



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

FINAL

MINUTES OF THE
139th MEETING of the WESTERN
PACIFIC REGIONAL FISHERY
MANAGEMENT COUNCIL

10 - 12 October 2007

Pagoda Hotel
1525 Rycroft Street

Honolulu, Hawaii

Western Pacific Regional Fishery Management Council
1164 Bishop Street, Suite 1400
Honolulu, Hawaii

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Wednesday, October 10, 2007, 139th Council Meeting

1. Introductions

Chairman Martin called the meeting to order and welcomed all to the 139th Council meeting.

Chairman Martin also welcomed two new Council members, William Sword, from American Samoa, and Peter Young, from Hawaii. Mike Tosatto, Acting Regional Administrator, NOAA Fisheries, National Marine Fisheries Service (NMFS), Pacific Islands Regional Office (PIRO), delivered the oath to the new Council members.

Present at the Council Table were:

Sean Martin, Council Chairman, Hawaii;
Dan Polhemus, Council Member, State of Hawaii;
Fred Duerr, Council Member, Hawaii;
Peter Young, Council Member, Hawaii;
Ray Tulafoa, Council Member, American Samoa;
Stephen Haleck, Council Member, American Samoa;
William Sword, Council Member, American Samoa;
Ben Sablan, Council Member, Commonwealth of the Northern Mariana Islands;
Ignacio Dela Cruz, Council Member, Commonwealth of the Northern Mariana Islands;
Maury Duenas, Council Member, Guam;
Kitty Simonds, Executive Director;
Silas DeRoma, NOAA, Office of General Counsel NOAA, Pacific Islands Region;
Mike Tosatto, NOAA Fisheries, Pacific Island Regional Office, Acting Regional Administrator;
Lieutenant Kyle Deems, 14th Coast Guard District; Craig Severance, Scientific and Statistical Committee (SSC) rapporteur;
Don Palawski, U.S. Fish and Wildlife Service (FWS).

Council Member Rick Gaffney, Hawaii, was not in attendance but was expected to arrive later.

Chairman Martin introduced and welcomed two new agents from the National Marine Fisheries Service, Office of Law Enforcement (OLE), Pacific Islands Division, William Pickering, Special Agent in Charge and Scott Yamashita, Deputy Special Agent in Charge. Martin gave brief backgrounds for Pickering and Yamashita.

Chairman Martin also introduced Mr. Ueta Faasili, from the Secretariat of the Pacific Communities (SPC).

2. Approval of Agenda

Sablan moved to approve the 139th Council meeting agenda. Duenas seconded. The agenda was approved unanimously with no discussion.

3. Approval of 138th Council Minutes

Duenas moved to adopt the 138th Council meeting minutes. Sablan seconded. Martin called for discussion from Council members, and explained public comment is not usually accepted during this portion of the agenda.

(The following is verbatim:)

MS. OWENS: It involves my testimony last time.

MR. MARTIN: So are there inaccuracies in your --

MR. OWENS: There is an inaccuracy in Mr. Ebisui's introduction of Leimara DaMate. It's left out that he introduced her as a member of the public when he knew full well that she was paid by West Pac.

MR. MARTIN: Thank you.

The 138th Council meeting Minutes were adopted unanimously with no discussion from Council members.

4. Agency Reports

4.A. National Marine Fisheries Service

4.A.1. Pacific Islands Regional Office

Mike Tosatto, Acting Regional Administrator, PIRO, after voicing some pride in the fact that while being the newest Regional Office and having one of the smallest Regional Office staffs, PIRO has kept pace with other regions in the number of fishery management actions. PIRO continues to strive to keep up with the Council and staff actions to the best of their ability.

Tosatto reported: Sixteen rulemakings were completed, as well as some in-season actions, including the closure of the longline fishery.

Fishery Ecosystem Plans (FEPs) have been given back to the Council for the Consistency Review. He foresees the FEPs moving into their final form over the next short period and moving on through Secretarial Review.

A large range of responsibilities in Protected Resources, Habitat Conservation, International Fisheries were undertaken.

The National Offshore Aquaculture Act is being developed by the Administration and has forwarded a proposal to Congress. This act is a priority for the Secretary. The Secretary recently visited offshore aquaculture operations in Hawaii and recognized the commercial value. Tosatto also pointed out the Offshore Aquaculture Act may change the way councils affect aquaculture.

Chairman Martin commented that in regard to the Offshore Aquaculture Act there is no real overlap in jurisdiction, but there are questions on how to integrate some of the aquaculture programs into fisheries management. Some of the aquaculture programs are supported by actual wild catch as a method for providing the broodstock to be raised in aquaculture pens. He

reminded Council members the Council aquaculture policy is included in the briefing books, which will be coming more and more into play.

Polhemus stated offshore aquaculture operators have approached the State in an effort to perhaps supply surplus broodstock to the State for use in stock augmentation or enhancement. He asked Tosatto if there is such an approach contained within PIRO or NOAA. Tosatto said that is one of the issues that is left still to be resolved.

4.A.2. Pacific Islands Fisheries Science Center

Sam Pooley, Director, NMFS Pacific Islands Fisheries Science Center (PIFSC), reported: A 500-page monitoring report for American Samoa done by the Coral Reef Program covering their three cruises over the last four years was presented to the Government of American Samoa.

On international science, the usual collaboration with the Oceanic Fisheries Program of the SPC continued this spring and summer. New work on yellowfin and striped marlin has been undertaken.

The Western and Central Pacific Fisheries Commission Third Scientific Committee meeting was recently held in Honolulu.

Chris Boggs is leading the international work. Gerard DiNardo works on the International Scientific Committee on Tuna and Tuna-like Species (ISC), which focuses on the northern stocks. Pierre Kleiber and Keith Bigelow focus on southern stocks.

Bottomfish work is ongoing. A more detailed report is later in the agenda.

2007 has been another difficult year for monk seals in the Northwestern Hawaiian Islands, but another good year for monk seals in the Main Hawaiian Islands. The difficulty in the Northwestern Hawaiian Islands, although not quantified yet, is primarily due to shark predation and marine debris.

The Captive Care Rehabilitation Program is continuing to be ramped up for monk seals, scheduled sometime near the end of next year.

A T-Pods project, which is oceanographic and passive acoustic recorders deployed on longlines to listen for the sounds of false killer whales and other cetaceans, is just beginning.

An unmanned aerial system is being used to look for marine debris in the ocean environment. FAA approval has been acquired for the North Pacific. Pooley added there may also be a fisheries application.

The HIALAKAI just returned from the biannual Marianas cruise and is currently in the Northwestern Hawaiian Islands on a sanctuary cruise. It will be in American Samoa again in the new year.

The SETTE is on its annual marine debris cruise in the Northwestern Hawaiian Islands. It is then scheduled for dry dock on the mainland.

Pooley also reported on items not included in the written report: Regarding the Offshore Aquaculture Proposal, from an economist point of view, it is seen as providing a stable regulatory environment, which is pretty important for long-term investment. He added how it works out, of course, is up to the political process.

Part of that bill provides opportunity for enhanced research on aquaculture. There has been little research effort on genotypes of fingerlings.

The Navy and Marines have approached PIFSC regarding environmental monitoring of work for dock and pier development. No decision has been reached as to their involvement.

The monitoring report just provided to the American Samoa Government will also be done for each of the archipelagoes; the Marianas, the Hawaiian Islands and the Remote Island Areas.

The program, NOAA in Your State, has been promoted recently by NOAA Fisheries. He is looking into developing a similar program, such as Pacific Islands Fisheries Science Center in Your Jurisdiction.

The Eastern Tropical Pacific bigeye quota is being monitored. It has been posted on the PIRO website.

Pooley thanked everyone from the local seafood industry for making it possible for PIFSC to participate in the recent Fishing and Seafood Festival. There were 600 packets distributed regarding their Barbless Hook Project.

Duenas asked, in light of Annual Catch Limits (ACLs) coming up, if the Science Center is going to put some effort into determining life history of reef species or reef fish. Pooley replied they are waiting for the ACL requirement to develop further. He pointed out the Coral Reef Research Division is funded by the Coral Reef Conservation Program out of the National Ocean Survey, and their ecological assessments don't inherently involve taking a lot of specimens of coral reef species. Pooley pointed working with fishermen is another avenue to get samples for data regarding life history. Pooley offered to report back at the next Council meeting. Pooley also added that prioritization will happen via the SSC.

Duenas raised the issue of a policy-type recommendation made by one of the scientists during a recent visit to the Marianas regarding establishing a sanctuary with the Northern Islands of the Northern Mariana Islands and asked if PIFSC is now a policymaker instead of a research group.

Pooley replied: The short answer is, that's not our business. It may be it's the Agency's business in the sense of whether the Regional Office wants to do it. But it's not the business of the Science Center to make recommendations like that. So I need to figure out how to track that down. It sounds like you know more about it than I do.

We do research on MPAs and on their impacts, but it's not our business to recommend MPAs.

Duenas added that the Marianas were the first in the nation to have created three Commonwealth Island Sanctuaries and was not pleased by the comment.

Chairman Martin asked if the Center was experiencing improved serviceability of the NOAA vessels. Pooley replied this year has been better than last year. One complete cruise was lost because of maintenance problems, as well as parts of other cruises. Both vessels are slow, averaging 10 knots, to the Northwestern Hawaiian Islands or Samoa. The new NOAA ships average 13 knots. In the future they hope to figure out a way to station a ship in American Samoa or the Marianas to cut down on transit time. The vessels have been reliable in the recent past. PIFSC is in line for the sixth fishery survey vessel coming out of NOAA, expected around 2013 to 2015.

Chairman Martin asked for an update on the relocation of the NOAA vessels and status of the Ford Island new project. Pooley replied that all of the NOAA ships are now operating out of Ford Island. There is a, quote, NOAA Campus, which consists of one completed building, which is the Port Office, scheduled to move at the end of September. The next phase of the project includes a small-boat facility, combined with a warehouse and seawater facility, for work with seals, turtles and fish scheduled to be online next year. The refurbishment of two existing hangars will be the next phase, timing around 2012, 2013.

4.B. NOAA General Counsel

DeRoma reported there was a personnel change or two.

4.D. NOAA Office of Law Enforcement

DeRoma reported: Paul Ortiz is moving on to other enforcement issues in the Southwest Region. He will be replaced by Alexa Cole, who has been an Enforcement Attorney for five years out of Headquarters Enforcement and will be locating physically to Honolulu next week.

There was one unauthorized fishing violation within the Marine National Monument, which was assessed a penalty of \$61,000 and is still pending.

There was one Lacey Act violation, fish taken in the United States in violation of the fishery laws in Samoa, which was assessed a penalty of \$11,000, settled for \$7,051.

There was a settlement involving an Ecuadorian purse seine vessel which was assessed a penalty of \$130,000, settled for \$117,000.

Simonds asked for information regarding the Marshall Islands case. DeRoma had no information, but will check with Alexa.

4.C. U.S. Fish and Wildlife Service

Palawski reported: Preparation of the Comprehensive Conservation Plans for all National Wildlife Refuges in the nation as mandated under the National Wildlife Refuge System Administration Act have begun for Baker Island, Jarvis Island and Howland Island National Wildlife Refuges. Those reports are now out in draft with an accompanying EA. The comment period runs until the end of October. Summary handouts are also available.

In May a Notice of Intent to Prepare Comprehensive Conservation Plans for Palmyra Atoll National Wildlife Refuge and Kingman Reef National Wildlife Refuge was published. The plans are in the early stages of development. The Palmyra Conservation Plan will also contain a step-down research plan which would guide research at Palmyra Atoll National Wildlife Refuge. The Scoping and comment period is still open.

The Fish and Wildlife Service is initiating a status review on the black-footed albatross after a recent finding on the petition to list the black-footed albatross as threatened or endangered. Data and other information is being solicited. The data call is open until December 10th, 2007. There are 12 months to make a determination as to whether the petition is warranted and whether the species should be listed as threatened or endangered.

Chairman Martin asked for an update on activities in Midway. Palawski replied they are still in the planning phase with the partners on the Marine National Monument. Some inquiries about eco-tourism tours have been received and that possibly could start next year, but it has not been solidified. Presently efforts are focused on managing the refuge and making sure the airport stays open for emergency landings.

Polhemus asked if the most critical habitat for the black-footed albatross is located in the Northwestern Hawaiian Islands. Palawski replied in the affirmative, adding that the two main largest colonies are Midway and Laysan.

Sablan asked for comments on the status of the Mariana Mcgapode, which is listed as an endangered species, adding that he also asked this question four or five years ago. Palawski replied there is not much more information than was available over the last few years. Access to the island is a big issue. It's not possible to do accurate surveys from the air, which is a limiting factor on assessing the status.

Haleck asked for an update on activities for Rose Atoll. Palawski said FWS has proposals for some time next summer going to Rose Atoll to monitor the status of the reef after the shipwreck removal. FWS plans to consult with Tulafono and his Department on access and cooperative efforts.

Duenas asked how the planned airway flight line will affect the wildlife refuge at Ritidian Point. Palawski said FWS will be involved in the Environmental Analysis process, the same as any other federal agency consulting on EAs.

Duenas commended FWS regarding the new nature center established at Ritidian Point Refuge and requested adjusting the schedule to accommodate holiday operations to enable the public to enjoy the refuge on holidays. Palawski acknowledged FWS's desire to serve the public, but presently lacks the funding and staff to do as much as they would like.

Simonds asked the outcome of the Kingman Reef lawsuit. Palawski explained a lawsuit was brought against the Fish and Wildlife Service related to a quiet title seeking ownership of Kingman Reef. The court ruled for the Federal Government and dismissed the case. There may be an appeal of the ruling.

Dela Cruz asked for information regarding the military withdrawal of funding for the brown tree snake programs in Guam. Palawski was not familiar with that issue, but offered to find out information and get back during the meeting.

4.D.1. U.S. Coast Guard

Lieutenant Deems reported a summary of the patrol efforts: The Coast Guard Cutter ALEX HALEY patrolled from 17 May to 22 June, which included in the vicinity of Kingman/Palmyra EEZ, Jarvis, Howland/Baker. Of note from this patrol, their first at-sea boarding of the U.S. flagged purse seine fleet was performed. No significant violations were noted.

On 20 June the Coast Guard Cutter KITTIWAKE boarded the MARINE STAR and discovered 112 shark fins. That case was turned over to the National Marine Fisheries Service for prosecution.

Coast Guard Cutter KUKUI patrolled the National Marine Monument from 17 July to 1 August. Only two NOAA research vessels were sighted.

Coast Guard Cutter BOUTWELL also patrolled the Monument from the 26th July to 7th August. Again, no sightings within the Monument.

Coast Guard Cutter WALNUT patrolled the Western and Central Pacific from 25 July to 8 September, Kingman/Palmyra, Jarvis Island, Howland/Baker and American Samoa. During this patrol they participated in International Operation KURU KURU, along with a Coast Guard C-130 aircraft. Other participating nations were Cook Islands, Kiribati, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, New Zealand and France. This participation was a great example of how the Coast Guard is working to strengthen relationships with international partners, other NGOs, other regional authorities and organizations to combat illegal, unreported and unregulated fishing in the Western and Central Pacific.

Cutters WASHINGTON and ASSATEAGUE of Guam were supported by a C-130 patrolling Guam and CNMI EEZ from 30 July to 7 August. No significant sightings of foreign fishing vessels were noted during this period.

As commercial fishing is one of the United States' most hazardous industries, the Coast Guard is committed to increasing the safety of the fishing industry. During the past year at-sea boardings of vessels comprised of both the Hawaii and American Samoa longline fleets have uncovered a significant amount of commercial fishing vessel safety violations, which resulted in 180 safety violations.

Council members and staff are encouraged to remind those involved in the industry that commercial fishing vessel safety program coordinators and examiners are available in both Honolulu and American Samoa to assist vessel owners and operators in increasing compliance with the minimum safety requirements found in 46 CFR, Part 28, Requirements for Commercial Fishing Industry Vessels.

It should also be noted that boardings of both the Hawaii and American Samoa longline vessels have uncovered an increasing trend of vessels operating without U.S. citizens as masters required by 46 USC 12110, Paragraph D. There are serious consequences associated with these violations under this U.S. Code. Owner and operator of the documented vessel that is operating without a U.S. citizen in command is liable for a civil penalty up to \$10,000 per day, each day of operation, resulting in a separate violation. In addition, the vessel and its equipment are liable to seizure and forfeiture to the United States.

Under this code a Certificate of Documentation becomes invalid whenever the vessel for which it is issued is placed under the command of a non-U.S. master and must be surrendered to the National Vessel Documentation Center.

In conjunction with NOAA Enforcement, the Coast Guard continues to uncover evidence of a regional shift of fishing effort by the Latin American flagged purse seiners from the Eastern Pacific Ocean to the Western and Central Pacific.

The Coast Guard is working with NOAA and the Department of State in providing the Western and Central Pacific Fisheries Commission factual documentation of sightings of vessels operating in the WCPFC Convention Area which are flagged to its nonmembers states.

Duenas asked what was the number one equipment violation. Lieutenant Deems replied, unfortunately, the most expensive ones, such as flares and life jackets. The regulations are published as public information, including what is needed on which type of commercial vessel and also where to obtain the information. Coast Guard representatives are in Honolulu and American Samoa that are always available by phone to answer any questions.

Duenas pointed out the problem on Guam and other Pacific Islands with regard to Coast Guard service requirements and expiration dates for the SOLAS Pack, first aid kits, et cetera, and asked if consideration could be given to the problems encountered regarding these problems.

Duerr asked if the increasing trend of vessels operating without a U.S. citizen as a master is due to lack of enforcement or insufficient penalty. Lieutenant Deems suggested the increase could be due to better training at detecting the trends. Cases are extremely difficult to prove and is something the Coast Guard works closely with NOAA regarding this.

Tosatto replied in regards to Duenas' inquiry that in the past the Coast Guard allowed equivalencies to mitigate the need for a life raft. He pointed out that the requirements are equally important to the NMFS observer program because the observer safety requirement is directly tied to the completion of the commercial fishing industry vessel examination.

Haleck commended the work the Coast Guard is doing in American Samoa. He asked if there's any way the Coast Guard presence could be increased as far as obtaining a vessel for rescue purposes and patrol within the American Samoa EEZ. Recently an employee of the weather station in American Samoa was missing while doing his work on the eastern end of the island and the local marine patrol could not reach the area because of rough waters. Lack of resources play an important role as far as rescue in American Samoa and Haleck would like to request for increased assets. Lieutenant Deems replied the Coast Guard is stretched thin and would love to put a vessel in American Samoa. The Coast Guard places its assets based on risk analysis and business, for lack of a better word, in other regions. Unfortunately, it's the people in Washington that makes those decisions. Assets are re-evaluated every couple of years. Samoa is always considered and is always on the front of the table for establishing increased patrols, permanent assets, et cetera. There is a standing request for added assets and will be considered just the same as everybody else's request.

Simonds added that the recommendation was made at the last Council meeting. The Council sent a letter to the Commandant and is waiting for a response and will follow up at the next Council meeting. The letter is included in the Council's briefing book.

Sablan agreed with Duenas's comments regarding a reconsideration for the Pacific Island Areas safety certification requirements. Sablan is concerned how this, as well as the U.S. citizen requirement for eaptains, could affect commercial fishing conducting viable operations in the Northern Mariana Islands. Lieutenant Deems responded that commercial fishing vessels are considered nninspected vessels. Therefore, the masters do not require an official Coast Guard captain's license.

Tosatto explained the U.S. citizen requirement is tied to the documentation of the vessel. A commercial fishing vessel over five net tons has to be documented. If it's a CM registered boat, it would not be required to have a U.S. captain.

Lieutenant Deems further explained all commercial fishing vessels fishing in the U.S., landing fish in the U.S., fishing in the U.S. EEZ, a U.S. fishing vessel, must adhere to the commercial fishing vessel safety regulations.

Sablan asked Deems to clarify the new Coast Guard regulations with regard to stability. Lieutenant Deems said he would look into it and get back to him.

Sword asked Deems to request a buoy tender to make more frequent patrols to American Samoa as the buoys play an important role there for the fishermen. Lieutenant Deems replied a patrol is scheduled at the end of the month to head to American Samoa.

Sword asked if community information could be more accessible as well as Coast Guard support for the growing charter business in American Samoa.

Chairman Martin expressed appreciation of the fishing industry for the Coast Guard's participation in the recent Fishing Festival and offered congramlations on the joint effort that resulted in the IUU drift net fishery a few weeks ago. Martin also expressed appreciation for the relationship shared between the industry and the Coast Guard.

4.D.2. NOAA Office of Law Enforcement

Pickering reported: From June 1st to September 15th the Pacific Island Enforcement Division initiated 44 violations and investigations, five involving endangered or protected species, 27 involving Western Pacific-related violations and six Magnuson-Stevens violations. The remaining six involved various statutes, including the Lacey Act, High Seas Fisheries Compliance Act and other federal statutes.

NOAA agents investigated shark finning violations via the U.S. Coast Guard boarding of a vessel, and took custody of 110 pounds of shark fins.

A Pan American flagged fishing carrier came to American Samoa to receive transhipped fish from a U.S. flagged purse seiner. The support vessel was not registered with the newly-established Western and Central Pacific Fisheries Commission Authorized List of Temporary Support Vessels required. As a result, the vessel was instructed by PIRO to register the vessel with WCPFC and is now temporarily registered.

Regarding Education and Outreach, OLE coordinated the third phase of the 2007 Discovery/Enviro Youth Summer Camp. The boat trip was attended by approximately 40 youths in American Samoa.

Tosato thanked OLE for the support given for the bottomfish closure and reported there was generally good compliance in the Main Hawaiian Islands bottomfish closure, both State and Federal.

Duenas asked if the two turtle takes listed in the report was in Guam or CNMI. Pickering replied the case was a Guam case and is still ongoing.

Chairman Martin reminded the audience of the public comment period scheduled for Thursday for nonagenda items for 4:00 and 5:00.

5. Action Items

5.A. Pelagic Ecosystem, Action Items

5.A.1. Hawaii Swordfish Fishery Effort Options

Eric Kingma, Council staff, reported: Initial action, in February 2004 the Hawaii Longline Association brought forth a proposal to the National Marine Fisheries Service and Council to look at modifying certain management measures for the shallow-set portion of the Hawaii-based longline fishery.

At the June Council meeting the Council recommended an Environmental Impact Statement he developed to examine the potential for increasing swordfish fishing while not jeopardizing threatened and endangered sea turtle populations.

Purpose and need of looking at this action is looking at increased fishing opportunities to harvest optimum yield while not jeopardizing endangered and threatened sea turtle populations.

Council action requested staff to consider a range of options and impact analysis and identify information that's lacking or needs to be further analyzed.

The Science Center provided an analysis on projected sea turtle interactions and effect on sea turtle populations. However, the Council's Scientific and Statistical Committee found some problems with that analysis. Kingma did not think the Council could make an informed decision on the level of impact on sea turtle populations at this time. The staff would like to get that analysis accomplished before the next Council meeting in March.

Public scoping was conducted. Notice of Intent to Prepare a Draft Supplemental EIS was published, which tiers off of the 2004 EIS and 2001 Supplemental EIS on the Pelagics FMP. This SEIS will be focused primarily on this proposed action, if any, when that occurs and is identified.

A public scoping meeting was held in Honolulu on August 30th at the Ala Moana Hotel. Four letters were received during a one-month public scoping period where comments from the public were solicited. The draft scoping document is included in the briefing book. An additional letter was made available from the Ocean Conservancy on the back table.

Background information includes:

- 164 limited entry access permits.
- 120 to 130 active vessels per year.
- Maximum vessel length 101 feet.
- Two-to-four week trips are taken.
- 99 percent of the catch is landed in Honolulu.
- Number of shallow-set fishery participants average 30 vessels per year.

Distinction between shallow-set and deepset includes different number of hooks and branchlines in between floats and a shallower depth in the water column.

The commercial longline fishery in Hawaii is the largest commercial fishery in the State and Region. In 2005, roughly 23 million pounds were landed. In 2006, 21 million pounds were landed. In 2005, three and a half million pounds of swordfish were landed. In 2006, two and a half million pounds of swordfish were landed.

Number of trips have decreased over time. The peak occurred in the early and mid '90s at over 200 trips per year. There was a period of no fishery operating at all due to fishery-implemented regulations and legal issues.

Swordfish CPUE is highest during the first quarter of the year, when most of the fishery is operating with high CPUE per thousand hooks, over 18 fish per thousand hooks. CPUE drops off significantly during the latter portion of the year.

All indications are the swordfish stock is currently healthy and fished below MSY.

The fishery primarily operates north of Hawaii in the 30 Degree latitude area.

The fishery is operating under the following regulatory conditions:

- A set limit of 2,120 sets per year.
- A mandatory use of circle hooks of 18/0 or larger, with a 10-degree offset.
- Required use of mackerel-type bait. The fishery used to use J-hooks and squid.
- Annual hard cap limit for loggerhead and leatherback sea turtle interactions, 17 and 16, respectively.
- An Effort Certificate Program, which is transferable to participants that apply by November.

The Hawaii fishery was the first fishery in the nation to utilize these mitigation measures for sea turtles.

Other regulations include:

- Limited access permits.
- Area closures.
- Seabird mitigation measures.
- Protected Species Workshops on an annual basis.
- Required sea turtle handling requirements.
- VMS.
- Logbooks.
- 100 percent observer coverage.

The Hawaii Longline Association (HLA) petition proposes the Council and the Fishery Service look at eliminating fishing effort, that is, eliminating the limit of 2,120 shallow sets each year. Other measures would remain in place under their proposal, which would include:

- Maintain the required use of the circle hooks and mackerel bait.
- Retain the 100 percent observer coverage and sea turtle interaction caps.

HLA also requested a new Biological Opinion be prepared and that a three-year Incidental Take Statement consistent with the Incidental Take Statement for the Hawaii-based deepset fishery also be instituted.

In 2005, the fishery remained open all year.

In 2006 the fishery closed in March because to avoid violating the turtle cap for the fishery. The Science Center found the oceanographic conditions occurring in 2006 caused the fishery to reach the cap in a quick manner.

The fishery is presently still open, with 14 loggerheads interacted with at this point. Leatherback interactions are less than five or six for the year.

There are primarily two leatherback sea turtle population stocks, one in the Eastern Pacific, which nests in Mexico and Costa Rica, and in the Western Pacific, which nests in Papua and Papua New Guinea. They are listed as endangered. The Hawaii longline fishery primarily interacts with the Western Pacific stock. The Western Pacific leatherback population is estimated between 840 to 3,000 nesting females.

Threats to these sea turtle populations include egg poaching, nesting beach erosion, human encroachment, beach armoring, incidental capture of fishing gear and egg predation.

Council conservation measures were instituted in 2002. The Council, with funding from Congress and the Fishery Service, has conducted conservation measures in nesting beach areas in the Western Pacific and has seen positive results.

General loggerhead information:

- Two nesting stocks in the Pacific, in Japan and Australia. May be in New Caledonia as well.
- Listed as threatened under the ESA.
- an estimated 1,000 females nest in Japan each year.
- All Hawaii longline interactions are with the Japanese stock, as genetics indicate.

The Council has nesting beach conservation measures in Japan looking at reducing erosion and encroachment, reducing predation on nesting and on egg predation. There are positive results from the conservation measures.

The 2004 BiOp reported an estimated 500 mortalities in the Japan/Asia pound net fisheries, trawls, and mortalities of up to 2,000 and 6,000 in the general fishery in the Pacific longline fisheries, which includes non U.S. foreign fisheries. In Mexico, mortalities are estimated from several hundreds up to 30,000, with three mortalities from the Hawaii-based fishery.

Conservation measures and projects are in place to reduce the number of mortalities in Baja. There's been recent success from Council's work with conservation organizations and fishermen who've promised to change fishing methods. There is a great unknown about how many turtles are actually being killed in these fisheries.

The mitigation measures have been successful since 2000. Prior to 2001, the Hawaii longline interaction rate for leatherbacks was .13. In 2004, the interaction rate it was .0134, which is roughly a 90 percent reduction in sea turtle interactions for loggerheads and leatherbacks.

Dehooking rates of loggerhead turtles have declined to fifteen percent and zero percent for leatherback turtles since the 2004 regulations. Prior to 2004 it was believed 51 percent of the interactions resulted in deeply-hooked turtle interactions. With the use of circle hooks, it is less frequent that a turtle is deeply hooked. During the first quarter of 2007 all sea turtle interactions were lightly-hooked.

Options listed in the Notice of Intent include:

For Topic 1, shallow-set effort:

- 1a, no action, keep the current level.
- 1b, 2,000 sets.
- 1c, 4,000 sets.

- 1d, remove all annual limit on effort.

For Topic 2, fishery participation and Set Certificate Program:

- 2a, no action.
- 2b, discontinue Set Certificate Program.

For Topic 3, hard caps:

- 3a, no action, continue hard caps.
- 3b, discontinue hard caps.

For Topic 4, sea turtle interaction assessment methodology, looking at Annual Incidental Take Statements (ITS) versus Multi-year Incidental Take Statements:

- 4a, no action, the current ITS.
- 4b, a request for a multi-year sea turtle interaction limit, or an ITS.

For Topic 5, Time/Area Closures:

- 5a, no action, no area closures.
- 5b, implement a first quarter time/area closure that would need to be developed prior to January 1, the start of the fishing year.

For Topic 6, sea turtle avoidance incentives looking at individual vessel limits to avoid sea turtles:

- 6a, no action.
- 6b, implement transferrable individual vessel sea turtle limits, available on an annual basis.
- 6c, nontransferable individual vessel sea turtle limits.

For Topic 7, observer coverage, looking at the 100 percent observer coverage issue:

- 7a, no action, continue 100 percent observer coverage.
- 7b, implement a reduced level of observer coverage that achieves an appropriate extrapolation of sea turtle interactions.
- 7c, implement a reduced coverage after the first quarter if interactions are less than 75 percent of hard cap.
- 7d, regarding payment, NMFS pays for 100 percent observer coverage at the current effort limit and the fishing fleet pays for any additional shallow-set effort to be observed.
- 7e, all onboard observer costs are paid by the Hawaii-based fishing fleet.

Kingma displayed a graph with color-coded impacts identified in the options document for ease of understanding.

Before Council action in March, the Council would like to conduct a workshop in coordination with the Fishery Service in looking at appropriate ranges of interaction rates, post-hooking mortality rates, nesting beach information, et cetera, that will inform the EIS process.

Impacts regarding shallow-set effort include:

- For fishery participants, increased opportunities to harvest swordfish. The swordfish stocks are healthy. If there is someone motivated to transfer into and reconfigure their gear into shallow-set gear, it could be restrained.

- Topic 2, Set Certificate Program. Requires an annual application process. People participating in the fishery are able to transfer set certificates under no action. More details will be provided from an economic analysis provided by the Science Center.

- Negative impacts on the administration and enforcement of administering the program.

- Hard cap issue, most salient impacts are if hard caps are discontinued. The HLA proposal continues the hard caps. Comments were received from the NGO and environmental community that they would also like to see hard caps retained.

- Sea turtle assessment methodology. A Multi-year Incidental Take Statement under 4b will provide the fishery a more flexible operation. A three-year Incidental Take Statement will provide more flexibility in that regard.

- Topic 5, time/area closures. There could be some potential positive impacts on sea turtle populations if they are implemented correctly and information is available. At this point, there is no available information in that regard and needs further research.

- Regarding fishery participants, time/area closure, under 5b, implemented during the first quarter, potentially will reduce catch per unit of effort levels and could be a major impact on the fishery. The administrative task of correctly developing an appropriate time/area closure based on sea surface temperatures in the area is difficult to do. Enforcement would also be very difficult.

- Sea turtle avoidance incentives. Very little impact on sea turtles and target species.

- Under individual transferable vessel limit, it could be positive for participants in that they could gain vessel sea turtle interaction and gain one or two more turtle interactions.

- 6c, nontransferable, some negative impacts on fishery participants that exceed their limit and who not able to buy any more, quote-end quote, interactions. Administration and enforcement will be difficult.

- Topic 7, observer coverage issue. Some impacts on protected species. Some extrapolation of the number of interactions if observer coverage was reduced. Currently 17, or even 20 or 30 turtles, extrapolating such a small number based on various interaction mtes would prove to be very difficult.

- Paying for an observer would be very burdensome on individual fishery participants.

Review of the public comment received on full analysis of the topics in the EIS:

- Topic 1, the effort limit, everyone supported looking at a full detailed analysis.

- Topic 2, the set certificate issue, environmental communities as well as HLA supported looking into the analysis.

- Topic 3, hard caps. None of the commenters suggested they wanted to see this issue as a full-bore analysis as an alternative. All want to keep the caps, which is different than seen as a fully-fleshed out alternative analysis. Some things for the Council to consider is putting these topics aside as considered but not analyzed in further detail.

Other topics receiving full analysis include:

- Topic 4, assessment methodology. None of the commenters supported looking at a full analysis on Multi-year Incidental Take Statement versus Annual Incidental Take Statements. This does not mean that HLA does not want to request a multi-year ITS, they feel the analysis does not need to be included in the EIS.

- Topic 5, time/area closures. The environmental community supports full analysis of time/area closures. HLA does not support full analysis based on they feel there's not enough information.

- Topic 6, avoidance incentives. One commenter from the NGOs supported full analysis of this issue. HLA, the Caribbean Conservation Corporation, Center for Biological Diversity and the Ocean Conservancy did not.

- Topic 7, none of the commenters supported a full analysis of observer coverage levels in the EIS. The environmental community did support a full analysis on observer costs and who was going to pay for those observers. HLA did not.

Proposed timeline is:

- Between now and March Council staff will prepare a Draft Supplemental EIS FMP document. It has not been determined whether it will be a stand-alone EIS or will be an included document. The 2004 document was an EIS and FMP amendment combined.

- A workshop will be conducted in coordination with the Fishery Service to look at all of the latest sea turtle information.

- At the March '08 Council meeting, Council will consider and pick a preferred action, a proposed action, based on the alternatives.

- The EIS FMP document would be available to the public shortly thereafter. The Council will propose an action, which then goes to the Fishery Service. The Fishery Service then initiates a Section 7 Consultation under the Endangered Species Act and then conducts and develops its Biological Opinion. It is the desire of the Council to select its preferred alternatives and proposed action shortly after the March '08 meeting.

- At the June and October meetings of '08 the Council will consider the public comments on the EIS FMP document and then take final action on a preferred alternative or proposed action. The goal is to implement any new action, if there is one, by January 1st of 2009.

- Council action requested is to consider the range of options, add or eliminate for further detailed study in the EIS-type document and consider the impact analysis and identify other information requests.
lacking.

Duerr said while visiting Baja California recently it was announced that the Mexican Government was opening nearshore waters to longliners, which will negatively impact interactions with a great number of turtles. He asked staff to investigate that and suggested the Council write a letter to the Mexican Government and ask them to rescind that position because it does in fact endanger these species. Kingma agreed, and also suggested conveying the information to the Council's partner conservation organizations working in the area.

Simonds asked Kingma to include investigating area closures also.

Polhemus commented that he assumed a new effort cap would probably be worked out in the context of the ACLs that the councils are now mandated to formulate under the new revised Magnuson-Stevens. He asked if MSY is available on this fishery to be used as a basis for an ACL. Kingma answered in the affirmative.

Polhemus asked if things happening outside of the region, even if the fishers in Hawaii are fishing responsibly, could lead to a Section 7 outcome that is actually adverse. Kingma answered in the affirmative and said HLA is very aware of that scenario. HLA is continuing with their proposal because of new information that suggests nesting beach information is positive in Japan, the reduction in sea turtle interactions that the fishery has experienced, as well as some positive information on post-hooking mortality rates.

Polhemus added that most of the interactions in the Hawaii fishery involve juveniles and sees the proposal as a calculated risk for HLA to initiate a Section 7 Consultation.

Chairman Martin said HLA is aware of the concerns that Polhemus raised. He pointed out there is a history now of post-hooking mortality and levels of injury. There are components based on post-hooking mortality conservation efforts shoreside, as well as a supporting document that talks about transferred effects. Transferred effects is if there's a constraint in a fishery, such as the fishery in the United States, the Hawaii longline fishery, that precludes them from catching swordfish. For example, they reach some kind of a limit. Then the market continues to exist for swordfish, which will be filled potentially by some other fishery. The reductions in serious injuries, the reductions in turtle takes, make this a model fishery.

Martin feels some of the achievements that the fishery in Hawaii has achieved are a real testament to a fishery that while working with NGO organizations and the Federal Government can result in positive impacts for the turtles worldwide. The Hawaii fishery continues to operate. It does well and mitigation measures can be implemented and the fishery can still stay in

business, which is a big concern of many countries around the world of having to implement turtle mitigation measures.

Later in the meeting there will be a presentation on some of the meetings held with fishermen from other areas.

Chairman Martin added that HLA does not expect anything other than a full evaluation and recognizes there is no guarantee of an outcome more or less favorable than the current regime that the fishery is currently operating under. He feels the fishery is involved in some positive mitigation.

Polhemus said he thinks, in his view, HLA may be a bit premature, given the context of the regulatory framework, and might be better served to just go the ACL route and find out where that parses out in terms of the actual stock status versus the turtle interactions.

Simonds asked for clarification from Tosatto in that if an observer costs \$400 a day, for thirty days, five times a year, the cost would be \$60,000, and if that would that also include contractor costs. Tosatto replied that is an approximate figure and does not include various service provider costs as well as the reimbursement given to every longline vessel per day observed or observer training.

Simonds was curious where the rest of the \$2.4 million goes which the Service sets aside for the observer program. Tosatto said he recalls Robinson had made a presentation on this subject a couple meetings ago.

Tosatto further explained: We use a direct appropriation of four million dollars. We add one million dollars of sea turtle money and then we add approximately a million to a million and a half on top of that to cover the full range of our observer coverage program. That includes the eleven members on our staff that take the data, ensure data quality, turn unknown information into known information, and makes sure it gets punched in. So again, it's for NMFS costs as well as training of the observers. It's that full range, that six and a half million, includes the Hawaii longline and the American Samoa longline programs, and right now both components of the Hawaii program.

Right now, again, six and a half million dollars seems like a lot of money, but we don't have money to cover any other fisheries. It's just those two longline fisheries that are covered right now. Again, I can dust that presentation off or bring it back to show you where that six and a half goes out.

Tosatto further explained the Service receives a direct appropriation of four million dollars, which hasn't changed since 2003. They also use transition funds which are available.

Tulafono asked if people trained by Alu Like who have already gone out on boats are qualified to become observers in American Samoa, as they would like to use American Samoan observers in American Samoa. Tosatto replied that once an observer is certified by NMFS, NMFS generally at that point is done with the process of training a potential observer's career. The observers are a subcontractor to the contractor.

Tosatto offered to follow up with the contractor to make sure he identifies the potential Alu Like graduates that were certified. When the American Samoa program was started up, their greatest interest was to have American Samoans monitor that fleet for many reasons.

Sablan asked, because of the two recent fishing vessels arriving in CNMI, if it would be an opportune time to start an observer program in CNMI. Tosatto replied there are no plans for placement of observers on the Marianas longliners yet, mostly due to the fact that the numbers and the logistics of facilitating the program haven't exceeded the potential need for information, as it's a matter of cost benefits to facilitate the placement of observers out in Saipan that may outweigh that potential ability to what information would be gathered.

Tosatto pointed out that fishing vessels already have a requirement to report all of its bycatch, including interactions with protected species. That information should be recorded already. The goal is to observe those where there is a need to validate the information.

Sablan said that is great to hear and just wanted to put Tosatto on record so that further down the line they can talk again.

Duerr asked Tosatto if there is any mechanism in place to keep costs down. Tosatto replied it is a complicated contract and there are performance measures in place.

Chairman Martin asked if the HLA shallow-set proposal was an appropriate place to evaluate the observer program as associated with the fishery versus evaluating the fishery on the merits of either ACL or stock size or turtle caps, and perhaps the Council should consider the observer discussion in a different venue. He also asked if the finding of the observer program enters into the evaluation of the proposal.

Tosatto replied that in developing a response to HLA's proposal, one of the first steps is developing the purpose and need and range of alternatives to be considered. Although it was determined the crux of the issue in the proposal dealt with effort, there were several other integral pieces to proposing an increase of effort. As the issues were identified; 100 percent coverage, 2,120 sets, the metric type issues and the changes to those metrics, those need to be analyzed, as well as the management aspect involved.

Duenas commented the fishermen in the Western and Southern Pacific look at the Hawaii swordfish fishery as a model fishery. Although, there is reluctance to accept this type of model fishery because of the regulations that are imposed on the fishery. They view the restrictions as preventing expansion and want to avoid the same thing happening in their fishery. Duenas pointed out this is something to keep in mind when considering the success of exporting the sea turtle mitigation measures to other countries.

Chairman Martin made a few housekeeping announcements and broke for lunch.

5.A.2. Pelagics Total Allowable Catch (TAC) Amendment

Paul Dalzell, Council staff, reported:

The measure was developed for implementation of management measures from the East and West Regional Fishery Management Organization (RFMO) Conventions through a Magnuson-Stevens framework process in a timely and efficient manner.

Measures considered from the East and Western Pacific RFMO Conventions have focused on fishing effort, except for the measures pertaining to bigeye tuna. To make the process more flexible, the Council should also implicitly consider effort rather than just quotas. This approach was a recommendation from the SSC.

Presently there is a TAC in place for the Council's Pelagic fisheries, which is the 2000 to 2004 average or the 2004 level of fishing effort. Southern albacore and northern albacore are also looking at some form of effort limitation, as well as a catch quota for bigeye.

The framework process avoids a lengthy rulemaking process. Currently, new measures require a minimum of two council meetings to be implemented through the FMP framework process. This amendment will revise the framework process to include the implementation of effort limits stemming from Pacific RFMOs via a one-meeting process.

During the 135th Council meeting the Council directed staff to prepare options for revising the framework process.

Alternative 2, which was to change the framework process and to implement tuna quotas through the framework, was adopted at the 137th Council meeting.

The 138th adopted the SSC recommendation to consider effort limits as well as quotas.

Two alternatives are:

- Alternative 1, no revision of the framework process. This alternative would take two Council meetings. The RFMO quota would not be able to be implemented before the next RFMO meeting, at which time new measures may need to be implemented.
- Alternative 2, modify the process. The PFMP framework process and documentation would be modified to include the direct implementation of longline fishing effort limits and quotas for domestic vessels managed under the FMP.

The analysis in the document contains the range of issues analyzed, such as a five-year average of catch in the fishery, and the concomitant level of that which generates those catches, half of that five-year average or 1.5 times that average as the high option, and the spatial differences. Observer data was used to look at impacts on a range of different species, protected species, incidentally-caught species and nontarget species.

A slide was shown illustrating the range of potential quotas.

The analysis document discusses in the event of effort changes what the impacts are likely to be, such as impacts on nonquota stocks, impacts on nontarget stocks, impacts on the species, the protected species, mammals, turtles, seabirds, marine habitat and social, public

health and safety, fishery participants, data collection and monitoring, Essential Fish Habitat. Draft regulations were also included in the document.

Part C, Procedure for Framework Adjustments to Management Measures:

- Following framework procedures of the Pelagics FMP, the Council may recommend to the Regional Administrator that management measures be modified, removed or re-instituted. Such recommendations shall include supporting rationale and analysis and shall be made after advance public notice, public discussion and consideration of public comment at a single council meeting.

- NMFS may implement the Council's recommendation by rulemaking if approved by the Regional Administrator. If the Council wished to do a level of catch lower than what is handed down through the RFMO, this process could be used.

- Council action requested is the approval to go forward and transmit the document for review and approval.

Chairman Martin asked members to complete the Request for Committee Assignments and return the requests before the last day of the meeting.

5.A.3. Marianas Longline and Purse Seine Closed Area Option

Dalzell reported: Growing interest in longline fishing as evidenced by the arrival of longline vessels in the Northern Mariana Islands, as well as a longline training vessel acquisition by the Guam Fishermen's Cooperative.

A longline closed area already is implemented around Guam. There is potential for purse seine fishing in the EEZ waters around the entire Marianas Archipelago.

Increasing concerns regarding gear conflict, local stock depletion and catch competition with small locally-based vessels.

Objective of the measure is to try to balance the needs and concerns of CNMI and Guam's small and locally-based fishing fleets with the development of a larger-scale domestic or foreign longline fishery or purse seine fisheries in the Mariana Archipelago.

The three issues are:

- No longline exclusion zone around CNMI.
- A purse seine exclusion zone around CNMI.
- A purse seine exclusion zone around Guam.

The options for the longline exclusion zone around CNMI include:

- 1a, no action. No new regulations. The longline vessels are allowed to fish throughout the EEZ waters around the CNMI.

- 1b, a 25 nautical mile longline exclusion zone, prohibiting pelagic longline fishing within 25 nautical miles of the Northern Mariana Islands. The SSC preferred a 30 nautical mile longline exclusion zone.

- 1c, a 50 nautical mile longline exclusion zone for large vessels, sometimes called the American Samoa approach, where vessels greater than 50 feet in length would not be allowed to fish within 50 nautical miles of the Northern Mariana Islands.

- 1d, a 75 nautical mile longline exclusion zone.

- 1e, a 100 nautical mile longline exclusion zone.

A dividing line between the Island of Guam and NMI will exist.

FSM locally-run and operated longline boats targeting tuna was used in the evaluation of the alternatives.

Options for the CNMI purse seine exclusion zone include:

- Option 2a, no action. No new regs. Pelagic purse seine vessels would be allowed to fish throughout the EEZ.

- Option 2b, a 50 nautical mile exclusion zone.

- 2c, a 100 nautical mile exclusion zone.

- 2d, close off the entire EEZ to purse seine fishing.

Models were developed using data from the Japanese fishery which fishes the edges of the Marianas.

Guam and CNMI have concerns relating to impacts from the world's largest tuna fishery which fishes just to the south. Although that fishery fishes in waters of the EEZs and on the high seas, there may be impacts

Options for the Guam purse seine exclusion zone include:

- 3a, no action.

- 3b, a 50 mile nautical mile exclusion zone.

- 3c, 100 nautical mile exclusion zone.

- 3d, entire EEZ closed to purse seine fishing.

Yellowfin and skipjack may be potential areas of conflict if purse seining within the EEZs is allowed.

Public meetings have been held regarding the closures in the Northern Mariana Islands, in Saipan, Tinian and Rota. A number of comments were received. The majority of fishermen supported Option 1b, 25 mile longline closure around CNMI. Others preferred 30 or 50 mile closures so as to include all of the offshore banks and avoid gear conflict. There are a large number of seamounts and banks offshore reachable by small boats and preferred fishing grounds.

Comments regarding purse seine closure comments supported Options 2d and 3d, which is to prohibit purse seine fishing in EEZ waters around both NMI and Guam.

The 96th SSC recommended the additional option of a 30 nautical mile closure. The NMI SSC member and Guam SSC member felt that would be a reasonable distance to protect the majority of accessible offshore banks and seamounts.

CNMI and Guam purse seine exclusion zone should be consistent across areas.

Investigate options to limiting FADs. Many troll small-boat fishermen rely on FADs. But at the same time, purse seining around FADs is the cause of some of the problems with bigeye and yellowfin tuna in the Western Pacific and Eastern Pacific.

Council action requested is for additional options and selection on the preliminary preferred option at this point.

Ducenas commented that in 2006 a report from the Western and Central Pacific Fisheries Commission cited the purse seine fishery had approximately 190 vessels that harvested over 1.7 million metric tons of fish, the highest level reported. The vessels had a capacity from 1200 to 3,000 metric tons. This amount of impact on the fish stocks should be addressed at some point. He added the Japanese fishing area in the evaluation is concentrated a little further north where the Taiwanese concentrate heavily.

5.A.4. Nonlongline Pelagic Fishery Management Option

Dalzell reported: Three questions were presented to the Council at the 138th Council meeting:

- Should management programs for introduction of Nonlongline Pelagic Fisheries in the Western Pacific be considered.
- Should limited entry programs for Nonlongline Pelagic Fisheries be considered.
- If so, should management programs begin all at once, concurrently, or be phased in over time.

Council directed Council staff to prepare an options paper to consider federal reporting, permitting and limited entry programs for fisheries targeting species of concern, especially bigeye tuna and yellowfin tuna.

Staff used an incremental approach to investigate the fishery, such as initial actions, control dates, FADs, gear technology, potential for under-reporting, et cetera.

Two control dates have been established, June 2nd, 2005 and March 16th, 2007.

Since 2000 there has been a precipitous decline in catch volume in yellowfin and bigeye. CPUE has declined markedly since the mid 1990s due primarily to the decline in the CPUE of yellowfin. The bigeye CPUE, although variable, seems to be increasing.

There has been no clear conclusion that there is a significant persistent problem of under-reporting in the fishery.

Alternatives include:

- No action.
- Federal permitting.
- Federal reporting.
- Limited entry.

Dalzell gave a description of the evaluation by staff of the pros and cons for each alternative and paused for comments and questions from Council members. Council members had no comments or questions.

Dalzell directed the Council members' attention to Document 5.A.4(2), which was a letter containing public comments from Gary Beals. Dalzell summarized the sentiment expressed as, at this time not to develop a limited entry program

Polhemus clarified the regulations surrounding the State Commercial Marine License, where the requirement is to report all catch, whether it's sold or given away or otherwise, and how this could generate the pattern that Dalzell showed. Dealers are required to report their transactions. He added the State refused to renew permits until all reporting was up to date in 2005.

Dalzell also presented information on the charter fishery:

- A third of the catch is blue marlin, about a quarter of the catch is mahi, yellowfin tuna, which is just around about 16 percent, and then wahoo, skipjack, striped marlin, spearfish and other species.
- Effort has been variable over time.
- Aggregated CPUE for commercial troll fishery and the charter troll has declined.
- Council Member Gaffney authored a comprehensive study on the charter vessel fishery back in the early '90s which is the most recent narrative on the charter vessel fishery in Hawaii.
- Significant decline in blue marlin CPUE.
- Big decline in the CPUE of charter boat yellowfin, and then flattening out. Similar pattern for wahoo.
- Mahi, a big decrease and then slight increase.
- Under-reporting issue exists, with about 40 percent of the vessels not reporting landings. Hawaii DAR is making efforts to correct the under-reporting. Some reasons for this include Coast Guard requirements, safety issues and cost of insurance, et cetera.
- Hawaii DAR and the Charter Desk were in sync in terms of percentage released and trends.

Alternatives include:

- No action.
- Federal permit.
- Federal reporting.
- Limited entry.

SSC discussion and action:

- Additional work is required to understand the declining trends in the charter boat CPUE, overall and for key species.

- There appears to be a change in the level of State catch reporting in the offshore handline fishery through the catch report and/or dealer systems, possibly linked to more stringent enforcement requirements over the past three years.

-- SSC recommends that federal permitting and reporting be required for these fisheries, noting this would be required to support limited entry programs should they be introduced as a means for managing Annual Catch Limits.

Action requested the Council to consider the following:

- Permits.
- Permits and reporting.
- Limited entry.
- Additional management options to be included for consideration.

5.A.5. American Samoa Purse Seine Closed Area Options

Dalzell reported: At the 138th Council meeting the Council asked staff to investigate a potential purse seine exclusion zone.

The American Samoa longline fishery:

- Was established in 1996.
- Has a small EEZ, surrounded by other EEZs.
- A 50 mile closure for large vessels.

Concerns still exist for local stock depletion and catch competition. The U.S. purse seine fleet is likely to increase with entry of 10 to 15 vessels in the next two to three years.

Objective of the options considered is to appropriately balance the needs and concerns of American Samoa's small locally-based fishing fleet with the development of larger-scale domestic or foreign purse seine fishing in EEZ waters around American Samoa.

The two options are:

- Option 1, no action. Waters within 30 to 50 nautical miles around American Samoa will continue to be closed to pelagic fishing by vessels greater than 50 feet in length, including purse seiners.
- Option 2, entire EEZ would be a purse seine exclusion zone, eliminating any purse seine fishing in EEZ waters around American Samoa.

Purse seine vessels are home-ported out of Pago Pago. Opportunistic fishing does occur.

Catch is 84 percent skipjack, one percent bigeye, 15 percent yellowfin. Purse seine catch equals approximately 60 metric tons a year.

Main target for the troll fishery is skipjack, with yellowfin to a smaller extent.

The SSC noted that the objective of purse seine closed areas is to avoid local fishery interactions between industrial purse seiners and locally-based longline fleet and small-boat troll

operations. Historically, the U.S. fleet fishing in the EEZ has been setting on free schools. The catch levels reported wouldn't pose any concern to local fleets, particularly the longline fleet which targets a different species, i.e., albacore, to the species caught by purse seine, which is yellowfin and skipjack.

It was also noted that the current 50 mile exclusion zone is sufficient to avoid direct interaction with the troll fleet, which operates close to shore.

The SSC recommended Alternative 1, no action, with the addition that purse seine FAD sets should be prohibited in the US EEZ around American Samoa.

Council action requested was:

- For any additional options to be considered.
- Selection of a preliminary alternative at this point.

5.A.6. Review of American Samoa Pelagic Longline Management Program

Jarad Makaiau, Council staff, reported: Eight issues were recommended by the Council at its 138th meeting to be looked into and information brought up to speed to determine whether the Council should or should not consider actions to address these issues.

Issues were:

- One, whether the 50 nautical mile closure for large vessels greater than 50 feet in length targeting Pelagic Management Unit Species should be maintained or modified.
- Two, review options dealing with Fish Aggregating Devices in regards to interactions or potential interactions between longline vessels operating within the 50 nautical mile closure and nonpelagic longline fishing vessels.
- Three, should the Council look into reopening the application process for American longline limited entry permits.
- Four, should the Council review individual permits that have previously been denied by the Regional Administrator.
- Five, should the Regional Administrator have greater discretion in reviewing and approving permits that may have been initially denied.
- Six, four options on how the alia longline fishery can be revived will be presented during the American Samoa section of the agenda.
- Seven, should the Council consider eliminating the use-or-lose provision, a requirement that longline vessels must make a minimum amount of landings over a three-year period.
- Eight, should the Council consider modifying American Samoa longline limited entry regulations to explicitly clarify that the only foreigners that may hold longline permits are those of Western Samoa nationals.

Presently there are 60 limited access permits issued by class:

- Class A has 17 permits.
- Class B, six permits.
- Class C, 11 permits.
- Class D, 26 permits.

Only 28 of these 60 permitted vessels have made pelagic landings last year. Seven nonlongline vessels have reported to have made pelagic landings in 2006.

Half or less than half of the permittees have made pelagic longline landings.

Records set in terms of landings include:

- Number of hooks set was highest ever recorded.
- Number of hooks per set was the highest ever recorded.
- Number of albacore tuna caught, which is the primary target catch of the longline sector, and also the number of bigeye tuna caught.

Roughly half of the vessels have not made landings over the last two years, primarily Class A and Class B vessels.

Issue 1, bigger boats have requested the Council consider temporary access within the 50 nautical mile closure until the return of the small alia fishery. They note that the conditions for which the closures were established, such as potential for gear interactions, is no longer a concern because there is only one boat currently fishing within that 50 nautical mile area.

Four options for Council consideration:

- Option 1, no action, maintain the current closure of 50 nautical miles.
- Option 2, temporarily modify the area closure to 25 nautical miles for two years.
- Option 3, temporarily modify the area closure to 12 nautical miles for two years.
- Option 4, suspend the 50 mile area closure indefinitely.

Under Option 1, no action, anticipated effects include:

- A continued benefit to the seven pelagic trollers that have been known to have made landings during that period and one active small longline vessel. It would also continue to prevent potential gear conflicts between large and small vessels should the small alia fishery return.
- This option would be the most economically disadvantageous for large vessels, as they would have to continue to move out 50 nautical miles to begin fishing operations.
- This option does not appear to deprive Class C and D vessels from maintaining the historical levels of catch landings.
- This option provides the largest area closures for the large vessels.

Option 2 anticipated effects include:

- Not likely to have a significant effect on Class A, Class B or troll vessels as these vessels do not regularly travel out 25 miles to fishing grounds.
- Interactions between these vessels and large vessels would remain unlikely.
- This option could provide additional opportunities for large fishing vessels, as it allows access 25 nautical miles closer to shore, an area which is currently off limits.
- It is unknown if this option would have any measurable impact to pelagic fish stocks as the residence time of these species inside 50 miles or 25 miles is unknown.

Option 3 anticipated effects include:

- This option would provide large longline vessels a greater area for fishing opportunities than Options 1 and 2, but could result in competition with active small vessels and increased gear interaction should more Class A and B longline vessels become active again.

- Impacts on fish stocks are likely to be similar to Option 1 and 2.

Option 4 anticipated effects include:

- This option would provide the greatest opportunities for large vessels, but also could result in the greatest potential for competition and gear interactions with small troll and longline vessels.

- It is unknown if this option would have any measurable impacts to pelagic stocks, but would provide greater opportunities for vessels to catch pelagic fish while closer to the Islands of American Samoa.

In 2006 the Council felt this was a local issue and recommended the Department of Marine and Wildlife consider deploying one or two FADs around Pago Pago for the exclusive use of nonlongline pelagic fishing vessels.

Four options for Council consideration include:

- Option 1, no action.

- Option 2, facilitate meetings between longline and trollers to work out an agreement.

- Option 3, prohibit longline fishing within eight miles around all FADs to Tutuila.

- Option 4, again recommend the Department of Marine Wildlife consider one or two FADs for the exclusive use of troll fishermen.

Anticipated effects of Option 1 include:

- It is believed interactions would remain minimal, as only two longliners have fished within 50 nautical miles of American Samoa in 2007, but note interactions could become greater should more Class A and Class B vessels become active in the future.

Anticipated effects of Option 2 include:

- Would facilitate dialogue between trollers and longline permit holders and would not impact pelagic resources.

Anticipated effects of Option 3 include:

- Due to the overlapping nature of FADS, this would essentially equal to a ten-mile closure around Tutuila.

- Immediately impact two Class A vessels that have landings in 2007.

- It would be particularly onerous for vessels that have historically taken half of their catches within five miles of FADs and be even more onerous on those vessels if they were to re-enter the fishery.

- Requiring small vessels to fish beyond ten nautical miles presents a safety at-sea issue again.

- Due to frequent breakage of FADs, developing and enforcing area closure is problematic.

Anticipated Effects of Option 4 include:

- Would provide fishing opportunities exclusively for pelagic troll fishermen.

- It is anticipated to have no adverse impacts to fish stocks.

Makaiau presented some background information presented to the Council in previous Council meetings as well as the initial permit issuance summary and option information.

Chairman Martin for information regarding transfer of permits even within their class.

Makaiau deferred to Walter Ikehara, PIRO. Ikehara replied there have not been many transfers of Class A permits and gave some brief information on the history of the permits.

Tulafono asked if after the end of the three-year landing requirement, can fishermen reapply. Ikehara replied in the affirmative and offered to supply Ikehara with the regulation documentation.

Tulafono asked Makaiau if Option 4 requires an amendment change. Makaiau replied in the affirmative.

Sword asked if the U.S. Coast Guard enforcement regs contain an exclusion for U.S. passport holders. Ikehara replied the regulation does not require that the permit holder be a U.S. national citizen.

Duenas asked if Issue 8 included family members by marriage. Ikehara replied in the affirmative. Duenas pointed that was a big loophole.

5.E. SSC Pelagic Recommendations

Severance reported: Item 1, HLA Proposal and the Swordfish Fishery Effort Options. Under Topic 1, the shallow-set effort limit:

The SSC's preferred position on having turtle populations influence fishing effort limits would be to base effort set limits on the current status of the swordfish population. This option would imply that turtle mortalities are still controlled by hard caps on the level of total turtle takes. Therefore, another option needs to be added to the list under this topic.

Topic 2, fishery participation:

Due to potential social impact, as reflected by fishermen's concerns with previous set certificate allocation, the options in this topic should be considered by the Council in the SEIS.

Topic 3, sea turtle interaction hard caps:

The SSC favors retention of hard caps for turtles. However, this issue is beyond the scope of the proposed action. Therefore, the SSC recommends eliminating this issue from consideration. In other words, elimination of hard caps is not in the proposal in the petition and is not part of the proposed action.

Topic 4, the interactions assessment methodology:

The SSC favors the continuation of a one-year Incidental Take Statement. However, this issue is beyond the scope of the proposed action. Therefore, the SSC recommends eliminating this issue from consideration.

Topic 5, time/area closures:

This issue is beyond the scope of the proposed action. Therefore, the SSC recommends eliminating this issue from consideration.

Topic 6, sea turtle avoidance incentives:

The SSC favors no individual avoidance incentives. However, this issue is beyond the scope of the proposed action. Therefore, the SSC recommends eliminating this issue from consideration.

Topic 7, observer coverage:

The SSC favors the continuation of the 100 percent observer coverage. However, this issue is beyond the scope of the proposed action. Therefore, the SSC recommends eliminating this issue from consideration.

SSC comments regarding the preliminary draft risk assessment by Melissa Snover from the Science Center are as follows:

The SSC heard the presentation with interest, offered the following comments they felt should be considered in a further revision of this draft risk assessment model.

The SSC believes that the draft model has the following limitations:

- The model uses a questionable geographic structure where a putative northern substock has not been verified and in fact is inconsistent with known nesting populations in Japan. A pre-publication manuscript can be provided to the author on request.
- The model uses post-hooking release mortality probabilities that are not empirically determined and in fact are inconsistent with best available and published estimates.
- The model does not account for known environmental factors influencing the population dynamics, such as sea surface temperature.
- The model does not incorporate density dependence and the model assumes only exponential growth, which limits its applicability in this case.
- The population growth rate used in the model is lower than estimated for other turtle populations.
- The model does not account for sampling error because it is not fitted to observed data. Therefore, the model cannot be validated.
- The model is only applicable to time series with either monotonically decreasing or increasing trends, but many of the Japanese nesting populations show oscillating trends.
- The model involves arbitrary assumption of a three-year running sum width that is not consistent with the known remigration interval for loggerheads in the Pacific, which is known to be around five years, and the weights used are highly sensitive to choice of window width.
- The analysis errs when fractional individuals are rounded up to whole individuals. The fractions should be dealt with in a probabilistic framework and folded into the quasi-extinction probabilities.
- The assumption that adults are taken in the Hawaii fishery is incorrect. They're juveniles, and hence survival to adulthood needs to be incorporated into the calculations.
- Overly conservative assumptions were made throughout the analysis in the name of adopting the precautionary approach. However, this biases the final output. In fact, the

precautionary approach calls for the use of best science in the construction of parameter estimates while acknowledging uncertainty.

- The SSC recognizes that clarification of the regional population structure of the Japanese loggerhead stock is essential for development of robust management procedures for this stock and for evaluating the potential impact of anthropogenic hazards, such as pelagic longline fisheries. However, published literature does not support any conclusion about regional population structure, mainly due to limited sampling of nesting populations in Japan.

- The SSC suggests that the Council's Turtle Advisory Committee consider a comprehensive genetics study of the nesting population structure of the Japanese loggerhead stock. This study should comprise sampling from at least 15 nesting populations covering the full geographic nesting range of the Japanese stock.

Regarding the Marianas Longline Closed Area Purse Seine Options:

- The SSC suggests that the Council consider at least one additional option of a 30 nautical mile distance which would protect popular banks from large-scale fisheries. This 30 nautical mile distance would not be onerously far offshore for possible development of local longline fishing and yet would fully encompass historic fishing grounds for the troll fishery.

- The SSC also suggests that closed area exclusion zone options for longliners and purse seiners be consistent for Guam and CNMI.

- With respect to the possibility of purse seining in the U.S. EEZ around the Marianas, the SSC suggests that the Council direct staff to investigate options for limiting the use of FADs.

Regarding Nonlongline Fishery Management Options:

- The SSC recommends that federal permitting and reporting be required for these fisheries, noting that this would be required to support limited entry programs should they be introduced as a means of managing ACLs.

Regarding the American Samoa Purse Seine Closed Area Option:

- The SSC recommended Alternative 1, no action, be adopted, with the addition that purse seine FAD sets should be prohibited in the U.S. EEZ around American Samoa.

Regarding American Samoa Program Modifications, the SSC recommended:

- Issue 1, modification of the current 50 nautical mile area closure for vessels greater than 50 feet:

The SSC considered four closure options and supported Option 2 that would provide the opportunity to assess the management action over the next two years. Option 2 would be to temporarily modify the area closure to 25 nautical miles for two years. Under this alternative, the Council would temporarily reduce the area closure for 50 nautical miles to 25 nautical miles. The Council will also review the status of the fishery every two years to determine whether the closure should be maintained at 25 miles or returned back to 50 nautical miles.

Issue 2, the issue of protecting the FADs, the SSC did not object to the Council position and noted that this was best reflected in Option 4. Option 4, the previous recommendation, was to deploy new FADs specifically for trollers. Under this alternative, new FADs would be deployed by DMWR for exclusive use of nonlongline fishing vessels.

Issue 3, reopening limited entry permits, the SSC determined this was a policy issue and not a science issue. Therefore, this was not an issue for the SSC to consider.

Issue 4, whether the Council should review individual permit applications that had been denied, the SSC determined that this was not an issue for the SSC to consider.

Issue 5, whether the RA should have greater discretion in reviewing and approving permit applications that may have been initially denied based on guidance from the Council, the SSC determined that this was not an issue for the SSC to consider.

Issue 6, explore options to revive the alia longline fishery, the SSC favors a reactivation of the alia fleet, but there was no additional consideration. This issue is addressed through a larger project pertaining to fisheries development in American Samoa. A preliminary report will be presented later in the Council meeting.

Issue 7, consider eliminating the use-it-or-lose-it provision, the SSC supported Option 1 in combination with Option 2, requiring a landing status report, which would incorporate associated information from fishermen on why they had or had not met the landing requirements.

Issue 8, modify the American Samoa limited entry permit regulations to clarify that the only foreigners that can hold limited entry permits are Samoans, the SSC believes the issue of foreigners holding American Samoa limited entry permits is a matter for Council deliberation.

Tulafono asked if the change from a 50 mile area closure to a 25 mile area closure would include an amendment to the rules. Severance deferred to General Counsel.

Tosatto clarified that an interim rule can establish a rulemaking which says for the next two years the closure will be 25 miles, after which time it would revert back to a 50 mile closure. Then another action would have to be taken in two years to change it again. Either way, a regulation change is needed.

Sword asked if the SSC considered the seamounts, south and northeast bank in their recommendation. Severance replied they were aware of that, but also were aware of the relatively small number of continuing and active Class_A vessels compared to the larger number of the pelagic class vessels.

Sword commented that the alia are gearing up and wondered if the recommendation would be considered as detrimental to reviving the alia fleet. Severance replied that the SSC's understanding was the alia fleet tended to fish closer than the 25 nautical miles so it was not given full explicit consideration.

5.F. Pelagic Standing Committee Report

Duenas reported: The Standing Committee met for two hours, during which time the action items were reviewed, SSC recommendations were received and forwarded to the full Council for consideration.

5.G. Public Comment on Pelagic Ecosystem Action

Items

(Public Comment is verbatim)

MS. JEANS: Good afternoon, Mr. Chair Council members.

My name is Meagan Jeans, like the pants, and I represent Ocean Conservancy.

I'm here to comment on the proposed -- or the petition from HLA regarding proposed modifications to the shallow-set longline swordfish fishery.

I'd also like to incorporate by reference, if you haven't had a chance to read it, our written comments, which are a little bit more detailed than what I'll be able to provide in the next couple of minutes.

In any event, the current suite of conservation measures we feel are critical for the protection of the endangered sea turtle population in Hawaii waters. So any opportunity to roll back or weaken such measures, particularly where the best available science indicates that fishery-related mortality poses a major threat to their survival and recovery, would violate the Endangered Species Act statutory mandate to conserve listed species.

The data shows that the incidental capture of seasonal capture by shallow-set longlines have declined by 89 percent since the implementation of protected measures.

Despite this reduction in sea turtle interactions rates, leatherback and loggerhead populations remain in a precarious state and require even more conservative management, not less.

Particularly troubling is the limited range of alternatives proposed in the draft scoping document. Most of these alternatives relate to either maintaining the status quo or implementing less stringent requirements.

A reasonable range of alternatives, as required by NEPA, must include more protective management options.

As you're all well aware, the swordfish fishery was previously closed due to its impacts on sea turtle populations. As such, it's inappropriate to again call for its expansion without also evaluating options to provide greater protection for sea turtles.

Regarding some of the options that were outlined in the scoping document, I'll first address briefly the longline fishing effort issue.

We've heard industry complaints that the current cap on effort, which is 2,120 sets, is constraining.

However, this really isn't a constraining factor since the fishery has not reached its set limits since the regulations were imposed, rather than limit on turtle takes, which is incorporated into the 2004 BiOP for reasonable and prudent alternatives necessary to avoid jeopardy of loggerhead or leatherback turtles, closed the fishery in 2006.

According to the HLA proposal submitted in 2007, only 2,631 shallow sets have been fished since May 3rd, 2004.

Thus, rather than increasing the effort cap, the Agency should actually be looking to lower the effort cap level consistent with the amount of fishing effort in recent years.

The level of turtle take authorized in the 2004 Biological Opinion is based on expected fishing effort related to the annual cap of 2,120 sets.

If the turtle take limits rather than the effort limits are being reached consistently, then more turtles are being consistently taken than estimated for the approved effort of fishing effort.

It's also important to note, and I know it's been mentioned here before in discussions, that the process of determining authorized levels of take does not authorize a turtle kill quota for the fishery.

Rather, the fishery must be analyzed based on expected effort levels to determine whether those levels of effort and expected interaction rates are likely to jeopardize the continued existence of the species. Only if jeopardy is avoided may takes incidental to an otherwise lawful activity be authorized.

I also would again refer you to our more detailed comments regarding the time/area closures.

But generally, we believe that time/area closures used in conjunction with other conservation strategies, such as hard caps, 100 percent observer coverage, effort limits, are an important tool for fisheries management and the conservation of protected and endangered species.

We'd recommend that a whole range of alternatives for time/area closures also be evaluated as part of the DSEIS.

Furthermore, we also encourage you to maintain the 100 percent observer coverage.

Also, hard caps are absolutely necessary to avoid a jeopardy determination. The swordfish fishery was reopened in 2004 conditioned on that observer coverage and those hard caps.

In 2006, as you know, the fishery was shut down after only three months, when the loggerhead take -- when it was reached.

Hard caps provide an essential accountability and incentive mechanism and should be a non-negotiable element of a longline management framework.

Without such accountability, we are likely to enter a never-ending cycle of consultations, take incidences, re-initiating consultation without ever taking a step back and looking at the fisheries as a whole and figuring out how we can most effectively manage it.

Other issues, there are plenty, but I just wanted to highlight a couple that weren't a part of the initial document that we think should be considered in an analysis:

A, analyze and compile data regarding the age composition of sea turtles taken in the pelagic longline fisheries.

We also support efforts to investigate means to understand and reduce post-release mortality of sea turtles caught on longlines, also investigate additional sea turtle avoidance strategies.

There have been studies that indicate that there's a greater probability of catching sea turtles in a set that follows a set where there was a sea turtle encounter.

So more fleet coordination and communication protocols to guide individual vessel behavior following interactions with sea turtles should be developed and evaluated.

Also, evaluate the impacts of seabird bycatch mitigation measures on sea turtle capture rates.

Expand the scope of the hard cap provision to include all sea turtles, not just leatherbacks and loggerheads, that interact with pelagic longlines.

Also, apply bycatch mitigation measures to the Hawaii deepset longline fishery, as well as the shallow set.

Finally, it's imperative that the councils, both the Western Pacific and the Pacific Fishery Management Council, work in a coordinated manner to develop a management framework for pelagic fisheries that are trans-boundary by nature and some of the protected species that migrate between these different jurisdictional waters.

As you're probably well aware, the Pacific Council is pretty eager right now to establish their own shallow-set longline fishery on the high seas or, if they can, within the EEZ.

So if the two councils are acting unilaterally, it's a waste of time, resources and poses a great risk to endangered species, as well.

So I know I don't have a lot of time, so I'll wrap it up.

Generally, our feeling is that we need to maintain the existing conservation measures that are in place. To the extent that we're looking to modify those, we need to look at ways to strengthen them. There's a lot of information that needs to be evaluated, studies that need to be done, and we should see this reduction in sea turtle interactions as a huge success and not an indication that we need to roll back existing protective management measures.

Any questions?

MR. BARROWS: Good afternoon, Scott Barrows, General Manager of Hawaii Longline Association.

I'll make this short since at the last scoping meeting I gave public comment on the HLA proposal for the shallow-set fishery.

Just in answer to some of the items brought up previously, I think the shallow-set fleet has acted very responsibly. The amount of sets, while the first year that this was implemented, that the fishery in a short period of time, there were things to learn by the fleet. Obviously this year, the cap hasn't been reached. I think there's been some learning going on.

The basis of the proposal was to take a re-look at the caps due to the information that was gotten by the 100 percent coverage and to check the mortality rate that was used before against what is really going on.

As far as the certificates, to me, they're kind of redundant when you have a cap. What basically the fleet would like is just to be able to go out and fish and not have the certificate that you basically have to buy after you use the ones that were given to you and just use the cap.

We haven't asked for that much regime change, just three specific changes basically.

But I would like to thank the SSC for its recommendations and just let you know that we support what you're doing and the recommendations. Thanks.

MS. BONK: Well, point of information.

A question, just in terms of process.

I take it -- and I don't have any problem that you're taking section by section to address the people that are waiting here, that was the point made earlier today.

I've been waiting here since the morning to discuss an agenda item, and it's not a nonagenda item. I am happy with talking about nonagenda items tomorrow where it's been posted on the agenda that we're supposed to speak and do our public comment.

But I wish to speak on one of the agenda items that came earlier in the day. I've been sitting and waiting patiently to speak on it.

I think only consistent with the process that I agreed to go with that you had mentioned to make sure that you take care of the people that have been waiting here all day, that I be allowed to speak on anything that came before the Pelagics agenda, and that I won't be able to attend at the time that you are going to hear the earlier agenda items today tomorrow.

So in the same sort of logic that I thought you were separating areas, I would like to speak to the earlier agenda items.

MR. MARTIN: Excuse me --

MS. BONK: I've been sitting patiently from morning.

MR. MARTIN: As the Chair, I'm going to speak for a minute.

MS. BONK: Okay.

MR. MARTIN: Thank you.

We take public comment on public comment items. I understand that you have public comment that is not on an agenda item that has public comment. So we've afforded the opportunity to speak and give public comment tomorrow.

However, if you would like to submit in writing to either the appropriate agency, whether it's the Council or the Region, they would be accepted.

MS. BONK: Let me get this straight, another point of information.

We are not allowed to speak to any other agenda items except action items?

MR. MARTIN: You're more than welcome to speak to those items tomorrow between 4:00 and 5:00.

MS. BONK: Then you should write on your cards, for all other -- because it says on your card, nonagenda items, and you should specify that it's also agenda items that you prefer not to have public comment on.

MR. MARTIN: Thank you. I'll make a note of that.

MS. BONK: Which I would like to see all of those specified, please. Thank you.

MR. MARTIN: Thank you.

5.H. Council Pelagic Discussion and Action

Dalzell presented the recommendations: Council recommends that the Council staff proceed with the Draft Supplemental Environmental Impact Statement and the Fishery Management Plan Amendment for consideration at the March 2008 Council meeting and that the options presented at the 139th Council meeting under the following categories be analyzed in detail as action alternatives:

Topic 1, Shallow-set Effort;

Topic 2, Fishery Participation/Set Certificate Program;

Topic 5, Time/Area Closures.

The Council recommends that the category, Topic 1, shallow-set effort, include an effort limit alternative that is commensurate with the status of the North Pacific swordfish stock.

The Council recommends that its proposed action, to be fully determined at its March 2008 Council meeting, will include 100 percent observer coverage, sea turtle hard caps and a request that NMFS issue a multi-year Incidental Take Statement for the Hawaii-based shallow-set longline fishery.

The Council recommends that the options presented at the 139th Council meeting under the following categories be considered in the DSEIS and FMP amendment but not analyzed in detail as action alternatives:

Topic 3, Sea Turtle Hard Caps;

Topic 4, Sea Turtle Assessment Methodology;

Topic 6, Sea Turtle Avoidance Incentives;

Topic 7, Observer Coverage.

The Council recommends that Council staff and NMFS jointly conduct a workshop in December 2007 or January 2008 involving sea turtle experts to consider interaction rates, post-hooking mortality rates, genetics, conservation modeling and other related information to facilitate discussion and information exchange of sea turtle populations that interact with the Hawaii-based shallow-set longline fishery.

The Council requests that the Pacific Islands Fisheries Science Center consider the following SSC comments on its recent sea turtle analysis by Melissa Snover in 2007:

- The model uses a questionable geographic structure where a putative northern stock has not been verified and in fact is inconsistent with known nesting populations in Japan. A pre-publication manuscript can be provided to the author on request.
- The model uses post-hooking release mortality probabilities that are not empirically determined and information inconsistent with best available and published estimates.
- The model does not account for known environmental factors influencing the population dynamics, such as sea surface temperature.
- This model does not incorporate density dependence and the model assumes only exponential growth, which limits its applicability in this case. Furthermore, the population growth rate used in this model is lower than estimated for other turtle populations.
- The model does not account for sampling error because it is not fitted to observed data. Therefore, the model cannot be validated.
- The model is only applicable in time series with either monotonically decreasing or increasing trends, but many of the Japanese nesting populations show oscillating trends.
- The model involves arbitrary assumption of a three-year running sum width that is not consistent with the known remigration interval for loggerheads in the Pacific, circa five years, and the weights used are highly sensitive to choice of window width.
- The analysis errs when fractional individuals are rounded up to whole individuals. The fractions should be dealt with in a probabilistic framework and folded into the quasi-extinction probabilities.
- The assumption that adults are taken in the Hawaii fishery is incorrect. They are juveniles and hence survival to adulthood needs to be incorporated into the calculations.
- Overly conservative assumptions were made throughout the analysis in the name of adopting the precautionary approach. However, this biases the final output. In fact, the precautionary approach calls for the use of best science in the construction of parameter estimates whilst acknowledging uncertainty.
- Clarification of the regional population structure of the Japanese loggerhead stock is essential for development of robust management procedures for this stock and for evaluating the potential impact of anthropogenic hazards, such as pelagic longline fisheries.
- However, published literature does not support any conclusion about regional population structure, mainly due to limited sampling of nesting populations in Japan.

The Council recommends that the Council's Turtle Advisory Committee consider a comprehensive genetics study of the nesting population structure of the Japanese loggerhead stock. This study should comprise sampling from at least 15 nesting populations covering the full geographic nesting range of the Japanese stock.

The Council recommends that a potential West Coast-based longline fishery be considered, if applicable, in the cumulative impacts section of the DSEIS, but not considered as a component of the Council's proposed action to be selected by the Council at its March 2008 meeting.

Duenas moved the motion be adopted. Sablan seconded.

Young asked the actions be separated into different motions. He added that the caps should not be viewed as a target, but they are a limit that should be avoided. The attention seems to be focused on going up to the cap. The industry should be commended for the work that it did in coming up with ways to minimize the amount of turtle interactions, however, the rule is new. The Reauthorization in Magnuson is asking councils to look at management of fisheries differently.

Young continued:

As you had indicated during the break, the number of sets that are being used now, we have fewer sets than what the limit is. So increasing the limit, it's like we're bouncing up to a target of the number of sets we want to have, but we're not there yet. So I don't see the urgency that we need to increase the number of sets right now.

The example that was brought up had a lot of question marks about what the impact to the turtles is by increasing the number of sets.

It would seem to me that if we had more sets out there, there might be a better chance of having an interaction with a turtle, and that's something that we're trying to avoid.

The fishery is sustainable in its context of the fish. But the fishing practice has proven to be potentially not sustainable from the context of the turtle. If it's working and we're not at the limit, and we have a new way of managing in the Reauthorization, why is there an urgency to get this done now when we could be using these same resources that the study would be doing to help us look at what the Reauthorization is asking us to do for the long run.

That's why I'm troubled voting no against everything because of a concern I have about one aspect. But that's just a concern.

Chairman Martin stated that the action requests an evaluation based upon these recommendations from the Council. There is no preconceived idea of what the outcome of the evaluation might be. The evaluation is a stand-alone document that the Council may assist the Region in, but is a Region document, not a joint document with the Council. In Martin's view, the constraint in the fishery is the attitude of the fishermen, and they are reluctant to get into a fishery that they may have to get out of shortly. He added that it is bigeye and yellowfin are experiencing overfishing. If there is some increased allowance for the fishery to exist, it could and most likely would remove some of the impacts to stocks that are experiencing overfishing now.

Duenas added he would like to proceed forward to find out all of the options from the analysis. The fishery has gone through three years of experiments and the fishermen have bent over backwards to comply with all of the new regulations. All the fishermen are asking for in their request is to allow them to fish more. He also pointed out there were three turtle mortalities in the last three years. He reiterated the desire to export this model fishery to the rest of the world while at the time this seems to attempt to stifle the fishery.

Polhemus commented that perhaps Council members could more easily vote their concerns and conscience if the recommendations were decoupled so that all of the things that are part of the SEIS can be one vote, and the recommendations regarding turtle data could be a separate vote. Polhemus also suggested some word changes to the motions for clarity.

Duerr agreed with Polhemus and Young with regard to separating the motion.

DeRoma clarified that Council members are always free to divide the motion into separate components by a Council member making a motion, carried by a majority vote if the Council so wishes.

Polhemus made the motion. Duerr seconded the motion. Ducnas and Sablan had no objections to the amendment.

Tosatto stated, in regards to the progress of the SEIS, PIRO will continue to work with the Council staff on the range of alternatives. The action coming out the Council is to look at these issues as a range of alternatives to begin that process to develop the SEIS. The EIS is under development. As the EIS progresses, he specifically pointed that while he understands the Council's intent is not to adjust the level of coverage or explore that as an action, observer coverage will be analyzed, its impacts, its costs and methods on executing it. Similarly, the effect of a range of ways to implement set effort may look at the turtle cap, may look at how to deal with the turtle cap, how to deal with a range of issues, including the number of boats that participate. He welcomes the Council's and SSC's deliberation on focusing on the action.

Tosatto also pointed out that the request that NMPS issue a multi-year Incidental Take Statement can come in advance of the March meeting, and hopes it's an outcome of this meeting. It's not a Council action. A request is just a request and is welcomed at any time.

Tosatto added the Agency does feel it's appropriate to consider the West Coast longline fishery and its cumulative impacts, as well the Agency will consider that fishery in whatever form it's in at the time in the ESA consultation, which will be something the Agency coordinates with the West Coast Regions.

Young clarified that the context of his vote is primarily based on that there doesn't appear to be an urgency that for a new rule, and the Council ought to let it play out. The Council should focus on the new work ahead.

Palawski asked for clarification of Tosatto's statements regarding whether the observer coverage and sea turtle hard caps will be analyzed. Tosatto clarified that the assessment methodology is an Agency determination, not an action of this Council.

Tosatto added:

The sea turtle avoidance incentives I think we've looked at as the option presented as individual turtle quotas is not an action being analyzed.

Again, observer coverage, both changing the 100 percent and the shift will not be analyzed in detail in this action. We'll call that those are sort of status quo. They'll be considered.

The impact of increasing effort obviously has an impact on potentially sea turtle cap, potentially observer coverage cost, potentially methodologies to manage effort and turtle takes and a range of things.

They'll be considered and not fully analyzed as, pick an alternative, A, B or C. They won't be analyzed in that way. It will be incorporated into the analysis on the actions.

Again, at this time, those three items on the top are those actions on the table, so to speak.

Polhemus added the model being used for analyzing the loggerhead interactions with this fishery is still a work in progress and will not be able to be interfaced with the shallow-set effort analysis until it is cleaned up, which he offered as the context of how he is likely to vote on this motion.

Dalzell re-read the motion.

Chairman Martin conducted a roll call vote. The motion passed, Young and Polhemus placing no votes.

Kingma reviewed the second part of the motion.

Chairman Martin conducted a roll call vote. The motion was passed, Tosatto placing a no vote.

Kingma read the motion.

Duenas moved that the Council recommends that the Pelagic Fishery Management Plan amendment of the framework process be finalized for transmission to the Fisheries Service for review and approval. Dela Cruz seconded the motion.

Chairman Martin reminded Council members this is a framework action so that it would be more expeditious to implement catch limits that may come out of international fishery management organizations.

Motion passed unanimously.

Kingma read the motion.

Duenas moved that the Council recommend a 50 nautical mile longline closed area be implemented around the Islands of the Northern Mariana Islands and that the purse seine fishing be prohibited in the entire U.S. EEZ around the Mariana Archipelago. Tulafofo seconded the motion.

Dela Cruz asked if the 50 is a typo as he understood it to be 25, and the SSC suggested 30.

Simonds agreed it was a mistake.

Dalzell clarified the SSC was okay with 30 nautical miles, but recommended that any purse seine closures be consistent between Guam and the Northern Marianas and was consistent

with the purse seine closure. The SSC recommendation does include a 30 nautical mile option, as per a comment received from Mike Trianni.

Duenas stated because there are two Seattle-based boats in Rota already, he did not feel comfortable with a 30-mile closure on one side and a 50 mile closure on the other side. But if that's what the Northern Marianas is looking for, then so be it.

Young asked which was it, 30 or 50.

Duenas said it's 30, as recommended by Northern Marianas.

Young said he would argue for consistency.

Tosatto said primary among any consideration of the closed area would be consistency and recommended 50 miles for consistency. He added while he may vote to move this motion forward, he sees a serious lack of justification and foresees a lot of work needs to be done in justifying the closure, and even a more serious lack of justification for the rationale for a purse seine exclusion where there is no documented history of a purse seine catch in this area. He supports the SSC's recommendation of looking at other methods, including a prohibition on FADs. A potential trigger framework process will be presented regarding this.

Dela Cruz pointed out during the recent scoping meetings held that a great majority of those present favored a 25 mile closure over a 30 mile closure, including the new company which is just starting their fishing operation. Gasoline is very expensive in the CNMI. He asked the Council to give the company a chance and to consider the 25 mile closure. He added if a problem arises, the Council could take action at that point.

Duenas asked, for the sake of the Northern Marianas, to allow the 50 miles be changed back to 30 miles.

Dela Cruz said 25 would be even better.

Duenas pointed out he is following the SSC recommendation.

The motion was amended with no objections.

The motion was passed unanimously.

Kingma read the next motion regarding the American Samoa Longline Program.

Duenas moved that the Council request Council staff to study seasonal movement patterns and residence times of Pelagic MUS. This study may assist in obtaining information to address other pelagic fishery management issues in the area. Haleck seconded the motion.

The motion passed unanimously.

Kingma read the motion.

Duenas moved that the Council reiterate its previous recommendation that new FADs be deployed specifically for nonlongline pelagic vessels. Tulafono seconded the motion.

Simonds added, subject to money available.

Tulafono voiced concern over availability of funds as it is his Department which is going to be responsible.

The motion was passed unanimously.

Kingma read the motion.

Duenas moved that the Council recommend Pacific Islands Regional Office reopen the permit application process for the American Samoa longline limited entry program. Sablan seconded the motion.

Tosatto pointed out it is not a simple process and will involve the Council developing a regulatory amendment. The framework for the program is not established that way and suggested to Council staff now may be a good time to set up a regulatory amendment to provide a framework to adjust the limited entry program.

Duenas had no objection to amending the motion.

The motion was passed, with Young casting the only no vote.

Kingma read the next motion.

Duenas moved that the Council recommend the elimination of the minimum landing requirements for all vessel size classes in the American Samoa longline limited entry program. Tulafono seconded the motion.

Polhemus voiced nonsupport on this motion because it lacks an incentive clause for people to get in the fishery and fish rather than just hang out on a permit forever and do nothing.

Tulafono commented this should be part of the framework moved in the previous motion, and there is no need for this action. Duenas had no objection.

Tosatto suggested voting on this issue and then combining it with the previous framework amendment. Duenas had no objection.

The motion was passed, with Young and Polhemus placing no votes.

Kingma read the next motion.

Duenas moved that the Council recommend that Council staff develop a contract proposal to study the legality for limiting transfer of American Samoa longline limited entry

permits exclusively to U.S. citizens, nationals and Samoan Nationals. Tulafono seconded the motion.

Tosatto commented the regulatory framework would need to be changed to limiting transfer exclusively to Samoan Nationals. Duenas had no objection.

The motion passed unanimously.

Kingma read the next motion regarding the Purse Seine Closed Area around American Samoa.

Duenas moved that the Council recommend that Council staff prepare a draft amendment document for a purse seine closure in American Samoa that contains no action, current 50 nautical mile closure for vessels greater than 50 feet, a 75 nautical mile purse seine closure and a closure to purse seining in the entire EEZ. Tulafono seconded the motion.

Tosatto asked for clarification of the intent, as the motion does not seem to propose an action. Kingma explained there was not an intermediary alternative in the options paper.

Tosatto reiterated his concern as before with the Mariana motion, the options paper at this point needs work to support the rationale of what and why they would want to close and need to close the entire EEZ to purse seining and to include a measure to trigger action in the event of an increase in purse seine fishing.

Duenas clarified his understanding that it takes a longliner ten years of fishing to equal one load of a purse seiner's harvest. Tosatto agreed there is a capacity issue, but there are also a range of catch, target species and a range of issues that need to provide the rationale to the Service to justify the closure.

Tulafono stated that fishermen in American Samoa are very concerned about the new purse seiners that are coming to the South Pacific and there has been a trend that purse seiners have been fishing in the American Samoa EEZ. Tulafono supports consistency, that longliners and purse seiners have a 50 mile closure.

Simonds pointed out there already is consistency and the 75 miles was offered as a compromise in lieu of the entire EEZ.

Tosatto acknowledged the current increase and outlook for a potential further increase. He pointed out a number of the vessels being added to the fleet are foreign hulls and therefore are not allowed to fish in the U.S. EEZ. He also pointed to language that was developed by Delegate Falcomavaegua to provide an exemption to foreign built hulls targeting tuna to fish in the U.S. EEZ without a U.S. fisheries endorsement on their U.S. document. His core comment goes to the level of documentation of the issues. He will vote in favor of the motion with the caution of the need to build the rationale for the measure.

Duenas says he remembers a regulation that allows foreign hull vessels to fish Guam, CNMI, American Samoa and other territories as an exemption to the regulation. Even so, there

are 25 purse seine vessels with 1800 metric ton capacity coming out of Taiwan to rebuild the current U.S. fleet of nine to eleven vessels, which will almost double the capacity of the current effort.

Chairman Martin noted that the Western and Central Pacific Fisheries Commission, at least to this point, has been unable to come up with any kind of reasonable scheme to either cap capacity or reduce capacity.

Sword acknowledged noticing a depletion in the amount of skipjack, which used to be a staple fish in American Samoa. Fishermen in American Samoa have asked the Coast Guard for years to check on this as purse seining may be going on in their EEZ much more than they think it is. He voiced his preference for the 75 mile closure.

Duenas suggested getting rid of closing the entire EEZ option.

The motion was passed unanimously.

Kingma read the next motion regarding the Nonlongline Pelagic Fishery Management Option.

Duenas moved that the Council recommend that Council staff begin the process of developing a limited entry program for the Hawaii offshore pelagic fishery employing handlines and other hook and line gear. Tulafono seconded the motion.

Polhemus said he was puzzled regarding the rationale of the motion. The trips are down 30 percent and catch for tuna is down 60 percent in the last five years, aggregate catch for all species is down over 70 percent in the last five years and only bigeye tuna has risen, which are hardly the conditions that cry out for limited entry. This is a fishery that's already limited its entry and is losing participants and there is a drop in catch. He does not see that this is a problem in need of the solution that's being proposed and will not support this motion.

Duerr suggested one reason there are less participants in the fishery is because the economy is strong and people are pursuing other livelihoods. He thinks the stocks need protection, and is in support of a limited entry program, which he views as good planning.

Polhemus added that limited entry is a tricky action to impose, with sticky allocation issues to be resolved.

Duenas pointed out that there is a need to protect the fishers that now exist in the fishery. Therefore, he endorses the motion. He added that he is not comfortable with the State records and there is a need to capture all of the information from the fishers that are in existence in order to protect their rights to continue fishing in the future with the development of the ACLs.

Young asked Duenas what was his concern with the State of Hawaii Division of Aquatic Resource catch records. Duenas replied the Council saw documentation today where the sales and the catch rates were different numbers, they were selling more than they were catching. Duenas feels what is needed is more accurate records and by developing this program, better

records will exist. Consistency is needed in order to protect the fishermen and their ability to harvest in the future.

Duerr voiced agreement with Duenas. He believes almost every hotel and restaurant in Kona buys fish direct from the fishermen at the back door and guesses very little is reported to the State.

Young pointed out that fishermen should already be reporting accurately and setting up a new process now is not going to make them any more honest.

Chairman Martin commented he does support getting a handle on this fishery and developing some kind of a program for limited entry may be a way of doing that. He shared some of the same concerns about the accuracy of the data noting that it is a difficult problem and sees this as one of the methods to improve reporting and gathering that data.

The motion was passed, Polhemus and Young casting no votes, Tosatto abstaining.

5.B.1. Bottomfish Risk Analysis

DiNardo reported: Four topics will be covered in the analysis:

- The Hawaiian Archipelago Bottomfish Sampling Program.
- Single-Species Stock Assessments.
- Bottomfish CPUE Standardization Workshop.
- Hawaiian Island Bottomfish Total Allowable Catch Risk Analysis.

The Hawaiian Archipelago Bottomfish Sampling Program is to update life history parameters for the commercially-important bottomfish species in the Hawaiian Archipelago and assess spatial connectivity of the local populations in the region, which were recommendations from two workshops the Council held in 2004 and 2005.

The program is only for one year, which DiNardo foresees as a problem as there's not much that can be accomplished in one year. He feels now is a good time to see if additional funds can be used or acquired in the future to move this program forward as some of the projects that are out there are very, very good and are getting a handle on many of the bottomfish issues.

Five species of bottomfish are targeted, opakapaka, onaga, ehu, nku and hapuupuu.

Research is being conducted in the entire archipelago.

Samples are obtained from the auction and a purchasing program, which is buying fish from fishermen at market value. There is a proscribed format and procedure that's given to the fishermen.

Data collected includes:

- Ear stones, or otoliths, used for aging.
- Stomachs and stomach contents, used for ecosystem connectivity.
- Fin clips, used for population connectivity up and down the chain.

- Gonads, used for age at maturity.
- Length and weight information.
- Exact fishing location is also collected.

Since the ban of fishing in the Main Hawaiian Islands for bottomfish, the program is focusing on the Northwestern Hawaiian Islands. Four fishermen are participating from the Hoomalu Zone and Mau Zone. To date, they've supplied 570 bottomfish samples.

Samples have also been acquired from research conducted in the last year or two from the OSCAR ELTON SETTE, 115 animals; ehu, hapuupuu, uku, opakapaka and onaga.

They are looking at ways of getting additional samples of onaga from the fishery.

Next steps include:

- Initiate the auction sampling.
- Continue the cooperative research with the Northwestern Hawaiian Islands fishermen.
- Initiate cooperative research with the Main Hawaiian Island fishermen now.
- Discuss collaborations with other Fishery Disaster Relief Projects.

Because there is not a lot of communication between the bottomfish projects ongoing, a workshop is proposed to be hosted at the Science Center on November 13th to discuss the projects, build collaboration and share data.

The Science Center will be developing and submitting some insular cooperative research program proposals in the future for the federal fiscal years 2009 and 2010.

Regarding the Single-Species Stock Assessment Projects:

- Joint collaboration between the Science Center and the University of British Columbia to determine the extent to which spatially explicit single species stock assessment models can be developed for bottomfish stocks in the Western and Central Pacific Ocean, which will help with the ACL mandate. Initial focus is in the Hawaiian Archipelago.

- A Pacific Islands Insular Stock Assessment Workshop was held in May of 2007. A report was completed. It has been reviewed and comments submitted back to the authors. There were some changes that were suggested to the model structure. It was recognized there are limitations to assumptions and questionable data was uncovered that has influence on estimates of CPUE.

- The bottomfish CPUE standardization workshop is proposed to have a collaborative approach to review the changes in the Hawaii bottomfish fishery over the last 60 years that could impact catch rates and based on the review then quantify impacts and develop a CPUE standardization procedure for use in future stock assessments. The venue will be at Pacific Islands Fisheries Science Center from November 14th to the 16th. Participants are going to be scientists, fishermen, gear/technology specialists and managers. Invitations and a draft agenda has been sent out. Much positive feedback has been received.

The goal of the Hawaiian Island Bottomfish Risk Assessment Analysis was to develop a stochastic projection model that can be used to evaluate the probability of overfishing for Bottomfish Total Allowable Catch or ACLs. The final model will be implemented as a stand-

alone software so that the Council, PIRO staff and other stakeholders can use it for scenario analyses.

The MSA requires specification of ACLs for fisheries by 2011. Expressing the probability of an undesirable event or outcome, such as overfishing, is best accomplished using risk. Risk also allows for the incorporation of uncertainty.

Next steps include:

- Defining possible range of annual intrinsic growth rate, which requires a literature search, in-house file search, et cetera.
- Characterize uncertainty in all model parameters, including initial starting value.
- Incorporate CPUE standardization Workshop results.
- Revise model to include SSC comments and update SSC on progress regarding their suggestions.
- Develop stand-alone software for scenario testing.

The level of risk the Council feels is appropriate is a question the Council will need to address in the near future.

Polhemus asked if the standing stock value for 2005 was higher or lower than the 2004 value. DiNardo replied he does not know yet, but there have been dramatic changes in fishing effort in 2006, and there have been some declines.

Polhemus added some preliminary runs result with the probability of an infeasible trajectory exceeded 40 percent for anything over 100,000 pounds. For a TAC set at 178, it didn't seem particularly encouraging. He asked DiNardo, even with refined error terms, if it will substantially alter the initial runs. DiNardo replied we all have to wait and see, adding that it would be simpler to deal with a single species.

Polhemus asked if there is a definition for K. DiNardo replied the process will be similar to the lobster work.

Duenas said fishermen in Guam haven't sent fin cuttings to the UH for DNA genetic studies and he will pass on the information. He inquired where the data came from. DiNardo pointed out there is a lack of data and there are questions as to the historical CPUE estimates.

5.E. SSC Recommendations (Hawali Archipelago Action Items)

Severance reported: The SSC recommends the addition of a phase plot assessment that would allow managers to quickly assess stock status and look at simulations over longer time horizons. The SSC noted the prevalence of infeasible trajectories in the simulations. This is an inevitable result when managing by way of cost and catch control. The SSC asserts that these difficulties would be overcome if effort controls, a constant harvest rate, were used instead.

The SSC is encouraged by the convening of the CPUE Standardization Workshop planned for November. The SSC recommends the results of this workshop be incorporated into

ongoing simulation efforts, the next bottomfish stock assessment and looks forward to seeing the next reiteration of the risk assessment model in the SSC February meeting.

5.F. Standing Committee Recommendations (Hawaii Archipelago Action Items)

Duerr moved the Standing Committee accept the SSC recommendation. Tulafono seconded the motion.

5.H. Council Discussion and Action (Hawaii Archipelago Action Items)

No Council discussion.

The motion was passed unanimously.

5.G. Public Comment (Hawaii Archipelago Action Items)

No public comment.

5.D.6. Western Pacific Stock Assessment

DiNardo reported: The process is called the Western Pacific Regional Stock Assessment Review Process (WPSAR), which is a slightly revised version of an earlier presentation, made to the Council.

Why do reviews:

- They help make stock assessments the best available scientific information.
- It's responsive to the needs of the Western Pacific Regional Fisheries Management Council, as well as being responsive to the Magnuson-Stevens Act and OMB mandates.

The provisions in the MSA states that the Council:

- Must establish a mechanism for specifying Annual Catch Limits (ACLs) at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.
- Develop Annual Catch Limits for each of its managed fisheries that may not exceed the fishing level recommendations of its Scientific and Statistical Committee or the peer review process.

OMB Requirements include:

- Consistent with the Data Quality Act, development of an independent peer review process for scientific research.
- Sanctioned NOAA Fisheries stock assessment review processes that demonstrate independence are acceptable.

Reasons for developing the formal review process include:

- It improves quality and reliability of stock assessments.

- Buy-in through the constituents/stakeholder participation for transparency issues.
- It satisfies the Magnuson-Stevens Act and OMB requirements.
- It focuses on local problems.

Stock Assessments Reviews begin with the science, which involves model development and assessment. It involves:

- Peer review.
- SSC review and endorsement.
- Presented to the Council for adoption.

Existing Review Processes used by NOAA's Science Centers include:

- STAR Process, which is the Northwest and Southwest stock assessment review process.
- SAW Process, which is the Northeast stock assessment review process.
- SEDAR, which is the Southeast stock assessment review process.

CIE, or Center for Independent Experts, can also be used, which relies heavily on the University of Miami.

Some problems with the existing review processes include:

- Staff gets overworked.
- Insufficient funding.
- Insufficient SSC participation.
- Excessive independence in review process.
- Indecision.

Ideal attributes of existing stock assessment review processes include:

- Satisfies independence requirements.
- Provides for SSC involvement.
- Understandable and manageable.
- Affordable and fundable.
- Does not overburden local scientists, managers and the SSC.

Pros and cons of proposed review processes include:

For the CIE Only Process:

- Conducted by NMFS Office of Science and Technology.
- No Council input, con.
- Little, if any, input from SSC, con.

SSC Only Process:

- Does not satisfy the Data Quality Act, which calls for independence, con.
- Requires development of another review process that ensures independence, con.
- Addresses local issues, pro.

WPSAR Process:

- Involves CIE and WPSAR Panel process, pro.
- Council is involved in all aspects, pro.

- Conducted collaboratively between Council, Pacific Islands Fisheries Science Center and Pacific Islands Regional Office, pro.
- Addresses local issues, pro.
- Includes SSC participation and satisfies the independence requirement by allowing some CIE involvement also, pro.

DiNardo presented a schematic slide illustrating the process.

WPSAR Coordination includes:

- The Council, Science Center and PIRO will share responsibilities to create and foster the process.
- Because of FACA rules, the Council will sponsor the process.
- PIRO, Council and Science Center will share fiscal and logistical responsibilities.
- A four-year planning horizon will be established by the WPSAR Steering Committee.
- The Steering Committee determines whether a CIE or WPSAR Panel Review process will be used.
- WPSAR Panel Reviews will be conducted between February and August independent of the SSC meeting schedules.
- Up to two assessments will be conducted per review.
- Improvements to stock assessment methods will be explored during the alternate years, such as data or modeling workshops held.
- Reviews are open to the public.

PIFSC responsibilities include:

- Provide members to the WPSAR Steering Committee.
- Provide a Coordinator to oversee the process, assisted by staff from the Council.
- Coordinator identifies and selects other panel members following agreed criteria for reviewer qualifications.
- Coordinator develops the Terms of Reference for each review through consultation with the Council.
- Conduct stock assessments in full accordance with established Terms of Reference.

SSC responsibilities include:

- Assigns one of its members to act as Chair of each WPSAR Panel, as well as one or two members to the review panel.
- WPSAR Panel Chair presents Panel report to the SSC and Council meetings.
- Reviews stock assessments, Panel report and Panel proceedings.
- Review conducted at the SSC is the final independent check on the stock assessment.

Council responsibilities include:

- Provides a member to the WPSAR Steering Committee.
- Prepare meeting notices.
- Distribute all pertinent documents, summaries and minutes.
- Assist PIFSC in coordinating meetings and workshops and any other pertinent events.
- Publish and maintain file copies of reports.

PIRO responsibilities include:

- Provides a member to the WPSAR Steering Committee.
- Other responsibilities will be added.

WPSAR Panel participants include:

- Chair, which would be an SSC member.
- One or two SSC representatives.
- Two to three independent reviewers that meet qualifications, which could be nominated by the nominated, or members of academia, government, et cetera.

Estimated budget includes:

- Council, PIRO and PIFSC equally share 60,000 annually to cover labor of Coordinator and assistant, travel, contracts, supplies and equipment.

DiNardo added he received an e-mail from D.C. recently saying that there may be more funds available for the process, but will have to wait and see if those funds materialize.

Polhemus asked if revisions were made to the prior process presented to the Council because Headquarters wanted additional layers of peer review in the process. DiNardo replied that is partly the reason. Also, because of the budgetary concern, as the CIE process is less costly. DiNardo added that the Data Quality Act has always been a major concern for the Science Center.

Duenas asked DiNardo to estimate how long would it take to do a stock assessment for all of the stocks in the Western Pacific. DiNardo pointed out that there are 250 species in only one of the FMPs. Polhemus added it would also be contingent to what extent species can be grouped into stock complexes.

5.C. Fishery Rights of Indigenous People, Action Item

5.C.1. Marine Training and Education Program

Charles Ka'ai'ai, Council staff, reported: The Marine Training and Education Program is part of the Magnuson-Stevens Reauthorization Act (MSRA), which amended Section 305(j) which addresses councils providing education on marine and marine activities.

The program was approved at the last Council meeting, which included two workshops.

The first workshop, to be held jointly with the North Pacific Council, was postponed until plans could be further developed.

The Council had approved a second workshop series for the Region. A proposed recommendation for the second workshop series, which includes plans for including community colleges from around the region and a draft agenda is included in the Council's materials in the briefing books.

Ka'ai'ai also requested for suggested additions to the list of participants.

Ducuas suggested adding the Guam Community College to the list of participants.

5.C.2. Community Development Program Options

Mark Mitsuyasu, Council staff, reported: The Community Development Program (CDP) was one of two provisions included in the 1996 of the Magnuson-Steven Reauthorization Act, Section 305(i), which includes eligibility criteria and published in the Federal Register on April 16, 2002.

The CDP has no funding associated with it. It is not a grant program.

Community benefits are provided through the regulatory process or administrative means.

A slide was illustrated laying out the eligibility criteria, which was directly out of the Magnuson-Stevens Act.

The Council has in the past attempted to use this provision to try to provide indigenous benefits for the limited entry fishery in the Northwestern Hawaiian Islands Man Zone by setting aside permits for the indigenous community. This effort was taken over by the Sanctuary Monument process before the permits could be issued. This process was also attempted to be used in the development of the Data Information Collection Program through the Guam Fishermen's Cooperative.

The objective of this effort is to create a standard process that would allow the Council to accommodate the variations of the processes in the current regs and rules, such as an experimental fishing permit, new entry application process for the Northwestern Hawaiian Islands bottomfish fishery and the Community Demonstration Project Program (CDPP) Application Process.

Some of the decision points considered for a process include:

- Trigger points for community interest.
- Who will provide support for CDP application and plan development.
- Where will communities send completed applications and plans.
- Who will review applications and plans.
- Where will the review recommendations go.
- Who will have final authority.
- Who will take the lead for monitoring programs.

Mitsuyasu displayed a slide illustrating a decision matrix, which was included in the Council documents. Decision elements were along the left side of the slide. Decision points and options were along the top of the slide. Notes and comments were in the last column on the right side of the slide.

Community inquiry, outreach by agencies and published solicitation calling for CDP are examples of what could trigger proposals.

Community assistance issues include:

- What level of support will be provided to the community to develop their application and plan.
- Who will provide support. For example, will CDP application be completed without NMFS or Council consultation and guidance; the Council takes the lead to consult with community and provide guidance, or NMFS will take the lead to consult with the community and provide guidance.

The Council presently has Island Coordinators in each of the island areas and an Indigenous Coordinator.

Options for the CDP process include:

- Agency staff performs reviews, NMFS and Council.
- Council Advisory Bodies performs reviews; CDP, SSC and Standing Committee.
- Review Committee of affected agencies perform reviews.

Once the plan or application for the CDP is completed, it would go to NMFS or the Council for final approval.

The elements looked at which could be included in a draft process include:

- Receive applications at any time.
- Council, through its Indigenous and Island Coordinators, should take lead for providing community support.
- Completed applications and plans should be received by the Council.
- Review should use the existing Council advisory bodies, including the Community Development Program Advisory Panel.
- Recommendations will come through the Council to the Regional Administrator who will approve or disapprove.
- Monitoring of community programs through Indigenous and Island Coordinators.

Mitsuyasu asked if Council thinks the approach presented is appropriate, the staff will do further work to finish a framework amendment so an established process will be in place when proposals are received.

Duenas asked if the options could be combined. Mitsuyasu replied in the affirmative.

Simonds recommended that the full Council perform the review of recommendations before it is passed to the NMFS Regional Administrator, which follows the amendment process.

Tosatto commented that while he agrees with Kitty's process, the Council should deliberate and consider the recommendation and accommodations, which would not require any amendment to any regulations or rules.

5.E. SSC Recommendations on Fishery Rights of Indigenous People, Action Item

Severance reported: Marine Training Program was not discussed at the SSC. The Community Development Program Process was discussed but there are no specific recommendations.

5.F. Standing Committee Recommendations on Fishery Rights of Indigenous People, Action Item

Haleck reported: The Standing Committee one and only recommendation is regarding Community Development Program options, for the Council to direct staff to draft a regulatory amendment for the Council to look at and approve at the March meeting.

Duenas asked for clarification of which option Haleck is speaking to. Haleck replied Option 2 and read the following option parameters:

- Option 1, CDP application completed with NMFS and Council consultation and guidance.
- Option 2, Council takes the lead and to consult the community and provide guidance.
- Option 3, NMFS takes the lead and to consult with community and guidance.

The first package is:

- Option 1, completed application and plan transmitted to NMFS.
- Option 2, completed application and plan transmitted to the Council.
- Option 3, completed application and plan transmitted to NMFS and the Council.

On the review process:

- Options for the NMFS and Council staff to conduct review.
- Option 2, Council's advisory bodies, SSC, Standing Committees and the Council conduct review.
- Option 3, conducted by review committee of the affected agencies.

Options regarding monitoring:

- Option 1, Council staff.
- Option 2, NMFS staff.
- Option 3, review committee of affected agencies.

Haleck moved to accept the Standing Committee motion. Tulafono seconded the motion.

5.G. Public Comment on Fishery Rights of Indigenous People, Action Item

(Public Comment is included verbatim)

MS. OWENS: Good morning, members of the Council.

At the possible loss of the time allotted to me, I'd like to take this time to thank the Council for having lined up this process whereby people can submit their ideas and things at the appropriate time during the course of the meeting.

It's rather astonishing how much the public really is involved in this process and how much they do wish to have the opportunity to do so. I think it adds greatly to the Council's transparency to have the process done this way, and I thank you for doing that.

We are now talking about the Fishery Rights of Indigenous Peoples.

I attended the Standing Committee meeting the other day and I asked a few questions. I got some answers and some not-so-firm answers.

I would like to ask a few more.

I would like to say at the beginning that I am actually in favor of the concept of the CDP and the CDPP Programs.

However, I just want to make sure that they are undertaken with transparency and in accordance with the Magnuson-Stevens Act. So I really need some clarification.

May I use this time to ask some questions?

MR. MARTIN: You could ask the questions, but I don't think that we would be prepared to respond. If we don't know what the questions are, we don't necessarily know the responses. But they would be on the record.

MS. OWENS: Okay. Fine.

MR. MARTIN: We would respond to those as long as they're associated specifically to what we're on.

MS. OWENS: Oh, they are. They are.

MR. MARTIN: Thank you.

MS. OWENS: I'm specifically talking about Mr. Duenas was encouraging everybody to go and read the Magnuson. I actually have been studying it quite carefully.

I have a copy here of a page from the Magnuson. It particularly is the Western Pacific Demonstration Projects.

It talks about -- in the Standing Committee, I appreciated they gave us a very succinct definition of the difference between CDP and CDPP. There had been a lot of confusion about that before.

I understand that the CDP is a grant program. Is that right? It's not in the budget?

MR. MITSUYASU: No. CDPP.

MS. OWENS: The CDPP is a grant project. Okay.

So the CDP gets its money from where?

MR. MITSUYASU: It doesn't have money.

MS. OWENS: There's no money.

Okay. In the definition here, it says, demonstration projects funded pursuant to this subsection shall foster and promote the involvement of Western Pacific Communities in Western Pacific fisheries and may identify and apply traditional indigenous fisheries practices and enhance -- develop or enhance Western Pacific community-based fishing opportunities.

I'm assuming that the Puwalu series of the last year or so comes under this category. Does the Puwalu series come under the category of a CDP?

Is there any response?

MR. MARTIN: My response as Chair is that I think we're getting off of the subject of CDP.

We would like to focus on --

MS. OWENS: Well, I'm asking, is the Puwalu a CDP.

MS. SIMONDS: The Puwalu is a series of meetings. It's not a CDP.

MS. OWENS: So what program did it fall under? Because it sure sounds like a CDP to me.

MS. SIMONDS: Well, it can follow any program. It could be under the Administration. It could be under Coral Reef.

These are community meetings. So it's not a program. It's a series of meetings.

MS. OWENS: All right.

Here it says, one of the Magnuson-Stevens mandates is that the Western Pacific Fishery Management Council shall with the assistance of such advisory panel -- which I'm assuming you're setting up here -- submit an annual report to the Congress assessing the status and progress of Demonstration Projects.

Has this been done?

MR. MARTIN: Miss Owens, I'm going to ask that we don't respond to the questions. As I said, I would be happy to have the questions on the record as long as they're related.

MS. OWENS: Yes.

MR. MARTIN: But I don't think this is an appropriate time, this isn't a discussion period back and forth. So if you would like to get some specific questions on to the record for the record, we would be happy to accept those if they are associated with the CDP Project.

MS. OWENS: Okay. Well, that was a CDP question. So is that on the record now? I'm assuming it is.

MS. SIMONDS: She's talking about CDPP, okay. We're on CDP.

MR. MARTIN: CDP and CDPP, there's two --

MS. OWENS: Well, I'm sorry. This is a Western Pacific Demonstration Project?

MR. DUENAS: No, no, that's not what we're talking about.

MR. MITSUYASU: It's the Development Program.

MS. OWENS: No. I'm reading from the Magnuson, and it's under the Western Pacific Demonstration Project section. So unless the Magnuson has got it wrong --

MR. MARTIN: Maybe Silas would enlighten us a little bit, so we could get clarification.

MR. DeROMA: The action that the Council is discussing right now actually comes under 305(j), or (i) -- 305(i), which is -- it addresses Alaska and Western Pacific Demonstration Projects.

If you skip forward in Magnuson to 305(i), I believe it is 2 --

MS. OWENS: (j)2, Community Development Plan defined?

MR. DeROMA: Yes. Although, it's not (j)2. It defines the Community Development Plan, but the particular Community Development Plans --

MS. OWENS: Oh, okay. Yeah, 2.

MR. DeROMA: -- for the Western Pacific Council, those criteria and how they're established, which is what the Council is trying to do, is set up a process to do that, is in that following section after (j).

What you're reading from is a completely different subject area of Council business.

MS. OWENS: I was told the other day that this is the CDP, the Western Pacific Demonstration Projects.

MR. DeROMA: I don't know who gave you that information.

What I can tell you is that at this particular point in the Council agenda, they are on this other section, on CDP. What you're dealing -- it may be the acronyms are similar, I don't know.

But for purposes of comment before the Council, I think what the Chairman is seeking is public comment on the establishment of the CDP process that staff just laid out. Otherwise --

MS. OWENS: Well, I'm trying to find out about this, the process of establishing and funding, and all of the rest of that stuff.

MR. DeROMA: Well --

MS. SIMONDS: She's in here and we're here.

MR. DeROMA: I know.

As simply a matter of parliamentary practice, comments to the Council is only a question-and-answer session with the Chairman's discretion.

MS. OWENS: Yes, that's fine. I mean, I understand that.

But you're telling me that I'm not talking on the topic, and I'm saying that according to the Magnuson, I am.

MR. DeROMA: Okay. According to the Magnuson, you're not. Because what the Council is addressing is under that other section of Community Development Project, the one I just read to you under 305(i).

MS. OWENS: Okay. So what they told me in the Standing Committee meeting is wrong, then?

MR. DeROMA: The language that you're reading is under 305(k).

MS. OWENS: Which is titled what?

MR. DeROMA: It's --

MS. SIMONDS: Why don't I show it to her when we take a break. Okay? We'll discuss this when we take a break.

MR. DeROMA: Yeah. The Demonstration Project section that you're reading is not the same thing as the CDP that the Council is discussing now.

MS. OWENS: Well, that's different from what I was told at the Standing Committee meeting, and I apologize.

MR. DeROMA: I'm sorry about that. I don't know how that happened. But that's --

MS. OWENS: I apologize, in that case. I thought I was on topic. Thank you very much.

MR. MARTIN: Thank you, Miss Owens.

We have additional comment -- I have two additional comment cards from the same person, one is for Community Development Program and one is for Community Development Program Options. I think we're working with the Options part of the program.

I don't want --

MS. KAAUMOANA: It's okay, Chair. No, no, no. It's okay. I'll help you quickly.

MR. MARTIN: Thank you.

MS. KAAUMOANA: My name is Makaala Kaaumoana. I'm the Executive Director of the Hanalei Watershed Hui.

It's nice to be back.

I'm going to -- based on the previous conversation -- withdraw my card. But please don't destroy it. You might notice that they're numerically coded, that's because I'm struggling to be organized and they match my notes. So when we're pau here, I'll retrieve that from you, because I certainly don't want to be off subject.

However, the card that you have that speaks to the Community Development Program Options, this is the first time I've ever seen this matrix. It's intriguing and interesting and enticing.

As a community advocate, which is what I do, I would very much like to participate in that process. So I would benefit and my community would benefit by your definition of community, wherever community is participating in that.

I'm not asking for that response.

But I -- well, I mean, whatever it means to me, what it means on the ground, what it means in Hanalei, you know, how we can learn that.

Because it's become obvious to the two of us from the north shore of Kauai during the hours that we have attended this year that many of the things that you try really hard to bring to the community don't get to us. So I'm just trying to magnify that opportunity.

For the purposes of this item, I would first like to say -- and I don't know your staffer's name, but there was a slide as part of that PowerPoint that depicted a human sacrifice, and I am offended.

Since your handout states that there is no budget for this, I wonder -- my question is a little bit like Tina's, except I'll try to be more generic, without -- in order to participate in the process, it would be very helpful to us in the community to have a history of what the demonstration projects were, how they went.

You want us to help you devise this matrix and choose an option and give you our opinion, but for the ones that you did, how did it go?

You know, did they work? Did they not work?

You know, that would help us and I'm sure it would help you, and there's nothing in the paperwork that provides us any kind of an evaluation or, for that matter, even a description or a product.

I would like to know who the community reps were that evaluated or reviewed the applications that you've done so far.

Mahalo.

5.H. Council Discussion and Action on Fishery Rights of Indigenous Peoples, Action Item

Duenas moved for the Council to consider a motion to adopt modified versions of Options 1 and 2, combine Option 1 under the Community Initiative and Community Workshops and Outreach with Option 2 under Monitoring, to include the Council staff. Duerr seconded the motion.

Duenas voiced his hope that this would help clear the confusion between the CDP and CDPP provisions of the Magnuson and will provide more opportunities for the indigenous communities.

Chairman Martin agreed with Duenas' comments, as the idea is to more fully provide opportunities for the communities to participate in their community projects.

The motion was approved unanimously.

5.D. Program Planning and Research, Action Item

5.D.1. Western Pacific Fishery Data Collection Project

Josh DeMello, Council staff, reported: The Pacific Islands Region project is a result of many different meetings and discussions between participants in recreational fishery data collection. In 2000 the Marine Recreational Fisheries Statistical Survey was discontinued in 2000.

Roy Morioka, Richard Shiroma, Paul Dalzell and Joanne Kushima worked together to bring the Marine Recreational Fisheries Statistical Survey (MRFSS) back to Hawaii. The program began in Hawaii in 2002. Since then, many problems and issues have arisen from the sampling program and in the expansion of the data.

A review of the MRFSS Program has determined the data is not good enough to be used to manage the fish stocks.

In 2006 the Magnuson was Reauthorized calling for a national registry of saltwater anglers and an improvement of the MRFSS system. The Marine Recreational Information Program (MRIP) initiative was started by the National Marine Fisheries Service to improve the recreational data collection.

MRIP consists of:

- An Executive Steering Committee, of which the Council's Executive Director is a member.
- An Operations Team which is an oversight committee that has charge to create all of the different projects. Paul Dalzell, Council staff, is a member.
- A Communication and Education Team. Nicole Bartlett from PIRO and Sylvia Spalding, Council staff, are members.
- The Registry Team, which deals with the National Registry. Ed Ebisui is a member.

The work groups tasked with looking at recommendations made by the National Research Council on how to improve recreational data met in Florida in July to come up with ways to improve recreational data collection.

Some of the concerns by the participants from our region include:

The MRIP Program was mostly East Coast-centric and has little knowledge of what is going on in the Pacific. The Western Pacific Council plays a larger role in fishery management than the councils on the East Coast, especially regarding Highly Migratory Species. In the plan there is lack of inclusion of the Region's uniqueness.

The Council would like to look for ways to use existing systems, such as the Division of Boating and Ocean Recreation Database, to qualify for exemptions under the National Registry Program.

Participants, along with other interested bodies, came to the Council office and worked to develop a plan that was submitted to the Marine Recreational Information Program developers. The regional projects would help to collect the recreational data and to improve the Hawaii MRFSS effort and the new MRIP process.

In the plan are six prioritized projects, which include:

- Get a NMFS statistician based in Hawaii to work with the Pacific Islands Fisheries Science Center and the State of Hawaii on the data collection issues and expanding the data to be used for such things as ACLs or TACs.

- A night/evening/sunrise intercept survey pilot project.
- Project to investigate the use of existing registry systems.
- Improve the West Pac FIN creel surveys in our other island areas. Our surveys in the other island areas still lack funding and resources.
- A project to look at fishermen's guesstimates of fish weight, to see if the data is useful.
- Localize the coastal household telephone survey.

This information was presented to the SSC and the Fishers Forum.

Project plans are being finalized. It will be submitted to the MRIP Operations Team and Executive Steering Committee in the near future.

DeMello asked for the Council to comments as to any additions, deletions or changes to the plans, as well as the approval to move forward.

Polhemus reiterated continued participation is not assured in the HMRFS process due to lack of funding. He added some options for the future is the program will be steadily downsized from now, or the State may set up its own parallel recreational data program, which would incorporate a lot of the existing data.

Duenas asked what was discussed about funding for the program. DeMello replied that project plans are being created in Washington, D.C. in that MRIP process to get funded out of the President's budget, which has allotted three million dollars for 2007 to improve recreational fishing data, and the Western Pacific Region is entitled to a share of those funds. After 2007, the next budget proposed includes eight million dollars for recreational data collection.

Polhemus agreed with the idea of putting projects forward, but wanted to make it very clear as to the status of the State funding not continuing. He also stated that with regard to the State boating database, the Chairperson of Hawaii Department of Land and Natural Resources does not view that database as having been designed for this type of an application and does not currently support using it in this fashion. Those negotiations can continue, but that's the way that the State of Hawaii views this matter at this time.

Duenas asked if there is funding provided for education and outreach for this new initiative. DeMello replied that the Communication and Education Outreach Team will be submitting plans for those efforts. There was hope someone from Headquarters would have attended the Fishers Forum, but were not able to because of budget constraints. DeMello assured Duenas localized protocols will be included in the plan.

5.D.2. Federal MUS Fishery Permitting and Reporting Options

DeMello reported: After discussion in the Standing Committee meeting, from General Counsel it was learned they cannot put blanket permitting and reporting options into Council discussion for action. All of the permitting and reporting options have to be tied to an action. This item was already discussed under the Nonlongline Pelagic Fisheries section.

5.D.3. MSRA Five-Year Research Plan

Dalzell reported: The Magnuson-Stevens Reauthorization Act has requested that each Council shall develop in conjunction with its SSC multi-year research projects for fisheries, fishery interactions, habitats and other areas of research necessary for management purposes that shall:

A, establish priorities for five-year periods.

B, be updated as necessary.

C, be submitted to the Secretary and the Regional Science Centers and the National Marine Fisheries Service for their consideration in developing research priorities and budgets for the Region of the Council.

At the last SSC meeting staff asked the SSC to think about a research plan.

Four broad topic areas were suggested:

- Fish stocks.
- Ecosystems.
- Human communities.
- Protected species.

The SSC recommendation was to direct Council staff to prepare a draft plan based on SSC input as well as that of the Council.

The Council was asked for other categories they feel should be included and blessing to move forward to prepare a draft plan.

5.D.4. Annual Catch Limits

Dalzell reported: Regarding ACLs and domestic stocks, the MSRA states:

- Each Council shall develop Annual Catch Limits for each of its managed fisheries that may not exceed the fishing level recommendations of its SSC. The Fishery Management Plans (FMPs) shall establish a mechanism for specifying Annual Catch Limits in the plan, including a multi-year plan, implementing regulations or annual specifications at a level that overfishing does not occur in the fishery, including measures to ensure accountability.

Congress expected the 1996 Reauthorization Act to end overfishing of fish stocks in the United States. There are still some stocks which are being overfished. As a consequence, Congress has now implemented this measure to try and zero out overfishing.

The MSRA also states:

Unless otherwise provided for under an international agreement in which the United States participates, the above amendment shall take effect in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing and in fishing year 2011 for all other fisheries. It shall not apply to a fishery for species that have a life cycle of approximately one year unless the Secretary has determined the fishery is subject to overfishing of that species. Not later than 24 months after the date of enactment of this Act each Council shall transmit amendments to comply with this section.

The Council has to get amendments into NMFS within 24 months, 2009.

Regarding international stocks, the MSRA states:

Unless otherwise provided for under an international agreement in which the United States participates, the above amendments shall take effect.

International overfishing. The provisions of this subsection shall apply in the lieu of Subsection E, that are rebuilding plans for overfished fisheries, to a fishery that the Secretary determines is overfished or approaching a condition of being overfished due to excessive international fishing pressure of which there are no management measures to end overfishing, i.e., overfishing is still occurring under an international agreement to which the U.S. is a party.

For such fisheries, the Secretary, in cooperation with the Secretary of State, shall immediately take appropriate action at the international level to end overfishing and within one year after the Secretary's determination the appropriate Council or Secretary for Fisheries shall develop recommendations for domestic regulations to address the relative impact of fishing vessels of the United States on the stock and if developed by a Council, the Council shall submit such recommendations to the Secretary and develop and submit recommendations to the Secretary of State and to Congress for international actions that will end overfishing in the fishery and rebuild the affected stocks, taking into account the relative impact of vessels of other nations and vessels of the United States on the relevant stock.

Dalzell felt the Council has moved in this direction with Amendment 14 where the preferred alternative was to end overfishing immediately on Pacific bigeye.

Issues that have arisen from recent ACL Workshops are:

- Shared stocks, international and coastal.
- Definition of a stock or fishery.
- OY versus Ecosystem stocks and risk assessment.
- Dealing with data-poor situations.
- Dropping species from FMPs.
- Accountability measures.
- Mechanisms for implementation.

Regarding shared stocks, particularly international stocks:

- Harvests are shared internationally.
- Some allocation has been made.
- The U.S. is generally a small proportion of harvest, referring to the longline harvest.
- The responsibility for domestic purse seine harvest is unclear.
- Many stocks lack MSY estimates.
- Implications of unilaterally establishing domestic ACLs are unknown.

Regarding stocks provided for under international management:

- The IATTC, stocks of tunas and tuna-like species and other species of fish taken by vessels fishing for tunas and tuna-like species in the Convention Area, taken directly from the Antigua Convention.

The WCPFC, those listed in Annex 1 of the United Nations Convention of the Law of the Sea. Dalzell showed a slide listing all of the stocks listed in Annex 1.

Regarding shared coastal stocks:

- All harvests are domestic, such as bottomfish.
- Proportion of MSY and/or harvest in Federal waters varies by species and is not directly known.
- Council control over harvests in local waters is minimal.

How much can the Council do to address overfishing of shared stocks:

- It could reduce or prohibit EEZ or permit fisheries if others do not act responsibly.
- The Council could take action to control FMP's share of MSY, ACL, habitat, total recent catch or other metric.

At the 96th SSC, the recommendations included:

- The Council should implement ACLs and Accountability Measures for those resources directly under Council authority and in accordance with any international obligations.
- The Council should work with local authorities to encourage responsible management for their respective portions of shared fisheries.

In what order should Annual Catch Limits be implemented:

- Categorize Management Unit Species (MUS) as either OY stocks, target stocks and those that contribute to OY, or Ecosystem Component Stocks, nontarget stocks and all stocks commonly discarded. Set Annual Catch Limits for OY stocks, minimize harvest of vulnerable ecosystem component stocks.

Risk assessment has been discussed in great detail at the ACL meetings. A one-week workshop was held by the Secretary of Pacific Community, which was convened at the Council office. The SPC has been contracted by the Western and Central Pacific Fisheries Commission to do a three-year study on risk assessment.

The risk assessment combines the probability of overfishing and the consequences of overfishing.

The Australian Fisheries Management Agency (AFMA) has been a leader in developing a methodology for ecological risk assessment. A part of the overall methodologies and analysis looks at the productivity of a stock and the susceptibility of the stock to the fishery, the Productivity Susceptibility Analysis.

A species classed as lower vulnerability is:

- Short-lived and fast growing.
- Matures before recruiting to the fishery.
- Has a high fecundity.
- Has a wide range and is not habitat-specific.
- Utilizes that that has a low impact from fishing.
- Does not have a key ecosystem role, predator/prey, et cetera.
- Has a stable or increasing abundance trend.

- Is not overfished or subject to overfishing.
- Has low or no market value.
- Has a high survival rate upon release.

A species classed as having a higher vulnerability is:

- Long-lived or slow growing species of fish.
- Take a long time to mature.
- Have low fecundity.
- Has very specific habitat requirements or restricted range.
- Has a habitat which can be impacted from fishing.
- Is consistently caught with abundant target species.
- Has a key ecosystem role.
- Has a declining abundance trend.
- Is overfished or subject to overfishing.
- Has a high market value.
- Has a high mortality rate upon release.

Proposed risk analysis includes:

- Review scoring guidelines and consider effects of the weighting of each factor in the summed score.
- Add a factor related to the ability to control fishing mortality and catch and the selectivity pattern of the fishery.
- Utilize Essential Fish Habitat analyses for habitat susceptibility.
- Consider adding concerns for substock structure and localized depletion. A classic example would be bottomfish. A lot of bottomfish in the Northwestern Hawaiian Islands are being locally depleted in the Main Hawaiian Islands.
- Assess vulnerability for individual component stocks in complexes, where possible, stocks with similar vulnerability scores may be grouped together as a stock complex.

The 96th SSC recommendation for implementing ACLs was:

- Rank all management unit species by risk, prioritized Annual Catch Limit determination and implementation by risk.

In dealing with data-poor situations, the Council could:

- Use a simple equilibrium approach.
- Use index approaches.
- Follow guidance in Restrepo, et al.

The 96th SSC recommendation regarding dealing with data-poor situation was:

Do not rely on the Restrepo types of controls. All available approaches, including those presented by NMFS, should be accepted if well documented.

Deleting MUS from FMPs is not a useful way to go and the approach needs to consider other than MSY approaches.

Dalzell illustrated a slide showing a general model for setting ACLs:

- The SSC receives a stock assessment or other assessments. It also assesses the scientific uncertainty around that assessment and incorporates the Council's acceptable risk of overfishing, such as it did in the lobster fishery.

- The SSC sends the Allowable Biological Catch (ABC) to the Council.

- The Council sets the ACL equal to or below the Annual Catch Levels equal to or below the Allowable Biological Catch.

- The Council then considers management uncertainty, sets the Annual Catch Target (ACT) equal to or below the ACL and implements pre or post accountability measures.

Council action requested includes:

- Provide recommendations for guidance to Council staff to move forward.

- Provide recommendations to National Marine Fisheries Service and to the Science Center or others for research necessary to describe or implement Annual Catch Limits and Accountability Measures.

Chairman Martin asked if the Agency has given any guidance on risk level. Dalzell replied there was no formal talks regarding this, but he guessed the 25 percent range would be an acceptable risk level.

Polhemus concurred with a 25 percent risk level and pointed out there is tremendous amount of work ahead for the Council in determining ACLs, how to prioritize ACLs, with only 24 months in which to accomplish the mandate. Since the vast majority of the stocks under Council's jurisdiction are shared stocks, with regard to shared stocks with the State of Hawaii, Polhemus acknowledged the advantage of having congruent management and so put legislative proposals forward that would allow the State at its discretion to mirror the federal actions on ACLs. Polhemus wondered how fishing sectors could be subdivided up in the allocating of ACLs considering all of the data gaps that exist in the Hawaii recreational fishery.

Dalzell repeated the comment made by guest speaker, Seth Macinko, regarding establishing ACLs, if we don't get it right this time, just try to imagine what Congress is going to do to us in 2016.

5.D.5. Marine Conservation Plans

Ka'ai'ai reported: The Marine Conservation Plan (MCP) is required by the Magnuson-Stevens Act in Subsection 204(e). The Marine Conservation Plans are three-year plans detailing the uses of funds collected by the Secretary for Pacific Insular Area fishing agreements.

The plans must:

- Be in place before the Council and the Governor of each Territorial area can enter into a fishing agreement.

- They must be consistent with applicable FMPs.

- Identify management and conservation objectives.

- And prioritize projects.

The plans are funded for Hawaii through the Sustainable Fisheries Fund (SFF). The Sustainable Fisheries Fund is made up of:

- Payments from fishing agreements, which none exist for Hawaii.
- Funds and contributions received in support of objectives of the Marine Conservation Plan.
- Fines and penalties for violations occurring in the EEZ of Midway, Johnston Atoll, Kingman Reef, Palmyra Atoll, Jarvis, Howland, Baker and Wake Islands.

The Marine Conservation Plan is organized under seven Council objectives, which are:

- To support quality in research.
- To promote an ecosystem approach.
- To conduct education and outreach.
- To recognize the importance of island cultures and traditional fishing practices.
- To promote environmentally responsible fishing and the utilization of sustainable fisheries.
- To promote regional cooperation to manage domestic and international fisheries.
- To encourage the development of technologies and methods to achieve the most effective level of monitoring, control and surveillance and to ensure safety at sea.

All of the Council's 140 projects are organized under the seven objectives. These projects and plans has no administrative funding, but are important for the Council's ability to make management decisions. Each program project was prioritized under each objective. A process was developed to accommodate changes that may occur over time.

The process is as follows:

- Once funding becomes available under the Sustainable Fisheries Fund the Council Executive Committee will schedule a review of the Marine Conservation Plan.
- Upon review of the Marine Conservation Plan, a rank order will be determined based on the rank order of priority within each objective.
- The request will be forwarded to the National Marine Fisheries Service for funding through the Sustainable Fisheries Fund.

The Council will still prioritize and may still change the Marine Conservation Plan and go through another approval process.

The Council was asked for any recommendations or input on priorities.

Palawski voiced strong opposition to the concept being put forward and thinks the Council has not thoroughly thought through the idea of how agreements would be negotiated with foreign fishing vessels and that having funds go back to the Pacific Remote Insular Areas as the prioritization seems to be skewed in a way that if the same concept was applied to any other Council member's jurisdiction they would not think kindly of the way things were prioritized.

Ka'ai'ai replied that each territorial area has their own MCP and they would develop their own PIAFA in their territorial areas and did not think it would happen in Hawaii.

Palawski said that's his point. In the materials provided, all of the projects are coming back to Hawaii, yet they haven't developed their own sustainable fund. Sablan duly noted his comments.

Tosatto pointed out that Hawaii is not eligible for a PIAFA. The act allows for the Council to develop the Western Pacific MCP, to include the PRIAs, in order for an allowance be provided for activities within the EEZ of Hawaii. The framework described by Ka'ai'ai allows for those decisions on prioritization. This plan doesn't establish the framework for a PIAFA. This plan doesn't put in place any of those agreements. He noted Palawski's comments are worthy of noting.

Tosatto added the intent of the MCPs are to look after the PRIAs' share. They do not have a constituency to speak for themselves, and this is one of the ways to focus on the PRIAs.

Polhemus agreed with Palawski's point, as there does not appear much to flow back to the PRIAs and they are difficult to manage and are chronically under-funded. Polhemus ask DeRoma if the SFF can accept private donations which would have to be made public. DeRoma replied he thinks private donations can be accepted only for conservation projects and must be made public, but would have to take a closer look at the statutory language.

Simonds pointed out the U.S. Treasury code would have to be followed for the particular fund.

Polhemus reiterated that if the PRIAs are being utilized to generate funds, that they should get more back out of what comes out of the fund.

Young agreed with Polhemus. He said this is called a conservation plan at the exploitation of islands that don't have a constituency. He pointed out yesterday there were passionate pleas from territories and the commonwealth about foreign vessels coming in to their areas and taking advantage of their resources. Yet, here is a plan which exploits for the exclusive use of foreign vessels in areas that don't have representation, at least a voting representation, on this Council. While it's an opportunity because it's in the act that the Council can do this, he doesn't think the Council should do this, especially in the way that it's written, because the money is not going back to the islands.

Palawski said this discussion has hit on the prioritization question, which is the point he was trying to make. Two examples of projects which could be provided to the Council regarding use of the funds are the 1991 Taiwanese longliner that is shipwrecked at Palmyra Atoll and the current newly abandoned shipwreck at Kingman Reef.

Simonds explained when this was originally included in the Magnuson-Stevens Act in 1996 the funds that would go into this plan would only come from foreign fishing. Since the Council for the last 20 to 30 years has not allowed any foreign fishing in its 200-mile Exclusive Economic Zone, there were no funds, which is why the fund was changed to include the penalties and fines from foreign incursions, which was never a part of this fund before. The change was so that Hawaii and the PRIAs could benefit from the penalties and fines.

Simonds continued that as far as including worthy projects in the conservation plan, the Council would be happy to include anything. This information has been out for a year or two for soliciting information on projects or ideas. The beauty of the change in the Magnuson Act is that

it never before included fines and penalties. Simonds reiterated that the Council has never wanted to have foreign fishing within Hawaii and the PRIA EEZ.

Duenas pointed out that the Guam, CNMI and American Samoa MCPs also have the same provisions, but their governments have never exercised the provision and are dependent upon the fines and penalties of incursions and violations within their EEZs. He sees this action as a great benefit to the data collection programs in Hawaii. Duenas supports moving the plan forward.

Tosatto reported that recently PIRO has been delegated authority to approve the plan here in the Region. When the Council is able to forward the MCP to PIRO it will be able to be approved locally. Efforts are being coordinated with Headquarters staff to make the fund operational. When the plan is approved, they will be able to move expeditiously to hold an Executive Committee Meeting and work through the details.

5.E. SSC Recommendations on Program Planning and Research, Action Item

Severance reported: With regard to the Western Pacific Recreational Fishery Data Collection Plan:

The SSC again expressed its concern about the random digit dialing portion of the current survey. The SSC has no objections to the proposed projects of the Western Pacific Recreational Fishery Data Collection Plan.

Federal Management Unit Species Fishery Permitting and Reporting Options are now moot.

With regard to the MSRA Five-year Research Plan:

The SSC recommends the Council staff draft a preliminary research plan based on their input, as well as that of the Council.

With regard to Annual Catch Limit Options:

A number of SSC members were able to attend the ACL Workshop also a Saturday work group held at the Council office after the ACL Workshop. The SSC had extensive discussions regarding ACL Options.

Issue 1, addressing overfishing of shared stocks, both those shared with the State and the Commonwealth Territories and those that are shared internationally with the Western and Central Pacific Fisheries Commission and the IATTC:

The SSC recognizes that shared stocks are a reality in the Western Pacific and recommends that the Council implement limits and accountability measures for those resources directly under its authority and in accordance with any U.S. international obligations that may apply.

In addition, the Council should work with local authorities to encourage responsible management of their respective portions of shared fisheries.

Regarding stocks where local authorities share management, it is desirable to have consistent management across local and federal waters. It was noted the State of Hawaii currently does not have authority to set ACLs or quotas in State waters but is developing proposed legislation that would allow the State to mirror Federal ACLs as they are established.

Issue 2, which stocks need ACLs:

The SSC recommends that all Management Unit Species be ranked by a risk assessment process, e.g. Ecological Risk Assessment, which can be tailored for local conditions such that the highest-risk species are prioritized for earliest ACL development.

Risk assessment should be reviewed regularly and revised as needed.

The two-bin approach; that is, separating stocks into optimum yield stocks and ecosystem component categories, ecosystem component stocks not being major targets, as suggested at the ACL Workshop, should not be used as a basis for developing risk assessments and ACLs.

The SSC further recommends that the risk assessment process for Management Unit Species be initiated by the Science Center as soon as possible and be conducted in cooperation with the Council, SSC and Plan Teams. The SSC recommends that the first Management Unit Species to be assessed should be striped marlin so that the process can be tested and refined as necessary.

Issue 3, risk assessment, lower vulnerability and higher vulnerability factors:

The SSC is concerned with the assumption that lower value species are less vulnerable and higher value species are more vulnerable. The SSC recommends that economic considerations be taken into account, but cautions against assuming that low value necessarily equates to reduced vulnerability.

The cultural and economic importance of the species to local and regional markets and at the nonmarket fish distribution channels should also be considered.

Issue 4, definition of a stock complex, those four criteria:

The SSC recommends that stock complexes not be required to meet all four criteria. Any rationale for setting an ACL for a complex should be clearly defined and could draw from one or more of the listed criteria. If an ACL is identified for a complex, the catch should be monitored by species. If some species are used as indicators for a complex, it makes sense to utilize low productivity species.

Dealing with data-poor situations:

The SSC expressed concern with relying on the Restrepo type of controls. Restrepo is a paper developed to interpret the National Standard 1 MSY standards.

The SSC recommends that all available approaches, including those that were presented by NMFS at the workshop, be accepted if well documented. These would include Bayesian Belief Network-based meta-assessments, which have been successfully used in data-poor situations. This approach utilizes a probability model enhanced by the incorporation of other stock assessment results and has been successfully used as an exploratory method for identifying stocks at risk in the absence of landings data.

The SSC also suggested that cyclical or pulse fisheries are ill-suited to catch controls. If an ACL is necessary, then one approach is to maintain effort or input controls with catch limits set to a high pulse level and then let effort management deal with the rest of the time.

Another approach to ACLs for pulse fisheries is to use multi-year averaging to manage if there is enough data to capture the cycles over time.

With regard to the Marine Conservation Plans:

This item was discussed but made no specific recommendations.

With regard to Western Pacific Stock Assessment:

The SSC recommends implementing the revised Western Pacific Stock Assessment Review Process as presented at its 96th meeting. The SSC suggests that Dr. Robert Skillman be approached to be the Panel Chair for the first year. The SSC may suggest additional panel members by the SSC.

Regarding the Western Pacific Recreational Fishery Data Collection Plan:

The SSC has no objections to the proposed projects of the Western Pacific Recreational Fishery Data Collection Plan.

5.F. Standing Committee Recommendations on Program Planning and Research, Action Items

Sablan reported all SSC recommendations for full consideration.

Chairman Martin reported one additional Standing Committee recommendation reported by the SSC:

Due to the high cost of observer programs, the Program Planning Standing Committee recommends that video monitoring should be explored as an inexpensive alternative for some of our Region's fisheries. Sablan voice concurrence with the recommendation as indicated in the Standing Committee report.

5.G. Public Comment on Program Planning and Research, Action Item

(Public Comment is included verbatim)

MR. BROOKINS: Thank you, Mr. Chair.

I just wanted to make a short comment on the recreational data and on the proposed projects to review particularly the Hawaii data, as I recall it, and see if it's been accurately -- or try to describe what the characteristics are of the fishermen going out at night and other periods.

I would propose that the Council consider or perhaps send to the SSC for consideration that there is data in the HMRFS on this, existing data, that could be used to form a tentative hypothesis as to what that data structure is and then make a scientific test of whether that hypothesis is accurate or not.

This would give an advantage to that program in that you would not be just trying to describe the characteristics of the anglers when they are going out and when they are coming

back, but you would be testing the HMRFS data to see actually how accurate it is at the same time.

Thank you.

MS. BONK: Good morning, Council members.

Thank you, Chairman Martin, for giving me this time.

My name is Keiko Bonk and I'm from the Northwestern Hawaiian Islands Network.

I just wanted to speak briefly on the Sustainable Fisheries Fund.

Just reiterate some of the concern from the conservation community that the Central Pacific Islands will get its rightful share of any funds coming from that area in terms of penalties and fines in the neighborhood of the Central Pacific Islands.

It's become an area that because it's out of sight, out of mind for most people, the conservation community is very concerned that we take care of it in perpetuity and that I was here at a West Pac meeting not too long ago where I heard about an Ecuadorian boat that was caught doing some fishing in those waters. I would assume that there's fines coming from that situation, it would go into this fund, would I be correct?

Okay. So I don't know how much that is or whether or not we'd be adding a lot of money to this fund in that case. But I do know that they have a lot of needs down there.

I've been talking to some people in the area that are working there. There's a lot of needs and there's no money. So please help out with the money to place where you receive these fines and penalties.

Thank you very much.

Chairman Martin stated that the Council shares concerns for all of the island areas. Sometimes focus seems to be on specific areas, but the Council has a broad jurisdiction and he appreciates the Department of Interior's well-taken points.

MR. CHANDLER: My name is Jeff Chandler. I'm Native Hawaiian.

I was wondering if this program was part of the meeting we had last night? Or is this an ongoing program?

The program about monitoring the subsistence fishery or subsistence fishermen?

MR. MARTIN: This is quite a different program from that. That program last night was related to data collection and registry.

This is a broader program, the one we're specifically talking about right now.

MR. CHANDLER: Is that in coordination with the State? Or is this just a federal program?

MR. MARTIN: This is a federal program at this point. It's part of the Magnuson Act.

MR. CHANDLER: This program would include you monitoring our docks? Or are you going to come into Hanalei Bay?

I have a jurisdictional issue when you say you're going to monitor how much fish the fishermen are catching. My understanding is your jurisdiction is from three miles out.

Now, if you're going to monitor communities, then you're coming to State jurisdiction.

I think the way for you to do it, yeah, is best, is coordinate with the State. Coordinate effort.

Then what you're trying to do is the same thing we talked about last night, it will have to be coordinated together in order for it to work, in order for you to have the data that you're looking for.

You seem not to understand what I'm trying to say.

The program you're talking about, yeah, of collecting data of recreational fishermen counting fish, right?

MR. MARTIN: We're on a completely different subject. We're on the Marine Conservation Plan, which does not have any implication to your aina, the north shore of Kauai --

MR. CHANDLER: That has to do with recreational fishing?

MS. KAAUMOANA: No, it's part of Item D is why he's commenting. It's the only public hearing offered, so that's why he's using this moment -- I'm sorry?

MS. SIMONDS: So it's the -- Josh has the Marine Recreational -- that's what he's talking about, the Marine Recreational presentation.

MS. KAAUMOANA: Yes, this was the only public hearing on the agenda so --

MR. CHANDLER: The word I heard you guys talk about was monitoring recreational or gathering data, that was -- that's my understanding.

MR. MARTIN: I apologize. That's one of the reasons we have the cards. If we have a card, we have a better idea of what you're focusing your comments on. So --

MR. CHANDLER: On my card, I'm only going to give you my name when I send you my card and I'll tell you I'm a Native Hawaiian fisherman.

MR. MARTIN: Okay.

MR. CHANDLER: I have done it all my life.

MR. MARTIN: Thank you.

MR. CHANDLER: But the key word for me is that we're talking about recreational fishing, either getting data or collecting data about numbers of fish, yeah? Right?

Isn't that a land-based issue?

Or you going to collect them outside -- you make the Coast Guard collect the data?

That's what my question is.

MR. MARTIN: We'd be happy to answer your question. It's on the record. We're not prepared, this is not --

MR. CHANDLER: It's not allowed.

MR. MARTIN: -- a question-and-answer period. This is a period for the public to make comments that they would like the Council to consider. So that's what --

MR. CHANDLER: I thought I heard the gentleman talk about recreational fishing, and I thought you were -- what you were talking about was collecting the data.

That's what the gentleman came up here, for, yeah?

MR. MARTIN: That's right. He made a presentation and we're accepting your comments on that presentation.

MS. OWENS: They just don't want to answer your question.

MR. CHANDLER: Oh, you just don't want to answer my question.

That's fine with me, bruddah.

But I just want to make sure that I'm speaking about what was presented. That's why I'm here. Okay.

MR. MARTIN: I now understand what you're speaking about. Yes. I'm sorry, but if I don't have a card, I'm shooting -- there's five different items --

MR. CHANDLER: My card, all I'm going to tell you is my name is Jeff Chandler, that's it.

MR. MARTIN: Thank you.

MR. CHANDLER: In fact, I don't use cards.

I come up here because I'm a Native Hawaiian, yeah. I don't believe in sending one card to anybody. That's my cultural -- that's not my practice culturally, okay?

I come up because I feel I need to speak.

As you can see, there are not many Hawaiians here, are there?

Neither there.

So who are going to speak for us?

That's why I'm here. Sorry about that, but mahaIo.

5.H. Council Discussion and Action

Sablan moved that the Council endorse the SSC recommendation to implement the revised WPSAR Process and suggests that Dr. Robert Skillman be approached to be the Panel Chair for the first year. Further names for the panel may be suggested by the SSC. Duenas seconded the motion.

Motion was approved unanimously.

Regarding Federal Management Unit Species Fishery Permitting and Reporting Option, Sablan moved:

The Council recognizes that data will be needed on all fishery sectors for ACLs and AMs, and supports Option 5, i.e., region-wide permits and catch reports, and notes that such an option will require a serious Federal Government commitment of human and financial resources. The Council also believes that fishery participants' compliance should be facilitated by an appropriate social science design, planning and educational element, with the goal that the requirements of this option are acceptable and achievable at the local level. This would include addressing the problem of dual permit and reporting requirements. Duerr seconded the motion.

Simonds pointed out this recommendation should be removed because of the Standing Committee presentation by General Counsel DeRoma regarding collecting fisheries data in the Council action for the limited entry program for the nonlongline fisheries. There was no objection to the removal.

Under Annual Catch Limits, Sablan moved that the Council endorses the SSC's comments and recommendations on Annual Catch Limits:

The SSC recognizes that shared stocks are a reality in the Western Pacific and recommends that the Council implement limits and accountability measures on those resources directly under its authority in accordance with any U.S. international obligations that may apply.

In addition, the Council should work with local authorities to encourage responsible management of their respective portion of shared fisheries.

Regarding stocks where local authorities share management, it is desirable to have consistent management across local and federal waters. It was also noted that the State of Hawaii currently does not have authority to set ACLs or quotas in State waters, but it is developing proposed legislation that would allow the State to mirror Federal ACLs as they are established. Duerr seconded the motion.

Polhemus asked for clarification if the motion is being taken in sections. Chairman Martin answered in the affirmative.

Tosatto stated, as with all ACL measures or recommendations, the Service is still developing ACL guidance and these actions may need further meshing out in the future.

Motion was moved unanimously.

Sablan moved that the SSC recommends that all Management Unit Species be ranked by a risk assessment process, for example, Ecological Risk Assessment, which can be tailored for local conditions, such that the highest-risk species are prioritized for earliest ACL development. Risk assessment should be reviewed regularly and revised as needed. The two-bin approach, OY and Ecosystem Component categories, suggested at the ACL Workshop should not be used as a basis for developing risk assessments and ACLs. Polhemus seconded the motion.

Motion was passed unanimously.

Sablan moved that the SSC further recommends that the risk assessment process for MUS be initiated by the Science Center as soon as possible and be conducted in cooperation with the Council, SSC and Plan Teams. The SSC recommends that the first MUS to be assessed should be striped marlin so that the process can be tested and refined as necessary. The motion was seconded.

The motion was passed unanimously.

Sablan moved that the SSC is concerned with the assumption that lower-value species are less vulnerable and higher-value species are more vulnerable. The SSC recommends that economic considerations be taken into account, but cautions against assuming that low value necessarily equates to reduced vulnerability. The cultural and economic importance of the species to local/regional markets and nonmarket fish distribution channels should also be considered. Dela Cruz seconded the motion.

Tulafono voiced concern with the wording of the motion, and should be phrased as Standing Committee recommendations rather than SSC recommendations. It was pointed out that the preamble of the motions on the screen included the Standing Committee endorsement of the SSC recommendations. Tosatto added it will be clear in the Action Memorandum.

Tosatto pointed out economic considerations, regional markets, ecological importance of species and a whole range of things can be included into the risk assessment process.

The motion was passed unanimously.

Sablan moved that the SSC recommends that stock complexes not be required to meet all four criteria. Any rationale for setting an ACL for conflict should be clearly defined and could draw from one or more of the listed criteria. If an ACL is identified for a complex, the catch should be monitored by species. If some species are used as indicators for a complex, it makes sense to utilize low productivity species. Tulafono seconded the motion.

Polhemus suggested amending the motion to include, as proposed by National Marine Fisheries Service, so to clarify which criteria. Simonds felt these details would all be worked out in the process. DeRoma said the details will change as it develops. Tosatto felt the motion was a legitimate way to go.

Polhemus further explained as written, it is not clear what the term, all four criteria, meant.

The motion was passed unanimously.

Sablan moved that the SSC expressed concern with relying on Restrepo types of controls and recommends that all available approaches, including those presented by NMFS, be accepted if well documented. These would include Bayesian Belief Network-based meta-assessments which have been successfully used in data-poor situations. This approach utilizes a probability model enhanced by the incorporation of other stock assessment results and has been successfully used as an exploratory method for identifying stocks at risk in the absence of landings data. Tulafono seconded the motion.

The motion was passed unanimously.

Sablan moved that the SSC also suggested that cyclical pulse fisheries are ill-suited to catch controls. If an ACL is necessary, then one approach is to maintain effort and input controls with catch limit set to a high pulse level and then let effort management deal with the rest of the time. Another approach to ACLs for pulse fisheries is to use multi-year averaging to manage if there is enough data to capture the cycles over time. Tulafono seconded the motion.

The motion was passed unanimously.

Sablan moved that the SSC recommends that Council staff draft a preliminary research plan based on their input as well as that of the Council. Tulafono seconded the motion.

The motion was passed unanimously.

Sablan moved that due to the high cost of observer programs, the Council recommends that the video monitoring should be explored as an inexpensive alternative for some of our region's fisheries. Dela Cruz seconded the motion.

The motion was passed. Young voted no, Polhemus abstained.

Sablan moved that the Council notes the endorsements of projects proposed under the Western Pacific Recreational Fishery Development Plan. Dela Cruz seconded the motion.

Young stated that two of the key aspects of a plan are the surveys that Department of Land and Natural Resources (DLNR) does, as well as the presumption that the data is going to be available from DLNR's boating records. The Hawaii representative made a comment that the Chair of DLNR is not supportive and it is clear that maybe this plan wasn't even vetted with the State. Yet, the Council is being asked to approve the plan. Young pointed out that Polhemus has

also reported the survey will not be continuing because of lack of funding. He said the Council needs to take the plan back to the drawing board and begin talking with the State and consider other alternatives.

Simonds said she understands the projects were discussed and coordinated with State staff and the Council has not heard officially from Miss Thielen about their request to her to hold a meeting with DOBOR staff to discuss what the Council and the State might do to work together to accomplish the registry. The Council is waiting for an official letter from the Chair regarding this.

Polhemus stated that his staff and Council staff have had discussions about the projects. However, it's been made clear in those discussions that the financial future of the program is uncertain. He added that Council Member Young's point is true, that there is an underlying financial uncertainty. He also acknowledged there has been no official communication regarding the DOBOR vessel registration database. He conveyed that in verbal conversations with the Chairperson her initial response has not been positive. He reiterated there has not been an official response.

Duenas said that is not a reason to scrap the plan. A plan is needed before funds can be requested.

Polhemus reiterated again the State of Hawaii supports the collection of recreational data. The constraints are purely financial and not philosophical. The national registry and MRFSS are two different things and should not be intertwined.

Young stated that although they are separate items, they are both key to what this plan is. The testimony that has been heard is that both are questionable. As such, that would make the plan questionable and is premature. From all indications from the presentations, two of the critical components are not clear and thus the plan could not be implemented.

Simonds pointed out there is a deadline on projects. If there is no project, no funds will be provided. Furthermore, the State can pull out of the plan or decide to participate, but the plan is a good plan and the Council needs to go forward in order to receive federal funding.

DeRoma suggested a Council member propose a motion to amend the wording of the motion so that the Council supports or endorses the motion rather than just acknowledging.

DeMello pointed out the project is for the registry to set up a meeting to try to get an agreement with the State. This involves not only with the State of Hawaii, but also Guam and their vessel registration, and American Samoa and CNMI. Even if Hawaii does not come to agreement, the project will continue in the other island areas.

Simonds said the point is to work with the partners, and finding ways to do so.

Young said he believes that there was a comment that if the State wants out of the plan, which he believes is incorrect because it was stated by the State representative, Polhemus, that they never intended to be a part of it.

Duenas offered to amend the motion to include endorse rather than acknowledge. Sablan seconded the amendment.

Tosatto offered to amend the amendment by changing the Western Pacific Recreational Fishery Development Plan to the Western Pacific Recreational Fishery Data Collection Plan. There were no objections to the amendment.

The amendment was passed, with Young voting no and Polhemus abstaining.

The motion was passed, with Young voting no and Polhemus abstaining.

Polhemus proposed the following motion with regard to the Sustainable Fisheries Fund and Marine Conservation Plan:

Staff from the U.S. Fish and Wildlife Service and the Council meet to evaluate congruent objectives within the U.S. Fish and Wildlife Service Comprehensive Conservation Plans and the Council Fishery Ecosystem Plan for the Pacific Remote Island Areas and to provide the results of this analysis to the Council at its next meeting for inclusion within an amended set of Marine Conservation Plan priorities.

Young seconded the motion for discussion.

Simonds reported that following the Council discussion of the conservation plan, she had a conversation with the Fish and Wildlife Service representative to discuss getting together to work on their objectives. Therefore, she felt this motion was not necessary.

Palawski felt informal discussions would be good and it would also be beneficial to include the Pacific Islands Regional Office.

Polhemus said he thinks this motion will address the need for the Council's plan and the Refuge plans to align, and would meet the needs of both parties and perhaps reduce some tensions.

Young concurs with the need for discussion, which should have already happened. He opposes the motion primarily because it leaves the door open for foreign vessel permits for fishing in the PRIAs, but it doesn't mean the money would go back to the PRIAs, which is unfair for the islands, just as Guam, CNMI and American Samoa pointed out their concern for foreign vessels in their waters.

Ka'ai'ai said the Council doesn't have an MCP in place and it would need an MCP in place to access the Sustainable Fisheries Fund.

Polhemus pointed out there is a list of suggested projects in the briefing binder, which is why he suggested that a list of priorities should be created.

Duenas said he is not supporting the motion because he feels it is not necessary. The Executive Director can work with the agencies without being told by the Council, as they have been talking informally already in some cases.

The motion fails, with only two yes votes.

6. Mariana Archipelago

6.A.1. CNMI

Dela Cruz reported: Regarding Fisheries: The Managaha Marine Conservation Area annual survey was completed in July 2007. An updated analysis of trend on abundance for various reef food fish will be accomplished by the end of the calendar year.

The annual survey of the Sasanhaya Bay Fish Preserve on Rota was completed in June 2007. An updated analysis of trend on abundance for various reef food fish will be accomplished by the end of the calendar year.

Regarding Technical Assistance: The Fisheries Research Section has spent a considerable amount of time addressing the objectives of the Micronesian Challenge. Towards the goal of effectively conserving 30 percent of nearshore coral reef resources by 2020, the Fisheries Research Section is developing an approach that incorporates existing management measures that provide effective conservation in the calculation of the 30 percent. A list of needs that will enhance the attainment of the 30 percent will be submitted to the Nature Conservancy in November 2007 for potential funding.

A number of government agency meetings have taken place regarding the MIC. It was noted that all CNMI natural resource agencies agree that the MIC is not about the creation of more MPAs, but rather about effectively conserving nearshore reef resources for sustainable use into the future.

The Fisheries Research Section biologists attended a week-long training on the advanced uses of GIS 9.2 at the Northern Marianas College. The course was offered with funding from NOAA.

Regarding Invasive Species Survey: The Division of Fish and Wildlife will be partnering with the Guam Division of Aquatic and Wildlife Resources to survey freshwater habitats on Saipan for species diversity and invasive species later this year.

Regarding Noncommercial Items: The 23rd Annual Saipan International Fishing Tournament was held on July 14th and 15th, with a total of 65 boats and over 180 participants from Guam and the CNMI. The winning prize went to Heinz Hofschneider for catching a 288-pound Pacific blue marlin, the smallest size ever to win in the 23 years of the organization. Besides the 288-pound marlin, other target species were also small. Participants from Guam did not win any prize this time.

Regarding Other Issues: The Saipan Fishermen Co-op Market finally opened its doors for business on August 21st. The market was selling processed fish and fresh whole fish. This

includes assorted bottomfish, reef fish and pelagics. In addition, it was also selling fresh poke and fish parts for different purposes, including bait. Benefits for members included discounts on fuel and ice, to name a few.

Dela Cruz sadly reported that the Saipan Co-op had to close its doors because they ran out of the operating funds.

Regarding Longline Fishing: Two longline fishing vessels of the fishing companies Crystal Seas CNMI, Inc. and the Northern Marianas Fisheries, Inc. have arrived in CNMI and are moored in Rota Harbor. The companies have a processing plant on Rota, as well as offices on both Saipan and Rota. They will be buying pelagic and other reef and bottomfish from the local trollers for Japan and U.S. markets.

6.A.2. Gnam Report

Duenas reported: The Department of Aquatic and Wildlife Resources receives money from the Sportsfish Restoration Funds to deploy FADs around Gnam. Historically, there are 15 FAD sites located around the island. Only one FAD has been online for the past two years.

A consultation is needed with National Marine Fisheries Service, Protected Species Section, on turtle interactions with the FADs.

Crown of Thorns are appearing in large concentrations this year. There is also a major algae bloom on the east side which seems to be moving down the coast. When reported to the Department of Agriculture, Division of Aquatics and Wildlife Resources, they commented the Crown of Thorns is good for the reef. Duenas finds that hard to believe as it was a major disaster 15 years ago.

At the international level, Andrew Wright of the Western and Central Pacific Fisheries Commission, was on Guam on September 7th. He met with the Government of Guam officials, as well as the Fishermen's CoOp and the Council staff, with the hopes of having a Commission meeting in Guam in December. Guam is excited about hosting the Commission meeting in December.

Duenas asked Duenas if he sent the A Team or the B Team to the Saipan International Fishing Tournament. Duenas pointed out fishing was sparse this year, but the A Team was sent.

6.B. Guam Enforcement Issues

Duenas reported: New regulation, 50 CFR, Parts 222 and 223, regarding sea turtle conservation and observer requirements for fisheries, as follows:

National Marine Fisheries Service may place observers on either recreational or commercial U.S. fishing vessels operating within U.S. waters or on the high seas. National Marine Fisheries Service is providing a mechanism to specifically monitor recreational fisheries, citing their diffuse nature and lack of licensing system to track participants.

Dela Cruz reported the CNMI Enforcement Report: A, Illegal Fishing. Conservation Officers responded to two cases of illegal fishing during the reporting period. Both cases involved fishing inside two sanctuaries, i.e., Tank Beach and Managaha Marine Sanctuary. Fishing equipment such as spear, mask, fins and fish were confiscated. Fines range from \$500 to \$10,000 under PL 12-46 and PL 12-12. Both cases are pending issuance of Notice of Violations.

B, Educational Outreach.

Conservation Section had a booth at the Children's Youth Summit. Children of various ages visited the booth to learn about fishing rules and regulations. The CNMI Conservation Coordinator also attended a General Divers Meeting to network with local divers to share DFW rules and regulations. Attendees at the meeting vowed to work with DFW and to report any illegal fishing activities.

C, Educational Training.

One conservation officer was sent to attend the Weapons of Mass Destruction training on Saipan. This training will allow the officer to be able to respond with high calibrated weapons. Two conservation officers are scheduled to attend a workshop with the local wildlife section counterpart on September 24 through September 26. This will enable conservation officers to recognize the presence and/or absence of locally threatened and/or endangered wildlife, including birds.

The Division of Fish and Wildlife will have staff participate in a two-day Professional Development Workshop at the end of September.

D, Arrest for Violations.

One local dive operator was arrested on September 6th for allegedly violating Public Law 12-46 for feeding sharks in the Bird Island Sanctuary. The violator posted bail in the amount of \$1,000. The case has been filed with the Superior Court and is now with the Attorney General's Office.

6.C.1. Military Access to Cultural Preserves

Calvo reported: With the impending military buildup on Guam, Governor Felix Catuacho issued Executive Order 2006, which created the Civilian/Military Task Force. This was to maximize the opportunities for the civilian and military community resulting from the increases in military presence.

The primary function of the CMTF is to develop a comprehensive master plan that would accommodate the military expansion, including personnel, operations, assets and mission, and maximize opportunities resulting from this expansion for the benefit of the people of Guam. The many issues being discussed by the CMTF include infrastructure development, including roads, power, water, wastewater, port facilities, et cetera, public transportation, medical facilities, school integration, environmental impacts and mitigation projects, et cetera.

Not noticeably discussed are the impacts of the military buildup on the local people and the island culture, particularly the local fishing community.

Currently, the military and other federal entities control access to approximately 30 percent of the island, including about 30 percent of Guam's coastline. With the increase of military operations, the restrictions are not likely to decrease, but may expand outward from the shoreline. There is some talk about increasing restricted waterways out to 12 miles in some areas. With Guam's small-boat fleet, in addition to inconvenience, this potential restriction may cause safety issues.

6.C.2. Saipan Fishermen's Cooperative

Ogumoro reported: The Cooperative was a successful project. The market opened for business on August 21st. Three or four weeks later it closed down. The bulk of the \$80,000 awarded went for equipment, such as ice-makers, display cases, stainless steel processing tables, freezers and others. The Cooperative had employed five staff and had fifteen paid members. They each paid \$50 membership fees. The market was making an average of \$500 from its daily sales.

The Administration is now looking at three options:

One, obtain a loan at the Commonwealth Development Agency.

Two, secure financing assistance from stakeholders.

Three, establish a joint venture with another individual organization.

Dnenas apologized for not being able to make it to CNMI to help in the operations and for the opening. He offered his assistance in the continued development of the project and thinks its viability is well received by the community.

Haleck asked when is the reopening scheduled. Ogumoro said it may open as early as next week, as a joint venture agreement is being signed with the new longline company recently established in the CNMI.

Chairman Martin asked if the joint venture company is providing capital as well. Ogumoro said the longline company will be taking over the salary for the former staff salary, plus has agreed to buy all of the fish from the fishermen and maintain the old equipment and replace them if it's not repairable. A few more details still need to be worked out, but the desire is to manage and run the Cooperative as intended by the CDPP Program.

6.C.3. Status of Micronesian Challenge

Ogumoro reported: Coastal Resource Management, Division of Fish and Wildlife and Division of Environmental Quality, have been meeting in preparation for the next Micronesian Challenge meeting in November. Their findings have been very positive as far as the status of

the nearshore resources of the CNMI. They are working to improve enforcement as well as doing educational activities to yield better results.

6.D. Education and Outreach Initiatives

Ogumoro reported: Chunchulu Fishing Practice, the Chief in Tanapag has agreed to use his place near the beach for this project. The only fisherman in Tanapag with this Chunchulu has agreed to use his Chunchulu for purpose of reviving this traditional practice. There's another fisherman who has been the longest practitioner of this traditional fishing practice on the island has also agreed to help out using his own Chunchulu to revive this practice for the Villages of Oleai and Garapan. The two fishing communities need to meet with DLNR and DFW to come up with a plan on how to revive this fishing practice, as well as the DLNR/DFW to begin revising its current fishing regulations to allow net fishing practice in CNMI.

Traditional Fishing Practice Workshop, which was held June 26th, had 50 participants benefitted from this workshop. Two of these families who were present during this workshop are helping out with CDPP Projects on Saipan and one on Rota, Lino Olopai and Stan Taisacan. The workshop is not only to highlight the old ways of fishing, but to ensure that future fishing is more responsible and consistent with what our ancestors were practicing in the past. The workshop was videotaped.

FishQuest Curriculum is being updated to include the educational standards for the CNMI, Guam and even American Samoa. Once they are completed, they will be distributed in the various schools in these locations.

The moon calendars are being revised and are expected to be available by the end of the year.

6.C.3. Status of Micronesian Challenge

Calvo reported: The Nature Conservancy and their supporters held a Micronesian Challenge Internship Program Workshop in Pohnpei. University students from regional institutions were recruited for this program. They will work with the Communications Group to spread the word on the Challenge with their peers and in their local communities. The Nature Conservancy, DOI, NOAA PIMPAC and the Pew Marine Fellows Program funded the workshop and other activities of this workshop.

6.D. Education and Outreach Initiatives

Calvo reported: Regarding the Education Initiatives on Guam, on July 21st the Liberation Day Recycling effort collected approximately 1,000 pounds of cans per village in two different locations. This is to create awareness amongst the parade-goers about the importance of recycling aluminum.

On September 15th, the International Coastal Cleanup at numerous sites, both coastal as well as offshore and within the lagoon areas, thivers picked up and itemized debris that was found

within those respective areas. Everything that could be recycled; aluminum, rubber and such, were separated for recycling.

Sablan asked about the potential to see Monuments created in Guam or CNMI, as he heard the military is interested in the Islands of Sarigan and Alamagan and they are still bombing FDM. Calvo replied that although there has been some talk of Monuments in the Northern Mariana Islands, he is not sure of any movement in that regard.

Ogumoro reported there is a rumor, but very little information coming out of DOE. The only thing that is certain is that they will be moving out of Okinawa to Guam and probably occupying the CNMI. For purposes of doing military exercises, it will most likely be on Northern Tinian, where they own the property, as well as continuing to bomb on FDM. The rumor with Sarigan and Pagan is that they might get an outright title to these islands for communication installations for their military exercises.

Sablan asked once again for Ogumoro's understanding of the rumors or recent development on creating Monuments in the Northern Mariana Islands. Ogumoro stated rumors are floating around but nothing is set in stone and the people of CNMI need to be involved in this.

Sablan explained: I think the Council sort of needs to know a little bit of history of the Northern Marianas, since 1978 when our Constitution was enacted, approved by the people, that we have set aside actually four islands in the recent past, our legislatures have taken out Sarigan as a Sanctuary. Now we have the Island of Maug, the Island of Asuncion and Gngan as sanctuaries with one-mile radius protected area for nonfishing activities.

Sablan asked Ogumoro to elaborate a bit on the history of Northern Mariana Island sanctuaries.

Ogumoro reported there are presently six sanctuaries and the Micronesian Challenge would like to improve these sanctuary programs. There is no information on including additional island or additional closed areas.

Dela Cruz asked Palawski with regard to the Mariana Megapode, is the military, in the interest of national defense, Homeland Security, immune to prosecution of the damage they are doing to the endangered species on FDM. Palawski replied he is not up to speed on whether they are immune to prosecution, but recommended a letter be written to the Fish and Wildlife Service Office in Honolulu, Division of Ecological Services, and formally request for information that might start the dialogue with the Department of Defense.

DeRoma asked if there is a biological opinion for the Mariana Megapode. Palawski was not sure, but noted one done nine or ten years old that was related to RIMPAC exercises that were being done in that area.

Sablan pointed out to Palawski that there are live Micronesian Megapodes on both islands that could come into Consultation on Section 7 of the ESA. Palawski agreed and pointed out that as the military develops their Environmental Assessments for these activities, that will

be the time where they would be consulting with the Fish and Wildlife Service. At this time, it is difficult to respond to rumor. Once the FWS sees the details of what is being planned, then the formal process will start for consultation.

6.E. SSC Recommendations

Severance reported there are no specific SSC recommendations.

6.F. Standing Committee Recommendations

No Standing Committee recommendations.

6.G. Public Comment

No public comment.

6.H. Council Discussion and Action

No Council discussion and action.

7. American Samoa Archipelago

7.A. Moa Riputi

Tulafono reported: The past period has been very busy.

The Chief Fisheries Biologist position is still vacant since Dr. Brookins left American Samoa. Four applicants are under review.

Position has also been advertised for the head position of their Education Division.

Three technicians were hired in the Community-based Program. They will be assisting the project leader for the Monitoring and Outreach Program under the Community-based Program.

DMWR accepted delivery of a new 36-foot catamaran from Australia to be used for research, such as marine mammal surveys, FAD surveys and maintenance.

Polhemus congratulated Tulafono and American Samoa's Governor for the successful and productive Coral Reef Task Force meeting recently held in Pago.

Sword added his appreciation for the great job Tulafono has done. He added with regards to the recreational fishery in American Samoa, there is a 60-member Pago Pago Gamefish Association. Five tournaments were held this year, with a three-day international tournament. They were very successful in the Western Samoa tournament. Fishing seems to be improving a bit. There is hope of getting more boat ramps in as presently there is only one in Pago Pago. It is the second year the recreational fishers are practicing tag and release. He reiterated his request for the badly need FADs.

Haleck reported: The canneries are moving ahead with plans for pouch production and the situation seems stable for now.

Dela Cruz asked how the minimum wage legislation is impacting American Samoa. Haleck replied they're waiting on the results of a study that is ongoing regarding the effects of the minimum wage to the American Samoa economy. Tulafofo added the minimum wage increase for the next two years is 50 cents. Then a study of the impact to the economy. They canneries are operating and they are encouraging the government to get through the immigration process to provide more employees.

Chairman Martin asked Tosatto if the U.S. or the Fisheries Service has had any discussion with the Cook Islands and if there is anything on the horizon that might change the current status of the ability of the American Samoa longline fleet to access under license into the Cooks. Tosatto explained they are still working with the Cook Islands Government and industry to facilitate movement on one side or the other to find out a way to access that fishery, perhaps with a special accommodation through a treaty with the U.S. The interest is in a model agreement of some type to allow the fishery access to other EEZs.

Chairman Martin commented it sounds like it might be something similar to the American/Canadian Albacore Agreement Treaty.

Duenas commented that the impact of the minimum wage increase is vastly hurting the Guam community as it is increasing all wages.

7.B. Enforcement Issues

Tulafofo reported: Two written warnings were issued; one to a fisherman who was caught without a commercial fishing license, first offender, and the second written warning was issued to one businessman for importing undersized crab from Western Samoa.

Enforcement officers have been involved in the outreach programs of the Education Division and also the Community-based Program. The summer camp and youth groups efforts have been very successful.

Enforcement officers are also involved in the Outreach Program explaining the Fish and Wildlife regulations to the public.

7.C. Status of American Samoa Fishery Development Project

George Krasnick, of TEC, presented: American Samoa is a small territory, far from large consumer markets and sources of supply. Other basic constraints are a limited domestic market, a lack of raw materials and capital and labor force deficiencies.

There's been economic growth in the Territory over the past several decades, but the growth has been largely a result of artificial advantages that are gradually disappearing, putting its largest industry, tuna canning, at risk.

Further, the economic growth that has occurred has not done much to raise the standard of living. Income gains have been largely nullified by inflation. New jobs have been added to the bottom of the wage scale and largely filled by guest workers from the Independent State of Samoa.

Federal expenditures, which represent one-third to one-half of American Samoa's economic base, have been flat or declining in real terms for the past decade.

The tuna canneries are the elephant in the economic room of American Samoa. They drive the private sector of the economy. The only other significant source of external income is payments from the Federal Government, which have been declining.

Over the years the canneries have enjoyed a number of significant benefits that have given them the competitive edge in the U.S. market. Among these are:

One, exemption from the Nicholson Act, which allow them to land fish directly from foreign fleets.

Two, exemption in effect from Federal corporate income taxes.

Three, tax exemptions from the American Samoa Government.

Four, labor wage rates significantly below those of the U.S. or any other Territory or Commonwealth.

Five, duty-free entry of products into the U.S.

However, significant changes are occurring. Continuation of Federal tax benefits is uncertain. Minimum wage rates are being raised and competing products from foreign nations are being accorded tariff-free entry into the U.S. Continuation of these trends could precipitate downsizing, relocation or significant operational changes to the canneries.

The purpose of the study is to examine potential scenarios to diversify marketing of American Samoa's fisheries resources. The largest under-utilized resource currently is miscellaneous fish, fish landed in American Samoa but not purchased by the canneries, including marlin, masimasi, large bigeye tuna, swordfish, opah, monchong, et cetera.

The Terms of Reference for the study identified areas of inquiry, including the role of fisheries in American Samoa's economy, opportunities for and constraints to fisheries and seafood marketing development, effects of international management developments and seafood safety regulations.

In assessing opportunities for development, a variety of marine resources present in coastal and offshore waters were looked at. Many of these resources are limited and development wouldn't be sustainable. Examples are reef fish and lobsters. Resources examined but not recommended for development are described in the report.

Three feasible scenarios are developed in some detail. These all take advantage of pelagic fishery sources; fresh, frozen or processed.

Krasnick thanked Ray Tulafono, his staff, who were very helpful, as well as the American Samoa Department of Commerce (DOC). Krasnick recommended the American Samoa DOC website.

Three primary industries provide all of the basic income to the Territory:

- Payments from the Federal Government and cannery exports represent over 92 percent of American Samoa's income.
- Direct expenditures of the tuna industry for goods and services and indirect responding of payments and wages throughout American Samoa's economy maintain a large proportion of the other private sector jobs in the Territory.
- There's a very small contribution to basic income by the visitor industry.

2006 landings increased 36 percent, to over 12 million pounds, 99.8 percent of the landings are from longliners. In terms of species, the largest contributor to this increase was an approximate 2.75 million pound increase in albacore landings, representing about 43 percent.

Other significant increases were:

- Bigeye tuna, up 150,000 pounds, or 51 percent;
- Wahoo, 142,000 pounds, or 29 percent;
- Skipjack tuna, 141,000 pounds, or 43 percent.

Swordfish landings, although still a very small portion of the total increased a remarkable 742 percent, from under 9,000 pounds to nearly 66,000 pounds. This reflects an attempt to develop an export market for swordfish. The effort has since been discontinued due to inadequate profit margins and the expected 2007 swordfish landings to decline to pre-2006 levels.

Because nearly all of the landings are sold to the canneries, the prices are low. Tuna prices average less than a dollar a pound. The bigeye tuna, the highest, at about \$1.11.

Total longline revenues were \$11.5 million, of which about 9.2 million was from albacore.

A timeline was constructed spanning from 1970 until the present from information which was gathered through interviews. Krasnick welcomed additions or corrections in an effort to make the report as accurate as possible.

A great many factors conspire to hinder fisheries and seafood marketing development in American Samoa. Here are some of the most important:

- The local market is small and is primarily supplied by very low cost, miscellaneous or sakana fish and imports from Independent Samoa.
- Fresh exports are constrained by very limited and expensive airlift.
- Other than pelagic fish, the resource base is not large.
- There is very limited capital and skilled labor.

- Land tenure is complicated.
- Business licensing is extremely protracted and taxes are discouragingly high unless a government exemption is granted, which is sometimes possible.

The Federal Government is interested in assisting American Samoa and moving toward economic independence. Several comprehensive studies of the American Samoa economy recently have been completed.

Several incentives, such as the Nicholson Act exemption and the Federal tax break for corporations operating in the territories are secure for the present. The tax exemption is currently set to expire at the end of 2008.

Other incentives are being reduced. Minimum wage rates are increasing. Protected tariffs are being lowered or eliminated. HACCP and bio-security regulations add to the cost of doing business.

The American Samoa Government has produced a number of planning documents outlining desired physical improvements to enhance opportunities in the fishery and seafood industry. Chief among them are redevelopment of the Fagatogo Marketplace, creation of a new marina and construction of a fish processing plant.

From a policy standpoint, the ASG intends to maintain the canneries' local tax breaks to encourage their continued presence. There is great interest in expanding the visitor industry, and possibly with that the sports fishing business.

Globally, demand for canned and pouched tuna products continues to grow in some major markets, including the U.S. and the EU. Protective tariffs are being phased out in bilateral or multilateral agreements. For American Samoa's canneries, this means they increasingly must compete head-to-head with products from countries with lower production costs.

Overfishing of some stocks is occurring and RFMOs, such as the WCPFC, are in the process of establishing catch quotas or effort limitations.

The U.S. is currently the world's largest consumer of canned tuna. Eighty percent of sales are Starkist, Bumble Bee or Chicken of the Sea products. Consumers are familiar with these brands and tend to associate known brands with quality.

The institutional market, however, where price is the most important selection criterion is primarily supplied by imported private label brands. The largest importers are Thailand and the Philippines.

The U.S. tuna industry and the market are both changing. Canned tuna producers continue to explore ways to cut production costs, including moving labor-intensive operations to countries where wage rates are very low.

The courts have ruled that NMFS cannot change the criteria for dolphin-safe labeling. So purse seine fisheries in the Eastern Tropical Pacific Ocean that set on dolphin schools, such as

that of Mexico, are effectively barred from marketing their products in the U.S. That's significant because, otherwise, under NAFTA beginning next year Mexican canned tuna products would be afforded tariff-free entry to the U.S.

Overall tuna consumption in the U.S. is increasing, but much of this is carbon-monoxide treated portions.

Consumption of canned tuna is decreasing, but sales of pouched convenient products are on the rise.

There remains significant confusion among the public and in some government agencies regarding the health risks of methyl mercury in pelagic fish.

Starkist Samoa Cannery is the largest tuna cannery in the world. They currently run nine packing lines, only one of which produces pouched products. Starkist is in the process of expanding its pouching capacity to three high volume lines, which they intend to have operational by December to meet the annual peak demand of the season.

They're also exploring ways, either in cooperation with ASPA or on their own, to reduce their electricity costs. They're also looking at ways to reduce their solid waste disposal costs.

Chicken of the Sea Samoa Packing is also looking to increase their pouching capacity.

Profit margins for American Samoa canneries are being squeezed by actions of the Federal Government.

First, trade agreements giving tariff-free entry of some products from some countries are lessening American Samoa's competitive advantage in the U.S. market. For example, as a result of the Andean Trade Agreements, pouched tuna from Ecuador, a major producer, is afforded duty-free entry to the U.S. market. This may eventually be extended to canned products as well.

NAFTA will soon eliminate the duty on canned tuna from Mexico. If the dolphin-safe labeling problem can be overcome, Mexico will be a serious competitor to American Samoa.

For many years now Section 936 of the Internal Revenue Code has afforded corporations doing business in U.S. Territories a tax credit equal to their net income. In other words, a tax exemption. This exemption was in serious jeopardy last year, but Congress finally agreed to extend it through 2008. If it is not extended in future years, it will mean a tax hit on the order of four million dollars a year for Starkist Samoa.

American Samoa is the only remaining U.S. Territory for which labor wage rates are set by an Industry Committee of the U.S. Department of Labor. This past summer the minimum labor wage rates were raised 50 cents across the board. Another 50-cent increase is set to go into effect next May. When wage rates reached \$5 an hour, the canneries pulled out of Puerto Rico and Terminal Island.

Shortages of raw materials have driven tuna prices to record levels at the canneries. But declining demand for canned products limits potential price increases to consumers.

News and gossip:

- A number of people in American Samoa are interested in doing something with miscellaneous fish. Several are well along in their planning and construction.
- DMWR's increased enforcement of sales reporting requirements may help stem the leakage of miscellaneous fish into the market.
- The critical hurdles appear to be maintenance or expansion of the airlift capacity for fresh products and identification of buyers for frozen products.
- Long-term viability of any of these operations will require building a solid business relationship based on reliable product quality and consistent delivery.
- The Hawaii bottomfish closures may provide an opportunity for bottomfish exports. However, despite recent indications that bottomfish habitat may be more extensive than heretofore realized, the rapid decrease in CPUE seen in the prior bottomfish export fishery gives DMWR reasons to be cautious in granting export permits.
- The raw material supply situation may change with the reopening of the Majuro joining plant and the expansion of the U.S. purse seine fleet now underway.

Perhaps the most interesting development, however, is Pacific Air Cargo's arrangement to make a weekly fish pickup in Niue. Their aircraft, a 727, can take 14 tons of cargo. Niue has a ten-ton allocation, leaving a maximum four tons available for American Samoa.

American Samoa has a limited amount of reef and deep-slope habitat. Past experiences there and elsewhere argue against encouraging development of reef or bottomfish resources at this time.

Pelagic resources are the logical choice for development scenarios and the fact that tons of under-valued miscellaneous fish are landed every month, providing a recognized and substantial opportunity. This is the basis of the scenarios developed in the report.

Of the other resources looked at, it's not clear that adequate, available and sustainable stocks, appropriate technology or market demand exists. Aquaculture is being done on a small-scale for local consumption. Large-scaled land-based aquaculture is unlikely, given limited land area, and complicated communal land ownership.

Offshore aquaculture has been mentioned. But issues of land ownership and control, as well as product shipping, would have to be resolved.

Target markets examined include:

- The local School Lunch Program is the natural for use of miscellaneous fish. However, the waters may have been poisoned by previous unsuccessful attempts.
- The local market can only absorb about two tons per week of pelagic fish. Competition from cheap sakana fish and imports from Independent Samoa will keep prices down.
- It remains to be seen if the Pacific Air Cargo Niue route will be sustainable. However, if PAC is amenable to carrying fish, it would seem that there is at least four tons a week available capacity.

- There is a potential to saturate the intended market here, a local wholesaler.

For frozen product, three areas were looked at, which were Australia and New Zealand, Singapore and Hong Kong China, with Australia/New Zealand appearing the best because of shipping arrangements.

Potential developments not pursued were:

- Katsubushi and its intermediary products require a high degree of skill and technology to produce. Mold is allowed to grow at several stages of the processes so there are food safety concerns.
- Japan, restricts importation.
- Reef resources, including spiny lobsters, are not available on a commercial scale and it is generally recognized that these resources should be reserved for subsistence use by residents.
- The technology to produce gassed tuna would have to be acquired and a facility constructed. There does not appear to be any interest in producing this product.
- The market for albacore sashimi is very limited.

Scenario 1, Fresh Fish Export:

Would take advantage of the PAC weekly flight to export fresh tuna to Honolulu. The marketing strategy for this scenario is to purchase selected fresh, head and gutted bigeye or yellowfin tuna from American Samoa longline vessels at a price of \$3 per pound and airfreight to a Honolulu retailer/wholesaler. Commercial feasibility requires an only Grade 2-plus or better tuna be exported.

More net income is generated from larger shipments, but that increases the risk for both exporter and importer.

If shipments are made weekly, even relatively small quantities of tuna could generate enough income to cover fixed expenses, such as facility and truck amortization, ice and other supplies, and justify the risk compared to alternative uses of capital.

The closed bottomfish season in Hawaii prompted examination of this scenario using onaga instead of tuna. The purchasing specs were five to fifteen pound fish, Grade 1.

At a typical price, \$4 per pound or less at the Honolulu Fish Auction at the time of this study, that scenario loses money.

Scenario 2, Value-Added Processing:

This scenario would take advantage of the abundant opportunities to use reefer containers that are being returned empty. The marketing strategy for this scenario is to buy frozen at-sea swordfish, marlin, large bigeye tuna and other species from longline vessels at prices acceptable to the sellers but ranging from 60 cents to \$1.60, depending on species.

Frozen loins would be the ideal purchase, otherwise head and gutted frozen fish would have to be lioned using a bandsaw.

The assumed species mix per container is five metric tons of marlin, five metric tons of swordfish and three metric tons of other fish. At an average market price of \$1.75, this scenario is unlikely to generate sufficient net income to justify the risk or cover amortization of processing facilities and equipment.

At higher marketing prices, \$2 a pound-plus, sufficient net income is generated to amortize processing facilities and equipment, payoffs and other expenses, including loan financing and a return on investment, may be as good or better than alternative uses of capital.

This scenario has been successfully attempted in the past, with prices of about \$2 a pound received. The effort has been sporadic, however.

Scenario 3, Regional Albacore Processing:

Third scenario is called the Dooms Day Scenario.

This scenario assumes that future economic conditions cause a displacement of labor-intensive cleaning of skipjack and yellowfin tuna for production of light-meat tuna from American Samoa to locations with lower labor costs.

The canneries would downsize, using skilled labor earning more than minimum wage to produce mainly canned and pouched albacore.

With the decline in the cash economy, subsistence fishing would increase. Regional albacore fleets would maintain good catches from a healthy South Pacific stock.

A Samoa Longline Fishermen's Cooperative would be formed to integrate fishing, processing and marketing activities. The marketing strategy in this scenario is that the Co-op would support the albacore-only canneries, but would also contract for special production under a co-op label. For example, a Rainmaker brand.

Recipes for canned and pouched albacore will be developed and tested. A customer base would gradually be developed for this premium product and outlets, such as Whole Foods, would be pursued.

Chairman Marin complimented Krasnick on the good work. He stated the Council recognizes the difficulties that the geographic location and the logistical problems present in Samoa. The Council is always hopeful of a viable alternative to the cannery option. Krasnick welcomed any input.

Dela Cruz asked if there options for livestock feed or fish by-products have been examined. Haleck said it is presently being done and is being sent off island also.

Duenas asked if the Longline Cooperative is operating and could it possibly link up with the CDPP project ongoing in American Samoa. Krasnick replied the association is inactive but there is talk of reactivating it possibly in the future at some point. The option of linking up with the CDPP project is being looked at. The CDPP facility is approximately 80 percent complete. Simonds suggested Frank McCoy's operation could be useful also. Krasnick welcomed comments. He noted a draft report is included in the briefing books.

Duenas suggested a cooperative be formed and create an arrangement for the fishery to operate within the 50 miles.

Tnlatono echoed the sentiments of Chairman Martin. He commended George Krasnick and Paul Bartram for a well done job. Haleck also agreed on the fine report.

7.D. Report on American Samoa Marine Lab Development Project

Fini Aitaoto, American Samoa Coordinator, reported: Recently the Coral Reef Advisory Group hired a consultant from Washington, LeGore Consultants, to prepare a business plan for

getting money for the marine lab. The main problem is acquiring funding for the lab to continue operations throughout the years. A final report will be released in a couple of months.

Simonds said she thought the Coral Reef Program was funding the laboratory. Aitaoto replied the Coral Reef Advisory Group hired the consultants. Tulafono replied that one million dollars has been made available for the Community College to establish the Laboratory. The plan is to work together. The contracted consultant objective is to develop a viable business plan, which is one of the reasons why it has never progressed. He added that one million dollars does not go very far in construction costs in American Samoa.

7.E. American Samoa Community Issues

7.E.1. Fagatele Bay Sanctuary Report

Aitaoto reported: Community activities which have taken place include:
Helped local organizations in preparing grant proposals for funds from DOC.
Helped the community in hosting the Coral Reef Task Force and other environmental issues. Comments and input have been submitted.

Helped organizations that tried to put in grant proposals for grants from the Administration for Native Americans under the U.S. Department of Health and Human Services.

Regarding NOAA Aquaculture Program, the community is in the process of putting together proposals, which is due October 18th.

Also, work with DMWR with their very successful Community-based MPA Programs and Educational Outreach Programs in American Samoa.

7.E.3. Report on Coral Reef Task Force

Makaiau reported: The 18th meeting of the U.S. Coral Reef Task Force was held in American Samoa on August 22nd and 23rd.

Preceding the full meeting of the Task Force, there were a number of workshops that were convened, which included:

Translating Traditional Knowledge into Management.

A workshop looking at economic valuation studies that were conducted by each of the island jurisdictions back in 2002 over the 2004 and 2005 period.

A Grants Management Workshop.

7.E.3.i. Traditional Ecological Knowledge

Gerry Davis, from PIRO, reported: Davis commended the American Samoa Government and Director Tulafono for hosting such a successful event, as it was one of the better Task Force meetings he has been allowed to participate in.

He moderated a Special Session on Regional Approaches for Conserving Coral Reef Ecosystems, which consisted of two panel groups. The first panel group focused on Regional Approaches to Coral Reef Ecosystem Management. In proximity to American Samoa, many of the coral reefs in the area are international countries. The ability to manage those resources requires looking at that connectivity.

The second panel was Management Implications, Applications and Capacity-building Opportunities.

There were international groups, a number of NGOs and governmental entities. Director Tulafono also participated in this session. Davis encouraged any input from him that he wants to add to this presentation.

Panel members were made of a broad spectrum of people on both panels.

The Coral Reef Ecosystem Division (CRED) released its report for American Samoa on the cruises which contained a lot of management data about the status of stocks, but the information should be taken in context. They were very broad-scale assessments and should be used as tools to determine indicators of what's going on. If a problem is discovered, finer research should be conducted to fully understand the implications.

The Coral Reef Ecosystem Division released two charts at the meeting. While one is the total biomass of all of the areas, looking at trends, there was valuable information bringing to light the misperception that some of the less-occupied places are untouched. It's showing that even though they're remote, humans still have an impact. The causes and understanding of all of the details of this is something that's going to require finer research.

The second chart released shows much the same thing, but is focused on large fish. More research is needed to explain the reasons why.

Understanding the connectivity between the various countries close to American Samoa is an important tool for managing resources.

Recommendations from the panel sessions include:

- There is a need to increase people and technical capacity, as well as funding.

- Better understanding of the connectivity issues is needed in setting up areas of protection.

- To be more regionally focused.

NOAA products that were presented were seen as valuable management tools and need to be continued.

Future efforts need to extend the partnerships and focus on more effective community participation and engagement.

Community involvement needs to be a priority in all of these processes. The community needs to be fully engaged.

Traditional knowledge has been under-utilized. It is being found more and more in this part of the world that traditional knowledge has a longstanding history of managing things while the western process has actually interfered with that in many cases. Looking back to traditions is a very good way of rebuilding sustainable management.

Recent efforts have recognized the importance of bottom-up management approaches. However, often the top-down management hasn't been clear. More effort needs to be put into making sure that the top-down approaches support that bottom-up management.

Makaiau reported: Four major areas the Task Force took action on include:

Coral reefs and relation to climate change.
Strengthening support for local action strategies.
Strategic action plan and charter for the All Islands Committee.
Actions related to the International Year of the Coral Reef, which is in 2008.

With respect to the first resolution of coral reefs and climate change, the Task Force reaffirmed its need to address major global threats of global climate change and the kind of problems that they pose to coral reefs. A list of commitments is included in the briefing book.

The list includes:

Forming a Climate Change Working Group to move forward some of the initiatives that are needed in terms of addressing this issue.

With respect to Local Action Strategies (LAS), over the three to four years each of the territories have developed strategies to help strengthen and address the threats to coral reefs, including fishing activities, nonpoint source pollution, coastal development, recreational overuse and lack of public education awareness. The Task Force reaffirmed its commitment to strengthen the LAS and also encourage agencies, both Federal and State, to look into ways that they could help support States and Territories in implementing the actions, whether that be through providing funding, providing technical assistance or training programs, et cetera.

The Task Force recognizes and supports the initiatives of this All Islands Committee and adopted a charter that was developed by the All Islands Group.

2008 is the International Year of the Coral Reef. The Task Force made a firm commitment to utilize this opportunity to promote education and awareness and conservation of coral reef initiatives.

American Samoa made some huge leaps in terms of initiatives related to coral reef conservation. One of the big initiatives was an Executive Order made by the Governor to a commitment to reduce greenhouse gas emissions by conducting or mandating a number of activities that would conserve or encourage the use of sustainable materials, requiring all government vehicles to have a minimal fuel efficiency rating, by purchasing hybrid vehicles, by encouraging the use of fluorescent light bulbs instead of incandescent ones, which take more energy to provide energy.

Another initiative is protection of large fish species. The American Samoa Department of Marine and Wildlife Resources is initiating a process to determine how to protect species of large fish.

The Territory finalized its Marine Protected Area Strategy.

Duerr asked if there could be any mitigation for the obvious pollution coming from the power plant he witnessed when in American Samoa. Tulafono commented that is something that will be taken into consideration with the governor.

7.E.1. Fagatele Bay Sanctuary Report

Tulafono reported: Superintendent for the Marine Sanctuary in American Samoa, Dr. Kiene, left in September. No replacement as of yet.

A Draft MOU has been established between the Sanctuary and DMWR for utilizing DMWR's enforcement officers to enforce rules and regulations of the Sanctuary in American Samoa.

An agreement was established for utilizing staff, if needed, to conduct surveys in partnership with the Sanctuary in American Samoa.

7.E.2. Status of American Samoa Nearshore Fishery Resources

Marlowe Sabater, Fisheries Biologist from American Samoa, reported:

DMWR is moving forward with scientific research on trying to understand the population dynamics and fisheries trends using a multi-disciplinary approach. The community composition of the targeted fish species in American Samoa are mostly dominated by herbivores.

The overall community structure seems to be dominated by damselfish, but the bristle-tooth type of surgeonfish dominate the reef slopes.

A frequency distribution of 500 transects from different studies was created to come up with a biomass category. Overall, American Samoa, based on 151 sites, which covers all islands in American Samoa, 47 percent of the sites have moderate fish biomass, 29 percent are at high and 21 percent at low. None of the sites registered at a very low biomass.

Some temporal variations existed in the study of Green in '96 and 2002 where 71 percent of her sites registered at low and 28 percent at moderate. In 2002 there seemed to be a recovery in the fish population where 64 percent registered at moderate and only 32 percent at low.

The Manua Islands seem to have higher biomass than Tutuila. Both islands experienced an increase in biomass.

In the past 30 years most of the targeted fish families have been experiencing an increase in fish density. Only parrotfish had a significant increase over time. The rest seem to have a small increase.

Habitat variations exist.

Archeological data in Ofu in Toa'ga from a midden site was compared with present day data identified a significant correlation between the two time periods, which suggests that what is available in the fishery now was available 3,000 years ago.

In Fiji, the majority of fish bones from midden sites are from parrotfish followed by emperors.

There seems to be some indication of sustainability in the utilization of reef fishes. There is no change in the catch composition over time, even with the advancement of fishing techniques. The preference has not changed from 3,000 years ago.

Modern day catch and fish density trends has been constant through over the last 30 years. Fish density has been increasing through the years.

Boat commercial effort has been going down in the past 30 years.

In the case of American Samoa, there's an increase in the fish population, but a drastic decrease in the subsistence and commercial fishing effort. CPUE has been constant or slightly decreasing. The population increase does not result in increasing fishing effort.

The trend in surgeonfish and parrotfish has increased over time due to the scuba spear fishing years.

An analysis showed that overall fish density is significantly negatively correlated with boat-based or commercial fishing effort, while shoreline effort is also negatively correlated with an increase in human population.

Where are the large fish?

- Habitat variations, habitat preference and fish behavior must be considered. Deeper and remote habitats have not been explored yet. Currently, DMWR is conducting research in some of these areas.

To summarize:

The fish density trend has been increasing in the past 30 years.

Community structure is similar to the past 30 years.

Fishing effort has been decreasing.

Catch landings are pretty much constant.

Fishing seems to be sustainable based on the patterns from archaeological, underwater and the fishery data and the preference interviews.

There are many factors that need to be addressed in order to conclusively assess the status of the large-sized fish; namely, habitat variations, habitat preference, fish behavior and also temporal variations.

Current DMWR research:

Research on the banks and also some areas around Tutuila.

Will be expanded to the Mannas, Rose and Swains.

There are plans to do a large-scale survey for the species of concern, deep reef investigations using an ROV and benthic transects.

CRED habitat maps have found a lot of habitat suitable for bottom fish. Research will be undertaken on the limitation and degradation of juvenile fish habitats which might be another factor that influences spatial distribution.

Collaboration with the Historical Preservation Office to get prehistoric data on fishing pressure and fishing patterns.

Reports are available in DMWR.

Dela Cruz asked if poisons were used in the past. Sabater replied he has read in historic archives poisons were used on the tips of fishing spears.

Duenas asked if the surveys are conducted during seasonal runs of reef species and, if so, was that factored into his results. Sabater replied are done whenever they can, but this should be considered in the results.

Sablan asked if there are any records of mylotoxins found in his research. Sabater replied that he is not sure whether such records exist. But it is a fact that it is embedded in the Samoan belief that they don't fish out the red snapper because they believe it's a ciguatoxin fish.

Duenas asked if there are methods of controlling apex predators. Sabater the does not know of any monitoring control. He added that he believes that gaining nnderstanding of the status of the fish assemblage will lead to understanding population and ecosystem dynamics of reef fish.

7.F. Education and Outreach Initiatives

Aitaoto reported: Several printed materials and posters have been distributed to schools.

An ad campaign is planned in August 2008 advertising another poster contest for high schools in American Samoa, which will coincide with the next South Pacific Arts Festival.

Collaboration is ongoing with DMWR with educational programs.

7.G. SSC Recommendations

No SSC recommendations.

7.H. Standing Committee Recommendations

No Standing Committee recommendations.

7.I. Public Comment

No public comment.

7.J. Council Discusssinn and Action

No Council discussion or action.

8. Hawaii Archipelago and PRIA

8.A. Moku Pepa

Chairman Martin reported:

Currently fishery activities are normal. No boats currently fishing in the shallow-set fishery, although the fishery remains open. The catch is relatively consistent with previous years, peaking at 25 to 27 boats active in the shallow-set fishery. The remainder of the boats are in the deepset fishery.

The fishery is nearing quota in the Eastern Pacific Ocean on bigeye tuna, a 500 ton quota east of 150 Degrees. The total is presently close to 120 tons that's been taken in the Eastern Pacific to this time. When the limit is reached, the deep-set fishery will close.

Boats have been fishing far north of 30 Degrees for the tuna in the deepset fishery. Catches have been okay. Prices have not been particularly good the last couple of months, although generally over the last couple of years the fishery has experienced relatively good prices.

Duerr reported: In over 40 years last week was the first week in which not one marlin was caught in Kona. During the year a number of big fish were brought in during tournaments, but there are less fish than they're used to.

Polhemus reported: He welcomed Chairman Martin to submit a pelagics update prior to the Council meetings to be included in the his report.

He highlighted: State fisheries, bottomfish continues to be a major area of research focus. Technology used includes the Botcam, a dropped video baited camera system, to assess the abundance of bottomfish populations inside and outside of restricted fishing areas. All counties have areas that have been assessed.

Some preliminary data was presented at the Hawaii Conservation Conference which indicated that there are statistically significant differences in abundance inside and outside the restricted fishing areas, with higher densities inside the restricted areas, which indicate not only might they work, but also that the fishermen honored them.

Other projects include:

- Captive-rearing acoustic tracking of opakapaka.

- Larval transport modeling.

- Acoustic monitoring using acoustic monitoring devices put on the bottom to sort out the acoustic signatures of individual bottomfish.

Regarding Hawaii nearshore fisheries:

- Annual summer recruitment of oama began in late July and was limited in terms of both the location and numbers seen statewide.

- Halalu, the juvenile bigeye scad, began to appear in August, but only on a limited basis.

- Anglers have reported an abundance of mololo, or flying fish, around the Hawaiian Islands, which is a prey item for pelagic species.

- It's been a good season for awaawa, which have been seen along the shoreline areas of Oahu.

8.B. Enforcement Issues

Polhemus reported: DOCARE is now required to submit monthly enforcement reports to our legislature. An itemized report is included in the briefing books listing their activity. There appeared to be fairly good compliance.

The Coral Reef Monitoring Grant is operational. Coordinators are set up on Oahu, Maui County and Big Island. From June through September 11 established MLCDs have been monitored. This baseline survey is being integrated into transects outside of the MLCD, which will allow comparisons to determine whether protected areas are functioning in any suitable way.

A priority has been placed on implementing minimum size and bag limits for inshore fish. Public scoping should be ready to be conducted on bag and size limits by November. They hope to tailor bag and size limits to each island based on what the communities feel is appropriate.

In terms of Ecosystem and Habitat, the FAD activity was relatively light. There's a list of action including in the briefing books.

A Memorandum of Agreement was signed with the Navy to deploy some donated keel blocks in the Ewa deepwater reef.

Work is ongoing with Planning Solutions to do an EIS for a Kalaeloa artificial reef. However, the project is on temporary hold.

For the LAS, on the recreational impacts, a coordinator has been hired and projects have been implemented on climate change, bleaching and disease LAS. A research assistant is coordinating development of response protocols when we have incidents of bleaching and disease.

State of Hawaii enacted new ballast water rules done in cooperation and consultation with the commercial shipping industry and the Coast Guard, and is meant to interdict aquatic invasive species and prevent their introduction.

The HMRFS Program, from June to August, had approximately 750 angler intercepts.

The Ulua Tagging Project continues to accept volunteer anglers until the end of 2007. There is a total of 2,393, who have tagged 29,456 papio and ulua.

Stock enhancement. Work continues in regard to moi and kumu.

Good success with limn continues at the State Annenue facility. It is hoped to be able to restock reefs where they've been depleted.

Online commercial marine licensing is moving forward, with hopes to be operational within the next 12 months.

9. Public Comment on Nonagenda Items

(Public Comment is included verbatim)

MS. BONK: Good afternoon, Council members. Thank you, Council Chair Martin, for allowing me to speak first to accommodate my schedule. I appreciate this time.

Before I go on, my name is Keiko Bonk, and I represent the Northwestern Hawaiian Islands Network of Consortium of Conservation, Science, Native Hawaiian and business groups that are interested in ocean resources.

At this time today I would like to address the 138th West Pac meetings minutes discussed yesterday on your agenda.

The 138th West Pac meeting minutes are not complete. The minutes do not reflect the actual discussion of the 16 or so nonagendized action items that were added to the agenda after the public presented their final public testimony at the 138th meeting.

These agenda items involve programs I have concern with. I would have liked to have commented on these items.

I believe your staff were well aware of my interest in these items. I am very concerned that this Council failed to follow the appropriate public notice process.

It appears that the Council purposefully avoided standard notice procedure to avoid public comment and to make it appear on record that there were no objections to the recommendations made on that Council day.

I know that some of the actions taken included the items that I was interested in, like the continuation of the Puwalu Series and the expansion of this series or program to other island communities.

I go on record today protesting this irregular process which negates transparency and the free flow of public information.

I further request that the 16 or so agenda items be re-agendized and proper -- and allotted the proper public notice and time so that the public can have adequate time to review these items and then comment on them at the next meeting, or whenever they are publicly noticed thereafter.

Like I said, there were the Puwalu issues.

Then there were issues of the Micronesian Challenge. I believe there were issues revolving around some video, or something, and also allegations -- and one issue revolving around the allegations regarding staff involvement and the possibility of lobbying with federal grants. These were all items that I would have interest in.

I go on record requesting that copies of the audiotapes documenting the discussion that occurred after the formal agenda ended at the 138th West Pac meeting be given to me.

I would be happy to pay for these copies of these audiotapes.

I'm asking for these tapes because I do not feel that the minutes reflect the conversation, discussion that went on by the Council regarding this unusual procedure.

It was my understanding that there were some Council members that did object to the process.

I will remind the Council that there is an active Commerce Department IG investigation going at this time revolving around West Pac's disregard for transparency and fiscal accountability.

It appears to me that the majority of Council members agree to deliberately alter the public prouess and they waited for the public to leave before discussing these nonagendized items.

I commend the few voices on the Council who stood up for our democratic prouess and who acknowledged the rules and regulations that are established to give the public the right to know how their fiscal and natural resources are managed.

I also believe that it is relevant for you to know that your contract employee, Miss Leimana DaMate, walked me out of the last 138th meeting threatening to sue me while denying that she works for this agency.

After she left me near the parking complex she turned around and went back in through the back door of the Ala Moana Hotel to the West Pac meeting, where unknown to myself and others the meeting was continuing with six other agenda items.

I'm old enough to remember Hawaii's colonial past when Sunshine Laws did not exist. I know how decisions can be made behind closed doors, and often decisions lead to -- that are made behind closed doors lead to selfish consequences.

I would ask you again to please bring light to this situation and to gain back public trust by re-agendizing all of those items and going through the proper public procedure to inform the people of your actions. Thank you very much.

I would like to add that -- just one thing for clarification.

Those cards that you gave us to speak on, one says -- one you told me was meant for action items. That's the yellow card.

Then the other card says, nonagendized items.

What you're lacking in this process now is a card probably for this kind of issue, an agendized item that is nonaction oriented.

I don't know what that would be, but there is a third category at this time that you need to define or clarify for us when we're going to speak on them.

MR. MARTIN: Thank you. I appreciate that.

This is the first time we've done the two colored card thing since I've been around. I appreciate your comments.

I think it was a methodology for us to keep track of people who are submitting cards that might not be part of that day. For example, I had cards turned in yesterday for this event.

But I appreciate that. Thank you.

MS. BONK: Okay. That's just a footnote.

But I'm more concerned about the actual 16 nonagendized items heard at the last Council meeting.

MR. MARTIN: Understood.

MS. BONK: Thank you.

MR. MARTIN: Thank you.

Next person on the agenda is Tina Owens. We have two cards. So you can just flow through, however it works.

MS. OWENS: Good afternoon to the members of the Council.

My name is Tina Owens. I'm from Kona. I am from a group called the Lost Fish Coalition and I've been following Council things for a while.

Actually, I have one little item which I brought up briefly yesterday about the inaccuracy in the minutes. I'm wondering how I am ever going to find out if that has been corrected.

Is there some way that I can ask the Council to --

MR. MARTIN: General counsel.

MR. DeROMA: Your question is?

MS. OWENS: My question is that there was a significant omission in the minutes where Vice-Chair Ebisui was introducing Miss DaMate, and he introduced her as a member of the public when he knew full well she was not. The omission of this statement removes the context

of her remarks and context of my answer to that, because he was apparently trying to imply that she did not work here.

MR. DeROMA: Right. I suppose I would start by saying that what the minutes are intended to do is to reflect what happened at the Council. So what somebody said is what somebody said. Whether it's --

MS. OWENS: It's an extremely important implication.

MR. DeROMA: Yes. But I think what you're asking for, what you would have liked is that he had said more or said something differently.

MS. OWENS: No --

MR. DeROMA: But that's not what the minutes --

MS. OWENS: -- I want it said on the record that he said what he said. That's all I'm asking for.

MR. DeROMA: Okay.

MS. OWENS: It is not in the minutes right now. There is a blank space between Miss Kaaunoana's testimony and Miss DaMate's testimony, when in fact there was a remark made by Mr. Ebisui in that space. I want that filled in.

MR. DeROMA: Okay. All right.

In addition to the minutes reflecting sort of the Council business, the minutes, under Magnuson, are simply to be detailed recordations. But Magnuson doesn't say how detailed they are and it doesn't say that they have to be verbatim.

So I understand what you're saying. I want to make that clear, I understand what your point is and what it is that you want to --

MS. OWENS: I'm sorry. He made a deliberate misrepresentation.

MR. DeROMA: I'm really not prepared to discuss sort of his thought or what he said or your particular issue.

What I'm trying to do is to help you sort of understand how it can come before the Council or what -- or how the Council would treat it.

First of all, you're on the record now. So it's in the proceedings of this Council meeting.

MS. OWENS: Well, it could be left out as well, because his was. This is what I'm concerned about.

MR. DeROMA: Anything is possible. I could walk out and be hit by a bus.

But I think your issue is high visibility enough that it most likely -- well, I'd be surprised if it wasn't in the minutes at this particular meeting.

You're also on the transcript. So there's a record of that. That's one facet of what you're seeking.

MS. OWENS: Uh-huh.

MR. DeROMA: The other facet is that it is always possible for a Council member to make a motion to the Council to correct a matter previously decided by the Council. And that's really what I'm trying to explain to you, is sort of the procedural aspects. That's kind of my role --

MS. OWENS: So the public has no ability to correct or to make an addition to the minutes when they see an inaccuracy?

MR. DeROMA: That is correct.

But the public does have the ability, like you are doing now, to come before the Council and to raise what they see as an inaccuracy so that a Council member could propose to the other Council members, make a -- via a motion --

MS. OWENS: Uh-huh.

MR. DeROMA: -- to amend previously discussed or addressed matters, in this case the minutes, in which case the motion would say, recommend we insert whatever the transcript says, and then the Council can move on.

MS. OWENS: All right. In that case, when Miss Simonds asked me to write it up and she said she would take care of it, what did that mean?

MS. SIMONDS: So you wrote it up, and I gave it to our lawyer.

MR. DeROMA: I think she was ensuring that it came before the Council in another manner, like you're presenting it verbally now, they also have it in writing.

To be quite frank, as the Council -- attorney for the Council, I would recommend the Council move that the transcript -- if the Council passes a motion or takes up a motion on this matter, my recommendation would be that we would go by what the transcript says, if the Council so inclines.

MS. OWENS: That's all I'm asking. I want the transcript --

MR. DeROMA: Yes, I understand.

But it's entirely up to the Council whether or not they're going to do that.

MS. OWENS: Why would they not?

MR. DeROMA: I understand your --

MS. OWENS: I wonder why it was left out to begin with. It was an important remark. It gave the context for Miss DaMate's slanderous remarks against me and Miss Bonk, and that's why I say I really would insist that you include it.

MR. DeROMA: Now I understand what your position is.

But my role here is to advise the Council on Magnuson-Stevens Act matters as well as procedural matters how the --

MS. OWENS: Okay. That's fine.

I would like to go on to the next -- excuse me, the next thing, which actually Miss Bonk covered quite well.

We were extremely surprised to find that when we had left the last meeting and there was only one item left on the agenda, which was discussion of the previous items that had been on the agenda and then announcement of the next meeting, to suddenly find that there was all of this other business that had happened, and it seemed to have happened the instant we left the room.

I mean, the implication was that they wanted it to be done in secret.

I think that's an extremely bad impression to be giving to the public, that you're just waiting for them to go out the door before you're going to try to sneak things past it.

There are especially -- according to the minutes, I counted 14 issues. I think according to the way I read the Magnuson, all of them are illegally done. I think they have to be stricken and done over again, according to the way that I read Magnuson, that they have not been noticed and they're certainly not emergency items, any one of them.

But there are two in particular that I am wondering about.

One of them was about the hiring of additional consultants and staff. I would like to know if this has been done already, even though this is still under dispute; and to confirm support for an expansion of the Puwail Series. Is there some way that I can find out whether any of these items have actually had action taken on them or not?

MR. MARTIN: I guess all eyes are me.

A way that you can find out if actions have been taken on two specific items, I don't know. Somebody is going to have to help me with this.

Maybe it would be helpful if you did put it in writing and we did respond.

MS. OWENS: All right.

Because also, from the way I read the minutes, that I got a copy of it, at the end of the minutes Miss Simonds said that the action items, specifically including the hiring of additional consultants, would come back to -- they'd go to a workshop, or something, and then come back to the Council. But I don't see them on the agenda or anything like that.

If they already had action taken on them, then clearly they were not meant to be coming back to the Council. So I would like to find out, are they going to be addressed again? Are they coming back to the Council?

MR. DeROMA: I could suggest probably the best way to proceed is to put it in writing so that your questions are specifically identifying the issues that you're asking about. Because there are any number of items that the Council took up at that meeting.

MS. OWENS: Uh-hum. Well, I'm asking specifically about the two of hiring new people and of expanding the Puwatu Series. Has any action been taken on those two?

MR. DeROMA: I don't know. I'm just the lawyer. I know that sounds trite, but I really don't know.

And I would say probably a written inquiry to the Council staff would probably be the best way to start that inquiry.

MS. OWENS: All right.

MR. DeROMA: I'll defer that to the Council staff and if Council members and the Executive --

MR. DUENAS: I was the one who made the motion to expand the Puwatu Series; and no, we haven't had one on Guam yet. And we haven't had one planning session for it yet.

As far as I'm concerned, talking about leaving early and we continued on, Miss Bonk just left, but I know this thing is still not over because we still have to finish up the Hawaii --

MS. OWENS: No, I'm saying that the last time everything on the agenda had been covered except the announcement of the next meeting. So that, basically -- I mean, to bring in all of those items at that point, to say that we just left because the meeting wasn't over, the meeting was over as far as the agenda was concerned.

MS. SIMONDS: It's never over until the Council says it's over.

MS. OWENS: No, I'm sorry, there are rules about that.

MS. SIMONDS: Sure.

MR. DUENAS: If you look through the agenda --

MS. OWENS: Yeah, yeah, it's in the Magnuson.

MR. DUENAS: I don't want to debate this.

MS. OWENS: Okay. Anyway, my other remark is, on this last Tuesday before the Council meeting began on Wednesday, I went to the first -- it was the Budget and Executive Meeting on Tuesday morning, at which time there was a discussion about whether staff were able to -- there was enough time for staff or there was enough staff to do the work of making copies for people who requested information from the Council.

Mr. Duenas, in particular, made it clear that the staff was too busy to accommodate the public or even Council members, is what was being discussed.

At that time I asked, how do we get these things. Miss Simonds said that anybody could come to the West Pac offices to the library any time and look stuff up.

So today a colleague and I went over there. We went to the West Pac offices to go through the library. The personnel were very nice.

We introduced ourselves. They showed us where the booklets were, and everything. We began to look for the documents that we were interested in.

About 30 minutes later Miss Simonds called and demanded that we leave. She said that we needed to ask in writing to view the library.

When we left, once again, we were denied full access to what should have been readily accessible public documents. I do not know why we were particularly thrown out.

I am only on Oahu for one more day and I would like to have permission to get in to see the library, which are all public documents.

I have submitted, this is a letter, asking for permission to go tomorrow.

So may I give this to the staff? Thank you.

MR. MARTIN: Does that complete your testimony, Miss Owens.

MS. OWENS: Yes, it does.

MR. MARTIN: Thank you.

I have cards from one more person, several cards from a single individual. Makaala Kaaumoana.

MS. KAAUMOANA: You actually did better back --

MR. MARTIN: I did better back there.

But in any case, I want to thank you for doing it this way so at least I have some organization. Thank you.

MS. KAAUMOANA: Thank you.

By the way, Kaaumoana means deepsea navigator. So for those of you who are longliners, deepset fishermen, my husband gets seasick and does not fish in the deep blue sea.

Because you don't know the difference in the way I've set the cards up, I'm going to change the order of some of them, just to add myself to Miss Owen's and Miss Bonk's comments.

I too have some corrections on things that I said, that I know that I can have a flair for the language, but there are things in there I didn't say. So I would like the opportunity to correct some of my own statements in the minutes. I'm not sure how to do that. I'm willing to take your instructions on how to make that happen.

I'm also concerned, although I wasn't here that last few minutes because Jeff and I had to fly. I am concerned that when I looked at page 130 of the minutes that there were items that I did not know about on the agenda.

Frankly, if I had known that they were there, I would have stayed. We can do that when we need to, and we would have.

I also noticed that it starts Item No. 1, and 2, 3 and 4 aren't even mentioned in your minutes. So I'm curious as to what happened to them.

I'm also interested in the expansion of the Puwahu. As a participant to the Puwahu, I'm interested in what that means.

I'm still curious about how much it's costing all of us.

And, too, because I have been part of the process, I'm aware of the federal investigation regarding the allegations of illegal lobbying, et cetera. I won't go into the details of that because I understand that it is an active investigation, but I would like to echo and associate myself with the comment of Miss Bonk regarding that.

The minutes on page 71 also state that Leimana DaMate will provide a copy a letter she was producing from the Puwahu kupuna. I would like a copy of that.

Leimana also states on page 71 that she will provide other documents referred to in her comments. I would like a copy of that.

The next item is not about the minutes.

It's about the legislative session upcoming. What, if any, legislation will this Council be supporting or not supporting in 2007, 2008?

As a community advocate, I found myself in a difficult situation a couple of times with trying to testify on items that this Council -- or at least your staff -- were quite active for or against. I would like to know how to prepare myself for the next session because it was a lot of work for me.

Your next Council meeting is set for March. So our session will be pau by then. So taking that questions and responding to me in March won't be helpful.

My next card, your number three, is the West Pac budget. I'm still asking -- I'm on my fourth FOIA -- a copy of a line item program detailed budget for all West Pac sponsored or supported programs or projects that do or may pertain to the communities in Hawaii.

I don't know how West Pac names or -- your project titles, nor budget category designations because I've never seen one. So I don't know how to make this request more detailed.

I don't want 500 pounds of paper. I can see how easily you produce it here. I don't want that.

But I don't know how to be more specific. So if staff would work with me, I would appreciate it so that my request can be specific and I can get the things I need without redundancies.

The next card talks about the Community Development Program. It's your Action Item 5.C.2. According to the minutes of the 138th Council on page 133, Mr. Ducnas recommended and a motion was passed requesting the Council to continue its Puwaha Series and expand it to the Marianas and American Samoa. I'd like to see the budget for that.

I still actually own land in Guam. So I really do care. In the early '70s, my father, Miss Simonds, brought the very first aluminum sheeting to Guam for the purposes of making cans for tuna and owned a small shipping boat that went from Guam to Saipan to Tinian. So I do care.

In your minutes, there's mention of an audit. I would like a copy of the audit described on page 130.

On page 126 of the Council minutes, you're contracting with a few new people. Is there a list? I'd like to see a list.

Indigenous Program funds, page 125 of your minutes. Have these funds been received? May I have a copy of the budget?

Regarding the Community Development Program Options, I thank you for the opportunity to testify earlier, appreciate the fact that I don't understand that program, your CDP and CDPP. I'm trying. It looks to me like there's a whole lot of us that don't understand it. It's very complicated for the public. It's confusing.

The public comment in the -- Chair, for your purposes specifically, in the Federal Register, for this meeting, published 9/25/07, it has a quote that says, public comment periods will be provided throughout the agenda. You and I talked at a break about this issue.

This is hard for me. It's hard for you, for me to stand up and do a series of a dozen or more. It would be better for everybody if it was in context. So I would hope that the next Council meetings would make some of the changes that we suggested on the cards, but also provide us a comment moment or two when the subject is hot. Because this stuff is minutes, two days ago, stale for everybody and hard to follow. That would be helpful.

As I read the Federal Register, I mean obviously you can interpret it any way you want, but public comment periods will be provided throughout the agenda I don't think means twice a day. I just -- that's not how I read it. So I don't think that's what would be best.

Almost pau. Everybody breathe.

Your Document 8.3.C(1), Community Development agenda item presentation today included a slide depicting Uncle Henry at Ewa Beach. I request a copy, preferably electronic, and I have asked Eric for this. It's really okay that you not pile paper on me.

I didn't ask you for this? Oh, I thought I asked you for this. Okay, never mind.

Of the Budget, evaluation and project implementation process and participants. As a Demonstration Project, I think it's a public document. I mean, he did some good limu restoration work. He used West Pac money. I'd like to know how that went.

We have a couple places that would like to do some limu work. That would be useful. I don't see why that's not a public document and it's not out there.

I guess maybe we need a list of the demonstration projects.

And last but not least, Document 8. -- I don't know how your numbers go -- C.3(1), Community-based Natural Resource Management. We received a request in Haena for a report on our Haena Community-based Subsistence Fishery Management Area via e-mail, which means that it didn't go to the members of the community actually doing the work, from your Charles Ka'ai'ai. Mr. Chandler will respond to how the decision was made, whether to respond or not.

But -- and it's mentioned in your report that members of that community participated in the Puwahu. That project is a community project. That legislation was written by the community, and I actually had to argue that point at the Puwahu because Toni Lee wanted to say that it began at the Hawaii Civic Clubs, and it did not.

It was written by us and it was carried through the legislature by us and it's being implemented by us, and it has no business being in your paperwork. It has nothing to do with West Pac. It is a Community Conservation Network project, and that's the organization that that community has been working with. They work with many communities throughout the state doing this kind of work.

There's no reason to duplicate, you and them.

I still want you guys three miles out, and it has nothing to do with the Puwahu.

Mahalo for your time.

MR. MARTIN: Thank you.

Additional public comment? Please.

MR. CHANDLER: Aloha. My name is Jeff Chandler.

I'm the Chair of Hui Makanihana O' Makana. I am one of the descendants of the people of Haena.

This project is a community effort project. I've been to many of the different projects in Hawaii, some of them you have on your agenda.

I don't know how and who gave authority or the okay for this to be part of your packet. I was not asked or gave notice or e-mailed. I don't have e-mail.

I get air mail. Post office mail.

I've got a phone number. I believe West Pac has that phone number.

This community program is run by the families of that family what you call indigenous peoples. It is not for nobody else. It is not from anybody else.

Private projects -- and I mentioned this before -- Milolii, Waiopai, I have been to these communities and saw what they like do. They are part of the CCN process, community process.

Let me get back to what we decide to do when I think three of the people in my community received a letter asking for a response. Three of these people, two of them are just board members. They are not even natives of this land.

We have a Native Council, which is made up of the native families from that place. They have the first and the last say on whatever happens in Haena, mauka, makai.

I don't know if you guys heard about the Mauka/Makai Watch. In fact, I saw it in one of papers there.

That was created by communities, that was not created by government. We asked the government for support. Yeah.

What I learned is there is an issue of jurisdiction. But for me, as an indigenous one, all of the jurisdiction falls on me. There's no State or Federal. It's all indigenous lands.

I think you know that, and if you don't, then you should know that, that I know that.

Anyway, two weeks ago we had a meeting pertaining to Haena and a question came up, what are we supposed to do.

This was not intended to be part of the Puwahu. It never started with the Puwahu. It's not going to end as being a Puwahu process. We were never asked that this be part of the Puwahu process.

My understanding of the Puwahu was to bring native peoples together, native people from all of the islands together to decide for them to decide what would be the best, proper way to address -- it started as a fishing problem. We ended up on the top of a mountain.

They talked about the heavens, yeah.

That's what that process brought up as a Puwahu process. We talked about we controlling, yeah. We taking responsibility. It started where we started.

Then your role is what your role should always be, which that was the intent, I think.

Although, as a Native Hawaiian, I can tell you I have received no help either from you nor the State. And everything is coming back to its native people.

That's all I hear today, about Native Samoa, indigenous people this, indigenous people that.

The only ones I don't see over here is the indigenous Hawaiians.

Everything is talk about everybody else, about us. I wonder why.

As I look over here, I like know which one of you is the indigenous Hawaiian. So maybe we can make one connection. In fact, maybe you should make a connection. Not your staff. Not your process.

Because whatever process you guys going to make not going to work, not in our land.

Because all I've seen for the past two days and the last meeting does not pertain to my culture. My cultural practice does not stop -- you know, in fact the State has a model, and the model starts with native culture, although they don't practice it that way, but that's the first thing that is talked about.

Anyway, I have to make a decision. Since I wasn't informed, I asked that those people that have e-mail, the response is for the staff to inform me, to talk to me about what our process is or if we are going to allow our process to be part of yours, or even any information.

I tell you what going to happen, though.

Your process, you will be part of our process because we understood what our true responsibility is of our aina. We understand a few of us that our jurisdiction as native people goes beyond the three miles. That it is our kuleana, it's our responsibility, these things, a few of us, learned by going to meetings like this, by going to other different communities, by going to other nations.

I recently went to Fiji, deep connection.

I used to live the same way they live today. I eat off the floor. I live only on fish, poi, rice every day of my life. So fishing for me is real deep, like my ancestors.

There is no money value in that. You cannot put spiritual value that we live off in our fisheries. That's why it's easier for us to go manage.

Because what happens is we end up living in the western concept, and then forget our practice because everything we do in the western world is easier than what I used to do.

I don't make that my way of living. Because I, like you, hear about the fisheries declining, yeah. I no more one body like this helping me to save my aina. There's just a few of us.

That's not just in Haeana, that's all around in the state.

If you like do something good for us, first thing you can do is let us do what we know is the right thing for do culturally, because everything we going to do is based on our culture, not on whatever I believe, that's what I've learned.

I thank God indigenous people understand that, too. It's an every day practice. It's not a simple thing for me to come up here and tell you all these things. But I don't see anybody coming up here. I wonder why not.

I mean, of all of the people that have been to the Puwale, all of those Native Hawaiians, where are they? Why are they not supporting this process?

I don't have to answer that question. I think you need to answer the question.

Because for us, nothing will stop us. Because you know what, that's all we got. I no more other land to go to. What I going to do or have been doing will benefit the next generation, I can guarantee you that.

In the future, we will be back in front of you asking you to support us, like I said, when we get into that three mile, two hundred mile range. I have quite a few ideas, and I think it's the time to divulge it. But anyway, mahalo.

MR. MARTIN: Thank you.

Manny.

MR. DUENAS: I just want to comment a little.

Jeff, first of all, I have got to apologize. It was my fault, because I asked Charles to find out about your organization. Last meeting I spoke to you as an islander to another islander, you told me about your organization. I spoke to your sister-in-law or -- I don't know what the relationship is. You guys were telling me about how great the project was.

I asked Charles. It was me, personally, who asked Charles, to get information on your project. It wasn't to put it as part of our Council document.

Because any time a native group does anything right to them, I like to know about it. I like to be educated. I like to be informed.

The other thing is that regarding Native Hawaiians on the Council, no offense on my fellow Council members from Hawaii, but it's not our call. The Governor of Hawaii, this great state, makes that call. The last people on the list were Native Hawaiians.

The priority on her list were nonNative Hawaiians. So it's not our call.

Because we, too, would like to find out what the issues are with Native Hawaiians.

Those of you that have heard me on this table know that I speak for indigenous rights. I've been called -- I was called a racist after our indigenous rights meeting. I've been called a lot of things, but one thing I'm not -- because I accept people of all color. But the thing is, we need representation. Your Native Hawaiians need representation on this Council. But it's not our call. It's not the Council members' call. It is the Governor's call.

I'm just trying to educate you on the process. We do not dictate to the Governor of Hawaii that Jeff should be on the Council.

I would be glad to have you sitting on this Council fighting for your native rights.

MR. CHANDLER: Well, I sit on enough Councils already.

MR. DUENAS: Well, whatever. I just saying that somebody --

MR. CHANDLER: Don't submit my name.

MR. DUENAS: This is the first time in the eight years I've been involved with the Council and all of the history I've looked back, this is the first time there's not a person of color -- and maybe that's a racist remark -- because there are Japanese, there are Chinese, there are other nationalities living on this island. But there are none -- every one of the Council members are of one descent. So the Asians, the Hawaiians are not on that list. That's what I'm telling you. It's not our fault. We are trying to -- in a way, the islands, Samoa, Hawaii -- I mean, Samoa, Guam and CNMI, we are your last protectors until you get another one on the table, and that's in another year. So recruit your people. Submit your names to the governor, because next year it's open again.

MR. CHANDLER: Don't submit my name to --

MR. DUENAS: Not you. I can't do it.

But somebody has to be submitted from the Hawaiian community, and I think somebody should.

MR. CHANDLER: May I comment on the first comment you said?

If it was put to whoever had received the e-mail in that context, yeah, that's a different thing.

The way they took it, is like because they participated in the Puwahu process -- you can shake your head all you like, this is what I was told.

I never read the e-mail. Okay.

But it is my responsibility to my people, my community, as a leader, to make the proper decision. I want to come to you and show you all of it. I don't want to come to you and say, well, we're in the middle and almost on the end. You know, that's how we operate.

When we going to come over here, we're going to show you the whole picture. It's a cultural picture. It's not my picture. It's the Hawaiian cultural concept of management. We have understood -- and that is what this Puwahu process did for us, it made us realize that when we talk about the ocean, we get mauka, yeah, that if you no take care of that part of the aina, then what is your fisheries.

In fact, global warming is part of it.

We originally started on the land because we were put in a position where if we don't fight for what is -- we have a very small piece of land we will fight for. I mean, I don't think we can fit all of our families in them, but that's all we have left. And our fisheries supports the whole Island of Kauai, plus, okay.

But we started land-based because we were shoved against the pali and we had nowhere to go. So that's where our fight started.

We realized that, you know what, they're coming from the ocean, the tour boats are coming from the ocean. They are just attacking us from all sides; air, land, sea. But we're a small community. I don't think you can call us half a village.

MR. DUENAS: I know what you're facing.

MR. CHANDLER: Anyway, thank you.

MR. DUENAS: Thank you, sir.

MR. MARTIN: Thank you. I appreciate you coming and spending the time.

Any additional public comment? Miss Paul.

MS. PAUL: Sorry, I -- Linda Paul from Hawaii Audubon.

I didn't intend to testify, but I do have a question and actual point, because sometimes -- as you know, I've been sitting here for years and sometimes I just really like to ask questions rather than make a comment.

I think it would be a great idea for this Council to -- I don't know -- have a process within the public comment period where we can just do some interchange, we can ask questions and respond and have a dialogue.

But this Puwala thing has always bothered me, and I just heard a statement saying that there's no Puwala process being -- or meeting being planned.

I have no knowledge whether there is or there isn't.

But I would like to have it on record that this Council, in fact, between now and the next Council meeting, is it true that there are no Puwala meetings planned; and is there a process where they can be put into place informally?

Because I've been hearing rumors that, in fact, there are.

And there are people running around the legislature, as we speak, speaking and saying that Marine Protected Areas don't work.

There was a petition in the Hawaii Fishermen's Festival on the Right to Fish thing with a lot of signatures being gathered.

I would hope that this Council has absolutely nothing to do with any of those things because, as we all know, they involve State waters, State policy matters and they are beyond the reach of this Council's jurisdiction.

The Magnuson Act in its community development provision does not allow interference with things inside three miles. It specifically says that your jurisdictional area begins at three miles and goes out to two hundred.

I've been hearing all kinds of activities for the last year or two about this Council messing about in State matters. What you just heard with the previous speaker is a very good example of that.

The Puwala process is a very good example of that.

I'm surprised the Governor of Hawaii has not written and made a formal protest about some of the activities that this Council staff, presumably with Council authority, has been involved in.

It really does need to stop. Somebody is going to file a lawsuit. Thanks.

MR. MARTIN: Thank you.

Manny, you had a comment?

MR. DUENAS: No, I just want to answer Linda's concern.

I was the one who made a statement about no Puwala planned.

The question was, was it going to expand to the other islands. I haven't applied for a grant yet, but I want to do a Puwala Series and I asked for the Council's assistance in doing a Puwala Series on Guam.

Just to answer your question, it's not going to happen any time soon, if you're interested.

8.C.A. Humpback Whale Sanctuary Report

Kingma reported: The report in the briefing book is a letter to Governor Lingle from the Sanctuary Advisory Council drafted at a meeting early in the summer and sent September 12th.

A mandated Draft Management Plan Review Process is planned to look at existing management measures for the Hawaiian Humpback Whales, and also perhaps looking at

including additional resources, such as sea turtles, spinner dolphins, Hawaiian monk seals and Marine Heritage Sites, which include I think shipwrecks and downed airplanes.

As the Council representative on the committee, Kingma has communicated the Council supports a public process for the Management Plan Review and for the program to look at additional resources, a public process to do so, Council interest in the outcome of that process, interest in the potential implications of management by the Sanctuary Program on sea turtles and Hawaiian monk seals and what that could mean for conservation of those resources, as well as impacts on fisheries.

Included in Council briefing materials is the outline of the boundaries of the Sanctuary Program. The boundaries are an issue that is up for review as well.

8.C.B. Sustainability 2050

Ka'ai'ai reported: Sustainability 2050, Version 7, was released September 22nd. Copies are available.

This includes information on traditional resource management, traditional kanaka maoli and island value systems and fisheries. Senator Kokubun was invited but not able to attend the Council meeting to present on Version 7.

A comment period is currently open.

8.E.4. Other Issues

Ka'ai'ai reported: A Community-based Natural Resource Management Initiatives in Hawaii report is planned to be a regular occurrence for the upcoming Council meeting to include information regarding initiatives started by communities in Hawaii in response to National Standard 8 in the Magnuson Act.

Information regarding projects such as Kona Hema, Molokai Aku Boat Project, Ewa Beach Linu Project, Paepae O He'eia and Hui Malama Mo'omomi are in the Council briefing materials. Most of the information is publicly available.

Malama Maunalua is public information that was available on the web.

Ka'ai'ai apologized to Haena members in the audience. He explained he sent an e-mail requesting information about Haena's process because in 2006 there was Act 241 that established a community-based subsistence fishing area in Haena, Kauai which he thought would be of interest to the Council, as far as how the process was going on, the involvement of DLNR and the rulemaking process with DLNR. He added he can remove the Haena project and look for other community initiatives that are ongoing to report to the Council.

8.D. Education and Outreach Initiatives

Spalding reported: Initiatives since the last Council meeting include: An article on bottomfish management done in connection with the State and NOAA was in Hawaii Fishing News.

Council continues to manage the website that provides updated information on what's going on with bottomfish management.

Brochures on the bottomfish fishery were produced and distributed. Copies are available.

The Council assisted the Bottomfishing Hui with the reproduction of recipe cards that were initially made for the NOAA Fish Fry in years past.

Council worked with the State and on press releases and other items regarding management of the fisheries, as well as outreach information.

Regarding traditional knowledge: The Council has produced 13 out of 26 scripts for Let's Go Fishing, which are 60-second segments called, Fishing in Old Hawaii. Four scripts have additionally been audio-taped and the images have been secured from the Bishop Museum. The scripts and audiotapes are available.

Information published to advertise Council meetings and Fishers Forums include:

- Advertising in the Honolulu Advertiser.

- Direct mailings of posters, flyers and action items to 8,000 fishers, fisher clubs, tackle shops and media, as well as environmental groups.

- Announcements on community calendars in seven major publications throughout the state.

- 30-second Public Service Announcements sent to all of major radio groups in Hawaii.

- A 60-second ad and interview for COX radio stations.

- Article in the October issue of Hawaii Fishing News.

- Press releases.

- On October 5th flyers were passed out at the Hawaii Fishing and Seafood Festival.

- Appearance on the morning news for the Fishers Forum.

Spalding invited Council members and Advisory Panel members to get the information out to the public regarding meetings.

Other media includes press a release responding to the Honolulu Star Bulletin's editorial that appeared during the last Council meeting.

Vice-Chair Ebisui wrote an editorial and response to that Honolulu Star Bulletin editorial that was picked up by the Maui News and the Honolulu Star Bulletin.

An ad is run quarterly in the Hawaii Skin Diver.

A 60-second ad on Let's Go Fishing and Hawaii Goes Fishing to give recognition to the community about the Western Pacific Fishery Management Council and to encourage the public to get involved in the Council's public process.

Ads on the Swordfish Scoping meeting and on the SSC meeting, as well as press releases on the SSC meeting.

Regarding education, activities include:

The Third Annual Teacher's Workshop was held on the Hawaii Seafood Industry, with 50 Teachers participating.

A teacher was contracted to develop a new lesson plan to be given to the teachers at the workshop.

FishQuest curriculum was updated to include the updated Hawaii Education Standards as well as to include standards for Guam, CNMI and American Samoa.

Excellent reviews were received from the participants. Spalding thanked all who were involved in the project.

Other education initiatives include:

K to 12 marine curriculum is being developed in Hawaii for a national audience with a section on Sustainable Fisheries.

The Council continues to be the organizer for the National Marine Educator's Association Oceania Chapter and on the Board of the Hawaii Science Teacher's Association.

Attended the Science Technology Math and Engineering Conference.

Will be involved in the NOAA B-Wet Grant Review at the University of Hawaii.

A booth will be at the Ocean Earth Science and Technology Open House.

The Council is invited to participate in the Ocean Literacy Alliance.

Work on 2008 lunar calendars is ongoing.

Other outreach includes:

Work continues with the Coral Reef Outreach Network on the International Year of the Reef.

Rick Grigg, who was on the Council's Precious Coral Plan Team, as well as Sherwood Maynard and Jack Randall, all received the Living Reef Lifetime Achievement Award.

Continued to work with the Marine Debris Fishing Recycling Project.

Worked with the Hanalei Bay Marine Life Conservation District for its 40th anniversary and participated in the Hawaii Seafood Festival.

Tulafono asked if the FishQuest curriculum was available in American Samoa. Spalding replied the standards for Guam, CNMI and American Samoa is being developed presently so teachers can use it in their classrooms. Tulafono looks forward to it being available soon.

8.E. SSC Recommendations

No SSC recommendations.

8.F. Standing Committee Recommendations

No Standing Committee recommendations.

8.G. Public Comment

(Public comment is included verbatim)

MS. KAAUMOANA: Since we're not leaving until you leave this time.

MR. MARTIN: And we aren't leaving.

MS. KAAUMOANA: Okay. Let's order out.

It's all about the food, I'm clearly from here.

I would just like to make a generic comment that doing a lot of the kinds of work that Sylvia does myself in the community I appreciate the hard work that she puts into it. But I really wish you guys would focus on three miles out.

I am a little concerned about the fact that you're reviewing B-Wet, that's something near and dear to a lot of the NGOs, and I guess I'll talk to Sylvia and see what kind of a role she's playing in that. Those are real community-based grants, and I didn't know that was a role that this organization played, in reviewing other grants. So that's interesting to me.

I guess I'll ask her more about it.

But again, when I look at things like this, I just wonder.

Appreciate the work that's being done, but I wish it was being done by somebody who had jurisdiction.

MR. MARTIN: Thank you.

Oh, Mike.

MR. TOSATTO: Again, I would like to just speak briefly to this issue of jurisdiction.

It is clearly mandated in several areas that the Council is in some cases a direct role and, it's ceded throughout Magnuson.

The Magnuson Act describes an EEZ and describes where the Council has a direct authority to provide recommendations to us on fisheries that occur from three to two hundred. It is clearly described in Magnuson that there is a broad range of activities for the Service, for Council's advice to be provided and in many cases under Community Development, under requirements for National Standard 8, under the new Magnuson, the Reauthorization Act that mandates the Council develop or puts the task on us to develop in consultation with the Council and regional academic institutions a marine training and education program, directly to your point, that does several things.

It's baffling to me that you would think that you could do that outside of three miles. There's no schools out there. There is no ability to do that.

The Council in its activities are clearly required to undertake activities on the land portion. I'm not sure why you think that's inappropriate.

And again, it's in the mandate, it's in the execution of their mission, clearly, in their mission.

MS. KAAUMOANA: We think it's inappropriate because we think that you're in the EEZ. We, me, I think that your jurisdiction is three to two hundred miles out, that's what I think.

There are several reasons I think that.

One, a lot of the effort that has been put out there obviously hasn't clarified for me what your position is.

Two, since the last Council meeting we've been asking for details of budget, which is the way that people find out about my program, is the way that I would be informed about yours as well.

My reading of Magnuson, myself, is different from what you read it to be, and I have gone to D.C. and asked the NOAA folks to give me their interpretation, and is different than what you just said.

So I'm just thinking there's a difference here.

I like the idea that this Council would participate in public education regarding the fisheries, because I think that's something you know something about.

But I'm concerned when it's all land-based stuff. I'm just concerned. I don't think -- I'm not saying you're doing a good, bad or otherwise kind of job. I just don't think we all need to doing it.

If you're intending -- I'm not sure what our review process is, how do we get to participate in saying whether we think that it's appropriate or not.

For my grantors, I have to go through an evaluation process and a monitoring process on whether my projects work or not. We're just having such difficulty getting that information out of you that we don't know.

So you're right, we don't know. That's exactly the issue.

Thank you. I appreciate your interpretation.

MR. MARTIN: Thank you.

MS. KAAUMOANA: Sorry. Sorry, I didn't mean to walk away.

MR. DUENAS: I just wanted to reiterate what the National Marine Fisheries Service mentioned, there are numerous things here in the Magnuson that all deals with communities.

Like I said earlier, communities are not floating out there beyond the three miles. We are required to engage the communities and we are required to engage people.

Yes, our jurisdiction of authority is three to two hundred. But the people live on shore and we have to talk to them. We're not dealing with Coastal Zone Management issues. We're not dealing with any other issues. We're asking to be partners because what happens on the -- as Jeff mentioned, what happens on the mountain -- and I don't speak Hawaiian, but we --

MS. KAAUMOANA: Mauka/Makai, we get it.

MR. DUENAS: From the mountain, goes all of the way out to the sea.

MS. KAAUMOANA: We get it.

MR. DUENAS: What happens at three miles, beyond, is affected by what happens inshore.

But we need to engage the people.

The people is what we're engaging. We're not making management decisions for anyone.

Beyond three miles, yes.

Within, we are engaging the people to deal with us and work with us in solving the problems beyond three miles. That's the only thing we're doing, and that's throughout Magnuson.

I'm sorry. If you're unhappy with the law, I suggest that you --

MS. KAAUMOANA: It's not a matter of being unhappy, it's a matter of not understanding it.

And I'll tell you what's not back at that table, is that little blue book that you guys keep.

MR. DUENAS: I can get you a copy right now.

MS. KAAUMOANA: Thank you, that would be useful.

MR. DUENAS: I gave you the audit, right?

MS. KAAUMOANA: You did, and thank you for that.

The other thing that I would add to that is that was the genesis of my question about the Ewa Beach Project.

I know a lot about the Ewa Beach Project. But the reason I know about it is through CCN. I understand you're working on the ground there. But that's a project that communities like I'm doing, and I don't get the nexus. So anyway.

What, did I lose the target, Kitty? Sorry.

MS. SIMONDS: No, no. I was just saying that Mike should explain that program.

MS. KAAUMOANA: Yeah, well, I asked earlier.

MR. TOSATTO: A couple of things.

Again, I think there is confusion or lack of understanding on the Council's CDP mandate, its demonstration projects requirement or ability.

Now I think you can add a couple of layers of misunderstanding of the Marine Conservation planning and execution process and our brand new marine training and education requirement on the Secretary.

Again, generally the requirement is on our back with -- in consultation with or in a couple of other cases with direct input from just the Council.

What I've already tasked my program officer to do is to begin to develop in as simple terms as possible --

MS. KAAUMOANA: Excuse me, I've been doing this all wrong. I just need to ask him.

MR. TOSATTO: To take what's in Magnuson and turn it into a simple paper to be described.

I've already offered to Council members that need the explanation, I'm willing to spend all of the time they need to meet personally with them or as many times as I need to with them.

I think what I will do is try to coordinate an opportunity to meet with concerned members of the public.

MS. KAAUMOANA: That would be very helpful. And it would be better than trying to do it at one of your Council meetings.

MR. TOSATTO: Again, I think that that would be the best thing to do, is to pick a time in and around the Council meeting or potentially on Standing Committee day, and again, try to do that.

MS. KAAUMOANA: Okay. Well, you clearly know how to get ahold of us.

But from my standpoint, I would appreciate it if that was kind of a give-and-take for some of the ideas that you have for doing those new projects that we might say to you, look, there are places already doing that or -- okay, that would be cool.

MR. TOSATTO: Again, the role on that one is the Marine Training and Education that we are developing clearly has that -- you heard Charlie mention, we're going through a series of meetings to first look at what the Magnuson says and where we're going.

Second was, we will meet with the training -- the more education-related providers.

Then the third would be from the community. Again, in that development, half of what Sylvia presented is covered under that program.

But I think the core we will do under this new program is basically bundle what we're already doing in some cases to meet their six components. We're already meeting some of those.

One of those is develop the means to input traditional ecosystem knowledge into science-based decision-making. That's a gap.

We need to figure out who might be able to help us do that, either on the educator's side and the community side. That's why I need the reports from Charlie on what the communities are doing.

MS. KAAUMOANA: Well, the sensitivity that Jeff expressed and I expressed comes from real history and real facts, and it's shared by the people of the Marianas, it's shared by many

of the indigenous people in this region. Every time we tell somebody something, they take it and run and make, you know, something out of it.

We're not doing that anymore. It's taken us way too long to learn the lesson. So for those things that we know in our na'au, we are holding on to.

For those things that are useful to us all, we've been way too aloha over the years.

But I want to be very, very clear with you that when you engage us as community, I, for one, raise the yellow flag and say, let's be careful, let's make sure, first of all, that we're doing it in a pono way, that we have permission from the people of this place to do it this way.

That takes time. We don't fit your timelines. We don't fit your categories. I still don't understand the titles. That's not how we do it.

But we do it, and we don't talk about it. We do it.

So I express my sincere desire to keep those things carefully to our own that we need to keep to our own, that will not prevent you from understanding the basics of science of mauka/makai or the ahupua'a management model.

We've figured out ways to tell you enough to keep you busy.

MR. MARTIN: Thank you.

Fred, you had a comment?

MR. DUERR: If you look over on the wall, Eco Plans, looking to the past to manage the future, it sometimes takes us a long time to get back to the Hawaiian way.

The closures that we have in the State today was something that historically the Hawaiians did. In the old days, they had closures to protect their resource.

The fish, they don't recognize a three-mile fence. The same fish we manage, the State manages. The fish swim back and forth. So we interface a lot with the State.

I think one of the things we do bring to the table is we have access to more resources than the State, be they through grants or assistance and --

MS. KAAUMOANA: And sometimes that's a good thing and sometimes that's not.

MR. DUERR: Sometimes. It's how we use it.

Manny and some of the people from CNMI and American Samoa, they look at these grants, they really need them. We need them in Hawaii, too.

But I think sometimes they need them a little more than we do, because we have more economic development.

But that's really where we are.

People are part of the ecosystem. So we have to deal with those people onshore. We have to educate them as best we know how, and let them educate us in return.

MS. KAAUMOANA: Sometimes it starts the other way. Thank you.

The only thing I want to add is that as an advocate for Haena, I wear a different hat than the one that I wore the last time I spoke, mostly for Hanalei. It's two completely different communities.

Hanalei functions in a very western model, and you can ask me anything you want to about Hanalei. I'm fairly clear about how to describe that work.

For this community of Haena, the mistrust was that it started with someone at the Puwale taking claim, taking -- she did. You were there, Kirtly. She took claim for that legislation and Toni -- she wouldn't let go.

So starting from that, I'm sorry, I'm very, very cautious, and I cannot represent the community by not being anything else. It's not my homeland. It's his, and he scolds.

I mean this sincerely. So when you want to talk about the real science and about the makai and stuff, ho, let's go Hanalei. Because we get the data. I've got the reports. I told you some

about it last time, and it's comprehensive. It is a model. It is a gift to all of you, absolutely. There's plenty federal money got dumped in there. We're still spending it every day. So that's two different things.

So I'm just trying to help you understand the difference between the dance that I do and when it comes to whether you guys want to get involved in stuff on the land, there are some places that it's just going to be for us.

Mahalo for your time. Sorry to be so --

MR. MARTIN: Thank you. We appreciate the insight.

8.H. Council Discussion and Action

No Council discussion and action.

11.A. Regional Strategic Plan for Coastal Fisheries

Ueta Faasili, Coastal Fisheries Management Advisor from the Secretariat of the Pacific Community (SPC), reported:

The Western Pacific Regional Fishery Management Council contributed resources to implement some of the very important regional training which is requested by the countries under the Regional Strategic Plan.

The plan was developed by all of the separate countries and territories, of which Guam, American Samoa and CNMI are members, through two meetings held; the SPC Policy Meeting on Coastal Fisheries held in Nadi, March 2003, which resulted in 11 recommendations, as well as a field study conducted May to June 2003, which assessed each countries' needs and capacity to implement the recommendations.

The plan was developed and submitted to the Head of the Fisheries meeting, which was held in Noumea in August 2003, where it was endorsed for implementation.

In-country assistance carried out to help with institutional strengthening, coastal fisheries legislation and development of community-based fisheries management program include:

- Regarding institutional strengthening, in Samoa, Niue, Solomon and Tonga national workshops were held in order to develop organizational structure to identify training needs and development of the Strategic Plan.
- Regarding coastal fisheries legislation, in Tonga, Samoa, Tuvalu, Fiji, Solomon Islands, Nauru and Cook Islands assistance was provided in developing their coastal fisheries legislation. In other countries, a review of existing fisheries regulations and bylaws was undertaken.
- Regarding community-based fisheries management, in American Samoa, Marshall Islands, Tokelau, Niue, Tuvalu, Nauru, Solomon Islands, Ponape in PSM, Fiji and Samoa assistance and some revision was provided for their programs.

Every year thereafter the program is reviewed and assistance and recommendations are offered to improve the program.

Council Member Ray Tulafono is a very active person in the program. As a result, American Samoa has one of the most successful community-based programs in the region.

So far 339 participants have attended the national workshops.

Manuals have been developed focusing on things like fish size limits and a socioeconomic manual. The manuals are very useful for guidance in creating fishery management regulations and the kind of data and analysis needed to achieve meaningful results. Workshops are planned to teach the regions how to use the manual.

Regional training held so far includes:

- Fisheries Management and Statistics, held in Nadi, March 2003.
- Community-based Fisheries Management and Coastal Fisheries Legislation held in Honolulu, April 2005.
- Improving Information on Status and Trends of Fisheries held in Apia, May 2006.
- Fisheries Statistics and Stock Assessment, Phase 1, held in Suva, November/December 2006.

It's been difficult to find resources to fund U.S. and French Territory participation in the training requested by the country under the plan. Faasili expressed his appreciation for the funds provided by the Trans-Pacific Fund and the Western Pacific Fisheries Management Council for the funds provided.

To date, 135 Pacific Island representatives have been trained.

Upcoming training and workshops planned include:

- Ecosystem Approach to Fisheries Management to be held in Noumea, October/November 2007.
- Fisheries Statistics and Stock Assessments, Phase 2, to be held in Apia, January 2008.
- Fisheries Policy and Planning to be held in Apia, January/February 2008.

A review of the strategic plan was requested by the Head of Fisheries meeting which was held in April 2006 in New Caledonia.

The review will include:

- New national developments.
- Expanding the plan to cover other fishery sectors.
- Address political issues that may provide political support.
- Assign full ownership to the Pacific Island Countries and Territories (PICTs).

Recommendation:

The Council was among the regional organizations that assisted in the development and implementation of the Strategic Plan. The Council is therefore requested to continue its assistance with the review of the revised plan and its future implementation, especially in areas of interest to the U.S. Territories.

Duerr asked how over-exploitation of marine species will be addressed with a population growth in the islands currently at four percent annually. Faasili replied those are the kinds of things included in the plan which needs more work to find the solution.

Duerr asked Duenas for clarification on statements regarding funding problems due to difficulty accessing taxes on fishing gear in the U.S. Duenas stated he was not in attendance at the workshops, but clarified that to his understanding Guam has access to the funds but has failed to apply for the full amount available.

Tulafono commended Faasili on the development of the Strategic Plan for the Pacific Islands. American Samoa has experienced tremendous help from this program, especially the community-based program in American Samoa. It is one of the most successful programs in the region. Tulafono strongly encouraged continued support from the Council to the program. He also requested Faasili to return to a future Council meeting to report on the review, any revisions and future plans.

Duenas echoed Tulafono's appreciation of Faasili and the SPC's invaluable assistance to the Pacific Islanders. The program provides opportunity for their communities to learn at the grass roots level and to carry the ideas with them.

Chairman Martin thanked Faasili for traveling to Honolulu to deliver the information, as well as Jean Paul Gaudchout (phonetic), a Fisheries Information Officer with SPC.

Chairman Martin welcomed Coast Guard Admiral Brice-O'Hara to the meeting. The Admiral complimented the success of the recent Fishing Festival. She briefly commented on meeting with President Bush during his recent visit through Hawaii, where he expressed his interest in the Coast Guard's activity in the region, as well as the Papahānāmokuākea Monument's enforcement activity. She also reiterated Lieutenant Deems message regarding fishing vessels conforming to Coast Guard safety regulations.

10. Pelagics and International Fisheries

10.A. American Samoa and Hawaii Longline Quarterly Report

Dave Hamon, from Pacific Islands Fisheries Science Center, reported:

A new record was set in the second quarter for the highest number of vessels participating in the fishery since 1991. There were 104 tuna-only vessels, seven swordfish-only vessels, 13 switched from swordfish to tuna part way through the year.

Number of hooks hit an all-time record for the second quarter at approximately nine million hooks. Sixty percent of the hooks were set outside of the EEZ, 19 percent in the Main Hawaiian Islands EEZ and 17 percent in the PRIA EEZ and only four percent in the Northwestern Hawaiian Islands EEZ.

The bigeye tuna catch, also a second quarter record, was at 33,000 bigeye tuna caught in the second quarter of '07. This is the only time in the entire time series where the catch in the second quarter exceeded the catch in the first quarter.

Catch rate was 3.8 fish per thousand hooks overall for the entire fishery, 3.4 outside of the EEZ. The PRIAs catch rates was 6.2 fish per thousand hooks.

Swordfish catch was 7,000 fish in the second quarter, up 6,000 fish from last year because of the early closure.

Record number of vessels per quarter is up 11 vessels over last year, with an extra million hooks set. Bigeye tuna was a record catch.

Hamm showed a slide regarding the model prediction for the EPO bigeye tuna quota. The actual documented catch at this time is probably a little over 400 metric tons, between 410 and 420 or so metric tons. The effort has tailed off here. The fishery will continue for a while at the current rate.

Palawski asked for more information on the increase in the PRIA catch. Hamm deferred to Martin. Chairman Martin surmised vessels were fishing in the Palmyra/Kingman Reef area more frequently because they are transiting that area on their way to Christmas Island to acquire crew.

Chairman Martin asked Hamm if effort by the one California longline boat that fishes in the Eastern Pacific is included in the quota estimate. Hamm replied that the data from the California boat is included because at least two other Hawaii vessels also set in the Eastern Pacific.

With regard to the American Samoa Longline Second quarter report, Hamm reported:

Number of active vessels did not change.
Number of sets increased by four percent.
Number of hooks increased by ten percent.

Number of hooks set quarter records for the third time since fourth quarter of 2006. A record was set for the last two quarters for number of sets.

The catch was up three percent.
Albacore was up .4 percent.
Bigeye was up 29 percent.
Yellowfin was up 139 percent.
All other species, incidental catches, declined by 23 to 65 percent.

Admiral Brice-O'Hara asked the reason for the significant increase in the yellowfin catch. Hamm replied he did not know as there was no spatial analysis performed.

Polhemus asked if the increase in yellowfin catch could be attributable to the steadily increasing number of hooks in the fishery. Hamm replied the number of hooks was the same for all, but yellowfin catch increased by twice as much. The catch rate for the target species declined by nine percent and the catch rate for yellowfin increased by more than double. Hamm guessed that perhaps fishermen got lucky or possibly they changed their fishing tactic and had greater success.

Polhemus asked if the ratio of albacore to yellowfin has changed over time in the fishery because of an ecosystem compensation for the fact that albacore has been fished down. Hamm replied he has not analyzed that and it would be an interesting aspect to look at.

Dalzell suggested to Polhemus to check the PFRP website, Pelagics Fisheries page, a paper by John Sibert, Mark Munder and John Hampton on changes in biomass and size composition from the '50s to the present will provide more information on shifts in biomass.

Chairman Martin suggested the location of effort has changed significantly because of fishing in the Cook Islands which caused a redistribution of effort. Also, yellowfin and skipjack both historically get high prices.

When Hamm showed a slide comparing the number of boats, sets, hooks, hooks set, fish kept and CPUE between the American Samoa fleet to the Hawaii fleet. The American Samoan fleet in the second quarter was only 20 percent the size of the Hawaii fleet, but set 30 percent as many sets, with only 43 percent of the number of hooks, 143 percent more hooks per set, overall catch rate of 111 percent more, and catch rate two and a half times more in number of fish.

Average size of fish and average price per pound per fish is a different perspective, but still very interesting statistics.

10.B. International Fisheries

10.B.1. IATTC Meeting

Dalzell reported: At the regular annual meeting of the Inter-American Tropical Tuna Commission (IATTC) there were a number of different issues on the agenda, which is included in the Council's briefing binder.

A new Director for the IATTC, Guillerino Compeau, was confirmed.

There were no tuna conservation measures for yellowfin and bigeye adopted beyond those in 2007. A meeting is being held in October to work out a conservation resolution.

The 500 metric ton cap for bigeye probably won't change for fisheries that have the U.S. level of catch, though there may be more stringent catch limits applied to other elements of the entire fishery, which is China, Taiwan, Japan, Korea, which is the source of most of the fishing mortality.

Other measures were adopted at the meeting, including resolutions on budget and financing. The Commission adopted a U.S. proposal to strengthen sea turtle mitigation measures, as well as other resolutions in the report.

Dalzell reiterated there were no conservation resolutions on bigeye and yellowfin, although there are some measures expected to emerge from the October meeting.

10.B.2. ISC Meeting

Bob Skillman, SSC member, reported: The Seventh Meeting of the International Scientific Committee (ISC) for Tuna and Tuna-like Species in the North Pacific Ocean was held in July in Busan, Korea.

A full stock assessment was done on albacore and striped marlin. New data was examined regarding Pacific bluefin tuna.

For albacore in the North Pacific Ocean, the spawning stock biomass is the biomass of the weight of the albacore that are in the age and size at maturity. It's averaged around 100,000 tons from 1966 through 2006. In 2002, it was 73,000 tons. It increased to 153,000 tons in 2006. This is primarily due to the entry of strong year classes from 2001 and 2003.

It was projected that the biomass will increase and peak in 2007 this year.

The projection for the future, given the current fishing mortality rate, recent recruitment and what appears to be trends in recruitment, projected that the stock will reach a new equilibrium in 2015, with a spawning stock biomass of only 92,000 tons. It will be a sustainable fishery at that point, but the catch rate and the spawning stock biomass will be substantially reduced.

The current fishing mortality is estimated to be 0.75, about the same as it was in the 2004 stock assessment. That fishing mortality is larger than any of the common reference points that are used globally to evaluate species, which means that overfishing is occurring on this stock.

Given that, the plan team which put this assessment together and the Committee, itself, in their discussions spent some time pointing out that this was consistent with their previous recommendation or management advice, that fishing mortality should not be increased. Their final advice was that it actually needs to be reduced if the goal is to prevent overfishing from occurring and to improve the Status of the Stocks.

The Committee also put out a request to the Regional Fishery Management Organizations that neither of those management organizations has actually picked a reference point to use for managing the albacore. Until they do so, the ISC can't provide more specific guidance other than to reduce it. Therefore, it is mostly a plea to the management organizations to get some things done.

Regarding Pacific bluefin tuna, which is of great interest to the Japanese and the Mexicans who harvest young stages and rear those in aquaculture, no assessment was done.

Some new statistics were investigated that were done the past year, the stock was heavily fished but the 2001 year class was going to be a record. The implication was that the stock would probably be able to sustain the current fishing effort if that year class was indeed strong. The next year of data that came in corrected that result to, it may be a little bit above average. Their previous management advice was reiterated, that fishing mortality should not be increased.

Most of the fishing mortality is in the Northwestern Pacific off of Japan.

Regarding striped marlin in the North Pacific, the first substantive effort at putting together a stock assessment was undertaken. It employed two different models. The models indicated that the stock of striped marlin in the North Pacific has declined to six or sixteen percent of what it was in 1952, which is an incredible substantial decline in the resource.

The spawning potential, spawning stock biomass, is greatly reduced and does not have much reproductive capability in the population. However, because striped marlin is an incidental take in almost all longline fisheries, except for longline fisheries occurring off of Mexico, the quality of the statistics are not particularly good. There's a great deal of uncertainty about what that status is for striped marlin.

The scientists are quite concerned about the resource because the existing statistics have gone down considerably from its virgin or MSY levels.

The recommendation and management advice is that fishing mortality should not be increased.

Future plans include:

- The ISC plans to change to a different assessment model for albacore, a more statistically-based model.
- Intersessional workshops will be held to put together better statistics for Pacific bluefin tuna to come up with a new assessment in 2008.
- More work will be done on swordfish for a new assessment to be done in 2009.
- There is indication of a desire for an assessment on blue marlin for 2010.

Chairman Martin asked what are the impacts of the domestic U.S. fleet to North Pacific albacore and striped marlin. Skillman replied the impact to albacore is probably very, very minimal, less than 10 percent of the total catch. Dalzell guessed it may be 20 percent of the total catch. Keith Bigelow, from Pacific Islands Fisheries Science Center, clarified the percentages as for the U.S. portion of the catch is 20 percent, with the longline fishery catching seven percent and the troll fishery catching 93 percent.

Skillman added there is more concern on striped marlin. Again, the U.S. impact to striped marlin is very minor.

10.B.3. WCPFC Science Committee Meeting

Bigelow reported: Third annual meeting was held in Hawaii in August and was hosted by the Council, Pacific Islands Regional Office and Pacific Islands Fisheries Science Center.

During the first week six Specialist Working Groups were conducted, which included:

- Stock Assessment Methods.
- Biology.
- Fishing Technology.
- Ecosystem.
- Bycatch.
- Statistics.

During the second week a plenary session was held where information from the Specialist Working Groups were summarized and resulted in recommendations to be presented to the Commission at its meeting in December 2007.

Three items of interest to the Council include:

- An overview of fisheries in the Western and Central Pacific Ocean.
- A full assessment of the yellowfin stock and management advice.
- Bycatch mitigation issues with regard to seabirds and turtles.

Bigelow showed a series of slides illustrating statistics from the three major fisheries; the purse seine fishery, longline fishery and the pole-and-line fishery, in the Western and Central Pacific. The statistics shown included:

- In 2006, the provisional catch was over two million metric tons, of which the purse seine fishery is the largest composition, 72 percent or 1.5 million tons.
- The longline fishery at 230,000 tons, or 10 percent of the catch. It's been in decline in recent years.
- The pole-and-line fishery also is in decline, at 200,000 tons.

Fishery catch by species are:

- Skipjack, the largest component, largely exploited by the purse seine fishery, about 1.5 million metric tons, 70 percent of the total fish catch.
- Yellowfin tuna, about 20 percent of the catch. Stable in recent times.
- Bigeye tuna, 120,000 tons, or six percent. Also, the most economically valuable.
- Albacore tuna, declined in the North Pacific, a separate stock in the South Pacific, with a record catch last year at 67,000 tons.

Economic changes listed as:

- Ex-vessel value of the fisheries; purse seine, last year at 1.6 billion U.S. dollars, which is now the most valuable of the three fisheries.
- The pole-and-line fishery is in decline, at \$270 million.
- The longline fishery, now second in value, at \$1.2 billion.

The price of albacore has had a precipitous decline, early in 2006 priced at almost \$3,000 per ton, falling to \$1,750 per ton in July 2006. Skipjack and yellowfin prices have increased. For the first time in history yellowfin tuna price for canning is greater than the albacore price for canning.

The yellowfin tuna stock assessment will be done for the Western and Central Pacific through six regions using the times series 1952 to 2006 from the SPC and with help from the Pacific Islands Fisheries Science Center. Most of the yellowfin are caught in the tropical habitats, mainly in the Western Pacific, the Philippines and Indonesia.

Assessment results show the biomass has been declining since the 1950s, then a period of stability in the 1980s, and then another period of decline in the 1990s.

The assessments of recent years are the least reliable due to incomplete catch and effort data, incomplete size data. Recruitment data in the last year is not clear.

Highest impact occurs on the yellowfin stock from the purse seine fisheries and also due to the Indonesia and Philippines fishery.

Yellowfin tuna is in the overfishing state, but not in an overfished state yet.

To achieve the Maximum Sustainable Yield or the yield per recruit basis, it is estimated the size would be about 130 centimeters, corresponding with the age of about two and three-quarter years. This is an ideal circumstance.

The longline fisheries are pretty close to the optimum size. But other fisheries, such as the purse seine fishery in the Philippines and Indonesia, exploit small yellowfin which is much smaller than the optimum size.

Some of the management advice for yellowfin tuna include:

- Last year management advice was 10 percent reduction to fishing mortality for yellowfin, 25 percent for bigeye. This year a certain percentage was not recommended, but rather left it up to the managers to determine what sort of biomass they would like.

There have been a number of successful experiments in Hawaii with regard to mitigation of seabird and turtle interactions. The challenge now is to transfer that technology to international fisheries.

With seabirds, there is a conservation management measure within the Commission. A list is created, but the list is tempered by disagreement among certain nations. Efforts will be made in future Commission meetings for some progress.

Progress for turtles measures include:

- Carry and use dip nets and dehookers to handle and release turtles.
- A table of optional methods.

There is some nonagreement amongst members, mainly by Japan, on what sort of shallow-set mitigation techniques would be employed. Some progress was made in August at the Technical and Compliance Committee (TCC) meeting.

Other issues include:

- An Ecological Risk Assessment was produced by SPC and colleagues in CSIRO Australia.
- A technique was reviewed to look at some species that might be of management concern through what's called a Productivity and Susceptibility Analysis.
- Progress was made on the Regional Observer Program.

More money needs to be allocated towards science issues and prioritization.

Prioritization of stock assessments set for 2008 are:

- Bigeye tuna.
- South Pacific albacore.
- Skipjack tuna.

Papua New Guinea volunteered to host the meeting in August 2008.

Duenas asked if the Scientific Committee addressed any concerns regarding the planned U.S. purse seine fleet increase to 25 vessels over the next 25 years. Bigelow replied the concern of the Scientific Committee is regarding an increase in fishing mortality from a scientific basis.

Palawski asked as to the progress of the seabird mitigation issues. Bigelow pointed out one major complication is that Japan wanted to include some sort of meteorological and oceanographic language in the recommendation, such that if the seas were too rough or the winds were blowing too hard they wouldn't have to deploy their tori lines. Other members did not agree with that as well as a variety of other issues, such as use of traditional tori lines.

10.B.4. Northern Committee Meeting

Dalzell reported: The Status of Stocks from the ISC meeting are subject to deliberations of the Northern Committee meeting. The Northern Committee reflected on the output of the ISC meeting with its focus primarily on North Pacific albacore and on striped marlin.

10.B.4.3. Technical and Compliance Meeting

Kingma reported: The Technical and Compliance Committee was held September 27th through October 2nd. The TCC is a subsidiary body of the Western and Central Pacific Fisheries Commission with the primary task of considering technical and compliance issues.

The major focus identified for the meeting was the Regional Observer Program for the Commission, implementing VMS and transshipment.

There are proposals to implement the observer program by 2008 by the FAA and USA to get at using subregional and national programs to try and accomplish a five percent coverage, and then fully implemented by 2010. The Asian Distant Water Fishing Fleets are more supportive of starting implementation in 2010, with full implementation in 2014, and having all observer costs paid by the Commission.

There's much work still to be done on the observer issue. It remains to be seen if any further progress or even agreement will be made on this issue at the December meeting.

Similar issues exist regarding VMS. The Asian Distant Water Fishing Fleets would like the Commission to bear all of the costs of VMS and have it apply only to certain areas of the high seas. Japan is resistant to having it be applied in the Northwestern Pacific. Major issues were costs and also data security.

It was agreed that VMS data security will be handled by the Data Security Working Group, which has made some progress. It was agreed that an off-site facility that could deal with infrastructure and technology issues would be selected, such as Hawaii, Australia or Panama.

Regarding transshipment, there was agreement for a continued exemption for operations within the EEZ of the Philippines and PNG.

A proposal was tabled to prohibit purse seining transshipment on the high seas. The proposal was to prohibit large-scale longliners that freeze their fish. There was concern by the U.S. Delegation, members of the fish processing industry, that that would raise prices of albacore that goes to U.S. canneries. The transshipment issue has not been agreed upon at all.

The TCC agreed that all longline vessels shall carry dip nets, dehookers, line clippers and use those mitigation measures appropriately and that the Member Countries should submit their specifications and guidelines on how to use those tools for consideration at the Commission meeting in December.

Work is needed to be done on proposing conservation management measures for swordfish vessels to carry or to use circle hooks and mackerel bait. There was some opposition by Australia and New Zealand. Japan was fairly acceptable of using circle hooks and mackerel bait or circle hooks and squid bait for swordfish fisheries that use a shallow set.

There also could be discussion on a conservation or management measure for deepset longline fisheries to use some mitigation measures.

Duenas asked if five percent observer coverage was agreed upon for all fisheries. Kingma replied in the affirmative.

Duenas congratulated the work of the U.S. Delegation and Eric Gilman in relation to the export of the U.S. model fishery.

10.B.5. Bellagio II

Dalzell reported: Bellagio II was held in Terengganu, Malaysia July 17th to 20th, 2007.

The objective of the meeting was a population review and to revisit the importance of being earnest about protecting nesting habitat and nests.

Draft action plan chapters presented included:

- Western Pacific nesting beaches.
- Southeast Asian coastal fisheries.
- Regional efforts, such as the Tri-National MOU and IOSEA.
- Pacific Islands Marine Turtle Action Plan.
- Conservation tolls and incentives.
- Long-term financing options.

Working groups were formed for:

- Nesting beaches.
- Coastal fisheries.
- Regional efforts.
- Long-term financing options

Come Back Leatherback was adopted as the title for the initiative in Papua New Guinea.

Next steps include:

- Complete the final report of the Bellagio II meeting.
- Development of a business plan for November 2007.
- Implementation of fund for leatherback conservation in the Western Pacific.

The Council is on track to have a business plan developed by November 2007. Dalzell is hopeful and optimistic long-term support will be secured for the conservation initiatives in the Western Pacific.

10.B.6. Tri-National Exchange

Dalzell reported: This effort is to facilitate exchange of knowledge, experience and to share concerns among fishermen, conservationists, government officials and scientists from Japan, Hawaii and Mexico Tri-National Exchange. This exchange focused on loggerhead turtles.

It also serves to increase awareness of sea turtle bycatch and the role fishermen and others play in reducing mortality.

One of the most positive outcomes from the exchange was that one of the bosses of a shark fishing fleet actively retired his gear. This fleet has been documented to have killed up to 700 endangered loggerheads in 2005.

Dalzell introduced Leland Oldenburg, who participated in the exchange.

The report of Leland Oldenburg, longline fishermen, is included verbatim:

MR. OLDENBURG: Thank you, Paul. Mr. Chairman.

First of all, I would like to thank the Council for their role in allowing me to make it to these functions.

It was a real educational experience for me. I had never seen a loggerhead alive or dead until I went to Japan. It was quite educational to talk to the fishermen there and find out from their view what they felt about the turtle.

As Paul mentioned, the pound nets were a problem there. In the first 11 months of 2006 there were 206 dead turtles in only three pound nets.

I was surprised to learn that turtles are still on the accepted species list of Japanese fisheries. They haven't prohibited their catch.

So the Japanese learned from the Hawaii fishermen and from the Mexican fishermen what was going on in the eastern and far eastern parts of the Pacific. We, of course, learned from them what problems they were experiencing, especially with their nesting beaches.

They've lost a good portion of their sand from typhoons and erosion, and a big percentage of their beaches have been armored with concrete structures.

Now, in some of the major nesting beaches they remove this structure at different times of the year to allow the nesting process. But it is still a huge problem there.

We visited one nesting beach. It was interesting, especially for the Mexican fishermen, who are kind of still in denial. They don't really think there's a problem. How can there be a problem with the turtle population when you can go out and catch 40 a day and your fishing partners are also catching 40 a day?

So we went to beaches that in the '60s had as many as 800 females nesting. Last year in 2006, there was only two. So that was quite a sobering statistic for everyone.

I went to South Carolina in February and attended the 17th Annual International Turtle Symposium and gave a presentation there. It was very well received. A lot of the people attending there weren't aware of the efforts that the fishermen here in Hawaii have made.

They were especially interested to learn that we attend an Annual Protected Species Workshop.

I was approached by, conservatively, 50 people that had questions and positive responses to what we're doing here in Hawaii.

Then in August, the big shock came when I went to Mexico and learned what's happening there.

The shark fishermen that Paul spoke of that is giving up his deepset longline gear has on occasion set 100 hooks and got no sharks and had 70 turtles out of 100 hooks. He had six boats that were engaged in this deepset fishery and they were routinely catching 40 turtles per boat per day.

The mortality is very high.

Then there's the gill net fisheries. They're also bottom sets. They have a high mortality also.

I went to the turtle cemetery beach. It's an area there where the turtles wash up on the beach because of the wind and the current. It was pretty sobering. They had gathered up 86 turtles and put them in a pile. That was half of the mortality for July. To see that many almost-adult turtles dead and decaying there on the beach is a pretty sobering sight.

A year ago in August 2006 there was some heavy-duty fishing out in this hot spot that they call -- it's approximately 50 kilometers wide and 100 kilometers long. It's where the red crabs concentrate. The turtles like to feed on them.

Even the fishermen that had tried to avoid the turtles couldn't help themselves but to go out and join the fishery. They were making 100,000 pesos a week, which translates to about \$10,000. There were over 1,000 turtles washed up on the beach in the month of August.

Keeping in mind that only 10 to 20 percent of the dead turtles make it to the beach, so they have a huge mortality.

These organizations that are bringing the public awareness to the turtles to light down there, ProCaguana and ProPeninsula, are doing a wonderful job with public awareness. They're

sponsoring turtle festivals and every year they get more participation. This year was the first year that the Governor attended.

Next year the President of Mexico has said that he would come.

So the more people that you can make aware of the problems, the easier it is to bring those problems to light and to find resolutions for them.

But the publicity isn't going to fix the problem. There needs to be some serious interchanges. Although the grass roots public awareness is, of course, necessary, it has to go a step or two further and find some methods to maintain these fisheries without the interaction to all of these turtles. So the Mexican fishermen, a good portion of them, are very receptive to different ideas.

I spoke to several different groups and told them of the gear changes that we've made. They were very attentive. They were very surprised to learn that our fishery had been closed completely because of interaction with turtles. I think that they felt fear that that could happen to them also.

So I think they're receptive to different ideas. They just need to be presented. They need to be -- the solutions need to be found and then properly presented to them so that they can make the change.

I guess that's about all I've got.

Chairman Martin thanked Oldenburg for taking the time away from his livelihood to attend the Tri-National Exchange on behalf of the industry to not only share with the other fishermen, but for also carrying the things he learned back home to share.

Tulafono asked if there are conservation groups or NGOs in Mexico or Japan who are trying to educate their population about the problem. Oldenburg replied in the affirmative. In Japan there are research stations and they have a good rapport with fishermen. He witnessed two loggerheads tagged and released while he was there. Elementary schools are also actively involved.

Tulafono asked what can the Council do to provide protection for the turtles in other countries. Duenas said he thinks the Council is on the right track with its many turtle conservation projects that are sponsored, mitigation measures that have been researched, implemented and shared with other fisheries, the Exchange and Fishers Forums attended by international fishermen, among other efforts.

Chairman Martin also pointed out there's been a change in attitude of Hawaii fishermen when it comes to measures to conserve turtle populations. He feels that convincing people of the importance of conserving turtles is a bigger and more important component than the actual mechanisms implemented to do so and as Oldenburg and others go to other venues and share experiences, the attitudes of the fishermen will eventually change. It is not an easy task, but is a worthy initiative.

Polhemus pointed out that it's within the Council's purview to encourage the State Department to examine the possibility to open discussions with the governments involved.

Duerr pointed out in some countries turtles are an important and necessary food resource and adds to this complicated topic. Duerr also thinks the governments of some countries are not

responsive to the peoples' needs and is unsure how to reach those segments of population. He cited the example of the Government of Mexico who recently opened up longline fishing along the shoreline.

Dela Cruz asked what efforts are the Nature Conservancy and the Ocean Conservancy taking in regards to this problem in Mexico and Japan. Oldenburg said it was the Ocean Conservancy that is directly responsible for the Mexican fisherman giving up his deepset longline that Dalzell had mentioned, as they bought the fisherman out.

Duenas suggested creating a full-time position for Oldenburg.

10.B.7. IFF4

Eric Gilman reported: The conference is to be held the week of November 12th in Puntarenas, Costa Rica. The hosts are the Western Pacific Fishery Management Council along with the Costa Rica Fisheries and Aquaculture Institute.

Presently, 250 people are registered for the conference. It appears to be a higher attendance than at the Fishers Forums.

Participants meet to exchange views on various issues important to ensuring the sustainability of longline fisheries and fishery resources. The primary focus in the past has been on seabird and sea turtle bycatch in pelagic and demersal longline fisheries. Fishers Forum 4 will add two additional species groups, cetacean interactions in pelagic longline fisheries, as well as shark interactions in both pelagic and demersal longline fisheries.

A session on gill net fisheries, primarily artisanal coastal gill net fisheries, will be added to talk about sea turtle, seabird and marine mammal interactions and explore the state of knowledge for reducing the interactions.

A copy of the current agenda is available.

Program registration is online.

Duenas again commended Gilman and his group for the work of putting on IFF4 and for his work on sea turtle mitigation.

10.B. High Seas Bottomfish Fisheries, Northwest Pacific

Tosatto reported: Two meetings were held with participants from four countries: Japan, Republic of Korea, Russia and the United States, to talk about bottom trawling and concern over impacts on potentially deep corals and habitat damage.

The first organizational meeting made quick progress through an interim agreement pending a formal agreement for the level of activity from bottomfish fisheries that exist. In a

nonbinding commitment, the four countries agreed not to expand any of those fisheries and continue discussion toward a formal arrangement.

The second meeting led to those interim nonbinding agreements.

The third meeting will be held in Honolulu in November with hopes to progressing toward a formal mechanism.

Potential establishment of a South Pacific Regional Fishery Management Organization for nonhighly migratory species is in the discussion phase with relevant countries.

10.C. SSC Recommendations

Severance reported: The SSC calls the Council's attention to the recent average of about one million pounds of striped marlin landed by the Hawaii longline fishery, 67,000 pounds landed by the commercial troll fishery and an unknown volume by the recreational fishery.

In light of the current stock assessment of the Billfish Working Group of the ISC, the MSRA ACL requirements may necessitate a substantial reduction in these landings in the future.

The SSC heard a very interesting presentation from Dr. Seth Macinko, from the University of Rhode Island, on Rights-based Management. Macinko gave important cautions about the design of ITQ programs or Limited Access Privilege Programs, LAPPS. If they're not designed correctly initially, they can cause windfall profits to initial permit holders and they can also have substantial social and economic impacts on small-scale fishing communities when consolidation occurs.

Severance added that it was very helpful to have Macinko at the SSC meeting both formally and informally. His perspective on how other SSCs in comparison to how the Western Pacific SSC operates was very helpful.

10.D. Standing Committee Recommendations

No Standing Committee recommendations, except for noting the SSC recommendations.

10.E. Public Comment

No public comment.

10.F. Council Discussion and Action

No Council discussion or action.

11. Program Planning

11.B. Marine Recreational Information Program

11.B.1 Update on the Recreational Registry

Ebisui reported: The applicable section for the Western Pacific Fishery Management Council in the MSRA is Section 401(g). The three parts are:

- The first part is the Federal program.
- The second is the State program.
- The third is data collection.

With respect to the Federal program, the Secretary is mandated to establish and implement a regionally-based registry program for all recreational fisheries. The registry should contain identification and contact information for all of the recreational fishers. This pertains to people that fish in the EEZ or for anadromous fish or beyond the Continental Shelf for Continental Shelf species. If appropriate, vessels also using such fishing shall be registered.

The final rule for registry is to be in place by January 1st, 2009.

The act also states that there shall be no fee until 2011. This particular phrase is interpreted in Washington to mean that there will be a fee after 2011, that there will be federal recreational permits.

The second subsection has to do with SAFE Programs. This area deals with exemption from the registry if the same information is captured under any State system, including licensing or permitting system. There is no licensing or permitting system for recreational fisheries in the region at this time.

The Secretary is directed to consult with recreational fishing industry and experts to set up a program to improve the quality and accuracy of information gathered by the MRFSS survey. It goes on to say:

To the extent feasible, the program will implement recommendations from the National Research Council as contained in the review of recreational fishery survey methods published in 2006.

It goes on to direct the use of certain methodologies, such as adequate number of intercepts, correction for weather factors, et cetera, to improve the quality of information.

NMFS convened and sponsored meetings in August in Florida. The objective was to develop and implement recreational programs mandated by the MSRA.

It was quickly determined that a regional approach was preferred and best suited for this process.

The organizational structure includes:

- An Executive Steering Committee.
- A Registry Team.
- An Operations Team.
- A Communications and Outreach Team.
- Working groups dealing with Analysis, Design, Highly Migratory Species, For-hire Vessels and Data Management.

The Western Pacific Region was well represented with seventeen people in attendance at the meeting.

Since the meeting, dialogue has continued on the approach and development of the plan by e-mail. Local meetings in the region were convened to develop the registry for the Western Pacific.

For Hawaii, the group thought it reasonable and efficient to springboard off of the State and Coast Guard vessel registry. Vessel registration is a logical place to start rather than duplicating and putting additional burdens on government and the public. It can easily be determined who has a commercial fishing license and should be included in the registry.

For American Samoa, Guam and CNMI, the group is continuing to investigate the use of their vessel registry systems and work on developing a plan for recreational data collection for our region.

Deadlines for the initiative are:

- September 30th, 2007 is the deadline for selecting an approach to be used in creating the registry and adopt a development plan. This has been finalized.

- December 31, 2008 is the deadline for establishing a process for registering anglers from nonexempt states.

- January 1, 2009 is the deadline to adopt a final rule to implement the registry program and complete exemption agreements with the qualifying states and to register anglers and receive angler ID and contact information from exempted states and to begin inputting data into the new registry.

Some additional specific items discussed were:

- The Registry Team recommended that the registry would be for those fishing with hook and line or rod and reel. That would include handlining.

- It excludes presently fishing for invertebrates, such as crab. Spearfishing is also not included. Shoreline fishing is not included.

The final rule would require any U.S. resident, other than a person who holds a commercial fishing license or permit issued by appropriate regulatory authority, who is recreationally fishing in the EEZ or beyond the EEZ in certain circumstances, angling or operating a vessel that carries recreational fishing passengers for hire, and who was in possession of anadromous fish in any waters to register annually with NOAA Fisheries Service by providing ID, address, contact numbers, et cetera. A type of one-stop permitting system is now being developed.

The anglers and for-hire vessel operators would be exempt from the requirements if they hold a license issued by an exempt state. This will not be applicable to Hawaii or to other Pacific areas. Anglers under the age of 16 would also be exempt.

The fee for registering will be waived for noncommercial fishing by indigenous people. Requirements to register will not be waived.

Young reminded members that Polhemus reported that the Chair of the Board of Land and Natural Resources had not been contacted about a registration or using a boating registration, and also had expressed concerns and reservations about using the boater registration as that is not the reason it was created.

Polhemus stated, with deference to Council Member Young, an inquiry was sent in that regard on the vessel registry but the Chairperson of the DLNR said they would need more information from the Council before they could respond to that inquiry and were waiting for additional clarification.

Polhemus stated that he felt the State boater database is probably not suitable for an exemption because it registers vessels rather than anglers and for a number of other reasons would not be completely applicable as an alternative for exemption.

Ebisui agreed that it is not suitable for exemption. He added it would be easy to determine which vessels are commercial and which are recreational and the captains of charter vessels are the logical choice to provide their reporting information.

Polhemus added that the State is willing to have continued dialogue as long as there is no violation of confidentiality of information associated with DOBOR's database on whether there are ways to assess the universe of people that might need to register.

Polhemus pointed out the registration from out-of-state anglers still have to be worked out.

Duerr pointed out the bare-boat charter business also needs to be addressed.

DeMello said the PIRO Recreational Fishing Coordinator, Nicole Bartlett, related to him the Chair of the Registry Team seems amenable to considering the use of the boat registry version.

Tosatto added NMFS is working towards making it possible to submit the information online.

Chairman Martin asked if there had been an initiation of dialogue to answer some of the concerns that DLNR had expressed so that the process can move forward. Polhemus replied that the issues still have not been completely reconciled and the dialogue needs to be accelerated. Some of the delay was caused by recent personnel changes.

Duenas asked for clarification on the definition of a recreational fisherman and pointed out that the remote areas need to be considered when setting up the registry system. Ebisui said it includes even the one-time fisherman and felt the term 'noncommercial' rather than recreational would be more appropriate.

Sablan reiterated Duenas' point regarding the remote areas being difficult to access and asked if there was a timeline for beginning the registry in their area. DeMello replied there have

been efforts to get a representative out in the outer areas and hopes to have a representative at the upcoming Council meeting scheduled to be held in the Marianas and Guam.

Duerr suggested the ability to register dockside or in sporting good stores as is done in other states should be considered.

Spalding added this item came up in the Communications Team discussion. She put in a request to the Island Coordinators for a list of the sport fishing clubs in the island areas for utilization when developing the process.

11.C. Status of Hawaii Disaster Relief Program

Polhemus reported: The funds have been disbursed through the various applicants. The projects are ongoing. One applicant turned a small amount of money back. A process is being worked out on how to handle the returned funds and will be reported back when the work is completed.

Duerr asked for clarification on the report that some recipients did not receive the full amount of funds requested. Polhemus had no information regarding that. Severance clarified that the amount of money available for the nonresearch portion was not enough to fulfill all of the requests. Some requests were ranked so low that they were not fulfilled at all. Some ongoing research funds are being channeled through PFRP.

11.D. National and International Education and Outreach

Spalding reported: Education and Outreach activities that have occurred since the last Council meeting include:

- The Council is a Board Member of the National Marine Educators Association and spearheads the Hawaii group in working on the long-term strategic plan for the Association. Pacific Islander traditional knowledge is a topic being encouraged to be included. NMEA pamphlets are available. Anybody who resides in the U.S. Pacific Islands can become a member of the Oceania Chapter.

- An NMEA Conference was held in July. A presentation was delivered on the International Marine Educators Conference, which was organized and hosted by the Council. An informal meeting was held regarding forming a Traditional Knowledge Committee and the work is ongoing.

- Work is ongoing for promoting a supplement for the Pacific Island and Indigenous Traditional Knowledge to be included in the Ocean Literacy Committee.

- The International Pacific Marine Educators Network was formed at the International Pacific Marine Educators Conference. The Council hosted a committee teleconference in August. The next conference is planned for October 2008 in Australia in conjunction with the International Youth Coastal Conference.

Other outreach activities includes:

- The Marine Recreational Information Program, Communications Team.

- Work on International Year of the Reef with the Coral Reef Outreach Network for Hawaii Initiatives and the U.S. Coral Reef Task Force Outreach and Education Working Group.
- The PACON Conference was hosted by the Council and Pacific Ocean Producers and co-chairs for the Fisheries Technology session, which included six speakers and an update on fisheries technology.
- The Coastal America Pacific Region Implementation Team, working on traditional knowledge.
- A booth is planned at the National Indian Education Association Conference later this month.
- Media aspects for the International Fishers Forum.

Other outreach activities includes:

- Press releases and press conferences regarding Bellagio II on international turtle conservation strategies.
- The Western and Central Pacific Fisheries Commission, Science Committee met in Honolulu and also held a press conference with a good turnout.
- A press release was issued for the Tri-National Exchange meeting held in Honolulu.
- A Shark Depredation and Unwanted Bycatch in Pelagic Longline Fisheries publication which the Council sponsored was just released. Copies are available.
- A Pacific Magazine article on the Bellagio II will be published in November.

Progress is being made on the Council's website.

Duenas commended Spalding on the good work she's done.

11.D.1. Report of CDPP Review Workshop

Ka'ai'ai reported: The Community Demonstration Project Program became part of the Magnuson Act in 1997 and for five years had no activity. In 2002 the first Federal Register Notice was published that established the eligibility and other criteria for the program. In 2003 was the first solicitation. There have been three awards since then.

The Council received no appropriations for the program in 2005. There is hope additional monies will be available this coming year.

October 5th a Community Demonstration Project Program review was chaired by Stephen Haleck. Island Coordinators and the Program Officer from NMFS attended.

A proposal was developed for a solicitation process.

Elements in the process include:

- Increase capacity for communities to be able to apply for federal funding opportunities.
- Target those communities that normally would not be able to benefit from federal funding opportunities.
- Combine elements of the first process to have a more successful program.
- Experiment with soliciting a letter of intent from the communities instead of requiring an entire application package.

- The Council work with the communities to get complete applications sent to NMFS for screening.
- Change some of the Advisory Panel's procedures in the way they review proposals.
- Create an instruction booklet for the review.
- Set up a technical review process.
- Coordinators work with the awardees.
- More collaboration and improved communication with NMFS.
- More grant administration training for awardees.
- Create a grant workshop that would provide applicants with input on all grants and federal funding opportunities.
- Refine the process schedule.
- Improve communication between PIRO and the Council regarding the projects.

Ka'ai'ai was recently informed by the NMFS Program Officer in an e-mail that the Council cannot receive letters of intent. They must be sent to NMFS.

Other issues include:

- Developing a Best Management Practice Workshop for grantees after they receive their award to teach them about accounting procedures, reporting, interim reporting and final reporting.
- Schedule site visits one month before the interim report is due and one month before the final report is due.
- Closer coordination for the awards and dates when the funding is available.
- Training for Advisory Panel Members.
- Closer connection between the Community Demonstration Project Program and the MCP.
- Annual review of the CDPP.
- Revise grant periods, if possible.

11.E.1. Legislation, Ocean Conservation, Education and National Strategy for the 21st Century Act

Makaleu reported: Pending legislation in the 110th Congress of the United States include:

- The Ocean Conservation Education and National Strategy for the 21st Century, known as House Bill 21, was introduced by Sam Farr of California in January to establish a national policy to protect, maintain and restore healthy marine ecosystems. Some of the provisions require NOAA to reorganize itself and establishes a number of new entities, such as a National Ocean Advisor, Committee on Ocean Policy and Council Advisors on Ocean Policy, establishment of a Regional Ocean Ecosystem Resource Information System for each ocean region and establishes a U.S. Treasury Ocean and Great Lakes Conservation Trust Fund that requires payments to coastal states for development and implementation of Regional Ocean Strategic Plans.
- It includes many of the elements that are already included in the Magnuson-Stevens Act, the Reauthorization Act, Coastal Zone Management Act and a number of those statutes and legislation that relate to ocean conservation.

A letter is included in the Council briefing books that has been signed by the Regional Fisheries Management Council Chairpersons dated September 18th expressing concerns that the Council Chairpersons have with the legislation, itself, such as the creation of additional bureaucracy which may conflict with existing statutes and authorities, the duplicativeness of the creation of a new body that does the same things as Regional Fishery Management Councils or Coastal Zone Programs, and the amount of money it will take to establish these new offices, new bureaucracies and new programs and what it means in terms of diverting the limited funding available through Department of Commerce to NOAA, the Regional Fishery Management Councils, CZM, et cetera, and could it, in fact, delay implementation of current progress that has been made towards ecosystem conservation strategies.

11.E.2. Coral Reef Conservation Act of 2007

Makaiau reported: There are two bills now in the U.S. Congress, one introduced by Representative Faleomavaega of American Samoa, the other introduced by our Senator Daniel Inouye, which essentially reauthorized the Coral Reef Conservation Act of 2000.

Some of the main components include:

- Maintains the national program which currently provides funding to NOAA to do a number of initiatives; coral reef mapping, restoration projects, et cetera.
- Maintains the Coral Reef Conservation Grant Programs which states and territories receive to enhance their ability to conserve and protect coral reefs.
- Establishes new community-based planning grants which provides funds to entities to assist communities in implementing their management plans to protect coral reefs.
- Makes it unlawful to injure, take or damage coral without authorization and holds individuals liable for undertaking such activity that may damage or injure corals.
- Authorizes the U.S. Attorney General to commence civil actions against individuals, which includes confiscating of vessels, requiring them to pay for restoration or removal of vessels that accidentally ground.
- Establishes criminal penalties of no more than five years or \$500,000 for anyone who has damaged or injured corals or has done anything that is contrary to the act.

Senate Bill 1580 proposes:

- A significant increase in the amount of coral monies, \$34 million for 2008 and up to \$40 million through 2014.
- One million dollars to be appropriated to administer a marine science facility for the American Samoa Community College and also one million dollars to the University of Guam for coral reef research and coral reef conservation programs.

11.E.3. Marine Mammal Protection Act

Makaiau reported: A bill is being proposed to repeal the long-term goal of reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations and to modify the goal to take reduction plans for reducing such takes.

Some of the rationale behind the bill is if the annual removals of individuals do not exceed the potential biological removal level the species or population stock will be maintained or reach its optimal sustainable population.

The bill was introduced by Representative Don Young of Alaska, who feels requiring commercial fishermen to achieve a zero mortality goal that is equal or less than ten percent of the potential biological removal is unnecessary to achieve the goals of the act and penalizes commercial fishermen.

11.E.4. National Offshore Aquaculture Act

DeMello reported: Two bills are presently in Congress, Senate Bill 1609, introduced via a request by Senator Inouye and co-sponsored by Senator Stevens, and House Resolution 2010, introduced by Representative Nick Rahall from West Virginia and co-sponsored by Guam's Representative Bordallo.

Elements in the bills are:

- Directs the Secretary of Commerce to establish a permitting process for development and operation of offshore aquaculture in the EEZ.
- Takes offshore aquaculture out of the Magnuson.
- Prohibits facilities within 12 miles of any state that opposes the activities.
- Coast Guard may designate special zones around aquaculture facilities.
- Authorizes the Secretary of Commerce to establish and conduct a scientific research and development program to further aquaculture technologies compatible with marine ecosystems.

The Secretary of Commerce is to conduct research to reduce the use of wild fish in aquaculture feeds, which is a key point in the Council's aquaculture policy.

It also includes that the Secretary of Commerce shall consult with the councils in the development of the permitting process, reviewing the permits, identifying environmental requirements and ensuring compatibility of the EEZ use.

There was an amendment made by Senator Stevens providing for no finfish aquaculture seaward of Alaska.

Both bills have been in committee since April and June.

Another bill is being drafted by Senator Inouye that includes seafood safety of imported aquaculture fish, a new Office of Sustainable Aquaculture within NMFS that would include an advisory board and additional environmental protections.

Also provided in the bill, states would be able to approve or disapprove any permit giving the state control over offshore aquaculture in the EEZ.

The Western Pacific Fishery Management Council presently has a process and guidelines should the Secretary initiate a permitting process.

Chairman Martin stated that Council members should pay close attention to the Offshore Aquaculture Act and offshore aquaculture business and monitor its progress as conflicts may arise.

Duerr expressed concern regarding contamination of cultivated fish with wild stocks.

Tosatto added the Fisheries Service is the obvious appropriate manager of offshore aquaculture and reiterated Chairman Martin's suggestion of closely monitoring the industry.

11.E.5. Other

Makaiau reported a brief summary of the Coastal Zone Management Act which was introduced by Senator Snowe of Maine, Senate Bill 1579.

The act reauthorizes the Coastal Zone Management Act of 1972 and authorizes grants to be administered to the coastal states for development of Coastal Zone Management Programs and provides funding to do so.

The act authorizes:

- Grants to develop and implement coastal and nonpoint pollution control program and components.
- The Secretary of Commerce to make grants to states to implement Coastal Zone Management Program changes for projects that demonstrate significant potential for improving ocean resource management and integrate coastal watershed management.
- A mechanism for additional funding to be spread not only to the CZM Program but other programs, such as Department of Marine and Wildlife Resources, in all of the other island areas.
- A strong community component specified in the act for assisting communities to enhance protection of nearshore waters.
- Authorizes the Secretary to conduct cooperative programs to develop and apply innovative coastal and estuarine environmental technologies.

Polhemus asked what kind of budget was attached to the act. Makaiau replied \$90 million for 2008 and \$106 million through 2012. Another grant gets \$29 million.

11.F. Report on MSRA Workshop

Spalding reported: A Magnuson-Stevens Reauthorization Working Together on Implementation Workshop was held September 25th to the 26th. There were 125 invited people, which included NOAA personnel, fishery management councils, environmental groups, industry and some congressional representatives.

The Council had six representatives, Simonds, Martin, Duenas, Spalding, Makaiau and Bob Skillman.

Presentations were made on:

- The Magnuson Reauthorization implementation by Alan Risenhoover.
- The New SSC role by Sam Pooley from PIFSC.

- Five key issues, Determining Optimum Yield, Ecosystem-Based Management, International Fisheries, Bycatch Management, Aquaculture.
- Breakout discussion of the five key issues.
- Report on the breakout discussions.

A website was set up containing the report.

Regarding the Aquaculture Panel, there was a chart which contained their ten-year plan. The plans show in all of the categories there is a planned increase of crustaceans and freshwater fish by three to five times the amount of production in the United States and saltwater finfish by 600 times. Aquaculture is also being looked at for use in stock enhancement.

Spalding reiterated Chairman Martin's comment as to the importance of closely monitoring the development of the aquaculture industry.

11.F. Update on Status of FMP Actions

Kingma reported: The Bottomfish FMP Amendment related to the Main Hawaiian Islands bottomfish fishing:

- The comment period on the Draft EIS ended late in the summer. The Council received comments from the State of Hawaii and the EPA.
- Presently the FMP Amendment and the EIS is at the Council. The Council is addressing the comments in both documents.
- The Regional Office should receive the documents for review in the next week or two.
- Further processing and Secretarial action should be finished by the end of the year so the rule will be in place.

Bottomfish FMP Amendment related to CNMI offshore large vessel bottomfish closure:

- The Council staff has revised the document per PIRO comments. It should be to PIRO in the next week or two. That will also undergo Secretarial Review and hopefully will be implemented by the end of the year.

Pelagics FMP Amendment 15 related to squid management:

- The document had an associated EIS that looked at squid issues and also seabirds in 2005. The FMP action and document has been reviewed several times by the Regional Office.
- This summer PIRO indicated that the action needs to be revised to include permit and reporting.
- Council staff is going through the process of revising that document and associated NEPA Review to include permit and reporting.
- Council will need to take final action on that at an upcoming meeting based on the new revisions indicated by PIRO to include permit and reporting for squid fishers in the EEZ and on the high seas.

Crustaceans FMP Amendment 13 to add *Heterocarpus* shrimp to the FMP:

- The Council received comments from the Regional Office.
- Council staff is now working to incorporate those comments and also to revise MSY values based on the best available science and information.

Precious Corals Amendment 8 regarding the Au'au Channel MSY and gold coral moratorium:

- The Council staff provided the document to the Regional Office earlier in the summer.
- The Council received comments in September.
- The Council is now revising the document for PIRO's review for completeness and then transmittal to the Secretary for Secretarial Review.

Hawaii black coral minimum size:

- Review between PIRO and Council staff is complete.
- Approval and the final rule being published is pending, which is expected shortly.

Northwestern Hawaiian Islands Monument recommendations from the 134th and 135th Council meetings:

- Council regulatory amendment documents were delivered to the Regional Office earlier in August.
- Council received initial comments from the Regional Office.
- Council is incorporating the comments and looking to get the document back to PIRO in the next few weeks.

The FMP to the Fishery Ecosystem Plan update:

- Draft Programmatic EIS on the shift towards ecosystem-based management went out in March. The comment period ended in August.
- Council received comments from the Fish and Wildlife Service and EPA.
- Council is working with the Regional Office to incorporate those comments into a Final EIS that should be out within the next month or two, and also working with the Regional Office on finalizing the FEPs for Secretarial Review, which hopefully will occur in the next few months and by the end of the year.

11.G. SSC Recommendations

Severance reported: There are no SSC recommendations specific to these agenda items.

Regarding the Marine Recreational Registry Program (MRIP):

Historically, the SSC has favored things like limited entry rather than quotas. But the ACL and AM requirements of the new MSRA are leading down the road towards quotas. It's fairly clear that with certain species those quotas are going to lead to allocation. The Council really hasn't had to face the very tough, contentious and challenging issue of making allocations very frequently. When the allocations are made, it's going to be critically important to consider equity for all sectors.

Severance supports the suggestion to call these fisheries noncommercial rather than recreational fisheries and suggests that the Council should be paying more attention to the third category of subsistence fisheries.

11.H. Standing Committee Recommendations

No Standing Committee recommendations.

11.I. Public Comment

(Public comment is included verbatim)

MR. BROOKINS: Thank you, Mr. Chairman.

You have my notes so I hope I hit everything on this.

But my one little comment for this for the Council to consider is that people vote, vessels don't. In Washington, D.C. some days votes count.

The Council may be better served by a recreational database that maximizes the number of people it has registered in it rather than tries to minimize it with just listing boats. Because this Council, in particular, is going to have a hard time standing up on recreational issues against the East Coast if you don't have a long list of voters behind you.

MR. CHANDLER: Aloha. My name is Jeff Chandler.

I don't know nothing about recreational fishing. I don't know what that even means.

In my culture, I'm called a lawai'a, period.

Nothing inside here says anything about lawai'a. That is what a Hawaiian fisherman is called. It's not called a recreational fisherman.

What this government has done to us, though, forces us to be what is called by the gentleman, a subsistence fisherman. I don't know what that means.

Fishing is my life. I was born and raised eating fish, that's how my family lived. That's how my ancestors lived. So I no can understand that kind mana'o.

But I know this, any time government make rules, it takes away from me. When you take away from me, you take away from my culture.

Earlier I was hearing about turtles, yeah.

Turtle traditionally is a cultural food for us. It's a spiritual food. It's not something we catch because we like eat them or we like sell them. We eat them because it is something special and it's treated that way.

We no more can eat them today because of one law.

You have taken away -- and I'm not saying you, (laughter).

But this government has taken away a part of my culture, a part of our tradition of my culture. I thought I needed to tell you that because the turtle is about someplace else.

But there are some indigenous people, there are some indigenous people sitting here, and it's part of their culture. It's a very sacred thing. It's not something we play games with. I don't fish for games. I'm very serious about my fishing.

And don't put me in one category, yeah, with everybody else, because I am not them. We do not fish the way they fish, yeah.

I'm shore off and on all my life. I'm not trolling because I no can afford to buy one boat. So that means my family and my family's families no eat the fish from outside in the ocean because we no can afford a boat.

But there are times when I go out with my friends and fish for ahi, or whatever we catch. We use ancient technology, cultural technology. We don't use modern technology.

I prefer to do it that way. That's the spirituality of it.

Yeah, when you work hard for it and you come home and you eat (inaudible). When you partake of it, yeah, you work hard for it.

Not this kind where they get GPS or they get Finders, and you can go right over there, yeah, run right over the fish, you spot them under there, all you've got to do is stop or spin around, yeah, that's how they go fish today.

That helps in depletion of the fish stock, that's why maybe somebody came up with that recreational fishing.

But the technology today is same as the technology we have in nearshore fishing. Today, the diving equipment in the nearshore fishing, I can shoot the fish from here to over there.

Where fishing with one Hawaiian sling, then you better get about this close or closer (indicating) to catch the fish.

So I guess punish the native people, yeah.

Need to look at that technology we have.

That's what I do. I get all modern technology, but it's how I'm going to use them. Yeah, I can get them all. I can buy the spear.

I prefer not to use -- I don't even buy them. I don't buy those modern spears because I don't want to teach the next generation to use that to depend on it for food, because they will take it out. They will just take it out.

All the laws you can make and all the management you can do, yeah, no one going to stop that, because if it could and if it would, we wouldn't be here.

But it's common sense. It's a practice that has been passed down to native peoples forever. That's why they have the knowledge.

What is this, 139th meeting? You know how many thousands of meetings native people get? It's their life. It's an every day thing.

I wish there was more native people going to tell you these things I'm telling you here. It's really hard for me to sit here and wait -- you know, I like to speak on the issue. Like number ten, please, let me say something, yeah.

Because if not, if I was to go down this list, then you've got to listen to me for one hour. You know what I mean?

I tell you it's easier on us, especially native people, yeah, because this is not our practice. Maybe that's why they don't come show up.

And this shoreline thing that's coming up, we have heard that you no can and you never -- and I don't think you ever will -- fix our problem because you no can fix the one in the deep ocean, yeah, and the State no can fix the one by the shoreline, and that's why I'm here. That's why I'm in front of the State's face, to say, you know what, enough, we are going to show you guys how for do.

When I'm going to come to you, I'm going to ask you for funding.

And I like funding not next year, not one month from now. So this is the kind of things you should be working on, how you are going to take care of the native people when they need what they need.

Most of them no going to come ask you for the funding. They're just not that way. You can make promise. You can make all kind of grant (inaudible). They're not that type of people.

They weren't raised that way, to ask somebody else for give to them.

But I can tell you one thing, they know what is in their house and how for to take care of them.

It's the people that come into their house, take it, yeah.

Let me tell you this, in my house, I am first in my house. I no follow your rules. I no follow the State rules. I follow cultural rule.

If you want to call it a konohiki system, if you want to call me a chief, whatever it is, came from a culture, and that stopped a lot of people come inside just for take. Because you know what, they know we get them. They know we are -- how you call it -- we manage our way of fishing.

If it takes me for go back and spear instead of throw net, then I'm going to spear. Because for that year I'm going to save that much more fish. So if we all practice that way, yeah, every one of us, including the commercial, you will get fish for everybody.

That's all we're about. That's all we're going to do. Because all I hear, we're going to make laws, you're going to enforce.

You know, enforcement no come there. There's no enforcement.

Every island I've been to, the biggest problem again is there is not enough enforcement. That's the number one problem.

So you know what is the problem? You. I'm the problem. Because I never take responsibility of malama your aina.

Yeah, I say it's mine. We say, it's yours. We say it's ours. But are we? Are we willing to take that sacrifice? Are we willing to go over and take care?

This is something that was passed to me without even me knowing. Because you know what, we practice every day. I never knew that I was going to be here today. But now I know, and now I know why.

You need to get more meetings. You need to invite the native people so you can truly understand, brother, when I go out any way in this ocean or in the aina, I'm at home.

Anyway, mahalo.

11.J. Council Discussion and Action

Tulafono asked to consider the noncommercial aspect rather than recreational as they face the same issues in American Samoa.

Duerr said since there is lack of data, perhaps an exemption would be the way to go.

Polhemus pointed out the State has no intention of implementing a licensing program for noncommercial any time in the near future. The Federal registration requirement applies to the EEZ. Presently most of the subsistence fishermen fish from the shore.

Duenas preferred the word 'artisanal' fishermen as a way to give some cultural respect to the different island entities and the people living within them.

Simonds added that in the '80s there was a move to include the word 'artisanal' in one of the Magnuson Act Reauthorizations. She noted that the terminology can be determined as the Council's management regime is developed.

Severance pointed out the FAO has a very broad definition, which is:

Traditional fisheries involving fishing households, *per se*, as opposed to commercial companies, closed *per se*, using relatively small amount of capital and energy, relatively small fishing vessels, if any, making short fishing trips close to shore, mainly for local consumption and practice definition varies between countries, i.e., from gleaning or one-man canoe in poor developing countries ranging from a one-man canoe in poor developing countries to more than

20-meter trawlers, seiners or longliners in developed countries, artisanal fisheries and subsistence or commercial fisheries providing for local consumption or export, sometimes referred to as small-scale fishers.

Duenas moved to ask Council staff to research the definition to see how it can be better tuned for the Council's situation to be adopted as a Council resolution. Tinaso seconded the motion.

The motion was approved unanimously.

12. Administrative Matters & Budget.

12.A. Financial Reports

A set of tables and documents were provided in the Council briefing materials regarding progress reports, which include:

- The Program report.
- Financial report, which is due every six months.
- Table of Administrative Tasks.
- West Pac FIN and Coral Reef and Regulatory Streamlining.
 - Tasks regarding turtles, which shows the Council is in the third year of a five-year grant. Next year the Council will review its program to decide whether changes are called for and to develop a budget.

The 2006 audit was completed and the Council received an Unqualified Designation.

12.B. Administrative Reports

Simonds reported: The Administrative Report recaps the active grants and total budget requests and balances.

Funds were received from the National Marine Fisheries Service for bottomfish initiatives, the Science Committee meeting that was held in Honolulu, for participation at that MSRA Workshop and for the new Section 305 Marine Training Workshop.

The North Pacific Council received the same amount of money. The respective regions are working out the details.

There was a very useful meeting with the NMFS leadership where issues dealing with amendments, stock assessments and grants were discussed.

One staff member will work on a contract basis going forward. One contractor was hired as a Fisheries Analyst.

CDs were distributed at the latest SSC meeting and proved useful. A CD was also distributed for this Council meeting. Simonds invited feedback.

The FTP site will be utilized more in the future.

12.C. Meetings and Workshops

Simonds reported: Any meetings and workshops Council members would like to participate in should send an e-mail to the Executive Director.

Polhemus noted the U.S. Coral Reef Task Force summer meeting will be held in Hawaii in 2008, which is the International Year of the Reef, dates and venue to be announced. It is looking like Kona will be a possible venue, and is traditionally held in February.

Tosatto related Sam Rauch and Alan Risenhoover asked for input on the appropriate Council meetings for their attendance. Simonds recommended the June meeting.

12.D. Council Family Changes

Tulafono submitted the name of Marlowe Sabater as the American Samoa member of the SSC.

12.D.1. Noncommercial Data Advisory Group

Daizell reported: The Noncommercial Fisheries Advisory Group recommended the old Recreational Data Task Force be comprised of a total of fifteen members, six members from American Samoa, Guam and NMI, nine members from Hawaii.

Council members nominated:

- For Guam, Jesse Rosario and James Borja.
- For the Northern Mariana Islands, Ray Roberto, who's also a member of the Pelagics Plan Team.
- For Hawaii, Andrew West, a billfish scientist.
- Captain Jeff Rogers, charter fisherman.
- Captain Kent Mongrign, President of Hawaii Big Game Fishing Club.
- Mike Sakamoto, from fishing shows and columns occasionally in Hawaii Fishing News.
- Mike Buck, another broadcaster on radio and recreational fisherman.
- Bill Mossman, a recreational fisherman and a long-time small boat advocate in Hawaii.
- Roy Morioka, a previous Council member and a recreational fisherman.

A range of folks were contacted. Responses were received from:

- Captain Mike Crawford, who runs a charter booking agency in Kona. He declined.
- Jim Patterson, with Force Boats in Hilo.
- Mike Trask declined.

Noncommittal responses were:

- Mike Rand.
- Neal Isaacs.
- Clay Ching.

Three slots for Hawaii are open.

One slot for NMI is open.
Two slots for American Samoa is open.

12.D.2. Regional Ecosystem Advisory Committees

Makaiau reported no names were submitted for the Committee.

Simonds added a recommendation for a new name for the committee is also requested.

12.D.3. Council Coordination Committee

Simonds reported:

The new MSRA authorized the establishment of a Council Coordination Committee (CCC) of the Chairs, the Vice-Chairs and the Executive Directors of all of the eight councils. The Service would like each of the councils to formally establish this CCC and make it part of the Council policy. Council members will vote later in this meeting.

12.E. SOPP

DeRoma reported the SOPP is still pending at Headquarters. A uniform approach is being worked out at Headquarters.

12.F. Standing Committee Recommendations

Chairman Martin reported: A copy of the Standing Committee report was distributed.

A point of discussion was noted related to SSC membership policies, that over the course of a couple of years discussion has involved the Council designee in some instances also being an SSC member. The State notified the Council they are working on bringing another person up to speed so that the SSC member and the Council designee will not be the same person as soon as the person is made familiar with SSC and Council activities.

Council Member Gaffney had forwarded suggestions and questions related to Council activities. He was not able to attend the Council meeting although has been communicating via e-mail.

The Standing Committee chose to defer in-depth discussion of the suggestions until Gaffney could be present to participate. It was very important that he be a member of those discussions.

The Executive Director received a request from Council Member Young for some specific information. The Council will be working to provide that information in a timely manner over the next few weeks.

The Standing Committee recommendations were displayed on the screen.

12.G. Public Comment

No public comment.

12.H. Council Discussion and Action

Regarding Administration, Duenas moved:

The Council approves the Council's upcoming meetings and workshops with the following changes:

A, include the FFA, slash, FFC meeting that's going to happen in May 2008.

Also, include the U.S. Coral Reef Task Force meeting scheduled to meet in Kona in August.

Sablan seconded the motion.

Polhemus noted the Kona venue was tentative.

The motion was approved unanimously.

Duenas moved that the Council direct staff to finalize the REAC membership without changes. Sablan seconded the motion.

Young asked for clarification if Council members are also members of the REAC. Chairman Martin notified Council members are not formal members, but do participate in REAC meetings.

The motion was passed unanimously.

Tulafono moved to appoint Marlowe Sabater, DMWR Biologist, American Samoa, to the SSC. Sablan seconded the motion.

The motion was approved unanimously.

Duenas moved for Council to request NOAA GC draft a policy for addition to the SOPP to prohibit Council member designees from being appointed to the SSC. Sablan seconded the motion.

DeRoma stated this action has already been taken. Duenas withdrew his motion. Sablan withdrew the second.

Duenas moved that the Council adopt the following Council Coordination Committee language for incorporation into the SOPP, there shall be established a Council Coordination Committee consisting of Chairs, Vice-Chairs and Executive Directors of each of the eight regional fishery management councils, other Council members and staff, the Chairs, Vice-Chairs and Executive Directors shall be voting members. The six NOAA Fishery Regional Administrators are the designees or other Council members and staff shall be nonvoting members. The Council Coordination Committee shall meet from time to time as appropriate --

to discuss issues of relevance to all councils. The Council Coordination Committee shall establish subcommittees as is deemed appropriate. Dela Cruz seconded the motion.

The motion was approved unanimously.

Duenas moved the Council address the issues raised by Rick Gaffney when he's present at the full Council meeting. Dela Cruz seconded the motion.

Young pointed out that some of Gaffney's issues deal with process as well and should be addressed sooner. Chairman Martin felt there was not enough background material to address Gaffney's concerns and felt it was not appropriate to move forward with Gaffney being present to provide his input.

Young pointed out Gaffney is seeking action.

DeRoma stated Gaffney sent him a list of actions taken at the 138th Council meeting to be addressed. DeRoma drafted a table which should have been provided to the Council members with his response that these were not serious issues, such as how actions were developed during the meeting and how actions were referenced on the agenda.

Young added one of Gaffney's concerns had to do with a control date, which Gaffney does not consider insignificant.

Polhemus pointed out the control date was acted upon at the 137th meeting and that General Counsel indicated he will investigate and get back with his results. DeRoma agreed, pointing out Judson Feder was in attendance at the 137th Council meeting. DeRoma added after discussion with the Executive Director there is a proposal that will be discussed with the Council members on how to resolve that action.

Duenas stated that his understanding of Gaffney's letter is he wants the Council to reconsider actions taken by the Council. In Gaffney's absence, the Council cannot reconsider actions until the next Council meeting.

Young clarified his point as meaning the motion does not allow for action to be taken prior to the next Council meeting.

DeRoma stated he is open to having dialogue with any Council member between now and the next Council meeting. DeRoma agreed with Duenas statement, in order for the Council to change one of the actions, there has to be a motion before the full Council to reopen or amend a previous action of the Council.

Young asked for the minutes to reflect that the motion not prohibit ongoing dialogue prior to the next meeting to try to resolve and understand the issues. DeRoma answered in the affirmative, adding regardless of what the minutes say, he is happy to take any dialogue with any Council member at any time.

Duenas clarified the request was for reconsideration, not for dialogue. Whenever action is taken by the Council, it must follow procedure and no individual Council member has the authority to suspend or delete or change anything without the full Council consideration. If Gaffney wishes to change an action, it has to be at a full Council meeting.

Young added that he understands Gaffney's frustration in delays of addressing his issues. The motion says the issue will be addressed at a full Council meeting when he's present. That means it will not be addressed any other time, which is the point he is trying to make, that Gaffney wants some progress on his concerns.

DeRoma added that he thinks some of Gaffney's frustration is that DeRoma was on Reserve Duty for a few weeks, which was explained to Gaffney. Gaffney said he understood completely.

The motion was approved.

Duenas suggested deletion of the motion regarding Item 7 having to do with convening a briefing session to discuss items Council Member Young wanted to discuss. Young explained after talking to the attorney, he will make a FOIA request based on the feedback that was received from the Executive Committee, in that it was viewed as a waste of time, as the minutes reflect, and that the request was subversive. As a member of the public, Young will make a FOIA request for that information. He had hoped that as a courtesy as a Council member he would have received the information.

Duenas moved that the Recreational Task Force be comprised of a total of fifteen members, with six members coming from American Samoa, Guam and CNMI, two from each of those island areas, and nine members from Hawaii, and included the members previously discussed in the Council meeting. Sablan seconded the motion.

Sablan added that the NMI would submit a name.

The motion was approved unanimously.

13. Election of Officers for Calendar Year 2008

Duenas reported: The four Vice-Chairs from the different island areas had met briefly during lunch and submitted feedback as to their island recommendations for Vice-Chairs, which are:

- For CNMI, Ben Sablan for Vice-Chair.
- For Hawaii, Fred Duerr.
- For American Samoa, Stephen Haleck.
- For Guam, Manny Duenas.

The recommendation from the four Vice-Chairs in consultation for selection of the Chairman was Sean Martin.

Duenas moved the selection to accept the officers for calendar year 2008. Dela Cruz seconded the motion.

No nominations were offered from the floor.

The motion was approved unanimously.

Chairman Martin thanked the Council members for their continued support.

14. Other Business

Chairman Martin reported: Committee assignments were worked on and efforts were made to accommodate the Member's preferences.

Chairman Martin asked if Council members had any comments or questions about assignments or requests for reconsideration.

Young noted he is not on the Pelagics Standing Committee even though he requested it. Chairman Martin noted that was his preference also, but was not able to accommodate everybody's requests. If Council members would like to switch or in some other way accommodate the positions, he would be happy to make that change. Changes can be made as long as quorum is not exceeded.

Duerr noted that he also requested Pelagics as his preference and did not receive it.

Martin noted the State also made an argument for representation on the Pelagic Standing Committee, which was accommodated. Polhemus pointed out the State is on the Data Collection System for the Pelagics.

Chairman Martin noted that when there are significant action items usually the committee defers for the entire Council for action. Also, any members are welcome to attend other meetings that they're not members of.

Simonds announced the next Council meeting will be held in March in Guam and Saipan.

Tosatto said Bill Robinson will be back for the next Council meeting and was happy to fill in for him at this meeting. Chairman Martin thanked Tosatto for his participation.
(Meeting adjourned)