



**MINUTES OF THE 167th MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

August 3, 2016

Council Conference Room

1164 Bishop Street, Suite 1400

Honolulu, HI 96813

Approved by Council:

A handwritten signature in blue ink, appearing to read "Edwin Ebisui Jr.", is written over a horizontal line.

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

Contents

I.	Welcome and Introductions	1
II.	Approval of the 167 th Agenda.....	1
III.	Expansion of the Papahanaaumokuakea Marine National Monument	1
	A. Report of Status of the Potential President Proposal	1
	B. Report in Council Action and Activities.....	5
	C. Public Comment.....	6
	D. Discussion and Recommendations	7
IV.	US Territory Bigeye Tuna Limit Options	8
V.	Council Family Changes.....	12
	A. SSC Member Appointments	13
	B. Advisory Panel Changes	14
VI.	IUCN Resolutions	14
VII.	Public Comment.....	15
VIII.	Other Business	16
IX.	Council Discussion and Recommendations.....	19

I. Welcome and Introductions

The following Council members were in attendance:

- Edwin Ebisui, chair (Hawai‘i)
- Michael Duenas, vice chair (Guam)
- John Gourley, vice chair (Commonwealth of Northern Mariana Islands [CNMI])
- William Sword, vice chair (American Samoa)
- Michael Goto (Hawai‘i)
- Julie Leialoha (Hawai‘i)
- Suzanne Case, Hawai‘i Department of Land and Natural Resources (DLNR)
- Matt Sablan, Guam Department of Agriculture (DOA Guam)
- Richard Seman, CNMI Department of Lands and Natural Resources (DLNR)
- Mike Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- LCDR. Adam Disque, US Coast Guard (USCG) (designee)
- Michael Brakke, US Department of State (DOS)

Also in attendance were Council Executive Director Kitty Simonds, National Oceanic and Atmospheric Administration (NOAA) Office of General Counsel (GC) Elena Onaga and Michael Seki, Pacific Islands Fisheries Science Center (PIFSC).

II. Approval of the 167th Agenda

Moved and seconded.

Motion passed.

III. Expansion of the Papahānaumokuākea Marine National Monument

A. Report of Status of the Potential President Proposal

Tosatto reported that NOAA and the US Fish and Wildlife Service (USFWS) recently held public meetings on Oahu and Kauai regarding the Papahānaumokuākea Marine National Monument (PMNM) expansion proposal.

Regarding bigeye tuna, the Western and Central Pacific Fisheries Commission (WCPFC) quota was reached on July 22nd. Bigeye tuna was prohibited for retention, with minor

exceptions. On July 24, NMFS determined that the US longline bigeye limit for vessels over 24 meters that applies in the Eastern Pacific Ocean (EPO) under an Inter-American Tropical Tuna Commission (IATTC) resolution, was reached. Following this determination, retention of bigeye tuna was prohibited by vessels over 24 meters in the EPO for the remainder of the calendar year.

Discussion

Gourley asked for clarification as to the input regarding the expansion at the public hearings.

Tosatto replied that despite traffic issues on Oahu, the event was well attended and there was a fair representation of public comments on the issue. On Kauai, the event was also well attended, with approximately 200 people, and received a fair representation of the issues. Significant concerns for and against the expansion were expressed. On Oahu, there were fewer undecided comments from the public regarding the expansion. On Kauai, he characterized that there were more undecided public that may not be in total opposition to the expansion, but were somewhat supportive. It was evident that people were concerned with the process being followed. The public wanted more opportunity to discuss it, and commented on the use of the Antiquities Act versus other methods of providing the same protections.

Simonds seconded that Kauai had a lot more commenters that were undecided rather than making comments for and against expansion. Many of the Hawaiians spoke strongly against the federal government being in charge of anything. There were also concerns about the military and Department of Interior (DOI). One of the commenters came forth with an ancient name for the Northwestern Hawaiian Islands (NWHI), which Simonds suggested should be considered at some point.

Gourley voiced concern that the request for monument expansion may creep over to the Marianas. He asked what comments were made by people in support of the expansion.

Tosatto referred to Senator Schatz' proposal and the early request from the group of native Hawaiians. Commenters stated that an expansion using the Antiquities Act was needed to preserve a greater amount of area. This would be an ecosystem approach to managing the resources which would serve to protect what is inside the area and mitigate the effects of climate change.

Sword asked if any commercial fishermen raised the topic of the need to import foreign-caught fish into Hawai'i to fill market demand as a result of the expansion.

Tosatto replied that each speaker was allowed two minutes for comment. There were no PowerPoint presentations. Many commercial and recreational fishermen noted the potential of increased foreign imported product, including Ebisui.

Judy Guthertz, Advisory Panel (AP) Chair, asked if the military will have access to the expanded boundary area, and whether the military weighed in support of the expansion or otherwise.

Tosatto replied that none of the US Departments in the Administration have stated a position to date. Department of Commerce (DOC) and DOI are collecting information to be used in the decision-making by all of the other departments. In past proclamations for Marine National Monuments (MNM), most of the Department of Defense (DOD) activities in support of national security are not restricted in MNM areas.

Guthertz voiced her concern that an expansion or development of any monument in the Marianas would give the military free access to undertake its training initiatives in the waters nearshore and offshore and could be harmful to the resources in their waters.

John Calvo, Guam Island Outreach Coordinator, asked if NOAA addressed the issue that fishermen would be forced to travel further out to sea, noting the Magnuson-Stevens Act (MSA) National Standard regarding safety at sea.

Tosatto replied that issue will be addressed at the time the recommendation is presented to the President.

Leialoha asked if there was any discussion regarding funding for the expansion.

Tosatto replied that also will be addressed at the time the recommendation is presented to the President.

Simonds noted that all of the Territories should be pointing out the unfulfilled promises by the previous Administrations and the Pew Charitable Trust. In the West Wing of the White House, during a meeting with Council representatives before the Pacific Remote Island (PRI) MNM Expansion was established, John Podesta promised funds to Western Pacific divisions of enforcement agencies, and agreed that the only way that the PRIMNM Expansion would achieve its objectives was with effective enforcement. There has been no increase of funds to the USCG or Homeland Security or any other agency since the PRIMNM Expansion in 2014.

Seman pointed out that at the 166th Council meeting, both CNMI and Guam governors reiterated that there are many unfulfilled promises, yet there is a proposal for another monument expansion while nothing has been done to perpetuate the original Proclamation. They are worried that nothing will happen again in Hawai'i and fears an expansion will be proposed again in the Marianas.

Gourley pointed out that the Antiquities Act has no appropriated funding. It is an unfunded mandate. There was also a promise of funds during the Marianas Trench (MT) MNM campaign from Connaughton from Council of Environmental Quality (CEQ), but nothing has transpired. At a meeting held in Saipan, a USFWS employee stated that if the statement is not written in the Executive Order establishing the monument, it does not have to be implemented. It is a land grab and big power building.

Sword expressed a similar concern over potential expansion of the Rose Atoll (RA) MNM in American Samoa. American Samoa manages its fisheries, which provide food security and jobs. When the federal government creates monuments, there are never any funds for management and enforcement, and they hurt the economy by reducing the area available for

fishing. American Samoa relies on fishing for sustainable food. Sword asked if the proposal has changed from its original form.

Tosatto replied that the original request from a group of native Hawaiians proposed that the President expand the monument in all areas out to the 200-nautical-mile exclusive economic zone (EEZ) boundary. Senator Schatz' proposal modified the original request to set the eastern boundary of the expansion at the 163° W meridian.

Sword asked if the monument expansion proponents use the monument to circumvent the MSA process.

Tosatto replied that he could not comment on the motivation behind the proposal.

Sword further commented that an expansion of monuments that closes waters to fishing takes away management of the islands' hinterlands in the Pacific. Pacific Islanders depend on the ocean for sustenance and the economy.

Duenas added that it seems inevitable that expansion might move to the Territories. He pointed out the NOAA ship, the *OKEANOS EXPLORER*, recently conducted deepwater observations and benthic research in the Mariana Archipelago. He was disappointed that the islands' surrounding benthic habitats are not mapped. He voiced concern about the intent of the deepwater research.

Gourley commented that he read a recent article regarding rights of indigenous peoples in communities and combining management authority over MNMs. He realized that in the creation of a monument, the Antiquities Act strips any and all rights that indigenous people have over the water and give sole authority to either the USFWS or NOAA. As long as the affected indigenous communities agree with the mandate of these two agencies, which are the management authorities, everything is fine. There is no consideration given when there is a change in policy or management proposed by indigenous groups. It is his understanding that the local indigenous Hawaiians want to negotiate greater policy decision-making rights in the expansion. The President under the Antiquities Act cannot give management authority to any other agency or people who are not federal, which is the conflict with indigenous groups supporting the monument. He voiced concern that they are being misled and will not realize it until after the monument is designated.

Ebisui noted that during the two public meetings on Oahu and Kauai, there were members of the native Hawaiian community who are becoming more aware of the issue and are starting to question it. It was his impression that there is an awakening realization that maybe the Administration did not do things quite right back in 2006.

Simonds commented that the Council has written to the Justice Department about funds going to American Samoa rather than going to the Sanctuary Program for the management of the National Marine Sanctuary of American Samoa. She noted there may be need for legislation to accomplish such a change.

B. Report on Council Action and Activities

Simonds noted that staff provided a copy of the letter the Council sent to the President and to Senator Schatz since the 166th Council meeting. In it, the Senator was asked to meet with the Council and NMFS scientists to address the issues to better inform the public of the facts because in Schatz' letter there were many statements that misinformed the public. Schatz' letter was based on the document produced by the Expand PMNM campaign called Puuhonua. Council staff reviewed that document and drafted a side-by-side analysis. PIFSC was asked to review the Council's comments to avoid any misstatements. There has been no response.

Goto noted that he asked Winer about the letter, and received an ambiguous response, indicating that Andrew Winer would be in touch directly with Goto. There has been no contact from Winer or anybody else.

Simonds added that a decision would likely be made within six weeks. In consultation with the Executive Committee and Council Chair, the Council will write another letter to the President with emphasis on elements that were included in the first letter. A resolution was drafted for Council consideration. She spoke in support of having more public meetings where the public is able to ask questions and get a response.

Sword spoke in support of sending another letter to the President and expressed his disappointment in Schatz' stance on the expansion, as it takes the power away from the people.

Gourley agreed with Sword, and supported sending another letter. He suggested that if it looks like the monument is going to go through regardless of what the affected people think, the monument should be modeled after the MTMNM where the water column is excluded as a kind of compromise.

Leialoha pointed out that the Office of Hawaiian Affairs (OHA) has a position and have taken a firm stance in support of the expansion with the exception of certain board members. They are responding to allegations that this would cause more harm to traditional practices, caused by the federal government. Questions are posted on their website that need to be answered.

Simonds replied that would be good for the Council to review.

Joshua DeMello, Council staff, noted it was just received a week ago.

Simonds asked if the feds have responded to OHA's question regarding whether permits are required to go the expansion area.

Leialoha replied that question has not been answered yet.

Simonds noted that the Council supported an exemption for allowing subsistence fishing for Hawaiians, but ended up being allowed to fish for sustenance only. Simonds asked what other questions have answers to date.

Leialoha replied that in order for OHA to support the expansion, there were three conditions: 1) DOC and DOI elevate OHA to a co-trustee position; 2) recognition of the cultural significance of expansion area to native Hawaiians; and 3) the expansion area would not include waters close to the Islands of Niihau and Kauai. In response to permits, Leialoha stated that OHA has been working with the Monument Board to ensure that any Native Hawaiian that has requested a permit be granted a permit.

Simonds asked if they were considering eliminating the permit system for Hawaiians.

Leialoha replied not at this time, according to what is posted on the website.

Simonds noted that these questions are what everybody is asking.

Seman suggested that from his experience with the MTMNM, any arrangement should confirm what is being offered in a written document so there is a record of the promise.

Simonds added that everybody has asked for an economic report on the impacts, although there is not enough time to do a proper economic study on the impacts of the monument. As it looks now, there are no exemptions for anything. It proposes closing the waters to all activities. Regarding Gourley's earlier comment, the intent is to make an effort to have people understand the reasons why the Council opposes the monument expansion, and then see what will happen.

Ebisui stated that not only is there no other region in the US that comes close to having an equal amount of restricted areas, there are no other areas on the planet that even come close to the US.

C. Public Comment

Judy Amesbury, Council Scientific and Statistical Committee member, long-term resident of Guam and an archeologist with a specialty in marine resource use, commented that the purpose of the US EEZ is to protect US waters for US fishermen. When the US closes US waters, it hurts not only the fishermen, but also the US because the US imports more fish than it catches from places like Thailand that engage in slave fishing. She asked if there is any scientific evidence that the expansion will protect marine life. She pointed out that the marine life in the expansion area includes pelagic fish, which are highly migratory species. She also questioned the use of the Antiquities Act when the MSA governs fishery management in the US. The Western Pacific Region already has 28 percent of waters in no-take areas, whereas no other region of the US has even 1 percent in no-take areas. She spoke in opposition to the expansion of the PMNM, with concern for expansion proposals of the MTMNM.

Henry Seseapasara, special advisor to the Governor of American Samoa, shared the experience from 2006 when the RAMNM was established, noting there was no communication between the federal agency involved with establishing the monument and the Western Pacific Fishery Management Council. When the national monument was established in American Samoa, the 50 miles around Rose Atoll was not the same as the 50 miles that was established by the Council in the 50-mile Large Vessel Prohibited Area (LVPA). There was a 10-mile difference. He encouraged the federal agency involved with the expansion to work together with

the Council. The establishment of RAMNM was very last minute and did not go through proper procedures; there were no public hearings in American Samoa or the Manua Islands, which are the most affected islands. Seseparasara asked when the final decision on the expansion will be made.

Tosatto replied that according to the CEQ, the proposal is currently under consideration by the Obama Administration and will be made by the end of January 2017. There is supposition that if it is decided, it would be decided before Obama's term is up. The media has reported some possible venues for the announcement to be made, but nothing is firm at this point.

D. Discussion and Recommendations

Case asked if the draft resolution was included in the materials in advance of the meeting.

Ebisui replied that the draft resolution has been a work in progress.

Case asked what the Sunshine requirements are for consideration of resolutions. She pointed out that it is difficult to review documents during the meetings.

Onaga replied that, generally, the Council provides the information on its website and its DropBox and during the Council meeting. There is no federal statute that is comparable to the State Sunshine requirements for MSA purposes. Because the meetings are held in open session, things can be brought to the Council and the opportunity is provided for comment. Materials are provided in advance of the meeting, to the extent possible. Onaga noted that the MSA provides specific document and procedural requirements when it is dealing with Council actions, such as amendments. Generally, the agenda is posted as required by statute, as well as lists of items intended for discussion.

Regarding the request for the expansion of the Marine National Monument around the Northwestern Hawaiian Islands to expand the extent of the US Economic Exclusive Zone,
the Council adopted this resolution that identifies concerns regarding monument expansion and authorized staff to make changes that is consistent with the substantive provisions and when it is complete, directed staff to send it to President Obama and copy the White House Council on Environmental Quality, US Secretaries of Commerce, Interior and State and other parties, as appropriate.

Moved by Goto; seconded by Sword.

Motion passed, with nay vote by Leialoha and Case, and abstention by Tosatto.

Leialoha commented that there are a number of items that are worded oddly or with which she is in disagreement. By her understanding, the intent of the recommendation is to adopt the resolution while edits are being made. There was not enough time given for review and/or to work with the staff to go over and edit the recommendation. She asked to move it forward to the October meeting, with the understanding that October may be too late given the concerns that the Council is looking to circumvent the possibility of an expansion proclamation in September. Currently, she cannot support the recommendation in good faith.

Tosatto noted his abstention from the vote, as the Department is still developing its information to advise the Administration.

Case noted her vote of nay. It is an extensive resolution and she wanted more time to review it, pointing out there are a number of items that do not reflect her understanding of science and policy. She requested that it be placed in meeting materials in advance of the meeting.

Leialoha asked Onaga for a clarification as to whether the Antiquities Act can eliminate the MSA management from the proposed expansion area?

Onaga replied that the Antiquities Act is not a NOAA statute, and it is not within her realm to speak to what the Antiquities can or cannot do. It is a DOI statute. She deferred to DOI.

Simonds pointed out that for all practical purposes, the Proclamation says no fishing. Unless other provisions are made, such as allowing subsistence fishing, the Council has nothing to do with management.

Sword reiterated his support for the recommendation because the Antiquities Act circumvents MSA, and provides no opportunity for involvement from the local indigenous communities.

IV. US Territory Bigeye Tuna Limit Options

Council staff, Eric Kingma, presented issues related to the 2017 Territory Bigeye Catch Limit Specifications.

Amendment 7 to the Pelagics Fishery Ecosystem Plan was approved in 2014, which authorized a management framework to establish catch or effort limits applicable to the US Participating Territories. There is an annual requirement under Amendment 7 to specify Territorial catch limits for bigeye tuna. Those Participating Territories as identified in the WCPFC Convention include American Samoa, Guam and CNMI. Under the framework, the Territories are authorized to use, assign, allocate and manage their catch and effort limits through specified fish agreements with US vessels permitted under the Pelagics Fishery Ecosystem Plan. There is a long list of regulations associated with Amendment 7, such as annual specification by the Council. The presentation is for informational purposes. Final action regarding specification of the Territorial catch limits is scheduled for the 168th Council meeting in October.

Kingma presented a review of the WCPFC measures to date, the 2015 performance of tuna fisheries in the Western and Central Pacific Ocean (WCPO), and information on bigeye catches in the Hawai'i longline fishery.

Options for the 2017 preliminary specifications and the amounts the Territories can transfer included:

Option A, status quo, has been in place for several years; specify a 2,000 metric ton limit per Territory, allowing up to 1,000 metric tons for transfer.

Option B, specify a 2,000 metric ton longline limit per Territory, allowing up to 2,000 metric tons for transfer.

Option C, specify greater than 2,000 metric tons per Territory, allowing greater than 2,000 metric tons for transfer. Currently, there is no amount specified. The Council may want to identify a number for staff to evaluate for the specification in Option C.

Some background information was presented for the Council's consideration of the 2017 bigeye specification in the Pacific, especially in the WCPO.

At the latitudinal range where the Hawai'i-based longline fishery operates, the 150° W meridian divides the WCPO from the EPO. Bigeye is distributed across the Pacific, although it is managed and assessed separately in the West and the East under the WCPFC and the IATTC. There are sub regions within the WCPO stock assessment that are important when considering impacts to bigeye under the authorized Territory transfer arrangements. Most Hawai'i longline vessels operate north of 20° N, above Region 4 and in Region 2, and also in the EPO. Ninety percent of fishing mortality of bigeye is distributed across the Equatorial band between 10° N and 10° S. Bigeye was caught predominantly by longline fisheries until the purse seine fishery in the WCPO introduced fish aggregating devices (FADs) in the early 1990s. Purse seine fisheries incidentally catch juvenile bigeye while using drifting FADs to target skipjack and yellowfin. Currently, the purse seine and longline fisheries contribute roughly equivalently to bigeye fishing mortality. The stock is also impacted by the Indonesia and Philippine surface gears and handline fisheries, as well as a small amount of pole and line fishing.

The WCPO bigeye stock status is considered to be experiencing overfishing, but is not considered overfished under the Pelagic Fishery Ecosystem Plan (FEP) stock status determination criteria. Overfishing occurs when the ratio of fishing at current levels to the fishing associated with Maximum Sustainable Yield (MSY) is greater than 1.0, according to the most recent bigeye stock assessment. The next WCPO bigeye stock assessment is scheduled for 2017.

The current stock assessment plots bigeye biomass depletion across the range of the stock and on a regional basis. When considering all regions, projected biomass in the absence of fishing outstrips fish biomass, showing that the stock has been depleted across the range. In Region 2, where 60 percent of the Hawai'i longline effort occurs, there is very little separation between the fished biomass versus biomass in the absence of fishing. Region 2, which includes any bigeye in the waters around the NWHI, is in a good condition. Fishing has a very low impact on the spawning biomass in Region 2. It is important to note that 95 percent of Hawai'i longline effort occurs outside of the high fishing mortality zone in the equatorial band at 10° N and 10° S.

Since 2008, purse seine fisheries have been subject to seasonal FAD closures and FAD limits. The longline fisheries are subject to flag-based catch limits. The latest tropical tuna measure adopted by the WCPFC is Conservation and Management Measure (CMM) 2015-01. It includes provisions related to bigeye, skipjack and yellowfin and expires at the end of 2017. The longline limits generally represent a 40 percent reduction in catch from a 2001 to 2004 baseline.

If the limits are exceeded, the overage would be deducted from the following year's catch limit. The US has a phased reduction of its limit; the 2016 limit is 3,554 metric tons, which was reached in July. In 2017 there will be another reduction to 3,345 metric tons.

Non Small Island Developing States (SIDS) and Territories, such as New Zealand, Australia, EU and the Philippines are allowed up to 2,000 metric tons annually. There are no limits for the SIDS, and Participating Territories, including American Samoa, Guam and CNMI.

Kingma summarized the performance of the measures. The bigeye catch has been fairly stable since 2005, noting that the tropical tuna measure was put in place in 2008. In 2015, the catch was the lowest in the last 10 years. Kingma noted that it would be interesting to see the information incorporated into the next stock assessment scheduled for 2017 as it relates to the status of the stock and the reference points.

A summary of the US WCPO longline catch, plus the Territory longline bigeye transfers from 2011, was presented.

It was noted that there has been an observed increase catch per unit effort (CPUE) of bigeye in the Hawai'i longline fishery in terms of the number of the fish and the size of the fish, mostly from January to August in 2015 and 2016. The quota is measured by weight, not the number of fish. Having larger fish and higher numbers of fish has led to the fleet to reach the US bigeye limit earlier in the calendar year than in previous years.

Kingma presented an impact analysis of the various outcomes associated with authorizing Territory catch limits of 2,000 metric tons and the transfer limits of 1,000 metric tons per Territory, using a stochastic analysis of bigeye recruitment levels and recent recruitment over the last ten years. It used data from the 2014 stock assessment, with catch data of the entire WCPO to 2012 and then scaled the catches representative of the different Territory transfer level scenarios. The results showed a minor impact on bigeye stock status even if the entire 2,000 metric ton limit per US Participating Territory were utilized, supporting the conclusion that international conservation objectives to eliminate bigeye overfishing would not be impeded. The analysis is consistent with what is conducted for the WCPFC by its science provider.

The impact to the bigeye stock of fishing an entire 2,000 metric ton limit transferred from each of the three Territories, or 6,000 additional metric tons, is negligible. It does not impede the elimination of bigeye overfishing, as defined under the Pelagic FEP, as it is projected into the future. The impact on the stock is mitigated by where the Hawai'i longline fishes north of the 20° N level.

For Option C, specifying limits greater than the 2,000 metric tons and allowing Territorial transfer of greater than the 2,000 metric tons, a new analysis would need to be conducted using data from the latest stock assessment taking into account the tropical tuna measure and recent WCPO fisheries performance.

With regards to the Territories, the Amendment 7 framework supports fisheries development funding. Current projects are ongoing, such as the American Samoa longline dock,

the improvements to CNMI fishing base and also the Guam fishing platform. The Hawai‘i longline fishery has reached the US limit. In return for access to some of the additional Territorial quota, fishing development funding opportunities will be provided to the Territories. It is unknown what the CPUE will be in the future. If it remains at the current level, allowing an additional level of transferrable catch supports additional opportunities for fisheries development for the Territories.

The presentation was presented for informational purposes. The Council will be asked to choose an option at the 168th Council meeting in October.

Discussion

Ebisui noted that there is a parallel situation between the increase in size in the longline-caught bigeye and the yellowfin troll fishery in Hawai‘i. Yellowfin tuna weighing approximately 280 pounds have been caught, which hasn’t been seen since the 1980s or 1990s. For many years, the large yellowfin tuna were 150 to 160 pounds. He asked Kingma to explain how and why out of the 26 member countries of the WCPFC, the United States is the only country that has served notice that it is about to reach its quota and stopped fishing.

Kingma replied that could be two things. One, the US has effective monitoring and controls; the US is unmatched in the WCPFC with respect to the level of monitoring of the Hawai‘i longline fishery. The US is able to track and project its catches and limits and make the associated regulation or close the fishery, accordingly.

Another thing is that the limits could be poorly designed and are not in line with what the other countries are doing. Japan, for example, has had a significant reduction in their longline offshore fleet. The limits are based on historical levels of catch over the course of a certain period, and it may not be in line with what is going on today. The limits may be inappropriate for some countries.

Goto commented that he was surprised that the 2016 bigeye limit was reached by the Hawai‘i longline fishery so early in the year. In 2016, the market was better prepared for the level of catch because of the high CPUE seen in 2015. The preferred option in the Hawai‘i market is domestic seafood. He reiterated Kingma’s comment regarding WCPFC longline catch limits being outdated, pointing out that if now is a new era of the market and the market is demanding what the US domestic Hawai‘i longline fishery is providing, it is significant to the State of Hawai‘i and the Continental US. If the current volume of catch and market is going to be the standard going forward, the Council will need to have extensive deliberations for the preferred option.

Tosatto stated he looks forward to working with the Council and PIRO staff working together in developing the options and analyses of the options. He encouraged Council members to be mindful to the purpose and need of Amendment 7. The amendment was put in place in reaction to statutory direction at the time and use of the MSA to address the development of the fisheries in the Territories. While payment for quota transfer is a consideration, so is development of their fisheries. It is not to foreclose a full consideration of the range of options,

but must remain true to the purpose of Amendment 7. The purpose and need are relevant in approving the quota and the specification on an annual basis.

Simonds asked the PIFSC why the sizes of bigeye are large as compared to previous years.

Seki replied the reason is not known. Jeff Polovina's group at looked at this question, and think they have a pattern taken from information that they get at Station Aloha that shows a change in the stratification in the water column that may increase catchability for the gear. Work is ongoing and they may have some preliminary information in the fall. It is known that effort is higher, as well. There are a number of factors that lead to the quota being reached earlier and earlier every year.

Kingma added that the signal seen in larger yellowfin, as well, may indicate WCPFC measures are working. Purse seine fisheries catch juvenile bigeye and juvenile yellowfin fishing on FADs. In a low FAD year, such as 2010, there may be less of an impact on the juvenile tuna that are now entering the fishery. It may be a larger recruitment pulse that now adults are entering the longline fishery. It would be interesting to see the size of yellowfin in the troll catch, as well. Information may be available through dealer data, but there is no information available through the State of Hawai'i Commercial Marine License (CML) data because it does not collect data on number of pieces per size class. There is no method to report size of fish and the number of pieces on size classes.

Ebisui asked if the purse seine fishery or the longline fishery contributes more to overfishing and stocks being overfished.

Kingma replied that the WCPFC science provider stated in their papers that currently it is generally an equal impact between the purse seine fishery and the longline fishery. Longline fisheries catch more adult bigeye and purse seine fisheries catch more juvenile bigeye. In terms of number of fish, purse seine fisheries are catching 10 to 20 times the number of pieces of bigeye. In terms of weight, it is about equal. Not every juvenile fish makes it to the adult size.

Tosatto added that targeting larger fish and overfishing larger fish, called recruitment overfishing, is the most damaging type of overfishing because the fish are being taken out of the spawning biomass. There is a train of thought that when targeting juveniles, there should be lots of fish left in the water. The WCPFC science provider viewed the two gear types as having an equal impact. As the policymakers, he commented that the contribution to conservation may not be equal at this point because of the measures that have been negotiated thus far.

Kingma noted that the incidental purse seine catch of juvenile tuna is driving down the stock's capacity to produce MSY. There would be higher yield out of the bigeye stock if purse seiners were not catching juveniles.

V. Council Family Changes

Simonds stated that in 2011, Council members discussed and reached agreement on term limits for the SSC members, which was included in the Statement of Organization, Practices, and

Procedures (SOPP). Over the last several years a plan was developed for the SSC for the future. The Council has research priorities that are addressed every five years, as well as a cooperative agreement. Given the shift in the work to be done, new members have been solicited.

Over the last 20 years, the Council has accomplished so much having to do with bycatch, limited entry, amongst other things. Currently, pelagic fishery management tasks are focused on allocation. The Council has solicited scientists who can assist with allocation and catch limit measures. Consideration was given to providing alternates for the Commission meetings for continuity in terms of information from the scientists. Alternates are not currently allowed.

A. SSC Member Appointments

Dalzell presented the list of SSC members who were asked to step down:

- Judy Amesbury,
- Chuck Daxboeck,
- Rick DeRiso,
- John Hampton, who recommended Graham Pilling as a replacement.
- Pierre Kleiber,
- Molly Lutcavage,
- Minling Pan
- John Sibert.

New members who have accepted the SSC membership included:

- Professor Ray Hilborn, University of Washington, who is a globally-acknowledged fisheries expert, and author of many papers and some key books on fish stock assessment.
- Dr. Steve Martell, formerly with the International Halibut Commission, currently working on bycatch and data-poor assessment models.
- Dr. Debra Cabrera, head of the Social Science faculty at St. Johns School in Guam, who has a strong social science background.
- Dr. Shelton Harley, who has worked for the IATTC and the Secretariat of Pacific Communities, Oceanic Fisheries Program. He is now a fishery manager and Director of Fisheries Management in New Zealand.
- Justin Hospital, PIFSC economist, who will replace Minling Pan.

Discussion

Leialoha asked who will replace Charles Daxboeck, SSC Chair.

Paul Dalzell, Council staff, replied that it is not a question of who is replacing Daxboeck. The next SSC will convene with old and new members and it will be determined at that time who will become the Chair.

Simonds noted there is an interest to reduce the number of SSC members as it is currently too large and unwieldy.

B. Advisory Panel Changes

DeMello reported the proposed AP changes, as follows:

- Replacement for American Samoa, Christina Lutu-Sanchez, American Samoa AP Chair and AP member and has been appointed as a Council member, will be replaced by Krista Corry as the Chair and Gordon Yamasaki as the member.
- For CNMI, Jack Villagomez and Frank Aldan have resigned from the AP and will be replaced with alternates Juan Diego Blanco and Lino Tenorio.
- For Hawai‘i, James Kuwada was asked to resign for nonparticipation in the Hawai‘i Advisory Panel, to be replaced by Edwin Ebisui, III.
- Ed Watamura, the overall Vice Chair of the AP, resigned. The Council members can choose to appoint a new member or leave it as open.

At the 166th Council meeting, a recommendation was passed for the AP Chairs to consider rearranging the subpanels. A list was included of changes for the Hawai‘i, American Samoa and CNMI subpanels and the appointment of Beatrice Tricee Perez Limtiaco to the Marine Planning and Climate Change Committee.

VI. IUCN Resolutions

Asuka Ishizaki, Council staff, presented a brief update regarding Council plans for its involvement in the upcoming International Union for Conservation of Nature (IUCN) World Conservation Congress in September.

The World Conservation Congress is scheduled to be held in Hawai‘i Sept. 1 to 10. It is the first time that the Congress will be held in the United States. The World Conservation Congress is held every four years. The theme of this year's World Conservation Congress Planet at the Crossroads, with an anticipated 7,000 to 10,000 people in attendance. The majority of the meeting will be held at the Hawai‘i Convention Center, with an opening ceremony at the Blaisdell Arena.

The IUCN consists of 1300 member organizations from over 170 countries. The Council is an IUCN member. The Conservation Congress forum will last for five days, followed by the Members General Assembly.

The Council will have an exhibit booth to promote and display all of the various sustainable fisheries measures put in place and to facilitate communication with the public, as well as the IUCN members. The Council is also working with PIRO, the Hawai‘i Seafood Council and Conservation International to host a fish auction tour on Sept. 8.

The Members Assembly will include 99 conservation issue motions in the agenda. The motions, or resolutions, cover a wide range of topics, including biodiversity, climate change, protected areas, sustainable development, environmental law, and invasive species, with a fishery-specific resolutions. There are a number of species-specific conservation issues, as well as region-specific conservation issues. There was initial online discussion of these resolutions and motions in May through July. Of those 99 resolutions and motions, 85 are slated to go to electronic votes, which is open until Aug. 17. There are 14 motions that have been chosen to go to discussion and a vote at the Members General Assembly of the World Conservation Congress.

During the online discussion period the Council provided some minor comments on four motions, which included advancing conservation of biological diversity in areas beyond national jurisdiction and climate change-related actions.

Another resolution of Council interest included monitoring and management of biomass fisheries, which are developing fisheries that primarily use bottom trawls and target forage fish for fish meal. Biomass fisheries on the online discussion were described as unselective and unregulated, rather than as illegal, unregulated, and unreported (IUU) fisheries.

Other resolutions included conservation issues on sharks and rays and pertained to protected area coverage. The IUCN developed a policy on biodiversity offsets, and that particular motion is looking at adoption of that policy through the Members Assembly.

There were several motions that were put forth from Hawai'i members of IUCN, one of which is the community-based natural resource management in the State of Hawai'i. Others dealt with the indigenous cultural and local community role in conservation efforts.

Ishizaki asked for the Council's direction in moving forward with Council staff participation in the IUCN World Conservation Congress and associated activities.

Discussion

Gourley asked if the Council will be manning an exhibition booth and anything in addition to the exhibition booth.

Ishizaki replied that there will be an exhibition booth featuring the various Council sustainable fisheries efforts over the years and featuring some of the island fisheries, both insular and pelagic fisheries. The Council will participate in the Members Assembly, as well as part of the fish auction tour that will be given on September 8th.

Simonds invited Council members to send comments before the beginning of the conference. The Council's booth is reportedly located next to the booth manned by the Pew International Group.

VII. Public Comment

Bruce Anderson, from Hawai'i Division of Aquatic Resources (DAR Hawai'i), commented that the DLNR Hawai'i will be manning a booth at the IUCN. There are field trips

planned, as well as showcasing conservation projects such as the coral nursery and the Kaneohe Bay Sea Urchin Outplanting Project. There will also be a tour through the Conservation Districts, such as Pupukea. He noted that it is a once in a lifetime opportunity to learn about IUCN issues and to have a chance to participate in the conference and encouraged attendance from the Council.

Tosatto added that NOAA also has planned activities, such as a movie viewing on the beach, field trips to the fish auction and Laniakea and the display of the Science On a Sphere like turtle issues.

Goto asked Tosatto for the number of people expected to take part in the fish auction tour.

Tosatto replied that it is a confined group, estimated at a dozen to 20 people.

Simonds asked for clarification as to what Tosatto meant when he said, turtle issues.

Tosatto replied that it was not issues, but turtle conservation.

Simonds noted that the IUCN was a lot more liberal than NMFS about the honu.

VIII. Other Business

Dalzell noted that Justin Hospital's resume was placed in the DropBox.

There is a letter provided to the Council members which is going to be signed by Simonds and the Chair regarding Indonesia. The Council is asking the State Department to take action as appropriate on Indonesia with respect to its seafood exports to the US.

Dalzell presented on the issue. He displayed a slide of a yellowfin ahi tuna stick, previously frozen, wild product of Indonesia, carbon monoxide treated to prevent it from going rotten and to highlight the color of the flesh. One of the principle reasons for writing to the State Department is that its own documentation of human trafficking in Indonesia shows that it is far from satisfactory.

More recently, there has been a compelling report by the Associated Press. One of the authors visited the Council who spoke about the collusion between Indonesia and Thailand and the issue of fishery slavery, which is where people from Laos, Burma and Cambodia, who are some of the poorer countries in the region, are lured with the promise of jobs as fishermen, but then are basically enslaved and when not fishing are kept in cages on the Island of Benjina, which is in the Arafura Sea off the coast of West Papua. The treatment of the slaves on these vessels is appalling. One man who had made a complaint was chained out onto the deck for three days and nights without food in the tropical sun and in rainfall at night.

Aside from the slavery issue, nobody knows how much fish Indonesia catches. Of all of the countries in the region, it is probably the most noncompliant with respect to reporting requirements. Indonesia reports its official catch of bigeye at 24,000 metric tons of all fisheries

combined, which is more than double what the Hawai‘i longline fishery catches. It is suspected to be a great deal more than that.

The US is a sustainably-managed fishery that tries to minimize collateral damage to the ecosystem through various mitigation measures, fishing strategies, area closures and excellent fishery data, but has been taking hits to the bigeye quota, starting from 4,181 in 2005, to now 3,345 metric tons in 2017.

Indonesia, without any explanation, was awarded by the WCPFC almost 6,000 metric tons of aspirational catch should they wish to expand their longline fishery further. The actual value of bigeye caught by Indonesia remains uncertain.

Indonesia exports nearly 160,000 metric tons of seafood to the US, worth \$2 billion in 2014. The price of yellowfin is \$12 a pound, undercutting local Hawaiian fishermen who receive two to four dollars a pound more for fresh yellowfin. Clearly, the US is a major export market for Indonesia, where just shrimp, alone, amounts to about 81,000 metric tons worth a billion dollars.

Given the fact that the State Department has noted the problem of human trafficking in Indonesia in its document in 2016; its fisheries statistics are very minimal; Indonesia had colluded to a great extent in providing slaves for Thai-owned fishing vessels; and it exports large amounts of fish products to the US, including tailpipe tuna, the Council thinks that the State Department should scrutinize Indonesia and make it more accountable, certainly to get rid of the practice of slavery on Thai fishing vessels and to up its game when it comes to reporting its fish catches.

In the Hawai‘i longline fishery, every pound can be found. Every pound of fish that goes through and leaves the auction can be traced. That is not the case with a lot of other countries. Some of the more developed countries do have good fish monitoring, but Indonesia is a big country. It is relatively wealthy by standards in the region. It can afford to up its game and give an accurate number of how much bigeye it is catching. Dalzell added that he would still like to understand why WCPFC happily awarded Indonesia almost 6,000 metric tons of bigeye, while at the same time phasing reductions in the Hawai‘i longline allocation.

The letter will be signed by Council Chair and the Executive Director and sent off shortly after the close of the meeting.

Discussion

Ebisui added that in addition to the human slavery issue, the Associated Press estimated that 20 to 40 percent of the fish from Indonesia imported into the US are IUU-caught fish; Indonesia is ranked number three in the world for IUU fish; and 92 percent of the seafood that is consumed in the United States is from imports. This topic was brought up during the recent testimonies about the curtailment of the domestic longline fishery which encourages and facilitates more imports from Indonesia.

Case noted that she has studied this topic and knows it is a hot bed of IUU fishing and very closely connected with human slavery and trafficking issues. It creates an unfair advantage in terms of fisheries compared to a fishing industry that doesn't have the same kinds of practices and is a significant issue.

Sword said that there were three countries mentioned in the book by the Associated Press on the subject, and China was included. Another reason for his not supporting the monument expansion is because it forces businesses to buy products from those countries. He has heard about 40 percent of China's boats are manned by prisoners. People that support the expansion of the monument are condoning the activity.

Sylvia Spalding, Council staff, added that in 2015, President Obama went to Indonesia to court Indonesia joining the Trans-Pacific Partnership, and Indonesia said it would. It is not currently a member. It is trying to clear all of its internal regulations to be able to do that. The Obama Administration is trying to get the Partnership passed before he leaves office. It will be similar to the North American Free Trade Agreement, in that the countries that are partners to it can sue countries that interfere with their businesses, including on environmental and human rights issues. Canada is now suing the US for blocking the Keystone Pipeline. Spalding noted that the topic needs to be looked at further. The East West Center has been writing things on the Partnership and has offered to have some of their experts give a presentation to the Council.

Simonds commented that she did not think the letter was strong enough. She suggested asking the US to sanction Indonesia on all fishery products. After discussion on the topic of others, it was felt that it would be better for the Council to ask for appropriate action. Simonds reiterated that she does not want to see any of that fish in Hawai'i.

Sword stressed that the US should not be part of the Partnership agreement because of the facts included in the Associated Press book.

Goto said in 2013, he testified on the Council's behalf as an invitee by Senator Schatz on the topic of IUU fishing in regard to the President's Task Force Action Plan on IUU. He pointed out that the Council is currently again looking at the likelihood that both Senator Schatz and President Obama are going to be the biggest proponents in the expansion of the monument, which will in turn increase the influx of IUU product into the US.

Simonds said it is difficult for US citizens to not eat this fish. They are going to eat fish, and those who cannot afford some of the prices that are out there are going to go for the cheapest fish, which will be the imports. The best thing is for the fish imports to be blocked.

Brakke commented that some of these issues relate to the many efforts combatting IUU fishing and seafood fraud. All of the work done in that area is very well promoted by the Associated Press. There is a report where the specific issue related to human trafficking is examined, including that access to the fishing industry not just in Indonesia, but throughout the region is a problem. It is fair to say that Southeast Asia is one region where more is trying to be done, using many policies and ways of engaging with countries. He understands the frustration and why it never seems to be enough. He assured everyone around the table that it is something

that is being addressed in a bilateral way. The Trafficking Person Report is one method, and is used to name and shame. There are some mechanisms attached to ranking that allows the US to put material pressure on countries if claims are supported by evidence. In terms of sanctioning the country, action has to be consistent with whatever statutes, laws and regulations are in place. It is taken seriously and efforts will continue to engage more forcefully on a bilateral basis.

In terms of trade issues and making sure that the fish that comes into the US is caught legally, Brakke pointed out that a lot of those don't relate directly to the State Department, but to other processes. The more regulatory issues, in terms of WCPFC's catch limits and data obligation and compliance are something that the State Department will be engaged in at the WCPFC.

Ebisui noted that it may seem like Indonesia is being picked on, but back in 2006 when President Bush established the monument, he took the NWHI bottomfish boats out of business and shut them down. The imports that filled that vacuum came from Indonesia and still come from Indonesia. Now it is happening with tuna. Because of that experience, with the monument and the two fisheries, Indonesia is a prime player.

Charles Kaaii, Council staff, read a resolution recognizing the distinguished services of Julie Leialoha.

Leialoha noted that it was a pleasure serving on the Council. She learned a lot and thanked everyone.

Ebisui thanked Leialoha, noting that her expertise brought a lot to the Council.

Simonds thanked Leialoha for supporting the staff and appreciated her being very caring, fair and up front.

Kingma read a resolution recognizing the distinguished services of Dr. Claire T. Poumele.

IX. Council Discussion and Recommendations

Regarding the US Territory Bigeye Tuna Limit Options, the Council directed staff to continue to work with NMFS PIRO and PIFSC to develop options and analyses that will support Council consideration of the specification of the 2017 Territory longline catch and transfer limits at the October meeting.

Moved by Goto; seconded by Leialoha.

Motion passed.

Regarding SSC members changes, the Council approved the retirement of the following SSC members after the October 2016 meeting:

- **Judy Amesbury, 10 years.**
- **Charles Daxboeck, 30 years.**

- **Rick Deriso, 24 years.**
- **John Hampton, 24 years.**
- **Pierre Kleiber, 13 years.**
- **Molly Lutcavage, 10 years.**
- **Minling Pan, 10 years.**
- **John Sibert, 24 years.**

Moved by Goto; seconded by Leialoha.
Motion passed.

Regarding the SSC member changes, the Council further approved the appointment to the SSC of the following:

- **a, Professor Ray Hilborn of the University of Washington.**
- **b, Dr. Steve Martell, International Halibut Commission.**
- **c, Dr. Debra T. Cabrera, Social Sciences Faculty at St. John's School, University of Guam.**
- **d, Dr. Shelton Harley, New Zealand Directorate of Fisheries Management.**
- **e, Dr. Justin Hospital, Pacific Islands Fisheries Science Center.**

Moved by Goto; seconded by Leialoha.
Motion passed.

Leialoha asked if Shelton Harley accepted the invitation.

Dalzell replied in the affirmative. Harley is in the process of getting approval from his immediate boss, who has approved it, and then through the top Directorate. An invitation letter was mailed to him containing provisions he requested, such as it would be 15 days of service a year to be reviewed annually, to ensure that both sides are getting what they expect from his participation.

Seki pointed out that Steve Martell has left the International Halibut Commission and is now a private consultant.

Dalzell replied in the affirmative. He mentioned the Halibut Commission because he does still have some attachment to it. As mentioned, he has gone into private enterprise with a company that is looking at modeling bycatch.

Regarding Advisory Group Member Changes, the Council appointed Beatrice Tricee Perez Lintiaco to the Marine Planning and Climate Change Committee for the remainder of the 2014 to 2016 term and for the 2017 to 2019 term.

Moved by Goto; seconded by Leialoha.
Motion passed.

Regarding Advisory Group Changes, the Council, number six, recommended the following changes to the Advisory Panel:

- Appointed Krista Corry to the Chair of the American Samoa Advisory Panel.
- Appointed Gordon Yamasaki to the American Samoa AP.
- Appointed Juan Diego Blanco to the CNMI AP.
- Appointed Lino Tenorio to the CNMI AP.
- Removed James Kuwada from the Hawai'i AP.
- Appointed Ed Ebisui III to the Hawai'i AP.

Moved by Goto; seconded by Leialoha.
Motion passed, with abstention by Ebisui.

Ebisui abstained from voting.

Regarding the Advisory Group Member changes, the Council, approved the Advisory Subpanel Changes as presented in the following table.

Sub Panels	<u>AS FEP AP</u>	<u>Hawai'i FEP AP</u>	<u>Marianas FEP AP</u>	
			<u>Guam</u>	<u>CNMI</u>
<i>Pelagic Fisheries</i>	Krista Corry Gordon Yamasaki Taulauniu Hunkin	Nathan Abe Gary Beals Geoff Walker	Alan Ainbinder James Borja Matthew Orot	Mike Fleming Pete Itibus Cecilio Raiukiulipiy
<i>Island Fisheries</i>	Peter Crispin Nathan Sagapoutele Will Sword	Ed Ebisui III Layne Nakagawa Clay Tam	Ken Borja Manuel Duenas Stephen Meno	Lino Tenorio Richard Farrell Manny Ramon
<i>Ecosystems and Habitat</i>	Mac Aveina Nonu Tuisamoa Ray Tulafono	Lyn McNutt Daniel Roudebush Brealand Tam	Cliff Kyota Jason Miller Felix Reyes	Floyd Masga Ray Tebuteb Juan Diego Blanco
<i>Indigenous Rights</i>	Faasala Augafa Lafoga Alovao Brian Thompson	Roy Sokolowski Tate Marks Basil Oshiro	Ray Flores Peter Perez Jesse Rosario	Lawrence Concepcion Ray Dela Cruz Perry Mesngon
<i>Alternates</i>	Allen Snow	Shyla Moon	Dale Alvarez Roberto Cabreza Tom Camacho Bill Bradford	

Regarding the IUCN World Conservation Congress, the Council supported staff participation in the IUCN World Conservation Congress and General Assembly to be held in Honolulu on September 1 through 10, 2016. The Council directed staff to participate in the voting of IUCN resolutions, as applicable and consistent with Council policies and authority.

Moved by Goto; seconded by Leialoha.

Motion passed

(Meeting was adjourned.)

APPENDIX: List of Acronyms

Advisory Panel (AP)

catch per unit effort (CPUE)

Commercial Marine License (CML)

Commonwealth of the Northern Mariana Islands (CNMI)

Conservation and Management Measure (CMM)

Council on Environmental Quality (CEQ)

Department of Agriculture (DOA Guam)

Department of Commerce (DOC)

Department of Defense (DOD)

Department of the Interior (DOI)

Department of Land and Natural Resources (DLNR Hawai‘i)

Department of Lands and Natural Resources (DLNR CNMI)

Department of State (DOS)

Division of Aquatic Resources (DAR Hawai‘i)

Eastern Pacific Ocean (EPO)

exclusive economic zone (EEZ)

fish aggregating device (FAD)

Fishery Ecosystem Plan (FEP)

General Counsel (GC)

Inter-American Tropical Tuna Commission (IATTC)

International Union for Conservation of Nature (IUCN)

Illegal, unregulated, and unreported (IUU)

Large Vessel Prohibited Area (LVPA)

Magnuson-Stevens Act (MSA)

Marianas Trench Marine National Monument (MTMNM)
Marine National Monument (MNM)
maximum sustainable yield (MSY)
National Marine Fisheries Service (NMFS)
National Oceanic and Atmospheric Administration (NOAA)
Northwestern Hawaiian Islands (NWHI)
Office of Hawaiian Affairs (OHA)
Pacific Islands Fisheries Science Center (PIFSC)
Pacific Islands Regional Office (PIRO)
Pacific Remote Islands Marine National Monument (PRIMNM)
Papahānaumokuākea Marine National Monument (PMNM)
Scientific and Statistical Committee (SSC)
Small Island Developing States (SIDS)
Statement of Organization, Practices, and Procedures (SOPP)
US Coast Guard (USCG)
US Fish and Wildlife Service (USFWS)
Western and Central Pacific Ocean (WCPO)
Western and Central Pacific Fisheries Commission (WCPFC)