



FINAL Report of the Guam-Mariana Archipelago FEP Advisory Panel Meeting

Thursday, February 27, 2020

6:30 p.m. to 8:30 p.m.

Guam DAWR Conference Room

Mangilao, Guam

1. Welcome and Introductions

Ken Borja, Guam Advisory Panel (AP) Vice Chair opened the meeting and welcomed those in attendance. AP members in attendance included: James Borja, Matthew Orot, Jason Miller, Myles Driscoll, Tatiana Talavera, Judy Amesbury. (Excused AP member: Jason Biggs)

Also in attendance: Monique Genereux Amani (Council Member); Fanai Castro (Senator Sabina Perez' Staff); Marlowe Sabater, Mark Fitchett, and Felix Reyes (Council Staff)

The meeting was called to order at 6:45 p.m. by Vice Chair Ken Borja.

2. Review of Last AP Meeting Notes and Recommendations

Vice Chair went over the two recommendations that were addressed at the last meeting.

1. Regarding Community FADS: Requested the Council provide the AP with a presentation on the (Community) FAD process in order for the AP to plan and develop their own FAD in Guam and potentially collaborate with DAWR on FADS.

Status: The Council at its 180th meeting, directed staff to work with the AP on a plan for developing community FADS. The AP decided to work with DAWR to see if they can piggyback on their deployment/site permits to deploy the buoy currently sitting at the Guam Fishermen's Coop. They are in dialogue with a local military contractor for use of their torpedo recovery boat as the deployment vessel. No timeline noted.

2. Regarding the Territorial Bottomfish Stock Assessment: Recommended the Council not use the Territory Bottomfish Stock Assessment for management of Guam's bottomfish fishery as the assessment is not a true reflection of bottomfish in Guam due to the inadequate data. Further, the Guam AP continued to recommend the Council request PIFSC to separate the shallow complex from the deep complex as recommended by the AP at its last meeting in June as well as by the Council's Data 2000 workshop back in 1996 that recommended "investigating methods for separating and analyzing data and information on the shallow and deep bottomfish complexes;" and the WPSAR report of the 2015 Territory Bottomfish Stock Assessment. The AP also recommended the Council request NMFS PIFSC to provide a presentation on Guam to explain the stock assessment to the Marianas Bottomfish community.

Status: The Council at its 180th meeting, did not take up this recommendation and may be taking action on Guam bottomfish ACLs at its upcoming 181st meeting.

3. Council Issues

A. Update on Territorial Bottomfish

i. Territorial Bottomfish ACL

Council staff presented on the results of the (P*) and SEEM working group meetings held on Guam on January 30. He detailed the findings based on workshops held for each. The SSC received the stock assessment from the Science Center prior to the 180th CM in AmSam. The SSC backed the peer review process and agreed that this was the best information available. At its 180th meeting, the Council directed staff to convene the (P*) and SEEM working group meetings to consider the assessments. The (P*) working group recommended a 19% reduction from the overfishing limit which will result in a (P*) level of 31% risk of overfishing.

On the BMUS, the Science Center estimated the MSY to be at 42,100 pounds while the harvest level based in 2017, which was the last datapoint in the assessment to be at 11% harvest rate. The harvest rate reflected 0.81 (less than 1.0) and means Guam is not experiencing overfishing. Marlowe added that according to the assessment, the biomass over the biomass at MSY is also below 1.0 and means that Guam's fishery is overfished.

Council staff noted with the estimated total catch for the last ten years on Guam, the overfishing limit was at 36,000 pounds although there were two years (2009 & 2011) where the estimated total catch exceeded the overfishing limit. The last three years of catch the average was around 26,000 pounds. The data was derived from DAWR creel survey process.

Council staff presented the options for specifying the Territorial Bottomfish ACLs:

- Option 1: No Action – do not specify the ACL, a selection that will put the Council in direct violation of the MSA National Standard 1. The risk of choosing this option is that NMFS will be making the decisions for the territory.
- Option 2: Specify the ACL based on the SSC recommended ABC and results from the SEEM analysis. This option complies with federal requirements, good for four years from 2020 to 2023 and no application of reduction in the ABC. The ACL will be set at par with the ABC at 31% risk of overfishing and 27,000 pounds maximum catch for each fishing year.
- Option 3: Specify an ACL lower than the results of the SEEM analysis, a more precautionary option.

On the accountability measures, Council staff indicated the only data collection available at the moment is DAWR's creel surveys and commercial receipts books. This is federal action. If there is a way to track the catch and are able to project when the ACL will be breached then the action will only affect federal waters. The territory will have no means of closing their waters of 0-3 miles and fishery will continue within these waters. In-season monitoring and in-season closures cannot be implemented and so the only option left for the Council and for the AP to consider is a post-season adjustment where if the last three years catch average exceeds the ACL then the ACL in the following year will be reduced by the overage.

The AP asked why there was no option for the status quo. Staff replied that the status quo would be to not have an ACL (no action) and therefore no limit on the fishery. The specifications for the current ACLs will expire and continuing it as a status quo would result in the need for a specification. That option would require using the old stock assessment, which cannot be done because the new stock assessment is the best scientific information available.

The AP also talked about looking at DAWR to institute new data collection methods going forward to improve the outcome. The creel surveys will still be in the mix while the new method is evolving and usable after three years.

After review and discussion, the Guam AP *recommended the Council select Option 2 as its preferred alternative and specify the status quo with an ACL based on the SSC recommended ABC and results from the SEEM analysis. The AP also recommended the Council try and work with at least the true bottom fishermen that lands 90% of the BF complex catch, and allow for volunteer submission of data so that a better assessment is generated with improved catch information and separate the assessment between the deep and shallow bottomfish complexes.*

B. Guam Marine Conservation Plan

Council staff briefed the AP on the latest status of the Marine Conservation Plan (MCP) for Guam. Public outreach was done during September and October 2019. Invitations for participation were sent to relative GovGuam agencies for input and presently the Director of the Dept. of Agriculture is putting the final elements and edits to the document before sending it to the Governor's office for approval. Staff added he drafted the letter to be put on the Governor's letterhead and attached to the MCP final document for submittal to the Council during the 181st meeting in March.

C. Pelagic Issues

i. 2020 Territorial Bigeye Specifications

4. Council staff presented on the 2020 Territory Bigeye Catch Limit Specifications. The recommendations coming out of the AP will be presented to the SSC who will then present to the Council. At the 178th Council Meeting in June 2019, the Council voted on Amendment 9 and from 2020-2024 for the territories to have no catch limit and 1,500 mt allocation limits to US-flagged longline vessels. Amendment 9 was held up based on administrative timing. New Biological information is coming and new stock assessment is coming up in 2020. So pursuant to the Pelagic FEP Amendment 7 (2014), a recommendation will be presented to the Council with specification of 2020 longline bigeye catch and allocation limits for US participating territories of American Samoa, CNMI and presented the three option listed below. Amendment 7 requires the Council to specify Territorial catch limits on an annual basis while Amendment 9 allows the Council to specific catch limits for multiple years.

Council staff presented the following options for 2020 specification of bigeye tuna:

- Option 1: No Action – do not specify the catch or allocation limits for 2020.
- Option 2: Status Quo: Specify 2,000 mt longline bigeye limits; specify up to 1,000 mt transfer limits per participating US territory.
- Option 3: Specify an 2,000 mt longline bigeye limits; specify up to 2,000 mt transfer limits per participating US territory AND/OR limit total allocations among all US participating territories to 3,000 mt. This option allows US-permitted vessels to work with the territories with flexibility.

Council staff added a detailed review of the total WCPO longline catches with territory longline bigeye tuna transfers that go back to 2011. The bigeye tuna, under the commission, is managed by the WCPFC through a series of measures such as some limits to the purse seine fishery's

floating FADs and also limits of FAD deployment. The reasons the US imposed catch limits on the territories are a) If a fishery has a history of catching up to 2,000 mt, amount is self-imposed and justifies the ability to transfer quotas to the US; and b) it maintains the US and Participating Territories implementing conservation measures beyond WCPFC standards. Some distant water tuna fleets have in the past purchased through charter agreements, the ability to fish the EEZ's of small island developing states and attribute the catch to the small island developing states and which do not have catch limits.

The AP discussed the issue and the options listed. The AP felt the current Administration has a high likelihood of again not signing the HLA contract and Guam will again lose out on the quota allocation funds.

Council staff noted a meeting with the Governor and her Chief of Staff where this subject was discussed. He said the Governor and her Chief of Staff misunderstood the process and thought the Council has total discretion as to how the funds are to be spent. It was explained that the Council is an intermediary and that the funds can be spent on government projects related to fishery, and the MCP is the spending plan. He said they now have a better understanding and the likelihood of signing is higher. He said the Hawaii Longline Association came to Guam and met with the Chief of Staff, something they did not do with the other insular areas. He also recently sent a letter expressing interest to continue the relationship and looks forward to a positive outcome, again something he did not do to the other jurisdictions and means he is looking out for Guam.

The AP discussed the options and chose Option 2-Status Quo. Specify 2,000 mt LL BET limits and up to 1,000 mt transferable per US participating territory.

5. Guam Reports

Council staff reviewed what was to be presented to the Council regarding Guam including:

- Island Report-prepared by DAWR to include other Guam Council member reports
- Enforcement Report-prepared by DAWR
- Community Report-prepared by staff
- Education & Outreach Reports-prepared by staff
- Governor/Legislative/Congressional Reports-prepared by Dept. of Ag and staff
- Licensing Status Report-prepared by DAWR

6. Island Fishery Issues and Activities

A. Fishing Derby

The 2nd Annual ShutUP and Fish Guam Mahi and Wahoo Shootout Fishing Derby is scheduled for Saturday, March 7. For the first time the organization will be using both the Agat and Agaña Marinas as launch points. And starting this year derbies hosted by this organization is co-sponsored by the Guam Visitors Bureau. The last awards banquet was held at the Government House.

B. Guam Fishery Roundtable

Council staff reported he had a discussion with a group planning a Guam fishery Roundtable meeting in April and are inviting fishermen of all the different disciplines to have an open discussion on all the challenges facing Guam fishery. They want to talk about the SCUBA fishing, migrant fishing, depleting reef fish stock, data collection issues, shark depredation, gear conflicts between chenchulu and rod & reel fishermen, and any other matter that comes up on Guam fishing. He said he will advise the AP once the date is firm and requested they make time to attend.

7. Public Comment

There were no public comments.

8. Discussion and Recommendations

The Guam Advisory Panel made the following recommendations:

Regarding the Territorial Bottomfish ACL:

- **Recommended the Council select Option 2 as its preferred alternative and specify the status quo with an ACL based on the SSC recommended ABC and results from the SEEM analysis.**
- **Recommended the Council work with the true bottom fishermen that lands 90% of the BF complex catch, and allow for volunteer submission of data so that the next benchmark assessment is based on improved catch information and separate the assessment between when the deep and shallow bottomfish complexes.**

Regarding the US Longline Bigeye Tuna Catch/Allocation Limits:

- **Recommended the Council select Option 2 as its preferred alternative and specify status quo regarding the HLA LL BET quota and specify 2,000 mt LL BET limits and up to 1,000 mt transferable per each US participating territory.**

9. Other Business

A. SSPC

AP member Judy Amesbury shared that Social Science Planning Committee will be meeting on March 7, a day after the SSC and will be having a recommendation. The AP discussed having inclusion and participation by fishermen in all levels of the stock assessment process so that matters like the WPSAR does not happen after the stock assessment has been released.

B. FSM Consulate General

Council staff shared he had met with the Consulate General of the FSM who was open to discussions on fisheries and fishery conflicts. She committed to assigning one of her staffers to attend future AP and/or Council meetings. She is also putting together a series of workshops for the Micronesian community over the summer and invites participation from the Council staff and AP.

The Vice Chair expressed concern that the workshops will be single sided and would like to see a peaceful discussion. This will be conveyed to the Consulate General.