



WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

MINUTES OF THE  
159<sup>th</sup> MEETING OF THE  
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

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**Saipan Fiesta Resort and Spa**  
Saipan, Commonwealth of the Northern Mariana Islands

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202 Hilton Road, Tumon Bay, Guam

Approved by Council:

A handwritten signature in black ink, appearing to read 'Arnold Palacios', is written over a horizontal line.

Arnold Palacios, Chair  
Western Pacific Regional Fishery Management Council

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## **1. Opening Ceremony and Introductions**

The following Council members were in attendance:

- Arnold Palacios, chair, Commonwealth of the Northern Mariana Islands (CNMI) Departments of Lands and Natural Resources (DLNR)
- Michael Duenas, vice chair (Guam)
- Edwin Ebisui, vice chair (Hawai`i)
- Richard Seman, vice chair (CNMI)
- William Sword, vice chair (American Samoa)
- Michael Goto (Hawai`i)
- Julie Leialoha (Hawai`i)
- McGrew Rice (Hawai`i)
- Claire Poumele (Hawai`i)
- Ruth Matagi-Tofiga, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Mariquita Taitague, Guam Department of Agriculture (DOA)
- Alton Miyasaka, Hawai`i Department of Land and Natural Resources (DLNR) (designee)
- Mike Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- Lt. Commander Charter Tschirgi, US Coast Guard (USCG), District 14

Also in attendance were Council Executive Director Kitty Simonds, Council Scientific and Statistical Committee (SSC) Chair Chuck Daxboeck and Kamaile Nichols of the National Oceanic and Atmospheric Administration (NOAA) Office of General Counsel (GC).

## **2. Opening Remarks**

CNMI Gov. Eloy S. Inos welcomed the Council members, off-island visitors and CNMI residents to Saipan. He acknowledged and thanked the Council for providing an opportunity to the people of the Commonwealth to address the management of marine resources, the development of federal policies and several important and controversial issues currently facing the Commonwealth people. The Governor encouraged the residents to be involved in the Council meeting as meaningful participants.

He stressed that the federal government should not be allowed to make decisions unilaterally that affect the islanders' lives, heritage and culture, such as the continued and possible expansion of military uses of the nearshore waters surrounding Farallon de Medinilla (FDM) and Tinian and the status of the federal government's conveyance of the submerged lands around the islands. He noted that, in discussions with the Department of Defense (DOD) in regard to the utilization of CNMI's submerged lands for national security and safety purposes, the DOD representatives were asked to recognize that the consequences of their actions may place marine resources out of reach of the CNMI's fishing community and could place unfavorable travel restrictions in the local waters.

With respect to the Marianas Trench Monument, Islands Unit of Uracus, Maug and Asuncion, President Obama determined that the people of the Northern Marianas should not be given ownership of the submerged lands around the islands until such time as a co-management plan can be created and approved by the two separate federal agencies responsible for the monument. He asked Council members to support CNMI's efforts to have the submerged lands presently held by the Departments of Interior and Commerce returned to the rightful owners.

He thanked the members for the Council's contributions to CNMI's fisheries development over the past years, such as providing a conceptual plan to improve fisheries infrastructure through the construction of a dock facility that would support a small pelagic fishing fleet, as well as the Mariana Skipjack Assessment. A report will be available soon on potential seafood marketing options available in Guam and the Northern Marianas, which will enable the Commonwealth to approach fisheries development from a sustainable and responsible perspective. He noted that the South Pacific Commission [now called the Secretariat of the Pacific Community (SPC)] assists various island nations throughout the Western Pacific in their development of sustainable fisheries. He asked if NOAA could help the CNMI address its needs in fisheries development.

The Governor said discussion is needed on the federal preemption issue regarding CNMI laws addressing management of sharks and the practice of shark finning, as there are anti-shark finning laws in the CNMI, which some believe do not conform with federal shark conservation laws. The topic needs to be studied and addressed before the option of federal preemption of CNMI law is proposed. These issues will have direct effect on the island communities, as marine resources are a great part of CNMI's culture. He encouraged everyone to work together to find appropriate solutions.

### **3. Approval of the 159th Agenda**

Moved and seconded.

Motion passed.

### **4. Approval of the 158th Meeting Minutes**

Moved and seconded.

Motion passed.

## 5. Executive Director's Report

Simonds reviewed Council actions since its October 2013 meeting. Regarding the Magnuson-Stevens Fishery Conservation and Management Act (MSA) Reauthorization, the Senate Subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard convened a hearing on West Coast and Western Pacific perspectives on the MSA on Jan. 30, 2014. Palacios and Goto testified before subcommittee, stating that the Western Pacific Region has continued to endure loss of fisheries, fishing grounds and fishing opportunities; responded to questions from the panel; and outlined how losses could be reversed in the reauthorized MSA. Palacios urged the committee members to do their utmost to ensure that the MSA regains its primacy to manage federal fishery resources and is not subservient to other statutes. Goto responded to questions from the subcommittee on illegal, unregulated and unreported (IUU) fishing and how IUU affects Hawai'i seafood markets where the entry into the market of cheap, foreign tuna and other species causes price instability with which the Hawai'i seafood producers have to contend. The foreign seafood imports are cheap in part because they do not adhere to the same strict standards as locally produced US fish and other seafood. While environmental and responsible seafood production is a laudable goal, US producers pay a high cost to compete against cheap foreign imports and to meet the demands of consumers who want to be sure their fish comes from well-managed fisheries.

The Council is awaiting a response to the Council's question of whether the Compact of Free Association between the United States and the former Trust Territories (Palau, Federated States of Micronesia (FSM) and the Marshalls) allows citizens of those countries residing in Guam and the CNMI to fish within US Federal waters and waters under Territory jurisdiction. Migrants in Guam from the FSM are bringing fishing vessels, fishing commercially and competing with local fishermen. Are these activities allowed under the Compact of Free Association?

NOAA GC will be presenting on the progress to resolve conflicting regulations between the federal and state territory shark finning statutes. Federal regulations prohibit the finning of sharks at sea but not commerce in trading shark fins. The State of Hawai'i and the US Territories and some of the states on the US mainland have passed local laws prohibiting the possession of shark fins. This creates potential inconsistency with the federal law, which is intended to prohibit indiscriminate shark finning at sea but not to ban the lawful trade in shark fins, which are a valuable commodity. Sharks have also been a continuing concern to CNMI and Guam fishermen due to depredation. The upcoming Fishers Forum will try to address the question as to whether sharks are overabundant in the Mariana Archipelago.

Information on a measure to reduce the 50 nautical mile (nm) area closure for vessels longer than 40 feet targeting bottomfish fishing around the southern islands of the CNMI will be presented. The intent is to reduce economic and social impacts to the local bottomfish fishing fleet, while increasing efficiency and performance of the fishery. The need for this measure has been expressed by the local CNMI bottomfish fishermen and Council advisors who claim that the initial intent of the closure has not been realized as large vessels have not entered the fishery nor impacted the smaller trailer-boat fleet. The three options include a) keeping the closure in place; b) reducing the closure to 30 miles; and c) removing the closure entirely.

The Council will also reconsider how the Council deals with annual catch limits (ACLs).

Congress approved \$75 million for disaster relief, of which American Samoa will be receiving \$1 million dollars for bottomfish losses stemming from the 2009 tsunami. The Council assisted in the initial collection of data that NMFS used to assess the fisheries most affected by the 2009 tsunami and determined that bottomfish catches in American Samoa were significantly reduced as a direct impact of the tidal wave that devastated many small vessels used to catch bottomfish. Simonds expressed thanks to Fini Aitaoto, Council staff and Regional staff for their work in this regard.

## Discussion

Matagi-Tofiga thanked the Council on behalf of the American Samoan government and American Samoa people for the good work done concerning the disaster relief.

### **6. Election of Officers**

Sword reiterated the recommendation made at the 158th Council meeting to ratify the election of officers.

*The Election Committee recommended Arnold Palacios to remain as the chair of the Western Pacific Regional Fishery Management Council and Richard Seman (CNMI), Edwin Ebisui (Hawai`i), Michael Duenas (Guam) and William Sword (American Samoa) to serve as vice chairs.*

Motion made by Sword; seconded by Seman.

Motion passed.

### **7. Agency Reports**

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

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

Tosatto highlighted some key actions taken since the last Council meeting on Sustainable Fisheries, Protected Species, Habitat Conservation and the Monument Program since the October 2014 Council meeting. He received recent news on the decision to fund the Fishery Disaster in American Samoa where \$75 million was appropriated. The six disasters approved in the appropriation included major disasters on the East Coast of the United States from Hurricane Sandy and in Alaska for other ecological reasons. He noted that \$1 million is going to American Samoa for bottomfish losses stemming from the 2009 tsunami. A proposed rule to Amendment 7 of the Pelagic Fisheries Ecosystem Plan (FEP) was published. The public has submitted comments. The decision is due by the end of March 2014.

The 2014 ACLs were in place shortly after the beginning 2014. The Region is now compliant with MSA for ACLs in all of the Western Pacific Region's fisheries. NOAA's Habitat Blueprint Initiative, a national project addressing improvement of habit throughout the country, began with every region developing pilot projects and engaging partners to address habitats.

NOAA is now working with communities in West Hawai`i and the Manell-Geus watershed in southern Guam to develop implementation plans.

Tosatto also reported the US Delegation left the Western and Central Pacific Fisheries Commission (WCPFC) meeting in Cairns, Australia, with a reduced bigeye tuna quota for the US fisheries. There was a move toward addressing special requirements for the Small Island Developing States (SIDS) and Participating Territories (PTs). He pointed out the need to draw the Commission's attention to the burden such requirements would place on the US territories. PIRO will be making efforts to undertake management planning to work with the CNMI government on the potential development of a Visitor Center, and he looked forward to a quick settlement of a cooperative agreement to allow the CNMI control of the submerged lands in the monument area. PIRO has completed the move to Ford Island and hopes to figure out a way to invite Council members for a tour during the June Council meeting schedule.

### Discussion

Simonds asked about the goal of the Habitat Blueprint initiative and how many and what agencies are involved, such as National Ocean Service (NOS) or NMFS.

Tosatto said the areas were selected because of the ongoing efforts already in place to which NOAA could add some resources to fill in gaps but avoid duplication and apply the positive methods learned to other areas. It will also serve to bring additional players, such as NOS, NMFS, US Geological Service (USGS), Environmental Protection Agency (EPA) and nongovernmental resources, coordinated with state and territory agencies, and additional resources to the focus area.

Simonds noted frustration with the resulting bigeye quota measure from the recent WCPFC meeting in Cairns and pointed out that the Hawai`i longline fishery would qualify as a SIDS. She asked for Tosatto's insights on the issue.

Tosatto said the United States was disappointed that it acted with good faith and others didn't follow through with that same good faith and give their share, which happens fairly regularly. Going into the next meeting in December 2014 the only discussion in the tropical tuna measure is around the four-year fish aggregation device (FAD) closure measure, which is in place except for the increasing FAD closure period, which is currently being held hostage for the assessment of disproportion of burden. Until there has been adequate discussion on the disproportionate burden, there is no way to know what will happen.

Simonds said she is hopeful the United States would block consensus if pressed to reduce the Hawai`i longline quota again.

Palacios expressed disappointment in that 60 days have passed and there has been no formal communication with his office nor the Governor's office from the Department of Commerce (DOC) Secretary or Department of the Interior (DOI) relative to the path forward to coming up with the co-management agreement. He hopes to have formal communication soon from the responsible federal agencies and asked Tosatto to convey the message. He agreed with Simonds' frustration in regard to the WCPFC meeting, adding that the press release thereafter

blamed the United States for not doing more to curb overfishing of bigeye tuna, while signatory countries doubled and tripled their quotas.

Matagi-Tofiga said she would also like to see a co-management plan come into effect in regard to Rose Atoll in American Samoa. The US Fish and Wildlife Service (USFWS) representative is no longer in American Samoa, and there is still no replacement. She proposed that DMWR take the lead without waiting for a representative from NMFS or USFWS to take the lead. She would like to see co-management happen.

Tosatto said he will follow up with USFWS to see what its intentions are in regard to the replacement and agreed with Matagi-Tofiga's comments. With regards to Palacios' statement, Tosatto said a potential silver lining might be the withholding language in the Proclamation indicates the way forward is co-management. He hoped that the future would hold co-management with the government of CNMI and that something will move in a timely way to resolve the issues with the CNMI monuments.

Simonds asked which agency is in charge in terms of the federal agencies in the co-management of the monuments.

Tosatto said all of the Proclamations were established under the Antiquities Act, which names DOI as a relevant management agency of monuments. The DOI is overall in charge, and each Proclamation hands to DOC and NOAA a range of responsibilities. In the Marianas, however, it clearly states DOI and DOC through NOAA shall manage the monuments in cooperation with the government of CNMI. NOAA interprets that to be co-management among the three agencies.

Palacios stated for the record his disappointment that the DOI USFWS representative did not attend the Council meeting.

Taitague expressed appreciation for NOAA selecting Guam as one of NOAA's Habitat Blueprint.

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

Sam Pooley, Pacific Islands Fisheries Science Center (PIFSC) director, began with showing a view of the new building PIFSC recently moved into at Ford Island. He provided one-page summaries of PIFSC research in Guam and the CNMI related to fisheries. He said he would soon have similar write-ups covering corals and protected species. PIFSC has begun efforts on improving PIFSC outreach in follow-up to comments from the Council and the SSC. Scientific staff is now present in the Commonwealth, Guam and American Samoa. Mike Trianni is present in the CNMI and Eric Cruz in Guam. PIFSC's Socioeconomics Program has been successful in working in the territories with the fishing communities and fishing industry. Ed Glazier, social scientist, is now working for PIFSC.

The *OSCAR ELTON SETTE* is currently conducting a Kona Integrated Eco-Assessment cruise looking at the oceanography and forage fish off the West coast of the Big Island, which contributes to the Habitat Blueprint. It will also be continuing work on deep-water snapper fishery survey methods as an alternative way to use fishery-dependent data. The ship is due in

the Marianas for a cetacean survey and will provide an archeologist to go on a land-based expedition in one of the Northern Islands, as well as a fisheries oceanography cruise, followed by an insular fish survey in the Marianas and Guam.

The *HIALAKAI* is at Wake Island currently and will be heading to the Marianas to do its normal corals long-term monitoring studies, with a cruise to the vents area of the monument, and has been in contact with the local agencies.

There are small-boat projects ongoing with the State of Hawai`i off Maui as well as some mapping in the Northwestern Hawaiian Islands (NWHI) in collaboration work with the Institute of Oceanography. There will also be some small-boat surveys in connection with the Navy in the Marianas in April.

PIFSC will conduct its external review in mid-May, and it will be on fish stock assessments. The Council staff and the SSC are invited to have representation at the review.

Gerard DiNardo and Pooley traveled to Noumea in February to re-establish their relationships with SPC.

**a. 2014 Pacific Islands Fisheries Science Center Plan**

Pooley discussed ways PIFSC gathers information related to the US territories and Commonwealth, which including Western Pacific Fisheries Information Network (WPacFIN), the recent Biosampling Program, socioeconomic work and ship surveys. The idea is to view the information as an integrated whole. The initiative represents the impact of the Council convincing Sam Rauch that there was an inequity or disproportion of burden on the Pacific Islands and the Caribbean relative to the continental United States.

Discussion

Leialoha asked for the specific date for the external review in May.

Pooley said May 19 to 22. He will relay the information to the Council and hopes to have conference call access.

Palacios asked for more information on the cruise to the monument vents.

Pooley said NOAA Office of Oceanic and Atmospheric Research (OAR) does the deep-water research and would be investigating geophysical properties in the vents. It is still early in the planning stage of the cruise. When more information is available, it will be passed on to the Council.

Palacios asked to have the information from the studies and cruises passed on to the Guam and the Commonwealth, as the information has never been shared in the past. He asked for more information on the Territorial Science Initiative Plan, the timeline and what local agencies are going to be participating in the planning phase.

Pooley said the initiative began in 2013 with seed money in Fiscal Year (FY) 2015. Because the money came late in the year, as implementation has not yet occurred. Some money will be used to improve the WPacFIN data flow, including the biosampling data flow, which would include getting the information back to the Territories and Commonwealth. Funding has been promised in FY14 but has yet to receive it. Some of those funds will go to support the three jurisdictional offices and will go to the Council who is helping with some of the tasks. The main part of the initiative would hopefully be in FY15 and would involve grants to the territories, the agencies in the territories and academic institutions for work on collaborative projects. They hope for the funds for FY15, but the money has not been provided yet. The idea is to identify fisheries needs and do collaborative work.

Palacios noted that at the last Council meeting the Fishery Data Collection and Research Committee (FDCRC) was established. He hoped the objectives and the mission that comes out of the committee will be considered under the initiative so the local agencies can get the basic information that has been lacking over the years to manage the fisheries.

Pooley agreed. He suggested that Mike Seki should appear before the committee for further discussion.

Simonds agreed. The Technical Committee to the Council's expanded FDCRC meet in April. The Technical Committee includes the staff of the territories and PIFSC. They are developing a strategic plan for the entire jurisdiction and then making recommendations to the FDCRC. The committee will be looking at different pots of money, e.g., Monument and Territorial Science money, to be used for the different projects in the territories.

## **B. NOAA Regional Counsel**

Nichols referred Council members to the briefing materials. A summary of three current litigation matters were submitted.

### **1. Report on Compact Impact Related to Fishing**

Nichols noted that the question concerning the permissibility of commercial fishing by Compact citizens within territorial waters, Guam's waters or the US exclusive economic zone (EEZ) is a fact-specific question and involves laws under the jurisdiction of other agencies, not just NOAA. Generally, under the terms of their respective Compacts, the citizens are eligible to work in the United States when they're present lawfully and their ability to work would include working the fishery. If there are any suspected violations of the law, those could be reported to Customs, Border Protection or the USCG. But, as a general matter, they are legally allowed to work.

The matter of ownership of fishing vessels is more complex, involving more layers of laws. Generally, fishing vessels owned and operated by Compact citizens are not prohibited from fishing exclusively within Guam waters, although at that time they would be subject to Guam's management authority. A vessel that is less than 5 net tons is exempt from USCG documentation laws. If a vessel is greater than 5 net tons, USCG documentation would be involved and does carry with it some citizenship requirements. But generally within the three miles from the shore

under Guam's jurisdiction there would be Guam's own requirements and no USCG documentation requirements.

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

There was no USFWS representative in attendance.

### **D. Enforcement**

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

Tschirgi reported on USCG law enforcement activities in the Western and Central Pacific region between Oct. 1, 2013, and Feb. 28, 2014. The cutter *WALNUT* patrolled the US EEZ around Kingman Reef and Palmyra Atoll. While on patrol one boarding of a vessel was conducted on the high seas under the WCPFC High Seas Boarding and Inspection scheme. No violations were observed. Cutter *KUKUI* patrolled the US EEZ around Johnston Atoll. No foreign vessel incursions were detected. Cutter *POLAR STAR* went through the US EEZ around Howland and Baker on the way to conduct ice-breaking in the Antarctic. No foreign vessel incursions were detected.

For the second time the deployment of a USCG boarding team was placed onboard a US Navy asset in February. From the deployment onboard the Naval vessel the USCG law enforcement detachment completed 13 boardings, three of which were conducted on US-flagged distant-water tuna purse-seine vessels. No fisheries violations were observed.

Cutter *KISKA* patrolled the EEZ around the main Hawaiian Islands (MHI) and conducted 14 boardings on domestic longline vessels based out of Honolulu. Fishery compliance was high, although two safety issues resulted in trip termination and the vessels returning to port.

Cutter *SEQUOIA* patrolled the US EEZ around the CNMI and Guam and conducted one boarding of a longline vessel 18 miles outside of the CNMI EEZ and not broadcasting on WCPFC vessel monitoring system (VMS). Under the WCPFC high seas boarding and inspection scheme, the USCG notified the WCPFC Secretariat and the vessel's flag state that the vessel is not showing up on WCPFC VMS. The WCPFC informed the nation that they were not in compliance with the WCPFC VMS conservation and management measure (CMM). Subsequently, the vessel data was added to the WCPFC VMS system. The USCG considers this a successful boarding as it identified a vessel fishing near the EEZ that could not be monitored by the United States.

Between October and February, C-130 aircraft flew patrols of the EEZ around the Hawaiian Islands, Johnston Atoll, American Samoa, Johnston/Kingman and Palmyra. No foreign incursions were detected.

Cutter *ASSATEAGUE*, while patrolling in late February and early March, conducted a WCPFC boarding and inspection on a vessel east of the EEZ around Guam. No violations were found.

Tschirgi said the future is looking better as far as USCG operational hours and capacity.

## Discussion

Sword asked if the USCG has agreements in regard to C-130 flyovers with New Zealand for the EEZ around American Samoa similar to flyovers conducted from Hawai`i.

Tschirgi replied in the affirmative. He noted the Quadrilateral Defense Group and mentioned an ongoing multi-national operation with a cutter out of Guam that was supported by an Australian aircraft. During the multi-national operations that are coordinated through the Forum Fisheries Agency (FFA), aircraft have opportunities to fly and support. Australia, New Zealand and France cooperate on joint enforcement and aerial patrol.

Sword noted appreciation from people in Samoa for the USCG's presence. He said increasing the rotation from one year to two years would boats meet the USCG safety requirements.

Tschirgi said he would take the comment to the Admiral.

Palacios asked if any information was available about the Japanese yacht than sank in December.

Tschirgi said he had researched the subject. A pollution ticket was issued in regard to the substances onboard. As far as salvage or recovery of the vessel, it is outside of the scope of the USCG authority and jurisdiction.

Palacios asked if Tosatto or Pooley had any information.

Tosatto replied in the negative, reminding Palacios that he was the one who brought to his attention in the first place. He added that this case points out some of the complexity and difficulties with the time/distance logistics in the Northern Islands, as well as the jurisdictional issues. Going forward, a monument management plan needs a response plan built into it and the co-management efforts need to take all of this into consideration, especially with regard to the submerged lands management.

Pooley said PIFSC was asked to take a look at the coral around the grounding. PIFSC cannot do the salvage but may be able to provide information to help somebody organize the salvage. He noted safety considerations for NOAA divers that need to be taken into account.

Palacios noted his concern of DOI potentially coming to the determination that the island is part of the refuge.

Tosatto said he cannot speak for the DOI, but this reinforces the importance of getting the lines delineated clearly in the co-management planning.

Palacios noted for the record his concerns of the jurisdictional confusion.

## 2. National Marine Fisheries Service Office of Law Enforcement

Bill Pickering reported that the NMFS Office of Law Enforcement (OLE), Pacific Islands Division (PID), received 37 reports during the period. Sixteen reports involved protected resources, 13 involved fisheries management and nine were Sanctuary related. The F/V *Sapphire III* investigation involves a Hawai'i-based longline vessel incursion into the Papahānaumokuākea Marine National Monument (MNM). The vessel eventually received a notice of violation and assessment for fishing in the Monument on two or three occasions over a period of 48 hours and in one longline closure area. OLE continues to work with the Hawai'i Division of Conservation and Resource Enforcement (DOCARE) officers on an investigation into a green sea turtle take after a citizen found the animal slaughtered at Ma'ālaea Beach on Maui. The US Attorney's Office declined to prosecute a recreational fishing vessel operator for allegedly shooting at dolphins. Concern was expressed as to the age of the primary witness, a young child. As part of the seasonal Humpback Whale Enforcement Program, OLE began patrols around Maui and the Big Island and responded to incidents off of O'ahu. OLE has demographics that show Maui's visitor population during whale season.

PID greatly appreciates the Council's lead role in the ongoing Hawai'i Longline Electronic Reporting Project. The VMS staff continues to work with the Council, PIFSC and the Observer Program in the VMS and hopes that instantaneous reporting will be available soon.

Pickering noted the move to Ford Island and the innovative technology that was put into the building prior to construction that allows OLE to bench-test and look at VMS units before they're put on the vessels, which also enhances a quick turnaround for repair.

In November, Simonds wrote to OLE to look at WCPFC Technical and Compliance Committee (TCC) 9 reports on the South Pacific albacore fishery regarding catch logs, estimation per country, etc. The question was posed, could that put you in the American Samoa EEZ. The answer was not determinable because of the vastness of the degrees used. He noted that on one chart the Cook Islands reported several catches in American Samoa waters between 2002 and 2010 by two of their vessels, as well as one from Taiwan in 2005 and two Vanuatu vessels in 2009 and 2010. The SPC's first response on the issue of Cook Islands reporting catches in American Samoa waters was two US vessels out of American Samoa also fish in Cook waters. The Cooks were reporting their catches under their country even though they were US flagged vessels. In regards to Vanuatu and the Taiwanese vessels, in looking at the latitude and longitude where the logbook sheets reported their catches, they were kind of dead center and quite near Pago, which didn't make sense to the SPC. So they replaced the W with an E for east, which put them squarely in the waters of Vanuatu, where they are allowed to fish. PID asked SPC for the names of the vessels and the log sheet data for further followup. SPC responded that some of the information belonged to the Secretariat and some they were not allowed to release. PID then requested the information from the Secretariat and is currently waiting for the Secretariat's response. He hopes to have a complete report on the matter at the next Council meeting.

Pickering further reported the 2014 Joint Enforcement Agreement (JEA) contracts are out for signing, with a 30-day turnaround. They should have been received by Hawai'i, American Samoa, CNMI and Guam approximately two weeks ago and are due sometime in April.

## Discussion

Matagi-Tofiga thanked Pickering for the JEA and noted a timing glitch last year.

Pickering said changes in the law regarding the JEA were not by choice, and he hopes that the timing improves in the future.

### **3. NOAA General Counsel for Enforcement and Litigation**

Duane Smith said eight cases under review for consideration of prosecution and seven cases in different phases of prosecution are listed in the report. F/V *OCEAN CONQUEST* is waiting decision from an administrative law judge on a Marine Mammal Protection Act (MMPA) violation. A decision from an administrative law judge is also forthcoming following an MMPA and WCPFC Implementation Act hearing regarding *PACIFIC RANGER* setting purse-seine gear on a whale. The hearing for *SAPPHIRE III* on three counts of MSA violation, harvesting fish in the Papahanaaumokuakea MNM, is scheduled for April. The hearing for *LADY LUCK*, a MSA violation, interference with an observer, is scheduled for April. The case involving F/V *VUIVUI*, a MSA violation for fishing in the MHI closed area, remains open. The F/V *MOANA* case, a MSA violation for using longline gear with insufficient floatline lengths, remains open. The case regarding *PACIFIC HORIZON* for an MSA violation, using longlines with floatlines that were too short, and two takes under the Endangered Species Act (ESA), remains open. *GLORIA PARK* was issued a violation for fishing in closed area around Rose Atoll. The vessel paid a compromised civil penalty. The case is resolved. Six cases were successfully tried as two consolidated cases with multiple violations and multiple vessels. The decision has been appealed to the Administrator seeking discretionary review. There has been no response to date. The case information is now available on the Enforcement Section NOAA GC website.

Smith said a public comment period is open until April 28, 2014, on the revised penalty policy.

## Discussion

Sword asked if the settlement process could require the vessel to return to American Samoa to educate captains on the laws, which could serve to reduce the number of violations.

Smith said settlements are complex and individualized. Each violation represents a failure of the resource being protected and the law being violated, or both. The agency works hard to improve compliance, and whether or not it is included as part of an actual settlement agreement is individualized. It has happened in the past, and Sword's concern is noted.

Sword said another concern is many boats with Pago Pago on the stern as their homeport never come to Pago Pago.

Smith said he has heard the comment before. The questions are complicated.

## **E. Public Comment**

No public comment was offered.

## **F. Council Discussion and Action**

Sword asked the USCG if there were plans to do anything in the near future about the manning exemption currently in place for the distant-water tuna fleet vessels.

Tschirgi said the exemption was enacted in the USCG Authorization Act of 2010. Under the exemption the vessels were required to at least once a year pull into American Samoa and also to have a yearly fishing vessel safety exam conducted by USCG personnel in American Samoa. In 2012 under the USCG and Maritime Transit Act, that was amended slightly so that the vessels could either pull into American Samoa or Guam for the yearly safety inspection if they have the exemption letter. The letters used to be issued via USCG Headquarters but are now issued by the USCG office in Honolulu, which helps with enforcement of the exemption regulations. Tschirgi said there has been some political pressure to change the exemption. The USCG is in opposition to any change as there is a definite need to conduct safety examinations on the vessels and for them to make a port call without a tremendous expense to the USCG to examine the vessels. He added that there are potential external threats to the exemption.

Sword said it is important that the vessels continue to come to American Samoa in order to meet the requirements of the USCG and to be able to be trained. He pointed out the high number of violations coming from the vessels.

Palacios suggested getting more information on the issue to formulate a recommendation to the appropriate entities.

## **8. Mariana Archipelago - Part 1: Commonwealth of the Northern Mariana Islands**

### **A. Arongol Falú**

Todd Miller, CNMI Division of Fish and Wildlife (DFW) fisheries biologist, presented highlights of some of the activities that have taken place since the last Council meeting.

Funding was recently obtained to tag fish in the lagoon to look at their movement, growth and habitat use and the effectiveness of marine protected areas (MPAs). The tagging is a collaborative project from internal funding through PIFSC. Trianni, Miller and DFW Acting Director Manuel Pangelinan worked together to obtain the funds. Local fishermen will participate using their local knowledge and skill to catch the fish for tagging and recapture. The project will include a fish tag return component with giveaways to the local people.

Sean MacDuff, from DFW, noted that the creel surveys, both boat- and shore-based, are the main source of data collection in CNMI. They also include incentive programs to increase participation. Efforts are underway to expand the survey to include Tinian, Rota and the Northern Islands.

Frank Villagomez, DFW FAD program manager, provided an update on the FAD Program. He works closely with the Education and Outreach Program manager to conduct social surveys of fishermen who use the FADs for their comments or concerns regarding the FADs. In 2013 five FADs were deployed. Six FADs are currently operating. There is a contract to deploy four FADs, two in Rota and two around Tinian. The program received eight fabricated FADs in late 2013.

### Discussion

Palacios asked Miyasaka if the State of Hawai`i surveyed fishermen about FAD.

Miyasaka said there has been no directed survey. Outreach has been attempted in the past to determine the level of use, with low response. As time went on, the information improved, but fishermen were not eager to share catch information. When they realized how valuable the FAD was and we needed that information to justify replacement of a FAD, the information improved. Monthly commercial catch reports are now used, and fishermen for the most part are good at reporting the uses around the FADs. Work continues to improve the relationship with fishermen.

Tosatto asked Pooley if information on the importance of the FADs to the Hawai`i small-boat fishery is demonstrated in economic studies.

Pooley said the information does not come out in the traditional analysis. Early work demonstrated where the efficient launching applications were, but it is not typically done. He added that gathering that information is conceivable.

Trey Dunn, from CNMI DFW Fisheries, reported on the Life History Program, which is moving through the top 15 species in the commercial spearfishing realm. Current work is on two new species on the list and getting some of the previous species data analyzed. The program continues to work closely with Micronesian Environmental Services, which is PIFSC's biosampling contractor.

Jack Ogumoro, the Council's CNMI island coordinator, reported that the Turtle Program has tagged 57 turtles in-water, six with satellite tags, from November to February on Saipan, Tinian and Rota. The satellite tags are being monitored by Dr. Todd Jones from PIFSC. The program staff is active in outreach at various CNMI schools.

Simonds asked about the availability of information from the tracking and if any have returned.

Ogumoro said the first reports indicated some of them would go up toward the Philippine Islands and Japan. The latest report showed the turtles headed down toward the Marshall Islands. One turtle returned and nested in 2007, 2010 and 2014.

Matagi-Tofiga asked about the cost of the FAD deployments and if they were located near shore or offshore.

Palacios said the FADs are offshore.

Villagomez said the estimated cost to deploy a FAD to a depth of 6,000 feet is around \$7,000 for ropes, fabrication and deployment.

Daxboeck asked if the FADs are the Indian Ocean-type FADs.

Villagomez said the FADs are cylindrical with a diameter of about 2 ½ feet by 9 feet.

Daxboeck asked if the turtles are all greens or a mix of green or hawksbill.

Villagomez replied they are 80 percent green turtles.

Simonds noted that in Guam it cost \$40,000 to put out one FAD.

Villagomez clarified a bid is put out for the fabrication of the FADs. His understanding is Guam's FADs involve a sole-source contract for deployment, always with the same company.

Palacios said, when they sent out the invitation to bid, four or five companies responded. One is fabrication of the FAD. Another is fabrication of the anchors. The tackle, ropes, chain and the assembly are provided. A bid is also put out for deployment. Vendors can bid for the whole package or for itemized bids, and the bids are negotiable.

## **B. Legislative Report**

Seman reported on several legislative actions relating to marine resources in CNMI. Public Law 18-32 allows the use of drag or surround net on the island of Rota for bigeye scad and tiao (goldfish) only during seasonal runs. Senate Resolution 18-23 urges the US President to delay the Proclamation for 180 days to allow all parties to develop a co-management plan. House Joint Resolution 18-14 urges the Governor to oppose the military plan in Pagan and increased military activities in the Northern Islands. Recently the military has been providing presentations of each plan for each exercise, primarily on the marine exercises. House Joint Resolution 18-1 urges the US Congress to recognize ancestral rights with regards to ownership of submerged lands.

## **C. Enforcement Issues**

Ogumoro reported that enforcement participated in dockside and vendor inspections to ensure ESA, MMPA, Shark Conservation Act and other federal laws are not violated. In addition to their enforcement activities they also conduct education and outreach activities to school students.

## **D. Marianas Trench Marine National Monument**

### **1. President's Proclamation Regarding Northern Islands, Tinian and Farallon de Medinilla**

Palacios presented information regarding the Proclamation related to the Northern Islands, Tinian and FDM. On Jan. 16, 2014, President Obama issued a Proclamation which withheld the transfer to the CNMI the control of submerged lands around Tinian, FDM and the Islands Unit of the Marianas Trench MNM, which includes Asuncion, Maug and Uracus. The submerged lands around these islands are on hold for defense purposes and until a co-management plan with respect to the Marianas Trench MNM is completed. Currently, the DOD and the Commonwealth government have an active dialogue in an effort to come to an agreement that will be mutually beneficial. As noted earlier in the meeting, no progress has been made towards completing a co-management plan for the MNM Islands Unit.

#### Discussion

Simonds stressed the importance of DOI being involved in the efforts.

Palacios said, if no progress is made soon, the Governor will likely send a formal letter to the DOI and DOC.

## **E. Bottomfish Area Closure Modification**

Mark Mitsuyasu, Council staff member, presented information on the Council measure to reduce the 50 nm area closure for vessels longer than 40 feet targeting bottomfish around the southern islands of the CNMI and the 10-mile closure around the island of Alamagan. The intent of the action is to reduce the economic and social impacts to the local bottomfish fishing fleet while increasing efficiency and performance of the fishery. The need for this measure has been expressed by the local CNMI bottomfish fishermen and Council advisors who claim that the initial intent of the closure has not been realized, as large vessels operated by non-residents have not entered the fishery nor impacted the small trailer boat fleet. Maps were displayed of the large vessel closure and proposed vessel boundaries, and information provided on the 17 species of bottomfish to which the measure would apply, the fishery, fishing grounds, participants, trends in the fishery since 1983 (including landings, number of trips, fishermen and proportion of total catch), current bottomfish regulations, Federal NMFS permit activity from 2009 to 2013 and a timeline and results of Council outreach efforts to the CNMI fishermen.

Options for bottomfish management around the southern islands presented included the following: a) No action, 50-mile closure around the CNMI southern islands, Rota, Saipan, Tinian and FDM, for vessels over 40 feet in length, plus a 10-mile closure on Alamagan; b) Reduce the 50-mile closure to 30 miles for large vessels around the CNMI southern islands, Rota, Saipan, Tinian and FDM; and c) Remove the 50-mile large vessel closure around the CNMI southern islands, Rota, Saipan, Tinian and FDM.

Options for bottomfish management around the Island of Alamagan presented include the following: a) No action, maintain 10-mile closure extending from Alamagan's shoreline; and b) Remove closure extending from Alamagan's shoreline.

## Discussion

Tosatto asked if the fish quality being affected by size of fish and turnaround time would be part of the decision-making.

Mitsuyasu deferred to the local fishermen who have the local knowledge of the area. He added that in general, the quality of fish from day trips was a bit better quality than the Northwestern fish that was coming in to Hawai`i.

### **F. Report on Commonwealth of the Northern Mariana Islands Projects**

#### **1. Data Collection Efforts**

This item was presented during the Arongol Falu agenda item.

#### **2. Commonwealth of the Northern Mariana Islands Commercial Dock Report**

The commercial dock report was presented by Fred Smith, from the locally based engineering company GHD. He was one of the primary authors of a study conducted for the Council to evaluate the necessary infrastructure facilities for the dock. The study reviewed Tanapag Lagoon and provided alternative sites, i.e., Outer Cove Marina, Puerto Rico Dump, Echo Dock and the Seaplane Ramp area. The concept is to port a commercial fishing fleet of up to 10 longline fishing vessels. Existing facilities and potential to upgrade were assessed. Some concept designs were developed with cost estimates and identification of permit regulatory issues that might impact the project. To evaluate the alternatives, a matrix was created, a ranking conducted and the rankings were then tabulated. The environmental considerations were given a weighting factor of 2.0 and the cost considerations were given a weighting factor of 3.0. Alternative 2, the Puerto Rico Dump site, came out with the highest ranking. The criteria included available land, existing utilities, sufficient space, side access, environmental cost and potential for expansion. Based on that, more detailed costs and a more detailed concept design was created for the Puerto Rico Dumpsite.

After the four alternative sites and the matrix were developed, a public meeting was held in August 2013, at which time a vote was taken for the various sites. The preferred site was the Puerto Rico Dump site. The project would consist of a new sheet pile, wall bulk head, fill in behind it, concrete deck, fendering system, utilities and more.

## Discussion

Seman said CNMI is known for its small-scale domestic artisanal fishery and now is the time to start looking at its resources that have been harvested by foreign countries illegally fishing in CNMI's waters. CNMI needs to develop the economy and find ways to increase revenue starting with a few vessels to longline. He thanked the Council for providing the funds for the report.

Simonds asked if the Governor is planning to pursue the project and, if so, what funding is available.

Palacios said the engineering plans have been drawn up. He envisions the project will be done in modules so that the total cost will be manageable as time and resources become available. He noted that the Commonwealth continues to lose fishing grounds.

Matagi-Tofiga said American Samoa is going through a similar situation with longline docking space.

Poumele said that, from her experience, permits should be applied for at the earliest possible time because many times permits take longer than anything else.

Daxboeck asked, if \$32 million will be spent on facilities, would there be a fleet of 10 longline vessels to use the site or would US vessels be used to eventually build up the fleet. He said French Polynesia has experience in this regard.

Seman noted that one of the things discussed was the impact to FDM, CNMI's best fishing grounds, and how the military closure continues to expand. Because of the closure fishermen will need larger vessels and thus infrastructure for the larger vessels. He pointed out this is what led to the report being developed.

Simonds also noted that money is needed from the military, which should help with the CNMI economy as it continues to slowly take each island.

Palacios stated, in response to Daxboeck's comment, one of the high costs for the three longline vessels are the berthing fees at the commercial port. The Commonwealth could also consider being an avenue for transshipment.

Tosatto said the fish market development needs fish and he looks forward to the upcoming Mariana skipjack assessment presentation. He also noted existing markets for shark products, special provisions of MSA and the Nicholson Amendment that allow for a certain amount of joint venturing and foreign-built hulls, and a range of special arrangements that could benefit the development of a domestic fishery.

### **3. Marianas Skipjack Assessment Report**

Simon Nicol, from the SPC, presented the report that assessed skipjack in waters surrounding CNMI and Guam, which have effectively been closed to industrial tuna fishing since the establishment of the EEZ. The domestic troll fishery catches around 300 metric tons (mt) a year, with stable catch per unit effort (CPUE) for charter trips, increasing CPUE for non-charter trips in Guam and decreasing CPUE for non-charter trips in CNMI.

The task of the assessment was to provide an overview of the oceanographic conditions to allow interpretation of climate-related changes in skipjack distribution, use the Seapodym model to determine the proportion of the Western and Central Pacific Ocean (WCPO) skipjack tuna population that occurs on average in the Mariana archipelago and conduct a series of simulations to estimate the connectivity with the adjacent regions.

Nicol explained the Seapodym model, the mechanics and basics of the model and a complicated summary of the method, the resolution used, oceanography around the Mariana

archipelago, including what is known about skipjack distribution and depletion due to WCPO fisheries, as well as the connectivity analyses.

Nichol then presented the conclusions of the skipjack resource assessment: a) Overall, the environmental conditions of the Mariana archipelago tend to provide for a lower spawning biomass in comparison to the equatorial regions for skipjack. b) Simulated spawning biomass for the Mariana archipelago was estimated to be between 70,000 mt and 180,000 mt between 1999 and 2008, depending on the physical forcing and model constraints. c) Simulation of the historical WCPO catch results in a 9 percent depletion of the biomass in the Mariana archipelago. d) Simulated changes in the spawning biomass in neighboring regions influenced the spawning biomass in the Mariana archipelago. e) Connectivity with the Northwest Pacific Region, Kurushio current area, was evident in both directions. f) Depletion of spawning biomass and CMMs associated with skipjack harvest in the region are likely to affect the biomass in the Mariana archipelago. g) The effect is weaker when tagging data is used to better model the species as diffusion is no longer at its upper boundary in the optimization.

### Discussion

Leialoha asked for clarification about the spawning estimate and what the spawning rate would be to reach full adult stage for fish catch.

Nicol said the model results demonstrate a loss of 20 percent of the adult biomass. Out of the Northwest Pacific into the Mariana Islands there is only a 5 to 5½ percent decrease of spawning biomass.

Simonds asked whether there was enough skipjack for a purse-seine fishery.

Nicol said there is enough resources for a purse-seine fishery, but to compare in terms of the biomass where there are purse-seine fisheries that are working year-round, there is a substantial difference between what the model is predicting is available in the CNMI versus what is available in Papua New Guinea. The question then is to what degree of a purse-seine fishery would the CNMI want to consider, which is a question of economics of the cost associated with the catch versus the unloading and delivery of the catch to its place of processing.

Simonds noted that a purse seiner can make over \$1 million per trip, which is something for the government to consider. She added that the question of the other fisheries needs to also be considered since yellowfin and bigeye feed on skipjack.

Nicol agreed that is the million-dollar question many people are asking and everyone is trying to avoid answering. He said sophisticated models can look at the interaction between fisheries, but organizations are not yet mature enough to ask the question. He noted that the information is on the SPC website and can be accessed on a live basis.

Tschirgi related that on a recent patrol with the cutter *SEQUOIA* the USCG saw three different pole-and-line vessels operating outside of the EEZ surrounding CNMI, noting that the effort is limited when compared to where the majority of the purse-seine vessels are.

#### **4. Status of the Fish Market Developments at Fishing Base**

Palacios stated that in April 2013 Department of Public Lands deeded 15,000 square meters of area to the DLNR to develop a public market facility. Engineering plans are completed. It is now a matter of sourcing funds for the project. He envisions it as a value to the community where people can gather to bring their products from fisheries and agriculture.

Michael Ogo, head of the Aquaculture Development Program from the Northern Marianas College (NMC), presented information on rabbitfish farming funded under the Council's Marine Conservation Plan (MCP) funds. CNMI Public Law 15-43 passed in 2007 gave the NMC the authority to be in charge of aquaculture development in the CNMI. From community outreach it was determined the species would include marine finfish, giant clam, prawn, talapia and marine shrimp. The consensus of the stakeholders for the species to farm was rabbitfish because it is a locally popular food fish and a hardy herbivore that can be grown in a polyculture environment. It has value added as in the CNMI the juveniles are also consumed. More importantly, it is indigenous to this area.

A proposal was approved for a hatchery and seed stock development for rabbitfish in the amount of \$69,000 for a one-year project. Funding was released in July of 2013. The hatchery was set up at NMC; a broodstock tank was set up. Dr. Chatham Callan from the Oceanic Institute in Hawai'i will assist with the project. From the Saipan Lagoon, 75 breeders were collected. Most of the collected breeders are between 8 inches to 13 inches and between 200 grams to 600 grams in size. The broodstock operation is completed. The breeders are fed a diet of high protein shrimp feed, and water quality is monitored. A larvae culture system was set up at the college. Once eggs are collected the rearing phase of the project will begin. Any production will be stocked in grow-out tanks at the college.

#### Discussion

Matagi-Tofiga asked about the frequency of feeding.

Ogo replied that he will have more information on that once the eggs hatch.

Daxboeck asked if there is a way to use artificial light to encourage breeding year-round.

Ogo said that is one of the things they are looking into, as they know it has been done in other places with other species, such as in Palau and the Mediterranean.

#### **G. Community Activities and Issues**

- 1. Military Initiatives on Tinian**
- 2. Military Proposed Plans and Status**

Ed Lynch, from the US Pacific Fleet, presented information on the military's proposed plans in the CNMI. He termed it as the re-balancing to the Pacific, that is a strategic initiative of the United States, not a military buildup. He presented information on why training and readiness

is important. He said maintaining skills requires live fire ranges and training areas in proximity of future crisis; readiness training is what makes the US military an agile and highly effective force. Having forward-deployed forces is part of that strategic rebalance of Asia. Training in the Western Pacific is different than operations in the continental United States. The Mariana Islands provide ideal island ground-training, large expanses of open ocean air and sea and subsurface training areas. It is a safe, efficient location for sea, air and ground training.

Lynch presented a graphic of the proposed training on Pagan, Tinian and Guam. Ranges and training areas would be constructed to enable live-fire training, maneuvering, beach landings and aviation assaults improving upon existing capabilities.

Since the environmental impact statement (EIS) is in its initial stages it is too early to discuss particular access or compatible uses. Neither Tinian nor Pagan can support the identified unfilled training requirements alone. Both islands in combination provide the US military with a variety of alternative range and training area configurations that will satisfy the unfilled training that's identified in the EIS.

DOD recognizes the challenge that multiple competing uses causes in both the sea and airspace around the ranges and the need to have competing uses deconflicted through time and space. Modern communications and sensors provide for real-time deconfliction. DOD is committed to working with air and sea space users to accommodate military training and recreational and commercial uses of the sea and airspace.

Lynch further reviewed multi-disciplinary approaches to decision-making, DOD work through federal agencies, anticipated specific consultations, lists of Northern Mariana Island terrestrial and marine resources and a schedule for the CNMI Joint Military Training EIS preparation.

## Discussion

Ebisui asked how National Environmental Policy Act (NEPA) affects the use of weaponry.

Lynch said, when a weapons system is being developed, such as in a training scenario, NEPA may apply. When weapons are deployed operationally, NEPA does not apply.

Simonds asked couldn't the submerged lands be conveyed to CNMI, as Congress said, and then work out an agreement for military activities in regard to FDM and Tinian.

Lynch said, in his personal opinion, there is a precedent set with Guam where until the United States and the CNMI government can come to an agreement, then it will return. He added that the US military has an interest in ensuring it can continue to use its training locations, FDM and Tinian, for their intended use and as soon as an agreement is developed with the CNMI government to ensure those can continue; there's not a problem.

Palacios said what Lynch is saying is the CNMI got jacked with the legislation that said the United States will convey the submerged lands to CNMI, but there is a precedent set that has to be consistent with what happened in Guam.

Lynch noted that the law was amended by adding CNMI after Guam.

Palacios said potentially CNMI will never get the submerged lands returned.

Lynch said the President has made it abundantly clear in the Presidential Proclamation that he intends the US DOD and the CNMI Government to come to an agreement on how the submerged lands will continue to be used for national defense, along with transferring them to CNMI. Sometimes negotiations can take a long time.

Simonds said Palacios should ask his Congressman why he did not introduce the bill as a stand-alone bill.

Seman said the CNMI, unlike Guam and American Samoa, was never a part of the United States.

Lynch pointed out that the CNMI Covenant was passed 90 days before the Submerged Lands Act and that the courts recognized that the CNMI did not own the submerged lands. Congress attempted to fix that by passing the amendment to the Submerged Lands Act.

Seman said, when Congress passed it into law and the president signed it, CNMI was in a stage of renegotiating with the United States to join the US family. He asked Lynch if he thought that CNMI's US Congressman amended the wrong law.

Lynch said he would not answer the question because he needs a job more than that.

Seman pointed out the law that was amended was intended for territories that were already pre-owned.

Lynch said there are many different arguments. The court said that the federal government owns the submerged lands from the high watermark. Congress attempted in its best way to fix it and what got passed, got passed. The bottom line is that, yes, it is on both the DOD and the CNMI to come to the table and the DOD and the CNMI have made great strides on FDM and Tinian.

Leialoha acknowledged Palacios's quote relating to getting jacked but said she understands the relationship to the existing law. Leialoha worked with people who were on the initial biological assessment for Pagan years ago and understands the training aspects with regards to requiring air, land and sea training, including expanding the use of live fire, but the traditional values are still there. She will be looking at the Draft EIS closely with regards to some of the joint training and hopes both sides can come back to the table with respect to the submerged lands issue. She said she thinks it is up to the legislative branch of CNMI and Guam in relation to the United States.

Simonds asked why the negotiations did not include an option to give some of the monument islands back to CNMI and why DOI maintains control on the island monuments.

Lynch said he totally understands her comment and pointed out that is what the military is trying to do in a small way. The plan for the ad hoc meetings is to sit down and talk about things like a live fire range on Tinian that is going to result in a safety zone over the water, is that an area that would be compatible with DLNR using as an MPA. He will be talking to the Cattlemen's Association on Tinian about how to have a compatible use between the military ranges on Tinian and letting them continue to graze cattle, how to ensure access is available into the port or the airport if the military has a joint use of those facilities as envisioned by the covenant. He admitted not all issues will get solved.

Simonds pointed out the impact live fire has on cattle will have to be included.

Lynch suggested one option could be an open range system that is currently used on Bureau of Land Management lands in the southern United States.

Palacios said the DOD has to continue to engage with the community because these issues have lasting implications on the CNMI people.

Lynch said that he does not know whether or not the ad hoc groups will work, but they will try to make even small improvements.

## **H. Education and Outreach Initiative**

### **1. Lunar Calendar Report**

Ogumoro said he conducts a radio talk show every other week at KKMP to discuss topics such as submerged lands, military plans, Council recommendations and traditional fishing. The 2014 Carolinian and Refaluwasch Lunar Calendars have been made available to the public. There is positive feedback, and fishermen appreciate the tide chart.

#### Discussion

Palacios commented on the constant challenge of finding enough enforcement officers. Law requires officers to be a police academy graduate. Saipan currently has only five conservation officers and one conservation officer tech.

Matagi-Tofiga said she is faced with the same challenge. American Samoa conservation Officers must enforce all local and federal laws, including the Lacey Act. Currently there are five officers, but two need additional training.

Seman said part of the education and outreach program that the Council is providing in CNMI with the lunar calendar involves students from elementary, junior high and high school engaging in current issues related to fisheries. He encouraged the annual lunar calendar art contest to continue for the benefit of the students and communities.

## **I. Advisory Group Recommendations**

### **1. Advisory Panel Recommendations**

Joshua DeMello, Council staff member, reported the CNMI Advisory Panel (AP) meeting was held jointly with the Guam AP on March 14 and 15 on Guam. The joint Mariana FEP AP reviewed the actions items and developed recommendations. A workshop was also held reviewing the priorities and objectives of the Mariana FEP. DeMello presented the following Mariana FEP AP recommendations:

*Regarding CNMI bottomfish*, the Mariana FEP AP recommended the Council move forward with preliminary action of analyzing the impacts of removing the bottomfish area closures around the southern islands and Alamagan.

*Regarding CNMI bottomfish*, the Mariana FEP AP recommended that prior to the Council selecting a final preferred option, that meetings be held in Rota and Tinian to consider these options and get more input from the community.

*Regarding the DOD*, the Mariana FEP AP recommended the Council request the DOD to explore options for moving prepositioning vessels off of Saipan further out, constructing permanent moorings and providing for the passage of small vessels and fishing activities in the area. The AP is concerned with both the damage to the seabed, as well as the conflicts amongst area users.

*Regarding the DOD*, the Mariana FEP AP recommended the Council continue to monitor the activities of the DOD in relation to fishing access regarding potential closures around FDM, Tinian and Guam.

*Regarding the MCP*, the Mariana FEP AP recommended the Council request that the CNMI provide a status report of the projects and outcomes funded under the CNMI MCP, such as the fish market and fishermen training.

*Regarding the MCP*, the Mariana FEP AP recommended the Council and CNMI DLNR work with the AP and other members of the fishing community on the next CNMI MCP.

### Discussion

Palacios asked for clarification as to the recommendation regarding preliminary action of analyzing the impacts of removing the bottomfish areas and if a vote was taken on the available options.

DeMello said a contingent of AP fishermen did not want to remove the closure and some wanted all of the closures removed. So instead of making a recommendation they decided to keep the action moving along because the Council is not going to make a final recommendation

at this meeting. If the Council makes a selection, it would be a preliminary preferred alternative. The recommendation was a consensus agreement, which satisfied both sides of the issue.

## **2. Plan Team Recommendations**

John Gourley reported that the Mariana Plan Team met March 14 in Guam. The Team went over the annual reports of the various inshore fisheries, discussed data collection issues, and reviewed fishery-independent projects and the data gathered by the Biosampling Program. The Team also discussed the potential for developing the noncommercial chapter of the annual report using algorithms developed by the Hawai'i Pacific University (HPU) students that extracts the commercial and noncommercial component of the creel expanded catch. Gourley presented the Plan Team recommendation is as follows:

*Regarding fishery data collection, the Mariana Plan Team recommended the Council work with the DFW and other partners to establish a Bottomfish Sampling Program.*

### Discussion

Palacios asked if the Plan Team members are willing to discuss the recommendation with DFW.

Gourley replied in the affirmative.

## **3. Regional Ecosystem Advisory Committee Recommendations**

Sylvia Spalding, Council staff member, reported that the CNMI Regional Ecosystem Advisory Committee (REAC) met on March 14. The recommendations are as follows:

*Regarding conflicting local and federal shark regulations, the CNMI REAC recommended that the Council facilitate resolution of the conflict between federal and local shark regulations.*

*Regarding the Presidential Proclamation on Territorial waters, the CNMI REAC recommended that the Council request that the DOD or DOI provide maps to the CNMI showing specifically the placement of the CNMI's 3 nm boundary and the CNMI's submerged lands throughout the archipelago.*

*Regarding military prepositioning ship activities, the CNMI REAC recommended that the Council urge*

- A) The DOD to undertake the following recommendations of the CNMI DFW:
- i) Collect additional information from existing anchor sites to review changes in the anchorage and non-anchorage zones.
  - ii) Promote a permanent mooring system which would minimize further damage to the benthic environment thereby allowing recovery of coral reef habitat.
  - iii) Continue to pursue avenues to mitigate damage to benthic resources.
  - iv) Revisit and revise Memorandum of Understanding between the US Navy and CNMI;

- B) The Navy to underwrite the assessments; and
- C) That all assessment data for this area from the DOD, NOAA and others be given to the CNMI Government.

*Regarding military activities on Tinian, FDM and Pagan*, the CNMI REAC recommended that the Council recommends to the appropriate entity that financial support be given to the Marianas Integrated Management Committee.

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

Daxboeck presented the SSC recommendations as follows:

*Regarding CNMI bottomfish*, the SSC noted that there does not seem to be a resource issue. Therefore, the SSC has no reason to object to Option 3, removal of the 50-mile large vessel closure around CNMI southern islands, and the removal of the closure around Alamagan.

#### **K. Public Hearing**

Gourley noted his disappointment that no representative from the USFWS was present at the Council meeting. In his opinion the DOI has been working against the CNMI on getting any type of co-management for the submerged lands since the monument was designated in 2009. Ten days after the monument was designated the DOI Secretary Dirk Kempthorne unilaterally issued Order 8335 that gave sole management authority to the USFWS for the Volcanic and the Trench Units of the Marianas Trench MNM. CNMI has no authority in over two-thirds of the monument.

On Dec. 17, 2009, DOI went on record before the Senate Committee of Energy and Natural Resources on HR 934, Conveyance of Northern Mariana Islands submerged lands. In testimony given May 12, 2011, towards HR 670, which ended up becoming the final law that was signed by the president, the DOI stated before the House Committee on Natural Resources, Subcommittee on Wildlife, Oceans and Insular Affairs:

As envisioned by the Presidential Proclamation establishing the Marianas Trench Marine National Monument the DOI is proposing an amendment to ensure that the outstanding resources in the waters surrounding the CNMI's three northernmost islands remain protected. Thus the Department recommends that language be included in HR 670 referencing the coordination of management contemplating within it prior to the transfer of the submerged lands within the Islands Unit of the Monument of the CNMI. Any submerged lands within the Islands Unit of the Marianas Trench Marine National Monument, unless or at such time that the Commonwealth of the Northern Mariana Islands enters into an agreement with the Secretary of the Interior and the Secretary of Commerce for the permanent protection and co-management of such portion of the Islands Unit.

They gave the submerged lands and then took it back. CNMI will not have it back until there is an agreement that is approved by the DOI and DOC. If there was no agreement the DOI and the DOC retain control. The co-management that was promised by the envoy of the White House in 2009 is not the co-management that is being given today. The Antiquities Act does not allow co-management that was promised. CNMI was blind-sided and treated unfairly.

### Discussion

Palacios said he knows many people in the community agree with Gourley. The Governor and CNMI House Speaker sent communication to the President. It's disheartening that the community continues to get disrespected by the national government and some of the national bureaucrats who have personal agendas inserted into policy.

As a member of the Marianas Trench Monument Advisory Council, Palacios said he at times feels the Advisory Council is of no value to the CNMI community. The Governor asked for patience and to continue to have faith in the system and see where it comes out.

Simonds said it is somehow about the federal government taking care of the federal government and not really fulfilling its trust responsibilities to the people. The tribes of the northwest and the Alaskan natives and their federation came to Hawai'i to talk about the erosion of the federal government's trust responsibilities. She cited this as another example of the erosion of the federal government's trust responsibilities.

Sword asked Gourley to tell the Council what he would like the Council to do.

Gourley said he would like to have a letter to the Secretary of the DOI asking him to rescind the order that made them the unilateral top dog on the Volcanic and the Trench Units and officially ask them to return it.

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

***Regarding CNMI Bottomfish, the Council recommended Option 3 as a preferred preliminary alternative removing the bottomfish area closures around the Southern Islands and Option 2 as a preferred preliminary alternative, removing the bottomfish area closures around Alamagan.***

Moved by Seman; seconded by Ebisui.  
Motion passed.

Tosatto pointed out that the transfer of the submerged lands is relevant to the recommendation and it could allow some immediate relief for fishermen, but they would have to make sure that they're within state waters and not inside federal waters. There also needs to be some discussion on cleaning the FEP and to thoroughly analyze the action.

Palacios noted that staff will be working on doing some cleaning up regarding the submerged lands that's now turned over to the Commonwealth. The options have been taken to several scoping meetings in Saipan and the AP meeting.

Simonds said the CNMI government needs to decide what it wants to do with its 0 to 3 miles and, once there is an agreement, then everything can go forward.

Palacios said he knows it is now on CNMI's plate and CNMI has to make the policy decisions for that. He appreciated Tosatto bringing it up.

Tosatto stressed the important thing is understanding what is wanted.

***Regarding CNMI bottomfish, the Council recommended, prior to the next Council meeting, staff conduct meetings on Rota and Tinian to review the alternatives with the community.***

Moved by Seman; seconded by Ebisui.  
Motion passed.

Palacios noted travel continues to be difficult to Rota for scoping but attempts will be made before the next Council meeting.

***Regarding the DOD, the Council urged the DOD to review the placement of its repositioning ships in the CNMI to a) Collect additional information from existing anchorage sites, to review changes in the anchorage and non-anchorage zones; b) Promote a permanent mooring system, which would minimize further damage to the benthic environment, thereby allowing recovery of coral reef habitat; c) Continue to pursue avenues to mitigate damage to benthic resources; and d) Revisit and revise memorandum of understanding between the US Navy and CNMI. Further, the Council recommends the DOD provide these assessments to the CNMI government upon completion.***

Moved by Seman; seconded by Ebisui.  
Motion passed.

Simonds asked if the damage is known and how many years it has been going on.

Trianni said the extent of the damage is not known. The anchorage zones have been in place since the Japanese period, and during the war they were used a lot more. The heaviest impact was probably during the war period and right after the war with the resupplying and restructuring in Saipan. The DFW started a project in 1999 to look at the impacts of the damage to the reposition zone areas and got funded in 2000. About seven or eight surveys were conducted when 9/11 happened. Since 9/11 there have been no surveys. The damage has been going on for a long time. The NMFS Coral Reef Ecosystem Division (CRED) Program and DOD have done surveys, but he was not sure if the information is housed in any one particular place. The substrate has probably been ground up, but it would be worthwhile to have further investigations.

Pooley agreed that there are CRED surveys and everything was published out of the CRED Program. He noted he would find the status of the surveys and get back to the Council by the end of the meeting.

*Regarding military activities on Tinian, FDM and Pagan, the Council directed staff to **continue monitoring the activities of the DOD in relation to fishing access regarding potential closures around FDM, Tinian and Guam.***

Moved by Seman; seconded by Sword.  
Motion passed.

*Regarding military activities on Tinian, FDM and Pagan, the Council directed staff to **draft a letter to DOD and other appropriate entities requesting they provide financial support to the Marianas Integrated Management Committee to support its efforts.***

Moved by Seman; seconded by Sword.  
Motion passed.

*Regarding the CNMI MCP, the Council requested the CNMI DLNR provide a status report **of the projects and outcomes funded under the CNMI MCP, such as the fish market and fishermen's training to the Council at its next meeting.***

Moved by Seman; seconded by Sword.  
Motion passed.

Palacios noted that he will submit the report to the Council.

*Regarding the CNMI MCP, the Council requested that CNMI DLNR work with the AP and **other members of the fishing community on the next CNMI MCP.***

Moved by Seman; seconded by Sword.  
Motion passed.

Simonds reminded Council members that the CNMI MCP is up in August 2014. CNMI will have to develop a new or carryover MCP. The process has been to develop the proposals and then vet it through all of the Council's family and the public. Then the Governor signs off on it and sends it to the Council. The Council has to receive the MCP to be able to vote on it at the June meeting.

Palacios said he will have the staff take care of it. Palacios added that the AP members are part of the Council family and the members need the information. The chair of the CNMI AP is also the chair of the advisory group that vets some of these projects that come forth for recommendation or action. A lot of the projects come through the DLNR office and goes through a vetting process, and a public notice is published for either a request for proposals (RFP) or approval of the projects.

Taitigue noted the report of the fishing platform will be presented in Guam.

Simonds said the vetting process in Guam has been so bad that it was necessary to extend the cooperative agreement by another year.

Palacios said when working with NEPA and permit requirements some facilities on the coastlines take a lot longer than one would like to see them move forward.

Taitigue noted that dealing with government entities is sometimes difficult.

***Regarding fishery data collection, the Council recommended that NMFS PIFSC work with the CNMI DFW and other partners to re-establish a Bottomfish Sampling Program in the CNMI.***

Moved by Seman; seconded by Sword.

Motion passed.

Pooley asked for clarification as to whether the recommendation refers to biosampling of deep-water snappers and groupers, creel survey, logbook or something else.

DeMello clarified the recommendation came from the Plan Team and is referring to survey of the catch.

Tenorio said the thought process behind the recommendation is collection of some bottomfish catch information within Saipan but more support is needed to capture some of the catches from up north.

Palacios noted there were no objections to revising from establish to re-establish.

***Regarding CNMI's submerged lands, the Council directed staff to work with the CNMI Government regarding submerged lands restricted by President Obama's Jan. 15, 2014, Proclamation withholding rights to the submerged lands around five islands in the CNMI.***

Moved by Seman; seconded by Sword.

Motion passed, with Tosatto abstaining.

Nichols reminded the Council that Council staff cannot be used with federal grant money to attempt to influence the introduction or enactment of federal or state legislation.

Palacios noted the recommendation is to help with research of the issues and policies.

Simonds clarified the recommendation is addressing the CNMI government's development of the co-management plan with DOI and DOD. The Council will be supporting the process.

Nichols noted that she understands the Council is aware and just offered a reminder as the Council moved forward with the recommendation.

*Regarding CNMI's submerged lands, the Council directed staff to draft a letter to the appropriate entity to facilitate the development of the co-management plans for all units of the Pacific MNMs.*

Moved by Seman; seconded by Ebisui.  
Motion passed.

*Regarding CNMI's submerged lands, the Council requested that the DOD and DOI provide maps to the CNMI showing specifically the placement of the CNMI's 3-nm boundary and CNMI submerged lands through the archipelago.*

Moved by Seman; seconded by Sword.  
Motion passed.

*Regarding conflicting local and federal shark regulations, the Council directed staff to facilitate resolution of the conflict between federal and local shark regulations.*

Moved by Seman; seconded by Sword.  
Motion passed.

## **9. Program Planning and Research**

### **A. Report of P-Star Working Group, Action Item**

Marlowe Sabater, Council staff member, presented the results of the P\* Working Group held at the Council office on Dec. 11 and 12, 2013. The list of working group members was reviewed, as well as the analysis as requested by the SSC to compare the maximum sustainable yield (MSY) results of the augmented catch MSY model versus a known MSY from a stock assessment, finalized the P-Star criteria, refined the language of the stock status, and used Lennon Thomas' PSA Analysis for coral reef species in Guam. The third meeting of the working group focused on reviewing the model information and scientific uncertainty dimension, as well as reviewing the scores for uncertainty dimension. The workshop finalized the scores for the stock status and productivity and susceptibility dimensions. The comparative results between the current model-based approach and stock assessment showed it to be conservative with the MSYs being underestimated half of the time while at the same time the remaining MSYs were overestimated.

Significant discussion related to the following key points: a) averaging time frame for stock status determination; b) the method in predetermining the range of k values; c) species aggregation and groupings; and d) level of P\* values relative to known Tier 1 stocks.

Council staff also presented the SSC's determination of the recommended level of risk for the Council to consider adopting without exceeding the MSY, based solely on scientific uncertainties. The range of P\* values for each jurisdiction were as follows: American Samoa 30.8 to 39.5 percent; Guam 30.2 to 37.9 percent; CNMI 34.6 to 39.42 percent; and Hawai'i 32 to 42 percent.

**B. Report from the Social, Ecological, Economic and Management Working Group (Action Item)**

Chris Hawkins, Council staff member, presented the results of the Social, Ecological, Economic and Management (SEEM) Working Group meeting held at the Council office on Feb. 26 to 28, 2014. At the meeting, the PIFSC Human Dimensions Research Program staff presented on a recent project on Saipan involving fishermen interviews aimed at determining important SEEM factors in the coral reef fisheries. These factors were then used to establish the criteria for SEEM evaluation. The outcome of the working group included the statement: Based on ecological and management uncertainty considerations the SEEM Working Group determined that reductions from coral reef management unit species (MUS) acceptable biological catch (ABC) may be warranted and recommended 5 percent for American Samoa and Hawai'i and 3 percent for the Marianas.

Hawkins noted the task for the Council is to accept, reject or modify as necessary the working group's findings. He pointed out that future SEEM Working Groups have the flexibility within the ACL specification process to use a different approach dependent upon such things as the fishery, working group members and current issues.

**C. Specifying ACLs for the Coral Reef Species in the Western Pacific Region (Action Item)**

Sabater presented the alternatives for the Council to consider in setting the multi-year ACLs for the coral reef MUS based on the P\* analysis. Based on the P\* Star analysis the SSC chose a range of risk levels that would prevent exceeding the MSY for various species complexes. Those risk levels have a corresponding catch, which is the ABC. The Council must choose between the three alternatives presented:

Alternative 1: status quo. The Council will retain the current ACLs, which were set equal to the ABCs based on the 75th percentile of the entire catch time series. Previous ACL specifications considered only catch information from one data source; hence, the ACLs were severely underestimated. The Council recommended exploring other methods and datasets in future ACL specifications. This alternative will maintain the underestimated ACLs, and Council will continue to deal with justifying the overages occurring in the fishery.

Alternative 2: The Council can set the ACL equal to the ABC. This alternative assumes that the catch relative to the ABC is relatively small and the risk of exceeding the ACL is small. This is true for most of the coral reef stock complexes. This also assumes that the management uncertainties are negligible and the difference between recent catch and the catch limit has

enough of a buffer to avoid exceeding the ACLs. This provides more room for the fishery to expand and increase economic benefits without significantly impacting the stock.

Alternative 3: The Council can set the ACL lower than the ABC based on the recommendations of the SEEM working group accounting for uncertainties from SEEM factors. This will provide additional buffer from exceeding the ACL and would avoid additional regulatory procedures tied to exceeding ACLs. Depending on the reduction, it may provide enough room for fishery economic gain.

Sabater also presented multi-year specification options of one year, two years, three years and four years being the maximum, as well as multi-year averaging options of three years, which the SSC recommended, or five years. Accountability measure options included no reduction or reduction by the overage.

### Discussion

Matagi-Tofiga noted that for American Samoa the MSY has always indicated that the American Samoa stock is under fished and she believes the data collection will continue to show successful resource management.

The winners of the 2013 student art contest and the high school photo-essay contest were acknowledged and awarded prizes. The theme of the art was Climate Change and Traditional Places: Rights and Responsibilities. The winning art appears in the 2014 Lunar Calendars. The First Place winner's artwork in the 6th to 8th Grade Category will be displayed in Washington, DC, and the winner of the photo-essay contest will present his/her winning essay at the First Stewards Symposium and the Living Earth Festival at the National Museum of the American Indian in July 2014.

## **D. Social Science Program Plan**

Hawkins provided an overview of the Social Science Program's directions and activities. Immediate tasks are update the Social Science Committee membership roster, determine the status of the Council's five-year human communities research priorities of 2009 to 2014 and to update the priorities in line with the Committee, develop annual and five-year activity outlines and develop a strategic program plan that is responsive to the Council's mission, vision, FEPs, activities and programs. Some of the items of focus for the next five years include creating fishing community profiles, further explore noncommercial issues, incorporate risk-based thinking, develop integrated fishery assessments, improve the SEEM process, and increase understanding of the modern sustenance and cultural importance of fish.

### Discussion

Palacios noted that, in the last two and a half years since his return to the Council, he noticed most of the policies have a lot of catching up to do in regard to incorporating human dimension considerations. He looks forward to seeing the committee up and running.

## **E. Five-Year Program Plan**

This item was deferred to Agenda Item 17.

## **F. Education and Outreach**

Spalding summarized outreach and education efforts at the regional, national and international level that have occurred since the 158th Council meeting. The Council in March and June 2013 directed staff to establish an Education Committee to look at ways to build capacity for the Territories and Commonwealth to manage their fisheries using local people. The committee has been meeting monthly and consists of four agencies (the Council, PIFSC, PIRO and USFWS), six academic institutions and three local fishery agencies (CNMI DLNR, American Samoa DMWR and Guam DOA). A draft memorandum of understanding (MOU) was provided to the Council members:

The parties to the agreement *aspire* to build the capacity of American Samoa, Guam and the CNMI to effectively manage their fisheries and related resources through the employment of their own people by striving to attain the following goals: a) Identify and recruit students from the Territories and Commonwealth who will commit to being employed at a fishery-related local agency in the Territories and Commonwealth; b) Identify and recruit employees in the local fishery agencies who need or desire to enhance their education and training; c) Assist such students and/or employees to be successful in their undergraduate and/or graduate educational endeavors by supporting and improving course articulation, helping to address tuition and other education-related financial needs and ensuring that they have effective, ongoing advising and mentoring; d) Support and encourage the development of curricula, permanent courses, programs and faculty positions, online fishery trainings and internships; and e) Assist support and encourage local fishery-related agencies to employ the students in the Territories and Commonwealth. The MOU is nonbinding. Parties can withdraw with one semester's notice. The Council was asked to consider further changes and/or endorse the MOU.

At the 157th Council meeting in June 2013 the Council directed staff to convene a Marine Planning and Climate Change Committee, which was originally the Coastal Marine Spatial Planning Committee. Council staff is working on numerous climate change initiatives, such as the suite of recommendations which came out of the Hawai'i REAC which the Council agreed to, as well as for staff to develop a Climate Change Policy for use in Council programs and in amendments in the FEPs. The Climate Change Committee, once it is formed, will be tasked with fulfilling the points raised in the recommendations.

Other ongoing and upcoming activities include preparation for the organization of the First Steward's Symposium, scheduled for July 21 to 23, 2014, in Washington, D.C., United Indigenous Voices Address Sustainability: Climate Change in Traditional Places; Islands and Isolated Communities Congress as part of the Asia Pacific Clean Energy Summit and Expo, scheduled for September 15 to 17 in Honolulu; and UN Conference on Small Islands and Developing States, scheduled to be held September 1 to 4 in Apia, Samoa, which is anticipated to address climate change issues.

In regard to indigenous fishing rights, the Northwest Indian Fisheries Commission had a round-table on Feb. 26, 2014, at the Council office with people representing Hawai`i, Guam, CNMI and American Samoa. The Commission is working with other tribes to form a coalition of native peoples dealing with fisheries rights and would like the US Pacific Islanders to join the coalition.

Work is ongoing with Muliava from a Tau Perspective, which is a project funded through a monument educational grant, which includes water quality, sea level rise and coral reef ecosystem monitoring. American Samoa DMWR is the applicant, Council is the manager and NOAA Ocean Watch is the co-manager. A new monument grant is now open with an April deadline.

Other outreach and education activities include participation on the Communications Committee for the Centers for Ocean Sciences Education and Excellence; assisting with the organization of the the International Pacific Marine Educator's Network 2014 Conference in Tokyo and Iwate Japan, July 10 to 16, with a focus on fisheries, traditional knowledge, disaster recovery and preparedness, which also has an online component; and participation on the board meetings of the National Marine Educators Association as chair of the Traditional Knowledge Committee. Effort is also continuing to have more recognition of the Regional Fishery Management Councils' role in fisheries management, for example on the NOAA FishWatch website. Spalding asked Council members to view the [www.fishwatch.gov](http://www.fishwatch.gov) website and provide suggestions. The Council's lunar calendars were distributed at the Pacific Basin Development Council's winter meeting in DC.

### Discussion

Palacios noted that Guam and CNMI also has a task force committee on climate change and suggested getting in contact with Frank Rabauliman and Fran Castro.

Simonds said the Council can help develop fact sheets regarding CNMI and American Samoa, similar to what the Hawai`i and Guam Governors developed.

Matagi-Tofiga thanked Spalding and the Council for the opportunity afforded to Valentine Vaeoso, an American Samoa student who is currently at UH Hilo. The Secretariat of the Pacific Regional Environment Programme (SPREP) has also provided opportunities for two other students to attend the SPREP Climate Change Workshop. She looks forward to working with CNMI in an effort to collaborate by sharing information in forming the Climate Change Task Force.

Tschirgi offered to talk offline in regard to the USCG paid internship program put on in the summertime.

## **G. Advisory Group Recommendations**

### **1. Advisory Panel Recommendations**

DeMello reported the AP recommendation as follows:

*Regarding the 2015 ACL options, the Mariana FEP AP recommended the Council select Option 3, setting the 2015 ACL for CNMI and Guam at a level below the ABC, at the 5 percent level.*

### **2. Plan Team Recommendations**

Gourley presented the Plan Team recommendations addressing Program Planning.

*Regarding fishery data collection, the Mariana Plan Team recommended the Council*

- Request PIFSC to provide the following data streams from the Biosampling Program: 1) monthly length estimates; 2) species composition by abundance and biomass, in order for the information to be incorporated into the Mariana section of the Archipelagic Fishery Annual Report.
- Request PIFSC to incorporate data from the fishery elements of the Biosampling Program to improve the creel survey expansion estimates.
- Direct staff to explore the use of the noncommercial algorithm developed by HPU and to incorporate the algorithm to the creel expansion in order to develop a noncommercial module of the annual report and present the progress to the Plan Team during the next meeting.

*Furthermore, the Mariana Plan Team reiterated its previous recommendation to the Council that PIFSC examine the effect of the new a and b values generated by the Biosampling Program on deriving fish weights in the creel survey catch expansion system and that PIFSC report the results to the Plan Team at its 2015 meeting.*

*Regarding biosampling, the Mariana Plan Team recommended that the Council*

- Request PIFSC train staff from the local fishery management agencies and partners on processing and analyzing samples for life history studies in order to build local capacity in the Territories.
- Request PIFSC to conduct a programmatic review of the Biosampling Programs with the Program Leads, J. Gourley, E. Cruz and D. Ochavillo to assess the regional objectives outcomes and coordination of the program across all Territories.
- Request PIFSC to require the data requester of any biosampling information to have the Archipelagic Plan Team be an official reviewer of any work to be published out of this information.

## Discussion

Palacios asked for clarification as to whether the word, requester, includes State, Territorial and Commonwealth agencies, like Fish and Wildlife.

Gourley replied it is across the board, that it is not an approval process rather that it is to make sure the requester understands the idiosyncrasies that comes with the database.

Palacios voiced concern that there is a gap in the policy relating to who and in what manner access to the data generated out of the biosampling projects and that it should be made available to the local resource agencies in the Territories and Commonwealth without a runaround.

Gourley noted that the recommendation is phase 2 or phase 3 of the process. The Plan Team is interested in being able to review the final product or review the methods and materials of how the conclusions are arrived at to provide the authors insight. He agreed that the access to the data needs to be worked out.

Palacios noted for the record that a member of the Plan Team or staff from DFW should have access to the data.

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

Daxboeck presented the SSC recommendations as follows:

The SSC recommended the adoption of the BAC-MSY approach for coral reef ecosystem (CRE) MUS because it provides a reasonable approach to estimating MSY-based reference points for these otherwise data-poor stocks. The SSC further noted that the BAC-MSY method makes more use of the available data.

The SSC recommended the B approach and subsequent MSY estimates because the model results in a more complete range of plausible r and k combinations compared to the A approach. The B approach also yielded r-k density plots that generally corresponded better to the estimated MSY than the A approach.

The SSC recommended that in each island area individual CREMUS continue to be grouped to the family level and that an individual ABC/ACL be set up for each family group that comprises the majority of coral reef fishery landings. The family groups that comprise the remaining component of landings and those taxonomic groupings established in data collection systems for species not identified to the species or family level should continue to be grouped into a single stock complex termed, all other CREMUS Combined, with a single ABC/ACL.

The SSC recommended that humphead wrasse and bumphead parrotfish continue to be removed from their respective taxonomic groups and ABC/ACL be set separately for those two species. The SSC noted these species, as well as reef sharks, are regarded as rare occurrences in catch records and underwater visual surveys and may be vulnerable to overfishing. These species are, therefore, of special management interest to the Council.

The SSC further recommended that in each island area bigeye scad continue to be removed from the taxonomic group for the purpose of ABC/ACL specifications. The SSC noted that in all island areas this coastal species is culturally important and in certain years may account for nearly half of the total coral reef fishery landings. In Hawai`i, the SSC recommended that the other coastal pelagic species round scad also be removed from the taxonomic group for the purpose of the ABC/ACL specification for the same reasons.

The SSC further recommended two coral reef associated Hawai`i bottomfish MUS, kahala and ta`ape, continue to be included in the Hawai`i CREMUS groupings Carangidae and Lutjanidae, respectively. These species are commonly harvested in coral reef fisheries and are not considered in the NMFS stock assessments used to establish ACLs for Hawai`i bottomfish MUS.

*Regarding the Coral Reef MUS ABCs, the SSC recommended the following:*

- Using the 50 percent risk of exceeding MSY as a proxy for the overfishing limit (OFL).
- Rounding final P\* values to the nearest 5 and 10 percent.
- Specifying ABCs based on catches associated with a particular P\* level.
- CREMUS ABCs be a multi-year specification of four years, 2015 to 2018, to reduce the administrative and scientific burden on more frequent re-analyses.
- When comparing catch to ACL, basing catch upon an average of the three most recent years of catch data for a stock.

The SSC supported the P\* Working Group analysis and P\* percentiles and recommended ABC be set for CRE family groups as follows.

**American Samoa**

<b>Family Group</b>	<b>MSY (lbs)</b>	<b>ABC (lbs)</b>	<b>Probability exceeding MSY</b>	<b>ACL (lbs)</b>	<b>Probability exceeding MSY</b>
<i>Selar crumenophthalmus</i> – atule or bigeye scad	45,300	38,400	40%	37,400	35%
Acanthuridae – surgeonfish	148,600	133,800	40%	129,400	35%
Carangidae – jacks	24,300	20,800	35%	19,900	30%
Carcharhinidae – reef sharks	2,300				
Crustaceans – crabs	7,800	4,700	30%	4,300	25%
Holocentridae – squirrelfish	16,800	15,500	35%	15,100	30%
Kyphosidae – chubs/rudderfish	2,600	2,200	35%	2,000	30%
Labridae – wrasses <sup>1</sup>	19,000	16,600	35%	16,200	30%
Lethrinidae – emperors	23,700	20,400	35%	19,600	30%
Lutjanidae – snappers	65,400	64,400	35%	63,100	30%
Mullidae – goatfish	12,700	12,000	35%	11,900	30%
Mugilidae – mullets	8,200	5,200	35%	4,600	30%
Mollusks – turbo snail; octopus; giant clams	29,600	20,200	35%	18,400	30%
Scaridae – parrotfish <sup>2</sup>	294,600	280,100	35%	272,000	30%
Serranidae – groupers	30,500	27,300	40%	25,300	35%
Siganidae – rabbitfish	200	181	40%	163	35%
All Other CREMUS Combined - Other CRE-finfish - Other invertebrates - Misc. bottomfish - Misc. reef fish - Misc. shallow bottomfish	28,500	20,300	35%	18,400	30%
<i>Cheilinus undulatus</i> – humphead (Napoleon) wrasse	-	1,743	-	1,743	
<i>Bolbometopon muricatum</i> – bumphead parrotfish	-	235	-	235	

<sup>1</sup>Family Labridae does not include *Cheilinus undulatus* (humphead or Napoleon wrasse)

<sup>2</sup>Family Scaridae does not include *Bolbometopon muricatum* (bumphead parrotfish)

**Guam**

<b>Family Group</b>	<b>MSY (lbs)</b>	<b>ABC (lbs)</b>	<b>Probability exceeding MSY</b>	<b>ACL (lbs)</b>	<b>Probability exceeding MSY</b>
<i>Selar crumenophthalmus</i> – atulai or bigeye scad	61,300	52,300	30%	50,200	25%
Acanthuridae – surgeonfish	118,000	101,700	35%	97,600	30%
Algae	7,600	7,100	35%	6,900	30%
Carangidae – jacks	31,700	29,900	30%	29,300	25%
Carcharhinidae – reef sharks added to Species of Management Interest (see below)	2,900				
Crustaceans – crabs	8,600	7,600	35%	7,300	30%
Holocentridae – squirrelfish	13,900	12,000	35%	11,400	30%
Kyphosidae – chubs/rudderfish	10,300	9,800	35%	9,600	30%
Labridae – wrasses <sup>1</sup>	28,500	25,800	35%	25,200	30%
Lethrinidae – emperors	78,000	58,000	35%	53,000	30%
Lutjanidae – snappers	21,800	18,600	35%	18,000	30%
Mollusks – turbo snail; octopus; giant clams	29,000	25,000	35%	23,800	30%
Mugilidae – mullets	26,200	19,400	35%	17,900	30%
Mullidae – goatfish	16,400	15,600	40%	15,300	35%
Scaridae – parrotfish <sup>2</sup>	87,100	75,000	35%	71,600	30%
Serranidae – groupers	28,600	23,700	35%	22,500	30%
Siganidae – rabbitfish	19,700	19,500	40%	19,200	35%
All Other CREMUS Combined - Other CRE-fish - Other invertebrates - Misc. bottomfish - Misc. reef fish - Misc. shallow bottomfish	211,300	191,300	35%	185,000	30%
<i>Cheilinus undulatus</i> – humphead (Napoleon) wrasse	-	1,960	-	1,960	-
<i>Bolbometopon muricatum</i> – bumphead parrotfish	-	797	-	797	-

<sup>1</sup>Family Labridae does not include *Cheilinus undulatus* (humphead or Napoleon wrasse)

<sup>2</sup>Family Scaridae does not include *Bolbometopon muricatum* (bumphead parrotfish)

**Commonwealth of the Northern Mariana Islands**

<b>Family Group</b>	<b>MSY (lbs)</b>	<b>ABC (lbs)</b>	<b>Probability exceeding MSY</b>	<b>ACL (lbs)</b>	<b>Probability exceeding MSY</b>
<i>Selar crumenophthalmus</i> – atulai or bigeye scad	122,500	89,400	40%	77,400	35%
Acanthuridae – surgeonfish	361,200	324,600	40%	302,600	35%
Carangidae – jacks	55,300	47,400	35%	44,900	30%
Crustacean – crabs	9,100	5,300	35%	4,400	30%
Holocentridae – squirrelfish	78,500	69,300	35%	66,100	30%
Kyphosidae – chubs/rudderfish	29,500	24,600	35%	22,700	30%
Labridae – wrasses <sup>1</sup>	73,500	59,900	35%	55,100	30%
Lethrinidae – emperors	69,700	58,200	40%	53,700	35%
Lutjanidae – snappers	225,800	202,700	40%	190,400	35%
Mollusks – turbo snail; octopus; giant clams	16,700	11,600	40%	9,800	35%
Mugilidae – mullets	7,700	5,300	40%	4,500	35%
Mullidae – goatfish	31,000	29,200	35%	28,400	30%
Scaridae – parrotfish <sup>2</sup>	189,900	157,300	35%	144,000	30%
Serranidae – groupers	110,300	92,800	35%	86,900	30%
Siganidae – rabbitfish	12,000	10,400	35%	10,200	30%
All Other CREMUS Combined - Other CRE-finfish - Other invertebrates - Misc. bottomfish - Misc. reef fish - Misc. shallow bottomfish	14,500	8,500	40%	7,300	35%
<i>Cheilinus undulatus</i> – humphead (Napoleon) wrasse	-	2,009	-	2,009	-
<i>Bolbometopon muricatum</i> – bumphead parrotfish	-	797	-	797	-

<sup>1</sup>Family Labridae does not include *Cheilinus undulatus* (humphead or Napoleon wrasse)

<sup>2</sup>Family Scaridae does not include *Bolbometopon muricatum* (bumphead parrotfish)

## Hawai`i

Family Group	MSY (lbs)	ABC (lbs)	Probability exceeding MSY	ACL (lbs)	Probability exceeding MSY
<i>Selar crumenophthalmus</i> – atule or bigeye scad	1,150,800	1,025,000	35%	988,000	30%
<i>Decapterus macarellus</i> – opelu or mackerel scad	538,000	459,800	35%	438,000	30%
Acanthuridae – surgeonfish	445,500	367,900	35%	342,000	30%
Algae					
Carangidae – jacks <sup>1</sup>	185,100	168,100	40%	161,200	35%
Carcharhinidae – Reef sharks	12,400				
Crustaceans – crabs	43,100	35,400	30%	33,500	25%
Holocentridae – squirrelfish	159,800	150,000	30%	148,000	25%
Kyphosidae – chubs/rudderfish	122,800	108,600	35%	105,000	30%
Labridae – wrasses	229,200	211,000	35%	205,000	30%
Lethrinidae – emperors	39,600	36,600	35%	35,500	30%
Lutjanidae – snappers <sup>2</sup>	359,300	338,200	40%	330,300	35%
Mollusks – octopus	50,300	38,200	30%	35,700	25%
Mugilidae – mullets	24,600	20,100	30%	19,200	25%
Mullidae – goatfish	195,700	173,100	35%	165,000	30%
Scaridae – parrotfish	271,500	251,700	35%	239,000	30%
Serranidae – groupers	141,300	132,200	40%	128,400	35%
All Other CREMUS Combined - Other CRE-fish - Other invertebrates	540,800	496,500	35%	485,000	30%

<sup>1</sup>Family Carangidae include *Seriola dumerlii* (kahala)

<sup>2</sup>Family Lutjanidae include *Lutjanus kasmira* (taape)

Note: *Bolbometopon muricatum* (bumphead parrotfish) and *Cheilinus undulatus* (humphead or Napoleon wrasse) do not occur in Hawaii.

### I. Standing Committee Recommendations

Ebisui reported the Standing Committee recommendations as follows:

*Regarding ACLs*, the Committee recommended the Council undertake the following:

- Set the ACLs for the coral reef MUS in American Samoa, Guam, CNMI and Hawai`i 5 percent lower than the ABC based on the SEEM uncertainty analysis for the fishing years 2015 to 2018;
- Utilize a three-year average catch, 2013 to 2015, to evaluate the 2015 catches against recommended 2015 ACLs. If this three-year average catch exceeds the ACL but does not exceed the ABC no overage adjustment is necessary because catch below the ABC does not result in negative impact to stock sustainability. If the three-year average catch

exceeds the 2015 ACL and the ABC, the Council recommend that as an accountability measure a reduction in the ACL for the subsequent year by the amount of the overage; and

- Direct staff to work with the Plan Team in developing a catch projection methodology in projecting the data on which the ACL will be reached.

Further the Committee recommended that the Council request PIFSC WPacFIN to work with CNMI DFW, Guam Division of Aquatic and Wildlife Resources (DAWR), American Samoa DMWR and Hawai'i Division of Aquatic Resources (DAR) in developing quarterly summaries of CREMUS catches from the different area collection programs to facilitate projections of catches relative to the ACLs.

#### **J. Public Hearing**

There were no public comments offered.

#### **K. Council Discussion and Action**

*Regarding ACLs, the Council recommended the ACLs for the CREMUS in American Samoa, Guam, CNMI and Hawai'i be set 5 percent lower than the ABC based on the SEEM uncertainty analysis for fishing year 2015 to 2018.*

Ebisui moved; Seman seconded.

Motion passed.

*Regarding ACLs, the Council recommended utilizing a three-year average catch, 2013 to 2015, to evaluate 2015 catches against the recommended 2015 ACLs. If this three-year average catch exceeds the ACL but does not exceed the ABC, no overage adjustment is necessary because catch below the ABC does not result in a negative impact to stock sustainability. If the three-year average catch exceeds the 2015 ACL and the ABC, the Council recommended as an AM a reduction in the ACL for the subsequent year by the amount of the overage.*

Ebisui moved; Seman seconded.

Motion passed.

*Regarding ACLs, the Council directed staff to work with the Plan Team in developing a catch projection methodology in projecting the date on when the ACL will be reached. The Council further recommended that PIFSC WPacFIN work with CNMI DFW, Guam DAWR, American Samoa DMWR and Hawai'i DLNR in developing quarterly summaries of CREMUS catches from the different data collection programs to facilitate projection of catches relative to the ACLs.*

Ebisui moved; Seman seconded.

Motion passed.

Tosatto noted that moving to quarterly summaries could be difficult, but the intent to have PIFSC to work with the agencies to develop the summaries, PIRO is willing to undertake.

*Regarding fishery data collection, the Council requested PIFSC to provide the following data streams from the biosampling program: 1) monthly length estimates, and 2) species composition by abundance and biomass, in order for the information to be incorporated into the Mariana section on the archipelagic fishery annual report.*

Ebisui moved; Seman seconded.

Motion passed.

*Regarding fishery data collection, the Council requested PIFSC to incorporate data from the fishery elements of the Biosampling Program to improve the creel survey expansion estimates.*

Ebisui moved Seman seconded.

Motion passed.

*Regarding fishery data collection, the Council directed staff to explore the use of the noncommercial algorithm developed by HPU and incorporate the algorithm to the creel expansion in order to develop a noncommercial module for the annual report and present the progress to the Plan Team on the next meeting.*

Ebisui moved; Seman seconded.

Motion passed.

**Furthermore, the Council recommended that PIFSC examine the effect of the new a and b values generated by Biosampling Program on deriving fish weights in the creel survey catch expansion system and report the results to the Plan Team at its 2015 meeting.**

Ebisui moved; Seman seconded.

Motion passed.

*Regarding biosampling, the Council requested that PFISC train staff from the local fishery management agencies and partners on processing and analyzing samples for life history studies in order to build local capacity in the territories.*

Ebisui moved; Seman seconded.

Motion passed.

*Regarding biosampling, the Council requested PIFSC to conduct a programmatic review of the Biosampling Programs with the program leads, John Gourley, Eric Cruz, and Domingo Ochavillo, to assess the regional objectives, outcomes and coordination of the program across all Territories.*

Ebisui moved; Seman seconded.

Motion passed.

*Regarding biosampling, the Council requested PIFSC to request the data requester of any biosampling information to have the Archipelagic Plan Team be a reviewer of any work to be published out of this information.*

Ebisui moved; Seman seconded.

Motion passed.

Palacios noted that he expressed his concern already but will vote for it.

*Regarding social science, the Council recommended that the Social Science Plan include research to characterize the fishing on Guam to identify potential conflicts that have developed between users and assistance be provided to the Guam fishing communities in mitigating the friction between users. In addition, this effort shall include projects to education various community members about local and federal fishing issues and laws.*

Ebisui moved; Seman seconded.

Motion passed.

Simonds noted similar things are happening in Hawai'i on the Big Island where the regulations were translated into Yapese.

Leialoha voiced concern with the use of the word "immigrants."

Simonds suggested an options paper about conflicts and making recommendations on how to resolve conflicts, such as providing education and information on the local and federal laws.

Tosatto noted the issue is basically characterizing fishing on Guam and identifying user conflicts.

Leialoha suggested adding in wording regarding working towards enhancing education for all users with regards to local laws.

Simonds noted the addition of, to educate or inform the users of the applicable local and federal laws.

Miyasaka asked if the recommendation included local-on-local user conflicts.

The recommendation included all user conflicts.

There were no objections to the revisions.

*Regarding education and outreach, the Council authorized the executive director to sign the Education Committee MOU that summarizes the aspirations shared by the Council, federal and local fishery agencies and the six named educational institutions in Hawai'i, American Samoa, Guam and the CNMI and allows her to agree to minor amendments to the MOU so as to meet the concerns of other signatories.*

Ebisui moved; Seman seconded.  
Motion passed.

*Regarding education and outreach, the Council directed staff to work with the CNMI DLNR to apply for the Marine Monument education grant so as to implement a CNMI version of the Manu`a educational project (consisting of modules to monitor coral reef ecosystems, water quality and sea level rise) and providing the data to the appropriate agency or organization.*

Ebisui moved; Seman seconded.  
Motion passed.

*Regarding education and outreach, the Council directed staff to work with CNMI Coastal Resources Management and American Samoa DMWR to assist them on their climate change plans, working groups and development of fact sheets.*

Ebisui moved; Matagi-Tofiga seconded.  
Motion passed.

Palacios thanked the staff and Council for the timely recommendation and reiterated his suggestion of contacting Castro at the Coastal Resources Management.

## **10. American Samoa Archipelago**

### **A. Motu Lipoti**

Sword reported the recent sports fishing activities in American Samoa. The biggest caught in 2014 to date were an approximately 159-pound yellowfin and a 300-pound marlin. Wahoo catch is plentiful. Fishing has been good on the banks. To date, 20 cruise ships have stopped in the island, and many tourists look to charter fishing trips. The Pago Pago Gamefishing Association's tournament is taking place in May, which follows the Western Samoa tournament. Fifteen boats from New Zealand have signed up. Work is ongoing to get the pilings and moors operable for the fishing boats, which is now in the permitting process. There will be some satellite tagging in the tournament, similar to tagging in the Kona Hawaiian International Billfish Tournament, with some help from Rice, the International Game Fishing Association from California and the Council.

Sword also asked for help from the Council regarding licensing for skippers on the boats to ensure the USCG that there are competent operators on the vessels. There are not many people with six-pack licenses, and Sword said he hoped to see that improve.

Matagi-Tofiga reported that the Resource Management Programs continue and include underwater monitoring surveys of coral reefs, reef fish and invertebrates. The Commercial Biosampling Program, the boat-based and shore-based creel surveys and the FAD Program are busy.

Fagasa Village signed a cooperative agreement with DMWR and the National Park Service for a no-take zone MPA, which makes two MPAs in American Samoa, with agreements lasting from five to 10 years. The management is village-based and on a consensus basis.

Another successful program is the Community Fisheries Management Program, which operates with a traditional network, beginning with the village chief to the youth of the village. Matuu and Fagaanea villages have signed up a total of 10 villages, with three more in the process. The FSM came to view how the traditional program works.

The FAD Program constructs its own FADs in American Samoa. The SPC provides free training in regards to the FAD construction. The plans are to deploy two near-shore FADs and one offshore in May. Tutuila currently has three near-shore and three offshore FADs. The FADs are planned to be in the water in time for the tournament. Matagi-Tofiga said that, shortly before leaving to travel to attend the Council meeting, she learned the USFWS is requesting permits on American Samoa's replacement FADs as well as go through the USCG. She presented data on the species taken at the FADs, such as wahoo, mahimahi and yellowfin with the total dollar value.

The Governor signed an executive order putting a moratorium on sea cucumber. Surveys are being conducted from the north shore to the south shore to get an idea of the population estimate. More enforcement officers are needed. Currently there are only five officers for the entire island. The duty schedule includes nighttime for better enforcement.

Crown of thorn, or alamea, outbreaks are spreading throughout the island. On a recent trip to Washington, DC, she asked for coral reef funds for use in the removal of the alamea and is hoping for help from the Sanctuary Program.

Current projects include the marina restoration for alia fishers through the Federal Emergency Management Agency (FEMA). Progress is slow due to the NEPA requirements. A government subsidy was used to conduct a survey of the alia fishers to help determine what is needed. Some of the things found were a better price for fuel, ropes and safety equipment and workshops on how to make boat repairs.

The Leone Coral Reef Restoration, which is funded from USFWS, is a coral farm to be used in reef restoration.

Matagi-Tofiga thanked the Council, as well as Dr. Charlie Veron and the Pet Industry Joint Advisory Council (PIJAC), for the study providing vital information in addressing the ESA listing of 43 species of corals designated as threatened in the American Samoa waters; subsidies for the longliner; and continued support for the fishery development in Manu`a.

## Discussion

Rice noted they are in the beginning stage of putting together the satellite tagging for American Samoa. Tagging has never been done in the area. He is looking for people to sponsor the tags, which cost \$4,500 each. Rice donated two days fishing on his Kona charter boat to

whoever sponsors the tag on the fish that travels the furthest. Five tags are needed to make the research viable. He noted he would keep the Council updated on the progress.

Seman asked if American Samoa reached out to SPC regarding the sea cucumber problem, as it helped CNMI with regional training in doing the assessment of its sea cucumber population when CNMI has a similar situation in 1995.

Matagi-Tofiga replied in the negative, but thanked him for the comment.

Palacios noted CNMI FADs are funded under the Sports Fish Restoration Fund. He asked Tosatto to comment on the permitting being requested for the replacement FADs by USFWS.

Tosatto replied that replacement FADs have Army Corps of Engineers permits. He was not sure what may be going on but was interested to follow up.

Sword said he understood the FADs are already marked on the navigation charts and are already known to the vessels.

Tschirgi said the USCG already signed off on pre-existing FADs to acknowledge there is no threat to navigation and replacing the FADs should not be an issue from the USCG side.

Rice said stuck FADs on Palmyra reef and in the Monument may have caused the situation.

Sword noted concern regarding the USCG navigation aids on the outer islands and invited Pomele to comment.

Pomele said they are awaiting a response to the Governor's letter regarding the situation. She has received a letter from the USCG saying that they no longer are responsible for the navigational aids in Manu'a, which creates a challenge for boats in the channels because of the reef. It was also brought up at the last meeting with the Regional Planning Body (RPB), at which time the USCG said would get back to them on the issue. There has been no response yet.

Sword asked the item be relayed to the Admiral by the USCG representative.

Eric Kingma, Council staff member, said that, according to the Private Aids to Navigation Manager at District 14, they were still on the USCG's light list to maintain. The list may need to be updated. At this time it is still unclear whose responsibility it is to maintain the aids. He offered to send an e-mail to get further information.

## **B. Fono Report**

Matagi-Tofiga reported that the Derelict Vessel Law is in effect. She thanked Pomele for removing some of the derelict vessels from the marina.

Poumele said the vessels were moved from the marina to the port and are still in the harbor. She hoped to have them removed in the near future.

### **C. Enforcement Issues**

Matagi-Tofiga said the enforcement officers have been enforcing the MPAs and the sea cucumber moratorium. There were sightings of sea cucumbers being transported to the neighboring islands; efforts are being made to prevent that from happening again. They are patrolling during the nighttime hours.

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

#### **1. Update on Community Fisheries Development**

Faasili updated the Council on the progress of community fisheries development in American Samoa and a number of development activities and projects listed under the American Samoa's MCP that the Council has been involved with in coordination with DMWR. The projects included a) the oversight of the Manu`a Islands fishermen facilities, supported by the Council and opened in February 2013; b) the survey of Manu`a fishing boats; c) renovation of Fagatogo fish Market; d) development of a new fishing boat for American Samoa fishermen; e) fishermen lending scheme; f) fishermen training program; g) capacity building for American Samoa boat builders; h) Manu`a fishermen facility cold storage; i) Samoa tuna processors small vessel loading dock; and j) Pago Pago longline vessel dock improvement.

Other related activities include a) the proposal sent by the Port Administration for Saltonstall-Kennedy (SK) funding for the establishment of a Fisheries Development Division; b) Aunu`u fishermen request for assistance from the Council in developing an fishing association and fishing gear, such as coolers; and c) American Samoa longline diversification to fish for other highly valued species during the low albacore tuna season.

### Discussion

Simonds noted the recent request from Aunu`u and asked if it had been discussed with DMWR. She also asked when the SK funds will be released because American Samoa is waiting to hear the results of its proposal to hire a fisheries development employee.

Tosatto said the process of vetting the projects is ongoing on a national level and the list is in the final stages. He predicted there would be news within two weeks of the results, adding that it is FY13 funds carried over, so it does need to be decided.

Simonds asked Tosatto to share information related to the disaster relief funds.

Tosatto said the disaster funds recompense the commercial fishing failure in American Samoa bottomfish fishery and a variety of projects could be undertaken that support broader fisheries development in American Samoa.

Rice offered information to the American Samoa Council members regarding boat designs that may be comparable in efficiency and price to what was shown in the presentation.

Simonds said it is exciting to share information on what is going on in American Samoa with CNMI as CNMI is moving in the same direction.

Poumele said news of the disaster relief funding is timely and American Samoa is looking forward to not only expanding on the community development projects but also having successful fisheries development efforts.

## **2. Seafood Market Training Workshop**

Nate Ilaoa, Council staff member, reported on the recent opening of a fish market near the airport in the Village of Nu'uuli. A local fisherman moved back home to American Samoa from Waianae, opened the new fish market and is doing a good job working with the local fishermen to partner up with some of the alia owners.

The Port Administration developed a new docking space plan, which was presented to the local longline association. An agreement was made on how to improve the docking and the planned buoys that are going to be put in place, as well as the marina by DMWR.

A seafood safety and handling training course will be held in May in American Samoa. It will be free to some of the local businesses that buy and sell fish.

The American Samoa AP has provided input to the Council's new social scientist, as well as provided members of the public with information on nine FADs planned to be deployed and given input on the potential impacts of the possible closing of the longline fleet fishery.

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

Ilaoa reported the American Samoa lunar calendars have been completed and the winners of the poster contest have been selected. The photo essay contest was extended to the end of March. The Council and the Coral Reef Advisory Group (CRAG) scholarship student, who is attending UH Hilo, communicate on a regular basis to ensure assistance should she need any.

Matagi-Tofiga said Vaeoso, the Council's scholarship beneficiary, will present on her summer project at the next Coral Reef Task Force meeting being held in Honolulu

### Discussion

Rice asked if the new American Samoa Governor was pro tourism, which would help the fresh fish industry.

Poumele replied in the affirmative. Within the last three months almost 20 cruise ships have come into Tutuila.

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

Daxboeck had no SSC recommendations to report.

## **G. Public Comment**

There were no public comments offered.

## **H. Council Discussion and Action**

*Regarding aids to navigation in the Manu`a Islands, the Council recommended that the USCG, as soon as possible, improve or replace the navigational aids that are not working in the Manu`a Islands, because without properly working aids vessel transit back to port is limited to daylight hours only which restricts fishing operations.*

*Moved by Sword; seconded by Seman.*

*Motion passed.*

*Regarding the federal fisheries disaster relief funding provided for American Samoa, the Council directed staff to assist the American Samoa government in the identification and prioritization of relief funding to assist affected fishery participants and support fisheries development in the territory.*

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

*Motion passed.*

*Regarding sports fishing fisheries development, the Council directed staff to assist the American Samoa government in developing a six-pack licensing program.*

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

*Motion passed.*

*Regarding sports fishing fisheries development, the Council directed staff to assist the Pago Pago Gamefish Association in developing a satellite tagging program to improve data collection from the annual Ŧa Lapo`a tournament.*

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

*Motion passed.*

*Regarding conflicting local and federal shark regulations, the Council directed staff to facilitate resolution of the conflict between federal and local shark regulations.*

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

*Motion passed.*

*Regarding sea cucumber populations in American Samoa, the Council recommended that NMFS PIFSC assist DMWR to conduct a sea cucumber population assessment.*

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

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

Ray Tebuteb, chair of the Saipan and Northern Island Legislative Delegation, said he is appearing as a Carolinian community member. He encouraged the kinds of dialogue that have occurred during the Council meeting because they are needed in the community and are critical to its well-being. He spoke to the conflicts between local and federal shark laws. In the beginning, he supported the legislation that created the CNMI ban on shark finning, but he has come to realize he has much to learn on the subject. He appreciated that the Council is data-driven. He noted his appreciation for the Council's efforts to formulate a resolution to the submerged lands situation. Given some of the comments made by the military at the meeting, he saw a lack of timeline. The current state of events is not new. He agreed with the chair's comments to that the CNMI got jacked. He said Lynch's comment that there should be an open dialogue with DOD reminded him of the dark hole that Lynch had mentioned earlier. He is afraid that the timeline is perhaps 25 years.

Rosemond Santos, from Guardians of Gani, said Gani in the Chamorro language means islands north of Saipan within the archipelago. Her group is dedicated to safeguarding and reclaiming their birthright access to the Northern Mariana Islands, perpetuating the practice of their native maritime cultural heritage and protecting through stewardship, conservation and preservation the enduring link between the well-being of the islands and the health of our people. The group's mission has expanded to include Tinian because of the proposed live firing range as well as Saipan because of the proposed diversion airfield and because of proposed closure expansion of FDM surrounding waters. The group intends to use what it has learned from working with Guam in delaying the live firing range and from what happened in Kaho`olawe and Puerto Rico to save Pagan, which was never negotiated to be part of any military activity. People who were born on Pagan were displaced by the volcano eruption in 1981 for safety reasons, but they want to return to the island. She asked the Council to continue to help them not only with Pagan, but with FDM, Tinian and Saipan as well. She noted her respect for the military presence but said the military needs to show respect in return to the islands' way of life, culture and people. She asked the Council to also look into the Fukushima disaster, as little is said about it and CNMI's fish stocks are in close proximity to the contamination.

Cecilio Raiukiulipiy, local fisherman, sailor and Council AP member, said, in the last year he has encountered a lot of sharks while trolling, bottomfish fishing and spearfishing. The sharks attack the fishing gear and catch.

Lino Olopai, cultural practitioner, said he did not know where to begin with all of the topics discussed over the last two days, adding that the concerns regarding how to protect and preserve CNMI's ocean resources have been discussed for many years. The Commonwealth and the Council are faced with a challenge surrounded by big countries and the international

fisheries. The Chamorro and Carolinian population have a subsistence lifestyle and are just beginning to exercise and appreciate the modern lifestyle. There is a need for balance in sharing the ocean resources. He agreed with Gourley's comments of disappointment and frustration. The Chamorro and Carolinian own the ancestral land and ocean, including the submerged lands, through the mother's bloodline according to Carolinian tradition. No legal documents were needed, which enabled the land to be lost. He asked the government to return the submerged lands and all of the lands back to the rightful owners and then everybody can sit down and negotiate for the protection of the marine resources. He asked the Council, leaders of the community and the United States to help him get the properties returned. With the changes that modern technology is bringing to the lives of the islanders, the fish have no more places to hide. Much data that was collected right after the Second World War, and none is available in their native language so they could become participants in trying to preserve, conserve and share their ocean resources. The people need the resources that have been sustaining them for generations, but also need a stable economy.

Gourley asked the Council to consider, when discussing the shark finning laws in the CNMI and the potential preemption by the feds coming in, that there are two shark finning and shark utilization laws on the books that conflict with each other. Had the laws been vetted properly this would not have happened. The second law was an emotionally charged law that was orchestrated by the Pew Environment Group to convince the legislators and the community that the sharks are all gone. They used data and pictures of sharks being thrown in the water without their fins off the coast of South America. Shark finning is not an issue in the Marianas and hasn't been since the year 2000 when it was illegal. The press releases saying that the laws had broad grass-root support is not true in the Marianas. There are people here in the Marianas who are interested in marketing sharks. Restaurants and vendors are interested in doing sales of shark steaks. He would like to see the CNMI repeal the two shark laws, make the MSA the corner post of our shark management rules and create a separate law that would prohibit the import of shark fins into the CNMI but leave the local fishermen with the ability to fish sustainably for sharks.

Genevieve Cabrera, who said she has a cultural background, spoke to fisheries throughout the entire Pacific. She said, knowing your genealogy provides a deep-rooted sense of identity, where you are in place of space and time with respect to the rest of your global neighborhood and where you need to be in the future. People have that in the Northern Mariana Islands. She said she is a cultural proponent of positive and proactive change as a private citizen and also a member of the Guardians of Gani. The people of the Marianas belong to the land and the ocean and that is why generation after generation they fight for it. They also have a responsibility to practice stewardship. A number of laws have been passed. Policies have been promulgated and there is a multitude of issues, some more conflicting than others. But, she said, as human beings we can find a way to work with what is desired from a federal component and what really should be areas of compromise and proactive support on the side of the natives. The primary concern now is the militarization, the military pushing the envelope, going beyond what was negotiated a couple of decades ago. There is a multitude of issues facing the CNMI and is very difficult to sit down and engage in collaborative and productive discussions when a number of issues are being forced. The bottom line, what is lacking is respect.

Frank Aldan, CNMI AP chair, said he wanted to restart the fishing industry in CNMI. Back in the 1980s CNMI had a viable fishing industry with 10 or 12 vessels catching a lot of fish and exporting fish to Guam and other places in the world. In the past two decades the fishing industry started declining rapidly. He blamed the decline on the lack of direction, lack of leadership, lack of support and lack of vision. He requested the assistance of the Council to jump-start the fishing industry, to start a longline fishery, to stop importing sashimi fish and to produce their own sashimi. He thanked the Council for funding a project to do the preliminary design of a small-scale commercial fishing operation in Saipan, which is badly needed. He asked to have Council staff member Mark Mitsuyasu facilitate the design and to start identifying funding and build the facility. He also requested assistance with training programs for fishermen in fish handling and marketing. The people of CNMI want to eat CNMI fish. He mentioned interest from China in buying fish from CNMI. It would also provide a livelihood for his children. He voiced concern regarding FDM being bombed by the military and increasing the closure from 10 to 15 miles, which is the most productive fishing ground in the Marianas. Fishing around FDM guarantees a profit. He is against the additional 5 miles of closure at FDM and any closure around the northern section of Tinian. Any closure in areas close to populated areas has a significant impact on the people. He requested the federal government publish a report on its surveys and research that it has been doing in the Marianas for the last 30 years regarding underwater minerals. There was a lot of NOAA research conducted on the minerals of CNMI but no reports were ever released. If significant minerals are identified, they should be deeded back to benefit the CNMI.

Olopai added he would like the return of his ancestral lands. He was surprised when the President used the Antiquities Act to designate an area without the full participation of the people in the area. There needs to be the full participation of people in the area before anything is designated for whatever it may be. He noted that the monument has been shoved down their throats for four or five years and asked when they could fish in the monument.

Gary Sword Santos said the fisheries are pretty much shut down in Saipan. FDM takes away the best fishing area north of Saipan. The pre-positioning ships to the west wipe out all of the reef, and the closest reef for CNMI's indigenous people to fish. Taking away the ocean in Tinian would further drive away the fisheries. The indigenous people don't know where to go, and fuel is expensive. The people need to fish. The median household income is \$23,000 per family. They do not have the resources to go all the way north to fish. The fishing areas need to be returned and protected for the indigenous people so their families can be fed. The fishing industry is dying because they have no place to go. The prepositioning boats need to be put on mooring and areas need to be opened to fishing. He also thanked the Council and the chair for speaking up for the people of CNMI. The lives of the people and their children's future are at stake. The Battle of Saipan is beginning again. But this time, it's against the Chamorro and Carolinian people. CNMI may be offered lots of money for their fish, but, at the end of the day, one cannot eat money.

## **12. Marianas Archipelago Part 2: Guam**

Leonard Iriarte performed a chant and then translated it as follows: "In the beginning within the mind of the most high, all things are one, infinite and limitless. Chants can be used to

worship our creator but also as a remembrance of the original teacher of traditional navigation, of the first individual who discovered the Marianas in the distant pre-history.” A cultural dance was performed by a local dance group, and then introductions were made.

Gov. Ed Calvo of Guam welcomed the Council and audience to Guam. He said he looked forward to working as partners to improve the quality of the fisheries and the terrestrial habitat in the territory. He noted the dire condition of the habitat in Tumon Bay and the surrounding waters 20 years ago when the hotels were being built compared to today. He said it seems a miracle how resilient the natural resources are if people care for them and respect them. While eating sashimi at a local restaurant recently he was mindful of the worldwide impact the topics slated to be discussed at the Council meeting, and he was mindful of the economics and the varying political interests of the fisheries in the Asia-Pacific region. He was recently appointed to President Obama’s Climate Change Task Force and met with President Nailaitkau from Fiji to discuss the impacts of climate in Fiji and Guam. He stressed the importance of this 159th Council meeting and said he looked forward to working together as an ally and a friend for the goal of ensuring a strong fishery for generations to come.

#### **A. Isla Informe**

Taitigue reported on the continuation of the DOA coral reef and lagoon surveys for both the shore- and boat-based fisheries, as well as on upgrades to Hagatna Boat Basin Marina, the Agat Marina and the Merizo bboat ramp.

Duenas reported on 13 drownings that have occurred between November 2013 and March 2014. For 2013, there was a total of 12 drownings. Two vessels were reported capsized due to bad weather. Another resulted in the deaths of a fisherman and a boater. A Japanese commercial fishing vessel, the *Daiki Maru*, ran aground near the Spanish Steps. Ten fishermen were rescued and transported to Naval Hospital, treated and released. Fuel was taken off of the boat. Since December 2013 an unusual amount of man of war has shown up on the west side of the island at Tumon and from Hagatna to Asan. There have been numerous reports of shark depredation affecting the catch of pelagic fish, bottomfish and reef fish. Pelagic sharks are the dominant problem, which is having a big impact on the local fisheries.

Duenas played a video taken by a local fisherman of Compact citizens setting a gill net outside the reef, which has been the subject of much conflict in Guam. He said the Compact government heavily subsidizes the fishermen to fish commercially in Guam waters, participating in pelagic fishing by day, spearfishing by night and gillnetting offshore.

Taitigue thanked NOAA for selecting Guam as a Habitat Blueprint site and the grant for a baseline study of the Geus River in Merizo as a prioritized watershed site. Agriculture continues to oversee the maintenance of the Ylig and Togcha fishing platform. A contractor performs the maintenance and repair when needed.

## **B. Legislative Report**

Taitigue reported that Gov. Calvo delivered the 2014 State of the Island Address at the Hagatna Plaza De Espana outlining a 10-point plan for the year. The plan will help lower the cost of living, keep more people safe and out of poverty, and build for a lasting future.

The Governor also signed the Competitive Wage Act of 2014 on Feb. 20, 2014. Raises were also provided to law enforcement workers. Crop compensation was provided recently to Guam farmers impacted by heavy rains. An amendment to 101 of Section 1 of the Guam Code Annotated was introduced relative to establishing Guam History and Chamorro Heritage Day as a legal holiday on Guam. Public Law 32-078, an act renamed the Malesso Pier Park as Plasan Beteranon Mansendalon Malesso, or the Malesso Veterans Mansendalon Pier Park, in honor and recognition of the men and women from Malesso who served in the US Armed Forces and as an acknowledgement to all of Guam veterans.

## **C. Enforcement Issues**

Mike Reyes, from DOA DAWR, reported on the new 688-DAWR hotline, which was recently established to report violations within MPAs. Guam conservation officers patrol day and night, at local and military beaches, and in marine reserves, jungles and rough terrain. They perform the activities necessary for public safety and protection of Guam's natural resources and to ensure compliance of regulations regarding licenses, bag limits, methods, equipment and species taken. They also investigate suspicious conditions; report complaints of law violations relating but not limited to fish, wildlife and forestry; and issue warnings and citations.

In 2013, seven field officers were assigned and two were reassigned to other agencies or divisions because of personnel issues. In 2014, there are only five field officers because of two retirements. In the near future there will be three field officers because of reassignment and retirement.

Illegal fishing incident reports at MPAs for 2013 and 2014 included five at Achang MPA, one at Sasa and seven at Piti Bomb Holes in 2013 and 11 in 2014. There were two calls for non-MPA illegal fishing in 2013 and three in 2014. There have also been calls for ESA violations, such as green sea turtle harvesting. The number of arrests for 2013 and 2014 included 11 at Achang, none at Sasa and Piti Bomb Holes, and 13 at Tumon. Inadequate funding hampers recruitment; training; acquisition of office supplies; evidence processing; and repair and maintenance of equipment, vehicles, vessels, radios and buildings.

Conservation officers also conduct outreach. They interact with the users of natural resources, hunters, fishermen and the public and provide hunting and fishing brochures, tide charts and calendars. They also participate in school programs and public forums.

## Discussion

Tino Aguon, from DOA, noted that much of the funding is from the Wildlife Conservation Fund, but some Coral Reef Initiative funds are used. Much more is needed.

Palacios pointed out that enforcement divisions from all jurisdictions are facing similar dire funding and manpower issues.

Brent Tibbatts, from DAWR, briefed Council members on the first generation FADs in the Guam FAD Program and reported that the second generations FADs have been deployed at 14 sites. The sites were based on input from fishermen and appropriate bathymetry. The FADs are painted with marine paint and labeled with GPS coordinates and DAWR identification. An illustration of the FAD mooring system was shown. The FADs are in accordance with the SPC FAD Manual with an inverse catenary loop FAD design and a spherical buoy deployed between 400 fathoms and 1,000 fathoms.

The cost for a 1,000-fathom FAD system is approximately \$18,000, and the cost for a 500-fathom system is \$14,000. The cost accounts for the light, buoy, ropes, safety shackles, swivel, chains, thimbles and anchoring, including all splicing.

Requirements for contract vessels used to deploy FADs include 55- to 65-foot in length, pass USCG requirements for hauling capabilities and have space onboard to handle two FAD systems. A contract for deployment of FADs was \$132,000, which included picking up the FAD systems from DAWR office, welding, painting, assembling and deployment. The contract also includes two FAD recoveries.

Tibbatts noted that, due to the procurement system, it takes months to obtain a contract or purchase order, which makes it difficult to deploy FADs in a timely manner. The availability of only one vendor to do the deployment results in high cost, which thus prohibits restoring inventory on a timely basis. He also noted concerns regarding FAD longevity and USCG issues in regards to potential discontinuance of permits in Hawai'i and Guam. The current status of the FAD Program has severe procurement problems resulting in three systems sitting at DAWR waiting for deployment. Seven FADs are online; seven are offline; and efforts are ongoing with the USCG to recover one FAD floating nearby.

Matagi-Tofiga asked if the program collects catch information, e.g., species and weight.

Tibbatts said surveys were conducted up to the mid-1990s but were discontinued due to staffing issues and questions regarding accuracy and usability of the data that was being collected. Several fishermen still provide information, but the data is not currently used.

Sword asked if any tracking device were attached to the FADs; about the retrieval protocol when a FAD breaks loose; and if the permit applications provide for permanent FAD locations.

Tibbatts said tracking systems are attached. DAWR relies on reports from boaters, as well as twice a year aerial surveys to confirm FAD locations. The 14 sites have been in use for many years with periodic permit renewal every five years by the USCG.

Tosatto requested the USCG representative to look into the USCG permitting and the decision-maker of the process to have a dialogue with the Regional Administrator before the decision is finalized.

Tschirgi replied in the affirmative and will follow up with the Council and Tibbatts.

Duenas asked for clarification as to the cost of the FAD deployment.

Tibbatts replied \$132,000 was the cost for the contract for deployment of five FADs, with two retrievals, which is approximately \$26,000 per deployment.

Duenas noted a similar FAD presentation in CNMI reported the total cost for deployment of one FAD, which included the system and deployment, was \$8,000. He asked for further clarification in regards to the requirement for the vessel to deploy two FADs at a time.

Tibbatts noted his understanding is that is a USCG requirement.

Palacios noted the CNMI vessel is capable of deploying three, but agrees that the vessel should be big enough to deploy two at a time as it is more efficient.

Taitigue added that having only one capable vendor increases the cost. The contract includes pick up at DAWR, welding, painting, assembling, deployment and two retrievals.

Palacios said he was amazed at the high cost in Guam, noting that CNMI does have a different system and different FADs. He suggested Tibbatts speak with the CNMI FAD Program. He was more amazed that Guam had only one vendor capable of the deployment. He suggested trying fiberglass in the fabrication of the FAD. He noted that CNMI requests bids for different stages of the process, such as a bid for fabrication, bid for the tackle system, bid for deployment, etc., which helped keep the costs reasonable.

Tibbatts said he looked forward to the General Services Agency issues being resolved, which would improve the cost.

Rice said it would cost less for them to fly people in to deploy the FADs.

Duenas asked McGrew the cost for deployment of a FAD in Hawai'i.

Rice said \$5,000, which includes fabrication and deployment.

Seman asked if the buoys used came from the Navy and about the diameter measurement.

Tibbatts said the vendor is from the mainland and the diameter measures 60 inches.

Seman said CNMI used something similar and found it created too much stress on the mooring tackle.

Tibbatts noted they are open to suggestions for alternatives.

## **D. Report of Guam Projects and Programs**

### **1. Status Report on the Manahak Project**

Cliff Kiyota, from the University of Guam (UOG) 4H Youth Development Program updated the Council on the 4H Youth Program rabbitfish project. The project goals are to establish a manahak restocking program; grow out at least 1,500 to 2,000 captured rabbitfish; introduce youths to traditional practices; combine traditional practices and technological skills to manage resources; and use the rabbitfish project to promote science, technology, engineering and math to both community and youths. The two species of manahak used were harvested from East Agana and transported to a tank with an artificial reef made from cement blocks and permahedge at the UOG Hatchery. Master fisherman Dan Narcis teaches the youth how to obtain the stocks and the importance of the cultural practices. After four or five months in the tanks, the fish will be tagged to monitor growth rates after release.

### **2. Status Report on the Fishing Platform Project**

Jay Gutierrez presented an overview of the proposed Hagatna Fishing Platform Project. The Guam Organization of Saltwater Anglers (GOSA) received a grant from NOAA, Western Pacific Demonstration Projects in the amount of \$158,683, as well as \$333,000 through the Guam MCP to design and build an Americans with Disabilities Act compliant fishing platform. The platform is to be used for recreational and subsistence fishing. The platform is about 500 feet in length and has ramps at both ends as well as a staircase that allows disabled individuals to access the platform for fishing.

DOA drafted an MOU with GOSA in the amount of \$200,000 to fund part of the project. However, this MOU did not move forward because the Guam Attorney General's office stated that DOA must use the Government of Guam procurement process and cannot contract directly with GOSA. DOA also has a memorandum of agreement (MOA) with Parks and Recreation and the Port Authority of Guam to determine each agency's responsibilities, as well as for the use of the land. DOA's responsibilities include being the lead agency; overseeing construction; funding maintenance, repair and removal of the fishing platform; assisting with trash fees; and drafting a platform and removal and replacement plan. The MOA was signed by the agencies in March 2013, and the Governor signed the MOA in May. The State Historic Preservation permit in was received in November 2011, and the Federal Consistency Permit was received in June of 2013. The Guam Seashore Clearance Application was submitted in July 2013 and will be waived because it is part of the proposed Hagatna Redevelopment Project. The Section 10 permit from Army Corps of Engineers is still needed. The application was completed in June 2013 but was returned for further information. A meeting with the designer occurred in January 2014 regarding the Army Corps of Engineers' concerns. The designer is Duenas Camacho and Associates. The fishing platform does not extend into the mean high watermark, and a letter was drafted. DOA and the designers of the platform responded and a response from the Army Corps is still forthcoming. Other federal permits have caused delay and complications, such as the Section 408 permit, returned as incomplete and missing an environmental assessment (EA) and a Platform Removal and Replacement Plan (PRRP). The PRRP was completed in February 2014. The EA needs further work to be resubmitted to NOAA. Pending no other delays the permitting process should be completed by July 2014 and construction can move forward.

## Discussion

Matagi-Tofiga noted American Samoa is facing a similar problem in the marina due to the 2009 tsunami damage and are still trying to drive piles. She wished them luck.

### **3. Status Report on Agat Dock A Project**

Dot Harris, from the Port Authority of Guam, presented a quick background on the Agat Marina. Repairs and improvement stem from a project included in the Guam MCP. The project was provided \$532,000, equally shared by the MCP grant and the Port Authority. There are 34 slips at the dock with similar specifications to the Hagatna Marina project with a floating dock composed of marine grade aluminum metals and plastic composite decking with a design lifespan of 20 years. The contractor is Rex International. The duration of the project is 151 calendar days with completion anticipated by May 2014. A final report will be supplied to the Council by the June meeting.

Harris noted that the marina supports the tourism industry and is a valid component of Guam's leading economic sector. It also provides opportunities for import substitution for the local fishermen and a safe harbor and staging area for first responders to conduct search and rescue, as well as supports the fishing tradition of the islands.

### **4. Mariana Skipjack Assessment Report**

Simon Nichol, from SPC, repeated his presentation of the same title presented at the CNMI venue.

## Discussion

Kingma asked about SPC's ability to model other pelagic species, such as yellowfin, bigeye or swordfish.

Nichol said bigeye would be feasible. They are working models for yellowfin, but the reliability is questionable. He would be hesitant to apply any yellowfin model for this type of analysis. The same is true with swordfish, but there is an opportunity over the next couple of months to revise an existing swordfish model to correct its basin-wide distributional anomalies.

Kingma noted, in reference to the limited data available for the Guam fishery, there has been a decrease in the yellowfin landings over the last decade, which may potentially be an impact of the industrial fisheries on the local population of yellowfin. The same consideration holds for the CNMI, a potential for developing a pelagic fishery for species of which skipjack is a prey, such as swordfish, bigeye and yellowfin around the extensive zone of seamounts to the west of CNMI that could provide habitat for the larger predators.

Nichol added that the SPC is able to provide the information on a regular basis via the web with near real-time updates not only for skipjack but also for bigeye. As the swordfish and yellowfin models become available, the same information will be accessible.

## **5. Guam Military Data Collection Report**

Carl Dela Cruz, Council staff member, presented a brief overview of the Guam Navy Base Fishery Data Collection. The goals included improving the estimate of total catch and effort, creating a baseline prior to the military buildup and for future data collection needs, and creating adjustment factors for estimated total catch. The Council, the Naval Base and DOA are involved in the data collection. The boat- and shore-based surveys occurred in nine locations. The boat-based survey consisted of a boat count and a boat trip voluntary interview with three timed shifts, from the morning, the evening and the night. The shore-based fishery had the same parameters as the boat-based fishery. Between June and October 2013, a total of 74 survey days resulted in 141 surveys with a 115 fishing boats. The interviews resulted in 12 with no catch. Troll was the primary fishing method, followed by bottom and snorkel-spear. Survey results were also reported for the shore-based fishers. Next steps include finalizing the shore-based expansion; encoding the next batch of data received; developing an expansion factor for the base section of the island creel survey; providing a final draft report to the Joint Plan Team when it meets in April 2014; and then launching the next project, which may collect data from rare techniques used to catch local seasonal fish.

### Discussion

Palacios asked if the fishers are local residents.

Dela Cruz replied in the affirmative. The fishers are civilian and military; local residents are the majority.

Sabater said the project's intent is to document how much fishing occurs inside the base to be used in estimating the total catch for ACL purposes.

## **E. Community Development Activities**

### **1. Malesso Community-Based Resource Plan**

Mitsuyasu recapped the Malesso Community-Based Resource Plan, which is nearing completion. The plan is a product of the community's effort to assess its resources, explore what is important, look at different issues or concerns, and seek ways to resolve some of them. A total of 137 participants were involved in the various meetings. The effort has been in collaboration with DOA, DAWR, the Bureau of Statistics and Plans (BSP) and the Mayors Council.

Numerous long-standing coastal and marine resources issues were identified by community participants, ranging from the Achang Reef Marine Preserve, polychlorinated biphenyl (PCB) contamination, increasing competing uses in the lagoon and overall lack of agency engagement and followup on community issues. A primary outcome from the effort was

the community's interest and desire to engage in community-based fishery and resource management planning. With commitments from DOA and the Council, Malesso community participants discussed and agreed for the village of Malesso to be a pilot project for a community-based initiative.

Three overarching plan objectives were developed and adopted by the community participants to address the conservation of resources, sustain social and economics for the community, and ensure a community voice in the governance of Malesso resources. The plan also identifies actions and activities at the village, local agency and federal government levels that work toward the community's conservation, socioeconomic and governance objectives in addition to meeting its education and outreach needs.

A number of recent meetings were held with 25 to 30 participants to review the plan. All voiced support for the plan outcomes. The AP meeting resulted in a recommendation related to the plan and support of the outcomes of the plan. The Mayors Council received an update and review of the plan and voiced support as well.

### Discussion

Matagi-Tofiga noted the similarities to American Samoa's community-based fishery management program, which is backed up in the laws of the American Samoa Government.

Mitsuyasu noted that, when the initiative was first moving forward, Manny Cruz, DOA deputy director, traveled to American Samoa for a Council meeting and met with DMWR and people in Hawai'i to gather information on what options and strategies could be used.

## **2. Report on Piti Pride Tepungan Wide**

Jane Dia, from DOA DAWR, presented an overview of the Piti Pride Tepungan Wide conservation projection to help manage marine preserves effectively. Piti Bomb Holes Preserve currently has 200 fish species and various invertebrates and coral that can be easily seen. More than 200 individuals visit the preserve each day; many are new divers and snorkelers. Impacts to the marine habit include coral reef and sea-grass bed damage, fish and invertebrate loss, and overuse of the marine environment. The campaign encourages people to support the protection of the environment and aquatic resources to build reef resilience for Guam now and for the future.

### Discussion

Sword asked if a baseline survey was established before the closures were put in place and if there is a timeframe for reopening of the closure for fishing.

Dia replied in the affirmative. A research phase for baseline data was conducted for one year before the campaign began. Biological, socioeconomic, governance status and MPA overall effectiveness information was collected. The information will be updated every two years upon which a determination will be made as to whether to continue the campaign or not. Currently, the preserve is open to teach traditional fishing for some seasonal species of juvenile fish. The law

requires a fisherman must get a permit from the Mayor's office to bring someone to teach fishing when in the MPA for the specified species.

Duenas voiced interest in seeing some of the information in the interviews that were conducted with fishermen.

Dia said there are in-depth interviews of three fishermen about the difference between an MPA and a conservation area. The answers were not within the scope of the project, but they brought the issues to the table to be addressed when communities get together. She is able to provide the questions and answers through a request to her office.

Duenas said many fishermen feel they are prevented from doing certain activities, yet tourism activities are allowed with tourists daily walking across corals and sea beds. Fishermen are disheartened that they are the only ones denied access in a protected area.

Dia said fishermen are the target audience and are part of the solution. She welcomed the fishers' suggestions and feedback. Lack of enforcement ranks high in the comments received, which is why a hotline was recently created for the public to report more timely and conveniently.

Matagi-Tofiga asked if the number of people going in to the preserves is available and the kind and number of permits issued in regard to the use of the area.

Dia replied in the affirmative. She would have to check with the Piti Mayor's office. It is usually the same group of fishermen that get permits. At last count, more than 50 fishermen received permits.

### **3. NOAA Habitat Blueprint**

Tosatto provided an overview of the NOAA initiative and noted the topic was discussed earlier in the meeting in regard to Manell-Geus Watershed area of southern Guam. The Implementation Planning for the two focus areas is beginning. The intent is to improve habitat in coastal and marine areas, to look at habitat loss and habitat degradation, and to recover fish populations and protect threatened and endangered species and coastal marine areas used by the communities for a range of uses or for some fishing access for recreation. He hopes to receive funds in 2014 to develop an implementation plan that looks over the next four to five years and then work towards acquiring a consistent level of funding to execute projects over those years.

#### Discussion

Matagi-Tofiga asked how much input is taken into consideration from within the jurisdiction on the selection of the sites.

Tosatto did not know details of how the current sites were selected, but, in large part, the question about how the jurisdictions are involved is through the Local Action Strategy planning process. The Territory government, jurisdictions and communities will be engaged. He hopes it to be a leveraging effort and not a divisive effort.

Palacios asked for clarification as to the funding level associated with the initiative.

Tosatto said the funding level is difficult to specify due to timing. He guessed the FY2014 funding would be approximately \$500,000 between the two areas.

#### **4. Ritidian Point Firing Range Proposal**

This item was deferred.

#### **5. Report on Compact Impact Related to Fishing**

Nichols reiterated her comments that the Council had a question concerning whether commercial fishing by Compact citizens is permissible within Guam's waters, as well as within the US EEZ. She emphasized that the question is fact-specific to a particular fishing entity or individual. The answer to that question implicates laws not only with NOAA's jurisdiction but other agencies as well, including the USCG. Generally, under the terms of the respective Compacts, citizens are eligible to work in the United States, which would include working within a fishery once they are lawfully otherwise present. If there are suspected violations, any individual can contact the USCG or the Customs and Border Protection. But as a general matter, Compact citizens can work within the United States.

Regarding fishing vessels, those owned and operated by Compact citizens are not prohibited from fishing exclusively within Guam waters. When doing so, those vessels would be subject to Guam's authority. If a vessel is operating within the EEZ and is less than 5 net tons, then it would be exempt from the USCG documentation requirements. If a vessel is operating within the EEZ and is over 5 net tons, USCG documentation would be required, which includes certain citizenship requirements.

### **F. Education and Outreach Initiatives**

#### **1. Report of the Lunar Calendar Festival**

John Calvo, Council education and outreach coordinator on Guam, reported that the Sixth Annual Gupot Panha'aniyan Pulan Chamoru (Chamorro Lunar Calendar Festival) was held in January. The calendar featured the lunar cycles and phases, tide charts, K to 12 art contest winners, fishing seasons, Chamorro cultural values and the inifresi, which is the pledge to protect our natural resources. A new location is being searched for future festivals, as well as continued funding to support the project. Sponsors and participants have committed to the program because it provides a good education and outreach from a cultural perspective to protect our natural resources. Discussions are ongoing for using the Inadahen Lina'la Kotturan Chamorro cultural center, which is located on eight acres, as the location for next year's Lunar Festival.

#### **2. Festival of the Pacific Arts 2016**

Calvo reported the Festival of the Pacific Arts scheduled for May 22 to June 4, 2016, celebrates culture, including fishing and hunting. The festival will feature 27 Pacific Island countries, states and territories, including American Samoa, CNMI and Hawai'i. There are 3,500 cultural practitioners expected for the 14-day event. The fishing and hunting traditions themes

include cultural values; cultural methods, traditions and practices for land, freshwater and saltwater; evolution of gear; catch to table; and ecosystem, sustainable use, threats and other issues. The Council has an opportunity to feature the archipelagic and pelagic ecosystem approach to management and community-based marine management plans, promote best fishing practices, encourage participation in Council processes and support the perpetuation of indigenous culture and cultural activities.

### **3. President's Proclamation on Climate Change**

This agenda item was deferred.

## **G. Advisory Group Recommendations**

### **1. Advisory Panel Recommendations**

Jesse Rosario presented the Mariana FEP AP as follows:

*Regarding the Malesso Community Management Plan*, the Mariana FEP AP recommended that the Council support the Malesso Community-Based Management Plan.

*Regarding fishery development in the Marianas*, the Mariana FEP AP recommended that the Council engage the appropriate Guam agencies to provide for adequate fishing opportunities through fishing infrastructure, such as boat ramps in the Ylig and Inarajan, as well as FADs, fishing platforms, fishing ramps and access areas in Hagatna, Agat and Merizo.

*Regarding fishery research in the Marianas*, the Mariana FEP AP recommended that the Council request that the DOA provide access to the Guam marine preserves for the 4H Youth Fish Tagging Program.

*Regarding fishery research in the Marianas*, the Mariana FEP AP recommended that the Council continue to prioritize shark research in the Marianas.

*Regarding community fishing relationships*, the Mariana FEP AP recommended the Council provide additional staff presences to the Marianas at more regular intervals, every six months at the minimum, to provide continuity and compliance.

### **2. Plan Team Recommendations**

Sabater presented the Mariana Plan Team recommendations as follows:

*Regarding fishery data collection*, the Marina Plan Team recommended that the Council support DAWR to convene a data collection information workshop for fish vendors in Guam and develop an incentive program to enhance fishery data collection participation.

### **3. Regional Ecosystem Advisory Committee Recommendations**

Duenas presented the REAC recommendations as follows:

*Regarding community-based fishery management*, the Guam REAC recommended that the Council work with NOAA PIRO, Guam BSP, Coastal Management Program and the Merizo Mayor's Office to coordinate the various initiatives and ensure that the conservation goals are complementary, actions are coordinated and duplication of efforts avoided.

*Regarding fishing access*, the Guam REAC recommended that the Council initiate dialogue with the Village of Yigo and other northern villages in developing a plan, enhancing the village fishing access infrastructure and addressing safety at sea concerns.

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

There were no SSC recommendations for this agenda item.

## **I. Public Comment**

Duenas, from the Guam Fishermen's Cooperative Association (GFCA) and former Council chair, voiced concerns regarding the FAD program, suggesting that DOA should sit down with the Council and/or Territory and Commonwealth FAD experts to determine a way to lower the costs for FAD deployment in Guam waters. He noted his appreciation for the Council supporting the FAD barge project in an effort to reduce the FAD costs, as well as all of the other projects going on in Guam. In regard to the Marianas Skipjack Resource Assessment, he noted recent complaints by Japan that its skipjack catches have been declining. He pointed out that bigger, fish need colder water. In regards to the military data collection, he pointed out that the military fishes in local waters, even as full-time commercial fishermen. The Malesso Community-Based Marine Resource Plan now seems to be an upside-down project with government deciding what is good for the community. Regarding Piti Pride, he noted it was a good project but stressed that fishermen are intimidated and get pushed out because of the tourists and tour companies. He also questioned the validity of a one-year baseline. The Habitat Blueprint is another top-down approach. Duenas questioned where the concern for land-based impacts was when Double Reef was buried from military construction along the coastline and Ritidian Point was made into a live-firing range; he also noted the current Tinian firing range.

In regard to the GC's response to the Compact impact, Duenas asked for fairness to the local fishermen, noting all of the money the United States pays for the South Pacific Tuna Treaty. The boats are owned by Compact citizens' employers, not the people doing the fishing. It is unfair to the citizens whom the government is supposed to be protecting. The USCG has requirements that no captain or owner can be a foreign national. He questioned why it is different in the current situation in Guam.

He pointed out that as every fisherman knows, fish adapt to the changes and all of the mapping and all of the planning is not going to change that. He spoke in support of the Council process because it empowers the communities and the fishermen to speak up and tell the Council what their needs are and what the communities' pains are. He asked that the cumulative effect of what is happening to Guam's small island fishing community be taken into consideration as it is detrimental to their livelihood and survival.

## I. Council Discussion and Action

*Regarding fishery development in the Marianas, the Council directed staff to work with the appropriate Guam agencies to provide for adequate fishing opportunities through fishing infrastructure, such as boat ramps in Ylig and Inarajan, as well as FADs, including improvements for longevity, efficiency, manufacturing and deployment, fishing platforms, fishing ramps and access areas in Hagatna, Agat and Merizo.*

*Moved by Duenas; seconded by Sword.*

*Motion passed.*

*Regarding fishery development in the Marianas, the Council directed staff to assist DAWR with FAD design and USCG deployment regulations by looking at best practices in areas with similar conditions, such as CNMI.*

*Moved by Sword; seconded by Seman.*

*Motion passed.*

*Regarding fishery development in the Marianas, the Council directed staff to draft a letter to the USCG inquiring about the potential revocation of the USCG FAD permits held by the Government of Guam. The Council further requests the USCG identify regulations and minimum standards for the at-sea deployment of FADs.*

*Moved by Duenas; seconded by Sword.*

*Motion passed.*

Palacios noted that if the USCG is going to revoke the permits for these FADs, they will probably revoke them across all of the territories and the State of Hawai'i. So it certainly is a concern for everybody.

*Regarding fishery research in the Marianas, the Council requested the Guam DOA provide access to the Guam marine preserves for the University of Guam 4H Fish Tagging Project.*

*Moved by Duenas; seconded by Sword.*

*Motion passed.*

*Regarding fisheries research in the Marianas, the Council recommended NMFS PIFSC prioritize cooperative shark research in the Marianas and provide funding and support for proposals for shark depredation studies.*

*Moved by Duenas; seconded by Sword.*

*Motion passed, with Tosatto voting to abstain.*

Palacios spoke in support of the recommendation.

Duenas stressed the importance of the cooperative research component, to have the fishermen involved as they're the ones complaining about the sharks.

Tosatto said he supported for the recommendation but would abstain from the voting.

*Regarding fishery data collection, the Council recommended NMFS PIFSC work with DAWR and Council staff in convening a data collection information workshop for fish vendors in Guam and provide assistance in developing an incentive program to enhance fishery data collection participation.*

*Moved by Duenas; seconded by Sword.*

*Motion passed.*

*Regarding community-based fishery management, the Council supported the efforts of and plan developed by the Malesso community and directed staff to assist the Mayor's Office in implementation efforts as needed.*

*Moved by Duenas; seconded by Sword.*

*Motion passed.*

*Regarding community-based fishery management, the Council directed staff to work with DAWR and NOAA PIRO, Guam BSP, Coastal Management Program and the Merizo Mayor's Office to coordinate community outreach efforts, various initiatives and other activities in the implementation of the Malesso Community-Based Management Plan. This will ensure that conservation goals are complementary, actions are coordinated, and duplication of efforts is avoided.*

*Moved by Duenas; seconded by Sword.*

*Motion passed.*

*Regarding community-based fishery management, the Council directed staff to facilitate dialogue with the Village of Yigo and other Guam villages in developing a plan to enhance the village fishing access infrastructure, as well as to address safety at-sea concerns.*

*Moved by Duenas; seconded by Sword.*

*Motion passed.*

Taitigue asked if the Yigo, Guam residents requested the recommendation

DeMello replied in the affirmative in the REAC meeting and it follows up on the Council's previous recommendations to help that village restore its program.

*Regarding fishing community relationships, the Council directed staff to provide an additional presence in the Marianas at more regular intervals for continuity with projects and issues in the Marianas.*

*Moved by Duenas; seconded by Sword.*

*Motion passed.*

Miyasaka asked for clarification at to what is meant by "additional presence."

Simonds replied it means traveling to the Marianas more frequently than in the past.

***Regarding indigenous rights, the Council supported staff participation in the Festival of the Pacific Arts 2016, which perpetuates indigenous culture and cultural activities. The Council further encouraged the use of indigenous culture in the fishery management process.***

*Moved by Duenas; seconded by Sword.*

*Motion passed.*

***Regarding fishing impacts on Guam, the Council directed staff to work with the Government of Guam on addressing the impacts of fishing by Compact of Free Association country residents.***

*Moved by Duenas; seconded by Sword.*

*Motion passed.*

Simonds noted the recommendation was to continue to pursue looking at what should be done.

Palacios noted that a similar recommendation was made with different wording in Saipan.

DeMello said the recommendation in Saipan was to characterize the fishery impacts in Guam under the Social Science Plan.

Palacios noted he is amenable to phrasing it with the elements which talked about immigrants, or user conflicts between different parties, inclusive of immigrants and even non-immigrants, indigenous and non-indigenous, everybody. He is also amenable to rephrasing if the Council members so wish.

Taitigue said this referred to the public comment given earlier in the meeting.

### **13. Protected Species**

#### **A. Update on Marine Mammal Stock Assessment**

Pooley, standing in for Erin Oleson, head of PIFSC Marine Mammal Program, presented the update on the Marine Mammal Stock Assessment. It included an overview of the Draft 2013 Cetacean Stock Assessment Reports (SARs) and an overview of the Marianas Cetacean Surveys.

SARs are a compilation of existing information on marine mammals in each region. All Hawai'i cetacean SARs were updated in the 2013 draft because of the availability of information from the 2010 Hawaiian Islands survey. The updates incorporated the new serious injury criteria developed by NMFS in 2012, and updated mortality and serious injury (M&SI) estimates for longline fisheries and other human-caused injuries, such as ship strikes and strandings. Also updated was Appendix A, the fishery descriptions of each of the Hawaiian Islands. Melon-headed whales and Pantropical spotted dolphins were split into several island-associated stocks,

and this information will be presented in a working paper for the Pacific Scientific Review Group (PSRG).

The insular false killer whales interaction based on the new criteria was estimated at 0.1. The pelagic stock is where the greatest number of M&SI occurs, which is where the vast majority of the fishing effort is within the Hawai'i EEZ. Outside of the EEZ there was an additional 9.9 M&SI.

Pooley showed a graphic related to four other strategic stocks, the sperm whale, blue whale, fin whale and sei whale, with Nmin [minimum population estimate], potential biological removal (PBR), M&SI and status.

Pooley also presented a brief overview of cetacean surveys conducted in Guam and the CNMI over the past few years. From 2010 to 2013 there were 107 days of small-boat surveys in the southern portion of the archipelago up to Saipan. A substantial portion of the effort was funded by the Navy because of the possibility of cetaceans being in the Mariana range areas. The small boats tend to be charter fishing boats from each area with PIFSC staff onboard. An additional set of surveys is expected to be conducted in the summer of 2014 focused on photo-ID, biopsies and satellite tagging. It will involve local researchers to the extent possible and is also funded by the Navy. Graphics were displayed with the summary of sightings of individual species, along with maps depicting where the sightings occurred, with dolphins at the top of the list. He pointed out there is always the possibility of seasonal variation in their movement relative to when the surveys were conducted. Some of the less common species included false killer whales and one pigmy killer whale. The use of photo-ID reveals interisland movement, with some interaction between Rota and Saipan with the bottlenose dolphins and pilot whales mostly between Guam and the other islands. Movement is one of the factors considered in determining stock identification.

Pooley also presented information on satellite tracks for animals from two groups of false killer whales, one in the northern part of the Mariana Islands and another on the west side. Pilot whales, rough-toothed and bottlenose dolphins were tracked around Saipan and Tinian.

Plans for 2014 include a small-boat survey around Guam and Saipan in April for 15 days; more traditional line transect surveys, as well as biopsy sampling, using the NOAA *SETTE* in May and June 2014; and more small-boat surveys in June and July for Guam, Rota and Saipan, continuing to catalogue photos and start a photo-ID analysis, analysis of genetic samples and to deploy more satellite tags.

### Discussion

Rice noted that stock identification of spotted dolphins and melon-headed whales seems like a waste of time and effort because the stocks are not endangered.

Pooley replied that the stock identification is something that happens with all of the marine mammal populations, and the effect of it is a management question of how the agency chooses to apply the biological boundaries or behavioral boundaries, and this is the first attempt at looking at those boundaries, which is part of the MMPA natural evolution of work.

Palacios asked for a definition of a haplotype.

Daxboeck said haplotype is a piece of information that codes the genes of the animal and can be used to trace the animal back to a specific population or group.

Pooley added that, if there is a lot of diversity in a population, then it is well mixed. If there is little diversity, then it is not well mixed.

Tosatto pointed out that the splitting of the stock is driven by the MMPA, which defines stocks. Based on the definition, NMFS has produced the Guidance on Assessing Marine Mammal Stocks. When the management unit is not in a common spatial arrangement, the unit is split. It is a concern when the MMPA describes strategic stocks and how to determine PBR. Management decisions are based on being compliant with the law.

Pooley replied that he is not sure that the statement that scientific work defines management units is well accepted by the PIFSC director, but that is the guidance that the agency has and is how it is implemented by the agency.

Goto noted in Pooley's presentation he had data dating back more than 20 years. He asked, with all of the evolving ways to monitor the false killer whales and all of the complaints currently with how it is being done, have the results been consistent in monitoring the species and their activity.

Pooley explained that the stock assessment review compiles published material from the scientific literature. In the absence of competing theories, that becomes the best available scientific information, but that doesn't mean that there's no disagreement as to the implications that are drawn from that data either in terms of any individual indicator or how the indicators, as a whole, are handled. The SARs are draft documents that pull this information together. The SARs go to the PSRG, which is independently developed by the MMPA to review the information that goes into the SARs and determine whether it makes a reasonable conclusion. In 2013 the PSRG concluded that there wasn't enough information on which to draw the separation of the stocks. This year they're reanalyzing the question.

Rice noted he has had issues with the scientific information because he has seen the stocks of animals on the water for 30 years. He asked if the stakeholders, such as the fishermen, are used to help identify the stocks.

Pooley said the Scientific Review Groups (SRGs) are supposed to have people knowledgeable of the fisheries on them. NMFS has just come out with new terms of reference (TOR) for the SRGs that will require greater turnover amongst members, which would presumably allow for better representation of fishermen knowledge in the deliberations. He noted that it is pretty clear in the public record that the PSRG is not happy with that TOR. Its perception is the PSRG is independent from NMFS. Pooley viewed it as a positive to have fishermen involved who have experience in areas of review, while at the same time finding ways to reach people in the industry as well.

Rice noted the reason he mentioned all of the populations is because all of the groups join together throughout the year on a regular basis.

Simonds pointed out that the MMPA requires the SRGs to include knowledgeable members from the industry, and it has never happened in the PSRG.

Pooley agreed with Simonds' comment.

Palacios asked for information as to the cause of death of the two whales that beached themselves in the lagoon a few days apart and died a short time ago, from which samples were taken and the PIFSC cetacean team sent for analysis.

Pooley said he did not know but would check on information and get back to him. He added that it is generally difficult to show why marine mammals strand, but, at the very least, he could tell him what happened to the samples and what the status of that is.

Palacios asked for an update regarding a reported incident, about which NOAA was notified, that one of prepositioning ship crew boats hit one of the marine mammals that was in the area for a number of days.

Pooley noted OLE or PIRO likely would have been the agencies notified.

Palacios said he would like to have information provided at the next Council meeting in June.

Pickering noted acknowledgement.

Pooley said the message is passed on, adding that PIFSC tends to handle long-term monitoring and surveys rather than incident response.

## **B. Deep-Set Longline Fishery Biological Opinion**

Dawn Golden reported that the biological opinion on the deep-set tuna fishery is ongoing, and she hopes to present more details at the next Council meeting.

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

### **1. Results of an Update of the Corals of the World Information Base**

Asuka Ishizaki, Council protected species coordinator, provided an update on a project that the Council worked on in partnership with the world-renowned coral expert Dr. John Veron and PIJAC to make available substantial scientific information not considered by NMFS in its proposed rule to list 66 coral species under the ESA. Previously unpublished scientific information by Veron confirm that coral species proposed for listing occur in large and diverse geographic areas, providing a buffer against climate change impacts. The information was submitted to NMFS on Feb. 11, 2014, for consideration in the final listing determination. The information provided by Veron will aid in impacts analyses in future Council FEP amendments should any of the proposed coral species become listed under the ESA.

## Discussion

Matagi-Tofiga noted what a big difference it made for American Samoa to go from 45 species to 33 species. She asked if there were any differences among the species labeled as endangered.

Ishizaki replied in the affirmative. Most, if not all of the species that were proposed endangered in American Samoa, based on Veron's information, do not occur in American Samoa.

Rice asked if it was determined that fishermen, evolution or pollution are destroying the corals.

Ishizaki replied, in the NMFS Status Review of the various threats, the main threats in terms of extinction risks were ocean acidification, ocean warming and disease.

Rice asked if that determination will have any effect on the fishermen.

Tosatto clarified that if the coral species are listed, consultations on the fisheries would have to consider the impacts on these species. NMFS also has the ability to consider the use of the ESA 4(d) rule-making to look at activities that might need to have certain activities prohibited or to get past certain activities. In general, the characterization of the threat is both from direct impacts of fisheries, such as anchors hitting the bottom, as well as the overall impacts of the near-shore fisheries removal of fish with symbiotic relationships, such as herbivores. If listed, the consultation process is usually where fisheries authorization occurs, and NMFS would continue to work with local agencies.

Ishizaki pointed out in public meetings there were a lot of discussions in that regard. She recalled that in a previous Council meeting Rauch told the Council that NMFS did not expect to see impacts on fisheries as a result of this listing. She noted recently there has been litigation against the ACLs set by the Caribbean Fishery Management Council on parrotfish related to two coral species listed in the Caribbean, the elkhorn and the staghorn. Studies from the Caribbean have linked parrotfish populations to coral health and it can be argued that setting an ACL too high could impact the coral's health. A litigation precedent has been set using coral species against fishery management actions.

Ebisui asked if any studies have assessed the damages to corals caused by natural occurrences, like storms and tsunamis.

Ishizaki was not aware of any specific studies, but there are studies looking at impacts of natural disasters and the recovery. Some monitoring programs have looked at hurricane impacts as well as recovery from acidification or bleaching.

Ebisui asked what kind of activities that would affect the health of the corals should be monitored or prohibited when the most threatening effects are from natural occurrences. Corals have been subjected to incredible natural forces and rebound, but laws prevent repairs to a wharf or dock that has cement pilings because over time coral has grown on the pilings. He also asked if there has been a full assessment done on natural limitations of corals.

Ishizaki replied that, in general, the ESA is concerned with anthropogenic impacts. If a natural disaster caused localized damage on a reef, she is not sure ESA addresses those impacts, although all threats would be assessed if they're listed. She added the agency can develop a recovery plan, which is something that gets considered down the line.

Tosatto added that in determining the listing, man-made threats are ones that are addressed at listing and consultation. A natural threat, such as climate change and acidification, is considered in decision-making the same way storms are considered. For a broadly dispersed species it would probably have minimal impact. For species with narrow ranges it would be considered how the impacts are in the long process, that is all part of the extinction risk decision-making at listing. He added that weather effects will probably not come into decision-making after the listing.

Leialoha noted that the analysis has changed dramatically since the Council was first introduced to the original documentation a year ago and it will be interesting to see where it goes from here.

## **2. Proposed Rule to List 66 Species of Coral as Endangered or Threatened under the Endangered Species Act**

Golden reported the rule is expected in June, as staff is considering all of the new information from the public comment period.

## **3. Green Turtle Status Review**

Golden reported the Green Sea Turtle Status Review published a 90-day finding that the petition had substantial information indicating that the petition may be warranted. The 12-month finding was due in February 2013, but no determination has been published to date. The team has a Draft Status Report that's gone out for peer review, and the team is addressing those comments. There was no estimate as to when it would be released to the public.

## **4. North Pacific Humpback Whale Petition**

Golden reported the petition for the North Pacific humpback whale resulted in a substantial 90-day finding in August. The 12-month finding is due in April. No other update was available. A status review was done, which is required every five years for ESA-listed species. The review done in 2009 had a lot of new information and was not finalized. Then a petition to list the North Pacific stock as a distinct population segment (DPS) was received. The team was brought back together and looked at more information and answered more questions. Before that was finalized, a petition was submitted by Alaska that asked to distinguish the Central North Pacific Stock as a DPS. Those are all being worked on together. The difference between the North Pacific and the Central North Pacific is there are multiple stocks.

## **5. Proposed 2014 List of Fisheries**

Golden reported that the 2014 List of Fisheries came out recently. She highlighted the following changes: a) The MHI insular false killer whale stock no longer drives the Hawai'i deep-set longline fisheries Category I classification; however, the fishery is still Category I

because of M&SI to the pelagic stock of false killer whales; b) The list of species injured and killed in the Hawai'i and American Samoa longline fisheries has been revised based on updated observer data, MMPA reports of species not accounted for by observed interactions and updated bycatch estimates that are in the 2013 SARs; and c) Several high seas fisheries have been removed because the fishery categories are no longer valid under the High Seas Fishery Compliance Act permits database. There were also updates to the number of fishery participants.

## **6. Other Relevant Actions**

Monk seal critical habitat was due in December, but the action is still being worked on.

The proposed rule for the Scalloped Hammerhead Status Review came out in April 2013. It includes four DPSs, three in the Pacific and one in the Eastern Pacific proposed as endangered. The Central North Pacific population, which covers Hawai'i, was not proposed. The Indo-West Pacific population was proposed as threatened. Staff is working on the comments received during the public comment period. The final rule is expected within the next month or so. The Council comments were received and have been considered.

The eight species of reef fish is still in the 90-day finding stage, which was due in December of 2012. Seven of the species are found in the Pacific. It is hoped that it will be coming out soon.

The 90-day finding for the Humphead Wrasse Status Review came out in February 2013. The 12-month finding was due in October. Staff is still working on it. The public comment period ended in April, with eight comments received. It is still being worked on.

The Great Hammerhead Status Review 90-day finding came out in April of 2013. The 12-month finding was due in December. The public comment period closed in June, and staff is still going through the comments.

Loggerhead had no proposed critical habitat in the Pacific, but some issues related to the Atlantic were raised during the public comment period. No change has been noted for the Pacific.

The Whale Shark Petition came out with a 90-day finding that was not substantial. So there's no further action on that for Status Review.

The Take Reduction Plan (TRP) has been implemented in 2013. The Observer Program has identified one confirmed false killer whale that came in at the end of February. Currently staff is going through the process that was developed by the Take Reduction Team (TRT) to determine if it is mortality or a serious injury and whether or not that counts towards the Southern Exclusion Zone trigger. That process should be done at the end of March 2014, following the timeline that was developed.

Regarding MMPA actions, Golden reported that in order to authorize take under the ESA one has to go through the MMPA permitting process, which is the 101(a)5(e). The permit is good for three years. A Negligible Impact Determination is done where the agency looks at M&SI versus the PBR and determines if it meets the criteria under the MMPA. That permit expired last

spring, and staff has been working to update it. In the meantime, the newly listed MHI insular false killer whale had a take, as well as a sperm whale interaction or take in the Hawai`i deep-set fishery. Those two species now also have to go through the permitting process. Staff is doing that permit in conjunction with the deep-set biological opinion. There will be a public comment period. Once the Final Review process is completed, there will be a 30-day public comment period. Golden will keep the Council updated.

### Discussion

Goto asked for more information in regards to where the data is coming from to make the determination in the Hawai`i longline biological opinion.

Golden said the information comes from a lot of different sources, noting the SARs and all of the reports that are published for the marine mammals. PIFSC does additional analyses for PIRO based on observed interactions, specifically in regard to marine mammals.

PIRO asked the Council, through the Sustainable Fisheries Division, to help with the Biological Assessment, which provided several papers on sea turtles. She reiterated everything that is available, including publications in peer-reviewed journals and stock assessment reports that NMFS puts out and NMFS List of Fisheries.

Goto wanted to ensure that going forward everything is being done and the best available science is available.

Golden said a lot of new information has come in and updates have been made. There is a lot of good information on the fisheries. The observers have been out there for a long time. The Observer Program has provided a data-rich situation. She understands the issue in regard to whether it's an insular stock versus pelagic. The new TRP and rules have been implemented and are being considered.

Rice said something has to be done about the time NOAA spends on responding to litigation. A large portion of NOAA's budget seems to be for lawyers and courtrooms with the ESA, and the fishermen are the people most affected by this. The humpback whale petition should be an easy determination as everybody knows that they've come back almost tenfold.

### **D. Report on the Insular Sea Turtle Programs**

Golden did not have a lot of information on the Insular Sea Turtle Programs because the agency just received its budget and is currently being worked on.

Tosatto added that, overall, the sea turtle line took a slight reduction, but the amount of funding for the Council was preserved. The funding that NMFS provides under protected species is a multi-year fund. A bit of shifting around occurred internally at PIRO to make sure that insular programs will be supported as in the past. He is aware Pat Opay and Irene Kelly are communicating with the programs so grants can be made before June 30.

## Discussion

Palacios noted his understanding of the challenges with the allocations of funding but stressed that the amount of work CNMI's staff is doing with three individuals is a lot. The staff is overworked and looking for additional resources to ease the burden. The program works hard, gathers accurate data and does tagging and monitoring. It cannot withstand further cuts. It is appropriate to let Tosatto know that the situation is at a breaking point and that more resources are needed.

### **E. Advisory Group Recommendations**

#### **1. Protected Species Advisory Committee Recommendations**

Ishizaki presented the results of the inaugural meeting of the Protected Species Advisory Committee (PSAC) held in January of 2014. The Council's Sea Turtle Advisory and Marine Mammal Advisory Committees were restructured into a single committee with expertise in sea turtles, marine mammals, seabirds, shark, corals and reef fish. It also includes SSC and AP members. The role of the PSAC is to broadly advise the Council on protected species issues, ranging from research, monitoring, conservation, bycatch mitigation management and policy development through a) informing the Council of new and developing research and actions related to protected species and their bycatch mitigation in fisheries; b) providing input on Council actions and associated analyses and documents as it relates to impacts on protected species; and c) recommending research and program priorities for addressing protected species impacts in fisheries and fishing communities. Main agenda items included 1) an overview of the Council's fisheries and protected species issues; 2) review of current and future fishery management measures; 3) current and emerging protected species issues related to fishery management; and 4) the Council's protected species program and research priority planning.

Ishizaki reported the PSAC recommendations as follows:

*Regarding the collapse of the American Samoa longline fishery, the PSAC recommended that an adequate level of observer coverage required to monitor protected species interactions in the fishery be determined, given the reduced level of fishing effort.*

*Regarding the collapse of the American Samoa longline fishery, the PSAC recommended that a detailed analysis of the American Samoa longline fishery observer data be undertaken to better understand the patterns of protected species interactions.*

*Regarding the Five-Year Program Plan, the PSAC recommended changes to the plan as indicated in Appendix A of the report.*

*Regarding the Council's Protected Species Program Plan, the PSAC directed staff to incorporate the committee's input into the Draft Issues and Priorities document and circulate it to the committee for review.*

## Discussion

Rice noted that the Robin Baird paper that will be presented in the upcoming April PSRG meeting contains numerous assumptions with which Rice did not agree. It seemed to single out the inshore and troll fishery, such as the dead false killer whale that had five hooks in it and the photo-ID of animals with line cuts, with no solid facts behind the assumptions. He said the Baird paper needs more work before being presented to any decision-making group.

Goto asked for more information on the dorsal fin injury assessment.

Ishizaki said the presentation of the assessment was given by Baird, who has been cataloguing false killer whale dorsal fin photographs of the insular false killer whale for 10 years. The analysis looked at dorsal fins with injuries that may be consistent with fishery interactions. Baird and five other people separately scored the dorsal fins with injury for consistency with a fishery interaction. Baird suggested different levels of interactions among social clusters. The results will be presented to the PSRG in April.

Ebisui asked for more information regarding the false killer whale with the hooks found in its stomach and whether the hooks were determined to be the cause of the animal's death.

Ishizaki said she has seen only a photograph of the hooks in Baird's presentation. When the necropsy was conducted, Earl Miyamoto from the State of Hawai'i and Kurt Kawamoto from PIFSC both looked at the hooks and identified them as having come from longline, slide bait tackle, and possibly a marlin hook. Ishizaki is following up with HPU, which conducted the necropsy, to get any additional information that may have been gathered from the assessment of additional gear found in its stomach. She said the hooks were not determined to be the cause of death.

Rice voiced the importance of finding out the cause of death.

### **2. Advisory Panel Recommendations**

Rosario reported there were no AP recommendations on Protected Species.

### **3. Plan Team Recommendations**

Sabater reported there were no Plan Team recommendations on Protected Species.

### **4. Regional Ecosystem Advisory Committee Recommendations**

Duenas reported the REAC recommendation as follows:

*Regarding green sea turtles*, the Guam REAC recommended that the Council explore innovative approaches to allow for traditional and cultural uses of green sea turtles under the ESA.

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

Daxboeck reported the SSC recommendations as follows:

*Regarding the SSC Subcommittee Review of the insular false killer whale photo-ID data analysis, the SSC endorsed the Subcommittee's report and recommended the following:*

- PIFSC obtain the full photo-identification dataset used in the analysis of the insular false killer whale population for the Council in order to determine whether additional modeling could improve the analysis.
- The Council request that PIFSC prioritize conducting systematic surveys of MHI insular false killer whale population to establish a dataset suitable for estimating abundance.
- The Council explore alternative approaches to provide robust estimates of false killer whale abundance.

### Discussion

Rice said his understanding is the data compiled from the military and NMFS research has not been released and there is new information regarding the northern stock of false killer whales found in the area of the insular stock and yet another pelagic stock that may be intermingling. There are photo-IDs and tag information available that could be used in management decision-making.

Daxboeck noted that Baird has approximately 60 or 70 percent of the whole sum of data on false killer whales in Hawai'i. Much of Baird's source funding comes from the Navy or military, NMFS and possibly private funds, while Baird is the holder of the raw data. NMFS data is collected in a structured, dedicated mission-based method. The SSC recommendations are related to getting access to the data through the entities that fund Baird's research in order for it to be available for use in doing SARs. It appears much of Baird's research was conducted in an ad hoc method, which may result in questionable data for use in management.

Rice noted he has worked with Baird and he does good work. However, Rice said he feels two-week surveys result in less than the best available science.

### **G. Public Comment**

There were no public comments offered.

### **H. Council Discussion and Action**

*Regarding scientific information on the MHI insular false killer whale, the Council requested that PIFSC obtain the full photo-identification dataset used in the analysis of the insular false killer whale population in order to determine whether additional modeling could improve the analysis. The Council further requested that PIFSC make the dataset available to the Council.*

*Moved by Rice; seconded by Sword.*

*Motion passed.*

*Regarding scientific information on the MHI insular false killer whale, the Council requested that PIFSC prioritize conducting systematic surveys of the MHI insular false killer whale population to establish a dataset suitable for estimating abundance.*

*Moved by Rice; seconded by Sword.*

*Motion passed.*

*Regarding the scientific information on the MHI insular false killer whale, the Council directed staff to explore alternative approaches to provide robust estimates of false killer whale abundance.*

*Moved by Rice; seconded by Sword.*

*Motion passed.*

*Regarding marine mammal stock assessments, the Council reiterated its previous recommendation that PIFSC develop a process to ensure information and photographs from fishermen are incorporated into cetacean assessments for abundance estimates and stock structure.*

*Moved by Rice; seconded by Sword.*

*Motion passed.*

Rice spoke in support of the recommendation and to the importance of keeping the fishermen involved.

Tosatto noted, as mentioned with Baird's methods, ad hoc collection has its values and downsides. NMFS will make sure protocols are in place to ensure their scientific usefulness.

*Regarding false killer whale fishery interaction assessment using dorsal fin injuries, the Council directed staff to draft a letter to the PSRG in advance of the April 2014 meeting expressing concerns regarding the use of dorsal fin injuries to imply fishery interactions in the insular false killer whale population.*

*Moved by Rice; seconded by Ebisui.*

*Motion passed.*

*Regarding the American Samoa longline fishery, the Council requested that PIFSC provide advice on an adequate level of observer coverage required to monitor protected species interaction in the fishery given the reduced level of fishing effort.*

*Moved by Rice; seconded by Sword.*

*Motion passed.*

Tosatto noted the observer coverage level is driven by the Regional Administrator and PIFSC advice may be more operationally correct.

Ishizaki noted the change to, PIFSC provide advice on.

There were no objections to the change.

**Regarding the American Samoa longline fishery, the Council recommended that a detailed analysis of the American Samoa longline fishery observer data to be undertaken to better understand the patterns of protected species interactions.**

Moved by Rice; seconded by Sword.

Motion passed.

Tosatto noted that while PIRO does not have the in-house capacity, he supports contributing to the effort, if necessary.

Ishizaki noted that the PSAC purposely did not direct the recommendation to any certain party given that it could be done by any appropriate expert.

**Regarding green turtles, the Council directed staff to review ESA delisting processes and initiatives and report on innovative approaches that may allow for traditional harvest and cultural uses of green turtles under the ESA.**

Moved by Rice; seconded by Sword.

Motion passed, with Tosatto abstaining.

Tosatto noted he will abstain from the vote.

Simonds said the background to this recommendation, dating back 20 years. It was dropped because of a determination that people were not starving because of being prohibited from any take. After 20 years, it is time to revisit the delisting option.

#### **14. Public Comment on Non-agenda Items**

Elizabeth Nicole Rengill, from George Washington High School, said without sharks marine ecosystems would collapse and extracting top predators from any food chain would have a major impact on the ecosystem. She cited the example of when the wolves were removed from the Yellowstone National Park, which upset the balance of the food chain and had unexpected consequences. On the East Coast, the elimination of 11 species of sharks resulted in an explosion of the cow-nose ray population that wiped out a scallop fishery that had been successful and sustainable for more than 100 years. She spoke in favor of Guam and the Marianas leading the way for shark sanctuaries to help ensure a more sustainable future for Guam, the Marianas and the world.

Althia Topales, from George Washington High School, said data shows that if commercial shark fishing stopped today many of the large shark species would not recover in the next 50 years. According to the conservation status of migratory sharks there are currently nine shark sanctuaries with differing degrees of protection, such as Palau, the Maldives, Honduras, the Bahamas, Guam and Micronesia, Marshall Islands, Tokelau, New Zealand, French Polynesia and the Cook Islands. Islands that protect sharks from commercial fishing have provisions for subsistence and cultural harvest of limited numbers. In Fiji in areas where fishing is banned, sharks are thriving, with two to four times more sharks in restricted areas as compared to

adjacent areas where fishing is permitted. Sanctuaries are capable of providing positive effects on reef shark populations. She spoke against a shark fishery and for shark protection. With every shark that is killed, humans are one step closer to extinction as well.

Maile Delores, from George Washington High School Marine Mania, noted that according Wild Earth in the last 15 years some shark populations have declined by 98 percent. The Convention for International Trading of Endangered Species (CITES) listed 25 species of sharks and rays critically endangered. She spoke in favor of a shark sanctuary being established in Guam and the Marianas, which would also bring with it economic benefits, as each reef shark generates \$107,000 per year in tourism revenue, or 1.9 million during its life time, as opposed to one shark fin valued at only \$108. Pacific Islanders have the responsibility of protecting and preserving sharks.

Mark Costello, from Simon Sanchez High School, asked the question if people are going to kill sharks for their meat, are people going to be educated on the high amount of mercury contained in shark meat.

Marika Tanoue, from Simon Sanchez High School, said Guam is dependent on tourism for its economy. Tourism thrives because of beautiful scenery, reefs and wildlife. Without sharks, the ecosystem would be disrupted, which would disrupt the economy. She spoke in favor of establishing a shark sanctuary on Guam.

Tinishalyn TaNicolos, from Simon Sanchez High School, said Guam is looked upon as one of the sanctuaries that protect sharks and has a legislative bill to support a sanctuary. She spoke in support of a shark sanctuary in Guam.

Jalene Fejeran, from Guam Community College, voiced concern about the Council's desire to establish a shark fishery in Guam. A petition is being circulated to urge Guam leaders to promote a shark sanctuary and preempt the Council's attempt to develop a shark fishery. She said she believes sharks on Guam and the Marianas are an essential part of ocean life and the islands' culture. She spoke in support of the establishment of a regional shark sanctuary in order to protect Guam's culture and environmental heritage. There is no scientific evidence that sharks present a significant competition for fishers in the Mariana Archipelago. Research strongly indicates that shark populations worldwide are declining primarily because of the demand for shark fins. Guam Public Law 31-10 and CNMI Public Law 17-27 passed in 2011 banned the possession, barter, sell and distribution shark fins to close loopholes in the law; increase protection of sharks and ray populations; and maintain the health of fisheries and the marine ecosystem. She spoke in support of Guam following the lead of other Pacific Island nations to establish a shark and ray sanctuary in the Mariana Archipelago.

Jordan Bukikosa, from George Washington High School's Marine Mania club, noted that most people have no idea how important sharks are to the ocean. People's ignorance and the media have resulted in a universal and unjustified fear of sharks. A generally accepted number of sharks killed each year is 70 million, with 50 percent of the sharks being killed as bycatch taken while fishing for other species, such as tuna or swordfish. Sharks are the most threatened group of animals in the ocean, with 24 percent of the world's shark and ray species threatened with

extinction and susceptible to overfishing. Sharks are good indicators of ecosystem health. They keep oceans healthy and productive.

Joseph Casila, from George Washington High School, volunteered to sign the petition. He noted that killing sharks affects the entire ecosystem. Sharks prevent fish from over-grazing vital habitats and are worth more alive than dead. He questioned why only 1 percent of the oceans is being protected, where as 10 percent of the US lands are protected in parks and wilderness areas. He said people need healthy oceans and healthy oceans need sharks. Destroying sharks destroys the beauty of the island, the beauty that future generations might never get to see.

Ferdinand Etsy, from Simon Sanchez High School, said humans need sharks, as they important to the ecosystem.

The winners of the 2013 student art contest and the high school photo-essay contest were acknowledged and awarded prizes. The theme of the art was Climate Change and Traditional Places: Rights and Responsibilities. The winning art appears in the Guam 2014 Lunar Calendars. The First Place winner's artwork in the 6th to 8th grade category will be displayed in Washington, DC, and the first-place winner of the photo-essay contest will present his/her winning essay at the First Stewards Symposium and the Living Earth Festival at the National Museum of the American Indian in July 2014.

## **15. Pelagic and International Fisheries**

### **A. Economic Collapse of American Samoa Longline Fishery (Action Item)**

Paul Dalzell, Council senior scientist, presented information stemming from events over the last 12 months in the American Samoa longline fishery that have resulted in its catastrophic economic collapse. Most vessels are no longer fishing as current catches are insufficient to cover operating costs. Currently, only a few vessels still operate, one trolling in higher latitudes for juvenile and subadult surface albacore and one longlining for fresh albacore. The majority of the American Samoa vessels fished for albacore for sale to the StarKist cannery in Pago Pago.

The collapse is not confined to the American Samoa fleet. Fleets across the Central South Pacific from Fiji to the Cook Islands have suffered the same scale of fleet contraction, stemming from a mix of high operating costs, lower prices for albacore and low longline catch rates of albacore. Interestingly, the fishery in French Polynesia has not suffered the same scale of collapse as its operations are subsidized by the government.

An influx of Chinese longline vessels is perceived to be responsible for the collapse in the fishery. Chinese vessels enjoy substantial subsidies on fuel, license, freight costs, vessel construction, exports, tax, loans and labor. The influx of these vessels has caused the catch to double from around 40,000 mt in 1990 to over 80,000 mt in 2012. However, most of this catch is taken in the EEZs of Pacific Island Countries (PICs) through access agreements for foreign longline vessels. Over roughly the same period, the catch rate of the American Samoa longline catch has increased to a maximum of over 300,000 fish or about 6,000 mt in 2013, but with declining catches after 2007 to a low of 117,000 fish, or about 2,000 mt in 2013. The albacore

longline catch rate has declined by 40 percent on average; while the 2013 catch rates is a record low and 30 percent of the highest catch rate in 1996.

The fishery is strongly seasonal with a low period in the austral summer between December and April. However, even the peak of the fishing season in 2013 failed to yield sufficient catches to cover fishing expenses. Hence, vessels tied up rather than continue fishing.

At the recent WCPFC 10 meeting, China and Taiwan objected to a cap on high seas catches of South Pacific albacore, as well as a cap on catches of albacore in the EEZs. Papua New Guinea objected to the EEZ limits in 2012 because it did not want to forgo any future opportunities for increasing its albacore catch. The current WCPFC CMM applies only to catches south of 20 degrees South. As such, nothing stops the continued expansion of fishing effort for South Pacific albacore. Moreover, China has indicated that it will increase its longline fleet from 250 to 400 vessels, which does not bode well for any improvement of the longline fisheries across the region, including the American Samoa longline fishery.

The American Samoa fishery operates at present under a limited entry program with vessel limits within four size classes, ranging up to greater than 70 feet. The original intent of the limited entry permit program was to maximize American Samoa participation in the longline fishery. However, with the proposed modifications down to two size classes, eliminating the qualification criteria and the minimum landing requirements for vessels less than 50 feet may have a dampening effect on participation in the fishery. On average, less than 30 vessels have operated in the fishery after 2004 when the limited entry permit program began, although there are 60 permits available. Most of the deficit is due to the collapse of the small vessels fishery in the A and B size classes.

Not all of the US EEZ around American Samoa is available to the longline fishery. About 33,000 square nm, or 28 percent of the EEZ, is closed to all pelagic fishing vessels greater than 50 feet in overall length. It may be possible to open the current large vessel area closures around the American Samoa Archipelago, as it is possible that albacore may have accumulated within the closure boundaries. As albacore are highly migratory species, and the area closures are not large relative to the EEZ as a whole, the volumes of fish within the closure boundaries may not differ greatly from the currently open portions of the EEZ. Moreover, if opened, about 10,000 square nm would remain closed due to the provisions of the Rose Atoll MNM.

American Samoa longline participants may wish to consider additional changes to the longline limited entry program, such as a) Maintain a limit of 60 permits, but abolish the permit size classes and, without any landing requirements and allow them to be freely transferable in the same way as the Hawai'i longline limited entry permits; and/or b) Abolish the limited entry program altogether and have the fishery operate as before under the Western Pacific general longline permit.

Options that might be considered to modify the large vessel area closure include a) Removing or modifying the area closure around Swains Island only; b) Removing or modifying the area closure around all areas, apart from the Rose Atoll MNM; and/or c) Reducing the area closure around the Islands of American Samoa to 12 nm for a two-year period, as requested by the Tautai O Samoa Longline and Fishing Association.

## Discussion

Matagi-Tofiga asked if the situation differs depending on whether the vessels are subsidized or not.

Dalzell replied in the affirmative that subsidies do play a key role. He noted the South Pacific country that has the most subsidies is French Polynesia, with subsidies for fuel, ice and freight to France, among other things. Chinese subsidize even more, e.g., for vessel construction, vessel equipment, fishing equipment, fuel, access fees and labor. Even so, the subsidized Chinese vessels were tying up in Fiji.

Tschirgi added that a few vessels were grandfathered in and allowed to fish in the large vessel closure area, and the data is taken out of the logbook data. He noted it might be interesting to check if the data were available to see how much catch has been coming from the area.

Dalzell said two vessels are still allowed to fish within the grandfathered area. He believed they were still operating. One vessel is fresh fish producer, but the information is considered confidential.

### **B. Experimental Fishing Permit - American Samoa Large Vessel Prohibited Area (Action Item)**

Kingma presented information on the process for applying for an Experimental Fishing Permit (EFP). American Samoa longline fishery participants are currently experimenting with a new type of operation that involves longline and handline gear fished in association with drifting FADs, similar to FADs used in the tropical purse-seine fishery. The Council has been notified that if the trials prove successful, fishery participants may apply for an EFP to fish within the American Samoa Large Vessel Prohibited Area (LVPA) with a vessel greater than 50 feet in length.

Existing federal regulations applicable to the Western Pacific Region that pertain to EFPs include the process to follow and information required in an application. If an EFP application is submitted and if NMFS PIRO deems that application to be complete, the Council will consider the information provided in the application and make a recommendation to PIRO for approval or disapproval. Required elements of the application include but are not limited to the following information: a) the species to be harvested under the EFP and the amount of such harvest necessary to conduct the experiment; b) for each vessel covered by the EFP, the approximate times and places fishing will take place and the type, size and amount of gear to be used; c) a statement of the purposes and goals of the experiment for which an EFP is needed, including a general description of the arrangements for disposition of all species harvested under the EFP; and d) a statement of whether the proposed experimental fishing has a broader significance than the applicant's individual goals.

For several years American Samoa has been trying to diversify its fishery. Longline Services, which owns several longline vessels in American Samoa, has requested an application. The applicant wants to longline based on shorter trips inside the LVPA, fish on the moon cycle of higher productivity and conduct handline operations on drifting FADs similar to those used in

the purse-seine fishery, working in direct coordination with the purse-seine owners who deploy the FADs to conduct fresh-fish fishing.

The Council has provided project funding providing cost recovery to vessel participants in terms of partially paying for trip costs to try new methods. Currently four or five boats are taking advantage of the opportunity to demonstrate diversified operations. The Council is also working with StarKist and Samoa Tuna Processors in terms of funding. Samoa Tuna Processors is operational and conducting fresh-fish exports.

The Council has yet to receive notification of a completed application for an EFP. It is anticipated PIRO will be working with the applicant and the Council to prepare the application to completion before the June 2014 Council meeting.

### Discussion

Simonds said experimental fishing is a good option since there has been little fishing inside the 50-mile closure by the alia boats.

#### **C. Modifying the Hawai`i Longline Eastern Pacific Ocean Bigeye Tuna Catch Limit (Action Item)**

Dalzell presented information on the modification of the bigeye catch limit of the Hawai`i longline fleet fishing in the Eastern Pacific Ocean (EPO). Bigeye tuna in the WCPO and EPO has been subject to over-exploitation for the past two decades from the harvesting of adults, sub-adults and juveniles in the longline and purse-seine fisheries. The juvenile catch is a consequence of the proliferation of fishing around FADs in the mid-1980s, which concentrate schools of the target skipjack and yellowfin tuna, but which also aggregate substantial volumes of juvenile bigeye tuna.

Catches in the WCPO and EPO, including US longline catches, have been subject to CMMs promulgated by the WCPFC and Inter-American Tropical Tuna Commission (IATTC). The Hawai`i longline fleet is able to fish both the EPO and WCPO. Apart from one US longliner operating from California, all US longliners operating in the EPO are from Hawai`i. US longline effort and Hawai`i longline effort are thus more or less synonymous in the North Pacific.

Recent bigeye-catch history for the EPO and for the US fleet in the EPO indicates that the bigeye resource is being fished well below the catch limits established by the IATTC, such that bigeye in the EPO is no longer considered to be experiencing overfishing. At the same time the EPO has become an important fishing ground for the Hawai`i longline fleet. Taken together, these developments indicate that the US should seek a revision of the catch limit for the Hawai`i-based longline fleet that reflects this greater exploitation of EPO bigeye.

Catches of bigeye in the EPO are taken principally with purse seine and longlines, with small volumes caught by other methods. Catches from 1983 to 2002 varied between 100,000 to 200,000 mt with a mean of about 150,000 mt. Both purse-seine and longline fisheries show catch declines from 2002 onward; however, the decline in longline catches is particularly marked with a decline of about two-thirds between 2002 and 2012.

The scale of the longline bigeye-tuna decline is apparent when evaluated against the catch limits established for the four Asian longline fleets, China, Korea, Taiwan and Japan, in Resolution C-13-01. These catch limits are based on recommendations of the IATTC scientific staff and collectively amount to about 54,000 mt of bigeye.

Catches by the Hawai`i fleet remained lower than 500 metric tons until 2005. However, between 2004 and 2006 the Hawai`i longline fleet was subjected to a catch limit of 150 mt stemming from a 2004 IATTC resolution. From 2007 onwards, the Hawai`i-based longline fleet has been subject to a 500 mt bigeye catch limit. This initially applied to all longline vessels, but in 2009 the catch limit was set for longline vessels greater than 24 meters, which comprise 15 percent of the US longline fleet based in Hawai`i.

From 2005 onwards, the Hawai`i longline fleet has caught increasing amounts of bigeye in the EPO, with catches exceeding 1,000 mt in 2008 and 2,000 mt in 2013. In 2013 NMFS closed the fishery on Nov. 11 when it judged that the 500 mt limit had been reached by the Hawai`i-based longline vessels greater than 24 meters in length. The Hawai`i-based longline fleet continues to catch the majority of its bigeye in the WCPO and subject to a WCPFC-established catch limit. Between 2006 and 2008 the WCPO bigeye limit for the Hawai`i-based fleet was 4,121 mt, the total caught in 2004. This was modified to 90 percent of the 2004 bigeye longline catch in the WCPO, or 3,763 mt, and remained in place from 2009 to 2013. The catch limit will be reduced by a further 10 percent in 5 percent increments between 21014 and 2017.

The most recent stock assessment showed that the bigeye stock in the EPO is likely not overfished and that overfishing is not taking place. The current exploitation is close to the MSY target reference points. Likewise, interim limit reference points have not been exceeded under the current model.

A range of options are being explored as modifications of the US EPO longline bigeye allocation. These options are not intended for amending the Council's Pelagics FEP but for the US to advocate for inclusion in the next IATTC resolution for a Multi-Annual Program for the Conservation of Tuna in the EPO. The options include a) No action, maintain 500 mt for longline vessels greater than 24 meters; b) Limit of 2,000 mt for longline vessels greater than 24 meters in length; c) Limit of 5,000 mt for longline vessels greater than 24 meters in length; d) Limit of 5,000 mt for all; and e) No limit for Hawai`i longline fleet. Dalzell noted that the Council may wish to recommend to the US Delegation to IATTC to seek a larger bigeye quota for future bigeye conservation and management resolutions; select one of the options reviewed; or suggest an alternative for future US bigeye quota.

## Discussion

Rice asked for clarification as to Hawai`i's ability to meet its demand for fresh fish even if the quota should be increased.

Dalzell replied that currently Hawai`i cannot meet its demand for fresh fish and there are significant imports from the Compact states. Even with the fleet increasing with the influx of more vessels and an increased quota, Hawai`i still will not be able to meet its fresh fish market demand. The Hawai`i fishery is the largest single bigeye producing fishery in the United States,

producing close to two-thirds of all of the fresh-caught bigeye in the nation, with most staying in Hawai`i.

Rice said the United States is always attacked by other countries at the WCPFC meetings even though the fishery is not even supplying enough fish for its own domestic use.

Simonds said the countries that don't support the United States are the countries whose fish are imported and their vessels are not in compliance with WCPFC regulations.

Dalzell added that those same countries supply no operational data, and minimal data for the TCC evaluations while the US fleet is tracking its catch in near real-time.

Goto added that it is a matter of having the domestic Hawai`i landings prioritized above the imports that are coming in, which is what in turn is offsetting the value of any domestic product. It is time to start segregating what is responsibly caught domestic product and what isn't. It would be in everyone's interest to increase the supply of responsibly caught product to mitigate the foreign-caught unknown-impact product. He noted that Hawai`i market took a hit at the beginning of 2014.

Rice suggested releasing a public relations communication to educate people in Hawai`i about the gassed tuna fish they are eating from Costco, what is fresh and what is imported.

Simonds said most retail stores sell imported fish and it is very difficult to find Hawai`i-caught fish.

Goto said he sees some slow progress with the retailers becoming more educated in their marketing in terms of what is fresh, what is frozen, what is imported and what is domestic.

Leialoha asked the size of the fleet in 2007 when the catch reached 5,000 mt.

Tosatto surmised that although the number of permits fluctuates, it is around a normal level.

Dalzell estimated 125 vessels.

#### **D. Bigeye Tuna Movement Workshop**

Dalzell noted that the WCPFC's science provider generates spatially explicit stock assessments so why not have spatially explicit management measures. This led to discussion of issues related to bigeye movement and distribution, which are needed to develop spatially explicit management measures. The workshop is scheduled for April 22 to 24, 2014, at the Council office. The agenda for the three-day meeting was included in the Council briefing materials and includes topics such as life history and biology of bigeye; synopses of the fisheries; stock structure; conventional, acoustic and archival tagging studies; stable isotope and micro-constituent analyses; distribution of fisheries in climate change; genetics; and management. The plan is to generate recommendations to be used to develop a research plan. Dalzell included the list of invited participants. It is hoped the meeting will result with a product that can go forward

to the Science Committee in August and will help US deliberations for the next round of Commission meetings.

## **E. Disproportionate Burden Workshop**

Dalzell presented a brief background on the subject, noting that, at Commission meetings, the United States was repeatedly assailed by the notion that CMMs arising from WCPFC, particularly for tropical tunas, invoke a disproportionate burden on the SIDS as opposed to the metropolitan distant water fishing nations (DWFNs). When asked how the disproportionate burden was measured or calculated, the basic response was it's too complicated to explain. The initiative came from Council staff to put together a workshop on the disproportionate burden following the WCPFC 10 to look and test the hypothesis that the CMMs for tropical tunas have a disproportionate burden on the SIDS, primarily the Parties to the Nauru Agreement (PNA) group for whom skipjack is a major resource, and any measures that are taken to minimize bigeye catches. Staff is working with Dr. Dale Squires from the Southwest Fisheries Science Center, who has helped identify individuals who would be useful for this workshop. It is hopeful that the workshop will be held in September.

### Discussion

Tosatto spoke in support of the Council's effort to hold the workshop and noted this is a subject that the United States has begun to be looked at from the US side. He stressed the importance of bringing the appropriate experts together and to get participation by other SIDS so that their viewpoints come to the table. In discussion with Russell Smith, he also spoke in favor of the Council's efforts in this process going forward.

Simonds appreciated NMFS support, noting a workshop should have also been held when the vessel day scheme was raised.

Palacios said that every nation used the term disproportionate burden each time they were discussing its quota. He spoke in support of the workshop.

## **F. International Fisheries**

### **1. Western and Central Pacific Fisheries Commission 10**

Kingma reviewed the 10th regular session of the WCPFC, which met in Cairns, Australia, Dec. 2 to 6, 2013. The major accomplishment of the meeting was the adoption of a multi-year replacement CMM on tropical tuna. The last comprehensive measure was CMM 2008-01, which covered fishing between 2009 and 2011 and which was effectively rolled over into 2012 and 2013.

A prominent feature of these deliberations at WCPFC 10 was the insistence by the PICs, through their representative organization, the FFA, that compliance with measures created a disproportionate burden for them. As such, this should be compensated by the metropolitan DWFNs, a perspective that was not received with unalloyed enthusiasm by the DWFN countries.

A working group met every day of the week to reconcile the several proposals on tropical tunas and the many alternative provisions within some of the proposals. Issues that were especially contentious included the FAD restrictions, purse-seine effort limits on the high seas and longline bigeye catch limits, all of which were related to the FFA members' perception of disproportionate burdens on PICs stemming from the FAD restrictions.

The WCPFC has 25 Member Countries, seven PTs, and 11 Cooperating Non-Members. American Samoa, Guam and CNMI are PTs at WCPFC and are grouped amongst the SIDS under the Convention Article 30. The US Territories have rights to participation, although no voting rights within the Commission.

The Commission has basically managed 10 target highly migratory species to date.

Kingma reported there have been historical records in the purse-seine catch every year, with 2012 being the highest on record at 1.8 million mt, with skipjack accounting for 80 percent and bigeye accounting for a small percentage.

The longline fishery has also seen increases over time, although the last few years the catch is decreasing, comprised of mainly bigeye, albacore and yellowfin. The longline fishery is worth a little over a billion dollars; the purse-seine fishery has a landing value of \$4.5 billion, which has doubled in the last four to five years in terms of value.

Yellowfin, albacore and skipjack are considered healthy. North Pacific striped marlin and North Pacific bluefin are considered overfished,

Several measures were adopted at WCPFC 10, most notable was the measure that was not adopted, which was the albacore measure. There was agreement on measures relating to tropical tuna, silky sharks, Pacific bluefin, Compliance Monitoring Scheme (CMS), unique vessel identifier, daily catch and effort reporting, consideration of CMM proposals' impact to SIDS and special requirements of SIDS.

The CMM on tropical tuna objective was to prevent overfishing for target stocks: skipjack, yellowfin and bigeye. Since bigeye is subject to overfishing there is a provision to reduce or eliminate bigeye fishing to F at FMSY levels less than 1.0 through a step-by-step approach through 2017. The purse-seine provisions in the measure in 2014 is the same as the 2013 measure for the purse-seine fishery, a four-month FAD closure or a three-month FAD closure, plus some flag-based FAD set limits. For 2015 and 2016 there will be a five-month FAD closure in January, February, July, August and September. Non-SIDS countries are restricted to 2010 and 2012 FAD set limits, or countries can choose a three-month FAD closure and have a separate set of limits.

In 2017 countries will follow the purse-seine options available for 2015, either a five-month or a three-month closure, as well as a prohibition on FAD sets on the high seas. The European Union (EU) received an exemption if it demonstrates some reduction, as they fish predominantly on the high seas.

Between 2015 and 2017, the notion of a disproportionate burden for SIDS will be one of the biggest issues in the Commission. The measures for 2015 and 2017 are conditional such that

these measures have to show that they are not transferring directly or indirectly a disproportionate burden of the conservation action onto the SIDS. There is a provision in the measure that the fifth FAD month closure and the alternative FAD set limit are not going to apply unless these arrangements are agreed to and the issue is resolved.

There is a purse-seine effort limit in the measure such that purse-seine fishing is supposed to be held to 2010 levels, as well as an agreed-to high seas effort limit.

Longline bigeye limits have additional reductions from 2000 to 2004 average levels, such that by 2017 major longline countries will have achieved approximately a 40 percent reduction from those levels. China, Indonesia, Japan, the Republic of Korea, Chinese Taipei and the United States have all agreed to additional catch reductions.

The Hawai`i longline fleet is the one that principally catches the US quota. The United States agreed to an additional 10-percent reduction from its 2004 level, 5 percent to be applied in 2015 and 5 percent in 2017.

Indonesia, which is new Commission member this year, was provided a threefold increase in its catch level limit.

Countries that have caught less than 2,000 mt are not to exceed 2,000 mt, even if they have caught less than 500 mt in the years past. In other words, under the measure these countries are allowed to increase their longline catches to 2,000 mt. The SIDS and PTs are exempt from the 2,000 mt limit.

Kingma noted there was more work to be done in terms of meeting the objectives of the CMMs. Other provisions of the measure include a) Countries catching yellowfin are not to increase their catches; WCPFC 11 is to establish appropriate limits based on scientific advice; b) Purse seine catch retention is maintained; c) FAD management plans are a requirement, including FAD marking and electronic monitoring of FADs to be considered; d) Monthly longline bigeye reporting; e) If a country goes over its longline quota for bigeye the overage is deducted from the following year's quota; f) Countries are to explore spatial management approaches for both longline and purse seine; and g) Purse seine and longline capacity limits; however, SIDS and Indonesia are exempted from those limits.

Other measures adopted included a) Longline fisheries and purse seine fisheries are prohibited from retaining silky sharks; b) Countries catching Pacific bluefin are to reduce catches in 2014 by 15 percent from 2002 to 2004 averages; c) The current CMS rolling over with a few new additions and establishment of a working group to address noncompliance; and d) Future requirements for International Maritime Organization numbers for all vessels over 100 gross tons.

The next meeting of WCPFC will be held in Samoa on Dec. 14, 2014.

## **Discussion**

Rice asked if counties that went over their 2013 quotas suffered any consequences.

Kingma replied in the negative; the new initiative would apply only to 2014 overages.

Tosatto said, not only is there no compensation or authority to take action in the measure for 2014, the compliance system does not take any action.

Simonds pointed out the IUU fishing affects not only the high seas; it also has a big impact on the market. Sen. Murkowski articulated the same thing about Alaska's crab fishery and how IUU fishing affects that crab market because the foreign fish is coming in from foreign countries that aren't in compliance with regulations.

Goto asked for further information on the how the Indonesian quota has remained consistent for the last four years.

Kingma said Indonesia is not subject to any reductions based on its quota level. He added that the number seems to have been pulled out of thin air. Indonesia is a new member and does not have a capacity limit. The measure was negotiated in a small working group in a side room for most of the meeting. None of the measure was negotiated on the floor in the Commission meeting, so the rest of the meeting participants were unable to understand how these limits were provided. Kingma also noted that NMFS, based on the last MSA reauthorization, has a requirement to identify nations that have IUU fisheries. A new definition in 2013 for IUU is to take into account a nation's non-compliance with regional fishery management organization (RFMO) measures. The CMS in the Commission is a pilot approach so most of the countries are termed compliance review as their designation. Hence, NMFS cannot apply sanctions at this time because under the Commission operating procedures the CMS cannot be used for purposes outside of the Commission.

Sword asked if countries that exceed their quotas this year as well as next year face any consequences.

Kingma said discussion on the subject was limited. The measure basically has not contemplated multiple year offenders, but he will have to confirm that.

## **2. International Scientific Committee**

Pooley reported that the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) is an independent fisheries science body not directly connected with any RFMO. The ISC reports directly to the Northern Committee, giving it science advice and information. It presents its research as the Commission's Science Committee and has been working on the problem of getting plausible biological reference points for the North Pacific species of striped marlin, Pacific bluefin and albacore.

It was established almost 20 years ago between the United States and Japan to focus on assessments of highly migratory species in the North Pacific. The seven member countries include the United States, Canada, Mexico, Taiwan, China, Korea and Japan. Currently, Cisco Werner is the head of the US Delegation.

The area of interest is the North Pacific. The major species of interest are swordfish, striped marlin, blue marlin, sailfish and other marlin. Swordfish and striped marlin tend to be the

ones that are of most interest at the moment because of the size of the Hawai`i swordfish fishery and the bycatch or incidental catch of striped marlin. The blue marlin assessment is shared with IATTC. North Pacific albacore is of importance to Canada and the West Coast. Pacific bluefin is primarily of interest to Japan, Mexico and Korea, as well as sharks.

The ISC is made up of species working groups, including a Shark Working Group run by Suzy Cohen from La Jolla, an Albacore Working Group run by John Holmes from Canada, Pacific Bluefin Working Group with Jerald Suzuki from Japan, the Billfish Working Group run by Jon Brodziack from PIFSC and the Statistics Working Group with R.F. Wu from Taiwan. The working groups conduct stock assessments, provide conservation advice and provide advance stock status knowledge. Current assessments include a benchmark assessment of bluefin, updated and revised, which is not in good condition, albacore, blue marlin and shark. The schedule of assessments going forward includes blue shark and an updated swordfish assessment.

A memorandum of cooperation with IATTC allows for participation in each other's meetings. The ISC interacts with the North Pacific Marine Science Organization (PICES).

### **3. North Pacific Regional Fishery Management Organization**

Tosatto reported that PIRO does not participate directly in the North Pacific RFMO. It is under the responsibility of the Alaska Regional Administrator and deals with non-tuna species, such as North Pacific groundfish on seamounts, saury and other pelagic species off the Asian coast. It is in its preparatory conference phase still. Many members have signed its convention, which has not entered into force. He estimated that the Commission is a year or more away from being in place. The organization has related to the Council only in a marginal way in regard to the pelagic armorhead and alfonsin fishery in the NWHI Emperor Seamount area, which is currently overfished.

### **4. South Pacific Regional Fishery Management Organization**

Tosatto reported the South Pacific RFMO Convention Area is on the high seas outside all EEZs with few bottomfish resources of interest to the United States. The RFMO largely deals with smaller pelagic species, jack mackerel and other species, targeted by a lot of countries off the South American coast. The area covers the Southern Ocean all the way up to Hawai`i, largely dealing with the Southern Ocean and the jack mackerel fishery. The treaty has entered into force. The United States has signed the treaty. PIRO is leading the effort to get the treaty ratified and implemented. At its last meeting the first round of measures was reviewed, such as VMS, a vessel register, a compliance scheme and a variety of other formative measures. US interest is marginal. There are no active US fisheries. Squid fisheries were active in the area in the past.

## Discussion

Tschirgi thanked PIRO for allowing the USCG to comment on the CMMs and providing feedback for the CMMs in place and lessons learned from the WCPFC in an effort to help the nations develop a better high seas boarding and inspection compliance scheme.

### **G. Longline Quarterly Reports**

Pooley presented the Hawai`i-based longline logbook report for 2013. The information included number of active vessels, trips, sets, hooks set and catch. For 2013 there were 135 vessels, with 1,328 tuna trips and 51 swordfish trips, which made 18,771 deep sets and 926 shallow sets. The fishery 47.9 million hooks, of which 70 percent were outside the EEZ, 20 percent were in the MHI EEZ, 7 percent in the NWHI and 3 percent in the Pacific Remote Islands Areas (PRIAs). The catch consisted of 192f ,806 pieces bigeye tuna, 80,356 pieces of mahimahi, 78,700 pieces of pomfret, 51,961 pieces of blue shark, 33,516 pieces of oilfish, 23,411 pieces of moonfish and 14,652 pieces of swordfish.

Pooley presented the American Samoa logbook report for 2013 was a combination of data collected by the PIFSC Research and Monitoring Division and American Samoa DMWR. Information included number of vessels, trips, sets and catch species, as well as CPUE. There were 22 active vessels, with 96 trips and 3,324 sets. Most caught species were tuna at 152,459 pieces, billfish at 3,039 pieces, other Pelagic MUS at 17,373 pieces, non-Pelagic MUS at 924 pieces and sharks at 3,832 pieces for a total of 177,627 pieces of fish. CPUE for albacore was 11.9 fish per thousand hooks. CPUE for all species was 17.9 fish per thousand hooks.

## Discussion

Goto expressed appreciation for Russell Ito for including the statistics in relation to spearfish. Records were set for moonfish and pomfret, with tuna still the money-maker. He noted that the cookie cutter shark impacts the price of the fish and things are adjusting since the molasses spill.

Rice agreed that spearfish has a high value placed on it in the recreational industry.

Pooley thanked Goto for accommodating the various requests for providing a tour of the auction.

### **H. Advisory Group Recommendations**

#### **1. Advisory Panel Recommendations**

There were no recommendations offered.

#### **2. Plan Team Recommendations**

There were no recommendations offered.

### 3. Regional Ecosystem Advisory Committee Recommendations

There were no recommendations offered.

#### I. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

The SSC recommended that the mahimahi CPUE changes be investigated and that the potential effects of non-tethered FADs on mahimahi and other floating object associated species be investigated.

The SSC further notes that it is not clear who would conduct this investigation given the demise of Pelagic Fisheries Research Program and Large Pelagic Research Center programs. There are now no independent pelagic fishery research programs in the United States.

#### J. Public Hearing

There were no public comments offered.

#### K. Council Discussion and Recommendations

***Regarding the American Samoa longline fishery, the Council directed staff to prepare a draft regulatory/FEP amendment/framework measure to the Pelagic FEP to modify the LVPA and identify options to reduce, for a period of one year, the northern boundary of the LVPA around Tutuila, Manu`a and Rose to 25 nm and to reduce the LVPA around Swains to 12 nm, as the preliminarily preferred.***

*Moved by Rice; seconded by Ebisui.*

*Motion passed.*

Matagi-Tofiga noted that there was a petition from the alias.

Kingma confirmed the petition is in the Council members briefing materials box.

***Regarding the EFP application, the Council directed staff to work with PIRO and the applicant to complete the application for consideration at the Council's 160th meeting.***

*Moved by Rice; seconded by Sword.*

*Motion passed.*

***Regarding the US EPO longline limit, the Council recommended that NMFS prepare a proposal to increase the US EPO longline bigeye limit, taking into account bigeye conservation and management objectives of the IATTC and the MSA.***

*Moved by Rice; seconded by Sword.*

*Motion passed.*

Regarding the WCPFC, **the Council continued to reiterate its recommendation for the WCPFC to adopt spatially explicit management measures to address bigeye overfishing and further recommended that NMFS work with Council staff to use information identified in the Bigeye Tuna Movement Workshop to develop spatially explicit proposals.**

*Moved by Rice; seconded by Sword.*

*Motion passed.*

Regarding the WCPFC, **the Council recommended that the US Delegation to the WCPFC continue to press for greater compliance by Commission Members and Cooperating Non-members with the CMMs, including the provision of operational data and that those countries that exceed CMM limits are subjected to penalties commensurate with the scale of overages.**

*Moved by Rice; seconded by Sword.*

*Motion passed.*

Sword asked for clarification as to the WCPFC purse-seine VMS system and if there have been any incidents of the VMS being turned off for a period, which resulted in investigations.

Dalzell replied there is universal coverage.

Tschirgi replied in February the USCG conducted a high seas boarding and inspection on a foreign vessel on which the VMS was not operating properly. It was reported to the Secretariat, and the problem was corrected.

Tosatto added that instantaneous VMS outage is not a violation. Procedures are provided for manual reporting in the event of a loss of VMS, which goes along the lines of holding people accountable.

Tschirgi said the vessel was operating outside of the EEZ around the Marianas, but he was not able to disclose the nation that was involved.

Regarding mahimahi, **the Council recommended that NMFS PIFSC work with SPC to investigate mahimahi CPUE trends in the WCPO, including the potential effects of drifting FADs on mahimahi catches in the purse-seine fishery.**

*Moved by Rice; seconded by Sword.*

*Motion passed.*

## **16. Hawai`i Archipelago**

### **A. Moku Pepa**

Rice reported that the fish farm off of the Kona coast of the Big Island has become a super buoy. He asked Tosatto for information on the litigation related to the fish farm.

Tosatto said the agency was sued on the first permit application submission. The agency successfully refuted most of the claims in court. He added that the Council may be interested in the Plaintiff's claim that the agency did not have the authority under the CRE FEP to issue the permit for the aquaculture operation as fishing. NMFS prevailed on that case. Then the original court found that, because the project had ended, the Plaintiff's NEPA complaint was moot. The Plaintiff appealed and the Appeals Court returned the case to be reconsidered. The agency is now continuing because of a finding that the NEPA claim was not moot because of the potential for repetition. The case continues in court over the first permit. The second permit has not yet generated any litigation.

Rice added that the fish farm is close enough and easy enough access for people to go to. It holds small and big fish. Fishermen have asked him to bring up for discussion by the Council the subject of raising the size of yellowfin and bigeye for sale.

Simonds noted the Council decided that the data collected by David Itano's research and tagging of bigeye and yellowfin in the state could be used to develop a video addressing the topic, which would include interviews with the Council, Hawai'i DLNR Chair William Aila and fishermen. The contractor producing the video is currently doing interviews and should be completed by May. Simonds is hopeful that the State and the Council will come to an agreement on the size for sale of yellowfin and bigeye.

Rice added that the fishermen, Mike Hind and Billy Wakefield, were commercial longline and bottomfish fishermen in the northern Hawaiian Islands who are now retired. Their suggestion for a saleable size was 15 pounds.

Goto reported that the longline fishing effort has been steady and strong, although not as strong as the previous year. In the beginning of 2013 swordfish in the short-set fishery effort was slow, as well as the market because of varying conditions, such as weather in the Pacific and Atlantic. He expressed hope that things will pick up.

## **B. Legislative Report**

Miyasaka reported DLNR's new first deputy, Jesse Souki, was nominated on March 10; he replaces Esther Kai`aina. The new water deputy is William Tam.

Miyasaka reported that DLNR's legislative priorities for the coming fiscal year submitted to the legislature include the watershed initiative, known as The Rain Follows the Forest, as its priority. It recognizes that access to protected watershed areas for traditional Hawaiian cultural practices is not restricted. The main focus of the watershed initiative is to protect priority watersheds through fencing. Once the area is fenced, ungulates within the fenced areas are removed in areas where it's safe, feasible and effective. The initiative seeks to ensure that the mauka watersheds are fully functioning so freshwater resources can be utilized and enjoyed by the people of Hawai'i. This initiative implements one of the central goals of the Abercrombie Administration's New Day in Hawai'i Policy plan to steward the natural resources of the state. Hawai'i's freshwater supplies are under threat from hotter and drier conditions due to global warming, as well as loss of the watershed forest. Over half of Hawai'i's forest have been lost and

only 10 percent of the priority watersheds are currently protected. The goal is to double the amount of protected watersheds in the next 10 years.

The Community Fisheries Enforcement Unit (CFEU) on Maui, as presented in previous Council meetings, which is sponsored by Conservation International and the Castle Foundation, issued 12 citations in the first five months, as compared to 13 citations for all of Fiscal Year 2013, and resulted in eight investigations. The unit was considered a success. DLNR is seeking State General Fund monies to make the Maui CFEU permanent and to expand the program to Kaua`i, O`ahu and Hawai`i Island. The House has passed its version of the budget. The request has not been decided yet. An update will be available by the June Council meeting.

The Aha Moku was initiated in July. The executive director was hired and is currently organizing the island committees. Funding was an issue for the first year as the Legislature did not appropriate enough funds. The Office of Hawaiian Affairs provided most of the funds to get the program started. The first year of its existence was spent organizing and finding people to sit on the island committees.

West Hawai`i Administrative Rules were approved by the Governor on Dec. 26, 2013. Many measures were in the rule package, such as bag limits for the yellow tang, achilles tang and the kole and the scuba spearfishing ban. DLNR conducted public outreach effort. The rule package became effective on Dec. 26, 2013. Kona biologists and staff called many aquarium collectors to inform them of the rule change and answer any questions.

There were many legislative actions related to Ni`ihau; most were deferred in the House. There are bills to create a task force. The Department's testimony on the bills has been that DLNR is working on Administrative Rules to manage activities around Ni`ihau. Community meetings are planned to gather input on who, what, how often and the level of fishing activities that are currently being conducted in the waters around the island. The information will be used to develop a conceptual plan that will more comprehensively deal with the issues around the island. From the conceptual plan, DLNR will hold another group of community meetings to unveil the plan before it becomes Administrative Rules and then go through the Administrative Rule Process. He noted a great need to protect the resources as soon as possible.

The Bottomfish Restricted Fishing Area (BRFA) revisions will open half of the 12 BRFAs to bottomfish fishing and increase in the noncommercial bag limit from five to 10 per person per trip. There will be a voluntary reporting capability via the DLNR website for noncommercial data collection. The Ni`ihau BRFA B, Makapu`u, Penguin Banks, northern Moloka`i, Pailolo Channel and Kohala BRFAs will remain closed. A plan is being developed to implement the changes, and then the revisions will be presented in statewide public meetings to inform the bottomfish fishing community of the proposed changes. A monthly newsletter will be available to also announce the status of the ACL level, which is currently above the 65 percent level.

### Discussion

Ebisui asked for more information regarding to the proposal to increase the recreational or noncommercial take of Deep 7 bottomfish.

Miyasaka said noncommercial fishermen requested the increase, noting that the limits for all Deep 7 were too restrictive. The fishermen did not include a specific number, and the Department felt that five to 10 was a good starting point. It was also mentioned that people wanted a way to voluntarily report the noncommercial catches.

Ebisui asked about the Department's reasoning to open the six BRFA's and with the ACL limits how did the Department justify keeping six BRFA's closed.

Miyasaka said that, during discussions, the chair's initial response was the four areas that Dr. Drazen was currently studying would remain closed. Miyasaka's assumption is that six areas remain closed because of studies ongoing or planned in those areas to look at BRFA effects. The four areas having been already studied for seven years the Department is waiting for Drazen's reports, which a preliminary draft is due by the end of March 2014. Regarding the reasons those areas are remaining closed, he would have to discuss further with the chair before he could convey to fishermen the chair's reasons. The chair understands that the decision is going to be difficult for some fishermen, but he's committed to the decision and so that is what the Department is moving forward with.

Ebisui asked if the remaining closed areas are planned to be opened when Drazen finishes his work or are there plans to leave them closed.

Miyasaka said Drazen is currently studying four areas. The Kohala area he has identified as a good location. The habitat there is particularly important to bottomfish communities, and he plans to initiate more studies there, even though it does not currently have a baseline.

Ebisui said Hawai'i has the ability to become more self-reliant than other places, yet Hawai'i is not even coming close to that because of regulations and restrictions. Bottomfish fishermen fish sustainably and responsibly, which only seems to result in more regulations. The BRFA's have outlived their usefulness, and it is time to refocus and take care of what is needed to be done to take care of ourselves. He pointed out that the irony is the fish imported for Hawai'i's consumers is encouraging and facilitating IUU and irresponsible fishing.

Simonds noted that for many years the Council has been telling the fishermen that once the State made its decision on opening or closing the BRFA's, then the Council would review the State action and decide the next step for the Council. Two of the large areas that are going to continue to be closed are in federal waters, Penguin Bank and Makapu'u, which are also the most accessible for fishermen. The State may have chosen to open BRFA's that were difficult to enforce and may have wanted to protect the corals at Makapu'u. The Council needs to decide what it wishes to do now because the fishermen have been waiting for the State to make its decision. Simonds posed the question, what if the Council decided to say that fishermen could fish inside the federal BRFA's, what does that mean and how will it work and how does that happen. The goal is to avoid preemption and to amicably resolve the differences among the fishermen and the State and the federal BRFA's. Drazen has taken a long time to deliver his product, The fishermen deserve to understand the reasons for the closures and what benefit the money and time spent on the research has for fishermen and consumers in Hawai'i.

Daxboeck noted that a recommendation from the SSC will be presented later in the agenda regarding the BRFAs.

Simonds asked Daxboeck to speak to the point made regarding Drazen will continue research in the closed areas and for which there is no baseline and which has not provided any results yet.

Daxboeck said perhaps the reason he wants to begin research in new areas is because most of the research and data that he has preliminarily gathered in the four areas that he has studied shows nothing. The SSC has made suggestions and recommendations to him time and time again how he might be able to improve the study. Unfortunately it is too late because he should have done a baseline when the BRFAs were established. With no baseline, he has nothing to base results. One way forward is to open the areas to fishing, collect the data to develop a baseline of what is in the area using the coordinates that exist now within DAR, with details and mandatory global positioning system (GPS) locations with commercial and recreational catch statistics. In the future, management measures, such as time/area closures, could be another option that could go on top of the total allowable catch or ACL. He added that this business of keeping the existing BRFAs closed and beginning or continuing the research is nonsense.

Ebisui noted his appreciation for the State's willingness to open up six of the BRFAs, but he did not think it goes far enough. He is familiar with the bottomfish fishery, and the regulations that have come forward have served to make Hawai'i so reliant on imports that it's painful.

Leialoha noted that it looks like the Mauna Kea Watershed and the Kohala Watershed fall within that Blueprint Habitat area. She would like to hear more about the Habitat Blueprint project. She asked whether the project is currently in the planning stages.

Tosatto nodded affirmatively.

### **C. Enforcement**

This agenda item was covered in the previous agenda item.

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

#### **1. State of Hawai'i Bottomfish Restricted Fishing Area Management Plan**

This agenda item was covered in the previous agenda item.

Rice reported that on the Big Island the VV Buoy has been gone for about four months and all of a sudden bait fish have returned to the ledges.

#### **2. Bottomfish Working Group**

Mitsuyasu reported that the agenda was put together with a report from the working group that the Council created. At the last Council meeting he presented a suite of monitoring, research and other types of work that needed to be done in the MHI to support the bottomfish.

The working group met. The State announced its plan in January so no further discussion was had with regards to research based on the details of the State plan. Since then, Simonds has been regularly meeting with the chair to discuss different issues. Mitsuyasu met with Frazier, the DAR administrator, and will continue the dialogue to have Frazier McGilvray present at the June meeting.

Simonds said she had been meeting with Aila every month on different issues in an effort to reach agreement on research. The committee includes staff members of DLNR and PIFSC who were involved in the committee when the recommendations were made. Discussions are ongoing with McGilvray about the State agreeing to the research and will include Drazen's work.

## **E. Community Activities and Issues**

### **1. Supporting the Aha Moku System**

Ka`ai`ai presented an update of the Aha Moku initiative. To support the development of the Hawai`i Island Aha Moku Council, nine community meetings were held on Hawai`i Island in October, November and December. The meetings provided information on the Act 288 recognizing the Aha Moku system of resource management and implementing the Aha Moku Advisory Committee within DLNR. Community leaders were identified at these meetings. In February 2014 an Aha Moku Leadership Workshop was conducted to provide tools to assist in community organization to address the mandates of Act 288. The west side of Hawai`i was organized, and a leadership workshop for Hilo is planned.

#### Discussion

Leialoha said she received messages via her answering machine with regards to some confusion as to the separation between the Aha Moku Council and the Western Pacific Fishery Management Council. She explained that the Fishery Council was helping the aha moku with its planning. She said she is glad to hear the staff followed up with outreach to the Big Island.

### **2. Outreach and Education Report**

Spalding reported the TV spots on *Hawaii Goes Fishing* continue on OC16 and on the web on a variety of topics. The 2014 Hawaiian Luna Calendar was completed and distributed to schools and fishing supply stores in Honolulu. The Council is supporting a community monitoring and education project in Wailua, Kaua`I, and working with a fishpond group on best use of the electronic observation log that the Council developed as part of the 2012 Hawaiian lunar calendar. Work also continues on a video about yellowfin tuna found in Hawai`i waters. Spalding is also an active member of the 2014 Hawaii Conservation Conference's Abstract Committee.

#### Discussion

Palacios noted that the Code of Conduct is universal in all of the jurisdictions and thought that the spot could be expanded to all of the jurisdictions.

Spalding pointed out that it would be easy to modify it for the different areas, perhaps a change of the wording and footage to reflect the area.

Simonds added that the local agencies' staff should be brought up to speed on the Code of Conduct so they can decide how to get it out to the community.

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

Daxboeck reported the SSC recommendations as follows:

The SSC reiterated the recommendation from its 114th meeting that all BRFAs be eliminated in federal waters and encourage the State to consider removing all BRFAs in state waters as well because their management utility has been superseded by mandatory catch limits.

SSC Member Miyasaka is on record as being opposed to the above recommendation.

The SSC further recommended that the Council should consider asking the State to subdivide the fishing reporting grids so that finer-scale information could be gained on spatial patterns of the fishery.

#### **G. Public Comment**

There was no public comment offered.

#### **H. Council Discussion and Action**

***Regarding the Hawai`i Archipelago, the Council supported the SSC's recommendation continuing to call for the removal of the BRFAs located within federal waters and encouraging the State to remove BRFAs within state waters as their management utility has been superseded by mandatory catch limits.***

*Moved by Rice; seconded by Sword.*

*Motion passed, one vote of abstention by Tosatto and one nay vote by Miyasaka.*

***Regarding the Hawai`i Archipelago, the Council directed staff to work immediately with Hawai`i DAR to assess their proposed DAR monitoring plan against the Bottomfish Working Group monitoring and research recommendations and the outcomes from this effort should be reported to the Council at the June 2014 meeting.***

*Moved by Rice; seconded by Sword.*

*Motion passed.*

**The Council directed staff to work with the Territories and Commonwealth on the Code of Conduct signs, videos and related outreach.**

*Moved by Rice; seconded by Sword.*

*Motion passed.*

## **17. Administrative Matters**

### **A. Financial Reports**

Simonds noted that the Council did not spend all of its funds in 2013 and is still awaiting contract reports. The administrative budget did not change for 2014; the same line items are allocated. The Coral Reef Grants ends March 31; reports are completed and almost all of the allocated funds were spent. Regarding Turtle 2012, sea turtle nesting beach work and SPREP turtle work are still outstanding. The Council continues to support the SPREP turtle database. Regarding the Sustainable Fisheries Fund (SFF) 2, the outstanding CNMI and Guam projects, the Hagatna Platforms and the Rabbitfish Project, have been extended to September of 2015. SFF3 projects have been initiated and are ongoing, except for the Guam Community FADs, the seamount pelagic fishery and the ecosystem approach with the Hawai`i community. An education and outreach assistant is being hired from the same fund. The Bigeye Tuna SFF projects have been either completed or initiated. The workshop will be held in 2014, as well as the bigeye tagging and otolith study. Tuna stock assessment modeling and the cold storage containers for Manu`a have yet to be started. The administrative budget will add 5 percent to the administrative budget five times. The Council executive directors are still discussing the five-year budget and have yet come to a conclusion. She pointed out there was a slight glitch at the Council Coordination Committee meeting when NMFS distributed the budget columns for all of the Councils with zeros in the line items for the North Pacific Council and the Western Pacific Council. The line items were eventually filled in.

### **D. Administrative Report**

Simonds reported that in January the Council chair wrote a letter to the new NMFS Administrator, Eileen Sobeck, welcoming her to the NMFS family and outlined the Council's interests, concerns and issues. Christopher Hawkins was hired as the Council's social scientist. Staff has been interviewing candidates for the information technology position. The annual audit begins in May and ends in September. The Council received Freedom of Information Act (FOIA) requests from the Lost Coalition on Sept. 18 relating to expense and communication documents, as well as a FOIA from Environment Hawaii requesting information and public documents from the 158th Council meeting. The FOIAs are sent to NMFS and NMFS then informs the Council and provides the related information. The documents were provided to nmmfs.

There was a request by Congressman Sablan and Waxman asking NOAA to conduct an analysis of the Council's grants and contracts related to the Marianas.

### **C. Statement of Organization Practices and Procedures Review**

#### **1. Operational Guidelines**

Simonds reported that the Senators from New England asked for a review, which resulted in discovery that the operating guidelines of all of the Fishery Councils had not been completed from 2005 to 2009. A committee of NMFS and Council representatives, of which Simonds is a member, is working to complete the operating guidelines.

## **2. Regional Operating Agreement**

Simonds further reported that a Council Regional Operating Agreement has been completed. The copies were included in the Council members' briefing materials. Each of the Council's Regional Agreements are individualized. The agreement recognizes the Region and the Science Center as the primary partners of the Council. Once the Council agrees to the agreement, the Council, the Regional Office and the Science Center will sign the document. Currently, the Region has a few technical changes but has agreed to most of the items.

### Discussion

Leialoha asked for clarification as to the deadline for receipt of the operating agreement.

Simonds said as soon as possible. The document discusses the working relationship among the Council, Region and Science Center as to timelines, etc., on Council actions.

### **D. Council Family Changes**

Mitsuyasu presented information regarding the Council family changes:

A list of potential members for the Fishery Industry Advisory Committee, which is a mandated committee, was developed and includes potential members from reach of the island areas regarding the different fishing sectors, seafood industry, tackle dealers, etc. The Council's strategy is to invite all of the potential members to a meeting to discuss regional issues and explore potential engagement on the items. If approved, the meeting would be held in the near future, and from which a final list will be developed.

The Council hired Chris Hawkins as the Council's social scientist. He is working to revise and put together the Council's Social Science Program, as well as the Social Science Research Committee. The proposed new committee members includes Dr. Severance, Dr. Callaghan, Dr. Amesbury, Ed Glazier, Dawn Kotowicz, Justin Hospital, Christopher Lipczyk, David Loomis and Genevieve Cabrera.

Teejay Letalie and Afa Uikirifi and Nonu Tuisamoa are proposed to be added to the American Samoa Archipelagic Plan Team.

Frank Villagomez will be appointed to the Pelagic Plan Team, replacing Ray Roberto.

With regard to the Marine Planning and Climate Change Committee, the list of potential members include John Marr from NOAA; Eileen Shea from NOAA; Susan White from USFWS; Tim Bailey, a Maui Aha Moku representative; Jacqueline Kozak-Thiel, State of Hawai'i; Sheena Black, from the Guam Lieutenant Governor's Office; Lorilee Crisostomo from Guam BSP; Ernest Chargualaf, Mayor of Merizo, Guam; Frank Castro, CNMI Coastal Resources Management; two similar positions for CNMI; and three similar positions for American Samoa.

## Discussion

Palacios noted that names for the additional CNMI positions will be submitted in the near future.

### **E. Meetings and Workshops**

Simonds reported that in April the staff will convene Joint Archipelagic Plan Team meeting and the Fishery Data Collection and Research Technical Committee meeting. Staff will be in attendance at the 24th International Sea Turtle Symposium in Japan. She added that Council support for the International Turtle Symposium may be reduced in the future. Contact DeMello for information regarding the Deep Sea Coral Workshop. The Pelagic Plan Team meeting will be held in Honolulu in May. The Annual Council Coordination Committee meeting is going to be in Virginia Beach. The Chair and Vice Chairs will be participating. The World Indigenous Peoples Conference on Education will be held in Honolulu in May. In June the Capitol Hill Ocean Week will be held in June. The 116th SSC meeting will be held the week of June 17 and the Council meeting will be held the following week in Honolulu. In July the Living Earth Festival will be held at the National Museum of the American Indian. The First Stewards Symposium is scheduled for July 21 to 23 in Washington, DC. The WCPFC Science Committee is scheduled for Aug. 6 to 14 in the Marshall Islands, and the Northern Committee from Aug. 31 to Sept. 5. The UN World Conference on Indigenous People will be held in New York in September. The TCC meeting will be held Oct. 2 to 7 in Samoa. The 117th SSC meeting will be held Oct. 14 to 16, and the Council meeting from Oct. 20 to 24, 2014. Council member training will be held Oct. 27 to 29. The Western and Central Pacific Fisheries Commission will be held in Apia on Dec. 1 to 5.

#### **1. Council Coordination Committee**

Goto reported that he and the Council chair, along with the Pacific Council, testified before the Congressional Subcommittee on Oceans regarding reauthorization of the MSA. Sen. Schatz from Hawai'i, Sen. Cantwell from Washington State and Sen. Begich from Alaska presided over the hearing. Goto's testimony focused on the Hawai'i longline industry and the economic value of the fishery. He noted that it was a productive and valuable trip.

Palacios thanked Council staff for prepping them for testifying before Congress regarding the MSA Reauthorization. His testimony focused on the fisheries in the Western Pacific Region, the coastal issues of the area and how policies, such as the ESA and MMPA, at times have unintended consequences to the Region's fisheries and communities. He pointed out the large swath of the ocean areas that are marine monument through use of the Antiquities Act.

Goto added that, during a question and answer session, he was queried about IUU fishing. He pointed out to the senators the net result of IUU fishing to the Hawai'i fisheries has been economic (market undercutting). IUU fishing has not only unforeseen environmental impacts on the ecosystem, but also direct impacts on US commerce. He pointed out the importance of keeping a domestic market for the domestic fleet's products.

## Discussion

Tosatto said many avenues can get to the IUU topic, such as a pirate fishing bill and an international fishery bill. He spoke in support of the MSA Reauthorization. He noted his written testimony focused on bringing more science and data for use in decision-making.

Simonds noted that the staff has been reviewing the previous five-year plan exploring what has and hasn't been accomplished. The funds for the five-year plan activities come from the Coral Reef Cooperative Agreement, PIRO turtle funds and the SFF.

Mitsuyasu said the staff put together a document regarding the program areas. The plan reviews the information regarding the Council authority and areas of responsibility, as well as funding sources. It also includes Council mandates from the MSA, including National Standards and other authorities. Five priority areas were identified, directly addressed and updated in the 2010 to 2014 award. As part of the exercise going into this next plan, staff looked for priority areas that it will be working towards over the next five-year period. The priority areas targeted for the next plan are a) Include comprehensive review of the Council's FEPs; b) Integrate ecosystem information into the FEPs; c) Support monitoring, data collection and research (the Omnibus Proposal submitted has a number of projects in each of the island areas in an effort to fill some of the data gaps); d) Support capacity-building in fisheries development; and e) Support US fisheries on an international level, including HMS.

The major program areas include a) Pelagic Fisheries Program, which deals with plan amendments; getting the documents and analyses to a point to be used for decision-making as well as monitoring, research and review; and gaining a further understanding of the communities and the international component of the Pelagic Fisheries Program; b) Island Fisheries Program, which deals the Council's Archipelagic plans, amendments, plan changes and analyses to support decision-making, as well as monitoring, research and review, similar the Pelagic Program, as well as working closely with the island agencies; c) Ecosystem Program, which will include the science component; acquiring a better understanding of protected species through analysis, meetings and workshops; and habitat, with a human dimension element; d) Indigenous Community Program, which includes capacity building with traditional and ecological knowledge as well as the Community Development Program and the Community Demonstration Projects Program; and e) Education and Outreach Program, which includes communication and public relations, public events and news media. Mitsuyasu noted the plan also contains a mission statement, guiding principles, list of acronyms and work continues as the need arises.

Simonds noted that the need for a better listing of the accomplishments in the last five years, which is one of the requirements of the five-year cooperative agreement requests and a projection of the status in the next five years.

Kingma briefed the Council on the MCPs. Section 204 of the MSA authorizes Pacific Insular Area Fishery Agreements (PIAFAs) to allow foreign fishing within the US EEZ in the Pacific insular areas, American Samoa, Guam, CNMI and the Pacific Remote Islands Areas (PRIAs). Before entering into a PIAFA, the Council and the appropriate governor shall develop a three-year MCP providing details on the uses for any funds collected by the Secretary of Commerce from foreign fishing vessels in PIAFAs. The available funds are from payments made

to the Secretary for foreign fishing access and penalties of foreign fishing incursions or fines from foreign fishing violations, which shall be deposited into the SFF to implement MCP projects. The SFFs are used to implement projects in all MCPs.

The objectives required in the MCPs by MSA include observer programs and other monitoring type programs; marine and fishery research, information collection, data collection, conservation, education and enforcement activities; and coastal improvement projects, such as economic enhancement, conservation and management. MCPs also promote the ecosystem approach, including review of FEPs and local government regulations to improve and enhance ecosystem approaches to fisheries management; recognize the importance of island cultures and traditional fishing practices; promote responsible fisheries development; and encourage development of technologies. MCPs can be modified at any time, but are usually good for three years: American Samoa MCP expires in 2015; CNMI MCP expires August 3rd, 2014; Guam MCP expires June 27th, 2014; PRIA Hawai'i MCP expires in 2016. Staff is working to have new MCPs for Guam and CNMI available for Council consideration at its June 2014 meeting. One project could include a research program similar to the Pelagic Fisheries Research Program (PFRP), but also include insular island-based fisheries research.

### Discussion

Matagi-Tofiga asked for clarification as to funding for an oil spill which did not come to the Council or American Samoa.

Kingma replied the cases involved Clean Water Act violations occurred in Pago Pago Harbor, and were successfully settled by the Department of Justice with one fishing company and a New Zealand-based company. The vessel was a cargo vessel. Because the violations were not related to fishing or under the Magnuson, the Department of Justice has authority to direct the settlement funds to the local jurisdictions. In this case, they provided funds to the National Marine Sanctuary Foundation in Washington, D.C. and not a local agency. The Council wrote a letter asking why the funds were not contributed directly to the local government. To date, there has been no response back to the Council. Kingma noted it may be time to follow up with the local DOC, a co-manager of Sanctuary, to see if any of the funds ended up in American Samoa.

Simonds pointed changes should be pursued in terms of the Sanctuary regulations and request, as an example, at least half of the funds go to the American Samoa government.

Matagi-Tofiga thanked the Council for its assistance in this regard. She noted out that the Governor also wrote a letter requesting the funds come directly to the American Samoa government.

Taitigue asked that the projects in Guam's MCP be extended for one more year if the projects are not completed by their expiration date.

Simonds replied that it has already been extended to 2015, and cannot be extended any further.

**F. Report on Magnuson-Stevens Act Reauthorization**

This item was discussed during a previous agenda item.

**G. Other Business**

This item was covered later in the agenda.

**H. Standing Committee Recommendations**

Palacios reported the Administrative Standing Committee met on March 26, 2014, in Saipan and discussed the agenda items. The recommendations for the Council to consider included the following:

*Regarding administrative matters, the Committee recommended to the Council to consider the following recommendations:*

- **Adopt the Regional Operations Agreement and to provide it to the regional administrator and the PIFSC director for signature;**
- **Request the governments of Guam, CNMI and American Samoa to revise the MCPs and provide revised MCPs and request for the governors to review and approve by the June Council meeting;**
- **Approve the Sustainable Fishery Fund 4 budget request developed by the staff;**
- **Adopt the multi-year award administrative budget as developed by the staff;**
- **Approve the Council's Five-Year Program Plan; and**
- **Approve the changes of the Council family as presented by the staff.**

**I. Public Comment**

There was no public comment offered.

**J. Council Discussion and Action**

***Regarding administrative matters, the Council approved the Regional Operating Agreement between the NMFS PIRO, NMFS PIFSC and Western Pacific Fishery Management Council to develop and implement fishery management actions.***

*Moved by Rice; seconded by Duenas.*  
*Motion passed, with Tosatto abstaining.*

*Regarding administrative matters, the Council approved the Council's multi-year (FY2015-2019) administrative budget and directed staff to finalize the award for transmittal to NMFS.*

*Moved by Sword; seconded by Duenas.*

*Motion passed.*

**The Council approved the Draft Five-Year Program Plan and directed staff to finalize the plan by incorporating the projected outcomes for transmittal to NMFS in support of the FY2015-2019 multi-year award application.**

*Moved by Sword; seconded by Duenas.*

*Motion passed.*

**The Council requested the governments of Guam, CNMI and American Samoa to revise their MCPs for review and consideration at the June 2014 Council meeting. Once revised and approved, the MCPs can be transmitted from the governors to NMFS PIRO for implementation.**

*Moved by Sword; seconded by Duenas.*

*Motion passed.*

Matagi-Tofiga asked where there is enough time to hold hearings to receive public input.

Kingma replied in the affirmative. The public comment process occurs after the MCP is approved by the Council.

Poumele asked whether the plan was being revised for 2014 or 2015.

Kingma said the American Samoa MCP will expire in 2015, and staff can work with American Samoa to make the needed modification.

***Regarding advisory body changes, the Council directed staff to move forward as proposed to convene an inaugural meeting of the potential Fishing Industry Advisory Committee members within the next quarter.***

*Moved by Sword; seconded by Duenas.*

*Motion passed.*

***Regarding advisory body changes, the Council supported revising the Social Science Research Planning Committee membership to comprise the following individuals: Dr. Craig Severance, Dr. Paul Callaghan, Dr. Judy Amesbury, Dr. Edward Glazier, Dr. Dawn Kotowicz, Mr. Justin Hospital, Dr. Christopher Lepczyk, Dr. David Loomis and Ms. Genevieve Cabrera.***

*Moved by Sword; seconded by Duenas.*

*Motion passed.*

**Regarding advisory body changes, the Council appointed TeeJay Letalie and Afa Uikirifi to American Samoa Archipelago Plan Team; Nonu Tuisamoa to the Pelagic Plan Team; and Frank Villagomez, CNMI DFW biologist, to the Pelagic Plan Team to replace Ray Roberto.**

Moved by Sword; seconded by Duenas.

Motion passed.

**Regarding advisory body changes, the Council directed staff to invite the following individuals to participate in the Marine Planning and Climate Change Committee: John Mara, NOAA; Eileen Shea, NOAA; Susan White, USFWS; Jacqueline Kozak-Thiel, State of Hawai`i; the Hawai`i Coastal Zone Management director; Timmy Bailey, Aha Moku O Maui and National Park Service; Sheena Black, Office of Lieutenant Governor, Guam; Lorilee Crisostomo, BSP, Guam; Ernest Chargualaf, Mayor, Village of Merizo, Guam; Fran Castro, Coastal Resources Management, CNMI; TBD government/academic person, CNMI; TBD community person, CNMI; TBD government/academic person, American Samoa; TBD government/academic person, American Samoa; and TBD community person, American Samoa.**

Moved by Sword; seconded by Duenas.

Motion passed.

Mitsuyasu stated for the record that the Election of Officers vote was taken in the beginning of the Council meeting.

## **18. Other Business**

There were no items under this agenda item.

## Appendix: List of Acronyms

acceptable biological catch (ABC)

Advisory Panel (AP)

annual catch limit (ACL)

Bottomfish Restricted Fishing Area (BRFA – Hawai`i)

Bureau of Statistics and Plans (BSP - Guam)

catch per unit effort (CPUE )

Commonwealth of the Northern Mariana Islands (CNMI)

Community Fisheries Enforcement Unit (CFEU – Hawai`i)

Compliance Monitoring Scheme (CMS – WCPFC)

conservation and management measure (CMM )

Coral Reef Advisory Group (CRAG)

Coral Reef Ecosystem Division (CRED - NMFS)

Department of Agriculture (DOA - Guam)

Department of Commerce (DOC – American Samoa)

Department of Defense (DOD)

Department of the Interior (DOI)

Department of Land and Natural Resources (DLNR – Hawai`i)

Department of Lands and Natural Resources (DLNR – CNMI)

Department of Marine and Wildlife Resources (DMWR - American Samoa)

distant water fishing nation (DWFN)

distinct population segment (DPS)

Division of Aquatic and Wildlife Resources (DAWR - Guam)

Division of Aquatic Resources (DAR – Hawai`i)

Division of Conservation and Resource Enforcement (DOCARE – Hawai`i)

Division of Fish and Wildlife (DFW - CNMI)

Eastern Pacific Ocean (EPO)

Endangered Species Act (ESA)

environmental assessment (EA)

environmental impact statement (EIS)

Environmental Protection Agency (EPA)

European Union (EU)

Exclusive economic zone (EEZ)

Experimental Fishing Permit (EFP)

Farallon de Medinilla (FDM)

Federal Emergency Management Agency (FEMA)

Federated States of Micronesia (FSM)

Fiscal Year (FY)

Fish aggregation devices (FADs)

Fishery Data Collection and Research Committee (FDRC)

Fisheries Ecosystem Plan (FEP)  
Forum Fisheries Agency (FFA)  
Freedom of Information Act (FOIA)

General Counsel (GC - NOAA)  
Global positioning system (GPS)  
Guam Fishermen's Cooperative Association (GFCA)  
Guam Organization of Saltwater Anglers (GOSA)

Hawai'i Pacific University (HPU)

illegal, unreported and unregulated (IUU)  
Inter-American Tropical Tuna Commission (IATTC)  
International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC)

Large Vessel Prohibited Area (LVPA – American Samoa)

Magnuson-Stevens Fishery Conservation and Management Act (MSA)  
Main Hawaiian Island (MHI)  
Management unit species (MUS)  
Marine Conservation Plan (MCP)hsfca  
Marine Mammal Protection Act (MMPA)  
Marine National Monument (MNM)  
marine protected area (MPA)  
maximum sustainable yield (MSY)  
Memorandum of Agreement (MOA)  
Memorandum of understanding (MOU)  
metric tons (mt)  
mortality and serious injury (M&SI)

National Environmental Policy Act (NEPA)  
National Marine Fisheries Service (NMFS)  
National Ocean Service (NOS)  
National Oceanic and Atmospheric Administration (NOAA)  
nautical mile (nm)  
Northern Marianas College (NMC)  
Northwestern Hawaiian Islands (NWHI)

Office of Law Enforcement (OLE – NOAA/NMFS)  
overfishing limit (OFL)

Pacific Islands Area Fishery Agreement (PIAFA)  
Pacific Island Countries (PICs)  
Pacific Islands Division (PID – NMFS OLE)  
Pacific Islands Fisheries Science Center (PIFSC - NMFS)

Pacific Islands Regional Office (PIRO - NMFS)  
Pacific Remote Islands Areas (PRIAs)  
Pacific Scientific Review Group (PSRG)  
Participating Territories (PTs)  
Parties to the Nauru Agreement (PNA)  
Pet Industry Joint Advisory Council (PIJAC)  
Platform Removal and Replacement Plan (PRRP)  
polychlorinated biphenyl (PCB)  
potential biological removal (PBR)  
Protected Species Advisory Committee (PSAC)

Regional Planning Body (RPB)  
Regional Ecosystem Advisory Committee (REAC)  
request for proposals (RFP)

Saltonstall-Kennedy (*SK*)  
Scientific and Statistical Committee (SSC - WPRFMC)  
Scientific Review Groups (SRGs)  
Secretariat of the Pacific Community (SPC)  
Secretariat of the Pacific Regional Environment Programme (SPREP)  
Small Island Developing States (SIDS)  
social, economic, ecological and management (SEEM)  
Stock Assessment Report (SAR)  
Supplemental Information Record (SIR)  
Sustainable Fisheries Fund (SFF)

Take Reduction Plan (TRP)  
Take Reduction Team (TRT)  
Technical and Compliance Committee (TCC - WCPFC)  
terms of reference (TOR)