



## **Report of the Mariana Archipelago FEP Advisory Panel-CNMI Meeting**

January 29, 2016

Fiesta Resort and Spa Hotel

Garapan, Saipan, CNMI

### **1. Welcome and Introductions**

Richard Farrell, CNMI Advisory Panel (AP) Chair, opened the meeting at 6:45 p.m. AP Members in attendance included Ray Delacruz, Floyd Masga, Cecilio Raiukiulipiy, Michael Fleming, Ray Tebuteb, Manny Ramon, Lawrence Concepcion, and Perry Mesngon.

Also in attendance was Council Staff-Mark Mitsuyasu, Joshua DeMello, Marlowe Sabater, Rebecca Walker, Charles Kaaiyai and Executive Director, Kitty Simonds; Council CNMI Coordinator Jack Ogumoro; Council Members-John Gourley and Richard Seman;

The agenda was approved as presented.

### **2. Outstanding Council Action Items**

Ogumoro presented on the status of the AP's recommendations to the Council and noted those that were picked up by the Council for action at its 164<sup>th</sup> Meeting in October 2015. He provided an update of the status of recommendations made by the AP on territorial bottomfish Annual Catch Limits (ACLs), bigeye tuna specifications, and proposed changes to the Mariana Fishery Ecosystem Plan (FEP), noting that all of the AP's recommendations were accepted by the Council.

### **3. Council Issues**

#### **A. Council Program Review**

Mitsuyasu presented on the Council's work in 2015 with regards to the Council's Program Plan. He explained that the Council receives funding on a five-year cycle and that the Council provides updates on the program that it funds and noted that the Council just completed its first year of the current five-year plan. The programs include: Pelagic Fisheries, Island Fisheries, Ecosystems, Fishing and Indigenous Community, and Education & Outreach. Mitsuyasu explained that the biggest work that the Council is doing is amending each of the Fishery Ecosystem Plans and developing a coordinated Annual Report.

#### **B. Pelagics Quota Transfer Information**

Simonds provided an update on the Bigeye Tuna quota transfer between the Commonwealth of the Northern Mariana Islands and the Hawaii Longline Association. She provided a review of the mechanism for funding projects through the Sustainable Fisheries Fund provided by foreign fishing violations and gave a quick history on projects funded. She then explained the status of

the Bigeye Tuna and the measures put in place by the Western and Central Pacific Fisheries Commission (WCPFC) to reduce overfishing. The WCPFC provides Small Island Developing States (SIDS) an exemption to the quotas, but the US limited its territories to 2000 metric tons. Through an amendment to the Pelagics FEP, Simonds said that the territories are able to share/sell a part of its quota with other parts of the US fleet. Due to a banner year in catch by the Hawaii longline fleet, their quota ran out and they negotiated to purchase quota from CNMI and later Guam. She explained the agreement and the terms and noted that the funds will be used to address projects in CNMI's Marine Conservation Plan (MCP). Simonds noted that HLA is looking to negotiate a three-year plan for potential purchase of quota and that the AP may be called on to assist with developing projects to be funded under this plan and the MCP.

Seman noted that catch was attributed to CNMI without a fish being caught in CNMI waters, which is good for future allocations and at the same time not affecting any stocks around the islands. Farrell asked how long until the CNMI quota allocation was caught by the Hawaii longliners? Simonds said a couple of weeks.

### **C. Grant Opportunities**

DeMello noted that the Marine Education and Training Program grant proposals are due February 3, 2013 and that the NOAA Environmental Literacy Grant opportunity is due February 8, 2016. Both of these announcements were provided to the CNMI AP.

## **4. Council Projects in the Marianas**

### **A. Coral Reef Projects**

#### **i. Stock Assessment Projects**

DeMello gave a quick recap of the type of stock assessment work being done by the Council through its Coral Reef Conservation Program funding. The Council has contractors working on developing stock assessment framework models for coral reef ecosystem fisheries and will be compared across the different models to determine which model should be used to determine the best available science. These models will be reviewed through the Western Pacific Stock Assessment Review Process to determine the appropriateness of the model for eventual use in determining the Annual Catch Limits for the coral reef fisheries of the Mariana Archipelago

#### **ii. Resource Mapping Project**

Walker presented on a mapping project that the Council is working on in Guam. The purpose of the project is to hold participatory mapping workshops to develop a spatial understanding of coral reef fisheries in Guam and the CNMI. She noted the importance of mapping the coral reef fishery uses to avoid conflicts through future planning efforts. She also said that the recording of traditional information can also provide a glimpse into how the fisheries have changed over time.

The AP was interested in participating in the workshops next year and looked forward to assisting Council staff.

### **B. MRIP and TSI Projects**

Sabater presented on data collection projects in CNMI being conducted by the Council and funded through the Marine Recreational Information Program (MRIP) and the Territorial Science Initiative (TSI) through the NMFS PIFSC. He explained that the MRIP project

investigated seasonal run fisheries and its effects on the current creel survey expansion estimates and that the project ran for 10 months. He noted that the seasonal run during this time period was not a good year, but data analysis of the data collected will be presented at the June meeting. He explained that the TSI project is looking at training vendors to fill out logbooks and provide capacity to vendors to comply with reporting requirements and provide technical support. He noted that both project results will be presented at the Council Meeting in June 2016 in Saipan.

Masga inquired about the seasonal runs. Sabater noted that they looked at the juvenile fish runs and pulse fisheries such as atulai, manahak, etc. The expansion of numbers during this run causes inflated estimates. Ramon noted that there should be an emphasis on the restaurants and vendors for the commercial logbook. Masga said that there is also a need to document imports as well. Sabater agreed and noted that Guam has recently started this as well, and Guam Bureau of Statistics and Plans is coordinating with CNMI Customs Office to include CNMI in a proposed import database project.

The AP looked forward to the reports and the results.

### **C. Community-based Projects**

Kaaiai presented on an initiative by the Northern Islands Mayors Office to develop a community management plan for the CNMI Northern Islands. He noted these efforts started on Guam and expanded into the CNMI last year. He reviewed the types of things that the communities of Malesso and Yigo on Guam have decided to look at in their management plans. He then explained the process that the Northern Islands community will be using in its next meeting. Kaaiai said that the Northern Islands plan may be much more different due to the military plans to use Pagan as a live-fire range. He noted that the timeline has the plan to be developed by June, in time to be presented at the Council Meeting.

### **5. Mariana Archipelago FEP CNMI Community Activities**

Ogumoro presented the Council's community activities that the AP has been assisting him with, including an AP brochure, Fishermen Code of Conduct, 2016 Lunar Calendars, and MPA brochures for Tinian and Rota. He noted that the AP is also working with staff on the next high school summer course and advertising the territorial scholarship opportunity.

Seman asked if the information on the scholarship is available online. Ogumoro said yes. Tebuteb said that the communication with staff (i.e. emails) has been a key for providing the information on the activities to the community.

Gourley noted that BECQ/CRM requires a pledge to get one of their calendars, so the Council's lunar calendar will be easier to distribute to those that are looking for a calendar. He suggested Ogumoro provide the calendars to the vendors and members to distribute. Ogumoro agreed.

### **6. Marianas FEP AP-CNMI Issues**

#### **A. Report of the Subpanels**

##### **i. Island Fisheries Subpanel**

Farrell noted that sharks have been more prevalent in the islands, particularly in regards to the spearfishing fishery. Ramon noted that some species were wiped out in the commercial market

(*Acanthurus linneatus*) after the die off of the species for 7-8 months. They are only coming back now, but the effects of people eating aren't being studied. Mesngon noted that people are not even targeting the *linneatus* as well.

*The AP noted that this change in catch should be noted in the annual reports.*

Mesngon noted that boaters from Saipan fishing in Rota, and that there is a lot of fishing being done during overnight dives with many coolers being filled. They are unsure, but have a feeling that SCUBA spearfishing may be causing the large amount of harvesting. There are concerns regarding this practice and Rota would like to see more help in enforcement of existing rules, particularly SCUBA spearfishing prohibitions.

There were also concerns regarding the submerged lands in the Islands Unit of the Mariana Trench Marine National Monument. The AP would like to see the submerged lands in those three islands returned to the CNMI instead of it being with the US Fish and Wildlife Service.

#### **ii. Pelagic Fisheries Subpanel**

Mesngon noted that the Mahimahi tournament will be held in April and the International Derby will be held in July; Delacruz noted that Tinian is working on holding a derby as well. Mesngon noted that the first week of October will be a tournament in Rota.

Concepcion noted that pricing concerns have limited the fishermen's ability to land larger amounts of fish. Seman noted that fish quality declines more rapidly due to handling which can affect the price.

#### **iii. Ecosystems and Habitat Subpanel**

Masga noted the importance of keeping aware of the runoff and the construction and its effects on fish habitat. The AP is also following legislation, including regulating tour guide operators and collecting fees for visiting the MPAs in CNMI. Farrell noted that tour operators are using ATVs on the sand, which may have adverse effects as well.

#### **iv. Indigenous Fishing Rights Subpanel**

Concepcion noted that there are no issues right now. Delacruz agreed for Tinian.

Tebuteb asked how does the Council define an "indigenous fisherman"? Kaaiai responded that each island area defines an indigenous person differently, but was unsure of how indigenous Chamorro and Carolinians are defined in CNMI. He noted that the Council has worked on developing indigenous practice definitions, such as in the case with chenchulu practice, to allow these practices under the purview of DLNR. Kaaiai noted that it is difficult to get indigenous rights in the US as everyone is equal under the law. He did explain how special rights for indigenous people can benefit the whole community in some cases as well.

### **B. Other Issues**

#### **i. Update on Shark Prohibitions**

Gourley presented on issues with local fresh fish vendors being told that it was illegal to fish for shark or sell sharks because they were protected species. He noted that the media says that

sharks are protected in the CNMI, which provides false information to the community. He said that you can sell shark in landing sharks and follow local laws in the disposition of its fins. He pointed to a letter to the DLNR from the NOAA Assistant Administrator providing a review of the Federal and CNMI shark laws for consistency. Gourley noted that the NOAA Assistant Administrator understands the fishermen would be able to sell, trade and distribute shark carcasses. He said that fishermen should not be finning sharks or sell its fins if landed with the shark. Gourley would like the AP to help spread the word on what the actual rules are for sharks in the CNMI.

Seman asked how to make it legal. Gourley said that you catch the shark, but you gut it at sea, then put it on ice, then land the shark whole (Federal law); then upon landing, cut off the shark fins and throw them away or use them (as per the Richard Seman amendment to the CNMI law) but do not sell them. Seman noted that a shark product law that was passed needs to be looked at closer. Tebuteb pointed out that Eileen Soebeck's signature looks like a shark and was unsure if it was intentional or not.

Gourley also noted that fishermen associations have filed briefs with the Supreme Court regarding shark prohibitions in California.

#### **ii. Update on Longline Quota Agreement**

Seman presented that there is a 2013 agreement (for three years) with the Hawaii Longline Association, but it wasn't used until last year. The agreement is now expired so the government is working on a new three-year agreement. He noted that 1,000 metric tons can be shared with the Hawaii fishery and that it is important for Hawaii. The funds will continue to be used for the Marine Conservation Plan and noted that the AP can submit proposals for projects that are included under the plan (education, enforcement, fisheries development, research).

#### **iii. Climate Change**

Seman said that although the CNMI doesn't contribute that much to climate change, they are the main victim of climate change. He said that the fisheries in the CNMI are particularly vulnerable to climate change, and that even though the fish may adapt over time, there are things that can be done to ensure that the fisheries adapt right along with them. The small changes in the ocean can cause drastic changes in the fisheries, he said.

#### **iv. Marine Conservation Reinvestment Act of 2016**

Seman noted that a bill (19-102) was reintroduced (he originally introduced it as a congressman), to charge fees to non-residents visiting marine conservation areas. These funds would be invested into the CNMI Marine Protected Area program and enhancing the MPAs.

Mesgnon asked whether non-resident workers will be charged or prohibited in the MPAs. Seman noted that there is a fee for gear use for non-resident workers. Mesgnon said that it is a concern from the community (for both fish and wildlife) that non-resident workers participating in the fisheries.

Tebuteb pointed out that there may be multiple entities charging fees with commercial leases (and charging customers) and entrance fees, particularly with Managaha. *The AP is requesting*

*the assistance of Council staff on understanding issues with the upcoming renewal leasing of Managaha and the fees being proposed.*

## **7. Public Comment**

There was no public comment.

## **8. Discussion and Recommendations**

The CNMI AP recommended the Council:

- **Replace Juan Tenorio on the AP with an alternate member (AP's choice is Cecilio Raiukiulipiy, as he has the greatest participation); Mr. Tenorio has stepped down due to other commitments.**

## **9. Other Business**

Other business for the CNMI AP to work on between meetings:

- *Work with Council staff on documenting reasoning for the loss of Acanthurus linneatus in the commercial fishery for a period of time in 2015.*
- *Work with Council Members Gourley and Seman to take a closer look at any shark product laws on the books in CNMI.*
- *Work with AP Chair on developing internal policies on participation in meetings, including excused absences and removing/replacing members.*
- *Request an update on the Mariana Trench Marine National Monument and the return of submerged lands (0-3 nm) in the Islands Unit from the NMFS.*

Meeting was adjourned at 9:00 p.m.