



WESTERN
PACIFIC
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FISHERY
MANAGEMENT
COUNCIL

FINAL REPORT of the Guam Mariana FEP Advisory Panel Meeting

Thursday, May 24, 2018

Guam Fishermen's Cooperative Association Lanai
Hagatña, Guam

1. Welcome and Introductions

Felix Reyes, Guam Advisory Panel (AP) Chair, opened the meeting and thanked everyone for attending. AP members in attendance included Felix Reyes, Ken Borja, James Borja, Matthew Orot, Robbie Cabreza, Jason Miller, Jesse Rosario, and Overall AP Chair Judi Guthertz. AP Members Stephen Meno and Clifford Kyota were excused.

Also in attendance was Judy Amesbury (CDPP AP), Brent Tibbatts (DAWR and Council Plan Team), and Valerie Brown (NMFS PIRO-Habitat)

2. Report on Previous Advisory Panel Recommendations

The Chair gave a report on the previous Council actions and AP recommendations. He said the recommendation for the Council to request NOAA to fund space for the rescue/emergency boats mooring space to free up space for fishermen and others was entertained at the 172nd Council and will report on any updates.

3. Council Issues

A. Action Items

i. Modification to US Participating Territory Catch and Effort Limit

Amendment 7 Framework

The Council developed and NMFS approved Amendment 7 to the Pelagic FEP back in 2014 thus establishing a process under the authority of the MSA to specify catch and/or effort limits for pelagic fisheries in areas collectively known as the U.S. Participating Territories and as recommended by the Council.

This action also allows NMFS to authorize governments under the U.S. Participating Territories to each allocate a portion of its catch or fishing effort limit of pelagic management unit species to U.S. fishing vessels under the Pelagic FEP. The existing regulation implementing Amendment 7 require the Council first establish a catch limit while also specifying an allocation limit although there may be instances where specifying an allocation limit is more consistent with the Western and Central Pacific Fisheries Commission and more reflective of existing fishing conditions.

Brent Tibbatts mentioned this was discussed at the Pelagic Plan Team Meeting where a participating territory may be allowed to transfer up to 2,000mt of its allowable catch limit. This could create issues as the territory responding positively first may be able to transfer its 2,000mt thereby blocking other territories from the share. He noted that the issue at hand is for the Council to make adjustments in order to benefit equally.

The Guam AP agreed that the existing arrangement with the US Territory Bigeye quota was sufficient and hoped the Council would not change the allocations.

ii. Option for an Aquaculture Management Program

Council staff presented that after a long review of requirements for aquaculture projects within the U.S. Exclusive Economic Zone (EEZ), NMFS Pacific Islands Regional Office (PIRO) has nearly completed its draft Programmatic Environmental Impact Statement (PEIS) which provides an analysis of impacts from different alternatives being considered under the proposed aquaculture management program. Staff quickly reviewed the alternatives noting that the AP has looked at this at the past three meetings. He said that at its 173rd meeting, the Council may consider the alternatives developed through the draft PEIS process and may select a preferred alternative for a Federal management program to develop sustainable aquaculture industry in the US EEZ waters around AS, Hawaii, Guam and the CNMI and the Pacific Remote Island Areas. 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 U.S. EEZ. Staff noted that the AP had previously agreed on Alternative 2 (less restrictive) for a potential aquaculture management program in Guam.

AP members noted that Guam does not have current or near future potential for pelagic aquaculture programs being that the prevailing currents, deep water and frequent storms make it near impossible to do something similar to the efforts done in Kona, Hawaii. One AP member asked if in the permitting process there is language that mandate the ownership of an aquaculture farm must be a US citizen and if its workers are of the same. Staff answered that in order to receive a Federal permit, you must be a US citizen or national, or resident alien. Workers of the aquaculture facility are subject to existing labor laws. **The AP agreed with keeping its existing recommendation of Alternative 2 unless the alternatives change, at which point they would like to have another look at the alternatives.**

iii. Ecosystem Component Species Classification

Council staff detailed the proposed Ecosystem Component Species (ECS) (re)classification based on the NS1 guidelines. He said they are proposing to amend the Marianas, American Samoa and Hawaii FEPs to reclassify certain management unit species as ECS thus allowing the Council and NMFS to better prioritize monitoring, assessment and management resources on species that are in need of conservation and management – improving efficiency. He said that while the classification of ECS would eliminate the need for certain conservation and management measures like essential fish habitat (EFH) and Annual Catch Limits, it does maintain the ability to provide continual monitoring. He said the reclassification will use commercial receipts over creel surveys and there will be no ACLs for species on EFH.

One AP member commented that species put into the ECS will result in the loss of protection. They noted that they like having EFH for all of the coral reef species because with an increasing military footprint, it provides a nexus to interject into their expansion.

iv. Evaluation of 2017 Catch to the 2017 ACLs

Council staff noted that stocks managed by ACLs are evaluated annually to determine if an overage adjustment is necessary and applied. For 2017, the evaluation covered bottomfish, precious coral and crustaceans (spiny and slipper lobsters), Kona crab and deep-water shrimp for the territories. He said that Guam had no overages in its catch versus ACLs during the 2017

evaluation noting that CNMI was the only area to experience an overage. He noted the overage in CNMI is likely due to the improvements in data collection rather than an actual increase in catch.

B. Other Items

i. Draft 2017 Annual SAFE Reports

Council staff discussed the 2017 Annual Stock Assessment and Fishery Evaluation (SAFE) Reports noting the trends in fishing. The AP noted that the reports are very large and requested additional time to review. **The AP agreed to provide any comments on the reports to the AP Chair prior to the 173rd Council Meeting.**

ii. Comments on List of Gears by Fisheries

Council staff presented on the List of Gears by Fisheries noticed in the Federal Register and noted that the government is requesting comments on the lists. He noted that this is an opportunity for the AP to weigh in on the existing list and either add or remove gears that are used in each of the fisheries.

The Guam AP had no comments on the List of Gears by Fisheries.

iii. Council Research Priorities

Council staff presented on the research priorities for Cooperative Research, Five-year MSRA Research Priorities, Pelagic Research, and Management Strategy Evaluation. He noted that each of these groups of priorities list out the scientific research needs for fisheries of the Western Pacific region. He requested comments on new or existing priorities to include in these lists and said that the Council may approve the lists at its 173rd meeting and forward them to the NMFS for consideration. He said this is done annually and the Council may look at moving the research priorities review to earlier in the year to meet earlier deadlines within NMFS for potential funding.

Guam AP members shared that shark interaction continues unabated. They said that having tagging research will be beneficial to better understand the shark biomass in Guam's waters. They said that these shark interactions elongate the CPUE and increases cost due to damage or loss of gear. The Guam AP felt better communication and study is needed to understand the impact the Micronesian migrant fishermen on Guam fish stocks and fish sales, by volume and value. They also said an education program to address these concerns is welcomed and appreciated.

Being that the report is large, the Guam AP decided to have members individually review the document and provide comments at a later date, should there be any.

4. Mariana FEP-Guam Issues

A. Report of Guam Subpanels

i. Island Fisheries

AP members noted that Guam's waters are flat and the weather is hot making for good catches right now.

ii. Pelagic Fisheries

The Guam AP Chair asked if there had been any interaction with cetaceans in the recent past. The Guam AP reported that none of them have had any. Brent Tibbatts mentioned there had been no reports that he can recall as well.

iii. Ecosystems and Habitat

The Guam AP discussed at length the ongoing concerns of missing FADs and the long procurement process. Brent Tibbatts advised the Guam AP that the Guam Attorney General is now requiring all FAD anchoring designs be reviewed and approved by the Guam Department of Public Works. **The Guam AP raised concerns to this new mandate as it will add another layer of bureaucracy to the procurement process and extend the deployment.**

iv. Indigenous Fishing Rights

An AP member noted that the Guam Organization of Shore Anglers (GOSA) remains in the Indigenous Fishing Rights law even though GOSA is no longer in existence and noted they should be removed. Brent Tibbatts shared that any changes to the Indigenous Fishing Rights law can only be done by the Guam Fishing Council and the Council has never met. Another AP member indicated that the legislature will not entertain any discussion on this issue since it is an election year. The Guam AP agreed to bring this discussion up further after the election.

B. Other Issues

There were no issues discussed or brought up.

5. Public Comments

Val Brown, NMFS PIRO, said they are receiving initial reports from coral bleaching assessments on Guam that is reporting the worst bleaching event ever in 2017. She said this is compounded by other serious bleaching events in 2013 and 2014 and the low tides of 2015 and additional bleaching in 2016. She said that some of the reports show the branching corals in the shallows show a loss of over 90% of some of the key reef building species and that this will definitely have direct impact on fisheries down the road. She also noted that other reports show crown of thorns outbreaks from beyond Tanguisan Beach all the way to Agat. She said there are four size classes of this species, including reproductive sizes. She noted that each starfish can eat up to 10 square meters of coral. She said they now have injectors to help control the starfish and recently did training with some locals and other training opportunities are scheduled.

The Guam AP Chair asked if the same training can be given to the AP to which Ms. Brown agreed. The Guam AP may host this training at its June meeting.

6. Discussion and Recommendations

The Guam AP made the following recommendations:

Regarding Aquaculture:

- The Guam AP recommended the Council select Alternative 2.

Regarding Ecosystem Component Species:

- The Guam AP was concerned that the loss of EFH for the Guam coral species, there would be no nexus for fishing concerns in the military expansion in Guam.

Regarding Guam Fisheries:

- The Guam AP recommended the Council request Gov Guam expedite the development of an Memorandum of Understanding (MOU) between DAWR and DPW to review and consult on the construction of concrete anchors for FADs in Guam in order to expedite FAD development and placement. The MOU should include ways to remove bureaucracies and create efficiencies in the procurement process; explore and consider alternative anchor options such as surplus or donated used large ship anchors in place of concrete; and find ways to extend the life of FADs and anchor systems through the use of used large chains that will create robust, longer lasting FADs.
- The Guam AP recommended the Council request Gov Guam to look at the use of the term 'indigenous' and its definition in regards to recent indigenous fishing bill to be more inclusive.

7. Other Business

An AP member noted that the Pago Bay condominium development fell short in the submittal of the necessary documents to proceed with the construction of the condominium. The company had donated shore frontage land to build a dock but was later discovered the dock was for the community development residents only.

AP Member Jesse Rosario extended an invitation to have future AP meetings at the UOG College of Natural and Applied Sciences Conference Room. The Guam AP Chair will coordinate meetings with him in the future.

The Guam AP meeting adjourned at 7:36 PM.