



## **Meeting of the CNMI REAC and Council Advisory Bodies**

November 15, 2017

9:00 a.m. to 4:00 p.m.

Fiesta Hotel – Azucena Ballroom

Garapan, Saipan

### **Meeting Report**

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

Ray Roberto, Chair and Council member, welcomed the Regional Ecosystem Advisory Committee (REAC) and Council advisory body members and asked participants to introduce themselves. Participants included Trey Dunn, Rosemary Camacho, Keena Guerrero, and Mike Tenorio from the Division of Fish and Wildlife (DFW); Miko Ogo, Northern Marianas College Community Research Education and Extension Service (NMC CREES); Mayor Ben Santos, Vicente Santos and Keli Tenorio, Northern Islands Mayor's Office; Gil Borja, Tinian Mayor's Office; Wence Aquino, Department of Public Lands; Jess Wabol, Department of Public Safety; Rodney Taisacan, Commonwealth Ports Authority; Mark Rabauliman, Department of Commerce; Roberta Guerrero, Marianas Islands Nature Alliance; Gene Weaver, Saipan Fisherman Association; Gus Kaipat, Department of Land and Natural Resources (DLNR); and Lino Olopai, Lino Tenorio, Richard Farrell, Mike Fleming, Pedro Itibus, Manny Ramon, Diego Blanco, Ray Dela Cruz, and Perry Mesgnon of the CNMI Advisory Panel (AP). Also present were Dolores Drew, Women Affairs Office, Chad Callan from the Oceanic Institute, and Council staff Sylvia Spalding and Jack Ogumoro.

#### **2. Essential Fish Habitat**

##### **a. Update on Habitat Program**

Becky Walker, Council staff, gave a presentation on the habitat program consisting of the expected outcomes for agenda item 2, a background on essential fish habitat (EFH), and an overview of the Council's habitat program. Walker sought input from the REAC and Council advisers on available EFH levels of information for the Mariana Archipelago Fishery Ecosystem Plan (FEP) management area; non-fishing impacts to EFH; and on their agency's habitat policy. Regional fishery management councils are required to define EFH for each species in the management unit, as well as minimize adverse impacts from fishing on habitat, and describe non-fishing activities which may adversely affect EFH and provide associated conservation and enhancement recommendations in support of ecosystem-based fisheries management. The Western Pacific Fishery Management Council (Council) broadly defined EFH for its management unit species in 1999, with the limits of substrate EFH extending to the 700 m isobath and the water column EFH extending to the limit of the exclusive economic zone. In 2016, the Council adopted new objectives for its FEPs, which including refining EFH and

minimizing impacts to EFH through the identification and prioritization of research. Currently, five EFH reviews are underway in various stages. The next two agenda items covered the first stages of the research and information needs review, which is documenting an inventory of available EFH information for datasets with observations of multiple species, and scoping of the Council's review of non-fishing impacts to EFH. At its 171<sup>st</sup> meeting in American Samoa, the Council took initial action on its ecosystem component species amendment. 57 species will likely remain in need of conservation and management in the Marianas FEP, and the EFH definitions will be carried over for those species in the Guam and CNMI management subareas.

#### **b. EFH Levels of Information**

Walker presented a background on the EFH Levels of Information, the timeline for the review of research and information needs, and preliminary results of data discovery activities. Councils are encouraged to organize EFH information according to various levels, and describe EFH based on the information with the highest level of detail. The levels of information encompass distribution data, density by habitat types, growth and survival rates by habitat types, and productivity by habitat type. Councils evaluate the various sources of information based on their scientific rigor while ensuring that enough habitat is conserved to maintain the yield of manage species and their contribution to a healthy ecosystem. This meeting is the beginning of the data discovery phase, in which the Council gathers information about datasets with observations of multiple species. A report on these datasets will be included in the 2017 Stock Assessment and Fishery Evaluation (SAFE) reports. When the Council has made its final decision on what species are in need of conservation and management, the research and information review can continue for species-specific information. At the same time, data gaps uncovered from the larger agency datasets can be considered for the Council's 5 Year Research Priorities, which expire in 2019.

Walker described the available EFH data discovered to date, including the results of a survey of REAC agencies. The Bureau of Environmental and Coastal Quality (BECQ), DFW, and NMFS Pacific Islands Fisheries Science Center (PIFSC) may collect information. BECQ performs fish monitoring surveys at 60 sites in the southern islands, while DFW performs monitoring in the lagoon and marine protected areas. DFW maintains a list of species observed at each island and offshore banks and reefs since 1982. While the Council is not focusing on fisheries dependent data for this effort, several datasets are available as well as participatory mapping data. The Marianas has a resource assessment from PIFSC in the 1980s. There is also an assessment of larval transport mechanisms for the entire archipelago, which yields information about the egg and larval life stages. Other nearshore sources of information collected recently include the PIFSC Coral Reef Ecosystem Program fish surveys. Datasets in the deeper waters include video archives of the Okeanos Explorer remotely operated vehicle dives and Baited Remote Underwater Visual Surveys as well as research fishing and midwater trawls conducted by PIFSC researchers.

Dunn said the surveys prepared for the interisland cable may have included one-time fish surveys, and the University of Guam conducted the surveys. Keli Tenorio said that the

Department of Defense (DoD) has conducted surveys around Pagan and suggested that Council staff follow up with the DoD, as surveys should be made publicly available.

**c. Review of Non-Fishing Impacts to EFH**

Walker presented on a report by Dwayne Minton which reviewed the effects of non-fishing activities on fish habitat, which the Council asked staff to scope through its advisory bodies in June of 2016. The report describes the ecosystems contained within EFH; seven additional non-fishing impacts; the stressors associated with the non-fishing activities; the effect of each of the stressors on each of the ecosystems within EFH; conservation and enhancement recommendations; and provides guidance on assessing cumulative impacts on EFH. The description of the ecosystems is important given the Council's requirement to include preferred habitat characteristics within the EFH designations for managed species. EFH designations with habitat characteristics do not include a description of those characteristics, and the ecological function of these smaller scale ecosystems may vary between FEP management areas.

Farrell said that he noticed coral bleaching in the area where the interisland cable comes ashore on Tinian. Non-fishing impacts from DoD training are particularly important for Tinian. There was concern that the pre-positioned ships and foreign boats are dumping unfiltered ballast water. Roberto said that the United States Coast Guard (USCG) ballast water regulations are followed in the CNMI.

**d. Coordination on Non-Fishing Issues**

Walker asked meeting participants to identify agency habitat priorities and policies in the non-fishing impacts presentation.

When asked for an update of the memorandum of understanding for the pre-positioned ships which anchor in Saipan Lagoon, Kaipat responded that the DLNR had submitted a draft document to the CNMI Attorney General's office about a month ago. There have been changes in staff at the office.

**3. Aquaculture Management**

Roberto asked Ogo to present on the rabbitfish rearing project at NMI CREES. Under a US Department of Agriculture grant, NMI CREES is working to raise forktail rabbitfish in three project phases: developing the infrastructure, refining hatching techniques and perfecting raising the fish. He explained that CREES chose rabbitfish through a series of public meetings, and the program has developed a solid foundation for rearing other valuable species.

Participants discussed other species for rearing. Abalone is valuable and has been successfully cultured, along with spiny lobsters. Ogo said farmers need support from the Department of Commerce but that together the farming community can overcome the challenges with energy demand to penetrate the market for aquaculture species. Callan added that the infrastructure and techniques used at CREES are suitable for rearing aquarium species, which are economically

valuable while sidestepping the environmental impacts associated with unregulated wild collection.

Borja said the mayor of Tinian is interested in aquaculture, and asked for help in developing an operation. Ogo said he could visit, and to direct the request through Lawrence at Tinian's CREES office. Borja said Tinian has the problem that the DoD has jurisdiction in most of its nearshore waters.

Walker presented on the Programmatic Environmental Impact Statement (PEIS) on Aquaculture Management in the Western Pacific. She provided a background on the action and presented options that the Council may choose as preliminary preferred options at its 172nd meeting. The Council developed a policy on aquaculture in 2007, followed by an amendment to allow for permitting and reporting of aquaculture operations with final action in 2012. The PEIS includes alternatives for no action, a less restrictive alternative, and a more restrictive alternative. Each alternative includes 11 program components. The PEIS includes an environmental analysis of each alternative for each program component. Walker noted that the draft PEIS will be published at the end of the year or in spring of 2018.

Keli Tenorio said that she was enthusiastic about aquaculture until the presentation on regulation in federal waters. The program is very confusing to a local farmer and it seems prohibitive.

There was a discussion on scale of aquaculture. Given the jurisdictional issues on Tinian, and the interest in nearshore smaller scale aquaculture operations, the Council's aquaculture program should not be so complicated as to discourage development in the nearshore area. The PEIS should clarify the jurisdictional issues. DFW said that there are no local rules restricting aquaculture.

#### **4. Public Comment**

There was no public comment.

#### **5. Other Business**

There were three items of other business. Mike Tenorio reported that DFW responded to a request to develop size limits for select species of target stocks, received from the legislature around five years ago. DFW developed draft size limits based on the length of maturity for 50% of samples collected from the biosampling database for certain stocks. Tenorio explained that their recommendations will move through a public process and may be modified before being codified in local regulations. Dunn said the most important part of the process was that the size limits would be implemented through regulation, not through law, so if new data becomes available or the measures don't work as intended, DFW can change the regulations.

When asked about parrotfish and rabbitfish, Dunn said rabbitfish were not considered because they are harvested at all sizes and are culturally important. Parrotfish change sex, so size restrictions are not an effective management measure. Bag limits, gear restrictions, and other

fishery management measures may work better for other species, but the size restrictions are intended to ensure that enough fish survive to reproduce before harvest. Size restrictions may not increase yields but are intended to keep the stock status from declining.

Tenorio said DFW plans to develop the regulations implementing the requirement for commercial vendor reporting after it finishes implementing the size restrictions. When asked if there was a reporting form, Tenorio replied that there is a form, and compliance is not complete. DFW strives to develop relationships with the vendors instead of forcing requirements on the vendors.

In the last item of other business, Roberto read a comment from Steve McKagan, the Pacific Islands Regional Office member of the CNMI REAC who could not be present. McKagan requested that the Council review the bottomfish permit requirement, as the program is burdensome to fishermen, does not provide useful information and is confusing to the fishermen. There is low compliance with respect to reporting and applying for permits. Tenorio added that there is a disconnect between NOAA Office of Law Enforcement, the Habitat Conservation Division and the Sustainable Fisheries Division with respect to bottomfish permit and reporting requirements and federal jurisdiction.

Ogumoro added that the Council made a recommendation to improve outreach on the bottomfish permit issue in June. Walker said that since the Council has already made a recommendation, there are several paths to take which include increasing NMFS outreach in the CNMI, looking into staffing for the Sustainable Fisheries Division in the CNMI instead of on Guam, and considering evaluation of the bottomfish permit and reporting requirement through other Council advisory bodies. She noted that the ecosystem component species amendment provides another opportunity to consider the best way to monitor species in need of conservation and management, such as bottomfish in the CNMI.

REAC and advisory body members participated in a climate change training workshop.

## **6. REAC Discussion and Recommendations**

The REAC and advisory body members discussed aquaculture and NOAA's outreach efforts, described above, but did not make formal recommendations.