



## **Report of the Guam-Mariana Archipelago FEP Advisory Panel Meeting**

Thursday, March 11, 2021

6:30 p.m. – 8:30 p.m.

Virtual Meeting

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

Ken Borja, Guam Advisory Panel (AP) vice Chair, opened the meeting at 6:40 p.m and welcomed the members. Members in attendance included Judy Amesbury, Myles Driscoll, Jason Biggs, James Borja, and Jason Miller.

Also in attendance was Felix Reyes, Marlowe Sabater and Joshua DeMello (Council staff); Michael Dueñas, Monique Amani (Council Members); Chelsa Muña-Brecht (DoAg and Council Member); Jay Gutierrez, Cristian J. Cayan, Frank Roberto, Jude Martinez (DAWR); and Darrin Pangelinan (Guam Catch-it, Log-it Administrator).

### **2. Review of Last AP Meeting and Recommendations**

Council staff reviewed the recommendations of the last meeting held on Saturday, November 21, 2020. At that meeting, the AP made a recommendation on setting an Annual Catch Limit (ACL) for Guam bottomfish at 27,000 lbs.; a second recommendation was made to increase the outreach for bottomfish data. The Council recommended a higher ACL at its 184<sup>th</sup> meeting, but will review its recommendation at its 185<sup>th</sup> meeting. Outreach has continued on the need for data through the Catch-It, Log-It e-reporting system.

### **3. Council Issues**

#### **A. Guam Bottomfish Stock Rebuilding Plan**

Council staff presented on the Guam Bottomfish Rebuilding plan to address the overfished condition in the fishery. The Council discussed the options at its last meeting in December 2020 and chose 31,000 lbs. as its preferred alternative. As environmental assessment was developed by the action team, there was a need to review the biomass projection to be consistent with National Standard 1. This resulted in a more pessimistic outlook for the fishery as the three-year projection increased the time of rebuilding for each of the alternatives. The result is that the previously preferred alternative recommended by the Council is no longer viable as the rebuilding timeline exceeds 10 years. The team also identified a need to control the catch at whatever alternative the Council chooses, including territorial waters. Council staff presented the revised alternatives that the Council will consider at its 185<sup>th</sup> meeting in March 2021. He noted that 26% of the estimated bottom habitat is in federal waters. He also reviewed the in-season monitoring plan and noted that there is no process to close territorial waters should the ACL be reached.

An AP member asked what happens if the ACL is exceeded and how will measurement be done in territorial waters. Staff responded that federal waters will shut down and stay closed until the Council can show that the catch can be controlled. The Council is talking with NMFS Pacific Islands Fisheries Science Center (PIFSC) on how it would be tracked; right now it is only the

creel survey that provides the data as Catch-it, Log-it is not yet fully implemented or authorized. The number of interviews will be monitored for bottom fishing and if the result received is enough to generate an estimate, then that will be a point estimate to see where we are at. The creel surveys do not indicate where the fish was caught or where fishing takes place. When federal waters are shut down, fishing will likely continue in territorial waters (0-3 miles).

Another AP member said the ACL means that every year there is a limit; once that limit is exceeded it shuts down fishing. The next year we should get the same limit and get shut down if the ACL is exceeded again and questioned why this is not part of the process. Staff replied that technically that is how it should work for a non-rebuilding plan. If the quota keeps getting exceeded every year, the rebuilding time gets longer and longer. If the ACL is exceeded, federal waters will not re-open even if creel surveys show catch is less over time. That is why it is necessary to see catch in near real-time.

An AP member added the issue is tracking the catch. We need to track our catch better. The vice Chair said how the catch is calculated is unknown. Counts will continue to be late. Fishing can be delayed or postponed due to weather, along with the data. *The vice Chair made a request for staff to ask NMFS to provide presentations on how estimates are made.*

Another AP member asked if DAWR has its own management program set up to track catch at 0-3 miles and if there would be separate ACLs. Staff responded that the ACL is based on the range of the species. If the territory had their own management plan and could demonstrate that they could control the catch within 0-3 miles, then the federal water closure would not need to remain closed for the remainder of the rebuilding period.

An AP member said it seems like PIFSC heard that the data was not good and decided to use something else and push the responsibility back on the fishermen as PIFSC is not responsible for the data, they just use it. Staff said their script as stock assessment scientists is that they are users of the data and they will use whatever they can get. They did promise to do a data workshop (next year). If we have one year of good data using alternative means, including the use of Catch-It, Log-It, they can use that to validate the creel survey expansions so the time series can be recalculated because you can have a factor to change it. The only other way is to split up the complex and that will be worked on by the plan team in April.

An AP member asked what would happen if the stock is split. Staff replied that is changing the formula/model. The complex split will need to apply a different model because other data assessments may be available for different species. This is where Catch-It, Log-It is critical because its focus is deep bottomfish where there are not much data in the creel survey. If the data from the highliners of the deep bottomfish fishery are captured, then you have an alternative data set to help recalibrate the creel numbers.

Staff added that data from January 2021 shows a 20% usage of Catch-It, Log-It. At this time it is hard to get a feel for where we are with the proposed ACL because in just 1.5 months of 2021, with 6 BF fishermen reporting, we are already at 6% of the ACL. The catch is expected to ramp up by summer and during the less windy period.

The vice Chair suggested PIFSC will not use data unless it is mandatory. An AP member asked if reporting catch data can then be made mandatory. Staff questioned what the ratio is for Guam's bottomfish fishery of commercial to non-commercial and said that if a mandatory process is not capturing non-commercial data then there are better ways to assess the fishery that is not CPUE based.

An AP member asked if the stock assessment effort by NMFS can be challenged due to lack of data and if the rebuild plan would be discontinued if a new stock assessment is made. Staff said it might be too late but a legal challenge is always an option. The best science information memorandum has already been issued by NMFS and there is no regulatory mechanism to counter it. Since this is a legal action, the Council is engaging NOAA General Counsel to see if there is assurance this current plan will be removed if a new assessment is done. NOAA GC has referred to National Standard 2 and NMFS's policy on changing stock status from known to unknown. In this case, it is not a shift from known to unknown but will be a known to known because each species is accounted for. He confirmed the next stock assessment will be in 2024. Staff added that as long as all of the species are accounted for in the new stock assessments, and stock status has changed, then NMFS would have to reconsider the rebuilding plan.

The vice Chair said the AP should work with the local government to request NMFS issue a waiver for Guam bottomfish until there is clarity with the stock assessment process and the territory is able to meet all requirements. Guam is comprised of mostly subsistence fishers and no large commercial fleet. All territories should seek an exemption until the correct data is available to meet the formula.

*The Guam AP agreed that there was little choice for the fishermen in the options presented and repeated their previous recommendation that the Council select the alternative that provides Guam with an ACL of 27,000 lbs.*

#### **B. Catch-It, Log-It Implementation**

Council staff reported the status of Catch-It, Log-It noting that as of March 8, 2021, there were 88 fishers registered and 22 reporting, and seven vendors registered and five reporting under the Sell-It, Log-It system. Since January 1, 2021, there were 141 fish reports from 71 trips for a total of 5,093.85 pounds of fish. He said Guam staff, together with the Catch-It, Log-It contractor, will have a tent and table to register fishers during the Shut Up and Fish Guam Wahoo/Mahi Shootout Derby. The derby organizer confirmed they will make it mandatory for the derby participants to register.

The vice Chair noted that if fishery shuts down, it will negatively affect Catch-It, Log-It efforts. Staff replied that data collection is intertwined with the regulatory action and is part of the overall process. It is best to keep the data collection effort separate from the regulatory issue as it contributes to the next round. If it is affected, there will not be any data to use for the next round. If the process is stuck on the creel survey data again, the next stock assessment will likely produce results similar to what we are currently facing.

### **C. Status of Fishery Biological Opinions**

Endangered Species Act (ESA) consultations are conducted for federally managed fisheries to ensure fishery does not "jeopardize" ESA-listed species. NMFS Pacific Islands Regional office (PIRO) Protected Resources Division (PRD) is doing the consultation and the resulting document is termed a Biological Opinion (BiOp). Council staff presented that there is a BiOp that is currently under development to determine and address potential impacts from bottomfish fishing on ESA species (i.e. Oceanic Whitetip Shark). The territorial bottomfish consultation was initiated in June 2019 with a statutory deadline to complete the document in 135 days. The latest update on timing is PRD expects to complete the consultation in June 2021. Staff noted that Guam and CNMI had some records of "whitetip" interactions but only a handful over a number of years, and with an uncertainty in species identification. He said the Council expects to receive a draft BiOp for review prior to its June meeting and will ask the AP members for a review and comments at that time.

### **4. Guam Reports**

Council staff reported on what will be presented at the 185<sup>th</sup> Council meetings in March. Staff briefed the AP on the Island Reports to be presented by Council Members, including reports by Guam Council members regarding fishing on Guam before and under the Covid-19 pandemic, the departure of the last tuna transshipment company, and the status of the Guam Fishermen's Coop's new facility construction.

### **5. Report on Guam-Mariana Archipelago FEP AP Plan Activities**

Council staff reported the AP's Community FAD project is still on the backburner due to current COVID limitations, but reported that this year's projects includes: assisting on the lunar calendar, a bottomfish tournament to be scheduled the weekend prior to the September 2021 Council meetings; and AP outreach plans to include in-classroom presentations. The AP is waiting on the rebuild plan to see if the tournament would have any effect on the stock and see what type of data might be gathered from the tournament that could assist in future stock assessments.

### **6. Fishery Issues and Activities**

An AP member reported she chaired a talk on fishing traditions in the Marianas at the Marianas History Conference held recently. The presentation that had the most relevance to the Guam AP was one given by University of Guam Professor Bill Jeffrey, who talked about the pre-WWII Japanese tuna fishery in Micronesia and the fact the tuna fishery in the CNMI then was the biggest fishery ever in the Marianas.

Another AP member reminded the AP his concern remains the FADs with only five of 14 remaining on line. Another AP member reported the marine lab has a FAD buoy in their lot and is waiting for better weather to deploy it off Ipan in the next month or two.

An AP member said setting a limit then using the same catch data to set the next limit to stop fishing does not sound good. He noted he understands the need to get better educated on how the stock assessment is gathered, but he argued that we know how the stock assessment is gathered. Only now do we understand that participating and even not participating in the stock assessment

will hurt us. The vice Chair added it is not just how data are collected, but how it is calculated at the end.

An AP member noted that the bases of some of the railings at the Agaña boat basin have rusted through so tying off boats or being around it is a hazard.

## **7. Public Comment**

No public comment

## **8. Discussion and Recommendations**

After discussion, the Guam Advisory Panel made the following recommendations:

*Regarding the Guam bottomfish rebuilding plan,*

- **The Guam AP recommends the Council select Option 3, a bottomfish ACL of 27,000 lbs.**
- **The Guam AP recommends the Council request NMFS PIFSC provide a presentation to the AP on how catch is estimated and expanded in order for the AP to provide additional outreach on data needs.**
- **The Guam AP recommends the Council request NMFS PIFSC confirm the stock separation for the next bottomfish stock assessment and NMFS PIRO confirm that the rebuilding plan will be removed if the stock status changes.**

## **9. Other Business**

The vice Chair noted a shutdown of Guam's bottom fishery will have a direct impact to what him and his brother do, which is target deep bottom species for retail sales. He said that the feeling that Guam's bottomfish fishing is closing down is a tough pill to swallow and if that happens their support of the Council might be lost.

Council staff said Shut Up and Fish Guam has a tournament this weekend and the Council is providing support with small giveaways, an outreach booth and Catch-It, Log-It registration and requested the AP's assistance.

The vice Chair adjourned the meeting at 8:20 p.m.