



WESTERN
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MANAGEMENT
COUNCIL

Final Report of the American Samoa FEP Advisory Panel Meeting

Thursday, March 1, 2018, 4:30 p.m. – 6:00 p.m.

Pacific Petroleum Conference Room

Utulei Village, American Samoa

1. WELCOME AND INTRODUCTIONS

American Samoa Advisory Panel (AP) Chair Krista Corry opened the meeting by welcoming the members and thanking them for making time to attend the meeting. In attendance were AP members William Sword, Edgar Feliciano, and Brian Thompson. Council family members in attendance were Council Member, Christinna Lutu-Sanchez, and Regional Ecosystem Advisory Committee member, Carlos Sanchez. One member of the public was present – Silia Feliciano and the Council Coordinator were also present.

2. REPORT ON PREVIOUS COUNCIL ACTION ITEMS

The Chair went through the previous Council Action Items from the 171st Council Meeting and provided status updates on each item. Members were asked to review the summary.

Discussion centered on the project to extend the longline dock at the Malaloa Marina. An AP member endorsed the Port Administration's decision to cancel the old contract and execute a new contract. He added that when President Trump's infrastructure plan is implemented, the longline dock extension can be a shovel-ready project. He said it was important for the work on the design and geotechnical survey to be completed to ensure that when Trump's infrastructure plan went into effect, that the project was ready for construction. It needs to be all set to be executed when they have the funding.

3. COUNCIL ISSUES

A. Action Items

i. Precious Corals Essential Fish Habitat Refinement Options

The Chair reported that this action item has been deferred and will not be considered at the Council meeting this month. She asked the members present if there were any recommendations or questions on the action item to be noted at this meeting. The members decided to table this action item until the next meeting when more information was available.

ii. Options for an Aquaculture Management Program

The Chair reported on the Council recommendation from 2009, to have permitting requirements for aquaculture projects in federal waters as well as the new action to develop a management program. She informed the members that the National Marine

Fisheries Service (NMFS) Pacific Islands Regional Office has nearly completed the draft Programmatic Environmental Impact Statement (PEIS) needed to fulfill National Environmental Policy Act requirements. NMFS staff held three public meetings to discuss the potential alternatives for the draft PEIS with people in AS. The draft PEIS will address additional management measures that would encompass those permits into a broader aquaculture management program. She asked if there was a recommendation from the members as the Council will consider the alternatives developed through the draft PEIS process and may select a preliminary preferred alternative for a federal management program to develop a sustainable aquaculture industry in the US exclusive economic zone (EEZ) waters around American Samoa, Hawai'i, Guam, the Commonwealth of the Northern Mariana Islands (CNMI) and the Pacific Remote Island Areas at the 172nd Council Meeting in Honolulu. An aquaculture management program is needed to provide the Council and NMFS with a framework for review and authorization of the location, method and extent of aquaculture projects in federal waters of the EEZ. She reported that the alternatives included: status quo (no action) and alternatives for a strict and less strict aquaculture management program in federal waters.

The Chair asked for discussion on the issue and a member said his brother on Saipan had applied for grants to start up an aquaculture program but was unable to secure funding thus far. He suggested a draft management program was the best option. He said that eventually American Samoa would be considered for aquaculture and having a management program would be beneficial to that future development. The AP member suggested that Manu'a might be an ideal location for such a future project but it would depend on reliable transportation being established between Tutuila and Manu'a.

iii. US Territory Longline Bigeye Specification

The Chair reported that at the 172nd Council meeting, the Council will consider taking final action on options related to the specification of the annual Territory bigeye longline limits applicable for 2018 for American Samoa, Guam and the CNMI. She also said that the Council will also consider limits on the amount of catch that could be transferred under Specified Fishing Arrangements by the US Participating Territories to vessels permitted under the Pelagic Fishery Ecosystem Plan (FEP). The Chair reviewed the three alternatives that the Council will consider the following limit options:

1. No management action: No specification of catch or allocation limits
2. Status quo: Specify for each US Participating Territory, a 2,000-metric ton (mt) catch limit and 1,000-mt allocation limit in 2018
3. No total longline bigeye limit per US Participating Territory, but a limit on the amount of bigeye each territory can allocate under annual Specified Fishing Agreements:
 - a. 1,000 mt allocation limit per territory
 - b. 1,500 mt allocation limit per territory
 - c. 2,000 mt allocation limit per territory

The Chair asked the members for discussion on the agenda item. AP members were in favor of the status quo. One member added that it demonstrated the Council’s willingness to address needed conservation. Another member said that local fishing boats had not come close to reaching that current limit. He agreed with the recommendation to keep the status quo, but suggested that if migration changes, the limit be re-visited in the future. The Chair said that the third alternative could be beneficial but asked if that might result in a possible drop in the limit for the future. *The members agreed that keeping the status quo was the best option.*

iv. American Samoa Large Vessel Prohibited Area

The Chair reported that at the 172nd meeting, the Council will consider taking final action on LVPA options that may improve economic efficiency of the American Samoa longline fleet while taking into consideration factors including the need to prevent overfishing, impacts on small vessels and protecting American Samoa cultural fishing practices. She said that the action addresses continued poor economic performance in the American Samoa longline fishery and regulations that may unnecessarily restrict fleet movement and harm fishing efficiency. A printout of the Council’s options was distributed to the attendees and the Chair went over each of the seven options listed in the table below. A separate printout was given to attendees with maps to allow them to visualize each option.

Option	LVPA Management
1	Status Quo: maintain LVPA regulations, which generally prohibit large vessels (>50 feet) from fishing within 50 nm around Tutuila, Manu’a Islands, and Swains Island
2	LVPA exemption area seaward from 25 nm north of Tutuila and Manu’a Islands; within designated areas south of Tutuila and Manu’a; seaward from 12 nm around Swains Island
3	LVPA exemption area seaward from 25 nm of Tutuila, Manu’a and Swains Islands
4	LVPA exemption area seaward from 25 nm of Tutuila and Manu’a Islands and seaward from 12 nm of Swains Island
5	LVPA exemption area seaward of 12 nm around Tutuila, Manu’a and Swains Islands (Council 2015 preferred)
6	LVPA exemption area seaward from 12 nm around Tutuila, Manu’a and Swains Islands and 2 nm around offshore banks (Council 2017 preferred)
7	Apply exemption throughout LVPA area

The Chair opened the issue for discussion and directed the Council’s Coordinator to include an AP member’s comments on the issue that were emailed earlier in the day. The AP member suggested keeping the status quo or for an LVPA exemption area from 25 nautical miles north of Tutuila and Manu’a with 12 nautical miles around Swains Island. Another AP member remarked that the status quo was not an acceptable option. He also suggested that the Marine National Monument around Rose Atoll and Swains Island be open to fishing seaward of 3 nautical miles for local longline vessels. He also

said it was important for people in the community and the local government to give support to Congresswoman Amata to work in Congress to open the Monument. A third AP member agreed saying the priority for his longline operations was having more open area around Swains Island, which he said historically had the most catch success. He said he would accept 25 nautical miles around Tutuila and Manu'a if Swains and possibly the Monument could be reduced. Another AP member said he chose option 4. The Chair also agreed with the suggestions of an LVPA exempted area around Swains of 3 nautical miles.

The AP members came to a consensus to recommend 25 nautical miles around Tutuila and Manu'a and 3 nautical miles around Swains Island, and to also explore the possibility of opening up Rose Atoll for 3 nautical mile exempted area.

v. American Samoa Swordfish Trip Limit

Chair reported that in 2009, the Council recommended an amendment to the Pelagic FEP that limited swordfish per trip to 10 to discourage fishermen from setting gear shallow to target swordfish, and that this was the same regulation that Hawaii has in its deep-set longline fishery. In 2012, the swordfish limit for the Hawai'i deep-set longline fishery was modified to 25 swordfish per trip not carrying an on-board observer and unlimited with an observer on the fishing trip. She explained that the local longliners do not use shallow-set for swordfish, because they target albacore, and do not export fishery products. Additionally, poor economic conditions have persisted in the American Samoa longline fishery for several years due to reduced albacore catch rates, high operating costs and relatively low fish prices. She informed the members present that the Council will be considering taking final action on management options to modify or remove the limit on the maximum number of swordfish that can be landed on a per trip basis by vessels holding an American Samoa limited entry longline permit that operate south of the Equator to optimize fishery resources by reducing regulatory discards of swordfish and increase efficiency of the fishery while maintaining safeguards for sea turtles and other protected species.

When the item was opened to discussion, *all present agreed that the swordfish limit for American Samoa should be removed.*

vi. American Samoa Marine Conservation Plan

The AP Chair shared the DMWR Marine Conservation Plan (MCP) draft summary which was posted on Facebook for public comment on February 21, 2018. She said that two previous recommendations by the AP to provide input to DMWR for the drafting of the 2018 AS MCP document were made last year but nothing had materialized from them. DMWR staff will submit a draft MCP to Council this month at the 172nd Council Meeting. The current Marine Conservation Plan (MCP) for American Samoa expires March 31, 2018. The Chair informed the members that the Council will review the proposed new American Samoa MCP for concurrence and approval. After review by the Council, the MCP will be transmitted by the Governor to the Secretary of Commerce for

approval. If approved by the Council and Secretary of Commerce, the MCP will be valid for a period of three years.

The Chair asked the members for discussion on the MCP draft document. An AP member noted that the construction for a longline dock had been removed from the previous document and suggested that *DMWR needed to add infrastructure development to the MCP – this includes dock construction, boat ramps, ice machines and other fishery infrastructure development*. Members agreed that a recommendation be made to have this added to the 2018 MCP. Noting the March 7, 2018 deadline listed by DMWR for public comment, the Chair suggested the AP submit comments on their own as well. She directed the Coordinator to draft a template letter including the need for the addition of infrastructure development and circulate it to the members to submit and add any additional comments they may have by the March 7, 2018 deadline.

B. Other Council Issues

The Chair asked if there were any other Council issues to discuss at the meeting and the members agreed that there were none.

4. AMERICAN SAMOA ARCHIPELAGO FEP COMMUNITY ACTIVITIES

A. Aunu'u Ice Machine

The Council Coordinator provided an update on the Council's project to install a flake ice maker and storage bin on Aunu'u Island for the development of their small boat fishery. The project was a response to a request from the people of Aunu'u who expressed interest in further developing their alia fishery. Being isolated from the main Tutuila Island, the residents are very dependent on fish caught by the village's alia owners. The catch is both sold to sustain their fishing boats and given to feed family members and contribute to community *fa'alavelave* obligations. He added that the village of Aunu'u had asked the Council for assistance in developing infrastructure for their alia fishing boats.

B. Report on Tuna Canneries

i. StarKist Resumes Operations in November 2017

The Coordinator reported that on Monday November 27, 2017, StarKist Samoa resumed operations in American Samoa. The company was forced to shut down operations for a five-week period from late October, into November as it underwent facility upgrades and install new equipment aimed to improve efficiencies at its Satala plant. Over 1,500 employees were back at work when they resumed operations. The company has also dealt with the issue of supply shortages as many US flagged purse seine vessels have moved to fish in other areas and the local longline fleet which delivers 100% of its albacore catch to StarKist has been unsuccessful in garnering local support from the American Samoa Government to fish in certain areas of the territory's Exclusive Economic Zone. The Large Vessel Prohibited Area (LVPA) was amended to allow the fleet to fish seaward of 12 nautical miles, but that was overturned when ASG sued the federal government and a federal court ruled in the territorial government's favor last year.

ii. Status of Tri-Marine STP Operations in American Samoa

The Coordinator reported on his recent updates received from the Samoa Tuna Processors (STP) General Manager. The Coordinator reported that Tri-Marine still utilizes Samoa Tuna Processors plant as a logistics hub with limited operations. Samoa Tuna Processors continues to operate its dock as well as one of its cold storage units with a capacity in excess of 5,500 metric tons. The company's waste water treatment plant is still operational. Tri Marine Group still maintains the following operations in Pago Pago Harbor:

- Purse seiner vessel unloading
- Fish grading and storage
- Fish transfer to StarKist Samoa
- Container stuffing for fish export
- Fish test sampling (histamine, salt e.g.)

The Chair asked if there was any discussion on the canneries report and one AP member commented that Tri Marine was trying to ship fish to AS for export. Another member added that it should be a priority for the local government to appraise the value of the STP plant and attract a new company to take over the tuna canning operations there. He said the lack of a second cannery has really hurt the local economy. AP members suggested that StarKist might be interested in the plant for its freezer storage. The Chair asked if there was any stipulation in Tri Marine's lease with ASG to employ a minimum number of people. An AP member replied that there was such a requirement and that Tri Marine was currently in violation for not operating. He added that the onus was on the local government to make sure the company honored that agreement while they are still doing business in American Samoa. He also commented that other companies had inquired about the plant but the valuation of the plant at \$70M was too steep and had deterred would be buyers. The members voiced dissatisfaction with the local government's decision to generate revenue by introducing legislation to increase taxes on fees on local residents instead of addressing the canneries. An AP member suggested the Coordinator get information from the local Department of Commerce Director on what ASG is doing in regard to Tri Marine STP operations.

The members agreed that a *recommendation was needed to assist ASG and Congresswoman Amata with attracting a company to take over the STP facility and open a second cannery in the Territory.*

C. ASG Fisheries Development Projects

i. Malaloa Longline Dock Extension Project

This was already discussed in the earlier agenda item, and there was no further comment from the members present.

ii. Tutuila and Manu‘a Alia Repair

The Council’s Coordinator reported on the DMWR completing a contract with the American Samoa Shipyard Authority that saw the successful repair of 10 alia fishing boats based on Tutuila and Aunu‘u. The project was finished in December of last year. He informed the members that Director Sesepasara will report on those initial repairs and also provide an update on a potential second contract for the repair of alia boats on Ofu, Olosega and Ta‘u islands. There was no update from DMWR on the second contract which would repair Manu‘a-based alia boats, but the staff of DMWR had mentioned that there is a contractor being considered to complete those repairs on site in Manu‘a.

iii. Fishermen Training Program

The Coordinator reported that the Department of Commerce (DOC) in American Samoa had previously planned to have a training component tied into their plan to introduce a new working alia vessel to replace the aging, current fleet. Unfortunately, DOC declined to provide any updates for this meeting. Additionally, the Port Administration staff had shared possible plans to offer captains license certification (Six-Pack) to increase the number of qualified captains in the territory.

The Chair inquired as to whether Port Administration would open this captain certification training to fishermen. The Coordinator said that was not yet decided. An AP member said that such training would be highly beneficial to those who own and operate local commercial fishing boats. Another member suggested a *recommendation be made for Council to assist American Samoa in developing a Saltonstall-Kennedy proposal for a local training program for fishermen to obtain captains license certification*. The members agreed on this recommendation.

iv. Working Alia Project and Loan Program Update

Council Coordinator shared that Council had previously developed a framework to introduce an updated, safer alia design to local fishermen. The plan was to provide a new multipurpose fishing vessel that was capable of making longer, farther trips with larger catches than the current alia fishing boats. The Council had handed this project off to the American Samoa Government, and the local Department of Commerce is now in charge of overseeing this project. There has been no reply from DOC on the status of the vessel design and construction, as well as the plans for the government to offer a loan program for fishermen to purchase the vessel. DOC had declined to provide any updates for this meeting or for the Council reports for the 172nd Meeting later this month.

5. Status of Manu‘a Fishermen’s Cooperatives

The Coordinator informed the AP members that at the 172nd Council Meeting, Director Sesepasara will give the Council updates on the status of the Manu‘a fishermen’s cooperatives – there is one on Ta‘u Island and another for Ofu and Olosega islands. This will include news on the two organizations recent officer elections and plans for the local government to assist in the development of the alia fishery in the Manu‘a Islands.

6. American Samoa Marine Conservation Plan

The DMWR draft MCP document had been discussed in the earlier agenda item. The AP had no further comments on the issue.

5. AMERICAN SAMOA ARCHIPELAGO FEP AP ISSUES

a. Report of the Subpanels

i. Island Fisheries

▪ ***I'a Lapo'a Game Fish Tournament***

An AP member reported that the tournament was scheduled for the first week of May. It will be the 18th annual tournament. He stated that it was uncertain if any boats from New Zealand would be participating this year. He also shared that another IGFA tournament was not happening in neighboring Samoa which competed with the I'a Lapo'a tournament. The AP suggested that the Coordinator follow up with Council staff to see if it was possible to get a trophy commissioned for this year's tournament. A previous recommendation was made by the Council to provide a trophy for the tournament to help promote fishing in American Samoa.

▪ ***Alia & recreation boat status following Cyclone Gita***

The Coordinator reported that alia owners had informed him that no boats were lost or heavily damaged during Cyclone Gita. Mr. Sword also added that no one from the local Pago Pago Game Fishing Association had mentioned any damage to their vessels either.

ii. Pelagic Fisheries

▪ ***Lack of USCG response to Taiwanese fishing vessel***

The Coordinator gave the members a recap of the Taiwanese longliner that was found at sea by one of the Chair's fishing boats. The Chair said it was reported immediately to the US Coast Guard but they had not heard any response from them until it was grounded on the reef in Leone Bay on the western side of Tutuila. He said the media reported the Coast Guard was involved in the efforts to have it removed. The Coordinator asked why a beacon was not placed on it by local Coast Guard office, but an AP member indicated that they don't have that capability.

iii. Ecosystem & Habitat

▪ ***Taiwanese longline vessel grounded on Leone Bay reef***

The discussion continued on the grounded Taiwanese fishing vessel and an AP member reported that the vessel had broken into two pieces during Cyclone Gita. AP members suggested ASG's new tugboat, which is due to arrive in the territory soon, be used to drag it off the reef and sink it where it could become a fish habitat. Members also suggested the same be done for the longline vessel grounded on the reef near Coconut Point. It was noted that NOAA's fund for abandoned and derelict vessel removal may be utilized for the removal of those two grounded vessels.

The members agreed a *recommendation should be made for ASG to look into NOAA's derelict vessel fund to assist ASG in removing the two grounded vessels. Further they agreed that it be recommended that ASG sink the boats that they may be used as fish habitats.*

iv. Indigenous Fishing Rights

▪ *Review of Monument and Sanctuary federally managed areas*

The Coordinator reported that reviews of the federally managed Monument and Sanctuary waters would be reviewed. Fish and Wildlife Service's Superintendent to Rose Atoll Monument may be providing further details at this month's 172nd Council Meeting in Honolulu.

6. PUBLIC COMMENT

Carlos Sanchez said that the LVPA should be reduced to three nautical miles around Tutuila and Manu'a. He said the NMFS Pacific Islands Regional Office Regional Administrator Michael Tosatto advised him to stick to his guns on the LVPA during his trip in October. He said they asked about the removal of the Marine National Monument with Chris Oliver and Tosatto, who only need direction from President. He said that a discussion took place over the appeal process and why a deal was being sought by some parties when it's in litigation.

On the topic of cultural fishing, Council Member Lutu-Sanchez, speaking as a member of the public, suggested NMFS researchers who visited American Samoa last month talked to members of the Advisory Panel. She had suggested they do so when she spoke to them and was disappointed they were unable to do so. Members recalled that they had extended discussions on the topic of cultural fishing in past meetings and agreed that their input could be useful to the NMFS researchers. Lutu-Sanchez suggested the Coordinator send those meeting notes on cultural fishing to Danika Kleiber and Kirsten Leung. She added that she had brought up the issue of foreign Asian alia owners to the two NMFS staffers, and said it didn't make sense to conclude that alia fishing was cultural and longline fishing was not, as this would mean that those foreign fishermen have a more solid claim to cultural fishing rights than longline owners with American Samoa blood who were born and raised in the territory. She added that she advised them to visit local fishermen, local leaders, and seek public comments on their next visit. Lutu-Sanchez was surprised when they informed her that their goal was not to define cultural fishing but just find out what people living in American Samoa felt about it.

Members agreed that the previous recommendation on cultural fishing developed by the Advisory Panel in 2017 should be included in NOAA's report on American Samoa cultural fishing. They decided that it was best to *send that recommendation to Danika Kleiber and Kirsten Leung as their report was still in draft form, and recommend to Council and NMFS that that definition be considered in the cultural fishing report.*

7. DISCUSSION AND RECOMMENDATIONS

The American Samoa Advisory Panel made the following recommendations:

Regarding options for an aquaculture management plan, the American Samoa Advisory Panel:

- Recommended the Council establish an aquaculture management program for federal waters as stated in alternative 2.

Regarding the US Territory Longline Bigeye Quota, the American Samoa Advisory Panel:

- Recommended keeping the status quo (2,000 mt, with 1,000 mt transferrable)

Regarding the American Samoa Large Vessel Prohibited Area, the American Samoa Advisory Panel:

- Recommended the Council provide an exempted area for longline vessels from American Samoa seaward of 25 nautical miles around Tutuila and Manu'a and 3 nautical miles around Swains Island. Further they recommend that pending the outcome of the Marine National Monument Review, an exempted area for American Samoa fishing vessels be allowed 3 nautical miles seaward around Rose Atoll.

Regarding the American Samoa swordfish trip limit, the American Samoa Advisory Panel:

- Recommended the Council remove the swordfish limit for American Samoa longliners.

Regarding the 2018 MCP draft made public by DMWR, the American Samoa Advisory Panel:

- Recommended the Council request that the department add infrastructure development and improvement to *Objective 1: Maximize social and economic benefits through sustainable fisheries*. This should include improving dock space and supporting projects such as ice machines and boat ramps.

Regarding the Tri Marine STP plant, the American Samoa Advisory Panel:

- Recommended the Council request ASG review requirements of Tri Marine to employ people in the territory and look into finding a new company to take over the plant.

Regarding fisherman training for American Samoa, the American Samoa Advisory Panel:

- Recommended the Council direct staff to assist with the development of a Saltonstall-Kennedy grant proposal for a captain's license certification for fishermen in American Samoa.

Regarding the grounded, foreign longline vessels in Leone and the Pala Lagoon, the American Samoa Advisory Panel:

- Recommended the Council request ASG look into NOAA's derelict vessel fund to assist ASG in removing the two grounded vessels. Further they recommend that ASG sink the boats for the purpose of utilizing them as fish habitats.

Regarding cultural fishing, the American Samoa Advisory Panel:

- Recommended that it's previously agreed upon definition of cultural fishing be considered by the Council and NMFS social scientists in their research of cultural fishing in American Samoa. That definition being that fishing conducted by indigenous American Samoa and residents of American Samoa in association with non-commercial and commercial fishing activities involving any gear type employed, including the use of new technologies and materials, and whereby a portion of the catch is shared among the American Samoa community

8. OTHER BUSINESS

There was no other business to discuss and the Chair adjourned the meeting.