



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

**MINUTES OF THE 163rd MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

June 16–18, 2015

**Harbor View Center
1129 North Nimitz Highway
Honolulu, Hawai‘i**

Approved by Council:

A handwritten signature in black ink, appearing to be 'Ebisui', written over a horizontal line.

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



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CONTENTS

I.	Welcome and Introductions	1
II.	Approval of the 163rd Agenda.....	1
III.	Approval of the 162nd Meeting Minutes	1
IV.	Executive Director’s Report.....	2
V.	Agency Reports	
A.	National Marine Fisheries Service	
1.	Pacific Islands Regional Office	3
2.	Pacific Islands Fisheries Science Center.....	4
B.	NOAA Office of General Counsel, Pacific Islands Section	6
C.	US Fish and Wildlife Service	6
D.	Enforcement	
1.	US Coast Guard	6
2.	NOAA Office of Law Enforcement.....	8
3.	NOAA Office of General Counsel, Enforcement Section	9
E.	Public Comment	9
F.	Council Discussion and Action.....	9
VI.	Program Planning and Research	
A.	Scientific and Statistical Committee Subgroup Report on the National Standard Guidelines	9
B.	Research Priorities	
1.	Western Pacific Regional Fishery Management Council Five-Year Priorities	10
2.	Cooperative Research Priorities	11
C.	Stock Assessments	
1.	Western Pacific Stock Assessment Review Policy.....	12
2.	Review of Bottomfish Stock Assessment Update for American Samoa, Guam and the Commonwealth of the Northern Mariana Islands	12
3.	Omnibus Amendment to establish the Pacific Islands Annual Catch Limit Specification Process (Action Item)	13
D.	Evaluation of 2014 Annual Catch Limits	14
E.	Update on Fishery Ecosystem Plan Review	16
F.	Update on Fisheries Internship and Student Help Project	18

G.	Report on Joint Illegal, Unreported and Unregulated Fishing	18
H.	US Insular Areas Climate Change Meeting.....	18
I.	Regional, National and International Outreach and Education	19
J.	Advisory Group Report and Recommendations	
1.	Fishery Data Collection and Research Committee	20
2.	Protected Species Advisory Committee.....	21
3.	Advisory Panel.....	21
4.	Joint Archipelagic Plan Team.....	22
5.	Pelagic Plan Team.....	23
6.	Scientific and Statistical Committee.....	23
K.	Public Comment.....	24
L.	Council Discussion and Action.....	24
VII.	American Samoa Archipelago	
A.	Motu Lipoti	26
B.	Fono Report	27
C.	Enforcement Issues	28
D.	Community Activities and Issues	
1.	Report on the Governor’s Fisheries Task Force Initiatives	28
a.	Fisheries Development	29
b.	American Samoa Purse Seine Vessels and Western and Central Pacific Fisheries Commission Limits.....	29
c.	Update on Fisheries Disaster Relief Project	29
2.	Update on the Fagatogo Market.....	29
3.	Update on State Small Business Credit Initiative Funding for Super Alia Vessels and Local Fishery Business Development Initiatives.....	29
E.	United Nations Decolonization.....	29
F.	Education and Outreach Initiatives.....	30
G.	Advisory Group Report and Recommendations	
1.	Protected Species Advisory Committee.....	31
2.	Advisory Panel.....	31
3.	Joint Archipelagic Plan Team.....	33
4.	Pelagic Plan Team.....	33

5.	Scientific and Statistical Committee.....	33
H.	Public Comment.....	33
I.	Council Discussion and Action.....	36
VIII.	Hawai'i Archipelago and Pacific Remote Islands Areas	
A.	Moku Pepa	36
B.	Legislative Report.....	37
C.	Enforcement Issues	38
D.	Main Hawaiian Islands Bottomfish	
1.	P-Star Working Group Report	39
2.	Main Hawaiian Islands Deep-7 Bottomfish Data Workshop Report.....	40
3.	Specification of Annual Catch Limit for the Main Hawaiian Islands Deep-7 Bottomfish Fishery for 2015–16, 2016–17 and 2017–18 Fishing Years (Action Item)	40
E.	Community Activities and Issues	
1.	Council Comments on Hawaiian Islands Humpback Whale National Marine Sanctuary Management Plan	41
F.	Education and Outreach Initiatives.....	43
G.	Advisory Group Report and Recommendations	
1.	Protected Species Advisory Committee.....	43
2.	Advisory Panel.....	44
3.	Joint Archipelagic Plan Team.....	44
4.	Pelagic Plan Team.....	44
5.	Scientific and Statistical Committee.....	44
H.	Hawai'i Standing Committee Recommendations.....	45
I.	Public Hearing	45
J.	Council Discussion and Action.....	45
IX.	Protected Species	
A.	Green Sea Turtle	
1.	Status Review and Proposed Rule	47
2.	Council Comments on Proposed Rule	51
B.	Humpback Whale	
1.	Status Review and Proposed Rule	53
2.	Council Comments on Proposed Rule	54

C.	False Killer Whales	
1.	Report of False Killer Whale Take Reduction Team.....	55
2.	Council Comments on Take Reduction Team Recommendations	57
D.	Report of Scientific and Statistical Committee’s Subcommittee on False Killer Whale Stock Boundary Revision and Bycatch Proration	58
E.	Updates on Other Endangered Species Act and Marine Mammal Protection Act Actions	59
F.	Advisory Group Report and Recommendations	
1.	Protected Species Advisory Committee.....	60
2.	Advisory Panel.....	61
3.	Pelagic Plan Team.....	62
4.	Scientific and Statistical Committee.....	62
G.	Public Comment.....	63
H.	Council Discussion and Action.....	63
X.	Public Comment on Non-agenda Items	65
XI.	Mariana Archipelago	
1.	Guam	
1.	Isla Informe	66
2.	Legislative Report.....	67
3.	Enforcement Issues	67
4.	Community Activities and Issues	67
a.	Status Report on Fishing Platform	68
b.	Malesso Community-Based Management Plan	68
c.	Yigo Community-Based Management Plan.....	69
d.	Report on Indigenous Fishing Rights Initiatives	69
e.	Micronesian Fishing Community Project Update	70
5.	Education and Outreach Initiatives.....	71
2.	Commonwealth of Northern Mariana Islands	
1.	Arongol Falú	72
2.	Legislative Report.....	72
3.	Enforcement Issues	73
4.	Community Activities and Issues	73

5.	Education and Outreach Initiatives	73
a.	Report on Northern Islands CBMP meeting	74
b.	Commonwealth of the Northern Mariana Islands Joint Military Training Draft Environmental Impact Statement	74
C.	Update on Marianas Trench Marine National Monument	75
D.	Advisory Group Report and Recommendation	
1.	Protected Species Advisory Committee.....	75
2.	Advisory Panel.....	75
3.	Joint Archipelagic Plan Team.....	76
4.	Pelagic Plan Team.....	76
5.	Scientific and Statistical Committee.....	76
E.	Public Comment.....	76
F.	Council Discussion and Action.....	77
XII.	Pelagic and International Fisheries	
A.	Hawai‘i Yellowfin and Bigeye Commercial Minimum Size Limit Update	79
B.	Hawai‘i Cross Seamount Fishery Review	80
C.	Report on Hawai‘i Catch Shares Meeting	80
	<i>GUEST SPEAKER: John Henderschedt, Director, NMFS Office of International Affairs and Seafood Inspection.....</i>	81
D.	International Fisheries	
1.	Report on Purse Seine Bigeye Tuna Workshop.....	81
2.	Report on Longline Vessel Day Scheme	84
3.	Tokelau Arrangement Update.....	85
E.	Advisory Group Report and Recommendations	
1.	Protected Species Advisory Committee.....	86
2.	Advisory Panel.....	86
3.	Pelagic Plan Team.....	86
4.	Joint Archipelagic Plan Team.....	87
5.	Scientific and Statistical Committee.....	87
F.	Standing Committee Recommendations.....	88
G.	Public Comment.....	88
H.	Council Discussion and Recommendations.....	89

XIII. Administrative Matters	
A. Financial Reports	91
B. Administrative Reports	91
C. Council Family Changes.....	91
D. Magnuson-Stevens Act Reauthorization.....	91
E. Statement of Organization Policies and Procedures	92
F. Meetings and Workshops	
1. Council Coordination Committee Meeting.....	92
G. Other Business	92
H. Standing Committee Recommendations.....	92
I. Public Comment.....	92
J. Council Discussion and Action.....	92
XIV. Other Business	94
Appendix: List of Acronyms	95

I. Welcome and Introductions

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

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

Council members who were absent included William Gibbons-Fly (Department of State, Matthew Brown (US Fish and Wildlife Service (USFWS)) and Claire Poumele (American Samoa). Also in attendance were Council Executive Director Kitty Simonds, Council Scientific and Statistical Committee (SSC) Chair Chuck Daxboeck and Fred Tucher, NOAA Office of General Counsel (GC).

II. Approval of the 163rd Agenda

Moved by Seman; seconded by Sword.

Motion passed.

III. Approval of the 162nd Meeting Minutes

Moved by Sword and seconded by Seman.

Motion passed.

IV. Executive Director's Report

Simonds said the American Samoa longline fisheries in the South Pacific have weathered several years of poor economic performance due to low albacore catch rates and prices and high operating costs. At the 162nd meeting the Council approved an amendment to the Pelagic Fishery Ecosystem Plan (FEP) to promote efficiency of the American Samoa, but it appears the action will not be enough to save the fishery. The Council has asked NMFS to fast-track its review and approval, which is contingent on NMFS issuing a biological opinion (BiOp) for the fishery, which was just recently reinitiated because incidental takes of leatherback and olive Ridley turtles were exceeded in 2012. She noted the incidental take statement (ITS) for the two species of turtles is very low, one interaction over three years.

The American Samoa Government is using the Council's Large Vessel Prohibited Area (LVPA) action to support its current decolonization efforts, confusing what are two very different issues. The current atmosphere of uncertainty and mistrust is not conducive to the long-term continuity of the American Samoa longline fishery.

Simonds noted the importance of a timely review and approval of the Hawai'i fishery 2015 and 2016 Territory specification under Amendment 7 of the Pelagic FEP, as bigeye catches are extremely high. NMFS predicted the quota will be reached by mid-August, leading to an unacceptable three- or four-month closure of the fishery. The current quota is 3,550 metric tons (mt) and, in 2017, will drop to 3,345 mt. The Council will discuss reinstating the previous 2009 to 2014 catch limit of 3,763 mt, as well as the discontinuation of any further take reductions for the Hawai'i longline fishery.

It was noted by the United States at the 11th meeting of the Western and Central Pacific Fisheries Commission (WCPFC) meeting held in December 2014 that the longline conservation measure reducing longline fishing mortality had largely been met. Overall, bigeye catches have reduced by 30 percent from the 2001 to 2004 baseline. However, the purse-seine bigeye catch in the Western and Central Pacific Ocean (WCPO) has increased by 40 percent over the same baseline.

Council staff will report on several workshops and meetings hosted by the Council since the June Council meeting: the Longline Vessel Day Scheme (VDS) Workshop, which looked for solutions to reduce the incidental catch of bigeye in the purse-seine fishery around fish aggregation devices (FADs); an informational meeting in April for Hawai'i longline fishermen on the potential for bigeye catch shares in the fishery; and three additional meetings.

NMFS announced its response to the petition to delist the Hawai'i green sea turtles from the Endangered Species Act (ESA) following the 162nd Council meeting. NMFS proposed maintaining the Hawai'i green sea turtle under the ESA as threatened due to climate change threats, while at the same time proposing to list the green turtle populations in the Mariana and American Samoa archipelagos as endangered. The announcement included only one public hearing in Honolulu. In response to public requests and Territorial and Commonwealth governments, hearings are now being scheduled for American Samoa, Guam and the CNMI, with no hearings set for the Hawai'i neighbor islands. Green turtles are culturally important to all Pacific Islanders. The continued protection under the ESA without management will hurt the

populations more than benefit them. The Council will discuss response to the rule during the meeting.

The Council continues to grapple with Marine Mammal Protection Act (MMPA) issues affecting the fisheries. The MMPA requirements are excessively risk-adverse, which continues to result in an unnecessary burden on fisheries otherwise sustainably managed under the Council's FEPs. Issues that need to be resolved include lack of rigorous and frequent stock assessment surveys (despite Council requests the past 20 years), lack of realistic post-release survival rates and speculative attribution of impacts to fisheries, among others.

The Council will discuss actions from the False Killer Whale Take Reduction Team (FKW TRT) and specification of a multi-year annual catch limit (ACL) for the Main Hawaiian Islands Deep 7 bottomfish. A series of workshops will be held concerning the benchmark assessment by the Pacific Islands Fisheries Science Center (PIFSC) and will include fishermen and the Council.

The Council will also discuss an Omnibus Amendment to establish the Pacific Islands ACL Specification Process, the purpose of which is to streamline ACL specification by integrating uncertainty characterization and evaluation. The Council will conduct a series of workshops to review species complexes to re-designate some of them as ecosystem components. Harvests of the majority of these species are in State and Territorial waters. The State and Territories have been encouraged to work with the Council to look at the ACLs for these species.

The Fishers Forum will focus on Seafood Safety and Traceability. John Henderschedt, the new director of the NOAA Office of International Affairs and Seafood Inspection from NOAA Headquarters, is a special guest of the Council for the meeting. His task is implementing the action plan developed by the Presidential Task Force on Combatting Illegal, Unreported and Unregulated (IUU) fishing and seafood fraud. He and other seafood experts will discuss topics such as Hawai'i and imported fish flow and traceability. Peter Oshiro, from the Hawai'i Department of Health, will discuss the State's Labeling and Inspection Program.

Discussion

Goto said there should be a good turnout of wholesalers who purchase fish through United Fishing Agency to gain a better understanding of the Council process.

V. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Tosatto reported on rule-makings that have been put in place since the last Council meeting and those that are forthcoming. The bigeye deep-set longline fishery has been operating at a banner pace. The US purse-seine fishery in the WCPO exhausted their fishing days on the high seas and in the zones at a record pace and was closed just recently. The fishery operates on a WCPFC bigeye day limit, which was implemented just before the need to close the fishery. The same will need to be done for the longline fishery before its limit is reached.

Part of the rule-making to be published in the near future implementing or proposing the bigeye catch limit will also propose a framework that will allow WCPFC limits to be put place in a more timely way. He is aware that the Council remains interested in ensuring that NMFS fully considers measures out of the WCPFC that might be implementable via the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The WCPFC Implementing Act provides NMFS with a framework to do so, and NMFS does not want to foreclose opportunities under MSA to implement sensible measures, such as the WCPFC striped marlin limit. There is currently a status situation that the Council is addressing via MSA and ensuring the framework rule is understood going forward.

ESA compliance in the fisheries with the new listing of the Indo-Pacific scalloped hammerhead shark and the corals has been addressed by completing documents that continue authorization of the shallow-set fishery, the Marianas FEP and the American Samoa FEP. NMFS has also re-initiated consultation for the American Samoa longline fishery, triggered by the listing of the scalloped hammerhead shark and corals, as well as due to hitting re-consultation triggers.

PIRO is updating its Draft Strategic Plan. Council input was requested regarding mission and vision statements. NMFS balances the use and protection of the resources as reflected in the five goals developed by the Senior Leadership Team, with emphasis on five words chosen as the themes for the goals. The five themes are sustainable, protect, technologies, relationships and workforce. The list of goals led to objectives. Each objective will have activities and measurements. The plan is due to be delivered September 2015. There will be review by external partners this summer. It will be vetted internally to PIRO, then with PIFSC and externally from there, potentially in June. Overall, the Strategic Plan is written to the three- to five-year level, but some activities may be accomplished in shorter timeframes. An annual process will be developed, listing accomplishments, spending and travel plans, hiring and, where necessary, divisional plans to meet the objectives. He asked for the Council to submit input after the plan is ready.

Discussion

Simonds asked which division will be monitoring the progress during the review process for the PIRO Strategic Plan.

Tosatto said the review process would be more traditional than what PIFSC used, which will provide a draft plan with some target areas. Some core trigger questions for use in gauging the progress were presented: A) PIRO needs to go where? B) Is it reflected in the plan? C) Do you see yourself reflected in this plan? D) Is the last time you worked with a PIRO member included in the plan? E) Do you see your five-year research strategy in the plan, with help from PIRO to accomplish the strategy? A senior policy analyst will be hired to be the Strategic Plan lead.

2. Pacific Islands Fisheries Science Center

Chris Boggs delivered the PIFSC report for Director Mike Seki. PIFSC is reorganizing itself to become more in line with the structure of other Science Centers across the country, such

that it has a fewer number of major division levels. While the Fisheries Research and Monitoring Division and the Protected Species Division continue largely as before, a new Ecosystems and Oceanography Division has incorporated the Coral Reef Ecosystems and the Ecosystems Science Divisions. A Science Operations Division has been formed to contend with bureaucratic and technical issues because of increasingly sophisticated and complicated scientific instrumentation and techniques. The Office of Management and Information and Science Operations is another large organizational structure. Staffing and leadership changes related to the reorganization have not been finalized. A new recruitment has been undertaken for a new deputy director and interviews are under way for a Protected Species Division director. A fisheries data analyst was hired to work in the Fisheries Monitoring Division.

Science Centers have been encouraged to start doing more Management Strategy Evaluation (MSE), looking at how the policies put in place with control rules, catch limits and bycatch limits work in practice. Dr. Kyle Van Houtan was raised to the director's office level to undertake MSE.

A recent accomplishment has been the American Samoa Reef Assessment and Monitoring Program cruise, a coral reef ecosystem survey on the *HIIALAKAI*. The first leg went to Johnston, Howland, Baker and Swains Island. Legs 2 and 3 went to American Samoa, Tutuila, Rose Atoll, Ofu, Olosega and Ta'u. The return leg went through Johnston, Kingman and Palmyra. There were 60 towed diver surveys of 130 kilometers of coastline and 325 fish surveys, 180 benthic surveys and NOAA Office of Oceanic and Atmospheric Research support for ocean acidification.

In March 2015 seals were successfully rehabilitated at the Ke Kai Ola Center on the Big Island and returned to the Northwestern Hawaiian Islands (NWHI). Just recently a seal was brought back from Pearl and Hermes to the center to be rehabilitated.

The periodic Subtropical Front Oceanography Cruise was completed recently to keep track of one of the most influential oceanographic features for the pelagic ecosystems around the Hawaiian Islands. There is evidence showing that chlorophyll has declined by 18 percent and the system is becoming less productive in the spring and winter. It is not known whether it is due to global warming or a decadal scale oscillation. It will take decades to know for sure, but this particular trend is not in a good direction for productivity of fisheries, turtles or anything else.

PIFSC has been using the Modular Optical Underwater Survey System to achieve a fishery-independent estimate of abundance of bottomfish and conduct tests and calibration against the other methods in upcoming surveys.

Experts from the Mediterranean and European coast of the Atlantic were brought to Hawai'i to share experiences with how to manage, move and care for monk seals. Boggs said the meeting was a big success.

PIFSC held reef and bottomfish research workshops in Guam and CNMI. An upcoming research cruise is planned in American Samoa.

B. NOAA Office of General Counsel, Pacific Islands Section

Tucher reported on the 2012 Turtle Island Restoration Network case and the Center for Biological Diversity versus NMFS case that concerns the shallow-set fishery. NMFS had redone the BiOp, generated a new ITS and implemented that ITS as a hard cap for the shallow-set fishery, and that rule was challenged on the grounds of the National Environmental Policy Act (NEPA), ESA, Administrative Procedure Act and the special purpose permit under the Migratory Bird Treaty Act (MBTA). NMFS prevailed on all claims. The plaintiffs appealed the decision to the Ninth Circuit. The briefing has been completed and has been sitting up at the Ninth Circuit awaiting a date for argument to be heard.

The Conservation Council for Hawai'i versus NMFS case, which is a challenge to Amendment 7 and associated final rule implementing that amendment, is in the District Court. Counsel will meet with opposing counsel to propose a joint briefing to the court. A decision is expected in the early fall.

Discussion

Simonds asked if any delay in the lawsuit affect the Council's specification document.

Tucher said the Plaintiffs have not challenged the 2015 specification. Since there is no final NMFS action, it cannot be challenged. The parties have to wait for a final rule in order to file a complaint. NMFS would oppose any effort to bring the Council action into the litigation until there is a final Agency decision on that specification.

C. US Fish and Wildlife Service

No USFWS representative was in attendance to present report.

D. Enforcement

1. US Coast Guard

Deisher reported a summary of the USCG fisheries law enforcement activities in the Western and Central Pacific Region for the period of March 1, 2015, to May 31, 2015.

From February to March the USCG cutter *Sherman* patrolled the US exclusive economic zone (EEZ) around the main Hawaiian Islands, Kingman Reef and Palmyra Atoll and the foreign EEZ of the Cook Islands. It boarded three US-assisted tuna vessels and one Honolulu-based longliner and conducted four international boardings under the WCPO Fisheries Commission High Seas Boarding and Inspection scheme. No violations were noted.

From March 2 through 22, the USCG patrolled the main Hawaiian Islands, conducted 18 boardings and noted three violations for lack of a USCG-approved boarding ladder and five safety violations. No foreign vessel incursions were detected.

From March 15 to 24, the USCG cutter *SEQUOIA* patrolled the US EEZ around Guam and the CNMI. No foreign vessel incursions were detected. Sector Guam also had a patrol boat out April 16 to 23 and 27 to 30, with no foreign vessel incursions detected.

From the end of March through May 4, USCG cutter *KUKUI* patrolled the US EEZ around the Hawaiian Islands, Kingman Reef, Palmyra Atoll and American Samoa and the foreign EEZ of Kiribati. Three boardings were conducted in the Kiribati EEZ under the authority of the embarked Kiribati shiprider. One violation of Kiribati law for excessive shark fins was noted. Five boardings were conducted on the American Samoa-based longline fleet, and safety violations were noted on three. One of those three vessels had the voyage terminated due to hazardous conditions.

From April 26 through May 1 a USCG cutter patrolled the NWHI and noted no foreign vessel incursions. There were multiple C-130 patrols of the US EEZ around the Main Hawaiian Islands, American Samoa, the NWHI, Kingman Reef and Palmyra Atoll with no foreign vessel incursions detected.

Sector Honolulu has established a new process to follow up on commercial fishing vessel safety examinations that identify machinery, electrical and structural deficiencies at dockside examinations. If machinery, electrical and structural deficiencies are identified, marine inspectors would conduct a further assessment. Since implementation of the policy, there has been a 65 percent reduction on reportable marine casualties for those vessels.

Discussion

Simonds asked for clarification as to the violation for an excessive amount of shark fins, as well as to the Kiribati regulations regarding shark fins.

Deisher said she would check for the details but surmised the violation was because there were only fins onboard with no carcass.

Tosatto said there is a WCPFC measure that should apply also to vessels fishing in Kiribati waters, which currently has a 5-percent corresponding carcass rule until it shifts to fins attached within WCPFC.

Deisher said, with the Kiribati shiprider boardings, the violation was noted the way the Kiribati shiprider noted the violation. On US vessels, the specific US law would be cited.

Sword asked how many vessels conducting patrols have choppers or drones aboard.

Deisher said it depends on the aircraft availability. The *SHERMAN* and the *MELLON* are flight-deck capable, but only *MELLON* had an aircraft onboard.

Sword asked if the search was in conjunction with the aircraft flying.

Deisher said, in American Samoa, the *KUKUI* had a C-130 support while there. With the aircraft, vessel patrols become much more effective.

2. NOAA Office of Law Enforcement

Bill Pickering, from NOAA Office of Law Enforcement (OLE), reported that since the last Council meeting 87 incidents were reported to the Pacific Islands Division. Forty-five were related to protected resources, seven to the Marine Sanctuaries Act and 35 to fisheries management.

There is an ongoing investigation regarding the loss of a Hawaiian monk seal due to dog bites on Kauai.

There is one Tuna Treaty vessel with a FAD setting violation during the closure period.

Two agents just returned from Honiara, whereupon all of the observer reports of the US-flagged vessels that fish under the treaty were examined to glean violations of either setting on FADs or whales or other violations that occur that are in violation of the WCPO fisheries regulations.

Outreach was conducted regarding the Sea Turtle Recovery Program.

Regarding work with the Council, PIRO, PIFSC and the Observer Program on the use of the vessel monitoring system (VMS) and tablets for reporting catch reports, 31 longliners in Hawai'i and American Samoa remain to have installations done.

All of the Joint Enforcement Agreements (JEAs) for 2015 are out for the respective Territories, as well as Hawai'i. CNMI has returned its JEA, and they are still waiting for American Samoa, Guam and Hawai'i. Guam has been approved for a second JEA.

Martina Sagapolu is returning to Hawai'i to be the number two person in OLE. Scott Yamashita will be retiring in July. The enforcement officer position in Guam is going to be re-advertised. Nic Mitsunaga and Grant Demesillo have recently been hired in Hawai'i, as well as one supervisor.

Discussion

Simonds asked for further information about the monk seal investigation.

Pickering said there is tracking down the dogs' owners and seeing if anyone was in some way responsible for the attack by possibly enticing the dogs to attack. It involves interviewing people in the area. OLE and the State of Hawai'i Division of Conservation and Resource Enforcement (DOCARE) have to investigate as many leads as possible.

Simonds asked for more explanation in regard to the South Pacific Tuna Treaty US-flagged fishing vessels case and how it was reported.

Pickering said an observer reported the incident and it was the found by one of the OLE agents who traveled to Honiara.

Simonds asked if other countries follow the same protocol.

Pickering replied in the negative.

Simonds asked the amount of money going to each of the Territories for JEAs.

Pickering guessed that the amount of money for CNMI was approximately \$225,000 and the others amounts would be similar. He added that the American Samoa safety boat, which OLE purchased a few years ago, needed \$90,000 of maintenance. Extra money received for the JEA Program was sent to American Samoa for use in the vessel maintenance.

3. NOAA Office of General Counsel, Enforcement Section

Duane Smith reported the information is available online of the NOAA Office of GC Enforcement Section, as well as links to cases under investigation. Since the last Council meeting, there are six cases currently under review for consideration of a notice of violation assessment. Twelve cases are currently being prosecuted from the Pacific Islands Region. The first four are in the process of awaiting an administrative law judge (ALJ) decision. Regarding the fifth case, the *SAPPHIRE III*, the ALJ found the Agency had proved the offense of fishing within the Monument area and assessed a civil penalty of \$54,366.48. There are five cases in various stages of preparation going to the hearing. Two cases are still open, in settlement talks. The *VUI VUI* case was resolved since the last Council meeting.

No cases are on appeal to the Administrator. Seven cases are now on appeal to the District Court. The Agency received a favorable opinion on the *PACIFIC RANGER* case, and the respondents promptly appealed that case to the District Court after the Administrator declined to grant a Discretionary Review.

E. Public Comment

No public comment was offered.

F. Council Discussion and Action

No Council action was taken.

VI. Program Planning and Research

A. Scientific and Statistical Committee Subgroup Report on the National Standard Guidelines

Daxboeck reported that an SSC Subcommittee met in May 2015 to discuss the proposed revisions to National Standards 1, 3 and 7. The MSA is up for reauthorization, and within that there are proposed revisions to the National Standards. The date for final comments on the proposed rule changes within the National Standards is June 30. The SSC subcommittee was tasked to look at the proposals under National Standard 1, to achieve optimum yield (OY) and prevent overfishing; National Standard 3, to manage stocks as a unit ; and National Standard 7, minimize costs and avoid duplication.

Key proposed revisions to National Standard Guidelines included recommendations to establish periodic review of fishery management plans (FMPs), criteria to determine stocks requiring conservation and management, alternative status determination criteria when maximum sustainable yield (MSY) or MSY proxies are not known for data-poor stocks, use of indicator species to manage stock complexes, aggregate MSY estimates, definition of depleted stocks, multi-year approach to defining overfishing, added flexibility in stock rebuilding time and revising OY, acceptable biological catch (ABC) and ACL guidance. In summary, the National Standard revisions provide increased flexibility and accountability for the Council. The subcommittee generally supports the proposed rule change with recommendations to expand life history exemptions.

Discussion

Leialoha asked the multiple-year approach and the Maximum Fishing Mortality Threshold, if it would then fall within the depleted stock range.

Daxboeck replied in the negative, as it applies to two generations. The ABC and ACL are implied within that, but other environmental conditions are additionally depleting the stock despite the management regime.

B. Research Priorities

1. Western Pacific Regional Fishery Management Council Five-Year Priorities

Marlowe Sabater, Council staff member, presented on the changes to the five-year research priorities. Part of the annual vetting process is to review the priorities to determine if new emerging priorities need to be considered and/or old priorities need to be removed and then transmit them to PIFSC and the Secretary of Commerce. Per the MSA, each Council shall develop in conjunction with the SSC multi-year research priorities for fisheries, fishery interaction, habitat and other areas of research. These priorities need to be established in a five-year period and can be updated as necessary. After the priorities and budget are developed, they are transmitted to the Secretary of Commerce and the Science Center. The Council staff members currently monitoring the research priorities include Sabater for stocks and ecosystems, Asuka Ishizaki for protected species and Chris Hawkins for human communities.

Sabater provided a brief history, beginning with the 97th SSC meeting in which the SSC established the five-year research priorities, to the 160th Council meeting where a new set of priorities were endorsed. The latter priorities were vetted by the Protected Species Advisory Committee (PSAC), the Fishery Data Collection and Research Committee (FDRC) and the Social Science Program Committee. Concerning the population status and evaluation of risk factors affecting the fishery, the PSAC recommended adding the language to conduct research on ESA-listed corals, as well as geographic distribution of the corals. After review at the 119th SSC, those changes were endorsed. Staff is currently updating the status document to monitor progress on how PIFSC and PIRO address the research priorities. The SSC also made a recommendation to add the documentation of the Hawai'i bottomfish fishery as part of the research priorities.

2. Cooperative Research Priorities

Sabater presented the changes to the Cooperative Research Priorities as vetted through the different Council advisory bodies. There is an effort to enhance the proposal generation by developing a framework and process that would support and guide the regional working group in order to make the proposal from the Western Pacific Region nationally competitive.

The National Cooperative Research Program is administered through the NMFS Office of Science and Technology. Base funding goes through PIFSC, which funds most of the bottomfish research in Hawai'i. There is also a competitive request for proposals, which are evaluated by the Cooperative Research Working Group. Eighteen proposals are made annually in the competition. In 2012, seven proposals were recommended, and, in 2013, six proposals were recommended, none of which were from the Pacific Islands Region. In 2014, then proposals were recommended, two proposals from the Pacific Islands Region, one of which was looking at contributions of MPAs to the surrounding fisheries in CNMI and the other was advancing coral reef fish assessments in Guam.

In 2015, nine proposals were recommended, with two from the Pacific Islands Region, the main Hawaiian Islands Cooperative 'Ahi Tagging and the Development of a Relative Abundance Index for Akule around O'ahu. The second project is a collaborative effort between an akule fisherman, PIFSC and the Council to use aerial spotters to estimate biomass of fish of akule, around O'ahu.

There was no change in the American Samoa priority, which is to explore estimating productivity of FADs from fishermen-collected data.

The Mariana archipelago had three priorities: Evaluation of shark depredation occurrence in the small-boat fisheries; looking at nearshore FADs, including catches and stock structure; and improving catch by fishing location and ground-truthing the interview information using the global positioning system.

For Hawai'i, the priorities include continuation of the Bottomfish Tagging Study and doing cooperative research with bottomfish fishers and the Pacific Islands Fisheries Group to obtain biosamples for life history.

Pelagic priorities remained unchanged: a) conduct a study to determine longline post-hooking mortality of marlin and other species and b) conduct a marked-recapture study of reef and pelagic sharks in the Marianas to determine residency time and migration. A new cooperative research priority added by the PSAC is to look at the protected species bycatch reduction and engineering in the Hawai'i longline fishery.

The Plan Team made some recommendations to form a working group on cooperative research. The goal of this group is to develop a framework on how the Council, PIFSC and the fishing community would work together to develop proposals for cooperative research because the critical link for cooperative research is having fishermen involved throughout the process, including designing the study. Council staff worked with Plan Team members and the Advisory Panel to select members to be a part of the working group to develop the framework in an effort

to make the Pacific Islands Region more competitive nationally and to maximize the use of the funding for the benefit of the region.

C. Stock Assessments

1. Western Pacific Stock Assessment Review Policy

Sabater reported on the final version of the Western Pacific Stock assessment Review (WPSAR) policy regarding the review of scientific information used for fishery management reached by PIFSC, PIRO and the Council, as well as the timeline for the review and specification of ABCs for Territory bottomfish.

2. Review of Bottomfish Stock Assessment Update for American Samoa, Guam and the Commonwealth of the Northern Mariana Islands

Boggs presented the Draft Stock Assessment Update for Bottomfish Management Unit Species (BMUS) in American Samoa, Guam and CNMI, which incorporated data through 2013. The stock assessment updates retained the same general structure and assumptions used in the 2012 assessment and included projections for 2016 and 2017 for each territory. The input data used was catch and catch per unit effort (CPUE) obtained from Western Pacific Fisheries Information Network (WPacFIN) and was collected by American Samoa DMWR, CNMI Division of Fish and Wildlife (DFW) and Guam Division of Aquatic and Wildlife Resources (DAWR). The updated stock assessment results in an MSY for American Samoa of 76,740 pounds with a less than 1 percent overfished risk and a less than 1 percent risk of overfishing occurring in 2013. For CNMI, the MSY is 173,100 pounds with a 2.5 percent overfished risk and a less than 1 percent risk of overfishing. For Guam, the MSY is 56,130 pounds with a less than 1 percent overfished risk and less than 1 percent risk of overfishing occurring. In 2013 bottomfish were not overfished and overfishing did not occur in the Territories. Recent average catches are sustainable, are below MSY and are below the catch levels associated with the 50 percent risk of overfishing in the next two years.

Discussion

Gourley asked why commercial purchase data has been considered inadequate since 2005 and if there is information collected from the commercial federal logbooks.

Boggs said participation dropped significantly during that time in CNMI in the commercial receipts data collection efforts. Very few federal logbooks are being filed and could be used in the next benchmark stock assessment. Efforts are ongoing to increase participation in the submission of data.

Gourley noted the small number of fishermen who submit federal logbook data.

Seman said it is now mandatory to submit commercial sales data and the situation has been improving since 2012

3. Omnibus Amendment to Establish the Pacific Islands Annual Catch Limit Specification Process (Action Item)

Sabater presented options to the Council on establishing a Pacific Island ACL specification process. This is an opportune time to revisit the ACL specification process given that the Council has almost four years of experience in managing the stocks under a catch limit regime. This amendment would cover actions to enhance the generation of scientific information; review of the scientific information and determinations of best available science; enhance the characterization of uncertainty by building the evaluation in the data and model workshops; restructure and build flexibility in the P-Star and social, economic, ecological and management uncertainty (SEEM) analysis; and reduce management unit species (MUS) in the fishery by re-designating some as ecosystem components.

The purpose and need of the amendment are a) to streamline the ACL specification process by integrating assessment generation and uncertainty characterization in assessment generation workshops; b) to connect the different stages of fishery management, such as data evaluation, analysis and assessments, review and best scientific information available determination and fishery management decisions; and c) to enhance efficiency of fishery management decisions.

The first proposed action calls to establish a process for generating scientific information and review for fishery management. Currently, there are very limited institutional capabilities. The Council's only science provider has limited resources for science. There is a need to diversify the source of science available to the Council. Pros for the action include a) formalize the data evaluation, b) formalize the model selection process, c) flexibility to outsource additional technical resources, d) augment current limited technical resources and e) enhance transparency and increase buy-in from the fishermen and communities. Cons for the action include a) will make the process a federal requirement, b) decentralize the science enterprise and c) may result in conflicting science and increase transparency is intangible.

The second action is to integrate the uncertainty characterization in the workshop process. Currently, there are too many moving parts in the ACL specification and the Council is stuck with the P-Star and SEEM analysis, as codified in the FEP. Other management action evaluation methods need to be explored, such as MSE. Pros for this action include a) no need to create ad hoc groups; b) integrate the uncertainties in the data and model workshops, which would enhance efficiency; c) decodifying the P-Star and SEEM would allow for exploration of other methods; d) quantification of uncertainties will also be documented in the workshops; and e) consistent uncertainty score would be generated as long as the data is used. Cons for this action include a) not all stocks will have a data and model workshop and b) would involve a separate process or it would force those stocks to undergo a data and model workshop.

The third action is to designate ecosystem component species. Currently, there are too many species categorized as 'in the fishery'. This dilutes the limited resources in specifying hundreds of ACLs and there is a lack of interest in the local fishery agencies to adopt ACL management. The pros for this action include a) reduce the number of MUS; b) increase focus on MUS that matter; c) enhance data collection and research for those MUS; and d) continue to

monitor the MUS. The con for this action is pressure to generate assessments and improve monitoring would diminish.

Sabater presented two options for the Council to consider: Option 1: If the Council sees the merit in pursuing these actions, the Council can then direct staff to explore and develop the options for Council's consideration at its March 2016 meeting; and Option 2: If the Council thinks that the current system is satisfactory, the Council can choose not to pursue that three actions and staff will no longer explore the actions further.

Discussion

Tosatto suggested breaking the last action into two pieces to be treated differently. Dealing with the MUS needs to take into consideration how to apply the National Standards and how to deal with the MUS, which is different from the stock assessment process and dealing with uncertainty. The first action included items that are not the Council's job but rather the responsibility of PIFSC, such as the integrity of the stock assessment. NMFS is the science provider and wants to avoid dueling science. Determining the best available science and status determinations are NMFS decision. A suggested third option consisted of separating the MUS item and making quicker progress while ensuring all issues are being addressed.

Simonds said the topic is overdue for discussion and she would like to see improvement going forward. It is understood that NMFS makes the final decision on many things. Using the same model for the last years for all Territories is good when considering the process as it exists. In the last decade or more there have been many problems in regard to stock assessments, including the system for providing funds for stock assessments. The Council is interested in stock assessments for whatever species that are deemed important to the Region. If PIFSC is unable to do the assessment, the Council should be able to look at other means of acquiring the assessment. She is looking forward to changes in innovation and the new regime at PIFSC. The Council is aware that NMFS is going to be making the final decisions, but it does not preclude the Council from looking at what else may be available.

Tosatto noted that Simonds' comments support the first step to begin prioritizing MUS. With the ACLs, dealing with the MUS is priority, not dismissing all of the other listed items.

D. Evaluation of 2014 Annual Catch Limits

Sabater presented the Plan Team's evaluation of the 2014 catch to the established ACLs. The Council was tasked with the review of the Plan Team's Assessment of the 2014 catches to the established ACL.

For American Samoa, no ACLs of any MUS were exceeded last year. Catches are higher, which is attributed to the American Samoa Fuel Subsidy Program, which provides fuel for fishermen to go out to fish and in return provide DMWR with data. For Guam, only one MUS complex exceeded the ACL, the Kyphosidae. Last year landings are approximately 14,871 pounds, which exceeded the ACL by as much as 1,624 pounds. However, last year data have suspected technical errors in the data entry and data expansion problems. For CNMI, no ACLs of any MUS were exceeded in 2014. For Hawai'i, five MUS complexes were exceeded by the ACL

in 2014; surgeonfish, squirrelfish, mollusk, parrotfish and crabs. This may be due to continuous improvements in the reporting. The five families are highly targeted species in the commercial fisheries. With surgeonfish and parrotfish the overage is lower but still above the ACLs. Only one out of the five MUS had an increase in fishing licenses.

In summary, the 2014 catches are lower than average, except for crustaceans in terms of fishing effort. The 2014 fishing effort is lower than average, except for surgeonfish. Fishery participation is lower than average. The 2014 CPUE is higher than average, except for crustaceans.

Discussion

Gourley asked if other information is used besides the creel survey data to determine ACLs.

Sabater said the initial year specification in 2012 used only creel survey data and the 75th percentile of the entire catch time series. The Council recently made a multi-year specification for the coral reef MUS using a model-based approach using other datasets. Aside from creel survey data, vendor reports and some biomass data were used in the biomass-augmented catch MSY model. In the recent year the Council used the same model to specify ACLs for four years. In regards to the biosampling data, this Council wishes to explore the dataset further to recalibrate or back-correct some of the creel survey data, especially for species resolution and amount of landings. The market data has a potential for being used for ACLs, as some numbers, such as for the spear fishery, are much higher than what is in the creel data. Efforts are ongoing in exploring ways to incorporate that data stream into the creel survey expansion.

Gourley said his opinion is that the creel survey data completely misses the spear fish industry. He noted frustration in the lack for progress in moving forward to get real data for the assessments and improve the ACLs.

Sabater said it would be useful if the species composition data from the spear fishery in the jurisdiction could be used to find a ratio that would enable reallocating the large amount of other fish into their proper complexes and then have the model rerun with the reconstituted data.

Gourley said the biosampling data is collecting from 12 to 40 percent of the reported landings. He suggested it could be done by breaking the biosampling data out by some sort of species of the catch for the month.

Sabater said the Council has made several recommendations regarding that in the past as well as the use of length/weight data generated by the biosampling to re-estimate individual fish weights because the new A and B values are more localized and specific to each jurisdiction that has biosampling. The recommendations were submitted to PIFSC, but there has been no response to those recommendations.

Ochavillo noted the spear fish catch is being grossly underestimated from American Samoa, which has implications for the ACLs.

Simonds asked how the data submitted from the government fuel subsidy program work with the creel survey.

Ochavillo said, when the subsidy program started, he informed WPacFIN to look at that, because it is a change in protocol and has implications on how the data is expanded. He noticed that all of the numbers are really high. Probably what is happening is everything is being expanded and overestimating is occurring for some of the fisheries. It is something that needs to be looked at.

Simonds asked how the data from the different programs can be meshed since one is actual data and one is expanded data.

Ochavillo reiterated it is something that needs to be reviewed.

Sabater said the fishermen participating in the fuel subsidy program do not have a separate reporting form; it is the same as used in the creel survey.

Ochavillo affirmed the same survey form is used.

Simonds asked how the recreational information is collected, on what basis and are the fishermen called or if they are expected to call in.

Ochavillo said there is weekly reporting. The fishermen are called, but are sometimes missed. It is something that could be improved to collect better data.

Simonds said the local agencies need help in collecting data.

Sword agreed, especially in the outlying areas. He noted a need for more outreach to get them to sign up and give their numbers to try to capture the data in the outlying villages. The gaps in data collection when people are out of the office need to be filled.

Duenas asked where the funds come from for the fuel subsidy program.

Ochavillo said he understood that the funds come from the local funds, meaning the tax.

Gourley said he has spoken with PIFSC about sponsoring a Regional Biosampling Workshop to bring the three biosampling groups from the region to discuss their challenges and lessons learned to help improve data collection in the region

E. Update on Fishery Ecosystem Plan Review

Hawkins presented a brief update on the activities since the 162nd Council meeting with regard to the Council's recommendation for staff to revise the FEP outline to address internal and external critiques related to information, process and modus operandi, which means improvements to the FEPs and the improvements to the Council's annual Stock Assessment and Fishery Evaluation (SAFE) reports, with a focus on a) improving FEP layout; b) describing fisheries and their management, including operating procedures; c) incorporating ecosystem elements that Council feels are regionally important; d) removing background

ecosystem information to an ecosystem resource document or the annual reports; and e) pointing to annual reports and other documents for up-to-date information or other detail, as appropriate.

The FEP review focused on incrementally improving the ability of the plans and the capacity of the Council and partners to comprehensively manage pelagic and archipelagic fishery ecosystems. The Council's FEPs are five years old. This is an opportunity to update program plans, expand and refine management objectives, and strengthen the ecosystem management framework that the FEPs established.

With regard to the Council annual/SAFE reports, new NMFS SAFE report requirements include a) criteria to determine stock status for stocks and stock complex in the fishery; b) overfishing limit and allowable biological catch; c) measures to prevent overfishing and achieve rebuilding targets; d) data collection, estimation methods and consideration of uncertainty in formulating catch specification recommendations; e) the best scientific information available in support of management measures necessary to rebuild an overfished stock or stock complex; f) information on sources of fishing mortality, both landed and discarded, including commercial and recreational catch and bycatch in other fisheries and a description of data collection and estimation methods used to quantify total catch mortality; g) information on bycatch of non-target species for each fishery; and h) explanation of information gaps and the highlighting future scientific work needed.

In addition to existing and new SAFE report requirement, the Council has identified additional items to be monitored via its annual/SAFE reports include protected species interactions, climate change indicators, social and economic data, traditional and local ecological knowledge, marine spatial planning and human uses of the maritime environment.

Next steps for the FEP update are to specify new and/or expanded objectives and develop the living FEP process and responsibilities. Next steps for the annual reports are to finalize new contents and process, confirm roles and responsibilities, and fill in data gaps related to methods and costs.

Discussion

Tosatto asked if the Council is expected to make decisions along the lines of recommendations. He voiced support for many of the aspects of the presentation, pointing out that the devil is in the details. He suggested that a living document plan is needed, which is a significant undertaking and requires staff time. This is a large change and will require resources. He expressed concerns on how the roles and responsibilities would be accomplished. He said he can see a long-term success in a Plan Team that is focused only on writing an annual report every year, but they're not going to be deliberating as a Plan Team what that report is saying, and that's where the Plan Team has to concentrate. It may be worth the effort to get it right once and to look at how to make the updates semi-automatic. The Plan Team needs to be looking at the outcomes and what the management needs are and then get recommendations before the Council.

Gourley said he understood that there is no action to be taken at this time, but discussion is appropriate.

Ochavillo asked for clarification as to the timeline of the new format.

Hawkins replied that, once an outline is determined, the Council's five FEPs could conform to it rather quickly. He predicted drafts by the end of 2015. It is hoped that the 2016 annual SAFE report conforms to the new outline and will have most of the data points.

Simonds said her response to Ochavillo's question is as soon as possible.

F. Update on Fisheries Internship and Student Help Project

Joshua DeMello, Council staff member, presented an update on the Council's Fishery Internship and Student Help Project. The purpose of this project is to provide a formal student assistance program for the Council with the goals and objectives to increase local fisheries management capacity, more participation in the management process, increased local understanding of the Council process and increased Council productivity. Since the March Council meeting 17 applications were received from students in American Samoa, Guam, Hawai'i, CNMI, and as far away as New York and Norway. Two students were selected based on their ability to live in Hawai'i and were chosen by their mentors.

The first internship recipient was Kyle Brandt, a University of Hawai'i at Manoa student in natural resource and environmental management. Hawkins is his mentor. Brandt's responsibilities include working on the status of Council action items, the FEP ecosystem resource document and the National Standard 10 safety-at-sea in the amendment package.

The second intern was Zach Yamada, a marine biology student at Hawai'i Pacific University. His mentor is Mark Mitsuyasu, the Council's program officer. Yamada's responsibilities include history of bottomfish management, assisting with the Council's Hawai'i high school summer course and the yellowfin tuna market surveys.

The Council will hear another update at the Council October meeting. There are plans to continue the project in 2016 and expand it to Saipan and American Samoa, pending funding.

G. Report on Joint Illegal, Unreported and Unregulated Fishing

This item was deferred to the Pelagic and International Fisheries agenda section.

H. US Insular Areas Climate Change Meeting

Sylvia Spalding, Council staff member, reviewed highlights of the US Insular Areas Climate Change Stakeholder Meeting held on June 4 and 5, 2015, in Guam. The event brought together federal officials; state/territorial officials from the US Pacific Islands and US Virgin Islands; US freely associated state officials; and representatives from higher education institutions and nongovernmental, regional and international organizations. The US Department of the Interior's Office of Insular Affairs organized the event. Council staff presented on the Natural and Cultural Resources Management Panel. The focus of the meeting was to gain an understanding of where local agencies are in terms of climate change and determine where the federal agencies can help. One goal is for the Territories to complete vulnerability assessments by 2016 in order to help local and federal governments to plan and leverage funding, including

\$7 million that is in the President's budget. The Territories were asked to prioritize their needs when requesting funds.

Spalding reviewed some of the highlights from the Territories. American Samoa has grants to drill for geothermal. There are plans to make Manua 100 percent renewable. Ofu would acquire a hybrid system, potentially saving 85 percent by using solar. The end goal of the project is there would be no more need to ship fuel to Manua or Ofu. CNMI has completed its vulnerability assessment by using a community-based model being used in Africa. They also have a Farmers Cooperative Association Renewable Energy Project. On Guam, the Memorial Hospital has a solar project. There is a wind pilot project. The University of Guam (UOG) has a certificate program in climate change. The Guam Community College has a certificate program for climate change also.

Spalding shared a few interesting points made by some of the invited speakers. For example, the vulnerability assessment identifies the most vulnerable areas, but is not necessarily what is the most important to the government or community. A holistic approach merges the risk assessment of episodic events and climate change. The Federal Emergency Management Agency has a pre-disaster mitigation and flood mitigation grant that is now open for the insular areas. There is no cost match, but only one agency per area can apply. The US Army Corps of Engineers pointed out that they do water resource projects and have historic information that can be accessed. The military noted that climate change considerations can be included in ongoing projects, for example, in the construction of schools making them double as storm shelters.

Next steps are for all sectors need to interconnect as climate change is a health issue, a financial issue, a natural and cultural resource issue. Projects should be coordinated so there is capacity building and the work of different entities complement rather than compete with each other. There are tools available, but they need to be refined to island scales. It is important to move forward even if the polices are not in place.

I. Regional, National and International Outreach and Education

Spalding reported that Council staff attended two events in Washington, DC, in May 2015 as part of the National Heritage Month for Asian American and Pacific Islanders. They were the White House Summit on the Asian Americans and Pacific Islanders and the 2015 Congressional Symposium for Asian American Heritage Month, organized by the Congressional Asian Pacific American Caucus (CAPAC). The White House Initiative was a two-day event, which seemed to be dominated by Asian Americans, with the Pacific Islanders providing the entertainment. One highlight of the Summit was a brown bag lunch in which participants met together in various groups to discuss top priorities, such as disaggregating the census so that the various groups that fall under the category of the Pacific Islanders can have appropriate access to needed services, such as educational scholarships. One note of interest at the 2015 Congressional Symposium for Asian American Heritage Month was the Symposium's handout that provided the CAPAC blueprint on civil rights, economic development, education, health care, housing, immigration, veterans and armed forces. Other priorities were included, such as federal recognition for Native Hawaiians, support for Guam World War II Loyalty Recognition Act, support for equitable treatment for the US Territories and other topics.

The Blue Vision Summit was also held at the same time in Washington, DC. It was organized by non-governmental organizations (NGOs). The session on fishing focused on aquaculture. Other issues focused on offshore oil, IUU fishing and plastic pollution. There was also a Global Leadership Forum at the National Geographic Building. The National Geographic, NOAA, the NGOs and foreign countries are working together to make more large marine protected areas (MPAs) in the high seas areas. Summit participants also attended the Eighth Annual Peter Benchley Ocean Awards Ceremony, at which Nainoa Thompson of the Polynesian Voyaging Society was a recipient of an award.

Spalding also reported that the NOAA Climate Science Strategy is being finalized and is to be published as a NOAA Technical Memorandum, expected to be completed in July. The NOAA Marine Fisheries Advisory Committee incorporated the recommendations of the Climate and Marine Resources Task Force in the MAFAC recommendations that were forwarded to NOAA on the strategy.

The Council's spring newsletter was distributed by direct mail and e-mail and is posted on the Council's website. TV and radio public service announcements (PSA) on the Fishermen Code of Conduct are being produced in English, Samoan, Hawaiian, Refaluwasch, Chamorro and Chuukese. Spalding shared examples of the PSAs.

J. Advisory Group Report and Recommendations

1. Fishery Data Collection and Research Committee

Sabater reported the FDCRC recommendations as follows:

Regarding data collection improvements, the FDCRC recommended the Council work with DMWR, Hawai'i Division of Aquatic Resources (DAR), DAWR and DFW to prioritize the spear fishery in the American Samoa, Guam, CNMI and Hawai'i data collection.

Regarding data collection improvements, the FDCRC recommended the Council work with a statistician to explore the use of statistical models to evaluate appropriate sampling levels for commercial vendor reports and surveys.

Regarding data collection improvements, the FDCRC endorsed the draft proposals of the Technical Committee generated to facilitate fisheries data and data collection improvements as described in the Strategic Plan.

Regarding data collection improvements, the FDCRC recommended the Council explore the use of and applicability of Shiny App and R package to enhance the summarization of analytical and information dissemination capability of DFW, DAWR, DAR, DMWR and the Guam Bureau of Statistics and Plans (BSP).

Regarding data collection improvements, the FDCRC recommended the Council direct staff to investigate data collection from existing programs and quality of data collected regarding the import/export and local production information from American Samoa, Guam, CNMI and Hawai'i.

Regarding data collection improvements, the FDCRC recommended the Council to continue to work with PIFSC, DAR, DAWR, DFW and DMWR in augmenting the current process for accessing confidential data for fishery data analysis for Council decision-making, supporting the State, Territories, Commonwealth data analysis needs and analysis for data collection improvements.

Regarding data collection improvements, the FDCRC recommend the Council request NMFS to provide a regional competition for funding to be administered by the regional offices. This would ensure that the needs of the region are accounted for and addressed in the funding process.

Discussion

Simonds said the Council has tried to get Headquarters to explore funding programs from a regional point of view, in particular, the Saltonstall-Kennedy (SK) Program. Council staff compiled a list of improvements to the SK process for submission to Headquarters via the Council Coordination Committee (CCC). Otherwise, the Council will never be successful. People were asked to review fisheries that they know nothing about with no Regional Councils' research plans available for review. She favored the recommendations being distributed for Council members' perusal.

Tosatto voiced support for Simonds' comments, pointing out that the SK Program, overall, is changing and improving, although not in the regional nature possibly due to legal interpretations of the law. He encouraged the Council to make its views known as it is the opportune time. He spoke optimistically to the current round of SK outcomes.

DeMello offered insights from his experience at the recent FDCRC meeting. He said he learned a lot about fisheries that he had no knowledge of before the meeting. The proposals are so diverse that one must be well versed. The makeup is not as balanced as it should be as far as regional representation. More explanation of the review process is needed, such as the ranking priority. The regional approach is the most important improvement, as it relates to all regions.

Simonds looked forward to the CCC developing a recommendation in the upcoming meeting in Florida.

Gourley asked if the Shiny App is considered user-friendly.

Sabater said the Shiny App software is free and available to everyone. It is programmable and designed to be user-friendly. A complex programming background is not needed.

2. Protected Species Advisory Committee

There were no PSAC recommendations regarding the Program Planning agenda item.

3. Advisory Panel

Guthertz presented the Advisory Panel recommendations as follows:

Regarding Program Planning research priorities, the CNMI Advisory Panel recommended a tagging project for skipjack.

Regarding Program Planning research priorities, the CNMI Advisory Panel recommended the Council include projects that provide technical assistance for local fishery agency personnel.

Regarding the American Samoa FEP research priorities, the American Samoa Advisory Panel supported the cooperative research priorities listed under the American Samoa and the Pacific Pelagic sections, as well as the ranking given to those priorities.

Regarding the American Samoa FEP research priorities, the American Samoa Advisory Panel supported the research priorities included in the Council's five-year research priorities document and recommended that the Council make adjustments to the rankings of the following priorities: a) Stocks research priority #5 be ranked higher; b) Ecosystem research priority #7 be made the #1 priority; and c) Human communities priorities #10 and #14 be ranked higher.

Regarding Cooperative Research Priorities, the Guam Advisory Panel agreed with the current cooperative research priorities and strongly endorsed the Mariana archipelago shark study.

Regarding the Council's Five-Year Research Priorities, the Guam Advisory Panel agreed with the current priorities and endorsed the ranking.

Regarding Cooperative Research Priorities, the Hawai'i Advisory Panel agreed with the cooperative research priorities and recommended the Council adopt these priorities and develop a plan for addressing them.

Regarding the Five-Year Research Priorities, the Hawai'i Advisory Panel stressed the importance of the genetic connectivity priorities and suggested adding a priority to determine the impacts of tourism on nearshore fisheries. The Advisory Panel agreed with the five-year research priorities with the addition and recommended the Council adopt these priorities and develop a plan for addressing them.

4. Joint Archipelagic Plan Team

Sabater reported the Joint Archipelagic Plan Team Recommendations as follows:

Regarding the Cooperative Research Program, the Joint Archipelagic Plan Team recommended that the Council endorse a Plan Team Working Group to develop a Cooperative Research Planning Implementation Framework. The working group would be comprised of the following members: Ochavillo (American Samoa), Jay Gutierrez (Guam), DLNR DFW staff (CNMI), DLNR DAR staff (Hawai'i), Sabater (Council), Brian Langseth (PIFSC) and staff (PIRO). The working group would present the Framework at the Plan Team's 2016 meeting.

Regarding essential fish habitat (EFH) and habitat areas of particular concern (HAPC), the Joint Archipelagic Plan Team recommended that the Council endorse a Plan Team working group on a HAPC process. The working group would produce a report exploring HAPC designation options for the Western Pacific Region within a year. The working group members would be Alice Lawrence or Mareke Sudek (American Samoa), Brent Tibbatts (Guam), Sean McDuff (CNMI) and Sam Kahng (Hawai'i) with support from PIFSC staff and Al Everson from PIRO.

Regarding data collection, the Joint Archipelagic Plan Team recommended that the Council direct staff in collaboration with WPacFIN to explore the effects of the Fuel Subsidy Program on the estimation of total catch, which could affect the management of the stock through ACLs.

5. Pelagic Plan Team

The Pelagic Plan Team recommendations were deferred to the Pelagic and International Fisheries agenda item.

6. Scientific and Statistical Committee

Daxboeck presented the SSC recommendations as follows:

Regarding the review of the Bottomfish Stock Assessment Update for American Samoa, Guam and the CNMI, the SSC recommended that PIFSC assess separately the shallow-water and deep-water bottomfish MUS complexes.

Regarding Five-Year Research Priorities, the SSC endorsed a change to one of the research priority: Population and status assessments and evaluation of risk factors affecting stock recovery. The following words were added: Research to augment the knowledge regarding biogeographic distribution and abundance of ESA-listed coral species is also needed, with particular priority placed on areas potentially affected by the American Samoa and the Mariana FEP fisheries.

The SSC also recommended a new research priority in response to earlier comment public comment. The new research need is a study and documentation of the history of the Hawaiian bottomfish fishery, particularly high-liner performance.

Regarding cooperative research priorities and framework, the SSC endorsed the addition of Cooperative Research Priorities.

Daxboeck added that the SSC did not endorse the recommendation to conduct tagging of yellowfin and bigeye tuna in the CNMI. Although information could be gained by a tagging program on skipjack tuna, particularly in collaboration with other organizations, budgetary and other constraints make that study impractical in terms of the large scale needed and in terms of the boats and the bait needed. It is fiscally impractical at this time.

K. Public Comment

No public comment was offered.

L. Council Discussion and Action

Regarding research, the Council directed staff to incorporate the changes and recommendations from the various Council advisory groups, SSC and Advisory Panel and send the updated Five-Year Research Priorities to the Secretary of Commerce and NMFS.

Regarding research, the Council directed staff to send the updated cooperative research priorities to NMFS. The Council further recommended staff to develop the regional framework for the generation and review of the cooperative research proposals and the implementation and monitoring of the projects.

Regarding research, the Council endorsed the formation of a Plan Team Working Group to develop a cooperative research planning and implementation framework. The working group will be comprised of the following members: Ochavillo (American Samoa), Gutierrez (Guam), staff from DFW (CNMI), staff from DAR (Hawai'i), Sabater (Council), Langseth (PIFSC) and staff from PIRO. The working group will present the framework at the June 2016 Council meeting.

Moved by Sword; seconded by Rice.

Motion passed.

Regarding stock assessments, the Council directed the Council WPSAR coordinator to work with his counterparts to plan and convene the Tier 3 WPSAR of the Draft 2015 Bottomfish Stock Assessment updates for American Samoa, Guam and CNMI. The Council further recommended the SSC to convene a special session to finalize the review and make a recommendation of best scientific information available prior to its 120th meeting.

Regarding stock assessments, the Council directed staff to convene a P-Star and SEEM Working Group meeting to re-evaluate the scientific and management uncertainties in order for the Council to specify the ACLs at its 164th meeting in October 2015.

Regarding stock assessments, the Council directed staff to further explore and provide the Council with details in improving the ACL specification process through an Omnibus Amendment of the Fishery Ecosystem Plan to include a) establishing a process for generating scientific information to support fishery management; b) improving the efficiency of the uncertainty characterizations by incorporating it in the workshop process; and c) reclassifying MUS into ecosystem components.

Moved by Sword; seconded by Seman.

Motion passed.

Tosatto recommended inserting the word determination in place of the word recommendation.

There were no objections by the maker of the motion and the second.

Daxboeck noted the SSC proposed members for those working groups.

Gourley said it would be easier to leave the names out at this time.

Regarding data collection and data collection improvements, the Council directed staff in collaboration with WPacFIN to explore the effects of the Fuel Subsidy Program in American Samoa on the estimation of total catch, which could affect the management of the stock through ACLs.

Directed staff to work with DMWR, DLNR-DAR, DAWR and DLNR-DFW to prioritize the spear fishery in American Samoa, Guam, CNMI and Hawai'i for data collection improvement.

Directed staff to work with the statistician to explore the use of statistical models in order to evaluate appropriate sampling level to improve commercial vendor reporting and surveys.

Endorsed the draft proposals the FDRC Technical Committee generated to facilitate the fishery data and data collection improvements as described in the Strategic Plan.

Directed staff to explore the use and applicability of the Shiny App and the r analytics package for implementation in the State/Territories/Commonwealth to enhance the summarization analytical and information dissemination capability of DLNR-DFW, DAWR, DLNR-DAR, DMWR and BSP.

Directed staff to investigate the data collection from existing programs and quality of data collected regarding import, export and local production information from American Samoa, Guam, CNMI and Hawai'i.

Directed staff to continue working with PIFSC, DLNR-DAR, DAWR, DLNR-DFW and DMWR in augmenting the current process for accessing fishery data analysis, including confidential data, for Council decision-making supporting the States/Territories/Commonwealth data analysis needs and analysis for data collection improvement.

Requested NMFS to provide a regional competition for funding to be administered by the Regional Offices. This would ensure that the needs of the region are accounted for and addressed in the funding process. The Council further recommended NMFS continue to utilize the MSA-mandated Regional Fishery Manage Council Five-Year Research Priorities for SK funding priorities.

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

Seman suggested being consistent in the list of agency names in the recommendation.

Simonds suggested inserting the words, continue to, in the recommendation regarding utilizing the five-year research priorities, as that is what it was based on.

Tosatto nodded.

Miyasaka asked for more information on the recommendation in regard to augmenting the current process for accessing confidential data working with staff.

Sabater said, during the recent FDRC meeting, Reggie Kokubun recommended consulting with Miyasaka about working with the State of Hawai'i Attorney General so the Council could be given access to the fishery database, similar to the agreement NOAA has, to minimize data requests.

Simonds pointed out that the Council is directing staff to work with all agencies to see if agreement can be accomplished.

Miyasaka clarified his understanding is that it is regarding working with and not necessarily the end result of a collaboration. He said he preferred having discussion with the Attorney General's Office and would abstain from the vote.

Simonds said, if he is uncomfortable, that would be fine, but the recommendation is just to work to accomplish the agreement.

There were no objections by the maker of the motion and the second.

Regarding EFH and HAPC, the Council endorsed a Plan Team Working Group on the HAPC process. The working group will produce a report exploring HAPC designation options for the Western Pacific Region within a year. The working group members are Alice Lawrence, Mareke Sudek from American Samoa, Brent Tibbatts from Guam, Sean McDuff from CNMI and Sam Kahng with support from PIFSC staff, PIRO Habitat Conservation Division staff and Alan Everson from PIRO.

*Moved by Sword, second by Rice.
Motion passed.*

VII. American Samoa Archipelago

A. Motu Lipoti

Ochavillo reported activities conducted by the DMWR during the second quarter of 2015.

DMWR staff conducted monthly site visits to 19 village communities participating in the MPA Program to meet with village chiefs and others in the communities to discuss issues of concern.

Boat-based and shore-based creel surveys as well as noncommercial fishery surveys are ongoing. Approximately 4,000 pounds were landed from the shore with the blue-banded surgeonfish, octopus, parrotfish, groupers, goatfish and giant clams being the top reported species. Boat-based surveys included over 170 interviews. The top gears consisted of spearfishing, alia longline, alia bottomfish fishing, alia trolling and mixed alia bottomfish fishing and trolling. Snapper and the emperor complex were the top species for the bottomfish fishery. Parrotfish, surgeonfish, soldierfish and related species were most landed in the spear fish fishery.

The Key Reef Species Project is still waiting on Section 7 permits in order to conduct the underwater monitoring. Life history, otolith and gonads extractions of 10 species have been conducted and work is ongoing with an Australian genetics lab. Tissue collection is ongoing in an effort to explore the genetic relationships of three species among all islands in the Samoa Archipelago.

Staff worked with the Pago Pago Gamefish Association in collecting data in the sport fish creel survey, which has been a previously unreported fishery. Staff members call fishermen to record their catch. Over 2,000 pounds of fish were landed over the last quarter, consisting of mahimahi, yellowfin and wahoo.

There are two deep-water, two nearshore and eight subsurface FADs in DMWR's FAD Program. Due to lack of funds, materials needed to maintain the FADs have been unavailable. Nearshore FADs have been a great benefit to the communities.

Data collected on the pelagic fish catch for American Samoa from October 2014 to March 2015 appear to be high. DMWR is continuing to work with the WPacFIN database regarding the accuracy of the expansion of the data.

The crown of thorns outbreak continues in the Territory and has been ongoing since 2010. Efforts to address the outbreak included working with the National Parks and the Sanctuaries Program in collecting and killing the coral-eating starfish.

The Coral Reef Rehab Program continues to address impacts from developments on nearshore waters, corals and seagrass with relocation and transfer of corals and seagrass to suitable areas. Leone Wetlands and coral reefs are being rehabilitated with a grant from USFWS.

A mild coral bleaching occurring in the Territory is affecting 10 percent of the fast-growing coral species.

B. Fono Report

Nate Ilaoa, Council island coordinator, reported the Senate and the House that opposed the amendment to the LVPA, which was passed by the Council at its 161st Council meeting, passed a Senate resolution.

Sword said the resolution was very controversial at the June Council meeting, with American Samoa Council members reiterating what the American Samoa Governor had written to the Council asking for consideration be given to indigenous people of American Samoa in regard to the opening of the closed area.

C. Enforcement Issues

Ochavillo reported DMWR enforcement officers continue to conduct roadside inspections, sea patrols and village monitoring and surveillance. Port and airport export and import inspections are ongoing.

Sword reported 14 boats, nine from Samoa and New Zealand, participated in the recent successful I'a Lapo'a fishing tournament. More than a ton of yellowfin was caught in four and a half days. Seven billfish were caught and released. There was smooth coordination between the Immigration, Customs and Agriculture Departments. There has been a noticed increase of participation from New Zealand and Australia.

D. Community Activities and Issues

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

Sword reported he is a member of the Governor's Fisheries Task Force, as well as Joe Hamby, who is in attendance. Recently, the US purse-seine fleet was restricted from fishing on the high seas, which leaves the US-flagged purse-seine boats with no area to fish within close proximity to American Samoa. Star-Kist and TriMarine (or Samoa Tuna Packers) rely on the purse seiners because 80 percent of the fish come from US purse seiners. Per the US treaty with American Samoa, American Samoa is not allowed to participate in bilateral agreements with other countries. The American Samoa Government is making efforts to ensure sufficient fish is available for the canneries. The loss of the 50 percent of the catch which comes from Kiribati waters and the loss of the Monument fishing grounds has negatively affected the Territory's economy. The American Samoa US longline fleet is in the midst of a devastating downturn in terms of catch and prices. A letter has been written to NOAA asking for an exemption to the fishing restrictions on the high seas, which is the only option left to provide product to the canneries. Efforts are ongoing to improve the situation the fisheries are facing.

Discussion

Ebisui asked for more information related to the item, such as the overall length of the super alia and whether they would be considered part of the large vessel fleet or the smaller alia fleet.

Sword said his understanding is they will be allowed to fish within the LVPA. The vessels are similar to the alia already existing, but with a different design. He said his preference is to have the vessel locally built, as there has been a 30-foot alia built that is very fast and efficient. He reiterated that the goal is to get more people back to fishing.

Rice said this effort should serve to ramp up fishing. If not, the topic would be addressed.

Sword said more fishing would help the canneries, but the amount needed is more than 450 tons a day. A big picture approach needs to be taken to solve the woes of the fishery.

a. Fisheries Development

Ilaoa reported that the 16th Annual Steinlager I‘a Lapo‘a Game Fish Tournament was held the first week of May. The weather was a bit rough, but a good number of fish was landed, especially yellowfin. A boat from American Samoa won the tournament.

b. American Samoa Purse-Seine Vessels and Western and Central Pacific Fisheries Commission Limits

This topic was covered in a prior agenda item.

c. Update on Fisheries Disaster Relief Project

Ochavillo said the process is ongoing to hire a coordinator for the Fisheries Disaster Relief Project, which has just released funds for those who lost fishing boats during the 2009 tsunami.

2. Update on Fagatogo Fish Market

Ilaoa reported that the Fagatogo Fish Market has been leased out to a local fisherman and is now open for business five days a week. Whole fish, fish filets and value-added products, such as oka and fried fish plates, are available for sale.

3. Update on State Small Business Credit Initiative Funding for Super Alia Vessels and Local Fishery Business Development Initiatives

Ilaoa reported that the American Samoa Department of Commerce is moving forward with funding for applicants who are interested in purchasing new large alia vessels, using a design based on the government’s vessel the *SEGA ‘ULA*, which is a 40-foot catamaran, and working with a Seattle-based company. Five local fishermen have applied for funding offered through the State Small Business Credit Initiative. The Department of Commerce fisheries development staff is working with the applicants to develop a business plan and make sure all of their paperwork is in place. The Department will accept applications for up to 10 alia vessels.

E. United Nations Decolonization

Ilaoa reported the American Samoa Attorney General and the Office of Samoan Affairs secretary recently traveled to deliver the Governor’s statement to the United Nations Decolonization Committee. The document says that the American Samoa Government wished to remain a US Territory, but they want to adjust certain aspects of the relationship. The Cabinet has met and discussed different options, which were also detailed in the statement.

Sword said, after speaking with the authors of the letter, he understands the aim of the letter is not to change the current status but to address desires such as more representation in Congress, issues with cabotage, having more say in the Monuments and closing off waters to

fisheries and having involvement in negotiations that will affect American Samoa, such as the regional trade agreements. Sword added that the Governor recently sent a letter regarding the LVPA that explains the relationship treaty-wise between the United States and American Samoa. American Samoa has always depended on the United States to participate in negotiations, but involvement in such negotiations will benefit the people of American Samoa better.

Discussion

Simonds said the letter was recently received and is being distributed to the Council members.

Rice asked if infrastructure already exists in American Samoa for increased tourism.

Sword said the island has 250 to 300 rooms, which currently run at about 50 percent.

Simonds said the different administrations over the years have not taken advantage of opportunities, such as that offered by the Outrigger hotel chain to rebuild an iconic hotel, which thrived in the 1970s. Such opportunities should be taken advantage of as the American Samoa Government needs the financial help. Simonds reiterated the Council's support of the canneries in American Samoa.

F. Education and Outreach Initiatives

Ilaoa reported that a Research Priorities Workshop was hosted by the PIFSC. Local and federal agencies participated, such as DMWR, Department of Commerce, National Parks Service, USFWS, NOAA PIRO, National Marines Sanctuaries and the Coral Reef Advisory Group. Topics discussed included fisheries ecosystem threats, protected species and community involvement.

A July 4th fishing derby is scheduled for the neighboring villages of Faganeanea and Matu'u. The goal is to build interest in fishing among village residents and increase the awareness of residents regarding MPAs co-managed by the village and DMWR's Community-Based Fisheries Management Program. The MPA covers roughly half of the shoreline of Matu'u Village.

Sword voiced appreciation for the DMWR staff data collection efforts and said he looks forward to more data being collected and more accurate results regarding the fishing activity.

The contractor for the Territorial Science Initiative has planned a second Seafood Vendor Forum scheduled for July 2015. The number of businesses submitting commercial receipt books has increased from 21 to 50. He has worked with the businesses to make sure that the commercial receipt books are properly filled in and turned in a timely manner. The incentive program promotes data collection and is also being expanded.

The Marine Recreational Information Program (MRIP) contractors continue to conduct surveys and scoping interviews to obtain data on seasonal run fisheries, covering areas, fisheries and times not normally covered by existing creel surveys, such as the north shore of the island, spear fishing and after-hours collection. A Fishers Forum was held in March and was attended by

more than 30 fishermen. The topics included an overview of the MRIP Program and an introduction to the incentive program to increase the participation in data collection efforts.

Prizes have been awarded to the students who won the poster art contest for the lunar tide calendar. High school and middle school students were awarded fishing gear, rod-and-reel combos, flash lights and tackle boxes. Elementary students received movie passes.

The Council's high school summer course is set to begin in June and will last for three weeks. Students will experience different fishing methods and gain knowledge of the fisheries and marine resource management. There will be guest lectures, field trips and a seafood cooking demo by Chef Chuck Nelson. It will expose students to an opportunity to see the different careers that are available to them through fisheries and fisheries management. There is also swimming safety courses, first-aid and cardiopulmonary resuscitation certification.

G. Advisory Group Report and Recommendations

1. Protected Species Advisory Committee

There were no PSAC recommendations on this agenda item.

2. Advisory Panel

Christinna Lutu-Sanchez presented the American Samoa Advisory Panel recommendations as follows:

Regarding education and outreach, the American Samoa Advisory Panel recommended the Council develop outreach programs, preferably with DMWR, to educate communities on various fisheries and fisheries-related issues.

Discussion

Sword asked for her suggestions on the avenues to be used to accomplish sufficient outreach to the American Samoa communities. He agreed there was misinformation regarding the LVPA.

Lutu-Sanchez said Advisory Panel members have even volunteered to be on television and to participate in the Council's high school program and to use the program to develop a curriculum to take to the Department of Education for use in high schools.

Rice suggested support for encouraging markets, such as Whole Foods, to accept nothing but US-caught albacore as a way to boost the industry.

Ebisui noted his surprise at how controversial the LVPA action became at the last Council meeting and the amount of misinformation that was being circulated. It was his impression at the time the Council took action on the LVPA that the local alia vessel activity had dropped close to zero. He asked Lutu-Sanchez for her thoughts on whether the LVPA has benefited the American Samoa communities or been detrimental to the local alia fishermen.

Lutu-Sanchez said, with good leadership and good information given to the public, it would not have become a controversial issue. Many of the passionate feelings that have arisen are due to wrong information, bad information, bad advice to decision-makers and bad briefings to the decision-makers. Most of the vessels in the longline fleet are owned by indigenous American Samoans. Much of the controversy could have been avoided if extra effort was taken to ensure only accurate information was circulated. It is a matter of putting out facts and making sure that the public is comfortable and satisfied in their understanding that it is American Samoa's fleet. The government and all people need to ensure American Samoa survives and continues to provide for families and workers, as well as the canneries.

Sword noted his appreciation for Lutu-Sanchez's efforts and recommendation. He agreed more could have been done to avoid the confusion and controversy. He said he looked forward to moving ahead past the controversy.

Simonds asked for additional information regarding how the new 10 vessels will be allocated, pointing out they will be fishing in federal waters.

Ochavillo said the Department of Commerce Fisheries Development Office will be addressing this.

Sword asked Ochavillo to get the information from the DMWR director and copy Simonds and himself, including information on the design, such as length.

Ochavillo replied in the affirmative.

Simonds asked for additional information such as which alia boats would the new vessels replace. She said the Council has not yet been informed by the American Samoa government.

Tosatto said there is an ongoing action to reconcile the permit process from a four-level to a two-level process. Depending on the length of the new super alia, the LVPA may or may not apply to them. Since the vessels will be fishing in the EEZ, there is a limited entry permit scheme, which is not a guarantee for permits. After an application is submitted, NMFS will issue the permit based on the process in place. Going forward, efforts should be taken to ensure the Department of Commerce is informed on the federal requirements.

Simonds noted one recommendation would be for the Council to direct the staff to draft a letter to the government with all of the points raised in the discussion.

Ilaoa said the Department of Commerce fisheries development officer and his boss informed him that the length of the vessels is 39 feet and only four applications have been received. The Small State Business Credit Initiative Fund applications that have been submitted also included requests for support for standup fishing businesses, such as money for refrigerators and containers, in the amount of \$350,000.

Daxboeck asked about the horsepower capacity of the new vessels.

Sword said he understood they are currently considering larger outboard motors. There are also plans to establish a marine school to provide training on engine and vessel maintenance.

3. Joint Archipelagic Plan Team

There were no Joint Archipelagic Plan Team recommendations on this agenda item.

4. Pelagic Plan Team

The Pelagic Plan Team recommendations were deferred to the Pelagic and International Fisheries agenda item.

5. Scientific and Statistical Committee

There were no SSC recommendations on this agenda item.

H. Public Comment

Hamby, from TriMarine, spoke to the importance of fish supply to the cannery. American Samoa has a relatively small fishing zone and is distinct from other Pacific Islands where tuna is important in that it does not belong to the Parties of the Nauru Agreement (PNA), which has the largest and most productive fishing zones. Traditionally, American Samoa has relied on a fishing fleet of purse seiners and longliners that have gone out far beyond the EEZ of American Samoa to catch fish to bring back to the canneries, with 80 percent of the cannery-processed fish coming from purse seiners. In 2014 Kiribati decided to severely reduce the fishing days for US boats to a total of 300 days. The US fleet was entitled to fish 8,000 days. US boats had to shift their fishing operation to the high seas, which are now closed because the number of days allocated to the US fleet under the WCPFC has been reached. There is great concern in American Samoa that the vessels will have to fish far from American Samoa and not be able to land their catch at the canneries. TriMarine petitioned NOAA to consider American Samoa's status as a Small Island Developing Territory for exemption from the fishing restriction on the high seas. American Samoa depends on the tuna industry. Its right to continue fishing on the high seas in order to supply the canneries is vital. Any support from the Council would be much appreciated. Production is ramping up, and there are orders from the market. Their business model is fish caught in the islands is processed in the islands and sent directly to the market. The fish supply is needed, and the vessels need to be able to land their catch in American Samoa. They cannot be competitive if product needs to be imported by carrier.

Ebisui asked for the status of the request to NMFS on American Samoa being considered as a Small Island Developing States.

Hamby said a formal petition was submitted to NOAA at a recent meeting held in Maryland at NOAA's Headquarters. They are waiting on a response from NOAA to define a process and address their legal obligations, etc.

Rice asked how soon would the situation start looking really bad.

Hamby said the boats had to stop fishing on the high seas as of one day ago. There is a move happening currently. The canneries' cold storage is full of fish. Star-Kist has less than a month's supply of fish. Samoa Tuna Packers has a three-month supply. Eventually, they will run out of product.

Daxboeck asked if the Cook Islands have been contacted about an opportunity to fish.

Hamby said the 300 days of fishing in Cook Islands have already been fished. There is a bilateral fishing agreement with Cook Islands to be able to buy more fishing days. The problem in the purse-seine business is there are too many purse seiners, too much fish and low prices.

Carlos Sanchez, American Samoa longline fisherman, expressed his thanks to the Council for saving the American Samoa longline fleet with their efforts to provide diversification for the fishery. They are fishing today because of that support. He agreed with the need for outreach and education to the American Samoa community as the American Samoa government representatives refer to the American Samoa longline fleet as a foreign fleet and are not corrected. They also claim American Samoa waters are out to 50 miles. There has been much aggression directed towards the fleet. Currently, restaurants have no fish because the longliners and alia are not fishing. Because the fishery has observers, the data is accurate. American Samoa has become a society that feels entitled. The government has increased employees from 4,500 to 7,000 since the new administration took office. The government wants to close American Samoa fishing grounds to its own fleet that supplies product to the restaurants and local markets. The fleet conducts business with the local supply retailers and purchases ice and fuel. He chose to be a US citizen. The Territory would have a great struggle without the support of the United States.

Ebisui said the reaction received at the last Council meeting was very surprising, but it may come down to just misinformation flying around.

Lutu-Sanchez spoke as president of Tautai O Samoa Longline Association, a nonprofit organization whose membership consists of all of the active US longliners that are operating in American Samoa as well as a few alia owners. She said the LVPA amendment was passed on an emergency status and encouraged NMFS to act as soon as possible. Much appreciation was expressed for the Council's financial, emotional and spiritual support provided in the recent difficult times. The importance of data and the use of the data were emphasized so as not to destroy a good thing, such as the LVPA amendment. She voiced support for the review of the American Samoa Longline Limited Entry Program and reiterated the Council recommendation for the USCG to have a uniform set of standards for inspections and violations. She said a longline dock is still needed in American Samoa. She noted there is a plan to support the revival of the alia, which are in need of funding resources.

Sword asked for suggestions of how Lutu-Sanchez would revive the alia fleet.

Lutu-Sanchez said it is important to be efficient and continue to pay your crew. Efficiency comes from making sure there is no waste on unnecessary things, making sure to buy only what is needed. Recently, the price of fuel had decreased, and fishing has picked up a bit. Gear costs are still very high. It is hoped that competition will help it to come down.

Rice asked if there were any limited entry permits that were not being utilized.

Lutu-Sanchez said the updated list includes boats that do not exist today. She said she is not sure what is going on with the list of permits, transfer of permits and the requirement of past participation in the fishery.

Tosatto deferred to Council staff while referring to the Compliance Guide.

Eric Kingma, Council staff member, said current longline permit-holders are required to have minimum harvests of 5,000 pounds in a three-year period. One must have an interest in the fishery to have an American Samoa longline permit. The amendment modified the permit program to do away with the past history requirement, still leaving in the history in terms of if there's competition for one or more available permits. If the amendment is approved, participants would no longer need prior history in the fishery to obtain an American Samoa longline permit if it becomes available, which is important for the development of the small-boat fishery. There are dual-permitted vessels fishing in Hawai'i but have a vessel assigned to an American Samoa longline permit.

Lutu-Sanchez, if indigenous American Samoans want a permit to go fishing, can they get a permit instead of having to look for someone on the mainland to get a permit to go fishing.

Simonds said, if a permit is available in the limited entry program, indigenous communities or American Samoans have to be the first to be considered.

Kingma noted that Council's Community Development Program (CDP) allows indigenous American Samoan community members or communities to qualify for longline permits in American Samoa since early 2000. If indigenous communities or an American Samoan wanted to participate in the longline fishery, they are allowed to participate in the fishery under the CDP. That option has always been available to indigenous community members.

Simonds said a proposal should be drafted and submitted to the Council and then to NMFS for approval. Since the next Council meeting will be held in American Samoa in October, all of the questions and issues should be discussed prior to the Council meeting.

Sword commented that the marine safety officer has been very good about having outreach meetings for everyone to discuss USCG issues of concern and favored a recommendation for the USCG to continue its outreach efforts.

Lutu-Sanchez said there appears to be conflict and confusion as to new USCG bulletin issued concerning coordination and communication between dockside inspections and at-sea boardings.

Deisher said she will speak with the marine safety officer in American Samoa and the Safety Office and will get back with the information before the October Council meeting. The USCG cutters have access to the same information as the marine safety officer, such as the dockside boarding reports, and operate under the same standard as dockside. The reason the enforcement inspections at sea are important is to ensure everything is onboard while underway.

Lutu-Sanchez disagreed and said that is not always the case. As an example, over the past year almost all of the boats that were boarded were written up for not having the document number on the port and starboard sides. However, because of the new regulations for the WCPFC which called for replacement of the call sign on the pilot side, by the time the vessels came in the document number was in place of the call sign.

Deisher noted dockside inspections are only focused on safety issues and do not look at documentation numbers or anything under the 45 CFR. He said the USCG will make efforts to provide clarity on the dockside inspections and at-sea boarding.

Lutu-Sanchez said that would be very helpful.

I. Council Discussion and Action

Regarding outreach and education, the Council directed staff to work with the Council coordinator in American Samoa and the American Samoa Advisory Panel to develop a plan for outreach and education preferably in cooperation with DMWR to educate communities on various fisheries and fisheries-related issues.

Moved by Sword; seconded by Rice.

Motion passed.

Leialoha questioned the reality of how much information can be distributed to the public before the Council meeting scheduled for October. She encouraged the Council to get as much educational material and/or information to the community prior to the Council arriving in Samoa.

Sword agreed.

Regarding the fishery development in American Samoa, the Council directed staff to request the American Samoa government to provide information on the super alia development project utilizing the State Small Business Credit Initiative funding with regard to the vessel design, the type of fishing operations to be conducted, funding for business development and other information related to this initiative. Further, the Council directs staff to provide the American Samoa government with the American Samoa FEP and Pelagic FEP regulations that may apply to these vessels.

Moved by Sword; seconded by Rice.

Motion passed.

Miyasaka introduced the newly appointed Hawai'i DLNR Chair Suzanne Case and DLNR First Deputy Kekoa Kaluhiwa.

VIII. Hawai'i Archipelago and Pacific Remote Island Areas

A. Moku Pepa

Goto reported that the Hawai'i longline fleet has seen significant catch in bigeye tuna and is monitoring the international quota. The short-set fishery has had a slight downturn in effort, partly due to the market value of swordfish. It has been a very strong year market-wise for the most responsibly caught tuna in the world thanks to the joint efforts of the Council and NMFS, which hopefully may be recognized at some point by the WCPFC.

Ebisui reported that as of June 15, 2015, data indicates that 277,000 pounds of Deep 7 species have been landed, as compared to the ACL of 346,000 pounds, or 80 percent of the limit, with two and a half months to go on the 2015 season. Interest has shifted away from the bottomfish to yellowfin, which came around full-strength in May, which is especially relevant for the latter part of the agenda regarding the ACL for the Deep 7 going forward.

Rice reported it has been a banner year on the Big Island as well, which actually started in 2014 for marlin and tuna. As the winter came through, it continued and has actually ramped up recently. He shared a video that is part of a six-part series to be aired on the ABC network on Kona billfish fishing, with some science added in. It serves as a great promotion for the Kona charter and recreational fishery. A sample of the series was shared with the Council.

Discussion

Goto asked for more information on the sample.

Rice said the program is called *Pacific Blue*. Two episodes have been aired on KITV. Dates and times of airing are available on his charter fish website.

Ebisui asked if the sample could be shown at the upcoming CCC meeting scheduled to be held in Key West in May.

Rice applied in the affirmative.

B. Legislative Report

Miyasaka reported that State did not fund the requested the Papahānaumokuākea Marine National Monument co-manager position. There is an unsigned memorandum of understanding with the National Marine Sanctuary Office regarding the funding of that position. Funding will expire on June 30. Likewise, the Humpback Whale Sanctuary co-manager position was not funded, which is also subject to federal funds through a memorandum of understanding with NMFS.

The executive director of the Aha Moku Advisory Committee and the climate change coordinator positions were also not funded. Efforts are underway seeking alternative funding. The climate change coordinator will remain open. The Community Fisheries Enforcement Units statewide were also not funded. DOCARE's additional operating funds were not funded to the requested level. The Kaho'olawe Island Reserve staff operating budget also was not funded and layoffs of staff are expected in June.

Discussion

Gourley asked how many positions are being funded or used to be funded by the State.

Miyasaka said at one time there were three positions covered with federal funds of approximately \$300,000 and is now at approximately \$80,000 to \$90,000 for the co-manager's position with no matching funds.

Kingma asked the reason for the State seeking funding for the co-manager position if it is part of a memorandum of understanding with NOAA and what, if any, was the rationale provided by the Legislature to not fund the position.

Miyasaka noted that funds have been reduced for the past two years. It was in the State's interest to have the sanctuary position state-funded and not subject to a federal funding option, as was noted by the Legislature. At that time it was put on hold. The Subject Committee chairs in the House and the Senate supported both positions, but ultimately it came down to a fiscal decision by the two budget committees and the position was not funded.

C. Enforcement Issues

Miyasaka reported that during the past Board meeting on June 12 the DLNR pursued an enforcement action for a settlement against Pacific Whale Foundation's *OCEAN ODYSSEY*, a vessel that ran aground off of McGregor Point off of Maui in September 2013. The owners of the vessel and DLNR reached a mutually agreeable fine settlement of \$7,000. The Board approved the agreement. The funds will be directed towards installing moorings on South Maui.

Discussion

Ebisui asked for more information on the State's perspective on green sea turtle management, removal of the Bottomfish Restricted Fishing Areas (BRFAs) and the National Saltwater Registry.

Miyasaka said the State is in the process of crafting its public response to the green sea turtle proposed delisting and public comments on the Sanctuary Management Plan. They will be coming out in the near future. With respect to the BRFAs, he said he briefed the new chair regarding the former chair's position on the BRFAs. He plans to do a Board briefing in the July to August timeframe on the results of the public meetings held in December and at the same time inform them about the former chair's plan and what it includes. The Board and new chair will take time for decision-making. An update will be provided at the October Council meeting.

Simonds asked Miyasaka to pass on that information as this topic has been ongoing for years and the end result is a good management regime. There is a committee made up of staff from the state and federal governments, the Council and the contractor with recommendations that are waiting to enable better information being collected for ACL specifications.

Miyasaka said work is ongoing on the Saltwater Angler Registry to file for an exemption, which will include MRIP and updating the database to qualify for an exemption.

Ebisui said, regarding the BRFAs, a comprehensive and effective joint state and federal plan is in place that ensures sustainability of the fishery and renders the BRFAs superfluous and an impediment. The fishermen have taken time to meet with former DLNR chair, William Aila, in the past five or six years to work on closures of the remaining BRFAs. The reality is that, because of a lack of enforcement, it's become an issue of fairness for those who sit on the sidelines watching violations occur in closed areas that are not being enforced.

Rice said the fishermen are having to comply with an annual limit on bottomfish and the BRFA closures and now are facing a reduction in the ACL because of no accurate data from the BRFAs, which makes it difficult to achieve OY from the Hawai'i bottomfish fishery.

Simonds asked for information regarding the amount of bottomfish sold at the auction.

Goto said bottomfish is a niche market at the auction and only select fishermen drop bottomfish off at the auction. The largest amount comes in during the holiday season when prices are optimum. The current year has been a down year for bottomfish at the auction. Mama's Fish House Restaurant on Maui most likely gets more bottomfish than the auction.

Simonds noted that the Council deployed FADs for Mama's Fish House in the past.

Rice said that Kona Fish Company on the Big Island receives 1,000 to 2,000 pounds of bottomfish a week with 80 percent of the bottomfish from the Big Island.

Goto said the auction gets nowhere near that amount.

D. Main Hawaiian Islands Bottomfish

1. P-Star Working Group Report

On May 6, 2015, the P-Star Working Group conducted a P-Star analysis for the main Hawaiian Islands Deep 7 bottomfish. The P-Star Working Group reviewed the comments of the 2015 Center for Independent Experts review, the 2011 model with data updated to 2013 and the P-Star analysis process. The working group reevaluated and rescored the criteria for the assessment information dimension, the uncertainty characterization dimension and the stock status dimension.

The second day of the meeting was held on June 4, 2015. The P-Star Working Group reviewed and rescored the productivity-susceptibility dimension. This round of the P-Star analysis was more inclusive and comprehensive than previous rounds because of the involvement of fishermen, especially during the susceptibility scoring.

The results of the P-Star working group's review were presented at the 119th SSC meeting. Dimension score results included the following: a) assessment information, a reduction of 1.6; b) uncertainty characterization, a reduction of 2; c) stock status, a reduction of 4; d) productivity-susceptibility, a reduction of 3.4; and e) total reduction of 11.1. The SSC concurred with the working group's recommendation for the main Hawaiian Islands Deep 7 bottomfish risk of overfishing level at 39 percent, down from 41 percent.

Discussion

Leialoha asked for clarification as to the CPUE standardization score.

Sabater said the CPUE standardization score was increased from 0 to 0.5, which was determined to be an acceptable level.

Leialoha asked if work will continue to improve the score so that it is more than just acceptable.

Sabater said, in the next benchmark assessment scheduled for 2018, PIFSC will review the CPUE aspect of the assessment.

2. Main Hawaiian Islands Deep 7 Bottomfish Data Workshop Report

Sabater reported that, in moving forward with the benchmark assessment, PIFSC in collaboration with the Council will hold a series of data workshops for the Deep 7 bottomfish stock assessment, which is currently scheduled to begin in late June or July.

3. Specification of Annual Catch Limit for Main Hawaiian Island Deep Seven Bottomfish Fishery for 2015–2016, 2016–2017 and 2017–2018 Fishing Years (Action Item)

Sabater presented information for the Council’s task of specifying multi-year ACLs for the main Hawaiian Islands Deep 7 bottomfish for fishing years 2015–2016, 2016–2017 and 2017–2018. The best scientific information available is the 2011 stock assessment model with updated data to 2013. Based on the updated information, the MSY was estimated to be at 404,000 pounds and the overfishing limit, 352,000 pounds. The retrospective pattern in the model and data caused the reduction, which is expected since the model is correcting the estimate of biomass as the assessment is updated with additional data. The P-Star Working Group and SSC Subcommittee evaluated the scientific uncertainty and recommended a risk level for the full SSC and Council to consider.

Sabater presented the following options:

- 1) No Action: No ACLs will be specified for fishing years 2015–2016, 2016–2017 and 2017–2018.
- 2) Specify ACLs equal to the SSC specified ABC where ACLs are 326,000 lbs at $P^* = 44$ percent for fishing year 2015–2016; 318,000 lbs at $P^* = 42$ percent for fishing year 2016–2017; and 306,000 lbs at $P^* = 39$ percent for fishing year 2017–2018.
- 3) Specify ACLs lower than the SSC specified ABC at 270,000 lbs at $P^* = 30$ percent for 2015–2016, 2016–2017 and 2017–2018.

The Council also needs to specify an accountability measure to prevent the fishery from overfishing the stock.

At the 119th SSC meeting the SSC chose Alternative 4, the phase-in approach, for the main Hawaiian Islands Deep 7 bottomfish and set the ABC at 326,000 pounds, 318,000 pounds and 306,000 pounds for fishing years 2015–2016, 2016–2017 and 2017–2018, respectively. The SSC also noted that there appears to be an intrinsic ratcheting down effect on the setting of the ABC. There is a slight retrospective pattern in the model that results in a lowering of the

estimates of biomass with the additional data. This uncertainty was accounted for in the scoring of the P-Star.

Discussion

Ebisui appreciated the work done by Sabater, the P-Star working group and PIFSC. He spoke in support of Alternative 2 and noted that the stock assessments, the P-Star analysis, the intensive joint state and federal fishery management regimes, the NWHI closed to fishing, the Kaho‘olawe Reserve and military fishing closures all sustain of the bottomfish fishery.

Rice spoke in support of Alternative 2.

Tosatto said hearing the Council chair and Committee chair support of Option 2 was encouraging. The ACL is a requirement. If a no action alternative or no ACL alternative were selected, NMFS would have to select a number and institute an ACL.

E. Community Activities and Issues

1. Council Comments on Hawaiian Islands Humpback Whale Marine National Sanctuary Management Plan

Kingma reported that the Hawaiian Islands Humpback Whale Marine National Sanctuary, which is co-managed between NOAA and the State of Hawai‘i, is proposing to expand its jurisdiction, regulations and boundaries. The Sanctuary is proposing to move from a single-species sanctuary to a multi-species sanctuary under an ecosystem-based approach. Everything within the boundaries of the Sanctuary, currently 0 to the 100-fathom depth contour within noncontiguous areas around the main Hawaiian Islands, would be considered a sanctuary resource. The Sanctuary Program has released a draft environmental impact statement (DEIS) and management plan, with public comments due on June 19, 2015.

Council staff compiled a draft comment letter on the DEIS and management plan for Council consideration. The main thrust of the comments is in relation to a lack of identified need for an expanded sanctuary in terms of filling a current management gap. The proposal is largely duplicative of a wide variety of state and federal agencies. In addition, the Sanctuary does not have its own enforcement budget, with the burden of enforcing an expanded Sanctuary falling on the USCG and NOAA OLE.

Kingma presented the current and proposed boundaries and the ecosystem-based management approach, similar to that which the Council adopted. Clearly groups are advising the Sanctuary and community groups are interested in the Sanctuary taking a larger role in marine resource management in Hawai‘i. The fishing community has serious concerns with such a management approach by the Sanctuary. A round of State of Hawai‘i public meetings was met with strong opposition to the proposed expansion.

Kingma reviewed some additional categories of comments that were identified:

- The new management scope and permitting authority is clear that it could regulate fisheries in the future. With the definition of a Sanctuary resource, the ability to manage fisheries could happen in the future.
- What expertise do they have to rely on with respect to fisheries management?
- The National Marine Sanctuary Act in developing goals and objectives for the Sanctuary as it applies to fisheries management does not have to comply with the MSA, which is a major concern with respect to fisheries management in state and federal waters.
- Proposed prohibitions that have been identified are very confusing to the regulated community.
- In terms of state waters and noncommercial fishing, the DEIS and management plan do a poor job in articulating what is exempted.
- The presentation of fisheries statistics in the DEIS is poorly presented and misleading.
- The Council recognizes that the continuation of the Sanctuary is important, especially as it relates to humpback whales and ocean-user issues and to education and outreach on monk seals and marine resource conservation and management.

Discussion

Ebisui said he attended one of the public hearings in Honolulu and was surprised by the diversity of the overwhelming opposition to the expansion of the Humpback Whale Sanctuary. It was received and perceived to be more of a business plan and agenda, rather than based on a need for management.

Rice heard opposition on the Big Island from predominantly ocean users other than fishermen concerned about their business ventures being negatively impacted.

Gourley asked for more information as to how a sanctuary designation in state waters gets approval by the state.

Kingma replied that, essentially, the Governor has to agree to the proposed sanctuary. A compact agreement is solidified that lays out jurisdiction. In that agreement it is recognized that none of the authority is diminished in terms of the state-managed waters, but it is clear there is a federal overlay. Ultimately, the Governor has to agree to the terms of the Sanctuary expansion.

Simonds said the State of Hawai'i Compact was done very well, but the Sanctuary has to have approval of either the Governor or the DLNR and the Governor for anything to be changed.

Gourley asked how such an agreement benefits the state.

Kingma replied there is very little benefit in terms of funding or personnel.

Miyasaka replied joint efforts in terms of outreach and stranding responses are very beneficial. The Sanctuary has personnel resources that the state does not currently have. Their outreach is very beneficial as well.

Simonds noted that, if the state had 15 people on staff, it could do just as good a job.

Gourley asked if there are other tangible, positive attributes other than public outreach.

Miyasaka replied that the approach rule is beneficial. There is some thinking that if the humpback whale was delisted, the approach rule would still be in force via ESA or the Sanctuary rules. The Sanctuary's response to whale strandings is a great benefit. NOAA does quite a bit of outreach and assistance.

Leialoha noted that, when attending the scoping meeting on East Hawai'i, there were questions regarding regulatory issues concerning fishing regulations within state waters. The Council needs to be careful not to give a perception that there is room within the framework to adjust potential fishing regulations. She urged Council members to ensure that, when speaking to members of the general public, it is very clear that the state has fishing regulations within state waters with the DEIS and that the Council does have jurisdictional issues with regards to regulatory fishing within federal waters.

Ebisui said another comment that stood out was that, even though the Governor received assurances from expansion and further fishing regulations would not be imposed, that Sanctuary now 15 to 20 years later is asking to expand and seeking regulatory authority.

F. Education and Outreach

Spalding reported on the Hawai'i education and outreach that has taken place since the March Council meeting. Ishizaki provided a presentation on protected species issues to the Rotary Club of Pearl Ridge in May. The weekly Mike Buck Show continues to be co-sponsored by the Council with Council family addressing different issues. The Council will co-sponsor the 'Aimalama Lunar Conference in September at the University of Hawai'i at Manoa. A handout on the Presidential Task Force on Combating IUU Fishing and Seafood Fraud was distributed to Council members. It includes information on the TransPacific Partnership. John Henderschedt from the NOAA Fisheries Office of International Affairs and Seafood Inspection will be presenting at the Fishers Forum and the Council meeting. John Henderschedt from the NOAA Fisheries Office of International Affairs and Seafood Inspection will be presenting at the Fishers Forum and the Council meeting. In September the Council will have an exhibit at the Hawai'i Science Teachers Association. The Council is also working with DMWR on the American Samoa education project in Ta'u. DMWR staff is currently teaching the last module, which is on creel surveys. There will be community outreach afterwards.

G. Advisory Group Report and Recommendations

1. Protected Species Advisory Committee

There were no PSAC recommendations regarding the Hawai'i Archipelago.

2. Advisory Panel

Gary Beals presented the Hawai‘i and Pacific Remote Island Areas (PRIAs) Advisory Panel recommendations as follows:

Regarding to the Humpback Whale National Marine Sanctuary expansion, the Hawai‘i Archipelago and PRIAs Advisory Panel does not support the expansion of the Sanctuary at this time. The Advisory Panel recommended that the Council request an extension of the comment period and additional public hearings to provide for additional time for the community to offer input, to coincide with the delisting timeline.

Regarding other issues, the Hawai‘i Archipelago and PRIAs Advisory Panel recommended that the Council inquire with State of Hawai‘i on revisiting the removal of BRFAAs with the new DLNR chair. Hawai‘i’s bottomfish fishermen are greatly impacted by the BRFAAs. The ACL process, including the stock assessment, does not incorporate important potential effects of the BRFAAs. This is the only fishery in the state with two separate management systems that are not related to each other.

Regarding the 2015–2016 and 2016–2017 main Hawaiian Island Bottomfish ACLs, the Hawai‘i Archipelago and PRIAs Advisory Panel was not confident in the stock assessment model and its update. Therefore, it could not come to a consensus in the stock assessment alternatives as requested by the Council and NMFS. The Advisory Panel asked for a clear statement on how the model works and how the numbers are reached. Further, the Advisory Panel recommended that the Council work with NMFS and PIFSC to provide better explanations through the meetings and workshops and request that these include Advisory Panel bottomfish fishermen in the proposed bottomfish data workshop.

3. Joint Archipelagic Plan Team

There were no Joint Archipelagic Plan Team recommendations regarding the Hawai‘i Archipelago.

4. Pelagic Plan Team

The Pelagic Plan Team recommendations were deferred to the Pelagic and International Fisheries agenda item.

5. Scientific and Statistical Committee

Daxboeck reported the SSC recommendations as follows:

Regarding the specification of ACLs for the main Hawaiian Islands Deep 7 bottomfish fishing years 2015–2016, 2016–2017 and 2017–2018, the SSC chose the Alternative 4 for the main Hawaiian Islands Deep 7 bottomfish and sets the ABC at 326,000 pounds, 318,000 pounds and 306,000 pounds for fishing years 2015–2016, 2016–2017 and 2017–2018, respectively. The SSC also noted that there appears to be an intrinsic ratcheting down effect on the setting of the ABC. There is a slight retrospective pattern in the model that

results in a slight lowering of the estimates of biomass with the addition of new data. This uncertainty was accounted for in the scoring of the P-Star.

The SSC also recommended a new research priority in response to earlier public comment. The new research need is a study and documentation of the history of the Hawaiian bottomfish fishery, particularly high-liner performance.

H. Hawai‘i Standing Committee Recommendations

Rice reported the Hawai‘i and PRIAs Standing Committee recommendations as follows:

The Hawai‘i Archipelago and PRIAs Standing Committee recommended the Council support the SSC recommendation regarding the main Hawaiian Islands Deep 7 bottomfish ABC specification for 2015–2016 to endorse Alternative 4 (Standing Committee Alternative 2), phased-in approach, that sets the ABC at 326,000 pounds, 318,000 pounds and 306,000 pounds for fishing years 2015–2016, 2016–2017 and 2017–2018, respectively. The Council should recommend that the ACL be set equal to ABC for each year, 326,000 pounds, 318,000 pounds and 306,000 pounds for the fishing Years 2015–2016, 2016–2017 and 2017–2018, respectively.

The Hawai‘i Archipelago and PRIAs Standing Committee supported the documentation of the history of the bottomfish fishery in the Hawai‘i Archipelago, specifically documenting changes in technology, techniques and participation from the 1990s to present and to develop a video to educate grade schools students about the Pacific Island fisheries, depicting where fish come from, how it is processed and delivered to the market and used by consumers.

I. Public Hearing

Ed Watamura, Hawai‘i bottomfish fisherman and Advisory Panel vice chair, commented that the fact that Deep 7 bottomfish ACL has not been reached is not a reflection of low abundance in the biomass. The Hawai‘i Deep 7 bottomfish fishery is self-managed by weather and skill required to catch bottomfish, the level of which takes years and even generations to master. Many of the master bottomfish fishermen are retiring from the fishery or passing on. Fishermen are frustrated when presented with a stock assessment that does not match the reality of what they experience out on the water. The record of the fishery over the last 70 years shows a consistent catch, with the exception of the anomalous 1980s, which further supports the fact that the fishery is self-managed.

J. Council Discussion and Action

Regarding the management in the main Hawaiian Islands Deep 7 bottomfish fishery, the Council set the ACL equal to the ABC for fishing years 2015–2016, 2016–2017 and 2017–2018 as follows: For 2015–2016, 326,000 pounds; For 2016–2017, 318,000 pounds; and For 2017–2018, 306,000 pounds.

The Council recommended that in order to prevent the ACL from being exceeded an in-season closure will be used as an accountability measure based on the

projected date of when the ACL will be reached for the main Hawaiian Islands Deep 7 bottomfish fishery. In the event that an ACL has been exceeded, an overage adjustment in the amount of the overage will be applied in the subsequent fishing year.

Further, the Council is deeming that regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the MSA. In doing so, the Council directs Council staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorizes the executive director and the chair to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with its determination, to the Secretary on behalf of the Council. The executive director and chair are authorized to withhold submission of the Council action and/or proposed regulation and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.

Moved by Rice; seconded by Sword.
Motion passed.

Leialoha asked, if in the event of an ACL overage, the overage would be a reduction the following year.

Mitsuyasu replied in the affirmative.

Regarding the Hawaiian Islands Humpback Whale National Marine Sanctuary management plan and DEIS, the Council directed staff to send a letter to NOAA Office of National Marine Sanctuaries that the Council does not support the proposed management plan and DEIS based on the comments and issues as presented by staff at the 163rd Council meeting.

Moved by Rice; seconded by Sword.
Motion passed, with abstention by Tosatto, Miyasaka and Leialoha.

Tosatto noted a vote of abstention on the proposal.

Miyasaka noted a vote of abstention as the State of Hawai'i will submit its own comments.

Regarding the main Hawaiian Islands bottomfish management, the Council directed staff to inquire with the State of Hawai'i DLNR on the status of its plan to revise and/or remove the BRFA's based on the outcomes from the public meetings that were held during December 2014.

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

Regarding main Hawaiian Islands bottomfish management, the Council directed staff to work with PIFSC to provide a better explanation through meetings and workshops on the inner workings of the model used to produce the current stock assessment and to ensure that the Advisory Panel bottomfish fishermen are included in the upcoming bottomfish data workshops.

Moved by Rice; seconded by Sword.

Motion passed.

Regarding main Hawaiian Islands bottomfish management, the Council supported a project to document the history of the bottomfish fishery in the Hawaiian Archipelago, specifically addressing changes in fishery performance, technology, techniques and participation from the 1900s through to the present.

Moved by Rice; seconded by Sword.

Motion passed.

Regarding education and outreach, the Council directed staff to produce a video to educate grade schools students about Pacific Island fisheries, highlighting key commercial fisheries, where fish come from, how it is processed and delivered to the market and how it is used by consumers.

Moved by Rice; seconded by Sword.

Motion passed.

IX. Protected Species

A. Green Sea Turtle

1. Status Review and Proposed Rule

Pat Opay, from PIRO Protected Resources Division (PRD), provided a presentation on the green sea turtle 12-month finding and proposed rule. Under the ESA, NMFS and USFWS share jurisdictions for sea turtles, and the two agencies jointly conducted status review and issued the proposed rule. NMFS and USFWS listed the green sea turtle as threatened globally in 1978, with the exception of breeding populations in Florida and the Pacific Coast of Mexico, which were listed as endangered. The Distinct Population Segment (DPS) Policy was developed subsequent to the listing.

Opay explained that NMFS and USFWS received a petition to identify the Hawaiian green sea turtles as a DPS and to delist that DPS. A status review was initiated following the petition and the proposed rule was published in March 2015.

Opay briefly described the status review process. A Status Review Team (SRT) was formed and tasked to gather the best available scientific and commercial data. The SRT examined whether DPSs could be designated, reviewed six critical assessment elements, and assessed the extinction risk of the potential DPSs. Opay explained the criteria for determining

DPSs. The critical assessment elements include nesting abundance, population trends, spatial structure, diversity resilience, five-factor threat analyses and existing conservation efforts.

Based on the status review and the best available information, the Services are proposing 11 DPSs. Opay reviewed each of the DPSs that are relevant to the Pacific Islands Region.

The Central South Pacific DPS, which includes American Samoa, is proposed as endangered. The nesting abundance for this DPS was determined to be approximately 2,800 nesting females at 59 sites. Data for population trends were poor, but the trend was declining at the largest nesting area in French Polynesia. This DPS has low nesting site diversity, issues with degradation of nesting beach and coral habitats, legal and illegal harvest of adults and eggs, and inadequate regulatory mechanisms to address with harvest and habitat loss.

The Central West Pacific DPS, which includes Guam and CNMI, is proposed as endangered. There were approximately 6,500 nesting females at 51 nesting sites, with poor data on population trends throughout the DPS. The DPS has a broad geographical area but with low nesting, issues with habitat degradation, legal and illegal harvest of both adults and eggs, and inadequate regulatory mechanisms to properly address issues such as harvest and bycatch.

The Central North Pacific DPS, which includes Hawaii, has approximately 3,846 nesting females, which is considered low. The population trend is increasing at the largest nesting site at French Frigate Shoals at approximately 4.8 percent annually, and possibly increasing at some foraging sites in the main Hawaiian Islands. This DPS has very low level of diversity resilience due to 96 percent of the nesting occurring at one atoll. Issues for this DPS include loss of important nesting beaches, fibropapilloma, and inadequacy of regulatory mechanisms to address issues such as pollution and climate change. Other threats include fishery bycatch, pollution, climate change and sea level rise.

Opay explained that the proposed rule will not change the way constituents use the beach and ocean, and it will not change the way the fisheries are authorized. He also noted the question of what can potentially be done with harvesting and consumption for sea turtles has been raised and explained that the United States is party to the Inter-American Convention for the Protection and Conservation of Sea Turtles, which prohibits the intentional capture, retention or killing of sea turtles. The only exception provided for this prohibition is economic subsistence.

Next steps include the public comment period and consideration of critical habitat. Additional public hearings were announced for American Samoa, CNMI and Guam, and the comment period has been extended to July 27, 2015.

Discussion

Seman asked, with the heightened conservation measure to list the green sea turtle as endangered within the Marianas, what kind of action plan has been developed to address the allowance of a limited take of the green sea turtle, such as in the Federated States of Micronesia and Palau.

Opay replied that, with the designation of a DPS, NMFS would have to address recovery plans for each of the individual populations. Part of the process would examine what can be done

about the other threats in other areas. There are methods, such as the Inter-American Convention, which could be explored to address actions in other countries, which unfortunately does not apply to areas such as the Federated States of Micronesia and Palau.

Ochavillo asked what kind of public outreach is being done to advertise the upcoming July 6 public meeting.

Opay said the outreach for the American Samoa hearing is being conducted in a variety of ways, such as newspaper ads and social media, as well as word of mouth. The open house segment will begin at 5:30 to provide an opportunity for the public to ask questions, with the hearing starting at approximately 6 o'clock.

Ochavillo suggested radio ads for better coverage. He doubted social media would be very effective. Translation of materials to Samoan, especially for radio ads, would be especially beneficial in getting more public involvement.

Opay added that Headquarters is running the outreach arm of the meetings and the message will be passed to the person in charge.

Seman said CNMI in 1995 requested through the Council a legal take of green sea turtles for ceremonial purposes, which at that time the green turtle was threatened. The request was for the younger generation to experience the cultural relationship with the turtle as something special rather than just food. A workshop was held which led to a requirement to collect more data, which CNMI has been collecting. He reiterated his question of what opportunity is there for the Marianas to be allowed green sea turtle take while listed as an endangered species and how can the CNMI use the cultural system of conservation versus the ESA.

Opay said the green turtle population is considered endangered because it is in need of help, and one of the reasons is because historically they were overharvested. The endangered status is to bring the stock back to a recovered status. It is very difficult to allow a take when the NMFS is trying to tell people not to take, kill or eat them while at the same time reducing incidental take.

Seman asked why it is so difficult for the federal government to understand there are different ways to manage turtle populations and that harvesting a small number can lead to greater conservation. In the Marianas, the green turtle is culture and, in order for the turtle to be respected, it needs to be understood how it is connected to the culture. In the Federated States of Micronesia, where turtle is allowed to be taken, he predicted a 10-year study would show a healthy population.

Opay suggested exploring ways to achieve some of the goals without the actual consumption of the turtle.

Gourley said he has been involved with the ESA for 30 years on the regulatory side and has written the USFWS numerous times about how the ESA has been implemented in the Marianas. He views the act as a failure. The attitude of the US federal government alienates the very people whose support is needed for successful conservation programs. He stressed that the allowance of a cultural take would go a long ways in gaining support from the community,

adding that the USFWS is hated in the Marianas. The crows on Rota are being shot because the public perceives that the crow is delaying agricultural homesteads due to the implementation of the ESA. The act needs flexibility, and the implementation tactics need to be changed. He asked if the ESA Five-Factor Threat Analysis list factors in order of priority.

Opay replied in the negative, the list is not listed in priority.

Gourley suggested listing it in order of priority and weighted to identify the magnitude of the threats.

Sablan asked for the scheduled date for public hearings to be held in Guam, adding that all of the issues and concerns being voiced at the Council meeting can serve as a prelude to what will be said in Guam.

Opay said the Guam public hearing will be held on July 15.

Ebisui asked for clarification as to how long the Central North Pacific DPS population has been in existence and how NMFS viewed the threats that the species faces with the forecasted climate change over the next hundred years.

Opay said the turtles have been around for millions of years. The rate of impact at which climate change is occurring and how it affects the species is one of the concerns. Over the last hundred years human civilization has substantially increased pressure on a lot of things, and climate change is one of the results.

Ebisui said climate change and turtles have both been around for a long time. The turtles have survived and flourished. It seems specious that there are more turtles now, but climate change may change that, even though they are grazing everything down so heavily that there is no limu and seaweed on the shorelines and along the rivers.

Opay suggested Ebisui put his thoughts and ideas on paper and submit them as a comment. One thing to keep in mind is that when the petition was submitted, the idea was to explore the idea of DPS. The population used to be a global population. Now there are individual populations of 3,000 or 5,000, which all used to be part of a much larger group, which affects some of the decision-making.

Rice asked if there will come a time where the turtles will become so plentiful that there will be an eradication program, such as there is for goats.

Opay could not speak to eradication, as green turtles are not recovered or delisted.

Miyasaka asked for information on the State of Hawai'i letter sent requesting more public hearings to be held in Hawai'i.

Opay said, to his understanding, there are no plans to have additional hearings in Hawai'i, as it comes down to budget and the travel cap. PIRO is trying to equitably distribute hearings throughout the region.

Simonds said it is pretty rude of NMFS not to consider holding additional hearings. It does not cost that much to send one person to each neighbor island. The public on all of the islands have concerns on this topic. Simonds offered part of the Council's allocation to pay for neighbor island hearings.

Tosatto said NMFS considered more hearings. There would be two people because it is conducted jointly with the USFWS. Each of the Territories received an additional hearing.

Gourley said USFWS was listing 23 species in the Marianas and had to be asked to hold a public hearing.

2. Council Comments and Proposed Rule

Council staff conducted a review of the green turtle proposed rule. Ishizaki said the public comment period for the green turtle proposed rule was extended to July 27. This is only opportunity for the Council to discuss the draft comments prepared based on advisory group discussions and other means.

Ishizaki reviewed recent Council action. In 2011 the Council supported the International Union for Conservation of Nature (IUCN) Hawai'i Green Turtle Assessment that resulted in a Least Concern finding. Under the IUCN Red List, that is considered a non-threatened listing. In September 2012 the Council submitted a comment letter in response to the 90-day finding of the Hawai'i petition to delist the green turtle. For the current proposed rule, the Services are soliciting comments regarding scientific or commercial information on the rule as well as information on potential areas of critical habitat in the DPS.

Based on staff review of documents related to this proposed rule, as well as the advisory groups, the proposed rule lacks any quantified threat of extinction and relies on speculative arguments. The Status Review and proposed rule do not include any rigorous scientific assessments on how the threats are going to impact the populations, and there is no quantitative assessment included.

For the Hawai'i DPS, i.e., the Central North Pacific DPS, a population viability analysis was conducted by the Status Review Team which showed zero chance of decline in the foreseeable future, which is omitted from the proposed rule. Climate change and sea level rise are discussed as primary threats to Hawai'i population with no quantitative analysis provided. Whale-skate Island in French Frigate Shoals submerged in the 1990s and was referenced as an example of nesting site erosion. No evidence was presented that the disappearance of Whale-skate Island contributed to any population decline. Disease is identified as a threat to the Central North Pacific DPS, even though available scientific evidence shows the population has been increasing despite fibropapilloma, which is the primary disease in green turtle populations.

For the Central West Pacific, i.e., the Marianas DPS, there is discussion about how human population growth would contribute to development and how that is considered a threat to this population. However, no recent data on population growth in the region is analyzed in the proposed rule.

The proposed rule appeared to be using available scientific information in a selective manner. There are incomplete references to a significant paper that was published in 2010 by Tiwari and colleagues. The paper shows that about 70 percent of the existing sand area of French Frigate Shoals, the primary nesting site that holds about 50 percent of the existing nesting throughout Hawai'i, will remain above water even with the worst-case scenario of sea level rise projected by the Intergovernmental Panel on Climate Change.

Another significant publication by Wabnitz, et al., 2010 looked at foraging areas on the Big Island and showed carrying capacity has been reached or is approaching being reached.

There is also an incomplete reference in the proposed rule that a scientific paper looking at changes in the Pacific Islands show that 86 percent of the islands in the Central Pacific remain stable or increase in size despite sea level rise across the recent history. The proposed rule only cites the converse, which says that 14 percent of the islands in the Central Pacific decrease in size.

Climate change and sea level rise arguments for the Hawaii population are based on two assumptions. One is that French Frigate Shoals will disappear due to sea level rise and the other is that nesting turtles will not be able to relocate and cease to reproduce. There is evidence to the contrary, showing that the islands are growing more than they are eroding. Green turtles do have resiliency to adapt to changes in nesting habitat, having the widest nesting distribution of all sea turtle species.

The proposal to up-list the Central West Pacific and Central South Pacific DPSs to an endangered status is premature due to data limitations and lack of consistent surveys. Survey effort in these regions is limited, and the abundance estimates have not been weighted based on survey effort. Furthermore, information on threats for these two DPSs appears to be outdated as the primarily cited regarding threats is the 1998 recovery plan.

Green turtle illegal take throughout the region continues, but no data are available given the illegal nature of the activity. The return of cultural use in the Pacific Islands could increase conservation value and outweigh impacts from any limited take, but such option would not be allowed under the proposed rule in terms of the population for the Marianas and American Samoa currently proposed for listing as endangered as well as threatened.

The draft position for Council consideration includes the following: a) To maintain the listing status for Central Western Pacific and Central South Pacific DPS as threatened primarily because of the vast uncertainty involved in the assessments that were done for those populations; b) To reconsider the threatened listing for the Central North Pacific DPS given the various assumptions that were made about the population and the potential impacts from climate change; c) To provide exemptions to the take prohibitions under ESA Section 4(d), as similar to the management mechanism for ESA-listed salmon species. Activities for take exemption should include limited directed taken and active population management; and d) Do not designate critical habitat as such designations are not likely to provide any measurable benefit to green turtle populations.

The Council was tasked to review the draft of the Council comments, consider the recommendations from the advisory groups and provide additional comments for consideration.

Discussion

Ochavillo said American Samoa has local regulations against take of turtles and a population viability analysis was not done in American Samoa. There is a large DPS in the Central South Pacific, and he did not think a management measure in American Samoa would necessarily be adopted by the other countries.

Rice reiterated his main concern, there is no management plan for what happens when it gets overpopulated or a plan to manage the species when they become recovered.

B. Humpback Whale

1. Status Review and Proposed Rule

Susan Pultz, chief of the Regulatory Branch for the NMFS PIRO PRD, provided a presentation to the Council on the humpback whale 12-month finding and proposed rule. Humpback whales were first listed as endangered in 1970, primarily due to commercial whaling. A recovery plan was published in 1991. NMFS initiated a status review approximately six years ago, and convened a Biological Review Team in February 2010. Subsequently, NMFS received two petitions to delist certain populations in the North Pacific.

Based on available information and the DPS criteria, NMFS identified 14 humpback whale DPSs. Ten DPSs are not being proposed for listing, two DPSs were found to be endangered, and two DPSs are proposed as threatened. Pultz reviewed the Pacific DPSs in additional detail.

The Western North Pacific DPS includes Guam and CNMI, and is being proposed as threatened. The DPS has a low population size of about 1,100 mature individuals. The main threat to this population is fishing gear entanglements. Other threats include energy development, competition with fisheries and vessel collisions. This DPS has considerable uncertainty regarding the threats and associated extinction risk, in part because there is an unidentified breeding area.

The Hawaii DPS has a larger abundance at approximately 10,000 mature whales, with moderate population increase. Fishing gear entanglements were considered a medium threat, but not enough to cause the DPS to be endangered or threatened, especially given their increasing population.

NMFS also determined that the Oceania DPS, which includes American Samoa, does not warrant listing. The population is relatively large at about 3,800 mature individuals with unknown trends. Fishing gear was considered a moderate threat, but no other threats were identified as having a major impact on the population size.

Pultz noted that the humpback whales will still be protected under the MMPA. Approach regulations currently implemented under the ESA will be removed, and NMFS is seeking comments on whether similar regulations should be promulgated under the MMPA. For DPSs not proposed for listing, all requirements under the ESA such as consultations and permits would

no longer be required. NMFS is also seeking comments on designation of critical habitat within the Marianas. Pultz added that the public comment period runs through July 20, 2015, and encouraged people to submit comments.

Discussion

Gourley asked from whence did the relatively low population size numbers come for the Western North Pacific DPS.

Pultz was not sure and offered to get back to him with the information.

Gourley voiced his concern that there is not a lot of information on which to base a listing of threatened, yet, once it is listed, it is very difficult to get delisted.

Pultz said the NMFS standard is to use the best available information. When a petition is received, there is no time to go out and collect more data.

Gourley asked about this being on a candidate species list until more data is collected.

Pultz replied that there is an option for “warranted, but precluded”, but this is not used in data-poor situations. It is used when listing may be warranted but the species is not listed because the agency cannot deal with right away due to a large number of petitions for species. A species may be considered a candidate species when there is not much information. However, when a petition is received, whatever information is available is looked at in order to make the best judgement.

Simonds thanked NMFS for taking the humpback whale off the list.

At this point, Mitsuyasu introduced Erron Yoshioka, the Moanalua High School teacher conducting the Council’s summer class program and the 16 students, ranging from the 10th to 12th grades, in attendance. Yoshioka thanked the Council for providing support for the class. The students learn about the Council process, as well as fisheries management. Two students also voiced their appreciation for the opportunity the summer class has provided. Simonds pointed out that NMFS PIRO is also a sponsor of the summer course.

2. Council Comments on Proposed Rule

Council staff conducted a review of the humpback whale proposed rule. Ishizaki said the public comment period for the humpback whale proposed rule runs through July 20. This is only opportunity for the Council to discuss the draft comments based on advisory group discussions and other means.

In addition to comments on the proposal to revise the humpback whale listing status, NMFS is soliciting information on whether approach regulations for Hawai‘i should be promulgated under MMPA. Other points of information solicited include whether a delisted DPS will lose depleted status under MMPA, information related to critical habitat for the Western North Pacific DPS and research or other activities to be included in a post-delisting monitoring plan for the Hawai‘i and Oceania DPSs.

Ishizaki reminded Council members of previous actions related to humpback whales. At its 145th meeting in June 2012, the Council commended successful recovery and recommended delisting of the North Pacific humpback whales. At its 158th meeting in October 2013, the Council concurred with NMFS' positive 90-day finding in response to the petition to delist the North Pacific humpbacks.

Because the Hawai'i DPS and the humpback whales in American Samoa, which belong to the Oceania DPS, are proposed for delisting or not listing, the review focused primarily on the Western North Pacific DPS, which contains the Mariana Archipelago. The most recent data for this population were collected from 2004 to 2006 in project called SPLASH, and the abundance has not been adjusted for any potential growth following the 2006 data collection season. Additional data available from Okinawa and Ogasawara breeding areas showing increasing trends consistent with the remaining areas of the North Pacific. Humpback whale surveys in the Marianas were recently initiated.

The draft position for consideration is consistent with previous recommendations from the Council to support the delisting of the Central North Pacific and the Oceania DPSs and to recommend that NMFS delist the Western North Pacific DPS given the recent population trend information. The approach regulation under MMPA is not necessary, as the protection would be provided by the Sanctuary. Critical habitat in the Marianas is currently unnecessary, given distribution in the Marianas is not well known and no threats have been identified.

The Council was tasked to review the draft of the Council comments, consider the recommendations from the advisory groups and provide additional comments for consideration

C. False Killer Whale

1. Report of False Killer Whale Take Reduction Team

Nancy Young, coordinator of the FKW TRT from PIRO PRD, updated the Council on the TRT meeting held April 29 to May 1, 2015. The meeting objectives included providing relevant updates, reviewing implementation and early monitoring results of the first two years of the Take Reduction Plan (TRP) implementation, and considering the need for any potential TRP amendments and updates to research priorities.

The TRT looked at the pre- versus post-TRP data to see if there is statistical power to detect progress toward the goals. The SSC and Council had recommended the use of control charts, and this analysis showed that there are outlier years both before and after the TRP and also considerable variability in the data. Young also explained additional analysis conducted by NMFS, which showed similar conclusions to the control chart. At this time, available data are not sufficient to statistically detect any post-TRP changes, and NMFS will continue to monitor the progress. Based on simulations, large reductions in mortality and serious injuries could be detected in three to five years.

The TRT also reviewed the effectiveness of the deep-set gear requirements to determine whether any additional changes may be necessary, but did not recommend any changes at this time. The TRT recommended by consensus that NMFS should document the characteristics of

the branchlines that are currently used by the fleet. The TRT also considered, but did not reach consensus on identifying breaking strength of new and used branchlines based on various metrics and manufactures.

Handling and release techniques, and needs for training were also discussed. The TRT provided positive responses to the Hawaii Longline Association's training effort to emphasize the importance of straightening the hook, but discussed the need for better coordination between NMFS and the industry to ensure consistent messaging. The TRT developed a consensus recommendation to this extent. The TRT also recommended providing access to observer videos of interactions to learn more about the nature of the hookings and to improve release techniques.

The TRT also discussed impacts of nonlongline fisheries on false killer whales. The TRP is focused on the longline fisheries, but NMFS recognizes there is a growing body of information suggesting that other fisheries may be impacting false killer whales, particularly the insular population. NMFS staff indicated at the TRT meeting that they do not have enough information on which fisheries may be involved, and thus there is a need to identify which fisheries, if any, may be causing a problem. TRT work groups will continue to address this issue. The TRT considered recommendations related to nonlongline fisheries, but consensus was not reached given that the Council representative on the TRT indicated the need to vet these issues through the advisory groups.

Young also reviewed the next steps for the TRT process, which included the implementation of TRT recommendations, holding working group meetings, and implementing the monitoring strategy.

Discussion

Rice said he attended the last day of the TRT meeting and when he left the meeting he was afraid. Efforts have been ongoing for four years trying to change the charter fishery to a Category II fishery, though no one looking at this issue knew anything about the fishery. Regarding Boggs' report from the State of Hawai'i data about the interactions with mammals, the majority of fishers filing the reports do not know what type of mammal the interaction was with, and probably 80 percent of the recreational fishers that are filing commercial marine license (CML) reports don't know the difference between a pilot whale and a FKW. He did not realize there was a section for marine mammal interactions until recently. The identification of the animals on the reports is not reliable. Robin Baird showed photos of FKWs with scratches on their lips and said they were interactions with the longline fleet. Rice suspected they were wounds from the animals fighting each other, as there were no visible hooks in the pictures. Fishermen are always blamed. The whale that was found with six or seven hooks in its stomach died of old age. When fishermen know whales are in the area they move on, which shows the non-longline fisheries do not want to have interactions. There has been no documented take of FKWs by the non-longline fishery. Rice said the TRT was made up of a biased group of people, with one longline owner and captain, one longline lawyer and the rest were NGOs, scientists that work for NGOs and NMFS protected species personnel. It seemed as if the researchers were looking for a job. The longline fleet has bent over backwards to avoid injuring whales, turtles and birds. He knows of fishermen who quit fishing because of the marine mammal depredation. Fishermen need to be considered as well. There are 4,000 recreational and charter boats. Who

will pay and train the observers to go on 24-foot skiffs. It is not feasible. Someone needs to stand up to the NGO groups that keep pushing and pushing and scientists who keep pushing the NGO groups to get work.

Leialoha said on the TRT website there is information that contradicts Rice's comments. Within the longline deep-set there have been 13.6 incidental M&SI per year and .2 percent for the shallow-set for FKWs.

Young pointed out the comments were referring to the non-longline fisheries.

Leialoha asked if there were numbers of interactions for the non-longline fishery.

Young replied there is no information on number of takes or mortalities and serious injuries. There is no observer program and no reliable reporting of interactions. There is a form for reporting, but there is low compliance and a disincentive for providing the information, which is why Baird was presenting information on dorsal fin and mouth-line injuries that may be consistent with fisheries interactions. There is no way to identify which fishery may be involved in the interaction. There are many questions trying to be answered in an indirect way.

2. Council Comment on Take Reduction Team Recommendations

Ishizaki presented a review the TRT recommendations from the 2015 meeting. The TRT develops recommendations by consensus. Council was asked to discuss and provide input on the recommendations in which consensus was not reached.

Several draft recommendations related to the impacts of non-longline small-boat fisheries on FKWs were generated, but consensus was not reached as the Council representative to the TRT determined that they required full Council discussion and input. The draft recommendations involved the following issues: a) Hawai'i short-line fishery to be added to the scope of the TRP and a representative of the fishery to be added as a TRT member; b) NMFS to reclassify non-longline hook and line gear from the existing Category III, with the remote likelihood of or no known incidental M&SI of marine mammals, to Category II, with the occasional incidental M&SI, under the List of Fisheries; and c) NMFS to investigate and describe characteristics of non-longline fisheries relevant to FKW bycatch.

Throughout the meeting, NMFS staff emphasized that currently NMFS does not have a basis to include the non-longline fishery in the TRT scope. There is no information to tie injuries to specific fisheries to warrant elevating non-longline fisheries to Category II under the List of Fisheries, and existing information is speculative. Additionally, there is a lack of focus in considering whether there are demographic impacts from any potential interactions, despite the available long-term photo-identification dataset. Aside from the 1989 aerial survey, all other abundance estimates for the insular false killer whale population has been about 150, triggering questions from the SSC and other advisory groups as to whether there has been a decline at all. Furthermore, there is also a need to discuss whether the existing Serious Injury Determination Criteria policy is relevant to FKWs, given the lack of species-specific information in developing the policy.

In addition to the non-longline draft recommendations that did not reach consensus, there were additional research-related recommendations that did not reach consensus. The TRT decided to form a working group to follow up on post-meeting developments. Some of the recommendations that were discussed included conducting EEZ-wide abundance surveys of FKWs on a regular basis. All potential biological removal calculations are based on a 2010 survey.

TRT members reached agreement on recommendations related to the following issues: (a) Research stronger branch lines to ensure the hook is the weakest point in the terminal gear; b) NMFS to provide observer videos of FKW interactions to TRT to facilitate learning of the nature of hookings and improve release techniques; and c) NMFS and industry coordination on captain and crew training and outreach.

The Council was tasked to provide input and direction to staff regarding the TRT scope and non-longline fishery, the List of Fisheries category issues and any additional priority issues.

Discussion

Rice said, if Baird looked for FKWs where they are, there might be more accurate numbers on their populations. He has never seen a pod as large as depicted in the 1989 photographs and suspected the picture is actually of melon-headed whales. Genetics have to be taken from all of the whales to determine if interbreeding is occurring between the populations. NOAA is wasting time and resources in looking at the non-longline fishery impacts to FKWs. NMFS should stand up for the fishermen and do real research on what really needs to be done.

D. Report of Scientific and Statistical Committee's Subcommittee on False Killer Whale Stock Boundary Revision and Bycatch Proration

Daxboeck presented the Council with a report of the SSC Subcommittee on False Killer Whales regarding the FKW stock boundary and bycatch proration approach revisions. The SSC Subcommittee met on March 31, 2015. Presentations were provided by PIFSC staff.

SSC Subcommittee members appreciated the efforts made to balance the various uncertainties in revising the boundary and bycatch proration. However, the subcommittee was concerned that many issues such as buffer zones, distances, and what is or is not a rare event, are subjective and that these issues will be recurring every time the boundaries are revisited. Subcommittee members noted that considering other approaches to examine these issues, such as how to deal with new data when they become available, would be constructive.

SSC Subcommittee members also suggested looking at biology, feeding ecology and habitat, specifically bathymetry, to better understand density and clustering of FKWs, given that hot-spots for the main Hawaiian Islands stock coincide with tuna hotspots. The tuna hotspots are distinct and may inform a narrower buffer zone beyond the FKW satellite data locations around the hotspots.

Subcommittee members also expressed general concern about the high degree of subjectivity involved in the process of defining stock boundaries and encouraged reducing subjectivity to increase transparency wherever possible. They also noted that additional clarity in

the document describing the approach would be helpful, given the vagueness of the starting point and how the boundaries were drawn.

The Subcommittee recommended that the SSC recommend that a) PIFSC continue efforts to obtain satellite telemetry data for Cluster 2 to address the significant data gap for the main Hawaiian Islands stock; b) PIFSC examine habitat depth using bathymetry and life history needs that are connected to those parameters to inform density and clustering of each FKW stock; and c) NMFS clearly document the decision process and assumptions in the stock boundary determination given future stock boundary changes anticipated from the additional satellite tag results from Cluster 2.

Discussion

Rice asked Daxboeck's opinion on the theory of the stocks jumping the fence to interbreed throughout the main Hawaiian Islands.

Daxboeck said they are the same species and not separated geologically. He did not see why there would not be fence-jumping.

Rice noted his theory is there is one giant stock rather than three stocks.

Daxboeck said there are three isolated bunches of the same species, isolated in certain behavioral attributes based on limited numbers of samples from each of the clusters. He opined that if one of the clusters disappeared, somebody else would come in and take its place and it would still be the same species and called Cluster 4.

E. Update on Other Endangered Species Act and Marine Mammal Protection Act Actions

Dawn Golden, from PIRO PRD, presented updates on various ESA and MMPA actions that are relevant to Western Pacific fisheries and fishing communities: a) Monk seal: final rule on critical habitat is pending and should be out soon; b) Common thresher shark: a substantial 90-day finding was issued, with ongoing work on the 12-month finding; c) Scalloped hammerhead: staff is determining if critical habitat is reasonable and prudent for the DPS; d) Corals 4(d) Rule: the public comment period closed, with 300 comments received, including a letter from the Council. The comments are being analyzed to determine whether or not there should be a 4(d) Rule for corals, which could be take prohibitions or exemptions; and e) Proposed List of Fisheries: no update.

Golden presented information regarding a proposed regulation on a joint effort by the USFWS and NMFS on revising how petitions are filed through the Services for listing and delisting species. A petitioner's responsibility is to present a complete petition and meet the substantial information test. The Services have expanded content requirements and guidelines, which include all relevant information, not just that which supports petitioner's claim. The petition is limited to one species, with no limit on the number of petitions that could be submitted. The proposed regulations would require petitions to include a representation of all reasonably relevant data on the subject species, or its habitat for a critical habitat provision petition, including information which supports and refutes the petitioner's claims. For petitions

submitted to the USFWS, there is a new requirement to coordinate with the States before submitting petitions for domestic species. For all petitions filed with either Service, the petitioner is required to certify the petitioner has gathered all relevant information available, including from websites maintained by the affected States and is clearly labeled as information to the petition to be submitted with the petition. Or it is gathered and certified submission of relevant information publicly available on affected State's websites. Revisions clarify that the Services may consider information that is readily available in the relevant agency's possession at the time it makes a 90-day finding. The precise range of information is properly considered readily available in the Agency's possession will vary with circumstances but could include information held by any office within the Services, including, for example, NMFS Science Center and USFWS field offices, and may also include information stored electronically in databases routinely consulted by the Services in the ordinary course of their work. The comment period is open until July 20. The final rule should be published during the summer of 2016.

F. Advisory Groups Report and Recommendation

1. Protected Species Advisory Committee

Regarding the Council process for developing fishery regulations, the PSAC recommended that the Council consider integrating the process for developing fishery regulations during the SSC process with an evaluation of potential protected species impacts that may occur as a result of implementing the fishery actions. This integrated process would result in proposed fishery actions that are more consistent with both the MSA and ESA.

Regarding ESA Consultations for the Hawai'i deep-set longline fishery, the PSAC recommended that Council work with PSAC representatives and NMFS to review approaches used to estimate anticipated sea turtle take in the 2005 and 2014 deep-set longline BiOps and discuss further potential alternative approaches to establishing reinitiation triggers for sea turtle consultations. It appears there may be alternative statistical approaches to analyzing the data and establishing thresholds to insure that authorized take is not exceeded.

Regarding the green turtle status review and proposed rule, the PSAC recommended the Council consider the following in responding to the proposed rule:

- Available scientific information does not indicate the disease is a significant factor of decline for this species. While the proposed rule does not identify disease as major factor for the listing decision, presentations provided at the public hearing and webinar suggest that it is an increasing threat. An international workshop on fibropapillomatosis will be held June 11–13, 2015, and results from this workshop should be considered in NMFS and USFWS' final decision.
- Sea turtles have resiliency to adapt to changes in nesting habitat. Sufficient alternative nesting habitats are available that would accommodate shifting nesting behaviors of sea turtles. Consequently, the committee believes that NMFS and USFWS's justification that this issue constitutes a significant threat to the Central North Pacific DPS is based on unsubstantiated assumptions.

- The committee is not aware of any other significant population-level threats that would suggest the Central North Pacific DPS warrants listing under the ESA now or in the foreseeable future.
- The committee recommended the inclusion of the nesting data up to the 2014 season and any latest season available in the final decision.

Regarding leatherback interactions in the Hawai‘i deep-set longline fishery, the PSAC noted recent consultation conclusions and the annual nester equivalents analysis that population level impacts of the deep-set fishery on Western Pacific leatherbacks remain negligible despite the anomalous observed take level in 2014. PSAC recommended that the Council evaluate further spatial and environmental information regarding take trends to assess if there are any significant correlations that should be considered in analyzing impacts and developing proposed fishery actions.

Regarding monitoring FEPs through annual reports, the PSAC recommended that the Council work with NMFS to evaluate the utility of the statistical control chart approach to monitor protected species interactions in fisheries.

2. Advisory Panel

Watamura presented the Advisory Panel recommendations as follows:

Regarding marine mammal depredation, the Hawai‘i Advisory Panel was concerned with the marine mammal depredation report as it may imply that small-boat fisheries are interacting with marine mammals and recommended the Council communicate to NMFS to not use this data because of the following concerns: a) The data field on the CML report was not designed for capturing marine mammal depredation or interactions; b) The data on fishing effort by gears and locations has not been examined; c) Misidentification of marine mammal species is likely prevalent on the reports; d) Outcome of the depredation event is not known; and e) Fishermen generally avoid interactions with marine mammals and move away from them when sighted, so there is already a default avoidance practiced by fishermen.

Regarding green sea turtles, the Hawaii Advisory Panel recommended the Council look into receiving an exemption to the take prohibitions under ESA for a cultural take of the Hawai‘i green sea turtle.

The Hawaii Advisory Panel recommended the Council request NMFS ensure that all the available information on nesting turtles from the State of Hawai‘i DLNR DAR aquatic biologists is included.

The American Samoa Advisory Panel opposed NMFS, USFWS and the Department of Commerce proposed rule changing the status of American Samoa green turtle DPS from threatened to endangered, as there is not sufficient justification for the change in status.

The American Samoa Advisory Panel supported the Council and American Samoa government's request for NMFS hold a public meeting in American Samoa on the green turtle proposed rule.

The CNMI Advisory Panel recommended the Council request the federal government allow the indigenous people of the CNMI a limited cultural take on green sea turtle.

Regarding humpback whales, the Advisory Panel recommended the Council support the proposed delisting of humpback whales.

3. Pelagic Plan Team

The Pelagic Plan Team recommendations were deferred to the Pelagic and International Fisheries agenda item.

4. Scientific and Statistical Committee

Daxboeck presented the SSC recommendations as follows:

Regarding the green sea turtle status review and proposed rule, the SSC recommended the Council consider the following issues and its comments on the proposed rule: a) No transparent criteria for determining "low" abundance is described; b) Relative abundance estimates for the Pacific Islands DPSs are based on limited number of survey locations compared to the number of islands and atolls in the region; c) The National Research Council report "Assessment of Sea Turtle Status and Trends: Integrating Demography and Abundance" suggests caution about estimating abundance using nesting beach trends; d) A recent publication on possible historical nesting beach distribution and turtle abundance in the main Hawaiian Islands should be interpreted with caution given that midden analyses in archaeological reports are not necessarily representative of nearshore human activities and impacts on biodiversity. Basking beaches are not necessarily nesting beaches; e) The proposed determination is contrary to the population viability analysis conducted for the Hawai'i population, which showed zero chance of decline in the foreseeable future; and f) Lack of consideration for density dependence and habitat carrying capacity to evaluate population status.

The SSC further endorsed the recommendations from PSAC on this matter.

Regarding the statistical control chart approach for wildlife monitoring, the SSC recommended that NMFS use the true probability limits in the control chart when evaluating the effectiveness of the FKW TRP to better understand the patterns of rare events.

Regarding the FKW boundary revisions, the SSC endorsed the Subcommittee's recommendations that a) PIFSC continue efforts to obtain satellite telemetry data for Cluster 2 to address the significant data gaps for the main Hawaiian Island stock; and b) PIFSC examine habitat bathymetry and the life history needs that are connected to these parameters to inform density and clustering of each FKW stock.

The SSC further recommended that NMFS clearly document the decision process and assumptions used in the stock boundary determination, given future stock boundary changes anticipated from the additional satellite tagging results

Regarding the PSAC, the SSC recommended that the Council adopt the recommendations of the PSAC and that the Council direct staff to implement the recommendations of the PSAC.

G. Public Comment

No public comment was offered.

H. Council Discussion and Action

Regarding the green turtle proposed rule, the Council directed staff to transmit a letter to NMFS providing comments in response to the proposed rule, including the comments and issues presented at the 163rd Council meeting and adopting recommendations from advisory groups.

*Moved by Leialoha; seconded by Rice.
Motion passed, with abstention by Miyasaka.*

Tosatto said that NMFS is in a decision-making mode but rather than abstain he will vote in favor of the recommendation.

Miyasaka noted his abstention, as the State of Hawai‘i will provide its own comments.

Regarding the humpback whale proposed rule, the Council directed staff to transmit a letter to NMFS providing comments in response to the humpback whale proposed rule, including comments and issues presented at the 163rd Council meeting and adopting recommendations from advisory groups.

*Moved by Leialoha; seconded by Rice.
Motion passed, with abstention by Miyasaka.*

Miyasaka noted his abstention, as the State of Hawai‘i will provide its own comments.

Regarding the FKWTRT, the Council recommended that NMFS retain the existing TRT scope and focus efforts on improving implementation and monitoring measures under the TRP.

The Council did not support elevating Hawai‘i non-longline fisheries to Category II due to the following: a) All existing information regarding potential evidence of interactions are highly speculative and do not point to M&SI caused by small-boat fisheries around Hawai‘i; and b) main Hawaiian Islands insular FKW abundance estimates have remained stable for over a decade and there is no demographic data or other evidence to suggest that the stock is experiencing population-level impacts from fisheries.

The Council recommended NMFS conduct an abundance survey for FKW in the Hawai'i EEZ in 2016 to ensure TRP measures can be evaluated against rigorous abundance estimates and trends. The last survey was conducted in 2010 with only one other survey in 2002, and the Council previously recommended conducting EEZ-wide surveys every four years.

The Council recommended NMFS revisit the serious injury determination criteria to reevaluate applicability of existing criteria to FKWs. Existing criteria were developed based on bottlenose dolphins and are not species-specific to FKWs. Information from the insular FKW population suggests the animals heal from various injuries, and the existing criteria are likely to be extremely conservative for larger odontocetes.

The Council endorsed the SSC recommendation that NMFS use the true probability limits in the control chart when evaluating the effectiveness of the FKW TRP to better understand the patterns of rare events.

*Moved by Leialoha; seconded by Rice.
Motion passed, with abstention by Tosatto.*

Tosatto noted his abstention.

Rice noted the M&SI should be re-evaluated because there has been evidence of FKWs being very resilient by surviving with six or seven hooks in the stomach. Photos of animals with cuts on their mouth and dorsal fins look very healthy.

Goto noted agreement with Rice's comments, considering the severity of the penalties for the longline fishery when it comes to serious injury interactions and the devastating effects they would have on the noncommercial and recreational fishery as well.

Ebisui clarified the vote of abstention is in regards to Recommendations 3 and 4.

Tosatto noted the abstention is applicable to the whole recommendation as it will involve NMFS decisions.

Regarding the FKW boundary revision and bycatch proration, the Council recommended that (1) PIFSC continue efforts to obtain satellite telemetry data for Cluster 2 to address the significant data gap for the MHI stock; (2) PIFSC examine habitat depth using bathymetry and life history needs that are connected to those parameters to inform density and clustering of each false killer whale stock; and (3) NMFS clarify the decision process and clearly document assumptions in the stock boundary determination, given future stock boundary changes anticipated from additional satellite tagging results.

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

Regarding the marine mammal depredation, the Council directed staff to send a letter to NMFS expressing the Council's concerns with using the marine mammal depredation report analyzing data from the Hawai'i CML reports to imply any small-boat fishery interactions with marine mammals due to the following: a) The data field on the CML report was not designed for capturing marine mammal depredation or interactions; b) The data on fishing effort by gears and locations has not been examined; c) Misidentification of marine mammal species is likely prevalent on the reports; d) Outcome of the depredation event is not known; and e) Fishermen generally avoid interactions with marine mammals and move away from them when sighted, so there is already a default avoidance practiced by fishermen.

Regarding the PSAC recommendations, the Council adopted the recommendations as follows:

Directed staff to consider integrating the process of evaluation of potential protected species impacts with the Council process for developing fishery actions, including review by the SSC. This integrated process would result in proposed fishery actions that are more consistent with both the MSA and ESA.

Directed staff to work with PSAC representatives and NMFS to review approaches used to estimate anticipated sea turtle take in the 2005 and 2014 Hawai'i deep-set longline BiOps and discuss further potential alternative approaches to establishing reinitiation triggers for ESA consultations. It appears there may be alternative statistical approaches to analyzing the data and establishing thresholds to insure that authorized take is not exceeded. The Council further directed staff to work with NMFS to evaluate the utility of the statistical control chart approach to monitor protected species interactions in fisheries.

Directed staff to evaluate further spatial and environmental information regarding leatherback turtle interaction trends in the Hawai'i deep-set longline fishery to assess if there are any significant correlations that should be considered in analyzing impacts and developing proposed fishery actions. The Council noted that recent consultation conclusions that population level impacts of the deep-set fishery on Western Pacific leatherbacks remain negligible despite the anomalous observed take level in 2014.

Moved by Leialoha; seconded by Rice.

Motion passed.

At this point, Michael Kelly from CLS America presented an update on the Hawai'i longline e-monitoring reporting efforts.

X. Public Comment on Non-agenda Items

No public comment was offered.

XI. Mariana Archipelago

A. Guam

1. Isla Informe

Sablan reported on the activities that occurred from January to March for the shore-based and boat-based surveys. There were seven creel surveys, 10 participation surveys and no aerial surveys during the three-month period. One of the top five species reported in the shore-based fishery was bigeye scad, totaling 45.343 kilograms, overall.

Hook and line was the most commonly used method, with 251 fishers recorded using the gear. Three-hundred and fifty-one fishers were surveyed with 364 total number of gear.

Regarding the Boat Access Program, the Merizo Boat Marine had significant damage to the ramp walkways, pier, bumpers and lighting caused by heavy use and exposure to the marine environment. A contract has been awarded for repair and is to be completed by the end of this year. Special permits are continuously being issued for seasonal take of bigeye scads (atulai or akule) and tiao (juvenile goatfish). The permits are seasonal and issued for the area of the Piti Bomb Holes, which is an MPA. Every two months the local mayors are notified to invite fishers to come out within the jurisdiction of the MPA.

The algae bloom continues along the eastern southern reef flats. DAWR is working with Guam Environmental Protection Agency, NMFS PIRO and the UOG Marine Lab to develop management strategies to research the cause and a way to address it. NMFS PIRO is also seeking funds to monitor and respond to this issue.

A beaked of whale washed ashore in Merizo Village on March 15, and a whale of unknown species washed ashore near the commercial port in April. The community has reason to believe that it was caused by a military exercise using sonar scheduled during that period. A necropsy was performed. Tissue samples were sent to Hawai'i Pacific University for analysis, and they are awaiting results.

Eight FADs out of 14 are currently online. Three more FADs will be ordered in 2015.

Fishing platforms in the Ylig and Togcha communities proved to be strong enough to weather without damage the hazardous surf conditions during the recent Typhoon Dolphin that hit Guam May 15.

Three educational programs include Help Save Guam's Reefs, the Piti Pride Campaign and the Kid's Fishing Derby. Help Save Guam's Reefs teaches the ridge-to-reef concept of conservation to benefit fisheries. The campaign is presented to communities, organizations and schools and is ongoing throughout the year. The Piti Pride campaign promotes sustainability in the Piti Bomb Hole Preserve area. The campaign launched in September 2013 and completed Phase 1 in August 2014. Phase 2 began in September 2014 and was completed in September 2015. The Kid's Fishing Derby sponsored by DAWR holds two derbies held every summer for kids from the ages of seven to 12. The derby, scheduled for July 18 and Aug. 29, usually averages 80 kids participating.

The 12th FestPac will be hosted by Guam May 22 to June 4, 2016, and will have 27 Pacific Islands nations, states and territories, including Hawai‘i, American Samoa and CNMI. It promises to be a big event.

2. Legislative Report

Sablan reported that Congresswoman Madeline Bordallo introduced a bill to enforce mechanisms to stop illegal unreported and unregulated IUU fishing. The bill authorizes the USCG to combat illegal fishing activities, strengthens NOAA to penalize nations that do not comply with regional fishery management organizations’ recommendations and implements Port Agreements to ensure illegally caught fish are not to be brought into US ports.

Bill No. 100-33 introduced by Sen. Judith Won Pat, current Speaker of the 33rd Guam Legislature, extends the deadline to expend or encumber the grant for the construction of the Fishermen Cooperative Association facility from July to December of this year. A contractor was identified, but ongoing reorganization delayed the bid process.

3. Enforcement Report

Sablan reported that from March to May 2015, conservation officers arrested four male individuals for illegal fishing.

4. Community Activities and Issues

Duenas reported that Typhoon Dolphin hit the Marianas on May 15. For two days prior there was a small run of the juvenile rabbitfish (manahak). They are small fish but play a big part of the culture on Guam. Every few years a large run will occur and then disappear.

The Council funded a manahak grow-out project under the 4-H Program under Cliff Kiyota. It utilized the Sustainable Fisheries Fund. The project was very successful in growing out the rabbitfish to size and then tagging and releasing them back to the ocean. The 4-H youth will start releasing more of them. Culturally, the fish are no longer desirable after they come into the reef and after eating the algae become very bitter. After the fish reach more than 4 inches, they become desirable again. The idea of the project was to capture them on huge runs, transfer them into a holding tank and grow them out until they’re of size for release back into the water. The UOG 4-H was able to secure a holding tank at the hatchery and secure rental, power and aeration for the tank. They were also able to purchase a transport tank and trailer for safe transport to the hatchery for grow-out. There have been four successful collections with up to 2,000 pieces in the grow-out tank. There will be outreach to the public to let them know there will be more releases of the fish, and some data will be forthcoming tracking the movement the fish over time.

Discussion

Ochavillo asked for more information related to the size the manahak when they come to the reef, and what kind of feed is used during the grow-out process. In the Philippines the rabbitfish are caught during the night with a light and a scoop net.

Duenas said the scribbled species are 1/2 inch to 3/4 inch and the forktail species is approximately 1 inch. The juvenile were fed algae, and a commercially available feed was fed to the fish when they reached 2 inches in length. The Philippine method will be shared with Guam fishers.

Daxboeck asked for the age at which the juveniles lose the sharp prickles.

Duenas said some people seem to be immune to it and others do have a reaction to it. Typical behavior is they come into the reefs during certain cycles of the moon.

Sword asked about the status of the conflicts between the local and Chuukese fishermen.

Duenas said there are still conflicts. A survey was conducted, which will be presented during the Council meeting.

a. Status Report on Fishing Platform

Carl Dela Cruz, Council island coordinator, reported on the status of the Hagatna Fishing Platform. An invitation to bid advertisement was published in the Guam *Marianas Variety* on April 27 and 30, 2015. The pre-bid conference was conducted May 5, 2015. The final bid negotiation took place on June 11, 2015, with the issuing of Intent to Award.

Sablan reported that the pending project process included administrative and legal procedures that resulted in the following documents: a) Contractor of Performance and the Payment Bond; b) Guam Attorney General signature and the Governor's signature; c) Department of Administration's Office signature to record the project; d) Preconstruction Project Finalization that's between Public Works, Department of Agriculture and the contractor; and e) Building permit from the Construction Quality Control and the contractor. Guam DOA is scheduling a Notice to Proceed groundbreaking in August upon completion of all administrative requirements. The timeline for completion is February 2016, which would be just in time for the Festival of Pacific Arts (FestPac).

Discussion

Simonds asked if DOA has looked for funding to accommodate any extension.

Sablan said \$549,000 was given, which equated to the lowest bidder. Efforts are ongoing to acquire more funding to extend the fishing platform up to 200 feet.

b. Malesso Community-Based Management Plan

Charles Ka'ai'ai, Council staff member, presented an update community-based management plan (CBMP) implementation. Meetings were held in April 2015 in regards to the CBMP of Malesso. In 2014, the village of Malesso completed its CBMP. Developing the plan was a two-year project involving the Mayors' Council of Guam, the Mayor of the village of Malesso, Guam DOA and the Council. The Council assisted the community in identifying and prioritizing its issues and challenges. The plan became a framework for a process to address and resolve these community issues.

Through a series of workshops and discussions with members of the Malesso community, community issues were discussed and prioritized. Two committees were created to lead the effort to address community issues: Malesso Steering Committee and the Malesso Peskadot Committee. Under the steering committee, ad hoc working groups were recommended to work on specific issues of the community. The Peskadot Committee is working on developing a code of conduct for the village and water use activities in Cocos lagoon.

Three priorities were identified through the planning process to address issues in the community. These priorities (zoning in Cocos Lagoon, resource monitoring and review and update of the PCB advisory in the lagoon) were addressed with the formation of working groups. Mayor Ernest Chargualaf called meetings of the working groups in April 2015.

c. Yigo Community-Based Management Plan

Ka'ai'ai reported that on April 23 the community of Yigo, which is the northernmost municipality in Guam, had its first workshop to develop its CBMP. The community ranked its highest priority, target resource as ayuyu and habitat of concern as Anao. The special feature for protection is the freshwater springs in the fishing areas. The community is interested in its night market, agricultural tourism, aquaculture, Pagat Caves and Anao Point. Other interests include Santa Rosa, which is scheduled for a community meeting in August. Another point of discussion was that, because half of the municipality of Yigo is on Andersen Air Force Base, the community wasn't able to resolve whether to include or exclude Andersen Air Force Base in the management area. Discussions are ongoing.

d. Report on Indigenous Fishing Rights Initiatives

Sablan reported that, on Nov. 12, 2014, the DOA submitted to the Attorney General's Office a request for review and approve draft rules and regulations relative to Indigenous Fishing Rights under Legislation. On Sept. 16, 2014, a public hearing for the indigenous rules and regulations was held at the Guam Legislature. Draft rules, regulations and an economic impact statement were made available to the public. On Feb. 25, 2015, a meeting was held with Sen. Judith T. Won Pat and Guam Attorney General Elizabeth Barrett-Anderson, the DOA and the indigenous groups. On June 5, 2015, the Office of Attorney General commented on the draft rules and regulations relative to the indigenous fishing rights. The Attorney General recommended that the draft rules be returned to the DOA without approval and the DOA be advised to work with the Legislature and interested stakeholders, which is the indigenous rights group, in further addressing the concerns raised. The DOA will meet again with Sen. Won Pat and the Attorney General and stakeholders to address the concerns based on the comments.

Duenas asked Judith Guthertz, the author of the original bill, to provide some background on the topic.

Guthertz said that a number of years ago, when she was as a senator of the Guam Legislature, a sector of Guam's indigenous fishing community approached her requesting to have their indigenous fishing rights recognized. A bill was drafted to develop an approach. The bill passed the Legislature. The then-governor decided that he wanted to veto the bill due to concerns of losing federal funds. The Legislature overrode the veto. The US Congress passed a

bill into law allowing for a Constitutional Convention in Guam. In that constitution there was a provision that recognized indigenous fishing rights. The draft constitution was sent to the US Congress. The Congress and President endorsed the Guam constitution including the provision for recognition of indigenous fishing rights. The referendum was delayed two or three years due to internal political reasons. The draft constitution did not pass due to low voter turnout. Recognition of indigenous fishing rights became the basis for a local law. It required DOA to convene a Task Force made up of representatives of the community and the fishing community to develop proposed rules and regulations to recognize indigenous fishing rights. For the last four or five years the DOA has attempted to do so without success. Part of the problem is the stakeholders who have been most interested in attending the Task Force meetings have been the indigenous rights groups, some of whom are more aggressive than others. DOA has proposed rules and regulations that are reasonable and fair, but they are very contentious. When an agreement was finally reached, after review by the Attorney General's Office, the response was issued, which was just reported on.

Guthertz added that there have been many changes in the community where the respect for the traditions and the respect for the cultural traditions in fishing have been in many ways ignored and not honored by the federal government and others who became part of the community but do not believe in the importance of the cultural traditions and respect. Indigenous fishing cultures need to be recognized in a way that is compatible with the laws and regulations at the federal level. Assistance is needed from the Council to help the leadership in Guam discover the right legal methodologies to make it possible.

e. Micronesian Fishing Community Project Update

Hawkins presented preliminary information from the Council's project to learn more about fishing-based conflicts between Guam locals and Micronesian newcomers.

At the 159th meeting, the Council directed staff to explore reports of fishing-based conflict between indigenous residents of Guam and relative newcomers, especially from the Compact of Free Association (COFA) countries.

At the 162nd meeting; Hawkins updated the Council regarding on-going staff activities, namely: in November 2014, staff, in partnership with the Guam Fishermen's Coop, convened a meeting with Guam fishermen to discuss the history and current state of the conflict. Approximately 60 fishermen attended the two-hour meeting. In preparation for the meeting, Council staff met with Council Vice Chair Michael Duenas and Guam 4-H Extension Agent Cliff Kyota at the UOG to discuss background, examples of the conflict, enforcement issues, and the local government response. Issues brought up at the meeting included fishing locations, frequency, types and amounts of fish being taken, and gear conflicts. Staff also met with the Palauan Consulate on Guam.

Guam 4-H Extension Agent Cliff Kyota recently delivered the spreadsheet results of approximately 150 interviews with Micronesian fishermen from Chuuk, Palau, the Marshall Islands, Yap, Kosrae, and Pohnpei. Members will be provided with the survey results and determine what additional actions, if any, should be taken by the Council.

Some of the reasons that Micronesians feel the Guam locals may be upset are: fishing on private property beach, catching too many fish, catch is sold for too much money, locals territorial sense of newcomers fishing in Guam waters and taking all of the fish. Newcomers do fish in restricted areas and use fishing methods that are not compatible with nearby swimming.

Initial conclusions are that this is a Chuukese-centered conflict, as Chuukese fishermen reported fishing harder, being more motivated by income, more unsure about local rules, regulations and norms. Most run-ins are probably based on private property and fishing effort. Some are fishing a bit different than they would back home.

5. Education and Outreach Initiatives

Dela Cruz reported that the UOG celebrated its 47th Charter Day and its 63rd year as an institution of higher learning. The Council joined the UOG College of Natural and Applied Sciences to exhibit at its event on March 10. In addition to the distribution of Council material, the exhibit also featured interactive activities that were manned by students from an environmental high school club, Marine Mania, from the George Washington High School.

The 2016 FestPac will be hosted by Guam from May 22 to June 4. The Committee on Traditional Arts in Fishing and Hunting is being chaired by Council contractor John Calvo. Outreach work continues at the flea markets and other events to promote participation from fishermen and hunters on Guam. The Council contractor is working with the Navigation and Seafaring Traditions representatives to plan a mini festival from May 27 to 29, 2016. The mini festival will bring together the fishing and hunting traditions and the navigation and seafaring traditions to provide opportunities for sharing of a traditional knowledge and promote the sustainable use of natural resources.

In regards to the Fishermen Code of Conduct, work has been done to create Code of Conduct posters to guide fishermen in promoting sustainable fisheries. The posters are in English, Chamorro and Chuukese. The distribution of the posters commenced with the presentation at the Mayors' Council of Guam at their May 27 meeting. Public service announcements promoting the Fishermen Code of Conduct on television are also being created by the Council.

Deisher reported in response to the Council's request to look further into USCG boarding figures over the last couple of years. From April 2013 to April 2015, USCG Maritime Law Enforcement personnel on Guam conducted 301 boardings of vessels less than 300 gross tons. The boardings were spread over 252 different vessels determined by vessel identification number. Documentation is looked at but not recorded. Repeat boardings totaled 36 of the 252 small vessels boarded, for a repeat boarding rate of 14.3 percent. Of the 36 vessels boarded more than once, only seven were boarded more than twice over the two-year time period. Given that the vessels registered in Guam are required to obtain a new registration sticker every calendar year to remain legal, an average USCG boarding rate of once per calendar year is not unreasonable.

Of the 252 vessels boarded by USCG Law Enforcement personnel in Guam, 2.9 percent were boarded at a rate higher than once per calendar year. Looking at the seven vessels boarded

at an average greater than once per calendar year, four were boarded three times over two years and three were boarded four times over two years. Six of those vessels are recreational, and one was a licensed passenger vessel. None were classified as fishing vessels.

A triple boarding rate of only four out of 252 vessels encountered are statistically consistent with the low side of the standard bell curve distribution and would be expected in a random encounter base boarding system. So for the three vessels that were boarded four times, three of the boardings conducted on Vessel A were post-search and rescue (SAR) boardings. Vessel A had been issued two separate Class 1 civil penalties for multiple safety infractions, including operating at night without working navigation lights, operating at night with all visual distress signals expired and having a fixed gasoline tank without any fire extinguisher onboard. Vessel B also had a post-SAR boarding, bringing the remaining three back in line with the standard bell curve. Of the 301 boardings of small vessels, or the 252 small vessels that were boarded, Vessel C was the only one that was boarded four times, which is the statistical outlier. The information cannot be broken down any further.

Discussion

Duenas asked for the time of day that the boardings were conducted,

Deisher replied the boardings are random and are not in a pattern. It is not likely to be able to determine time of day from the information.

B. Commonwealth of the Northern Mariana Islands

1. Arrongo Falu

Seaman reported that Tony Flores has been identified as the contractor for the Territorial Science Initiative. His focus is organizing training for retail vendors on fish identification as outreach for the mandatory reporting law. MRIP recruited Danandro Barcinas as the contractor to conduct detail effort and interview surveys for the seasonal runs of juvenile goatfish, jack, rabbitfish and atulai. Barcinas trained with DFW creel staff from mid-March to April. Data collection began May 1, 2015.

2. Legislative Report

Seaman reported Senate Bill 1042, introduced by Sen. Arnold Palacios, will prohibit the Department of Public Lands from leasing any Commonwealth land for any military live-fire or bombing activity and will require any proposed public land lease for any military activity to be ratified by the people in either a general or a special election and for other purposes.

House Resolution 19-003, introduced by Speaker Joseph Deleon Guerrero, requested Gov. Eloy Inos to oppose any and all proposed military use of the island of Pagan and oppose any increased military activities in the Northern Islands.

House Resolution 19-05, introduced by Rep. Angel Demapan, requested that the Covenant Section 902 process be utilized by the US president and the CNMI governor as the sole

forum of discussion, consultation and negotiation to address the United States' desire to acquire any interest in real property not already given under the Covenant.

US House Resolution 1826, the Fishing Economy Improvement Act, was introduced by CNMI US Delegate Gregorio Kilili C. Sablan to amend the MSA. After it was defeated in the House Committee on Natural Resources, the bill was referred to the Subcommittee on Water, Power and Oceans.

3. Enforcement Issues

Seaman reported there were 147 hours of dockside inspections performed from March to June. There were 142 hours of at-sea vessels and 280 hours of at-sea personnel patrol. There were 18 vendor inspections, mostly restaurants.

Outreach was conducted at the Environmental Expo with 598 students attending. Annual Law Enforcement was able to outreach to 222 people.

The Enforcement Safe Boat is in having maintenance due to damage caused by over-exposure to the sun.

4. Community Activities and Issues

Seaman reported a workshop was held on April 22 that involved community participants and Mayor Aldan. An overview was provided on the planning process. Management and study areas were discussed, as well as mapping and ranking priorities. The next meeting will be August 20, 2015.

Seman reported the DEIS public hearings were held in April and May with more than 100 participants. There was overwhelming opposition to the proposed military plans on the Northern Islands by such groups as Pagan Watch and Friends of Gani.

5. Education and Outreach Initiatives

Seman reported the Mahimahi Derby occurred in April. The 2015 lunar calendars were passed out during the Mahimahi Derby.

The International Derby will be held on July 25. The fee is \$150 per boat for two people. The standing record is 942 pounds. Council outreach material will be distributed.

The High School Summer Course will be held in July. More than 15 students have registered. Guest lectures, class activities and field trips will be provided.

The lunar calendar prizes have been distributed, which included rod and reels, tackle box, flashlight and goggles to students.

The Fishermen Code of Conduct was translated into Chamorro, Refaluwasch and Chuukese and will be distributed through audio recordings, posting by vendors and other locations.

a. Northern Islands Community-Based Management Plan

Ka'ai'ai reported on meeting with 16 members of the Northern Islands community on April 22 to hold the CBMP workshop regarding the planning process. Work sheets were used to prioritize and identify their natural resources. The Northern Islands consists of about 300 residents. The municipality of the Northern Islands comprises the 10 northern islands in the CNMI. In 1981 the Northern Islands residents were moved to Saipan because of threat of an eruption of a volcano on Pagan and have been seeking re-settlement on the islands of Pagan, Anatahan, Sarigan and Alamagan. The community members were able to identify cultural, natural, historical and anthropological resources on all 10 of the islands. The overriding theme at the time was the expansion of the Joint Military Training Area. Time was taken to identify the resources, the community's priorities, the preferred study area and area of management. The Council's process is not structured to handle the amount of information provided and will focus work on the management of Pagan. It's a large area with resources such as geothermal, geological, natural, historical and anthropological resources. GIS maps are being developed. The next meeting is planned for some time in 2015.

b. Commonwealth of the Northern Mariana Islands Joint Military Training Draft Environmental Impact Statement

Rebecca Walker, Council staff member, reviewed the Council's draft comment letter on the DEIS and summarized the CNMI Joint Military Training (CJMT) DEIS.

The Department of Defense (DOD) held public hearings on the CJMT DEIS on Saipan and Tinian between April 29 and May 1. The hearings were held twice on Saipan and once on Tinian and were designed to solicit comments from the public with respect to the proposed DEIS. The comment period has been extended following the hearings for 60 days to Aug. 3. The majority of people who provided oral comments were against the military plans on Tinian and especially on Pagan, which was never discussed or mentioned in the past or in any document, such as the covenant to be used for military purposes.

Walker's review included the timeline of the drafting of the letter of the Council's comments and the DEIS, proposed actions and alternatives, the approach taken to the Council's comments, the main deficiencies of the DEIS and proposed mitigation. Council comments related to fishing access, direct and indirect impacts to fishing, mitigation identified in the DEIS and by the Council's Advisory Panel and staff.

The Council was requested to review the draft comments and provide additional comments for inclusion in the comment letter.

Discussion

Seaman asked who provided the language regarding FADs being provided as mitigation for lost fishing grounds.

Walker said it was in the Marine Biological Section for Mitigation, to mitigate impacts to coral reefs from anchor damage and increase fishing access by installing mooring buoys or FADs.

Gourley suggested including a performance requirement for the maintenance of the FADs.

Gourley updated information regarding the Saipan Biosampling Program. PIFSC has funding to have 500 to 600 otoliths read by the lab in Australia. An Otolith Prep Workshop will be held during the second week of November for DFW and Micronesian Environmental Services (MES). Allan Andrews from PIFSC will conduct training on how to prepare otoliths for subsequent reading. Bob Humphreys is formalizing a gonad staging assessment, a formal assessment for DFW and MES staff to learn to read gonad slides for use by PIFSC for size at maturity. Talks of holding a regional biosampling workshop are in the initial stages.

C. Update on Marianas Trench Marine National Monument

Tosatto reported that a draft of the Monument management plan and environmental assessment has been shared with the Marianas Monument Advisory Council and the CNMI government. There were distractions with DOD and CJMT with the submerged lands. When a response is received from the CNMI government, the draft will go out for public hearings. After the co-management process is developed, the transfer of the submerged lands will follow. NOAA is waiting for the governor to make a decision regarding a memorandum of agreement and transfer document, which then gets incorporated into the management plan and will go out again for public comment. The next steps would be a revision of the draft plan into a final document, which could have a management plan in place by the end of 2015.

Discussion

Gourley asked for more information related to a three-year project by Colorado State University looking at the human dimensions of large MPAs by Robbie Green. The focus is the Marianas Trench Marine National Monument. The foundations that are involved are the Oak Foundation, the Wyatt Foundation and the Tiffany and Company Foundation.

Tosatto said Green recently asked for an interview as part of his research, and that is all that is known.

D. Advisory Group Report and Recommendations

1. Protected Species Advisory Committee

There were no PSAC recommendations regarding the Mariana Archipelago.

2. Advisory Panel

Richard Farrell reported the CNMI Advisory Panel recommendations as follows:

Regarding ecosystems and habitat, the CNMI Advisory Panel recommended a study to be performed to determine why ciguatera is common in certain groupers caught in the Northern Islands but not in the same species caught around Saipan. This would also help the CNMI understand the possible impacts that military activities and dredging and/or bombing may have on the occurrence of ciguatera.

Regarding ecosystems and habitat the CNMI Advisory Panel recommended the Council request NMFS to provide technical assistance to DFW data and biological staff in identification of corals and other fish habitat so the Agency is able to collect quality data, as well as to process and disseminate collected information for public consumption.

Regarding ecosystems and habitat, the CNMI Advisory Panel recommended that the Council request NMFS conduct a study to look at the impacts of runoff on fishery ecosystems.

Regarding bottomfish reporting, the CNMI Advisory Panel recommended the Council request NMFS to clarify the issue of reporting of all bottomfish versus only commercial bottomfish to avoid confusion amongst fishermen.

Peter Perez reported the Guam Advisory Panel recommendations as follows:

Regarding Guam's marine preserves, the Guam Advisory Panel recommended the Council request NMFS PIFSC to analyze data from the Coral Reef Ecosystem Division (CRED) surveys within Guam's marine preserves to determine any trends over time.

Regarding pelagic fisheries, the Guam Advisory Panel recommended the Council facilitate negotiations between the Hawai'i longline fleet and the governor of Guam in utilizing Guam's quota to help with the Marine Conservation Plans (MCPs).

Discussion

Simonds noted that it was good timing to have a rejuvenated Guam Advisory Panel to coincide with the Council's revamping of its Five-Year Cooperative Agreement and FEPs.

3. Joint Archipelagic Plan Team

There were no Joint Archipelagic Plan Team recommendations for the Mariana Archipelago agenda item.

4. Pelagic Plan Team

The Pelagic Plan Team recommendations were deferred to the Pelagic and International Fisheries agenda item.

5. Scientific and Statistical Committee

There were no SSC recommendations for the Mariana Archipelago agenda item.

E. Public Comment

No public comment was offered.

F. Council Discussion and Action

Regarding Guam's marine preserves, the Council directed staff to request that NMFS PIFSC analyze all available fishery survey data, such as the CRED, UOG and DAWR, to determine performance trends over time of Guam's marine preserves.

Moved by Duenas; seconded by Sword.

Motion passed.

Regarding Guam Micronesian fishing conflict, the Council directed staff to finalize the report and provide it to the Government of Guam and the Guam Advisory Panel for their consideration of potential next steps.

Moved by Duenas; seconded by Seman.

Motion passed.

Regarding FestPac, the Council directed staff to work with the Guam island coordinators and the Guam advisory bodies to develop a plan for the Council's participation in and support of the FestPac 2016.

Moved by Duenas; seconded by Seman.

Motion passed.

Regarding Guam indigenous fishing rights, the Council directed staff to review Guam's indigenous fishing rights legislation and report on how the Council can assist its implementation in Guam.

Moved by Duenas; seconded by Seman.

Motion passed.

Tucher reminded the Council members that restrictions on lobbying and going to states, territories and federal government and proposing modifications or changes or support for pending legislation remain in place. He said he could not tell from the language in the recommendation whether those restrictions are implicated or not. He asked whether the recommendation is reviewing enacted legislation to see what the Council can do as to assist in its implementation or something else.

Simonds said the recommendation is to assist in its implementation because it has already been passed.

Tucher said, since he heard from the executive director that the legislation has already been passed, he has no concerns regarding the recommendation.

Regarding Guam's bigeye quota, the Council directed staff to engage with the Hawai'i longline fleet and the Government of Guam to begin discussions on utilizing Guam's territorial bigeye quota.

Moved by Duenas; seconded by Seman.
Motion passed.

Regarding the CJMT DEIS/draft Overseas Environmental Impact Statement (EIS), the Council directed staff to finalize the comments on the DEIS based on the comments and issues as presented by staff and submit the draft comments to the DOD, with the addition of a performance requirement for proposed FAD mitigation.

Moved by Duenas; seconded by Gourley.
Motion passed, with abstention by Tosatto.

Tosatto noted that because NMFS is a Cooperating Agency on the DEIS he will abstain from the vote.

Regarding the CJMT DEIS/draft Overseas EIS, the Council requested the DOD to extend the comment period to December 4, Chamorro Standard Time, in order to allow affected CNMI stakeholders to fully understand and discuss the results of the independent review of the DEIS by consultants contracted by the CNMI government with funds awarded by the Department of the Interior, Office of Insular Affairs.

Moved by Seman; seconded by Gourley.
Motion passed.

Regarding ecosystems research, the Council requested NMFS PIFSC to conduct a study to determine why ciguatera is common in certain groupers caught in the Northern Islands, but not in the same species caught around Saipan. This may assist the CNMI in understanding the possible impacts that military activities and dredging and/or bombing may have on the occurrence of ciguatera.

Moved by Seman; seconded by Gourley.
Motion passed.

Regarding ecosystems research, the Council requested NMFS PIFSC to provide technical assistance to DFW data and biological staff in identification of corals and other fish habitat so the Agency is able to collect quality data, as well as to process and disseminate collected information for public consumption.

Moved by Seman; seconded by Gourley.
Motion passed.

Regarding ecosystems research, the Council requested NMFS PIFSC to conduct a study to look at the impacts of runoff on fish populations within the lagoon.

Moved by Seman; seconded by Gourley.
Motion passed.

Regarding bottomfish reporting, the Council requested NMFS PIRO to provide outreach to CNMI fishermen to clarify the issue of reporting of all bottomfish versus only commercial bottomfish to avoid confusion among fishermen.

Moved by Seman; seconded by Gourley.

Motion passed

XII. Pelagic and International Fisheries

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

Hawkins provided an update on the Hawai'i yellowfin and bigeye commercial minimum size efforts. Regarding social and economic considerations, the Council at its 162nd meeting was provided the results of survey work undertaken on O'ahu among select fishing vendors and consumers. The Council directed staff to develop additional information from neighbor islands fishing communities, so as not to rely on data from O'ahu alone. The Council, State of Hawai'i and NMFS staff met in April to discuss the best approach to obtaining such information.

Hawkins presented a vendor survey that PIFSC conducted for five years between 2000 and 2011, information regarding interviews that the Council conducted with members of the Wai'anae fishing community on O'ahu. He also presented a petition that the Council and the State were provided with about 350 signatures demanding no change to the current Hawai'i commercial size of yellowfin or bigeye tuna.

At the 118th SSC and 162nd Council meetings, the SSC and Council were supportive of the continuation of the expansion of studies to all of the main Hawaiian Islands with the inclusion of price information, as directed by the Council in March.

At the meeting, the attendees were happy with the amount of information and the type of information that was generated earlier this year in terms of the vendor surveys and the surveys of select members of the fishing community on their perspectives about the important of retaining the small 'ahi in the formal markets. It was decided to continue along that path. It was decided that the Hawai'i Advisory Panel and other knowledgeable individuals can assist in selecting and contracting interviewers to conduct these activities on the islands of Kaua'i, Maui, Hawai'i and Moloka'i. They are looking at between five and 10 vendors per island, including roadside vendors. The interviews will last approximately two hours per vendor for the initial interview, including travel time. Zach Yamada, a Council FISH project intern, will undertake the work during July and August. It is not a hugely random and representative study, but it should provide additional information regarding the potential social and economic importance of retaining the small yellowfin and bigeye in the marketplace in Hawai'i.

Discussion

Rice noted this issue has been around for several years. There is science that shows that it would be profitable in the end to raise the minimum weight from 3 to 10 or 15 pounds. Currently, the Big Island main brokers will not take any tuna under 10 pounds. Supermarkets prefer bigger fish. Something needs to be done one way or the other.

B. Hawai'i Cross Seamount Fishery Review

Beals reported that currently the Advisory Panel recommends no change in the management or operation at the Cross Seamount and to continue with the status quo.

Discussion

Goto noted the auction sees minimal and sporadic landings from the Cross Seamount. He voiced support for the Advisory Panel recommendation.

Simonds said this is the fifth time the Council has discussed the issue and it should decide not to hear about it again.

Goto said one never knows how dramatic an increase will happen from year to year.

Rice said the Cross Seamount is a fishery that fluctuates. The burnout factor by seamount fishermen and boats is very high and has no real relevance to what's going on.

C. Report of Hawai'i Catch Shares Meeting

Paul Dalzell, Council senior scientist, presented information from the Hawai'i catch shares meeting that was held on April 28, 2015. SSC Emeritus Chair Paul Callaghan chaired the meeting. Representatives of the Hawai'i longline industry attended to discuss the potential move toward a management system based on catch shares.

The Hawai'i longline fleet has recently increased in size to 140 vessels, which prompted a look to see if there were any renewed interest amongst the fleet about catch shares. After a brief review of the meeting agenda, Bruce Turris, from Canada, related experience in the management of the Canadian halibut fishery based on individual transferable quotas (ITQ). The Hawai'i longline industry has not supported catch share systems in the past due to many issues, such as concentration of quota, allocation and transferability issues.

The following discussion points were noted: a) Every program is different; b) A perfect IFQ plan does not exist; start small; c) Industry involvement is needed; d) Industry pays for most of the monitoring costs; e) Pilot programs provide for program review; f) Once you go catch share, you pretty much cannot go back; g) IFQ will not always lead to stock sustainability; h) Crew employment down with fleet rationalization; i) New entrants into fishery is a problem (old skippers); j) Different multispecies quota allocations are established separately; k) Long- and short-term goals need to be articulated; l) Transferability is key in multispecies fisheries; m) Quota concentration is an issue, but concentration caps affect that; n) Foreign companies could set up local entities to obtain quota; o) Processor impacts depend on fishery, some negatives and positives; p) IFQ usually leave fish in the water; the incentive is to carry fish forward; q) Electronic monitoring removes high grading; and r) The greatest obstacles are allocation and transferability.

Discussion

Goto said he attended the meeting. It is good to be prepared for potential happenings.

Guest Speaker: John Hinderschedt, director of NMFS Office of International Affairs and Seafood Inspection, presented information regarding IUU fishing and seafood fraud.

D. International Fisheries

1. Report on Purse Seine Bigeye Tuna Workshop

Kingma presented an update provided by John Hampton, who is on the Council's SSC and is the lead of the Oceanic Fisheries Program from the Secretariat of the Pacific Community (SPC), which is the science provider of the WCPFC on the status of stocks and fisheries in the WCPO. The update included 2014 information.

The WCPO is the world's largest tuna fishery, representing 60 percent of global tuna production, with 2014 being a record year in the WCPO in terms of tuna production with more than 2.8 million mt of fish caught. Most of the tuna (2.1 million mt) were caught by purse-seine gear. The longline catch was substantially lower. The fishery is dominated by purse-seine fishing and also includes Indonesia and Philippines handline fisheries, pole and line fisheries and longlining.

The driver of the total catch is aku (skipjack tuna). The skipjack catch has continued to increase. The spawning biomass declined to less than 50 percent of unexploited levels, with fishing mortality less than the MSY level. Currently the stock is considered healthy, but it is moving towards conditions that will be less sustainable.

Yellowfin catch was at its peak in the late 1990s and has decreased since then in spite of effort and technology. Spawning biomass declined to less than 38 percent of unexploited levels, and the fishing mortality is less than the MSY level. The stock is in a healthy condition.

Bigeye is a much different situation. Catch has been stable since the late 1990s and has not increased in spite of increased effort and technology. Spawning biomass declined to less than 16 percent of unexploited levels, and fishing mortality is more than 50 percent greater than the MSY level, which equals a depletion of over 80 percent of the stock.

The purse-seine fishery catches skipjack, yellowfin and bigeye. It catches mostly bigeye when using FADs or associated sets. FAD fishing is usually conducted right around sunrise and on a FAD, and that is when all of the tuna are aggregated close to the FAD. There are more unassociated or free school sets in the fishery than there are associated. Since 2009 there has been an increase in purse-seine bigeye catches. On average, 3 to 4 percent of the US total purse-seine catch is comprised of bigeye.

With El Nino, typically there is higher recruitment, which benefits the stock. It is hoped that there will be better bigeye recruitment into the future.

Rice asked if the European Union fishes on FADs predominantly.

Kingma replied in the affirmative; the fleet has a high dependency on FAD fishing.

Simonds asked what the bigeye catch looks like since the Spanish fleet moved out of Kiribati and back to Cost Rica.

Kingma said that purse-seine catch is looking at a reduction of 6,000 to 8,000 mt, but it has yet to be seen.

Sword asked about the efforts the US fleet is taking to reduce the bigeye catch percentage versus the US fleet.

Kingma said the US purse-seiners have recently shifted effort more to the West in the WCPO and are setting on larger FAD schools, which has a lesser percentage of bigeye within the school. This is difficult to verify.

Tosatto said the US purse-seine fleet fishes in Kiribati, Ecuador and El Salvador. Fishing in Kiribati, the eastern end of the WCPO, had that higher incident of bigeye.

Kingma presented a summary of the Council's international workshop on bigeye purse-seine catch management in the WCPO held in April 8–10, 2015, in Honolulu. Bigeye is caught incidentally by purse-seiners when fishing on FADs for skipjack. The volume of purse-seine caught bigeye has continued to increase over time and has led to WCPO bigeye subject to overfishing. Reducing the incidental catch of small bigeye by purse-seine vessels is the preeminent issue in tropical tuna fisheries management. From the convening of this workshop, the Council has taken a lead role in the region to address this important issue. If the catch of bigeye by purse-seine vessels in the WCPO is not addressed, the Hawai'i longline fishery will likely face additional quota reductions due to a worsening condition of the stock. It was noted at by the United States at the 11th meeting of the WCPFC that the longline conservation measure of a reduction in longline fishing mortality had largely been met.

Fifty participants attended the meeting from the purse-seine and tuna processing industry and government officials from Asia, Latin America, United States, Pacific Islands and the European Union, as well as the SPC, Inter-American Tropical Tuna Commission (IATTC), fishery scientists and representatives of the WCPFC and IATTC. Drew Wright, former executive director of the WCPFC, served as chair of the workshop.

The scope of the workshop was to discuss and assess WCPO purse-seine bigeye tuna management measures, either individually or as a suite of measures. The objectives of the workshop was to identify a set of options that could be considered and further developed to address purse-seine bigeye fishing mortality in the WCPO. It was an informal, non-commission meeting setting, which served to promote the free exchange of views and ideas.

The WCPO purse-seine bigeye tuna catch is at record levels. The WCPFC measures not effective in restricting the purse-seine bigeye tuna catch to acceptable levels and are in need of refinement of existing measures and development of new or supplementary measures that are more effective.

Management options explored included temporal-spatial, bigeye catch limits, FAD-based, gear modifications and market-based.

Regarding temporal-spatial measures, the following were noted: a) Industry prefers a seasonal total closure; b) Improves compliance; c) Tuna supply and price issues; and d) Length of closure and PIC revenue. Purse-seine bigeye tuna hotspots considered a) The need to take into account the movement of fish; b) The importance of limiting the displacement of fishing effort; and c) potential impacts to all countries with regards to the location of area closures

The industry preferred a seasonal total closure. The following factors were discussed: a) improves compliance; b) Tuna supply and price issues; and c) Length of closure and PIC revenue

Purse-seine bigeye tuna hotspots were also discussed and the following factors noted: a) need to take into account the movement of fish; b) the importance of limiting the displacement of fishing effort; and c) potential impacts to all countries with regards to the location of area closures

Bigeye catch limits are challenging to monitor and enforce, but offers a direct approach to addressing purse-seine bigeye tuna fishing mortality. The primary issue is the estimation of bigeye tuna catches. The ability to distinguish between small yellowfin and bigeye tuna is major issue. Estimating bigeye tuna in a set with low bigeye tuna percentage makes it more difficult. Allocating a purse-seine bigeye tuna total allowable catch would be contentious in WCPFC and involve a lengthy process. Administering a national individual vessel quota (IVQ) program also has substantial challenges and is harder for small Pacific Island administrations. Catch limits and IVQs present a disincentive to catch bigeye tuna. Sonar buoys attached to FADS help distinguishes fish biomass, but pre-set species identification is not yet commercially available.

Gear modification is a possible technological solution to reduce or eliminate the incidental catch of bigeye tuna by purse-seine gear. Unfortunately, the “silver bullet” has yet to be found. Research has shown that bigeye tuna are generally found lower in the water column than skipjack and yellowfin but still well above the lowest position of the net at an effective fishing depth. Regulating net depth is not a viable solution due to differences in FAD-associated and unassociated fishing and compliance monitoring. More research is needed on other gear modifications such as light or sound stimuli. Japanese vessels have changed their net mesh size and increased winch power to facilitate faster net sinking, which equates to greater school fishing efficiency.

FAD-based measures were considered. In the absence of a FAD closure, purse-seine bigeye tuna catches are estimated to be 25 percent greater on average. FAD closure is working but likely not to desired levels. The soaking of FADs during the closure period may be limiting the effectiveness of the measure. FADs have a major data gap, such as how many FADs are deployed annually, how many are deployed per vessel and how are FADs equipped with echosounders utilized. More information on FADs could affect the scientific evaluation of stocks, in particular, if data from instrumented FADs were available for scientific purposes.

In addition, the PNA is considering a FAD-pricing mechanism to incentivize a reduction in the number of FAD sets in the WCPO, with an approximate removal of 3,500 sets needed. Given the current price of skipjack, FAD pricing in combination with the VDS and other operating costs could pose significant economic challenges for purse-seine vessels. It is believed that non-compliance is occurring during the FAD closure, whereby sets made within one hour of

local sunrise are reported as school fishing. The potential remedy is to prohibit setting between sunset and one hour after local sunrise during the FAD closure months.

Regarding market-based measures, it was noted that bigeye is not a good product for canning, with a texture, color and taste that is off-putting to consumers. Bigeye receives the same price as skipjack and yellowfin in the 1.8 to 3.4 kilogram range and, in some markets, the same price of skipjack and yellowfin up to 10 kilograms. There are a few markets for purse-seine caught bigeye tuna. Environmental NGO pressure is increasing retailer demand for FAD-free products in some countries and may cost 20 percent more in some markets than conventional products. The transfer of payment incentives for the supply of FAD-free product is not consistent, with payment incentives for the crew unlikely to occur when fish prices are low. The WCPO seasonal FAD closure can lead to a glut in free-school supply, further limiting crew incentives due to weak demand during those periods.

The outcomes and next steps were reviewed. The workshop was successful evaluating a range of management options and provided a forum for the free-exchange of views. There was general agreement among participants on the utility of another workshop to continue the dialogue and momentum for the identification of new or supplementary purse seine bigeye tuna management measures. Other issues that were identified to be covered in the next workshop include longline management options and addressing disproportionate conservation burden. The next workshop is scheduled for Aug. 19-21, 2015 in Majuro, RMI.

Discussion

Rice said he was able to attend the meeting and the dialogue flowed much more freely than at a WCPFC meeting. Having the industry in the front row and the government representatives on the fringes improved communication. Some participants commented on reductions for the longline fleet.

Simonds noted her appreciation for Kingma for showing the purse-seine catches so the Council members and audience can understand why the search continues for a solution for the US longline fishery in the Western Pacific Region, whose quota keeps being reduced while the purse-seine bigeye catch keeps increasing. The US should be proactive and within the US establish a quota or work with the Spanish. The two big polluters of bigeye tuna should get together and be in the forefront of conservation.

Rice added that, even with the FAD closures, the bigeye catch is still climbing because vessels are doubling their sets before the closures so that they get their quota, which is something the science community should investigate.

Simonds said maybe the science is wrong, as overfishing has been occurring for more than 20 years.

2. Report on Longline Vessel Day Scheme

Kingma provided a summary of an informational meeting held on WCPO longline fisheries on April 7, 2015. At the meeting, PNA representatives outlined the PNA longline VDS. Similar to the PNA's purse seine VDS, the longline VDS would establish a total number of

longline fishing days among the parties to the agreement, as well as allocations of that total limit to each party. The VDS is considered a rights-based management approach that allows for the transferability of fishing days among parties and fishing industry. The PNA is hoping that the longline VDS will transform the WCPO longline fishery, which is currently managed by the WCPFC with flag-based catch limits, such as the bigeye tuna. For the scheme to work, the WCPFC would have to establish compatible measures on the high seas and for the EEZs of non-PNA members. Of these compatible measures, the PNA have signaled that substantial reduction in high-seas longline effort would be needed to make the PNA longline VDS effective. Continued monitoring of these developments is needed, as they may substantially affect the Hawai'i longline fishery with respect to its operational patterns and potential quotas.

3. Tokelau Arrangement Update

Tosatto presented an update to the Tokelau Arrangement, which provides a framework for the development of cooperative zone-based management of South Pacific albacore tuna fisheries. Members include Australia, Cook Islands, New Zealand, Niue, Samoa, Tokelau, Tonga, Tuvalu, and Vanuatu. Under the arrangement, there are opportunities for non-FFA members to join as Associate Participants.

At its 162nd meeting, the Council recommended that the Department of State, NOAA, the Council and the American Samoa government evaluate the potential benefits, drawbacks and complexities for the American Samoa government to obtain formal status under the Tokelau Arrangement. Council staff has initiated the review of the Tokelau Arrangement concerning participation by American Samoa with the State Department and NOAA. The review should be available by October, at which time it will be presented to the American Samoa government administration. Council staff will also provide outcomes, if available, of the first meeting of Tokelau Arrangement parties held in May 2015 in Tuvalu.

The United States is not party to the Tokelau Arrangement. There was a request from the government of American Samoa to explore the opportunity for the United States and/or the government of American Samoa to join the Tokelau Arrangement as an associate to the arrangement.

The Tokelau Arrangement was entered into by a group of countries with the EEZs in the South Pacific to manage South Pacific albacore. The US longline fleet out of American Samoa is similarly inclined to manage South Pacific albacore to increase the economic yield. The stock is healthy. The countries are engaging in discussions to develop a cooperative management scheme.

The United States is inclined to go along with the idea, largely because it is looking at a zone-based system. The US view would be that it would never enter into a zone-only system. The United States holds strongly to the US policy of freedom for fisheries on the high seas with adequate conservation and management measures in place.

Regarding the VDS for purse seiners, the United States has a scheme where the vessel days on the high seas and zones are collected into one limit. There is no limit for US zones and a limit for the high seas. The fishing days are treated equivalent so that US vessels have the

greatest amount of freedom. The same would be done in a longline VDS and in support of a South Pacific catch management framework as well.

Regarding the American Samoa request, the State Department, NMFS and Council staff are in discussion. The goal of this first meeting was to get agreement on limit reference points for South Pacific albacore amongst themselves, which was unsuccessful.

E. Advisory Group Report and Recommendations

1. Protected Species Advisory Committee

There were no PSAC recommendations regarding Pelagic and International Fisheries.

2. Advisory Panel

Guthertz presented the Advisory Panel recommendations as follows:

Regarding yellowfin tuna, the Advisory Panel recommended the Council continue collecting and evaluating data, such as vendor, noncommercial, including non-longline size data for Yield Per Recruit (YPR) to assess the impacts of increasing the minimum size and further request the State of Hawai'i to conduct better enforcement of reporting by the peddle and cash sales.

Regarding Cross Seamount, the Advisory Panel will continue to monitor the situation and does not recommend Council action at this time.

Regarding pelagic fisheries, the CNMI Advisory Panel recommended the Council request NMFS to conduct a study to determine the level of mercury in tuna being caught in the CNMI and the impacts of the radioactive fallout from Japan.

Regarding the territorial bigeye catch limits, the Guam Advisory Panel recommended the Council facilitate negotiations between the Hawai'i longline fleet and the governor of Guam in utilizing Guam's quota to help with MCPs.

3. Pelagic Plan Team

Bigelow presented the Pelagic Plan Team recommendations as follows:

Regarding CNMI, the Plan Team recommended that CNMI DLNR DFW seek Council's assistance in funding to connect life history-related research on yellowfin and bigeye tuna, such as tagging, to determine immigration, emigration and residency times for the archipelago.

Regarding the American Samoa LVPA, the Plan Team recommended that any evaluation of the LVPA exemption should consider performance of the longline fishery, use of the area by other vessels, the perception of catch competition, vessel participation and protected species interactions, and the Plan Team noted the longline catch rates of certain troll-targeted species are much higher than within the LVPA than outside the LVPA.

Regarding Guam, the Plan Team recommended a shark tagging study be undertaken near the FAD buoys and offshore banks around Guam to help determine residence times, immigration, emigration and species identification for sharks interacting with the fishery.

Regarding Hawai'i, the Plan Team recommended that PIFSC conduct analysis comparing longline logbook-related discards, such as numbers of fish and the discards from observed longline trips, to assess the magnitude of underreported discards in logbooks from 2005 and 2013.

Regarding region-wide recommendations, the Plan Team recommended that Guam and CNMI document the estimated percent coverage and associated expansion factor in the creel survey and dealer receipt system to expand sampling to total landings.

Regarding WCPFC striped marlin, the Plan Team noted that the WCPFC striped marlin limit in the North Pacific, or the WCPFC Conservation and Management Measure 2010-01, was based on historical catch solely within the WCPFC statistical area. Going forward with implementation, the Plan Team recommended that NMFS take into account fairness issues with respect to areas of application.

Discussion

Simonds asked if the shark tagging around the Mariana archipelago would be high on the priority list of PIFSC or should the Council seek funds elsewhere, such other international organizations that deal with tuna and tuna-like species.

Bigelow said he could not comment on PIFSC's priority, but this is an issue that's been recurring for three or four years and is still to be addressed, hopefully, in the near future. He suggested in the Council's letter to PIFSC illustrate the necessity of prioritization.

4. Joint Archipelagic Plan Team

There were no Joint Archipelagic Plan Team recommendations regarding Pelagic and International Fisheries.

5. Scientific and Statistical Committee

Daxboeck presented the SSC recommendations as follows:

Regarding the Pelagic Plan Team recommendations, the SSC supported all of the Pelagic Plan Team's recommendations except for the one seeking Council assistance for funding of life history related research on yellowfin tuna and bigeye tuna in CNMI.

Regarding Pelagic Fisheries Advisory Panel recommendations, the SSC endorsed the recommendations.

Regarding the CNMI Advisory Panel recommendation, the SSC did not believe that mercury and radiation contamination warrants further study at this time, but it supported outreach and education on both topics within CNMI.

F. Standing Committee Recommendations

There were no Standing Committee recommendations regarding Pelagic and International Fisheries.

G. Public Comment

Boggs said, in regards to the ongoing yellowfin size limit research, the Council has contracted work on the dynamics of small fishery and how growth and mortality affect what is expected in terms of the yield per recruit. There was a reference to the yield per recruit that was given as an acronym in the Advisory Panel recommendations that said, basically, do more work on it. However, no one seems to have tried to reflect the gist of what John Sibert's contracted simulations have shown so far. He said he wanted to make sure that the Council heard that. A computer simulation was done to see what happens with small fish in a situation like the Hawai'i fishery. Although the reported catch of small fish is small, Sibert has done some simulations to increase the fraction of the fishery in the models that are small by up to a factor of 10. The shorter version of all of this is that all of the modeling work has not shown any benefit to increasing the minimum size capture of small yellowfin. Boggs said that the gist of that message doesn't seem to me to have come across anywhere.

Sean Martin, co-president of the Hawaii Longline Association, said he welcomed the dialogue between the Hawai'i longline fishery and the government of Guam on arrangements and welcomed the facilitation between the Council and the government. Regarding the management of bigeye, WCPFC is a failure because the conservation measure is an allocation measure, i.e., who is going to catch the fish. Very little is said about anything other than benefits to the Small Island Developing States, which the Commission requires considerations having to do with Small Island Developing States. Over a long period, the Hawai'i longline fishery catch as an aggregate in the WCPFC area has been very stable. It is reduced in recent years, as the overall take of bigeye continues to increase. As for FAD closures, with more than 50 percent more boats you can double the period for a FAD closure and there would still be many more sets. He spoke in support of Council initiatives in different management measures. He noted his appreciation to the Council for its efforts in holding the three recent workshops, in which he participated. He encouraged the Council to take the initiative to work with FADs to look at different things, such as spatial management or aggregate US longline quotas having to do with Hawai'i, American Samoa, Guam and CNMI. Currently, it is uncertain whether the Hawai'i longline fishery will be fishing in the WCPO in August or September, which will have impacts on the industry. He favored the Council considering recommendations to NMFS to support domestic fisheries.

Discussion

Rice asked about the status of the transfer of allocation process that the Council recommended at the 162nd meeting.

Tosatto said two rule-makings are in place. One is the outcome of the WCPFC decision to implement the quota overall, i.e., the new number of 3,554 mt. That proposed rule should be on its way through DC and published by the end of this month. The follow-on measure to set the

Territory allocation specification limit at 2,000 mt and allow for a transfer of 1,000 mt is a separate rulemaking under MSA and that one is proceeding behind the first. NMFS will be processing that through the summer and as expeditiously as possible so it is in place by the time it is estimated for the quota to be met. Both rules need to go out in a proposed rule, comment and then final rule.

Goto said, because things are moving rapidly and WCPO and EPO landings are separate, once the quota is met and if there is no agreement in place, longline vessels have to immediately return to port to unload that catch. The vessels cannot transfer over to the EPO to continue fishing and then return. They have to come back, drop off anything caught in the WCPO and then start a new trip. The market will be flooded, and that is economically feasible.

Lutu-Sanchez spoke in support of Hamby's request to support the US purse seiners and the need to ensure there is enough fish supply for American Samoa's canneries. She expressed her appreciation for the continuous support from the Council for the US longline fleet, specifically in American Samoa, and asked for it to continue. She reiterated the importance of ensuring that the input of the industry is at the Tokelau Arrangement discussions.

H. Council Discussion and Recommendations

Regarding yellowfin tuna, the Council recommended the Council staff continue collecting and evaluating data (e.g., vendors, noncommercial, including non-longline size data for yield per recruit, etc.) to assess the impacts of increasing the minimum size and further request the State of Hawai'i to provide information on its enforcement activities related to noncompliance with peddle and cash sales of small 'ahi.

Moved by Goto; seconded by Rice.

Motion passed.

Regarding shark predation in Guam, the Council recognized that the loss of catch due to shark depredation is a common complaint from Guam fishers and that a 2014 boat-based fishery survey in Guam indicates 35 percent of all trips reported shark depredation. Based on this information, the Council recommended that a shark tagging study be undertaken near the deployed FADs and offshore banks around Guam to help determine residence times, emigration, immigration and species identification for sharks interacting with offshore fisheries.

Moved by Seman; seconded by Goto.

Motion passed.

Sword asked if shark interactions are reported on Guam catch reports.

Duenas said on the Guam Commercial Survey Report interactions with or sightings of turtle, marine mammals and sharks as well as the number of fish lost due to interaction, where possible, are reported in the comment section.

Sword said fishermen are having the same problem in American Samoa and he hoped DMWR would collect the information on the frequency of interaction.

Leialoha asked from whence the funds would come to support the study and who would conduct it.

Dalzell said that information was not specified and is something the Council would need address. The SPC has noted interest in the past for such a study, but funding is an issue.

Regarding reported discards in the Hawai‘i longline fishery, the Council endorsed the Plan Team’s recommendation that PIFSC conduct an analysis comparing longline logbook released discards, numbers of fish, with discards from observed longline trips to assess the magnitude of underreported discards reported in the logbooks from 2005 to 2013.

Moved by Goto; seconded by Rice.
Motion passed.

Regarding creel surveys and dealer reports in CNMI and Guam, the Council recommended that PIFSC document the estimated percent coverage and associated expansion factor in the creel survey and dealer receipt (commercial landings) system used to expand sampling to total landings.

Moved by Goto; seconded by Rice.
Motion passed.

Regarding the supply of tuna to canneries in American Samoa, the Council recognized that the combination of the US high seas purse-seine effort limits and the removal of historic levels of fishing days in Kiribati waters available to the Pago Pago–based fleet under the South Pacific Tuna Treaty may be resulting in reduced supply of tuna offloaded directly to the Pago Pago canneries by US purse-seine vessels. The Council recommended that NMFS and the State Department improve the current terms of the South Pacific Tuna Treaty with regards to Pago Pago–based US purse-seine vessels. The Council further recommended that NMFS consider the development of regulations that allow fishing effort or catch from Pago Pago–based US purse-seine vessels to be attributed to American Samoa. However, there should be no increase in bigeye landed by US purse-seine vessels.

Moved by Goto; seconded by Rice.
Motion passed, with abstention by Tosatto.

Sword voiced support for the recommendation as written, but noted stronger language would be appropriate in the event the canneries run out of fish. He recognized upcoming meetings in the near future may resolve the problem.

Tosatto noted his vote of abstention because a petition before NMFS is germane.

Regarding WCPO bigeye tuna, the Council recommended that the United States develop a national WCPO bigeye catch limit that would apply to US longline and purse-seine fisheries and consider including the catch limits provided for the US Territories.

Moved by Goto; seconded by Rice.
Motion passed, with abstention by Tosatto.

Tosatto noted his vote of abstention due to influence on US policy.

Regarding recent Council-approved actions, the Council recommended NMFS expedite the review for completeness of the Amendment 7 Territory Longline Specifications and American Samoa LVPA Regulatory Amendment.

Moved by Goto; seconded by Rice.
Motion passed

XIII. Administrative Matters

A. Financial Reports

Simonds reported on the period between March and June 2015. The 2015 funds are trickling in. Bigeye Tuna Cooperative Agreements expired in April, and another is expiring in September. There are still a number of Coral Reef and Turtle Cooperative Agreements. The list of projects has been reported on throughout the Council meeting.

B. Administrative Reports

There have been no staff changes. Walker has passed the one-year mark. The annual audit is expected to be finalized in September. The Council's e-mail addresses will end in July and will likely change to @wpcouncil.org.

C. Council Family Changes

Simonds said the Plan Team changes were vetted by the Executive Committee. The changes coincide with the restructuring of the Council's FEPs and annual reports. Similarly, discussions are ongoing regarding revamping the SSC, which will be addressed at the October Council meeting.

D. Magnuson-Stevens Act Reauthorization

Simonds reported that Congressman Don Young introduced a bill similar the bill Congressman Richard Norman "Doc" Hastings introduced in the past. Comments from the Council were submitted by Palacios noting support in the 2006 Reauthorization asking NMFS to streamline the NEPA process with the MSA process. A strange message from the Office of Management and Budget said the White House would veto the Young legislation if and when it reached the White House. There are opponents to some of the changes having to do with the ESA, MMPA and the Sanctuary Act. An item about subsistence by the recreational fisheries to strengthen the Disaster Relief section was not accepted into the bill by Young.

E. Statement of Organization Practices and Procedures

Simonds noted the Council’s Statement of Organization Practices and Procedures were revised. Responses from the Grants Office lawyers are trickling down to the Councils with suggestions. Discussions will be held in July to review changes, and a report will be given at the October meeting.

F. Meetings and Workshops

1. Council Coordination Committee Meeting

This item was covered in a prior agenda item.

G. Other Business

This item was covered in a prior agenda item.

H. Standing Committee Recommendations

Ebisui said the Executive Budget Committee meeting reports and presentations were received. There were two recommendations having to do with appointments and assignments to the various panels and the SSC composition matter.

Simonds said funds are available from the contract with the Hawaii Longline Association and CNMI. The Executive Committee’s job is to recommend the projects that would be supported by the funds. Vice Chair Gourley will meet with Seman and the Advisory Panel members to discuss the projects that are in the MCP and report back to the Executive Committee. A report will be provided to the Council.

I. Public Comment

There was no public comment offered.

J. Council Discussion and Action.

Regarding SSC term limits, the Council endorsed the executive director’s initiative to review and modify the SSC membership to best meet the Council’s need with regards to providing sound scientific review and guidance as required by MSA.

Moved by Rice; seconded by Gourley.

Motion passed.

Tosatto asked if the meaning is to return to the Council with a proposed listing.

Simonds nodded in the affirmative.

Regarding Council family changes, the Council endorsed the following appointments: a) Peter Crispin as an alternate to the American Samoa Advisory Panel; b) Daniel Roudebush as an alternate on the Hawai’i Advisory Panel; c) Tom Camacho as an

alternate on the Guam Advisory Panel; d) Will Castro as a Guam representative to the Marine Planning and Climate Change Committee to replace Sheena Black; e) Will Castro to the FDRC; and f) new Plan Team members to replace current members as listed below:

Old Plan Team Membership	New Plan Team Membership
Alice Lawrence (American Samoa)	Domingo Ochavillo (American Samoa)
TeeJay Letalie (American Samoa)	Yvonne Mika (American Samoa)
Saumanaiafaese Uikirifi (American Samoa)	Ray Roberto (Mariana)
Yvonne Mika (American Samoa)	Michael Tenorio (Mariana)
Samuel Kahng (Hawai'i)	Alton Miyasaka (Hawai'i)
Edward DeMartini (Hawai'i)	Jo-Anne Kushima (Hawai'i)
Alan Everson (Hawai'i)	Christofer Boggs (Marine Ecology and Pelagic)
Kurt Kawamoto (Hawai'i)	Edward DeMartini (Life History)
Jo-Anne Kushima (Hawai'i)	Justin Hospital (Economics)
Jarad Makaiiau (Hawai'i)	Cindy Grace-McCaskey (Human Dimensions)
Alton Miyasaka (Hawai'i)	Reka Domokos-Boyer (Ecosystem & Oceanography)
Frank Parrish (Hawai'i)	Frank Parrish (Protected Species, Ecosystems)
Les Watling (Hawai'i)	Michael Parke (Habitat Science)
Jason Biggs (Mariana)	Ivor Williams (Reef Fish Ecology & Ecosystem)
William Dunn (Mariana)	Sam Kahng (Coral Ecology)
Jay Gutierrez (Mariana)	Reginald Kokubun (Ex-officio)
Sean MacDuff (Mariana)	Kimberly Lowe (Ex-officio)
Richard Randall (Mariana)	Annie Yau (Ex-officio)
Michael Tenorio (Mariana)	Thomas Oliver (Ecosystem)

Brent Tibbatts (Mariana and Pelagic)	Phoebe Woodworth-Jefcoats (Oceanography)
Reginald Kokubun (Ex-officio)	John Marra (Climate)
Kimberly Lowe (Ex-officio)	Eileen Shea (Ex-officio)
Gerard DiNardo (Ex-officio)	PIRO – Habitat Conservation (TBD)
Keith Bigelow (Pelagic)	PIRO – Protected Resources (TBD)
Paul Bartram (Pelagic)	PIRO – Marine Planning (Sarah Pautzke)
Christofer Boggs (Pelagic)	PIRO – Sustainable Fisheries (TBD)
Michael Fujimoto (Pelagic)	Jay Gutierrez (Guam)
Tom Graham (Pelagic)	Keith Bigelow (Pelagic)
Russell Ito (Pelagic)	Paul Bartram (Pelagic)
Tepora Lavatai (Pelagic)	Michael Fujimoto (Pelagic)
	Tom Graham (Pelagic)
	Russell Ito (Pelagic)
	Tepora Lavatai (Pelagic)
	Brent Tibbatts (Archipelagic and Pelagic)

Moved by Rice; seconded by Seman.
Motion passed.

XIV. Other Business

Simonds noted the October Council meeting will be in American Samoa. Sam Rauch from NOAA and Michael Brakke from the State Department, among others, have been invited.

Miyasaka asked if the 165th Council meeting will also be held out of the State of Hawai‘i.

Simonds said there is no decision regarding the 165th Council meeting.

APPENDIX: List of Acronyms

ABC	acceptable biological catch
ACL	annual catch limit
ALJ	administrative law judge
BiOp	biological opinion
BRFA	Bottomfish Restricted Fishing Area
BSP	Bureau of Statistics and Plans (Guam)
CCC	Council Coordination Committee
CDP	Community Development Program
CJMT	CNMI Joint Military Training
CML	commercial marine license (Hawai'i)
CNMI	Commonwealth of the Northern Mariana Islands
CPUE	catch per unit effort
CRED	Coral Reef Ecosystem Division
DAR	Division of Aquatic Resources (Hawai'i)
DAWR	Division of Aquatic and Wildlife Resources (Guam)
DEIS	Draft environmental impact statement
DFW	Division of Fish and Wildlife (CNMI)
DLNR	Department of Lands and Natural Resources (CNMI)
DLNR	Department of Land and Natural Resources (Hawai'i)
DMWR	Department of Marine and Wildlife Resources (American Samoa)
DOA	Department of Agriculture (Guam)
DOCARE	Division of Conservation and Resource Enforcement
DOD	Department of Defense
DPS	distinct population segment
EEZ	exclusive economic zone
EFH	essential fish habitat
EIS	environmental impact statement
ESA	Endangered Species Act
FAD	fishery around fish aggregation device
FDRC	Fishery Data Collection and Research Committee
FEP	Fishery Ecosystem Plan
FestPac	Festival of Pacific Arts
FKW	false killer whale
FMP	fishery management plan
GC	General Counsel
HAPC	habitat areas of particular concern
IATTC	Inter-American Tropical Tuna Commission
ITS	incidental take statement
ITQ	individual transferable quotas
IUCN	International Union for Conservation of Nature
IUU	Illegal, Unreported and Unregulated
IVQ	individual vessel quota
JEA	Joint Enforcement Agreement
LVPA	Large Vessel Prohibited Area

MBTA	Migratory Bird Treaty Act
MCP	Marine Conservation Plan
MES	Micronesian Environmental Services
MMPA	Marine Mammal Protection Act
MPA	marine protected area
MRIP	Marine Recreational Information Program
MSA	Magnuson-Stevens Fishery Conservation and Management Act
M&SI	mortality and serious injury
MSE	Management Strategy Evaluation
MSY	maximum sustainable yield
mt	metric ton
MUS	management unit species
NEPA	National Environmental Policy Act
NGO	non-governmental organization
NMFS	National Marine Fisheries Service
NWHI	Northwestern Hawaiian Islands
OLE	Office of Law Enforcement
OY	optimum yield
PIFSC	Pacific Islands Fisheries Science Center
PIRO	Pacific Islands Regional Office
PNA	Parties of the Nauru Agreement
PRD	Protected Resources Division
PRIAs	Pacific Remote Island Areas
PSA	public service announcement
PSAC	Protected Species Advisory Committee
SAFE	Stock Assessment and Fishery Evaluation
SAR	search and rescue
SEEM	Social, Economic, Ecological, and Management uncertainty
SK	Saltonstall-Kennedy
SPC	Secretariat of the Pacific Community
SSC	Scientific and Statistical Committee
TRP	Take Reduction Plan
TRT	Take Reduction Team
UOG	University of Guam
USCG	US Coast Guard
USFWS	US Fish and Wildlife Service
VDS	Vessel Day Scheme
WPSAR	Western Pacific Stock assessment Review
VMS	vessel monitoring system
WCPCFC	Western and Central Pacific Fisheries Commission
WCPO	Western and Central Pacific Ocean
WPacFIN	Western Pacific Fisheries Information Network