



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

Report of the American Samoa Advisory Panel Meeting

September 21, 2017

4:30 p.m. – 6:30 p.m.

Pacific Petroleum Conference Room
Utulei Village, American Samoa

1. Welcome and Introductions

Krista Corry, American Samoa Advisory Panel (AP) Chair, welcomed everyone to the meeting and thanked the members for their attendance. Members in attendance included Chair Krista Corry and Vice Chair Ufagafa Ray Tulafono, Brian Thompson, Taulapapa William Sword.

Also in attendance was Christinna Lutu-Sanchez (Council Member and Vice Chair), Carlos Sanchez, Matauaina Gwendolyn Toomalatai (newly crowned Miss American Samoa) and Nate Ilaoa (Council Island Coordinator).

2. Report on Council Action Items

A. Longline Dock Extension

It was reported to the AP that the port engineer in charge of the project leadership at the Department of Port Administration (DPA) had changed with the hiring of a new DPA engineer. DPA's engineer Natalia Palamo, who was the point person previously, will continue to be involved in the project. William Sword gave an update on the project and said that the contract with Beca has been cancelled. There are a couple proposals and Mr. Sword said they were confident that both could complete the contract without any extra funds. He said he and John Goeke have been involved with DPA to assist with the project. There are two bids for the project completion. Howard Dunham is working on the subsurface work for the project and they will be working with DMWR to complete the required biological assessment. The existing plan was a 150-foot extension, however the Governor's letter to Council spoke of a 400-foot dock, which would carry a much larger cost. Mr. Sword said by January a design should be ready for construction.

When the question was asked of ASG's commitment to the project, given that they did not put the project on the CIP project list when given a chance earlier this year. Mr. Sword felt confident that the government was committed to seeing the project completed, citing the Governor's letter to Council. Discussion over the dock at the TriMarine facility purchased by the Council for smaller boats. Members felt that it should be made available to local boats. It was stated that since TriMarine was no longer providing local jobs, they should open that dock for use by the

American Samoa fishing boats. The question was also raised over whether the longline dock extension was necessary anymore in light of the fishing boats leaving the territory, and space not being as problematic as it once was. *There was discussion of a need for a recommendation on the local government's commitment to the project, otherwise the funds should be returned to Council and used for something else. Members also wanted a second recommendation that TriMarine provide access, allowing local fishing boats to use the dock that Council paid for at their facility. They also discussed the need for a recommendation to get a status update from TriMarine on their operations and opening alternate market aside from StarKist for local fishermen.*

B. Shark Law Revision

Coordinator reported on the status of the shark law revision. DMWR has completed the process of publicly noticing the proposed change to the administrative code. There were no comments received from the public, thus a public hearing is unnecessary. Coordinator spoke to the Governor's Legal Counsel and was told that the next step is to file the paperwork with the Fono and the LT's office. At that point there would be a 20-day period and the law change would be official.

C. PIFSC to Evaluate Catch Statistics of Commercial and Non-commercial Fishing on AS Banks

Coordinator gave update on this past action item. According to staff, PIFSC does not have commercial or recreational fishery statistics that would usefully inform attempts at understanding catch per unit effort (CPUE) or productivity there. It seems very little fishing occurs there and almost no geographical data collected by fishery monitoring in AS. Several PIFSC cruises have collected samples of bottomfish at the banks. The research fishing for samples did not provide representative CPUE for the banks versus other areas. However, the samples are the subject of a life-history study on the age distribution at remote areas versus populated areas in the Samoa archipelago. When completed this study may indicate differences in deep bottomfish mortality between those two areas. PIFSC has indicated that they will share that study's results with Council when it is completed.

AP members discussed the need to have improved fishery data collection. There was discussion over DMWR data collection – resolution and spatial coverage. Members discussed that there were times when they had to contact the staff to come and collect the catch data. The Council had attempted to assist the department with its data collection using funds from the Territorial Science Initiative and Marine Recreational Information Program to contract two individuals to work with DMWR staff. There was also discussion regarding the vacancy of the data entry personnel, which has not been filled since Volita Hunkin retired in 2016. *The members discussed the need for a recommendation for DMWR to explore options to improve its data collection of commercial and non-commercial fishing catch on and around the banks. Members also felt that a recommendation was needed to have DMWR explore these data collection issues and capacity needs with the Council, perhaps helping to identify potential funding sources to address those needs.*

D. Oceanic Whitetip CPUE Standardization Analysis

The AP was given an update on this recommendation which was included in the omnibus letter from the Executive Director to PIFSC dated March 30, 2017. The response received from

PIFSC, dated May 10, 2017, indicated that PIFSC will investigate the feasibility of conducting CPUE standardization for oceanic whitetip shark, which is a non-target species, given the quality and coverage of ASLL observer data. PIFSC also indicated that variability around annual estimates is an output of CPUE standardization analysis and will be provided if an analysis is feasible and conducted. As of May 30, 2017, Council staff is following up with PIFSC staff regarding timing of analysis and other possible analyses that may inform Section 7 consultations if the oceanic whitetip shark is listed under the ESA. Council submitted a more detailed request to PIFSC regarding an OWT analysis (for the ESA consultations) in June, and their response is still pending.

3. Council Issues

A. Ecosystem Component Species Designation

Coordinator shared option paper for Fishery Ecosystem Plan Component Ecosystem designation provided by Council staff. *The material was difficult to digest and suggested that the topic should be discussed further with Council staff when they arrive next month for the 171st Council meeting on the Saturday scheduled meeting with the Advisory Panel.*

B. Aquaculture Management in the Western Pacific

Advisory Panel members were shared the matrix of alternatives provided by NMFS to review. This topic will also be discussed further with Council's staff during the scheduled meeting with the Advisory Panel on October 14th before the Council Meeting. *The AP deferred a recommendation until that meeting.*

C. Options for the American Samoa Large Vessel Prohibited Area

Chair reviewed the seven alternatives listed in the LVPA amendment executive summary provided by Council staff. There was a considerable amount of discussion amongst the members over the various options listed in the document. In discussing the status of the court decision against the federal government, there was a question as to what the federal government was going to do; whether they would be appealing the decision or not. This led to a lengthy discussion on the fact that the federal government needed to address cultural fishing and address the Deeds of Cession. In discussing the topic of cultural fishing there was debate as to what constituted "cultural fishing practices". Chair reminded those in attendance that at the last official meeting of the Advisory Panel, after reviewing the paper provided by Council staff, they had reached a general consensus on the topic. Regarding gear, the AP had concluded that cultural fishing can involve any gear type employed, including troll, longline, and purse seine methods using modern technology and materials. Regarding the community based portion of the options, the AP agreed that Cultural fishing can involve persons from outside the American Samoa indigenous community, but only if the vessel is owned by an indigenous American Samoans. And lastly, regarding disposition of catch, the AP agreed that Cultural fishing can include non-commercial and commercial fishing activities including the commercial sale, trade, or barter of the catch, either whole or in part. This led to the AP making an official recommendation to Council that cultural fishing can involve any gear type employed, including troll, longline, and purse seine methods using modern technology and materials. The ASFA president was asked what the official position of the alia association was on the LVPA. He said they preferred the current 50 nautical mile boundary. He also said that manpower used to fish on alia boats constituted cultural fishing and not the larger scale methods used on the larger boats. The rest of

the members disagreed strongly with this opinion. A counter point was made that with that logic, a motor should disqualify boats from being considered cultural fishing vessels. A suggestion was made that the option should be selected that best serves all fishermen and that a compromise that benefits both large and small vessels was possible. Members stressed the importance of defining cultural fishing as a vital prerequisite to amending the LVPA. There were mixed opinions on the option of having the LVPA being seaward of 3 miles.

In the discussion of the LVPA, most of the members were in favor of recommending adopting the LVPA amendment option #6 which would move the LVPA exemption area seaward to 12 nautical miles around all islands of American Samoa, and be subject to an annual review. One member present voiced his opinion that the LVPA should remain where it currently exists, seaward of 50 nautical miles. The members in their discussion also concluded that regarding the court ruling on the LVPA, the AP should recommend that NMFS file an appeal to the court.

D. Modifications to the AS Longline Fishery Permitting System

The Advisory Panel reviewed the matrix of current and proposed modifications to the AS Longline Fishery Permitting System. There was a discussion on the changes to the permit types as well as the other requirements for obtaining licenses. There was approval among all present regarding the modifications as listed in the document. The members were also pleased that the minimum harvest landing will be required to be landed in American Samoa. The group decided that a recommendation should be made endorsing the proposed modifications to the longline permitting system.

4. American Samoa FEP Community Activities

A. Working Alia Project

Coordinator reported on the working alia project status and the funding source to be utilized as a loan program for local fishermen to purchase those vessels. Last month, on September 27th, that funding source, the Small State Business Credit Initiative (SSBCI), came to an end. The local government will still be able to utilize the funds that were drawn down from the program through the end of the calendar year. That amount is in excess of \$3million. This will alter the local DOC's plan to build an initial vessel before they are made available to purchase. This initial boat would be utilized by the local government to train local fishermen to become proficient in captaining the vessels and fishing with this new alia design. ASFAFA president informed the Coordinator that members of the alia association will be applying for funds to purchase the new alia vessels. The ASFAFA members are also confident that the local government will provide the necessary support with facilitation with Hawaiian Airlines to guarantee space for air freight for fish exports, and fuel subsidies that will make the investment a profitable one. This support will also include the utilization of the Fagatogo Fish Market that the Council funded as a prep facility for locally caught fish to be made ready for export on flights departing the Territory.

In the discussion of this agenda item, the AP members again voiced concern over the lack of sustainability of the bottomfish resource to support any large-scale export industry. Concerns were also voiced regarding the new alia owners' ability to make the boat profitable enough to justify a \$400-500K loan. There were also questions about whether Hawaiian Airlines could guarantee space for air freight boxes for fish to be exported off island.

B. Fish Market in Fagatogo

Coordinator reported on the ASFA president's recent meeting with DOC Director and discussions regarding Hawaiian Airlines assistance with shipping for alia caught fish. As stated in the previous section, ASG has identified the Council-funded Fagatogo Fish Market as the site where fish will be prepped for export to off island markets. There have been no developments since the last report given by the DOC staff on the fish market. The plan to use the Fagatogo Fish Market ties to their larger plan to export fish from American Samoa to markets in Hawaii.

C. Aunu'u Fisheries Development

The Coordinator is working with the Department of Public Works (DPW), which will house the ice maker and storage bin in their building adjacent to the boat ramp on Aunu'u Island. The Faipule for Aunu'u has also been actively involved in the process. The status of this project is that a draft Memorandum of Agreement has been given to both the Department of Public Works and the Faipule and chiefs of Aunu'u to review. The MOA will have DPW responsible for housing the machine and storage bin in their building, and the village will take care of day-to-day maintenance and security of the machine, as well as regulating the use of the unit. Council will assist with delivery and installation of the ice maker and storage bin.

D. Shark Law Update

Coordinator provided an update on the shark law revision process. He contacted the Governor's Legal Counsel the day before and was told that if DMWR had completed the public notice and concluded the required public comment period, it would need to be filed with the Fono and the LT's office. After 20 days the rule change would be finalized. DMWR noticed the rule change with the public in September. The 30-day comment period concluded and no comments were received, thus a public hearing is not necessary. DMWR will now work with the Legal Counsel to file necessary paperwork and complete the process to change the local statute.

E. Alia Repair Update

It was reported to the Advisory Panel that DMWR is in the process of carrying out a contract with the Shipyard Authority to repair 20 alia vessels. The contract is for \$60K to repair those boats. At the time of this report, there were 5 boats that had been successfully repaired through this contract – outfitted with new cabins, repaired hulls and new paint.

F. Council Organized Fishing Tournament October 20th, 2017

Coordinator gave a brief overview of the upcoming fishing tournament taking place the week of Council Meeting. All members were sent registration and waiver forms as well as tournament flyers and asked to circulate them widely amongst their fishing contacts.

G. High School Student Project Competition

An update was provided on the upcoming high school exhibit contest and the schools that had entered the contest. Members were sent the details of the event and the fishers forum via email earlier in the week.

H. Saltonstall-Kennedy Grant Training

Advisory Panel members were reminded about the upcoming Saltonstall-Kennedy Grant training workshop happening in American Samoa. It would be one day for training on the grant and the second day for one-on-one discussions with the NOAA staff who were coming down to answer questions about proposals. Dates for pre-proposal and final proposal deadlines were shared. Members were given the email address to sign up for the training workshop.

I. Indigenous Fishing Rights

This section of the agenda was discussed fully during the LVPA amendment portion of the agenda as the two are very closely tied together. Thus, it was not discussed any further.

J. MCP Renewal 2018

The Advisory Panel members discussed their recommendation from past Council meeting to be included in the drafting process of the 2018 Marine Conservation Plan for American Samoa. There was discussion regarding a need to engage the Director of DMWR to find a way to work together with his staff in the drafting process. The members decided a recommendation should be made on the issue, but since one was previously made at the 169th Council Meeting, that the recommendation should focus not only on the Advisory Panel inclusion, but also other relevant stakeholders in American Samoa being given an opportunity to either review any draft or provide input to DMWR's staff when the document is being drafted. The group came to a consensus that the recommendation should include a wide range of people from the Territory – fishermen, resource management agencies (federal and local), industry partners, and community members.

5. American Samoa FEP AP Issues

A. Report of the Subpanels

There were no new updates to report from any of the subpanels during the meeting.

6. Public Comment

Carlos Sanchez recommended that the federal government find out from the American Samoa Government where the money that paid for the costs of the lawsuit used to by ASG to sue the federal government came from. He wanted to know if any federal funds were used to sue the federal government.

7. Discussion and Recommendations

The American Samoa Advisory Panel made the following recommendations

Regarding data collection of commercial and non-commercial fishing on and around the banks:

1. The AP recommended the Council request DMWR improve its data collection sampling to improve resolution and spatial coverage of those areas. The AP further recommended the Council engage DMWR to get a better understanding of the needs regarding data collection staff capacity and possible funding needs.

Regarding cultural fishing:

2. The AP preferred option C and recommended the Council adopt that definition. Fishing conducted by indigenous American Samoa and residents of American

Samoa in association 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.

Regarding LVPA amendment:

3. The AP recommends the Council select option #6 LVPA exemption area seaward to 12 nm around all islands of American Samoa, with an annual review.

Regarding the court ruling on the LVPA:

4. The AP recommended the Council request NMFS file an appeal to the court ruling.

Regarding the AS LL Permitting System modification:

5. The AP endorsed Amendment 8 as it is proposed.

Regarding the 2018 MCP drafting process:

6. The AP recommended the Council request ASG vet their MCP draft with relevant stakeholders in the Territory before submitting the document.

Regarding the longline dock extension project:

7. The AP recommended the Council request ASG commit to identification of funds to be utilized for the construction of the longline dock extension or Council will reprogram those funds.

Regarding the STP small dock funded by Council:

8. The AP recommended the Council request Tri Marine/STP allow the small boats to access the dock as it was built with federal funds.

Regarding the STP processing facility:

9. The AP recommended the Council request Tri Marine provide a status on their operations and opening of an alternate market other than StarKist for American Samoa fishermen.

Regarding AP membership:

10. The AP recommended replacing Mac Aveina with Allen Snow on the Ecosystem and Habitat subcommittee. Further, the AP recommended the Council open applications for new alternate members.

8. Other Business

There was no other business discussed at this Advisory Panel meeting.