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COUNCIL

## **FINAL REPORT of the Mariana Archipelago Advisory Panel Joint Meeting**

Saturday, October 20, 2018

8:30 a.m. – 4:00 p.m.

Guam Hilton

Tumon, Guam

### **1. “Hafa Adai” - Welcome and Introductions**

Judith Guthertz, Overall Advisory Panel (AP) Chair, opened the meeting at 8:46 a.m. AP Members in attendance included: McGrew Rice (Overall AP Vice-Chair), Richard Farrell (CNMI AP Chair), Felix Reyes (Guam AP Chair), Floyd Masga, Ray Tebuteb, Cecilio Raiukiulipiy, Mike Fleming, Diego Blanco, Perry Mesgnon, Lawrence Concepcion, James Borja, Ken Borja, Matthew Orot, and Manny Duenas.

Also in attendance was: Kitty Simonds (Council Executive Director), Mark Mitsuyasu and Joshua DeMello (Council Staff), Christine Lauren (Council contractor, Mike Gawel (Former Plan Team member, USFWS), Tino Augon (DAWR), Eric Cruz (NMFS PIFSC) and Michael Duenas (Guam Council Member).

### **2. Guest Speaker: Advocating for Mariana Fisheries**

Rice provided the AP with a presentation on advocating for fisheries with the Council. He said that Council Members don't know everything that is going on in the fishing community, so it is important for AP members to come forward and get engaged with their Council Members. When he became a Council Member he didn't know how important the Council was but learned that the AP is the voice of the community and the Council depends on the AP to provide information and issues on fisheries. He also recommended the AP include the Council Members in their meetings and conference calls.

Manny Duenas provided a keynote presentation on advocating specifically for Mariana Fisheries. He noted that the AP is the originators of all the ideas, feeling the pulse of the community. He said you got to balance the things in your community, listening to both parts of a story. He said that he is proud of the AP but the AP needs to speak up and brainstorm about what they want to happen in their community.

Duenas said that the AP was the best part of being on the Council. He said the AP is a furnace that needs to stoke the fire for the Council. The recommendations need to have a fire so that the Council can understand what you need. He said that the AP needs to have the fire for their issues so that it doesn't fizzle out.

Duenas pointed out that the AP needs to know what is going on and understand the different issues coming up. He said that he came to talk to the AP because he misses the fire, like holding his hand on the hot stove. He suggested that if the AP doesn't have that feeling, they need to get off the pot. He said that everyone has ideas, but you need to make your case and provide a solution to make it right. The Council facilitates ideas that the AP brainstorms, but at the end of the day, it's all about the AP and how they work with the communities to make things work. He reiterated the need to

have a balance between yourself and the community. Do you care about yourself or do you go back to your past and do what we have done forever and help the community. He emphasized that the AP needs to be more aggressive in order to build up the islands, protect the resources, etc. You don't have to be angry like him, but people have to know that you have a position that you are not going to waver from and you should take the extra step. Explain your ideas, put some fire behind it, because the Council has to understand where you are coming from so they can battle better for you. If you don't stand up for your island and your community, no one is going to do it for you. AP members, no one in the Federal government is asking for your opinion, only through MSA and the Council process are you afforded this opportunity, so make it count.

### **3. Review of Recent AP Meeting Recommendations**

Reyes provided an update on the status of AP meeting recommendations from the May 2018 Guam AP meeting.

Farrell provided an update on the status of AP meeting recommendations from the May 2018 CNMI AP meeting.

### **4. Review of Council Action Items**

#### **a. Specification for Bottomfish ACLs for 2019**

Council staff provided a presentation on the Council action to specify Annual Catch Limits (ACLs) for Territory Bottomfish in 2019. He noted that a benchmark stock assessment will be completed next year so the specification is for one year.

AP discussion centered on the performance of the fishery noting that the fishery had been far under the ACL in recent years. *The AP agreed on Option 2, specifying ACLs for one year based on best available data.*

#### **b. Alternatives for Aquaculture Management**

Council staff provided an update on aquaculture issues that the Council is tracking.

CNMI AP members noted that the regulatory regime is not in place and the cost of startup is very high. Both of these issues contribute to not having aquaculture in the CNMI waters currently. There is interest in culturing species like grouper, but there are barriers to entry into the aquaculture industry as well as the weather problems associated with the island areas (i.e. typhoons). The local aquaculture has been working on fish but the costs to get involved are very prohibitive. There are lots of aquaculture opportunities for on-land aquaculture but getting through the bureaucracy and permitting system is difficult. One member also inquired about looking at other species like lobster that have high value and high demand.

Guam AP members noted that they would like to have the ability to manage aquaculture even if no one is doing it in Guam, and not likely to, because of the weather, water depth, etc.

Rice noted that in Hawaii the pens culturing fish in state waters right now have been productive Fish Aggregation Devices (FAD). He recommended looking at Hawaii as the example for an aquaculture regulatory management regime.

*AP members said there is interest in pursuing aquaculture in the Marianas and recommended the Council look at the regulatory regime in place to see how offshore aquaculture can be developed, determining the best sites for aquaculture, and obtaining funding to assist local interests in offshore aquaculture.*

**c. Update on Marine Conservation Plans Projects**

Council staff noted that the Marine Conservation Plans (MCP) were recently approved for Guam and CNMI and provided the MCPs to the AP. He noted that the MCPs can be updated at any time and is important for providing a spending plan for enforcement busts as well as the bigeye tuna quota sharing agreements with Hawaii.

**d. Refining Precious Coral EFH**

Council staff noted that the Precious Coral Essential Fish Habitat revisions are for Hawaii only and was put on the agenda prior to the transmittal of the Ecosystem Component amendment. He provided a presentation and *the Marianas FEP AP said that it is a Hawaii issue so left the issue up to the Council to select an option.*

**5. Marianas AP Community Issues**

**a. Update on Mandatory Licensing and Reporting/ Guam Fishery Council Update**

Masga presented on the mandatory licensing and reporting initiative in CNMI. He said that it became a law in 2012 to have mandatory commercial licensing and reporting but nothing was done since then. With the Council's assistance, a draft was developed and sent to the Attorney General to review, who provided comments to CNMI Department of Land and Natural Resources to revise. The regulations were then provided back to the government for additional comments, which resulted in translations to the local languages, and should be ready for 30 day comment period any day now.

Reyes presented on the Guam Fishery Council law (PL 160-33) and said that only one member has been seated since it passed in 2015. He said the Council is working with the Department of Agriculture to get direction on whether or not fishing regulations can be made outside of the Guam Fishery Council since it has not been formed. The next step is for the Department of Agriculture to request an opinion from the Attorney General. Another step is to get the Guam Fishery Council empaneled.

**b. Update on Commercial Reporting System and Spearfishing Projects**

Council staff presented that the Territorial Science Initiative (TSI) and Marine Recreational Information Program (MRIP) projects administered by the Council is ongoing. For TSI, the Council supports the voluntary commercial vendor log in Guam and CNMI supporting 7 vendors in Guam and 8 vendors in CNMI. He noted that Guam primarily sells imported fish, with the Bonita as the most targeted species for supplying the markets.

For MRIP, staff noted that survey phase for the noncommercial spear fishery project concluded in March. The project utilized data collection through the internet for Guam, with a total of over 760 surveys done

**c. Guam Marine Resource Import Database**

Council staff presented on the project developed by Guam Bureau of Statistics and Plans with the Council's assistance to improve the import database to get a better handle on fish imports to Guam. He noted that the full presentation will be made at the Guam Regional Ecosystem Advisory Committee meeting in Guam on October 25.

## **6. Marianas FEP AP Issues**

### **a. CNMI**

The AP discussion for the CNMI occurred on the loss of CNMI waters due to the military and the Mariana Trench Marine National Monument. The AP requested the Council look into what can be done to compensate the CNMI for loss of its waters. With the pending implementation of mandatory reporting, this would provide a way for the CNMI to know who would be affected by any closures.

CNMI AP members noted the following issues:

- Pre-positioning ships-local boats that come close to the pre-positioning ships are being harassed for coming too close and being threatened with shots; Members noted that they discussed ideas about the pre-positioning ships contacting port authorities rather than threatening the local boats. Members also noted that the ships move closer with the change in winds and the MOU between CNMI and the military is still not complete. *AP members recommended the Council assist the CNMI fishermen to meet with the military liaison and CNMI government to communicate their concerns regarding the community's issue with pre-positioning ships (MOU for fees, threatening local boaters, anchor damage, potential moorings, etc.).*
- Rota-The West Marina has been deteriorating and the community would like to have the marina back in working order. There are only two out of three FADs on station in Rota. AP members also noted that there is a lack of lighting at East Harbor. There are also buoys that do not have lighting and it is a hazard to navigation. AP will follow-up with CNMI DLNR on the West Marina and East Harbor issues and the AP will work with DLNR to add projects to address this issue in the CNMI MCP.
- Ecosystems and Habitat-An influx of tourism has caused a correlating influx of pollution. There has been a lack of keeping up with the infrastructure to support the increased tourism (i.e. restrooms, trash receptacles, etc.). A main concern is the lack of respect for the land and ocean so they are working on educating the tour operators to provide information to their groups. Heavy rains have affected the increase in pollution as well. The AP is working with the Mariana Visitor Authority on developing a tourist code of conduct.
  - Continued concern with the damage to corals from the anchor chains from the pre-positioning ships.
  - Fishermen are asking about indigenous rights and fishing within the local sanctuaries, so the AP is following-up with the DLNR to determine if the sanctuaries have been helping the fisheries.
  - At Sugar Dock, the sand is blocking Saipan's only boat launch on the southern end of the island. There is a need to address this situation. The AP will work with DLNR to add a project to address this issue in the CNMI MCP.
- Tinian-there is a shoreline wood that was being harvested for use and they are working on creating regulations to properly manage harvest.
- Pelagics-there is still a problem with shark depredation. The AP would also like to request the data from the NOAA cruises be made available to the community.

- Internships-The AP would like to have the Council support internships within the CNMI.

#### **b. Guam**

Guam AP members said the Council needs to consider climate change going forward, especially in light of coral bleaching, and how it may impact pelagic species. They also noted an increase in algae (filamentous type of algae) that is enveloping large areas and killing corals.

- Drifting FADs-There are concerns of the increase in free-floating drifting FADs (from purse-seine vessels) around Guam and the AP members questioned if these FADs are pulling fish away from the banks. CNMI members noted seeing the FADs in their areas as well. Simonds noted that purse-seine FADs are an issue in regional fishery management organizations. She said that organizations are working on building FADs from biodegradable materials and potentially providing funds to those communities that are finding these FADs on their reefs. These issues will be discussed at the WCPFC meeting in December in Honolulu. *The AP will work on developing a method for documenting these FAD interactions for the Council.*
- Local FAD Programs-There are issues with FAD slack lines at the surface, caused by the type of rope and being dropped in waters too shallow. Augon added that DAWR is at the mercy of the procurement process and the vendor may subcontract people that don't know what they are doing. *The AP will work with DAWR to determine where the issue lies with the deployment or the build to make sure it is being done right.*
- Southern Guam-There have been confrontations with SCUBA spearfishermen over the past few years and the interactions have been increasing. There is no law for SCUBA spearfishing now, and it is only going to get worse in the future. There may be a need to look at management in the future. The Guam AP asked the Council to look at this issue.
- Introduced algae-There is a filamentous algae that is smothering the reefs around Cocos Island and is now in Tumon. It is a concern because not much is known about it or where it came from.
- Department of Agriculture-AP members wondered if Agriculture would be able to change its name to Department of Land and Natural Resources, in order to provide more funding for marine resources. Augon said that this would need to be a change in the legislature.
- Port Authority of Guam-The Port Authority of Guam is planning to increase the fees of mooring space in Agana Harbor. This is happening despite the disrepair of the marinas and the master plans not being updated.
- Sharks-there are a lot of sharks in the area and shark depredation is still occurring. The AP members will be meeting with NMFS PIFSC on developing a project for quantifying the problem and developing solutions.

#### **c. Other Issues**

Rice provided an update on the Marine National Monuments. He noted the Hawaii example of how Hawaii's EEZ has shrunk to just 17.8% of the EEZ open to fishing. Discussion centered around the MTMNM and AP members have not seen benefits. The AP members noted that the loss of the area was a taking from the people. Rice noted that for Hawaii, the fishermen talked about keeping the monument but removing the commercial fishing exemptions in the expanded monument area. AP members agreed that the monument can exist with allowing commercial fishing, however they noted that they wanted to make sure that the commercial fishing be done by local CNMI-registered vessels. *The AP recommended the Council request that the MTMNM commercial fishing prohibitions.*

## **7. The AP and the Council's Five-Year Program Plan**

Council staff presented on the Council's next five-year program plan. He noted that the Council will be approving a new plan for 2020-2024 next year and provided an overview of what staff have been planning and discussing at this time.

## **8. Public Comments**

No public comments.

## **9. Discussion and Recommendations**

The Joint Marianas FEP Advisory Panel made the following recommendations:

### ***Regarding Annual Catch Limit Specifications, the Marianas FEP AP:***

- Recommended the Council select Option 2, re-specify ACLs for Territory BMUS Complex

### ***Regarding Aquaculture, the Marianas FEP AP:***

- Recommended the Council look at the regulatory regime in place to see how offshore aquaculture can be developed, determining the best sites for aquaculture, and obtaining funding to assist local interests to develop aquaculture in the Marianas.

### ***Regarding Marine National Monuments, the Marianas FEP AP:***

- Recommended the Council communicate to the Administration that the fishing prohibitions be removed for the Mariana Trench Marine National Monument and allow only Guam and CNMI-registered vessels to fish.

### ***Regarding climate change, the Marianas FEP AP:***

- Recommended the Council include in its research priorities, impacts to pelagic fisheries and coral reef ecosystems due to climate and ecosystem changes.

### ***Regarding CNMI fishery issues, the Marianas FEP AP:***

- Recommended the Council assist the CNMI AP with facilitating a meeting with the military liaison and CNMI government to communicate their concerns regarding the community's issue with pre-positioning ships (MOU for fees, threatening local boaters, anchor damage, potential moorings, etc.).
- Recommended the Council support summer fishery internships in the CNMI.
- Recommended the Council provide assistance to the CNMI AP in developing projects for Rota's harbors and marina improvements, Tinian marina entrance lighting and Sugar Dock dredging to include in the CNMI MCP.

### ***Regarding Guam Fishery Issues, the Marianas FEP AP:***

- Recommended the Council assist the Guam AP in revisiting the gear conflict issues (SCUBA spearfishing, gillnets, etc.) and provide the AP with ideas for solving conflicts between fishermen and the community.

## **10. "At the End of the Day" – Other Business**

Rice noted that the Council lost its current Chair this year, Ed Ebisui Jr. and provided a background on his experience with the Council, noting that he was one of those guys that kept the fire going for

everyone. He will be missed. He also added that he will be a Council member again and advised the AP to contact him to talk about Mariana fishery issues.

CNMI AP members appreciated meeting with the Guam AP and recommended continuing this partnership and suggested the next meeting be held in Saipan.