



Report of the American Samoa Archipelago FEP Advisory Panel Meeting

Tuesday, September 7, 2021

5:00 p.m. – 7:00 p.m.

Virtual Meeting via Webex

1. Welcome and Introductions

Nate Ilaoa, American Samoa Advisory Panel (AP) vice Chair, opened the meeting at 5:05 p.m. American Samoa AP members in attendance included: Brian Thompson, Pafuti Ana Tupua, Joseph Faaita, Frank Barron, Jerome Ierome, and Nonu Tuisamoa.

Also in attendance was: Will Sword, Brian Peck, Howard Dunham (Council Members); Kitty Simonds (Council Executive Director); Diana Kitona, Mark Mitsuyasu, Zach Yamada, Marlowe Sabater, Mark Fitchett and Joshua DeMello (Council Staff); Domingo Ochavillo (DMWR/SSC Member). Members of the public in attendance included: Danika Kleiber (NMFS PIFSC).

2. Review of Last AP Meeting and Recommendations

Council staff presented the report of the last AS AP meeting held on June 8, 2021. She reviewed the recommendations made at that meeting and provided an update on the status of those recommendations.

3. Council Issues

A. American Samoa Bottomfish

i. BMUS Rebuilding Plan

Marlowe Sabater presented on the rebuilding plan for the overfished bottomfish fishery in American Samoa. In February 2020, NMFS informed the Council about the change in stock status for the American Samoa bottomfish management unit species complex from not overfished and not subject to overfishing to overfished and subject to overfishing. The Magnuson-Stevens Fishery Conservation and Management Act (MSA) and National Standard 1 require the Council to develop a rebuilding plan and submit the amendment package within 15 months from notification. The Council has worked with NMFS and the territory of American Samoa to develop a rebuilding plan to comply with MSA section 304(e)(3) and implementing regulations at 50 CFR 600.310(j)(2). An interim catch limit was implemented in the American Samoa bottomfish fishery through an interim measure emergency rule making to curb the impact of the change in stock status and sudden drop in the annual catch limit (ACL). He reviewed the alternatives from the rebuilding plan that included ACLs with accountability measures and ranged from status quo to a temporary moratorium on fishing.

The AP noted the different alternatives and had a deeper discussion on Alternative 4. This alternative would implement an ACL of 5,000 lbs with an in-season Accountability Measure that would close federal waters until measures are in place to control any additional source of fishing mortality. AP members asked if the additional source was the local management that was needed. Council staff responded that the local government is developing management options and has already conducted meetings in Tutuila and Manu'a. ***The AP agreed that alternative 4***

would provide the best opportunity for the fishing community while still allowing for the stock to rebuild.

ii. Territorial Bottomfish FMP

Domingo Ochavillo, American Samoa Department of Marine Wildlife (DMWR) Chief Scientist, reported on the development of the American Samoa bottomfish fishery management plan (FMP). DMWR consulted with the fishermen to develop the goals and objectives of the FMP at meetings in Tutuila and Manu'a. Key takeaways from those meetings were that fishermen want to keep the current bottomfish management unit species, improve data collection and data quality to increase the catch limit, and agreed to fisheries regulations including a fishing license, bag limit, size limits, etc. Ochavillo said that Manu'a fishermen are not familiar with territorial and federal water boundaries and that bottomfish fishing is decreasing in Manu'a with the increased availability of government jobs. He said that fishermen needed clarity and definitions on what the bottomfish species were and noted that bottomfish do not follow territorial boundaries but depth contours. He said that the majority of Tutuila fishermen fish outside 3 nm while the majority of Manu'a fishermen fish within 3 nm.

The AP appreciated the work that DMWR has done to ensure the sustainability of the bottomfish fishery. *The AP encouraged the DMWR to complete the FMP in order to provide sustained participation in the fishery and to provide food for the community.*

iii. Proposed Bottomfish CDP Plan

Ochavillo reported on the development of a Community Development Plan (CDP) for the American Samoa bottomfish fishery. Section 305(i)(2) of the Magnuson- Stevens Fishery Conservation and Management Act authorizes the Council and the Secretary of Commerce (Secretary), through NMFS, to establish a Western Pacific community development program for any fishery under the authority of the Council and NMFS. The aim of a Community Development Plan Program (CDP) is to provide local communities access to fisheries that they have relied on traditionally, but may not have participated in due to economic, regulatory, and other barriers. In meetings with the community, Ochavillo noted that fishers developed a list of criteria for the CDP including opportunities for fishery development. He noted that the DMWR is working on completing the CDP to be presented to the Council for its review.

The vice Chair noted the importance for DMWR to complete the FMP and CDP as soon as possible, noting the connection with Alternative 4 for the rebuilding plan. He asked about an estimated time for completion. Ochavillo responded they are aiming to complete both plans prior to the next Council Meeting.

An AP member asked where the bottomfish is being caught in territorial waters in Mauna. Ochavillo responded that he was unaware but was told that the fishing grounds are closer to shore and the habitat there is different from Tutuila. He noted that shallow water species are also caught in Federal waters and there is a lot of fishing outside of territorial waters so they need to look at the data. He said that these initial meetings was the first consultation but that splitting up the species by depth between Federal and territorial doesn't make sense as both are caught in either jurisdictions. He stressed the need for the management of federal and territorial waters to be managed similarly.

The vice Chair asked whether compensation is part of the CDP. Ochavillo said those ideas for fishery development came from the first consultation and will be revisited in the future but not directly as part of the CDP.

B. American Samoa LVPA Update

Council staff presented an update on the status of the American Samoa Large Vessel Prohibited Area (LVPA). He provided a background on the LVPA issue noting that it was put in place in 2002 after gear conflict concerns between small and large vessels and prohibited vessels larger than 50 feet in length from fishing within 50 nm around the islands of the American Samoa archipelago. Since then, the number of smaller vessels has drastically declined and the longline fishery faced a collapse. Through the Council process, a Final Rule was issued that reduced the LVPA from 50 nm to 12 nm in 2016. However, the government of American Samoa disagreed with the Final Rule and challenged in court that NMFS did not consider the Deeds of Cession as “other applicable law,” amongst other challenges. The litigation went all the way to the US Supreme Court who denied the Writ of Certiorari and the decision by the 9th Circuit Court of Appeals stands which found in favor of NMFS. The LVPA exemption was published as a Final Rule again and became effective July 6, 2021. He noted that the Council will monitor the fish catch and effort over the next year to determine any impacts to both the large and small vessels.

The AP noted that the longline fishery is the reason why the territory receives development funds which benefits the economy of the territory. There was also discussion of previous Council actions and potential for continuing to look at the banks for smaller vessels.

C. Proposed Magnuson-Stevens Act Changes

Council staff presented a summary of proposed changes to the Magnuson-Stevens Fishery Conservation and Management Act (MSA). There are three comprehensive MSA reauthorization bills that would have an impact on fisheries in the Western Pacific region, HR 4690, HR 3674, and HR 59. These bills provide for addressing climate change impacts to fisheries, reinforcing protecting essential fish habitat, and directed changes at the Western Pacific Regional Fishery Management Council and its responsibilities. He noted that there were requests for the Council’s comments and solicited the AP to help guide those comments.

The AP was concerned with the Sustainable Fisheries Fund (SFF) changes. The fisheries have received a lot of assistance through the SFF and having the Council in charge allowed for the AP to have input and a transparent process for how the projects are implemented. They noted that a change to an advisory group made up of government employees would not allow for transparency or input from the AP and would instead be controlled by political bureaucrats.

D. Regional Research Priorities

Council staff presented the updates to the MSA Five-Year Research Priorities to satisfy the requirements of MSA§302(h)(7). The Cooperative Research, the Management Strategy Evaluation, Social Science and Pelagic Research priorities are integrated within this priority document. Staff highlighted some priorities that the AS AP might be interested in and solicited other priorities that should be addressed.

4. Review of US Support to the Pacific Nations

Council staff presented an overview of foreign aid that the US provides to Pacific island and East Asian nations that compete with the US in fisheries. The data was provided by USAID showed that in 2018 that just over \$1.6B was provided to East Asia and Oceania for economic development, agriculture, environmental protection, developmental food aid, and food security. Many of the countries under the Western and Central Pacific Fisheries Commission are provided aid yet does not support the US in its fishery management efforts. He said it is important to note that funding is being provided to support the fisheries in other countries while continuing to see an inequitable share of the catch.

5. American Samoa Fishermen Observations Update

Council staff noted the initiative started by the Council's Advisory Panel Chair to incorporate traditional and fishermen knowledge regarding the fishery resources into science and management. This effort includes recording fishermen's observations regarding changes in fishing and the ecosystem observed by fishermen on the water. Physical, biological, oceanographic, economic, or socio-cultural changes play an important role in determining WHY fish catch and effort may be increasing or decreasing. It is important to note these changes so that when stock assessments are developed, the data can be explained by these observations. The Council is currently working on incorporating these observations into its Annual SAFE Reports and the AP Chair encourages the AS AP to document their observations for inclusion into these sections.

6. Report on American Samoa Archipelago FEP AP Plan Activities

A. Sustainable Fisheries Fund Projects

Council staff presented on projects being conducted by American Samoa DMWR under the Sustainable Fisheries Fund (SFF). Current projects being conducted will support the American Samoa longline fishery to diversify including modifying gear to convert to albacore trolling and collecting bottom fish catch and effort data. The next set of projects to be conducted in the next year will include funding for vessel upgrades, training educators, a student fishing tournament, an ice delivery system, a pilot fishing project for using short-lines. Future projects will include a scholarship program, fishing infrastructure upgrades, and community outreach.

The AP appreciated the updates on projects and hoped to have more as projects are proposed, started, or completed.

B. Catch It, Log It Update and Report

Council staff provided a brief update on the Catch It, Log It (CILI) project to capture fishing catch and effort in American Samoa. Many fishermen have registered for CILI, most of those non-commercial fishers, but many are not reporting, including only one vendor. He said that he was unsure if it was due to non-use of CILI or because no one has been fishing. The administration and implementation of the project is being handed over to DMWR. He was disappointed that the level of reporting is not at what was expected but hopes to work with DMWR in improving CILI and its use.

AP members said it is important for DMWR to continue the implementation of CILI and to help fishermen with reporting. One member noted the need for incentives and wondered if there was any feedback on the use of CILI in Manu'a.

7. Fishery Issues and Activities AP Members

AP members were primarily concerned with the bottomfish fishery issue. They noted the work being done with CILI to assist in data collection and offered support as necessary. However, they also were concerned that the Manu'a fishermen were not being provided fisheries information and suggested that more needed to be done to communicate with them.

8. Public Comment

There was no public comment

9. Discussion and Recommendations

The American Samoa Advisory Panel made the following recommendations:

Regarding AS Bottomfish:

- The American Samoa AP recommended the Council adopt Alt 4 for the Council's bottomfish rebuilding plan.
- The American Samoa AP recommended the Council support DMWR in the completion of their FMP and CDP, as well as include the AP for their *fautuaga* (advisement).

Regarding MSA Changes:

- The American Samoa AP endorsed the need for the Sustainable Fisheries Fund remain under the purview of the Council, as required by the MSA. The AP is concerned that the SFF, under the Huffman Bill, would be controlled by political bureaucrats rather than fishery experts.

Regarding AS Fishery Issues:

- The American Samoa AP recommended the Council work with the AP and DMWR to disseminate timely fisheries information to Manu'a fishing associations.

10. Other Business

A. Community Funding Opportunities and Unfunded Projects

On March 11, 2021, President Joe Biden signed the American Rescue Plan Act (ARPA) of 2021. This is a \$1.9 trillion economic relief stimulus package that allocated \$3 billion to the Economic Development Administration (EDA) to invest in infrastructure innovation and workforce training to create good-paying American jobs and strengthen the nation's global economic competitiveness. This investment will include commercial and recreational fishing, aquaculture, and the businesses and communities that depend on them. Similar to the EDA's program, the Council expects that there will be more funding opportunities that will come down the line. Members of the Advisory Panel should consider working on compiling a list of fishery development projects to compete for these funding opportunities.

An AP member noted that the Governor set up an office to provide oversight and assure compliance for ARPA funding called the ARPA Oversight Office. The AP agreed to look into how that office can be of assistance to the EDA funding opportunities. The AP will work on reaching out to the Director of that office to see talk about how to apply for funds.

The meeting adjourned at 7:43 p.m.