WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

Report of the Guam-Marianas FEP Advisory Panel Meeting
Thursday, March 10, 2021
6:30 p.m. - 8:30 p.m. (ChSt)
Virtual Meeting via WebEx

1. Welcome and Introductions

Ken Borja, Guam Advisory Panel (AP) vice Chair opened the meeting at 6:33 p.m. Guam AP members in attendance included Judith Amesbury, James Borja, Myles Driscoll, Matthew Orot, Jason Biggs, Michael Duenas, Tatiana Talavera, Jason Miller and Clay Tam (AP Chair).

Others in attendance were: Manny Dueñas (Guam Fishermen's Cooperative Association); Felix Reyes, Joshua DeMello, Zach Yamada, Marlowe Sabater, Asuka Ishizaki, Maria Carnevale, Matthew Seeley, Floyd Masga, Diana Kitiona, Mark Fitchett (Council Staff); Ray Tebuteb (CNMI AP); Joleen Salas, Sheila Babauta (Friends of the Marianas Trench); Eric Cruz, T. Todd Jones, Robert Ahrens (NMFS PIFSC); Jay Gutierrez, Jaime Bass, Brent Tibbatts (DAWR); Kevin Lino, Andres Reyes (US Navy); Javier Cuetos-Bueno (TNC Micronesia); Brett Taylor (UOG Marine Lab).

2. Review of Last AP Meeting and Recommendations

Council staff noted the AP did not have any recommendations during their Thursday, November 18, 2021, meeting.

3. Guam Fishery Issues and Activities

A. Bottomfish

i. Options for Revising the Territorial BMUS Complex

T Todd Jones and Rob Ahrens, NMFS Pacific Islands Fisheries Science Center, presented an analysis for refining the Bottomfish Management Unit Species (BMUS) list and its contribution to the improvements in future stock assessments. He reviewed the different requirements for federal MUS from MSA and the National Standard 1 guidelines and presented the results of hierarchical clustering of creel interviews for boat-based operations in American Samoa and Guam. The analysis is intended to delineate species aggregations that are potentially experiencing similar fishing pressure to facilitate when used in conjunction with life history information, the determination of species complexes for FMPs and FEPs. The results of the cluster analysis showed a clear differentiation between shallow-water species and deep-water species. The clustering was consistent despite the length of the time series.

Council staff presented the options for revising the territorial BMUS complex based on the cluster analysis and the life history synthesis. The original Bottomfish Fishery Management Plan (FMP) for the Western Pacific Region listed 20 fish species that dominated the landings, which included both shallow and deep-water species. The BMUS were grouped into a single bottomfish complex for stock assessment and management purposes. The territory bottomfish fisheries have evolved over time with the rise and fall of large vessel fleets and various sporadic fishery development projects. The current bottomfish fisheries consist of small boats undertaking single-day trips with a low number of participants targeting both coral reef fish and deep-water

snappers using the same pole-and-line gear. The Council under MSA 600.305(c)(7) is required to periodically review the FMPs and the best scientific information available and determine if the stocks are appropriately identified. Staff presented two options: 1) no action and retaining the current composition of the BMUS complex for American Samoa and Guam; and 2) revise the BMUS complex based on the cluster analysis and life history synthesis; the Advisory Panel were asked which option they supported.

An AP member noted many fishermen are not familiar with scientific names and recommended the use of local names in the presentation and documents.

Another member asked if the list of species being shared with DAWR and if the draft fishery management plan (FMP) for the territory is being shared with PIFSC. Jones replied that the cluster analysis has been shared with DAWR and the leadership has been briefed. NMFS PIFSC is committed to helping Guam and DAWR with the territorial FMP with any type of information and analysis. DAWR invited several PIFSC staff to be on their teams and have been working with DAWR.

An AP member noted that the DAWR FMP list may not be the same as what was presented and PIFSC should work with DAWR to ensure that they are the same. DAWR will be conducting community meetings by the end of March and will provide the common names for the listed species.

Another AP member said that what was presented is what the fishermen are asking for, including more accurate and reliable data sets as well as management being put in the right place. The species removed should most likely be on the territorial side.

The vice Chair noted that there is one grouper that tends to be ciguatoxic, and wants to ensure those that record the fish data also do random samples of fish for radiation.

The AP supported option 2 to revise the BMUS to reflect the species caught in the federal fisheries.

ii. Bottomfish BiOp Updates.

Council staff provided an update on the Endangered Species Act section 7 consultations required for federal fisheries. A consultation is ongoing for territorial bottomfish as a result of Oceanic Whitetip sharks (OWT) being listed under the Act in 2018. The consultation began in 2019 and was supposed to be a 135-day process but the consultation is still not complete. An expected completion date of February was estimated but the Council is yet to see a draft. The Council expects an update on the timing at its meeting in March. The consultation and analysis will review whether the bottomfish fisheries in American Samoa, CNMI, Guam, and Hawaii have had any interactions with the OWT sharks. At the outset of the consultation there was not much information on interactions so the Council doesn't expect any additional requirements to the fishery as a result of the consultation. She said that once the draft is complete and provided to the Council, the AP will be provided an update for its consideration.

B. Marianas Sanctuary Nomination

Manny Dueñas, Guam Fishermen's Cooperative Association, provided an analysis of a 5-year review being conducted by the Office of National Marine Sanctuaries (ONMS) for the nomination of a Mariana Trench sanctuary. He said that there are reservations in the fishing community with the whole sanctuary nomination process. He said that the deepest, darkest place on earth is no longer in Guam's waters as it was given to the Federated States of Micronesia and is now in Yap State's waters. He said that the community is concerned that they will lose rights to continue fishing in the ocean. He noted that Guam does not have industrialized fishing. All these efforts to make sanctuaries or monuments are ludicrous because it does not provide additional protections. The fishermen know the waters and the banks. There is only so much that can be caught. The Guam Fishermen's Cooperative promotes fisheries and once the federal government takes things away, it is lost. The proposed sanctuary would take away 57% of the ocean. Meanwhile, other plans such as the Micronesia Challenge 50x30 look at closing another 50% of the waters. He said that in the last 25 years he has experienced designation of marine preserves that closed 30% of the waters. If you include military bases that are not accessible to the community the numbers add up. He requested the AP to look at the monument and the sanctuary process to see what they want protected. Fishermen do not exploit the resources so the AP should keep the sanctuary in check.

An AP member said he remembers talks with Pew Charitable Trusts about a lot of benefits that would occur with the establishment of monuments. They promised a visitor center and that tourism will increase with tours to the monuments. But none of that happened. Knowing what the monument has accomplished would help to understand if there is a need for a sanctuary to provide additional benefits and distinguish between a sanctuary and a monument. He requested for someone to put together some of the accomplishments for a better perspective of what has been done.

The vice Chair agreed with Dueñas and asked if the Council staff can research if there is already a list of items that was generated to share with the AP, including the difference between the monument and sanctuary. He said that fish move and follow food. These efforts for a sanctuary seem like the proposal is looking to protect the area from mining, but fish migrate and move around. There is more of a need to prevent and protect these areas from mining rather than restricting fishing.

An AP member said she is concerned when conservation is the term used regarding monuments. Fish in the middle of the ocean are not endangered nor experiencing overfishing. Fish around the Mariana Islands are all in good shape. They are not threatened and there is no need to do anything special to conserve them. All these proposals aim to restrict fishing.

The AP agreed about the many promises made when the monument was established and that there have been no reports on accomplishments in the area since its designation. *The AP members recommended that having that information would be useful for the fishing community to understand the need for a sanctuary and provide informed comments*.

C. Catchit Logit Updates

Council staff presented on the implementation of Catchit Logit and Sellit Logit during 2021 and a full year activity summary for Guam, CNMI, and American Samoa. CILI was a multi-faceted approach to data collection in which contractors assisted in the implementation. Those contracts ended in September 2021 and staff is continuing with reviewing and approving fishing and vendor events, including outreach. He shared the data available to date and detailed outreach material and activities processed during the year. He also shared some issues and challenges. He said the Council is currently transitioning the program to the local resource agency in Guam.

The vice Chair asked each AP member for their input on their own CILI activities and advice on its enhancement, how to increase fisher participation, any change recommendations and why they are not reporting. One AP member said that he is terrible in the use of CILI. Another AP said he has not gone fishing too often but reported each time he went. He also asked if the data in CILI is extrapolated to reflect the whole fishery. Sabater replied that there is no expansion.

The vice Chair added there are so many challenges facing fishermen, including the COVID-19 pandemic and fuel prices jumping so we should see less fishermen going out. Fuel went up around 50 to 60 cents just in the last week.

D. CCC Working Group on Equity and Environmental Justice

Council staff provided an update on the Council coordination committee (CCC) working group on equity and environmental justice (EEJ). The Council continues to gather input for WP EEJ planning and the related national planning efforts with the CCC and NMFS. Feedback to date was shared, and the members were offered the opportunity to add additional examples on how the federal government could help make things fairer for our underserved communities. The members discussed concerns on new regulations, the need for a holistic approach to the EEJ term, and better characterizations for our western Pacific communities. A better understanding of resources, the inherent problem with the fishing community needing constant advocacy to "fight for the right to fish" and shoreline privatization inhibits fisher access. The latter may need broader legal remedies for resolution. As part of the process, she provided feedback received to date and solicited feedback from the AP.

An AP member said there are so many monuments and sanctuaries in the western Pacific compared to the rest of the country. This must be because we are so far from Washington, DC. The fishermen need encouragement and training on how to respond or comment to these things. The military puts out huge documents no one has time to read.

Another AP member said there are hurdles and issues that hamper fisheries, such as the military not allowing us to fish in their areas.

An AP member also said the inequity of funding between the territories and the larger areas is a concern.

The vice Chair said access to fishing with military no-fishing and no-take zones is not being taken into account. With procedures, a lot of information goes out but at the wrong time. Comments are requested but after the comment period is about to close or is already closed. For

Guam, he said fishermen are so used to being not able to provide or make a difference with the military and not being heard. They provide public comments, maybe they get read, but are not taken into consideration.

AP members agreed that there some of the EEJ issues include funding inequities, limited access to fishing grounds, and the ability to effectively comment on federal proposal.

4. 2022 AP Activities Plan

The vice Chair said the AP had a list of plans but due to COVID, it all went out the window. Restrictions denied gatherings and execution of plans. In-person gatherings would have provided a unified voice. He said that now is a good time to lay the groundwork and planning to get tasks done. The AP will still support derbies and other activities by providing assistance on Council outreach activities.

An AP member said she has additional opportunities to show the Open Ocean Fishing in the Marianas video. On Tuesday, March 15, 2022, the video will be presented to a UOG marine archaeology class; and on Wednesday, March 16, 2022, there be a showing of the film at the UOG Marine Lab. She invited the AP to join, especially those who were a part of the video. There is also a plan to show the video at the Chamorro House in San Diego, CA in the near future as well.

A. AP Outreach and Education

Council staff reported that the AP is assisting staff in supporting outreach activities at upcoming 2022 fishing events. All event support will include the assistance in the weigh in with the hoist, a Council information table, and banners. Additional support for the kid derbies will include recognition of category winners.

5. Feedback from the Fleet

A. Guam Fishermen Observations

The vice Chair shared that a joint CNMI and Guam fishermen's observation meeting was held on Thursday, February 24, 2022. Fishing observations were provided for 2021 but the recall of attendees for observations from nearly a year ago was difficult. He suggested having these observation meetings be quarterly to allow for more observations. The AP can start with a monthly review then provide the outcome to the overall joint AP Chairs meeting. The vice Chair added there needs to be a way to encourage fishermen to provide more comments, including those who fish seasonally.

An AP member noted that the fishermen observations might be tied to the Council's lunar calendar activities as well.

The AP members noted the difficulty in recalling fishing and ecosystem observations from early in the year and suggested that there be opportunities to provide the information quarterly.

B. Advisory Panel Issues

An AP member shared his experience regarding the CARES Act and how it was managed. With CARES Act II, he applied for the Tier 2 category but was lumped in with subsistence

fishermen category which resulted in not receiving the correct amount. He reported this to DAWR but there was no remedy. He said this needs to be recognized because it is federal funds. He said he provided all required documents but there was no follow through. The vice Chair noted that there may be others who experienced the same issues. He requested to have feedback from the Pacific States Marine Fisheries Commission on the matter.

Another AP member said marketing of fish in Guam has always an issue. Fish is being imported by local wholesalers. The cost of fuel is too high, and it is tough for fisherman to make it in Guam.

One AP member also said besides the COVID-19 pandemic and the lack of tourists, sharks affected his fishing. This is nothing new and most of the fishermen are still talking of the abundance of sharks at the beginning of this mahimahi season.

An AP member shared that the Cocos FAD buoy is detached and missing.

6. Public Comment

Joleen Salas, Friends of the Mariana Trench, shared that more information about the nomination of a Marianas sanctuary is needed. She offered to provide this information to the fishing community through email, visits, or social media and provided her contact information.

Representative Sheila Babauta from the CNMI House of Representatives, Chairwoman of the Natural Resources Committee, and Chairwoman of Friends of the Marianas Trench (FOMT), said she was born in Saipan and is an ally. She is passionate about protecting CNMI's natural resources and preserving the culture and traditions. She said there is much confusion between a monument and a sanctuary, including sanctuary overlay. Many are assuming one cannot do any kind of activity in sanctuary waters at all. She heard the concerns provided earlier about fishing, accessibility, permitting, conservation management and the difference between a monument and a sanctuary. She supports additional outreach between CNMI and Guam. She noted that NOAA has not initiated a designation process for this site, which is a completely different process and takes several years. The purpose of the five-year review is to determine if the nomination remains accurate and responsive to the 11 criteria on national significance and management considerations. The public comment period was extended 45 days. Comments are due on April 25, 2022. The FOMT is comprised of 99% local indigenous advocates for our ocean and natural resources. When the FOMT is referred, she asked to keep in mind that they are referring to sons and daughters who are born and raised in the Mariana Islands. She said that they are Chamorro. They are Carolinian. And they want to close the communication gap and work together to protect and conserve the natural resources because they have shared love and gratitude for their home, the Mariana Islands. She also noted that she heard the concerns regarding militarization of the islands and supported the idea of assisting fishermen to become more confident to comment on military proposals, including highly technical documents and EIS. She offered her contact information to provide any additional information.

7. Discussion and Recommendations

The Marianas-Guam Advisory Panel made the following recommendations:

Regarding the options for BMUS revision

- The Guam AP recommends the Council support option 2 to revise the BMUS to reflect the species caught in the federal fisheries.

Regarding Guam fishery issues

- The Guam AP recommended the following be included in the Council's WP regional EEJ planning:
    1. territorial funding inequities;
    2. limited access to fishing grounds due to the disproportionate Marine National Monument designations in the region and inaccessible U.S. Military areas; and
    3. the need for community assistance to more effectively comment on federal proposals, such as early community engagement, Comment period timing notifications and distilling large proposals into digestible materials for public consideration.

- The Guam AP recommended the Council look at restructuring the fishermen's observations to quarterly or seasonally rather than annually to reduce recall bias and perhaps tie it into the lunar calendar.

- The Guam AP recommended the Council request information on the accomplishments and unkept promises of the MTMNM for the fishing community to understand the need for a sanctuary prior to the end of the extended comment deadline.

8. Other Business

Council staff advised the AP of the upcoming 143rd SSC and the 190th Council Meetings.

The meeting was adjourned at: 8:29 p.m.