



Report of the American Samoa Archipelago FEP Advisory Panel Meeting

Wednesday, November 18, 2020

5:00 p.m. – 7:30 p.m.

Virtual Meeting

1. Welcome and Introductions

Will Sword, American Samoa Advisory Panel vice Chair, welcomed the members and attendees to the meeting and thanked them for participating. Members in attendance with Sword were Brian Thompson, Joseph Fa'a'aita, Dustin Snow, Nonu Tuisamoa, Samuel Meleisea, Ana Tupua and Frank Barron.

Council Chairman Archie Soliai and Council staff members Nate Ilaoa, Joshua DeMello, Asuka Ishizaki and Marlowe Sabater were also present. Other attendees present were Justin Hospital, Kristian Kim, Phyllis Ha, and Tammy Harp.

2. Review of Last AP Meeting and Recommendations

Council staff provided a status update on the recommendations made by the American Samoa AP at its last meeting in August. The Council took up the AP's recommendation to endorse the Council's offshore energy policy, the list of items under President Trump's Executive Order, and the PRIA Marine Conservation Plan. The AP also made a pair of recommendations on electronic reporting items - that the Council require mandatory electronic reporting for both the American Samoa and Hawaii longline fisheries and that DMWR take a larger role in the training of local small boat fishers and seafood vendors with the Catch-It Log-It and Sell-It Log-It self-reporting apps. The AP also recommended that DMWR provide updates to the fishing community and the ASG Fishery Task Force on the status of the CARES Act spending plan.

3. Council Issues

A. American Samoa Bottomfish

i. Development of Annual Catch Limits for 2021-2024

Council staff provided details on the annual catch limits for American Samoa for 2021 through 2024. The report included the P* Analysis, a review of the best scientific information available, and a description of the alternatives available for action at the 184th Council Meeting. He also detailed the impact of each of the alternatives.

Those alternatives are as follows:

- *Alternative 1:* No action
- *Alternative 2:* Phase-in approach from 5,000 lbs in 2021 and 2,000 lbs in 2022
- *Alternative 3:* Apply 2,000 lbs ACL immediately
- *Alternative 4:* Bottomfish prohibition temporarily in federal waters

An AP member commented that alternative two was the best option and that it had the least adverse impact on the fishermen.

The AP asked about whether things would change if the data collection improves by next year. Council staff said the next assessment was scheduled for 2023 and that the Pacific Islands Fisheries Science Center (PIFSC) and WPSAR dictate the timing, but any new data would be incorporated into the next assessment in 2023.

Another AP member noted the photos in the slides show a reality that does not match what the assessment determined and that none of the options presented were optimal. Council staff replied that this shows the flaws of the assessment as well as the data collection in American Samoa.

ii. Development of a Stock Rebuilding Plan

Council staff presented on the American Samoa Bottomfish Stock Rebuilding Plan. The National Marine Fisheries Service (NMFS) notified Council of change in stock status and the Council's obligation to take immediate action to end overfishing and implement a plan to rebuild stock within 2 yrs of the notification. That plan must be submitted within 15 months. The Council requested an interim measure be put in place to reduce overfishing while increasing biomass, since immediately ending overfishing would have severe impacts. NMFS preferred alternative is for a 13,000 lb catch limit for 2020 with an in-season accountability measure to close the fishery if the limit is reached.

The Magnuson Stevens Act requires the Council to take action immediately to end overfishing and implement measures to rebuild the bottomfish stock. The Council must prepare and implement a plan by February 2022. The deadline to submit the plan is May 2021. Council must also specify a time for rebuilding the stock that is as short as possible and does not exceed 10 years.

He also reviewed the parameters that must be defined to rebuild the stock before outlining the alternatives for the Council to consider. All the details of each alternative was presented to the attendees. Those alternatives are as follows:

- *Alternative 1*: No action (status quo option)
- *Alternative 2*: Implement ACL of 1,500 lb and in-season AM for next 10 years (preferred option)
- *Alternative 3*: Establish moratorium on bottomfish fishing in Federal waters for next 10 years
- *Alternative 4*: Implement same measures as Option #2, with additional requirements for Federal permitting, reporting, and bag limits

The AP asked where NMFS PIFSC was in the data issues and if they deserved any blame with DMWR for not verifying the data submitted. Council staff replied there is only so much assistance that can be provided to the local governments by the PIFSC.

An AP member said that there are only a handful of small fishing vessels and it should not be this difficult to collect data from them. 30 small boat participants is an accurate estimate of the fishery but the expansion has warped the reality.

Another question was asked by the AP about what can be done differently to avoid this situation from happening again. Another member said the local government must do their job and that was the key. Council staff replied that using the Catch-It Log-It app as much as possible will also help the situation. AP members agreed and said it is important to get as many fishers using the app as possible right away.

The vice Chair said the upcoming fishing tournament will hold its captain's briefing next Wednesday and that it will be used to train fishers on using the app. He asked Council staff to coordinate with DMWR and the contractor to plan that training. Staff replied he will work with the contractor on availability of the tablets for distribution for fishermen participating. AP members said they expect 17 vessels to be represented at the meeting and the meeting will be held at 5:00 PM at Industrial Gases in Tafuna Village.

Another question from the AP was whether the data was to blame or the assessment model. Council staff said both were to blame.

An AP member said that deepwater species of bottomfish landed in federal waters are not commonly found at stores or roadside stands. The large majority of fish in the markets are shallow water species. He said PIFSC should analyze boat-based data and sort the catch by whether it's in federal or territorial waters.

Another AP member commented that enforcement of any regulations would be needed. A second AP member added that there needs to be room for checks of fishing in federal waters and if there is a total closure, we will have no idea what is going on beyond territorial waters.

Council staff said this can be accomplished if a bag limit is in place. Those who fish the banks should be identified and then data can be collected from those fishermen. The total catch will be divided up by those who apply for those permits to fish in federal waters. This also allows for spot checks on those deepwater species. He said in communication with the Stock Assessment Program, they will likely put deep and shallow water species together, so if data is coming back from the banks it could help with that part of the assessment.

AP members said bag limits were not preferred but being able to do spot checks is important. One member asked if the situation facing American Samoa's bottomfish fishery has ever been experienced by any of the other Pacific Island territories. Council staff replied that this is the first time in the territories. He said Hawaii's bottomfish complex showed overfishing in the late 1990s and early 2000s which forced them to improve data collection and implement quota reductions. This is similar to what American Samoa is now facing. In Hawaii at the time, the data improved and showed the mistakes and that will hopefully happen in American Samoa.

Council staff was asked how long it took for Hawaii's bottomfish fishery to improve, and he said it took decades but as they got more fishermen to report their catch and implemented

fishing licenses and outreach programs things got better. He said fishermen also understood that effort should be limited to when lines are dropped and not when the boat left port.

The AP also inquired about the status of DMWR's management plan. Council staff is working with the Director on the plan and they have also explored the Annual Proclamation statute of the local laws. He said the Director being off island for a prolonged period of time has not helped with the progress. The app could also help shore up the data and as an example, DMWR reported 80,000 lbs of octopus catch for this year which seems extraordinarily high. Meeting participants all agreed that this number is too high.

In discussing the options, the members all agreed that alternative one was not an option. One member suggested alternative two was the best option for local fishermen. With the majority of catch coming from territorial waters, there's no way to reduce the 1,500 lbs but at least it isn't zero lbs. Another member preferred the option of implementing permits and bag limits to get data from the federal waters and support the next assessment. He also suggested that possibly another team of fishermen from Hawaii could come down again to do that work. An AP member disagreed and said the local fishermen can fish federal waters and an off island team is not necessary. We should allow for some competition between the local fishers.

One AP member suggested that DMWR explore artificial reefs or other projects to help the fishery. He said the banks can often be too rough to fish and that only a few months such as March and November provide calm weather.

The members discussed Manu'a and the question was asked about whether Manu'a data is collected. Council staff replied there has not been data collected from Manu'a. The AP said it is important to include Manu'a bottomfish data in the assessment but it should not be included in this moratorium on bottom fishing as there is no data.

iii. Considerations for Developing Reasonable and Prudent Measures and/or Reasonable and Prudent Alternatives for the American Samoa Longline Fishery

Council staff reported that September was supposed to be the expected completion of the American Samoa longline consultation, but it is still not done. Council staff is working to get as much information as possible to look at what is needed for the analysis of the RPMs. Staff is working to develop specific measures but there is not much information available at this time. She said the longline fishery is going through economic distress and trying to diversify fishing operations.

There is also currently a consultation for the deepset longline fishery in Hawaii and they are in the same situation as American Samoa. One difference however is that Hawaii's fishery has applicant status and have the opportunity to review the information, while in American Samoa there is no direct communication happening so when a draft is obtained it is important to make sure the longline participants are involved in the process.

An AP member about the swordfish trip limit. Council staff replied that previously there was a 10 swordfish limit per trip. This was put in with the green turtle mitigation measure due to

concerns of turtle interaction, but there hasn't been a fishery actively targeting swordfish in American Samoa and thus the limit is not needed and just creates an additional burden.

4. American Samoa Reports

Council staff provided a summary of the Motu Ripoti for the 184th Council Meeting in December. The report included details on the longline fleet's diversification plans to begin pelagic trolling in 2021 and the status of the alia fishing association and the lawsuit against the Shipyard Authority for damages from their repair work. The report also detailed the palolo harvest in November which was much better than the one in October. The 2021 lunar tide calendars are also on the way and will be distributed. Ilaoa said the November fishing tournament will be another fishing app training opportunity and he detailed the training that has taken place in American Samoa in the past three months.

The vice Chair said the tournament is taking place the weekend after Thanksgiving and SOPAC/Budweiser is the major sponsor. They are working on getting all fishermen registered and in attendance for the app training. He asked Ilaoa to update the attendees on the meeting with Bluesky. Also the training and Captains meeting should be the Wednesday before the tournament at Industrial Gases.

Council staff said Bluesky had agreed to provide free sim cards and data to all tournament participants. They will restrict the network to the Catch-It Log-It app site only. They also required a letter from the PPGFA requesting support. The vice Chair asked Council staff to work with DMWR and contractor on details of app training and to provide login credentials to all fishers at that training.

5. Report on American Samoa Archipelago FEP AP Plan Activities

The vice Chair talked about the tournament as being the only major activity during this period and that it provides a great opportunity to highlight the self-reporting app.

6. Island Fishery Issues and Activities

One member said an appeal from ASG on the LVPA ruling is unlikely, but suggested that the AP recommend that the Council look at protecting the offshore banks to avoid gear conflict and avoid any longlining from damaging the outer reefs and decimating the bottomfish population.

Another member said the Attorney General had said that ASG was preparing to appeal the decision of the 9th Circuit Court.

Council staff said there was a deadline for the appeal process and if that isn't done, then the original LVPA amendment would be put in place automatically. All members agreed that a recommendation should be made asking for another look at the LVPA options.

On the longline dock construction, it was reported that Port Administration is awaiting Army Corps permits and is stuck since they are unable to move forward since the COVID-19 outbreak.

On the alia floating dock piles project, a member voiced frustration as there had been no progress for over a year since the contract was awarded. He suggested that if nothing moves forward, a new contractor be selected.

The members discussed the project with piles being funded under disaster relief funds and there being a second piles and floating dock project planned for the Pago Pago boat ramp area.

7. Public Comments

There were no public comments.

8. Discussion and Recommendations

The American Samoa Advisory Panel made the following recommendations:

Regarding the ACL for the American Samoa bottomfish complex,

- **The American Samoa AP recommended the Council select Alternative 2 for a phase-in approach from 5,000 lbs in 2021 and 2,000 lbs in 2022.**

Regarding the bottomfish rebuilding plan for American Samoa's bottomfish fishery,

- **The American Samoa AP recommended the Council select Alternative 2 with an ACL of 1,500 lb and in-season AM for next 10 years**

Regarding the LVPA,

- **The American Samoa AP recommended the Council continue to move forward with modifying the LVPA using the 2017 options and review those options with a working group from American Samoa fishers (longline, alia and recreational) to ensure that the preferred alternative continues to meet the needs of the fishermen.**

Regarding American Samoa Fishery Issues,

- **The American Samoa AP recommended the Council request DMWR expedite repairing the floating dock in Fagatogo Village to allow small vessels to dock.**

9. Other Business

NMFS PIFSC provided a presentation on a small boat survey project planned for 2021 in American Samoa by PIFSC. The PIFSC staff has contracted a project to look at 2020 fishing experiences, market participation, and vessel information such as expenditures. The survey will also look at COVID-19 impacts. They plan to do the work in early 2021, and conduct in-person interviews. Surveys will be available in both English and Samoan language. He said this project will help inform analysis of management alternatives, estimate economic contributions from fishing activity, and assess economic impacts from management actions. The last such survey was done back in 1989.

An AP member asked if they have local contacts. PIFSC said the contractor did have local contacts. He added that they were only interviewing small boat owners and that they have a separate survey for large vessels and it was done more recently in 2017.

Another AP member asked if the 1989 report was available. PIFSC said he would send it to the Council staff to distribute to the AP.