



Report of the CNMI- Mariana Archipelago FEP Advisory Panel Meeting

Thursday, March 10, 2022

9:00 a.m. to 12:00 p.m. (ChST)

Virtual Meeting via Webex

1. Welcome and Introductions

Richard Farrell, CNMI Advisory Panel (AP) Vice-Chair, opened the meeting at 9:08 am and welcomed the participants. AP members in attendance included: Michael Fleming, Lawrence Concepcion, Ray Tebuteb, Jun Yamagishi, Perry Mesngon. Also in attendance was AP Chair Clay Tam.

Others in attendance included: John Gourley (Micronesia Environmental Services); Floyd Masga, Marlowe Sabater, Joshua DeMello, Zach Yamada, Asuka Ishizaki, Felix Reyes, and Diana Kitona (Council Staff); CNMI Representative Sheila Babauta, Joleen Sala s), Laurie Peterka, Angelo Villagomez (Friends of the Mariana Trench); Sarah Severino (Lynker); Robert Ahrens (NMFS PIFSC); Jen Sawada (Pew Charitable Trusts); Thomas Heaton (Civil Beat); Michael Tenorio (CNMI Division of Fish and Wildlife).

2. Review of Last AP Meeting and Recommendations

Council staff reported on the last AP meeting held November 18, 2021, and noted that no recommendations were made during the last AP Meeting.

3. CNMI Fishery Issues and Activities

A. Bottomfish

i. Options for Revising the Territorial BMUS Complex

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.

An AP member wanted to see the bigger picture and effects. Ahrens said that the information for CNMI was nearly complete and would share that with the AP when available. The presentation was made for Guam and American Samoa due to their overfishing/overfished bottomfish status. *AP members wanted further clarification and documentation on the synthesis presented and the cluster analysis for the CNMI.*

The AP vice Chair asked if the stock assessment models included the Northern Islands of CNMI. Ahrens and Council staff noted that most of the data was gathered through the boat-based survey which is heavily weighted towards the Southern Islands (Saipan, Tinian, and Rota).

An AP member asked when and where was data collected. Ahrens shared that it uses the boat-based creel survey data so wherever and whenever the fisher is intercepted.

An AP member said that the majority of data collected is on Saipan and no data is collected on Rota and Tinian. He also shared that he works for the Division of Fish and Wildlife. Ahrens said that if data is missing other islands then it is a limited geographic scope; currently NMFS has a post-doc looking at the territorial creel program and will be reaching out to have discussions on refinements to the program to have a more holistic view for the utility of stock assessments.

The AP vice Chair, said that Guam folks also fish in CNMI so there is a concern about the data being taken to Guam or missed by the CNMI as they are not intercepted by creel surveyors. Another AP member reported that fishers from Guam fish in Rota waters. Coming from Rota, as a resident, he has observed many fishers from Guam.

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.

AP members shared that they supported Option 2 as it helped to define the fishery. This option also retained the flexibility to adjust it in the future. Council staff noted that it can be revisited if there is something in the fishery that requires a change.

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.

The AP noted the importance of the consultation as it may impact the bottomfish fishing in the CNMI and looked forward to a potential update in the future.

B. Marianas Sanctuary Nomination

John Gourley, Micronesian Environmental Services, provided a presentation on the 5-year review being conducted by the Office of National Marine Sanctuaries (ONMS) for the Mariana Trench sanctuary, as proposed by Pew and Friends of Mariana Trench. He noted that he is presenting as a private citizen and CNMI resident to the AP. He wanted to discuss some potential unintended consequences and possible conflicts that the fishing communities may have with the proposed Sanctuary as well as to facilitate community dialogue as there has been no public outreach. He believes that ONMS wants a Marine Sanctuary in the Marianas and will be indirectly supportive for keeping it on their Inventory list.

He mentioned that the key question before ONMS is whether the Mariana Trench Sanctuary proposal should be kept on their Inventory list or removed due to it not meeting specific criteria outlined by the ONMS for a Marine Sanctuary. One of the more important criteria for keeping the Mariana Trench on the Inventory list is that it has strong community support.

He noted that a virtual public informational meeting was held on February 1 at the Legislature, however the discussion from ONMS and Friends of Mariana Trench focused on federal procedural measures and not on what exactly was being proposed. A virtual Public Comment session was held on February 12 but the roll out was not done well and was confusing. Actual comments were few as there were few people in attendance and the comment period was cut short by 2 hours due to lack of participation. An additional meeting was held by Governor Torres on February 17 for the administration to discuss the issues. The second public comment period is currently open for comments.

Gourley focused his presentation on issues the fishing community, as well as all CNMI/Guam island residents, may have concerns about. He mentioned that his discussion was based on content obtained from the original Sanctuary Nomination documents submitted by Pew and Friends of the Mariana Trench which can be downloaded from the ONMS website.

The first issue discussed was the size of the proposed Sanctuary. The original Sanctuary Nomination documents inferred that the Sanctuary would be a simple overlay on the existing Mariana Trench Marine National Monument (MTMNM). However, the Sanctuary Nomination documents outlined an entirely different scenario where the Sanctuary could be expanded to the edge of the EEZ in the east and north-west sectors; an expansion of approximately 311,000 sq. kilometers. Gourley showed text that supported incorporating the water columns of the Trench and Volcanic Units (of the MTMNM) in the Sanctuary in order to "protect resources". Commercial fishing is currently allowed in the Trench and Volcanic Units as the water column isn't actually a part of the MTMNM. The Sanctuary Nomination documents further suggested

closing these waters to commercial fishing. Gourley calculated the areas of the MTMNM and suggested expansions beyond the boundaries of the MTMNM, and came up with a figure that the proposed sanctuary would cover over 57% of the entire Mariana EEZ.

Gourley also noted that free (travel) access to sanctuary waters that we presently enjoy would be curtailed as Sanctuary Nomination documents advocated for all vessels entering sanctuary waters would be required to obtain a permit from ONMS and have real-time tracking devices, such as AIS (Automatic Identification System) or VMS (Vessel Monitoring System).

Other important issues Gourley gleaned from the Sanctuary Nomination documents include an advocacy for full protection of all resources under sanctuary authority. He showed text from the Sanctuary Nomination documents supporting the closure of sanctuary waters to potential future commercial fishing and mining activities.

He also questioned the Office of National Marine Sanctuaries approach to the posting of public comments. There were a series of comments that he knew locally had been submitted, but weren't posted on the FR website. Gourley supplied these comments to ONMS and they were subsequently posted. AP members supported Gourley's comments noting that taking 57% of the potential fishing area is way too much. The AP vice Chair shared that there was no outreach on Tinian with regard to the review process. He said that ONMS needs to conduct better outreach and conduct a public comment session on Tinian.

Council staff reported on the proposal of a Northwestern Hawaiian Islands (NWHI) National Marine Sanctuary as requested by the AP for an example of how the process works. Staff explained the process of nomination of an area to being accepted and put on a list for designation. After which those areas may be pushed forward by Congress or the Administration for designation. The proposed NWHI sanctuary is in the process of being designated and the National Marine Sanctuaries Act, section 304(a)(5) provides the first opportunity of fishing regulation development to the appropriate regional fishery management council. The Office of National Marine Sanctuaries provided a 304(a)(5) package to the Council inviting them to develop the fishing regulations for the proposed sanctuary with 120-day deliberation deadline of March 31, 2022. The Council will take the opportunity at its 190th meeting to decide whether it will develop the proposed fishing regulations. Staff went over the projected timeline for public meetings, draft plan, public input for the proposed sanctuary.

The AP vice Chair asked where in the process they are in the Marianas. Council staff responded that the Marianas sanctuary proposal in the beginning stages as it has not been designated and they are looking for information to keep or remove it from the potential sanctuary list. The proposal for the NWHI is further along looking at designation, a place where the CNMI doesn't want to be.

The AP supported additional outreach to the community regarding the sanctuary nomination. They agreed that with so many unknown variables, it is best to wait until the whole community chimes in. An AP member noted that the outreach needs to be conducted in Chamorro and Carolinian. Another said it needs to be transparent and inform the public. The AP Vice Chair

said that not everyone is tech savvy and there is a need to engage those that are not comfortable with technology.

C. Catchit Logit Updates

Council staff presented on the data application, Catchit, Logit (CILI) and the status of its migration from the Council to the CNMI. He reported that staff is working on updating species, provided current participation data, and reviewed other CILI data. Outreach activities to garner greater participation continues but issues regarding the use of technology and a “what do I get” attitude persists. As the program transitions from the Council to the CNMI DFW, both parties need to recognize these issues and improve to get greater participation and reduce duplication of work by the fishers and vendor.

An AP member noted that CILI is not offered on Rota and requested a presentation for the community. Council staff said that CILI is available for Rota but agreed that the outreach to Rota was not as extensive as on Saipan and staff would work with DFW with regard to training for Rota and Tinian.

One AP member said that as far as spearfishing goes, a lot of people have been going directly to restaurants to sell fish (for a better price than fish markets). Another AP member said that due to the price of fuel, fishers are joining another vessel to go fish and cost-sharing. He shared that as a registered user, the option to move from one vessel to another is not allowed on the CILI app. Council staff shared that this is a fisherman reporting system, not a vessel reporting system and that the fisher could still log all the catch in their account or all in the vessel owner’s account or even split the catch. However, staff will look into potential changes that would allow for both to report without duplication.

Another AP member said that he wants to see a collective approach, under issues and challenges, in addressing the enforcement issues. He said that working together with American Samoa and Guam would be good. Council staff reported that CNMI is five steps ahead of both territories and more work is needed and working with fishers and the vendors.

The AP vice Chair asked if there was a notification option. Council staff replied that notifications are memory intensive but having a notification in the app could be useful and they would look into that for future app improvements.

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.

AP members noted that the increase in gas prices was something that might be looked at under this initiative. The AP appreciated the continued communication on this issue and asked to be communicated with in the future.

4. 2022 AP Activities Plan

The AP Vice Chair reported that many of the activities being done by the AP included outreach on the Council at fishing tournaments. The AP is moving towards increasing more outreach and participating with Tasi To Table, including classroom presentations where the AP can share their activities, who they are, and what they do.

An AP member shared that the APNEA spearfishing tournament is being worked on and a date will be provided when chosen. Another AP member noted that Rota's Friendly Derby is set for March 26 and the Mayor's Office is continuing to plan for it. Many AP members reported that they continue to work with others to teach high school students different fishing methods in relation to Tasi To Table.

A. AP Outreach and Education

Council staff reported that outreach for the last three months has been limited due to tournaments being rescheduled due to bad weather. AP members have also attended a few meetings including the Fisher's Observation Meeting and ONMS sanctuary virtual public meeting, and provided comments. As noted earlier, AP members also have been assisting with outreach at tournaments. He reported that upcoming tournaments and opportunities for outreach include the Tinian Pika Festival 2nd. Wahoo Derby (March 12, 2022) and Saipan Fishermen's Observation Mahi Derby (April 09, 2022). He also noted that another outreach event conducted by AP members was the distribution of the 2022 Lunar Calendar., canvassing the islands of Saipan, Tinian, and Rota.

5. Feedback from the Fleet

A. CNMI Fishermen Observations:

The AP vice Chair solicited feedback from the AP regarding observations in the fishery regarding changes between this year and last year (or the average) as well as in the ecosystem. He also asked for any issues that might be affecting fisheries in the CNMI.

An AP member said that for spearfishing, the weather has been rough so fishers have been staying closer to shore. He also noted that it is lent season right now so there are a lot of people buying reef fish. This has resulted in more people going on boats to conduct spearfishing in hopes of a bigger catch. They are also going over to the backside of Tinian and the outer reefs. Many fishermen are waiting for summertime when the lobsters come out. He said that something that has been unusual has been the sighting of tiger sharks in the lagoon as well as big hammerheads. There have also been complaints by shoreline fishers of not having enough light aggregates to bring in the atulai run.

B. Advisory Panel Issues:

An AP member reported on missing FADs, noting that GG, KK, and LL are missing. He also noted that he saw a pod of pilot whales on the East side of Rota within the reef (1,000 ft depth). He reported that bad weather and high fuel prices are killing fishermen because they can't go fishing and repay loans.

Another AP member said that there are more schools of sharks than fish and that sharks are at the top waiting while the fish are below. More data is needed from Rota and Tinian as well as the Northern Islands to really know how the fisheries are doing.

An AP member said that on Rota a major concern is with fuel prices, which was at the time, \$7.55 per gallon. It is a challenge for fishers. He further reported that fishermen have seen an increase in shark depredation on the bottom and in tuna schools. He also reported that the Rota Marina was replaced finally and hoped that it would stay for a while, as they lost a FAD on the west side, which leaves only one remaining.

The AP vice Chair reported that Tinian and Rota have seen a surge in COVID and that they fishermen have been experiencing rough waters. He was also concerned about fuel prices and shared that the price of fuel in Tinian is currently at \$7.80 per gallon.

Another AP member reported that prices are going up and he has observed fishers going to restaurants and hotels and selling their catch directly because they are getting higher prices.

6. Public Comment

Joleen Salas, Executive Director of the Friends of the Mariana Islands, 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, Chairwoman of Natural Resources Committee, introduced herself and said she wishes to preserve and conserve CNMI's natural resources. She said it was clear that there was confusion with regard to what a monument is versus the role of a sanctuary. She shared that she was not invited to the Governor's scoping meeting on the sanctuary and it did not include the Friends of the Marianas Trench (FOMT), which would have been better to have both sides represented. She said that FOMT is primarily CNMI Residents (99% of the membership). She also added that the public comment was extended to April 20, 2022 deadline for additional public comments. Babauta said after hearing of today's meeting, she is even more convinced that there needs to be education and community engagement during this public comment extension. As Chair of the CNMI House Natural Resources Committee, she is convinced that this will happen. She wants to ensure there are no restrictions on the indigenous men and women of the CNMI. She said that the sanctuary is a shared blessing. She said will remain in contact with the Council and provide updates on what is happening so all are informed.

7. Discussion and Recommendations

The Marianas-CNMI Advisory Panel made the following recommendations:

Regarding the options for BMUS revision

- The CNMI AP supports option 2 to revise the BMUS to reflect the species caught in the federal fisheries.
- The CNMI AP recommends the Council request NMFS PIFSC provide the CNMI cluster analysis for review by the AP and DFW at the soonest possible time to expedite the process of moving forward.

Regarding CNMI Fishery Issues

- The CNMI AP opposes a national marine sanctuary in the CNMI and recommends the Council work with the AP to provide public outreach in each of the islands in the Marianas in English, Chamorro, and Carolinian.

8. Other Business

There was no other business

The meeting adjourned at 12:02 p.m.