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Meeting of the CNMI Mariana Regional Ecosystem Advisory Committee

October 22, 2018

8:30 a.m. to 12:00 p.m.

Fiesta Hotel

Garapan, Saipan

Final Report

1. Welcome and Introductions

John Gourley Chair and Council member, welcomed the Regional Ecosystem Advisory Committee (REAC) members and Council advisory body members, and asked participants to introduce themselves. Those present included John Gourley, Richard Farrell, Steve McKagan, Dolores Drew, Wayne Dawe, Trey Dunn, Cecilio Raiukiuliy, Roman Tudela Jr., Gene Weaver, Stanley T. Iakopo, Manny Pangelinan, Vincent A. Muni, Kui Rogopes, John Togabwel, Tony T. Benavente, Vicente Santos, and Guillermo C. Borja. Present from the Council included Mark Mitsuyasu, Marlowe Sabater, Josh DeMello, Jack Ogumoro, Sylvia Spalding, and Thomas Remington.

2. Review of 2017 REAC Meeting

Thomas Remington, Council contractor, briefly presented a review of discussion had at the 2017 CNMI REAC meeting, highlighting discussion on Essential Fish Habitat in particular. There were no questions or further discussion on this topic.

3. Mandatory Permit and Reporting

Marlowe Sabater, Council staff, presented on the mandatory permit and reporting regulation (PI 17-89) in place of Floyd Masga, member of the Guam Advisory Panel; Gourley noted the importance of this particular project. Steve McKagan, NOAA PIRO, asked if DLNR will need to set up a separate division to manage such a program. Manny Pangelinan, DFW Director, said there is structure in place already, but capacity will need to be built up over time. Pangelinan went on to ask if the reporting is only done within "CNMI waters", as the 3 mile zone containing the EEZ is relatively limited. Pangelinan believes that this regulation should extend beyond the EEZ. Gourley echoed Pangelinan's comments, and asked if the regulation would be in effect if someone went fishing in north Tinian, for example. Sabater says there are no limitations from 0 to 3 miles with respect to commercial fishing, though limitations imposed by the military would be hard to get around. Gourley noted it is about how "CNMI waters" are defined, and that this definition needs to be clearer going forward.

4. Mariana Small-boat Economic Survey

Justin Hospital, NMFS PIFSC, presented on the Mariana small-boat economic survey alongside a general summary of socioeconomic monitoring efforts within the territory. It was asked if the survey was both commercial and non-commercial, and Hospital noted that it was though the breakdown can be even more diverse than that. It was asked about the reported decline in the American Samoa longline fishery; this has been in decline since the early 2010s (increasing fuel costs, decreasing price of fish). Gourley asked if the surveys will continue throughout the year, or will be collected in pulses; Hospital responded that most of the interviews are happening in person, so these must be scheduled.

5. Council Projects

a. Improving the Commercial Reporting System

b. Outcomes of the Noncommercial Spearfishing Project

Marlowe Sabater, Council staff, presented on current Council projects including both the improving of the commercial reporting system as well as the outcomes of the noncommercial spearfishing project. After the presentations, he briefly showcased the tablets being used for data collection.

Pangelinan asked where the centralized data collection hub associated with these improvements may exist. Sabater responded that CNMI is being prioritized for this test project, as they have been taking the lead in finalizing the mandatory monitoring and reporting regulation (i.e., making more progress than seen in Guam). Pangelinan followed-up by asking where/who will supply the funding to pay the fishermen for the data collected. Sabater responded that this is a proposal for the Saltsonstall-Kennedy Grant, so the funding is dependent on if this proposal is successful in that grant program. Pangelinan asked if Saltsonstall-Kennedy money would be perpetual or just a short-term fund such that this would become a burden to the State to continue the program if it is successful and the grant runs out. The Principal Investigator of this proposal is brainstorming on how to ensure the program can continue on after funding is done. Saltsonstall-Kennedy funding would supply a 1 to 2 year grant, but Territory Science Initiative funding could supplement this if it is successful going forward. Pangelinan said he would like the centralized data collection hub to contain the existing data frame that DFW uses now to ease the transition for the fishermen.

Farrell asked if the data collection application is only available on the tablets presented or if they can be downloaded on personal devices. Sabater confirmed that the application is available on both Android and iOS.

There were no questions or additional discussion on the outcomes of the noncommercial spearfishing project.

6. Council 5-year Program Plan Drivers, Programs, and Priorities

Mark Mitsuyasu, Council staff, presented on the Council's drivers, programs, and priorities for the upcoming five-year program plan (2020-2024). Gourley commented on protected species, saying that we need to become more proactive in reviewing listings instead of reacting after a large amount of species are listed (sometimes due to poor data, it was noted). Mitsuyasu responded that additional research and delayed listings can help reduce the number of species added by having appropriate data and analyses. Pangelinan added that quick listings of protected species are doing so without social support because of how fast the process can be, and that people can feel antagonized. Mitsuyasu briefly related this to Monk seal listings in Hawaii.

7. Aquaculture

Josh DeMello, Council staff, presented on updates to aquaculture management in the CNMI. He noted that the Environmental Impact Statement (EIS) should be published at some point this year, which will increase the amount of finalized information surrounding this topic.

Pangelinan asked if there have been Council-based aquaculture programs, and DeMello mentioned the existence of an aquaculture permit used in the past. Pangelinan posited if the relative lack of aquaculture programs is why Congress is moving this forward. Pangelinan asked the difference between hatcheries and aquaculture, with the largest difference being mostly on- vs. off-land among other factors such as associated regulations.

8. Public Comment

There was no public comment.

9. Other Business

There was no other business.

10. Discussion

Iakopo recommended that the CNMI REAC invite a military liaison to future REAC meetings. Farrell passed on the language for the recommendations to the Council from the AP for their military liaison as well.

Vincent Muni asked about aquaculture, wondering if a special permit would be necessary to begin an aquaculture operation in northern Tinian given that the federal government has jurisdiction even within the EEZ around the island. It is a complex process that acts as a major obstacle; Gourley said he believes that the military has control over the northern portions of Tinian, and it is not likely that they will be able to do any aquaculture in that area. The southern portion of Tinian could possibly be used for aquaculture activities in the open ocean.

There was a brief question on the status of the MPAs in the CNMI. Pangelinan said that the MPA laws are still in place and still being monitored by enforcement personnel. Trey Dunn talked about preliminary surveys that occurred in the MPA zone, and that the results look anecdotally promising. Pangelinan said that there are still studies of connectivity/migration of fish to/from the MPA so we can better know if the spatial closure is succeeding in helping populate the other side of lagoon, etc. Reporting on tagged fish by the community has not been very good despite reaching out to fishermen through the media. Trey briefly talked on some ideas to improve tag retention, including outreach, etc. to help the tag return rate; perhaps they will tag more fish and recapture.

Pangelinan recommended assessments of military-associated marine impacts independent of those assessments already undertaken by the military. Gourley seconded this recommendation. Iakopo mentioned that the REAC are aware of topics being talked about in Guam because many issues have originated here in CNMI. They are in discussion to re-negotiate a Memorandum of Understanding (MOU) with the merchant marines anchored off the Saipan coast, and will potentially engage in these negotiations within the next year. The timing of the associated environmental assessment will be very important; if completed, it could be brought into the MOU negotiations. Assessment of damages could take another 20 years Iakopo said; all the while the CNMI shores are being damaged.

Farrell asked that members of AP be allowed to sit in on negotiations of the MOU to suggest solutions in line with the Panel's priorities. He went on to reflect on the previous recommendation, which was if we at least had a point of contact with the military, a back and forth could be established in search of a common agreement. The AP wants to work on these types of issues in as locally as possible. Farrell briefly mentioned asking WPFMC for a new port because "the breakwater is gone" in the current one.

Iakopo responded to Farrell saying he would pass this suggestion along to the governor's legal counsel, but noted that they don't want too many parties involved in the negotiations to limit their complexity. The 10-year MOU is long overdue, and the offshore ships have been anchoring for free all these years in the meantime. The negotiations will specifically be regarding the implementation and usage of fees associated with environmental damage, and should likely be discussed within a tighter-knit at first to ensure progress in the negotiation (which gets more difficult with the addition of more participants). Farrell suggested the AP could submit a list of concerns in lieu of attending.

11. Recommendations

The CNMI Regional Ecosystem Advisory Committee recommended that the definition of the CNMI waters, specific for the purpose of this mandatory permit and reporting regulation, include waters beyond 3 nm in order to accommodate a more complete reporting of catch.

The CNMI Regional Ecosystem Advisory Committee agreed with the Mariana Archipelago Advisory Panel recommendation that the Council invite a military liaison to attend future advisory body meetings, and continue to explore options for undertaking independent assessments of military-associated marine impacts.

The meeting was adjourned at 10:37 am.