



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

**MINUTES OF THE
173rd MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

**June 10-13, 2018
Wailea Beach Resort, Marriott**

3700 Wailea Alanui Drive, Wailea, Maui, Hawai'i

Ahupua'a O Kanehena, Moku O Honuaula

Mokupuni O Maui

Approved by Council:

A handwritten signature in black ink that reads "John Gourley".

John Gourley, Acting Chair
Western Pacific Regional Fishery Management Council

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I. Welcome and Introductions

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

- Edwin Ebusui Jr., chair (Hawai‘i)
- Michael Duenas, vice chair (Guam)
- John Gourley, vice chair (Commonwealth of the Northern Mariana Islands [CNMI])
- Dean Sensui vice chair (Hawai‘i)
- Taotasi Archie Soliai, vice chair (American Samoa)
- Brian Neilson/Ryan Okano, Hawai‘i Department of Land and Natural Resources (DLNR Hawai‘i) (designees for Suzanne Case)
- Michael Goto (Hawai‘i)
- Raymond Roberto, CNMI Department of Lands and Natural Resources (CNMI DLNR) (designee for Anthony Benavente)
- Henry Seseapasara, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Matt Sablan, Guam Department of Agriculture (DOA)
- Mike Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- Lt. Cmdr. Adam Disque, US Coast Guard (USCG) (designee for Rear Adm. Vincent Atkins)
- Brian Peck, US Fish and Wildlife Service (USFWS)

Also in attendance were Council Executive Director Kitty Simonds, NOAA Office of General Counsel Kristen Johns, and Scientific and Statistical Committee (SSC) member James Lynch. Council members Christinna Lutu-Sanchez, American Samoa, and Michael Brakke, US Department of State, were absent.

Ebusui opened the 173rd meeting of the Council and welcomed Council members and the public. Council members and staff introduced themselves.

II. Approval of the 173rd Agenda

Ebusui said approval of the 172nd Minutes will be deferred to the Administrative Section and asked if there are any requests for additional changes to the agenda. Hearing none, Ebusui asked for approval of the agenda. The motion carried and agenda was approved as amended.

III. Approval of the 172nd Meeting Minutes

This item was taken up before the Administrative Section on day three.

Ebusui asked for a motion to approve the minutes from the 172nd meeting of the Council.

Move by Duenas; seconded by Gourley.
Motion passed.

IV. Executive Director's Report

Simonds said the Council was pleased to have Chris Oliver, National Oceanic and Atmospheric Administration (NOAA) Assistant Administrator for Fisheries, attending the meeting. Oliver was scheduled to arrive later in the afternoon, and staff will provide an overview of insular and pelagic fisheries to help educate him about the region. Oliver is the former executive director of the North Pacific Council and understands the Council process and its important role in managing the nation's fisheries.

An essential aspect of the Council process is the regional approach. From participating in the meeting, Oliver will come to appreciate the uniqueness of our region. The Council has consistently asked the NMFS to treat us differently in acknowledgement of our unique Polynesian and Micronesian cultural heritage, our diverse political status with the United States and our vast jurisdiction that spans both sides of the equator and both sides of the dateline, as well as our unique ecosystems and international fisheries.

On June 6, the House Natural Resources Committee ordered House Bill 4528 to be reported by unanimous consent. The bill was introduced by Rep. Darren Soto (Fla.) and supported by a coalition of conservation and sportsman/angler groups. The bill has a benign title, "to make technical amendments to certain marine fish conservation statutes and for other purposes"; however, its impact would be devastating to our fisheries as it would amend the Billfish Conservation Act of 2012 to limit the sale of billfish caught by US fishing vessels. While Atlantic billfish is overfished, the Pacific billfish stocks, except for striped marlin, are healthy and provide significant revenue to our fishermen. Pacific billfish is not only valued by consumers not only in Hawai'i and the US Pacific Islands but also served in restaurants throughout the continental United States. The legislation would disallow billfish from Hawai'i and the US Pacific Islands from being marketed on the US mainland. The main concern is that our fishermen have already suffered the loss of vast amounts of fishing grounds because of proclamations under the Antiquities Act; this legislation would further chip away at our fisheries.

The regional Councils have existed for more than 40 years, and the partnership between the Councils and NMFS continues to evolve. The inclusion of the Councils in the development of national and regional strategies is one recent example. The Council was involved in the development of the Pacific Islands Regional Action Plan for NOAA Climate Science Strategy. NOAA is developing a national strategy for ecosystem-based fishery management, and the Council has decades of expertise on this subject, having developed the first Fishery Ecosystem Plan (FEP), which was the Coral Reef Ecosystem Fishery Management Plan (FMP) in the 1990s.

In the early 2000s, the Council converted its FMPs into FEPs, and, in developing these plans, a series of three workshops on ecosystem fisheries management for the Western Pacific was convened. The first workshop focused on biophysical ecosystem science, the second on social science, and the third on fishery management policy. The proceedings of these workshops are captured in the book *Ecosystem-Based Management in the Western Pacific* published by Wiley-Blackwell. Including this work into the regional plan is important and so is the

recognition by NMFS of the Council's early approach and expert planning in ecosystem fisheries management.

Simonds said the Council will be considering eight regulatory actions at its 173rd meeting. She provided brief background information regarding the action on the framework for managing sea turtle interactions in the Hawai'i shallow-set longline fishery and information on main Hawaiian Islands (MHI) Deep 7 bottomfish annual catch limits (ACLs). She mentioned that the Council's Fishers Forum would be held later in the evening in Kahului.

Simonds noted the Administration's goal to reduce the US seafood deficit and address illegal, unreported and unregulated (IUU) fishing and expressed support for a productive meeting and full participation by each Council member and public. She said she looked forward to Council action on important fisheries management measures in support of obtaining optimum yield for the benefit of the region and nation.

V. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Tosatto provided the NMFS PIRO report and covered a range of topics that he noted were described more fully in the written report. The annual meeting of the Western and Central Pacific Fisheries Commission (WCPFC) will be held the second week of December in Honolulu after the government of the Federated States of Micronesia backed out of hosting the meeting. The change in location will allow more delegates to attend the meeting. He noted the US State Department's dislike for large delegations, even if the meeting is held within the United States.

The Hawai'i shallow-set longline fishery has been closed for the remainder of the year, and development of a new biological opinion (BiOp) is ongoing. For the Hawai'i deep-set longline fishery, NMFS PIRO is working on implementing WCPFC measures in regulations and a programmatic environmental impact statement (EIS) that is moving along slowly. The written PIRO report covers several protected species topics, including a number of Endangered Species Act (ESA) actions.

Tosatto concluded with the Council's ecosystem component (EC) action and noted PIRO's interest in preserving the Council's designated essential fish habitat (EFH). The Council has done a great job of smartly following the guidelines on designating ecosystem component species (ECS), thoroughly analyzed impacts of that action and will have the right EFH designated for the region's fisheries.

Sesepasara asked if there was an official request to have the WCPFC meeting in Honolulu.

Tosatto said there was no official request, but the Secretariat did reach out to the US government on the ability to potentially announce a change in venue. The Commission Chair asked members to respond to two venue change options, Cairns (Australia) the same week or Honolulu for the second week of December.

Ebisui noted the federal government's attention to remediate coral damage and asked if there was any concern for the corals that have been smothered by the lava in Kapoho Bay and, if so, if there were any plans to do anything about it.

Tosatto said currently there are no endangered corals in State of Hawai'i waters, but, from a general response to coral damage, there is consideration of human-induced and Mother Nature-induced impacts. For the former, there is the ability to hold someone accountable; for the latter, they will assess the impact and seek to recover from there. One consideration is what was known of the area prior to the impact, which is consistently a difficult circumstance in the region as coral reef resources are well known in few places.

Sesepasara said American Samoa is hosting the US Coral Reef Task Force meeting in August 2018. The Federal Emergency Management Agency (FEMA) is looking at defining coral reef damage as a structure; if it does, then FEMA may be able to fund responses to coral reef damage. American Samoa experienced damage to its coral reefs from the most recent cyclone, and this issue will be discussed at the upcoming task force meeting. If farmlands are flooded, the US Department of Agriculture will fund recovery; the same should be for coral reefs, which are the breadbasket for many communities in American Samoa.

2. Pacific Islands Fisheries Science Center

Mike Seki, Pacific Islands Fisheries Science Center (PIFSC) director, provided the PIFSC report, which covered research ship time and planned cruises, recent protected species efforts, publications authored by PIFSC personnel and other notable activities.

There have been several lengthy delays because of engineering issues and deferred maintenance of the NOAA ships *OSCAR ELTON SETTE* and the *HIIALAKAI*. The *SETTE* left on May 26, 2018, for the Marianas and stopped at Wake Island for service and to redeploy a passive acoustic cetacean mooring. The Marianas cruise will continue the cetacean assessment surveys being conducted and involve a life history biosampling expedition. The planned coral reef assessment survey was postponed due to staffing shortfalls as a result of the delay in American Samoa *HIIALAKAI* cruise. The *HIIALAKAI* left on May 31, 2018, after a 100-day delay from the original departure date. It is anticipated that FY19 will see an even more reduced schedule as a result of necessary maintenance on these ships.

With regards to protected species, PIFSC, Council and PIRO have launched a collaborative project involving the University of Florida to look at interactions of olive ridley and leatherback turtles with the Hawai'i shallow-set and deep-set longline fisheries. The goal over the next two to three years is to get a sense of how the species interact, both with the environment and the fleet dynamics. The project involves staff from several PIFSC divisions. Concurrently, PIFSC sea turtle scientists and oceanographers are also looking at interactions between loggerhead turtles and the shallow-set fishery, including the relationship of the TurtleWatch sea surface temperature band. The information is showing that the anomalies seen earlier in the year were likely a function not of the environment or fishing activities but perhaps more of the turtles.

Monk seal field camps were deployed in the Northwestern Hawaiian Islands (NWHI) on French Frigate Shoals, Laysan, Lisianski, Pearl and Hermes, and Kure. After conducting monk seal counts, no seals were found to be candidates for rehabilitation at the Kona nursery. The surveys used unmanned aerial hexacopters, which allow monitoring of areas where landing a vessel is difficult such as Nihoa or Mokumanamana. The images collected can be used for photogrammetry to look at animal size and condition.

In February, an eight-day cruise in the Marianas resulted in 12 humpback whale encounters, with 15 confirmed humpbacks, including three mother-calf pairs. Six biopsies were collected.

A taxonomic review of opah was published. Although not a PIFSC publication, the concept started with former PIFSC employees taking samples at the United Fishing Agency auction. It was believed that there was only one opah species in the Pacific, but there are two. *Lampris megalopsis* has a larger eye, occurs throughout the Central West Pacific, covering the waters north of Hawai‘i down to American Samoa, and is the species most often encountered in our fisheries. The other is *L. incognitus*, which is apparently rare east of 160° East, suggesting that most of the Eastern Pacific catch of opah is this species. An effort will be made to resolve the species that are caught in the region’s fisheries. A similar situation was encountered with monchong several years ago, with the insular handline and the longline fisheries catching different species.

Phoebe Woodworth-Jefcoats, Jeff Polovina and Jeff Drazen published a paper in the *Fishery Bulletin* regarding Hawai‘i longline catch data with respect to environmental patterns and causes for catch per unit effort (CPUE) spikes in the fishery. They found that the fishery has shifted more to the northeast of the MHI in recent years and in areas where hook depth (250 -350 meters) and preferred bigeye habitat are more closely aligned.

A paper by Kaylyn McCoy, Ivor Williams and Alan Friedlander was published in *PLoS ONE*, looking at MHI reef fish catch. It estimated an annual noncommercial catch of over two million pounds. The paper documented the frequency of fishing and gear used by island.

Adam Ayers and Justin Hospital published research in *Marine Policy* on Hawai‘i longline bigeye catch limits and impacts of closures as a result reaching bigeye catch limits. Rebecca Ingram, Kirsten Oleson and Jamie Gove published a paper that looked at the social-ecological interactions and the cultural-social share usage of activities in the West Hawai‘i region. Felipe Carvalho and Mike Kupur developed a software tool that allows application of a stock assessment model.

PIFSC hosted the Pacific Islands Deep-Sea Coral and Sponge Wrap-up Workshop, which was part of the three-year effort funded through the Coral Reef Conservation Program and Office of Habitat Conservation to explore the islands’ deep-sea coral and sponge resources. PIFSC also hosted the Automated Image Analysis Workshop, which looked at automating the camera-type of operations currently under use by PIFSC. The next Generation Stock Assessment Improvement Plan was also released.

PIFSC provided judges for the Hawai'i State Science and Engineering Fair, with the goal of bringing some of these young folks into NOAA. PIFSC supports a student intern, who works with PIFSC engineers for a given summer with a \$2,000 stipend. Lindsey Millerd from Waipahu High School is this year's awardee.

Seki concluded by mentioning that George Boehlert, Honolulu Laboratory director for a number of years back in the 1990s, passed away on May 6. He was instrumental in getting the Joint Institute of Marine and Aeronautic Research (JIMAR) running. Seki also mentioned that PIFSC staff will be participating in the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific (ISC). A number of stock assessments will be considered including Central West Pacific swordfish and North Pacific mako shark.

Sensui asked Seki to confirm that there has been an increase in loggerhead turtles.

Seki answered that nesting beach trends have significantly increased and the size of the turtles interacting with the shallow-set fishery seem to correspond. One hypothesis is the higher encounter rates reflect the increased number of loggerhead turtles that came out of that period of higher reproductive success.

Sensui asked if the increased number of loggerheads is a sustained increase or a temporary bump.

Seki said he did not know and T. Todd Jones should be asked that question.

Sensui said the decrease in the hard cap of loggerhead interactions as result of a court decision does not seem to be in keeping with what the scientists are finding. He asked for Seki's opinion.

Seki said he would not wager an opinion. The issues are an ongoing discussion. There are a lot of turtles, and the level of the cap is low with respect to the population. From a science population standpoint, the turtles are robust.

Goto noted that wholesalers prefer one of the opah species mentioned because it cuts out to a higher grade than the other. He will look into that further.

Seki said, hopefully it is the one that is much more abundant than represented in the fishery now. There is a fair amount of effort in the Eastern Pacific. The issue is worth investigating.

Simonds asked about the costs associated with using a hexacopter.

Seki said PIFSC has one hexacopter and there are others at various science centers. The cost was about a couple hundred thousand dollars.

Simonds asked why the NMFS Status of Stock report for 2017 listed Western and Central Pacific Ocean (WCPO) bigeye tuna as overfished, when the assessment agreed by the WCPFC said it was not.

Seki said PIFSC had some reservations on the primers that flipped the status of the bigeye stocks and so it waited until additional life history information was analyzed. PIFSC then went putting out the best scientific information available (BSIA) determination in May. He acknowledged that the BSIA memo could have been completed a couple of weeks earlier. He noted that there is uncertainty with the trigger for the Status of the Stocks Determination.

Tosatto said the Status of the Stocks Determination from a scientific perspective takes into account the outcome of the stock assessment and whether that is BSIA or not and then evaluates the information against the Council's stock status criteria. Applying that to a status determination change is a separate process on the management side, which is not made in the Region but at Headquarters. It gets more complex because for bigeye and yellowfin as there are more than one stock in the Pacific. The determinations involve a process that NMFS tries to do as timely as it can.

Simonds said she understands why more time was taken, but the whole world sees it is reported as overfished in an official document when it is not.

Ebisui said the status determination seems to be a political decision, not a scientific decision, which is disconcerting and unnerving because Council actions are science-driven.

Tosatto said that he would not characterize it as a political decision, that his deference to Headquarters decision-making is not 100 percent and that that Headquarters makes not only political decisions but also decisions that follow policy. The complexity comes in with stocks associated with two Councils and two Commissions and a reasonable amount of debate over how the stock is delineated. This timing is not unusual; it is just unfortunate.

Simonds said NMFS does quarterly updates, but the change will not be included in a glossy brochure.

Gourley asked if they could be made easily on the website, like a popup.

Tosatto said the determination has not been made yet, but, once it has, something like a popup could be used for latest news out of PIRO.

Sensui asked whether the fundamental issue is that there has not been a final decision on whether the Western Pacific bigeye tuna stock is considered overfished.

Tosatto said that the discussion today is using the overfishing and overfished words as if they are the same thing and they are not. The bigeye stock has never been determined to be overfished by NMFS. Overfishing was occurring and on the record is still occurring because NMFS has not changed it in its report to Congress. At last year's WCPFC meeting, followed up by further work this year and PIFSC's determination, there is a recommendation that NMFS change its determination, but that has not been completed yet.

3. Pacific Islands Ecosystem-based Fishery Management Plan Regional Implementation Plan

Seki provided an update on the draft Pacific Islands Ecosystem-Based Fishery Management (EBFM) Plan that has involved PIFSC, Council and PIRO. PIFSC recently incorporated some additional information that Simonds forwarded including the Council's EBFM workshops convened in the mid-2000s. The plan will go out to public review on Wednesday. NMFS is looking to have the regional EBFM plans adopted by the end of 2018. More details will be provided at the October Council meeting.

B. NOAA Office of General Counsel, Pacific Islands Section

Johns provided the General Counsel report and covered the following cases: 1) Territory of American Samoa versus NMFS and 2) Turtle Island Restoration Network versus NMFS.

Regarding Territory of American Samoa versus NMFS, NMFS promulgated a rule in 2016 exempting eligible US vessels 50 feet and greater from the Large Vessel Prohibited Area (LVPA). American Samoa challenged the rule. In 2017, the federal district court found in favor of American Samoa and invalidated the rule. The court found that the agency has improperly failed to adequately consider the impact of its rule on American Samoa cultural fishing practices as required by the Instruments of Cession. In October, NMFS filed a Notice of Appeal in the Ninth Circuit Court of Appeals. The parties are in ongoing, confidential mediation discussions. A briefing schedule has been set. The agency's opening brief is due July 27 with American Samoa's response due 30 days later.

Turtle Island Restoration Network versus NMFS involves a challenge to a 2012 BiOp issued under the ESA by NMFS authorizing the continued operation of the Hawai'i shallow-set longline fishery. In 2013, the federal court found in favor of NMFS on all claims. However, in December 2017, the Ninth Circuit Court of Appeals ruled that NMFS was arbitrary and capricious with respect to its No Jeopardy Determination as to the North Pacific loggerhead turtle. In March 2018, the Ninth Circuit remanded the case to the District Court to determine a proper remedy. In lieu of litigation remedy and because NMFS had already re-initiated consultation, the parties agreed to settle the case in its entirety. Under the terms of the settlement, which were approved by the court in May 2018, the shallow-set fishery is closed for the remainder of 2018. The fishery may reopen in January 2019. When it does it will reopen under a hard cap of 17 for the North Pacific loggerhead turtle, which is based on a 2004 BiOp and associated Incidental Take Statement (ITS), unless NMFS publishes a new BiOp and ITS and issued new hard cap under that new ITS.

Ebisui asked how it looks for meeting the deadline for the new BiOp.

Tosatto said so far so good. The Protected Resources Division (PRD) will provide a more robust briefing from tomorrow.

Sensui asked if there is a high likelihood that people will want to reject the new BiOp, as was done previously.

Tosatto said he would not presume to guess the motivations of others, but NMFS bases its decisions on both the best available science and compliance with the law. Even where courts find otherwise, NMFS always intends to use the best available science, to not be arbitrary and capricious and to comply with the law.

Sensui read Judge Callahan's dissenting opinion, which states that the conclusion is a classic example of the judiciary exceeding its authority by substituting an agency's judgment with its own and that the complex case relies on the technical and scientific findings of experts tasked with a responsibility of protecting the nation's species in peril. He said that the judge was saying that deference should be provided to the agencies when reviewing scientific judgments and technical analysis within the agency's expertise.

Simonds said that is what the agency is going to do and reiterated that Seki said that the turtle population was robust.

C. US State Department

Eric Kingma, Council staff, summarized the written report provided by Michael Brakke, the Council member representing the US State Department Council. The report included the ongoing development of the United Nations (UN) Convention on Biodiversity beyond National Jurisdiction. The first session of this conference to negotiate the agreement will be held in September 2018, and then two subsequent sessions in 2019 and 2020. The State Department convened a public meeting to solicit stakeholder views on the development of this new legally binding international treaty.

With respect to the South Pacific Tuna Treaty, the Pacific Island Parties, the United States and US purse-seine industry met in April in Nadi, Fiji. The meeting is part of the normal process within the treaty, although the meeting between parties was in December 2016. The parties will continue to meet as long as the treaty is in existence. Pacific Island countries are requesting that the US government and industry seek ways to reinvigorate broader cooperation to support the development aspirations of Pacific Island countries.

The 13th round of informal consultations of states parties to the UN Fish Stocks Agreement was held in May. This year's meeting focused on the interface between science and policy within the UN Fish Stocks Agreement. Next year's meeting will focus on Regional Fisheries Management Organization (RFMO) performance reviews.

Gourley noted that the United States is not a signatory to the UN Law of the Sea. He questioned how the State Department is so involved into UN Law of Sea issues.

Kingma said that the issues of the UN Law of the Sea are considered customary international law so the State Department accepts various provisions and that the United States is a party to the UN Fish Stocks Agreement.

Tosatto echoed Kingma's response and confirmed that the US government treats the Law of the Sea as customary international law, which then allows the US to sign on to a variety of subsidiary agreements that refer back to the Law of the Sea, such as the Fish Stock Agreement and WCPFC. The United States does not follow Law of the Sea issues to which it objects.

Gourley asked if NMFS or only the State Department is involved with this new high seas agreement.

Tosatto said the State Department is the lead for negotiations, but interagency teams are often formed depending on the issue. The developing agreement on the Biodiversity beyond Areas of National Jurisdiction implicates both overlapping interests within the fish stocks framework. State Department is getting advice from NMFS within Commerce, other aspects of Commerce and other aspects of interagency coordination.

Soliai asked if an outcome report of the Tuna Treaty meeting is available.

Kingma said the only information to which he is aware is in Brakke's report, which summarizes some of the issues discussed. The United States is interested in enhancing the annual consultation, convening these talks to seek cooperation and common ground and ensuring operational certainty for the fleet, funding timelines, permits and access. The Pacific islands parties' side raised issues about improving and reinvigorating broader cooperation to support fisheries development aspirations.

Tosatto said the treaty was concluded a couple of years ago. A key aspect is the days and dollars. These negotiations are coming up again, and the semi-formal announcements of those outcomes are publicly available information. Generally, American Samoa will be invited to those negotiations, industry participates in the negotiations, and the State Department leads on its behalf. The other piece since the treaty was finalized is the interagency work between the Departments of State and Commerce on the implementing legislation. The Senate has ratified the treaty, but the implementing legislation is needed to change the laws driven by the changes to the revised treaty. The Departments of State and Commerce have cleared that administration package to go to the Congress and are awaiting White House clearance and transmittal.

D. US Fish and Wildlife Service

Peck provided the report on the various USFWS programs and activities since the last meeting. The Sport Fish Restoration Program permitting is up to date for Hawai'i, Guam, CNMI and American Samoa, which allows those jurisdictions to proceed with various projects. For example, in American Samoa fish aggregating devices (FADs) are actively being deployed.

The Marine National Monument and Refuge Program has about a year and a half worth of film of the various monuments around the Pacific, with the intent of producing various films, one of which will be a Pacific-wide Marine National Monument film. The film will be coming out within the next year or so, and updates will be provided as they become available.

The Migratory Birds and Ecological Services has an upcoming project to eradicate mice at Midway Atoll, which has been impacting the world's largest albatross colony at Midway. A Draft Environmental Assessment was released for public comment, and the project is proceeding.

Regarding personnel changes, Susan White, who was the Pacific Marine National Monument supervisor, has taken a job as project leader of the Detroit River International Wildlife Refuge.

Gourley asked who is producing the monument films.

Peck said the videographer is Ian Shive (phonetic) and he could provide the business name later. The films are being made in consultation with USFWS and the Monument superintendents on general content and key themes, for example, the cultural connection of the Rose Atoll Marine National Monument to American Samoa.

Gourley asked if USFWS is in charge of the production and if NMFS PIRO and the American Samoa government are also involved.

Peck said the film is a USFWS-funded project and Sesepasara was interviewed as part of the film. He was unsure of NOAA's involvement.

Gourley said it would be a courtesy to invite NOAA and the American Samoa Government to review the film prior to completion.

1. Pacific Marine Monument Management Plans

Tosatto reported that there are still no management plans for the marine monuments in the Pacific. The holdup is related to the Administration's ongoing consideration of all of the large marine monument areas and several large marine sanctuaries. The Departments of the Interior and Commerce have provided their recommendations to the White House, but there are no outcomes of those recommendations yet. There was hope that June, being Oceans month, would lead to announcements related to the recommendations and other ongoing deliberations within the Administration around ocean-related issues and ocean policy.

Gourley asked when the next monument advisory council meeting will be held in the Marianas.

Tosatto said he did not know.

Gourley asked if there is any new word about a Sanctuary in the Marianas. He said it seems there is another campaign forming for sanctuary overlay of the monument.

Tosatto said there has been no change in status. NOAA Office of National Marine Sanctuaries has not received any nomination. No action has been taken from there by NOAA, and no action is pending.

E. Enforcement

1. US Coast Guard

Disque provided the USCG report. The USCG continues to support reoccurring Pacific Islands Forum Fisheries Agency (FFA) enforcement operations including Tui Moana, Island Chief, Kuru Kuru and most recently Operation Rai Balang, which included a C130 airplane and an intelligence officer in the FFA Command Center in the Solomon Islands. A successful patrol under the Oceania Maritime Security Initiative involved USCG law enforcement detachment onboard a Navy vessel.

The newest USCG cutters based in Honolulu, *OLIVER BERRY* and *JOSEPH GERCZAK*, are demonstrating marked improvement in operational availability, as well as increased capacity to go further offshore. The current district commander, Adm. Brian Penoyer, took over on a temporary basis for Adm. Atkins. The new district commander will arrive on July 19, 2018. Disque noted the attendance of Capt. Bob Hendrickson, District 14 chief of response.

Sesepasara asked if the USCG could provide assistance in removing the foreign longline vessel that ran aground earlier in the year. He noted that the USCG helped with the removal of chemicals, oil and other hazardous materials.

Hendrickson said the USCG has a responsibility to remove pollution from the vessel but salvage operations is the responsibility of the vessel owner.

Sesepasara said that, before grounding, the vessel was drifting in the exclusive economic zone (EEZ) around American Samoa. He asked why the USCG was not able to prevent the vessel from running aground.

Hendrickson said the vessel caught fire and burned and there are several different discrete issues related to the case. The first is the search and rescue portion. The vessel was on the high seas when it caught fire and was assisted by a sister vessel, which took the survivors and transported them to shore. The vessel was left adrift. This occurred in the New Zealand Search and Rescue Region. American Samoa is unique in that it is a US Territory that is physically located within the Search and Rescue Region of another country. The USCG engages with the Government of New Zealand through Maritime New Zealand and with the Government of American Samoa through your Department of Homeland Security and through Guidelines for Cooperation for Search and Rescue. The purpose of the guidelines is to establish a protocol for effective communication among the parties involved in search and rescue in and around American Samoa. Previously the USCG did not have good communications about cases that were the responsibility of New Zealand, which is being improved upon. The USCG did not get communication about this case and had no knowledge of it when it burned on the high seas.

On the issue of tracking the vessel, which was the subject of Council correspondence on this issue, there is not an established protocol for doing that, and the USCG does not have the resources in either technology or personnel to mark a vessel and to continually monitor its progress as it drifts. USCG policy when responding to a search and a rescue vessel is to mark the vessel before it is abandoned; however, in this case, the vessel was fully engulfed in flames.

Sesepasara said that the vessel had been floating for three months before it landed on the reef in American Samoa. Prior to that, a local longline vessel almost ran into it while operating in the EEZ around American Samoa. The case was reported to the USCG station in American Samoa. The question came about because if the vessel was reported adrift in the EEZ, why didn't the USCG track the vessel at that time.

Hendrickson said the USCG does not have the resources to relocate that vessel, mark it and track it. After the vessel was reported to the USCG, a Navigation Area 12 Warning was broadcast to mariners informing the last known position of the derelict vessel. The information was also incorporated into the broadcast Notice to Mariners and local Notice to Mariners.

Sesepasara reiterated Hendrickson's statement that the USCG does not have the resources in American Samoa and asked if there is a chance one day that American Samoa patrol assets and platforms would be stationed there.

Hendrickson said those decisions are above his pay grade and are made by USCG Headquarters. However, since five years ago, USCG has redoubled efforts to engage with the Government of American Samoa in a number of different ways, particularly within District 14 capabilities to build capacity and capability organically within American Samoa. There have been more C130 visits, and the new fast response cutters based in Honolulu will work their way down to American Samoa next summer. American Samoa is 2,500 nm from Hawai'i, which is the reason it is in the New Zealand Search and Rescue Region because that is 1,500 miles away. Adm. Atkins recently went to American Samoa to work directly with Gov. Moliga on how to build better capabilities within American Samoa with local resources.

Sesepasara asked how often the C130s fly to American Samoa.

Hendrickson said at least once every quarter and will base out of there for several days.

Soliai asked if derelict vessels are common or a one-off occurrence.

Hendrickson said it is not a one-off. For example, last year two women were removed from a sailboat but the vessel was left adrift and is likely still drifting somewhere today. The USCG does not have the capacity to track derelict vessels by satellite. This is why Navigation Rule 2 stipulates that it's incumbent upon the masters of vessels to maintain a sharp lookout and ensure that they are apprised of vessels or other derelict items in their way.

Soliai said luckily the local longliner came across the derelict vessel during the day. If that happened at night, it could have been a disaster and a much different conversation would be taking place. He echoed Sesepasara's request for the USCG to homeport patrol assets in American Samoa.

Tosatto said that from his USCG days he knows that the issue of abandoned vessels, big and small, has been going on for years throughout the Pacific. If it were a US vessel going ashore at another Pacific Islands nation, the United States could be implicated for the environmental damage, so it's a problem. The Council should make the right approach to USCG by using regional international efforts to address this issue. There could be some things that could be done, including somebody paying for an appropriately sized boat to go out to make sure the derelict vessels does not run aground, including sinking them or other actions. It is incumbent of the Council to attempt to increase the volume of this topic.

Hendrickson added that he did consult with Capt. Mike Long (phonetic), the USCG captain of the port in whose zone American Samoa is located. The owner has not abandoned the vessel and is still working on a salvage plan to remove the vessel.

Soliai acknowledged the support from the USCG with respect to outreach in Samoa last month with foreign vessels visiting Pago Pago Harbor to offload at the cannery.

Sensui asked if sinking such a vessel is an option.

Disque said it is an option, commensurate to the threat and the resources available.

Hendrickson said that the USCG has to be careful about signing up to sink something including obtaining permits if within 3 miles and other exigent circumstance such as onboard pollution. Sometimes it is not easy to sink a boat, even after a lot of 50 caliber rounds.

Simonds said it is obvious that a process needs to be developed among the countries involved. She asked whose responsibility is it to notify the owner or the country that it should be doing something before the vessel grounds on some island.

Hendrickson said the responsibility should be on the country that undertakes the search and rescue case, which in this case was New Zealand. When the vessel came into the US EZZ, the USCG did notify the owners of the vessel that it is their responsibility and continues to do so.

Simonds said the Council will probably make a recommendation about developing a process.

Hendrickson replied that that is a great idea.

2. NOAA Office of Law Enforcement

Bill Pickering provided the NOAA Office of Law Enforcement (OLE) report. There were 111 days since the last report to the Council, and 350 incidents that have been investigated since. Some investigations may last only a day or two, some may last several weeks and some are still ongoing. The quick math is that there are a little over three cases per day, with six special agents and seven enforcement personnel stretched throughout the region. The local Joint Enforcement Agreement (JEA) counterparts force multipliers, as well as the cases that are conducted in collaboration with USCG. The 2019 JEAs are currently being developed and are due in August. It is urgent that the JEAs are completed so that OLE can commit the funds.

In regards to cases, Hawai'i is the number three location in the United States for wildlife trafficking such as ivory. There have been several fishing violations cases and illegal takes of turtles in Guam and CNMI. During whale season on Maui (December to April 1), the population increases to 500,000 people with tourism, which makes for a big operation. Tour operators try to get as close as they can to humpback whales for their customers, but they are required to stay 100 yards away from whales.

Pickering said the vessel monitoring system (VMS) units recently ordered for Hawai'i and American Samoa longline vessels have a four-year warranty, which helps with turn-around time and saves money.

Simonds asked how OLE monitors Hawai'i spinner dolphin disturbance and what the regulation is.

Pickering said there is no distance regulation currently place, although PIRO is working on one, so the violation noted in the report is a Marine Mammal Protection Act (MMPA) regulation in regards to harassment. OLE will bring scientists and experts along on patrols and will document if a tour boat activity would result in a form of harassment or interference.

Tosatto said PIRO has put out a proposed rule for a 50-yard limit but it is not finalized. He asked Pickering to clarify a case in his report related to the shark fins on a Taiwanese vessel and asked if the boarding was done in conjunction with Government of Taiwan officials in American Samoa and facilitated by their ability to translate.

Pickering replied that he does not believe this case involved Taiwanese officials, but other cases have and it has been beneficial.

3. NOAA Office of General Counsel, Enforcement Section

Duane Smith, NOAA Office of General Counsel, Enforcement Section, provide the report. Nine cases are being worked on; due to the workload, a couple cases are being handled by Paul Ortiz from the West Coast office. Few cases have been resolved. At times, the prosecution is not pursued even if a the case is brought forward by OLE.

With regards to the WCPFC Convention Area, Smith reiterated the issue raised in previous Council meetings about the need for US vessels to ensure they have the correct fishing permits to fish in the convention area. A couple of years ago New Zealand detected some US vessels that had expired permits. There is continued patrol presence in the convention area by New Zealand as well as Port State Measures boardings by countries such as French Polynesia. Fishing without the vessel being on the Record of Fishing Vessels for an RFMO is defined as IUU. The US perspective as a nation state is fix the problem and move on, but that is not the view of all states. If a vessel makes it on to the IUU list, the vessel is blackballed from fishing.

Tosatto said the United States is not necessarily fully aligned with the international community. For example, and based on a real case, if US West Coast vessels fishing in the South Pacific fail to get a WCPFC endorsement, they could be listed on the IUU list. In the WCPFC, a common worldview is that they should not be allowed to fish anywhere, high seas or within US waters. Smith's underlying plea is the same: the Council needs to do what it can to ensure that our US vessels engaged in international fisheries are compliant because it is important to make a strong policy position for IUU in order to level the playing field and it is in our collective best interest to make sure our fleets stay non-IUU.

Simonds noted that last year sometime there was some correspondence from a part of the US purse-seine fleet complaining about strict US enforcement and asked if that was resolved.

Smith said that was beyond his pay grade. His job is to prosecute based on facts and evidence. He stays out of the way of elephants that dance at other places.

F. Public Comment

McGrew Rice, charter boat captain, noncommercial fisherman and Advisory Panel (AP) vice chair, provided public comment on the Billfish Act. He identified it as politically driven. Unlike Council management, it is not based on the BSIA. Billfish in the Pacific is not in an overfished state and not being overfished except for striped marlin. The bill is being passed by people in Washington, DC, who know nothing about this fishery. What is happening on the East Coast is not what is happening in the Pacific. One size does not fit all. Hawai'i releases more billfish than anywhere in the Pacific, which is a known fact and documented. East Coast

tournaments are still killing tournaments for billfish. The minimum weight is 300 pounds on the East Coast in a kill tournament. In Hawai'i tournaments, the minimum billfish weight is 400 pounds. The fish caught in Hawai'i are eaten. A lot tournament fish on the East Coast is likely sold. It is sad that the representatives from Hawai'i in Washington, DC, do not back our fisheries. Wild Oceans and International Game Fish Association (IGFA) are sponsors of this bill and pushing it through. Wild Oceans receives money from people who win tournaments by killing billfish. Wild Oceans, a sponsor of this bill in Washington, DC, makes money when somebody kills a billfish. The IGFA, another sponsor of this bill gets its recognition by people killing billfish for world records. There are a lot of hypocritical and politically motivated people who know nothing about fish that is consumed and managed right. It is known that restaurants on the East Coast serve marlin, but it does not come from Hawai'i, so there is a black market for marlin and billfish on the East Coast. Hawai'i knows where the fish go. McGrew concluded by acknowledging Seki for saying that turtles are abundant.

Simonds noted that Seki used the term robust.

Judith Guthertz provided comments as a citizen from Guam and not as the AP overall chair. She noted that both she and Felix Reyes, Guam AP chair, sent letters to the Congresswoman from Guam asking her to reconsider her position on that bill. Guthertz said she provided very persuasive arguments why this would not benefit the Guam fishing community. She was saddened because, after presenting the letter to the office, no response was received from the Congresswoman, whom she knows very well. The fix was on from the beginning and the representatives of our communities, who should have stood up against this bill, did not. They may have had other motives because of other things in the bill, but they shafted the fishing communities represented by this Council.

G. Council Discussion and Action

Regarding the status of stocks report to Congress, the Council requested NMFS fix the Status of Stocks report to Congress on its website to change the WCPO bigeye status as it is not subject to overfishing.

Moved by Duenas; seconded by Sensui.

Motion passed.

Regarding the USFWS video on Rose Atoll Marine National Monument, the Council requested that the USFWS include NOAA and the American Samoa Government in developing the Rose Atoll Marine National Monument video production.

Moved by Duenas; seconded by Sensui.

Motion passed.

Regarding derelict vessels, the Council requested the USCG develop a process to notify local governments, neighboring countries and mariners of derelict vessels and potential hazards to navigation and threats for vessel grounding and further requests the USCG investigate market-available satellite tracking technologies that could be deployed on derelict vessels.

*Moved by Duenas; seconded by Sensui.
Motion passed.*

VI. Hawai'i Archipelago and Pacific Remote Island Areas

A. Moku Pepa

Sensui reported on the cooperative research between highly experienced bottomfish fishermen and scientists and thanked everyone for their participation. He reported that the Fishing for Hawai'i's Hungry Tournament spearheaded by Roy Morioka brought in and donated 700 pounds of high-quality fresh fish to Lanakila Meals on Wheels to help feed elderly people. He said a bill for a recreational fishing license introduced in the legislature is noteworthy even though it did not advance. He called upon Ed Watamura, Hawai'i Fishermen's Alliance for Conservation and Tradition, to talk about the recreational fishing license bill.

Watamura said it is not the first time a legislative bill for a recreational noncommercial fishing license was introduced. A special working group was formed to investigate all of the possibilities and options surrounding this subject. This time and in the near future it is going to be more of a well vetted out endeavor to push forward some kind of a license, registration or permit. He was unsure where it would end up, but he hoped something will come to pass because data from the noncommercial fishing sector is sorely needed.

Goto reported on the Hawai'i longline fishery noting a continuing trend of a high catch volume. There was a lot of Eastern Pacific Ocean (EPO) effort early on in the year, much earlier than usual. Consequently, the WCPO bigeye catch numbers are much lower than previous years. The latest projection estimated the fishery would meet the US bigeye longline limit around October, which is much later than in recent years. The shallow-set swordfish fishery had to close early due to increased interactions with protected species. There was a continuing trend of incidental swordfish catch in the deep-set fishery, which helped supplement that market. The deep-set fishery has seen a very high retention of yellowfin tuna, but this been an ongoing trend for the last two or three years. The market is adjusting as yellowfin is becoming a popular choice. Longline caught yellowfin has a much longer shelf life than yellowfin caught by pole-and-line recreational fishing.

Neilson provided the Island Report for the State of Hawai'i. The Division of Aquatic Resources (DAR) announced at the 172nd Council meeting that it is evaluating the reopening of six of the Bottomfish Restricted Fishing Areas (BRFAs). The DAR director moved on to become the interim director of the Department of Health, but DAR intends to continue the effort and is currently evaluating the different methods DAR has used to evaluate the effect on the fishery by opening some of the BRFAs. DAR plans to work with stakeholders, the Council, fishermen, NOAA and scientists to determine the process moving forward and which BRFAs would be in consideration for opening. Moving ahead with opening the BRFAs would require a Chapter 91 process to amend the Administrative Rule, which would entail scoping meetings, public comment and Board approval to change the Hawai'i Administrative Rules.

Neilson said the State continues to monitor the reefs and estuaries throughout the State and added some survey sites on North Kaua'i. DAR will be getting back in the water next month

to do those surveys and to evaluate the flood damage that occurred in Haena last month when a large amount of debris entered the ocean to see how the reefs fared and evaluate the fishery.

Neilson also reported that the Land Board agreed to send the Mo‘omomi Community-Based Subsistence Fishing Area proposal to public comment. This is the beginning of the Chapter 91 process. No public meetings have been scheduled pending the Governor’s signature. Gov. Ige’s sustainability goal to effectively manage 30 percent of nearshore waters by the year 2030 is continuing with a plan due out by October. The plan won’t include any designations of areas. Designating areas and coming up with the rules would be a longer process working with stakeholders and partners to determine appropriate areas and rules for them.

Okano presented highlights of local fishery management efforts on Maui and the Kahekili Management Area where the approach to manage the fishery is for the ecosystem services provided to the reef and not for maximum sustainable yield (MSY). Okano presented on the monitoring efforts by DAR staff and Ivor Williams from PIFSC. He provided an overview and said the action was focused at Kahekili because the reef was in a condition that could adequately house more herbivorous fish, unlike other areas like Ma‘alaea where the reef is too degraded to increase herbivorous fish. Monitoring data of Kahekili from 1993 to 2008, prior to establishment of the no-take area, showed a decrease in coral cover and the occurrence of macroalgae blooms, including alien invasive algae. Photographs and animation showed how the reef and reef complexity changed to address the reduction in herbivores.

In 2009, rules went into effect prohibiting the removing or killing of surgeonfish, parrotfish and chubs; removing or killing sea urchins; and restricting fish feeding. The reasoning for restricting fish feeding was, if fish eat fish food, they wouldn’t do their job of consuming algae. People could fish for non-herbivorous fish like jack and goatfish. A map showed the herbivorous fish no-take zone. Since its implementation, the biomass of parrotfish increased by 300 percent; surgeonfish biomass also increased. The size classes of parrotfish changed; there are now bigger fish, although much of the increase has occurred with smaller-bodied parrotfish. The perception is larger parrotfish provide the habitat with more ecological service. There has been a recent decline in larger parrotfish. It is the same story with the surgeonfish, with smaller-bodied surgeonfish increasing and larger surgeonfish initially increasing and then recently declining. The declines in larger fish may be attributed to poaching.

Additional data showed increases in select surgeonfish and no increase in the unprotected species. According to Okano, this demonstrated how the management is affecting Kahekili. There is a strong increase in parrotfish at Kahekili relative to other areas, which have no or minimal increases in parrotfish. He said coral cover is declining over time due to coral bleaching events in 2014 and 2015, but crustose coralline algae (CCA) has been increasing. CCA is just as important as coral in providing habitat for fish. It also provides a substrate where corals like to settle. There was a slight decline in macroalgae, which was desired. The management actions have had positive effects in the reef community, recovery of herbivores and increase of CCA. There is potential for further improvement with increased compliance and elimination of poaching.

Gourley asked how the fishing effort was measured prior to setting up the management area.

Okano said he did not think there was a strong fishing effort so he didn't think they measured it.

Gourley said that they did not measure fishing effort yet they set up a preserve and had an explosion of herbivorous fish. He asked why the herbivorous fish were depleted in the first place.

Okano said they assumed because of fishing.

Gourley responded that they did not have a high fishing effort.

Okano said they never measured it.

Ebisui asked if there is a plan to study the decrease in *limu* that has been occurring over the past couple of decades and its causes. *Limu* is critical to the recruitment of reef fish and abundance of herbivores as well as feeding of pelagic fish. 'Ahi and pelagic fish feed on baby reef fish, making *limu* one of the building blocks in the entire ecosystem. Ebisui thought something is happening on land that has knocked out the *limu*. When he was growing up it was common to have rows and rows of *limu* washing up on all the beaches at the high tide mark; now it is zero. There is also a hyper-abundance of green sea turtles, which has grazed the *limu* down to nothing. They are so prolific they have gone up the rivers and stripped the banks of all vegetation because they are eating the grass. The banks on the rivers, like Anahulu River, are just pure red dirt as a result. He asked if there is a plan to study what happened to the *limu* and how to replenish it or bring it back to its natural state.

Neilson said DAR is noticing the same thing, even with invasive algae, such as in the case of Kane'ohē Bay where the Super Sucker Program was implemented and reefs had invasive algae a foot thick. It is still there, but it is in between all the cracks and crevices despite their efforts on some reefs. DAR has looked at environmental factors, whether the bleaching event in 2014 and 2015 or increased water temperature might have influenced the *limu*, and noticed that fewer nutrients are entering the bay from storm events. Preliminary analysis shows considerable increase of herbivores in the bay and a decline that started before the bleaching event.

Ebisui asked about the drop in the freshwater table. A lot of fresh water used to run out, which could be seen at low tide as rivulets of cold, fresh water running through the sand into the ocean. This is not seen anymore. Fresh water is important in the growth of *limu*. He asked if there is a way to study what is happening with the freshwater availability and how that correlates to *limu*.

Neilson said he could not speak specifically about the drop in fresh water except for agriculture and other water uses, but the Department of Forestry within DLNR has projects to restore aquifers and fence in ungulates to rebuild vegetation in order to capture more of the precipitation and restore the aquifers. Nielson said he has seen sea turtles contributing to the

algae decline around Coconut Island in Kane‘ohe. Anywhere the turtles go, they have mowed down the gorilla ogo.

Okano said that freshwater discharge nearshore is one of his interests and that the idea of fresh water being good for our nearshore environment is culturally ingrained in us. Unfortunately, with nearshore development and in particular cesspools and septic tanks, this perception of fresh water is changing. Certain areas, such as Waiopae and Puako, have a highly porous substrate and houses with septic tanks and cesspools, which leak out to the reefs. How fresh water is managed in relation to our nearshore environment needs to be considered more heavily as it is not as simple as it was before. Fresh water in some places is still good; in other places the water may carry nutrients and pollution.

Ebisui said, when he was growing up in the 1960s and 1970s, he surfed Chun’s Reef. There was a big pool of fresh water about 8 feet wide and 3 feet deep. It was not runoff from cesspools or anything. The water came from the mountain. That pool disappeared about 15 years ago, and freshwater discharge has changed substantially.

Sensui asked what method was used to make the assessment on the variety, number and size of the parrotfish.

Okano said they used a 25-meter belt transect with a stratified random design.

Sensui said the fish were possibly there but ran away when the divers came in.

Okano said that may happen; however, when it comes to counting bigger fish, the belt transect is preferred over a stationary point count because fish that are far away can be seen. With a stationary point count, the fish would have to come within the diver’s radius. It was hoped that the belt transect method would help capture more of the larger herbivorous fish in comparison to the stationary point counts.

Sensui asked if there were any thoughts of using remote cameras for counting fish.

Okano said they have been talking about it as it may be a better method for counting the fish that are out there. He said it is kind of sad because future biologists may be looking at videos and driving remote controlled vehicles in the water.

Sensui asked about the 30 by 30 initiative and if there is talk about marine protected areas (MPAs) being established throughout the islands.

Neilson said a whole suite of management options will come out during the scoping, but this is not about closed areas. The governor’s initiative has a similar 30 by 30 Watershed Plan, to protect 30 percent of Hawai‘i’s watersheds by 2030. The intent of the marine plan is to effectively manage 30 percent of Hawai‘i’s nearshore by 2030, which gives leeway to work with stakeholders and fishermen to come up with management that would work for a wide range of people and users and not no-take MPA reserves.

Sensui said that they are probably looking at expanding enforcement actions or enforcement capabilities as well.

Neilson said Fishery Management Area options may include hook and line only in some areas, bag limits, size restrictions or herbivore protection in some areas.

Sensui asked about habitat enhancement and whether the ecosystem-based fishery management concept would extend enforcement area upland to prevent ocean pollution.

Neilson said that was a big gap in the Governor's initiatives because the 30 by 30 watershed protection focused on the upper watersheds and mountain tops, while DAR is focusing only on the nearshore marine environment. There is no plan to focus on the nearshore despite the importance to better manage the nearshore land-based sources of pollution. Other ways have to come up to deal with those issues.

B. Legislative Report

Nielson provided a report on the Hawai'i State Legislature. Most of the bills died this year, including bills for a noncommercial fishing license and a seafood sustainability plan. Quite a few bills involved marine debris and cesspools. One bill would have banned the take of sharks and rays in State waters. One bill related to aquatics that did pass will ban sunscreen products that contain oxybenzone or octinoxate by the year 2021. A resolution on in-water cleaning of ship vessels directs different government agencies to work together to develop ways that ship companies and boat owners can conduct in-water cleaning while following best management practices. Another resolution was about the approach rules for monk seals, which might have federal implications because monk seals are regulated by the Federal Government.

Through the Legislature, DAR gained three new biologist positions, which will be placed on the neighbor islands of Maui, Kaua'i and the Big Island (Kona), as well as an GIS analyst, a position that DAR currently does not have. DAR also had two program manager positions and an outreach education position restored. The Legislature had cut those positions from its budget last year because they had been vacant so long. DAR learned its lesson and will hopefully move forward quickly to fill those positions. The Legislature cut two federally funded monument positions that were vacant for a long time because it did not have the federal funds to fill the positions.

C. Enforcement Issues

Nielson reported that, to add capacity for maritime and fisheries enforcement, two new boats are being added to the fleet, one on Maui and one on the Big Island.

D. Community Issues

No community issues were presented.

E. Main Hawaiian Islands Deep 7 Bottomfish Fishery

1. Report of the P* Working Group

Marlowe Sabater, Council staff, reported the outcomes of the P-Star (P*) Working Group for the MHI Deep 7 bottomfish fishery with an overview of the process, a review of the P* dimensions and scoring and the recommendations for the fishery. The P* Working Group was comprised of seven bottomfish fishermen, assessment scientists, life history experts and representatives from the management agencies. Since the Deep 7 bottomfish assessment presented to the Council last March belongs to Tier 1, the Council is required to do a P* analysis based on its acceptable biological catch (ABC) control rule. The process includes the Council, with advice from the SSC, choosing the appropriate risk level to which the fishery should be managed. The SSC forms a P* Working Group to evaluate the scientific uncertainty in the assessment. The working group recommends a risk of overfishing level, and the SSC either accepts or rejects that risk of overfishing when they specify their ABC. The Council can then either accept or reject the P* and the ABC and specify the ACL and accountability measures.

Four risks of overfishing dimensions focus on the assessment information, uncertainty characterization, stock status and the productivity and susceptibility of the stock and the fishery. Each dimension is given a maximum 10 percent reduction from the 50 percent risk of overfishing. The assessment information dimension is scored on a scale from information rich to information poor. The more information rich the stock assessment is, the lower the reduction would be taken from the 50 percent risk of overfishing. Similarly, uncertainty characterization is scored on a scale of complete to none; stock status is scored on a scale of not overfished to overfished and no overfishing to overfishing; and productivity and susceptibility are scored on a scale of high productivity to low productivity and low susceptibility to high susceptibility. The reduction scores from each of the dimensions are added to produce a total reduction score that is subtracted from the 50 percent risk of overfishing.

Sabater presented the four dimension scores and their rationale. The scientific uncertainty score was reduced from the previous P* Working Group from 1.5 to 0.7 because the 2018 assessment provided new and better information on CPUE and the catch time series from a fishery-independent survey. The scientific uncertainty was reduced by 0.5 because of better characterization of the uncertainties in the assessment. The new assessment also increased the variance for the noncommercial catch and had a better understanding of the model behavior. For stock status, the 2018 assessment had a better stock status compared to the 2015 estimate where the biomass estimate is above the biomass at MSY and the Minimum Stock Size Threshold. Therefore, the working group reduced the stock status from a 3-percent reduction to a 1-percent reduction because the stock assessment was done on a complex level. For productivity and susceptibility, the group standardized the productivity attributes using a published paper on productivity and susceptibility analysis, which was sent to PIFSC to score for all seven species. The average reduction score resulted in an increase in reduction from 4.11 in the previous working group to 6.03. The working group also rescored the susceptibility aspect, which reduced

the scientific uncertainty from 5.71 to 2.66. Sabater provided a summary of all the scores. He noted that the 2015 P* level was at 39 percent risk of overfishing. Due to a better characterization of the scientific uncertainty and better information used in the assessment, the 2018 P* Working Group recommended a 42 percent risk of overfishing for the ABC.

2. Report of the Social, Economic, Ecological and Management Working Group

Sabater provided a report of the Social, Economic, Ecological and Management (SEEM) Working Group meeting and explained that SEEM estimates the social, ecological, economic and management uncertainty in the ACL process. The working group was comprised of bottomfish fishermen, managers and social and economic scientists. The working group also discussed the National Standard 1 carryover provision that enables the fishery to adjust the ACL using the unused portion of the quota.

In the control rule and National Standard 1, the ACL cannot exceed the ABC. The P* Working Group generated a score of 7.59 reduction from the 50 percent risk of overfishing. The SEEM score could be positive if the social, ecological and economic value of that species is important. However, the analysis focused on management uncertainty given that the ACL cannot exceed the ABC. The working group also discussed the need to improve the SEEM process, which the Social Science Planning Committee will consider later this year.

Based on the Western Pacific Stock Assessment Review (WPSAR) recommendation, the maximum P* value that the bottomfish could be managed under would be around 40 percent. The management uncertainties discussed revolve around catch reporting. Participants suggested there may be unreported catch from new fishing techniques including jigging of bottomfish through kayaks and jet skis, particularly in Maui where they are starting to evolve and become popular. Additional uncertainties come from raising the commercial marine license (CML) fees, which may result in some of the noncommercial fishermen who currently hold CMLs to not renew their CML, which would result in a loss of opportunity in capturing that information. Social media sales of bottomfish may add to the data loss. These uncertainties resulted in the working group assigning a reduction score of 2.41. The P* Working Group reduced the ABC from a 50-percent risk of overfishing to 42.41 percent, and the 2.41-percent reduction recommended by the SEEM Working Group results in a 40-percent ACL risk of overfishing.

The SEEM Working Group noted that the Council has always been reductionary in managing the MHI bottomfish stock under an ACL. National Standard 1 revision in 2016 allows for a carryover of the unused portion of the catch limit. The Working Group considered several scenarios under this provision. Under National Standard 1 Guidelines, if the ACL is set equal to ABC, the Council can also set a lower Annual Catch Target (ACT) somewhere above the average catch and apply the carryover provision to the ACT, but it should not go over the ACL. In this scenario, if the final tally of the catch goes over the ACL, there would be no overage adjustment. Sabater compared that with setting the ACL lower than the ABC, in which case the Council would apply the carryover to the ACL, as long as it does not exceed the ABC. If the final tally went over the ACL, then the overage adjustment would be applied to adjust the following year's ACL. He said the SEEM Working Group would assist in determining those levels and the catch would be monitored in near real-time so that in-season adjustments could be

made. The Working Group recommended that Council staff explore the ability of using the carryover provision.

3. Specification of the Annual Catch Limits for Main Hawaiian Island Deep 7 Bottomfish Fishery in Fishing Year 2018-2019 to 2020-2021 (Final Action)

Sabater presented on the specification of the ACLs for the MHI Deep 7 bottomfish fishery in fishing year 2018-2019 to 2020-2021. He provided the alternatives for final action and reviewed a brief history of the fishery and the reference points. The benchmark assessment was presented to the SSC at its 127th meeting. The assessment used the CPUE data from the workshops and the fishery-independent survey information. Sabater noted that the Council at its March meeting recommended convening the P* and SEEM Working Groups. As previously reported, the P* Working Group resulted a 7.59 percent reduction due to scientific uncertainty and the SEEM Working Group resulted in a 2.41 percent reduction due to management uncertainty. This resulted in a 40 percent risk of overfishing, which is consistent with what was recommended by the WPSAR. Sabater provided a brief review of the reference points comparing the 2015 assessment update to the recent 2018 benchmark assessment, noting that the MSY, BMSY and harvest rate at MSY all increased and that the probability that the stock is overfished and overfishing is not occurring is low. He also presented the single-species assessment for *‘ōpaka*, which comprises the bulk of the Deep 7 landings, that showed the species is not overfished and overfishing is not occurring.

Sabater then provided the alternatives, noting the 40-percent risk of overfishing developed through the P* analysis (492,000 pounds) and the 508,000-pound ABC recommended by the SSC (equal to a 42-percent risk of overfishing). Alternative 1 is no action, which does not specify any ACLs; Alternative 2 is status quo, which use the old assessment and the old ACL of around 306,000 pounds and is equivalent to about a 39-percent risk of overfishing based on the old assessment; Alternative 3 uses the BSIA to the Council and the results of the P* and SEEM analyses, which would be equivalent to 492,000 pounds; Alternative 4 reduces the risk of overfishing 10-percent lower than Alternative 3 to 30-percent risk of overfishing and equivalent to 420,000 pounds; and Alternative 5, reduces the risk of overfishing 20-percent lower, equivalent to 336,000 pounds.

Sabater provided a summary of the alternatives analysis, including the pros and cons of each alternative. Under Alternative 1, the Council would not specify an ACL for the fishery for the next three years. This does not comply with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) or the requirements of National Standard 1 and the Hawai‘i FEP. Alternative 2 is status quo, which uses the old information from the 2015 update. This would not comply with National Standard 2, which requires the use of best available information. The WPSAR review of the 2018 assessment information is considered the BSIA. He also noted that the existing limit of 306,000 pounds is equivalent to the 2018 assessment risk of overfishing of 17 percent. Alternative 3 uses the BSIA and quantifies and applies the scientific and the management uncertainties for a proposed ACL that is below the overall average performance of the fishery. Alternatives 4 and 5 both provide a lower risk of overfishing, but the corresponding ACLs would be above the past performance of the fishery.

Sabater presented the impact analysis for the alternatives, noting that there would not be any adverse effects on the Deep 7 stocks due to the low probabilities of the stock being overfished or experiencing overfishing in the 2018 assessment. Fishing effort, fishing participation and the number of licenses and trips have decreased according to the annual Stock Assessment and Fishery Evaluation (SAFE) report for the Hawai‘i FEP. There would be no adverse effect on the non-Deep 7 stocks, which are predominantly *uku*, when the Deep 7 fishery remains open. Since there has been no fishery closure since the 2010 fishing year, the non-Deep 7 bottomfish fishery has evolved independent of the Deep-7 fishery in recent years. Regarding impacts to EFH, none of the alternatives is expected to alter fishery operations, so the alternatives are not expected to lead to substantial physical, chemical or biological impacts to ocean habitats or result in a loss or injury to managed species or their prey. There would be no adverse impacts on the marine habitat, including EFH, Habitat Areas of Particular Concern (HAPC) or unique areas such as MPAs, sanctuaries and monuments. There have been no observed or reported interaction with protected species to date in the MHI bottomfish fisheries. The 2008 BiOp considered boat strikes with green sea turtles while vessels are in transit. None of the alternatives would result in a change to the distribution, abundance or survival of ESA-listed species or increase any interactions with protected resources.

Sabater summarized socioeconomic information provided by PIFSC. An analysis of catch by the PIFSC Stock Assessment Program on the distribution of CML holders and their catch showed the majority of the catch is contributed by a small percentile of highliners. This information was used to evaluate the economic impacts of the alternatives. Most of the impacts from the alternatives will be experienced by the CML highliners, while those with lower catch will be impacted less.

Sensui said seemed Alternative 3 seemed to be what the Council should be supporting mainly because it is based on the BSIA and that is what the Council is compelled to do under the National Standards.

F. Education and Outreach Initiatives

Sylvia Spalding, Council staff, presented the Council’s education and outreach initiatives in Hawai‘i since the last Council meeting. The Fishers Forum for this Council meeting is “Going Deep: Hawai‘i Bottomfish Story.” It will be held at the Maui Beach Resort. The Forum was promoted on radio; in print in the *Maui News*, *Lahaina News*, *Hawai‘i Fishing News* and *Hawai‘i Boats and Yachts*; through posters, flyers and announcements distributed to Maui fishing stores by direct mail; and through electronic postings on the Council’s various social media sites.

The Council continues to sponsor *Go Fish!* with Mike Buck on KHNR AM 690, and provides people to be on air to talk with Buck about the various topics facing the Council and the fishing community. The Council also continues to provide a monthly column to *Hawai‘i Fishing News*, which also runs the Council’s press releases. Carrie Johnston, the daughter of Chuck Johnston, has taken over the publication and would be at the Fishers Forum with an informational table. The Council is also providing a quarterly column to *Lawaia* magazine this year.

The Hawai‘i Summer Course on Fishery and Marine Management is continuing this year for the 12th year. This year's course will run from June 13 to July 13 in partnership with Moanalua High School and will culminate with a field trip to Moloka‘i. Seventeen students are registered; upon completion, they will earn a Hawai‘i Department of Education credit in science.

Spalding also reported on the OCEANIA Marine Educators Association, which is a chapter of the National Marine Educators Association (NMEA), and noted that they are busy planning the 2020 Annual NMEA Conference, which will be held in Honolulu. The conference will be held July 14-16 at the Hawai‘i Convention Center. The Council may help to sponsor the International Committee portion of that event and assist the International Pacific Marine Educators Network (IPMEN) to hold its 2020 biennial conference at the same time. IPMEN sprung from a Council-initiated conference in 2007.

G. Advisory Group Report and Recommendations

1. Hawai‘i Archipelago Fishery Ecosystem Plan Advisory Panel

Gary Beals, Hawai‘i AP chair, presented the AP report and recommendations.

Regarding MHI Deep 7 bottomfish ACLs, the Hawai‘i AP was willing to accept a lower ACL (Alternative 4) in exchange for the State of Hawai‘i opening the BRFBs. Should the State not be willing to do this, the AP recommended the Council choose Alternative 3 and set the ACL for the fishery at 40-percent risk of overfishing, which would result in an ACL of 492,000 pounds.

2. Archipelagic Plan Team

The Archipelagic Plan Team chair, Stefanie Dukes, presented the Plan Team meeting report and recommendations.

Regarding the carry over provision of the 2016 National Standard 1, the Archipelagic Plan Team recommended the Council direct staff to explore the application of the carry over provision in the Council’s control rules.

3. Scientific and Statistical Committee

The SSC chair, Jim Lynch, presented the SSC recommendations pertaining to Hawai‘i Archipelago and Pacific Remote Island Areas (PRIA) agenda items.

Regarding Item 6.E.3, the specification of ACLs for the MHI Deep 7 bottomfish fishery, the SSC recommended that the State of Hawai‘i should review and consider previous SSC recommendations and advice on research priorities prior to the opening of BRFBs in order to be able to scientifically monitor and measure the impact of this action on the fishery and assessment.

Regarding Item 6.E.3, the specification of ACLs for the MHI Deep 7 bottomfish fishery, the SSC recommended Alternative 3, which utilizes the BSIA through a documented and

transparent process incorporating the benchmark 2018 stock assessment and an improved P* process resulting in P*=42 percent equivalent to an ABC of 508,000 pounds with no interim phase-in approach.

Regarding Item 6.E.2, the SEEM Report, the SSC recommended that the Council direct staff to develop the regulatory framework to implement a carry-over provision for setting the main Hawaiian Islands Deep 7 bottomfish fishery ACL.

Regarding Item 6.E.2, the SEEM Report, SSC recommended that the Council direct the Social Science Planning Committee to review the SEEM framework and findings, both past and present, to make recommendations on dimensions and scoring processes relevant to future SEEM analysis.

H. Public Hearing

There were no public comments.

I. Council Discussion and Action

*Regarding the MHI Deep-7 bottomfish fishery, the Council **selected Alternative 3 and recommended the ACL be set at 40 percent risk of overfishing corresponding to an ACL of 492,000 pounds for fishing year 2018-19, 2019-20 and 2020-21.***

Ebisui said he was personally pleased with the stock assessments and their implications. One implication that the Council needs to publicize is its validation of the health of the stocks in the fishery and of the Council being on the right track since the mid-1980s in managing this fishery. The Council is often criticized, but the stock assessment says it is on the right track and did the right things and the fishery is in great health. That is a positive implication the Council needs to publicize.

Sensui reinforce Ebisui's remarks. This is an excellent example of the kind of results that can happen when the scientific community engages the help of the fishing community to develop a sense of trust and work on some important and accurate assessments through Cooperative Research. He congratulated both the scientists and the fishermen who helped develop the 2018 assessment.

Moved by Sensui; seconded by Soliai.

Motion passed.

*Regarding the MHI Deep-7 bottomfish fishery, the Council **recommended to prevent the ACL from being exceeded through an in-season closure as an accountability measure based on the projected date of when the ACL will be reached for the MHI Deep 7 Bottomfish fishery. In an event that the ACL has been exceeded, any overage would 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 MSA. In doing so, the Council directed 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 authorized the executive director and the chair to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The executive director and the chair 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.

Tosatto said he appreciated what the Council is trying but thought a little more thinking was needed. A framework is already in place that has the pre-ACL language around a Total Allowable Catch (TAC) and that TAC triggers the closure of the fishery when the TAC is set to be used. The Council used this amorphous process setting the ACL to set the TAC and follow the regulations for the TAC. He said it was great if the Council intends to shift the language in the plan and the regulations toward removal of references to TAC and more to an ACL. This may or may not be what the recommendation says. If that is the understanding, the Council might be able to work it through the deemed language to say it is intending to shift to an ACL framework. He said the MHI Deep 7 bottomfish fishery management overall is one that occurs hand in hand with the State of Hawai'i, with both NMFS and the State closing the fishery when the ACL is reached for the CML federal component. He wanted to make sure that the Council intends to continue under that framework. He said he was stating this for clarity sake and he offered it because it appeared to be a final action with deeming language. He said he would abstain so as not to be predecisional in an action that will come to him for a final decision.

Moved by Sensui; seconded by Soliai.
Motion passed. Tosatto abstained.

Regarding the MHI Deep-7 bottomfish fishery, the Council requested the State of Hawai'i review and consider previous SSC recommendations and advice on research priorities in the decision to the opening of BRFA's in order to scientifically monitor and measure the impact of this action on the fishery and assessment.

Moved by Sensui; seconded by Gourley.
Motion passed.

Regarding the MHI Deep-7 bottomfish fishery, the Council directed staff to further investigate the feasibility of the application of the carryover provision based on the National Standard 1 guidelines (81 FR71858 October 18, 2016) for setting future ACLs and accountability measures for the MHI Deep 7 bottomfish fishery.

Moved by Sensui; seconded by Gourley.
Motion passed.

Regarding the MHI Deep-7 bottomfish fishery, the Council directed the Council's Social Science Planning Committee to review the SEEM framework and findings, both

past and present, to provide recommendations to the Council on any potential changes to the dimensions and scoring processes relevant to future SEEM analysis.

Moved by Sensui; seconded by Gourley.

Motion passed.

VII. Program Planning and Research

Chris Oliver, NOAA Assistant Administrator for Fisheries, provided his remarks on the opening of the second day. He noted that this is his first time at a Western Pacific Fishery Management Council meeting but has been in Hawai'i several times for the Council Coordination Committee (CCC) meeting. He came from Alaska where he worked for 27 years before taking on his present position. Through his involvement in the Council process as the North Pacific Council's executive director and the CCC, he became familiar with the international, domestic and regional issues, including the Western Pacific issues and working with Simonds and Ebisui.

Oliver commended the tireless, tenacious and effective advocate that the region has through Ebisui and especially Simonds who for many years has been not only a leader in advocating for issues in the Western Pacific but a leader on the national level, whether it is budget issues or legislative issues. It has been Oliver's pleasure to work with Simonds in that capacity for almost 20 years.

Oliver has been in office for a year and has been going around the eight Regional Councils, to the various NMFS Regional Offices and Science Centers that have close to 4,000 employees spread over five regions and seven different Science Centers with 14 different laboratories. He had undergone thousands of issue and operational briefings, hundreds of meetings with constituents in DC, dozens of meetings on the Hill with the offices of Congressmen and Senators on issues of interest to them and their constituents.

Oliver said there is nothing like actually visiting a Council meeting and seeing the issues firsthand and meeting the people involved. He noted the Fishers Forum on the MHI Deep 7 bottomfish fishery gave him an appreciation of what a special fishery it is in terms of its participants and the culture and artisanal nature, between the sharing of the fish versus the selling of the fish and the people that are involved. He said it is a fishery that is more of an art than it is a commercial fishery.

Oliver said he is a practical person and uses a direct approach to get from point A to point B. However, he learned that the process in Washington, DC, between the large bureaucracy that they deal with within NOAA, the lines of communication between NOAA and the Department of Commerce, and the Office of Management and Budget and the Hill, one has to stop at Point C, D, E, F and G along the way which was an eye-opener.

Oliver came into this position with a basic philosophy stemming from his experience in the North Pacific. His fundamental approach is to rely on science. However, he also believes, consistent with the Administration, in a business-minded approach that looks at the issues of regulatory efficiency and at ways that can maximize fisheries while still maintaining long-term

conservation and sustainability goals. He hopes to bring to the position an element of commonsense that may have been lacking in the past. In terms of legislation, one of the looming big issues is the MSA Reauthorization. The Administration has not taken any formal positions on the reauthorization or specific provisions on bills such as HR 200, which on the House side appeared to be the primary vehicle for advancing reauthorization. Oliver testified twice on the reauthorization. However, he said, it is tricky testifying when the Administration has not taken positions. He mentioned that he had a strong hand in crafting the CCC consensus recommendations regarding MSA reauthorization in his previous role as the executive director for the North Pacific Council.

Oliver ended by expressing his appreciation for the invitation to be part of the 173rd Council meeting and said he looked forward being there for the discussions.

Simonds said she was happy to have a fellow executive director become the head of NMFS. Simonds and Oliver worked together over the years on budgeting and getting NMFS to understand the way the Councils operate, and funding has always been a large aspect of their meetings with the government.

Ebisui echoed Simonds' remarks about Oliver's appointment. The qualifications Oliver brings to the position, the native intelligence, the passion, the dedication and the sea level perspective are important for an assistant administrator.

Sensui added his appreciation for Oliver coming out to the Western Pacific Region. It will give Oliver good insights into how this fishery operates and the kind of people that are in it.

Oliver requested for a roundtable introduction of the Council members. The Program Planning session resumed after the introductions.

A. Overview of the Western Pacific Council Programs and Research

Sabater presented an overview of the region's insular fisheries and identified the high priorities for island fisheries management. He summarized the uniqueness of the island fisheries starting from diversity of the ecosystem, stocks, fishing methods and fishery participants. He presented fishery statistics from the four main island fisheries (bottomfish, coral reef fish, crustaceans and precious corals) to provide an idea of the scale of catch, fishing effort and fishery participation. He also covered the transition from FMPs to FEPs to incorporate ecosystem considerations in fishery management.

One of the issues with managing stocks under ACLs is limited data makes generating stock assessments a challenge. Hundreds of stock complexes needed assessments for ACL management, but PIFSC has only generated assessments for seven stock complexes. NMFS needs to be more involved in fisheries monitoring. In the Pacific Islands, it maintains the data warehouse but is minimally involved in on-the-ground data collection. The existing data collection is not adequate to meet the demands for ACL-based management. The data generated have a six-month delay from the end of the fishing year, thus in-season management is not possible.

The Council has been on the forefront in leading the data collection improvements in the region. The Fishery Data Collection and Research Committee was created to serve as a functional equivalent of a State Marine Fisheries Commission. Different activities and projects for data collection improvements include monitoring, reporting through the Annual SAFE Reports and the EC amendment. All these efforts require funding and support from NOAA to move forward.

B. Ecosystem Component Species Classification (Final Action)

Sabater presented on the EC amendment and provided a timeline of actions taken by the Council to date. In June 2017, staff presented the EC analysis to the Council that generated the initial list of species for EC binning. This accounted for five National Standard 1 factors when screening species as EC. In August 2017, the Council convened an EC Expert Working Group to apply the remaining National Standard 1 factors into the analysis. At the 171st meeting in October 2017 held in American Samoa, the Council took initial action on the list of species that would remain as Management Unit Species (MUS) and some of the species binned as ECs. An intersessional Plan Team meeting was held in February 2018 to further refine the species list by assessing which species have enough information to generate stock assessments. The Council at its March 2018 recommended ways to handle some of the regulations associated with ECS.

The EC amendment action team drafted the amendment package with the draft Environmental Assessment in May 2018, which is presented to the Council at this meeting for final action. Sabater reviewed the previous Council recommendations regarding the regulations associated with the ECS. First, the Council retained the conservation and management measures related to monitoring, area management, quotas, seasons and minimum sizes for ECS. The second was to develop a final list of MUS and ECS. The third was to revise the definition of the Currently Harvested Coral Reef Taxa (CHCRT) and Potentially Harvested Coral Reef Taxa (PHCRT) and as appropriate carry forward implementing regulations that are unique to each one. The fourth recommendation was to revise the sections of the FEP that are not required for ECS.

The need for the EC action is to create an efficient and effective federal management of the fisheries that focuses on resources, species or stocks that are caught in federal waters and are in need of conservation and management. The amendment's purpose is to improve fishery management efficiency for both NMFS and the Council.

The alternatives are 1) status quo where there is no change in the MUS in the FEP and 2) designate some of the species as EC. The latter was the Council's preferred alternative.

Most of the ECS are coral reef ecosystem management unit species (CREMUS). The amendment would remove the CHCRT and PHCRT classifications in CREMUS. All CREMUS becomes Coral Reef ECS (CRECS). In terms of regulations, there would be no federal permit required for harvesting CRECS. However, monitoring would continue for CRECS through the State and Territorial data collection programs. A special permit would be required for harvesting CRECS using unauthorized gear. The list of CRECS is in appendix B of the draft Environmental Assessment.

There was one species for the Marianas that was brought back in as bottomfish MUS (BMUS) because there is only one MUS list that is shared between Guam and CNMI. *Caranx lugubris* (black jack) had been removed from CNMI at a previous meeting and was brought back in as BMUS.

Sabater reviewed the MUS list for each jurisdiction. In American Samoa, there is the BMUS complex comprised of a jacks, emperors, snapper and grouper species complex. This is the same complex that occurs in the Marianas but some species that are different. For Hawai'i, the list includes the MHI Deep 7 bottomfish complex, non-Deep 7 complex, primarily *uku* (*Aprion virescens*), the seamount groundfish, precious corals and crustaceans (Kona crab and deep-water shrimp).

Regarding the impact analysis, there is no effect on the physical environment because this action is an administrative process. The administrative designation of ECS will not change the activities in the fisheries. Regarding the biological resources on the non-target stocks, including bycatch, biodiversity, protected species and MPAs, there are no direct and indirect effects because this action will not change the fishery activities. There would be no ACLs or accountability measures applied for ECS since NMFS currently does not have authority to implement and enforce accountability measures in the State and Territorial waters. Monitoring, review and research would continue for ECS.

Regarding EFH and HAPC, these MSA provision would no longer apply for ECS and the EFH description for these species in the FEP would be removed. Federal agencies will no longer need to consult with NMFS on areas no longer designated as EFH. The action team evaluated the potential changes to EFH and HAPC coverage. Based on the combined substrate of the EFH footprint, EFH coverage changed in the Territories with the removal of EFH for deep-water shrimp. It affected the EFH footprint by removing the designation of the outer reef slope from 400 to 700 meters for juvenile and adult deep-water shrimp. This is the only EFH affected by this action, and the remaining MUS provide adequate EFH and HAPC coverage. Regarding effects of EFH removal for ECS species on EFH consultation, the analysis showed that the total number of consultations is not expected to change, given that out of the 300 consultation requests and of which NMFS conducted 130 consultations, only one consultation associated with underwater cable affected the bottom.

Regarding the socioeconomic setting, there is no effect on fishing communities, participation, environmental justice, cultural, historical, archeological resources and revenue as there is no change to the fishery due to this action. Regarding impacts to management settings, this action reduced the number of MUS from 205 to 11 in American Samoa, from 227 in the Marianas to 13 and from 173 in Hawai'i to 20. The ECS will be monitored in the Annual SAFE Reports. This would result in a reduction in administrative burden and streamlining of the management and monitoring of MUS.

The cumulative effects discussion included the 27 coral reef species assessment generated by PIFSC two years ago. Of the 27 species in the assessment, 11 species are below the spawning potential ration, but all of these species are caught exclusively in State waters. In addition, the moratorium on armorhead will remain. EFH reviews will be the same, and climate change effects on the fishery are difficult to discern at this stage.

The decision before the Council is to approve the amendment actions, endorse the impact analysis and recommend transmitting the amendment to NMFS.

Sesepasara sought clarification about the unauthorized gears.

Sabater said a list of allowable gear is in the regulations and a list of gears is published annually in the Federal Register. If the list of gear used in the fishery to harvest CRECS is not listed as an authorized gear, then a special permit would be required to harvest CRECS. An example is the *kampachi* aquaculture pen off the Kona side of the Big Island.

C. Evaluation of 2017 Catch to the 2017 Annual Catch Limits (Final Action)

Sabater presented the 2017 catches relative to the respective 2017 ACLs. The Plan Team monitors the catches relative to the ACLs and provides recommendations to adjust the ACLs or any actions related to accountability measures and a rationale for the overage.

NMFS did not specify ACLs for CREMUS in 2017 because NMFS acquired new information. This new information was the MHI 27 Reef Fish Species Benchmark Stock Assessment, which would require an additional Environmental Assessment to support the Council's recommended ACL.

Only CNMI slippers lobster catch exceeded the 2017 ACL. The CNMI slipper lobsters are a candidate for EC designation. There is no catch time series because this is a data poor species. The ACL proxy for this species was calculated by using the average Hawai'i catch divided by the Hawai'i EFH multiplied by the CNMI EFH, which resulted in an ACL of 60 pounds. The Territorial Science Initiative Project improved the reporting for the commercial receipt books. There were records in the commercial receipt books of 86 pounds in 2017, 304 pounds in 2016, and no records in 2015. Taking the three-year average, this resulted in 130 pounds of catch per year. In 2017, the reported catch of slipper lobsters was from five fishermen who reported catching and selling slipper lobsters recorded in six invoices.

There are two options for the Council to consider. First is to retain the ACL since the overage was due to data collection improvements. Second is to apply the accountability measure and set the ACL to zero for the fishing year 2018.

Sensui asked if the ACL of 60 pounds is for the whole year.

Sabater confirmed that it is for the whole year.

Gourley noted that slipper lobster has been in the fishery for a while but the change in the demographics with the increase of Chinese migrants in Saipan maybe changing food preferences. The Chinese restaurants have been increasing the demand for slipper and spiny lobsters over parrotfish and groupers. This has been an interesting shift in preference for seafood for the dominant tourist group that comes to Saipan.

Simonds asked the regional administrator and the general counsel if there is any risk with the Council not taking action on the overage given that slipper lobster is going to be designated

an ECS through the amendment that should be approved before the end of the year. The Council would like to avoid any kind of legal hassles related to ACLs.

Tosatto recommended that the Council take action to apply the accountability measure and to set ACL to zero. Tosatto said he cannot guarantee timely action on the EC amendment package. He hoped that the EC is in place by the end of the year. He complimented the action team for putting together the EC package in a timely manner that should allow for timely action.

D. Omnibus Amendment to Establish an Aquaculture Management Program (Final Action)

Joshua DeMello, Council staff, presented the omnibus amendment for the establishment of the aquaculture management program. In 2007, the Council developed the Aquaculture Policy. The policy mimicked what other Councils did but included indigenous and cultural rights. In 2009, The Council revised the policy and took initial action to establish permitting requirements for offshore aquaculture. The Council took final action at the 148th meeting in 2010.

More recently, NMFS has been working on finalizing an Aquaculture Programmatic Environmental Impact Statement (PEIS), as well as a Council document based on the PEIS. At the 172nd meeting, the Council took initial action to select a preliminary preferred alternative for different program components. The Draft PEIS is still under review. The range of alternatives is from no action to less restrictive to more restrictive.

DeMello brought up some issues for the Council to consider. The Gulf of Mexico Fishery Management Council has an Aquaculture FMP that is still in litigation that creates uncertainty for the Western Pacific Region in terms of moving forward. There is also legislation that is being discussed but has not yet been introduced that would create an Aquaculture Office within NMFS. The Draft PEIS was supposed to be completed in October 2017, which was later delayed to February 2018 and again to May 2018. DeMello asked the Regional Administrator to provide an update.

Tosatto apologized because David Nichols, aquaculture coordinator, planned to attend on Day 2 of the meeting and did not realize that the agenda schedule had changed. He said that Nichols would know the details on the status of the PEIS. He noted that the reason for not having a draft out for public comment by the time of the Council meeting was the Cooperating Agency, US Environmental Protection Agency (EPA), was late in delivering its comments to NMFS. Those comments were significant enough for NMFS to update the EIS. It is important that EPA comes along with NMFS on this effort to accommodate cooperation. NMFS is trying to balance what is going on with the Gulf FMP litigation and the legislation in order to publish a draft PEIS. Tosatto said they were not able to get the draft amendment together in time. The aim is to have the final document available for the October 2018 Council meeting. Regarding the litigation, the proposal is in line with what the Gulf FMP has. Hence if NMFS wins the litigation, then the region is well placed to proceed. Regarding the legislation, it is hard to predict what may or may not happen. The current framework is going to be managed under MSA regardless of whether legislation deemed aquaculture as fishing. If the aquaculture authority is given outside MSA,

then the PEIS would still be relevant. Tosatto again apologized for not having a document ready in time for the meeting.

Gourley proposed continuing detailed discussion on this action the following day when the appropriate staff person arrives.

DeMello concurred with postponing the remaining part of the presentation.

Nichols provided the Council with the status of the Aquaculture PEIS on Day 3 of the meeting. He focused on the development of the PEIS for an Aquaculture Management Program in federal waters in the Western Pacific Region. NMFS published a Notice of Intent to develop the PEIS in August 2016 and held public meetings throughout the region, including American Samoa, Guam, CNMI and Hawai'i (Hilo, Kona and Honolulu). After the 60-day comment period, NMFS contractors helped draft and develop the PEIS. That contract expired on March 31, 2018. The contractor provided NMFS with a rough draft of the Draft PEIS. The EPA, a Cooperating Agency, recently provided comments on the Draft PEIS. Another major reviewer is the NMFS Office of Aquaculture in Silver Spring, Md. This PEIS takes a broad, high-level view of things, and much of the specifics are going to be determined at a later date.

Nichols summarized the EPA comments. First was a suggestion that NMFS work out how the guidance and protocols are going to be developed down the road. Second was for EPA and NOAA to work in parallel for the permitting process in order to have the EPA permits and NOAA permits traveling down the same path. One issue identified is that NOAA cannot sign off on an aquaculture permit until all other agency permits have been approved. At the same token, EPA does not want to sign off on a permit until NOAA has a chance to look at siting requirements and operation requirements to make sure NOAA is comfortable with those. EPA and NOAA are forced to work in parallel. Moreover, the US Army Corps of Engineers will also be involved in the permitting process.

Nichols summarized the comments from the Office of Aquaculture. One of the comment was the alternatives currently prohibits aquaculture activities in areas where commercial fishing is also prohibited. The Office of Aquaculture is questioning if that was the intent of the alternative, so PIRO is taking a close look at the issue. Another concern is one of the alternatives would allow the culture of species under Council management. The Office of Aquaculture asked about species that may not be under Council jurisdiction but would make the selection criteria and can be cultured. Another minor tweak to one of the alternatives might be requiring a permit to be twice as large as the original footprint of the facility to allow for fallowing. This would rotate a cage to keep benthic habitat from being impacted. But federal waters aquaculture is fairly deep and in fairly good currents so a larger footprint may not be necessary for most operations. This is an issue that NMFS could incorporate later.

Regarding the timeline, the EPA and Office of Aquaculture comments are in the process of being incorporated into the Draft PEIS. The Regional National Environmental Policy Act (NEPA) coordinator and NOAA General Counsel still have to do their review. After their review comments have been incorporated, the document will be released for public review. The target publication date is Aug. 1, 2018. A 45-day public comment period is required by law, which would put the end of the comment period at mid-September. Following the close of comment

period, NMFS would develop a Comment Summary Report and have that available by the October Council meeting.

Tosatto said aquaculture is now an objective in the Department of Commerce's strategic plan, whereas in prior years it was a minor mention. The strategic plan aims to support research to advance marine aquaculture, reduce time to review permits and to provide a one-stop shop for federal approval of marine aquaculture permits. Tosatto expressed the view that the one-stop shop concept could be problematic, but the work that NMFS and Council has been doing on aquaculture support the objectives and goal in the strategic plan. He hoped to keep up on the timeline to deliver the Draft PEIS in October.

Nichols added that US Army Corps of Engineers, USFWS, USCG, NMFS PRD and OLE will review the document.

Tosatto said the reason the one-stop shop is tough is that, while the aquaculture facility would operate under a fishing permit, it would also need an Army Corps of Engineers permit if it is touching bottom and, if it is in a navigable waterway, it needs a Clean Water Act Permit. Depending on the area it may also need a consultation or a permit from USFWS. If it is floating in the marine environment, it would at least have the potential to be reviewed for lighting by the USCG. There is no single agency in charge of all of that. The one-stop shop is for that coordination and consultation.

Simonds asked if the ongoing litigation with the Gulf Council's plan will have an impact on the current effort of establishing an aquaculture management plan.

Tosatto said NMFS expects to prevail in the litigation. Whether aquaculture is fishing or not under MSA, it would belong to NMFS.

Simonds asked about the legislation.

Tosatto said the Wicker Bill creates a framework for aquaculture inside the EEZ that largely places it along the lines of the initiative within NOAA and NMFS. It gives NMFS the authority to regulate aquaculture in federal waters.

Simonds said the Council, in keeping with its philosophy and mission, would prefer that all of these activities come under the purview of the MSA.

E. 2017 Annual Stock Assessment and Fishery Evaluation Reports

Thomas Remington, Council contractor, presented the highlights of the 2017 Annual SAFE Reports. Remington presented the four Archipelagic Reports and the Pelagic Report covering the fishery performance in American Samoa, Marianas, Hawai'i, and pelagic and international fisheries. Remington also presented on the ecosystem considerations including protected species, socioeconomic, climate and ocean indicators, EFH and marine planning. The last section covered the archipelagic data integration.

For American Samoa bottomfish and CREMUS fisheries, the total estimated catch and CPUE from creel surveys showed a slight decrease from 2016. Of note was the boat-based

participation's steep increase in 2017 of more than 100 percent, though this was not seen in the amount of recorded gears or number of trips or recorded effort. The Plan Team had Western Pacific Fisheries Information Network (WPacFIN) look into that data point to see why it is high compared to the rest of the data. The resulting decrease in CPUE makes sense when considering the increase in participation with a simultaneous decrease in the catch.

For CNMI bottomfish and CREMUS fisheries, the total estimated creel and commercial catch slightly decreased in 2017. Of note, fishing effort decreased from 5,400 gear hours to 1,600 hours since 2016 for bottomfishing, which affected the CPUE. However, the SSC discussion noted some data from October to December of 2017 were not entered, which could account for the lower effort and catch. The missing data only comprised the last three months, and it is difficult to understand if the missing data can explain the deficit in effort and catch.

For Guam bottomfish and CREMUS fisheries, the total estimated catch from creel surveys showed a slight decrease. Participation was down from nearly 1,200 fishers to about 840. Fishing effort follows the same trend in terms of number of fishers and gear hours. The CPUE based on gear are a mixture of increasing and decreasing trends.

For Hawai'i commercial bottomfish and CREMUS fisheries, the number of licenses, numbers caught, number of trips and the pounds caught were all generally in the MHI. The deep-sea handline, *palu 'ahi* and lay gillnet all had increases in CPUE. Additionally, *'ōpakapaka* and *uku* had higher catches than previous years and *'ōpakapaka* was showing an all-time high in catch.

For the pelagic fisheries performance starting with the American Samoa, trolling is relatively small, about 20,000 to 30,000 pounds caught per year with eight boats in 2017. The longline fishery in American Samoa had 15 boats. The longline fishery showed a decline in number of hooks set and catch over the past decade.

The CNMI pelagic fisheries showed that the trolling effort was down from 2016 by 20 percent. The total estimated catch went up 16 percent, but this was mostly due to increase in catch of skipjack, which comprises the major portion of the CNMI troll fishery.

The Guam troll fishery effort was down by nearly the same amount. However, total estimated catch was down despite a proportional increase in skipjack. Skipjack comprises even more of the pelagic fishery of Guam than it does for CNMI.

The shallow- and deep-set longline fisheries in Hawai'i showed an increase in 2017 for participation, effort and catch. The revenue was up for the shallow-set and slightly down for the deep-set. Trolling in the MHI showed decreases in most categories (e.g., participation, effort, catch and revenue). However, CPUE was relative stable.

MHI handline catch was up 19 percent while offshore catches were down 13 percent. There were more trips for offshore but less catch hence a decline in CPUE.

The Council is waiting on the recreational fisheries section. There were problems with the data request. This is a work in progress and is anticipated to be completed by the end of the month when the reports are to be finalized.

On the international fisheries, the total tuna catch in the Pacific Ocean ranged from 2.9 to 3.5 million metric tons, which was mostly skipjack with purse seine being the most dominant gear. Stock assessment summaries on bigeye and yellowfin tuna in the WCPO and EPO, North Pacific albacore and North Pacific blue shark are included in this section of the Annual SAFE Reports.

Regarding the ecosystem considerations, one of the bigger additions this year was in the Human Dimensions and Socioeconomic Section. Several new tables and figures were added for each of the insular fisheries in the Territories and Hawai'i. Figures were added for commercial participation, landings, revenue, fish price and trip cost. Remington provided some detailed examples from the Hawai'i bottomfish fishery. The Deep 7 bottomfish catch and revenues are stable to slightly down. The fish prices are stable. The report included a gini coefficient, which is a measure of dispersion in terms of equality of revenue distribution among vessels.

Regarding the pelagic socioeconomic section, the American Samoa revenue has been about \$6 million annually in recent years, but it was less than \$11 million in 2009; hence, there has been a decrease over the past decade. Albacore fishing comprises 82 percent of the revenue source. The potential reason for the loss in revenue is trip cost has increased mainly due to increases in fuel cost in the past five years.

On the CNMI socioeconomic section, the catch and revenue were down from greater than 200,000 pounds worth nearly \$500,000 to about 50,000 pounds worth just over \$100,000 in 2017. Fish price increased over time. However, it seems the lack of data is impacting the trend.

For Guam, the current numbers are in line with past statistics with a slight downward trend in catch and revenue that peaked in both 2010 and 2013. The 2017 data had about 100,000 pounds of catch worth \$200,000. Fish prices were relatively stable over this time for Guam.

Remington continued with the protected species section of the report. Protected species interactions are rare in insular fisheries. There were no reported interactions of protected species in 2017. These interactions are monitored with proxies (i.e., fishing effort and gear characteristics) in the absence of observer coverage on all the vessels. There are relevant data needs that could help improve this section, including improvement of commercial and noncommercial data streams and any development of new approaches to estimate these interactions instead of using proxies.

Regarding the pelagic protected species section, there were no notable trends from 2002 to 2017 for most of the protected species. However, as noted in the PIFSC director's report, there were higher olive ridley turtle interactions in 2016 and 2017. Analysis on this trend is ongoing. There were also higher black-footed albatross interactions from 2015 to 2017. This was potentially influenced by El Nino and the Pacific Decadal Oscillation. A workshop discussed this in detail in November 2017. Oceanic whitetip shark and giant manta ray data were added to the Pelagic Annual SAFE Report. It was noted that the 2017 interactions with the Hawai'i deep-set longline fishery were below the ITS in the applicable BiOp. The marine mammal mortality and serious injury levels were below the potential biological removal (PBR).

In the Hawai‘i shallow-set longline fishery, a Guadalupe fur seal interaction was observed outside of the EEZ off California. There were also higher loggerhead interactions in late 2017 and early 2018 but at levels below the hard cap. Similar to the Hawai‘i deep-set longline, there was higher black-footed albatross interactions in the past year. The 2017 interactions were also below the ITSs in the 2012 BiOp. For marine mammal interactions, the marine mammal mortality and serious injury levels were below the PBR.

Regarding the American Samoa longline fishery, there is no notable trend in the past decade. Green turtle interaction rates in 2016 and 2017 were similar to pre-2011 levels, which was when turtle mitigation measures were implemented. The 2017 interactions were below the ITS in the 2015 BiOp. American Samoa, however, has no PBR available to compare with the marine mammal mortality and serious injury rates.

Remington proceeded to the oceanic and climate indicators for the island fisheries report. This focused on basin-wide indicators. In 2017, the annual mean for atmospheric carbon dioxide measured at Mauna Loa moved to 406 parts per million in 2017 from 404 parts per million in 2016. In April 2018, the monthly mean was 410 parts per million. The next basin wide indicator is the El Nino Southern Oscillation, which showed a neutral phase for the majority of 2017. The Pacific Decadal Oscillation was mixed, showing a positive index from January to June and a negative index from July to December. Other indicators presented were pH, Sea Surface Temperature (SST), Degree Heating Weeks and sea level height data. New indicators were presented in the report particularly precipitation and tropical storms. For precipitation, there were negative anomalies throughout 2017. For tropical storms in the Pacific Ocean, the western Pacific Ocean had 27 named storms, 10 typhoons and two super typhoons; this is relatively low considering averages. The South Pacific Ocean had eight named storms, two hurricanes and two major hurricanes, which again is low compared to the average. The Central Pacific Ocean had no named storms in 2017. The EPO had 18 named storms, nine hurricanes and four major storms; this was right along the annual average for that region.

Regarding the pelagic oceanic and climate indicators, the same indicators that were used last year were used this year. Several basin-wide indicators shown for the Island Fisheries Report are also in the Pelagic Report, but there were some additional ones like ocean color measuring chlorophyll, temperature at 300 meters depth, the movement of different fronts and transition zones, and other size-based indicators, such as fish community size structure and bigeye weight per unit of effort.

Remington proceeded to the Habitat and Marine Spatial Planning Section. The EFH section had relative few updates in 2017. There are new shallow-water mapping products for American Samoa and the MHI, with similar efforts ongoing for new shallow-water maps in the PRIA and the Mariana Archipelago. There is a new report on Crustacean EFH, and a life history review is included as Appendix C to these reports. The objective of the report is to define EFH and HAPC for important crustaceans. It was determined that lobster data will continue to be included despite its new ECS designation. Lastly, for EFH, the Precious Corals Working Group recommended refining the definition of EFH and HAPC through an FEP amendment.

Regarding Marine Spatial Planning, the report summarizes the marine planning efforts around each of the Territories and Hawai‘i. In American Samoa, there are relatively little

ongoing or planned projects. There is a Draft Regional Ocean Plan near completion by the Ocean Planning Team. The Ocean Planning Team also plans on beginning work on Guam and CNMI's Regional Ocean Plan this year. In the Marianas, Department of Defense activities continue. The Guam and CNMI military relocation is ongoing. The Marianas Islands Training and Testing and CNMI Joint Military Training are ongoing. Similarly, some military activities are ongoing in Hawai'i, such as the Hawai'i-Southern California Training and Testing and the Long-Range Strike Weapon Systems Evaluation Program in Kaua'i. There is also the Bureau of Ocean Energy Management site selection for offshore wind, with three locations under consideration: 12 miles west of Ka'ena Point, O'ahu; 17 miles south of Waikiki; and south-southeast of Barbers Point. Additionally, for marine planning, there are plans to create an online portal akin to the Mid-Atlantic Ocean Data Portal. This creates an online data portal that anyone could access to see different fishery performance metrics alongside different marine planning overlays. Most importantly, it would allow everyone with access to see the same data.

The data integration chapter was added this year in the archipelagic versions of the report. The chapter explores potential fishery ecosystem relationships looking at ecological and fishery variables in an attempt to identify meaningful correlates between the two such that any change in the environment might be reflected in future fish populations. Remington provided an example for the MHI commercial *weke* CPUE versus SST, which found that they were positively associated with one another. The Plan Team review of the chapter recommended many changes going forward to the next year. First is utilizing different CPUE metrics for individual species and gear rather than looking at aggregates. Second is implementing longer ranges of phase lag based on species life history for long-lived reef species. The Plan Team also recommended considering local knowledge and qualitative changes in fishery dynamics because these can impact how the data changed over time. Lastly, the Plan Team recommended progressing toward temporal and spatial consistency between these analyses in Chapter 3 and the data streams presented in Chapters 1 and 2.

Simonds asked about the size of the report.

Remington said the Pelagic Fisheries Report is 550 pages whereas the Island Fisheries Reports are 200-plus pages each.

Gourley requested the Microsoft Word version of the report for the Mariana Islands for his review and will provide additional text for the introductory section of the report.

Remington requested the edits be done with track changes for version control purposes. He added that there were a lot of improvements in terms of ensuring consistency and accessibility. He encouraged Council members to review and provide comments prior to finalizing the report by the end of June to meet the regulatory deadline.

Duenas asked for the data source for the socioeconomic section that showed the value of the fish per pound, whether it was from the creel or commercial data.

Remington deferred the response of the source data for the revenue but said the catch and participation data are from creel.

Gourley asked if all the data come from existing reports or gray literature or whether the data was written up by the local agency staff.

Remington said the data for the fishery performance section was provided by WPacFIN.

Simonds indicated that the best course of action is to get the territories to develop their own permit and reporting program. She said, while she was in the Marianas, she spoke with the two governors on how important it is to establish such requirements. CNMI has a public law for mandatory reporting but no regulations have been developed. This is a high priority for this summer.

Gourley said he hopes the developing permit and reporting program is finished in a timely manner.

F. Updates to the Council's Research Priorities

1. Magnuson-Stevens Reauthorization Act Five-Year Research Priorities

Sabater presented the updates to the five-year research priorities, including various activities for monitoring their status. A matrix included in the briefing document showed the status based on updates from PIFSC and Council staff. The priorities were vetted through several advisory groups. Resulting changes include revisions to the shark research priorities recommended by the Protected Species Advisory Committee (PSAC) and an overhaul of the Human Communities theme by the Social Science Planning Committee (SSPC).

The CCC at its May 2018 meeting discussed how NMFS addresses the Councils' research priorities. NMFS acknowledged that there was no systematic way of addressing the research priorities across all regions and agreed to formalize the process. Following the CCC discussion, Council staff developed a system of vetting and monitoring of the priorities holding PIFSC accountable for addressing the priorities. This system also allows the Council to feed the research priorities into the PIFSC's Annual Guidance Memo and Five-Year Research Plan.

Sabater discussed the next steps. Since the Council is close to the end of the existing five-year cycle, the Council will work with NMFS staff to review and develop new research priorities based on the management need. This will occur in August to September 2018 in line with developing the Council's five-year program plan. The advisory group revisions to the existing priorities will be incorporated in this year's update.

2. Cooperative Research Priorities

Sabater updated the Council on the status and changes to the Cooperative Research Priorities. The number of funded projects increased over the years especially once the program was regionalized. There were no changes to the research priorities in each jurisdiction. Five proposals were submitted to PIFSC for review and consideration. Three related to protected species, and two related to the bottomfish fishery. Only two were funded.

3. Pelagic Fisheries Research Plan

Kingma presented on the Pelagic Fisheries Research Plan. He provided a background of the pelagic fisheries as well as the defunct Pelagic Fisheries Research Program under the University of Hawai'i that provided the science for the management of pelagic fisheries. The Pelagic Fisheries Research Program stopped in 2012 due to the removal of the congressional earmarks. The NMFS PIFSC also lacks a dedicated Pelagic Research Program as the recent focus is coral reef fish and bottomfish addressing the ACL requirements for stock assessments.

The purpose of this plan is to inform a program that the Council established in 2012 called the Pacific Islands Fisheries Research Program in conjunction with PIFSC. This plan will inform the program with the acquisition of either NMFS funding or private funding to implement these research projects and priorities. The scope of the plan is applicable to the Western Pacific Region, Pelagic MUS, the environment, the associated ecosystems, Council-managed fisheries and communities, as well as internationally-managed fisheries. It has a five-year time frame but can be revised anytime.

Kingma described the plan's goals and objectives and five priority issues. The top priority is the lack of information regarding bigeye tuna connectivity and spatial stock structure. Second is the lack of stock assessment and indicators for incidentally caught species. Third is the impact of spatial closures like large-scale MPAs on the fisheries. Fourth is shark interaction in the Marianas pelagic fisheries. And last is the catch-all issue of advancing ecosystem-based fisheries management.

The Council was asked to review and endorse the plan in its deliberations.

4. Management Strategy Evaluation Priorities

Sabater presented the Management Strategy Evaluation (MSE) priorities to the Council. The MSE priorities cover the insular fisheries, pelagic fisheries and protected species. Under insular fisheries, three priorities cover the bottomfish, finfish and invertebrate fisheries. Pelagic MSEs will be revised as part of the development of the Pelagic Fisheries Research Plan. The protected species have three priorities looking at spatial management for pelagic and insular false killer whales, leatherback turtles and bycatch mitigations for black-footed albatross.

G. Regional, National and International Outreach and Education

Spalding presented on the outreach and education activities by the Council from March to June. The National Marine Educators Association (NMEA) provided a \$1,500 Traditional Knowledge Scholarship to Chandra Marie Legdesog of Yap to attend the association's annual conference in Long Beach, Calif. The Council was instrumental in starting the NMEA Traditional Knowledge Committee and Scholarship, and Council staff has chaired or co-chaired the Committee since its inception in 2007.

Regarding government relations, staff worked to correct the wrong information about the status of the bigeye tuna in the NOAA *Status of Stocks 2017* report to Congress.

Regarding general outreach, the Council is moving towards electronic publications and social media for outreach. Council staff sent the NMFS testimony to the Subcommittee on Natural Resources, Water Power and Ocean to *Hawai'i News Now*, which did a story about the Billfish Conservation Act. Staff assisted NHK, Japan's largest broadcasting organization, in producing a documentary on the 150th anniversary of the Japanese immigrants to Hawai'i. NHK wanted to include information on how the Japanese helped with fisheries development in Hawai'i. The Council also published the Spring 2018 *Pacific Islands Fishery News*.

Regarding community outreach, the Council sponsored the 2018 Saipan International Fishing Tournament, which will be held in July, and the 2018 Mariana Islands Fishing and Seafood Festival. The Council continues to co-sponsor the *Go Fish!* radio talk show in Hawai'i. The Council also continues to run the US Pacific Territories Fishery Capacity-Building Scholarship, which is co-funded by the Council.

Spalding provided an update from the Council Communication Group at the CCC meeting in Sitka, Alaska. The group shared best practices and developed recommendations that were presented to the CCC on the last day of its meeting. However, none of the group's recommendations were adopted by the CCC. The recommendations were summarized in the Council document 7.G.2.

Spalding also presented on the details of the draft Education Plan described in document 7.G.3.

Simonds noted that the draft Education Plan has been a work in progress for several years because it is difficult to address. This is an additional duty assigned to staff to finalize and implement this plan. Council members from the previous meeting deemed educating the young people as important; hence, the staff is working hard to get this done.

Sesepasara said the scholarship program provided to the young people is a great program. One of the students from the program is now working for DMWR. Three others young scientists came in from another scholarship program. The department is trying to keep them interested in the field of fishery science. One student was interning at DMWR when he was in high school. Sesepasara said he was glad to hear that the student is doing well at Hawai'i Pacific University. He thanked the Council for their support.

Simonds added that PIFSC and PIRO also provided funding support for the program.

Soliai commended Council staff for the exceptional work done on the newsletter. He has been getting positive feedback from the American Samoa community regarding the newsletter and the articles that pertain to the region. Soliai also thanked Simonds for providing funding support for the outreach work.

Gourley acknowledged Rice to speak.

Rice said, as a charter boat captain, he has the attention of fishermen for eight hours and most are not aware about the Councils from their home states. He noted that there is no NOAA budget to the Council's for education and outreach, but the Western Pacific Region is lucky to have the Council executive director and staff who support outreach. He said he explains the

Council process to the fishermen he meets from the East and West Coasts and highlighted that it is critical for NOAA to get the Councils funding for outreach.

H. Advisory Group Report and Recommendations

1. Advisory Panel

AP Chair Guthertz presented the recommendations of the AP as it relates to the Program Planning agenda items. She commended all the work that Council and the Council staff in providing information for the AP members to disseminate in each of their areas.

Regarding the Pelagic Fisheries Plan, the American Samoa AP endorsed the plan pending any new insights from the members prior to action at the 173rd meeting.

Regarding the 2017 American Samoa SAFE Report, the American Samoa AP recommended the Council request NMFS and PIFSC conduct further analysis to better understand any potential conservation benefits of turtle mitigation measures and potential costs that will be incurred by the American Samoa longline fleet.

Regarding the ECS classification, the American Samoa AP recommended the Council request DMWR consider initiating a seafood vendor licensing program to complement the current Commercial Receipt Book Program and fishermen's Licensing Program. This would include mandatory reporting for commercial license holders.

Regarding the five-year research plan, the American Samoa AP recommended the endorsement of the plan pending any new insights from the members prior to action at the 173rd Meeting.

Regarding the EC amendment, the Guam AP was concerned that, with the loss of EFH for the Guam coral species, there would be no nexus for fishing concerns in the military expansion in Guam. The CNMI AP supported the EC designation and recommended the Council work with the CNMI government for greater collaboration on the remaining species that require ACLs.

Regarding aquaculture, the Guam AP recommended the Council select Alternative 2. The CNMI AP reiterated its previous recommendation to the Council to select Alternative 2, as it is the least restrictive alternative. Further, the AP requested to review the alternatives again should the alternatives change in the publication of the DPEIS.

Regarding the EC amendment, the Hawai'i AP endorsed its previous recommendation and recommended that the Council designate EC for the Hawai'i fisheries for those species not in need of federal conservation and management.

Regarding research priorities, the Hawai'i AP suggested looking at adding the effects of private FADs, military activities and Kona crab spawning periods to the appropriate research priorities.

Regarding the aquaculture amendment, the Hawai‘i AP recommended the Council select the following alternatives for managing aquaculture in the Western Pacific Region:

1) Aquaculture Program Component, Preferred Alternative; 2) Permitting, Alternative 3; 3) Applications, Alternative 3; 4) Permit Duration, Alternative 3; 5) Allowable Systems, Alternative 2; 6) Siting, Alternative 3; 7) Allowable Species, Alternative 2; 8) Record Keeping, Alternative 3; 9) Framework Procedures, Alternative 2; and 10) Program Capacity, Alternative 3. Further, the Hawai‘i AP requested that it be provided the opportunity to review the alternatives at a future meeting should the DPEIS alternatives be changed.

2. Archipelagic Plan Team

Dukes presented the highlights of the Plan Team discussions from the 2018 meeting and the recommendations by the Archipelagic Plan Team on the Program Planning agenda items.

Regarding the monitoring of the MUS, the Archipelagic Plan Team recommended that Council direct staff to work with the Territory fishing agencies to identify and resolve issues with regards to real-time accurate reporting by identifying regulatory gaps and potential solutions, such as mandatory licensing and reporting, for example, logbooks.

In the short term, the Plan Team recommended that Council support the development and improvement to the data collection systems by exploring options of a dedicated port sampler to conduct a full census of the bottomfish catch, explore the improvement and expansion of the commercial receipt book and encourage improvements in the timeliness of the data transcription.

Regarding the evaluation of the 2017 catch relative to the 2017 ACL, the Archipelagic Plan Team recommended retaining the ACL at 60 pounds for the CNMI slipper lobster.

Regarding the refinement of the precious coral EFH, the Archipelagic Plan Team endorsed the Plan Team Precious Coral Working Group report and recommended that Council direct staff to develop an analysis of options to redefine EFH and any HAPC for precious corals in Hawai‘i for Council consideration for an FEP amendment.

Regarding the research priorities, the Archipelagic Plan Team adopted the changes proposed by the Social Science Planning Committee that the Human Communities section of the Council’s MSA Five-Year Research Priorities.

3. Pelagic Plan Team

The Pelagic Plan team chair, Keith Bigelow, presented the summary of the Plan Team meeting and provided the Council with the Team’s recommendations.

Regarding sharks in the Marianas, the Pelagic Plan Team recommended that research be conducted in the Mariana Archipelago regarding local shark abundance and fishery interactions with the objective to document species involved and interaction rates.

Regarding fishery import data, the Pelagic Plan Team recommended Guam Bureau of Statistics and Plans report on their Import Data Collection Program, which received Saltonstall-Kennedy (SK) Funding, and requested Council staff to evaluate the inclusion of Pelagic MUS import data into the Human Dimensions Module.

Regarding the recreational fisheries module, the Pelagic Plan Team recommended Council staff determine the utility of having species-specific level data, such as Hawai‘i and American Samoa, and also request WPacFIN work with local Territory agencies to develop an automated module to estimate pounds sold versus not sold for expanded creel survey catch of pelagic MUS.

4. Protected Species Advisory Committee

The PSAC chair, Jim Lynch, provided a detailed summary of the discussions made for each agenda item in the PSAC meeting held at the Council Office in April 2018. PSAC members discussed the shallow-set longline fishery/loggerhead interactions reported based on interactions to date and arrival date. A theme that emerged from this discussion was the observer logbook data could be provided in a more timely way, even if they are unanalyzed or raw, to help in the management of interactions in this fishery, which then leads into other management opportunities that will be discussed later in this meeting.

Regarding the 2017 draft Annual SAFE Report, PSAC recommended that the Council work with the PIRO Observer Program to streamline the process of accessing observer data to facilitate data access. PSAC noted that the issue of data cutoff date (i.e., vessel arrival date versus interaction date) has not yet been addressed. PSAC recommended staff explore opportunities to obtain preliminary data to potentially address this issue.

The PSAC noted that there is an ongoing consultation regarding measures for Guadalupe fur seal interactions. The interactions remain low, but the PSAC noted that the ongoing ESA consultation might impact the shallow-set longline fishery in the near term.

In the deep-set longline fishery, the PSAC discussed olive ridley sea turtle interactions in 2016 to 2017 were larger than in the past. The group will monitor an ongoing analysis regarding these issues. The PSAC is also closely monitoring the deep-set longline fishery’s interaction with black-footed albatross. A November 2017 workshop suggested that there may be environmental factors influencing an overlap with these fisheries.

The green sea turtle interactions in the American Samoa longline fishery were discussed. The PSAC noted that measures were implemented back in 2011. The interaction rates in 2016 and 2017 remain similar to pre-2011 levels. It’s difficult to evaluate the effectiveness of measures that have been implemented in this fishery because there is not enough data to conduct a thorough assessment. The American Samoa longline fishery currently uses smaller circle hooks but not larger circle hooks that are used as turtle avoidance and minimization measures, which could be something to further study.

Regarding the 2017 draft Annual SAFE Report, PSAC recommended the Council consider additional turtle mitigation measures in the American Samoa that may provide further reduction in green turtle interactions in the fishery without having negative impacts on

fishery operations. PSAC noted that the green turtle interaction rates in the AS longline fishery have returned to pre-turtle mitigation measures implemented in 2011. PSAC noted that the fishery uses small circle hooks, and a previous study had suggested no significant operational impacts in increasing the hook size from the commonly used 14/0 to 16/0.

Regarding the standardized metric for monitoring protected species interactions for the SAFE report, PSAC supported the approach of using a simple anomaly-detecting standard approach for the purpose of identifying potential outliers in the SAFE report data that would warrant revising in the following years, with additional thresholds identified for multiple years of outlier data that would trigger examination of further analysis. PSAC recommended that staff further develop the standardized metric for inclusion in the 2018 SAFE report.

PSAC also reviewed the five-year research priorities and cooperative research priorities and suggested minor changes in rankings and priorities regarding ocean whitetip sharks.

Regarding the Cooperative Research priorities, PSAC suggested some additional mark-recapture studies of reef and pelagic sharks and an additional post-hooking mortality study for false killer whales and other cetaceans with potential fishery interactions. These recommended changes were incorporated into the versions presented to the Council.

5. Marine Planning and Climate Change Committee

The Marine Planning and Climate Change Committee (MPCCC) chair, Lorilee Crisostomo, presented the highlights of the MPCCC meeting. Her presentation covered several agenda items from the meeting including individual island reports on impacts of climate change within each of the territories. She thanked the Council for providing support for the training workshop to organize communities in scoping and addressing climate change issues. Crisostomo also presented the highlights of the surveys done in Hawai'i and the territories regarding climate change impacts to fisheries and fishing communities. She also presented the highlights of the discussion regarding the climate change section of the Annual SAFE Reports. She also reported on the Guam Judicial Environmental Committee meeting and mentioned that the executive branch of the government was not invited to the event.

Crisostomo provided the Council with the MPCCC recommendations.

Regarding the SAFE reports, the MPCCC recommended that the following be included:

- a. All indicators that were previously recommended, i.e., wind, extra-tropical storms and rainfall, or a note on why they are not included.
- b. A caveat explaining problems with fishery and environmental data sets (e.g., quality, transitions on ways they are done, expansion factors, breaks) in chapters 1, 2 and 3.
- c. Storylines be included that link the indicators.
- d. For future research, monitoring changes in the area northeast of Hawai'i.

- e. Continuing interaction between the evolution of chapters 2 and 3 in the context of understanding and predicting changes in stocks that can be used in management.

The MPCCC recommended the Council investigate whether harbor vulnerability studies have been conducted in the Western Pacific Region and if they are lacking to write to the appropriate federal and/or local agencies requesting that the studies be conducted.

Sensui asked about the MPCCC request for studies to be done in the area northeast of Hawai‘i.

Spalding said it’s the area in the transition zone where the turtles are located.

Sesepasara noted that American Samoa did not participate and asked if it is because they have not nominated members.

Crisostomo clarified that American Samoa representatives were at the meeting but did not provide a verbal report.

Sesepasara said American Samoa also experienced coral bleaching and have a watershed program that monitors the reef. He asked if the MPCCC or the Council were invited to the Head of States Conference in Tuvalu, which would be discussing similar climate change issues. He said he would be accompanying the Lt. Governor to that conference.

Crisostomo said she would be sending out a report template for the Committee members to fill out in the succeeding meetings hoping that members would respond better to the request.

Gourley said he attended the Guam Judicial Environmental Committee meeting, which was funded and dominated by the Pew Environmental Group.

Crisostomo said that there was misinformation disseminated in that event that Spalding worked on correcting.

Gourley said the talks focused on stopping fishing and fishing is bad. He attempted to make a comment, but he was constantly interrupted and the microphone was taken away from him. He attested that he was stifled when the message was against what they were preaching.

Sablan said it was interesting that critical agencies were not invited to provide input. He also was not aware about the Head of States meeting in Tuvalu; he said he would follow up.

Crisostomo said, at the Judicial Conference, the organizers told the crowd that the agencies were absent from the conference but did not say that they were actually not invited.

6. Fishery Data Collection and Research Committee Technical Committee

Sabater reported on the Fishery Data Collection and Research Committee Technical Committee (FDCRC-TC) and provided its recommendations.

Regarding improving data collection logistics, the FDCRC-TC recommended the Council direct staff to work with PIRO Federal Programs Office to investigate potential mechanisms to improve the Territory/State agencies ability to address their logistic issues for data collection.

Regarding the Marine Recreational Information Program (MRIP) Regional Implementation Plan, the FDCRC-TC recommended the Council direct staff to convene the MRIP Ad-hoc Committee to finalize the planning for the implementation of activities described in the MRIP Regional Implementation Plan.

Regarding the monitoring of the remaining MUS, the FDCRC-TC recommended the Council direct staff to work with the Territory fishery agencies in developing collaborative working arrangements to improve the Commercial Receipt Book to meet the requirements of ACL management.

Regarding data collection improvements, the FDCRC-TC recommended the Council direct staff to work with a contractor and coordinate with WPacFIN in the planning and development of an online cloud database and application to support the improvements Commercial Receipt Book system. Such application will cater the data collection needs under the Territory Science Initiative project and the local agency's data programs. Further, the FDCRC-TC recommended the Council direct staff to work with the Territory fishery agencies to analyze the regulatory process and support the agencies in the development of a rule package for the agency's consideration to attain licensing/permit and reporting.

Goto noted that the United Fishing Agency is working directly with Reggie Kokubun on a dealer reporting because it wants to get specific information on the auction's reporting to DAR. Goto said that, with the upgrade that DAR put in, it is trying to be specific on trip dates for any longline or trolling vessel that comes in.

7. Scientific and Statistical Committee

Lynch presented the SSC report and recommendations pertaining to Program Planning agenda items.

Regarding the evaluation of 2017 catch to the ACLs, the SSC recommended Option 2 and apply the accountability measure and set the ACL to 0 pounds for fishing year 2018.

The SSC noted that slipper lobster will be an EC starting next year.

The SSC had considerable amount of discussion regarding the 2017 Annual SAFE Report under Item 7.3. In a graph Remington showed, there was a big bump in effort in 2017. The SSC was concerned about the accuracy of the effort data expansion.

The SSC recommended the Council request that NMFS explore other reliable means of expanding the creel survey collected data.

Regarding the updates on the Council Research Priorities, the SSC recommended that the Council direct staff to identify the top priorities for the Five-Year Research Priorities and send those priorities to PIFSC for consideration in its annual guidance memo.

I. Public Hearing

There were no public comments.

J. Council Discussion and Action

Regarding the EC amendment, the Council continued to support the preferred alternative 2 to reclassify some of the MUS in the American Samoa, Marianas and Hawai'i FEPs to ECs.

Regarding the EC amendment, the Council directed staff to finalize and transmit the draft Amendment 4 to the American Samoa FEP and Amendment 5 to the Marianas and Hawai'i FEPs with a draft Environmental Assessment and Regulatory Impact Review for Secretarial review, as appropriate.

Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the MSA. In doing so, the Council directed 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 authorized the executive director and the chair to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The executive director and the chair 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.

Tosatto said he would abstain on this recommendation as it will come to him for decision.

Moved by Duenas; seconded by Gourley.

Motion passed. Tosatto abstained.

Regarding the monitoring of MUS, the Council directed staff to work with the Territory fishery agencies to identify and resolve issues with regards to real-time accurate reporting by identifying regulatory gaps and support the agencies by facilitating the development of regulatory solutions such as mandatory licensing/permit and reporting (e.g., logbook).

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding the monitoring of MUS, the Council supported the development and improvement to data collection systems and directed Council staff to work with the State/Territory fishery management agencies to undertake the following:

- a. **Explore options of a dedicated port sampler to conduct a full census of the bottomfish catch;**
- b. **Improve the timeliness of the data transcription; and**
- c. **Explore the improvement and expansion of the commercial receipt book program. Further, the Council directed staff to work with a contractor and coordinate with WPacFIN in the planning and development of an online cloud database and application to support the improvements Commercial Receipt Book system. Such application will cater the data collection needs under the Territory Science Initiative project and the local agency's data programs.**

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding evaluation 2017 catch relative to the 2017 ACL, the Council recommended applying the accountability measure and sets the ACL at 0 pounds for CNMI slipper lobster for fishing year 2018. However, the Council noted that the CNMI slipper lobster is recommended to be an EC and ACLs will no longer be applied to this species complex.

Tosatto suggested amending the last portion of the recommendation to remove the pre-decisional language about the EC, which will come for his decision.

Ebisui offered the change. Tosatto confirmed the change.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding the refinement of the precious coral EFH, the Council directed staff to develop an analysis of options to redefine EFH and any HAPC for precious corals in Hawai'i for Council consideration for an FEP amendment.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding the research priorities, the Council approved the changes to Five-Year Research, Cooperative Research, and MSE priorities. Further, the Council directed staff to identify the top priorities and send the priorities to PIFSC for consideration in their Annual Guidance Memo.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding Annual SAFE Reports, the Council recommended PIFSC conduct an economic cost-benefit analysis on the use of large circle hooks in the American Samoa longline fishery to determine whether modifying the green turtle mitigation measures in the fishery may contribute to further reductions in interactions in the fishery without significant negative impacts on fishery operations and revenue.

Moved by Duenas; seconded by Gourley.
Motion passed.

Regarding Annual SAFE Reports, the Council directed staff to work with the PIRO Observer Program to streamline the process of accessing observer data to facilitate data access for the Annual SAFE Report development and other purposes.

Moved by Duenas; seconded by Gourley.
Motion passed.

Regarding Annual SAFE Reports, the Council directed staff to further develop the standardized metric for monitoring protected species interactions for the Annual SAFE Report.

Moved by Duenas; seconded by Gourley.
Motion passed.

Regarding Annual SAFE Reports, the Council directed staff to determine the utility of the having species-level data in the Hawai'i and American Samoa recreational fisheries modules of the Pelagic Annual SAFE Report.

Moved by Duenas; seconded by Gourley.
Motion passed.

Regarding Annual SAFE Reports, the Council requested WPacFIN work with local Territory agencies to develop an automated module to estimate pounds sold versus not sold for expanded creel survey catch of PMUS in the Pelagic Annual SAFE Report.

Moved by Duenas; seconded by Gourley.
Motion passed.

Regarding Annual SAFE Reports, the Council requested WPacFIN explore other means of expanding the data collected through creel surveys that are used in the Archipelagic Annual SAFE Reports.

Moved by Duenas; seconded by Gourley.
Motion passed.

Regarding Annual SAFE Reports, the Council requested Guam Bureau of Statistics and Plans to report on their import-export database project, which received SK funding and directed Council staff to evaluate the inclusion of pelagic MUS import data into the Human Dimensions module of the Pelagic Annual SAFE Report.

Moved by Duenas; seconded by Gourley.
Motion passed.

Regarding marine planning and climate change, the Council directed staff to investigate whether harbor vulnerability studies have been conducted in the Western Pacific

Region and if they are lacking to write to the appropriate federal and/or local agencies requesting that the studies be conducted.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding fishery data collection and research, the Council directed staff to work with PIRO Federal Programs Office to investigate potential mechanisms to improve the Territory/State agencies ability to address their logistic issues for data collection.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding fishery data collection and research, the Council directed staff to convene the MRIP Ad-hoc Committee to finalize the planning for the implementation of activities described in the MRIP Regional Implementation Plan.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding fishery data collection and research, the Council requested NMFS to conduct research in the Mariana Archipelago regarding local shark abundance and fishery interactions with the objective to document species involved and interaction rates.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding the Pelagic Research Plan, the Council endorsed the research plan for its purposes in advancing conservation of management of pelagic fisheries in the region.

Moved by Duenas; seconded by Gourley.

Motion passed.

VIII. Pelagic and International Fisheries

A. Overview of the Western Pacific Pelagic Fisheries

Kingma provided an overview of pelagic fisheries in the Western Pacific Region. He described pelagic fishing gears including longline, purse-seine, troll and handline methods. Major tuna stocks and their stock status were reviewed as well as international management by the WCPFC and the Inter-American-Tropical-Tuna-Commission (IATTC). Statistics and trends including economic information for pelagic fisheries of American Samoa, Guam, CNMI and Hawai'i were presented. Information on the US distant water purse-seine fleet operating in the region was also presented.

Asuka Ishizaki, Council staff, presented information on protected species issues within the region. She covered the development of bycatch mitigation measures required in American Samoa and Hawai'i longline fisheries, several of which were pioneered in Council-managed

fisheries and have become standards used by RFMOs including the WCPFC and IATTC. Emerging protected species issues include newly listed species under the ESA such as corals, insular false killer whales, oceanic whitetip sharks and giant manta rays.

Goto said most of the pelagic species landed in Hawai‘i stay in Hawai‘i; the longline fishery supports seafood markets throughout the island chain and the tourism economy.

Oliver asked about the nature of false killer whale interactions in longline fisheries, whether it is an entanglement issue or hooking from depredation.

Ishizaki said it is primarily hookings that may also lead to entanglement, but interactions occur because the whales are depredating on bait and catch.

Oliver asked the reason for the decline in the US purse seine fleet, from 40 vessels to 34.

Kingma said some of those vessels have reflagged to other countries. Tri Marine, for example, which renovated a cannery in American Samoa and owned several vessels, has a business model to fish in waters nearby American Samoa including Kiribati, high seas and US waters. When the South Pacific Tuna Treaty was renegotiated, Kiribati took away a number of days. The Tri Marine model did not eventuate so some of those vessels left the fishery. It also might be attributed fishing access agreements to be had if vessels are flagged to a different country than the United States.

Tosatto said the marine monument closures in the PRIA affected Tri Marine’s model and other issues led it to decide to close its plant in Pago Pago; two of its vessels reflagged to the Solomon Islands, where Tri Marine has joint venture cannery. Two other individual operators left the fishery and sold their boats to Ecuadorian interests; however, those two boats are expected to return to the US fleet this year. The tuna treaty has a 40-vessel cap. When it was recently renegotiated, it became a very different treaty from the past. When there were 40 vessels operating at a collective price for unlimited access of days into these foreign zones, it was a good deal. The new Tuna Treaty is not necessarily a good deal, as it is costly for the vessels to operate and it constrains the US fleet’s productivity. The combination of the tuna treaty and its high cost, the restrictions being placed on the high seas and the closure of the US zones has constrained the production of the US purse-seine fleet.

Ebisui noted the high level of shark interactions in Guam with the troll fishery at 40 percent of fishing trips and asked if the interactions are more related to shark depredation rather than sharks taking lures.

Kingma replied that in the affirmative.

Ebisui asked if the species of sharks are known.

Kingma said the species of sharks that interacts with troll fishery is not well documented. Silky sharks are known to go for lures. Other likely shark species include oceanic white tips, Galapagos, bronze whalers and blue sharks.

Ebisui said, in his 40 years of trolling, he had no more than three sharks take lures and all three of them were Galapagos.

Duenas said, historically, the depredation in the troll fish fishery was only on yellowfin, but in recent years it includes *aku*, *mahi*, wahoo and even barracuda. Sharks are also hitting lures directly. Some people say it's an abundance of sharks; some say it is a few very smart sharks.

Simonds asked what countries fill the US market for swordfish when there is a void in the market from the closure of Hawai'i fishery.

Kingma said he believes South American fisheries predominantly fill the void to the US market as well as seasonal Atlantic fisheries (Europe and Canada).

Goto said swordfish from Singapore is also imported.

Kingma said Singapore is a major transshipment hub.

B. Hawai'i Shallow Set-Longline Fisheries Management

1. Status of the Hawai'i Shallow-Set Longline Endangered Species Act Consultation

Ann Garret, assistant regional administrator for protected resources at PIRO, provided an update on the Hawai'i shallow-set longline ESA consultation, which was initiated on April 20, 2018. A draft BiOp will be available on Oct. 1, 2018, and will be provided to the Applicant, the Hawai'i Longline Association. A final completed BiOp will be available on Oct. 31, 2018. Currently, PRD is working on how to do the analysis for the consultation and developing an analysis plan. The analysis plan will be provided to Sustainable Fisheries Division (SFD) for its review at the end of June or early July.

2. Loggerhead and Leatherback Turtle Population Vulnerability Assessments

T. Todd Jones, PIFSC, provided an update on the marine turtle population assessment analysis associated with impacts from the Hawai'i shallow-set fishery to be used in the BiOp. PIRO PRD requested PIFSC to assist with the marine turtle population modeling of two populations, the Western Pacific leatherback and North Pacific loggerhead turtles, for the effects analysis in the ESA Section 7 Consultation. Green and olive ridley turtles also interact with the fishery but at much lower levels.

The PRD request to PIFSC is to project populations of Western Pacific leatherback and North Pacific loggerheads, estimates of population growth rates and estimates of mean time and probability of each of these populations reaching thresholds of 50, 25 and 12.5 percent of current abundance. A report will be provided with the full model details and assumptions. A cross-divisional and cross-PIFSC team is working on the analysis and modeling approach, which should available by mid-July. The model output and report will be sent out for independent desk review by someone from academia, SSC member Milani Chaloupka, and someone from NOAA. After the review, the report should be available to PRD by the beginning of August.

As the loggerhead population is more robust and has an increasing population, Jones focused on presenting information on leatherbacks with respect to the modeling exercise. An expert group of leatherback scientists from the Southwest Fisheries Science Center, PIFSC and NMFS Office of Protected Resources at Headquarters met recently. Jones described leatherback nesting beach locations in Indonesia and nesting trends as well as foraging sites thousands of miles away into the North Pacific and off the West Coast of North America. There are summer and winter nesters at the main nesting sites in Indonesia; the summer nesters and their progeny interact with the fishery. However, the modeling approach will include a model that would be summer only for the two index beaches, as well as one that would include winter nesters.

As next steps, the team will refine the model for estimating within-season total nests to fill in missing nest counts, make a final decision on the dataset standardizations and determine the best approach for population projections. The team is considering the use of count-based population viability analysis (PVA) models, which are essentially exponential growth models or stochastic exponential growth models, and demographic models, which are more highly parameterized. The team is currently reviewing models used in past BiOps as well as proposed models in 2002 when the fishery was originally closed.

Sensui asked how the nests are counted, how often and how many people they involve.

Jones said PIFSC does not conduct nest counts. The data are provided from Indonesia and various organizations on the ground there.

Sensui asked if PIFSC has to assume that the data are valid.

Jones answered in the affirmative.

Gourley said population estimates are based on sexually-mature female turtles that are nesting. He asked if research is being done to equate a number of nesting females with a number of actual turtles in the water.

Jones said, for marine turtle science and management, the easiest thing to do is count animals that come out of the water and up on the beach. There are populations where the information is good, such as the Great Barrier Reef and Hawai'i, where green turtle populations have been studied for 30 years or more. When populations get larger, there can be a recruitment compensation whereby there are more and more females but a decline in the number of recruits from those females. Generally, populations that are recovering are not in the recruitment compensation stage but more linear, where further increases in females mean further increases in the population. Sea turtle research often does not have the in-water trend or abundance data to help fill in the models.

Gourley said it makes sense given that in water counts would be difficult. He asked if there is a way to equate nesting beach information with abundance.

Jones said a 2012 paper for which he was the lead author estimated that 1,500 to 2,500 females equated to 240,000 animals including hatchlings to adults. A population of five or six thousand nesting females could be an overall population of 60,000 to 80,000 turtles at various

life history stages. Sea turtle hatchlings experience high levels of mortality; many do not survive to year 1.

Tosatto said the summer/winter nester issue was new information to him. He asked if the winter population could be thought as a reserve with respect to vulnerability and impacts from the fishery.

Jones said leatherback experts would say that the summer nesters most likely interact with the fishery and it is inferred that winter nesters do not; however, only about 30 percent of the populations have been linked through satellite tracking and stable isotopes to go north from the nesting sites. It cannot be said completely that there is no mixing of winter and summer nesters. Winter nesters go south, where there are a lot of threats. For example, there is a directed take in Maluku in Southern Indonesia and a documented annual harvest of 104 adult and subadult leatherbacks. The data suggests that progeny and the adults have disparate foraging areas with regards to summer and winter nesters. It is difficult because in any given year, nesting is a snapshot of the female population, and only a fifth to a third of the females will nest in a given year, which can also be driven by environmental conditions.

3. Industry Initiatives for Managing Sea Turtle Interactions in the Hawai‘i Shallow-Set Longline Fishery

Roger Dang, a Hawai‘i shallow-set longline vessel owner, presented the development of industry initiatives to manage sea turtle interactions in the Hawai‘i shallow-set longline fishery. About 15 shallow-set longline vessels, on average, target swordfish in Hawai‘i. This past season the fleet encountered an unusually high number of loggerhead interactions. In previous years, a vessel may have one interaction in a season; this year there were multiple interactions across multiple vessels in multiple locations across the Pacific Ocean. Vessel owners informed captains that the hard cap was close to being reached and asked them to move if they were in areas with high concentrations of turtles. It quickly became apparent that an effective information sharing network among owners and captains does not exist. The fleet is interested in a framework or a program that would utilize information to better manage fishing effort in situations of high turtle takes. Vessel owners are working with Council staff on developing such a network. Effective industry mechanisms used in Alaska seem to be good models and are being explored. Another thing being studied is to work within the current regulations and to experiment with other fishing methods for targeting swordfish while avoiding turtles. One idea is to fish deeper to depths where turtles are not found but where swordfish would still go for the bait. With the fishery closed until Jan. 1, the industry is interested in both of these initiatives being available when the fishery reopens.

Oliver said the Alaska industry cooperatives have been incredibly successful in helping the pollock fleet avoid hot spots of salmon bycatch. The Hawai‘i fleet could possibly benefit from similar mechanisms.

Dang said more data would be helpful. The workshop convened by the Council was informative in sharing the successes of industry-led initiatives in Alaska and did provide hope for the Hawai‘i fishery. NMFS continues to provide the TurtleWatch program, which is science-based and provides advice on where not to fish based on higher chances of having a sea turtle

interaction, but it is highly variable. Engaging the private sector to provide more accurate data and the ability to share that information to the fleet through a network looks promising.

Simonds asked if Dang's vessels sell billfish to the continental US.

Dang answered everything is sold at the auction, but it is mainly swordfish.

Goto said a good amount of billfish is sold through the auction. There are four major billfish species: blue marlin, striped marlin, spearfish and black marlin, all of which have commercial demand on the continental US. The non-swordfish billfish landings provide a significant amount of commercial value to the auction and to vessel owners and operators.

Simonds said electronic reporting is being worked on locally and nationally. The Council is trying to get that service up and running to allow real-time reporting for from both the operators and the observers, but progress has been slow. She asked if turtle trip limits and vessel limits were discussed among the fleet.

Dang said he was out of town when the discussion occurred, but his brother and Goto participated.

Goto said he would cover the issue in the next section.

Tosatto said Alaska has industry-provided observers collecting information, which becomes NMFS information and is then restricted by confidentiality rules. Currently, NMFS PIRO observers have that confidentiality requirement. As this further develops some confidentiality restrictions will have to be overcome.

Lynch said the data confidentiality issue was discussed at some length by the SSC, which recognized that the confidentiality runs to the individual boat. If a boat waives confidentiality, the data could be collectively shared for management purposes.

4. Framework for Managing Sea Turtle Interactions in the Hawai'i Shallow-set Longline Fishery (Final Action)

Ishizaki presented the Pelagic FEP amendment on managing sea turtle interactions in the Hawai'i shallow-set longline fishery. The need for the framework is to effectively manage impacts to leatherback and loggerhead sea turtles, consistent with ESA and MSA requirements while maintaining fishing opportunities during peak swordfish season (October through March) and further the effective management of loggerhead and leatherback turtle interactions.

She reviewed historical information related to the management of the Hawai'i longline swordfish fishery. The fishery reopened in 2004 with the required use of circle hooks and mackerel bait, 100 percent observer coverage and sea turtle hard caps. Trends in sea turtle interactions were described including a spike in loggerhead interactions in 2017 and 2018, during which time a small number of trips contributed to majority of the interactions and the majority of trips in December to mid-January had at least one observed interaction. The Ninth Circuit court decision to invalidate the BiOp was summarized along with issues associated with the

development of a new BiOp. A review of a recent workshop to further develop industry-led initiatives to address sea turtles interactions was also provided.

Ishizaki presented options for the Council to consider with regards to the framework as follows:

Alternative 1: No Action (Status Quo/Current Management)

Alternative 2: Fishery operates under loggerhead hard cap limit of 17 pursuant to court order

Alternative 3: Establish a framework for managing loggerhead and leatherback turtle interactions in the Hawai‘i shallow-set longline fishery

Framework Topic A Specification of hard caps: Sub-Alternative A(i) Single year hard cap limits; Sub-Alternative A(ii) Multi-year hard cap limits; and Sub-Alternative A(iii) Do not specify hard cap limits

Framework Topic B In-season measures for hard caps: Sub-Alternative B(i) Individual vessel limits; Sub-Alternative B(ii) Individual trip limits; and Sub-Alternative B(iii) In-season temporary closure upon reaching a specified percentage of single-year hard cap

Framework Topic C Real-time spatial management measures: Sub-Alternative C(i) Real-time spatial management triggers based on historical data; and Sub-Alternative C(ii) Annual specification of real-time spatial management measures

Framework Topic D Non-regulatory components: Sub-Alternative D(i) Fleet communication; Sub-Alternative D(ii) Sea turtle interaction avoidance pilot program utilizing fleet communication; and Sub-Alternative D(iii): Research to minimize trailing gear to reduce post-hooking mortality rates

Ishizaki explained that the no-action alternative does not comply with the court order and that Alternative 2 would not be based on the BSIA. Alternative 3 provides the options for establishing a framework. Impacts of the alternative under consideration were described with a particular focus on sea turtle interactions and fishery participants. The differences between the individual vessel limit and individual trip limit were described in detail, using simulation results provided by PIFSC that applied varying level of limits to past interaction data. Ishizaki concluded by describing the Council’s action at this meeting, which was to consider action on the framework alternatives, recommend a combination of sub-alternatives to include in the framework and recommend any specification of limits if applicable.

Okano asked how long it takes for vessels to switch gears from shallow-set to deep-set.

Ishizaki said that vessels can switch gears within a day.

Sensui asked if the Ninth Circuit’s decision could be briefly reviewed.

Simonds said to take this issue up after the lunch break.

Goto said the non-regulatory aspect of the framework could provide benefits to the market, which in recent years has become complicated due to reduced air cargo space to US mainland. A well-rounded communication network could space landings among vessels; vessels could work together to capitalize on market conditions.

After the lunch break, Johns responded to the inquiry about the Ninth Circuit's decision. The Ninth Circuit in a two-to-one opinion found that the Agency was arbitrary and capricious for failing to reconcile the No Jeopardy Determination with respect to the North Pacific loggerheads with a certain model projecting a decline in the loggerhead population. The dissenting opinion noted that the majority failed to consider a conflicting model, based on observed nesting data in Japan, which showed an increase in the loggerhead population. Because the majority concluded that that Agency failed to consider the declining population model, the court found the no jeopardy determination was arbitrary and capricious.

Sensui inquired about the model that indicated a decline in the loggerhead population.

Ishizaki said the model used climate forcing information, meaning that the population projection was based on oceanographic factors. It assumed that the year in which the hatchling leaves the beach determines the outcome of its survivability. Based on a 25-year delay on the oceanographic factors related to the loggerhead nesting data, the model suggested oceanographic conditions would be unfavorable to loggerhead turtles and result in a decline. However, the abundance-based model predicted an increase.

Sensui asked for confirmation that the model was based on extrapolation of assumed data and not an empirical measurement.

Ishizaki said it uses existing nesting data previously collected, but the future projection was model based.

Sensui asked if the latest BiOp will show no jeopardy because there is an increase in the number of loggerhead turtles.

Ishizaki said the new BiOp is being developed but available information for the loggerhead turtle population over the last 10 years shows a population trend that is not consistent with the output of the climate-forcing model.

C. American Samoa Large Vessel Prohibited Area (Final Action)

Kingma presented the American Samoa LVPA regulatory amendment action. He reviewed background information on the LVPA including trends in vessel participation, target species (albacore) catch rates, troll catch rates, historical and recent economic conditions facing small and large longline vessels, and trends in regional South Pacific albacore fisheries. The 2016 LVPA exemption rule and the associated court case between the American Samoa government and NMFS were reviewed. The federal court's decision to treat the Deeds of Cession as other applicable law is under appeal to the Ninth Circuit; mediation between the two parties is ongoing. Seven spatial LVPA alternatives were presented along with potential impacts to American Samoa cultural fishing in the context of research conducted on the issue by PIFSC.

Kingma reviewed the recent Council actions on the LVPA and related issues since the 2017 court decision, including consideration by the Council and its advisory groups of American Samoa cultural fishing and public meeting and hearings on the matter in American Samoa at the Council's 171st meeting. The Council at its 172nd meeting deferred final action and requested that the American Samoa government bring fishing groups (*alia* fishermen and large vessel owners) together and put forth a recommendation to the Council that would resolve the local conflict on the issue, but no such recommendation was received by the Council prior to the 173rd meeting. He concluded the presentation by referencing the MSA national standards 1, 4 and 8.

Sesepasara commended Council staff for putting together the economic status for large longline vessels. He said, at the last meeting he asked for an economic study of *alia* vessels. The collapse of the *alia* longline fishery was economic as well. Most *alia* fishermen do not have the ability to voice their opinions as most did not graduate high school, unlike large vessel fishermen who are well versed in communication and have means to access attorneys. While it is true that the *alia* longline fleet has dwindled from about 40 boats to one, *alia* fishermen are interested in returning to the fishery. NMFS has issued four new permits for the *alia* longline fleet, and three more applications are under NMFS review. As of the last Council meeting, the American Samoa Government's position has not changed; water must be reserved for the indigenous Samoan fishermen that practice cultural fishing. Of the seven options presented, the Status Quo option is the closest to reserving those rights, but it can be improved to provide compromises. American Samoa understands the different interests between the *alia* fishermen and the larger vessel longline fishermen, culture and commercial, but who gets to fish in the waters and how that decision is made is of the utmost importance. American Samoa should be at the forefront of the decision-making process. Unfortunately, the pending court case is a roadblock. The Government of American Samoa has worked hard to find common ground and was willing to solidify that ground following the conclusion of the District Court case. However, NMFS and the Department of Justice chose to appeal; this has hampered the process. The consequence of this appeal is that it is likely that any future recommendation will be based on the outcome of the case. The American Samoa government will continue to talk locally and with the federal government to find a solution; however, as of today, the American Samoa government position is to choose the best of the options available, which is the status quo. His vote for any recommendation is no.

Soliai asked about the status of PIFSC's research on defining cultural fishing, including the sampling, the number of interviews and if any more were conducted.

Justin Hospital, PIFSC Socioeconomics Program, said the report stands as submitted at the last Council meeting. Additional efforts to reach more individuals were unsuccessful. There is interest to continue this work; however, as of today, the report stands as submitted at the last Council meeting.

Soliai commended Kingma on the work done in this presentation. He said, from the industry's perspective with respect to the end user of the albacore product, the stalemate that continues to occur is saddening. StarKist values the industry; the local longliners are very important suppliers for the cannery. The position of StarKist remains the same as expressed in previous Council meetings and several other public hearings. StarKist made a major investment to help the local longliners achieve Marine Stewardship Council (MSC) Certification; the MSC-certified albacore is needed to support a new brand dedicated specifically to 100 percent

American Samoa-caught fish. The brand is called Blue Harbor and is supported by the albacore that's caught in local waters and by local longliners. The company's ability to grow the brand is dependent on increasing the supply from the local longliners and reducing the restrictions under the LVPA would definitely increase fish supply. Increased fish supply translates into sustained jobs, if not more jobs, for the community. StarKist understands and respects the government's position, but the industry perspective values the supply, which is also used for maintaining special contracts, such as US Department of Agriculture's school lunch program and US military. The longliners' economic input or impact to the local economy equates to close to \$6 million per year and deserves mention.

Kingma said two comment letters have been submitted to the Council, one from Tautai O Samoa and another from an individual owner who owns two longline vessels.

Simonds said she does not think going fishing with a small boat has anything to do with being educated or not educated; she was surprised by Sesepasara's comments on that.

Sesepasara responded that his comment was on the point that the *alia* fishermen cannot argue their case because they have limited education.

Sensui said his father had eighth-grade education, but that did not stop him from being really good at being a heavy machinery mechanic. There could be challenges with filling out the paperwork. He asked if the American Samoa government could advocate or be a facilitator for these fishermen to fill out the necessary paperwork and to give them a voice where they may not have a voice.

Sesepasara said that he is doing that now. Walter Ikehara at PIRO has asked him to help fishermen fill out their applications. As for speaking out, what he meant by the education of these fishermen is they cannot speak English that well. When the social scientists came down to do the interviews on cultural fishing, he asked them to have an interpreter because the fishermen cannot convey their thoughts in English.

Okano asked Kingma to explain what a protected market niche would look like for small vessel fishermen.

Kingma said the issue was raised in the PIFSC cultural fishing research. *Alia* fishermen indicated they would like to see less competition with the larger longline vessels that sell most of their catch to the cannery, but some of the incidental catch does go into the local market. A protected market niche would in their view not allow those larger longline vessels to sell locally, which is likely beyond the mandate of the Council. However, in the recent past, the Council worked on additional markets for *alia* fishermen and supported the renovation of the Fagatogo Fish Market to provide a newer retail market where their fish could be sold; however, after the completed renovations, fish sales have not materialized.

Sesepasara noted that Kingma showed that the catch of the recreational fishermen increased when the protected area was opened to 12 miles, but data from recreational fishing shows that this is not necessarily the case. Catch data from the international fishing tournament shows the catch going down at the time when the area was open and now coming back up since it has closed again. The data collection is much better now than before. More recreational

fishermen are turning in their records with the help of the Sport Fishing Association of American Samoa, and that is why it shows the increase in the catch.

Kingma said the figure presented was not just recreational data; it was creel survey data collected by DMWR that includes not only recreational but also commercial fishing trips from the troll sector, *alia* as well as the non-*alia* small fishing boats. He asked Sesepasara to confirm how many days the fishing tournament covers.

Sesepasara said the fishing tournament data covers four days.

Kingma said the data he showed is annual data.

Sesepasara reiterated that the data collected now is much better than before.

Sensui asked who owns the Fagatogo fish market that was renovated.

Kingma said the market is owned by three agencies of the American Samoa Government: Department of Commerce, DMWR and the Department of Agriculture. The building was constructed with US Economic Development Administration (EDA) funds around 10 years ago. It was his understanding that DMWR controls the administration of the fish market exclusively.

Sensui asked if the prior lease rents were too high to afford and that is why the market is not utilized.

Kingma said, after the Council renovated the market, the American Samoa Government put out a bid solicitation for individuals or groups to lease the market and provide fish to the community. A fisherman leased the market and was able to have an operation for only around six months or so because the monthly lease was \$2,000 a month. The Department of Commerce was running that market at the time. Another notice to have another entity have the lease was put out. The Longline Association was going to run the market, but the lease was too high and they did not accept it.

Sensui asked Sesepasara if it would be possible for the American Samoa Government to reduce the lease rent to encourage that local market to thrive.

Sesepasara said the market was under three different agencies, which was confusing. Since the funding from EDA came to the Department of Commerce and it managed the funds that built the building, it thought it should be the one managing that building. The Department of Agriculture argued that agricultural products were sold at the market, so DMWR in the meantime was quiet. The cost of around \$2,000 covered not only the rent but also electricity and utilities, but it is still too high for anybody to run the market there. Now that the administration of the market is settled, where Agriculture is running the Agriculture part of the building and DMWR is running the fish market, efforts are underway to get a local fisherman to use the facilities.

Sensui asked if DMWR could subsidize some of the expense of running the building so the lease could be reduced to make it more affordable for fishermen.

Sesepasara said he is looking at waiving the rent and having the tenant pay the utilities; compromise is being worked with the fishermen or whoever is going to sell the fish there.

Soliai asked if DMWR is still trying to find a tenant for the space.

Sesepasara answered in the affirmative and noted that he is not sure if the Alia Association is serious about running it but it is being given the first opportunity.

Simonds asked if one of people in the Alia Association includes the Governor's brother because he was the first to lease the market after the renovation. His idea was to bring the fish from Manu'a to the market because the fishermen in Tutuila are not used to selling their fish in a market that way. It was for the fish to come from Manu'a. She asked if DMWR is fixing the Manu'a boats.

Sesepasara answered in the affirmative and said that part of the group includes the Governor's brother. He noted that the first lease was too expensive. There is a current program where the Tutuila fishermen sell their fish on the first and third Saturday of the month, but in the open and not in the market. DMWR supplies the tables. This program was started before the market was transferred over to DMWR. Manu'a fishermen are looking at bringing their fish over to Tutuila on the second and the fourth Saturday of the month, so then the four Saturdays of the month would be covered. People at the market like to buy produce and fish on the same day.

Sensui said that the Maui Co-op was a good example and that perhaps a connection could be made with it on how to set up something similar so that fish can be available every day.

Sesepasara said he was impressed with the Fishers Forum event held the previous evening and how the Maui Co-op operated.

D. Modification to US Participating Territory Catch and Effort Limit Amendment 7 Framework (Final Action)

Kingma presented the Pelagic FEP amendment to modify the Amendment 7 framework. In 2014, the Council developed and NMFS approved Amendment 7 to the Pelagic FEP. Amendment 7 established a process under the authority of the MSA to specify catch and/or effort limits for pelagic fisheries in American Samoa, Guam and the CNMI (hereinafter the US Participating Territories), as recommended by the Council. The process also allows NMFS to authorize the government of each US Participating Territory to allocate a portion of its catch or fishing effort limit of pelagic MUS to a US fishing vessel permitted under the Pelagic FEP through specified fishing agreements to support fisheries development in the US Participating Territories. The existing regulations implementing Amendment 7 limit require that the Council first establish a catch limit for the US Participating Territories if also specifying an allocation limit. There may be instances where specifying an allocation limit is more consistent with WCPFC. Such is the case for the existing WCPFC tropical tuna measure (CMM 2017-01), which does not provide catch limits for the US Participating Territories but does recognize the fishing agreements between US vessels and the Territories.

Kingma presented background information related to CMM 2017-01 including longline bigeye limits as specified in the current measure and past measures with particular focus on the

US limit, which has been reached prior to the end of year since first established in 2009. It was noted that both Indonesia and Japan are reporting catches much lower than their limits in recent years. After the US limit is reached, Hawai‘i vessels fish under US Participating Territory specific fishing agreements; however, since 2014, there have been significant administrative delays (e.g., 45 days in 2017) by NMFS to approve the Council-recommended US Territory catch limits and specified fishing agreements. Closure to the WCPO to Hawai‘i longline vessels impacts fishery participants as fishing in the EPO is farther away.

Two management alternatives were reviewed: 1) no action and 2) make technical modifications to Amendment 7 to allow allocation limits to established without first establishing total catch limits as well as modifications to the regulations that allow setting catch or effort limits in regulations rather than annual specifications. Kingma said allowing the promulgation of regulations for catch or effort limits is anticipated to a) provide seamless transition between fishing under US and US Participating Territories fishing agreements, b) provide for greater levels of quota certainty among fishery participants (reduce race to fish), and c) reduce administrative burden related to annual specifications.

Tosatto said he supports the purpose and need for this amendment. He said the administrative delays mentioned were necessary to provide the level of analysis needed to approve the Council’s recommendation and to meet the legal mandates under the ESA. The action will relieve some of those burdens and should reduce some of those delays. The circumstance of the stocks is probably the biggest issue. The delays were necessary and part of the process and were not due to incompetence.

Simonds said she did not believe Tosatto’s reasoning for the delay.

Ebisui asked how the 2018 catch forecast looks relative to the US bigeye catch limit.

Kingma said the current forecast is near the end of October; however, in years past, the date always moved up. Catch rates are not like those observed in 2015 and 2016 when there were higher catch rates due to a recruitment pulse that was seen in the fishery, as well as El Nino conditions, so the limit is not expected to be reached in July. The Hawai‘i fleet caught more than 8,000 metric tons of bigeye last year total, WCPO and EPO combined, so there is capacity in the fleet. A shift in effort between the East and the West can accumulate bigeye quite rapidly.

Ebisui asked, given the projection and past history, whether the analysis could commence instead of waiting.

Tosatto said the analysis has started including NEPA and ESA, and PIRO expects a timely proposed rule.

Simonds said that last year it took long because PIRO could not decide on the level of NEPA analysis and that she stands by her earlier comment.

Tosatto said there are some issues for consideration including the WCPO bigeye stock assessment, but some things such as the multi-year specification will be beneficial to efficiency going forward.

E. International Fisheries Meetings

1. Western and Central Pacific Fisheries Commission Stock Pre-assessment Workshop

Bigelow presented the outcomes of the WCPFC stock assessment workshop, which was held in April. The objective of the annual meeting is to agree on the structure of the assessments leading up to the August WCPFC Science Committee meeting. This year, the scientific services provider for WCPFC will conduct several assessments prior to the Science Committee's review in August, including South Pacific albacore, which has not been done since 2015, and also revisiting the bigeye tuna assessment in the WCPO. Other assessments include Pacific bluefin tuna and North Pacific swordfish being prepared by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean and for the first time there will be a North Pacific shortfin mako shark assessment.

With regards to South Pacific albacore, there are uncertainties in the growth parameters similar to bigeye. There are three different ways of estimating growth. One is through the modal progression of the size frequency data. The second is through the otoliths or other hard parts. The third is tagging data. The assessment will integrate the size frequency data, as well as the otolith data within the MULTIFAN-CL model. Changes to the spatial regions from the previous assessment will also be made, merging Areas 1 and 4, Areas 2 and 5, and Areas 3 and 6. In future assessments, inclusion of albacore catch in the EPO may be considered, but the 2018 assessment looks at only albacore catch in the WCPO Convention area.

Bigeye has two major sensitivity issues, which are growth and the spatial assessment regions. The new growth estimate in the 2017 assessment suggested that the population is much more productive and moved the stock status from an overfishing condition to not overfishing. The advice from Science Committee at its 13th Regular Session was to age fish of a larger size, and the Commonwealth Scientific and Industrial Research Organisation in Australia processed an additional 245 otoliths for fish larger than 130 centimeters. The new information does not differ from the growth estimates used in the 2017 assessment. Future work will incorporate tagging data to get a more realistic L infinity because 157 centimeters is considered to be quite low. It is also known that different methods are being used to read otoliths by IATTC scientists for the EPO. There is a need for collaboration to resolve these issues, but that will not be completed prior to August. Lastly, the Pacific Community (SPC) will be conducting a sensitivity analysis of the stock assessment sub-region delineations that were changed in the 2017 assessment.

Goto asked what a 130 centimeter or 150 centimeter bigeye is in terms of weight.

Bigelow said he was not sure. In 1960, 30 percent of the Hawai'i bigeye landed at the auction was above 150 centimeters. By 1970, it was 10 percent. In the last five years, only 2 percent of the bigeye at the auction has been above 150 centimeters.

2. Status of Eastern Pacific Ocean Tuna Stocks

David Itano presented the status of EPO tuna stocks based on recent assessments conducted by the IATTC. He presented historical catch trends for skipjack, bigeye, yellowfin and

Pacific bluefin. Variability in some catch trends are attributed to lower than average recruitment coinciding with La Nina events. Bigeye stock status significantly declined at the start of the purse-seine FAD fishery targeting skipjack. Prior to the use of FADs the skipjack resource was readily fishable on an industrial scale in the EPO. Skipjack is not assessed by the IATTC, but indicators used to monitor the stock have shown some concern such as a declining average weight of skipjack over time. The assessment for yellowfin indicates that the stock is not overfished, but overfishing is taking place, just barely. The stock is pretty much being harvested at MSY. Bigeye is not overfished, but overfishing is taking place, same as yellowfin.

Itano concluded by presenting conservation recommendations coming from the IATTC scientific staff. The first is to maintain the provisions of the current IATTC resolution with regards to the 72-day closure. Second is to limit the total annual number of floating-object sets, such as FAD sets and log sets, as well as unassociated or free school sets to 14,895 and 14,498 sets, respectively. In other words, the recommendation is to implement limits on FAD and free-school sets but not on dolphin associated sets. The other Scientist Advisory Committee and IATTC staff recommendation is for a tagging program to address the assessing of skipjack.

F. Advisory Group Report and Recommendations

1. Advisory Panels

Rice read the AP recommendations.

Regarding the LVPA, the American Samoa AP recommended the Council select Alternative 6 with a closed area of 12 nautical miles around Tutuila, Manu‘a and Swains and 2 nautical miles around the offshore banks.

Regarding the modification of the US Participating Territories catch and effort limit Amendment 7 Framework, the American Samoa AP recommended the Council remove the requirement for establishing separate total catch or effort limits for the US prior to establishing allocation limits by including additional options to the process.

Regarding the sea turtle shallow-set swordfish fishery, the Hawai‘i AP recommended the Council select Alternative 2, the fleet-wide hard caps plus a vessel limit. Further, the AP is agreeable to supporting the alternative that the industry supports as well.

2. Pelagic Plan Team

Bigelow reported on the Pelagic Plan Team meeting that was held on May 14-15, 2018. The team adopted the following five recommendations.

Regarding the LVPA, the Pelagic Plan Team recommended that, if the LVPA is modified, the Council request monitoring potential fisheries interactions, levels of participation and catch rates between small and large vessel sectors.

Regarding the Amendment 7 framework modifications, the Pelagic Plan Team supported modifications that allow for the specification of allocation limits without total catch limits

and supported other modifications that allow for a more seamless transition to fishing under specified fishing agreements.

Regarding the shallow-set sea turtle framework, the Pelagic Plan Team supported the development of a framework that includes the use of in-season restrictions of fishing when a percentage of the hard cap is reached, or individual trip or vessel limits and a non-regulatory program involving the fishery participants. The Plan Team requested PIFSC to assess impacts of the historical timing of fishery interactions with assumptions on trip or vessel limits, such as two to five leatherbacks and/or loggerheads and to provide that analysis to Council staff in advance of the June SSC.

Bigelow noted that Jones and his PIFSC colleagues completed that request for the Council meeting.

Regarding seabird mitigation in the Hawai‘i longline fisheries, the Pelagic Plan Team recommended the Council convene a workshop to review seabird mitigation requirements and the best available scientific information available while taking into account operational aspects of the fisheries, seasonality, the location of seabird interactions, alternative mitigation measures and cost/benefit analyses.

Regarding the Hawai‘i angler registry, the Pelagic Plan Team recommended the Council evaluate monitoring and enforcement issues associated with the Hawai‘i Angler Registry, including potential mandatory reporting requirements.

3. Protected Species Advisory Committee

Lynch reported on the PSAC meeting discussions and recommendations for the sections pertaining to pelagic and international fisheries. PSAC discussed real-time management measures for the shallow-set fishery and received a briefing on the TurtleWatch program and the modeling efforts that PIFSC is undertaking to use SST and other means to estimate areas of high turtle activity. PSAC also discussed at length the framework for managing loggerhead and leatherback turtle interactions in the shallow-set fishery.

PSAC supported the use of TurtleWatch as a tool to facilitate shallow-set longline fishermen to further mitigate loggerhead turtle interactions. *PSAC recommended* that the Council consider fairness to all fishermen in the shallow-set longline fishery turtle management framework, assuming an allocation approach is taken, given the randomness of the events and financial investments made by the vessels. PSAC recommended the Council base its allocation decision on review and analysis of available data with respect to individual vessel effects and other potential factors

4. Scientific and Statistical Committee

Lynch presented the SSC report and recommendations pertaining to pelagic and international fisheries.

Regarding the status of the Hawai‘i shallow-set longline ESA consultation, the SSC recommended that evaluation of this potential “transfer effect” be included in the BiOp as an indirect effect of the proposed action rather than part of the environmental baseline.

The SSC noted that the issue of transferred effects in this consultation is something that the Council has considered in the past and has acknowledged is an issue that could result in greater impacts to listed sea turtle species versus a fishery that is highly observed, such as the US fishery. The SSC recommended the issue be considered as an indirect effect of the proposed action in the consultation because, if it is considered as an indirect effect, i.e., a cause of the action, then it may be given more serious treatment and the US fishery may be viewed somewhat differently in terms of its impact on the species. The SSC noted that aspects of the analysis that NMFS will undertake for the new BiOp will be provided to the SSC in the future.

Regarding the status of the Hawai‘i shallow-set longline ESA consultation, the SSC recommended the formation of a working group to assist staff in reviewing the analysis plan when it is made available to the Council. The working group members would include Lynch, Martell, Harley, Hospital and Kobayashi.

Regarding the loggerhead and leatherback turtle PVA, the SSC the recommended the following:

- The modelling consider a range of approaches including demographic models as well as PVA;
- Cross-validation techniques be considered to test the robustness of approaches being considered to impute missing count data;
- The modelling consider the robustness of the conclusions to the inclusion or exclusion of the winter nesting population that is thought to not interact with the Hawai‘i longline fleet; and
- Further information be sought on the details, including any assessment of effectiveness of interventions on the nesting grounds (e.g., effort to reduce human or animal related mortalities).

The SSC further recommended that the Council request that NMFS include an SSC member as one of the independent reviewers of the modelling work.

For the loggerhead and leatherback turtle PVA, the SSC was requested to provide technical comments in response to a presentation by Jones regarding the loggerhead and leatherback turtle PVA that PIFSC is preparing. A number of technical points were identified in the report, and the SSC understood that the PIFSC will be considering those.

Regarding the framework for managing sea turtle interactions in the Hawai‘i shallow-set longline fishery, the SSC recommended that the Council consider the following for adoption:

- Annual hard caps set at the ITS of the new BiOp
- Loggerhead trip limits, but no trip limits for leatherbacks at this time

- Encouragement of an non-regulatory industry-led pilot program to address sea turtle interactions in the fishery
- Establishing hard caps that correspond to the fishing season rather than calendar year

The SSC also recommended that a meta-analysis of available data be undertaken on turtle post-release mortality to better inform future ESA consultations.

The SSC further recommended that PIFSC analyze loggerhead turtle interaction data for recent seasons and suggests that a range of statistical modeling approaches be applied to better understand factors associated with high number capture events.

In discussing the action item, the SSC reminded itself several times that the goal is to be helpful and develop some measures that extend the shallow-set fishery and that work within an incidental take limit that is set by NMFS for the turtles. Lynch referred to the written report on the details of the SSC deliberations regarding the number for the individual trip limit. He also said the SSC believes, if the fishery is able to develop a program to manage the interaction issue, from a business standpoint that would provide incentives and extend the fishery.

Gourley asked if the SSC had an opportunity to ask the industry what it could live with.

Lynch said, in a separate meeting related to these measures, there was interaction and input from fishery representatives. The SSC understood that this was something that the fishery favors. It also understood there were some concerns, especially about trip limits and, if the trip limit is set too low, the impact that could have financially and from a practical standpoint on boats. At least one or two SSC members are fishers themselves and are very sensitive to those issues, so the SSC had adequate representation.

Prior to the Council's discussion and action on this issue, Ebisui called upon Lynch to provide additional details on the SSC's discussion regarding this action.

Lynch said the SSC spent a considerable amount of time reviewing the various sub-alternatives for the shallow-set sea turtle framework action. He reiterated that the intent of the action is to define measures that can be implemented during the season to extend the shallow-set fishery, given the unique situation with loggerhead turtle interactions this year. The goal of the measure is to extend the fishery while not having adverse economic impacts on the participants or discouraging participants from engaging in the fishery. The SSC supported annual hard caps on the fishery so those can be used to manage within a BiOp that would help ensure the fishery remains viable and avoids re-initiation of consultation. The SSC discussed the trip limits extensively. Noting the small number of trips that experienced high loggerhead turtle interactions in the past year, the SSC discussed at length the appropriate number for the limit. The SSC acknowledged that a limit of one would be costly and discussed the range that would result in a benefit of achieving the goal of extending the fishery. The SSC did not reach consensus on the appropriate number. It recommended that the Council consider the individual factors beyond the numbers to arrive at a measure that works for the fishery and that is prudent and meets the goals of MSA.

Lynch said the SSC noted that there did not seem to be a basis to impose a trip limit on leatherback turtles because interaction with leatherback turtles is a rare event, so it did not recommend imposing a trip limit on leatherbacks. The SSC noted that data are available through the TurtleWatch program that can assist the fishery in addition to the trip limits to encourage vessels to move off areas where there are elevated levels of interactions. The SSC encouraged the fishery to work on that issue and share data among the fleet. One SSC member felt strongly that it was important to consider changing the season for monitoring the hard cap for consistency with the fishing year.

G. Public Hearing

Edgar Feliciano read a statement on behalf of the Tautai Longline Association.

Talofa Chairman Ebisui and Council members. We write to request that the Western Pacific Regional Fishery Management Council recommend a temporary moratorium on the LVPA as requested by Tautai Longline and Fishing Association in 2014. Attached for your review are copies of correspondence to the Council with this same request. The Council's agenda for its June 2018 meeting includes final action on this LVPA matter. We ask that the Council consider a recommendation to allow US longline vessels with American Samoa longline limited entry permits to fish outside of 12 miles.

We further recommend an annual review of this moratorium and consideration of a sunset clause after four years from implementation. The annual reviews will allow the Council, managers and scientists to consider data collected and make appropriate management decisions going forward. It is important to highlight that since our request for relief the fleet continues to suffer economically and there are now less vessels operating in the US American Samoa EEZ. There is a need for the Council to act urgently on measures to prevent this fishery from disappearing.

We appreciate the support of the Council thus far and we continue to fight for our survival to remain the last US longline albacore fleet. Thank you for your attention and your effort to assist us. We sincerely appreciate it.

Respectfully,

Christinna Lutu-Sanchez
President, Tautai O Samoa Longline Fishing Association.

Feliciano further commented that, despite various adverse factors working detriment to the fleet, it continues to contribute \$6 million to the American Samoa economy on a yearly basis and remain focused on doing such responsibly as evidenced by its commitment to sustainability in conjunction with StarKist acquiring MSC Certification.

Sean Martin, Hawai'i Longline Association (HLA), commented that on House Bill 4528 having to do with the Pacific Island State and Territories being able to export billfish to the continental US. It is described as a technical amendment by some, but it is hardly a technical amendment and was labeled by people who are not directly impacted by it. He said it is

important to be able to distribute Hawai‘i fish nationally and credited the Council for the management of billfish.

On agenda item 8.B.4 regarding the framework for sea turtle interactions, the longline industry supports the positions that the SSC and the Plan Team have made. In regards to three turtles or five turtles, the industry had internal discussions but did not come to an agreement, either. The industry also discussed changing the season, but it took no definitive position.

Regarding agenda item is 8.D on changes the Amendment 7 framework, HLA supports the proposed modifications to Amendment 7, which if implemented will significantly improve the administration of Amendment 7 and hopefully eliminate unnecessary bureaucratic delays and boost the economic efficiency of the fishery. The Hawai‘i tuna-targeted longline fishery operates primarily in the WCPO. However, because the United States has been unable to negotiate a catch limit that reflects the productivity of the Hawai‘i longline fishery, the WCPO is typically closed to US longline vessels for approximately the last third of the year or until fishing under the Territory agreements. Amendment 7 allows US vessels to execute a specified fishing arrangement with US Territories under which those vessels may fish for tuna during a WCPO closure because their catches are attributed to the applicable US Territories. The agreements are fully consistent with WCPFC and provide substantial benefits to the US Territories, as well as the Hawai‘i longline fishery. Every year since Amendment 7 was implemented the WCPO has closed to the US longline fishery. In each of those years, the Hawai‘i longline fishing vessels have responsibly executed specified fishing arrangements with US Territories. Delays have created serious hardships for fishing vessels, unpredictable fisheries management and risk to both the Hawai‘i tuna fishery and the Hawai‘i seafood market by foreign fish suppliers. The likelihood of WCPO closures, combined with the uncertainty caused by NMFS’ inability to administer the current version of Amendment 7 in a timely manner created a scenario in which fishing vessels are incentivized to catch as many bigeye tuna as possible before the WCPO closure occurs. The current requirement that NMFS establish an annual limit for each US Territory is unnecessary and inconsistent with the Convention, which places no limits on US Territories. HLA, therefore, supports the proposed elimination of this requirement, which will reduce the burden on NMFS to administer Amendment 7 and in turn hopefully eliminate the bureaucratic delays that have occurred the last three years.

H. Council Discussion and Action

Regarding the framework for managing sea turtle interactions in the Hawai‘i shallow-set longline fishery, the Council recommended amending the Pelagic FEP to establish a management framework for the Hawai‘i shallow-set longline fishery that consists of the following measures:

- a. Establish an annual limit on the number of North Pacific loggerhead and leatherback turtle interactions that the Council will recommend to NMFS consistent with the anticipated level of annual interactions that is set forth in the current valid BiOp. Once either one of these interaction limits is reached, the fishery closes for the remainder of the calendar year.**

- b. Establish individual trip interaction limits for loggerhead and leatherback turtles for the Hawai'i limited entry permit vessels that declare their trips as a shallow-set trip**
 - i. Upon determining that a vessel has reached either the loggerhead or leatherback turtle trip interaction limit based on data from NMFS observers, shallow-set vessels will be required to return to port without making additional sets.**
 - ii. The vessel may resume shallow-set fishing operations after returning to port and providing the required 72-hour notification under 50 CFR 665.803 prior to departure.**
 - iii. The Council may make recommendations to NMFS to revise the individual trip limits upon periodic review of the effectiveness of the limits.**

Using the framework described above, the Council also recommended the following specifications:

- a. Specify the annual limit on the number of North Pacific loggerhead and leatherback turtle interactions.**
 - i. The Council anticipates that NMFS will complete a new BiOp not later than Oct. 31, 2018. Based upon the current Biological Evaluation, the Council anticipates that the new biological opinion will authorize take of no more than 37 North Pacific loggerheads and 21 leatherbacks. Accordingly, the Council recommends an annual limit of 37 North Pacific loggerheads and 21 leatherbacks, effective Jan. 1, 2019.**
 - ii. The Council will review its recommendation if the new BiOp results in a jeopardy decision or a different ITS for North Pacific loggerheads or leatherbacks.**
- b. Specify the individual trip limit of five North Pacific loggerhead turtles. The Council does not recommend specifying a leatherback turtle trip limit at this time. The Council further recommended annual monitoring of the effectiveness of the loggerhead turtle trip limits and the potential need for leatherback turtle limit specifications as part of the Annual SAFE Report review process.**

Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the MSA. In doing so, the Council directed 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 authorized the executive director and the chair to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The executive director and the chair were 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.

Goto said, considering what has happened in the 2018 shallow-set season, it is extremely important that the in-season trip limits are taken into account by industry as a reminder of what could happen with an early closure like this year. The last closure in 2010 or 2011 was not felt deeply because it was in the latter part of the year, but this year's early closure saw a deep effect. A measure like this in place is extremely important for both the management and to prolong the season as long as possible. The majority of domestic landings of swordfish come out of this swordfish fishery.

Sensui said he wants to support not specifying the leatherback trip limit for now. The 2004 to 2018 observed interactions of leatherback turtles show that having a trip limit is not going to do that much to reduce interactions further and the number of interactions in the shallow-set fishery has remained consistently low compared to loggerhead turtles. Also, the Council is looking at a hard cap of 21 for leatherback turtles, which is lower than the current 26 interactions. The Council should also annually review this observer data for the number of leatherback turtle interactions per trip, as well as interaction rate trends to evaluate the potential need for a leatherback trip limit in the future.

Johns said General Counsel advises the Council to carefully consider the trip limit of five for the loggerhead turtles and whether it is likely to be triggered given the very low historical interaction rates (about 2.7 percent of the time) where there was an interaction of five on trip limits. It is suggested that the Council carefully consider whether this measure is reasonably calculated to reduce impacts to protected species or delay reaching a hard cap that would close the fishery.

Gourley said, looking at Table 5 in the draft amendment document, the simulation results show that a loggerhead trip limit of five could have had a 30 percent reduction. Adopting this five per trip limit would keep the fishery on the waters, keep it fishing and also reduce interactions.

Soliai said he supports a loggerhead trip limit of five turtles and understands that the industry has planned to start a pilot program to avoid these interactions and provide the information to the participating vessels. That has the potential to further reduce interactions with loggerhead and leatherbacks based on the examples that have been provided in programs in Alaska and the West Coast fisheries. A higher limit would provide an incentive for vessels to avoid further turtle interactions and allow the vessels to employ voluntary sea turtle measures, such as moving from high interaction areas to test and evaluate effective avoidance strategies. A lower limit would hinder the fleet's ability to develop effective avoidance strategies at the industry level, and the Council can commit to a timeline for monitoring and review the shallow-set longline initiatives to continue and establish those pilot programs.

Gourley said the shallow-set longline will continue to use the circle hooks and the mackerel-type bait. These measures have reduced interactions by 90 percent. This particular fishery when compared to global fisheries is far ahead of the curve as far as trying to reduce interactions to protected species.

Moved by Duenas; seconded by Gourley.
Motion passed.

Regarding the framework for managing sea turtle interactions in the Hawai'i shallow-set longline fishery, the Council recommended the following non-regulatory measures:

- a. **Establish the following timeline for monitoring the development and review of a sea turtle interaction avoidance pilot program utilizing fleet communication to be implemented by the industry:**
 - i. **Support the development of the pilot program by working with the Hawai'i shallow-set longline fishery participants, NMFS and other partners and providing assistance as necessary and appropriate to set up the data sharing and fleet communication platform or other program components;**
 - ii. **Monitor the development and implementation of the pilot program over a three-year period through periodical meetings between Council staff and industry participants;**
 - iii. **After the three-year development and implementation period, the Council will conduct a review of the pilot program through the Pelagic Plan Team and/or the appropriate Council advisory bodies. As part of the review, the Council will determine whether the program may be further improved and incentivized by modifying the management measures for mitigating sea turtle impacts in the fishery by establishing incentives as part of the management measures for mitigating sea turtle impacts in the shallow-set longline fishery under the Pelagic FEP.**

Tosatto said, since this is non-regulatory in nature, he does not have to comment on a reasonable amount of non-specificity in the program. It is about nudging industry toward it and establishing a Council role for that in A. For B (requesting NMFS to provide funding to support research to reduce post-hooking mortality rates), he asked why there is a request for NMFS funding. He was not sure why it is lumped into this motion regarding non-regulatory measures.

Duenas and Sensui agreed to amend their motion to take up B as a separate motion.

Moved by Duenas; seconded by Sensui.
Motion passed.

Regarding the framework for managing sea turtle interactions in the Hawai'i shallow-set longline fishery, the Council requested NMFS provide funding to support research in minimizing trailing gear to further reduce post-hooking mortality rates of loggerhead and leatherback turtles.

Moved by Duenas; seconded by Gourley.
Motion passed.

Regarding loggerhead turtle interactions in the Hawai‘i shallow-set longline fishery, the Council requests PIFSC analyze loggerhead turtle interaction data from recent seasons and suggested that a range of statistical modeling approaches be applied to better understand factors associated with high number capture events.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding the ESA Section 7 consultation for the Hawai‘i shallow-set longline fishery, the Council requested NMFS to provide the Council with a BiOp Analysis Plan and draft BiOp for review in accordance with the ESA-MSA Integration Agreement. The Council further directed staff to form an SSC Working Group to review the analysis plan for the ongoing consultation when it is made available to the Council. The working group members are James Lynch, Steve Martell, Shelton Harley, Justin Hospital and Donald Kobayashi.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding loggerhead turtle interactions in the Hawai‘i shallow-set longline fishery, the Council requested NMFS evaluate the potential “transfer effect” in the BiOp as an indirect effect of the proposed action rather than part of the environmental baseline.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding the marine turtle population assessment, the Council requested PIFSC consider the following in finalizing the modeling approach:

- a. The modelling consider a range of approaches including demographic models as well as PVA;**
- b. The modelling consider cross-validation techniques to test the robustness of approaches being considered to impute missing count data;**
- c. The modelling consider the robustness of the conclusions to the inclusion or exclusion of the winter nesting population that is thought to not interact with the Hawai‘ian longline fleet; and**
- d. The modelling consider additional details, including any assessment of effectiveness or of interventions on the nesting grounds (e.g., effort to reduce human or animal related mortalities).**

Tosatto said he is not inviting an argument over this but wanted to set appropriate expectations of the Council. The ongoing BiOp needs to be responsive to the Agency’s needs, and NMFS welcomes the Council’s input. The request to PIFSC needs to be in line with PIRO’s analysis plan.

Moved by Duenas; seconded by Gourley.
Motion passed.

Regarding the marine turtle population assessment, the Council **requested NMFS include an SSC member as one of the independent reviewers of the loggerhead and leatherback population model.**

Moved by Duenas; seconded by Gourley.
Motion passed.

Regarding the LVPA applicable to the American Samoa limited entry vessels, the Council undertook the following:

- a. **Reiterated its previous recommendation that it supports all fisheries occurring in American Samoa waters and within the US EEZ. The Council recognized that the American Samoa longline limited entry fishery, which targets albacore for landing at the local cannery, has experienced poor economic conditions for more than a decade; as a consequence, dozens of vessels have left the fishery. The remaining longline vessels continue to face lower catch rates and increasing operational costs; available information indicates that the current LVPA restricts fishing operations and optimal yield and adversely affects efficiency by preventing vessels from “following the fish.”**
- b. **Recognized that *alia* fishermen who troll for yellowfin, skipjack and wahoo perceive that their fishing would be harmed if LVPA regulations are modified. However, available scientific information gathered when the 2016 LVPA rule was in effect showed no adverse impacts to the catch rates of pelagic troll vessels, including *alia*.**
- c. **The LVPA rule has led to disagreement within the American Samoa fishing community and is the subject of litigation. The Council noted that last year’s court decision requires the consideration and protection of American Samoa cultural fishing. To this end, the Council requested PIFSC conduct research on American Samoa cultural fishing practices to facilitate understanding and potential impacts of opening some restricted fishing areas within the US EEZ for American Samoa vessels that primarily target albacore. PIFSC presented the results of this research at the Council’s 172nd meeting in March 2018. The PIFSC research indicates that all fishing in American Samoa has cultural importance, whether commercial longline, commercial *alia* vessels, troll or other fishing sectors, because catch from all locally based fishing sectors flows into the American Samoa community for cultural purposes.**
- d. **On July 6, 2017, and Nov. 17, 2017, the Council requested consultation with the Government of American Samoa on preserving and protecting cultural fishing under various options for prohibited areas in the US EEZ after taking into account community comments at a Council hearing in American Samoa in October 2017. Consistent with these requests, the Council requested at its 172nd meeting that the American Samoa Government consider all relevant information, including the PIFSC research paper, available data on fishing impacts under the 2016 LVPA rule, and input from longline and *alia* fishermen and other stakeholders, and identify an**

option consistent with the MSA that might resolve this disagreement. The Council requested that the American Samoa Government forward its recommendation to the Council by May 30, 2018, or sooner for action at its June 2018 (173rd) Council meeting. The Council received one response from the American Samoa government in October 2017 that Council member Henry Seseapasara is the point of contact on cultural fishing, but did not receive responses to the Council's requests to consult with the American Samoa government on cultural fishing, and the Council did not receive a response from the American Samoa government by May 30, 2018 to its request for an option that would address its concern over the proposed action.

- e. On June 12, 2018, during Council discussion on the LVPA rule at its 173d meeting, Council Member Henry Seseapasara offered the Government of American Samoa's position on the alternatives presented to the Council and indicated that the American Samoa Government supports the status quo (alternative 1).
 - The Council continued to take into account various considerations regarding the LVPA rule, including the importance of the American Samoa longline fishery to the local economy and canning industry, more than a decade of poor economic conditions facing this longline fleet, attrition in vessel participation, catch rates for longline vessels and troll vessels while operating under the 2016 LVPA rule, PIFSC research on cultural fishing, Council Member Seseapasara's statements, public comments on this issue, and the MSA National Standards. In light of these considerations, the Council recommended a regulatory amendment to provide a four-year exemption for vessels permitted under the American Samoa longline limited entry program to fish within the LVPA seaward of 12 nautical miles around Tutuila; 12 nautical miles around Manu'a; 12 nautical miles around Swains; and 2 nautical miles around the offshore banks.

The Council further recommended annual monitoring of the American Samoa longline and troll catch rates, small vessel participation, and local fisheries development initiatives.

Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the MSA. In doing so, the Council directed 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 authorized the executive director and the chair to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The executive director and the chair were 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.

Seseapasara reiterated his statement from the previous day that the American Samoa Government's position is based on waiting for the appeal of the case. Based on that, he would only support the status quo or Alternative 1.

Okano asked, after four years, what happens to the exemption.

Kingma said the exemption would no longer be in effect and the Council would have to make a decision on what the LVPA would be after the four years.

Simonds asked for clarification on the status of the mediation between the federal and American Samoa governments.

Johns said mediation discussions are ongoing, with a conference scheduled for June 25, 2018. The details of the negotiations are confidential.

Ebisui asked if the mediation was court-ordered.

Johns answered in the affirmative. It is being conducted by a Ninth Circuit Court mediator.

Ebisui said mediation is a viable dispute resolution process and everybody tends to win; however, when mediation breaks down, there is a winner and a loser. He hoped that the mediation process proceeds and some resolution can be reached.

Soliai said he is required to recuse himself on the vote but can participate in the discussion of the motion. He asked, if the *alia* fishery develops and there is annual monitoring, what would happen if the *alia* fishery becomes successful.

Kingma said he hopes the *alia* vessels are successful. The Council would be monitoring catch rates, levels of participation, the catch that is harvested, the distribution of the fish and where they go.

Simonds added that monitoring of fisheries interactions would occur as well.

Soliai said there is no requirement to wait until the four-year period is up. This issue is very sensitive, not only personally, but from the industry side. It continues to be a very contentious issue not only here at the Council but back home as well. The government's position is respected, but, from the industry side, this is a valued fishery. Not only do the products depend on the fish that's caught by the local longliners, but jobs are very dependent on the fish that is brought in by this particular fishery. There is hope that the negotiations will be successful if and when that happens, but, at this stage, his position remains the same as far as supporting the local longline fishery.

Duenas said he echoes Soliai's comments. He thanked Seseparasara for being able to fish on an *alia* and said he can understand the difficulties they go through on those types of vessels and wanting to preserve maybe some of the nearshore resources. However, with the sunset clause of four years, the annual monitoring and the economic situation, he is in support of the motion.

Gourley said he supports the motion and favors the annual monitoring which would allow the Council to address any issue based on the information in a timely manner.

Sensui expressed his concerns and sympathies with Seseapasara. Being a small-boat fisherman himself, Sensui said he can appreciate the kind of things that all fishermen go through in providing for their families and communities. Hawai‘i had a history of gear conflicts between its longline fleet when it first started, and that was settled through spatial separation, just like the LVPA. Looking at the information available, there have been no reported interactions between the longline fleet and the nearshore fleet. In that case and in considering the economic situation of American Samoa, it would seem to make sense to reduce the size of that separation to the 12 nautical mile limit allowing the local longline fleet to operate and contribute not just to the StarKist operation but to the American Samoa community, in general, in terms of direct jobs and the trickle-down effects that a local industry would have within its community. He further stated his support for the motion as it follows along with the Council’s obligation to follow the National Standards.

Simonds asked Seseapasara for his views on how the Council has addressed the Deeds of Cession using the PIFSC survey and with respect to cultural fishing.

Seseapasara thanked Council members for their views. He said the governor is waiting for the result of this case, and he is in a position of trying to propose a solution that would please both the *alia* fishermen and the large vessel fishery boats. His decision will be based on whatever the results of the appeal or the negotiation that is going on now. He said he is not at liberty to say what the Governor has in mind, but it is not just looking at the benefit of the *alia*, rather he is looking at what can be resolved for both sides, as well as the cannery that supports the economy.

Tosatto said he will abstain from the vote on the motion as the action will come before the agency for approval.

Peck clarified that the motion does not include Rose Atoll even though it is considered part of the Manu‘a Islands.

Moved by Duenas; seconded by Gourley.

Motion passed with Soliai recusing; Seseapasara voting no on the motion except for maintaining the status quo; and Tosatto abstaining.

Regarding the Pelagic FEP amendment to modify the Amendment 7 framework and regulations, the Council recommended amending the Pelagic FEP and implementing regulations as follows:

- a. Removal of the requirement for establishing separate total catch or effort limits for the US Participating Territories prior to establishing allocation limits; and**
- b. Removal of the requirement that the Council must annually specify catch and allocation limits by permitting the Council to recommend that NMFS promulgate multi-year catch and or allocation limits in regulations.**

Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the MSA. In doing so, the Council directed 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 authorized the executive

director and the chair to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The executive director and the chair were 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.

Goto said the delays in the authorization of the Territory limits and fishing agreements in each of the past three years were extremely detrimental to the industry if not for anything more than relying on the consistency of the market to be available to the consumers and to the wholesalers that depend on it.

Tosatto said the recommendations generally support administrative efficiency but that NMFS will have to look closely at compliance with the obligations under WCPFC and a variety of other things to make sure overfishing is prevented. He said it is moving forward in a good way, but he would abstain from voting as the action will come before him for final decision-making.

Simonds said she sympathizes with all the things NMFS has to look at, but in past years timelines were developed between staffers so NMFS obligations were clear and when they could be met. She emphasized the importance of the two staffs working together on the process. She asked for the status for this year's Territory specifications.

Kingma said the Council took final action on the 2018 specifications at its March 17th meeting with consideration of a Draft Environmental Assessment prepared by Council staff. Soon after the Council's recommendation, Council staff transmitted that Draft Environmental Assessment to NMFS PIRO.

Tosatto said one of the issues is around value judgments over adequacy of the analysis provided, but, at the end of the day, NMFS will decide when environmental analyses and things are legally sufficient to move forward. He noted that things are on track.

Simonds asked for the status on the deep-set longline fishery PEIS.

Tosatto said it is not a top priority and there were some personnel changes in SFD and noted that it is not being relied on for this action.

Moved by Duenas; seconded by Gourley.

Motion passed with Tosatto abstaining.

Regarding bigeye growth estimates used in WCPO and EPO stock assessments, the Council requested NMFS support WCPFC and IATTC initiatives to convene a workshop to compare techniques and age estimates between otolith reading labs in the WCPO and EPO for the purposes of evaluating aging techniques and differences in growth models across the Pacific.

Moved by Duenas; seconded by Soliai.

Motion passed.

*Regarding the WCPFC longline bigeye limits, the Council directed staff to work with NMFS **PIRO on the draft Monitoring and Control Plan for the United States Tropical Tuna Longline Fishery for review by the Council and US WCPFC Permanent Advisory Committee.***

Goto said that the Hawai'i longline fleet sets itself apart in the international arena when it comes to the monitoring efforts. There is an intention to continue to push for higher bigeye limits as a result of that.

Tosatto said that a draft plan has been drafted that he hopes hope that the Commission will think favorably upon. It is expected that the US position will be the US Hawai'i longline fleet deserves X percentage increase over others, for reasons laid out in the plan. He said that he looks forward to the Council and the Principle Advisory Group to the Permanent Advisory Committee to provide feedback on the draft plan.

Moved by Duenas; seconded by Soliai.
Motion passed.

*Regarding the EPO stock of skipjack tuna, the Council **acknowledged that the EPO skipjack is a major fishery without a stock assessment and directed staff to write to the IATTC to encourage research by IATTC that could support a formal stock assessment.***

Moved by Duenas; seconded by Gourley.
Motion passed.

*Regarding seabird management measures in the Hawai'i longline fishery, the Council **directed staff to convene a workshop to review seabird mitigation requirements and the BSIA while taking into account operational aspects of the fisheries, seasonality, the location of seabird interactions, alternative mitigation measures and cost/benefit analyses.***

Moved by Duenas; seconded by Gourley.
Motion passed.

*Regarding the National Saltwater Angler Registry, the Council **directed staff work with NMFS to evaluate monitoring and enforcement issues associated with the National Saltwater Angler Registry in Hawai'i, including potential mandatory reporting requirements.***

Sensui said he is one of 100 people in that Saltwater Registry. Given the small number of people in that registry, he questioned if this would really help provide what the fishery needs to determine what the extent of the noncommercial fishery might be in Hawai'i.

Kingma said the issue is that it is not providing much useful data and there is an interest in looking at issues with its implementation, monitoring and enforcement and make recommendations as appropriate.

Tosatto said that focus is on the federal mandate and knowing who is fishing in the EEZ. Recognizing how it is done in 49 other states, he said that this is an activity best executed by the State. As the regional administrator, he has been asking every incoming DLNR chair whether a recreational fishing license will be established at the state level, and the answer before now has been no, but now the State is saying that it is working on it.

Simonds said this has been going on for years, with NMFS and the Council working to get the State an exemption. The State does not need to have a permit and reporting law but rather a survey. Waiting for some kind of legislation is not necessary. Funds have been spent to help the State. The question is what is the next step.

Moved by Duenas; seconded by Gourley.
Motion passed.

IX. American Samoa Archipelago

A. Motu Lipoti

Sesepasara reported that the DMWR MPA Program includes 11 villages, with other villages expressing interest in adopting an MPA in the future. The most recent addition to the list of MPA villages is the neighboring villages of Matu‘u and Faganeanea. Those villages’ main concern is the watershed and the effects of runoff on the coral reef.

Two FADs were lost during the tropical cyclone in February. The American Samoa Government has requested FEMA assistance to replace those FADs, and that request is under review. DMWR also plans to place two additional FADs around the Manu‘a Islands soon. Additionally, due to damages sustained by that storm and a black mold infestation, the DMWR has been forced to relocate to the nearby Fagatogo Square building.

Sesepasara shared a summary of the collected data from the Inshore Creel Survey program from the DMWR Fisheries Division, noting that there are only 15 *alia* boats based in Pago Pago Harbor from which data is being collected. DMWR plans to include other *alia* not located in the main harbor area in its data collection effort in the future for both pelagic and bottomfish landings. That data will be important to continuing the fuel subsidy program for *alia* vessel owners.

Sesepasara reported on other programs managed by DMWR including the community-based fishery management program and the ongoing efforts to remove crown of thorn starfish from the reefs with the National Park Service. He also shared catch data from the recent I‘a Lapo‘a Game Fishing Tournament and showed a comparison of catch from recent years’ tournaments. He speculated that low catch results during the 2016 and 2017 were the result of the LVPA amendment, with this year’s catch increasing after the amendment was voided. He said *alia* fishermen have said the presence of foreign longline vessels in Independent Samoa waters have resulted in low catch numbers for *alia* fishermen.

Soliai asked about the number of boats participating in the tournaments each year and wondered if the participation was reduced in 2017.

Sesepasara said it is true that the number of boats participating in 2017 was lower than the other years as four boats from New Zealand did not participate that year.

Soliai said he thinks that the drastic reduction in 2017 was an anomaly compared to 2016 and 2018.

Ebisui asked about the moon phase during the tournament in 2017, as the moon phase seems to play a role in catch rates. He assumed that during full moon fish feed throughout the night and are in deeper waters when trolling during the daytime.

Sesepasara said he does did not remember the moon phase.

Sensui also pointed out that there are variations in catch results for tournaments. The annual Fishing to Feed Hawai'i's Hungry tournament has brought in over 1,200 pounds of fish but only 700 pounds this year. Multiple data points are needed to determine a trend. The single data point used in Sesepasara's presentation probably does not indicate a trend. Sensui suggested looking at other data to back up this claim.

Duenas said moon phase makes a difference based on his experience in Guam. During their August tournament, a study was done for the past three years and there was a difference between the moon phases of catching 14 marlin versus 70 marlin.

Okano asked what type of watershed restoration activities were being conducted as part of the village marine managed areas to reduce pollution going into the reef. He also asked if the managed areas have any limits for taking organisms from the reef.

Sesepasara described his department's projects in Faga'alu, Vatia and Leone villages and their cooperation with the traditional leaders in those villages. DMWR assisted the villages replanting mangroves and addressing stream pollution effects on the reef. He said MPAs were a collaborative effort with the villages in which the chiefs and the residents determine regulations and the length of time for any fishing restrictions.

B. Fono Report

Soliai reported that the Fono completed its third legislative session in April and the fourth and final session would begin in July. There were no specific legislative items related to fisheries, but construction of a new Fono building was underway. Additionally, a veto override issue would be voted on in the November election. The current constitution process requires veto override to be submitted to the Department of the Interior. Lastly, the Fono was exploring reapportionment for representatives for Tualauta County, the largest populated district in American Samoa.

C. Enforcement Issues

Sesepasara reported that DMWR's Enforcement Division staff has been deputized to work with the NOAA OLE staff locally and carry out the Joint Enforcement Program in the Territory. He referenced local regulations for spiny lobsters and other species of fish and the Enforcement Division's work with local seafood vendors to enforce those regulations.

D. Report on Benefits of National Marine Sanctuary of American Samoa

Atuatasi Lelei Peau, a high talking chief, provided a report on the National Marine Sanctuary of American Samoa (NMSAS) efforts from the past six years in its goal of conservation and protection of culture, people and resources. He provided an overview of the NMSAS history and its change from the smallest National Marine Sanctuary (NMS) to the largest covering 13,581 square miles. He discussed the NMSAS regulations in its various units, its overlapping jurisdiction in areas such as on Rose Atoll with USFWS, and species that have received protection through NMS regulations including giant clam, sea turtles, whales and corals. He covered various NMSAS programs and partners to address marine resource threats, such as the grounded longline vessel that was removed in coordination with the USCG, the village of Aunu'u and local government. He discussed projects to address the removal of crown of thorns starfish, climate change vulnerability assessment work and coastal resilience against impacts of climate change. He spoke about the impact of February's tropical storm Gita on the sanctuary. In speaking about the benefits to American Samoa provided by NMSAS, Peau updated the Council on efforts to preserve and celebrate the importance of place and culture for future generations. This includes Ocean Center tours, the Get Into Your Sanctuary program, Google Hangout sessions with neighboring Pacific islands and work with the Polynesian Voyaging Society. He reported that the NMSAS has held fishing tournaments in 2016 and 2017.

Peau summarized the NMSAS student education programs available in American Samoa, including swim lessons, ocean summer programs, Sanctuary Science Summer Village and visiting high school students from the mainland. The sanctuary also offers internships for local students to Mote Marine Lab in Florida. He discussed the NMSAS goal of building a remotely operated underwater vehicle for exploring NMS areas, understanding palolo spawning and studying the impacts of climate change.

Regarding conservation science and monitoring projects, Peau reported that, with local and federal partners, the following conservation and research priorities were identified: a research science network, reef restoration and resilience, and an economic evaluation of the coral reefs of American Samoa. He updated the Council on a collaboration with Hawai'i's NMS to secure an Ecological Acoustic Recorder for Fagatele Bay. On research that has been conducted in American Samoa by NMSAS, Peau spoke about a reef monitoring project, a marine debris accumulation study and a collaborative project with ASRAMP to monitor fish and coral conditions.

Gourley asked about the funding for the Ocean Center and whether it was a new building or an existing building.

Peau said it was cost shared with the American Samoa Government with approximately \$300,000 from the Marine Sanctuaries peak group. They renovated a condemned building.

Okano asked about the fishing regulations in NMSAS.

Peau said hook and line, cast nets, spear fishing and gleaning were allowed except in Fagatele Bay. He said Aunu'u island's research zone allowed only surface fishing.

Sesepasara added that it is mostly cultural fishing and allowing for subsistence fishing rather than commercial.

Simonds commented that CNMI was promised a building when the Monument was established, but it still does not have a building.

Allen Tom, NMS, said a CNMI sanctuary has been on the nomination list for two years. There was no plan to move forward with the nomination, thus no plan for a visitor center there.

Simonds said the promise was about the monument so it was not a Sanctuary problem. Many things promised to the CNMI Government have not happened.

Gourley said that a nongovernment organization (NGO) was making promises on behalf of the NMS and none of those promises materialized. He spoke about personal attacks he has endured and people still being unhappy with the formation of the monument. He said that the monument is an unfunded, unilateral mandate that came down from one person who was a puppet of the NGOs and that is not the way to do MPAs, which should be a grassroots process.

Tom responded that the NGO may be pushing NOAA for a sanctuary, but the monument is present in CNMI. He did not think a NMS was needed there.

Okano echoed Gourley's dismay with unfulfilled promises made with the monument establishment and compared it to what is happening in Hawai'i and American Samoa.

E. Report on the Benefits of the Rose Atoll Marine National Monument

Peck provided a report on the Rose Atoll Marine National Monument to the Council. He informed the audience that there was printed material and a DVD available with information on the linkages Rose Atoll has to cultural and natural resources. He gave an overview of the Rose Atoll Monument, including its initial designation as a National Wildlife Refuge in 1973 and passage of a Fono resolution to endorse the designation. The purpose of the designation was to protect species of wildlife, specifically seabirds, giant clams and sea turtles. The overview also included regulations, including the area being closed to public entry, a 50 nautical mile box of the surrounding waters that has a commercial fishing restriction and a 12 nautical mile circle around the atoll that is closed to all fishing activity. The waters from 12 to 50 nautical miles around Rose Atoll allow cultural and subsistence fishing with the proper permit. The management of the Monument falls under Department of the Interior with USFWS responsible for the overall management, with NMFS having oversight of fishery management and the American Samoa Government being a cooperative partner for day-to-day management in collaboration with NMSAS. Peck also referenced the Inter-Governmental Coordinating body, which is a partnership of agencies that share management responsibilities.

In describing the Monument's flora and fauna, Peck said there were over 200 species of corals, giant clams, various seabird populations which nest on the atoll, Hawksbill sea turtles that nest on Rose Atoll, and pelagic and reef species of fish. He spoke about NOAA's different divisions and their role with the Monument. NOAA also provides funding for the Monument and to support DMWR's efforts, including developing a curriculum and exploring the atoll from a Ta'u Island perspective. Also universities such as Texas A&M and University of Hawai'i Manoa

have done studies on climate change vulnerability and invasive species. The NOAA *OKEANOS EXPLORER* conducted remotely operated underwater vehicle dives for bathymetric mapping for the Monument and collected deep-water rock samples for geologic composition to identify the volcanic hot spot from which Rose had originated. NOAA's *OSCAR ELTON SETTE* and *HI'IALAKAI* conducted bottomfish surveys and standardized sampling of coral, algae and fish communities of Rose, respectively. Additionally, turtle research efforts are ongoing at Rose to better understand migration patterns. Peck also mentioned native trees, such as the *Pisonia*, which are being damaged by invasive insects, and potential plans to introduce a wasp population to feed on those insects.

Peck reported on climate change impacts to Rose and mentioned that coral bleaching is occurring with Rose coral populations. Another problem the Monument faces is with marine debris, the majority of which is comprised of plastic pieces and bottles. Additionally, Peck has had to conduct outreach to address the issue of yacht owners illegally visiting Rose. USFWS has posted signs on the atoll and installed remote cameras to monitor illegal visits. It is also working to complete the removal of a Taiwanese longline vessel that ran aground in 1993, spilling 100,000 gallons of fuel oil.

Gourley asked about the process for residents of American Samoa to visit Rose Atoll.

Peck said a special use permit is required and no unaccompanied visits are allowed. He spoke about his work in collaboration with local and federal partners regarding visits to Rose.

Tosatto spoke about the layers of management with Rose, with the refuge, the sanctuary, NMFS and the cooperative oversight for other areas including ESA and MMPA. He also addressed funding for the monuments and said there are no additional increases to existing fishery management, Coral Reef Conservation Program and protected species funding for the many research needs.

Gourley clarified that his earlier comment regarding the monuments being unfunded was related to the Antiquities Act being totally unfunded, causing agencies to find funds where they can and creating ownership issues for the monument areas.

Tosatto clarified that Rose Atoll has no surrounding territorial waters designation but the land itself belongs to American Samoa.

Sesepasara also brought up the underwater volcanic activity and the potential for new lands being formed between Rose Atoll and Manu'a. Chiefs from those islands already claiming that land for Manu'a.

F. Community Activities and Issues

Soliai reported that StarKist recently entered into a sublease agreement for the use of the Tri Marine Samoa Tuna Processors facility, effective June 1, 2018. The 10-year lease alleviates the company's need for cold storage space and allows the flexibility to expand operations in the future, a benefit to the Territory. He acknowledged the Governor and his legal counsel, Alema Leota, for assisting with the process in approving the lease. Soliai said that despite the lease, the company is still dealing with hardships, including competing with manufacturing locations

where labor costs and other expenses are substantially lower and subsidized. Soliai informed the Council that the USCG and NOAA OLE recently conducted outreach in Independent Samoa with fishing vessels based there that had plans to deliver fish to StarKist. The visit included drills and sessions to inform the vessel owners and crews about requirements for delivering fish to Pago Pago Harbor to meet federal regulations.

Nate Ilaoa, Council staff, provided an update on American Samoa Government's fishery development projects. DMWR completed a damage assessment of Manu'a-based *alia* boats last June and has plans for 10 boats to be repaired in Manu'a by a contractor from Tutuila. Regarding the longline dock extension project, the Council received a report from current contractor Tinai, Gordon & Associates detailing options for a 400- by 400-foot extension to the Malaloa dock, recommending sheet pile bulkhead jetty construction with an estimated cost of \$3.3 million and an additional \$341,000 for dredging the landward basin. The Port Administration announced it will launch its Maritime Licensing Program in the summer. Port staff was working with the Maritime License Center to train local staff to be able to provide the training in American Samoa. The courses will certify local people as radar observers, master/mate, radio operators, first aid/cardiopulmonary resuscitation (CPR) trainers and towing operators.

Sesepasara added that the American Samoa Government has requested that USFWS allow longline vessels to use the existing Malaloa Marina dock and that the Governor is looking for the funds to complete the dock extension.

G. American Samoa Marine Conservation Plan (Final Action)

Sesepasara reported to Council that DMWR completed its Marine Conservation Plan (MCP) document and submitted it to Council staff for review. He thanked the staff for reviewing and providing input on the MCP and said DMWR had incorporated those comments and suggested edits.

Kingma said the staff included projects related to fishery training, infrastructure, fish markets and development and felt it was important to also add language for pelagic research, consistent with the Council's Pelagic Research Plan with regards to stock assessment, life history, environmental indicators and fisheries interactions and management. This would allow funds to be utilized for those issues in American Samoa.

Sesepasara agreed that those were important things to include and added that a high priority designation would be appropriate.

Soliai asked what the deadline for submission of the MCP was.

Kingma said, when the Governor of American Samoa signed off on the document, it would require a letter of transmittal to NMFS acting on behalf of the Secretary. It would be reviewed against MSA provisions related to MCPs and a notice would be provided. He estimated a couple of weeks for approval and a notice in the Federal Register.

Tosatto said the time to review the plan against standards and process paperwork for a notice in the Federal Register was quick, but a plan's expiration could affect the ability to spend funds.

H. Education and Outreach Initiatives

Ilaoa reported on the upcoming High School Fisheries and Marine Resource Management Course set to run from July 6-20, 2018. Recruitment of students had begun. The agenda included lessons on fishing methods, CPR and first aid training, seafaring and sailing, coral reef monitoring and the tuna industry. Ilaoa also reported that two American Samoa Community College students were taking part in the Pacific Reef Expedition aboard the *ROBERT C. SEAMANS*, traveling from New Zealand to Tahiti, passing Kiribati and Rangiroa on their way back up to Honolulu, while conducting research-related activities. Lastly, he said a student from American Samoa had been selected for the Pacific US Territories Fishery Capacity-Building Scholarship Program. He is a current student at Hawai'i Pacific University and a graduate of Samoana High School.

I. Advisory Group Reports and Recommendations

1. American Samoa Fishery Ecosystem Plan Advisory Panel

Ilaoa reported there were no recommendations from the American Samoa AP.

2. Scientific and Statistical Committee

Lynch reported that there were no recommendations from the SSC.

J. Public Hearing

There were no public comments.

K. Council Discussion and Action

Regarding the 2018 American Samoa MCP, the Council concurred with the MCP with the addition of the following project: Support research activities on pelagic fisheries that include the collection of life history information, ecosystem indicators, economics and fishing communities, and fisheries interaction and management.

Moved by Seseapasara; seconded by Soliai.

Motion passed.

X. Non-agenda Item Public Comments

Rice spoke about the Governor of Hawai'i submitting names for the Council nomination, and politics being factored into the decision of names rather than fishing ability in the past. He said this would be the case again this year with friends of the administration getting nominated, with a couple good fishermen. He said including factors other than fishing ability in the nomination selection is harmful to the Council process because Council members should be qualified.

XI. Protected Species

A. Report of the False Killer Whale Take Reduction Team Meeting

Angela Amlin, PIRO, provided a report of the False Killer Whale Take Reduction Team (TRT) meeting convened April 10-13, 2018. The TRT evaluated the status and implementation of the Take Reduction Plan (TRP) and began consideration of alternatives to current measures to reduce mortality and serious injury. The TRT will have a follow up teleconference on June 15, 2018, to continue discussions on recommendations for the TRP. To date, there have been seven confirmed false killer whale interactions in 2018 in the Hawai'i deep-set longline fishery, three of which occurred outside of the EEZ and four inside the EEZ. One interaction inside the EEZ resulted in a serious injury and counts toward the Southern Exclusion Zone (SEZ) closure trigger and three inside the EEZ are pending injury determinations.

Okano asked how long the SEZ would be closed if the takes inside the EEZ triggers the closure.

Amlin said it depends on the bycatch reduction criteria that would be put in place by the TRT.

Sensui asked for clarification on the number of false killer whale interactions and the nature of interactions, as well as how the serious injury determinations are made.

Amlin said, of the seven confirmed interactions, one has been confirmed to be a serious injury; injury determinations for the remaining interactions are pending. Injury determinations are based on review of video by NMFS staff.

Garrett added that the determinations are based on the gear and where the hooking occurs. NMFS has published criteria for the determinations. All three of the animals within the EEZ had hooks in the mouth, and that is one of the criteria that is examined and is of concern.

Sensui called upon Ishizaki to provide additional details from the TRT meeting.

Ishizaki said the Council has a seat on the TRT and she is the current representative of the Council. One of the discussions during the TRT meeting in April was related to the serious injury determination criteria. The criteria are in a NMFS policy directive rather than in regulations or in the statute, so NMFS has control over the guidelines. The current serious injury determinations for small cetaceans, including false killer whales, results in any gear remaining in the mouth or head region being considered a serious injury. Serious injuries are treated equivalent to a dead animal for the purpose of management and evaluation of impacts. About 90 percent of false killer whale interactions in the fishery results in the animal being released alive, but about 70 percent of those are classified as serious injury and counts against the fishery. Common sense would indicate that less trailing gear left on the animal would improve the survival probability, but the current criteria do not recognize this, which has been a concern for the Council and SSC as well as the industry. As a related issue, the information upon which the criteria were based came primarily from much smaller cetaceans such as bottlenose dolphins, given that there is limited species-specific data for false killer whales. As such, additional

research is needed to understand the extent to which gear interactions impact false killer whale survival. The current criteria inhibit the discussion for a commonsense approach to minimize trailing gear on false killer whales.

Sensui asked if any consideration has been given to conduct studies on post-hooking release mortality rates.

Ishizaki said that it has been considered but is logistically challenging due to the rare nature of interactions. There are typically a handful of interactions observed every year in a 20 percent observer coverage fishery. Observers would need to be trained for tagging, and tags would need to be available on every trip. An alternative approach could include a meta-analysis of all available information or to use a head model of a false killer whale to examine how longline gear in the mouth may cause injuries to the animal. Efforts have been made to use dorsal fin disfigurements and mouth-line scar injuries to infer potential fishery interactions, but that type of information does not provide mortality rate as a result of the potential interactions. Another consideration would be to prorate the criteria to consider the amount of gear remaining.

Sensui asked about equipment being developed by an industry member to minimize trailing gear on release.

Ishizaki said that the tool is intended to cut wire leaders so that minimal gear is left on the animal. The tool is being developed to safely release sharks, but there is a potential application to other species. However, the current serious injury determination criteria would classify an injury as serious even if the animal was released with hook only, if the hook was in the mouth. The current TRP strategy is to straighten the hook out and to release the animal without any hook.

Sensui asked if the process of straightening the hook could be injuring the animal further compared to cutting off trailing gear and leaving the hook intact.

Ishizaki said that, from the commonsense standpoint, there is a possibility of injury to the animal.

B. Updates on Endangered Species Act and Marine Mammal Protection Act Actions

Amlin provided additional updates on ESA and MMPA actions.

The development on the MHI insular false killer whale draft recovery plan is underway, and the plan and species status assessment is planned for peer review in 2018, after which they will be released for public comment. The status assessment will be used to draft a five-year status review.

Critical habitat for the insular false killer whales includes waters around the MHI from 45 to 3,200 meters depth. It does not include most bays, harbors or coastal in-water structures. The public comment on the proposed critical habitat closed in January 2018, and the final rule is due to the Federal Register by July 1, 2018.

The humpback whale final rule identifying 14 distinct population segments (DPS) was published two years ago. The Hawai‘i and Oceania DPSs are no longer listed, and the Western North Pacific DPS is listed as endangered. NMFS is in the early stages of considering critical habitat for DPSs in US waters. A critical habitat review team has been formed. NMFS anticipates the proposed rule to be issued at the end of 2018. NMFS is also in the early stages of developing recovery plans for humpback whale DPSs that occur in US waters.

NMFS published the final 2018 List of Fisheries in February, which became effective on March 8, 2018. Changes were based on the draft 2017 Marine Mammal Stock Assessment Reports.

The range-wide abundance estimate for Hawaiian monk seals in 2017 remains about 1,400 animals, and the average annual growth rate is about 2 percent since 2013. The increase is primarily due to growth and stability in the NWHI. The MHI population growth rate appears to be stable or slightly declining. There was an intentional killing of a juvenile female monk seal on May 31, 2018, in the Mo‘omomi area of Moloka‘i.

The Sea Turtle Recovery Program started collaborating with the Division of Boating and Ocean Recreation to reduce boat strikes to green turtle in Hawai‘i and continues to provide oversight and support to projects implementing priority activities from recovery plans. The Fishing around Sea Turtles Program has become Fishing around Seals and Turtles.

The draft recovery plan and draft five-year review for the North Pacific loggerhead turtles are planned for release during the summer of 2018.

In 2017, NMFS convened a workshop and drafted an economic analysis for the green turtle critical habitat. In April 2018, NMFS provided final comments on the draft analysis. However, USFWS and NMFS do not anticipate proposing critical habitat or developing recovery plans for the listed green turtle DPSs in the immediate future.

The public comment period for the 90-day finding to designate the Northwest Atlantic subpopulation of leatherback turtles as a threatened DPS was closed. The ongoing status review will consider the species in light of the DPS policy.

On Jan. 30, 2018, NMFS issued the final rule to list oceanic whitetip shark as threatened. There are currently no ESA Section 4(d) take prohibitions, and critical habitat is considered not determinable at this time. Development of a recovery plan will occur at a later time.

Six DPSs of scalloped hammerhead sharks were listed in 2014, and NMFS determined that no areas meet the definition of critical habitat. NMFS is in the early stages of developing recovery plans for Central and Southwest Atlantic, Indo-West Pacific and Eastern Pacific DPSs.

NMFS issued a final rule on Jan. 22, 2018, to list the giant manta ray as threatened. There are currently no 4(d) take prohibitions, and critical habitat is considered not determinable.

NMFS is drafting the final rule to list the chambered nautilus. The rule is due in late October 2018. The species range includes American Samoa, but fisheries interactions are not anticipated.

The public comment period for the 90-day finding to list seven species of giant clams closed in August 2017. The status review for giant clams is ongoing.

The five-year status review of Indo-Pacific corals is underway, with expected completion in September 2019. ESA Section 7 consultations for applicable coral species are ongoing, and a coral species identification training program has started. The program held free training sessions at six locations in the Freely Associated States in February and March. May and June training are being held in Wallis and Futuna, Fiji, Tonga and Samoa. NMFS is in the process of preparing a proposed critical habitat proposed rule, with areas under consideration in American Samoa, Guam, CNMI and PRIA.

Center for Biological Diversity submitted a petition to list cauliflower coral in March 2018. The petition was prompted by widespread warming-induced bleaching and mortality events in Hawai'i. NMFS is drafting a 90-day finding, which is due on June 14, 2018.

Sesepasara asked if all the giant clam species under consideration for listing are present in American Samoa.

Amlin said that she was not sure whether all of the species are found in American Samoa. She said she can follow up on the ranges of the species under consideration.

Gourley asked which of the three giant clam species resulted in negative 90-day findings.

Tosatto said that the seven species that are considered under the status review are *Hippopus hippopus*, *H. porcellanus*, *Tridacna costata*, *T. derasa*, *T. gigas*, *T. squamosa* and *T. tevoroa*. Three species that had negative findings were *T. crocea*, *T. maxima* and *T. noae*.

Itano said that *T. squamosa* is native, and *T. derasa* and *T. gigas* were introduced.

Sesepasara asked if the Palau giant clam that was introduced several years ago was one of the species under consideration.

Itano said that that the Palau giant clam is *T. gigas* and *T. derasa*, but he did not think these species established viable populations after the introductions.

Gourley asked how NMFS would handle the industry that sells giant clams.

Amlin said that NMFS would have to determine that as the listing process goes forward.

Tosatto said the status review will consider factors such as the biology of the population and threats to the species, including the collection, sale and management framework in place. If the harvest is sustainable, the sale could be considered not threatening to the species.

Garrett said the first step is to determine whether listing for the species is warranted. If listing is warranted, then a proposed rule would be issued. Management of harvest would likely be addressed during the recovery planning phase.

Sesepasara said American Samoa has regulations for the size of giant clams sold on the road or in stores.

Gourley clarified that he was referring to the aquaculture of giant clams, which are easily cultured. He said that ESA listing for some of these species of clams, especially *T. gigas* and *T. derasa*, would be a stretch. He asked for clarification on the timeline for green turtle critical habitat consideration.

Garrett said that NMFS has to consider critical habitat because it is a regulatory requirement, but it is not a high priority for the agency at this time.

Tosatto said that the status of the green turtle critical habitat is different than those where NMFS has said critical habitat is not determinable, which is an outcome that ends its requirement to determine critical habitat.

C. Advisory Group Report and Recommendations

1. Advisory Panels

Rice reported that there were no AP recommendations regarding protected species.

2. Pelagic Plan Team

Bigelow reported there were no Pelagic Plan Team recommendations regarding protected species.

3. Protected Species Advisory Committee

Lynch reported on the PSAC meeting discussions and recommendations for the sections pertaining to protected species. PSAC received updates on ongoing ESA consultations and discussed research needs. PSAC made the following recommendations:

In response to oceanic whitetip shark ESA-listing, PSAC identified shark data gaps and research needs, and recommended that the Council work with NMFS and other appropriate partners to address these needs:

- Improve data collection for oceanic whitetip shark capture data in non-longline pelagic fishery
- Outreach to fishermen to improve species identification for shark species to facilitate improved accurate catch data reporting
- Identify nursery ground habitat for ESA-listed scalloped hammerhead sharks unknown for American Samoa and Marianas
- Improve observer program shark data collection:
 - Record release condition, handling and trailing gear

- Collect sex and size for oceanic whitetip sharks for every observed interaction, rather than every third fish

PSAC recommended specific projects to be implemented in the next one to two years to address five-year research priorities:

- Meta-analysis of sea turtle post-hooking mortality rate studies
- Studies to evaluate post-hooking mortality for marine mammals difference depending on amount of remaining gear (including the use of model or cadaver to improve understanding of the impacts of pulling gear to straighten weak hooks)
- Identifying nursery areas for Indo-Pacific scalloped hammerheads for American Samoa and Marianas
- Expand shark interaction studies with small-scale commercial fishers to improve baseline biological, ecological studies for oceanic whitetips
- Evaluate level of current shoreline interaction take of Hawai‘i green turtles as a proxy for evaluating potential level of sustainable take

Goto asked about actual cause of death for turtles and cetaceans that could occur post-hooking.

Lynch said, in general, entanglement from trailing gear could be a concern for both species groups in causing further injury and reducing its ability to feed and travel. He referred to SSC’s concern that attempts to unhook false killer whales can put fishermen at risk and removing trailing gear could similarly create safety risks so those risks would need to be managed.

Sensui asked how trailing gear is currently being removed aside from trying to straighten the hook, and what options are available when the hook cannot be straightened.

Lynch said if the crew is not able to straighten the hook to release false killer whales, then the line could be cut. The concern with straightening the hook is the potential for fly-back, as the crew would need to pull on the line to create tension for straightening the hook. Another issue that the SSC has discussed is that hooks have variability in tensile strength. The diameter of the hook, which has relevance for turtle interactions, has a significant impact on whether a hook would bend or break. Some fisheries are required to use hooks from specified manufacturers.

Sensui said that the alloy used and how the material is heat treated are factors that affect whether the hook is brittle or malleable. The point at which the hook makes contact with the animal can also determine how much leverage is applied to that hook.

Lynch said that the fisheries and agencies recognize tensile strength as important. The issue is having enough supply from manufactures to make the strength consistent. The SSC has requested a presentation at the next meeting from the TRT as to what the next steps will be on this issue.

Tosatto said the Council will receive a report from the TRT after its follow-up meetings. He reminded the Council that the TRT is required by statute, when funds are available, and it has a series of goals that includes reducing interactions to below the PBR and ultimately reduce interactions to zero. The TRP is failing, so more needs to be done to meet the statutory requirements. Discussion around whether measures are effective need to be geared toward what can be done to remove trailing gear, remove hooks from the animals' mouths and prevent hooking from occurring and to consider those factors in balance with the overall optimization of the fishery.

4. Scientific and Statistical Committee

Lynch presented the SSC recommendations regarding protected species. The SSC discussed the outcomes of the April TRT meeting and made the following recommendation:

Regarding the False Killer Whale Take Reduction Team meeting, the SSC requested NMFS to provide a report of the follow-up presentation at its next meeting.

Lynch explained that it is the SSC's impression that there is recognition that other methods should be further explored and implemented, but action has not been action. Lynch said his personal impression is that when the TRT does not reach consensus, action does not happen. However, that should not prevent the SSC from engaging in the discussion, which is why the SSC requested a follow-up presentation.

Lynch provided additional details on the SSC's discussion related to the shallow-set longline fishery BiOp under development. Ray Hilborn, a newer SSC member, observed that the number of loggerhead turtle interactions is small and there is little biological impact; he questioned why considerable effort was being put into evaluating the impact of such small numbers. Lynch said that Hilborn's observation is a reminder that the biological significance of the interaction levels should be put into perspective when considering development of regulations and other regulatory processes.

D. Public Comment

There were no public comments.

E. Council Discussion and Action

*Regarding the False Killer Whale Take Reduction Team, the Council **requested NMFS provide reports of the follow-up Take Reduction Team meetings at the October SSC and Council meetings.***

Moved by Sensui; seconded by Gourley.
Motion passed.

*Regarding ESA-listed shark species, the Council **recommended that NMFS address the following data gaps and research needs:***

- a. **Improve data collection for oceanic whitetip shark capture data in non-longline pelagic fishery.**
- b. **Outreach to fishermen to improve species identification for shark species to facilitate improved accurate catch data reporting.**
- c. **Identify nursery ground habitat for ESA-listed scalloped hammerhead sharks unknown for American Samoa and the Mariana Archipelago.**
- d. **Improve the observer program associated with shark data collection:**
 - i. **Record release condition, handling and trailing gear.**
 - ii. **Sex and size for ESA-listed oceanic whitetip sharks to be collected for every observed interaction, rather than every third fish.**

Moved by Gourley; seconded by Sensui.

Motion passed.

Regarding protected species research priorities, the Council recommended NMFS prioritize the following specific projects to be implemented to address the Council's five-year research priorities:

- a. **Meta-analysis of sea turtle post-hooking mortality rate studies to inform future ESA consultations.**
- b. **Studies to evaluate post-hooking mortality for marine mammals difference depending on amount of remaining gear (including the use of model or cadaver to improve understanding of the impacts of pulling gear to straighten weak hooks).**
- c. **Identify nursery areas for Indo-Pacific scalloped hammerheads for American Samoa and the Mariana Archipelago.**
- d. **Expand shark interaction studies with small-scale commercial fishers to improve baseline biological and ecological studies for oceanic whitetips.**
- e. **Evaluate the level of current shoreline interaction take of Hawai'i green turtles as a proxy for evaluating potential level of sustainable take.**

Moved by Sensui; seconded by Gourley.

Motion passed.

Regarding the Marine Mammal Serious Injury Determination, the Council recommended that NMFS review its serious injury determination policy as it pertains to false killer whales, and support additional research to obtain scientific information on species-specific post-hooking mortality information to inform revision of the policy.

*Moved by Sensui; seconded by Gourley.
Motion passed.*

XII. Mariana Archipelago

A. Guam

1. Isla Informe

Sablan provided an update on the Americans with Disabilities Act compliant fishing platform in Guam. The first phase was funded through the Council and PIRO and completed in 2016. An additional \$200,000 was acquired from the bigeye tuna quota sharing for phase two, which provided an additional 45 feet to the platform in 2017. Work is currently ongoing on phase three of the project, which will extend the platform another 45 feet. Funding is again coming from the bigeye tuna quota sharing arrangement with HLA. The project will be completed in August 2018. In addition, the government of Guam is in negotiations with HLA for another quota sharing agreement in which the money would be used to provide an additional 45 feet of platform bringing the total to 272 feet. Sablan thanked everyone involved in the project and said he would like to leave the platform as part of the Governor's legacy.

Jay Gutierrez, Guam Department of Agriculture assistant chief for aquatic and wildlife, provided the island report for Guam. He presented statistics of the top five shore-based species harvested from January to March 2018 noting that bigeye trevally and brassy trevally were the top two species harvested. He also showed the shore-based methods with the number of fishers and gears from January to March 2018. Hook and line and snorkel spear were the top two methods used by fishermen. For the boat-based creel survey, the top two boat-based methods were trolling and bottom fishing. Trolling has the highest number of shark interactions. He also presented the top five boat-based species harvested from January to March 2018. Skipjack tuna and mahimahi were the top two species harvested.

Gutierrez provided an update from the Boating Access Program. The Department is proposing to construct a boat ramp on the east side of the island at Talofofu Bay. It was chosen as a primary site because it is commonly used by boaters, who have constructed a makeshift ramp at the site. Talofofu Bay is under the jurisdiction of Parks and Recreation. A Memorandum of Understanding (MOU) is being worked on to use the land. They are also developing a scope of work for a feasibility study to include conceptual designs and proposed costs. Because the feasibility study involves engineering work, it has to go through the Department of Public Works (DPW). They will need to submit a work request and an MOU to DPW per the Guam Department of Administration Circular. The MOU has to meet 2 CFR 200 requirements. Because they have many projects with DPW that are going to be submitted, they have to do a general MOU that can be amended to add additional projects in the future. The Guam Economic Development Authority is also conducting a feasibility study for Talofofu Bay as a potential boat ramp site, so they will meet with them to coordinate the studies.

Gutierrez said that a sub-grant to the Port Authority of Guam from the Department of Agriculture was put out for bid for the Agat Marina Dock demolition. The invitation for bid was issued in March 2018 and eventually awarded to Canton Construction Corporation at the cost of

about \$48,000. Once the Port demolishes Dock B, a new Dock B will need to be constructed, so the Department of Agriculture and the Division of Aquatic and Wildlife Resources (DAWR) are committed to funding half of the cost, up to \$500,000. The Port would need to come up with any funds beyond that.

He presented on the Harbor of Refuge on the west central side of the island, which is used for sheltering boats during bad weather conditions and mooring boats when owners leave the island for long periods of time. DAWR has four boating instructor grants or sub-awards with the Port Authority of Guam to repair shackles, chains and buoys of the 35 moorings at the harbor refuge for safe anchorage of vessels. The total amount of all of the awards is over half a million dollars. After they complete an MOU with the Port Authority, the project can proceed.

Gutierrez said they currently drafting a scope of work to replace the wooden planks on the Merizo Pier with fiberglass material and replace missing ladders and do other needed repairs on the pier and boat ramp. A scope of work is also be drafted to conduct a structural assessment of the pier's foundation to determine if the structural foundation needs replacement because the pier is about 25 years old.

The Department of Agriculture is still issuing special permits for the seasonal take of fish within the Marine Preserves and has issued about 15 two-week permits so far this year. They have 14 FADs around the island of Guam, excluding a Wave Buoy on the east side and estimate one FAD is offline. They are still waiting for the purchase order to confirm the actual number of FADs that are online or offline and still need to construct FAD anchors before they can deploy. The anchors involve construction, so they need to work on an MOU with DPW to move forward with the construction of the anchors.

Gutierrez reported that they are planning two kids fishing derbies for 2018, one on June 16 and another on July 14. A week before the derby they will hold fishing clinics designed to teach kids fishing safety, conservation, casting and knot-tying. They completed a kids fishing derby on Masso Reservoir in April of this year with 36 kids participating and 86 fish caught.

DAWR is working with PIFSC to conduct in-water turtle sampling. In-water capture work is tentatively scheduled for August of his year at Apra Harbor, Guam. They received a report from the University of Guam Marine Lab that there has been extensive coral mortality of about 95 percent at West Agana Bay and behind the University of Guam Marine Lab. Crown of thorns starfish (COTS) have been observed on the western reef, such as Piti and Haps Reef on Guam. They issued a permit to the Bureau of Statistics and Plans to cull COTS using ox bile injection. The Coral Reef Response Team is being trained to use the injectors. NOAA on Guam reported *Chaetomorpha* in Piti, but it was not the thick blankets that were observed in previous years on the southeast coast of Guam.

Duenas commented on the creel survey shark interactions. He noted that the numbers presented validates what the AP has been trying to say, that there is a high number of interactions with sharks.

Simonds asked how the Government of Guam was dealing with the conflict between the local fishermen and the fishermen from the local Trust Territories. She said the Council was

working on the issue with the General Counsel, but it was recommended that there should be some form of permit and reporting in Guam to collect data on who the fishermen are and what they are catching. She said that the Council continues to receive complaints, but it is very difficult to resolve the problem without having some mechanism in place. She asked how the Council could assist on this issue.

Sablan said that they will bring that to the table when they get back to Guam. He agreed with Simonds that they need some accountability of outside fishing activities and data.

Duenas said the Council has supported the development of the Fishermen's Code of Conduct in various languages on the island to help with the outreach from that. Now it is on the radar of some of the senators, but it would help if something came out of the agency.

Sablan said they will work with the Fishermen's Co-op and present this to the legislature.

Simonds said they met with the Governor in April and he was wondering what he could do to help alleviate this problem before the end of his term, which is the end of this year. She said that they did mention a simple permit and reporting process would help and asked if there needed to be legislation or whether the Governor could issue an executive order. The Council is looking into it. The Governor was told that the Council would work with him on this during the summer.

Sablan agreed to bring it up at his meeting with the Governor.

2. Legislative Report

There was no legislative report.

3. Enforcement Issues

Gutierrez presented on the law enforcement fishing violations from January to March 2018. He said there was one violation in the Tumon Bay Marine Preserve where three individuals were arrested in January and their fish were confiscated. There was a violation in the Piti Bay Marine Preserve where one individual was arrested in February and eight fish were confiscated.

4. Community Activities and Issues

Felix Reyes, Guam AP chair, presented the Council's Guam community activities and issues. The Pacific Islands Regional Body held a meeting of the Guam Ocean Planning Team in April at the Governor's office in Adelup. The objectives of the meeting were to draft a statement of purpose and vision statement for ocean planning; continue developing ocean planning goals; begin drafting objectives; continue the ocean planning process development; and begin drafting a stakeholder engagement plan. The meeting also included an update from the Pacific Island Regional Planning Body Data Team, which was developing goals based on the work started in the kickoff meeting. The group also developed a stakeholder engagement plan to tell the team who and when to engage during the development of the ocean plan.

Reyes also presented on the Guam MRIP Project on Spearfishing Data Collection. The survey phase of the noncommercial spear fishery survey concluded in March 2018, and the statistician under contract is currently working on the data analysis. The survey covers known spearfishing grounds in Guam and the club-based reporting both in Guam and CNMI. Reyes also presented on the Guam Territory Science Initiative (TSI) Project to improve the Commercial Receipt Books. The TSI funding provided by PIFSC and administered through the Council supports the voluntary commercial vendor log in Guam and CNMI. The Council currently monitors seven vendors in Guam and eight in the CNMI. In Guam, the majority of the stores primarily sell imported fish from Palau, Chuuk, Yap and some from the Philippines. All of the fish markets in the program sell bonita, which is the most targeted species for the fishermen supplying to the markets. One store only sells bonita and no other species of fish. He noted that incentives are awarded at the end of every month to the markets in exchange for their voluntary work. The markets that are new to the TSI program are awarded a 175-quart cooler if they actively participate for a full year. Electronic scales are also an item provided to the markets for better data. In CNMI, fishermen are starting to diversify in terms of whom they sell their fish to with reef fish fishermen targeting the bigger restaurants owned by Chinese and the remaining catch are then sold to the fish vendors. He said that this needs to be addressed by increasing the coverage of the stores in the program.

5. Education and Outreach Initiatives

Gutierrez said DAWR is working on reprinting informational USFWS Fact Sheets that were popular with the teachers and the schools in the 1990s. They will update the Fish Fact Sheets. The project is funded under Sport Fish Restoration.

Reyes said one of the AP members in Guam, who is a high school teacher, started a high school fishing club last year. The ideas and projects of the high school fishing club may be extended across the Guam Education Board as part of the curricula and into the private schools.

B. Commonwealth of Northern Mariana Islands

1. Arongol Falú/Asunton i Tano

Roberto provided the island report for CNMI. The DLNR is recruiting fishermen to assist in a tagging project around the Managaha MPA. It is also soliciting fishermen to participate in the Fish Life History Program and is in the process of procuring microscopes for the aging of otoliths and focusing sampling on groupers. He also reported that the NOAA cruise for the Marianas is in progress to assist also in this Life History Project.

DLNR is still conducting the shore- and boat-based creel survey and has recently hired a creel survey biologist and a data manager. The fishery biologist will be working with the technicians to address the data deficiencies. He also said that the FAD deployments in Saipan and Rota are occurring this month and that they are currently purchasing more materials for next year's deployment. He noted that materials for education and outreach created by the MPA program are now available in the DLNR offices. Presentations are being conducted at all schools and community events, and the turtle program is still tracking and monitoring nesting activities on Saipan.

Gourley added that there is a set of proposed size regulations for CNMI reef fish that was published in the Commonwealth Register and open for public comment in December. One person submitted comments around the beginning of January, and basically nothing has happened for the last five months. He also said that the Council wrote a letter requesting Division of Fish and Wildlife share its justification for the size limits, and the response the Council received did not answer that question. He said it would be worthwhile requesting the justification for these size limits to the DLNR Secretary so they can find out what is going on because it is not being shared locally.

2. Legislative Report

Roberto reported that the CNMI hosted the Micronesian Island Forum on Saipan from April 25 to 28, 2018. The governors and chief executives throughout Micronesia attended, and the Council's executive director provided a presentation. Two resolutions passed that are of interest to the Council. One is about climate change, sea level rise and the distribution of tuna stocks and how there would be a demise of the fishery revenues in the area. The other is about communicating with the leaders in the meeting about IUU fishing activities in Micronesia and requested funding and capacity-building to assist from national and international partners and nongovernment organizations.

3. Enforcement Issues

Roberto reported that the DLNR conducted more than 600 hours of dockside inspections and more than 400 hours of vessel patrols under ESA and more than 150 hours of dockside inspections and about 89 hours of vessel patrol under MSA. Additionally, about 50 hours of dockside inspections and 88 vessel hour patrols were conducted under MMPA.

4. Community Activities and Issues

Roberto reported that an aquaculture program under Northern Mariana College Cooperative Research Extension and Education Services (NMC CREES) met for its five-year plan on May 3, which included 50 participants from different government agencies and the private sector. The meeting resulted in identifying several priority species and an update on the current *Siganus* aquaculture that NMC CREES was conducting.

5. Education and Outreach Initiatives

Roberto said that the Chamorro and Refaluwasch lunar calendars are being developed, highlighting the cultural significance of the different fish and including tide charts, seasonal runs and other important information relating to the fisheries. The Council is also working on the High School Summer Course, and a coordinator is currently organizing the events. He noted that they recently had the Mahimahi Derby and the Tinian Fiesta with the Mariana Islands Fish and Seafood Festival on June 22, 2018. He also said they are going to hold the 34th Annual Saipan International Fishing Derby on July 14-15, 2018; they expect over 70 boats from Guam, Rota, Tinian and Saipan, with over 150 fishermen and women participating.

C. Advisory Group Reports and Recommendations

1. Advisory Panel

Reyes provided the Marianas AP recommendations.

Regarding Guam fisheries, the Guam AP recommended the Council request that the Government of Guam expedite the development of an MOU between DAWR and DPW to review and consult on the construction of concrete anchors for FADs in Guam in order to expedite FAD development and placement. The MOU should include ways to remove bureaucracies and create efficiencies in the procurement process; explore and consider alternative anchor options such as surplus or donated used large ship anchors in place of concrete; and find ways to extend the life of FADs and anchor systems through the use of used large chains that will create robust, longer lasting FADs.

Regarding Guam fisheries, the Guam AP recommended the Council request the Government of Guam to look at the use of the term “indigenous” and its definition in regards to recent indigenous fishing bill to be more inclusive.

Regarding CNMI fisheries, the CNMI AP supported additional data collection for fisheries in the CNMI and proper management and requests the Council look at potential mechanisms for additional data collection (e.g., the existing mandatory reporting requirement).

2. Scientific and Statistical Committee

There were no SSC recommendations.

D. Public Comment

There was no public comment.

E. Council Discussion and Action

*Regarding Mariana Archipelago fisheries, the Council **directed staff to communicate the fishermen’s concerns to Government of Guam regarding the ongoing issues with FAD deployment in Guam.***

Moved by Duenas; seconded by Gourley.

Motion passed.

*Regarding Mariana Archipelago fisheries, the Council **requested the CNMI DLNR provide the Council with the data and justification for the potential size change regulations being considered.***

Moved by Gourley; seconded by Duenas.

Motion passed.

XIII. Administrative Matters

A. Financial Reports

Simonds reported that the Council received some of the multi-year funds and that they have also requested an increase in the administrative budget. Oliver was able to allocate a million dollars that were shared between all of the Councils with the Western Pacific receiving 11 percent following the North Pacific, Pacific and New England Councils. Simonds expressed her thanks and appreciation along with the hopes that another million could be added next year.

Oliver stated that a million dollars is not a lot when spread across all of the Councils, but it was something they could do in support, given the level budget. He noted that the \$1K to \$200K range can be considered as one full-time employee (FTE) when compared to the size of the Council's staff, providing a 12 to 15 percent increase in overall workforce. In that way, it is not insignificant. Oliver said that it was in that spirit it was done and that he has fought for and supported the Council budget increases over the years and has not changed his position.

Simonds thanked him again, asked for questions and proceeded to review the 2018 budget and additional funding requests. The Council has communicated with Oliver on funding needs having to do with data collection around the region and how the Council has become the entity, with funding from NMFS through TSI, to improve data collection and surveys for the Territories. This remains a large issue to deal with and does require additional funds. The other funding requirement requested was for an increase from headquarters for protected species. The Council has been at the \$200K level, which also supports one of the FTEs, including travel, benefits and the work the Council accomplishes.

Simonds asked if there are any questions on the Sustainable Fisheries Funds or the Coral Reef Grants.

Tosatto said, in the 2018 budget appropriation report language, Congress requested a report on the Western Pacific Sustainable Fisheries Fund going back five years, for how much came in, how much went out and what was it used for so they will be accounting and providing that report.

B. Administrative Reports

Simonds reported that the Council's habitat coordinator has moved to PIRO. She also noted that the annual audit began on June 18, 2018, and is scheduled to conclude on Sept. 30, 2018. The Council member nominees will be announced around June 27, 2018, and the new members will take office on Aug. 10, 2018.

Oliver confirmed that the Secretary of Commerce should be making the announcement by June 27 and that he has made his recommendations.

C. Council Family Changes

Mark Mitsuyasu, Council staff, presented three recommendations for Council family changes. First is Brett Schumacher to replace Melanie Brown (who retired) on the Archipelagic Plan Team. The other two are Josh Lee and Emily Crigler for the Pelagic Plan Team.

Simonds referred to Marine Fisheries Advisory Committee (MAFAC) meeting and reminded members that Rasela Feliciano, a longline boat owner from American Samoa, is now on MAFAC and that Sesepasara was a representative previously.

D. Report on the May Council Coordination Committee Meeting

Mitsuyasu reported that the summary of the most recent CCC held in Sitka, Alaska, is included in the briefing materials. In regards to the budget, Oliver had mentioned the increase which was a big item for Council members receiving that support. Additionally, there were questions on the National Bycatch Funding availability to the Councils. Alan Risenhoover was going to follow up on issues related to that. A data modernization report was presented, and the CCC sent a letter to Oliver regarding the support for that.

Mitsuyasu said Gourley would report on items related to the legislative agenda. One is the letter to Rep. Young that the Councils sent and the other is the working paper that has been in process for the last few years. Another agenda item of interest to the Council was the recusal process. This Council had sent a couple of letters the last Council meeting regarding recusal because of a conflict with the American Samoa Council members. Simonds commented that it's not a policy that NMFS can change in terms of interest regarding Soliai's employment with StarKist, as he represents the entire interest of StarKist from her understanding from the Pacific section, NOAA General Counsel. There would need to be a change in legislation.

Oliver said recusal issue was a big issue for the North Pacific Council when he was executive director. One of the main issues was the way the Agency, through its regulation and policy, treated the issue of attribution in terms of sub-ownership of companies. In other words, if Company A owned 3 percent of Company B, they would assign all, 100 percent of the activities of Company B rather than a proportional 3 percent. Oliver said it was a priority of his when he came into this job to address the recusal situation to the extent they can in terms of either policy interpretation of the regulations or the regulations, themselves, pursuant to the statutory direction. They are looking and will have a proposed rule soon that will provide the opportunity to fix those aspects of the recusal regulations that are within their purview to fix. They may not though, as Simonds pointed out, deal with every situation, such as the one she described.

Mitsuyasu continued to the discussion on research priorities. A question was brought up with regards to the Congressional requirement for the Councils or the SSC to develop a Five-Year Research Plan and those priorities and how they're sent over to the NMFS and how those get incorporated into its plans. The Council and the staff have been working together with PIFSC to develop a schedule so a vote can be made next March on what those final priorities are, and those will be plugged into the PIFSC's schedule so that they can be incorporated into their annual guidance memos.

Simonds continued on meetings and workshops and reviewed the upcoming schedule. Itano will be attending the Scientific and the General Advisory Committee meetings to the

IATTC because of the issue of bigeye overfishing. There's going to be a teleconference with the members of the US Permanent Advisory Committee to the WCPFC. In August the WCPFC Science Committee will meet in Busan. Simonds reminded the Territories that the Commission will support the travel of one person from each of the areas to all of these meetings, including the regular Commission meeting.

Simonds stated the Permanent Advisory Committee will be having a meeting in Honolulu this October before the Council meeting. The SSC will be on the Island of Hawai'i, and the Council meeting will be in the Marianas. There are travel issues because they only have one flight a day between Guam and Saipan. A schedule will be sent out which will have to match up to the travel from American Samoa so no one is staying somewhere for a week or two weeks.

Simonds asked Tosatto when the deadline is for countries to respond about the change and date for the Commission meeting.

Tosatto said the circular from the executive secretary reads that unless there is an objection by June 22, 2018, the proposal is to have the meeting in Honolulu one week later in December.

E. Report on the Recreational Fisheries Summit

No report presented.

F. Legislative Standing Committee Recommendations

Gourley said, as there are no recommendations, he will be reporting on updates from the CCC meeting. Mitsuyasu had mentioned a letter was sent to Don Young from the CCC with comments on the proposed MSA reauthorization. The CCC is also developing a working paper, which is a lengthy living document that is comprised of about 18 different topics, starting with a general consensus statement that all of the Councils agree on and then specific positions from each of the Councils for their regional perspective.

Two other pieces of legislation were discussed informally and briefly. One is on the shark fin issue. There are two schools of thought, those that wish to completely shut off any type of commercial use for shark fins and those that would like to set up a system by which you could use the shark fins for commercial purposes provided you could show that the shark came from sustainably fished industry. The other issue is the billfish issue that has been brought up a couple of times before. On June 6 the House Natural Resources Committee ordered HR 4528, which is the Soto Bill, to be reported on by unanimous consent. It appears that they're leaning toward revoking the exemption given to the US Pacific islands region on importing billfish except for swordfish to the US mainland. There was support for the position of keeping the exemption that allows the Western Pacific fishermen to export their billfish into the US mainland. Supporting this position was representatives from Hawai'i, Guam and American Samoa. Gourley said he's not sure what will happen with that, but it's not a done deal yet.

Oliver added that NOAA Fisheries were invited to testify at that hearing and they provided written and oral testimony through Risenhoover, which essentially opposed removing that exemption. With regard to HR 200 on the MSA reauthorization, Oliver said he's testified

twice on that last year, at a Senate hearing and a House hearing, which was somewhat difficult because the Administration had not taken positions on the bill yet.

Oliver added that he mentioned a couple of days ago, regarding his participation as executive director in his previous career on the CCC. While the CCC position on HR 200 has evolved over the last year, the document that's currently the product of the CCC reflects a lot of input on his part when he was in the previous position. Oliver noted that they are trying to get an Administration's views letter on HR 200 cleared so that agency can be more forthcoming in its direct positions on the various revisions.

G. Meetings and Workshops

Subject addressed in the prior agenda item.

H. 2018 Council Member Appointments

Subject addressed in the prior agenda item.

I. Other Business

No other business.

J. Executive and Budget Standing Committee Recommendations

Standing committee recommendations were included in Council discussion and action.

K. Public Comment

No public comment.

L. Council Discussion and Action

Regarding administrative matters, the Council appointed the following members to its advisory bodies:

- a. Brett Schumacher to the Archipelagic Plan Team to replace Melanie Brown.**
- b. Josh Lee to the Pelagic Plan Team to replace Melanie Brown.**
- c. Emily Crigler to the Pelagic Plan Team to replace Tom Graham.**

Moved by Sensui; seconded by Soliai.

Motion passed.

Regarding offshore aquaculture, the Council recommended PIRO/General Counsel expedite its review process to ensure publication of the Draft PEIS and public comment period ahead of the October meeting in order for the Council to take final action.

Moved by Sensui; seconded by Soliai.

Motion passed.

Regarding offshore aquaculture, the Council directed staff to communicate to the Administration the Council's policy and position on aquaculture, including potential impacts, due to any potential aquaculture legislation.

Moved by Sensui; seconded by Soliai.

Motion passed.

XIV. Other Business

Sesepasara asked a question on the administrative report regarding American Samoa missing an obligatory seat nominee.

Tosatto said the reason American Samoa is blank under that column is that it did not have a vacancy in an obligatory seat during this year's cycle. The member who resigned his seat was an at-large seat nomination, and nominations did come in for the at-large seat vacancy.

Oliver thanked the chair and Simonds for inviting him to participate in the 173rd Council meeting. He said it is one thing to deal with these issues remotely from Washington, DC, and another to be here to meet the people that are involved in the Council and the fisheries. He expressed his appreciation for the experience and discussions.

Ebisui expressed his appreciation and said it has been a morale booster to have the NOAA Assistant Administrator for Fisheries attend the Council meeting and shared his hope that Oliver could participate in future meetings as well.

Simonds added that the Council finally has a NOAA Assistant Administrator for Fisheries who understands fisheries and the entire Council system as he was the executive director for 17 years in the North Pacific.

Soliai motioned to adjourn; seconded by Gourley. Motion passed.

Ebisui adjourned the 173rd Council meeting.