



## 170<sup>th</sup> Council Meeting

*Laniakea YWCA, Fuller Hall,  
1040 Richards St.  
Honolulu, HI 96813  
Thursday, June 22, 2017  
8:30 a.m. – 5:00 p.m.*

### **American Samoa Community Activities and Issues Report**

#### **Longline Dock Project**

In response to the problem of a lack of dock space in the Pago Pago Harbor, the Council agreed to assist the American Samoa Government (ASG) with a project to construct a dedicated longline dock extension at the Malaloa Marina. The Council provided \$184,000 to the American Samoa Government Port Administration as part of an agreement with the Port's Director for that longline dock extension project. The funds provided to ASG were to be used for the design phase of the project, and the government would then identify the funding source to be utilized for the physical construction of the dock. The Port had indicated that Capital Improvement Project (CIP) funds would be the target source of money for the construction of the dock.

The American Samoa Advisory Panel had recommended that the local government make the longline dock project a priority and have it included in its most recent CIP projects list. This project is one that not only provides a dock for the American Samoa longline fleet, it also alleviates the pressure on both the American Samoa Port Administration and Department of Marine and Wildlife Resources as they continually shuffle vessels to accommodate cruise liners, as well as fuel and container vessels. Additionally, the longline dock is a priority project listed in the American Samoa Marine Conservation Plan (MCP), a document drafted by ASG.

When ASG released its initial list of projects to be funded under CIP, over \$54 million was listed for Port Administration projects. Those projects include \$15 million for a new air traffic control tower, \$15.8 million for erosion control design and construction, \$5 million for design and construction of a wharf for Aunu'u Island, \$5 million for the development of an airstrip for Swains Island, \$4.1 million for channel dredging at Faleasao Harbor, \$2.5 million for a new Port Administration building, \$1.8 million for Ta'u Wharf channel widening, \$1.8 million for Ofu Wharf channel widening, \$1.8 million for Aunu'u Wharf design, \$856,000 for Port container yard upgrades, \$350,000 for FAA matching fund, and \$200,000 for lighting for the Port

container yard. Not included on that list was the longline dock project, a concern to vessel owners, and to the Council's Advisory Panel.

The Port Administration's contractor has informed ASG that additional funding is necessary to conduct a geotechnical study of the seafloor where the longline dock extension will be placed. Council staff met with the Port Administration staff in April, and the project has stalled as the additional amount required by the current contractor is not able to be provided through ASG funds. Options are being discussed to move the project forward, and members of the Advisory Panel are offering assistance in exploring alternatives to complete the design phase of the contract. At the official Advisory Panel Meeting last month, most members wanted assurances from ASG that the project would be seen to completion – even if it meant simply listing the project on the CIP project list.

### **Aunu'u Fishermen Development**

In April, Council staff was received by the Island of Aunu'u where they were invited to a traditional 'ava ceremony. The Chiefs present then spoke with Council staff about their desire to develop their *alia* fishery, and discussed the possibility of having a flake ice machine and storage container installed at the ASG building adjacent to the Aunu'u Island Marina boat ramp.

After discussions with those Chiefs and further consultation with the Sa'ole County Faipule, Kitara Vaiau, it was determined that the best option for the Aunu'u *alia* fishery was a flake ice machine capable of producing over 900 lbs per day of flake ice, and a storage bin with enough capacity to hold at least 500 lbs of ice. The village of Aunu'u is currently working on drafting a request to ASG to assist them in their efforts to build up their small boat fishery and supplement the Council's assistance by allowing the ice machine to be installed at their building by the boat ramp, and to support the *alia* fishermen by covering the cost of the utilities for the machine. The Chiefs and fishermen of Aunu'u would then assume responsibility for maintenance and security for the machine and its storage container.

This initiative goes back to a previous visit to Aunu'u by the Council staff during the 164<sup>th</sup> Meeting of the Western Pacific Regional Fishery Management Council in American Samoa in October 2015. During that trip, the Council Members and staff engaged the chiefs of the island and discussed the village's efforts to develop its small boat fishery. With prime bottomfishing grounds around the waters of Aunu'u Island, the residents depend on the fish caught by the villagers who own *alia* boats for both family and community obligations under the *fa'a Samoa*, and for commercial income of the fishermen to feed their families. The project will assist the Aunu'u boat owners with their fishing development efforts, providing assistance in building needed infrastructure.

## **AS Shark Legislation Revision**

The revision to the existing shark legislation for American Samoa has yet to be public noticed at the time of this report. The revision – originally drafted by the Governor’s Legal Counsel in 2016 – will eliminate the current regulation forbidding the possession of any sharks in American Samoa. The revised statute now allows landing of the whole shark, while still forbidding shark finning.

This rule was put in place via an Executive Order under then Governor Togiola in 2012. The rule does not account for those who would catch and eat shark, or the cultural significance of dividing the parts of a shark for customary practices. The Executive Order was made part of the Administrative Code sometime between 2013 and 2015 as Title 24.0961.

The revised law is pending approval of DMWR and then requires the department to public notice the revised statute, opening up a comment period of 30 days. After the 30 days, a town hall meeting will be required if 5 or more comments are submitted from the public. At the time of this report, DMWR had yet to notice the revised law, although they were planning to do so by the first week of June. That would have the rule change go into effect sometime in July.

## **Working Alia Project & Fagatogo Fish Market Bottomfish Export Plans**

The working alia development is another Council-initiated project done in partnership with ASG. Since the Council’s contracted Fisheries Development Officer created the framework for a new alia vessel design, a fishermen lending scheme and a training program, the project has been handed over to the local government. Since taking control of the project, the lending scheme has been replaced by the plan to have prospective owners apply for a loan through the Department of Treasury’s Small State Business Credit Initiative (SSBCI). Once originally priced at close to \$200,000, the government is now estimating cost of the new design of the vessel between \$400-\$500K, a cost most fishermen feel is a deal-breaker.

During the April Advisory Panel meeting, a Department of Commerce employee informed the members that the cost of the vessel would over \$400K. The first build of the vessel would be done by ASG and used for training. He indicated that the prospective buyers could select the features they want when they applied for an SSBCI loan, reducing costs. As of the time of this report, ASG was in the process of identifying a funding source for that initial build, and planning to execute an RFP for the contract. Additionally, no SSBCI awards for working alia purchases had been issued as of yet.

The Government is now planning to use the working alia project as part of its larger vision of having a bottomfish export industry for alia fishermen. The Fagatogo Fish Market was funded by the Council back in 2011 and has been managed by the American Samoa Department of

Commerce since it was first built in 2012. Since it was constructed, the Council has renovated the market to make it more sales-friendly, with glass display cases, walk-in refrigerator and freezer, a preparation area with stainless steel counters and a washdown sink, and a commercial grade table saw to cut large fish. The market was provided by the Council in response to requests from both the fishermen and local government for a contained area with air conditioning, to be used as a fishermen's cooperative – a hub for the local alia fishermen association to sell their catch and divide expenses amongst its members to cover operational costs. The concept was to model the cooperative after the one in Guam, located at the Hagatna Marina – a highly successful and popular place where the people on Guam purchase fish. This original plan however, never came to fruition, and the government decided instead to lease the market space out to a private owner. Two different alia fishermen have operated the Market with little or no success, and neither one managed the market for even a year before deciding to discontinue their agreement with the government. The main reason for them not continuing to operate the market is the high operating costs required by the Department of Commerce as the reason for ending their management of the Market. In 2016, the local longline association, Tautai O Samoa, were awarded the bid to manage the market, but they rescinded their proposal to run the market before they ever signed an agreement due to the department's insistence on a nearly \$2,000 monthly rent, a million dollar insurance policy requirement, and a stipulation that only fresh fish would be sold in the market.

The Department of Commerce then decided to have its staff manage the market and allow any fishermen to sell their catch there. The department requires an upfront fee of \$0.25 per pound for bottomfish they bring into the market to sell, and \$0.15 per pound for pelagic fish. This utilization of the fish market has also been unsuccessful as most fishermen opt to instead sell on the roadside at makeshift stands, or sell directly to consumers and businesses.

When invited to Advisory Panel meetings, ASG representatives have cited poor location of the market and a desire to have a new, open air market as reasons the market have not been successful. Unfortunately, the local government has never provided the support to alia fishermen needed with the Fagatogo Fish Market – advertising, reduced costs for operating the market, or even using the market space for promotional events. The Council made a recommendation at the March 169<sup>th</sup> Council Meeting recommending that ASG not pursue redundant fisheries development projects, such as the government's stated plans of constructing a second, open-air fish market in the lot adjacent to where the existing Fagatogo Fish Market is located.

Currently, the AS Department of Commerce is planning to utilize the space where fish market is for preparation of caught bottomfish by alia and hopefully working alia vessel owners for export to US markets – most likely in Hawai'i. There has however been expressed concern at Advisory Panel meetings that the banks around American Samoa cannot support a bottomfish export industry. In 2015, the Oscar Sette vessel conducted a bottomfish assessment of the entire Samoan archipelago. During a presentation of their findings at the National Marine Sanctuary's Ocean

Center, Dr. Joseph O'Malley told attending ASG representatives that the banks could not sustain a bottomfish export industry, despite the current good health of the stock.

### **Manu'a Fishing and Fishermen's Ice and Fuel Facilities**

The Council has agreed to provide two insulated fish totes to the alia fishermen of Manu'a for the purpose of improving the efficiency of transporting fish caught by alia fishermen on Ofu, Olosega and Ta'u to markets on Tutuila. The totes are large (4'x4') insulated cooler boxes with snapdown sealed lids. These totes will allow fishermen to pack fish in ice and transport them via the government's two passenger and cargo vessels, the MV Manu'atele or MV Sili to be sold in Tutuila. In a letter of request last year, then American Samoa Alia Fishing Association (ASAFA) President Saite Moliga, requested the Council provide the insulated fish coolers for use by the alia fishermen located in Manu'a, to be placed under his supervision. In a meeting with the alia fishermen in April, the Council staff revisited this request, and two such insulated coolers will be provided for the Manu'a fishermen.

The ice and fuel facilities on Ta'u and Ofu islands were provided by the Council at the government's request to assist with the development of small boat fishery. They were part of a broader plan of development to be utilized in conjunction with the Fagatogo Fish Market, the new alia vessel, the fisherman lending scheme, and the fisherman training program. Like the other projects, the facilities in Manu'a have not been utilized, and do not benefit the fishermen in their current state. The DMWR Director and his staff will travel to Ofu and Ta'u with the Council's American Samoa Island Coordinator to assess the condition of those facilities and the state of the ice machines, the ice storage bins, the generators, and the 500 gallon fuel containers purchased by the Council back in 2011. A refrigeration specialist will accompany them on the trip and conduct a formal assessment. They will report back to the Council on their findings.

### **18<sup>th</sup> Annual I'a Lapo'a Game Fishing Tournament**

The 18th Steinlager I'a Lapo'a Game Fishing Tournament took place during the first week of May. The event was organized by the Pago Pago Game Fishing Association (PPGFA). Unlike the previous year's tournament, the weather and marine conditions were ideal in 2017. The tournament ran from Monday through Friday with the ladies and junior day taking place in between on the Wednesday. Vaughan and Laeon Simpson of the boat Fua II took home the top prize with 633.6 points, followed by Double Trouble tallying 576.4 points, and Kee-Jamm in third with 469.2 points. There were 13 boats competing (11 from American Samoa and 2 from neighboring Samoa), with just under 50 anglers taking part in the tournament. A total of \$25,000 in prizes were given out during the week. There was a total of 2,151 pounds of fish landed during the tournament. The species breakdown is as follows:

Barracuda – 1; 17.6 lbs  
Dog Tooth Tuna – 3; 64.8 lbs  
Giant Trevally – 2; 41.6 lbs  
Masimasi – 14; 320.2 lbs  
Skipjack – 1; 18.6 lbs  
Wahoo – 19; 452 lbs  
Yellowfin Tuna – 29; 1236.4 lbs  
Tag & Release:  
Black marlin – 3  
Blue marlin – 4  
Sailfish – 1

Results and photos can be found at the association's website, <http://ppgfa.com>.

## **LVPA**

The major issue since the last Council Meeting in March has been the Large Vessel Prohibited Area (LVPA), and the post-court decision actions taken by the federal government. National Marine Fisheries Service (NMFS) has argued that the local longline fishery has benefited from 2016 LVPA amendment, while at the same time there have been “no adverse impacts on catch rates” for other American Samoan fishermen. The longline fishery also must contend with limited fishing grounds while also having the local government demand that they be forced out of the area from 12 to 50 nautical miles, which they were allowed under the 2016 amendment. NMFS presented data showing improved catch rate and efficiency for albacore, and also that catch rates for yellowfin tuna were higher not only for longline vessels, but also for other pelagic troll vessels. This data is consistent with the federal government's position that there is not competition between small and large boats. The federal government has filed a motion for the court to reconsider its ruling from March. ASG responded by arguing that the federal government must be able to show one of three things – new evidence not available to the defendants, the court committed an error or the decision was unjust, or an intervening change in the law.

The Tautai O Samoa Longline Association in a letter to Governor Moliga, reconfirmed their previous position on the LVPA 2016 amendment, and expressed their dismay that the Governor's Fisheries Task Force Chair had contacted Tautai members individually with the purpose of having them agree to an amended LVPA. They further stated that they feel the Task Force had misled its members, and the association would no longer consider information provided by the Task Force, and would only deal directly with the Governor.

## **StarKist Freezer Space Denied**

The Governor has made the decision that ASG will not lease land at the Ronald Reagan Marine Railway to StarKist Samoa for the purpose of building cold storage to support its operations. He did leave the door open for alternative sites to be leased by the company, possibly land across the street from the Shipyard. That area across the street from the Shipyard was part of the old American Samoa Power Authority Plant that was destroyed during the 2009 tsunami. The justification cited was that the Department of Interior would question ASG leasing land from the Marine Railway after investing large amounts of money in its development. American Samoa Economic Development Authority bond sale funds were directed to go to the Shipyard for a new building to be constructed for office space and workshops, and the government has also decided to commit \$10 million to the Shipyard from Capital Improvement Projects funds. However, the timing of this final decision to not lease StarKist Samoa space at the Shipyard is questionable as the company has been in negotiations with ASG over the space at the Shipyard for months. In fact, the company has been requesting land to lease from ASG since Governor Togiola Tulafono's administration.

During the Council's Advisory Panel meetings, questions have been raised about the government's commitment to the tuna industry given its lack of willingness to support the American Samoa longline fishery, and the adoption of the Port Scanner Fee legislation which the government has decided StarKist must be subject to, despite an existing exemption status from such fees. Members of the Advisory Panel have questioned such decisions made by ASG, and the impact these decisions will have on the fishing industry that has been the backbone of the local economy for so many years.