

**Report on the Mariana Archipelago FEP Guam Advisory Panel Meeting**

Thursday, June 9, 2022, 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 6:36 p.m. Guam AP members in attendance included Judith Amesbury, James Borja, Matthew Orot, Michael Duenas, Myles Driscoll, and Clay Tam (AP Chair). Tatiana Talavera and Jason Miller were absent.

Others in attendance were: Felix Reyes, Joshua DeMello, Zach Yamada, Matthew Seeley, Asuka Ishizaki, Maria Carnevale, Floyd Masga, Mark Fitchett (Council Staff); Richard Farrell (CNMI AP vice-Chair); Marlowe Sabater, Danika Kleiber, Eric Cruz (NMFS PIFSC); Brent Tibbatts (Guam DAWR), and Brett Taylor (UOG Marine Lab).

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

Council staff reviewed the report and recommendations from the last Guam AP meeting held on March 13, 2022. He reviewed the recommendations made at that meeting and provided an update on the status of those recommendations.

**3. Guam Fishery Issues and Activities****A. Review of Draft Bottomfish Biological Opinion**

Asuka Ishizaki, Council staff provided an overview of the draft bottomfish fishery Biological Opinion (BiOp), which covers the bottomfish fisheries under the American Samoa, Marianas Archipelago, and Hawaii Fishery Ecosystem Plans (FEPs). The consultation was triggered by the 2018 listing of the oceanic whitetip shark (OWT) under the Endangered Species Act (ESA), as well as the listing of the giant manta ray and chambered nautilus and the designation of the Main Hawaiian Island (MHI) insular false killer whale critical habitat. The BiOp concluded that the operation of the MHI, Guam and CNMI bottomfish fisheries are not likely to jeopardize OWTs, and the impacts from the American Samoa bottomfish fishery were determined to be discountable due to no known interactions with the species. The reasonable and prudent measure requires that NMFS monitor the take of OWT in Guam, CNMI and MHI bottomfish fisheries. The conservation recommendations are discretionary, and include actions for NMFS to work with fishers and local agencies to disseminate species identification materials, support consistent reporting of OWT bycatch in the bottomfish fisheries, and to establish methods to improve accuracy and frequency of reporting OWT.

The Vice-Chair asked for clarification on the definition of "Shall monitor" contained in the BiOp and noted he had difficulty understanding how this action relates to data collection. Another member asked for more clarification on the term "Improve the accuracy and frequency of reporting wording. Fishers were doing their part and asked if the onus would be more on the fisher or NOAA Fisheries or DAWR.

Staff said the term "Shall monitor" would use an existing database to understand OWT interactions better and would not require a new data collection system or monitoring method. NMFS will work with local and federal entities like DAWR. This would require the local agency to work with the fishers to characterize their interactions better. Staff said that accuracy is an important factor for the BiOp. Part of it is improving the mechanism in terms of accuracy. The agency leads frequency unless it is about mandatory reporting now in discussion for Guam. Mr. Mike Tosatto, PIRO Regional Administrator, said there is a need to recognize efforts to improve data collection in the agency. At this time, it is discretionary and not required.

The Vice-Chair said that fishers only go to the southern banks when it is calm. Seasonal fishing matters and questions if there are other reports, such as expansion on catch and data use on stock assessment. This is the first time he has seen reports of boats using six reels for bottomfish. Staff said they cross-referenced the creel data in the draft BiOp and the document provided at the start of the consultation written by the fishery side of PIRO. She worked with Marlowe Sabater of PIFSC, who agreed with the content. Regarding the six reels on the boat, this may have been a carry-over from a previous report. Staff requested the AP forward any technical comments in the BiOp that need to be worked on as well as share with the Council members.

Vice-Chair asked how much effort has to be made to improve the data and accuracy for the bottomfish fishery. He said he does not know where the numbers came from, as it had been inconsistent over the past 12 years. There is no recall of anyone catching silvertip or white tip sharks. Staff said the potential for interactions is small and is not to the level of jeopardizing the population. If the AP concurs, it might be something good to put into a recommendation.

Another AP member asked what happened to the idea of identifying the type of sharks caught around Guam-based on DNA. Staff said Carl Meyers of the University of Hawaii led that study but had not seen any citation from the 30 samples processed with no OWT shark interaction from bottomfish or troll data. Staff added that he will circulate the report on the shark DNA study. Of the 34 reports received and studied, 32 were bottomfish. But due to the COVID-19 pandemic, they could not sample more.

## **B. 2023 US Territorial Bigeye Tuna Catch/Effort Limit & Allocation Specifications**

Mark Fitchett, Council staff, presented the 2023 US Territorial Bigeye Tuna specifications. Three options were presented. 1) No action, 2) Total catch and effort attributions consistent with status quo (3000 mt total attributions), and 3) A combination of attribution possibilities that may exceed 3000 mt. The AP should consider possible tradeoffs under each option and possible sub alternatives. Tradeoffs may include departing from the status quo arrangement of allowing any territory to allocate up to 1500 mt with total allocations not exceeding 3000 mt. For the last several years, only CNMI and American Samoa have been engaged in territorial agreements with the Hawaii Longline Association.

The Vice-Chair said that regarding the 2023 Specification Options, the AP should consider Option 2, which allows each participating territory to have an equal 1,000mt each of the funds. If only one agreement was entered into in 2023, it might mean a change to the limit to 3000mt. There will be no win without an agreement and a win with an agreement. He recommended Option 2 and added that they cannot transfer quota without changing the rules.

The US tried to get additional quota amounts and if that happens, all the territorial efforts will go away. Guam is not a part of the agreement which takes two parties. He noted all three Guam Council members voted along the same lines.

An AP member agreed with the Vice Chair's comments, as it is the fairest. Staff said the proposal's goal was to maintain territorial agreements.

There is still a need for another round of territorial agreements. Another AP member said he agreed on the AP's decision.

### **C. 2021 Annual Stock Assessment and Fishery Evaluation Reports**

Thomas Remington, Lynker Contractor, presented the highlights of the 2021 Annual SAFE Report. He provided the fishery performance in Guam for the year noting that there was an observed increase in catch and CPUE for BMUS. He reported on the fisher observation, socioeconomics and other matters related to the SAFE report and Guam.

### **D. Review of 2021 BMUS Performance**

Matthew Seeley, Council staff, presented on Guam 2021 fishery performance with a highlight on the increase in BMUS catch. The presentation and review of the 2021 BMUS catch was started as a recommendation from the Archipelagic Plan Team (APT) due to the anomalously high landings. From 2019 to 2021, landings increased from 28,992 to 54,214 pounds. Also presented and discussed were values associated with boat metrics, species composition, interview count, and general fisher observations. AP members expressed their dissatisfaction with the creel survey and indicated the numbers are much higher than what they have been experiencing on the water. The effort was likely higher, but not to the degree reported through the creel survey expansion. Council staff emphasized the importance of reporting through Catch-It-Log-It to improve overall catch accounting and monitoring.

An AP member said after seeing the numbers, if based on actual catches, and then the values are higher than expected. They keep their fishing records. Although there was an increase in 2021, the numbers were not accurate or true. Based on Onaga alone and what they caught versus the report, they caught about 9% of what is being reported under 32 trips. Of the 32 trips, they caught about 3900 pounds. They fish it the most and specifically target onaga year-round. Based on the number of vessels out BF, several vessels caught as much as they did; even on Social Media, they did not see any postings of big catches. The report shows about 8 or 9 boats that were BF, but on average, it was much less. In certain months they could catch onaga while on others none. High surf warnings, military closures and more should be considered and incorporated in the expansion. And knowing there is new DAWR staff doing surveys, it seems like their survey hours are longer. They may not be taking actual catch data. Since the stock assessment came out, there had been a lot more focus on BMUS so the surveyors are also more focused on bottomfish. If the catch of Onaga was this high, there should be onaga in every restaurant or store.

Staff said from their information and what is expected, it is to be 50% higher. Data is being collected and expanded and the information was not used in the entire process. Staff said in terms of surveys and expansion, he can only encourage fishers to report on CILI and welcomes the AP to talk offline to discuss these matters further.

The Vice-Chair added that no matter what we say, it will not change the reports. He knows

the pulse of the stores and restaurants and how the fishery is doing. He also asked how the change would affect the 30 years of data. Those individuals are still there. So it is not changing the creel to influence the formula. How will the process be compensated for when it is shifted to a new one? The 30 years of data cannot be replaced.

Staff replied that the Council and the region will review the draft Pacific Islands Regional BSIA Framework at the upcoming Council meeting and are taking note of what the AP said, which could be considered when revisiting the WPSAR framework.

An AP member said they had reviewed the creel surveys and how poor it was and so was not used. And yet no changes have been implemented to tweak it. They are still following the same protocols. He asked what happened to the review and why is the agency unable to execute their plan. It is time to revisit, and if it is discovered that things are not being done, it has to change.

Staff added at the last AP meeting to talk about the BMUS review, Marlowe Sabater provided an update on the creel model and on updating data issues. They intend to come to Guam to talk about the data issues and how to improve the situation better.

An AP member said things may have worked in the past but they are not working now. Currently, the Vice-Chair and he are considered the only high liners in Guam because they fish year-round, while others use other methods beyond just bottomfish. He said that fishing for onaga is a specialized fishery. They are catching more today than when they first started, indicating there is still fish out there. Their records for Onaga last year were 2,900 lbs. and the estimate is over 50,000 lbs. They have knowledge using marine science, and understanding fish behaviors like what they are feeding on. What is being reported is different and not the same as other fishers.

#### **E. Catchit Logit Updates**

Council staff provided an update on the CILI/SILI for the first five months of 2022. Staff noted there were 113 registered fishers, with four reporting fishers, and 15 fishing trips reported. A total of 534 pounds of fish was reported, of which 130 pounds was bottom fishing, 363 pounds trolling, and 41 pounds spearfishing. There were five registered vendors, of which two are active and reporting. One vendor represents two stores, but they cut their hours to only when there is fish to sell.

### **4. Equity and Environmental Justice**

#### **A. Report on Council EEJ and Fisheries Management**

Council staff provided a report on the outcomes of the WP EEJ Planning workshop and May 2022 CCC outcomes.

The Vice-Chair said the report and effort are good, and it is great to have all the presentations before the meetings for the AP to familiarize them and be prepared for the meeting. EEJ was coming from within the government trying to ensure they account and support the underserved communities. The range of fisheries from high tech, high accurate data to incomplete data should be more of the right tools, especially with the underserved territories. They must have the right tools and focus on what works. They should not just be provided the opportunity to find information but bring it down to the community level so they understand.

## **B. NOAA Fisheries Draft Equity and Environmental Justice Strategy**

Danika Kleiber, NMFS PIFSC, presented the Draft NOAA Fisheries EEJ Strategy. NMFS is soliciting comments until August 31. They will finalize the strategy in November 2022. They are currently working on implementing the regional EEJ Implementation Plans.

The Vice-Chair asked at what point they will bring the EEJ strategy out to the territories. Is there funding? The only way is to have boots on the ground by having NOAA staff stationed in the territories. Where is the accountability from the community side, such as reporting to them so they get feedback.

Kleiber asked about accountability by the community with reports that they go to higher-ups. Guam's community meeting will be at the end of August. Community liaisons will serve for more expertise on the ground. They had requested a budget with a territorial sciences component included.

An AP member asked when they can see the equity within the Islands (between Hawaii and the territories) such as white ship cruise dates, funding, and research. However, there is a lack of cooperative research funding between the territories and Hawaii.

The Vice-Chair said that the cruises and the human aspect of the bottomfish, they may shift away from terrestrial research and focus on the human side. That is an inequity. Kleiber said that the AP's comments will be added to the analysis.

The Vice-Chair said if a consistent funding source will allocate financial support to the territories; it is a step in the right direction.

## **5. 2022 Marine Fishery Advisory Committee Report**

Clay Tam provided a report on the outcomes of the 2022 May Marine Fisheries Advisory Committee (MAFAC) meeting held in San Juan, Puerto Rico. Tam was appointed as a member of the MAFAC in April 2022. Items reported included aquaculture, seafood resilience, recreational summit, and budgets. Tam said with his membership, the islands now have a voice.

The Vice Chair said the 30x30 proposal would leave just 10% of the US EEZ for fishing. All is being mainland-centric and normally sees how these things do not pertain to the islands. He said that the indigenous and the native communities should continue to have a foot in the door and stop it from closing.

Staff said that the Western Pacific continues to carry the burden. He reported there was a proposal to expand the Pacific Remote Island Areas from the Pacific Remote Island Coalition (PRIC). To date, it has gained support from the Governor of Hawaii and the House representative congressman.

## **6. 2022 AP Activities Plan**

### **A. AP Outreach and Education**

Council staff provided an update on the Council's outreach activities in Guam. The Open Ocean Fishing in the Mariana Archipelago was shown to the public at the Guam Museum on

Saturday, May 28, 2022. There were a total of 63 attendees who participated in the panel discussion. The video is being submitted for consideration to the Guam International Film Festival with a deadline of June 15, 2022.

He reported that the 2023 Lunar Calendar theme will focus on monitoring of fisheries/fishery observations, and natural cues that lead into management, such as spawning seasons for certain species being close to fishing (mañahak runs). Staff will be reaching out to the AP for assistance in the collection of these cues over the next few weeks.

The Vice Chair said the AP hoped to host a bottomfish tournament but this was halted due to the overfished and overfishing determination for bottomfish. As things start to open up from the pandemic, he said it would be a good time to do outreach and with the expected increase in activities.

## **7. Feedback from the Fleet**

### **A. Guam Fishermen Observations**

The Vice Chair said that in a previous AP meeting he noted small runs of mañahak, ti'ao and bonita. Maybe the upcoming planned tournaments will bring in more fish but lack of FADS will negate those. The Vice Chair said he noted the cost of diesel went up two days ago to \$7.25 per gallon, Unleaded Regular was \$6.39 and Premium was \$6.79 per gallon. Diesel went up 25 cents per gallon.

### **B. Advisory Panel Issues**

There were no advisory panel issues discussed

## **8. Public Comment**

There was no request for public comment.

## **9. Discussion and Recommendations**

### ***Regarding the Draft Bottomfish Biological Opinion***

- The Guam AP concurred that OWT interactions are rare in the bottomfish fishery and members are not aware of any recent encounters in the fishery
- The Guam AP recommended that any efforts for reporting and monitoring should not be duplicative and include findings from the recent genetic studies that concluded that OWT is not the cause of depredation.

### ***Regarding BMUS:***

- The Guam AP recommended the Council request NMFS take a closer look at the BMUS estimates for the 2021 Annual SAFE Report with the fishing community to determine the cause of the above average landings.
- The Guam AP recommended the Council request a report and presentation from NMFS PIFSC on the expansion model for the BMUS catch estimates.

### ***Regarding the 2023 US Territorial Bigeye Tuna Catch/Effort Limit and Allocation***

#### ***Specifications:***

- The Guam AP recommends the Council select Option 2 Sub-Alternative B allowing

transfers of up to 1,000 mt from any participating territory to US-flagged longline vessels. This alternative promotes an equal share amongst the territories.

***Regarding the NOAA Fisheries Draft EEJ Strategy***

- The Guam AP recommended the Council request NMFS prioritize funding to support territory-based agency staff as well as for cooperative research projects to improve the understanding of the Guam bottomfish fishery.

**10. Other Business**

Staff noted the Guam Council office will be closed from Friday, June 17 to Friday, June 24, 2022. Staff will join the Guam Council members at the 191st Council meetings in Honolulu scheduled for Tuesday, June 21 - 23, 2022.

The Guam AP scheduled their next informal meeting for Thursday July 30, 2022.

Meeting ended: 9:45 pm