoring camera study on three longline vessels. In general, the cameras could quantify the kept catch very similar to the at-sea observer. There was bias in the discards from the cameras. The discards were bias-low compared to observer estimates. It also did well in estimating protected species interactions.

The project is to launch the same project in September 2016. There is improved resolution on cameras, as well as better camera placements to be able to adequately quantify the catch and bycatch. Observer coverage at 100 percent in the fishery is not necessary for statistical information of bycatch when cameras may be used in lieu of 100 percent observer coverage.

Josh Lee, PIRO Observer Program, reported that in late 2013 there was an initiative to give the Observer Program an opportunity to work alongside OLE with the VMS replacement, electronic logbook and CLS America. In September 2014, the Observer Program formed a working group. Three broadly scoped objectives that came out of that working group, to improve the quality of the data and the timeliness of the data, to develop a mobile application for observer data collection and to explore creative ways to reduce program expenses. Mini-observer training was held and reviewed what observers do on the vessels concerning collecting data and their methodologies to provide a better understanding on what was needed to develop for the project. Out of that workshop came various specifications and requirements.

In April and 2015, the project plan was developed. The development mimicked agile software development methodology. The software would be tested and offer feedback and the process repeated until there was a viable project. In September 2015, in-house testing began with the developers. Two units are currently checked out with observers who are out to sea.

It is the same as the electronic logbook. Observers collect data and Bluetooth it to their VMS, which is separate from the vessel VMS. The observers' VMS are in Pelican cases and carried onto the vessels. The data are secured or will be secured. Iridium satellites pick up the data and send them to the processing center. CLS conveys the data. The data is unlocked and goes into the program workspace called PIROPS. The data is vetted and moves on to the end users.

The objectives of the beta cycles, which will take four months, are to improve the quality of the system, collect and analyze the feedback from the users to improve the system usefulness and to continue the outreach to program stakeholders. The last two objectives, redefine the flow

of data management workflow to optimize the system and ensure production release readiness for program-wide implementation.

Discussion

Goto asked for more information regarding the tentative timetable.

Lee said, if funding is received and the statements of work developed for the contractor, beta testing could start in May. There are six units ready to go for preliminary beta testing with uses in three cycles, four months each, with the goal to have a release candidate software ready for production at the end of 2016.

Simonds noted that, at the 122nd SSC meeting, McCracken presented information that observer data from 2014 have not been cleared for use in statistical analysis. There was only 10 percent coverage until the end of 2015. It makes it very difficult for any analysis.

Tosatto said the agency recognizes ongoing issues with the operational flow through the year. He would not offer support nor detract from statements made by McCracken during her presentation to the SSC. There are issues maintaining the confidence interval as small as it can be. PIRO continues to work with PIFSC and, if what is designed is inefficient, to develop a more efficient process. There is a reasonably rigorous validation process going forward, and work goes on every day to make it as timely a process as possible. It is a valuable process and is being done as timely as possible. Efforts are ongoing to improve the timing.

Simonds said it was unusual because the data are received in a timely manner, but it has been over a year. Simonds asked what issues cause the lag of the data being cleared for analysis.

Tosatto said currently they are short three debriefing staff.

John Kelly, PIRO Observer Program, outlined the current process. The program is handicapped because of staffing issues as well as other issues going on with PIRO PRD. The debriefing process to pass the data on for analysis has slowed down tremendously. Funds are needed to hire more staff but are not available. Efforts are ongoing to mitigate different ways of bringing more staff on in temporary positions, as well as refilling vacant positions. The process has been laborious and frustrating because of the current government hiring practices. It is taking so long to get people hired that it is beginning to affect everyone. There is very little that can be done to push the data through the system any faster. The staff and the program have always worked toward providing the best data available to the end users. Currently the data is sitting in the office waiting to be reviewed and analyzed.

Simonds noted her understanding with the government hiring practices. It is a scary situation in that the problem is continuing. It is now 2016, and 2014 and 2015 data is still not available. Simonds asked if it would be helpful if the Council looked at reducing the observer coverage to 20 percent or less for the swordfish fishery. There are not as many swordfish boats fishing as there were before. The Council has looked into reducing observer coverage because 100 percent observer coverage is not necessary. The Council has discussed and could recommend an option to reduce observer coverage in the swordfish fishery.

Kelly said whatever roads can be taken would be appreciated. Looking long term, once electronic reporting moves forward, things are going to happen a lot faster because there would be no longer the time taken to receive the data from the vessel. At the end of every haul back, the observer would forward the data, which means, by the time the boat gets in, the data would have been reviewed, vetted and moved on into the hands of the users.

E. International Work Program

Kingma presented information on the 2016 International Work Plan that outlined Council priorities concerning policy development, impact analyses and research recommendations. The plan also serves as a guide for Council and Council staff to work with or consult with PIRO, PIFSC, the WCPFC Secretariat, the SPC and other members of the WCPFC countries.

The plan's focus is on highly migratory species. The Council's conservation and management priorities include spatially explicit management options for the WCPO and EPO longline fisheries, increased catch limits and alternative management options for the US Hawai'i longline fishery in the EPO. Stricter management controls, such as catch limits in the South Pacific albacore fishery, capacity measurements for purse-seine and longline fisheries in WCPO, stricter controls on high seas longline transshipment and reductions in the incidental catch of juvenile bigeye and yellowfin in the purse-seine fishery are also included.

Other issues of concern highlighted by staff included maintained ability of US longline vessels to access US Participating Territory catch or effort limits; impacts of WCPFC measures and South Pacific Tuna Treaty negotiations on US purse-seine fleet and potential effects to American Samoa; ensuring that the WCPFC promotes an even playing field among members concerning compliance monitoring and enforcement; and the need for increased transparency in the WCPFC Compliance Monitoring Scheme including a greater role for Secretariat and independent auditing. Additional issues of concern were in regards to resolving the impasse on the efforts to avoid a disproportionate conservation burden on Small Island Developing States (SIDS) and Territories and to fully utilizing the Permanent Advisory Committee (PAC) to provide advice and recommendations to the US WCPFC commissioners.

The work plan also identified issues associated with the next phase of the Tropical Tuna Measure. The measure extends to 2017. The Commission will need to adopt a new measure after 2017. Council priorities for the measure include FAD management options, FAD tracking and data collection, yellowfin management options, purse-seine and longline capacity metrics, spatial longline management, operational data provision and research.

The Council made efforts to gather support from other members of the Commission and the United States to support a Tropical Tuna Work Plan in time for the December meeting. It was determined there was not enough time to do so. Kingma stressed the importance of working on the issues in preparation for the upcoming meetings. The plan also included a timeline of various meetings of the Council, as well as the WCPFC meeting schedule. FFA meetings were included because in the past the Council supported representation by US Territories at meetings as they gain a better understanding of the regional issues and enables their participate in sub-regional agreements.

Discussion

Goto said there are many issues the Council should be aware of and concerned about considering the scope of the Commission and how little is being acted upon.

Simonds stressed the importance of having a plan. It affects the Council's most important fishery. The Council needs to pay more attention to the situation. With a new chair, the PAC will begin early preparation. The Council intends to begin making phone calls in May, as well as other efforts. The Council staff is considering continuing its series of meetings with the industry, the FFA, Federated States of Micronesia and the Marshall Islands to discuss next steps.

F. International Fisheries Meetings

1. Western and Central Pacific Fisheries Commission 12 Meeting Report

Kingma reported that the WCPFC regular session was held in Bali in December. As background, the Council coordinated two international workshops in 2015 focusing on purse-seine bigeye tuna impacts and management options. The SSC made recommendations regarding spatial management of the longline fishery to the US PAC. The US WCPFC Commissioners made recommendations on several issues. The Council adopted PAC and SCC recommendations and forwarded them to the US government for consideration. The United States submitted proposals related to the list of obligations to assess during the Compliance Monitoring Scheme process and revisions to VMS standards.

There was a proposal to revise the existing tropical tuna measure that was introduced by the Parties to the Nauru Agreement countries. They proposed a suite of measures collectively as a package. The Council was supportive of some of the items that were identified through the workshop process, such as the banning of predawn sets during the FAD closure, prohibiting FAD deployment by tender vessels and observer coverage on those vessels. The package also included high seas longline closure during the FAD closure period. That proposal identified the vessels as the large-scale freezer vessels that do not land in ports of Pacific Island countries or their flag nation. It would not apply to Hawai'i longline vessels in this proposal. Other measures were to ban high seas transshipment and higher rates of observer coverage. It did not happen. A small working group was formed that met during the course of the week. The negotiation on the measure did not happen across the floor. It was in a small room. Members failed to reach consensus. The existing measure was rolled over in 2016 and expires in 2017.

The 2016 measures include both purse-seine and longline fisheries, as well as some provisions for other fisheries. The purse-seine fisheries are in 2016 subject to a four-month FAD closure or a three-month closure and a FAD set limit, as well as high seas effort limits for non-SIDS and EEZ-based effort limits. A 2017 high seas FAD closure is scheduled with an exemption provided to Kiribati.

Longline limits are the same as 2015 with scheduled reductions in 2017. The current measure was rolled over. The Commission also adopted a target reference point for skipjack that is in support of the harvest strategy process that the Commission also adopted. There was agreement on an initial target reference point of 50 percent spawning biomass ratio. It supported resource sustainability, economic goals and other factors.

Leading up to the December Commission meeting, the Council requested the US government to work on a proposal for spatial management. The Council was advocating that the United States garner support from other member nations to get adoption by the Commission. It did not happen. The head of the delegation was able to get in a few statements on spatial management, as well as the US interest in having the scientific services provider conduct an evaluation for the 2016 Science Committee meeting and also investigate purse-seine vessel dynamic. Ten percent of all purse-seine vessels are responsible for 30 percent of the total bigeye catch. The statement was made on the last day at the last minute and the Commission did not adopt this issue. Currently, the science provider has no charge by the Commission or members to do the evaluations.

The United States statement on Tropical Tunas included the following:

- The Commission should consider spatial management approaches for longline fisheries and direct the scientific services provider to conduct an evaluation, particularly with respect to the status of the bigeye tuna stock, for review by Science Committee 12, of a variety of spatial management options.
- Scientific services provider be directed to further investigate individual purse-seine vessel dynamics and operational characteristics with respect to catches of bigeye tuna. It was expected that such investigations would complement the work presented at Scientific Committee 11, which showed that about 10 percent of all purse seine vessels are responsible for approximately 30 percent of the total bigeye purse seine catch.
- To support improvement of the tropical tuna measure as a whole, the United States also requested that the scientific services provider be directed to prepare, as it has done for past meetings, tables of the expected consequences of various combinations of FAD set limits and longline bigeye catch limits.
- The information should include, for each scenario, measures of the relative fishery impact of the two sectors, including how their respective impacts change over time as the bigeye tuna stock rebuilds.

The United States opined that this would help the Commission choose a combination of measures that not only achieves the objective but also does so in a fair manner.

The Commission did not take any stronger measure for the South Pacific albacore. It did require the submission of species catch data by vessel and by year from that data range or the period of 2006 to 2014. There was a proposal for a target reference point for the stock, to support biomass that would yield good economic yields, which was not adopted. There was opposition from foreign fleets, like China and Chinese Taipei, which are heavily subsidized. There was no consensus on the Take Reduction Plan.

An independent panel will review the Compliance Monitoring Scheme process at the end of 2017.

Regarding seabirds, the Commission adopted Japan's proposal to allow small longline vessels to use an alternative, streamer-less, tori line design, as well as a provision to review efficacy of the alternative line design within three years.

Regarding sharks, the European Union (EU) proposed a measure to require fins attached and to remove the 5 percent fin-to-carcass ratio. There was quite a bit of opposition to the proposal, mostly from Asian countries. It was not adopted.

The Commission budget was adopted at \$7.7 million. The United States contributes \$1.1 million. Paul Callaghan, SSC chair emeritus, was re-appointed the co-chair for another two years.

The cycle of the WCPFC meetings going forward begins with the Science Committee in August, followed by the Northern Committee and Technical and Compliance Committee (TCC). There is an additional FAD working group meeting in 2016 after the TCC meeting. The PAC meeting will be held in October. The December WCPFC 13 will be held in Fiji.

Discussion

Rice reiterated the importance for the Council to be prepared for 2017 when the new tuna measures will be addressed in efforts to avoid the situation that exists today.

Kingma said the United States has been reaching the quota, having the 2015 quota reduced by 50 mt for the overage in 2014. The Hawai'i longline fishery has been accessing US Territorial limits, consistent with the existing Tropical Tuna Measure and consistent with other measures associated with the special requirements of SIDS and Territories. It is consistent with what the Commission has adopted. The Council needs to pay close attention to how the Hawai'i longline fishery and the US longline bigeye limits going forward are identified in the measure. A new measure related to spatial management or options other than strict limits based on some historical baseline level would be desirable.

Ebisui said the United States is the only member to take actions to monitor and address its quota. Other countries do not reach their quota, but get their quotas increased.

Tosatto said the Asian nations are trading for quota in the east. They are hitting their quota. China is an expanding fishery. Some of the Asian countries are staying under the quotas because those quotas are based on long-ago history when they had greater effort and catch levels in the area. It would not be an easy negotiation. Adjusting quotas in the east and west is something that the United States needs to be interested in doing, to establish quotas based on the realities of today, not the histories of yesterday. The United States would have to overcome the mindset that countries have rights to those historical amounts. China is trading for Japan's quota with no transparency in that trading. Getting transparency into trading in the east is a viable option, and then getting a trading regime in the west to allow the United States into trade with those partnership countries. The United States is taking the view that the measure expires in 2017. The United States cannot ignore the 2016 meeting and needs to be prepared proposals and be ready to react to proposals that others are making.

Goto agreed with Tosatto's statements. The Council cannot dwell on the history of the past when it comes to the future of the fishery. This may be the new norm, and the fishery cannot survive under the current measure. The MSA has to be reauthorized and only the US fisheries are trying to keep up with the changes. Internationally, the fishery is still stuck in the turn of the century, the turn of the millennium. It is important that the Council recognizes the situation and takes steps because it cannot keep on going on in the same trajectory that it has been.

Brakke recalled at last year's meeting the Commission approve development of a five-year strategic plan with some budget allocated to that for 2016. They may consider convening a one-day meeting in advance of the TCC to discuss those drafts that will be in development over the course of the year. There is supposed to be a draft for the Commission review of that strategic plan at WCPFC13. That process is supposed to launch in April. Those strategic plans are administrative exercises and often ignored. It is an important opportunity to provide input and think a bit more long term, insofar as that plan is used to set priorities and agendas going forward in the WCPFC.

2. IATTC Antigua Convention

Dalzell reported that the implementing legislation for the Antigua Convention was included in the IUU Enforcement Act of 2015. The Antigua Convention brings forth consistency with United Nation's Law of the Sea Convention (UNCLOS) and the United Nations Fish Stock Agreement. None of the Pacific Councils were provided with an IATTC Commissioner's seat, unlike in the WCPFC implementing legislation where the commissioners included the Western Pacific and the Pacific Council chairs. It does raise the language about who the President shall select for IATTC Commissioners, candidates that are experienced with highly migratory species in the Eastern Pacific, one of whom shall be an employee of the Department of Commerce. The chairs of the Advisory Panels for the Pacific and Western Pacific Councils shall be ex-officio members of the General Advisory Committee (GAC) by virtue of their positions in those Councils.

The next GAC and Scientific Subcommittee meeting will be in late May, which will be followed by the plenary of the IATTC in La Jolla between June 27 and July 1, 2016. Attempts will be made on action items such as the increasing or modifying the bigeye quota and a data provision from other countries with respect to how they parse out their data between large and small vessels.

Discussion

Simonds noted that Dave Itano and John Hall have applied to be on the GAC. She asked when the appointments are due to be announced.

Brakke said he did not know. The implementing legislation and responsibility for the GAC was transferred from the State Department to the Department of Commerce, which is the lead on that process.

Tosatto said the IATTC leadership within Commerce comes from the West Coast Region. He will follow up to get the timeline for Simonds. The Scientific Advisory Committee

and GAC memberships, as well as the nominations for Commissioners led by the Commerce Department, are coordinated with the State Department.

G. Advisory Group Report and Recommendations

1. Advisory Panels

Judith Guthertz presented the Hawai‘i AP recommendations regarding pelagic and international fisheries as follows:

Regarding EPO swordfish overfishing, the Hawai‘i AP agreed that the Hawai‘i fishery is not the problem in the fishery and recommended Option 1, continue to monitor the incidental catch of EPO swordfish by the Hawai‘i deep-set longline fishery and for NMFS to report this catch annually to the Council.

Regarding pelagic fisheries, the Hawai‘i AP recommended the Council request the WCPFC provide for more of a regional approach to assessments and quotas. Further, the AP recommended the Council support further pelagic fishery research, including, but not limited to, active satellite tagging to support this regional approach.

Lutu-Sanchez presented the American Samoa AP recommendations regarding pelagic and international fisheries as follows:

Regarding American Samoa pelagic fishery issues, the American Samoa AP recommended the Council request the American Samoa government make known the planned funding source that will be utilized for the construction of the future longline dock and provide a timeframe to complete the project.

Regarding American Samoa pelagic fishery issues, the American Samoa AP recommended the Council request the results of the NMFS economic study on the US purse-seine fleet commissioned last year specifically in correlation with the request to exempt American Samoa-based purse seiners from certain high seas fishing restrictions.

Regarding the American Samoa fishery issues, the American Samoa AP recommended the Council request NMFS to streamline regulations for the US fleet to adhere to IATTC rules in the overlap area.

Regarding the American Samoa fishery issues, the American Samoa AP recommended the Council request information from the US Trade Representative on discussions and plans held to prevent negative impact of recently signed free trade agreements to the domestic tuna canning industry and subsequently the economy of American Samoa.

2. Scientific and Statistical Committee

Daxbock presented the SSC recommendations regarding the Pelagic and International Fisheries as follows:

Regarding the Hawai‘i and American Samoa longline fishery reports, the SSC requested that PIFSC provide pelagic catch rates and other fishery statistics for the newly opened sections of the American Samoa LVPA.

Regarding the EPO bigeye tuna quota, the SSC suggested that if the United States requests an increase in its catch limit, then it should do so in the context of a plan that does not increase total exploitation pressure on EPO bigeye.

Regarding the EPO swordfish and overfishing, the SSC recommended continued monitoring of the incidental catch of swordfish in the EPO by the Hawai'i deep-set longline fishery. Non-retention of EPO swordfish is not warranted for the Hawai'i deep-set longline fishery due to its minor relative impact and because post-release mortality is unknown. Further, the SSC recommended for international management that the US Delegation to the IATTC put forward a proposal that the IATTC take action to limit catches of the EPO swordfish stock to no greater than 5,490 mt annually, the MSY for the stock.

Kingma commented on the issue of the IATTC and WCPFC overlap that Lutu-Sanchez presented as an AP recommendation. The Council staff understands that NMFS put out a proposed rule early in 2016 that stems from the agreement made between the IATTC and WCPFC over the overlap area. The agreement says member countries of both Commissions can apply either WCPFC or IATTC rules in that overlap area. In the proposed rule, NMFS indicated that for the overlap area they would require US vessels to adhere to WCPFC regulations, as well as the additional requirement that those vessels be on the IATTC list of authorized vessels. The AP recommendation was that US vessels that are fishing in the overlap area adhere to IATTC rules. Currently, the agreement is contrary to the US proposed rule.

H. Standing Committee Recommendations

Goto reported that the Standing Committee met Monday and discussed each of the agenda items. The Committee concurred with the AP and SSC recommendations. The Committee added the request for maps that showed fish catch and fishing effort from the Hawai'i longline fishery be provided by PIFSC. There was also a reiteration on the request for the US Delegation to request SPC to evaluate spatial management options to present to the upcoming Commission meetings.

I. Public Hearing

There were no public comments offered.

J. Council Discussion and Action

Regarding the US EPO longline bigeye tuna limit, **the Council directed staff to work with NMFS and IATTC scientific staff to evaluate the impacts of IATTC management options that could provide relief to the Hawai'i longline fishery while not resulting in bigeye overfishing in the future. Further, the Council recommended that the US delegation to the IATTC propose that reporting of catches by countries of bigeye tuna and other species be broken down by vessels greater than 24 meters and less than 24 meters in the same manner as the United States.**

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

Regarding North Pacific EPO Swordfish, the Council recommended continued logbook and Observer Program monitoring by NMFS of the incidental catch of swordfish in the EPO in the Hawai'i deep-set longline fishery and noted that any non-retention of EPO swordfish is not warranted for the Hawai'i deep-set longline fishery because a) fishing mortality is primarily the result of overfishing pressure at the international level; b) Hawai'i fishermen harvest an insignificant fraction of EPO swordfish; and c) non-retention would disadvantage Hawai'i fishermen while providing negligible conservation benefits.

Further, in regards to international management, the Council recommended that the US Delegation to the IATTC put forward a proposal that the IATTC take action to eliminate overfishing on this stock by reducing the fishing mortality on North Pacific EPO swordfish by at least 10 percent.

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

Regarding spatial management of longline fisheries, the Council recommended that the United States should request that longline spatial management options be evaluated by the SPC and to have the WCPFC Science Committee endorse this work program in 2016.

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

Goto asked if the issue would be revisited at a future Council meeting for the 2017 year or request of a review be added to the recommendation.

Kingma said the issue is important. If it does not occur by the SPC in 2016, the measure would be up in 2017. The Council is trying to get the work endorsed by the SSC in the current year to ensure its proper evaluation. If that fails to happen, the next step would be the United States directly provides funds through the Secretariat or the SPC to do the work.

Regarding reporting of the Hawai'i longline fishery, the Council requested that reports generated by NMFS PIFSC for the Hawai'i longline fishery include maps showing trends of catch and fishing effort over time because these would be useful for understanding spatial trends in the fishery.

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

Regarding the proposed longline vessel dock extension of the Malaloa Marina in American Samoa, the Council recommended the Council request the American Samoa government make known the planned funding source that will be utilized for the construction of the future longline dock and provide a time frame to complete the project.

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

*Regarding the NMFS economic analysis on the impact of US purse-seine effort limits on American Samoa, **the Council reiterated its recommendation that NMFS expedite this analysis and to make a determination so that an appropriate management decision is made on the attribution US purse-seine catch or effort.***

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

Simonds asked about the status of the economic analysis from PIRO.

Bob Harman, sitting in for Regional Administrator Tosatto, said he did not know but will report back to the Council.

*Regarding free trade agreements, **the Council directed staff to request information from the appropriate federal agencies on discussions and plans held to prevent negative impacts of recently signed free trade agreements to the domestic tuna canning industry and subsequently to the economy of American Samoa.***

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

*Regarding the American Samoa LVPA, **the Council requested that PIFSC provide pelagic catch rates and other fishery statistics for the newly opened sections of the American Samoa LVPA.***

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

*Regarding catch rates of Pelagic MUS in the American Samoa longline fishery, **the Council directed the Plan Team to review CPUE variability with regards to the implementation of turtle mitigation measures in this fishery.***

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

*Regarding the small vessel pelagic fisheries in Hawai'i, **the Council requested PIFSC to provide a report on the Hawai'i small-vessel tuna fisheries each year to compliment reporting on the longline fishery. Topics of interest would include the State DAR fishermen's reporting on pelagic catch by major species and gear categories and boat-based catch estimates of major species from Hawai'i Marine Recreational Fisheries Statistical Survey.***

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

Regarding the 2016 Amendment 7 specifications, the Council requested that PIRO not repeat the non-seamless administrative rule-making processes experienced in 2015 in relation to US WCPO bigeye limits and Amendment 7 specifications and, further, requested PIRO expedite the completion of the 2016 specification package including NEPA and ESA consistency determinations to reduce impacts on Hawai'i longline fishing vessels and Hawai'i seafood markets.

*Moved by Rice; seconded by Sword.
Motion passed, with abstention by Harman.*

Regarding observer coverage in the Hawai'i longline fishery, the Council directed staff to follow up on the analyses by NMFS PIFSC staff on observer levels in the Hawai'i shallow-set longline fishery to examine what level of observer coverage is required to provide an appropriate trigger relative to management under a hard cap scenario and develop this into a simple risk curve tool to advise management. The Council expects to take action in its June 2016 meeting to consider recommending a reduced level of observer coverage in the Hawai'i shallow-set longline fishery.

Further, the Council recommended that NMFS PIRO explore how more resources can be devoted to the quality control process to relieve the observer data bottleneck that slows down the provision of observer data for science and management. The Council also requested that NMFS identify what level of Hawai'i longline observer coverage would reduce data quality processing time lags.

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

X. Program Planning and Research

A. Committee of Independent Experts Review Reports

1. Integrated Data-Poor Stock Assessment Model

Council staff Marlowe Sabater presented a brief on the outcomes of the Committee of Independent Experts (CIE) review of the integrated data-poor stock assessment model. Steven Martell is undergoing a very rigorous scrutiny on the model that he developed for the Council on data-poor stocks. It is an A-structured model that uses random samples of FMSY (fishing mortality sustainable yield) and MSY to derive the initial biomass and steepness instead of using r and k . There is a shift from a biomass-based model to an age-structured model.

The objective of the review was to look at the CIE review of the Biomass-Augmented Catch-MSY developed by Pierre Kleiber, have Martell address the recommendations and then incorporate them into the data-poor stock assessment model. Then the model would be reviewed by the CIE for theoretical soundness, to comment on the model configuration and seek recommendations for further improvement.

In October 2015, the CIE Panel Review was conducted at the Council office. The Panel was made up of Robin Cook, Jose Oliveira and John Neilson. Martell and Council, PIRO and PIFSC staffs presented background information.

There were five Terms of Reference for the CIE review. The first was to review the assessment methods used and determine if they are reliable, properly applied and adequate and appropriate for the species, fisheries and available data. The second was to evaluate the implementation of the assessment methods and determine if the data are properly used, if choice of input parameters seemed reasonable, if models are appropriately specified and configured, and if assumptions are reasonable. The third and fourth terms of reference did not necessarily apply because the reviewers could not evaluate them by the terms of reference because it is not a final stock assessment. Once the model has been finalized, it will be subject to a Tier 2 review. The fifth term of reference was to suggest research priorities to improve on the model approach.

Some of the positive comments included that the theoretical basis is sound and, in principle, the approach is appropriate for the species and fisheries concerned. The model made use of a wider range of data. Greater realism but with added complexity was introduced by moving from a strictly biomass-based model to an age-based model. The model can accommodate length and age data to improve model performance and the free availability of R package on GitHub.

A sample of the negative comments by the panel included that it was too premature to assess whether the model is reliable and adequate for management purpose if it had not undergone extensive testing and simulations. The project was not aimed to immediately apply the method for management. The move from biomass-based to age-based increased realism outweighed the uncertainties on model parameters and key assumptions. The model may be highly sensitive to gear selectivity and more model development is required to determine the extent of the weaknesses identified in the first and second terms of reference. The model is also limited with the species-specific information because there is little information. The Bio-sampling Program conducted by PIFSC produces life history information.

The Panel ended up with a long list of recommendations. One recommendation was to test the model with real and simulated data. Also, compare performance of an age-structured model versus the Schaefer model with the same datasets. It suggested developing model diagnostics related to the maximum likelihood estimates of FMSY and MSY and investigating alternative ways of deriving MSY reference points. Another task was to investigate ways to relax dependence on exact catch so that errors have less influence to F and to improve in aggregating species. Another interesting recommendation was to convert the r package to an executable software, and include that in the stock assessment toolbox.

The next steps were set out for Martell to finalize the R-package, run the recommended tests and simulations, deliver the final package, and close the contract.

For the Council, further development included to conduct additional tests and simulations, run final version of the model with Western Pacific data and contract Ray Hilborn's student to do the work. Also, work with PIFSC to come up with a final sense of the priority species for assessment.

Staff noted that they are awaiting word from Martell after his leaving the International Pacific Halibut Commission to begin employment for a private bycatch company.

2. Kona Crab Stock Assessment

Boggs reported that the Kona crab stock assessment was conducted in 2011, which was contracted by the Council and presented to the SSC and Council. The assessment was done by Lennon Thomas, with assistance provided by the Council, PIFSC and OLE. The stock assessment was recently CIE-reviewed. The review concluded that, given the limitations of the data and using the commercial catch data from the State, it was a good assessment. The situation is complicated by the fact that there have been several changes in management over the years. In recent times, the data is for a different kind of fishery than it used to be since there have been no taking of females allowed since 2006.

Boggs said Kona crabs live in deep water and are fished in deep water areas more than two miles from shore with habitat in the 200-meter area. The CIE concluded that based on the results of the production model for the commercial landings data, with a high degree of uncertainty, in 2007 the Kona crab fishery was overfished. The conclusion is robust to the uncertainty associated with the lack of data for the noncommercial fishery. In looking at a projection of the model into the current day at catches that are similar to or lower than what has occurred in recent times the population would go extinct. The take-home message of the assessment is that it was overfished in 2007. It is not known what is going on now.

The CIE panel stated the projection analysis is possibly that with the biomass at a reduced level, it would be appropriate to ensure that total harvests are of a commensurate level such that the stock does not experience further depletion. The catches that were projected and the catches landed in recent years, which are up to 11,000 pounds, is a level that is less than half the current ACL and should be reduced.

The uncertainty comes from the fact the percentage of mortality of released crabs are unknown. The theory of releasing female crabs is so the stock will become more productive. Alternatively, the females may not survive release. If dead crabs are being returned to the ocean, it is better to have a full retention policy. One suggestion would be something could be done to see if mortality could be improved.

What was clear from the CIE review is the status unknown. The CIE panel said it was a reasonable assessment. In 2007, the stock was overfished. There is no evidence of recovery. The harvest of the Kona crab should be constrained, and an updated assessment is required. With the move to a male-only fishery, a new model may be needed and data collected on the numbers of legal-sized female crabs that are released and survive. A benchmark assessment is scheduled for 2018.

Discussion

Rice noted that he has seen ulua and sharks eating quite a few of the released females.

Boggs said what is needed is a new and improved release mechanism to enable better survival of the females, such as an open-bottom cage that would float down faster and as soon as it hit the bottom, the crabs could have a better chance at survival.

Duenas asked for clarification as to the chart of the no take of females in 1998, which noted no bottomfish fishers.

Miyasaka said, when the BRFA's went into effect, bottomfish fishermen were no longer allowed to carry nets on their boats. It became an illegal gear. Fishermen traditionally used part of their bottomfish fishing trip to fish for Kona crab. This change in regulation reduced the catch and effort considerably.

B. Scientific and Statistical Committee Work Session Reports

1. Management Strategy Evaluation Priorities

Daxboeck reported that after the 5th National Scientific and Statistical Committee Workshop, which was held in Honolulu, the 122nd SSC was tasked to form three working groups to begin the process of prioritizing what needs to be done through MSE at PIFSC. The working groups were focused on insular fisheries, pelagic and international fisheries, and protected species. The working groups produced lists of priorities.

The Insular Fisheries Working Group's priorities included evaluating spatial management, the BRFA's or vessel closed areas, catch limits, bag limits, or gear restrictions for bottomfish fisheries in the Western Pacific Region. Secondly, a medium priority was to evaluate the existing and potential management strategies for nearshore fin fisheries in the Western Pacific Region. Another priority was to evaluate appropriate management strategies for the nearshore invertebrate fisheries in the Region, such as sea cucumbers, clams and crabs. There still has to be an operating model, as well as an alternative operating model to go through iterations and test which of the models would be more effective to produce an acceptable result.

The Pelagic Fisheries Working Group was generally skeptical of the utility of MSE exercises but recognized that any attempts at credible MSE modeling for Pacific fishery management issues would require a quantitative framework, which clearly does not exist at this point. They identified five issues that would be amenable to MSE, such as the effects and impact of spatial management in the pelagic fisheries, not only regional or sub-regional quotas, but area closures and even site-specific management regimes. Another issue would be characterizing the uncertainty and identifying management policies that are robust to uncertainty in either data collection or in model assumptions. Another topic was the impact of tropical tuna fisheries on shark bycatch. Shark bycatch is becoming an issue in the longline and the purse-seine fishery because of the listing of new shark species that are coming down on the fisheries. The fourth and fifth issues would be a quantitative framework to evaluate local pelagic fisheries and looking at the over-capitalization or market competition between scales of domestic pelagic fisheries.

The Protected Species Working Group ended up with three items. Of highest priority was the effects of the spatial management measures for the Hawai'i pelagic and insular false killer whale populations. Medium priority would be the assessment of the effects of potential spatial

and/or temporal management measures for leatherback sea turtles. The third priority would be to assess the bycatch mitigation measures for the black-footed albatross.

C. Fishery Ecosystem Plan Modification (Action Item)

Council staff Chris Hawkins reported that the Council staff's process to amend the FEPs continues. He provided a brief review of activities since the 159th Council meeting when the Council directed staff to undertake a comprehensive review of the five FEPs. At the 164th meeting, the Council approved the new management policy and goals and the revised plan objectives. The new layout and formatting concept of the FEPs was also approved, and the Council directed staff to finalize the FEPs to initiate the formal agency review. Since then, PIRO provided 18 red flag comments on the Pelagic FEP. The comments have been addressed and the FEPs were sent to PIRO in mid-January to initiate formal review. In February, PIRO recommended minor modifications to the draft objectives. Hawkins provided two examples of such minor modifications. He requested Council direction as to slightly modifying the objectives; moving forward with the MSA, NEPA and other applicable reviews of the revised FEPs; and transmitting the five amendments for Secretarial Review.

D. National Bycatch Issues

1. National Bycatch Strategy

Rauch acknowledged the 40th anniversary of the MSA, the act that created the Council, which has been an unqualified success. The strength of the MSA is the Council system whereby the states and territories, the federal government and interested stakeholders can get together and talk in an open and science-based process to determine how to make allocations and what the fishery policies should be. It is transparent, science-based and stakeholder-driven, all the hallmarks of any good system. It has also resulted in significant economic and environmental progress. The Agency continues to set records for ending overfishing and rebuilding overfished stocks, which indicates US fisheries are sustainably managed. For the last number of years there have been record or near-record landings, revenue, jobs, all of which are measures of economic success, which is an indication of achievement of economic sustainability and environmental sustainability. Key to the success is the Councils.

While many of the drivers are commercial, in many areas of the country the recreational drivers are as significant, if not more significant, as the commercial drivers in terms of jobs and benefits that can be achieved. This is the case in the Western Pacific Region, where commercial and recreational fisheries are equally important.

The TSI grew out of Rauch's attendance at a recent Council meeting presentation on what it took to improve science in the Western Pacific Territories. The Saltonstall-Kennedy Grant Program provides funds for the initiative. The program continues to have Territorial science as a perennial objective and provides continued opportunity to seek good grant opportunities. Input from the Council was encouraged during the next round of determinations of grant opportunity and continued work on developing the TSI.

There are a number of third-party certification systems in the process of assessing fisheries around the world to classify the fishery for use in marketing. The United States

government does not participate in the classification because it is a private market approach. However, at times, data and statements are provided about the nature of US fisheries management.

The Agency looked at the United Nations Food and Agricultural Organization (FAO) for guidance on what would make a seafood certification system a sustainability certification system. The US approach to management was compared with the UN FAO approach to management. The process was peer reviewed. US fisheries were independently judged against the same standards. The United States scored extremely high on any credible objective seafood certification sustainability criteria. He encouraged the use of the tool to promote US management, US sustainability and US fisheries.

National Standard 1 went out as a proposed rule in January 2015. The comment period has closed. The Agency is working though the comments received and will send the rule to the White House Office of Management and Budget.

The MSA provides authority to prohibit entry of illegal fish. In order to determine what is illegal, the location where the product was caught needs to be known. There is a rule that proposes to take certain at-risk species to create a traceability program to be able to determine IUU fish that should be barred from entry. Public comment for the rule may have just closed. The rule is due to be finalized in September 2016.

The goal of the President's Task Force on IUU Fishing and Seafood Fraud was that the system eventually would apply to all fisheries that import to the United States, including domestic fisheries. The US currently has more data collection requirements and permitting requirements and collects more information from the US fleet than from the international fleet. It has been determined that it is fair to require foreign importers to comply with the same standards that are required of US domestic producers.

A related MMPA rule is also out for public comment. Under the MMPA, the United States is required to bar import of foreign fisheries that do not comply with the same US standards regarding marine mammal protection as US fisheries do, which has been in place for 30 years, though rarely imposed. The Agency was sued by a coalition of fishermen and environmental groups to take a comprehensive look at the MMPA. The proposed rule indicates every import fishery will be evaluated that imports to the United States to determine whether those fisheries have imposed marine mammal protection similar to US standards. If not, their product will be barred from entry. The same traceability structure will be used that is being created for the IUU rule. The rule is currently out for public comment with a court-ordered deadline to finalize the rule in August.

Rauch presented an overview of a Draft Bycatch Strategy. The MSA contains a requirement to minimize bycatch to the extent practicable and if it cannot minimize bycatch, to minimize the bycatch mortality to the extent practicable. The Councils have done much work over the years to address bycatch in the fisheries. The Western Pacific Council had a bycatch amendment document in 2003, which is extensive. From the national policy perspective, the policy is quite old, which is why it is appropriate to update it and to look at bycatch for the future. In addition, there have been a number of bycatch-related actions in the past months. A

draft rule has been published for Standardized Bycatch Reporting Methodology (SBRM). There has been an enormous amount of bycatch reduction over the 40 years, and most of it runs through the Council process. Numerous external organizations have come out to criticize the efforts taken and sensationalize some of the activities. There are still problems. However, what often did not come is the great collective work done by the United States. A website now exists to depict the long history of efforts done collectively around the country to address bycatch, as well as a portal for the Bycatch Reduction Strategy. One area addresses bycatch reduction engineering grants to work on technological solutions for bycatch because it is a practicable criterion. The site is able to receive public comments, as well. Rauch noted that there are Councils or regions that have done great work and it may be that there is nothing further that needs to be done.

The goal of the National Bycatch Strategy is to guide and coordinate NOAA Fisheries' efforts under the MSA, MMPA, ESA and other relevant mandates to reduce bycatch and bycatch mortality and encourage utilization of discards to maintain sustainable fisheries while conserving and recovering protected species. One difference in the goal is in guiding and coordinating efforts to reduce bycatch and bycatch mortality, which is more of a regulatory issue. The goal is to focus on promoting markets for unwanted catch, to land and sell the catch, as opposed to throw them overboard and to be wasted. This would eliminate the bycatch. The desire is to encourage full utilization of the fishery resources in a non-regulatory way, where appropriate, and to seek investment and creating new markets for these products.

Bycatch occurs when fishing operations unintentionally catch and discard fish, cause unobserved injury and mortality, or interact with living marine resources. Reducing bycatch refers to efforts that minimize bycatch or that minimize the mortality, serious injury and impact of bycatch that does occur. This also encompasses efforts to encourage utilization of fish that may otherwise be discarded.

There are two types of discards, economic discards and regulatory discards. Regulatory discards are fish prohibited by regulation. If caught, the fish are supposed to be thrown overboard. An example is an endangered species, such a protected turtle species, discards that by law require it to be thrown overboard. In addition, when the size of fish is regulated, it may cause the catch to be discarded. The other suite of discards, economic discards, are legal to catch, but fishermen find them unmarketable and do not land them. The catch is thrown overboard in order to increase the marketability of the catch that they have. This practice is legal, but it is still a waste. Those fish that are thrown overboard are mostly dead. These economic discards are suitable for reducing bycatch by making them more marketable and increasing utilization on those kinds of discards.

Rauch summarized the efforts to address bycatch into six broad program areas: monitoring, enforcement, evaluating and improving research and development, implementation and management, and communications. The National Strategy recognizes that NOAA Fisheries can be most effective in reducing bycatch and achieving the bycatch goals outlined when there is coordination across the program areas, within the agency, as well as with industry and other stakeholders.

The first objective is to strengthen monitoring and data collection programs, such as talking with the Councils about reporting, whether observers, electronic reporting and cameras are needed to be put in place. Nationally, significant resources are spent on trying to monitor discards. It is very difficult and expensive in some places in the country where it is legal to throw fish over the side to figure out what was in that fish, the pound of fish that was thrown over the side.

The second objective is to clarify bycatch research needs and support research programs. The agency will clarify research needs and support continued research into discards, into better estimating discards. Uncertainty in the discard estimate draws uncertainty in the overall ACLs, which tends to decrease the amount of fish that fishermen can catch. There is also research into gear reduction technologies.

The third objective is to improve discard and take estimates. There is almost always an uncertainty buffer in the ACLs. That uncertainty is often driven by uncertainty around how much discards there are. If the uncertainty is decreased, then the uncertainty in the buffer will provide more fish to be caught. It is very important to know with some degree of precision how many endangered species are taken.

The fourth objective is to improve management measures. This is a continuous obligation with the pre-existing strategy, to minimize bycatch to the extent practicable and to minimize mortality.

The fifth objective is to strengthen coordination with law enforcement, particularly with the states and territories through JEAs.

The sixth objective is to improve communication and engagement, which focuses on effective communication and coordination to improve understanding of bycatch issues, opportunities to find creative solutions and working collaboratively with partners and stakeholders to have a common understanding of bycatch, the efforts to address it and lessons learned as well as identify opportunities for partnerships to further bycatch reduction.

There will be a Regional Action Plan developed in coordination with the Councils and other stakeholders. The Council in 2003 did an extensive document that should be reviewed for any needed changes or additions. There is a big science investment in the process. The process may not involve the Councils other than for the Councils to provide input on what the priorities should be. The draft is available online. Comments will be accepted through June 3. Oral comments can also be made during the meeting.

2. Standardized Bycatch Reporting Methodology

Rauch said the MSA requires every FMP to establish standardized reporting methodologies to assess the amount and type of bycatch in a fishery. The purpose of the SBRM proposed rule is to articulate an interpretation of the basic requirements of the SBRM provision of the MSA to promote transparency and consistency. To date, every Council has met this requirement to some extent. While some of the Councils have an actual SBRM amendment, others have an SBRM Program that is recognized as a collection of various pieces of amendments. Because the agency never put out guidance, a number of courts continue to

interpret it in ways that are becoming difficult to address. A number of Councils are dealing with this in different ways and in various degrees of complexity that make it very difficult to address. Now is a good time to articulate an interpretation of some of the basic requirements so that as Councils look at their existing SBRM Program and decide whether to amend them as new monitoring requirements come online. The agency needs to figure out a way to meet the upcoming observational requirements in a cost-effective way.

Key components included defining standardized reporting methodology as applicable only to the definition of bycatch in the MSA; clarified procedures for establishing, documenting, and reviewing SBRMs under the MSA; and mechanisms for ensuring operational and implementation flexibility within the available budget. Standardized reporting methodology means an established procedure or procedures to collect, record and report bycatch data in a fishery or subset of a fishery were included. Standardized procedures may vary from one fishery to another but must provide a consistent approach for collecting, recording and reporting bycatch data. All FMPs must clearly describe a standardized reporting methodology and explain why the methodology will provide the data appropriate to assess the amount and type of bycatch occurring in the fishery. It may incorporate by reference existing analyses or other documents. All FMPs must be consistent with the rule within five years of finalizing the rule, and Councils should periodically review SBRMs at least every five years. The expected effect is improved clarity and transparency of the basic requirements to establish SBRMs under MSA and greater clarity about the policy choices made by the Council to establish an SBRM that is appropriate for assessing bycatch and that is feasible with available funding. It is up for public comment and due to be finalized by the end of 2015.

An action plan for Fish Release Mortality Science is aimed to improve in the discards, how much of the fish are discarded dead or how much are alive, which in the past has been a source of uncertainty. A tool was recently released for Council and staff to provide a rating to figure out where more emphasis is needed on fish release mortality to get the dead discard estimate lower. It is an aid to assess which fisheries are successful in reducing discards and prioritizing research into that area.

Rauch reiterated the annual grant program on bycatch reduction engineering to look at gear-related solutions to bycatch. The 2016 funding has been released. There is a Report to Congress that outlines all of the items that have been done. The National Bycatch Report looks nationally at all of the bycatch rates from all of the fisheries. The latest iteration includes data up to 2013, which reflects the current national status as opposed to a historical one.

Discussion

Rice said fishermen longlining in the Gulf for bluefin tuna are required to catch 1,500 pounds of yellowfin before one bluefin can be taken and float 10 to 15 bluefin a trip that are dead on their lines because they're not able to take it, which is a waste.

Rauch said an Amendment 7 for the migratory species of bluefin tuna was completed, which was designed to deal with bycatch. Cameras are required. The Gulf fishery is the first fishery outside of Alaska that has fully implemented a camera system to get to the bycatch issue. Some of that is appropriate, and some of it is illegal. There are closed areas in which the high

bycatch would likely happen. A number of regulatory actions have been taken to address the problem, and more may be needed. The agency is very concerned about the situation.

Rice said, in the recreational fishery, the target species is blue marlin, but 80 percent are released and it is called bycatch. He voiced concern regarding the message that gives the public to hear they are releasing the catch when it is the target species for the fishery.

Rauch said, under the statute, if you are in a designated Catch and Release Program, it is not bycatch. The Council would have to designate it as a Catch and Release Program. There is an economic reason for doing that. He clarified that not all bycatch is illegal catch, that some of it is legal. The agency is looking for ways to either recognize or find an approach to a designated Catch and Release Program to make it not bycatch or to figure out ways that you can land it.

Rice reiterated his concern about the public perception.

Sword pointed out the importance of the purse-seine fishery to the canneries in American Samoa where 85 percent of what is processed is from tuna, with a bycatch rate of 40 percent. China is still building more purse seiners. Sword asked the amount of the budget for the research on the Bycatch Reduction Engineering Program, as well as the link to the website.

Rauch replied it is about a \$2 million to \$3 million annual grant process and a congressionally authorized line item.

Simonds said opah, monchong and escolar were discarded but are now marketable fish. The next challenge is to get people to eat lancetfish, which is the last species of fish considered bycatch in the longline fishery. Concerning the SBRM, the reporting of bycatch in the Western Pacific Region is through its logbook programs, Observer Program and creel surveys and has been standardized for decades. PIFSC has been able to forensically audit the different streams of data from the observer logbooks and auction data to improve the estimates of bycatch and catch. The Council is constantly working on improving data collection.

Rauch said utilization might not necessarily mean utilization for edible consumption by humans. Fish meal may be a viable alternative for some of the products. There is anecdotal information that in some places the bycatch are worth more than the actual landed catch. The agency's effort to do a national rule on a bycatch strategy is not an indication that there was any deficiency in any of the Councils' approach. They may already be completely compliant, and there may be no need to do anything more. The effort is to put out guidance on the national approach. Some of the Councils would benefit from the guidance.

Simonds said the Pacific Islands is all about food and is not interested in fish meal. Hawai'i is second to Japan in terms of consumption of seafood.

Daxboeck said that the EU has or is moving toward a no-discard rule in many of their established fisheries. There has been quite a lot of modeling going on for established fisheries and the negative impacts of that no-discard rule on the target fishery. He asked if such a study is planned to be undertaken.

Rauch said the EU has gone to a theoretical no-discard approach, which still has very large gaps. The EU allows *de minimis* (minimal) discards. *De minimis* discards in some fisheries are higher than the US highest fishery. The EU is struggling with the fisheries that do have discards. The policy has not been implemented yet. The EU Parliament has done it. Rauch did not envision a regulatory approach of full utilization. These are economic discards. There are many anecdotal and theoretical concerns about the impact, and he was not aware of science on either side. It is a legally allowed catch. From the United States' perspective, if it is a legally allowed catch, it is allowed to be marketed.

Ebisui said there is no doubt that MSA has been a success. It has led the United States to the very top of sustainable and responsible fishing. His concern is that getting to that top it seems that no good deed goes unpunished and the fisheries are being hammered in the international negotiations, closed areas, monuments, expansion of monuments. He asked for guidance on how fishermen can offset some of those initiatives.

Rauch replied, probably not. The environmental sustainability the United States has created has come at a short-term cost for many fishermen, and they have sacrificed to get there. Nationally, there are huge economic returns. The United States is at the top or near the top every year in terms of money, the price per fish, the revenue, the landings and jobs. Every national economic indicator indicates that the sacrifices made have paid off in advanced revenue, landings and jobs nationally. Every fishery is different. NMFS manages 535 stocks around the country, from industrialized fisheries to artisanal fisheries. What works well in one area, does not necessarily work well in another. What has been seen is in general the sustainability investment in the long run will pay off with more opportunity for fishermen. There may be fisheries around the globe that are not being sustainably managed. It is expected that they will eventually suffer from their excesses. The effort is to use MSA as a model for US fisheries and for international fisheries development. The United States argues for transparency, being science-based and for sustainable quotas much like there are in the United States. Closed areas have been a part of Council management for decades, since the MSA was created. There are various closed areas for various purposes that the Councils have routinely endorsed and continue to endorse. There are large areas closed to bottomfish fishing here in the Western Pacific. The Mid-Atlantic Council just closed a huge area of canyons the size of the state of Virginia. These are recognized management tools that each Council through its Council system recognizes and supports. There is a need to be careful about criticizing closed areas. It is a tool that this Council and other Councils have approved in their own circumstance.

Goto noted the leveling off of temporary imports and pointed out that they don't follow the MMPA and other regulatory standards and is aware of the reaction to the lack of outsource. In 2016 when typhoons were hitting Fiji for a three-week period there were no South Pacific imports coming in, which dramatically affected the US market price on domestically caught seafood. It was astounding to see how quickly it turned around. The fishery still fishes under the same regulations and was being rewarded for the fact that the market was hungry for Hawai'i seafood. It is not just availability but also a marketing and standard setting principle that exists within not just the longline fishery but also the Hawai'i troll and all US fisheries, in general. He stressed the importance that if the United States is going to hold US seafood to the standard for the market, that they require any other incoming outsourced seafood that enters the market should at least meet the US standard.

E. Updates on Marine National Monuments

Tosatto reported there is ongoing work at the Papahānaumokuākea monument, including research cruises by the *HIIALAKAI* and *OSCAR ELTON SETTE*. The campaign to address Pacific monument science, technology and ocean eeds continues. The NOAA ship *OKEANOS EXPLORER* has been in the region for the last year and will continue through 2016 and 2017. During 2016, the research vessels will have a cruise to the PRIAs and then travel to the Mariana Archipelago through the late spring and early summer. In 2017, the vessels will travel to the American Samoa Archipelago. Work is continuing with the government of CNMI to reach resolution to the agreement for management of the submerged land areas of the monument so the transfer of the submerged lands 0 to 3 miles to the CNMI can take place.

Discussion

Gourley asked for information on any intent to expand the Marianas Trench MNM.

Tosatto said he knew of no substantial rumor. Pew made a significant campaign prior to the original designation, but there is no information he knows of for a renewed push.

Simonds asked USFWS is it was aware of plans to expand the Marianas Trench MNM.

Brown said the USFWS report references many of the activities in the monuments, but, as with Tosatto, there is no word of expanding the Marianas Trench Monument.

Simonds asked about the management plans for the Marinas Trench and American Samoa monuments.

Tosatto said the agency is awaiting the resolution of the agreement for the submerged lands transfer and would use the framework for how to cooperate with CNMI for management. Shortly after the transfer takes place, a draft management plan and an Environmental Assessment on the management plan for the Marianas Trench MNM is expected to be released in collaboration with the USFWS. In American Samoa, there is already a FMP for the marine areas and a Comprehensive Conservation Plan for the USFWS Refuge. There are efforts ongoing to identify any gaps at which time appropriate management will be taken into consideration. With the expansion of the Pacific Remote Islands MNM, the clock reset for the two-year deadline to have a management plan for the Pacific Remote Islands.

Gourley asked if the Marianas management plan was limited to the Islands Unit.

Tosatto said the Monument management plan includes those units as well as they need to be addressed.

Brown agreed.

Gourley said that he has heard on the islands where the USFWS is broaching the subject of closing down seamounts areas and fishing areas that are part of Volcanic Unit of the monument. He pointed out that when the monument was designated it was designated with the interest in fishing in mind. Fishing was part of the impetus in how that monument was formed

and why it was formed the way it was. He asked if the USFWS had any plans to shut down some of the volcanic seamounts for fishing.

Brown said the management plans are 80 to 90 percent done and are waiting on the resolution of the submerged land transfer, which are units of the National Wildlife Refuge System. The actions taken are in consultation with NMFS and the government of the CNMI and only include the submerged lands. They do not include the water column. The interest in the areas is in the submerged lands. Nothing that takes place in the water column above the Trench or the Volcanic Unit is part of the MNM.

Gourley pointed out he is speaking specifically about bottomfish fishing.

Brown agreed that part of the planning effort is looking at compatibility determinations and appropriate use findings in all activities that would take place in the areas, which will be part of the process moving forward.

Gourley asked if the original intent of the designation of the monument was taken into consideration when conducting the compatibility analysis. He noted his concern is that management is going in a separate direction from the original intent of the monument.

Brown said, in all of its decisions, the USFWS refers back to the intent of the Proclamations. It is not in the interest of the Agency to pursue something that is not the intent of the Proclamation.

Gourley noted that it was good news.

Kingma presented the Council's response to the recent request to expand the Papahānaumokuākea MNM to the full extent of the EEZ from 50 nm to 200 nm, which was submitted by a group of Native Hawaiians to President Obama. The letter suggested that the expansion would provide added protection to area's natural and cultural resources. The expansion would create the world's largest contiguous protected area. The existing monument established in 2006 encompasses the waters from 0 to 50 nm from the emergent islands and reefs, and a 100-mile swath at the width. If the expansion was put into effect, it would then extend all of the way out to the EEZ.

Taking into consideration all of the current longline exclusion zones, if this expansion were to occur, approximately 85 percent of the US EEZ around the Hawaiian Islands would be off limits to the Hawai'i longline fishery. If the expansion goes into effect, 77 percent of the US EEZ around the Hawaiian Islands will be off limits to the Hawai'i longline fishery and closed to all commercial fishing, as well.

The request states that the area contains 7,000 marine species, 25 percent are endemic. Staff noted that probably all of those are within the coral reef ecosystem and are already protected. The request states that the area is a predator-dominated ecosystem, with strong populations of sharks, Hawaiian grouper and other large predatory fish that have been heavily overfished elsewhere. Currently, the monument protects vital habitat but does not fully protect travel routes for Hawaiian monk seals, green sea turtles, sharks, whales, albatross and other

marine species and large protected areas are more resilient to climate change and mitigate impacts from a warming planet.

In response, Council staff listed things that are established within the NWHI in terms of management protections in the surrounding EEZ: a) All coral reef habitat and ecosystems; b) Deep-water precious corals habitat and ecosystem; c) All commercially-important crustacean species; d) Hancock Seamount Ecosystem Management Area including a moratorium on seamount groundfish harvests; e) Prohibition on bottom-trawling; f) Monk seals, habitat, and transit corridors; g) Seabird nesting habitat; h) Sea turtle nesting habitat; i) Swordfish nursery grounds; j) Seabird, sea turtle, marine mammal mitigation measures in the Hawai‘i longline fishery; k) Native Hawaiian cultural resources; l) Bioprospecting and seabed mining; m) All of the coral reef habitat and ecosystems are fully protected; n) Deep-water precious corals habitat and ecosystem; and o) Commercially important crustacean species.

In 2010, the Council established the Hancock Seamount Ecosystem Management Area, which included a moratorium on seamount ground fish harvests. A prohibition on bottom trawling in the mid-80s was established. Monk seals, habitat and transit corridors are already protected. Seabird nesting habitat is also protected. Sea turtle nesting habitat is protected. Swordfish nursery grounds in the NWHI area are also protected. When President Bush established NWHI MNM he overlaid the longline protected species zone from 0 to 50 nm. These items were protected prior to the establishment of that monument. Seabird, sea turtle, marine mammal mitigation measures are in effect. Native Hawaiian cultural resources are protected, as well as bioprospecting and seabed mining cannot occur without any regulatory review or process.

Impacts to the Hawai‘i longline fishery from this request, based on some data seen from the last five-year average, approximately 8 percent of the fishery’s catch on deep-set trips targeting tuna was from the US EEZ around the NWHI, and approximately 12.8 percent was from shallow-set trips targeting swordfish in that same area. The fish harvested in the area around the NWHI from the Hawai‘i longline fishery equals \$10 million in value. If the expansion does occur, and the vessels are forced to move elsewhere, it could represent a \$10 million loss to the Hawai‘i longline fishery. If the seafood economy and the indirect seafood markets are included, it is a \$30 million loss if catches cannot be made up elsewhere.

The Hawai‘i longline fishery supports thousands of direct and indirect jobs associated with landings and seafood economy. If landings are reduced, the demand will be made up elsewhere and that demand will be made up from imports. In terms of trade deficit, seafood is one of the highest products that occurs with US trade deficit. It is known that 30 percent of foreign imports into the US market are from IUU provided resources, which is a major issue in Hawai‘i.

If the Hawai‘i longline fishery were forced to fish on the high seas, the vessels would be forced to fish side-by-side in competition with foreign vessels. The freedom to fish on the high seas is a doctrine cemented in the UNCLOS is under threat because of the establishment of RFMOs that now control the areas of the high seas are being advocated to be closed. There are recent studies by the University of British Columbia economists and other authors and colleagues that suggest that closing the high seas will provide benefits to coastal states, including

highly migratory species. The high seas are the commons and the commons are property of the world. The international community has the ability to close the high seas, and RFMOs are currently looking at that. There's been a call on the Global Oceans Commission to close all of the high seas. The Global Oceans Commission is based in London and is supported by Pew. They recently came out with a report that advocates for closing the high seas. The FFA, which derives revenue from foreign fishing access agreements, it is in their economic interest to restrict high seas fisheries. The thought that the Hawai'i longline fishery can go find other fishing grounds and go fishing on the high seas is naïve. EEZ fishing grounds are important.

It is clear that the Western Pacific Region (Hawai'i, American Samoa, Guam, CNMI and the PRIAs) have been subject to a disproportionate conservation burden with respect to the establishment of MNMs. The Marine Conservation Institute report in 2015 shows that around the main Hawaiian Islands and NWHI, 22 percent of the EEZ is currently a no-take MPA and 28 percent of the waters in the region are established as no-take reserve areas, which dwarfs anything in comparison to other states in the United States. If expanded, the main Hawaiian Islands and the NWHI would be 67 percent no-take area, and 55 percent of the US EEZ in our region would be a no-take area.

In 2014 Obama expanded the area all of the way out the EEZ in terms of the monument, Wake Island, Johnston also expanded in 2014, and Jarvis. The Hawai'i longline fishery used to operate in the US EEZ around Johnston Atoll. It is now forced to fish on the high seas or elsewhere. There are also other marine managed areas, such as the Hancock Seamount, the LVPA in American Samoa, and others that are not identified here that also represent marine managed areas within our region.

A quick literature search on the science of large-scale pelagic MPAs resulted in the following information.

Hilborn, et al. (2006): In single-species stock management, MPA implementation may not improve overall stock abundance or increase harvest even if a stock is overfished unless catch is simultaneously reduced in the areas outside the MPA.

Hyrenbach et al. (2000): While traditional designs are effective in static habitats, many important pelagic habitats are neither fixed nor predictable. Thus, pelagic protected areas will require dynamic boundaries and extensive buffers. In addition, the protection of far-ranging pelagic vertebrates will require dynamic MPAs defined by the extent and location of large-scale oceanographic features.

Hilborn, et al. (2004): Potential and actual problems with marine reserves: a) Effects of spatial shifts fishing effort; b) Highly mobile species would not be protected without additional measures, but economic costs imposed; c) Better options may be available; d) Hardship to fishing communities; and e) Unqualified advocacy for no-take marine reserves with sometimes hidden advocacy for MPAs in general ignores the need for scientific evaluation and the potential negative impacts to stocks, yields and communities.

Boersma and Parrish (1999): Science can and should provide guidelines to achieve conservation goals for MPAs, including protocols for reserve size, location, and network design;

efficacy with respect to relevant local threats; and monitoring of goal attainment. Scientists should be clear about what a well-designed MPA can and cannot do in a given area.

At the recent 122nd SSC meeting, the SSC posed the following questions:

- Is an expansion scientifically justified?
- Would there be added conservation benefits? If so, for which species?
- Would there be socio-economic benefits of expanding the monument?
- Would there be socio-economic benefits to the Hawai‘i longline fishery and the Hawai‘i seafood market?

The SSC considered this issue and found that expanding the Papahānaumokuākea MNM would not provide any additional conservation benefits for highly mobile species, such as tuna, billfish, sharks and marine mammals that range well beyond the US EEZ. Laysan and black-footed albatross are already protected by a suite of domestic and international mitigation measures that will not be augmented by boundary expansion of the monument. Expansion of the monument will result in negative socioeconomic impacts to the Hawai‘i longline fishery, Hawai‘i economy, and the nation. Marine resources that occur in the NWHI and surrounding US EEZ are already protected and subject to comprehensive management regulations and monitoring.

The SSC notes that approximately 28 percent the US EEZ in the Western Pacific Region has already been established as no-take marine protected areas, which far exceeds any other region in the United States. None of the other seven regions excludes even 1.0 percent of waters. The SSC concluded that designation of large-scale MPAs for conservation benefit should be based on science and developed with stakeholder input. The area is already extensively protected, including all of the vulnerable habitat and ecosystems. The expansion would largely protect blue water and the abyssal plain, which is comprised of mud and rubble. There really are not any threats to these areas currently with existing activities, or proposed. Migratory species such as tuna, billfish and seabirds have wide-ranging movement patterns that extend beyond US EEZ. Impacts also occur outside the EEZ. Scientific studies have shown that there are no benefits from larval or adult fish spillover into the main Hawaiian Islands.

Ocean warming and ocean acidification may occur regardless of spatial boundaries and management boundaries will not influence pelagic fish movements as a result of climate change or periodic oceanographic cycles.

It is believed that this is agenda-driven. It is known that the Pew Global Ocean Legacy Campaign is supporting the effort. It is also known that the IUCN is meeting in Hawai‘i in September. It is the first time that the United States is hosting the meeting. It is termed the Olympics of Conservation, and will have 10,000 attendees. There are also those who are appealing to President Obama’s political legacy, which is outweighing any conservation benefit to marine critters and ecosystems.

Discussion

Rice asked if Rauch has any input to the President on this decision.

Rauch said the agency does not have decision-making input. To the extent that the President asks for more information about current uses and regulatory structure, the information is provided. There is no decision-making advice about whether something should or should not happen.

Rice asked if the agency can emphasize it is not the right thing for the President to do.

Rauch reiterated that the agency does not have decision-making input. To the extent that the President asks for more information about current uses and regulatory structure, the information is provided. There is no decision-making advice about whether something should or should not happen.

Rice added that the expansion would also affect recreational fisheries on the northern part of the state, Kaua'i and O'ahu.

Gourley said it is interesting how the Council takes the monument designation process and try to use science to either support it or fight it, when in reality the Antiquities Act has absolutely nothing to do with science. It is all politics and that is the bottom line, which was a painful lesson from the Marianas Trench MNM. It was a unilateral decision by the President who is getting ready to leave office. The next president has to deal with it, which is permanent action. He was concerned that the rest of the region may be included in the push by environmental groups in the last months of Obama's administration.

Sword voiced disappointment in this action for Hawai'i and agreed with Gourley's comment. In Samoa's monument, indigenous fishing is allowed. There is more representation needed in Washington to push the agenda for the cultural activities in the Pacific.

Rice agreed the situation is very political. The \$10 million that would be lost by the Hawai'i longline fleet will end up in the Asian countries' fleets.

Ebisui agreed that the Antiquities Act is not based on science. The Council is science based, and rational arguments have difficulty in an emotional, irrational environment.

F. Report on the Council's 2015 Program Review

DeMello reported that, at its 159th meeting, the Council approved its five-year plan for 2015 to 2019. It is based on five program priorities. The priorities are to conduct reviews of the FEPs; integrate ecosystem information into the FEPs; support monitoring, data collection and research; support capacity building; and support US fisheries on the international level. The administrative program is split up into five different programs: Pelagic Fisheries, Island Fisheries, Ecosystems, Fishing and Indigenous Communities, and Education and Outreach.

Under Pelagic Fisheries, staff has been working on Territorial quota transfer for the bigeye tuna, which is an amendment to the Pelagic FEP. Including ecosystem monitoring into the annual report is part of a larger movement of continuing the reports so that they function more as an ecosystem report. Another item is the E-log movement and looking at bigeye tuna connectivity and reducing juvenile bigeye tuna catches in the purse-seine fishery. Under

international cooperation, staff continues to work with the RFMOs and looking at spatial management for bigeye tuna and improving compliance and monitoring.

The Island Fisheries Program has been reviewing the Archipelagic and PRIA FEPs through the FEP review. Staff is considering development of an Ecosystem Component Amendment and improving on the ACL specification process through the Monitoring, Research and Reviews. Another project staff is working on is developing biological reference points for the coral reef fisheries, and improving the fishery database access and analysis. Under Island Agency Coordination, work continues to work with the Council's Plan Teams to develop training modules for the Council family and the Plan Team to learn more about the management process and provide them the tools to do some of the fishery science that needs to be done.

Under Ecosystems Science, priorities are being developed for MSE, refining the biological reference points and designating ecosystem component species. There is some overlap in the different programs. Under Protected Species, implementation of the ESA-MSA Integration Agreement is one of the big things that are part of the ROA. There is review of EFH and gathering information that is available for the continuation of refinement of EFH. The Human Dimensions component of the Council work is also included under Ecosystem, much of which has to do with understanding the different parts of the fishing community, including noncommercial fishing, through the work with the Council's Social Science Research Planning Committee.

Under Fishing and Indigenous Communities, there is capacity building going on through the community-based fishery management process. Work with Malesso, Yigo and the Northern Islands is ongoing, as well as outreach and education priorities.

G. National Council Communications Group

Spalding reported that in 2012 when the Western Pacific Council held the Council Coordination Committee (CCC) meeting in Kailua-Kona, the CCC agreed that the communications staff of the eight Councils should meet annually face-to-face. It did not until February 2016 when the Western Pacific Council hosted the Communications staff from the seven other regions here in the Council office.

At that meeting, the participants reviewed planning for the 40th MSA anniversary. Each staff reviewed their best practices in communications technology and Council meeting communications protocol. How inaccurate messages are dealt with was reviewed and advisor training. The topic of solicitation of public input outside of the public hearing process and the coordination and improving communication with NMFS were also discussed. The participants also discussed dealing with sustainable seafood and sustainable fisheries, climate change and marine national monuments. A full report will be provided to the CCC when it convenes in May 2016.

The group moved forward immediately with the planning for the 40th anniversary of the MSA. On April 20, 2016, there will be an event in Washington, DC. The celebration of the eight Councils together will take place at the May CCC meeting in the Virgin Islands. The Councils Communications Group has decided to launch and announce press releases and a new website.

There are two websites, the Fisheries Councils.org website, which has all of the National SSC reports. There is another website which lists Managing Our Nation's Fisheries events. The website is being updated and changing it over to a new platform where each of the eight Councils edit and update their information. A new informational booklet is being developed for the 40th Anniversary to be passed out in April. It will talk about what the eight councils have done for the last four years. There is a two-page introduction that the North Pacific Council is writing, and then each Council will have two pages where they will highlight their top four milestones. A new Council logo will be on the new website and also on a banner at the meeting. The Western Pacific Council was the lead on it. The logo is now being vetted with the other seven Councils.

H. Regional, National and International Outreach and Education

Spalding reported the Outreach and Education activities since the 164th Council meeting. The winter 2016 edition of the Council's newsletter was released. The Council assisted with the CNMI AP brochure that was completed. Protected Species updated the green sea turtle brochure with a new graph. A monograph series was published featuring protected species. The Fishermen Code of Conduct is a campaign the Council is nearing completion. Thirty- and 60-second public service announcements were created in five different languages, are on a CD and were distributed to classroom teachers. At the request of the Council from the 164th meeting, Council staff made a version in Chinese and Korean and English for CNMI. Copies will be distributed through the hotels. Other public outreach included staff interviews regarding quota systems and large-scale MPAs. Press releases and ads are released on a regular basis. Staff is responding to media requests.

Work on climate change is ongoing with the Marine Fisheries Advisory Committee (MAFAC) Climate Resources Task Force and the MAFAC Resilience Working Group. MAFAC has started a working group, which is tasked with six items. They appointed people from the Climate and Marine Resources Task Force, which the Council is on. Spalding is assisting with community outreach and education, identifying the best ways to get to communities and to look at climate tools for fishery managers, including Regional Fishery Management Councils. Two other tasks have to do with aquaculture and identifying community climate change needs.

The Marine Planning and Climate Change Committee will meet in March at the Council office. It will be fifth meeting of the Marine Planning and Climate Change Committee, the second face-to-face meeting. Participants will review the climate change indicators and the marine planning indicators that will be in the 2015 annual report and work on developing workshops to take that information out to the communities, to get their feedback and listen to what the communities thinks is important. Updates will be given regarding the Climate Science Strategy Regional Action Plan and the Resilience Working Group. There will be discussions on the Regional Planning Body.

The Tau Education Project in American Samoa was completed at the end of December.

The 2016-2017 US Pacific Territories Fishery Capacity-Building Scholarship applications are in. A student from CNMI has been awarded a scholarship for next year based on her being accepted to either UH Hilo or UOG. She is still waiting for that response.

National Marine Educators Association is going to be held this summer. Council staff continues to chair the Traditional Knowledge Committee but will not attending the meeting. The Committee has identified a recipient for Traditional Knowledge Scholarship. The conference is being held in Florida, and the recipient is from a tribe in the Everglades.

The International Pacific Marine Educators Network, which is a network that Council started and helped organize back in 2007, will hold its fifth biennial conference in Indonesia. The Council is providing some sponsorship for it. Council will not attend, but the Council's logo will be on their press releases, flyers, and poster. Simonds will be giving a video presentation.

Other upcoming events include the in Festival of Pacific Arts (FestPAC) in Guam. The Council will have a booth at FestPAC.

I. NOAA Report on FAO Eco-Labeling Guidelines

Kingma provided supplementary information to the previous presentation on the same subject. A comparative analysis of US federal fishery management to the FAO Eco-Labeling Guidelines was authored in 2015 and is NOAA Technical Memorandum NMFS-OSF-1. The United Nations FAO Eco-Labeling Guidelines serves as a basis for many consumer seafood certification ranking schemes. The assessment was peer-reviewed by CIE. The assessment shows that the standard of the US fisheries management system under the MSA more than meets the criteria of the FAO Eco-Labeling Guidelines. The assessment demonstrates that the US fisheries management system is strong when considering responsiveness and science-based criteria.

Beyond the biological and ecosystem criteria, the assessment also pointed out that the US system incorporates social and economic components of fisheries essential for effective long-term stewardship. Some of the highlighted key strengths as identified in the study are that the US system complies with national and international laws, develops and abides by documented management approaches with frameworks at national or regional levels. It incorporates uncertainty into stock reference points and catch limits while taking actions if those limits are exceeded. It takes into account the best scientific evidence available in determining suitable conservation and management measures with the goal of long-term sustainability, as well as restores stocks within reasonable periods.

Some of the areas that could use some improvement were identified as addressing nationwide implementation of ecosystem-based approaches to management, incorporating broader food web considerations within individual fish stock management schemes and considering long-term changes in productivity.

Two studies that the Council funded several years ago, an assessment of the Hawai'i longline fishery against the FAO Code of Conduct for Responsible Fishing and the American Samoa assessment of that same Code of Conduct were mentioned in the report. They were highlighted as important pieces of work in terms of evaluating a fishery against the FAO's standard. Those two reports were commended by this study.

The take-home message is the Regional Councils should be commended. US Regional Fishery Management Councils, in partnership with NMFS, are doing a good job.

J. Advisory Group Report and Recommendations

1. Advisory Panel

Richard Farrell, CNMI AP chair, presented the AP Program Planning and Research recommendations as follows:

Regarding the FEP modifications, the Hawai‘i AP reviewed the modifications to the FEP and had no objection to the proposed modifications.

Regarding the FEP modifications, the American Samoa AP supported the revisions and recommends the Council include language to acknowledge the unique status of the participating territories as SIDS.

2. Scientific and Statistical Committee

Daxboeck presented the SSC Program Planning and Research recommendations as follows:

Regarding data collection and research, the SSC recommended that the Council staff coordinate with state and territorial agencies to ensure that the marine catch being sold through social media is captured, as such, transactions are not being recorded through existing reporting requirements.

Regarding data collection and research, the SSC recommended that Council support efforts to establish a permanent research enterprise to support multidisciplinary research and technological innovation for studying Western Pacific marine ecosystems.

Miyasaka clarified that there is an emerging media-based marketplace on the web where fishermen sell fish. The State of Hawai‘i is exploring ways to capture the information in its data collection efforts. Miyasaka said the site can be found by googling the word Fresher.

Dalzell said after googling Fresh Fish Hawai‘i there were numerous Facebook pages that contained restaurants on the mainland in Colorado and New York that advertised fresh ‘opakapaka, mahimahi, ‘ahi and marlin from Hawai‘i flown three to four times a week.

Rice said fishermen have been boxing their fish at the harbor and taking them directly straight to the airlines for 10 years.

Daxboeck said the latest iteration of the Food and Drug Administration’s Seafood Hazard Analysis and Critical Control Points guidelines contains a section in the back of Hawaiian vernacular fish names that can be legally used on packaging of fish traded in the United States.

Rice said the traceability method used at Mama's Fish House includes where the fish was caught and the name of the fisherman on their menus.

K. Standing Committee Recommendations

Gourley reported the Program Planning and Research Standing Committee recommendations as follows:

Regarding MSE priorities, the Program Planning and Research Standing Committee recommended the Council direct staff to finalize and send the Regional MSE Priorities to the PIFSC and direct staff to develop project proposals addressing some of the priorities through the Regional Fishery Management Council's Coral Reef Conservation Program grants.

Regarding FEP modifications, the Program Planning and Research Standing Committee recommended the Council approve the proposed modifications to the FEP objectives that were voted on at the 164th meeting and directed staff to a) Work with NMFS PIRO to facilitate their timely review of all five revised FEPs, and b) Transmit the revised plans for Secretarial Review as soon as possible. The Council should note that the revised plans do not change the current regulatory or management regime and understands that, while the new or the revised plan objectives will influence future management activities, those activities will be subject to agency review per the standard review process.

Regarding national bycatch issues, the Program Planning and Research Standing Committee recommended the Council direct staff to review and provide comments to NMFS National Bycatch Strategy and to standardize bycatch reporting. Staff should ascertain whether FEPs will need to be amended, whether bycatch data collection will have to be described in more detail than at present, and whether NMFS and the island fisheries agencies have to modify existing bycatch data collection or introduce new bycatch data collection programs.

Regarding the recent request to expand the Papahānaumokuākea MNM, the Program Planning and Research Standing Committee recommended the Council direct staff to write a letter to President Obama to articulate information regarding the lack of conservation benefit that the expansion would provide and the negative impacts that would occur to the Hawai'i fisheries, Hawai'i's seafood market and the nation.

L. Public Hearing

No public comments were offered.

M. Council Discussion and Action

***Regarding the Kona crab assessment*, the Council directed staff to pursue funding to support research on Kona crab post-release survival and methods for improving survival. Further, the Council directed staff to work with scientists and DAR to explore the effects of female release on the stock to inform potential management measures involving release or retention of non-gravid female crabs.**

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

Regarding MSE priorities, the Council directed staff to finalize and send the regional MSE priorities to the PIFSC and directed staff to develop project proposals addressing some of the priorities through the Regional Fishery Management Council's Coral Reef Conservation Program grants.

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

Regarding national bycatch issues, the Council directed staff to review and provide comments to the NMFS National Bycatch Strategy and the SBRM proposed rule. Staff should ascertain whether FEPs will need to be amended, whether bycatch data collection will have to be described in more detail than at present and whether NMFS and the island fisheries agencies will have to modify existing bycatch data collection or introduce new bycatch data collection programs.

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

Regarding the recent request to expand the Papahānaumokuākea MNM, the Council directed staff to write to President Obama to articulate information regarding the lack of conservation benefit that the expansion would provide and the negative impacts that would occur to the Hawai'i fisheries, Hawai'i seafood market and the nation.

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

Gourley requested to include opposition to the expansion of any other marine monument in the Western Pacific.

Simonds suggested a good source to quote regarding Gourley's request would be the report from Marine Conservation Institute, which shows the percentage of the monuments in the entire Pacific Region.

The maker and the second agreed to the amendment.

Sword agreed with the amendment.

Ebisui clarified to change the language to refer to the entire Western Pacific Region.

Tucher noted that this is an opportunity for the Council to express its concerns to the President. He referred back to several years ago when there was a similar concern expressed that produced a Government Accountability Office investigation. It is okay for the Council to write to the President to express concerns or opposition over the establishment or enlargement of an existing monument. The Council should be aware that due to the use of federal grant funds, there are restrictions on what the Council can do in terms of lobbying. For the President, it is okay to place principled, factual objections in writing. He advised the Council not to engage the Congress on the topic, which is expressly prohibited and recommend the Council to seek GC review of the letter before it is sent.

Ebisui noted that, for the record, the Council always checks with GC.

Regarding draft revised FEPs and FEP objectives, the Council approved the proposed modifications below to the FEP objectives that were voted on at the 164th meeting, and directed staff to, one, work with NMFS PIRO to facilitate their timely review of all five revised FEPs and, two, transmit the revised plans for Secretarial review as soon as possible. The Council noted that the revised plans do not change the current regulatory or management regime, but rather sets forth considerations that will be taken into account during future management decisions.

Under the objective Support Fishing Communities: a) “Ensure that regulations designed to meet conservation objectives are written to be as minimally-constraining as possible” changed to “ensure that regulations designed to meet conservation objectives do not unnecessarily constrain fishing operations”; and b) “Eliminate regulations that are no longer necessary, i.e., eliminate access barriers” changed to “identify and consider removing conservation and management measures that are no longer necessary or ineffective in meeting management goals and objectives.”

Under the objective Prevent Overfishing while Achieving on a Continual Basis the Optimum Yield from Each Fishery: a) “Develop status determination criteria for all stocks and stock complexes in the fisheries” changed to “develop status determination criteria for all stocks and stock complexes that require conservation and management”; and b) “Monitor fisheries to understand when overfishing may be close to occurring” changed to “monitor fisheries to understand when overfishing is occurring and when a stock may be approaching an overfished condition.”

Under the objective Improve Fishery Monitoring and Data Collection: a) “Increase the number of fishery ecosystem elements being monitored” changed to “increase the number of fishery ecosystem parameters being monitored.”

Under the objective Promote Compliance: a) “Consider ways to develop or increase buy-in from affected parties” changed to “consider and develop ways to increase compliance with fishing regulations”; and b) “Ensure that regulations are written and implemented so as to be easy to follow and enforce” changed to “ensure that regulations are written and implemented so they are easy to follow and enforce, to the extent possible.”

Under the objective Reduce Bycatch and Minimize Interactions and Impacts to Protected Species to the Extent Practicable: a) “Promote viable methods and technologies that may reduce interactions with seabirds, marine mammals, sea turtles, corals and other protected species” would change to “promote the development and use of viable methods and technologies that may reduce interactions with seabirds, marine mammals, sea turtles, corals and other protected species”; b) “Continue to work with federal and state agencies to protect relevant threatened and endangered species” would change to “continue to work with federal and state agencies to protect threatened and endangered species that are relevant to Council-managed fisheries and Council-identified fishing communities”;

c) “Encourage programs to obtain or improve information regarding the status of relevant threatened or endangered species” changed to “encourage programs to obtain or improve information regarding the status of threatened or endangered species that are relevant to Council-managed fisheries and Council-identified fishing communities”; and d) “Encourage research that examines whether and what extent bycatch is an issue in fisheries covered by this management plan” changed to “encourage research to understand and reduce bycatch to the extent practicable in Council-managed fisheries.”

Under the objective Refine Essential Fish Habitat Designations and Minimize Impacts to Essential Fish Habitat: a) “Review and update EFH and Habitat Areas of Particular Concern (HAPC) designations on a regular schedule (five years), based on the best available scientific information of a higher EFH level than was used for the original designation” changed to “regularly review EFH and HAPC designations and update such designations based on the best available scientific information, when available”; b) “Identify and prioritize research to assess adverse impacts to EFH and HAPC from fishing and non-fishing activities, including, but not limited to, offshore energy developments, aquaculture and mining, and activities that introduce non-point source pollution into the coastal environment” changed to “identify and prioritize research to assess adverse impacts to EFH and HAPC from fishing, including aquaculture, and non-fishing activities, including but not limited to, offshore energy developments and mining, and activities that introduce non-point source pollution into the coastal environment.”

Under the objective Rebuild Overfished Stocks: a) “Maintain the Hancock Seamounts Ecosystem Area” changed to “consider maintaining the Hancock Seamounts Ecosystem Area until best scientific information available indicates a management action is in order”; b) “Maintain the fishing moratorium within the Hancock Seamounts Ecosystem Area until surveys show that the armorhead stock has been rebuilt” changed to “consider maintaining the fishing moratorium within the Hancock Seamounts Ecosystem Area until surveys show that the armorhead stock has been rebuilt”; and c) “Identify research priorities for armorhead and other relevant species within the Hancock Seamounts Ecosystem Area” changed to “identify research priorities for armorhead and other species as determined appropriate within the Hancock Seamounts Ecosystem Area.”

Under the objective Consider the Implications of Spatial Management Arrangements in Council Decision-Making: a) “Identify and prioritize research that examines the positive and negative consequences of current no-take fishing areas to fisheries, fishery ecosystems and fishermen, such as the Bottomfish Fishing Restricted Areas, military installations, Northwestern Hawaiian Islands restrictions, and Marine Life Conservation Districts” changed to “identify and prioritize research that examines the positive and negative consequences of areas that restrict or prohibit fishing to fisheries, fishery ecosystems, and fishermen, such as the Bottomfish Fishing Restricted Areas, military installations, Northwestern Hawaiian Island restrictions and Marine Life Conservation Districts.”

Under the objective Consider Implications of Spatial Management in Council Decision-Making: a) “Consider whether the goals of any spatial-based fishing restrictions proposed in Federal waters appear to be achievable” changed to “periodically evaluate the management effectiveness of existing spatial-based fishing zones in federal waters”; and b) “Remove spatial-based fishing restrictions that are no longer necessary” changed to “consider modifying or removing spatial-based fishing restrictions that are no longer necessary or ineffective in meeting their management objectives.”

Under the objective Consider the Implications of Climate Change in Council Decision-Making: a) “Identify and prioritize research that examines the effects of climate change on Council-managed fisheries and fishing communities” changed to “identify and prioritize research that examines the effects of climate change on fishing communities and fisheries covered by this management plan”; b) “Ensure climate change considerations are incorporated into the analysis of management alternatives” changed to “consider the potential effects of climate change in the analysis of management alternatives”; c) “Monitor climate-change related variables via the Council's Annual Reports” changed to “identify and monitor climate-change related variables via the Council's Annual Reports”; and d) “Engage in climate change outreach with US Pacific Islands communities” changed to “engage in outreach and communication activities with US Pacific Islands communities related to fisheries.”

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

XI. Public Comment on Non-Agenda Items

No public comments were offered.

XII. Mariana Archipelago

A. Guam

1. Isla Informe

Duenas said fishing has been good in 2016 with big tuna, wahoo and mahi moving through Guam.

Sablan reported that 24 shore-based surveys were conducted between Oct. 1, 2015, and Dec. 31, 2015. He noted the top five species caught with octopus being the top species being caught for Guam. He noted the methods with numbers of fishers and numbers of gear counted during the period with hook and line being the top gear used.

Guam has five accessible boat ramps. A groundbreaking ceremony for the Merizo Pier Repair and Restoration Project was held on Sept. 1, 2015. Repair work is expected to begin early March 2016 and completed before September 2016. The Guam Economic Development Authority is to conduct a feasibility study that will look at possible boat ramp locations to better

provide emergency response on the eastern shore of Guam and to ensure the quality of life and enhance public safety throughout the island. Such access would also create economic development opportunities by allowing easier public access that would ultimately benefit Guam's tourism and recreation industry.

Special permits continue to be issued for the seasonal take. When the fishers spot the activity, they report it to DOA. Special permits are issued to the Village Mayors and then announced to the residents. There are no area closures to report.

Eight out of 14 FADs are online. Aerial surveys will be done to confirm inventory. The DAWR received the requisition to deploy four FAD systems and retrieve one errant buoy.

Simonds visited Guam in January and paid a courtesy visit to the Governor's office and met personally with the Governor, along with former Senator Chris Duenas, Will Castro, Former Council Chair Manny Duenas and Jay Rojas. The group also visited the fishing platform site. The ramp is progressing smoothly. The site will serve as one of the major FestPac venues.

Three programs under Aquatic Education are Save Guam Reefs, Piti Pride and the Kid's Fishing Derby. The derby is projected to be held July 9 and Aug. 6.

DAWR and the Western Pacific Regional Fishery Management Council recently released the 2016 Tide Chart Calendar based on the Council's Fishermen Code of Conduct. He expressed his appreciation to Spalding for her collaboration with the calendar.

Discussion

Simonds thanked Sablan for his leadership in completing the project after it had been extensively delayed.

Sablan thanked the Council for the funds that were contributed to the project.

Duenas asked if pelagic species could be included in the list of species in the report. It was a good year for pelagic species, and it would have been nice to see some of the numbers on the pelagic side.

Sablan replied in the affirmative. They will be included in the report in the next meeting.

2. Legislative Report

Sablan reported on Public Law 33-39, which requires the DOA to ensure that the fish products of the fishermen of Guam are first procured by agencies of the government. Information can be found on the DOA's website.

Bill 229-33 allows the chief conservation officer to temporarily employ retired conservation officers in order to meet the needs of the DAWR in the event a conservation officer is on military duty or long-term disability. Currently, the Conservation Law Enforcement Section only has seven permanent and three limited-term officers. The bill allows conservation officer

retirees to opt to return to work. There is interest in extending it to a limited term for qualified conservation officers.

3. Enforcement Issues

Sablan reported 18 arrests were made for illegal fishing during the reporting period of May through September of 2015.

4. Community Activities and Issues

a. Report on the Yigo Community Based Management Plan

Council staff Charles Ka'ai'ai reported that staff traveled to Yigo to attend the final workshop of a community-based management plan (CBMP) plan being drafted. The objectives of the community were needed to develop Yigo's plan. They include governance, socioeconomic and cultural objectives. The workshop successfully listed the objectives, dealt with community issues and established its priorities. The final draft of plan is expected by June.

b. Update on Malesso Community Based Management Plan

Ka'ai'ai reported that staff assisted Malesso (Merizo) in implementing its community plans. Some of the activities included meeting with the Department of Parks and Recreation to implement the zoning plan for Malesso's CBMP. Staff also met with Malesso's Peskadot Committee and drafted a Code of Conduct that will be presented to the community for its review at the Crab Festival in April. The project is moving along.

Council island coordinator Carl Dela Cruz reported that the Crab Festival will be held Apr. 9 to 11 in Merizo. The community's input on the Draft Code of Conduct will be taken. It is a three-day festival to release a couple of thousand large crabs. The contest competitors then harvest the crabs with sacks and then the crabs are eaten.

c. Participatory Mapping of Coral Reef Fishing Grounds

Council staff Rebecca Walker introduced the Council to a project ongoing in Guam and to commence in Saipan in 2017. It is Coral Reef Fisheries Mapping in the Marianas, and it is funded under a Coral Reef Conservation Program grant. The project goal is to make baseline fishing effort information and traditional ecological knowledge available to management and planners in a map format. The project will start with an analysis of existing data, which for Guam is the creel survey information, with a spatial zone-based survey going on there, combined with participatory mapping techniques and data validation for the final GIS product.

The objectives included developing a map that identifies areas of high fishing effort for the top 10 priority coral reef species in Guam and important habitats for juvenile and adult life stages of those 10 species from traditional ecological knowledge. Collaboration with fishermen and management would take place throughout the project, and the results will be presented back to them at the end of the project.

There are a number of data gaps that will be addressed. The fishing effort information from the creel survey data has never been turned into a map. The spatial distribution of fishing effort, priority seasonal fishing grounds and change in fishing grounds over time will help to inform fisheries management. It will also help the Council to be able to assess impacts of different management alternatives on the fishery.

There are also other federal agency activities. When the Ritidian Firing Range goes in, there will be data available and comments on different actions saying this is where the fisheries are and this is what is important. It will also be useful in assessing the impacts of different disturbances on the coral reef fishery, which includes human or natural disturbances.

The second big data gap is the access map. While in the Marianas in January, the AP made available an old fishing access map. The process of updating the map would show the loss of access over time.

Essential habitat for juveniles and adults of targeted species will help to refine EFH definitions later on. It is important to have the fishermen's knowledge included in that effort.

Phases of the project include stakeholder engagement and the GIS analysts looking at the creel data. June is when the Participatory Mapping Data Workshop will be held in conjunction with the June Council meeting. The GIS analysts will be presented at the Fishers Forum. After the Council meeting, the workshop will be held on Saturday. Between June and October, the data revision and validation will take place. The second workshop will present the progress. There is also a Citizen Science component to the project where fishermen are interested in doing some GPS validation of whatever scale they would feel comfortable with. The final workshop is in December.

Walker provided a presentation to the Guam AP in January, as well as the Malesso Peskadot Committee. The Guam AP was supportive of the project and will be participating in the workshop. The Malesso Peskadot Committee gave some feedback during the workshop that if village holds breakout groups, there will be better data input. There was a review from the scientific literature of where participatory mapping in fisheries has been successful, with examples of the scale at which fishermen provided their information and that it was still useful to management without giving out fishing locations. The data will be aggregated and made publicly available, which is a sensitive subject for most fishermen. It is important that everyone understands the implications of what they provide. During the AP meeting a mapping exercise was undertaken to get the project started off.

There are three project team members in the Marianas. The Guam team member is helping with creel surveys, sharing information with the fishermen during the interviews, getting their information and adding them to the list of participants for the June workshop if they are so interested. The GIS contractors on Saipan will attend the stakeholder meetings in April. Through the project, work will be ongoing with the AP to update the map.

Discussion

Gourley asked if pelagic species are included in the project or if it is restricted to reef fishing only.

Walker said it is a Coral Reef Conservation Program grant, but wherever those MUS are caught is where the project will try to capture the information of what is being caught on the banks.

Duenas said it is great to see an updated version of the old map.

Sablan asked which DAR staff is assisting on the project.

Walker said Christine and Brent will be participating in the project.

d. Festival of Pacific Arts Update

Dela Cruz reported that the FestPac will be held in Agana, the capitol of Guam. A large area will be active within the festival times. New buildings have been constructed, as well as performance areas for the different island areas participating.

Sablan said about 27 brand new huts are 90 percent complete. The new Paseo Stadium has been renovated. A large area will be the main venue for the FestPAC, which will have 27 countries represented and 5,000 delegates in attendance, not including family members. There are also outside venues, such as Merizo Pier. A FestPAC Task Force was developed to address issues such as public health, biosecurity, housing and law enforcement.

Discussion

Simonds commented that the only minor disappointment is there have been no improvements to the Fishermen's Cooperative. She asked when improvements to the co-op will take place.

Sablan replied that 50 percent of the funding has been provided to the co-op.

Duenas said the Guam Legislature appropriated \$2 million for construction. Prior to that, in 2005, a grant was received through the Administration for Native Americans for architectural and engineering aspects and all of the permitting on the building, to include the boardwalk and some restaurant facilities, a dive shop and a gift shop, which will cost \$6 million. Additional funds are being sought for the seawall, as well. The seawall would be an added benefit to the area, as it would take a lot of stress off the inner marina where many of the commercial boats operate out of, such as the dolphin watch boats, parasailing and dive and snorkeling tours. Construction may get underway by the end of March 2016.

Sablan added that it is important not to stop operation during the construction.

Simonds agreed because people want to eat fish.

Sablan agreed and said the Coop will still be an attraction after the FestPAC is over.

Dela Cruz added that the Council will have 1,200 square feet of space at the FestPAC to display the Council's activities, such as establishing CBMP.

Sablán asked who the point of contact was for FestPAC.

Dela Cruz replied that John Calvo, the Council contractor for education and outreach, was the point of contact on the FestPAC Committee.

Sablán asked if there would be a canopy setup.

Dela Cruz said the logistics are being worked out, and the wind factor will be considered.

5. Education and Outreach Initiatives

Dela Cruz reported that the Gupot Fanha'aniyan Pulan was held Saturday, Feb. 6, 2016, at the Sagan Kotturan Chamoru. The lunar calendar was a big hit and there have been many requests from teachers, students and the elderly fishermen. The lunar calendar was distributed to 102 public and private sector schools. The annual contest for the artwork was also a big hit. There have been requests from schools to involve their students.

Will Castro, from the Guam Bureau of Statistics and Plans and on behalf of Guam Gov. Eddie Baza Calvo and CNMI Gov. Ralph Torres, offered an invitation to the Council to attend the 36th US Coral Reef Task Force. The event to be held in the Marianas from Sept. 19 to 23, 2016, will include various field trips.

B. Commonwealth of Northern Mariana Islands

1. Arongol Falu

Seman reported that the Fiscal Year 2016 funds for the FAD Program were awarded. Funds were also available to renovate the Rota West Harbor Marina. Two new boat engines and a trailer for the Fisheries Research vessel, a 27-foot Boston Whaler, were also recently procured. A new education and outreach specialist for Aquatic Education has been selected and will be brought onboard in the near future.

2. Legislative Report CNMI

Seman reported that the Senate passed Senate Bill 19-63, introduced by Sen. Arnold Palacios, former Council chair. It has been referred to the House of Representatives where it sits in the Committee on Ways and Means. The purpose of the bill is to amend an existing statute to provide an exemption on the fuel tax to fishermen who fish in the CNMI waters.

Senate Bill 19-66, also introduced by Sen. Palacios on Oct. 27, 2015, was passed on Jan. 27, 2016. It has been referred to the House of Representatives where it is awaiting to be assigned to a committee. The bill would amend existing statutes to authorize the Division of Fish and Wildlife to regulate marine sports and activities within the waters of conservation areas and sanctuaries and to impose and collect conservation area management fees by regulations and for other purposes.

House Bill 19-105, introduced by Rep. Angel Demapan on Oct. 21, 2015, is now in the Senate. The bill, known as the Marine Resources Investment Act of 2016, would also amend

existing statutes to authorize the DLNR to develop a system for the assessment of fees on non-resident visiting MPAs and for other purposes.

3. Enforcement Issues

Seman reported that law enforcement agents have conducted approximately 69 hours of dockside inspections, 249 hours of at-sea patrol and 544 hours of at-sea personnel patrol. There were also 26 vendor inspections checking for shark fins and other illegal commodities that are present in stores and restaurants. They conducted outreach by giving a presentation at the Marianas Tourism Education Council Summit. They also conducted 145 dockside and nearshore patrol. Currently, they are working on the procurement of two jet skis, a four-wheel drive truck and the construction of a warehouse facility for their vessel and boat repair, all of which were funded through the JEA Program.

4. Community Activities and Issues

a. Report on Northern Islands CBMP

This agenda item was presented in another agenda topic.

b. Report on Fishery Development Projects

Seman reported that there was a second meeting for the CBMP on Saipan in January. The community goals and objectives were developed. The next phase includes the project plan being drafted with the community and will be reviewed by the community. The Draft Plan will be available June 2016, just in time for the Council meeting on Saipan. After the plan is approved, the plan will be published and actions in the plan will be implemented.

Through the Hawaii Longline Association agreement with the CNMI government for a 1,000-mt allocation of CNMI's 2,000 mt of the WCPFC quota, the CNMI has received funding and has prepared plans to utilize the funds for installation of a commercial small-boat trailer park. It is currently being designed. The architectural and engineering has been finalized and will soon be ready to go out for bid. The cost of the project is \$98,000.

5. Education and Outreach Initiatives

Seman reported that the 12th Mahi Fishing Derby is scheduled for April 2, 2016. Council on-island coordinator Jack Ogumoro will attend the derby to distribute Council education and outreach materials, including the lunar calendars.

The Fishermen Code of Conduct posters have been completed. They were produced in four different languages, English, Chamorro, Refaluwasch and Chuukese. The Fishermen Code of Conduct was translated into Chinese and Korean and is ready to be picked up to be distributed, especially to hotels and tourist shops on Saipan, Tinian and Rota.

The Advisory Panel brochure has been completed. The AP members are now using them when they go out to talk to fishermen about their needs and concerns.

The lunar calendars are completed and have been distributed throughout the schools, including Tinian and Rota. The prizes for the winning entries will be distributed upon his return to CNMI.

Gourley commented that a local agency in CNMI produces a tide calendar that is popular with the fishermen. He went to pick up a stack to give out to fishermen. He was told that he had to go to the agency public outreach person and sign a commitment to protect the environment before a calendar would be given.

Spalding commented that they are partners on the creation of the Council's lunar calendar.

C. Advisory Group Report and Recommendations

1. Advisory Panel

Peter Perez, Guam AP Chair, reported the Mariana Archipelago recommendations as follows:

Regarding Guam fisheries, the Guam AP recommended the Council request NMFS PIFSC assist Guam in developing a sea cucumber stock assessment.

Regarding Guam fisheries, the Guam AP recommended the Council assist Guam in the deployment of FADs and include the fishing community in the development of Sports Fish Fund grant proposals.

Regarding Guam fisheries, the Guam AP recommended the Council work with the fishing community to develop a regional approach to developing marine mechanics training.

Regarding Guam fisheries, the Guam AP recommended the Council request a creel survey review workshop be conducted for Guam.

Simonds pointed out that the recommendation addresses the fact that creel surveys need to collect better information directly from fishermen. American Samoa should be included in the review of the creel survey with the fishermen. The recommendation was moved to the Administrative section of the agenda with the inclusion of American Samoa

2. Scientific and Statistical Committee

Daxboeck reported the SSC had no Mariana Archipelago recommendations.

D. Public Comment

No public comments were offered.

E. Council Discussion and Action

***Regarding Guam fisheries*, the Council requested NMFS PIFSC to assist Guam in developing a sea cucumber stock assessment.**

*Moved by Seman; second by Duenas.
Motion passed.*

Duenas commented on the huge numbers of sea cucumbers being harvested, which are then processed on the beach. The waste from the processing then is washed back into the water. Currently, the regulation on Guam is 100 pieces per day per person.

Daxboeck pointed out that the waste from sea cucumbers contains a chemical compound called saponin and it is well known that it kills fish.

Ebisui said the same problem arose in Hawai'i with the mass harvest of sea cucumbers to the point where the State took action with an emergency rule. He asked if in Guam the interest in sea cucumber is a new or a continuation of harvesting practices.

Duenas said the Freely Associated States citizens are conducting the practice.

Seman noted that SPC will respond to a formal request and hold a regional workshop on how to address the problem. SPC professionals travel to conduct the free workshop.

Simonds asked for clarification as to the toxin and whether the rule should be directed to protect the sea cucumber from future harvest or have no harvest at all.

Daxboeck said the intestines and the waste contains the saponin, which blocks breathing of the fish. The fish will be found floating on the surface. It is an ancient fishing practice well known by Polynesians all through the Pacific. In French Polynesia, it is against the law to use that. What should be illegal is improper treatment of the waste product. It should be carried away to avoid it being washed back in the water. UOG and the Government Economic Development Branch in the late 1980s had a FMP for sea cucumbers at one time in Guam that someone may want to review.

Simonds asked if it would be appropriate to ask for a management plan first.

Seki said a stock assessment requires a time series and data on the stock. There is no data on the sea cucumber stock. A survey could be done to assess the number of sea cucumbers present but would have no reference point to say what the status of the stock is. He agreed with the actions of the State of Hawai'i DLNR to stop the harvest. There is no information that would produce a meaningful assessment on which management could be based.

Sablan said he would check with his conservation officers to see what kind of information they have as far as the count and what was caught. Currently, the rules include a limit on take.

Simonds said that would be a way to begin the process, review the DOA information and then go forward with further discussion.

Sword added that the same problem arose in American Samoa two years ago and the government put a moratorium in to stop all take until there was an assessment done.

Ochavillo agreed. The American Samoa governor issued an executive order to ban the commercial sea cucumber fishery because of the large amount of sea cucumbers being harvested. DMWR did simple surveys. There was no data. There is a stock assessment toolbox available online from CGIAR, with a checklist. From that simple assessment, it can be decided whether to put a moratorium on the stock. Information was sent to Hawai'i DLNR when they faced the same dilemma one year later.

Dela Cruz noted that the Guam law is 100 per person per day and no commercial sale or international trade or shipping off island.

Guthertz suggested the easiest way to deal with the problem is to ask the legislature to change the law, to prohibit the taking of the sea cucumbers until the science is in place and until it is understood what the impact of the practice is. A simple amendment to the existing law would be a good path forward.

Simonds said the Council should ask DOA to review its information and then report back to the Council. If DOA wants to ask the legislature to do something, it can do that itself.

Sablan agreed. He noted it is a subsistence harvest for the migrants, which would be one of the questions for the legislature to address.

Simonds noted that the Council is asking the DOA to review the information they have through its enforcement reports on confiscation of sea cucumbers and to report to the Council.

Regarding the Guam fisheries, the Council requested the DOA to review the information available from the enforcement reports on the sea cucumber harvest and report back to the Council in June of this year.

Tosatto added that considering the ecosystem approach to management, it is worth a discussion. This same rapid exploitation for markets in Asia has occurred in every single foreign island country. It has swept through the region. There was always a traditional take. It turned into a spike of exploitation. He agreed with the path the Council is choosing in first collecting information. A recommendation at the June Council meeting may be a workshop in Guam to look for best practices along the lines of management to inform how the jurisdictions can address management and how to get to stock assessments. SPC's Offshore Fisheries Program and Coastal Fisheries Program are doing sea cucumber work for all of the other islands that are looking at this exploitation. There are survey methodologies to get baseline information and develop a data collection process to get a stock assessment and put a controlled harvest in place. It is an exploitable resource or could be an exploitable fishery resource for the territories.

The maker and the second accepted the amendment to the recommendation.

Daxboeck commented that French Polynesia does have an FMP for the harvest and export of sea cucumbers. A market survey of the species is needed to see what they are worth to see if it is economically available.

Regarding Guam fisheries, the Council directed staff to assist Guam's fishing community to be included in the development of Sports Fish Fund grant proposals, projects and priorities.

*Moved by Duenas; seconded by Sablan.
Motion passed.*

Gourley asked if it would be more appropriate for a letter to go to DOA saying that the fishing community would like to become involved in working with DAWR on Sports Fish Restoration Funds rather than have staff actually get involved with trying to get the fishing community directly involved in state business

Sablan clarified staff outreach to the community; the Department would respond internally.

Simonds agreed that this should be to respectfully request DOA to include the fishing community from the beginning in the development of proposals. Each Territory deals with it differently. The Council's AP would be very useful in the process.

Sablan agreed.

Regarding Guam's fisheries, the Council directed staff to work with the fishing community to develop a regional approach to developing marine mechanics training.

*Moved by Duenas; seconded by Sablan.
Motion passed.*

Simonds said this has been done before. The Council has brought people to Hawai'i for training via program project grants.

DeMello said, in the past, the AP has asked for this. One of the problems with marine mechanic training is that you have to be certified by each brand, such as being certified for Yamaha or for Evinrude. The Council has also tried working with the Guam Community College in the past. All of the island areas have the same problem.

Simonds asked for clarification as to the current status of the marine mechanics training.

Council staff Mark Mitsuyasu said the recommendation came out a couple of Council meetings ago. Staff has been working with some of the vendors that distribute and repair motors. The issue is that for each brand the training sessions last up to two weeks on the mainland. The training does not travel to the islands. Additionally, once a person is certified, it is hard to retain him/her on island. Once he/she is certified, a notice is put out that the mechanic is available.

Simonds asked if there are certified mechanics in Hawai'i who are qualified to train.

Mitsuyasu said there are a few mechanics in Hawai'i, depending on which brand it is. They are not certified to train. To be able to get a certificate from the manufacturer, they need to go to the mainland.

Simonds asked for what is the next step to get marine mechanics trained.

Mitsuyasu said discussions with dealers in Hawai'i are continuing in terms of how best to recruit certified mechanics and hold them in Hawai'i. The dealers are trying to work with the different manufacturers. Once a course is held and the graduates come through, they announce recruiting opportunities.

Simonds asked Tosatto if the grants would apply to sending people from each of the islands to be trained if they are available and willing to do so.

Tosatto replied in the affirmative. Under the Marine Education Training requirements of MSA, the agency has authority to provide grants to increase the number of Pacific Islanders underserved in a marine-related field. The program has supported bringing islanders up to Hawai'i Community College's boat husbandry courses in the past. It was a two-year course and included woodworking, fiberglass, electrical, engine and more. Participants had a broad suite of expertise to return to the islands with. It was not certified mechanics. He added that NOAA has the same issue with its own small boats. He supported it as being a viable option within their mini-grant program. He also voiced support for the regional approach of educating students to then go back to work in their agencies. He suggested that if an agency signs on, someone is needed to oversee the grant, take applicants from island areas, coordinate their certification on the mainland and then return to their islands under their former employment and promises to remain on the island for the next two years.

Simonds noted that it would be a good project for the AP to work on.

Sablan agreed with the comment. If there could be certified mechanics, it would avoid violation of the warranty.

Regarding Guam fisheries, the Council directed the AP and staff to work with NMFS PIRO and the fishing community to develop a regional approach developing a marine mechanics training certification program.

Sword commented that in American Samoa there is only a Johnson Evinrude dealer. When they do these repairs on these engines, including government craft and the sports fishery, they use computers to adjust and change the engines. American Samoa needs people who can do it on the side and actually fish with outboard motors to then semi-train other people what to look for and how to keep the engines maintained. It would be a real benefit to the fishing community. He asked Tosatto for information on where to apply for the grants.

Ebisui said the amended motion would include reference to a regional approach to include Sword's concern.

Rice asked if recreational funds could also be available for use.

Tosatto said, depending on the source, it would be up to the person running the project. Sports Fish supports the industry and supports sport fishing. It would be up to the USFWS to make the determination. It clearly is an MSA authority to support the Marine Education Training Program. He noted that he thinks the agency has the ability to address this.

DeMello said staff will work with the AP to fit in the Saltonstall-Kennedy grants.

Tosatto agreed that it needs to be explored whether the Saltonstall-Kennedy grant fits.

The maker and the second agreed to the amended recommendation.

Ebisui noted that the last recommendation would be deferred to the Administrative Matters section of the agenda.

XII. Administrative Matters

A. Financial Reports

Simonds reported it is the second year of the multi-year grant. It includes the usual Council compensation, personnel wages and advisor compensation, as well as the SSC, the AP and fringe benefits and travels. Travel is mainly for SSC meetings and all of the advisory groups that are in the MSA. There is also staff travel. International meetings are included in the budget. The first quarter funds were recently received.

There is a list of activities supported by funds from the region. Those funds have not been received. The industry delivered its payments to NMFS in December; no funds have been received to provide support for the Territory Marine Conservation Plan projects. Simonds asked Tosatto to check on the status of the funds.

The report also contains information as to the FEP monitoring, coordination of participation, media activities, outreach and funds for running an office. Simonds encouraged members to notify her regarding travel.

The Sustainable Fisheries Fund IV is coordinated by Kingma, who can provide information regarding that fund. It support contractual activities and supplies in the Territories and Hawai'i for pelagic and insular fisheries research, committee-based management development, marine planning and climate change, etc.

Turtle funds are received late in the year. These funds are connected to the Council's five-year grant. The money is required to be disbursed by the end of the five-year grant.

There are two Coral Reef grants. DeMello and Sabater are able to answer any questions regarding those grants.

B. Administrative Reports

Simonds reported that the Council's document manager, Jordan Takekawa, resigned. The position is being recruited. An email was received from Headquarters stating that American Samoa and Hawai'i Governors have submitted names for new Council membership. The Council, PIRO and PIFSC staff are active in coordination planning efforts. Staff was attended NOAA's Grants Division, Financial Assistance workshops, which addressed technical details and correct protocol, among other topics.

C. Council Family Changes Staff

Spalding updated the Council regarding changes to the Marine Planning and Climate Change Committee. Bruce Anderson has taken over the Hawai'i position that was vacated by Gov. Abercrombie's Climate Change designee, who moved to the mainland. The committee meeting will be held March 30 and 31. CVs were received from Georgina Fiaga as alternate for Sandra Lutu in American Samoa and Ariele Baker as alternate for Fran Castro in CNMI on the committee. One American Samoa member has attended only one of the meetings and is unable to attend the March meeting. E-mails were sent to suggested replacements. A committee member in Guam moved positions. An e-mail was sent to Tracy Limtiaco, who is Governor Calvo's point of contact for climate change. There has been no response. Spalding will provide updates on progress.

Augustin Kaipat replaced Todd Miller on the Education Committee, which needs Council approval. Craig Severance has agreed to chair of the committee. A CNMI student will be offered the 2016-2017 US Pacific Territories Fishery Capacity-Building scholarship.

Discussion

Sablan asked if it is confirmed that Tracy Limtiaco will be the replacement.

Spalding replied in the negative, as there has been no communication from Limtiaco.

Sablan offered to follow up.

Sabater reported that there will be two changes on the FEP Plan Team. CNMI requested that Sean McDuff be replaced with David Benevante, the new shore-based creel supervisor. He will also be on the Insular Subgroup, the Fisheries Data Collection and Research Committee and Technical Committee.

Stefanie Dukes from PIFSC will become the overall chair of the Plan Team. Dukes has a long background dealing with data analysis and data management.

Guthertz presented the AP recommendations for alternate members as follows:

The CNMI AP recommended that *the Council replace Juan Tenorio on the AP with an alternate member. The AP's choice is Cecilio Raiukiulipiy, as he has the greatest participation. Tenorio has stepped down due to other commitments.*

The American Samoa AP recommended that *the Council solicit applications for the AP Island Fisheries Subpanel position previously held by Romero Veavea, who exceeded the number of absences allowed.*

D. Report on Final Operating Guidelines

This item was addressed under another agenda item.

E. Update to Regional Operating Agreement

Ishizaki presented an update to the ROA that Council staff has been working on with PIFSC and PIRO staffs. The ROA is an agreement that the Council, PIFSC and PIRO have established that formalizes the working relationship when implementing fishery management actions. The agreement was first finalized in April 2014. It is intended to document the specific roles and responsibilities for management actions under the ESA. It functions within the general parameters of the Operational Guidelines that was finalized in September 2015.

The ROA broadly defines roles and responsibilities of the Council, PIRO and PIFSC. It details the main rule-making phase that we all are involved in, including with the scoping and planning phases as included in the Operational Guidelines. The ROA is intended to be reviewed on an annual basis.

Recently Council staff has been working to update the agreement and have made several changes, such as updating it for consistency with the new operating guidelines. The process for document development and review was revised, what is done on the back end of rule development. An important change regarded inclusion of agreements as appendices are integral to what the Council does. Such agreements include the MSA-ESA Integration Agreement, the EFH Policy Agreement and the Template for the Action Team Plan, which is something used to guide staff to go through all of the steps required in preparing the documents needed for the fishery management actions. The Council Organizational Diagram was included into the ROA.

The ESA-MSA Integration Agreement is from the policy directive on ESA Section 7 Integration with MSA that was issued from Rauch because of the working group that was established between the NOAA Marine Fisheries Advisory Committee, Council Coordination Committee and NMFS. The working group recommendations were issued through the policy directive on ESA Section 7. The policy directive allows for Council involvement in these ESA consultations on a case-by-case basis. It also allows a regional agreement to be developed to have a standing agreement on how the coordination will work. The Council directed staff to draft an integration agreement and work with the Regional Office on this, which has taken place.

The Draft Agreement establishes expectations for Section 7 coordination with the primary focus on Council and PIRO SFD, what is called the Action Agency in these consultations. It encourages early involvement from PIRO PRD, which is the Consulting Agency in most cases in the consultations. The agreement also outlines the roles and responsibilities as they pertain to the consultations and the coordination. It emphasizes a front-loading coordination. The draft agreement also includes a mechanism for providing opportunity for Draft BiOps, a review by the Council when the Council requests and deems appropriate. The agreement is close to being signed off on. There are a couple of final areas to be worked out, such as the mechanics of the Draft BiOp review and how to include the PIRO PRD in the process. The Council is amenable to having the focus of the agreement on the Council-to-SFD relationship. The Council would prefer to have PIRO SFD as an Action Agency to bring the Council to the table when having discussions with PIRO PRD prior to initiation of the formal consultation in that front-loading period.

The intent is to have it included as an appendix to the ROA, as well as the ESA Policy.

Walker reported that the MSA in its implementing regulations apply two different EFH processes that the Council staff is taking the opportunity to formalize. The first is the Five-Year EFH Review Policy, and the second is the EFH Consultation Agreement. The policy states the rules and responsibilities of the Council and NMFS and describes the process.

The Council's objective in reviewing EFH information is to refine EFH. This process will facilitate that objective. It will look similar to the Western Pacific Stock Assessment Review process, where leadership prioritizes stock assessments. Similarly, the Council executive director, PIFSC director and PIRO regional administrator coordinate staff resources to review and prioritize the schedule.

The EFH Consultation Agreement is well developed. It covers two different classes of EFH consultations. The first class is MSA fishery management actions, all of the Council's amendments. The second class is non-MSA consultations. In this case, the PIRO SFD is not the Action Agency. The Department of Defense or the US Army Corp of Engineers would be the Action Agency. PIRO's Habitat Conservation Division has between two and three hundred EFH consultations annually. There is regulatory guidance that the agency is supposed to coordinate with Councils to identify those types of activities on which the Council intends to comment. At that point, Habitat can provide the Council with pertinent information, as well as copies of their conservation and enhancement recommendations. What the agreement is proposing is that the Council would be copied on major federal actions, those with more than minimal adverse effect. Habitat would automatically send the Council consultation. The other category is broader, those actions identified by the Council or its advisory bodies. That is intentionally open-ended so that the Council has a formalized way to stay in the loop for actions that there is a habitat concern is not intended to over-burden Habitat with consultation requests.

Staff is looking to finalize the agreement. The consultation section is well developed. The EFH Review Policy will be developed over the next two months.

Discussion

Ebisui asked what is needed to get to the final form.

Ishizaki replied that in terms of the ROA minus the appendices, it is ready. There are a few more details to work out in the ESA Integration Agreement. Otherwise, it is very close to reaching agreement.

Walker said only the EFH Review Policy remains to be developed, which would take at the most two months.

Ebisui asked if PIFSC has agreed to the changes.

Ishizaki replied PIFSC has agreed to all of the changes in the ROA.

Tosatto concurred that the ROA could be finalized rather than wait for the two appendices. Getting the the appendices will take a little bit longer.

F. Statement of Organization Practices and Procedures (Action Item)

Simonds reported that a response was received from the Grants Attorney. Staff has been working with NOAA GC Onaga on redrafting some sections of the Statement of Organization Practices and Procedures (SOPP). The next step will be a review by the executive director and the Grants attorney, which will take place before the June Council meeting. There will be a revised SOPP presented at the 165th Council meeting.

G. SSC Operational Guidelines and Three-Year Research Plan (Action Item)

Simonds noted that the Council has started the new five-year agreement. Similar efforts are underway with other Council operating agreements. Discussion with the SSC is needed regarding SSC workload for the next three years and potential revisions. The plan is still in draft form and needs to have discussions with PIRO and PIFSC.

Dalzell reported that the draft report was developed by Council staff in consultation with the SSC chair and chair emeritus. A plan was needed because of the uniqueness of the Western Pacific area with the diverse range of islands and cultures and the pivotal role of international management. Fishery management is evolving. Other political and social forces must be reconciled with the MSA. As fishery management in the United States and in the Western Pacific Region evolves, the role and function of the SSC must evolve to meet the challenges of providing the Council with the best scientific advice available.

Each SSC provides its Council ongoing scientific advice of fishery management decisions, including recommendations for acceptable biological catches, preventing overfishing and MSY, as well as economic impacts of management measures, and sustainability of fishing practices. The SSC also develops multi-year research priorities for fisheries, fisheries interactions, habitats and other areas of research for management. They are involved in the development and amendment of FEPs on a continuing basis.

Working Groups may be established on a permanent or temporary basis at the discretion of the chair. The working groups are responsible for review, evaluation and interpretation of particular scientific topics and reporting to the SSC plenary through position papers, while remaining informed throughout the year on related issues.

Up to now, membership of the SSC has been unlimited. The Council at its 163rd meeting in June 2015 endorsed the executive director's initiative to review and modify the SSC's membership to best meet the Council's needs with regard to providing sound scientific review and guidance as required by the MSA. Dalzell listed some of the skills required for an SSC member, such as expertise in fisheries science, fish life history, fish behavior and physiology, population modeling, computer programming, economics, social science disciplines, population dynamics, genetics, oceanography and marine ecosystems.

The draft work plan currently is comprised of acceptable biological catches, stock assessments and peer reviews, international fishery management, ecosystem-based management, social and economic aspects of management and five-year research priorities. The finalization of the plan, which is a work in progress, provides SSC members to submit comments on the current

draft until April 30. The roles of NMFS PIRO and PIFSC need to be defined in the plan. Work will continue on the plan for three years.

Dalzell asked the Council for endorsement for the continued development of the SSC three-year plan and to encourage Council staff to work with NMFS PIRO and PIFSC to define their roles within the plan. Dalzell plans to present the completed plan at the June Council meeting.

Discussion

Simonds added that the SSC needs to get more involved in reviewing assessments, not just stock assessments, but other kinds of assessments. The SSC is the science provider to the Council. The Council depends on it to determine what the best available science is and get more involved in some of the work being done by PIFSC and international science organizations. It was pointed out that the SSC works differently in each council.

H. Meetings and Workshops

Simonds said the list of international meetings was presented earlier in the meeting. The schedule for the June Council meeting was distributed. June 3 is the date for staff and Council members to arrive in Saipan. The usual advisory meetings will be held during the week prior to the Council meeting. Standing Committee meetings will be held on Saturday, June 4. June 6 the 166th meeting will start at 8 a.m. Wednesday will be a travel day. Thursday and Friday will be the dates of the Guam 166th Council meeting. Members are welcome to stay on for the Community Resource Mapping Workshop on Saturday. Simonds encouraged the Council members to communicate questions regarding travel arrangements in advance. Council staff was directed to include the Coral Reef meeting on the list of meetings and workshop.

I. Other Business

Simonds reported that the Government Accountability Office reviewed the Marine Recreational Information Program (MRIP) and the NOAA Response regarding the Western Pacific Council's use of the term noncommercial fishery to refer to recreational fishery. What is needed is for NMFS to include the Council in all of the meetings that take place, and that should be recommended to NMFS. For the 166th meeting, staff needs to review the whole MRIP Program. Council staff is on the Operations Committee, which has funds that all Councils have applied to be used in terms of improving data. Council staff is developing recommendations to be sent to NMFS.

DeMello added that the Council is working on the Promise to Pae'aina, which is part of the Hokule'a's worldwide voyage. The Council and NOAA Fisheries are signatories to the commitments made under this promise. The Promise to Pae'aina is a commitment to help the oceans before the Hokule'a's return in 2017. Staff has been working with other agencies and nonprofit partners to see what the Council can do before the Hokule'a returns. Twenty commitments were distilled down to five major theme areas, our heritage, our island home, our future, our livelihood and our responsibility.

Another commitment added to the promise was to look at baseline information across the archipelago and how all of the data that's been collected fits together. One of the projects is working with The Nature Conservancy to see what data is available and who is doing the data and trying to compile that into one database and then to look at standardizing methodologies across the state so that the same methods are used so that the state has a standard measurement.

For some time, there has been talk of a recreational fishing license or a noncommercial fishing license in Hawai'i. There is an initiative by Conservation International to look at a feasibility study for a noncommercial fishing license program in Hawai'i. The Council is working with them on developing a Steering Committee and coming up with options for what a noncommercial program would look like.

The State of Hawai'i is involved as well as Matt Ramsey from PIRO and the Harold K.L. Castle Foundation. Conservation International is working on a legal review of the constitution and looking at Native Hawaiian rights. The Steering Committee will develop a suite of options on what fishermen would like to see, what would be on the table as far as noncommercial licensing to find what gets the least amount of push-back. The last part is an economic review, looking to see the revenue, how much can the state charge, what can they do with the revenue, does it need a special fund, how much money would actually be made off of it and if there is any effect on Sports Fish money. The Steering Committee meeting should be scheduled in the next month or so. Membership is being finalized. DeMello will report back progress to the Council members.

Discussion

Simonds added that this is the appropriate way to develop something, starting with the constitution and legal review, and involving the community in that. She asked Tosatto to respond to a question earlier in the meeting regarding an update to the Council on the American Samoa purse-seine economic study.

Tosatto said there was a briefing recently on the status of the study. The point of the economic study is to look at impacts of how the Effort Limited Areas for Purse Seiners were implemented, and to take a more general look at changes in the industry and American Samoa, as well as analyze the connection of those activities with the Territory of American Samoa. A few refinements were accepted as being doable. There is potential that it can be used in management actions that need to be taken. It is close to being concluded. It may go out for peer review or go through an internal report first and then be sent out for peer review. Once it is finalized, it will be sent to all interested parties.

Daxboeck said a recommendation was crafted to address the new advent of selling fish over social media, which was brought up earlier in the meeting and will be addressed under the Other Business topic coming up.

J. Standing Committee Recommendations

Ebisui reported that the Standing Committee recommendations related to modifications of the staff retirement requirement, reducing the number of years needed from 20 to 15. There was recommendation pertaining to the Operating Agreement, as well as the ESA-MSA

Integration Agreements, staff and Council family changes, as well as advisory group membership.

K. Public Comment

No public comments were offered.

L. Council Discussion and Action

Regarding administrative matters, the Council made the following changes to its advisory bodies:

- **Add David Benavante, CNMI Division of Fish and Wildlife, to the Plan Team and Fishery Data Collection and Research Committee's Technical Committee.**
- **Add Agustin M. Kaipat, DLNR, to the Education Committee to replace Todd Miller.**
- **Add Cecilio Raiukiulipiy, CNMI, to the Mariana AP to replace Juan Tenorio.**
- **Solicit for alternatives to the American Samoa AP to replace Romero Veavea.**
- **Add Stefanie Dukes, from PIFSC, to the Plan Team.**

Moved by Ebisui; seconded by Sword.

Motion passed.

Regarding administrative matters, the Council recommended the revised ROA be adopted as presented, including the ESA-MSA Integration Agreement, Action Plan Template and Council diagram as appendices and directed staff to finalize the EFH Policy to include the Five-Year EFH Review and the EFH Consultation Coordination Processes. The Council endorsed the inclusion of major federal actions with more than minimal adverse effects on EFH and those identified by the Council or its advisory bodies in the scope of the EFH Consultation Agreement.

Moved by Ebisui; seconded by Sword.

Motion passed.

Tosatto said paragraphs still need final review before being signed.

Regarding administrative matters, the Council endorsed the continued development of the SSC three-year plan and encouraged staff to work with NMFS PIRO and PIFSC to define their roles within the plan. The Council understood that SSC members have until April 30 to provide review and comment on the plan and looked forward to the next iteration at the June Council meeting.

Moved by Seman; seconded by Sword.

Motion passed.

Regarding administrative matters, the Council regarding noncommercial fisheries and MRIP, recommended NMFS include the Council's Federal Data Coordination and Research Committee as the Western Pacific analog to the State Marine Fisheries Commissions in MRIP activities and immediately support implementation of a mail survey in Hawai'i. Further, the Council supported instituting a mail survey for noncommercial data collection in Hawai'i and directed staff to prepare a project for the next MRIP funding opportunity.

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

Regarding administrative matters, the Council directed staff to finalize the SOPP for final approval by the June 2016 Council meeting.

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

Regarding administrative matters, the Council modified the staff retirement requirement from 20 years employment with the Council to 15 years. All other requirements remain.

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

Simonds noted the recommendation is in line with other Council retirement requirements.

Regarding Data Collection and Research, the Council took the following actions:

Directed staff to coordinate with state and territorial agencies to ensure that the marine catch being sold through social media is captured, as such transactions are not being recorded through existing reporting requirements.

Recommended NMFS PIFSC to conduct an evaluation of the Creel Survey Program in American Samoa, Guam and CNMI on how effective the surveys are in engaging the fishing community and explore other data collection systems, including permit and reporting.

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

XIV. Other Business

There was no other business.

APPENDIX: List of Acronyms

| | |
|---------|--|
| ACL | annual catch limit |
| AIS | Automatic Identification System |
| AP | Advisory Panel |
| ATA | American Tunaboat Association |
| BiOp | Biological Opinion |
| BOEM | Bureau of Ocean Energy Management |
| BRFA | Bottomfish Restricted Fishing Area (Hawai‘i) |
| CBMP | community-based management plan |
| CDP | Community Development Plan |
| CIE | Committee of Independent Experts |
| CNMI | Commonwealth of the Northern Mariana Islands |
| CPUE | catch per unit effort |
| CRAG | Coral Reef Advisory Group (American Samoa) |
| DAR | Division of Aquatic Resources (Hawai‘i) |
| DAWR | Division of Aquatics and Wildlife (Guam) |
| DLNR | Department of Land and Natural Resources (Hawai‘i) Department of Lands and Natural Resources (CNMI) |
| DMWR | Department of Marine and Wildlife Resources (American Samoa) |
| DOA | Department of Agriculture (Guam) |
| DOCARE | Division of Conservation and Resources Enforcement (Hawai‘i) |
| DPS | Distant Population Segment |
| EEZ | exclusive economic zone |
| EFH | Essential Fish Habitat |
| EPO | Eastern Pacific Ocean |
| ESA | Endangered Species Act |
| EU | European Union |
| FAD | fish aggregating device |
| FAO | Food and Agricultural Organization (United Nations) |
| FEP | Fishery Ecosystem Plan |
| FestPac | Festival of Pacific Arts |
| FFA | Forum Fisheries Agency |
| FMP | Fishery Management Plan |
| FMSY | fishing mortality sustainable yield |
| FRI | Fishermen Reporting System |
| GAC | General Advisory Committee (IATTC) |
| GAMMS | Guidelines for Assessing Marine Mammal Stocks |
| GFCA | Guam Fishermen’s Cooperative Association |
| GC | General Counsel (NOAA) |
| HFACT | Hawaii Fishermen’s Alliance for Conservation and Tradition |
| IATTC | Inter-American Tropical Tuna Commission |
| IEA | Integrated Ecosystem Assessment |
| ITS | Incidental Take Statement |
| IUU | illegal, unreported, unregulated |
| JEA | Joint Enforcement Agreement |
| LVPA | Large Vessel Prohibited Area (American Samo) |

| | |
|--------|--|
| MMPA | Marine Mammal Protection Act |
| MNM | Marine National Monument |
| MPA | marine protected area |
| MRIP | Marine Recreational Information Program |
| MSA | Magnuson-Stevens Fishery Conservation and Management Act |
| MSE | Management Strategy Evaluation |
| MSY | maximum sustainable yield |
| mt | metric tons |
| MUS | Management Unit Species |
| NEPA | National Environmental Policy Act |
| nm | nautical mile |
| NMFS | National Marine Fisheries Service |
| NWHI | Northwestern Hawaiian Islands |
| OLE | Office of Law Enforcement (NOAA) |
| OTEC | Ocean Thermal Energy Conversion |
| PAC | Permanent Advisory Committee |
| PBR | Potential Biological Removal |
| PIFSC | Pacific Islands Fisheries Science Center (NMFS) |
| PIRO | Pacific Islands Regional Office (NMFS) |
| PRD | Protected Resources Division (PIRO) |
| PRIAs | Pacific Remote Island Areas |
| PSAC | Protected Species Advisory Committee |
| RFMO | regional fishery management organization |
| ROA | Regional Operating Agreement |
| SAR | Stock Assessment Report |
| SBRM | Standardized Bycatch Reporting Methodology |
| SFD | Sustainable Fisheries Division (PIRO) |
| SIDS | Small Island Developing States |
| SOPP | Statement of Organization Practices and Procedures |
| SPC | Secretariat of the Pacific Community |
| SRG | Scientific Review Group |
| SSC | Scientific and Statistical Committee |
| TAC | total allowable catch |
| TSI | Territorial Science Initiative |
| TCC | Technical and Compliance Committee (WCPFC) |
| UH | University of Hawai'i |
| UNCLOS | United Nation's Law of the Sea Convention |
| UOG | University of Guam |
| USCG | US Coast Guard |
| USFWS | US Fish and Wildlife Resources |
| VMS | Vessel Monitoring System |
| WCPFC | Western and Central Pacific Fisheries Commission |
| WCPO | Western and Central Pacific Ocean |