



### **CNMI Got ‘Jacked,’ Fishery Management Council Is Told**

HONOLULU (19 March 2014) The Western Pacific Regional Fishery Management Council, which has authority over federally managed fisheries in Hawai‘i, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI) and the US Pacific remote island areas, began its week-long meeting March 17 and 18 at the Fiesta Resort, Garapan, CNMI, and will conclude the meeting March 20 and 21 at the Hilton Hotel, Tumon, Guam. As part of the Council meeting, a Fishers Forum on the Malessa (Merizo) community-based management plan and on shark management will be held Thursday night from 6 to 9 p.m. at the Hilton Guam. Council recommendations are transmitted to the Secretary of Commerce for final approval. For the full Council meeting agenda and background documents, go to meetings section of the Council’s website at [www.wpcouncil.org](http://www.wpcouncil.org).

#### **CNMI Submerged Lands and Militarization**

CNMI Gov. Eloy S. Inos opened the Council meeting Monday noting fishery-related issues of concern to the Commonwealth. Key among them was President Obama’s Jan. 15, 2014, Presidential proclamation that withholds the transference of submerged lands 0 to 3 miles around five of the 14 islands that comprise the Commonwealth, i.e., Farallon de Pajaros (Uracas), Maug, Asuncion, Farallon De Medinilla (FDM) and Tinian.

U.S. Public Law 113-34, enacted in September 2013, conveyed title to the submerged lands around the 14 Northern Marianas Islands to the government of the Commonwealth. But President Barack Obama’s proclamation temporarily withholds transfer of the lands around Uracas, Maug and Asuncion (i.e., the Island Units of the Marianas Trench Marine National Monument) pending an agreement for “coordination of management that ensures the protection of the marine national monument within the excepted area.” Similarly, lands around US military leases on the islands of Tinian and FDM will be transferred upon an agreement that “ensures protection of military training within the excepted area,” the Proclamation says.

Inos said it is possible for NOAA and US Fish and Wildlife Service to continually disapprove any management agreement so they can retain control over the submerged lands within the monument. He asked the Council to support Commonwealth efforts to have the submerged lands “presently being held hostage by the US Departments of Commerce and the Interior returned to their rightful owners.”

“CNMI got jacked,” noted Arnold Palacios, Council chair and Secretary of the CNMI Department of Lands and Natural Resources (DLNR). “They gave us the submerged lands and then they took it back .... I don’t think they [Departments of Commerce and the Interior] are interested in co-management. The Antiquities Act [used to create the monument] doesn’t allow the co-management that was promised to us by the White House envoy.”

The Marianas Trench Monument was created by President George W. Bush by Presidential proclamation on Jan. 6, 2009. The monument includes 95,216 square miles (60,938,240 acres) of submerged lands and waters in various places in the Mariana Archipelago and no dry land area.

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“We got slapped, NOAA got slapped,” said John Gourley, a CNMI resident providing public comment. He noted that the Department of the Interior has sole management of the Volcanic and Trench Units of the monument, which contain two-thirds of the monument area.” While the Council membership includes a representative from the US Fish and Wildlife Service, that person was not present at the meeting. “We were blind-sided and treated unfairly,” Gourley said, adding that the authority of the withheld submerged lands should be returned to the Commonwealth.

“I’m angry, disappointed and frustrated,” said Lino Olopai, a CNMI resident of Carolinian descent. The Carolinian along with the Chamorro are the two indigenous peoples of CNMI. Olopai noted that their ancestral land predates the legal teachings that came “out of the blue” and were imposed upon them despite the language barriers for those who still use their native language as their primary language. He noted that the ancestral land, which was understood to include the water, was “handed down generation to generation without legal title. ... Why can’t the American government understand and give the submerged lands back to me and then we will sit down and share it together ... Give back what is rightfully ours with or without a legal document.”

“It is encroachment,” noted Council Executive Director Kitty Simonds, referring to FDM. A prime bottomfish fishing ground that is accessible to Saipan residents, FDM was occasionally closed to fishing by the military out to 3 miles for live-fire training, then 7 miles and now 10 miles with talk of permanent closures out to 12 miles.

“We aren’t asking the military to leave [CNMI],” said Commonwealth resident Rosemond Santos, a member of Guardians of Gani, former CNMI legislator and attorney. “But they have taken enough. We want them to respect us.” Gani is a Chamorro term for the islands in the CNMI north of Saipan, including FDM, Pagan (another island the military has been considering for training use) and the other northern islands, including the three contained in the monument.

“We do not own the land and ocean around our islands, we belong to it,” said Genevieve S. Cabera, another Guardians of Gani member. “The primary concern now is militarization ... the military pushing the envelope.”

CNMI resident Gary Sword noted that the militarized waters around Guam and Tinian take away huge fishing areas. He said the average annual income per family in CNMI is \$23,000. “We are not rich,” he noted. He also pointed out that residents cannot fish within 500 yards around Naval ships that utilize 11 prepositioning sites offshore Saipan. He said the heavy chains and anchors are killing the reefs, which are habitat for the fish. “Our fishing industry is dying because we don’t have anywhere to go fish,” he said.

Sword continued, giving a short history of the military in the CNMI. He said the Battle of Saipan during World War II included 524 ships and 30 days of warfare, leaving only 300 Chamorro living in caves. Then they were put into internment camps for two years. “The people of the CNMI have suffered a lot,” he said. “We have given a lot.” He noted that Tinian is the island from where the planes left with atomic bombs to stop the war. “Can we get some recognition for that? ... Our children’s future is at stake. CNMI is crying out.”

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The Council directed its staff to work with the CNMI government in its efforts regarding the submerged lands restricted by the President's proclamation. The Council will also request that the Departments of Defense (DOD) and the Interior provide maps to the CNMI showing specifically the placement of CNMI's 3-nautical mile boundary and CNMI submerged lands throughout the archipelago. The Council also directed its staff to continue monitoring DOD activities in relation to fishing access regarding potential closures around FDM, Tinian and Guam and request that the DOD and other entities provide financial support to the Marianas Integrated Management Committee, established to facilitate communication between the military and communities.

The Council also will urge the DOD to review the placement of their prepositioning ships in the CNMI; collect additional information from existing anchorage sites, to review changes in the anchorage and non-anchorage zones; promote a permanent mooring system, which would minimize further damage to the benthic environment, thereby allowing recovery of coral reef habitat; continue to pursue avenues to mitigate damage to benthic resources; and revisit and revise memorandum of understanding between the US Navy and CNMI, which allowed the Navy to anchor the prepositioning ships without payment to the CNMI but may be expired. The Council recommended that the DOD provide the aforementioned assessments to the CNMI government upon completion.

### **Coral Reef Fisheries Annual Quotas**

The 2006 reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires that all federally managed fisheries have annual catch limits (ACLs). Exceptions include fisheries that are managed internationally, fisheries for species with life cycles of less than one year, and non-targeted species designated as components of the ecosystem. The MSA also requires that the SSC determine the acceptable biological catch (ABC) and that the ACL recommended by the Council not exceed the ABC.

The Council reviewed the ABCs specified by the SSC for coral reef fisheries in Hawai'i, American Samoa, Guam and the CNMI and recommended that the ACLs be set 5 percent lower than the ABCs. The reduction takes into account social, economic, ecological and management uncertainty. The ACL is associated with a 25 to 40 percent chance of exceeding maximum sustainable yield (MSY), depending upon the species complex. MSA allows up to 50 percent probability of overfishing. The ACLs will apply for fishing year 2015 to 2018. A complete list of ACLs for coral reef fisheries for 2015 to 2018 can be found on the last page of this document.

### **Conflicting Local and Federal Shark Regulations**

The Council heard presentations about the conflicting local and federal shark management regulations. The CNMI laws forbid landing of sharks with fins but allow landing of sharks for subsistence use. The federal law forbids the landing of sharks without the fins naturally attached. During a Fishers Forum on the issue of sharks held as part of the Council meeting on Monday night in Saipan, CNMI Congressman Ray Tebuteb noted that the CNMI shark management regulations were developed under a short time with limited information. Council senior scientist Paul Dalzell presented on the continued problem of shark depredation that fishermen have reported since the 1940s. The Council directed its staff to facilitate resolution of the conflict between federal and local shark regulations.

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## CNMI Submerged Lands, Militarization, Reef Fishery Quotas 4-4-4-4-4

### **CNMI Bottomfish**

The Council heard presentations about the regulation that restricts vessels larger than 40 feet from fishing for bottomfish 50 nautical miles (nm) around the southern islands of CNMI and 10 nm around the northern island of Alamagan. It was noted that, in 2009, the regulation was established to address concerns that larger vessels would enter into the fishery, compete with small boat local fishermen and impact the stock. Given the healthy state of the stock, the impacts of the regulations on the local fishing industry and concerns about the future of the local fishery, the Council recommended that as preferred preliminary alternatives that the bottomfish area closures around the Southern Islands and around the northern island of Alamagan be removed. Before the next Council meeting in June 2014, Council staff was directed to conduct meetings in Rota and Tinian to review the alternatives with those communities.

**Western Pacific Regional Fishery Management Council:** Appointees by the Secretary of Commerce from nominees selected by American Samoa, CNMI, Guam and Hawaii governors: Michael Duenas, Guam Fishermen's Cooperative Association (Guam) (Vice Chair) ; Edwin Ebisui (Hawaii) (Vice Chair); Richard Seman, education and outreach specialist (CNMI); ; William Sword, recreational fisherman (American Samoa) (Vice Chair); Michael Goto, United Fishing Agency Ltd. (Hawaii); Julie Leialoha, biologist (Hawaii); Dr. Claire Tuia Poumele, Port Administration (American Samoa); and McGrew Rice, commercial and charter fisherman (Hawaii). Designated state officials: Arnold Palacios, CNMI Department of Land & Natural Resources (chair); William Aila, Hawaii Department of Land & Natural Resources; Dr. Ruth Matagi-Tofiga, American Samoa Department of Marine and Wildlife Resources; and Mariquita Taitague, Guam Department of Agriculture. Designated federal officials: Michael Tosatto, NMFS Pacific Islands Regional Office; Bill Gibbons-Fly, US Department of State; RAdm Cari B. Thomas, US Coast Guard 14th District; and Susan White, Pacific Reefs National Wildlife Refuges Complex.

## Annual Catch Limit Recommendations for 2015-2018

Family Group	American Samoa ACLs (lbs)	Guam ACLs (lbs)	CNMI ACLs (lbs)	Hawai'i ACLs (lbs)
<i>Selar crumenophthalmus</i> – atule, atulai, akule or bigeye scad	37,400	50,200	77,400	988,000
Acanthuridae – surgeonfish	129,400	97,600	302,600	342,000
Carangidae – jacks <sup>1</sup>	19,900	29,300	44,900	161,200
Carcharhinidae – reef sharks <sup>2</sup>	To come	To come	Not monitored	To come
Crustaceans – crabs	4,300	7,300	4,400	33,500
Holocentridae – squirrelfish	15,100	11,400	66,100	148,000
Kyphosidae – chubs/rudderfish	2,000	9,600	22,700	105,000
Labridae – wrasses <sup>3</sup>	16,200	25,200	55,100	205,000
Lethrinidae – emperors	19,600	53,000	53,700	35,500
Lutjanidae – snappers <sup>4</sup>	63,100	18,000	190,400	330,300
Mullidae – goatfish	11,900	15,300	28,400	165,000
Mugilidae – mullets	4,600	17,900	4,500	19,200
Mollusks – turbo snail; octopus; giant clams	18,400	23,800	9,800	35,700
Scaridae – parrotfish <sup>5</sup>	272,000	71,600	144,000	239,000
Serranidae – groupers	25,300	22,500	86,900	128,400
Siganidae – rabbitfish <sup>6</sup>	163	19,200	10,200	n/a
All other coral reef ecosystem (CRE) management unit species combined, i.e., other CRE finfish, other invertebrates and miscellaneous bottomfish, reef fish and shallow bottomfish	18,400	185,000	7,300	485,000
<i>Cheilinus undulatus</i> - humphead (Napoleon) wrasse <sup>6</sup>	1,743	1,960	2,009	n/a
<i>Bolbometopon muricatum</i> – bumphead parrotfish <sup>6</sup>	235	797	797	n/a
Algae	Not monitored	6,900	Not monitored	Not monitored
<i>Decapterus macarellus</i> – `opelu or mackerel scad	Not monitored	Not monitored	Not monitored	438,000

<sup>1</sup> Carangidae in Hawai'i includes kahala (*Seriola dumeril*) since this species is not included in NMFS bottomfish stock assessments and is a reef associated species.

<sup>2</sup> The Scientific and Statistical Committee will address reef sharks at its next meeting as the analysis is not yet complete.

<sup>3</sup> Family Labridae does not include *Cheilinus undulatus* (humphead or Napoleon wrasse).

<sup>4</sup> Lutjanidae in Hawai'i includes ta'ape (*Lutjanus kasmira*) since this species is not included in NMFS bottomfish stock assessments and is a reef associated species

<sup>5</sup> Family Scaridae does not include *Bolbometopon muricatum* (bumphead parrotfish).

<sup>6</sup> Siganiidae – rabbitfish, *C. undulatus* and *B. muricatum* do not occur in Hawai'i.