



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

**MINUTES OF THE
178th MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

June 25-27, 2019

Laniakea YWCA, Fuller Hall

1040 Richards St. Honolulu, HI 96813

Ahupua'a o Nu'uaniu, Moku o Kona

Mokupuni o O'ahu

Approved by Council:

Taotasi Archie Soliai, 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:

- Taotasi Archie Soliai, chair (American Samoa)
- John Gourley, vice chair (Commonwealth of the Northern Mariana Islands [CNMI])
- Michael Duenas, vice chair (Guam)
- Dean Sensui, vice chair (Hawai‘i)
- Michael Goto (Hawai‘i)
- Ed Watamura (Hawai‘i)
- McGrew Rice (Hawai‘i)
- Ryan Okano, Hawai‘i Department of Land and Natural Resources (Hawai‘i DLNR) (designee for Suzanne Case)
- Michael Tenorio, CNMI Department of Lands and Natural Resources (CNMI DLNR) (designee for Raymond Roberto)
- Chelsa Muna-Brecht, Guam Department of Agriculture (DOAg)
- Henry Seseapasara, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Mike Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- Brian Peck, US Fish and Wildlife Service (USFWS)
- Eric Roberts, US Coast Guard (USCG) (designee for Rear Adm. Kevin Lunday, USCG District 14)

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

Soliai opened the 178th meeting of the Council with a moment of prayer and welcomed Council members and the public. Council members and staff introduced themselves.

II. Approval of the 178th Agenda

Soliai asked for a motion to approve the 178th meeting agenda.

Moved by Gourley; seconded by Duenas.

Motion passed.

III. Approval of the 176th and 177th Meeting Minutes

Soliai asked for a motion to approve the 176th and 177th meeting minutes.

Moved by Gourley; seconded by Duenas.

Motion passed.

IV. Executive Director's Report

Simonds provided the Executive Director's report, describing the five action items that the Council was scheduled to consider at the 178th meeting, as well as recent media printing of misinformation about the Council. The action items on the agenda were options for specifying annual catch limits (ACL) for the main Hawaiian Islands (MHI) Kona crab, the Hawai'i Archipelago Fishery Ecosystem Plan (FEP) amendment to Essential Fish Habitat (EFH) for precious coral, the management of loggerhead and leatherback sea turtle interactions in the Hawai'i-based shallow-set longline fishery, and US Territory longline bigeye catch and allocation limits. While the Council would ideally take final action on all of these items, the final biological opinion (BiOp) for the Hawai'i-based shallow-set longline fishery had not been delivered at the time of Simonds' report.

Simonds reported on the unusually high number of requests for information and publication of misinformation. She said criticisms about the Council are a fact of life for the Council in implementing the Magnuson-Stevens Fishery Conservation and Management Act (MSA). She said Soliai provided a response to a three-part editorial series by *Honolulu Civil Beat*, a web-based non-profit media outlet. She quoted portions of Soliai's response that emphasized that the Council has been successful in balancing the complexities of environmental stewardship with commercial use at optimum yield consistent with the conservations needs of fish stocks and protected species as required by the MSA. After making allegations of profiteering and conflict of interest for several Council members and contractors, *Honolulu Civil Beat* did not publish the Council's full response that describes how these assertions are misleading.

Simonds quoted the redacted portion of the Council's response to *Honolulu Civil Beat* regarding several Council members and contractors. Gourley was not a Council member at the time his company, Micronesia Environmental Services, received a contract, and one of the identified funding sources came from the competitive Saltonstall-Kennedy (SK) grant program and not the Western Pacific Sustainable Fisheries Fund (SFF). Sensui was not a Council member when he received funding to develop a new technique for observing fish underwater without human interference and test that technique in a project comparing Western science and traditional knowledge associated with a natural fish aggregation site called a *koa*. Lutu-Sanchez was not a Council member when Malaloa in American Samoa was identified as the best place for a longline dock expansion in January 2015. The Americans with Disabilities Act (ADA)-compliant fishing platform in Hagatna was pursued by the Guam Organization of Saltwater Anglers and Tom Camacho with endorsement from Gov. Eddie Baza Calvo, and Manny Duenas, the president of the Guam Fishermen's Cooperative Association, did not benefit from the installation of a fishing platform that helps people catch fish for themselves. Mirae InfoDesign was contracted to work on fishery data collection systems in the region; the proprietor's spouse,

a NOAA employee, had no authority over the contract. Concerns over potential conflicts of interest should be raised with the Department of Commerce's General Counsel Ethics and Law Division.

Simonds said the Council hopes to better publicize its accomplishments in the coming months. Amy Vandehey, a new outreach and education coordinator, has been hired to help the Council's communications officer with that work. Additionally, the Council will launch its new website shortly after the 178th meeting concludes. Council members will receive a preview of the website later in the meeting. The website aims to be modern, visually-appealing, and easy to navigate.

Simonds pointed to noteworthy items on the meeting agenda, including the overview report on the Global Fishing Watch, the reports of the SSC Working Groups on Blue Ocean Marine Protected Areas (MPA) and the process for addressing the requirements of the Modern Fish Act (MFA). Additionally, the United Nations (UN) is working on a Biodiversity beyond National Jurisdiction (BBNJ) framework. Environmental non-governmental organizations (NGO) and Pacific Island nations are using the initiative to call for closure of commercial fishing in 30 to 50 percent of the high seas. The closed areas around Hawai'i proposed by Greenpeace would devastate local fisheries given that they have access to only 17 percent of the US Exclusive Economic Zone (EEZ) around Hawai'i, principally due to the marine national monument in the Northwestern Hawaiian Islands. President Trump has still not made a decision regarding the recommendations by the Departments of Commerce and the Interior on the review of these monuments.

Simonds reported on her testimony to the House Committee of Natural Resources' Water, Oceans and Wildlife Subcommittee Oversight Hearing on the State of Fisheries. The testimony emphasized the critical state of the commercial fisheries in Hawai'i and American Samoa in the presence of closed areas and regulations promulgated under the MSA, the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA), as well as the uneven implementations of regulations associated with international fisheries. A couple of Congressmen from the Western Pacific Region in attendance were interested in the Council's administrative matters rather than the challenges the fisheries face.

Simonds reported on the fish markets in American Samoa and CNMI that are operational and being embraced by their communities. The fish markets were projects funded by the Western Pacific SFF to meet the priorities identified by the governors of each of the Territories in their respective Marine Conservation Plan (MCP).

In closing, Simonds encouraged Council members, staff, advisors, and partners to persist in their duties.

Sensui thanked Simonds for her report. He said that, from his 25 years of experience in journalism and his journalism degree from the University of Hawai'i, he has learned about ethics and media law in addition to reporting and editing. The news media has an important role in being a community watchdog, keeping the public's best interest in mind and ensuring those in authority act accordingly. The *Honolulu Civil Beat* series on the Council lacked fairness and was not a complete report that took both sides into account. The use of a platform for a specific

agenda for species interest groups goes from journalism to propaganda when it fails to inform the public with a complete story to allow the public to make value judgments for themselves. Incomplete or inaccurate information that is published to create a false impression of what would otherwise be the truth is called implication by omission and is especially egregious. Reporting using implication by omission violates the standards and long-held values of responsible reporting. Unless a news article has all of the facts presented in a fair and proper manner, it should not be published because it is not accurate. Accuracy is the most important thing in maintaining credibility and serving the public interest.

Sesepasara said that the *Honolulu Civil Beat* journalist, Nathan Eagle, visited American Samoa to interview him and several other people. Sesepasara said that he asked Eagle if he would publish some of his statement in the editorial series. Eagle said he would. Sesepasara said his statements were not included in the series. He said he was upset because he shared information with Eagle regarding the sort of projects being worked on and funded by the Council or the SK grant program. He said that the whole series seemed negative and that he would be cautious of people visiting American Samoa in the future for similar purposes.

Gourley said that the series incorrectly accused him. He owns Micronesian Environmental Services. Part of his consulting business is associated with the collection of biosampling data on Saipan. He has received numerous grants over the years to sustain that project. According to the *Honolulu Civil Beat* series, Micronesian Environmental Services has been paid more than \$70,000 from the Western Pacific SFF as part of a study that collects fish off Saipan. Gourley said he received no SFF funds during his term as a Council member. An article by *Atuna* that was seemingly based on the *Honolulu Civil Beat* series stated that SFF funds were passed to projects benefitting the business interests of its own Council members. These allegations affect both his business and his credibility. Gourley had received SFF funds in the past to conduct a telephone survey for spearfishing on Saipan and to help local employees learn how to appropriately collect biological data, but he had not received any SFF funds since becoming a Council member. Yet, *Honolulu Civil Beat* said SFF funds were funneled to his company, a statement that is absurd and embarrassing. When the Council tried to respond, *Honolulu Civil Beat* would not publish the full response. It would not publish anything contrary to what it wrote. Gourley said the editorial series was a hit piece and not investigative reporting. His credibility has been damaged, though he has no conflict of interest associated with the SFF.

Duenas said that the ADA-compliant fishing platform on Guam has benefited many elderly as well as people who do not have access to fishing areas. The project was endorsed by both the community and Gov. Calvo, who was disappointed that the funding allowed for a small platform and so sought additional funds to extend it to a final completed length of 500 feet.

Watamura read an excerpt from the series that stated that State of Hawai'i resource managers are worried that nearshore fisheries such as bottomfish are in significant decline and that Simonds has prematurely pushed for the re-opening of all bottomfish areas to commercial fishing. He said the statement is inaccurate and is especially egregious in implicating the State resource managers, who were a part of all of the workshops to develop the stock assessment. Watamura said that everyone worked hard to get the stock assessment right. He said that Michael Seki, director of the Pacific Islands Fisheries Science Center (PIFSC), said the Hawai'i Deep 7

fishery has been flourishing. Watamura said statements in the series about certain topics are blatant lies, making it unclear if the lies are pervasive throughout all of the presented material.

Goto said that he has seen the media vilify the Hawai'i longline industry for a number of reasons over the 10 years he has been in the industry. In his time at the Council, he was able to better understand how management works. He said it is unfortunate when a basic explanation of fisheries is given to the public in lieu of the complicated explanation that appropriately captures fisheries and their management. Goto said that Manny Duenas once told him that fisheries management would be the most complicated thing with which he would ever deal. He has found that to be correct. With what the Council does for fisheries in its jurisdiction, it is imperative that the Council process continue to be trustworthy and transparent. Goto said he is still learning in this field and hopes to continue his work with the industry and regulatory process without such accusations.

Soliai said the comments from Council members clearly stated the issue. The Council did submit a statement to *Honolulu Civil Beat* that was redacted before it was printed. The implications of conflict of interest directed towards Soliai were baseless. The accusation that Soliai was directly involved in the Malaloa project is not true. Soliai became a Council member after the project was already approved and received funding. The Council operates openly and transparently. Soliai said he believed that the Council welcomes the media and the role that it plays in ensuring that all issues discussed are portrayed appropriately. The media, however, should also play a fair role. The fact that *Honolulu Civil Beat* redacted several clarifying points that it erroneously reported is disappointing. The Council holds open meetings where the public is welcome to comment. The Council will be criticized from time to time, but it will continue to protect the nation's resources while providing economic opportunities for the region.

V. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Tosatto presented the PIRO report. He summarized the continuing progress the Sustainable Fisheries Division (SFD) has made on aquaculture initiatives. The Department of Commerce and the Administration have aquaculture as an ongoing priority method to support US seafood security on a long-term basis. The Council has taken a couple of actions associated with aquaculture in the past that PIRO is analyzing through a Programmatic Environmental Impact Statement (PEIS). PIRO has issued a few permits for experimental projects looking at aquaculture for species managed by the Council, which are management unit species (MUS) that required a Special Coral Reef Ecosystem Permit. NMFS was sued over the permitting issues, but there was a favorable outcome in that aquaculture has been defined as fishing in the Western Pacific Region, at least for that MUS. The Gulf of Mexico Fishery Management Council passed an aquaculture amendment that NMFS implemented to establish aquaculture as fishing under the MSA in the Gulf Region, but they were sued and lost in the Eastern District of Louisiana. The discrepancy between regions can create some controversy within the Department of Commerce. Congress has recently attempted to analyze the issues associated with aquaculture and whether it should be managed by NMFS. NMFS is moving with NOAA and the Department of Commerce

on how best to look after management development of aquaculture for the nation. NMFS is trying to be as responsive as possible in the context of its aquaculture PEIS. If aquaculture does not remain under the MSA, the PEIS will only require a few small changes. The hope is that aquaculture management is done by NMFS in cooperation with the Council going forward. The capacities of the State and Territories and their fishery development and management interests must also be considered.

NMFS is evolving from its current public EFH and ESA consultation access point, the Public Consultation Tracking System (PCTS), to a new system call the Environmental Consultation Organizer (ECO). ECO will be more informative than PCTS, which looked at what has been done while the ECO can be used to see ongoing projects. The hope is that the ECO becomes a user-friendly organizer of NMFS' consultation efforts. Tosatto said that the Council will be notified when ECO becomes accessible to the public.

Rice said that the experiment on kampachi off of Keauhou is good in both raising the kampachi and in creating habitat and the best fish aggregating device (FAD) in the State of Hawai'i for small-boat and recreational fishermen fishing three miles offshore.

Gourley said it seems as NMFS is moving forward with the draft monument management plan for the Marianas Trench instead of waiting for the President to make a decision on whether he was going to change the fishing prohibition. Gourley asked if something changed that made NMFS decide to move forward in finalizing the management plan.

Tosatto said that nothing has changed, but the continued delay caused NMFS to consider the requirements to bring the issue to a final forum and share it with the CNMI government. The uncertainty associated with what the President may or may not do caused NMFS to produce a viable draft to further the process. He said that the plan can be adjusted as needed.

Gourley asked if the review is going to be done strictly by the CNMI government or if the Council could receive a copy of the draft monument management plan to review.

Tosatto said the CNMI government review would occur first because, in the Proclamation, the CNMI government is a "co-manager" in that there is a relationship in the form of the Advisory Council and in the language regarding the role of the CNMI government in the management of the monument. NMFS is living up to the intent of the Proclamation as a partner in cooperation in management planning. The Council would be given a briefing by NMFS as information becomes publically released.

Gourley asked if the Council would not receive the draft copy when it is given to the CNMI government.

Tosatto said that is correct.

Gourley said that it might be wise to include Guam because the Trench Monument extends into the Guam waters. While Guam was not specifically identified in the proclamation establishing the monument, it may be interested in reviewing the draft management plan.

Tosatto said that the Trench Monument goes into the federal waters surrounding Guam, but past governors of Guam have declined opportunities offered by NMFS to review the management plan at various significant steps in its development process. NMFS will continue to cooperate with Guam to the extent that the governor wishes to participate.

Simonds said NMFS would likely benefit from a Council review if the draft management plan includes fishing regulations such as customary exchange.

Tosatto said that other than being part of the environment under review, it is hard to say that fishing regulations are not in the management plan. Rather, they are part of management plans that have already been completed. The Council's management plan manages those areas within the EEZ, so it is taken into consideration. No meaningful changes will be proposed. The draft management plan will not be addressing anything that the Council has already done.

Simonds asked if the draft management plan would include promises made by previous administrations.

Tosatto said that those promises are well documented by the governor's communications. These communications are being addressed as able. Some have been fulfilled including the return of Territorial waters to the CNMI government. Some have not been fulfilled, such as the Visitor Center or economic returns on the designations, and are identified as goals in the NMFS management plan.

Simonds said that \$250,000 was appropriated for that purpose.

Gourley said the head of the White House Council on Environmental Quality (CEQ) promised that the CNMI government would have veto power over federal actions in the monument area. Gourley asked if that is included in the draft monument management plan.

Tosatto said no.

2. Pacific Islands Fisheries Science Center

Seki presented the PIFSC report. Over the past year, PIFSC has been developing a new five-year science plan. PIFSC organizes how they approach fisheries science under four principal focal areas: sustainable fisheries, protected species, ecosystem-based fishery management and organizational excellence. The written PIFSC report to the Council is organized according to these four areas.

Since the last Council meeting, PIFSC issued the annual Guidance Memorandum (AGM) for Fiscal Year 2020 despite still being in Fiscal Year 2019 because its planning cycle starts early. The call for days at sea on ships comes out in January annually, so PIFSC needs to have a sense of what they want to do relatively early on. PIFSC plans its activities working under assumptions of some levels of funding and estimated staffing needs. The AGM allows staff to get a sense of what it needs to accomplish in the next year according to PIFSC priorities. Annually in December, PIFSC consults with the Council and PIRO to align priorities.

The AGM is not all inclusive, and PIFSC will continue to work on many core projects. For example, this year under sustainable fisheries, PIFSC wants to develop a genomics program. To this end, it has decided to launch a single proof of concept project that will demonstrate the value of using eDNA to answer pivotal fishery management questions, whether they have to do with stock assessment or species diversity. A number of PIFSC projects are currently being analyzed that will be implemented after October 2019, i.e., in the next fiscal year. A second project of note is to continue to re-invest in the science for highly migratory species (HMS). PIFSC has its roots in the local tuna fisheries. This year, PIFSC has successfully received more money to work with HMS, so it has formulated a number of projects with a bigeye tuna focus that it plans to launch in 2020. Another important HMS-associated issue is bycatch.

The HMS fisheries in the Western Pacific region face more concerns associated with protected species than with the catch itself, so there are efforts to examine the impacts of interactions. Regarding protected species, PIFSC prioritized the winter Hawai'i cetacean cruise that was supposed to go out this year, but did not due to the NOAA Ships *Hi'ialakai* being lost and the *Oscar Elton Sette* being delayed. Many projects that were intended to be completed last year were pushed to the coming year. PIFSC has worked through the Council, PIRO and various contractors to look at how the longline fisheries interact with incidental and protected species. The project began analyses that modeled the likelihood of interaction in various scenarios. PIFSC will continue this work going into the next fiscal year.

PIFSC's Social Science group is heavily involved in ecosystem-based fisheries management. PIFSC believes that many of the concerns regarding fisheries and protected species are moving towards integrating aspects of the local people affected. In the end, the most important issues are the impacts to the people. PIFSC intends to make this part of its core activities.

Organizational aspects largely involve staff morale and available vessels. The *Hi'ialakai* was lost, making the *Oscar Elton Sette* the only ship for PIFSC in the midst of the field season. The *Oscar Elton Sette* conducted cetacean gear trials and work on new passive acoustic equipment that PIFSC plans to take into the winter Hawaiian Islands Cetacean and Ecosystem Assessment Survey program. The vessel also performed late-season humpback whale surveys in the Northwestern Hawaiian Islands (NWHI), where it encountered approximately 180 humpback whales and 13 calves. Biopsy samples were collected and information was gathered on a number of other species in the NWHI during the winter months. Humpback whale caves were observed at all banks visited in the NWHI. The Hawaiian Archipelago Rapid Assessment and Monitoring Program migrated off of the *Hi'ialakai* and had 48 days on the *Oscar Elton Sette* to do coral surveys. Initially, PIFSC was unsure as to how the *Oscar Elton Sette* could support coral surveys without a diver chamber, but it was not needed for the SCUBA work performed. The surveys for Hawai'i were partially done, and the project will continue on the NOAA Ship *Rainier*.

This year, PIFSC deployed Hawaiian monk seal and sea turtle field camps, where cameras were put out and surveys performed on the banks. In areas where field camps were not present, PIFSC surveyed monk seals for candidates to rehabilitate at Ke Kai Ola. However, all of the seals surveyed appeared to be quite healthy, so none were brought back on this trip.

Currently, the *Oscar Elton Sette* is performing a bottomfish life history cruise just off of the MHI. Some difficulties were encountered, as some ship issues are precluding the ability of PIFSC to do some of its work. The ship is getting old, but it was able to do a good amount of the intended accomplishments.

The *Ranier* is larger than the *Sette*. It was employed for many years by NOAA's Coast Survey doing mapping in the coastal waters of Alaska. It has been selected to relieve some of the pressure felt from the loss of the *Hi'ialakai*. The main reason the *Ranier* will be in the MHI is to make the conversions necessary for dive support and air conditioning, as it has zero fishing capabilities at the moment. PIFSC hopes to be able to take advantage of the *Ranier's* ability to produce maps. Since PIFSC has been considering moving away from traditional Reef Assessment and Monitoring Program (RAMP) surveys for some time, it may be a good time to have the *Ranier* do more intensive mapping in areas where information is needed to pursue fishery-independent surveys. To do a survey similar to those done for MHI bottomfish, accurate bathymetry and habitat maps are needed. If PIFSC is able get these products this year, it will allow them to consider utilizing fishery independent information for fish species in the Mariana Archipelago.

Seki also reported on recent PIFSC publications. One was on hapuupu'u, which is the one non-snapper in the MHI Deep 7 bottomfish complex. This grouper is unique. All of the individuals are female early in their lives and turn to males later on, but very little additional information is available on their life history. Recently, some of the old-fashioned otolith counts have been validated with radiocarbon dating. New life history parameters were calculated, and hapuupu'u was estimated to reach its asymptotic largest size at 96 cm total length. The age was validated at 50 years with a life span of up to 76 years. They reach female maturity at nine to 10 years, but they may not reach male maturation until age 32 or 33. This information could be included as life history parameters in some future assessments.

Another recently published paper is in the *Frontiers of Marine Science* and is by Ivor Williams. It reflects PIFSC's efforts to utilize machine learning, artificial intelligence and automated image analysis. Previously, these types of data were dependent on people physically sitting and interpreting the information from the video or recording. PIFSC invested in advancing automated analysis methods to more efficiently analyze data streams. The paper examines the benthic condition of coral reefs and used machine learning process to identify what is and what is not coral. PIFSC is getting to the point to where machine learning does a good job on analyzing coral coverage, but work still needs to be done with variance present for algae. Automation holds a lot of promise for how PIFSC can become more efficient in analyzing the optics it collects.

Another paper published in *PLOS ONE* used 13 years of RAMP data in the form of towed diver efforts and analyzed the video images for turtle presence. There were 53 islands and reefs examined, accounting for 7,300 kilometers of survey area and 3,400 turtles present throughout the Pacific Islands. The study found that turtle presence is patchy and variable throughout the Pacific Islands. Green turtle density is greatest in the Pacific Remote Island Areas (PRIAs), while hawksbills were most dense in Ta'u and Tutuila in American Samoa. The project provides a different perspective than what historical turtle population data streams have typically shown.

PIFSC also published the *West Hawai'i Ecosystem Report* that has been in preparation for several years in conjunction with their Integrated Ecosystem Assessment (IEA) of West Hawai'i. PIFSC held three symposia in West Hawai'i to seek input of the community as well as the managers to identify indices of ecosystem health. West Hawai'i was chosen because it was a tractable area where a model could be generated.

Seki also reported on the passing of former PIFSC Director Richard Shomura, who was part of the core cohort when the Pacific Ocean Fisheries Investigation was created in the late 1940s. He eventually moved on to Washington and was Director at an office in Tiburon, before he came on as the director at the Honolulu Lab. Shomura had ideas that showed that he really thought outside of the box. When the biggest fishery in Hawai'i was the pole and line fishery supporting the cannery at Kewalo Basin, many scientists would go down there and measure the skipjack. Shomura always thought that what really needed study were the birds because the birds were used to find fish. Shomura partnered with someone from USFWS to come up with ways to get fishermen to be more efficient at using birds to find fish. Shomura was also the director when, after the MSA, PIFSC launched a partnership with the USFWS, Sea Grant and the State of Hawai'i to study the resources in the NWHI. Five years were spent examining the resources, which launched the study of seamounts. Shomura was an incredible visionary that will be missed. He also used to be a vice chair of the Council's SSC when PIFSC was a part of the Southwest Fisheries Science Center. Next year, PIFSC will have been around for 70 years while the MSA has been around for over 40. Shomura was involved for more than half of that time.

Seki also reported on the departure of Rusty Brainard, who led PIFSC's Coral Program nearly since its inception. He launched the RAMP survey supported by external funding, since PIFSC contributed only to some of the fish assessments in this area. Many of the surveys from which PIFSC has learned about coral reefs come through Brainard's efforts in obtaining funds for the Coral Reef Conservation Program to the tune of \$7 million at its height. Brainard deserves a lot of credit for what has been learned about nearshore systems around Hawai'i and each of the territories. Brainard will be taking his skills and understanding of coral reefs to Saudi Arabia.

Watumura said there was a portion of the written PIFSC report that mentioned small-boat economic commercial fishers. He asked if Justin Hospital would be reporting on this at any time.

Seki said he was not sure, but the gist of the available report is that the fixed costs of running the fishery are pretty high. Part-time commercial fishers normally take a loss because their priority is to provide fish to their families first before giving to others so they do not end up selling their catch. Selling fish commercially is sometimes the third, fourth or fifth option for these part-time fishers, so it is often not a money-making venture. This holds true for both non-commercial fishers and smaller commercial fishers. It can be hard to make it as a fisher if not choosing to sell everything caught.

Sesepasara said that Shomura was one of his best friends during his service. He was instrumental in leading Sesepasara through some of the scientific difficulties associated with the Council's fisheries management. Sesepasara asked about NOAA vessels intended to visit American Samoa for coral surveys and whether the crew on the vessel would be NOAA staff.

Seki said yes.

Sesepasara asked how this cruise is related to PIFSC.

Seki said it will be like all of the cruises that PIFSC sends down to American Samoa. The cruise is more than one leg. The first is the life history leg. Joe O'Malley, who runs the PIFSC Life History Program, and his staff will be on the leg going down to American Samoa. In all cases, the chief scientist will be a PIFSC chief scientist joined by his/her respective staff. They will reach out to American Samoa DMWR for participants as well.

Sesepasara asked if the coral reefs in Hawai'i are more protected than those in American Samoa.

Seki said no. The figure he displayed showed the relationship of using machine learning versus human analysis of coral cover. Both in Hawai'i and American Samoa, surveys were done using cameras to take video of the benthic habitat. The results show that whether a human analyst or CoralNet, the machine learning platform, is used, the products will be ones with relatively high confidence. Humans are expensive and take a lot of time, meaning that PIFSC can be just as efficient in analyzing the coral cover using machine learning.

Sesepasara said that American Samoa DMWR has an ongoing project where coral scientists in Ofu and Olesega are conducting a study on the algae blanket covering some of the coral areas to determine the causes and how it can be taken care of. Sesepasara would appreciate any information that PIFSC can share with American Samoa DMWR.

Seki said he would pass on the message to his staff in the benthic program, but that the machine learning aspect of analysis does not work a well with algae as it does with coral. PIFSC is in the process of refining this aspect of the analysis.

Sensui said that in his office at the United Fishing Agency, Akira Otani has a photo of his father, Matsujiro Otani, with a hapuupu'u that is approximately 150 centimeters (cm) in length. Sensui said that it would be interesting to see how old that fish was. He asked what PIFSC measures to map out bottomfish habitat in the Bottomfish Cooperative Study and how they determine habitat quality.

Seki said that in the MHI bottomfish example, the maps provide a characterization of habitat. During fishing, whether it is fishery-independent, directed fishing or through cameras, the important information is catch relative to habitat type. In the crudest sense, the analysis could determine that the benthos is rough and steep, and that is known to be the best bottomfish habitat. Then, abundance indices are run relative to habitat. It has been found that a list of proxies exist to interpret abundance through habitat. A lot of the work that has been contracted to University of Miami consists of habitat surveys associated with abundance as PIFSC continues to refine how to use the bottomfish and habitat utilization data in the next stock assessment. The better the habitat map can be refined, the better the interpretation will be as to the meaning of the catch. For example, in the MHI, Jerry Ault and Steve Smith mapped parts of the Penguin Banks several weeks ago and found a lot of variability in their high resolution maps. PIFSC hopes that they can use the *Ranier* this year to refine the map given its importance when included in stock

assessments. When PIFSC says that it struggles with its ability to interpret catch in State waters and the State asks what additional information is needed, PIFSC has always said that they want an absolute position of where the fishing occurred. Within the fishing grids, the habitat is very variable, and a fish caught in different parts of the grid may have a very different habitat than another fish in the individual statistical grid area.

Sensui asked if the mapping is done throughout the entire grid area.

Seki said that a lot of the mapping for Hawai‘i was done through the University of Hawai‘i and Chris Kelley, so the maps were based on those from the School of Ocean and Earth Science and Technology (SOEST). Some of these maps need refinement, but they were still relatively good. There are no products like the SOEST maps in the Mariana Archipelago or American Samoa, and it is time-consuming to produce those types of maps while ship time is limited. Regarding coral surveys in the Mariana Archipelago, PIFSC found relatively less impacted coral reefs during the RAMP surveys in the northernmost islands such as Muag. They are mostly uninhabited, so the biology has shown little change over the 20 years that RAMP has been in place. Change is mostly found near the population centers where PIFSC believes the frequency of sampling should be focused. The hope is not only to do mapping, but to do coral surveys as well with six to eight launches from the *Ranier*. The level of activities and area to be covered will be dependent on the amount of ship time.

Sensui asked if PIFSC has correlated the habitat they found in existing Bottomfish Restricted Fishing Areas (BRFA).

Seki said that analysis has not been done. There is typically only time to do the planned assessment when aboard the research vessels. The intent of the sampling was never to assess the efficacy of the BRFAs but to sample the entire archipelago including the BRFAs. The BRFAs are just another sample site as far as PIFSC is concerned in this project. However, assurance is made to include BRFA cells included in the overall sampling schemes when the randomized design is set up to account for the entire archipelago when an independent estimate of abundance is calculated. Seki said that having a fishery-independent survey is better than having an assessment based solely on fishery-dependent data because the inherent biases can be better controlled with fishery-independent surveys.

Simonds asked if East Island had any field camps set up on it when it was impacted by hurricane in 2018. She asked about the impacts to the habitat and to nesting sea turtles.

Seki deferred to Summer Martin, PIFSC Turtle Program, who was scheduled to present on the topic later on the agenda.

Simonds asked if the State of Hawai‘i used the West Hawai‘i data for management and if the State and PIFSC have been working together to use the information that they have been working on for several years.

Seki said that he was aware of only example. The State, when considering banning spearfishing for herbivorous species, asked PIFSC for assistance on options to model. PIFSC

developed a matrix of potential outcomes of each management action. In that case, data were required from the West Hawai'i dataset to run the model. Seki deferred to the State.

Okano said he is not involved with these data and is not sure, but he was aware of the modeling to which Seki referred. He clarified that it was for the fishery at Puako and how associated management schemes such as pole fishing or excluding scuba spear nets could address the State's goals.

Watamura asked when the information on refinement of benthic habitat would be made available to the public.

Seki asked if Watamura meant the maps.

Watamura said yes.

Seki said PIFSC used data available to it in the analysis, but he was not sure how publically available the data are. PIFSC noted some concern about the high variability in data gathered from a finger in Penguin Banks. If PIFSC is able to opportunistically collect additional data on the *Ranier* this year, it would be able perform the analysis needed to refine the map.

Okano said the State would like to thank PIFSC on the work they did for the hapuupu'u. He asked if the updated information from the hapuupu'u analysis will be used in the next bottomfish stock assessment update or if it will be considered in another assessment down the line.

Seki said that the next assessment is going to be an update, so the information would likely be incorporated during the next benchmark stock assessment.

Gourley thanked Seki for Michael Trianni's assistance with biosampling. Through SK funds, his staff has been able to dedicate time to gonad maturation studies working directly with Trianni using the biosampling fish, and progress has been made on two *Sargocentron* species. They have a total of 19 species of reef fish for which they have both otolith and gonads, and they are gradually working through them. PIFSC has been a great help on these projects.

Seki said that he did not highlight any of the outreach activities described in the written report that included turtle outreach and work in the Territories. The outreach staff at PIFSC deserves a lot of credit for the time invested to work with people across all divisions.

Soliai thanked Seki for the work that PIFSC does to support the region's fisheries.

B. NOAA Office of General Counsel, Pacific Islands Section

Johns provided the report from NOAA Office of General Counsel, Pacific Islands Section (GCPI). GCPI had five items to present to the Council, two of which were cases pending in Federal Court and three Notices of Intent to Sue (NOI) under the ESA.

American Samoa vs. NMFS is pending in the Ninth Circuit Court of Appeals after an appeal of a District Court decision out of Hawai'i found NMFS was arbitrary for not considering

the Instrument of Cession and whether a rule adequately protected American Samoa cultural fishing practices. This rule would have provided an exemption to eligible longline vessels from the Large Vessel Prohibited Area in American Samoa, which NMFS had issued in 2016 to help improve the economics of the American Samoa longline fleet. In March 2017, a District Court invalidated the rule; NMFS has appealed that decision. The briefing in the appeal in the Ninth Circuit is complete. GCPI filed a reply on June 14, 2019. The Court is considering this case for oral arguments in Hawai‘i in October 2019, but a date set has not been set.

American Tunaboat Association (ATA) vs. Ross regards a complaint that NMFS received in April of 2019 in which ATA, an organization representing the United States purse-seine fishery operating in the Western and Central Pacific Ocean, challenged NMFS’ decision to deny the ATAs formal applicant status under the ESA. ESA Section 7 allows certain entities to gain participation rights if they are designated by the Action Agency to be formal applicants. ATA requested this status, and NMFS denied that request in March 2019. ATA filed a complaint in April 2019. GCPI briefed Cross Motions for Summary Judgement. That briefing is complete as of now. GCPI is waiting to see if the Court will schedule an oral argument on those motions. It seems that the Court will not schedule an oral argument.

Regarding the first NOI under the ESA, Conservation Council of Hawaii (CCH) and Mark Nakachi allege that NMFS violated ESA Section 7 for failing to complete formal consultation on the effects of four different fisheries on the oceanic whitetip shark, which was listed as threatened in January 2018. The complaint alleges that NMFS failed to properly evaluate the effects of the American Samoa longline fishery, the United States purse-seine fishery and the two Hawai‘i longline fisheries. The NOI period lapsed in April 2019. NMFS has not received a complaint. NMFS has been communicating with CCH and Mark Nakachi and is providing periodic updates on the status of the consultations.

The second NOI is from the Hawaii Longline Association (HLA), which alleges that NMFS failed to complete its consultation on the Hawai‘i deep-set longline fishery in a timely manner. HLA argues that since NMFS re-initiated the consultation in October 2018, it has failed to meet the statutory deadline for completing the BiOp and that it can only extend that timeline with the expressed consent of HLA. The NOI period lapsed, but HLA has not filed a suit yet.

The third NOI is from the Center for Biological Diversity (CBD) under ESA Section 4, which relates to listing species as either threatened or endangered. CBD petitioned the listing of the cauliflower coral in Hawai‘i as either threatened or endangered. NMFS issued a preliminary positive 90-day finding saying that the coral listing may be warranted and missed the 12-month statutory deadline to provide a finding on whether the listing is warranted. The NOI period will expire in July 2019.

Sesepasara asked if the oral hearing for American Samoa vs. NMFS is scheduled for October of this year.

Johns said that the Court indicated it is considering the case for oral argument in October, but a date has not yet been set.

Sesepasara requested that, if the oral arguments are scheduled in October, they be scheduled before or after the planned Council meeting in American Samoa in October. Sesepasara asked if the coral listings for the territories would be affected if the cauliflower coral in Hawai‘i were listed as threatened or endangered.

Johns said that the petition was only for cauliflower coral in Hawai‘i.

Gourley asked for clarification on how the NOI general works. Are those who submitted the NOI free to file a lawsuit at any point after the NOI period lapses?

Johns said that the ESA provides a 60-day NOI where NMFS is given 60 days to correct whatever violation has been alleged. A complaint can be filed after that 60-day period lapse.

Gourley said he understood that NOI is an opportunity for NMFS to correct the situation, not necessarily to give the petitioners an opportunity to prepare their lawsuit.

C. US Department of State

Mark Fitchett, Council staff, provided the US State Department report on behalf of Brakke. The first topic was the UN BBNJ negotiations, which was scheduled to be covered during the Council meeting the next day. The Council asked the State Department for its positions on BBNJ. A third session of negotiations will take place on Aug. 19 to 30, 2019.

Secondly, Brakke participated in the UN Fish Stocks Agreement (FSA). The State Parties of the UN FSA held an informal consultation in New York City in May 2019 to hold performance reviews of Regional Fishery Management Organizations (RFMOs) and arrangements. Talks will be held later in 2019 with the review of RFMOs to carry through 2021. The Inter-American Tropical Tuna Commission (IATTC) did not participate. The Western and Central Pacific Fisheries Commission (WCPFC) was reviewed and showed improvement in its Compliance Monitoring Scheme as well as the Kobe Process that monitors the rebuilding capacity of the RFMO.

Lastly, Brakke was an observer in the Indian Ocean Tuna Commission (IOTC) to maintain good relationships with IOTC members.

D. US Fish and Wildlife Service

Peck presented the USFWS report. The USFWS Sportfish and Wildlife Restoration Program grants are up to date with permitting and EFH ESA consultations, and the Hawai‘i grant programs have been approved for implementation. The grant programs for American Samoa, Guam and CNMI are entering into the approval process for the next fiscal year. Peck visited Rose Atoll in May 2019 to replace a “No Trespassing” sign and perform some monitoring for invasive species. Two FADs that washed ashore on Rose Island were retrieved, and in route, a pod of about eight orca whales was encountered.

Watamura asked if there has been research on the effects to the existing ecosystem of the new Bonin petrel colony being established on O‘ahu. The species is at risk on Midway.

Peck said that the petrel's habitat on Midway includes other seabird species. The translocation of the Bonin petrels by the USFWS in partnership with Pacific Rim Conservation is focusing on predatory species on O'ahu. The petrels are in a controlled environment in a predator-free zone enclosure at James Campbell National Wildlife Refuge. These birds are fledglings that are transported from Midway and nurtured by humans until they fledge. It has yet to be determined how many of the birds will return to O'ahu to raise their young because the project is in its very early phases. It will be adaptive management. Monitoring will occur as these populations do or do not return.

Sensui asked what the Sportfish Restoration Funds for Hawai'i cover.

Peck said the funds are from the taxes generated from the sale of fishing and hunting licenses and tackle throughout the United States. The USFWS Sportfish and Wildlife Restoration Program grants fund projects that are locally developed support, in this case, sport fishing.

Rice said that 10 percent goes to the Division of Conservation and Resources Enforcement (DOCARE) and the rest stays with DLNR, which has used the funds for administration and buoys. However, Eddie Underwood has not explained what he is using his portion for, when these funds could be used for the harbors as the law governing distribution of the funds states that a percentage should be used for infrastructure for the sportfish fishermen.

Okano said that the fund is called the Dingell-Johnson fund and that 10 to 15 percent goes to the Division of Boating and Recreation (DOBOR) before the Division of Aquatic Resources (DAR) sees any of it. DLNR uses the funds to perform monitoring and conducts activities to support artificial reefs and FADs. Regarding the Bonin petrels, he noted that the area in Kahuku where the birds are kept has many windmills, creating an interesting interaction.

Sesepasara asked if the two FADs recovered on Rose Atoll were floating FADs used by the purse seiners and if there are any parts of the recovered FADs that can be recycled for use as FADs in American Samoa.

Peck said that each FAD that washes ashore is in various states of condition. These two were in fairly good shape. They often have the satellite transmission buoys, netting and/or bamboo attached and are usually thrown away. Protocol is to collect all information possible, such as if there was a buoy attached, and then report that to NOAA and USCG.

Duenas asked if there is any physical damage to the reef from the extraction of FADs.

Peck said that the two FADs were found on the beach. Whether they damaged the reef as they crossed it is not known. It is common for parts of the net to get caught on corals, and it is difficult to cut them free without doing some damage.

E. Enforcement

1. US Coast Guard

Roberts presented the USCG report. He said he had been with the USCG for 25 years, including the last 15 years as a fisheries specialist in Hawai'i. Adam Disque is no longer the USCG representative on the Council. Roberts introduced his replacement, Lt. Jason Holstead, who was in attendance. Holstead recently graduated from the Masters in Marine Affairs Program at University of Rhode Islands and has a lot of fisheries and law enforcement experience. Holstead will represent the USCG at future Council meetings.

The most recent USCG report described patrols conducted over the last three-month period that resulted in approximately 75 surface patrol days with patrol boats or major cutters and 15 aerial surveillance flights using C-130s. Roberts showed a map displaying where those operations were conducted. One operation in May 2019 brought the USCG south where they patrolled Samoa, American Samoa and the Cook Islands for a multilateral fisheries operation.

The first ever Fisheries Law Enforcement Symposium was held in April 2019 by the USCG resulting from a grant that Roberts received from the Department of State in 2016. Participants included individuals from the 13 Pacific Islands countries where the USCG acts as an executing agency for bilateral shiprider agreements between the federal government and those countries. There are currently 11 bilateral shiprider agreements and two more are in progress. The Fisheries Law Enforcement Symposium invited representatives from all 13 countries, and 15 representatives from 10 of those countries participated in addition to 20 instructors from organizations such as the USCG and NOAA's Pacific Island Region Office of Law Enforcement (OLE) and General Counsel. The symposium covered the fisheries law enforcement cycle, from patrol planning to prosecution. The USCG hopes to obtain funding in the future from the Department of State or other United States entities.

Sesepasara said that American Samoa DMWR has conservation and law enforcement officers working together with NOAA enforcement officers as their officers are also deputized to enforce federal regulations. He would be happy to be part of the surveillance if USCG sends the C-130 to American Samoa.

Roberts said that both he and Holstead work directly with Operational Planners in the USCG and that the request will be included in his report.

Tosatto said that he was glad that the Fisheries Law Enforcement Symposium went well. He asked the USCG to consider connecting with Asia Pacific Center for Security Studies. They often look for elective courses to offer. The participants would be multinational and not just from the Pacific Islands.

Roberts said that participants for this symposium were limited because the USCG wanted to ensure it would happen, but they have since gained a considerable amount of interest from some of the Department of Defense resources for collaboration in the future. The USCG also does not have large budgets, so they are typically interested in partnering with different organizations to enact activities like the symposium.

Soliai asked about the general feedback from the symposium participants.

Roberts said that the feedback was overwhelmingly positive. Australians attending as both participants and instructors commented that the symposium did a good job of persuading those present to actively participate from the very start of the first day. The participants requested future meetings of the program, as well as advancing from the basic fisheries law enforcement cycle to more specialized topics. Electives might be the direction that the symposium starts to go, perhaps on prosecution, crime investigation or other more specific topics.

Soliai said that the USCG is welcome to bring its symposium down to American Samoa in the future.

Roberts thanked Soliai. He said that the money received from the State Department was international money, meaning that the USCG is limited in that it could not use any of that money for domestic training, which is why the symposium focused on international training.

a) Search and Rescue Presentation

Jennifer Conklin, USCG District 14 search and rescue specialist, presented an overview of how the USCG conducts search and rescue (SAR) in the Western Pacific Region. SAR is generally an internationally recognized system. The United States is signatory to several international conventions, such as the International Maritime Organization, that divide most of the areas in the world into regions for SAR response and coordination responsibilities. The United States also has a national SAR plan, which has 10 signatories including the Department of Commerce, the Department of Homeland Security with the USCG as a co-chair, and the Department of Defense. In the Western Pacific Region in particular, the USCG coordinates with the Department of Defense especially to conduct SAR. Within the region, there are approximately 3,000 USCG active duty, civilian and reserve members who support USCG missions. There is also District 14 within the region, and USCG often works with Sector Honolulu or Sector Guam for a lot of the port-type initiatives and coastal SAR.

The SAR region in which the Council resides is 12.2 million square miles, covering most of the Western and Central Pacific. The region extends to 40° N, halfway to Alaska, halfway to California, across the equator in a few spots down to 5° S and about halfway to the Philippines. District 14 is the largest USCG District and has the largest associated SAR region but is allocated the least amount of resources. There is little consideration for funding based on absolute size associated with geographic distances that need to be covered by the USCG. Most often, the region's four C-130 fixed-wing planes perform SAR. There are also three MH-65 Dolphin helicopters. There used to be two high-endurance cutters in the region as well, but they are in the process of being replaced by two national security cutters. One ship is in the region now, and the other is scheduled to arrive in August 2019. Further out towards Guam, the USCG has small-boat stations and multiple patrol boats.

Due to the remote nature of the region, SAR considers partnerships as key. The USCG works with smaller nations on capacity building and sharing resources within the region. SAR frequently works with Department of Defense, and regularly has P8s or Navy helicopters performing operations. SAR also works defensively with local fire departments and DOCARE.

SAR also employs a lot of commercial ships that voluntarily divert themselves for SAR operations through the Good Samaritan Network merchant ships and the Automated Mutual Assistance Vessel Rescue Program. USCG SAR may also issue broadcasts, because it knows that most of the commercial fishing fleet will respond and assist in line with the nature of the maritime community.

A computer modeling program called Search and Rescue Optimal Planning System is used when a SAR case is received to determine how to perform the drift modeling, planning, resource allocation and search plan requirements. The two portions to the program are the simulator and the planner. The simulator simulates whatever object is being searched for with regards to weather, currents, winds, associated forecast models and other environmental factors. SAR gets current data from University of Hawai'i, NOAA, the Navy and global hybrid coordinate ocean model currents. These environmental data are applied to various research objects before being run through Monte Carlo simulations, usually between 10,000 and 20,000 simulations. The longer the object being simulated is adrift, the longer the algorithms will take to run. The simulator also gives either a probability grid or where the actual simulated particles have gone. The second part of the program, the planner, is where SAR units that are going out on an operation are input. SAR notes whether a cutter boat or helicopter is being used, what the vehicle's sensor capabilities are, search speed, and altitude if appropriate before running more algorithms to determine a statistical best search area. The SAR controllers may modify the statistical best search area based on different factors like sunlight or terrain/topography. SAR also uses statistical modeling to look at the probability of success of a given operation.

Regarding recent innovations of SAR, NOAA and the USCG are part of the International COsmicheskaya Sisteyama Poiska Avariynich Sudov—Search And Rescue Satellite-Aided Tracking (COSPAS-SARSAT) Council where all emergency position-indicating radio beacons (EPIRB) and person overboard beacons (POB) are detected by satellite systems. Over the past five years the International COSPAS-SARSAT Council has made headway in the marine information overlays (MIO) SAR System. There are nine orbiting and seven geostationary satellites that detect EPIRBs, POBs and similar devices. The MIO SAR System has 36 satellites that grant nearly global coverage, and the number of ground stations is still increasing. The benefit of increased coverage means that the USCG is more likely to get into appropriate position in the hour to hour and a half that it takes to respond to an EPIRB or POB transmission. The MIO SAR system is similar to classic GPS in that it can triangulate a location within a minute, but it is independent of the GPS system. One of the biggest pushes in USCG SAR is for people to register their EPIRBs and update them as vessels, phone numbers and other information change over time. There have been great success stories in people updating their information. Recently, a person update his information to say he tows in jet skis off of Hale'iwa, so when his POB went off, SAR immediately knew where and what they to look for.

Watamura said he was interested in the computer modelling and the variations of the search patterns. He asked if other kinds of search patterns are utilized.

Conklin said six patterns are used depending how quickly SAR is on-scene and what type of information is available. Parallel search is used when a large area needs to be covered thoroughly. Initially, it is common to see helicopters or small boats doing a vector search by going through the last know position multiple times. The expanding square will also be done by

small boats, where they create a square that continues extending further out. Several other search patterns such as creeping lines are utilized. Helicopters usually deploy self-locating data marker buoys that use iridium data to measure the underlying current, allowing *in situ* data to be used in the models.

Sensui said the USCG is well known for performing SAR when conditions are at its worst because that is when it is most likely for people to get in trouble. He thanked the USCG SAR for the service it performs.

Sesepasara asked if there are any USCG vessels near American Samoa to perform SAR.

Conklin said that there are no USCG vessels near American Samoa to perform SAR. Under the International Conventions and the way boundaries have been drawn, the USCG SAR region extends to only just below the equator. American Samoa falls under New Zealand's SAR region. However, the USCG does coordinate extensively with New Zealand as well as American Samoa, specifically with its Emergency Management Services and the Department of Homeland Security. The USCG coordinates with New Zealand regularly to find the fastest or most appropriate resource. The USCG has found that the local purse-seine fleet responds the fastest.

Sesepasara said a small fishing vessel capsized early last year about 20 miles southeast of the main island of American Samoa. The boat had an EPIRB purchased with funding from the Council's SFF. Because all EPIRBs were registered and distributed from the DMWR, the call Sesepasara received resulting from the EPIRB transmission was from New Zealand.

Simonds said that one of the reasons the USCG is presenting on SAR to the Council is to clarify the regional jurisdictions, recalling the questions American Samoa had for the USCG when a vessel became stranded on the reefs the previous year. The other reason was to identify what the Council members can do and who they can call.

Conklin said that USCG and New Zealand both conduct training in American Samoa with local responders, highlighting the utility of the international system being so interconnected.

Goto said he noticed that 38 safety exams were performed on foreign-flagged vessels. He asked if the USCG is receiving distress calls from foreign vessels that SAR respond to as well.

Conklin said that they respond to international fleets, especially the Taiwanese. Safety examinations are targeted more at the merchant marine vessels in the commercial fleets rather than the fishing vessels. Most of them are registered out of countries like Panama and the Marshall Islands.

Soliai asked if the inspections are done in port or in international waters.

Conklin said the inspections are primarily done in Honolulu at Pier 2 or at the anchorages. However, if information leads the USCG to believe a vessel might not be safe to enter port, it will conduct boardings offshore to ensure the safety of the ports.

Sensui said, when Watamura participated in a fishing tournament a couple of years ago, he found a couple of divers drifting in the middle of nowhere a couple miles offshore. Thanks to Watamura, they avoided a potentially bad situation.

Conklin said that once three boys were spearfishing off of Penguin Banks when their boat drifted away. The station boat from Hana went out and found the individuals.

Sesepasara asked if any of the nine satellites mentioned are south of the equator in the American Samoa area.

Conklin said that nine are polar orbiting, providing global coverage. This is what causes delays in transmission. The beacon goes to the satellite before going to the ground station where the information can be downloaded. The MIO SAR systems are going to have more capabilities, more satellites and global coverage.

Sesepasara said that he asked the question because when fishers from American Samoa go out using the GPS to fish a particular area, sometimes they cannot find it afterward. He thought the GPS may be the issue if there are no satellites overhead.

Conklin said that the satellites used for SAR are getting pretty old as well. Parts of the satellites are being turned off because they are becoming too energy intensive to run.

Sesepasara asked if the USCG C-130 that he used to observe performing surveillance of the US EEZ around American Samoa is still operational, as he does not see it anymore.

Roberts said the USCG still does regular patrols of the US EEZ around American Samoa as it has in previous decades. These efforts are usually done in combination with other patrols, so American Samoa patrols may occur when the USCG is travelling in the area for regional operations. The USCG could likely do a better job coordinating with the American Samoa government. The USCG does typically reach out to its partners in NOAA OLE, so there is frequently an OLE rider onboard during the patrols.

Duenas asked about the differences between the 406 EPIRB and the cheaper ACR.

Conklin said that the difference between an actual EPIRB and the smaller MLB has to do with the COSPAS-SARSAT carriage requirements. EPIRBs are for commercial vessels, are larger, are permanently mounted, float free and have hydrostatic release. POBs are very similar but are smaller and better suited for kayaking or small-boat fishing; their battery power is not as long and must be activated manually. Once out of their holding brackets, EPIRBs have two sensors that connect the current and automatically cause it to send the signal out. They have a strobe on them as well to help for visibility for when the rescue vessel arrives.

Duenas asked about the plea agreement with a Japanese fishing vessel that was investigated in early April 2019 for purposefully dumping oil into the US EEZ surrounding Guam. He also asked where the money from the plea goes and how it is used.

Conklin said that such issues are adjudicated with the Department of Justice and the funds are deposited into the United States Treasury. There are some oil spill liability trust funds that will reimburse responders and other similar factors that allocate the funds.

Rice asked if any of the satellites that were launched the previous day from Cape Canaveral were a part of the USCG.

Conklin said no. Most of the USCG's satellites are already in orbit, and the iridium is the actual important payload on those satellites.

2. NOAA Office of Law Enforcement

Take Thompson, NOAA OLE special agent, presented the OLE report. The Office of General Counsel obtained a \$338,000 settlement agreement on a global settlement case involving US-flagged purse-seine vessels operating under the WCPFC Implementing Regulations. The regulations included fishing in the closed effort areas, setting on schools of fish associated with live whales in violation of the MMPA and making illegal sets on FADs during the WCPFC closure period. A Joint Enforcement Agreement (JEA) case working with DOCARE on Kaua'i involved the take of a sea turtle. The defendant entered a no contest plea and was sentenced to six months and 100 hours of community service and remanded to custody immediately after that. Currently, NOAA OLE is working with all of the JEAs, but the amounts are not finalized yet pending submission for upcoming hours and equipment.

Simonds asked if the purse-seine violation was one boat or several.

Thompson said it was a global settlement with seven different investigations.

Soliai asked if they were all US-flagged vessels.

Thompson said yes.

Muna-Brecht said she wanted to talk with Thompson more about the JEA reimbursements for law enforcement and understand the reimbursement process.

Thompson said he would do his best, and that he would be present throughout the week.

3. NOAA Office of General Counsel, Enforcement Section

There was no presentation for this agenda item.

F. Public Comment

There were no public comments.

G. Council Discussion and Action

Regarding the Marianas Trench Marine National Monument, the Council recommended that NMFS-PIRO include the Government of Guam in the review of the Draft Marianas Trench Marine National Monument Management Plan.

Moved by Duenas; seconded by Muna-Brecht.

Motion passed.

VI. Hawai'i Archipelago and Pacific Remote Island Areas

A. Moku Pepa

Rice reported on the fishing in Kona. He noted that the tournament season just started and provided the results of the Wee Guys Tournament. Fishing has been almost as good as it was in 2015, but he reinforced the need for continued improvements in the harbors. He said the fishermen's prize money gets taxed and new multi-million dollar boats are in the harbor. The area is producing a lot of money for the State of Hawai'i, which is why it should ensure that the blue marlin capital of the world has a world-class facility.

Simonds asked what happens to the billfish now that the Billfish Conservation Act does not allow sale to the mainland.

Rice said the brokers are not paying a premium for the fish anymore. Most times they sell the fish to individuals who smoke or dry it and sell it road-side or in Honolulu. The price for the fish at a broker is not worth selling at 10 to 50 cents a pound. Rice said the charter fleet tags and releases 80 percent of the fish but takes a fair amount of fish.

Sensui reported on the Tokunaga Ulua Challenge. The winning ulua was 124.5 pounds and caught with a circle hook. He also reported on the Spinner's Café Ahi Shootout, which had 150 boats participating. He said that he talked with Mayor Caldwell about his restoration plans for the Natatorium, which include a pier-like structure. Sensui suggested providing a fishing platform, like Guam, to allow pole and line fishing on the outside for the disabled and elderly. The Mayor was receptive to the idea. Sensui will continue discussions with him in the near future.

Goto provided an update on the Hawai'i longline fishery since the March meeting. The closure of the shallow-set fishery in March caused the conversion of these boats back into the deep-set fishery earlier than expected. This understandably put more pressure on the bigeye tuna catch limits. From May to early June, the catch-per-unit-effort (CPUE) for the deep-set fishery was one of the highest he has seen since 2015 and occurred in the southern region of the EEZ, with extremely high catch rates of bigeye tuna. On the Billfish Conservation Act amendments, he said that the high-end market no longer exists though the overall volume and market value remained steady. The market did change in June as prices started to bottom-out on billfish, reflecting the restriction of consumer sale to the US mainland. He expected the market to recover. He said the product and value are not being maximized under the MSA.

Duenas asked about the price per pound for marlin during this bottom-out of the market.

Goto said it averaged 20 to 30 cents, with some as low as 10 cents, thus not making it close to optimal marketability for the fish. This hurt not only the fishermen but also the vendors. Fishermen have to store these big marlin in their fish holds, and vendors to have to put labor into processing, marketing and distribution.

Rice added that he shared those prices with the Kona fishermen who were in shock because they had not seen those types of prices since the 1970s.

Goto said the dilapidated price of marlin had an impact on a large amount of incidental catch in the fishery. A market value for the incidental species such as opah and monchong developed over the decades. The dilapidated price in a high volume product like marlin starts to affect the market prices for other species such as mahimahi, opah, monchong and swordfish.

Sensui said the prices were so low some fishermen decided to go through street sales instead of the auction.

Watamura said he expected to smoke and sell his last big marlin but the vendor he uses could not accept the fish because the market was flooded. He said one has to be creative in considering viable ways to fish and to sell fish to make up the expenses.

Rice said that on the outer islands they have brokers. If a broker does not want the fish, the State loses out on tax revenue because the fish gets sold for cash.

Tosatto said this is obviously a consequence of the Billfish Conservation Act. They obviously wanted to restrict a market. He said the SK funding opportunity places a priority on seafood promotion, development and marketing. It will take the right person putting that project proposal together.

Duenas said that there was evidence of foreign marlin leaking into Guam and being sold. He asked for clarification if Hawai'i and Guam can export to a foreign entity.

Tosatto said no.

Brian Neilson, DAR administrator, provided the island report from the State of Hawai'i. The report covered the MHI bottomfish ACL, an increase in urchins on West Hawai'i, coral bleaching, the Hawaii Marine Fishing Survey, FADs and invasive species. He also provided an update on the 30 x 30 initiative, which DAR is using as a strategic plan for Hawai'i's nearshore waters. He said that DAR is working on implementing the plan and will begin a rollout next spring with public meetings and focused working groups.

Rice said that bottomfish fishing has been horrible because of the weather and said that the State's FADs do not work because they do not have structure underneath the buoy. He asked Neilson to look into putting structure under the FADs.

Neilson said that he has heard that structure stresses the chains causing them to break, but he welcomed discussion on any design ideas.

Rice said that the structure does not need to be a lot and different materials can be used that would not affect the longevity of the FAD. He said that the FADs are to enhance fishing so the State might as well make them right.

B. Legislative Report

Neilson reported that the Hawai'i legislative session began with a lot of different fishery bills but only one made it out of session. House Bill 808 expands the existing prohibition on knowingly capturing or killing a manta ray in State waters. This new law makes it unlawful to knowingly capture, take, possess, abuse, entangle or kill any ray in State waters, though it provides exemptions for special activity permits, research, and traditional and customary native Hawaiian rights. Another bill addresses crowding at Molokini Crater. While not a fishery issue, it would protect permits and access to the crater.

C. Enforcement Issues

Neilson said the first DOCARE Academy class graduated in November 2018. The six graduates were placed on O'ahu, Maui and Moloka'i. Citations have increased since this first cohort of DOCARE Academy graduated, especially in terms of fisheries violations. For the reporting period on O'ahu from July to May there were 314 reports and 136 citations, from dive flag to live rock and limu restrictions, to harassment of monk seals, turtles, dolphins.

D. Main Hawaiian Islands Kona Crab Harvest Limits

1. P* Working Group Report

Okano presented the results of the P* Working Group held on April 12, 2019. The group of assessment scientists, fishery managers and Kona crab fishermen scored the four scientific uncertainty dimensions: 1) assessment information; 2) uncertainty characterization; 3) stock status; and 4) productivity-susceptibility. The group reviewed the information in the 2019 benchmark stock assessment for the MHI Kona crab. In general, there were improvements in the following scientific aspects: information that went into the assessment including the post-release mortality estimate and CPUE standardization; better characterization of the uncertainties; projected biomass higher than the biomass that enables a fish stock to deliver the maximum sustainable yield (BMSY) and Minimum Stock Size Threshold (MSST); and standardized productivity attributes for the Productivity and Susceptibility analysis. The P* analysis quantified a reduction of 11.56 from 50 percent risk of overfishing (P*), resulting in a final P* score of 38 percent.

Muna-Brecht asked what all of the numbers mean in terms of the stock.

Okano said that working group looked at the risk of overfishing and scientific uncertainties in different parts of the stock assessment model and fishery that would require a more conservative approach.

2. SEEM* Working Group Report

Marlowe Sabater, Council staff, presented on the Social, Economic, Ecological and Management Uncertainty (SEEM*) of the Kona crab fishery and reported on the Working Group that met on May 2, 2019. The group of economist, social scientist, anthropologist, fishery managers and Kona crab fishermen utilized a standardized SEEM* dimensions and criteria. It recommended using the social, ecological and economic dimensions to set the ACL and the management uncertainty, which was divided into two sub-dimensions (monitoring and compliance/management) to set an ACT. The SEEM* analysis quantified a reduction of 0 from the social, ecological and economic dimensions, and an 8 percent reduction to account for management uncertainty.

Watamura asked if the 8 percent reduction is a deduction from the 38 percent risk of overfishing, resulting in 30 percent.

Sabater said that is correct. The maximum harvest level of risk that the fishery can take would be around 30 percent, accounting for management and scientific uncertainty.

3. Options for Specifying Harvest Limits for the Main Hawaiian Islands Kona Crab (Final Action)

Sabater presented options for specifying multi-year harvest limits for the MHI Kona crab for fishing years 2020-2023. The best scientific information available is the 2019 benchmark stock assessment with a catch projection to 2026. Based on this updated information, the maximum sustainable yield was estimated at 73,609 pounds and the overfishing limit at 33,989 pounds, with a 50 percent risk of overfishing. Both the P* and SEEM* Working Groups provided a combined reduction for management uncertainty that reduced the risk of overfishing to 30 percent. This corresponds to an acceptable biological catch (ABC) of 30,802 pounds.

Sabater provided management alternatives for the Council to consider when specifying ACLs for the Kona crab fishery in Hawai‘i that set the ACL equal to the ABC with an annual catch target (ACT) based on the P* and SEEM* analysis at different levels. He noted the Accountability Measures would be to track the catch using the monthly reports generated by the DAR and closing federal waters when the ACT is reached. He reviewed the fishery participation and catch information as well as the impacts of the alternatives on the fishery, the stock and the ecosystem.

Rice said that the Kona crab fishermen he knows are all at least 75 years old; the fishery is basically for home use; and only a few fishermen still fish for it.

Sensui said this is a good example to show the general public how fisheries are managed. These numbers are not just pulled out of thin air but are carefully derived based on scientific information. This is how fisheries management is done between PIFSC, PIRO and the Council to make sure there are fish for the foreseeable future.

Simonds asked the State of Hawai‘i for its position on removing the prohibition on fishing for female Kona crab.

Okano said people within DAR support removing the prohibition, but the rule is held in statute made by the Legislature and cannot be removed by DAR. There was a bill to remove that statute, but it did not pass. DAR is working on a strategy to remove it from statute.

E. Report on Main Hawaiian Islands Bottomfish Restricted Fishing Areas

Neilson reported that the State of Hawai‘i plans to open four BRFAs starting July 1, 2019: BRFA C at Poipu, BRFA F at Penguin Banks, BRFA J at Hana and BRFA L at Leleiwi on Hawai‘i Island. The State has also refined its reporting to reflect catch and effort within the BRFAs. These data will be used to report back to the Board of Land and Natural Resources (BLNR) in January 2022 on the effort and pounds of fish harvested, as well as CPUE from open BRFAs in relation to other commercial catch and over time.

Sensui asked what the criteria were for opening the four BRFAs.

Neilson said criteria were developed and discussed with the Council and fishermen, including spreading the BRFAs throughout the state, habitat and economic viability, and fishermen’s needs. There was not one solid recommendation. The State leaned on the fishermen’s recommendation to open up those four BRFAs.

Sensui asked about the thought behind opening Makapu‘u versus Penguin Bank.

Neilson said the decision was split but the State decided that the economic incentive of Penguin Bank outweighed that of Makapu‘u. He said that access is an issue for smaller boats to fish at Penguin Bank, but there were also complaints about Makapu‘u as well.

Sensui asked why all of them were not opened if that was the case.

Neilson said that the stock assessment was very good, so much so that BLNR took this up as an agenda item. Opening four was decided upon to be precautionary and to see if the data showed that some of the BRFAs could be opened and still have a sustainable fishery, after which BLNR could reassess opening the other BRFAs.

Sensui said that, considering the previous presentations regarding the ACTs and ACLs, it seems like a lot of those precautionary concerns are addressed in the process of specifying ACLs. He noted that the Council requested to do a presentation to the BLNR to help the members understand the situation better.

Neilson said that it is the DLNR Chair or BLNR’s decision. The BLNR meeting in January was open to the public and would have been the best time for that type of presentation.

Sensui asked if there was a set schedule for opening more BRFAs.

Neilson said they have not gotten that far and have been working on the reporting grids to make sure it works for fishermen. The plan is to report back to the BLNR in three years.

Sensui asked if there are plans to assess the open versus closed areas for biomass changes.

Neilson said the State does not have the funding to do those types of assessments so it will be monitoring the open and closed areas through the catch and effort reported by fishermen.

Watamura said that the Council did not instigate opening all of the BRFA's. The fishermen have been striving to do that for many years. Any reports to the contrary are unfair.

F. Fishery Ecosystem Plan Amendment to Precious Coral Essential Fish Habitat (Final Action)

Thomas Remington, Council staff, reported on a FEP amendment to refine precious coral EFH. He provided a background on the management of precious corals in the region, including the existing regulations, species and areas, as well the development of EFH by the Council in 1999. The existing EFH is separated into deep-water precious coral EFH (200-600 m) in six known precious coral beds, as well as shallow-water precious coral EFH (20-120 m) in three areas around the MHI. New observations and information regarding precious corals in Hawai'i may allow for the Council to update these EFH designations.

At its 174th meeting in October 2018, the Council preliminarily recommended revising existing beds and designating new beds as EFH for deep-water precious corals. For shallow-water precious coral, the Council recommended updating geographic extent of the beds and their habitat characteristics and updating FEP narratives to reflect these changes. Remington provided additional analyses and the alternatives to the Council for final action.

Okano asked if the process of refining EFH caused the overall amount of EFH area to increase or decrease and by how much.

Remington said it could increase under the preferred alternative due to the addition of new beds.

Gourley asked if the areas proposed as new EFH were prime areas for bottomfish fishing or if there are relationships between precious coral beds and bottomfish fishing areas.

Remington said some precious coral beds exist in the BRFA's. However, if something were to impact the bottomfish fishery, consideration would be made during a consultation on bottomfish fishing rather than on precious corals. While there is an overlap in areas, there is no new information that suggests that bottomfish fishing activity will have an impact on this habitat.

G. Education and Outreach Initiatives

Sylvia Spalding, Council staff, provided a report on the Council's education and outreach efforts since the last meeting. She said that Vandehey, the Council's new outreach and education coordinator, will be working on efforts such as the 2020 Hawai'i lunar calendar, Fishers Forum and articles in *Lawaia* and *Hawaii Fishing News*. The staff continues to work on the *Go Fish!*

radio talk show with Mike Buck every week and have been on *Hawaii Matters* radio show to talk about technology and fishing in coordination with this meeting's Fishers Forum. Council staff also continues to work on the high school summer course and on future events including an Ocean Observation conference in September 2019 and the International Pacific Marine Educators Network and National Marine Educators Association conferences to be held in Honolulu in 2020.

H. Advisory Group Report and Recommendations

1. Advisory Panel

Gil Kualii, Hawai'i Advisory Panel (AP) vice chair, presented the AP report and recommendations.

Regarding precious corals EFH, the Hawai'i AP recommended the Council select Alternative 2, updating the precious coral EFH in the FEPs, revising the existing beds and adding new beds for deep water precious corals.

Regarding MHI Kona Crab ACLs, the Hawai'i AP recommended the Council select Alternative 4, using the 2018 benchmark assessment and P* level 10 percent lower than the value from the SEEM analysis (with an ACL of 30,802 pounds and an ACT of 25,491 pounds). Further, the Hawai'i AP recommended the Council request the State of Hawai'i look at removing the prohibition on take of female Kona crab, changing the closed season to include September and working towards trip reporting for both Kona crab and uku.

Regarding Hawai'i fishery issues, the Hawai'i AP requested the Council provide assistance to the AP to provide education and outreach on the Council and fishery issues to the community at the larger fishing tournaments in Hawai'i.

Kualii said that this is an opportunity for the AP to do more outreach and educate the community and the public about what the AP and the Council stands for, utilizing larger venues such as the ulua tournament on the Big Island; the WEE Guys, Spinners and Ahi Fever tournaments; and the Fish and Dive Expo.

Regarding administrative matters, the Hawai'i AP requested the Council extend the solicitation for Hawai'i AP alternates in order to more accurately reflect the distribution of fishermen in Hawai'i.

Kualii noted that two members recently resigned, one from Kaua'i and one from Maui. Now only two out of the four counties are represented within the AP. He suggested that representation from all the islands is needed.

Watamura asked why the AP added a 10 percent buffer to the Kona crab ACL.

Kualii said that the AP relied on an AP member who is an experienced fisherman that attended the Kona crab meetings and who was most familiar with the issue.

2. Archipelagic Plan Team

Sabater presented the Archipelagic Plan Team meeting report and recommendations.

Regarding the Kona crab ACL, the Archipelagic Plan Team recommended Alternative 3, specifying the ACL equal to ABC at 30,802 pounds and setting an ACT of 28,324 pounds at a risk of overfishing level of 30 percent. As an Accountability Measure, the catch of Kona crab would be monitored in-season using the monthly fishermen reporting system and the federal waters would close once the ACT is projected to be reached.

Further, the Archipelagic Plan Team recommended the Council request that the State of Hawai‘i establish a process through Chapter 91 to close the State waters once the ACLs for Kona crab and uku are projected to be reached.

Regarding the monitoring of MUS and ACLs, the Archipelagic Plan Team recommended the Council request DAR and NMFS PIFSC provide the Council and NMFS PIRO with monthly summaries of the uku and Kona crab pounds caught and sold and numbers of licenses and trips to track fishery performance relative to ACLs.

3. Scientific and Statistical Committee

Lynch presented the SSC recommendations for the Hawai‘i Archipelago agenda items.

Regarding the Kona crab fishery, the SSC set the ABC for the MHI Kona crab based on the updated 2018 benchmark stock assessment at P* level from the working group analysis of P*=38 percent equivalent to 30,802 pounds.

I. Public Comment

There was no public comment.

J. Council Discussion and Action

Regarding the Kona crab fishery, the Council selected **Alternative 4 and recommended that the ACL be set equal to the SSC’s ABC at 38 percent risk of overfishing with a catch level of 30,803 pounds and further the ACT be set at 20 percent risk of overfishing corresponding to an annual catch level of 25,491 pounds for fishing year 2020 to 2023.**

Moved by Sensui; seconded by Rice.

Motion passed.

[This recommendation originally selected Alternative 3.]

Okano said the State of Hawai‘i preferred Alternative 4 as it provides a conservative approach, noting that the ACL will not fix the fishery. The fishery can be improved by removing the no-take of female provision in the State’s regulations. The more conservative approach

(lower risk of overfishing) will make it easier for the State to remove those regulations if the ACT is in place.

Simonds asked Sabater to clarify the difference between Alternatives 3 and 4.

Sabater said that the difference would be about 3,000 pounds in the ACT. He noted that the average catch in the past three years has been only around 2,200 pounds.

Sensui and Rice agreed to amend the motion from Alternative 3 to Alternative 4.

Regarding the Kona crab fishery, the Council recommended that, in order to prevent the ACT from being exceeded, an in-season closure will be used as an accountability measure based on the projected date on when the ACT will be reached for the MHI Kona crab fishery. In an event that the ACT has been exceeded, no overage adjustment will be applied. In the event that the ACL is exceeded, an overage adjustment in the amount of the overage will be applied to the ACL and ACT 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 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.

Moved by Rice; seconded by Sensui.

Motion passed.

Regarding the Kona crab fishery, the Council encouraged the State of Hawai'i DAR to establish a process through Chapter 91 to close the State waters once the ACL of Kona crab (including other remaining MUS) is projected to be reached in order to attain consistency in the management of the stock between the State and federal waters. The Council further encouraged the State, as part of the Chapter 91 process, to consider bringing the monthly reporting requirement to trip level similar to the Deep 7 bottomfish fishery.

Moved by Rice; seconded by Sensui.

Motion passed with Okano abstaining.

Okano said he will abstain because the recommendation is being made to his division.

Regarding the Kona crab fishery, the Council reiterated its previous recommendation requesting DAR to work with State of Hawai‘i Legislature in removing the no-take of female statute to allow the redevelopment of the commercial Kona crab fishery

Moved by Rice; seconded by Sensui.

Motion passed with Okano abstaining.

Okano said that his division will continue to work on this issue and that he will abstain because the recommendation is being made to his division.

*Regarding the monitoring of the MUS catch and ACLs, the Council requested the Hawai‘i DAR to provide the Council and NMFS monthly summaries of numbers caught, pounds caught, number of trips and number of licenses to track fisheries performance for in-season monitoring of the Kona crab and the *Aprion virescens* fisheries relative to their respective ACLs. Furthermore, the Council recommended DAR to reinitiate the collection of fishery data for crustaceans from the non-commercial fisheries as part of the certification process of the Hawaii Marine Recreational Fishing Surveys.*

Moved by Rice; seconded by Sensui.

Motion passed with Okano abstaining.

Regarding the monitoring of MUS and ACLs, the Council directed staff to work with Hawai‘i DAR and PIFSC to develop CPUE indices and indicators for Hawai‘i small-boat fisheries (troll, handline, etc.) and investigate data filtering criteria to define fishing effort and targeting.

Moved by Rice; seconded by Sensui.

Motion passed.

Regarding the FEP amendment for refining precious coral EFH, the Council approved the draft amendment for final action and directed staff to send the document to PIRO SFD for completion.

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 were not consistent with the Council action.

Moved by Rice; seconded by Sensui.
Motion passed with Tosatto abstaining and Okano opposing.

Tosatto said that he would abstain because it is final action.

Okano said that he will likely vote no. The State of Hawai'i has challenges with EFH, especially when it comes to fixing ports. While it is highly unlikely that this precious coral EFH designation would impact something like that, in general, the State has problems with EFH. It thought the refinement process would reduce the EFH area, but it increased it.

Regarding Hawai'i fishery issues, the Council directed staff to work with the AP to provide education and outreach on the Council and fishery issues to the community at the larger fishing tournaments and expos in Hawai'i.

Moved by Rice; seconded by Sensui.
Motion passed.

Watumura said he would like to make an additional mention of large events such as expos that could provide education and outreach opportunities.

Rice and Sensui agreed to the change.

Regarding Hawai'i fishery issues, the Council directed staff to draft a letter to BLNR to address misinformation published by an article in *Honolulu Civil Beat*, particularly inaccuracies regarding the status of bottomfish and re-opening bottomfish BRFA's.

Moved by Rice; seconded by Sensui.
Motion passed with Okano abstaining.

Watumura provided a recount of what was written in the *Civil Beat* article, noting errors in the reporting. He said the Deep 7 bottomfish is not in significant decline and the Council was not the reason the BRFA's were being opened. Many factions pushed to open all of the BRFA's.

Okano said he would abstain from this recommendation.

VII. Protected Species

A. French Frigate Shoals Green Turtle Research Plans

Summer Martin, PIFSC, presented the research plans for the Marine Turtle Biology Assessment Program (MTBAP) in the NWHI, focusing on the French Frigate Shoals (FFS). Martin provided a brief background of the Central North Pacific population of green sea turtles and the FFS, noting that approximately 96 percent of the Central North Pacific green sea turtles nest at FFS consisting of low lying islets within the atoll system that are highly susceptible to climatic events. Additionally, historical nesting occurred on other islands throughout the NWHI, most notably at Pearl and Hermes Atoll and Laysan Island, although in the last several decades the nesting observations have been in the 10 to 20 nest range. In recent years, the Monk Seal

Field Camp staff has been trained to conduct turtle surveys in order to increase survey coverage throughout the NWHI.

Through the 2019 deployment cruise, MTBAP staff began deploying satellite tags in an effort to identify green sea turtle migration routes and distribution. A number of turtles were tagged at Lisianski Island, Pearl and Hermes Atoll, and Midway Atoll this season. With the satellite tag data, the MTBAP identified three nesting females tagged on East Island in FFS in 2018 that are now nesting on Pearl and Hermes Atoll in 2019. Additionally, a nesting female tagged in 2017 on Lisianski Island is now being tracked near Pearl and Hermes Atoll. The assumption is that these turtles migrated northward to foraging grounds at Pearl and Hermes Atoll rather than migrating south to the MHI.

Majority of nesting at FFS occurs on Tern Island and East Island. Currently, there is a MTBAP field camp on Tern Island and the field staff travel to East Island via boat. The field camps are operational for up to six months of the year. Over the last five years, the primary goal of the field efforts has been saturation tagging, where each turtle is uniquely identified with a visual shell marking in addition to more permanent passive integrated transponder (PIT) tags, microchips and flipper tags. The goal is to tag every male and female individual. Males bask on in Hawai'i, providing opportunity to tag them in higher numbers than elsewhere in the world.

Due to the consistent, long-term monitoring program, the abundance of nesting females can be used as an index to estimate population trends. The last published estimate for the population trend was 5.4 percent per year reported in a 2015 publication by Balazs and colleagues. Recently, the trend in the population was calculated to be 3.2 percent per year. There is natural variability from year to year since female green sea turtles nest every two to five years.

In addition to saturation tagging, field efforts have focused on demographic patterns for the population. The field staff increased nest excavation effort and deployment of temperature loggers into nests as well as the use of satellite telemetry tags with GPS capabilities. Furthermore, genetic samples continue to be collected to be analyzed with new technologies. A preliminary look at the temperature logger data for May through July indicates that nest temperature varies monthly, which affects the incubation period. The incubation period for the nests laid in May consists of a period greater than 81 days. Nests laid in the warmer month of July have incubation periods around 62 days. The nesting temperature and incubation time may affect the hatching success of the nest. From the preliminary analysis, June has the highest hatching success.

Nesting habitat is also a primary area of focus for the MTBAP in FFS. In the 1990s Whale-Skate Island slowly eroded and has not reformed above sea level. Trig Island was approximately three hectares before it eroded in 2018. It was the third largest islet within the atoll system and an important island for both nesting and basking. As of June 25, 2019, the field staff reported that Trig Island is completely awash. In early October 2018, Hurricane Walaka passed over FFS with Category 5 winds, which affected Tern Island and left East Island essentially awash. Nesting adults had left East Island by mid-September. An estimated 19 percent of the nests were lost in 2018 due to inundation during the storm surge.

The MTBAP is now investigating where the turtles will go to nest and bask. Many of the islands within FFS are highly dynamic and come and go with high tides throughout the season.

The more stable islands are Tern, Gin and Little Gin. The Gin Islands are low lying, each about half the size of what East Island used to be resulting in little area above sea level. Historically, the Gin Islands have predominately been used for basking with low levels of recorded nesting. With the absence of Trig and East Islands, the Gin Islands may become a primary nesting site within FFS.

Using tagging data, the MTBAP is looking at fine-scale movements of individuals among the islands within FFS. Dozens of turtles use multiple islands for basking and nesting and move among these islands. GPS satellite tag data confirmed that a female turtle was nesting on Tern Island while using Trig Island to bask. This suggests that the turtles are spatially aware of the islands within FFS although movements between Tern Island and the Gin Islands have not yet been observed. Tern Island and the Gin Islands are approximately 20 km apart. The next closest island is Laysan, which is about 600 km away from FFS.

The MTBAP recently located and satellite tagged a gravid female on O'ahu before she began her breeding migration to the NWHI. The female took about two weeks to migrate from O'ahu to FFS. Satellite data shows her nesting on Tern Island and using Trig Island to bask. This female has nested three times on Tern Island; two of these nests have temperature loggers.

MTBAP future plans are to continue genetic sampling and investigate male migratory ecology and multiple paternity, operational sex ratios and pivotal nest temperatures that will be affected by climate change scenarios. Additionally, MTBAP initiated Honu Count 2019, which allows members of the public to notify the MTBAP if they see a turtle with a white number etched on the shell. This provides information about where the turtles forage in the MHI.

The current field camp is located on Tern Island and the field staff travel to East Island about three days a week where they spend about half a day tagging as many turtles as possible. This season, the field staff tagged almost 500 turtles including 311 turtles on Tern Island and 122 turtles on East Island. About two thirds of the tagged turtles are female and one third is male.

Rice asked what the MTBAP knew about green turtles finding new nesting areas and if the turtles are expected to move to the other areas due to the disappearing islands.

Martin said that the turtles are genetically programmed to return to their natal beach areas although the size of the natal beach area is not necessarily known. Some of the turtles that were previously recorded nesting on East Island were recorded nesting on Tern Island in 2019 suggesting that turtles within FFS will nest wherever they see viable habitat. However, there is no evidence of turtles nesting in FFS one year and then nesting on other islands in the Hawaiian Island chain other years.

Watamura asked about the distance the turtle migrated from O'ahu to FFS.

Martin said it is about 500 miles from O'ahu to FFS and two weeks is a common time frame for these turtle migrations.

Gourley asked how many turtles have been tagged in FFS during the monitoring period.

Martin said that monitoring has been ongoing for more than 40 years and the number of turtles tagged is in the thousands.

Gourley asked if any of the tagged turtles that nested in FFS have been observed nesting in the NWHI outside of FFS.

Martin said she is unaware of any records of a sea turtle that nested both within FFS and on an island in the NWHI outside of FFS although there may be the rare case.

Simonds asked if any of the turtles stopped at Ni‘ihau during its migration.

Martin said there has never been a report or satellite data indicating that a turtle stopped at Ni‘ihau during its breeding migration to FFS.

B. Oceanic Whitetip Shark Recovery Planning Meeting

Krista Graham, PIRO, presented an overview of the Oceanic Whitetip Shark Recovery Planning Meeting held on April 23-24, 2019. The primary purpose of the meeting was to gather information and perspectives on oceanic whitetip shark recovery. Approximately 40 participants with expertise in oceanic whitetip shark biology, life history, stock assessment science, commercial fishing, fisheries management and recovery planning were invited. In addition, the meeting was open to the public and public comment was taken at the end of each meeting day.

On the first day, participants reviewed the status and threats to the shark and discussed potential recovery actions and research needs related to commercial fishery interactions such as bycatch mitigation and regulations. Potential recovery action items discussed included developing best practices for oceanic whitetip shark safe handling and release, developing and implementing bycatch reduction devices to deter or prevent the sharks from attacking bait or catch and developing gear modification such as a fly-back device or electropositive metal hooks. Possible actions related to regulations included evaluating the efficacy of existing non-retention measures, identifying countries that produce high mortality rates of oceanic whitetip sharks and low levels of compliance with existing RFMO regulations and assessing impacts of bycatch mitigation regulations across protected species. Research needs identified by the participants regarding oceanic whitetip shark threats related to commercial fisheries included collecting more detailed interaction data, identifying environmental parameters that predict the presence of the species and investigating the effects of different bait in regard to bycatch rate.

The second day primarily focused on research, outreach and education and international coordination. Potential research needs included improving data collection and observer coverage in both domestic and international fisheries, improving reporting of bycatch in logbooks with emphasis on protected species, updating stock assessments in all regions to improve shark abundance estimates, increasing genetic sampling across all regions and continuing cooperative research programs between scientists and fishermen to improve shark tagging and real time data collection. In regard to education and outreach, the priorities were improving outreach and education to fishermen in order to change the perception towards oceanic whitetip sharks and increase awareness of best handling practices. For the recovery actions related to international coordination, participants discussed increasing US engagement in RFMOs regarding oceanic

whitetip protection and advocating for RFMOs to require reporting of oceanic whitetip interactions and increase enforcement of non-retention measures. Additionally, participants discussed potential actions of non-RFMO international coordination such as developing incentives to increase international buy-in, developing international programs related to oceanic whitetip shark safe handling and release, improving species identification and data collection protocols and advocating for and assisting other nations in increasing oceanic whitetip shark data collection.

Graham presented a brief timeline of recovery planning events. Following the April workshop in Honolulu, a second workshop on the Atlantic and Caribbean population of oceanic whitetip sharks is scheduled for November 2019 in Miami, Fla. A draft oceanic whitetip shark recovery plan is scheduled to commence in 2020, and a final recovery plan is anticipated to be available in 2021.

Goto asked Graham to elaborate on measures such as circle hooks to mitigate false killer whale interactions as there is a chance of increasing oceanic whitetip interactions.

Graham said that there is no evidence that circle hooks will increase the rate of oceanic whitetip interactions although it is a possibility.

Okano asked whether mitigation measures such as shorter soak time affect target species catch as well as protected species interactions.

Graham said the effect of mitigation measures on both protected species as well as target species catch will be investigated.

Gourley asked for the northernmost latitude where oceanic whitetip sharks occur in high numbers.

Graham did not have that information on hand, but she thought they can be observed as far as midway up California.

Gourley then asked if oceanic whitetips occur off Japan.

Graham said they do not, as oceanic whitetips are strictly circumtropical.

Gourley asked if the results from the Oceanic Whitetip Shark Recovery Planning Meeting were incorporated in the Hawai'i Shallow-set Longline BiOp.

Graham said the results of the meeting were shared with the ESA Section 7 biologist. She could not say how the results of the meeting were used.

C. Developing Tori Line Minimum Standards for the Hawai'i Longline Fishery

Asuka Ishizaki, Council staff, presented an update on developing tori line minimum standards for the Hawai'i longline fishery. Council staff developed a working paper on the considerations and recommendations for tori line minimum standards in response to a Council directive from the 176th meeting. Tori lines are towed deterrents attached to the stern of the

vessel, designed to keep seabirds away from the sinking baited hooks as they are deployed. Since the primary bird species observed in the Hawai‘i longline fishery are surface foraging albatrosses, the primary purpose of the tori line is to deter birds from attacking the baited hooks until the hooks sink below two meters.

Tori line concepts were tested in the Hawai‘i longline fishery in the late 1990s. The mitigation measure was not adopted due to concerns with entanglement and safety. Since then, tori lines were further developed and adopted in other pelagic and demersal longline fisheries. In order to address entanglement issues, Japan developed a short (or “light”) streamer line that does not interfere with hooks near the surface.

Discussions from the Council’s workshop convened on Sept. 18-19, 2018, indicate that some Hawai‘i longline fishermen voluntarily use a tori line type deterrent in addition to the other required mitigation measures. There is interest in incorporating tori lines as one of the optional mitigation measures as a replacement for blue-dyed bait. In order to add tori lines as one of the mitigation measures, additional trials and the development of minimum standards specific to the Hawai‘i longline fishery are warranted. Based on a review of existing tori line standards from RFMOs, guidance from Agreement on the Conservation of Albatrosses and Petrels and other national regulations, typical tori line standards include minimum aerial extent, streamer length, distance between streamers and height of attachment point.

The WCPFC and IATTC have tori line standards specific to different vessel size classes. For WCPFC, the small vessel and large vessel tori line requirements are demarcated at 24 meters. Approximately 74 percent of the vessels registered with Hawai‘i longline permits are smaller than 24 meters and 26 percent fall into the larger vessel size class. For IATTC, seabird mitigation measures are only required for vessels greater than 20 meters, which accounts for approximately 83 percent of the Hawai‘i longline vessels. While there are some differences between the WCPFC and IATTC tori line standards, most of the requirements are similar.

In 2005, there was a proposed rule based on a Council recommendation to include tori lines in the required seabird mitigation measures. While the final rule removed tori lines from the suite of measures, the proposed rule included regulatory language for implementing tori lines in the Hawai‘i longline fishery. The proposed rule identified different requirements for the deep-set and shallow-set with respect to minimum aerial extent and total tori line length, recognizing that the operational differences between the two sectors may affect the aerial distance needed to keep seabirds away from baited hooks.

Other considerations based on discussions from the September 2018 workshop included creating swivel and breakaway mechanisms to minimize torque and risk of entanglement; allowing flexibility with materials and design so the fishers can innovate; and creating exceptions for severe weather conditions. For example, the demersal longline fisheries off Alaska are exempted from the required tori line usage when a National Weather Service gale warning is in effect.

A Cooperative Research proposal developed jointly by the Council, NMFS and industry was selected for funding to conduct demonstrations and field trials for tori lines in the Hawai‘i longline fishery. This project will evaluate the considerations for developing tori line minimum

standards identified in the working paper. Ishizaki said she expected to report on the project outcomes next year with additional information for Council's consideration of revising seabird mitigation measures under the FEP.

D. Status of Endangered Species Act Consultations for the Hawai'i Deep-Set Longline, American Samoa Longline and Bottomfish Fisheries

Kevin Brindock, PIRO, presented timelines and statuses of ongoing ESA consultations for the region's fisheries. The Hawai'i deep-set longline consultation, initiated on Oct. 4, 2018, is anticipated to be completed on Sept. 1, 2019. The Pacific purse-seine consultation is expected to be completed on Oct. 1, 2019. The American Samoa longline consultation, initiated on April 3, 2019, is expected to be completed by Sept. 1, 2019. A bottomfish consultation for American Samoa, Guam and CNMI initiated on June 5, 2019, is anticipated to be completed on Oct. 18, 2019. The MHI bottomfish consultation reinitiated on Feb. 1, 2019, is expected to be completed on Sept. 7, 2019.

Sensui asked if the Council would be provided with copies of the draft BiOps.

Tosatto said the Council has requested to review the Hawai'i deep-set longline, American Samoa longline and MHI bottomfish draft consultations. He said he had not made a decision whether the Council would be able to review the draft BiOps given the uncertain nature of the progress at the time he provided a response to the Council. He would make that decision consistent with the ESA Integration Policy when the time approaches.

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

Brindock presented an update on the False Killer Whale Take Reduction Plan (FKWTRP) since the last update at the 176th Council Meeting. In 2019 to date, there have been six false killer whale interactions and one blackfish interaction. Three of the false killer whale interactions occurred in the EEZ. Two of the three interactions occurred in January; one resulted in mortality and one resulted in a serious injury determination. This initiated the closure of the Southern Exclusion Zone (SEZ), effective Feb. 22, 2019. An additional interaction occurred in the EEZ at the end of May for which the injury determination is pending. The remaining three false killer whale and one blackfish interactions occurred outside of the EEZ.

The FKWTRP implemented gear requirements with the intent that the hook would straighten during an interaction. Five interactions resulted in hook straightening, which is about 9 percent of total interactions since the requirements were implemented. In 2019, one interaction resulted in a hook straightening. In this interaction, the dehooker was used to apply additional leverage on the line. Most false killer whale interactions result in either the line being cut or the line breaking. Since 2013, a total of 19 interactions resulted in the line being cut and 17 interactions resulted in the line breaking. Collectively, this accounts for 68 percent of the total interactions. Since 2013, approximately 72 percent of interactions resulted in either a mortality or serious injury determination. Across years, there is variability in the number of interactions and the injury determinations.

In addition to the 2019 SEZ closure in February, the SEZ was closed on July 24, 2018, and reopened on January 1, 2019, in accordance with the reopening criteria. However, since the 2019 SEZ closure was the second successive year that the SEZ was closed, the SEZ does not automatically reopen at the end of the calendar year. Four criteria are considered in reopening the SEZ, which was reviewed during the 176th Council meeting. During that meeting, the Council inquired about Criteria 4, which states that the SEZ would reopen if the average estimated level of false killer whale mortality and serious injury in the deep-set longline fishery within the remaining open areas of the EEZ for the five most recent years is below the potential biological removal (PBR) of the Hawai'i pelagic stock. The estimated mortality and serious injury determination for 2014 through 2018 is 6.49, and the current PBR is 9.3, indicating that the estimate for 2014-2018 is below the PBR. NMFS will use the 2019 false killer whale interaction data upon completion of the calendar year to evaluate reopening based on Criteria 4. The Council also previously inquired whether NMFS could accelerate the evaluation to determine at the conclusion of 2019 whether the SEZ could reopen. Brindock said that NMFS will be using the existing process, which accounts for all the data through 2019, which is the best scientific information available. NMFS will expedite and prioritize the mortality and serious injury estimates after all 2019 data become available.

Brindock also presented the revision of the FKWTRP under consideration by the Take Reduction Team (TRT). He said the TRT continues to work on the consensus recommendations.

Brindock then presented an overview for other ESA and MMPA updates. On Sept. 20, 2018, NMFS published a positive 90-day finding indicating the petitioned action may be warranted for the cauliflower coral. NMFS is currently conducting a range-wide status review of cauliflower coral. In May 2019, NMFS received a Notice of Intent to sue from Center for Biological Diversity because the 12-month finding was due in March 2019 and is past due. The range-wide status review of the species is ongoing.

On Sept. 20, 2017, NMFS received a petition from Blue Water Fishermen's Association to identify a distinct population segment (DPS) of leatherback turtles. NMFS is conducting a global status review of the leatherback sea turtle to determine if any subpopulations constitute a DPS and whether any warrant listing under the ESA. The status review and the 12-month finding are in review and expected to be completed in late 2019.

NMFS is considering designating critical habitat for three listed DPSs of humpback whale: Western North Pacific DPS, Central America DPS and Mexico DPS. The proposed rule is expected in late 2019.

On March 28, 2019, NMFS received a 60-day Notice of Intent to sue for failure to designate critical habitat for the corals listed in 2014 that occur in US waters, including seven species in Pacific Islands Region waters. NMFS responded on May 28, 2019, outlining the plan to simultaneously publish two coral proposed critical habitat rules for five listed corals in the Southeast Region and seven listed corals in the Pacific Islands Region by early 2020.

NMFS submitted a draft Recovery Plan for the MHI Insular False Killer Whale and a draft Species Status Assessment (SSA) for peer review on April 1, 2019. Following the peer review, the SSA will be finalized and available online. The draft recovery plan will then be

available for public comment. NMFS will use the peer reviewed SSA to draft the five-year status review, which is expected to be released for public comment in late 2019.

On Jan. 22, 2018, NMFS published a final rule to list the giant manta ray as threatened under ESA. NMFS is currently developing a recovery outline for the giant manta ray. The outline serves as a guidance document to direct recovery efforts including recovery planning until a full recovery plan is developed.

On July 3, 2014, NMFS published a final rule to list four DPSs of scalloped hammerhead sharks under the ESA. On May 4, 2019, NMFS determined that a recovery plan for the four DPSs of scalloped hammerhead sharks would not promote their conservation because the threats to all four DPSs primarily occur under foreign jurisdiction.

On May 16, 2019, NMFS published a final rule for the 2019 List of Fisheries. NMFS updated the list of species that interact with the Hawai'i deep-set longline fishery and the number of participants in the Hawai'i deep-set and shallow-set longline fisheries.

Goto asked if it would be possible to have the SEZ available to reopen on Jan. 1, 2020.

Brindock said that it is unlikely that the SEZ will be available to reopen on Jan. 1, 2020, because all of the 2019 interaction data must be processed before it can be reopened. NMFS will prioritize the mortality and serious injury estimates in order to accelerate the timeline, but a full analysis will be necessary.

Goto asked if there was an estimated date for the SEZ reopening.

Brindock said that it primarily depends on the opening criteria. The SEZ could be opened under Criteria 4 once the mortality and serious injury estimates are calculated and if the estimated mortality and serious injury is below the five-year PBR. However, a new abundance estimate, thus PBR, is expected to be completed by September. The TRT could begin working on Criteria 1 at any time, as the criteria specifies that the reopening could be considered based on TRT's recommendations and evaluation of all relevant circumstances.

Goto said that it would be prudent for the Council to receive an update on the false killer whale abundance estimates and on a possible reopening date of the SEZ.

Tosatto said that the abundance estimate, total estimated interactions based on 20 percent observer coverage, and mortality and serious injury estimation will need to be calculated by PIFSC and it is difficult to estimate a timeframe. In addition to the time PIFSC needs after Dec. 31, 2019, PIRO will need time to go through the process for reopening.

Goto asked Seki for an estimated timeline.

Seki said that PIFSC is still on track to complete the false killer whale abundance estimates at the end of summer.

Gourley asked what the current status is on determining the critical habitat for the corals and if there was an estimated date of completion for the critical habitat determination.

Brindock said the process is ongoing. NMFS is currently identifying substrate and water quality suitable for the corals. Early 2020 is the expected timeline to have a proposed rule. Then there will be a public comment period.

Simonds asked how NMFS expects to accomplish crew training for false killer whale safe handling procedures when the crew is required to stay on board the vessel.

Brindock said the TRT has discussed developing videos to be distributed to the vessels.

Simonds asked if the TRT is planning on taking the training materials to the vessels.

Brindock said the TRT is identifying the primary objectives but hasn't discussed the details.

Tosatto said that developing the details is ongoing. Sometimes a simple placard on the wall can illustrate the primary objectives. With videos, the captain is responsible for showing the crew the training videos and ultimately has authority to cut the line when he thinks it necessary.

Simonds asked what the recovery plans are for green sea turtles in the Territories and how long it would take to downlist from endangered to threatened.

Brindock said the recovery plan will have delisting criteria, which would also specify the criteria for downlisting. He had no update on the status of the green sea turtle recovery plan.

Tosatto said that there was no change on the green sea turtle recovery plan timeline in the last six months. An update will be provided in the future.

Watumura asked if the development of the line cutter has any effect on the determinations of the false killer whale injury determination.

Brindock said an injury determination policy is currently in review. The development of the line cutter would require further analysis to determine if it would affect the injury determination. Currently the injury determination policy identifies the amount of trailing gear attached to the animal regardless of how it was removed. Longer trailing gear would increase the potential to constrict the animal or impede breathing or feeding.

F. Advisory Group Report and Recommendations

1. Advisory Panel

Kualii presented the AP report and recommendations.

Regarding protected species, the Hawai'i AP continues to recommend the Council advocate for a cultural take of sea turtles for the indigenous communities of the Western Pacific.

2. Protected Species Advisory Committee

Lynch, who chairs the Protected Species Advisory Committee (PSAC), delegated the presentation of the PSAC report and recommendations to Ishizaki.

Ishizaki said the meeting on May 1-2, 2019, was the final meeting of the PSAC as this committee will be repurposed under the next five-year program plan. The primary focus of the meeting was the review of the Annual Stock Assessment and Fishery Evaluation (SAFE) Report, which will be reported under Program Planning. In addition, PSAC received an update on the Ecosystem-Based Fishery Management (EBFM) Turtle Project, which is a joint effort between the Council, PIFSC and PIRO with an effort to investigate factors that are driving sea turtle interactions using available longline data and olive ridley turtles as a case study in the first year. Next steps for the EBFM Turtle Project include validating TurtleWatch and evaluating the efficacy of management strategies in the Hawai'i and American Samoa longline fisheries. PSAC also received an update of the FFS green turtle research in the NWHI. PSAC made the following recommendations:

Regarding the EBFM Turtle Project, the PSAC recommended that the Council continue to work with NMFS on the EBFM Turtle Project and to validate the assumptions in TurtleWatch through this project. PSAC further recommended that future versions of TurtleWatch include information on target catch as well as potential for interactions with other protected species of concern.

Regarding the sea turtle research on FFS, the PSAC commended PIFSC on its efforts to enhance monitoring and research at FFS and throughout the NWHI and recommended that the Council continue to receive updates on the status of the NWHI research, including green sea turtle nesting habitat changes in FFS.

3. Pelagic Plan Team

There were no Pelagic Plan Team recommendations regarding protected species.

4. Scientific and Statistical Committee

There were no SSC recommendations regarding protected species.

G. Public Comment

There were no public comments regarding protected species.

H. Council Discussion and Action

Regarding false killer whales, the Council **requested PIFSC to provide a presentation to the SSC and Council at the October 2019 meetings on the new abundance estimates for the pelagic stock of false killer whales based on the 2017 EEZ-wide survey. The Council further requested PIRO to provide an update to the SSC and Council at the October 2019 meetings on the potential date for reopening the SEZ, taking into consideration the new abundance estimates for the pelagic stock.**

Moved by Duenas; seconded by Gourley.
Motion passed.

[This recommendation was originally worded as “request PIRO to provide an update to the SSC and Council at the October 2019 meetings on the potential for reopening the SEZ on January 1, 2020.”]

Tosatto said it would not be possible to reopen the SEZ on Jan. 1, 2020, because the data necessary to estimate the mortality and serious injury would not be available to NMFS until a few months after Dec. 31, 2019, and analysis may take several weeks after data become available. He said the process is not simple. It involves multiple individuals at PIFSC to estimate total interactions from the observed data and to prorate those interactions to serious injuries as well as any unidentified blackfish. He said, if the motion was amended to say “provide an update on the potential date for reopening the SEZ,” he may be able to provide the Council with a better estimate of that date in consultation with PIFSC.

Duenas and Gourley concurred with the amendment to the motion.

Regarding EBFM, the Council directed staff to continue to work with NMFS on the EBFM Turtle Project and to validate the assumptions in TurtleWatch through this project. Future versions of TurtleWatch should consider including information on target catch as well as potential for interactions with other protected species of concern.

Moved by Duenas; seconded by Gourley.
Motion passed.

Regarding green turtles, the Council requested PIFSC to provide updates at Council meetings on the status of the NWHI research, including green turtle nesting habitat changes in FFS.

Moved by Duenas; seconded by Gourley.
Discussion:

Tosatto said many issues regarding green sea turtle nesting habitat and FFS are concerning but the recommendation is on the right track. He said he needs to take a harder look at the issue of nesting habitat changes at FFS and consider potential management interventions.

Motion passed.

Regarding green turtles, the Council requested NMFS to explore options for allowing cultural use of green sea turtles for the indigenous communities of the Western Pacific under the ESA.

Moved by Duenas; seconded by Gourley.
Motion passed with Sesepasara abstaining.

Tenorio asked about any green sea turtle population estimates for the Marianas.

Ishizaki said PIFSC and the local agencies have been analyzing the existing data. A recent publication from Guam, using data from the aerial surveys conducted with Sport Fish Restoration Program funds, found an increase in in-water turtle abundance over time. A publication on CNMI nesting female abundance over time showed an increasing trend. More work needs to be done to assess the entire Central West Pacific green sea turtle DPS.

Sesepasara said he will be abstaining on this issue. He said the American Samoa government and USFWS jointly manage Rose Atoll, which is a green sea turtle nesting area. He was concerned about giving some encouragement to indigenous fishermen to visit an area that is restricted due to its Wildlife Refuge status.

Tosatto said that he would probably vote in favor as this is a reasonably limited recommendation requesting that NMFS explore options for cultural take. He said the exploration will be brief outside of the Hawai'i population listed as threatened as he did not see viable options for allowing directed take for populations listed as endangered under the ESA. For threatened species, NMFS could consider authorizing directed take for cultural purposes if circumstances allow.

Regarding ESA recovery plans, the Council requested NMFS PIRO to provide regular updates at future Council meetings on the status of recovery plan implementation for Pacific green turtle populations, including the outlook for considering downlisting of DPSs occurring in the Marianas and American Samoa.

Moved by Duenas; seconded by Gourley.
Motion passed.

VIII. Public Comment on Non-Agenda Items

There were no public comments on non-agenda items.

IX. Program Planning and Research

A. National Legislative Report

Gourley provided updates on national legislation. Most of the active legislations are related to climate change and ocean acidification rather than fisheries. Among the legislation of interest to the Territories is HR1809 introduced by US Rep. Kilili Sablan (CNMI) to provide parity for US Territories and DC by amending the Pittman-Robertson Wildlife Restoration Act to allow the territories to get more funds to operate local agencies and the Dingell-Johnson Sport Fish Restoration Act to provide local agencies more funding to do fisheries and wildlife work. In addition, Sablan's HR 737 aims to completely outlaw the commercial sale of shark fins, which will have a serious effect on some of the shark fisheries in the Gulf of Mexico and Florida. Prohibiting the commercial sale of shark fins would stop these fisheries once and for all. A version by US Sen. Marco Rubio is more commercial fishery-friendly and would allow the commercial sale of shark fins.

New legislation includes HR 2236, the Forage Fish Conservation Act introduced by US Rep. Debbie Dingell, to improve management of forage fish. This is a priority issue on the East Coast and Gulf of Mexico, where a conflict exists between the recreational and commercial sectors for menhaden.

Lastly, HR 1664, the National Monument Creation and Protection Act introduced by US Rep. Rob Bishop, aims to reform the Antiquities Act of 1906 by taking away the unilateral power of the President to create National Monuments and providing oversight for that unilateral power by the affected state. However, US Rep. Raul Grijalva stopped the bill from moving forward claiming that there is nothing wrong with the Antiquities Act.

B. Best Scientific Information Available Policy Directive

Jarad Makaiau, PIRO, summarized the policy directive published on May 7, 2019, for Best Scientific Information Available (BSIA). MSA requires conservation and management measures to be based upon the best scientific information, and the National Standard 2 provides guidance on the use of BSIA. To help implement National Standard 2, NMFS published advisory guidelines that provide certain criteria to be considered when determining BSIA, including the relevance of the science being considered or pertinent questions to the fishery being managed. The policy directive clarifies the process for determining BSIA. It describes the roles and responsibilities of the various partners involved, including the Council, NMFS, PIRO and the public. It tries to improve the communication, coordination and transparency among those involved so everyone understands the determination process. Each Council, Regional Office and Science Center will need to develop its own procedures within three years of how they will coordinate and work together to implement the policy directive for their specific region.

Makaiau described the six steps in the BSIA determination process. First is preparing the stock assessment; second is the independent peer review. The independent peer review step for this region is the Western Pacific Stock Assessment Review (WPSAR). Third is the peer reviewers providing their reports to the principals, which includes PIFSC; a copy is also provided to the Council and the SSC. PIFSC considers the comments and revises the assessment accordingly to the extent they are consistent with the Terms of Reference. Fourth is the SSC consideration of the assessment and peer review report. The guidelines make it clear that the SSC should not repeat the peer review process completed through the WPSAR panel but should focus on looking at the guidelines of whether the information presented was relevant, objective and transparent. If it meets those criteria that are set forth in the National Standard guidelines, the SSC will utilize the peer-reviewed assessment to set ABCs and make stock status determination. The SSC should also consider any other competing science available. In some regions, the Science Center may prepare stock assessments using multiple models. The SSC would consider the competing models. When the SSC disagrees with the results of the peer review, the National Standard Guidelines indicate the SSC's role is to draft a report explaining its disagreement. The policy directive states that in the rare event that the SSC disagrees with the peer review, the NMFS Point of Contact should work with the Council, the SSC, the Science Center and the Regional Office to determine whether the assessment needs further revisions. The stock assessment is considered final once the assessment results are entered in the Species Information System, which is a program in NMFS headquarters. The Center will issue a BSIA Memorandum, which completes the Science Center's role in the process. Once the BSIA memo is issued, the

Regional Office moves forward with the process. Should the stock status changes, PIRO would prepare a memorandum to change the stock status. This would inform the Council about the change in the status and advise the Council that it needs to make recommendations pursuant to MSA requirements. The Council, PIRO and PIFSC will develop a regional plan on how to implement this roadmap within three years.

Simonds said that a change in the procedure that the SSC recommended in the draft was adopted and included in the final policy.

Rice asked whether protected species assessments follow the same guidelines.

Makaiau said that protected species assessments do not follow this guideline. MSA-related actions are subject to this guideline. The development of BiOps and Marine Mammal Stock Assessment Reports fall under the purview of the MSA.

Gourley asked who develops the Terms of Reference.

Makaiau said that the Terms of Reference are developed by the WPSAR Coordinating Committee, reviewed by the SSC, endorsed by the Council and approved by the WPSAR Steering Committee.

Gourley asked who would be developing the procedural aspect of BSIA.

Makaiau said that it will be a coordinated effort by the Council, PIRO and PIFSC.

Gourley expressed concerns regarding problems with data quality, noting that a good model does not compensate for poor data. He said the SSC should pay attention to the data quality issue to avoid problems when it reviews the assessment.

Lynch said having a process to implement this framework is going to be important from a timing perspective. Many of the actions that NMFS and the Council must deal with are time sensitive, and the SSC should have a meaningful opportunity to certify under BSIA. SSC engagement could take a range of forms from individual, to subgroup and to the whole SSC body. He said the framework should be developed sooner than later.

Duenas asked whether model selection is done collaboratively or exclusively by PIFSC.

Makaiau said he would defer to PIFSC. In principle, the assessors would look at the available information and make that determination.

Tosatto confirmed that the National Standard 2 only affects MSA actions and MMPA decision making is not covered. ESA decision making is also guided by that act. A subset of decision making in the MSA framework includes determining stock status determinations and catch specifications based on the basis of BSIA. These are the narrow decision points that the guidance covers. The NMFS procedure provides clarification once the WPSAR is complete particularly if there is dispute.

C. Scientific and Statistical Committee Working Group Reports

Lynch provided an overview of the two SSC working groups that dealt with the Blue Ocean Marine Protected Area (MPA) and the use of non-governmental source of information under the MFA. The first working group acknowledged the general lack of any objective criteria to establish MPAs or to monitor the benefits of MPAs once they are in fact implemented. The SSC agreed to hold a workshop to bring together technical experts, including representatives from the environmental communities, environmental agencies, universities and scientists to discuss the MPA criteria in more detail. The second working group acknowledged that the current Council process and policies already meets the requirements of the MFA. The working group discussed additional steps to enhance the incorporation of non-governmental sources of information into fishery management decision process. The report will be submitted to NMFS for consideration in the development of the regional report to Congress.

1. Next Steps for Addressing Blue Ocean Marine Protected Area

Fitchett presented the elements of the proposed Blue Ocean MPA Spatial Management Workshop. The first theme of the workshop is to develop spatial management objectives and performance metrics. Most established MPAs lack clear objectives and specific performance metrics. These objectives and performance metrics should be monitored and evaluated. The objectives should cover the conservation, economic and social dimensions.

The second theme is to identify alternative approaches to spatial management, such as industry-led and bottom-up management. This theme would consider improving adaptive real-time management systems rather than static closures because the target species have dynamic distributions.

The third theme is to explore methods for robust evaluation and monitoring prior to implementation. Spatial management measures must be capable of being evaluated and monitored. Methods such as Counterfactual Analysis and Potential Outcome Analysis are available for evaluating the efficacy of these spatial management areas.

The fourth theme deals with policy outreach and approaches to inform and implement spatial management regulations. Policies should be flexible so industry can find voluntary implementation approaches that promote fisheries and provide incentives to fisheries to solve spatial management problems without intervention or extraneous compliance monitoring. The public outreach should be fact- and science-based and not faith-based or non-empirical by nature. The working group discussed the venue, which may include the Seafood Expo in Brussels and Food and Agriculture Organization meeting in Rome.

Sensui said large ocean MPAs are impractical because fish move around and static closures would not prevent them from staying inside the boundary.

Fitchett said that pelagic species cover vast distances following oceanographic features in which static closures have no discernable benefit. The displacement of effort does not eliminate extraneous effort and can create greater interaction with protected species and reduce crew safety.

Tosatto contested the statement made noting that it is broad, general and arbitrary. At the same time, he validated this effort as it is in line with the Council's interest to explore these issues to the extent they can lead the country to a better place in approaching blue ocean MPAs. He also agreed to the statement that large ocean MPAs may have limited impacts. He also agreed taking a step-wise approach and developing objectives and performance metrics. He said he appreciated the inclusion of the groups such as NGOs as participants of the workshop. He said he contracted a group 10 years ago to look at the development of the monuments and large ocean areas with a specific scope of work similar to the current effort but the group failed to perform against the scope of work. They attempted to conduct a systematic look at the value of ecosystem preservation using large ocean closed area. He said that the Council's current efforts provide a logical way to provide a middle ground discussion.

Fitchett said that not all spatial management is bad. Some MPAs can be evaluated against their objectives. One reason the Brussels Seafood Expo was chosen as a venue is because it provides opportunity to bring together NGOs, academics, the fishing industry and RFMO representatives.

Sensui said the workshop will cover spatial areas that are beyond the EEZs where countries have competing interests and may not come to an agreement. These issues can be resolved using a quota-based system if talking about fisheries of a certain species.

Fitchett agreed. Quota-based systems work if the management objective is fishery based. However, there are other objectives such as economic access to fishery resources. The workshop aims to develop a roadmap for best practices applied to an international scale.

Watamura asked Fitchett to summarize the presentation by Ray Hilborn from a previous SSC meeting.

Fitchett provided the highlights of the presentation. The bottomline was that spatial management should consider the scale of the natal homing of the species and has to be dynamic if it aims to conserve the species.

Gourley asked if this workshop is competing with Pew's efforts to define large-scale oceanic MPAs.

Fitchett said NGO-based efforts are trying to use legally binding measures such as the UN Convention on the Law of the Sea, which is the BBNJ effort. Conservation International has also organized a workshop on Blue Water MPAs.

2. Process for addressing the Modern Fish Act

Sabater presented the SSC working group report that developed the process document on how the region would comply with the section 201 requirements of the MFA. This section requires NMFS to develop a report to Congress that describes a process to better incorporate nongovernmental sources of information into federal fisheries management. Sabater said this process already exists in the Western Pacific Region through WPSAR, the Plan Team, the SSC and the Council processes.

The WPSAR process can be improved by conducting a data call-out when MUS are scheduled to be assessed. It would also benefit from a data preparation workshop. These meetings are publicly noticed through the Federal Register (FR), and the public is encouraged to provide comments. The call out can be done through the FR notice or the Council website.

The Plan Team meetings are FR noticed meetings; the public is encouraged to provide comments on the amendment actions. The Plan Team generates the Annual SAFE Report. This report incorporates the latest scientific information on fishery information, climate change, socioeconomics, and ecological and biological processes. This information is regularly updated.

The SSC and Council meetings are FR noticed public meetings. Prior to taking initial regulatory actions, public scoping meetings with public hearings are held. Anyone with data or information pertinent to that amendment can provide the information at this time. The meetings where initial and final actions are taken are open to the public; information can be received during the public comment period.

The Western Pacific Region is the first to deal with section 201 of MFA. The Council started working on this in May 2019, prior to the Council Coordination Committee (CCC) meeting. The executive director reported on the progress at the CCC meeting, and the Council is ready to submit the process paper to NMFS for consideration when it does its reports.

Soliai asked where the region is on the road map.

Sabater said that what the Council created is a transparent framework identifying the nodes in which non-government sources of information can be solicited and received in the fishery management decision process.

Watamura asked where the bottomfish fishermen can provide input in the scientific analysis for stock assessments.

Sabater said that the ideal stage is at the data workshop and the WPSAR where the fishermen can provide meaningful input to the reviewers.

Muna-Brecht said that a Guam fisherman was brought in for the WPSAR review to participate in determining how the data would be collected or applied. The information collected from Guam was detrimental to Guam and not an accurate representation of the stock.

Sabater said that the Guam fisherman participated in the review and provided an overview of how the data is being collected, as well as the nature of the fishery in Guam. He also provided public comment along with the representatives from CNMI and American Samoa.

Muna-Brecht clarified that this is at the review stage after the data has been collected and results analyzed.

Sabater confirmed and added that there was no data workshop conducted for the Territory bottomfish stock assessment.

Muna-Brecht said that the future process should be changed and it would behoove participants to provide input before rather than after the assessment has been developed.

Sabater affirmed that that is the Council is hoping for this.

Gourley asked if PIFSC is given a dataset for bottomfish or anecdotal information.

Sabater said that the fishermen provided anecdotal information regarding their experience by being involved in the bottomfish fishery. They also provided perspectives on the trends seen on the data used in the assessment.

Gourley asked if staff anticipates datasets coming from the NGOs that would be useful for stock assessments.

Sabater said that the reason for the MFA was issues in the South Atlantic region where recreational fishing groups have their own club-based datasets that are not being used for stock assessments. The process would publicize that additional data are being solicited from non-governmental sources for consideration in stock assessment.

Tosatto said the data preparation will consider the sources to get input from the right people and to pull data together. It is useful to also determine where the data error lies. He cautioned using a term like workshop.

Sabater said that data preparation would be the appropriate term.

Sensui said these datasets need to be verified and asked how they can be verified.

Sabater gave the example of the Deep 7 bottomfish commercial fishery data workshop that involved bottomfish fishermen. The analyst did the analysis and presented the results the following day. This provided a method for refining the datasets.

Duenas asked what steps need to be taken in order for Guam to be at the same level as Hawai'i, noting that the Hawai'i bottomfish fishery experienced an increase in ACL due to better data. He asked if the biosampling and Cooperative Research data were incorporated.

Sabater said the current situation in the Territories is similar to Hawai'i in 2006 when an assessment declared the fishery experiencing overfishing. This prompted the improvements in data collection. The Territories are now heading down this path. Mandatory license and reporting is one option. The Pacific Island Fisheries Monitoring and Assessment Planning Summit scheduled in August will determine the future of the data collection programs. Some biosampling data were used in the assessment, and the data from Galvez can still be explored.

Simonds requested Seki to provide his input.

Seki said that there might be a lot of data but not all of those data are useful for stock assessment. He recommended revisiting the basics of stock assessment, which requires a time series. The Galvez data is not a time series and does not give data useful for a production model. PIFSC decides on what model to use. There is no region that lets other people decide which

model to use in assessments. The MSA requires the use of maximum sustainable yield. There are a lot of concerns regarding the upcoming pessimistic bottomfish stock assessment, and the agencies are investigating what it means going forward. Data poor catch and biosampling do not provide data needed for the production model. He noted that the Ecosystem Component changed the MUS that were assessed and PIFSC conducts the assessment based on the MUS defined by the Council. PIFSC does its best to utilize the data available, and a lot of commitment and resources is needed to do it. PIFSC is planning on going to Guam and Saipan to talk with and educate stakeholders on the need for better data. He suggested that, since 70 percent of the fishery is in Territorial waters, maybe a different assessment can be done in that area.

Regarding the BSIA framework, Seki said that it is fine to add in data workshops, and PIFSC is leaning toward doing the data analysis because it would not make sense to conduct an assessment on poor data knowing the assessment would be rejected. He agreed that the workshops are good, but it would add more time. The assessment schedule is built around the management timeline; more layers to the process will cause delays. Currently, assessments are two years old from the last data point analyzed. Science does not come at a snap of the finger. A lot of processes occur prior to the development of an assessment. PIFSC is currently assigned to do seven insular assessments and also conducts pelagic stock assessments with a limited staff. More requests to PIFSC come with a cost as something will have to be made a lower priority. He expressed concerns regarding adding additional workshop in the BSIA and surprise by the number of workshops created at the recent SSC meeting. He expounded on the enormous amount of analysis included in the stock assessment and the amount of work it takes to generate one.

Sensui described the involvement of fishermen in improving the information that goes into the stock assessment through cooperative research.

Seki said there are two things. First is the data workshop that aimed to define the datasets to be included in the assessment and the interpretation of the trends. This was triggered by the rejection of the 2014 stock assessment update for the MHI Deep 7 bottomfish. PIFSC organized five workshops just to understand what the self-reported catch and effort means. This allowed for a common agreement on the configuration of the data used in the assessment. Seki then described the fishery independent data collection. PIFSC invested half a million dollars on the random stratified fishery independent sampling using camera systems and experimental fishing to quantify the bias. It is impossible to estimate absolute abundance, but the goal is to always improve the information that goes into the assessment.

Simonds stated that the previous leadership of PIFSC admitted that the data collection program in the Territories is a failure and is not designed for stock assessments. Over the past 30 years, several workshops attempted to discuss the data collection issues but there was no traction in implementing change. The Council had recommended for the territories to do permit and reporting. Simonds expressed hope that the August summit will effectuate change.

Watamura described his observations on the fisheries in the territories. He believed that the problem lies in the data collection method and not the willingness of the fishermen to provide information. He said that, at the spearfishing tournament, he witnessed fishermen providing data and that the Fishers Forums in the territories attracted large crowds. He said the fishermen that participated in the data workshop created interest in other fishermen who did not attend.

Simonds said the Council provided \$45,000 to initiate the data collection programs in 1982 and 1983, which was transferred to the Honolulu Laboratory. She wished that she could have held onto the program until the time when the head of the laboratory paid more attention.

D. Summary of 2018 Annual Stock Assessment and Fishery Evaluation Report Updates

1. Archipelagic Annual Stock Assessment and Fishery Evaluation Report

Frank Parrish, PIFSC, presented the updates of the archipelagic Annual SAFE Reports on behalf of Stefanie Dukes, Archipelagic Plan Team chair. American Samoa bottomfish fisheries, both creel and commercial, are trending downward alongside effort, gears and gear hours. The coral reef fisheries catch is also slightly diminishing. The effort was down in 2018, but there was an uptick in the CPUE. CNMI bottomfish catch was lower than the previous year by two orders of magnitude, which is likely due to a data error. Participation has been consistent, but the large drop in catch brought about a large drop in CPUE. CNMI coral reef fish saw some increase in effort with stable participation; there has been a slight decline in CPUE for the spear and cast net gears while all other gears show an increase. Guam bottomfish catch trended downward, participation increased, and the CPUE declined overall. Guam coral reef fish catch trended upward, which led to an increase in CPUE coupled with effort declining slightly. The Hawai‘i Deep-7 bottomfish was relatively consistent with historical trends in 2018 and a slight decrease in licenses and catch coupled with an increase in CPUE. The non-Deep-7 bottomfish in Hawai‘i had fewer licenses, but the catch and CPUE showed an increase. Coral reef fisheries in Hawai‘i had licenses, trips and the number and pounds of fish landed all decreasing. For crustaceans harvested in Hawai‘i, the licenses, the number of trips, the number of individual lobsters and crustaceans, and the pounds landed all showed a decline.

Regarding fishery ecosystems, data on regional and archipelagic fish biomass and size were updated from 2016 data to 2018 data based on fishery-independent surveys conducted with the monitoring programs that rotate around the Territories. There were minimal updates in the report associated with protected species, as interactions are rare in Western Pacific insular fisheries. Consultations for newly listed oceanic whitetip and giant manta ray are underway for the bottomfish fisheries. The socioeconomics section of the reports, describing various social and economic facets of fishing communities, were overhauled last year to provide new tables and figures showing five metrics for each of the Territories. While the socioeconomics sections were not finalized prior to the Council meeting, they will be incorporated into the report by the final Annual SAFE Report deadline.

Parrish also presented the oceanic and climate indicators, as well as the updates associated with the EFH and marine planning modules of the report. There was additional effort in 2018 to integrate environmental information with fishery performance data for uku. Council staff explored the relationship between the environment and uku fishery parameters. A relationship was found between uku CPUE around Hawai‘i and the average summertime zonal flow in the same area. Parrish said it will be interesting to look at the size structure data for uku to identify pulses of small fish entering the fishery associated with environmental features over time.

2. Pelagic Annual Stock Assessment and Fishery Evaluation Report

Keith Bigelow, PIFSC, presented the updates of the pelagic Annual SAFE Report. The American Samoa longline fishery declined with a drop in catch and effort. CNMI trolling showed some interannual variability in both catch and effort, but catches increased in 2018 due to recent increases in skipjack. Guam showed relatively stable effort with an increase in catch in 2018, also due to the increase in skipjack. In Hawai‘i, the longline fisheries comprised about 90 percent of the catch, 86 percent of which was from the deep-set longline and 4 percent from the shallow-set longline; the remaining 10 percent was the handline and troll fishery. There were 164 permits, and 143 were active in 2018, with tuna being roughly two-thirds of the total catch. Internationally, catches of all pelagic species in the WCPFC and IATTC were dominated by skipjack caught by purse seine. There were several recent stock assessments done in the WCPFC including bigeye tuna and South Pacific albacore. IATTC’s International Scientific Committee (ISC) assessed North Pacific swordfish, Pacific bluefin tuna and shortfin mako shark. There are traditionally assessments for the IATTC for Eastern Pacific bigeye and yellowfin and infrequently they do other species, such as Eastern Pacific swordfish or striped marlin. Recreational catch from the Hawaii Marine Recreational Fishing Survey (HMRFS) data showed that it is dominated by yellowfin tuna.

Regarding revenue, American Samoa had about \$4.1 million in 2018 comprised mostly of South Pacific albacore, a steady decline from a decade ago. The Hawai‘i longline traditionally is more than \$100 million, and that has been fairly stable during the last five years. Bigeye accounted for about two-thirds of the revenue, yellowfin 18 percent and swordfish 4 percent. CNMI caught about 300,000 pounds in 2018, while Guam had closer to 800,000 pounds.

Regarding protected species, the Hawai‘i shallow-set longline fishery had notable interactions with loggerhead sea turtles, causing the fishery to close prematurely in 2018 and 2019. The Hawai‘i deep-set fishery has had increased interactions with black-footed albatross since 2015. American Samoa green turtle interactions were about the same in 2018 as prior to the regulations requiring gear to be deployed deeper in the water column, though the sample size was small. Concern regarding the oceanic whitetip shark interactions has increased, and ESA consultations were reinitiated for all major pelagic fisheries.

The oceanic and climate indicators were similar to those presented for the archipelagic SAFE reports with the addition of temperature at depth, community size structure, bigeye tuna weight per unit of effort, how it changes through time and a bigeye tuna recruitment index. Bigeye size showed no notable trends in 2018 relative to historical data. The bigeye recruitment index suggested no large recruitment prediction for 2020 or 2021. Similar to the archipelagic reports, a few notable items were updated in the EFH and marine planning sections.

Bigelow noted that the document is now 500 pages, where it used to be a third. It took a lot of effort from PIFSC to populate the report. Bigelow said the Council and PIRO may need to evaluate if the 500 pages are necessary. He thought some pages were superfluous.

Soliai asked Council staff to distribute copies of the presentation to Council members.

Simonds said that the Plan Team has done a great job with this report that has been a long time coming. She is not fond of the length of the document either, and a review of the document should be conducted over the next several months. Council members should be looking at the document to allow for discussion on what should be kept in and omitted from the report. The presentations of the SAFE reports were excellent, as they included many different factors about which Council members need to know when managing fisheries. This is why the Annual SAFE Reports need to continue.

E. Regional, National, and International Outreach and Education

Spalding reported on the Council's education and outreach program, including the spring newsletter and the *Tradition-Based Natural Resource Management* book that included the Aha Moku and the Puwalu series. The program also responded to *Civil Beat's* negative articles against the Council and its reluctance to publish the Council's full response. Spalding also provided an overview of the new website and its development status and reported on the US Pacific Territories Fishery Capacity Building Scholarship, noting the three new students from American Samoa and CNMI.

Katelyn Delos Reyes, who is participating in the internship this summer, thanked the Council for the internship opportunity provided by the Council.

Sesepasara said American Samoa had two students in the program, one from Manu'a. He reported on the performance of one of the graduates who is working in his department.

Spalding said that the program has been running for five years and 12 students have received the scholarship. She encouraged having more students coming from Guam.

Simonds thanked the program partners at PIRO and PIFSC for supporting the students through the funding they provide. She added that there are sudden interests in the Sustainable Fisheries Fund projects and asked staff if they will be made available on the new website.

Spalding said she is working to create a place for the reports on the website.

Sensui said the new website is easier to navigate and eye-catching. He asked if there is a search function on the new website.

Spalding confirmed that this function exists.

Watamura asked if Council members would be given a chance to review the pictures on the new website.

Spalding said she would provide him with the URL.

Tosatto announced the new Council members. Soliai was reappointed. Sensui and Lutu-Sanchez are exiting and will be replaced by Monique Genereu from Guam and Howard Dunham from American Samoa. The terms expire in August. He reminded the Council that NMFS selects Council members from the list provided by the Governors.

F. Advisory Group Report and Recommendations

1. Advisory Panel

There were no recommendations from the Advisory Panel regarding Program Planning.

2. Archipelagic Plan Team

Josh DeMello, Council staff, provided the Archipelagic Plan Team report and recommendations.

Regarding the revisions to the Annual SAFE Report, the Archipelagic Plan Team recommended that the Council undertake the following:

- Direct staff to work with NMFS to convene the Plan Team working group for American Samoa, Guam, CNMI and Hawai‘i to define the ecosystem component species that will be monitored as species that comprise the functional groups (parrotfish, browsing surgeon, mid-size targeted surgeon, medium large snappers, non-planktivorous butterflyfishes) and those that comprise key species in the fisheries (top five consistently monitored important species and the 10 annual catch landings);
- Direct staff to work with NMFS, American Samoa DMWR, CNMI Division of Fish and Wildlife (DFW), Guam Department of Aquatic and Wildlife Resources (DAWR) and Hawai‘i DAR on the revisions to the fisheries modules of the Archipelagic SAFE Reports due to the changes in the MUS brought about by the ecosystem component designation; and
- Direct staff to work with NMFS-PIFSC-Ecosystem Science Division and DAR on applying the generalized linear models (GLM) framework to the survey data in order to validate the modeling results.

Regarding the bottomfish MUS list, the Archipelagic Plan Team recommended the Council direct staff to work with NMFS PIFSC and American Samoa DMWR to evaluate the representativeness of the bottomfish MUS list relative to the all species caught using bottomfish gear.

Regarding MUS, the Archipelagic Plan Team recommended the Council direct staff to work with NMFS PIFSC to conduct a data exploration on the feasibility to split the Territory bottomfish MUS stock complex using ecological rational (e.g., shallow vs. deep, life history trait, etc.).

3. Pelagic Plan Team

Bigelow presented the Pelagic Plan Team report and recommendations.

Regarding the CNMI, the Pelagic Plan Team recommended the Council requested that WPacFin engage with the CNMI and the Council on data collection initiatives should proposed regulatory actions in CMNI to require mandatory fishery reporting be approved.

Regarding Guam, the Pelagic Plan Team recommended that the Council request Guam DOAg DAWR to clarify and provide the notification scheme of the military regarding spatial closures with mariners.

Regarding Hawai‘i, the Pelagic Plan Team recommended that the Council work with Hawai‘i DAR and PIFSC to develop CPUE indices and indicators for Hawai‘i small-boat fisheries (troll, handline, etc.) and investigate data filtering criteria to define fishing effort and targeting.

Regarding electronic reporting, the Pelagic Plan Team recommended the Council direct staff to request PIFSC to convene a longline Electronic Report Plan Development and Implementation Team with suggested constituents of PIFSC, PIRO, the Council, industry and OLE.

4. Protected Species Advisory Committee

Lynch requested Council staff to provide the PSAC report and recommendations.

Ishizaki provided the highlights of the discussion on the PSAC meeting, noting discussion regarding interaction trends for sea turtles, oceanic whitetips and black-footed albatross. She also described the need for improving the data collection for protected species interactions and timely database access for protected species analysis. The following are the committee recommendations:

Regarding Hawai‘i protected species, the PSAC recommended that the Council work with the State of Hawai‘i to improve shark species identification by fishermen with a goal of facilitating improved data collection on oceanic whitetip shark interaction data. PSAC further recommended that the Council request the State of Hawai‘i to coordinate with the Council in the State’s efforts to improve reporting of protected species in the Commercial Marine License reports.

Regarding protected species, the PSAC recommended that the Council work with PIRO and PIFSC to improve coordination of observer program data collection, database access and other needs.

5. Social Science Planning Committee

Sabater reported on the Social Science Planning Committee meeting. The meeting was focused on developing the standardized SEEM framework for application to the Kona crab fishery of Hawai‘i. The Committee identified a work item for staff to include a social scientist in the SEEM Working Group, which was done during the SEEM meeting, but had no recommendation for the Council.

6. Fishery Data Collection and Research Committee

Sabater provided the Fishery Data Collection and Research Committee (FDCRC) report and recommendations. The meeting included topics on the mandatory license and reporting

status in the Marianas, Marine Recreational Information Program (MRIP) certification of HMRFs and the status of the marine import database by Bureau of Statistics and Plans (BSP). Sabater reported on the preparations for the Pacific Insular Fisheries Monitoring and Assessment Planning Summit. The following are the committee recommendations.

Regarding fishery data collection improvement, the FDCRC recommended the Council undertake the following:

- Work with the DFW, DAWR, DMWR and PIFSC in the implementation of the electronic reporting for the bottomfish fishery;
- Support the Pacific Insular Fisheries Monitoring and Assessment Planning Summit and commit to reviewing the recommendations from the summit for implementation to improve fishery data collection; and
- Request DMWR to include the time series of the number of commercial permit holders and number of citations for non-compliance to the commercial permit in the American Samoa FEP Annual SAFE Report.

Regarding the FDCRC strategic plan, the FDCRC recommended the Council direct staff to convene a strategic planning session with the Technical Committee members accounting for the recommendations generated by the Pacific Insular Fisheries Monitoring and Assessment Planning Summit.

7. Scientific and Statistical Committee

Lynch presented the SSC recommendations regarding Program Planning agenda items.

Regarding the BSIA Policy Directive, the SSC recommended the Council, PIFSC and PIRO utilize the provisions of NMFS Procedure 01-101-10 in resolving the issues regarding the WPSAR reviewed Territory Bottomfish Benchmark Assessment.

Regarding Section 201 of the Modernizing Recreational Fisheries Act of 2018, the SSC supported the recommendations of the subgroup and requested the Council submit the process paper to NMFS.

Regarding the SSC working group session on developing a workshop for an effective spatial management for pelagic fisheries, the SSC recommended that the Council endorse a workshop developed by the SSC Spatial Working Group on “Spatial Management of Blue Water Ecosystems” with the following themes: 1) spatial management objectives and performance metrics, 2) alternative to spatial management, 3) evaluation and monitoring, and 4) policy and outreach approaches to spatial management. Further, the SSC recommended that the Council direct Council staff to explore sources of funding and investigate venues for a workshop on spatial management.

Regarding the SSC working group session on Pacific Insular Fisheries Monitoring and Assessment Planning Summit, the SSC recommended the Council direct staff to incorporate the needs summarized in the SSC Subgroup Report for consideration at the Pacific Insular Fisheries Monitoring and Assessment Planning Summit.

G. Public Comment

There were no public comments.

H. Council Discussion and Action

Regarding the compliance to NMFS Procedure 01-101-10 Framework for Determining that Stock Status Determinations and Catch Specifications Are Based on the BSIA, the Council recommended NMFS PIFSC, NMFS PIRO and the Council jointly develop the Regional BSIA Framework as stated in part III of the NMFS Procedure 01-101-10. Further, the Council recommended utilizing the WPSAR Coordinating Committee to take the lead in the drafting of the Regional BSIA framework with support from other Council, PIFSC and PIRO staff and appropriate SSC members. Further, the Council recommended that this regional process be incorporated in the WPSAR policy, when appropriate.

Moved by Duenas; seconded by Sensui.
Motion passed.

Regarding the compliance to NMFS Procedure 01-101-10 Framework for Determining that Stock Status Determinations and Catch Specifications Are Based on the BSIA, the Council recommended utilizing provisions from Procedure 01-101-10 in resolving potential issues regarding the scheduled release of the Territory Bottomfish Benchmark Stock Assessment in October 2019. Further, the Council recommended that NMFS PIRO, NMFS PIFSC, NOAA GC and the Council staffs meet as soon as possible to resolve the stock status issue.

Moved by Duenas; seconded by Sensui.
Motion passed.

Tosatto clarified that the last sentence should read the staff of the agencies should meet. The policy directs all parties to work together to develop a framework. The region should be using the policy in its generic form on how to resolve the bottomfish stock status issue in absence of the actual regional implementation framework. With the change, he will vote in favor.

Regarding the Modernizing Recreational Fisheries Act of 2018, the Council endorsed the process developed by the SSC to address section 201 of the Modernizing Recreational Fisheries Act of 2018 and recommended that NMFS PIRO SFD to utilize the information from the Process Paper when developing the regional report to be submitted to Congress.

Moved by Duenas; seconded by Sensui.
Motion passed.

Regarding the spatial management of highly migratory species, the Council endorsed a workshop developed by the SSC Spatial Working Group on “Spatial Management of Blue Water Ecosystems” with the themes 1) spatial management objectives and

performance metrics, 2) alternative to spatial management, 3) evaluation and monitoring, and 4) policy and outreach approaches to spatial management.

Moved by Duenas; seconded by Sensui.

Motion passed.

Regarding the spatial management of highly migratory species, the Council directed Council staff to explore sources of funding and investigate venues for a workshop on spatial management.

Moved by Duenas; seconded by Sensui.

Motion passed.

Tosatto noted that the source of funding of the Council comes only from NMFS so exploring sources of funding outside of NMFS is not possible but he understood that the intent was to find partners in this effort.

Regarding the revisions to the Annual SAFE Reports, the Council directed staff to work with NMFS to convene the Plan Team working group for American Samoa, Guam, CNMI and Hawai'i to define the ecosystem component species that will be monitored as species that comprise the functional groups (parrotfish, browsing surgeon, mid-size targeted surgeon, medium large snappers, non-planktivorous butterflyfishes) and those that comprise key species in the fisheries (top five consistently monitored important species and the 10 annual catch landings).

Moved by Duenas; seconded by Sensui.

Motion passed.

Watamura asked if the list is referring to families of fish.

Sabater said not everything in the thousands of ecosystem component species will be monitored. The working group will identify functional groups that are important to ecosystem and those that are important to the Territories.

Watamura asked about the difference between the medium and large snappers.

Sabater said the functional groups are separated into medium and large like surgeonfish and unicornfish and ta'ape and toau versus the deep-water snappers.

Soliai asked whether the five species identified by the state and territories are examples of the functional groups.

Sabater said that the five species identified by the state and territories are ones they deem as important to them.

Okano asked about the 10 annual catch landings and whether the top five species are set.

Sabater said that the 10 species are those that are commercially important by landed weight and that the species composition will change over time. However, the top five species will be static.

*Regarding the revisions to the Annual SAFE Reports, the Council **directed staff to work with NMFS and American Samoa DMWR, CNMI DFW, Guam DAWR and Hawai'i DAR on the revisions to the fisheries modules of the Archipelagic SAFE Reports due to the changes in the MUS brought about by the ecosystem component designation;***

Moved by Duenas; seconded by Sensui.
Motion passed.

Tosatto supported the idea that staff get together to look at what is needed for the SAFE report and the prior recommendation on what should be monitored. The ecosystem component amendment changed the ACL requirements and the basis for EFH but not necessarily the overarching footprint of EFH. Removing a lot of coral reef species potentially took the basis for that EFH out of consideration for fishing impacts and non-fishing impacts. The working group should look into the consequences of the ecosystem component designation for EFH.

*Regarding the revisions to the Annual SAFE Reports, the Council **directed staff to work with NMFS PIFSC Ecosystem Science Division and DAR on applying the GLM framework to the survey data in order to validate the modeling results.***

Moved by Duenas; seconded by Sensui.
Motion passed.

*Regarding the revisions to the Annual SAFE Reports, the Council **requested American Samoa DMWR to include the time series of number of commercial permit holders and number of citation for non-compliance to the commercial permit in the American Samoa Annual SAFE Report.***

Moved by Duenas; seconded by Sensui.
Motion passed.

*Regarding Territory bottomfish MUS list, the Council **directed staff to work with NMFS PIFSC, American Samoa DMWR, Guam DAWR, and CNMI DFW to evaluate the representativeness of the bottomfish MUS list relative to the all species caught using the bottomfishing gear.***

Moved by Duenas; seconded by Sensui.
Motion passed.

*Regarding Territory bottomfish MUS list, the Council **directed staff to work with NMFS PIFSC to conduct a data exploration on the feasibility to split the Territory bottomfish MUS stock complex using ecological rational (e.g., shallow deep or by life history trait, etc.).***

Moved by Duenas; seconded by Sensui.
Motion passed.

Regarding the Observer Program, the Council **requested NMFS PIRO and NMFS PIFSC to work with the Council to improve coordination of observer program data collection, database access and other needs.**

Moved by Duenas; seconded by Sensui.
Motion passed.

Regarding data collection for sharks in Hawai'i, the Council **directed staff to work with the State of Hawai'i to improve shark species identification by fishermen with a goal of facilitating improved data collection on oceanic whitetip shark interaction data. The Council requested the State of Hawai'i to coordinate with the Council in the State's efforts to improve reporting of protected species sightings.**

Moved by Duenas; seconded by Sensui.
Motion passed.

Regarding improvements in the fishery data collection, the Council **directed staff to work with the DFW, DAWR, DMWR and PIFSC staff in the implementation of the electronic reporting for the bottomfish fishery.**

Moved by Duenas; seconded by Sensui.
Motion passed.

Tosatto asked whether the intent of the electronic reporting is in the Territory fisheries in State waters or federal waters or both.

Sabater said it would be for both.

Tosatto asked if the regulations currently allow for electronic reporting in the bottomfish fisheries. He thought it is allowable in the pelagic fisheries but was unsure if it is allowed for bottomfish. If it is not allowed then it might be a management issue that the Council may need to consider.

Sabater said he will look into it.

Regarding improvements in the fishery data collection, the Council **supported the Pacific Insular Fisheries Monitoring and Assessment Planning Summit and requested the Territory fishery agencies to review the recommendations from the summit for implementation to improve the fishery data collection. Furthermore, the Council directed staff to send the SSC Subgroup Report to the organizers for consideration in the upcoming summit.**

Moved by Duenas; seconded by Sensui.
Motion passed.

Regarding the FDCRC Strategic Plan, the Council directed staff to convene a strategic planning session with the Technical Committee members accounting for the recommendations generated by the Pacific Insular Fisheries Monitoring and Assessment Planning Summit.

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

X. Pelagic & International Fisheries

A. American Samoa Longline Annual Fishery Report

There was no report on this agenda item.

B. Hawai‘i Longline Annual Fishery Report

There was no presentation on the Hawai‘i longline fishery annual report.

Fitchett discussed ongoing developments of pelagic fisheries under Pacific Fishery Management Council (PFMC) purview. PFMC has been considering authorizing deep-set buoy gear to target swordfish under its Highly Migratory Species Fishery Management Plan (HMS FMP) and is scheduled to take final action in September 2019. If authorized, this gear may be used as an alternative to drift gillnet and harpoon gear currently authorized under the HMS FMP. Additionally, PFMC has initiated a scoping process to consider authorizing a shallow-set longline fishery outside of the EEZ off the West Coast under the HMS FMP in light of current conditions including West Coast landings by Hawai‘i-permitted shallow-set longline vessels. In May 2019, NMFS issued a pelagic longline exempted fishing permit (EFP) valid for 24 months to allow two vessels to use deep-set and shallow-set longline gear in the EEZ off the West Coast (outside of 50 nautical miles). The EFP is intended to provide data about performance of the gear and the mitigation measures intended to minimize adverse environmental impacts inside the EEZ (50 to 200 miles offshore). In response to the longline EFP, Center for Biological Diversity filed suit on June 6, 2019, challenging the permit and the associated BiOp.

Duenas inquired on target species of deep-set buoy gear.

Fitchett said swordfish are the target species.

C. Hawai‘i Shallow-Set Longline Fishery

1. Biological Opinion

Ann Garrett, PIRO, presented the final BiOp for the Hawai‘i shallow-set longline fishery. The BiOp covered 35 species and nine areas of designated critical habitat; and it evaluated the continued authorization of the shallow-set longline fishery as the federal action. The draft BiOp was provided to the Council on March 28, 2019. The final BiOp was signed on June 26, 2019, and was provided to the Council on the same day. The policy of the ESA is that Congress intended for all federal departments and agencies to seek to conserve endangered and threatened species and use their authorities to further the purposes of the ESA. The purpose of the Section 7

Consultation under the ESA is to ensure that a federal agency, in consultation and with the consulting agency (NMFS in this case), ensures that action that it authorizes, funds or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. The statute and implementing regulations require that NMFS use the best available scientific and commercial data in making the evaluation. In practice, NMFS' approach is to evaluate whether an action demonstrably increases a species' probability of becoming extinct in the wild or decreases a species' probability of recovery in the wild. The BiOp concludes with an Incidental Take Statement (ITS), which outlines the amount of take that is expected to occur under the action, and provides Reasonable and Prudent Measures (RPMs) to minimize the effect of the take.

The final shallow-set longline BiOp determined that the fishery is not likely to jeopardize the continued existence of ESA-listed species, including loggerhead and leatherback turtles. Garrett presented the ITS for the sea turtle species, oceanic whitetip sharks, giant manta rays, and Guadalupe fur seals and summarized the RPMs pertaining to leatherback and loggerhead sea turtles. The RPM requires that NMFS evaluate and develop a minimization measure to reduce the incidental capture and mortality of leatherback and loggerhead sea turtles in the shallow-set longline fishery. She noted that the Terms and Conditions associated with the RPMs have flexibility built in and are designed to provide options for NMFS. The first Term and Condition requires setting an annual limit of 16 leatherback turtles for the fishery. The second Term and Condition requires setting a trip limit not to exceed two leatherback sea turtles or five loggerhead sea turtles per vessel trip. These vessels will be prohibited from engaging in shallow-set longline fishing for five days while NMFS evaluates the interactions to identify any problems and determine if guidance can be provided to the vessel to reduce interactions. Additionally, vessels that reach the per trip limit for either species twice in a calendar year would be prohibited from shallow-set fishing for the remainder of the calendar year; in the subsequent year, that vessel would be subject to an annual vessel limit of two leatherback or five loggerhead turtles. NMFS may replace or modify the requirements for minimization measures for both species that are commensurate with the goal of a 25 percent reduction of the incidental capture or mortality in accordance with the remaining sections of the RPM Terms and Conditions. Garrett said the BiOp will be posted online by the end of the following day.

Rice said that, if the Council is to make a decision on the action, the Council should see the full BiOp.

Garrett said that the BiOp was available.

Rice said that the BiOp was sent to the Council in the middle of the meeting. He has not been given time to read or review it to inform decision-making nor does he have it in his possession.

Tosatto said a copy of the BiOp was provided to Council staff and this issue is not new to the Council. He said the Council provided extensive review on the draft BiOp and draft ITS. The RPM pertaining to trip limits is responsive to Council feedback, so the Council has had many opportunities to review many aspects of the action, albeit not the final BiOp.

Simonds asked Ishizaki to present what has changed between previous Council actions and the final BiOp RPMs.

Ishizaki said that the staff received the BiOp 30 minutes prior. She provided a history of the Council action, starting with the June 2018 meeting when the Council was expecting a final BiOp in October 2018. The Council at the time recommended an amendment to the FEP including hard caps (37 loggerheads and 21 leatherbacks) and a trip limit of five loggerhead turtles. The Council did not recommend trip limits for leatherback at the time because interactions were much more random and rare compared to loggerhead turtles. Subsequent actions of the Council included consideration of the population assessment model, which showed a long-term decline in leatherbacks. Final action had been deferred numerous times due to the delay in the final BiOp. At the Council meeting on April 12, 2019, after receiving the draft BiOp that included a requirement for vessel limits, the Council maintained its recommendation for the hard caps and trip limits and requested NMFS to take that into consideration for the final BiOp. The Council additionally recommended a trip limit of two leatherback turtles.

Ishizaki described the main differences between the Council's April 2019 action and the final BiOp RPMs. The first is that a hard cap is only required for leatherbacks turtles. The other is the additional backstops to the trip limits, which require additional consequences if a vessel reaches a trip limit twice in a calendar year. She said that staff has not provided full review of the final BiOp and is not able to provide the Council with a full analysis at this time of what these differences means in terms of Council action.

Tosatto said that the PIRO staff responsible for the BiOp had not changed its approach, and that the document remains largely unchanged except for changes made to make it a much-improved document. He said the conclusion remains the same. PIRO reacted to Council and Applicant (HLA) feedback regarding the RPMs in a couple of ways. He said that the Council at its last meeting did not bring its recommendation in line with the RPMs at that time and the agency's responsibility with the RPMs is to minimize the effect of the take. The trip limits without the additional backstop do not minimize the effect of the take, so PIRO's approach was to take the Council's recommendation for a trip limit and add a limit on trip limits. He said PIRO matched the Council's recommendation for the trip limits (five loggerheads and two leatherbacks). He said, if a better measure is developed through a more thorough analysis by the Action Agency in coordination with the Council in reducing effects of the take, then it could supplant an existing RPM in the BiOp. He said one of the Terms and Conditions takes into account feedback from the Applicant regarding the timing of implementing measures under the RPM, so that the fishery can reopen on Jan. 1, 2020, if the regulations are still under development at the time.

Goto said the nine-month delay of the BiOp contributed to an early closure of the shallow-set fishery in March 2019. He reminded Tosatto that the Council is now tasked with immediately making a decision based on a document that was delayed by nine months and has not been reviewed by the Council. While reopening the fishery is a goal, a decision cannot be made out of a fraction of a day without opportunity to review the BiOp. He called the situation unreasonable. He said he could not make a prudent, objective decision with the time given. As chair of the pelagic section, he was considering asking the Council to defer the action.

Tosatto said he is not calling for immediate action. He said he has “lived and breathed” this BiOp much more than all the Council so he understands the provisions much closer than other members. He suggested that the Council be clear on the process that the BiOp has been through so that the Council is not delaying for an RPM or Terms and Conditions not associated with the Council action. He said the Council has in hand the information needed to make a decision for implementing the necessary RPMs and there is flexibility with the deeming language. He noted that the details regarding regulations are never something that the Council has in front of them when taking final action. Tosatto did not think the Council needed to delay but acknowledged the Council may need to deliberate and digest the RPMs. He said that the Council’s charge is the same charge that the Consulting Agency has given to the Action Agency, which is to implement the Terms and Conditions.

Rice said he could not weigh options and make a complete decision at this time. He asked about HLA’s opinion on the RPMs in the final BiOp.

Tosatto said that the HLA as an applicant was provided an opportunity to review and comment on the draft BiOp. The HLA saw the RPM as unnecessary layering. PIRO did not agree with HLA’s characterization that the RPMs went beyond the minor change threshold. Tosatto and his staff did not see a hard cap as the most reasonable approach for minimizing the effect of the fishery on loggerheads and, therefore, did not include one in the final RPMs. He said HLA’s view probably goes beyond the Council’s view of what is required since this is a no jeopardy opinion, which may be reflective of how much interest each group might have in living up to the ESA mandate to minimize the effect of the take.

Sensui asked for confirmation that the final BiOp includes a hard cap for leatherback turtles but not for loggerheads.

Tosatto confirmed and added that exceeding the ITS of 36 with an expected mortality of six would trigger a reconsultation. PIRO determined that a hard cap for loggerhead turtles was not reasonable or prudent, given the analysis conducted in the BiOp.

Rice asked if the trip limit and backstop remain with the vessel if the vessel changes captain.

Tosatto affirmed that the trip limit and backstops remain with the vessel because permits are issued on the basis of the vessel.

Rice asked if the situation remains if the vessel changes owners and a permit for the vessel is retained.

Garrett said that NMFS is additionally required to analyze captain-associated patterns of interactions.

Watamura asked if the BiOp will be further scrutinized by lawyers and the courts.

Tosatto said that lawyers will read and some will favor the BiOp and some will not. Based on history of the fishery, the BiOp will likely be challenged in court.

Tucher added that GCPI will not be looking further at this BiOp. They do anticipate that there will be a legal challenge to the BiOp or implementing rules or both.

Goto said that Council members' inquiries are the epitome of the situation, indicating that the Council is not sure of their opinion of the BiOp. He recommended that the action item associated with the BiOp be deferred and sought the chair's concurrence on moving forward with the rest of the agenda items.

Soliai agreed with Goto and thanked Tosatto. He said that the situation is unfair. The Council has its responsibility to do its due diligence; it is not ready to take action on the BiOp.

Rice reiterated that 30 minutes is not a sufficient amount of time to make a decision based on the final the BiOp.

Simonds asked PIRO to explain the 25 percent goal in the BiOp.

Tosatto said that due to the declining trend of the leatherback population, NMFS thought it was reasonable and prudent to set a hard cap limit below the ITS of 21. He said the hard cap limit of 16 represents a 25 percent reduction. NMFS considered that 25 percent reduction as a reasonable approach to minimizing the effect of the take in the near term.

Garrett said that the 25 percent reduction is only a goal and is based on the literature and available tools such as TurtleWatch that suggest that level of reduction in loggerhead and leatherback turtle interactions can be easily achieved. She emphasized that the RPMs integrate flexibility for the Council, Action Agency and the Applicant to utilize available tools to determine the minimization approach.

2. Managing Loggerhead and Leatherback Sea Turtle Interactions in the Hawai'i-based Shallow-set Longline Fishery (Final Action)

This item was covered under the previous agenda item.

3. Consideration of Additional Mitigation Measures under the Biological Opinion Reasonable and Prudent Measures

There was no report on this agenda item.

D. Update on Electronic Reporting in the Hawai'i Longline Fishery

Bigelow presented an update on the implementation of electronic reporting in the Hawai'i longline fishery. Electronic reporting was developed in the Hawai'i longline fishery for the purpose of improving the timeliness and accuracy of data processing. Currently, the PIFSC receives 22,000 logsheets that are key-punched each year. Bigelow described the mechanics of electronic reporting in the Hawai'i longline fishery, in which data are entered through the use of mobile tablet applications. He said some improvements were made to the user interface based on industry feedback. PIFSC staff developed user guides for the fleet, which were translated to Korean and Vietnamese. The language barrier is currently being addressed.

Bigelow reported that of the 145 vessels, 40 vessels were participating, with 150 completed trips and approximately 2,000 fishing set forms received, of which only 12 fishing set forms required re-sending. Thirty-three more vessels were ready to have the system implemented. An issue was intercepting participants at port for installation and training. Bigelow also noted compatibility issues with the vessel monitoring systems (VMS) used in the fishery, with a newer system called SkyMate not being compatible with the tablets used for the electronic reporting. One operator returned a tablet and preferred the use of paper logsheets. Bigelow presented data on the proportion of paper and electronic logbook submissions, the latter of which had increased over the past year. Next steps include encryption key and software update management, developing an implementation plan, incorporating the electronic reporting data into the fast-tracking of bigeye tuna quota monitoring, and one-on-one training. Bigelow said they would need to work with PIRO on how electronic monitoring will transition from the current voluntary program to a mandatory program.

Goto asked how the Hawai'i fishery compares with other WCPFC fisheries with respect to electronic reporting.

Bigelow said some nations, namely Korea, have implemented electronic reporting, and many regions in the US have more advanced electronic reporting systems than Hawai'i. PIFSC is looking into incentivizing electronic reporting by providing the option for operators and owners to log into a website and retrieve data, but NOAA security issues have hampered progress.

Rice asked if such an application could be used for recreational data to improve areas where data are limited.

Bigelow deferred to DeMello for comment.

DeMello said that there are other problems with collecting recreational data than just implementing electronic reporting, so options for recreational data including mandatory reporting should be discussed. He said the State of Hawai'i would have to be the primary partner for improving recreational data.

Watumura said that the Lokahi fishing app is ready to be implemented and has the capability to improve recreational data collection. While more education and outreach is needed with the fishing community the app is operational. The vision for the app is to make the data available for fishery management.

Soliai asked if Korea was the only other nation with electronic monitoring.

Bigelow clarified the difference between electronic reporting versus electronic monitoring and said that several other countries including Australia and Korea have implemented electronic monitoring through cameras.

E. US Territory Longline Bigeye Catch/Allocation Limits (Final Action)

Fitchett presented on Territorial bigeye tuna catch limits and allocation. In 2014, Amendment 7 to the Council's Pelagic FEP was approved and implemented. It established the

territorial catch/effort and allocation limit measure that provides NMFS with authority to specify annual catch or effort limits for a US participating territory (American Samoa, Guam, CNMI), as recommended by the Council, not to exceed any WCPFC-adopted limits; specify a limit recommended by the Council authorizing a US participating territory to allocate a portion of that specified catch or effort limit to eligible US vessels through a specified fishing agreement; and review and approve specified fishing agreements for consistency with the Pelagic FEP and other applicable laws.

At its 173rd meeting in June 2018, the Council took final action to modify the territorial catch/effort and allocation limit measure and implementing regulations. Should NMFS approve the action, the Pelagic FEP would be amended to remove the requirement for establishing separate total catch or effort limits for the US participating territories in order to establish an allocation limit and also would allow multi-year limits. The Council would annually review any established limits to determine whether BSIA or the needs of fishing communities warrant modifying or rescinding such limits.

At its 176th meeting, the Council recommended that NMFS specify a 2,000-metric ton longline bigeye catch limit for each US participating territory and specify that each territory can allocate up to 1,000-metric ton of its bigeye catch limit through specified fishing agreements. The Council further recommended NMFS implement these specifications by July 1, 2019.

Fitchett presented on the stock status of bigeye tuna and historical catches of the stock, which is not overfished or experiencing overfishing. Additionally, the impact of longline fishing in the Central North Pacific on the stock was described relative to other fisheries. Fishing mortality from purse seine and Indonesian-Philippines net fisheries on juvenile fishing mortality is disproportionately higher than adult mortality from longline fisheries. Additionally, the purse seine fishery continued to have a three-month FAD closure in addition to a two-month high seas FAD closure for most of the fleets operating in the WCPFC purview.

In December 2018, the WCPFC agreed on CMM 2018-01, which limits the US longline bigeye tuna catch in the Western and Central Pacific Ocean to 3,554 metric tons in 2019 and 2020. CMM 2018-01 does not establish an individual limit on the amount of bigeye tuna that may be harvested annually in the Convention Area by Small Island Developing States (SIDS) and Participating Territories, including American Samoa, Guam and the CNMI. The WCPFC recognized agreements between US Participating Territories and US vessels. Fitchett presented the catch limits for each country under CMM 2018-01, noting that Japan does not utilize its quota fully and transfers 700 metric tons to China each year.

At this meeting, the Council was tasked with considering Territorial bigeye catch limits and allocations for 2020 or for 2020 and beyond. Fitchett presented the following bigeye tuna sub-alternatives analyzed in the amendment to modify the territorial catch, effort and allocation limits measure: 1) No catch or allocation limits (no action); 2) 2,000-metric ton catch and 1,000-metric ton allocation limits for the three US island territories; and 3) No catch limit for island territories and up to 2,000-metric ton allocation limits. He said the Council should also consider whether these limits would apply for a single year in 2020 or for multiple years beginning in 2020. Fitchett presented the conservation impacts of up to 3,000 metric tons caught for each

territory in addition to the US quota, which showed that the status determination would not breach any limit reference points in stock projections.

Goto said reduction in shallow-set effort will add more pressure on a bigeye catch limit.

Watamura asked, if the transfers of up to 3,000 metric tons per territory did not have a major impact, why it is so difficult for the US to have a quota increase.

Fitchett said that much of the catch limits were based on precedent established before the fishing capacity of Hawai'i could be fully realized. He also noted politics as a factor.

Tosatto said the matter is being taken seriously with the reduction in catches in some major fleets and issues with catches from purse-seine fisheries utilizing FADs. The situation is complex in utilizing the rights and interests of the territories. Utilizing up to 3,000 metric tons per territory transfer would equate to a 700 percent increase from the existing US quota, which could not be applicable for all WCPFC nations.

Watamura said the situation is complex and having a single larger quota would be best.

Simonds added said the US has tried unsuccessfully to increase a base quota for US longliners, which could be attributed to the effectiveness of negotiators.

Goto said that rotating lead negotiators for the United States is likely a problem, which has led to not having someone with experience in the role for some time.

Gourley said that having maximum territorial allocations may make things difficult to negotiate a higher US quota.

Rice said that he had made a deal with Bill Gibbons-Fly in prior years to put forth a 2,000-metric ton limit on territories as a negotiation tool, which did not work.

Sensui added said territory transfers could be improved if the public understood that the transfers are all within one single entity and have benefits for each of the island territories.

Sensui asked Goto if Pier 38 could handle 10,000 metric tons of bigeye tuna per year.

Goto said the fishery is still growing and the market has responded well in the past. The Hawai'i market could absorb and utilize it long-term.

Sensui asked if market prices would be a problem.

Goto said it depends on how the market evolves. More vendors could move in, and more demand coming from Hawai'i should be a goal.

Simonds said in December 2018 the prices between US-caught fresh fish and the fish from the other countries were pretty close. Based on the volume of fish in the market, one would

expect low prices, but, over the past month, Number 1 grade fish has been selling for \$26 a pound at Foodland and foreign fish was selling for \$12 a pound. Prices are difficult to predict.

Sensui said Hawai'i-caught fish offsets dependence on foreign-caught fish, with US-caught fish being more trusted as far as food safety.

Goto said the seafood trade deficit is in the order of billions of dollars and that consumer confidence is also at stake. US domestic products are reliable and of higher quality. He added that Luen Thai (which fished out of SIDS waters) began predatory marketing with Hawai'i vendors when the WCPFC reduced catch limits, casting doubt in the ability of the Hawai'i to maintain the fresh fish supply.

Simonds said having a singular national quota is different from the current regime. The territories should enjoy privileges as SIDS under the WCPFC. However, the United States put a limit on its territories as a concession for transferring catches from the participating territories to the United States.

Muna-Brecht asked if territories can re-negotiate within a three year period, if they signed a three-year contract with industry or if it gives an opportunity to sell quota transfers to another entity.

Simonds replied that such a contract stays within three years.

Muna-Brecht asked that with additional quota, if a territory could then sell transfers to another country.

Simonds said such arrangements and discussions would need to happen, but industry would need to honor their contract with any territory and vice versa. She asked Eric Kingma, HLA executive director, if it would breach a contract.

Kingma said the HLA would never breach a contract. However, renegotiation of a contract could occur if both parties agree to a change.

F. Overview of the Global Fishing Watch

Tim White, Global Fishing Watch, gave a presentation on the organization's mission, data assimilation and data available for fisheries management purposes. Global Fishing Watch became increasingly interested in trying to understand fisheries through time and space because of major technological advances recently in satellite technology and "big data" analysis. The organization began using the Automatic Identification System (AIS) to track fishing boats, combined with big data analytics to process those signals and make sense of them. They pull in 50 million detections daily from 60,000 fishing vessels throughout the globe. Illegal fishing activity can be tracked and detected as well.

White presented fishing activity outside of Palmyra Atoll where 200 vessels from several nations are fishing around the closed area. Gear types and deployments are determined from

vessel movement behavior and tracks. Additionally, transshipment activity can be observed using the AIS signals and movement patterns. Satellite coverage has made tracking fishing activity easier with the increase in satellites from two to 60 over six years. Also difficulties have been reconciled, such as tracking vessels that turn off their AIS system by other means. International cooperation is also imperative. Some nations, such as Indonesia, have released all their data in order to help combat illegal and unreported fishing activities.

Simonds asked the Council members from the territories and Hawai‘i if they check up on foreign fishing around their EEZs on a regular basis using Global Fishing Watch.

Goto said that operators see the foreign fishing efforts themselves.

Rice said he has pulled it up on his phone at times.

Sensui asked if Global Fishing Watch is available on only some mobile platforms, noting some issues on Internet Explorer and Google Chrome on some mobile phones.

White answered that some older versions may not be compatible.

G. International Fisheries

1. Inter-American Tropical Tuna Commission

a) Report on 2019 Stock Assessments

Fitchett presented on stock assessments and stock assessment schedules discussed at the 2019 IATTC Science Advisory Committee meeting, held May 13-17, 2019, in San Diego, Calif. The stock status of eastern Pacific yellowfin tuna and bigeye tuna have been equivocal following stock assessment updates in 2018, likely due to assumptions on growth and uncertainty of a recruitment “regime shift” that the species may have experienced in the 1990s. IATTC staff has made recommendations with regards to FAD set limits.

b) Scientific Advisory Committee Meeting 2019

Fitchett reported on that the recommendations from the IATTC staff and Science Advisory Committee at its May 13-17, 2019, meeting included FAD management, purse-seine set limits, observer coverage minimums and scientific research plans.

2. Outcomes of UN Biodiversity beyond National Jurisdiction Meeting

Fitchett presented on outcomes of the Second UN BBNJ meeting held in New York, New York from March 25 to April 5, 2019. At the BBNJ, a working group was formed to explore measures of area-based management tools, including MPAs. BBNJ is a legally binding instrument under the UN Convention for the Law of the Sea (UNCLOS), which is to not undermine existing instruments, including RFMOs. However, it is not clear if the BBNJ will be granted authority under UNCLOS to supplant RFMOs.

Gourley asked how receptive the State Department is in working with Regional Fishery Management Councils.

Fitchett said that he has contacted other Councils and asked the State Department for a US position. There was a public stakeholder meeting in March regarding BBNJ. Council staff sent a letter to Evan Bloom, State Department, and multiple emails. There is no written draft list of recommendations for an official US position. The other Councils do not seem to be aware of BBNJ and noted that the Western Pacific Council is the only one that fishes significantly in international waters.

Tosatto said that the State Department is addressing BBNJ at the highest levels. NOAA and PIRO contribute to some to the development of US positions. The United States considers these interests on the high seas issues very deliberately, which is it is not a signatory to UNCLOS. Tosatto said that, at the Council's October meeting, the State Department representative should read out the US Positions and meeting outcomes. BBNJ is about to have its fourth and final conference, so it is in its final stages.

Sensui said that all eight Regional Councils should stand together on BBNJ regardless of where they and their interests are.

Simonds said that at the CCC meeting, the Councils agreed to be involved. BBNJ is backed not only by the NGOs but also by the Pacific Island countries because they would prefer to have high sea closures and all fishing done within their EEZs. It has to do with money because the purse seiners pay between \$12,000 to \$15,000 a day to fish, and the United States additionally pays \$21 million to the 16 island nations for access by the US purse seiners.

3. Report on 33rd Biannual Meeting of Committee on Fisheries

Fitchett provide an overview of the 33rd Session of the Committee of Fisheries (COFI33) held in Rome, Italy, on July 9-13, 2018. Issues discussed included verified fishery data and reporting and addressing data confidentiality among parties. Another major issue discussed was the Parties to the Food and Agriculture Organization (FAO) Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing. Increasing sustainable aquaculture was recognized for food security and nutrition and its potential to meet the growing global demand for fish. Sustainable Development Goal (SDG) in the Blue Growth Initiative was discussed at length. The purpose of the SDG is to conserve and sustainably use the oceans, seas and marine resources. The SDG is the primary policy guide for FAO and is an aspirational goal of its member nations. Illegal and unreported fishing was discussed at COFI33 as well as expanding compliance and reporting to small-scale artisanal fisheries. Abandoned, lost and discarded fishing gear was a notable topic with a dedicated working group at COFI33 to reduce its impacts on the ecosystems. Transshipments, human rights and compliance monitoring for the industrial fisheries were not discussed much in the COFI33 reports.

Sensui said US fisheries are seen by the international community as an example of sustainable fisheries but that is often not how US fisheries are described domestically.

H. Advisory Group Report and Recommendations

1. Advisory Panel

Ken Borja, Guam AP chair, presented the AP reports and recommendations.

Regarding the US Territorial longline bigeye tuna catch/allocation limits, the CNMI AP recommended the Council select Option 3, not to specify an ACL and to provide an allocation limit of up to 2,000 metric tons. Further, the AP recommended the Council provide this specification on a four-year cycle starting in 2020 to 2023.

Regarding the US Territorial longline bigeye tuna catch/allocation limits, the Guam AP recommended the Council select Option 3 as its preferred alternative and specify no catch limit and up to 2,000 metric tons allocation limit with a three-year agreement.

Regarding the US Territorial longline bigeye tuna catch/allocation limits, the American Samoa AP recommended the Council select Option 3, no limit for the Territories and up to 2,000 metric tons allocation. The American Samoa AP further recommended the Council adopt a three-year limit for the bigeye tuna limit or allocation.

Borja commented that Guam may have aspirations to grow its own fishery and have an opportunity to develop its own market.

2. Protected Species Advisory Committee

Lynch delegated the presentation of the PSAC report and recommendations to Ishizaki.

Regarding turtle interactions in the Hawai'i shallow-set longline fishery, the PSAC recommended that the Council work with NMFS to determine the extent to which the higher loggerhead turtle interactions in the Hawai'i shallow-set longline fishery may be attributed to higher reproductive outputs at Japanese nesting beaches in the last decade. PSAC further recommended that the Council consider developing approaches to adjust hard caps and other applicable limits in the fishery to the population.

Regarding oceanic whitetip sharks, the PSAC recommended that the Council work with NMFS to evaluate the temporal variability in oceanic whitetip shark interactions in the Hawai'i deep-set and American Samoa longline fishery to better understand the drivers influencing the inter-annual variability. These may include, but are not limited to, operational characteristics of fisheries, spatial distribution of effort and management areas.

3. Pelagic Plan Team Meeting

There were no recommendations from the Pelagic Plan Team regarding Pelagic and International agenda items.

4. Scientific and Statistical Committee

Lynch presented the SSC report and recommendations.

Regarding the Territorial bigeye tuna catch and allocation limits, the SSC recommended that the Council recommend no catch limit for bigeye tuna for any US Participating Territory and up to 2,000 metric tons allocation of bigeye tuna from each of the US Participating Territories towards US-flagged longline vessels in the WCPFC Convention Area. The SSC further recommended to the Council that the aforementioned recommendation begin in 2020 and be effective through 2023.

Regarding electronic reporting in the Hawai‘i longline fisheries, the SSC recommended that full implementation of this measure occur as soon as possible and requested the report be provided by PIFSC at the October 2019 SSC meeting regarding the status of full implementation.

I. Standing Committee Report and Recommendations

Goto presented the Pelagic and International Standing Committee report and recommendations.

Regarding electronic reporting in the Hawai‘i longline fisheries, the Standing Committee requested the PIFSC to convene a Longline Electronic Report Plan Development and Implementation Team, with suggested constituents of PIFSC, PIRO, Council, industry and OLE. The Standing Committee also requested NMFS provide a status report on electronic reporting implementations to the Council at the October 2019 meeting and to the SSC at the 133rd SSC meeting in October 2019.

Regarding BBNJ, the Standing Committee requested Council staff to review and provide any US State Department positions regarding BBNJ to the Council so that the Council may develop recommendations in response to emerging issues with the BBNJ.

Regarding FEP Amendment 9 for Territory bigeye tuna catch and allocation limits, the Standing Committee recommended no bigeye tuna longline catch limit for American Samoa, Guam and the CNMI, pursuant to WCPFC provisions on SIDS and Participating Territories for which the US Participating Territories are categorized. The Standing Committee further recommended specified territorial bigeye tuna allocation limits to take effect beginning in 2020 through 2023.

Goto said that the Standing Committee deferred the recommendation on the territorial limit to the full Council.

J. Public Comment

Eric Kingma, HLA, provided comments on several issues regarding pelagic fisheries. The HLA fully supports development of electronic reporting in the longline fishery and hoped that

PIFSC continues to work with HLA on the implementation. An incentive should be to provide data access from the systems on a near real-time basis.

Kingma said he was pleased to hear that the AP recommended full utilization up to 2,000 metric tons. He said that would be a wise choice for the Council to make as it supports more flexibility in the agreements, utilization of a resource that is not experiencing overfishing or overfished and the opportunity for Territories to benefit.

Lastly Kingma commented on the shallow-set longline BiOp. When the Council, NMFS, the litigants and the industry reopened the shallow-set fishery in 2004, it did so under the most restrictive regime possible for the fishery, including hard caps, 100 percent observer coverage, gear and bait requirements, release and handling requirements, set limits and set certificates. That suite of measures demonstrated a more than 90 percent reduction in sea turtle interactions and is the international standard for shallow-set fisheries targeting swordfish. When the 2012 BiOp went in front of the Ninth Circuit Court in 2018, the fishery was suddenly “turned upside down” and was deemed a problem fishery. HLA is the only fishery in the nation that has Applicant status with respect to ESA consultations because the courts found it imperative for HLA to be involved in managing the fishery. Kingma was disturbed by what he perceived as overly punitive measures not consistent with the impact the fishery has on ESA species. He did not believe the vessel limits are initiating innovation.

Sensui said, while the fishery is examined so closely, the big picture perspective is lost.

K. Council Discussion and Action

Regarding the FEP Amendment 9 for Territorial bigeye tuna catch and/or allocation limits, the Council, taking into account the WCPFC provisions addressing SIDs and Participating Territories for which the US Participating Territories are categorized and the Council’s prior recommendation to revise 50 CFR 665.819 to remove the requirement to set Territory catch limits before setting allocation limits, recommended no bigeye tuna longline catch limit for American Samoa, Guam and the CNMI for each of 2020, 2021, 2022 and 2023.

*Moved by Goto; seconded by Rice.
Motion passed with Tosatto abstaining.*

Tosatto said he would abstain on the first three actions as they will be coming to NMFS for a decision.

Regarding the FEP Amendment 9 for Territorial bigeye tuna catch and/or allocation limits, the Council recommended that each US Pacific Territory (American Samoa, Guam and the CNMI) may annually allocate up to 1,500 metric tons of bigeye tuna under specified fishing agreements with eligible US longline vessels.

*Moved by Goto; seconded by Rice.
Motion passed with Tosatto abstaining.*

Regarding the FEP Amendment 9 for Territorial bigeye tuna catch and/or allocation limits, the Council recommended that the allocation limits identified in paragraph 2 shall be effective each year from 2020 through 2023. The Council shall annually review and, as appropriate, recommend changes to these allocation limits, taking into account new information relevant to the conservation status of bigeye tuna, applicable law and Commission decisions.

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.

*Moved by Goto; seconded by Rice.
Motion passed with Tosatto abstaining.*

Regarding electronic reporting in Hawai'i longline fisheries, the Council requested PIFSC to convene a Longline Electronic Report Plan Development and Implementation Team with suggested constituents of PIFSC, PIRO, the Council, industry and OLE.

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

Regarding loggerhead turtle interactions in the Hawai'i shallow-set longline fishery, the Council, requested PIFSC to work with the Council to determine the extent to which the higher loggerhead turtle interactions in the Hawai'i shallow-set longline fishery may be attributed to higher reproductive outputs at Japanese nesting beaches in the last decade. The Council further directed staff to work with PIFSC to consider developing approaches to adjust hard caps and any other applicable limits in the Hawai'i shallow-set longline fishery to population status.

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

Tosatto said the second half of the recommendation should probably address NMFS and not just PIFSC narrowly since it is dealing with management. He said, if this recommendation is to consider some automatic adjustment mechanism for hard caps, the Council would be bounded by an upper limit set by the ITS.

Regarding oceanic whitetip sharks, the Council, directed staff to work with PIFSC to evaluate the temporal variability in oceanic whitetip shark interactions in the Hawai'i deep-

set and American Samoa longline fishery to better understand the drivers influencing the inter-annual variability. These may include, but are not limited to, operational characteristics of fisheries, spatial distribution of effort and management areas.

Moved by Goto; seconded by Rice
Motion passed.

Tosatto questioned limiting the recommendation to the deep-set fishery when there is an RPM for oceanic whitetip sharks in the shallow-set fishery BiOp. He said dealing with all of the fisheries inclusively would be best.

Regarding BBNJ, the Council requested the US State Department to provide the US positions on BBNJ (especially on area-based management tools) to the Council at the October 2019 meeting.

Moved by Goto; seconded by Rice.
Motion passed.

Goto asked if Brakke is expected to the October meeting.

Simonds said he is always invited. She said he will be in Honolulu for the WCPFC Permanent Advisory Committee (PAC) meeting.

Tosatto said Brakke might have another commitment but should be at the PAC.

XI. American Samoa Archipelago

A. Motu Lipoti

Sesepasara provided the DMWR island report. DMWR's Marine Protected Areas Program (MPAP) staff continues to conduct training within the villages, including speaking to students in elementary schools about fisheries issues and climate change. The department has also received a number of requests from other schools to visit their campuses in the coming school year.

DMWR hosted a climate change summit, inviting *pulenu'u* (local village mayors) to learn about climate change and its impacts on the watershed and coral reef ecosystem. The event was well-attended.

DMWR's Fisheries Data Division staff continued to conduct both inshore and boat-based surveys of local fishermen. An emphasis was put on collecting fisheries data from the Manu'a Islands of Ta'u, Ofu and Olosega. According to Sesepasara, the top five dominant species reported from the inshore data collection in the first quarter of 2019 were *Caranx melampygus* (apaapamoana malauli), *Seriola dumerili* (malauli), *Acanthurus lineatus* (alogo), *Variola albimarginata* (papa) and *Lutjanus gibbus* (mala'i). Sesepasara said those five species were some of the most popular fish for consumption in the territory and were primarily caught on the reef by fishermen utilizing rod and reel.

Regarding the DMWR's FAD Program, only one out of the seven FADs around the main island of Tutuila was still in place. This was due mainly to rough weather from the previous quarter and the loss of the department's FAD Program manager, who moved back to independent Samoa, taking with him the knowledge of the FAD development and deployment. The DMWR human resources staff was in the process of recruiting a replacement for the vacant position. In the meantime, a short-term contract was executed with the individual who previously held that position before retiring from the government. That contract was set to go into effect in July 2019, and he would be working with the Fisheries Division staff to get the FADs deployed. The department received a number of calls from local recreational fishermen asking DMWR to address the issue of missing FADs.

Regarding the department's Recreational Fishing Program, the data collection efforts were going well. Seseapasara thanked the Pago Pago Game Fishing Association (PPGFA) for its cooperation in submitting data from tournaments and regular fishing trips. This cooperation, he said, was improving the quality of data the department submits to WPacFIN.

Seseapasara asked Peck to report on the Steinlager I'a Lapo'a Game Fishing Tournament, which was held during the first week of May.

Peck, reporting as a board member of the PPGFA, said that despite rough weather, 17 boats participated in the tournament, including boats from neighboring Samoa and the Kingdom of Tonga. The annual event is an International Game Fish Association qualifying tournament, and winners are invited to compete in the World Championships held in Costa Rica. The two largest fish of the tournament were a 399-pound and a 422-pound blue marlin. The largest fish was caught by an alia fisherman; this was the first year that alia fishermen had participated in the event. The total catch for the tournament week was 3,871 pounds. The tournament organizers encouraged tag and release of billfish, and several were released during the week. The I'a Lapo'a and the Samoa International Game Fishing Association (SIGFA) tournament held the week before in Independent Samoa were surprisingly different. The SIGFA tournament had only a total of 500 pounds of fish landed in the same time frame (one week). Peck said that the ladies and juniors tournament is held on the Wednesday during each year's PPGFA tournament.

Seseapasara reported on the project to repair the alia fishing boats in the Manu'a Islands, noting that during the last Council meeting he reported six Ofu and Olosega Island boats had their repair work complete. He said that the repair work on the Ta'u boats had just finished, completing all Manu'a repair work. All repairs to Manu'a-based alia boats were done by Maselino Ioane, a boat builder from Samoa. The fishermen of Manu'a asked the local government to assist them in hosting the first ever all Manu'a alia fishing tournament. The Lt. Governor (acting Governor) supported such an event and asked that it be scheduled for Manu'a Flag Day Holiday (July 16), to be the main activity of a large celebration, similar to the *fautasi* (long boat) races that are held during Tutuila's Flag Day each year in April.

B. Fono Report

Nate Ilaoa, Council staff, provided a report on recent Fono (American Samoa Legislation) deliberations on the American Samoa Department of Commerce's Alia Tele project. Alia Tele is the name of the project formerly called Super Alia by the local government. At a

senate hearing in which the Department of Commerce was summoned to address the Fono, lawmakers voiced their deep concerns with the project. The main concern was the cost of the alia tele, which has been estimated at between \$350,000 and \$500,000 per vessel. Despite the hefty price tag, the department is moving forward with its plan to have the boats available for purchase, utilizing venture funds and working on modifying the existing Revolving Loan Fund to provide loans for interested fishermen. No one has applied for alia tele loans to date. Senators referred to the project as “a pipe dream” during that hearing.

C. Enforcement Issues

Ilaoa reported on enforcement issues for American Samoa, noting that the items in his report were from the Weekly Roundup section of the NOAA OLE Pacific Islands Region website. On April 12, 2019, an OLE officer along with partners from the local government boarded a Taiwanese-flagged longline vessel to check fishing logs, authorization paperwork, transship documents, VMS and sea turtle mitigation gear. Paperwork was completed, and JEA participants were waiting for the vessel to offload catch for further verification. There were no actions taken during the boarding. In March, an OLE agent in American Samoa boarded a US-flagged purse-seine vessel with local government partners to determine if violations occurred. There were no violations identified during that boarding.

Roberts provided an update to the Council on a recommendation that was made during the 176th Council meeting in Honolulu regarding the assignment duration for the USCG head of the Marine Safety Detachment in American Samoa and finding a solution to address continuity concerns caused by the single-year rotation for active duty member service there. The chief of staff was working on that issue, and Admiral Lunday understood and shared the fishing community’s concern that shorter assignments make it challenging for active duty members to get to know the community, especially without prior experience working in the territory. Additionally, the Admiral directed his staff to study the situation and evaluate a number of possible solutions to help ease the problem. The Admiral looked forward to being able to brief the Council on those possible solutions in the coming months. Roberts concluded that an official response to the Council has not been drafted but will be completed in the coming months.

D. Community Activities and Issues

1. Tuna Industry

No report was provided as the tuna industry was covered in an earlier agenda item.

2. Aunu‘u Alia Development Project

No report was provided as this was covered in a previous agenda item and there were no additional updates.

3. Island Fisheries Inc. Fagatogo Fish Market

Ilaoa provided background information on the Fagatogo Fish Market, which was constructed in 2010 with SFF funding. The fish market is now being leased by Island Fisheries

Inc., a new company that opened the retail side of its business in April. The fish market opens each Friday, and the crowds have been large thus far, with customers lining up waiting for the market to open each week. The company routinely sold out its supply of fish before noon. However, fish supply has been a challenge for the company, which has not been able to procure enough locally caught fish to expand its operations. The fish that the company has purchased since it opened has come from the American Samoa longline fleet. The market has sold fish loins and value-added products such as poke bowls, sashimi and smoked fish. Two weeks ago, Island Fisheries Inc. sent its first shipment of fish to the US West Coast. The *Sea Hawk*, which is based in Honolulu, which was in American Samoa to pick up crew and fulfill the requirement for landing fish in American Samoa, sold 2,500 pounds of fish to the company. That was also the first time the Hawaiian Airlines cold storage facility had been used. The facility had been put in place in anticipation of fish being exported from the territory. The reality of the fish market was a stark contrast to how it was depicted in the second part of the recent *Honolulu Civil Beat* article, which called it an “abandoned fish market.”

Soliai said that the Island Fisheries Inc. had the potential to grow. Regular use of the fish market, which the Council funded, was a long time coming. He was glad to see the space being utilized and was looking forward to it becoming a sustainable business.

Sesepasara said people in American Samoa had previously been forced to buy whole fish, which was expensive. Now they had the option to buy smaller portions that were already prepared and ready to cook, which was a large part of the growing local interest in the business.

Tosatto said the fish market was in line with the SK Grant Program priority, which is development and marketing, including looking at ways to address fish supply to allow for operations expansion. He added that NMFS is interested in assisting with the supply issue.

Duenas said it was good to see the fish market doing well. The market’s ability to buy fish from both alia and longline fishing boats was a positive development.

Iloa said that, during the last AP meeting in American Samoa, Island Fisheries Inc. manager Dustin Snow stressed that he is willing to work with local alia owners to get them to sell fish to the market.

4. US Coast Guard Awareness Training for American Samoa Longline Crews

Iloa reported that the USCG coordinated a four-day workshop for the American Samoa longline fleet in April. The USCG worked with NOAA’s OLE and the local Departments of Public Safety and Port Administration to provide the crew awareness training, which focused on emergency preparedness, environmental protection activities and navigation lessons. Drills and field activities were combined with classroom sessions to ensure the fleet’s crew readiness.

5. 20th Steinlager I’a Lapo’a Game Fishing Tournament

This item was covered under an earlier agenda item.

6. American Samoa Government Development Projects

This project was previously covered in the Fono Report; there was no additional information to report on.

E. Education and Outreach Initiatives

1. US Pacific Territories Capacity-Building Scholarship Program

Ilaoa reported that for the first time, two students from American Samoa were selected as recipients of the US Pacific Territories Capacity-Building Scholarship in the same school year. Fuamai Tago, a graduate of Nu'uuli Vocational and Technical High School, and Alphina Liusamoa, a graduate of Manu'a High School, had both completed their Associate of Science degrees in marine science from the American Samoa Community College in May and would be attending the University of Hawai'i at Hilo in the coming fall semester.

Ilaoa also reported that the American Samoa summer high school fisheries class was scheduled to begin early July. Paula Stevenson McDonald, the owner of South Pacific Water Sports & Fitness, would be teaching the class. The 15 seats for the class have been filled, and other interested students are on a waiting list. The three-week learning experience is run each year with a number of participating agencies and businesses. Students learn fishing methods, data collection and how various local and federal agencies manage the marine resources of American Samoa.

Sesepasara expressed his gratitude to PIRO's Scott Bloom and Penny Larin for assisting DMWR with its Disaster Relief Projects; funds were received due to losses and damage from the 2009 tsunami. Only two projects were left to complete the funding.

F. Advisory Group Report and Recommendations

1. Advisory Panel

Clay Tam, AP chair, presented the American Samoa AP's recommendations.

Regarding the bigeye tuna limit and allocation, the American Samoa AP recommended the Council select option 3, no limit for the territories and up to 2,000 metric tons for allocation. The American Samoa AP further recommended the Council adopt a three-year limit for the bigeye tuna limit/allocation.

Regarding the bigeye tuna limit and allocation, the American Samoa AP recommended the Council work with DMWR, bottomfish fishermen and NMFS to explore alternative data collection methods that would more accurately capture information to reflect the bottomfish fishery. The American Samoa AP further recommended the Council request PIFSC Stock Assessment Program staff to conduct a series of community meetings in American Samoa explaining the results of the most recent bottomfish assessment for American Samoa. Those community meetings should be held on Tutuila as well as in the Manu'a Islands.

2. Scientific and Statistical Committee

There were no SSC recommendations regarding American Samoa.

G. Public Comment

There were no public comments.

H. Council Discussion and Action

Regarding the American Samoa fisheries, the Council directed staff to work with DMWR, bottomfish fishermen, and NMFS to explore alternative data collection methods that would more accurately capture information to reflect the bottomfish fishery. The Council further requested NMFS and PIFSC staff conduct a series of community meetings in American Samoa explaining the results of the most recent bottomfish assessment for American Samoa on Tutuila as well as in the Manu‘a Islands.

Moved by Duenas; seconded by Gourley.

Motion passed.

Watamura asked what specific data collection methods would be considered for this recommendation.

Sesepasara said DMWR will work on how to best improve data collection.

Sabater said the Council is developing an e-reporting app for the bottomfish fishery, which should be completed by the end of this year as was reported in the Program Planning portion of the agenda.

XII. Mariana Archipelago

A. Guam

1. Isla Informe

Duenas reported that strong winds are holding up the Guam bottom fishing season. Bottomfish fishermen are anxious to go fishing, especially in the southern banks, but the winds are averaging 15 to 25 miles per hour so Guam may experience low numbers this summer. He said he hoped the bottom fishery season gets extended once the winds start to slow down.

Duenas said Guam just had its first-ever Marlin and Tuna Father’s Day Derby sponsored by Shut Up & Fish. Fifty-one boats participated, which was the cap for the derby. The same group recently sponsored a Mahi Mahi and Wahoo Shoot-out Derby, results of which was reported at the previous Council meeting. This group is young and energetic, and it is good that it is sponsoring derbies in Guam. Previously, only the Guam Marianas International Fishing Derby, a trolling derby sponsored by the Guam Fishermen’s Cooperative Association, existed. Now the

number of trolling derbies on Guam is three per year for the general public. There is a fourth derby that is only for those with military base access.

Muna-Brecht provided the DOAg island report. Recent creel survey data showed a high number for bigeye jack, due to an interview that reported a large catch for this species.

Some progress has been made with a proposed boat ramp in Talofofu Bay. In March, Muna-Brecht reported that DOAg had identified Talofofu Bay as a site for the boat ramp and then found out the Guam Economic Development Authority (GEDA) had also been scouting the site for the same purpose and had received a grant to develop the plans. GEDA's contractor produced a \$2 million plan but was unable to take core samples because all the money had been expended. Recently, approval was received from the Sport Fish Restoration Fund grant manager to allow DAWR to provide funding for the core sampling test. She said her department submitted a requisition of \$43,000 for the core sampling test to help the project move forward. She said the boat ramp will not cost the \$2.4 million reflected in the GEDA produced plan. The Guam Police Department, Fire Department and some of the other law enforcement agencies agreed to contribute funds towards the boat ramp development as they will be using it as well.

Muna-Brecht presented several projects to be funded by Sport Fish Restoration Fund grants, all of which are tied together with one Memorandum of Agreement (MOA) that need the signature of the Department of Public Works since it provides the engineering services for projects like the Agat Marina, the Harbor of Refuge and construction work on the Merizo Pier, to replace worn out areas that have become too hazardous to the public. The MOA is in its final legs. Most recently it was at the Guam Attorney General's office, the second to the last signatory, which takes several months to get through the Government of Guam process. Muna-Brecht said she is hoping to have the MOA completed within the next month so work can start on the different projects. The Merizo Pier will have wood replaced by a fiberglass composite material.

Muna-Brecht said DAWR typically plans two kids derbies a year, but she is pushing them to increase that number. Both kids derbies planned for this year have been postponed due to procurement delays. She is working with the Governor's Administrative Office to get the requisitions processed so that more derbies can be held, including the two that were postponed and possibly a couple more in the months following. She said the derbies are usually planned for the summer, but since they are held on weekends she is looking at having them held even during the school year. The derby clinics are held the weekend before the derby.

Muna-Brecht said special permits were issued for atulai, i'e, ti'ao and mañahak to allow temporary seasonal fishing within Guam's marine preserves. She also said she issued several research permits for studies in the preserves.

Muna-Brecht said a Request for Proposals (RFP) was issued to deploy four FADs in the current or in the next fiscal year. Nearly all FADs will be online hopefully by the end of this year although she doubts the deployment of FADs will be done by the end of the current fiscal year due to the long RFP process. For the next fiscal year, there is a plan to use the Sport Fish Restoration Act grants to have redesigned FADs so that they are less cumbersome and easier to deploy. One option to make the process more efficient is to route the funding through the

Research Corporation of Guam, which could do the process within weeks. It can take the Government of Guam between six months to a year to issue an RFP to deploy FADs. She proposed to DAWR to purchase another boat that can be used to deploy FADs.

Simonds said several administrations before had made this suggestion but the only responsive person was very expensive.

Muna-Brecht said deployment costs \$20,000 per FAD.

Simonds said there have been several workshops on FAD designs from other parts of the Pacific and suggested that Muna-Brecht take advantage of those reports.

Muna-Brecht mentioned that new AP member, Myles Driscoll, had shared a lot of information on that matter. Driscoll met with DAWR and brought up different gear ideas that can be more cost effective yet stronger. Muna-Brecht said the current FAD design being used defies logic and so she is pushing for a redesign.

Muna-Brecht discussed the Shallow Water Mooring (SWM) Buoys. Some community fishermen want all of the SWMs in place before implementation of the Coral Reef Protection Act because there are no places to tie-off.

Muna-Brecht said there were four sea turtle strandings in the current fiscal year with one turtle found dead and another captured and released at Pago Bay. The second turtle was named Lourdes after the governor. In February, sea turtle carcasses were found in a bag on the side of the road. Recently, PIFSC scientists visited Guam and conducted in-water sea turtle captures for blood sampling and size and weight data and to attach satellite tracking devices.

Regarding marine mammals, Muna-Brecht reported that Guam is in the final phase of signing an agreement with the military. One issue is to ensure that the agreement includes the most current research on the cause of cetacean deaths or strandings, noting that some research attributed the cause to underwater sonar testing off Guam.

Muna-Brecht also reported on man-o-war jellyfish sightings, coral bleaching, a planned crown of thorns derby, vessel groundings and the Masso Reservoir repair.

Sensui said that, back in the 1970s and 1980s, Hawai'i had a problem with the crown of thorns starfish. They somehow disappeared due to something natural. He wondered if Guam may experience the same thing.

Muna-Brecht said the coral reef group enjoys what it does in disposing of the crown of thorns and may even use vinegar to inject into the starfish, a technique learned from Japan. The vinegar must be of low acidity concentration or the starfish will push the vinegar into one of its arms and then eject that arm.

Sesepasara said that, back in the 1980s, there was a big problem with the crown of thorns, but he was able to get funding from Congress to help eradicate them. He hoped Guam did not make the mistake he did by putting a bounty of 10 cents per animal. The biggest mistake was

talking on television about the life cycle of the crown of thorns, including the ability to chop them and farm them. The crown of thorns eventually was cleaned out.

Muna-Brecht said she still feels a derby that invites the community to take as many crown of thorns out of the water as possible would be fun.

Sesepasara said they were made to pay back funds used from the USFWS for constructing a mooring area for recreational boats and now used mainly for commercial boats. He said he talked to people in Washington, DC, who were unable to do anything. He also talked to the Department of the Interior representative who told him it would have been easy to provide the funds if it was an in-house policy because the situation is different between the islands and the mainland. But because it is a part of legislation or act, an amendment to allow the Pacific Islands to use the funds is needed. Sesepasara also talked to his Congresswoman and suggested that all the island Congressional representatives should work together to amend that part of the act. He is trying to negotiate the issue because there is not enough mooring space for commercial fishing vessels such as the local longline vessels. He said the Governor is trying to build an extension of the marina for commercial use.

Muna-Brecht agreed. She said on a positive note the Sport Fishing Restoration Fund had an error in its accounting during the current fiscal year and so the territories are going to receive a small bump in funding.

Watamura said David Itano would be a good consultant on a FAD design. He knows about the designs, has led a FAD workshop and has practical experience on how well different designs work.

Muna-Brecht thanked Watamura for his suggestion.

Tenorio asked if the SWMs were paid using Sports Fish Restoration funds.

Muna-Brecht said yes.

Simonds said she hopes that Gov. Guerrero tries to fix the procurement process in Guam, which has been an issue for many decades.

Muna-Brecht said the governor tasked the BSP with handling of federal funds that go through the procurement process. One chief procurement officer converts all requisitions to purchase orders in the Government of Guam. There is but one buyer for more than 70 government agencies and departments. The government cannot hold onto buyers, and the position needs to be upgraded with a better salary. The work is very important. So, the government has now allowed agencies to handle their own procurement up to \$10,000. BSP is now working to bring that amount up to \$25,000, more in line with federal General Services Administration (GSA) authorization for small purchases.

Simonds said in the past when the NMFS or the Councils had funds to help with data collection and other projects, the process was so long that they would hire the people instead and report back to them and to the director of DOAg.

Muna-Brecht said some of the agencies are allowed to hire two people to process the authorized \$10,000 requisition to purchase order conversion but the purchase orders still must go back to the GSA for signature. She again said the other option is to funnel all federal grant funds through the Research Corporation of Guam at the University of Guam so it can handle procurements and hiring. Eight percent off all federal funds is taken for indirect costs. All personnel hired are not permanent personnel of the agency but of the corporation. The employees are not classified employees of the Government of Guam, but requisitions are turned over within a week helping federal funds to be spent faster.

Duenas asked Muna-Brecht for any updates on the sea cucumber overharvesting issue.

Muna-Brecht said her agency is reviewing all fees, fines and laws respective to her agency. She has set aside mornings for a week in July to meet with her agency division chiefs to address all of the issues at one time. One issue is a needed change in the law regarding the harvesting of sea cucumbers because Guam's waters have less than before. Cultivation of sea cucumbers could be an aquaculture project.

2. Legislative Report

Muna-Brecht reported that Guam Sen. Sabina Perez has been circulating a proposed bill for a Coral Reef Protection Act. It is not a new legislation. A similar bill was previously introduced by former Senator and Speaker Benjamin J. Cruz, but that bill did not pass. This time the bill has more support. Perez is also putting together a SCUBA ban bill. Muna-Brecht said she plans to attend the informal AP meeting scheduled for July 11, 2019, to discuss these two bills and then on the following week hold community meetings with fishermen to get their input and advise making it more collaborative than has had happened in prior years. Bill 161, another recently introduced Perez bill, would prohibit the release of balloons into the air because of the damage they cause to sea life. Balloons are released on Guam often, especially during funerals and other events. All these eventually fall into the water. A national organization says balloons can be damaging to sea life. The Guam Visitors Bureau would extend the legislative ban to include inner tubes and similar items sold at low cost as safety devices to tourists in Tumon, get blown away and are lost in the ocean.

Muna-Brecht said the governor signed two executive orders. The first revises the existing Coral Reef Resilience Strategy last updated in 2017. It has around 47 proposed outcomes broken out across five different areas. The order mandates 13 different government agencies to work together to update the strategy. The process was completed by the June 1, 2019, deadline and brought to the governor, who signed it during the Coral Reef Symposium portion of the Pacific Island Environmental Conference. The second executive order created the Aquaculture Task Force that Muna-Brecht co-chairs along with GEDA. The first meeting was held two weeks ago. She said the Aquaculture Task Force will guide the creation or development of an aquaponics system for the Southern High School. It will be off-campus allowing kids to have daily access without having someone from the Department of Education (DOE) come and open the school. She will work with a University of Guam graduate student who potentially will become a teacher for DOE and lead students in the project. Plans include community workshops to provide information about aquaculture and aquaponics and subsequent purchase of a small system that interested members of the community can use to develop systems for themselves at home. If

community members want to start a business and if they are able to demonstrate at least one year of consistent work and effort, then the system will belong to them and they can use it as part of their business. She said an application for grant funding for this effort is underway.

3. Enforcement Issues

Muna-Brecht said seven conservation officers have been busy these past couple of months doing an outstanding job. Press releases are issued on arrests, and a lot of media have picked up the stories quickly. The press on the conservation officers helps when she goes before the Guam Legislature to ask for additional funding to hire more staff. Most of the arrests were from illegal fishing in the marine preserves. There is a plan to have the University of Guam 4-H Program to use the seized equipment to hold clinics in the villages to teach kids how to fish. Additionally, DAWR received a report of a fish kill last week in Tumon. Investigations by the conservation officers and DAWR staff found the fish must have been discarded bycatch.

4. Community Activities and Issues

Felix Reyes, Council staff, reported on Guam community activities and issues. On the Agaña Marina, the Port Authority of Guam installed a coin-operated boat wash down machine, but it is not working most of the time. The Port Authority said there are no plans to remove the machine. As a result, boaters are pulling their boats off to the side and attaching hoses to a mooring finger faucet to wash their boats and motors. Very little money is going into the machine, which will likely not pay for itself in a short time.

Reyes reported there was some interest among boaters to have access to a launch area within Apra Harbor where the water is almost always calm and protected. Families can enjoy the many marine activities such as parasailing, jet skiing and other small watercraft similar to inner harbors in some states across the country. The company that owns the Sandcastle and a non-exclusive contract for the use of the one launch ramp known as the Seaplane Ramp has a pending application with the Army Corps of Engineers for development of the ramp area for general use at the company's expense. The area does not have good facilities for recreational boaters now. Reyes said there has been no movement with the application.

Reyes said several signs at the two major marinas are in need of maintenance, are hard to read and probably contribute to fishermen not being well informed on laws that apply to them.

Muna-Brecht said that DOAg, Guam Visitors Bureau, Department of Parks and Recreation, Sea Grant, Guam EPA, Department of Public Works and others are working together to revise the design of the signs to have consistency across the island.

Reyes reported on a large cone-shaped buoy that was observed stranded on top of the reef flat inside the Andersen Air Force Base. A few days later the buoy was observed out at sea. It may have come from an Indonesian tuna fleet used as a floating FAD.

Muna-Brecht added that DAWR contacted its Navy partner and Air Force personnel but did not receive a response.

Reyes said he was invited to Guam Congressman Michael San Nicolas' office for a meeting to follow-up on Simonds and Council staff's visit in October 2018. He wanted to provide an update to the matters discussed. His desire is to make Guam the center for marine capacity building and anything related to fisheries. San Nicolas mentioned that the Compact Implementation Agreement expires in 2023, outside of his two-year term. He said he met with the ambassadors from some of the island nations and is moving forward with the project.

Reyes also reported on the proposed mandatory licensing and reporting initiative. He noted that Muna-Brecht had been working with the Attorney General of Guam to get an interpretation of the proposed rules and regulations.

Muna-Brecht said a response was received from the Attorney General indicating the DOAg cannot create policy or permit rules and regulations without the Guam fishery council's authority even though the council has not been convened. She said the option of repealing the fishery council legislation was floated because DAWR's existing enabling legislation gives it authority to create or develop permits. Because the fishery council legislation was passed into law after DAWR's enabling legislation, it superseded the DAWR mandate. Should the fishery council law be repealed, then it is possible to revert back to the existing DAWR enabling legislation to create permits.

5. Education and Outreach Initiatives

Regarding education and outreach, Reyes reported that Muna-Brecht recently hired a DOAg aquatics education and outreach coordinator. The coordinator has a considerable budget, which will be used in part to increase the number of kids' derbies. The coordinator is working with Nihi, a local non-profit organization, to produce curriculum and videos related to aquatic education for use by teachers in the classroom.

Reyes said he has exhausted his inventory of 2019 lunar calendars. Copies went to all Guam schools, almost all government agencies, the Guam Visitors Bureau, the Guam Museum and fishermen. He is now working on the 2020 lunar calendar.

Reyes said he recently participated in the Safe Boating Week held at the Agaña Shopping Center and shared a table with the USCG. He also joined the USCG Auxiliary and assisted with a free courtesy boat inspection at the Agaña Marina.

B. Commonwealth of the Northern Mariana Islands

1. Arongol Falú

Tenorio provided DFW updates for the past three months.

The DLNR Sea Turtle Program has been conducting regular monitoring, and its outreach program has conducted four events. A new technician will be helping staff during field surveys. The program also recruited a coordinator for the program, who had been a recipient of the Council's scholarship. The Turtle Program received a one-year grant extension for its education and outreach component and has applied for additional funds for monitoring.

Under the Fisheries Research Program, the DLNR and DFW continue to secure contracts with fishermen to conduct tagging activities within Saipan Lagoon with the use of surround net. Tagging efforts have continued with use of the hook and line fishing method. Tenorio also reported on the tagging project funded through the Sport Fishing Restoration Fund and NOAA.

The DFW has been working on trying to remove the *Lady Carolina*, one of the vessels grounded after Typhoon Soudelor. RFPs are being developed for the removal and salvage of the vessel. Additionally, the removal efforts for the *Grand Mariana* are underway.

DFW has recruited a summer intern to assist with various Fisheries Research Program projects and will be losing a key fishery data person this summer. Keena Leon Guerrero will be heading back to Hawai'i to pursue higher education in fisheries. Another DFW personnel will be temporarily assigned to the Data Section supervisor position.

Regarding the Life History Evaluation Project, the Fisheries Research staff has shifted its sampling focus to groupers. Samples and data are stored at DFW. New fishing locations and techniques are being investigated to increase catch of targeted grouper species. Gonad samples of *Pristipomoides filamentosus* are organized and are being worked on by a DFW staff member who is working on a master's project at the University of Guam.

Under the Marine Resources Assessment Program, multiple survey dives have been conducted in support of the coral nursery project being led by one of DFW's local partners. Planning is underway for the underwater survey to be conducted at Bird Island Sanctuary as part of the DFW's continuous data collection and monitoring program. Sampling design and planning is also underway for the expansion of DFW's underwater data collection activities to allow for increased coverage, including shallow-water nursery habitats, such as seagrass beds within the island of Saipan as well as evaluation and analysis of ongoing datasets. The projects risk a delay in progress due to office equipment needs.

Under the Fish Habitat and Monitoring Program, temperature sensors have been deployed and are actively collecting water temperature data within the entire length of the lagoon. DFW has submitted purchase requests for additional needed sensors.

Under Fishery Development Programs, two FADs are active in the CNMI. DFW is working on obtaining the needed materials to replace the other FADs, which have broken loose. A contract has been secured for the construction of 12 buoys. Tenorio said the hope is to have these buoys by the end of the summer. Given recent storm events, the availability of vendors to construct the buoys is limited. DFW is considering alternative ways of acquiring the services needed to procure the FAD materials.

The Fisheries Data Section is working on increasing vendor participation and outreach. Regular weekly visits to vendors have resulted in an increase in the number of invoices collected. The number of vendors remained the same as the end of 2017. The DFW Data Section conducts regular weekly creel surveys and regular data entry. Number of shore-based interviews conducted increased from last year, while boat-based interviews remained constant. The DFW Data Section has lost two creel technicians last year and will be losing its supervisor. Efforts are being made by DFW personnel to continue regular data surveys and data entry. The Data Section

has been experiencing internet connection problems. It has acquired a new vehicle, which will help with their survey efforts.

Tenorio also reported on education activities conducted by the aquatic education Program coordinator and activities related to the MPA Program and the Boating Access Program.

2. Legislative Report

Floyd Masga, Council staff, provided updates on the DFW's mandatory data reporting regulations. Three public meetings were completed on Rota, Tinian and Saipan. Comments have been compiled and forwarded to the Attorney General for review and adoption.

House Bill 21-17, the size restriction legislation introduced by CNMI Rep. Roman Benavente, passed the House and is with the Senate Committee. No action has been taken. DFW submitted a letter to the Attorney General to adopt its regulations. If the regulations are adopted it would stop House Bill 21-17.

The surround net bill introduced by CNMI Sen. Vinnie Sablan is in committee. No action has been taken.

3. Enforcement Issues

Tenorio reported that the DFW Enforcement staff continues to work with the Turtle Program personnel to monitor known sea turtle nesting sites. Enforcement Program personnel have conducted outreach and education with fish vendors, schools and communities. Most outreach efforts are performed at the docks with fishermen or in the water and with beach goers. At-sea vessel patrols are conducted regularly for ESA, MSA and MMPA interactions. Interviews are conducted with fishermen when weather permits. In addition, commercial bottomfish fishers are intercepted and informed of federal commercial bottomfishing permit requirements. Tenorio also reported on persistent mechanical issues with the Enforcement vessel *Justice*, which have hampered their patrol efforts. At-sea enforcement efforts are estimated at about 96.5 vessel hours and 193 personnel hours. Also, 156 hours have been performed on community outreach for MSA priorities and approximately 16 hours on MMPA priorities.

4. Community Activities and Issues

Masga reported on the Bottomfish Fishery Development project, including coordination with DLNR and the Governor's Office, contracts and MOUs. The bottomfish vessel and all equipment arrived on Saipan, and the classroom training and at-sea training were completed.

Masga reported on other projects. The Garapan Fishing Base Improvement Project is almost completed; and the design is being finalized and will be submitted. The ice machine project is completed; the machine is fully functional and being used. Plans are underway to provide fishermen with an incentive to provide fishery data through a data-sharing agreement with DFW and the public market.

5. Education and Outreach Initiatives

Masga reported on CNMI education and outreach activities, including the 15th Annual Mahi-Mahi Derby, San Jose Tinian Fiesta Derby, DPS Law Enforcement Lagoon Derby and the upcoming 35th Saipan International. He also reported that the Saipan fishery summer course is ongoing.

C. Advisory Group Reports and Recommendations

1. Mariana Archipelago FEP Advisory Panel

Michael Fleming, Marianas FEP AP member from the CNMI, presented the AP report and recommendations.

Regarding Guam AP fishery issues, the Guam AP recommended the Council work with the AP to review the Guam fishery data to identify gaps as well as opportunities in the data collection in order to provide the best data possible for future stock assessments.

Regarding Guam AP fishery issues, the Guam AP recommended the Council request NMFS PIFSC consistently group/subgroup fish stocks in Guam to make sure that they are accurately assessed (e.g., separate shallow- and deep-water bottomfish species).

Regarding CNMI fishery issues, the CNMI AP recommended the Council request the USCG's assistance for the deployment of FADs in the region.

Fleming noted that it is costly to deploy FADs in Guam and CNMI. The USCG realigns the channel markers and may be the best agency to assist in deploying the Guam and CNMI FADs through its existing capabilities and vessels.

Roberts encouraged the Council to draft a letter regarding this recommendation to the district commander, RAdm. Lunday.

2. Scientific and Statistical Committee

There were no SSC recommendations regarding the Mariana Archipelago.

D. Public Comment

There were no public comments.

During this section, Seki said, as part of its work on the EBFM Implementation Plan, PIFSC launched a Large Marine Ecosystem (LME) effort for the Marianas. The LME concept is not new, but the only recognized LME in the Pacific Islands was the Insular Hawai'i Archipelago. An LME for the Marianas was started because it made sense. He introduced staff member Taylor Souza, who would focus on this effort. Visits to Guam and Saipan are planned to reach out to stakeholders and the community to make sure they have input in the process.

Soliai requested that PIFSC also include American Samoa.

Seiki said the challenge with considering American Samoa as an LME is that it would need to include Independent Samoa. The Marianas is self-contained. However, PIFSC will not forget Samoa.

E. Council Discussion and Action

Regarding Guam enforcement issues, the Council requested the Guam DOAg DAWR clarify and provide the notification scheme of the military regarding spatial closures with mariners.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding Guam fisheries, the Council directed staff to work with the AP to review the Guam fishery data to identify gaps as well as opportunities in the data collection in order to provide the best data possible for future stock assessments.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding Guam fisheries, the Council requested NMFS PIFSC explore assessing the bottomfish MUS at a higher resolution rather than a single stock complex.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding Guam fisheries, the Council directed staff to work with Guam DAWR, bottomfish fishermen and NMFS to explore alternative data collection methods that would more accurately capture information to reflect the bottomfish fishery. The Council further requested NMFS PIFSC staff to conduct a series of community meetings in Guam explaining the results of the most recent bottomfish assessment for Guam.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding CNMI mandatory license and reporting regulations, the Council requested NMFS PIFSC and the Council be engaged with the CNMI on data collection initiatives, should proposed regulatory actions in CNMI to require mandatory fishery reporting be approved

Moved by Duenas; seconded by Gourley.

Motion passed.

[This recommendation was originally worded as “requested WPacFIN be engaged with the CNMI and the Council on”]

Watamura asked if any fishermen were pre-interviewed to see how the mandatory reporting would be accepted.

DeMello said that outreach workshops were held on Rota, Tinian and Saipan and fishermen seemed to be agreeable.

Tosatto asked if the recommendation was looking to have NMFS and the Council engage the Administration on how to implement mandatory reporting after the CNMI Legislature takes action to pass it and the Governor signs it.

Gourley clarified that the recommendation is referring to agency regulations, not legislation. He requested the language to be changed to refer to NMFS and the Council engaging with CNMI, as the regulation is a CNMI action.

Duenas and Gourley agreed to the amended language.

Regarding CNMI fisheries, the Council requested the USCG's assistance for the deployment of FADs in the region.

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

XIII. Administrative Matters

A. Financial Reports

1. Current Grants

Simonds reported that Congress finalized the 2019 budget in March, five months after its own fiscal year started in October 2018. The Regional Councils received an increase of several million dollars with the Western Pacific receiving an increase of \$170,000. Last year the Regional Councils received a million dollars from the regulatory reform line item but that is not available for 2019.

Simonds continued on to the 2017 Coral Reef award, as there are several completed projects such as the Crustaceans EFH project and ongoing projects such as the tracking of Coral Reef Habitat Condition and the Hawai'i Biosampling program. Under the 2019 Coral Reef award, two projects started in October and are set to conclude in 2020 involving estimating, detection and occupancy coefficients with the Pacific Islands Coral Reef Fish Species and Developing Commercial Fisheries Biosampling Program for O'ahu and Maui.

SFF VII was sub-awarded to CNMI for the Garapan Fishing Base Improvement Data review, which is scheduled to be completed by June 2019. SFF IX is a continuation of projects with the Garapan Fishing Base, and SFF X involving the Training and Demonstration Project, which is scheduled to end in 2021. The other part of that award was a project for the American Samoa longline dock. Seseapasara reported earlier about using the existing dock and reimbursing the USFWS as agreed to by NOAA.

Regarding Turtle 2015, all projects have been completed and the award ends in December 2019. The Seabird Analysis and Workshop under Turtle 2016 has been completed, but the report and the Green Turtle Workshop is still pending. This award also ends in December

2019. Pending projects under Turtle 2017 ending this year include evaluating bycatch handling methods in the longline fisheries and other education and outreach projects. Turtle 2018 is also concluding at the end of 2019 and includes the completed project to evaluate bycatch trends in the longline fishery for olive ridleys.

Simonds stated that staff is available to respond to questions.

2. New Grants

Simonds provided a summary of the new multi-year grant that starts in 2020 through 2024, which is based on the work plan previously adopted by the Council. The Council received instructions from NMFS to use what was received in 2019 to start the first year of the new grant, and the Councils could choose the annual percentage increase of up to 10 percent for the subsequent four years. Council members were also provided with a statement of work that goes with the budget, which was also previously included in the Program Plan. The Council also received protected species funds from PIRO. Simonds noted that Congress appropriated a few million dollars more for NMFS protected species this year. The Council is looking to hire another staff in addition to implementing some of the protected species projects conducted with PIFSC.

Regarding other new awards, the Council received another two-year protected species award since NMFS received funds for sea turtle mitigation and Marianas shark depredation. Staff developed a Pelagic Research Plan, which was forwarded to Headquarters where \$1.2 million was found for PIFSC as well as the Southwest Fisheries Science Center. Staff is also currently working on developing a three-year Coral Reef Award; solicitation for that will be coming out in August and due in November.

B. Administrative Reports

Simonds reported on new hires and several other positions the Council wants to fill. Vandehey was hired as the education and outreach coordinator. She previously worked for PIFSC and PIRO. The Council has been soliciting for an economist with fisheries experience. It has been difficult as the Council has been competing with other Councils, such as New England and North Pacific, which have added additional economists to their staffs.

The Councils annual audit began on June 3, 2019, and is scheduled to conclude by September 30, 2019.

The Council will be hosting next year's CCC meeting. Turtle Bay on O'ahu is being considered as a venue.

Staff has been working with Ariel Jacobs, PIRO, and Tia Brown, PIFSC, regarding regional planning. Simonds said that it is the Council's understanding that the plan is not only NMFS' but is being done in consultation with the Councils and that she would like to see the Council's ideas reflected in the plan. The plan states PIRO develops FEPs for commercial and noncommercial fisheries. Simonds noted that it is not correct as the Council develops the FEPs. She said the Council will see how they can work it out.

During this section, Sensui asked about the BiOp. As there was not enough time the previous day for review, he asked Simonds if there is a need to request more time.

Simonds said the members discussed this after the discussion yesterday. There will be a suggestion that the Council hold a teleconference meeting sometime in July. Details are being worked out with the Council and SFD staff.

C. Council Statement of Organization Practices and Procedures

There was no report on this agenda item.

D. Report of the May Council Coordination Committee Meeting

Gourley reported that the CCC meeting was held in Charleston, SC, May 14 to 16, 2019. The discussions he previously reported on national legislation were the same discussions from the CCC. Other issues include the BBNJ as the CCC asked the State Department to provide an overview. Brakke will be providing an overview of that Convention at the November 2019 CCC meeting.

Sensui reported that the CCC is looking at six bills for sharks that would prohibit the sale and purchase of fins and all parts; dogfish would be exempted. He also reviewed aquaculture, injuries of workers, offshore wind and legislative fisheries topics covered during the CCC. He expanded on electronic reporting and the general public getting involved. The idea is more data means better fishing. However, as discussed in past Council meetings, more data carries the need for verification to make sure the data are valid.

Duenas added that Adam Isenberg reported on some changes regarding financial disclosures and some of the Councils were anticipating a response to questions the Councils had regarding Council members who are company employees such as Soliai. However, that they had not received a response at that time. Duenas said that the next CCC meeting will be held in DC in November 2019.

Tosatto, noting that the CCC will be held in Hawai'i, said that this year's CCC meeting showcased a lot of that Council's work. He said that it would be worth starting to think about what this region could bring to the discussion, particularly in terms of electronic technologies. He offered his support in working together to think about how to showcase this region at next year's CCC meeting.

Regarding electronic reporting, Sensui said there is a Fish Rules mobile app that includes State and federal rules for various zones and photos to help identify fish. It works outside of cell range and uses the phone's GPS to provide references, such as location warnings when entering an MPA and local fish regulations, including size and other information.

1. Regional Planning

Mitsuyasu said the executive director captured this topic and summarized it under that administrative report. He added that the staff will be working the next couple of months to meet

the timeline to get Headquarters a draft to review by this summer. This will be brought back to the Council at the October meeting. The Council anticipates a presentation of all the different Regions at the November 2019 CCC meeting.

E. Council Family Changes

1. Advisory Panel

DeMello said CNMI AP member alternates are available for Council member review.

2. FDCRC-Technical Committee

DeMello reported that the Fishery Data Collection and Research Committee (FDCRC) has requested to replace Kimberly Lowe with Stephanie Dukes.

F. Meetings and Workshops

Simonds reviewed the list of meetings and reported that the ISC meeting is going to be held in Taipei. Gourley will be attending the North Pacific Fisheries Commission; he is not a member but an alternate.

Tosatto said Gourley is an Alternate Commissioner designated by the Secretary of State, which is effective and binding.

Simonds recommended that Gourley work with Sabater for this Commission regarding what the Council would like to bring up during that meeting. She continued on to review next year's Scientific Advisory Committee and General Advisory Committee meetings, which will bring up the quotas for our fisheries.

Tosatto said his staff will be participating and able to bring back information and outcomes report to the Council.

Simonds reviewed additional meetings through the end of the year and noted that Sesepasara suggested the Council hold a tournament during the Council meeting in Pago Pago. If the members agree, the Council will plan for that.

Sesepasara inquired about the meeting in October in Portland, Ore., regarding non-fisheries effects.

Simonds said the Non-fishing Effects Workshop is scheduled for Aug. 20-22 and deferred to DeMello.

DeMello said the CCC's Habitat Working Group is putting on a workshop in Portland to discuss the impacts to EFH from non-fishing impacts, how Council staff deals with consultations and policies and guidelines that can be replicated in other Regions. There will be Council and NMFS staff in attendance at that meeting.

Tosatto explained that non-fishing effects are things like dredging that may affect EFH. The Region gets input from the Council on the fishery management actions that are affecting EFH. Tosatto said it is not consistent across the country.

Sesepasara asked Tosatto to remember the reef condition with the boats close to shore.

Simonds asked if there were funds to remove those derelict boats.

Tosatto commented on the South Pacific Regional Fisheries Management Organization (SPRFMO), which is the counterpart to the North Pacific on which Gourley is an Alternate Commissioner. Outgoing Council member Lutu-Sanchez was the last nominated member to be the Commissioner representing the Council in SPRFMO. Tosatto requested a recommendation from the Council to forward to the State Department for a Council member to be designated as an Alternate Commissioner.

G. Standing Committee Report and Recommendations

Gourley reported on the Executive and Budget Standing Committee meeting, focusing on items not covered under other agenda items. Regarding the representation for the Pacific Islands Region for the Marine Fisheries Advisory Committee (MAFAC), the representative from American Samoa stepped down. There is currently no Pacific Islands representative on MAFAC. The Council has some concerns over this and is considering writing a letter to see if Roy Morioka could be considered as he was an applicant that was not chosen on the first go-round.

Gourley also reviewed some of the issues at the CCC regarding fishing organizations trying to open up the monuments on the East Coast for fishing to be managed under the MSA. He said the Council could consider writing another letter to President Trump regarding opening the Pacific monuments for fishing to be managed under the MSA. Another issue that came up from American Samoa, which was also pertinent to the CNMI, was using fishing docks that were funded by Dingell-Johnson Funds for commercial vessels. Funds received from USFWS had a caveat that limits those docks use to only private personal recreational vessels. The territories are typically exempted from certain requirements with which the US Mainland has to comply because of the difference in situation. He said the Council should approach the USFWS to see if the territories could use the dock facilities for both commercial and recreational vessels.

Simonds said the territories can work with their Congressional representatives to see if that can be changed.

Sesepasara added that the funding is for recreational fishing structure and that they are using it because of limited area of mooring for commercial boats. He said that, after talking to a Department of the Interior in Washington, DC, he agreed that the situation in the Pacific Islands is not the same as the US mainland but legislation must be amended to waive the use of the facilities in the islands.

Gourley said the territories will likely bind together to get this changed.

Peck said it is not a USFW policy but rather in the legislation, so that is where the effort should be focused.

Muna-Brecht noted a conversation she had with a grant funder from the Sport Fish Restoration program that there is a work around with the commercial and recreational designation depending on how the Territory classifies a commercial fishing vessel. If sustenance fishermen sell fish to the coop but are classified as sustenance or recreational rather than commercial, they are allowed to use the docks without it being considered a violation on the Territories behalf.

Gourley said that the Executive Committee noted that the MCPs will be up for revision and that each of the islands respective MCPs will need to be updated. He also noted the issue regarding Council contractors being able to access confidential fisheries data in order to fulfill the obligations of their contract in conducting assessments and inquired if General Counsel could develop a global agreement to streamline the process for providing access to confidential fisheries data.

Simonds said there was no process for PIRO and PIFSC to be able to approve requests for Council contractors, so General Counsel helped with a written agreement for Chris Oliver to approve Council contractors' use of confidential data. NMFS is working on this and will get back to the Council.

Regarding the MAFAC membership, Tosatto said he reviewed the charter and it describes how a member may resign or be terminated, but it does not say how the replacement will be selected.

Simonds said they will check the charter, noting that this is the first year the region does not have a representative.

Sesepasara asked to go back to the Sport Fish Restoration funding for the dock and asked if there is a chance all three of the Congressional representatives from the jurisdictions meet together in the Council office sometime to go over what the situation is along with the fishery directors.

Simonds said the Territories should have their Governors write a letter with all of their signatures together to send to the representatives.

H. Public Comment

There were no public comments.

I. Council Discussion and Action

Regarding administrative matters, the Council approved the new Administrative Award for 2020-2024 and Protected Species Award for 2020-2024 and directed staff to prepare and transmit the final grant application packages to NMFS.

Moved by Duenas; seconded by Seseapasara.
Motion passed.

*Regarding administrative matters, the Council directed staff to communicate its concerns to **NMFS Leadership regarding the lack of Western Pacific representation on the MAFAC and request that Roy Morioka, from whom NMFS received an application, be appointed to the Committee.***

Moved by Duenas; seconded by Seseapasara.
Motion passed.

*Regarding Council Family changes, the Council appointed **Lawrence Concepcion, Ray Delacruz and George Moses to the CNMI AP as alternates and Stefanie Dukes to replace Kimberly Lowe in the Technical Committee of the FDCRC.***

Moved by Duenas; seconded by Seseapasara.
Motion passed.

*Regarding administrative matters, the Council directed staff to continue development of the **Geographic Strategic Plan with NMFS PIRO and NMFS PIFSC staff addressing the comments raised by staff and discussed by the Executive Committee. The revised draft should be brought before the Executive Committee for review and comment prior to the revised draft being sent to NMFS HQ. The Council should also be provided a report on the final draft at the October 2019 meeting.***

Moved by Duenas; seconded by Seseapasara.
Motion passed.

Tosatto suggested an editorial change to refer to the plan as “Geographic Strategic Plan.”

*Regarding administrative matters, the Council directed staff to begin the process to review and revise the **PRIA-Hawai‘i MCP and work with the Guam and CNMI to review and update their respective MCPs prior to the Council’s March 2020 meeting.***

Moved by Duenas; seconded by Seseapasara.
Motion passed.

*Regarding administrative matters, the Council directed staff to draft and deliver a resolution from the Council to **Peter Fithian celebrating the 60th anniversary of the Hawaii International Billfish Tournament Diamond Jubilee to be held from July 27 to Aug. 3, 2019, in Kailua-Kona, Hawai‘i.***

Moved by Duenas; seconded by Seseapasara.
Motion passed.

Regarding administrative matters, the Council **directed staff to send a letter to President Trump requesting the fishing prohibitions within the Pacific Island Region Marine National Monuments (MNM) be removed returning management of fishery resources within the MNMs to the Council under the authority of the MSA.**

Moved by Duenas; seconded by Seseapasara.
Motion passed with Okano abstaining.

Okano said that he would abstain from this recommendation.

Regarding administrative matters, the Council **acknowledged that Territories need to work with their governors and Congressional representatives to amend legislation that will exempt them from the prohibition of commercial use of existing docks paid for by Dingle-Johnson funds.**

Moved by Duenas; seconded by Seseapasara.
Motion passed.

[This recommendation was originally worded as “the Council recommends the Territories request the Department of the Interior to exempt them from prohibition of...”]

Tosatto said the way the recommendation was written may violate the restriction against lobbying the legislative branch.

Motion was amended with Duenas and Seseapasara concurring with the change.

Johns said, for the record, this recommendation was amended to expressly avoid the prohibition on lobbying the legislative branch.

Regarding administrative matters, the Council **directed staff to meet with NMFS PIRO Sustainable Fisheries staff after each Council meeting to review actions, develop timelines, set priorities and agree to plans to complete tasks.**

Moved by Duenas; seconded by Seseapasara.
Motion passed.

Simonds asked Tosatto if he would prefer to receive a letter regarding staffs meeting after every Council meeting.

Tosatto said a letter would not be necessary, as the intent of these meetings would be to develop ways forward on actions taken at Council meetings.

Regarding administrative matters, the Council **directed staff to write a letter to NMFS requesting expedited development of a global agreement to streamline the process for providing Council contractor access to confidential fishery data.**

Moved by Duenas; seconded by Seseapasara.
Motion passed.

Tosatto suggested deleting the word “global” as the intent is to develop an agreement to streamline the process, whereas global implies that it would apply to everyone in all situations.

Simonds said that term is used by the lawyers and should be left as is.

*Regarding the management of loggerhead and leatherback sea turtle interactions in the Hawai‘i-based shallow-set longline fishery, the Council **deferred final action at this meeting and recommended staff convene teleconference 179th Council meeting in late July or early August 2019 to consider final action and to convene teleconference meetings of the SSC and the Hawai‘i AP in advance of the Council action.***

Moved by Duenas; seconded by Seseapasara.
Motion passed.

*Regarding the management of loggerhead and leatherback sea turtle interactions in the Hawai‘i-based shallow-set longline fishery, the Council **directed staff to work with NMFS PIRO to prepare necessary analysis, incorporating the final BiOp and associated RPMs, to inform Council final action at the July Council meeting and to ensure timely review and transmittal of the amendment package following the 179th Council meeting.***

Moved by Duenas; seconded by Gourley.
Motion passed.

*Regarding ESA consultations the Council **requested NMFS complete ESA Section 7 consultations for the Hawai‘i deep-set and American Samoa longline fisheries by Sept. 1, 2019, and for the US tropical purse-seine fishery by Oct. 1, 2019, in accordance with the schedule presented at the 178th Council meeting and without further delay. The Council at its 176th meeting in March 2019 requested that NMFS complete these consultations as they pertain to oceanic whitetip sharks by June 1, 2019. These consultations have not been completed to date and continue to put the region’s largest domestic commercial fisheries at risk of litigation. The Council directed staff to keep apprised Chris Oliver, assistant administrator for NOAA Fisheries, of the status of the consultations and the Council’s concerns regarding the significant risk posed to the fisheries as a result of continued delays and request that Oliver continue to provide oversight to ensure expeditious completion of high quality consultations.***

Moved by Duenas; seconded by Gourley.
Motion passed.

*Regarding ESA consultations, the Council **further requested NMFS provide the Council with any draft RPMs or Reasonable and Prudent Alternatives prior to the release of the***

entire draft BiOp, as well as the full draft BiOp, consistent with NMFS Policy Directive 01-117 (Integration of ESA Section 7 with MSA Processes). Pursuant to the ESA-MSA Integration Agreement, the Council executive director will determine the appropriate method of review (e.g., staff review or advisory body review) for reviewing the draft documents.

Moved by Duenas; seconded by Gourley.

Motion passed

Tosatto said he supported the second part of the recommendation giving discretion to the Council executive director to determine the method of review. Regarding the first part of the recommendation, Tosatto said that he will vote in support but that he will make a case-by-case decision on each consultation in a timely way.

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XIV. Other Business

Staff presented the resolutions and recognition of Council members Christinna Lutu-Sanchez and Dean Sensui.

Meeting adjourned.