



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

ACTION MEMORANDUM

163rd Council Meeting
June 16-18, 2015
Harbor View Center
Honolulu, Hawaii

PROGRAM PLANNING

Regarding research, the Council:

1. Directed staff to incorporate the changes and recommendations from the various Council advisory groups (SSC and Advisory Panel) and send the updated Five-year Research Priorities to the Secretary of Commerce and National Marine Fisheries Service;
2. Directed staff to incorporate the changes and recommendations from the various Council advisory groups (SSC and Advisory Panel) and send the updated Cooperative Research priorities to the National Marine Fisheries Service. The Council further directed staff to develop the regional framework for the generation and review of the Cooperative Research proposals and the implementation and monitoring of the projects.
3. Endorsed the formation of a plan team working group to develop a Cooperative Research Planning and Implementation Framework. The working group will be comprised of the following members: Domingo Ochavillo (American Samoa), Jay Gutierrez (Guam), staff from DFW (CNMI), staff from DAR (Hawaii), Marlowe Sabater (Council), Brian Langseth (PIFSC), and staff from PIRO. The working group will present the Framework at the June 2016 Council meeting

Regarding stock assessments, the Council:

4. Directed the Council WPSAR Coordinator to work with his counterparts to plan and convene the Tier 3 Western Pacific Stock Assessment Review (WPSAR) of the draft 2015 Bottomfish Stock Assessment updates for American Samoa, Guam, and Commonwealth of Northern Mariana Islands. The Council further directed the SSC to convene a special session to finalize the review and make a recommendation of best scientific information available prior to its 120th meeting.
5. Directed staff to convene a P* and SEEM Working Group meeting to re-evaluate the scientific and management uncertainties in order for the Council to specify the Annual Catch Limits at its 164th meeting in October 2015

6. Directed staff to further explore and provide the Council with details in improving the ACL specification process through an omnibus amendment of the Fishery Ecosystem Plan to include 1) establishing a process for generating scientific information to support fishery management; 2) improving the efficiency of the uncertainty characterizations by incorporating it in the workshop process; and 3) re-classify the management unit species into ecosystem components

Regarding data collection and data collection improvements, the Council:

7. Directed staff, in collaboration with WPacFIN, to explore the effects of the Fuel Subsidy Program in American Samoa on the estimation of total catch which could affect the management of the stock through annual catch limits
8. Directed staff to work with DMWR, DLNR-DAR, DOA-DAWR, and DLNR-DFW to prioritize the spear fishery in American Samoa, Guam, CNMI, and Hawaii for data collection improvement
9. Directed staff to work with a statistician to explore the use of statistical models in order to evaluate appropriate sampling level to improve commercial vendor reporting and surveys
10. Endorsed the draft proposals the FDCRC Technical Committee generated to facilitate the fishery data and data collection improvement as described in the strategic plan
11. Directed staff to explore the use and applicability of the SHINY-APP and R-analytics package for implementation in the State/Territories/Commonwealth to enhance the summarization, analytical and information dissemination capability of DLNR-DFW, DOA-DAWR, DLNR-DAR, DMWR and BSP
12. Directed staff to investigate the data collection from existing programs and quality of data collected regarding import/export and local production information from American Samoa, Guam, CNMI, and Hawaii
13. Directed staff to continue working with PIFSC, DLNR-DAR, DOA-DAWR, DLNR-DFW, and DMWR in augmenting the current process for accessing fishery data analysis (including confidential data) for Council decision making, supporting the State/Territories/Commonwealth data analysis needs, and analysis for data collection improvement
14. Requested NMFS to provide a regional competition for funding to be administered by the regional offices. This would ensure that the needs of the region are accounted for and addressed in the funding process. The Council further recommended NMFS to continue to utilize the MSA-mandated RFMC five-year research priorities for SK funding priorities.

Regarding Essential Fish Habitats and Habitat Areas of Particular Concern, the Council:

15. Endorsed a plan team working group on the HAPC process. The working group will produce a report exploring HAPC designation options for the Western Pacific region within a year. The working group members are: Alice Lawrence/Mareke Sudek (American Samoa); Brent Tibbatts (Guam); Sean MacDuff (CNMI); and Sam Kahng/State of Hawaii (Hawaii) with support from PIFSC staff, PIRO Habitat Conservation Division staff and Alan Everson (PIRO).



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AMERICAN SAMOA ARCHIPELAGO

Regarding outreach and education, the Council:

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

Regarding fishery development in American Samoa, the Council:

2. Directed staff to request the American Samoa Government to provide information on the super-alia vessel development project utilizing the SSCBI funding with regards to the vessel design, the type of fishing operations to be conducted, funding for business development, and other information related to this initiative. Further, the Council directed staff to provide the American Samoa Government with the American Samoa FEP and Pelagics FEP regulations that may apply to these vessels.



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HAWAII ARCHIPELAGO

Regarding the management of the main Hawaiian island (MHI) deep-7 bottomfish fishery, the Council:

1. Set the Annual Catch Limit equal to the Acceptable Biological Catch for fishing year 2015-16, 2016-17 and 2017-18 at:

Fishing year	MSY	OFL	ABC	ACL	P*
2015-16	404,000 lb	352,000 lb	326,000 lb	326,000 lb	44%
2016-17	404,000 lb	352,000 lb	318,000 lb	318,000 lb	42%
2017-18	404,000 lb	352,000 lb	306,000 lb	306,000 lb	39%

2. Recommended that, in order to prevent the ACL from being exceeded, an in-season closure will be used as an accountability measure based on the projected date on when the ACL will be reached for the MHI Deep 7 Bottomfish fishery. In an event that the ACL has been exceeded, an overage adjustment in the amount of the overage will be applied in the subsequent fishing year.

Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs Council staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorizes the Executive Director and the Chairman to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The Executive Director and the Chairman are authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.

Regarding the Hawaiian Islands Humpback Whale National Marine Sanctuary Management Plan and draft EIS, the Council:

3. Directed staff to send a letter to NOAA Office of National Marine Sanctuaries that the Council does not support the proposed management plan and draft EIS based on the comments and issues as presented by staff at the 163rd Council meeting.

Regarding MHI Bottomfish management, the Council:

4. Directed staff to inquire with the State of Hawaii DLNR on the status of their plan to revise and/or remove the Bottomfish Restricted Fishing Areas based on outcomes from the public meetings held during December 2014.
5. Directed staff to work with NMFS PIFSC to provide better explanation, through meetings and workshops, on the “inner workings” of the model used to produce the current stock assessment and to ensure Advisory Panel bottomfish fishermen are included in the upcoming bottomfish data workshops.
6. Supported a project to document the history of the bottomfish fishery in the Hawaiian Archipelago, specifically addressing changes in fishery performance, technology, techniques and participation from the 1900s to present.

Regarding Education and Outreach, the Council:

7. Directed staff to produce a video to educate grade school students about Pacific Island fisheries highlighting key commercial fisheries, where fish come from, how it is processed and delivered to the market and used by consumers.



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PROTECTED SPECIES

Regarding the Green Turtle Proposed Rule, the Council:

1. Directed staff to transmit a letter to NMFS providing comments in response to the proposed rule, including the comments and issues presented at the 163rd Council Meeting and adopting recommendations from advisory groups.

Regarding the Humpback Whale Proposed Rule, the Council:

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

Regarding the False Killer Whale Take Reduction Team, the Council:

3. Recommended NMFS retain the existing TRT scope and focus efforts on improving implementation and monitoring measures under the TRP.
4. Does not support elevating Hawaii non-longline fisheries to Category II due to the following:
 - a. All existing information regarding potential evidence of interactions are highly speculative and do not point to mortalities and serious injuries caused by small-boat fisheries around Hawaii; and
 - b. MHI insular false killer whale abundance estimates have remained stable for over a decade and there is no demographic data or other evidence to suggest that the stock is experiencing population-level impacts from fisheries.
5. Recommended NMFS conduct an abundance survey for false killer whales in the Hawaii EEZ in 2016 to ensure TRP measures can be evaluated against rigorous abundance estimates and trends. The last survey was conducted in 2010 with only one other survey in 2002, and the Council previously recommended conducting EEZ-wide surveys every four years.

6. Recommended NMFS revisit the serious injury determination criteria to reevaluate applicability of existing criteria to false killer whales. Existing criteria were developed based on bottlenose dolphins and are not species-specific to false killer whales. Information from the insular false killer whale population suggests the animals heal from various injuries, and the existing criteria are likely to be extremely conservative for larger odontocetes.
7. Endorsed the SSC recommendation that NMFS use the true probability limits in the control chart when evaluating the effectiveness of the FKWTRP to better understand the patterns of rare events.

Regarding the False Killer Whale Boundary Revision and Bycatch Proration, the Council:

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

Regarding the Marine Mammal Depredation, the Council:

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

Regarding the Protected Species Advisory Committee Recommendations, the Council:

10. Adopted the recommendations as follows:
 - a. Directed staff to consider integrating the process of evaluation of potential protected species impacts with the Council process for developing fishery actions, including review by the SSC. This integrated process would result in proposed fishery actions that are more consistent with both the MSA and ESA.
 - b. Directed staff to work with PSAC representatives and NMFS to review approaches used to estimate anticipated sea turtle take in the 2005 and 2014 Hawaii deep-set longline biological opinions and discuss further potential alternative approaches to establishing reinitiation triggers for ESA consultations. It appears there may be alternative statistical approaches to analyzing the data, and establishing thresholds to insure that authorized take is not exceeded. The Council further directed staff to work with NMFS to evaluate the utility of the statistical control chart approach to monitor protected species interactions in fisheries.

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



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MARIANA ARCHIPELAGO

Regarding Guam's Marine Preserves, the Council:

1. Directed staff to request NMFS PIFSC analyze all available fishery survey data (e.g. CRED, UOG and DAWR) to determine performance trends over time of Guam's Marine Preserves.

Regarding Guam Micronesian fishing conflict, the Council:

2. Directed staff to finalize the report and provide to the government of Guam and the Guam AP for their consideration of potential next steps.

Regarding the Festival of Pacific Arts (FestPac), the Council:

3. Directed staff to work with the Guam Island Coordinators and the Guam advisory bodies to develop a plan for the Council's participation in, and support of, the FestPac 2016.

Regarding the CNMI Joint Military Training Draft Environmental Impact Statement (DEIS)/Overseas Environmental Impact Statement, the Council:

4. Directed staff to finalize the comments on the DEIS based on the comments and issues as presented by staff and submit the draft comments to the Department of Defense (DoD), with the addition of a performance requirement for proposed FAD mitigation.
5. Requested the DoD to extend the comment period to December 4 ChST in order to allow affected CNMI stakeholders to fully understand and discuss the results of the independent review of the DEIS by consultants contracted by the CNMI Government with funds awarded by the Department of Interior, Office of Insular Affairs.

Regarding Ecosystems Research, the Council:

6. Requested NMFS PIFSC to conduct a study to determine why ciguatera is common in certain groupers caught in northern islands but not in the same species caught around Saipan. This may assist the CNMI in understanding the possible impacts of military activities and dredging and/or bombing may have on the occurrence of ciguatera.

7. Requested NMFS PIFSC to provide technical assistance to DFW data and biological staff in identification of corals and other fish habitat, so the agency is able to collect quality data, as well as to process and disseminate collected information for public consumption.
8. Requested NMFS PIFSC to conduct a study to look at the impacts of runoff on fish populations within the lagoon.

Regarding Bottomfish Reporting, the Council:

9. Requested NMFS PIRO to provide outreach to CNMI fishermen to clarify the issue of reporting all bottomfish versus only commercial bottomfish to avoid confusion among fishermen.

Regarding Guam Indigenous Fishing Rights, the Council:

10. Directed staff to review Guam indigenous fishing rights legislation and report to the Council on how it can assist its implementation in Guam.



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PELAGICS AND INTERNATIONAL

Regarding Yellowfin Tuna, the Council:

1. Directed Council staff continue collecting and evaluating data (e.g. vendors, non-commercial, including non-longline size data for YPR, etc.) to assess the impacts of increasing the minimum size and further request the State of Hawaii provide information on their enforcement activities related to non-compliance with peddle and cash sales of small ahi.

Regarding shark predation in Guam, the Council:

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

Regarding reported discards in the Hawaii longline fishery, the Council:

3. Endorsed the Plan Team's recommendation that PIFSC conduct an analysis comparing longline logbook released discards (numbers of fish) with discards from observed longline trips to assess the magnitude of under-reported discards reported logbook from 2005 to 2013.

Regarding creel surveys and dealer reports in CNMI and Guam, the Council:

4. Recommended NMFS PIFSC document the estimated percent coverage and associated expansion factor in the creel survey and dealer receipt (commercial landings) system used to expand sampling to total landings.

Regarding the supply of tuna to canneries in American Samoa, the Council:

5. Recognized that the combination of the US high seas purse seine effort limits and the removal of historic levels of fishing days in Kiribati waters available to the Pago Pago base fleet under the SPTT may be resulting in reduced supply of tuna offloaded directly to the Pago Pago canneries by US purse seine vessels. The Council recommends that

NMFS and the State Department improve the current terms of the SPTT with regards to Pago Pago based US purse seine vessels. The Council further recommends that NMFS consider the development of regulations that allow fishing effort or catch from Pago Pago based US purse vessels to be attributed to American Samoa. However, there should be no increase in bigeye landed by US purse seine vessels.

Regarding WCPO bigeye tuna, the Council:

6. Recommended that the US develop a national WCPO bigeye catch limit that would apply to US longline and purse seine fisheries and consider including the catch limits provided for the US Territories.

Regarding recent Council-approved actions, the Council:

7. Recommended NMFS expedite the review for completeness of the Amendment 7 Territory longline specifications and American Samoa Large Vessel Prohibited Area regulatory amendment.

Regarding Guam's Territorial Bigeye Quota, the Council:

8. Directed staff to engage the Hawaii longline fleet and the government of Guam to begin discussions on utilizing Guam's territorial bigeye quota.



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ADMINISTRATIVE MATTERS

Regarding SSC term limits, the Council:

1. Endorsed the Executive Director's initiative to review and modify the SSC's membership to best meet the Council's needs with regard to providing sound scientific review and guidance as required by the MSA.

Regarding Council Family Changes, the Council:

2. Endorsed the following appointments:
 - a. Mr. Peter Crispin as an alternate on the American Samoa AP
 - b. Mr. Daniel Roudebush as an alternate on the Hawaii AP
 - c. Mr. Tom Camacho as an alternate on the Guam AP
 - d. Mr. Will Castro as a Guam representative to the Marine Planning and Climate Change committee to replace Ms. Shena Black.
 - e. New Plan Team members (column on Right) to replace current members as listed in the column on left.

Old Plan Team Membership	New Plan Team Membership
Alice Lawrence (American Samoa)	Domingo Ochavillo (American Samoa)
TeeJay Letalie (American Samoa)	Yvonne Mika (American Samoa)
Saumanaiafaese Uikirifi (American Samoa)	Ray Roberto (Marianas)
Yvonne Mika (American Samoa)	Michael Tenorio (Marianas)
Samuel Kahng (Hawaii)	Alton Miyasaka (Hawaii)
Edward DeMartini (Hawaii)	Jo-Anne Kushima (Hawaii)
Alan Everson (Hawaii)	Christofer Boggs (Marine Ecology & Pelagics)
Kurt Kawamoto (Hawaii)	Edward DeMartini (Life History)
Jo-Anne Kushima (Hawaii)	Justin Hospital (Economics)
Jarad Makaiiau (Hawaii)	Cindy Grace-McCaskey (Human Dimensions)
Alton Miyasaka (Hawaii)	Reka Domokos-Boyer (Ecosys. & Oceanography)
Frank Parrish (Hawaii)	Frank Parrish (Protected Species, Ecosystems)

Les Watling (Hawaii)	Michael Parke (Habitat Science)
Jason Biggs (Marianas)	Ivor Williams (Reef Fish Ecology & Ecosystem)
William Dunn (Marianas)	Sam Kahng (Coral Ecology)
Jay Gutierrez (Marianas)	Reginald Kokubun (Ex-officio)
Sean MacDuff (Marianas)	Kimberly Lowe (Ex-officio)
Richard Randall (Marianas)	Annie Yau (Ex-officio)
Michael Tenorio (Marianas)	Thomas Oliver (Ecosystem)
Brent Tibbatts (Marianas and Pelagics)	Phoebe Woodworth-Jefcoats (Oceanography)
Reginald Kokubun (Ex-officio)	John Marra (Climate)
Kimberly Lowe (Ex-officio)	Eileen Shea (Ex-officio)
Gerard DiNardo (Ex-officio)	PIRO – Habitat Conservation (TBD)
Keith Bigelow (Pelagics)	PIRO – Protected Resources (TBD)
Paul Bartram (Pelagics)	PIRO – Marine Planning (Sarah Pautzke)
Christofer Boggs (Pelagics)	PIRO – Sustainable Fisheries (TBD)
Michael Fujimoto (Pelagics)	Jay Gutierrez (Guam)
Tom Graham (Pelagics)	Keith Bigelow (Pelagics)
Russell Ito (Pelagics)	Paul Bartram (Pelagics)
Tepora Lavatai (Pelagics)	Michael Fujimoto (Pelagics)
	Tom Graham (Pelagics)
	Russell Ito (Pelagics)
	Tepora Lavatai (Pelagics)
	Brent Tibbatts (Archipelagic and Pelagics)