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COUNCIL

## **Report of the American Samoa Archipelago FEP Advisory Panel Meeting**

May 31, 2017

4:30 p.m. – 6:30 p.m.

Pacific Petroleum Conference Room

Utulei Village, American Samoa

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

Krista Corry, American Samoa AP (AP) Chair welcomed the members and thanked AP member Will Sword for the use of the venue. AP members in attendance included Will Sword, Gordon Yamasaki, Peter Crispin, Mac Aveina, and Chair Krista Corry.

Also in attendance were Christinna Lutu-Sanchez and Archie Soliai (American Samoa Council Members), Nate Ilaoa (Council American Samoa Island Coordinator) and Carlos Sanchez (fisherman).

### **2. Report on Council Action Items**

Council Coordinator gave a quick update on the previous Council Meeting's action items. Discussed were the 169<sup>th</sup> Council meeting recommendations on the LVPA, the longline dock project, the working alia and the Fagatogo Fish Market.

### **3. Council Issues**

#### **A. American Samoa Large Vessel Prohibited Area**

Council Coordinator presented the options paper provided by Council staff. In the discussions, most of the talk was heavily focused on the fourth section – the options for cultural fishing in American Samoa. Those discussions are further detailed in the Cultural Fishing Practices section 4.E of this report.

#### **B. Review of Options for Non-fishing Impacts to EFH**

Council Coordinator presented slides from Council staff reviewing the options for non-fishing impacts to EFH. The members agreed that no option was not a viable option, and discussed option 3, to modify EFH based on high value habitats using available data, and clarify habitat characteristics, and geographic extent by defining various parameters. The members were concerned with adding unnecessary regulations and avoiding potential future issues. The group agreed that it would be a good idea to consult further with the Council staff and the other island area APs.

### **4. American Samoa FEP Community Activities**

#### **A. Working Alia Project**

Council Coordinator gave an overview of the status of the American Samoa Government's (ASG) working alia project. He noted that the project had its finalized design but the American Samoa Department of Commerce is looking to identify a funding source for the initial vessel's construction. The request for proposals is being developed and there have been discussions over whether it should be built off island or at the local Shipyard. Many of the same issues were revisited in discussions – cost prohibitive, limited bottomfish resource for an export industry, and

a lack of effort to utilize the existing market place at Fagatogo. Members also discussed the lending scheme and training program framework done by Ueta Fa'asili and were dismayed that they haven't been incorporated in the current plans. Members also discussed the working alia project being listed on ASG's CIP project list that was made public last month.

### **B. Fish Market in Fagatogo**

Members discussed the Fish Market and all agreed that the current plan to use the space to export bottomfish to Hawaii was not a good idea. There was discussion about the past dory project and how it was only successful because it was focused on shallow water fishing. Members discussed the limited bottomfish resources and all agreed that the resource would be tapped out with an export industry. The National Marine Fisheries Service (NMFS) Pacific Islands Fisheries Science Center (PIFSC) recent study on the Samoan Archipelago's bottomfish stock was cited, as well as a presentation of the findings by a NMFS PIFSC scientist to government representatives, was pointed at as rationale for why the stock couldn't support a bottomfish export industry.

### **C. Aunu'u Fisheries Development**

Council Coordinator gave an update on the status of the Aunu'u fisheries development project and reported on the meetings held with the chiefs and fono representative on Aunu'u Island in April. He also shared the status of the plans to provide an ice maker and a storage bin, and also how he was assisting the island of Aunu'u in drafting a Memorandum of Agreement between the village, the government and the Council.

### **D. Longline Dock Project**

Members discussed the longline dock project not being included on the ASG list of Capital Improvement Projects (CIP) for FY2018. There was discussion about the fact that there were Port Administration projects for several millions of dollars in project estimates, yet no inclusion of the longline dock. The suggestion was made that the Port Administration was the only way the project would be put on the CIP list and that a meeting should be set with the Port Director to get support for having the project placed on the government's funding priorities list.

After a meeting with the Port Director and Engineer in April, Council staff agreed to give them a month to come up with an alternative with the current contractor for additional funds needed for geotechnical study of the area where the marina extension would be done. An AP member suggested the contract be canceled and allow another local contractor to complete the project; that group is gathering information to come up with an estimate to complete the project with the funds available.

The discussion shifted to what to do with the funds and there was division between the members, with some believing that the money should be reprogrammed and used for other purposes. Others thought the Council should stick with the current plan and continue to work with ASG to get the project completed. There was discussion about whether a written agreement from ASG should be obtained to make sure that the project would be completed, but again there was split opinions on this suggestion. Members wanted to know the status of the project since the April meeting between Port and Council staff, and suggested that if there was no progress, the funds be reprogrammed for other purposes to support the longline fleet – applying to port fees, fuel to

offset costs (similar to fuel subsidy for alia boats), improving quality by upgrading refrigeration in anticipation of MSC certification.

#### **E. Definition of “Cultural Fishing Practices”**

Council Coordinator presented the options paper from Council staff on Cultural Fishing Practices. In discussions over the options provided at the end of the report, the members came to a consensus eventually about the main three portions of the options.

Regarding gear, the AP concluded that cultural fishing can involve any gear type employed, including troll, longline, and purse seine methods using modern technology and materials. Regarding the community based portion of the options, the AP agreed that Cultural fishing can involve persons from outside the American Samoa indigenous community, but only if the vessel is owned by an indigenous American Samoans. And lastly, regarding disposition of catch, the AP agreed that Cultural fishing can include non-commercial and commercial fishing activities including the commercial sale, trade, or barter of the catch, either whole or in part.

There were suggestions made about including weight for time spent living in American Samoa for the community based option. Chinese owned alia fishermen were discussed – they are sponsored by Samoan residents, yet would receive “cultural” benefits since they fish on alia vessels. Thus, the suggestion was discussed to include ASG’s laws regarding immigration status into that definition, and to consult someone like Scientific and Statistical Committee member Craig Severance for more input. There was concern that the consensus was practical, but didn’t address the concerns raised in the lawsuit. Also the AP agreed that it should be inclusive of all the fisheries and that it should not exclude distant water fishing as there was evidence that Polynesian ancestors fished great distances away from the islands.

It was also recommended that a status be given on the past Council action item to define “indigenous fishing” for further clarification on this item.

### **5. American Samoa FEP AP Issues**

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

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

There were no updates from the Island Fisheries Subpanel.

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

#### ***LEPP Options***

Council Coordinator presented the draft options paper on considerations for revising the American Samoa Longline Limited Entry Permit Program (LEPP). AP reviewed the tables and discussed the options presented and concluded that for the LEPP, the Council should maintain the 2011 recommendations to modify the LEPP and transmit the regulatory amendment package for review and approval. The also recommended that Council specify a fixed 3-year permit period that is the same as the 3-year period to make minimum harvest requirement, and opted for sub-option A, for permit transfers, take the amount of time left within the 3-year period and prorate it to minimum harvest amount. Lastly the AP recommended that the Council require minimum landings to be delivered in American Samoa.

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

There were no updates from the Ecosystems and Habitat Subpanel.

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

There were no updates from the Indigenous Rights Subpanel.

### **B. Other Issues**

There were no other issues brought up by the AP members at this meeting.

## **6. Public Comment**

There were no public comments made at the meeting.

## **7. Discussion and Recommendations**

The AP Chair and the members discussed the points that had been made for the LEPP, cultural fishing practices, and EFH and were able to agree on the following four recommendations to Council:

*Regarding the LEPP, the American Samoa Advisory Panel recommends the Council:*

- **Maintain the 2011 recommendations to modify the LEPP and transmit the regulatory amendment package for review and approval. Further, the AP recommends that Council specify a fixed 3-year permit period that is the same as the 3-year period to make minimum harvest requirement, with permit transfers, taking the amount of time left within the 3-year period and prorate it to minimum harvest amount. The AP further recommended that the Council require minimum landings to be delivered in American Samoa.**

*Regarding cultural fishing practices, the American Samoa Advisory Panel recommends to the Council:*

- **that cultural fishing can involve any gear type employed, including troll, longline, and purse seine methods using modern technology and materials.**

*Regarding the community considerations for cultural fishing practices, the American Samoa Advisory Panel recommends to the Council:*

- **that cultural fishing can involve persons from outside the American Samoa indigenous community, but only if the vessel is owned by an indigenous American Samoan. Further, regarding disposition of catch, the American Samoa AP recommends to the Council that Cultural fishing can include non-commercial and commercial fishing activities including the commercial sale, trade, or barter of the catch, either whole or in part.**

*Regarding non-fishing impacts to EFH, the American Samoa Advisory Panel recommends the Council:*

- **Modify EFH based on high value habitats using available data, and clarify habitat characteristics and geographic extent by defining various parameters.**

*Regarding the Advisory Panel membership, the American Samoa Advisory Panel recommends the Council:*

- **Remove Mr. Lafoga Alovao from the American Samoa Advisory Panel.**

**8. Other Business**

There was no additional business to discuss at the meeting.