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COUNCIL

## **Meeting of the Guam REAC and Council Advisors**

November 17, 2017

9:00 a.m. to 4:00 p.m.

Guam Hilton Hotel – Micronesia Ballroom

Tumon Bay, Guam

### **Meeting Report**

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

Mike Duenas, Chair and Council member, welcomed the Regional Ecosystem Advisory Committee (REAC) members and Council advisors and asked participants to introduce themselves. Participants included Judith Guthertz, Advisory Panel (AP); Nathaniel Martin, Frank Manibusan, Jay Gutierrez, Brent Tibbatts and Tino Aguon, Department of Agriculture Division of Aquatic and Wildlife Resources (DAWR); Karen Urelus, United States Army Corps of Engineers (USACE); Manny Cruz, Lola, Monica Guerrero, and Whitney Hoot, Bureau of Statistics and Plans (BSP); Lorilee Cristostomo, Department of Energy; Iia Miller, US Coast Guard (USCG); Edwin Reyes, Coastal Zone Management Office; Larisa Ford, US Fish and Wildlife Service (USFWS); Tom Schils, University of Guam (UoG) Marine Lab; Mayor Ernest Chargaulaf, Malessos; Judy Amesbury, Micronesia Archeological Services; and Jesse Rosario and Matt Orit, AP. Also present were Clint Simpson, National Weather Service; Seema Balwani, NOAA; Hilary Goodman, Joint Region Marianas, and Council staff Sylvia Spalding, Rebecca Walker and Carl Dela Cruz.

#### **2. Essential Fish Habitat**

##### **a. Update on Habitat Program**

Becky Walker, Council staff, gave a presentation on the habitat program consisting of the expected outcomes for agenda item 2, a background on essential fish habitat (EFH), and an overview of the Council's habitat program. Walker sought input from the REAC on available EFH levels of information for the Mariana Archipelago Fishery Ecosystem Plan (FEP) management area; non-fishing impacts to EFH; and on their agency's habitat policy. Regional fishery management councils are required to define EFH for each species in the management unit, as well as minimize adverse impacts from fishing on habitat, and describe non-fishing activities which may adversely affect EFH and provide associated conservation and enhancement recommendations in support of ecosystem-based fisheries management. The Western Pacific Fishery Management Council (Council) broadly defined EFH for its management unit species in 1999, with the limits of substrate EFH extending to the 700 m isobath and the water column EFH extending to the limit of the exclusive economic zone. In 2016, the Council adopted new objectives for its FEPs, which including refining EFH and minimizing impacts to EFH through the identification and prioritization of research. Currently, five EFH reviews are underway in various stages. The next two agenda items covered the first stages of the research and

information needs review, which is documenting an inventory of available EFH information for datasets with observations of multiple species, and scoping of the Council's review of non-fishing impacts to EFH. At its 171<sup>st</sup> meeting in American Samoa, the Council took initial action on its ecosystem component species amendment. 57 species remain in need of conservation and management in the Marianas FEP, and the EFH definitions will be carried over for those species in the Guam and CNMI management subareas.

Urelius asked what habitat areas of particular concern (HAPC) are present in the Marianas Archipelago. Walker answered that HAPC are defined for bottomfish, pelagics, the coral reef ecosystem, and crustaceans in the Marianas. The coral reef HAPC for Guam include the ecological reserve areas, Ritidian Point, Jade Shoals in Apra Harbor, and Cocos Lagoon.

#### **b. EFH Levels of Information**

Walker presented a background on the EFH Levels of Information, the timeline for the review of research and information needs, and preliminary results of data discovery activities. Councils are encouraged to organize EFH information according to various levels, and describe EFH based on the information with the highest level of detail. The levels of information encompass distribution data, density by habitat types, growth and survival rates by habitat types, and productivity by habitat type. Councils evaluate the various sources of information based on their scientific rigor while ensuring that enough habitat is conserved to maintain the yield of manage species and their contribution to a healthy ecosystem. This meeting is the beginning of the data discovery phase, in which the Council gathers information about datasets with observations of multiple species. A report on these datasets will be included in the 2017 Stock Assessment and Fishery Evaluation (SAFE) reports. When the Council has made its final decision on what species are in need of conservation and management, the research and information review can continue for species-specific information. At the same time, data gaps uncovered from the larger agency datasets can be considered for the Council's 5 Year Research Priorities, which expire in 2019.

Walker described the available EFH data discovered to date, including the results of a survey of REAC agencies. DAWR, UoG Marine Lab and NMFS Pacific Islands Fisheries Science Center (PIFSC) may collect information. DAWR performs fish monitoring surveys within the marine protected areas, as well as UoG. While the Council is not focusing on fisheries dependent data for this effort, several datasets are available as well as participatory mapping data. The Marianas has a resource assessment from PIFSC in the 1980s. There is also an assessment of larval transport mechanisms for the entire archipelago, which yields information about the egg and larval life stages. Other nearshore sources of information collected recently include the PIFSC Coral Reef Ecosystem Program fish surveys. Datasets in the deeper waters include video archives of the Okeanos Explorer remotely operated vehicle dives and Baited Remote Underwater Visual Surveys as well as research fishing and midwater trawls conducted by PIFSC researchers.

Duenas asked if the biosampling data counts as EFH information. Walker answered that it counts as opportunistic presence only Level 1 information.

Guthertz commented that Department of Defense (DoD) impacts are of primary concern on Guam, asked how they are taken into account. Walker explained the EFH consultation mechanism. Aguon explained that DoD also consults with local agencies, depending on their expertise, and stressed the importance of coordinated baseline monitoring instead of reacting to environmental problems after they have arisen. Mayor Chargauf commented that the DoD and Department of Interior don't always know what the other agency is doing, and interagency coordination is important from a monitoring perspective.

Schils said that UoG's Marine Lab is in the process of archiving data collected between 2006 and 2013 published in the grey literature, and Schils would be able to screen the data for those species in need of conservation and management. With respect to systematic surveys, UoG Marine Lab is working with DoD to filter water collected throughout the island for detection of species. Once the protocol is optimized, frequent surveys from around the island would contribute Level 1 information for the egg and larval life stages. Sampling will begin in January with a focus on genetic barcoding for Napoleon wrasse and scalloped hammerhead shark.

When asked where the shoreline is for purposes of assessing adverse effects to EFH, Walker explained that the Council did not provide a definition of the shoreline for the EFH designations beginning at the shoreline. The Council will clarify the geographic extent of EFH in its process to refine EFH, including providing a definition for shoreline where applicable.

Goodman said that the DoD, in partnership with UoG, conducts monitoring at 20 sites around Andersen Air Force Base, and seagrass surveys are taking place in the Naval Base Guam submerged lands. DoD expects high resolution benthic habitat maps of deep and shallow water areas in Apra Harbor in 2019.

### **c. Review of Non-Fishing Impacts to EFH**

Walker presented on a report by Dwayne Minton which reviewed the effects of non-fishing activities on fish habitat, which the Council asked staff to scope through its advisory bodies in June of 2016. The report describes the ecosystems contained within EFH; seven additional non-fishing impacts; the stressors associated with the non-fishing activities; the effect of each of the stressors on each of the ecosystems within EFH; conservation and enhancement recommendations; and provides guidance on assessing cumulative impacts on EFH. The description of the ecosystems is important given the Council's requirement to include preferred habitat characteristics within the EFH designations for managed species. EFH designations with habitat characteristics do not include a description of those characteristics, and the ecological function of these smaller scale ecosystems may vary between FEP management areas.

With respect to other activities, there has been some talk regarding exploratory wave energy production, but there are doubts about feasibility. Raking of sand in Tumon and jet skis in the nearshore reef environment may be non-fishing activities which are unique to Guam. Rosario said the Pacific Judicial Conference, which took place in the same week, highlights

environmental challenges and noted that environmental courts could aid with natural resource enforcement.

Urelius said that from the USACE's perspective, it is important that conservation and enhancement recommendations are specific and enforceable. For example, if there is a recommendation to avoid coral spawning windows, the recommendation should identify what the coral spawning windows are for the species. The USACE must avoid arbitrary and capricious permit terms and the consulting agency must base their recommendations on the best scientific information available.

Reyes suggested that the spatial extent of cumulative impact assessment should be the watershed boundaries in which the project action area is contained.

#### **d. Coordination on Non-Fishing Issues**

Coordination issues arose from previous agenda items. When asked what the Council's role is in enforcement, Walker responded that the USCG provides the Council with enforcement advice on proposed regulations as a non-voting Council member. Reyes noted that there is an enforcement gap in regulating National Pollutant Discharge and Elimination System permits and illicit discharges on Guam. While Guam has identified impervious services fairly accurately, stormwater management plans are not filed electronically and there is no record of best management practices or the real built environment. The lack of permitting controls is a problem with Guam's incremental development, as well as interagency coordination on enforcement actions which are perceived as cumbersome.

### **3. Aquaculture Management**

Walker presented on the Programmatic Environmental Impact Statement (PEIS) on Aquaculture Management in the Western Pacific. She provided a background on the action and presented options that the Council may choose a preliminary preferred option at its 171st meeting. The Council developed a policy on aquaculture in 2007, followed by an amendment to allow for permitting and reporting of aquaculture operations with final action in 2012. The PEIS includes alternatives for no action, a less restrictive alternative, and a more restrictive alternative. Each alternative includes 11 program components. The PEIS includes an environmental analysis of each alternative for each program component. Walker noted that the draft PEIS will be published at the end of the year or in spring of 2018, and that it was designed to cover all aspects of an aquaculture program so that the Council may take action on any option.

A REAC member asked that the aquaculture PEIS take into account the potential impacts from frequent typhoons. When asked what the feedback has been from other advisory panels, Walker responded that the aquaculture program has been perceived as complicated and may discourage investment in offshore aquaculture. Tibbatts added that DAWR considers potential impact from permitted aquaculture operations in the nearshore environment on a case-by-case basis, and permitting also takes place through the Coastal Zone Management program. A REAC member

suggested that the species option could be limited to growing females only of an imported species, so that there are no opportunities for interbreeding.

#### **4. Public Comment**

There was no public comment.

#### **5. Other Business**

Reyes informed the REAC that the Guam government is in the process of updating the 2065 Land Master Plan, which is an authoritative planning document for land use on the entire island.

#### **6. REAC Discussion and Recommendations**

The REAC and advisory body members discussed the issues above but did not make formal recommendations.