



## **FINAL REPORT OF THE CNMI-Mariana Archipelago FEP Advisory Panel Meeting**

Thursday, May 24, 2018

Micronesian Environmental Services Conference Room

Garapan, Saipan, CNMI

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

Richard Farrell, CNMI Advisory Panel (AP) Chair, called the meeting to order at 6:03 p.m. In attendance was: Richard Farrell, Manny Ramon, Ray Tebuteb, Diego Blanco, and Lawrence Concepcion.

Also in attendance was Jack Ogumoro (Council CNMI Council Coordinator), Joshua DeMello and Marlowe Sabater (Council Staff), and members of the public: Michael Ogo (NMC CREES) and Jun Yamagishi from Marianas Apnea Spearfishing Club (MASC)

### **2. Report on Previous Advisory Panel Recommendations**

Council staff presented on the CNMI AP's previous recommendations noting that the recommendations were taken up by the Council at its 172<sup>nd</sup> meeting. He also noted that letters were written and no response has been received to date.

### **3. Council Issues**

#### **A. Action Items**

##### **i. Modification to US Participating Territory Catch and Effort Limit Amendment**

##### **7 Framework**

Council staff reported that in 2014, the Council developed and the National Marine Fisheries Service (NMFS) approved Amendment 7 to the Pelagic FEP. Amendment 7 established a process under the authority of the MSA to specify catch and/or effort limits for pelagic fisheries in American Samoa, Guam and the Commonwealth of the Northern Mariana Islands (CNMI), known collectively as the US Participating Territories, as recommended by the Council. The process also allows NMFS to authorize the government of each US Participating Territory to allocate a portion of its catch or fishing effort limit of pelagic management unit species to a US fishing vessel permitted under the Pelagic FEP through specified fishing agreements to support fisheries development in the US Participating Territories. Regulations implementing Amendment 7 became effective on Oct. 24, 2014, and can be found at 50 CFR 665.819. He said that the existing regulations implementing Amendment 7 require that the Council first establish a catch limit for the US Participating Territories if also specifying an allocation limit. He said that there may be instances where specifying an allocation limit is more consistent with Western and Central Pacific Fisheries Commission and more reflective of existing fishing conditions. Staff noted that at its 173<sup>rd</sup> meeting, the Council will consider final action to make technical modifications to the Amendment 7 framework and associated regulations to allow more options in the specification process including promulgating catch or effort limit regulations instead of annual specifications.

The CNMI AP agreed that the current allocation process has benefitted the CNMI and would like to see the allocation continue.

### **ii. Options 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 173<sup>rd</sup> 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 CNMI.

**The CNMI AP agreed to stay with its previous recommendation to the Council of recommending alternative 2 unless the alternatives change. They said that should the alternatives change, they request another opportunity to look at alternatives.**

### **iii. Ecosystem Component Species Classification**

Council staff detailed the proposed Ecosystem Component (EC) species 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 EC 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 EC 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.

**An AP member noted the lack of cooperation by the local agencies is a big concern that needs the attention of the higher ups in the local government.** The members agreed that there needs to be collaboration in order for ACLs to be effective.

### **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 slipper lobster went over in CNMI but noted that slipper lobster is going into EC anyway so hopefully they won't need to specify ACLs for that species next year. AP members noted that slipper lobster is caught year round, and one member said the improvement in data collection has helped to start seeing that catch in the commercial invoices. He said that we need to take a look to get a better number for CNMI's slipper lobsters.

## **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 173<sup>rd</sup> 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.

### **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 173<sup>rd</sup> 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.

## **4. Marianas FEP-CNMI AP Issues**

### *Island Fisheries*

The AP members agreed that there needed to be a better system for data collection in local waters and that the current mandatory data collection effort may help. The AP expressed concern that the regulations for the mandatory reporting have not been developed, nor have plans been drawn up to educate the fishermen or enforce the law. An AP member noted that it is important to talk to the fishermen and educate them about the efforts of management. Other members agreed and said that their experience with the federal bottomfish permit showed that many people didn't understand and had complaints after the fact. Another AP member indicated that even if the data collection is mandatory, its important that data collectors be nice and talk to people well and get the markets involved.

### *Pelagic Fisheries*

An AP member noted that shark depredation is still a problem in the pelagic fishery and the CNMI has the same concerns as Guam. Fishermen are catching fish but sharks take the fish off of their lines. AP members were glad to see the priority for shark research included in the Council's research priorities.

### *Ecosystems and Habitat*

AP members reported that there's a Need to have additional discussions with the Mariana Visitor Authority not only about translations of fishing code of conduct, but also to include the tourist conduct. He suggested the AP plan to invite MVA, which is responsible for tourism, and DLNR which manages the public restrooms at the parks, to discuss the problems with stuff like littering

and defecation at tourist sites (as well as the lack of restrooms at Tapachao and Bird Island) and see what can be done and to minimize the impacts on environment.

### *Indigenous Fishing Rights*

AP members mentioned there are military issues that are still a concern, including not allowing any type of activity in the water near the prepositioning ships.

The Council's Island Coordinator also mentioned that Stanly Ikapo, the CNMI Military Liaison Officer, and Tony Benavente, DLNR Secretary, met to discuss the expired Memorandum of Agreement between the Department of Defense and the CNMI regarding the prepositioning ships. He further reported that Ikapo offered to look into whether other jurisdictions are charging military to use the waters for anchorage and what amount. He also offered to find someone who can do an appraisal of the value of the submerged lands where military ships are located; that way when the military asks how much, the CNMI can offer a reasonable and justifiable response.

## **5. Public Comment**

Jun Yamagishi from MASC reported that it was his first meeting and he was trying to follow the AP meeting and what the meeting was about. He said his group helps teach kids how to dive. He asked about L50 and if they should incorporate that with the annual catch limit it into their teaching. Council staff responded that L50 is not a federal or local requirement but a rule of thumb in which L50 is the length at which 50% of the population of a species has reached sexual maturity.

## **6. Discussion and Recommendations**

The CNMI AP made the following recommendations:

### ***Regarding Aquaculture:***

- The CNMI AP reiterated its previous recommendation to the Council to select Alternative 2 as it is the least restrictive alternative. Further, the AP requested to review the alternatives again should the alternatives change in the publication of the DPEIS.

### ***Regarding Ecosystem Components:***

- The CNMI AP supported the Ecosystem Component designation and recommended the Council work with the CNMI government for greater collaboration on the remaining species that require ACLs.

### ***Regarding CNMI Fisheries:***

- The CNMI AP supports additional data collection for fisheries in the CNMI and proper management and requests the Council look at potential mechanisms for additional data collection (e.g. the existing mandatory reporting requirement)

## **7. Other Business**

Council staff noted that the solicitation for next AP should be out in June and asked the AP to help get the word out. There was a short discussion on the new structure of the APs.