



**Western
Pacific
Regional
Fishery
Management
Council**

August 29, 2022

Ms. Janet Coit
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Aloha, Talofa, Buenas, and Tirow Janet:

The Western Pacific Regional Fishery Management Council (Council) appreciates the opportunity to review and provide comments on the draft National Marine Fisheries Service (NMFS) Equity and Environmental Justice (EEJ) Strategy. The Western Pacific Region is comprised of a state, two territories and a commonwealth that stretch over three time zones and the international dateline. More than 75% of the population identifies as indigenous Pacific Islander, Native Hawaiian or Asian American. The Territories of Guam and American Samoa and the Commonwealth of the Northern Mariana Islands (CNMI) have lower income values and higher poverty rates than national averages. These island areas are also among the most isolated in the world, requiring goods to be shipped over thousands of miles of ocean, resulting in very high costs. The people, therefore, rely on these goods, those produced locally on land and the ocean to sustain their communities. Because of our geography and ethnic and cultural diversity, EEJ issues have been documented in our management mission since 1976. However, it has been difficult to address and resolve problems arising from these circumstances. The Council, therefore, looks forward to working with you to ensure Pacific Islanders are provided equal opportunities and fair representation.

In June 2021, the Council wrote (attached) Ambassador Susan Rice, Assistant to the President for Domestic Policy, highlighting the challenges faced by our region that could be addressed by Executive Order (EO) 13985 entitled, "Advancing Racial Equity and Support for Underserved Communities through the Federal Government" and EO 14031 "Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders." Examples include limited capacity and economic opportunities, differences in communication, access to funding opportunities, regional representation, one-size-fits-all policies, underutilized mechanisms, and institutional structures. The Council is encouraged that NMFS acknowledges many of these issues, especially explicit recognition that territorial fishing communities can be categorized as underserved communities. In addition, the Council has identified barriers in federal fisheries management that should be addressed through the Strategy and offers solutions and potential pathways for better representation.

The Council convened an EEJ Workshop on April 29, 2022, to discuss what organizational changes might be made to advancing EEJ in fisheries. Workshop highlighted a need to incorporate EEJ principles within technical guidance on the application of the National Standards (NS) in the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and to ensure that the NS are weighed equally in decision-making. Technical guidance on NS 1 and 2 (*Optimum Yield* and *Scientific Information*, respectively) should incorporate traditional ecological knowledge in lieu of mainstream scientific information. Guidance related to NS 4, 6 and 7 (*Allocations, Variations and Contingencies*, and *Cost and Benefits*) should include provisions recognizing disproportionate burdens and economic uncertainties faced by underserved communities. As an example, the application of NS 1 and 2 to our region's data-poor fisheries has created undue burdens to these communities by significantly reducing catch limits for American Samoa (5,000 lbs) and Guam (31,000 lbs), diminishing their economic stability in the absence of clear data-driven management (NS 8: *Communities*).

The MSA provides a regional bottom-up approach in managing the nation's fishery resources through the Council process. It is critical to ensure meaningful solicitation and fair appointments of members across regions to national committees and advisory bodies. Inclusive governance and representation are crucial to ensure fair regional representation and inclusion in planning processes and policy reform. When there is a void of voices from underserved communities at the higher levels of a top down decision making process, the EEJ gap widens.

Although virtual meetings have provided an opportunity for increased participation for many communities, in-person communication is the socio-cultural norm in the Pacific Islands. Virtual meetings are challenging in the islands - lack of availability and access to high-speed internet, computers, and smartphones, lack of technical skills to participate through virtual platforms for some segments of the communities. Elders in our communities are accustomed to providing their wisdom through oral comments. The federal government should solicit comments from our communities in a manner that is culturally appropriate and in a traditional setting.

The NMFS EEJ Strategy is ambitious and will require many hours of NMFS staff time and coordination with regional fishery management councils. Through proper funding, the Council can support our regional and national engagement in implementing these plans. We support initiatives to build the capacity of members through training programs, such as entry-level career ladders coupled with mentoring programs for underserved communities, student internships and exposure to NMFS employment opportunities. To this end, we request NMFS continue funding our joint programs such as the Council's Summer High School Marine Science Course on Fishery and Resource Management, and the U.S. Pacific Territories Fishery Capacity-Building Scholarship. These programs serve the Western Pacific fishing community by providing high school students with an introduction into fishery and resource management, and financially supporting college students to build capacity in the governments of the territories. We advocate including local island people in the federal workforce, particularly in executive leadership positions, integrate island perspectives and local cultures into the agency providing disadvantaged communities a presence in daily operations and the decision-making process.

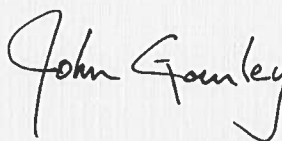
As NMFS moves to finalize this national strategy and develop regional implementation plans, the Council will continue its work in communities and assist NMFS in its efforts to integrate EEJ into its core organizational structure and programs. As discussed at the May 2022 Council Coordinating Committee meeting, NMFS included \$7M in the President's budget request for FY2023 to support Environmental Justice and Equity that includes \$3M to advance and improve Territorial Science and Management, \$2M for education and outreach for diverse participation in regulatory and science process and \$1M for seafood industry workforce training. The CCC members were pleased to see these priority funding areas align with their needs and to know that the administration will be coordinating and supporting the regional Councils, as partners, in our efforts.

Mahalo for the opportunity to provide comments on the draft NMFS EEJ Strategy. We look forward to NMFS' continued engagement with the Council and the communities of the Western Pacific. If you have any questions, please feel free to contact me at the Council office at (808) 522-8220.

Sincerely,



Taotasi Archie Soliai
Council Chair



John Gourley
CNMI Vice Chair



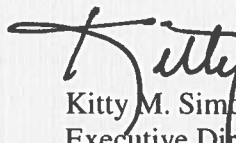
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Honorable Governors of American Samoa, Guam, Hawaii and the Commonwealth of the Northern Mariana Islands
Honorable Congressional Members of American Samoa, Guam, Hawaii and the Commonwealth of the Northern Mariana Islands
Regional Fishery Management Councils
Western Pacific Regional Fishery Management Council Members

Enclosed: WPRFMC June 26, 2021 letter to Ambassador Rice regarding EO 13985&14031



**Western
Pacific
Regional
Fishery
Management
Council**

June 24, 2021

Ambassador Susan Rice
Assistant to the President for Domestic Policy
The White House
1600 Pennsylvania Ave NW
Washington D.C. 20006

Dear Ambassador Rice:

The Western Pacific Regional Fishery Management Council is one of eight regional fishery management councils authorized in 1976 by the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to sustainably manage U.S. fisheries. The Council reviewed Executive Order (EO) 13985 entitled, “Advancing Racial Equity and Support for Underserved Communities through the Federal Government” and EO 14031 “Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders,” and have identified barriers in federal fisheries management that should be addressed through these EOs.

The Western Pacific Region consists of one state, two territories and one commonwealth that stretch over three time zones and the international dateline. More than 75% of the population identifies as indigenous Pacific Islander, Native Hawaiian or Asian American. The Territories of Guam and American Samoa and the Commonwealth of the Northern Mariana Islands (CNMI) have lower income values and higher poverty rates than national averages. These island areas are also among the most isolated in the world, requiring goods to be shipped over thousands of miles of ocean, resulting in higher costs. The people, therefore, are heavily reliant on what can be produced locally and have historically turned to the ocean to provide food and protein to sustain their communities. Individually, each of these communities meet the “underserved communities” definition set forth within EOs 13985 and 14031 and, as a whole, represents a regional opportunity for progress by this Administration.

The Council has supported capacity-building projects, training workshops, fishery development, territorial scholarships and community programs aimed to address some of the economic, social and educational disparities in the region. An important part of the Council’s work has also been to increase public awareness and education about the cultures and traditions of the island people and their centuries-long relationships with the marine environment. However, these efforts often lack the support and genuine prioritization by the federal government to properly implement and overcome the challenges faced in the region. The following provides a description of these challenges that should be addressed by EOs 13985 and 14031.

Limited Capacity

Economic opportunities for the insular areas of the Western Pacific are limited due to its geography and available resources. The main resource that is available, the people, need to have the technical and administrative capacity to be able to take advantage of opportunities to improve their community. Without that capacity, the community remains disadvantaged in national federal grant competitions, such as Saltonstall-Kennedy, cooperative research and the Bycatch Reduction Engineering Program, where those with the capacity, such as large universities, receive funding. Providing regional solicitations for these programs, paired with technical training workshops, would afford Pacific island communities an opportunity to receive much needed funding to improve their fisheries.

Differences in Communication

In addition to the distance between the islands and the U.S. Capitol, the Western Pacific Region is also host to four indigenous peoples, each with its own language and cultural protocols. These indigenous cultures influence the social and governmental structures that differ from those found in the continental United States. Whereas a notice in the Federal Register might be enough to alert fishermen to a public meeting on the mainland, that same notice would need to be announced on the radio in the CNMI, posted in village community centers in Guam or advertised as a public service announcement in American Samoa. While that same meeting could be held virtually on the mainland and have hundreds of participants, in the islands, simple access to high speed internet or technical knowledge of how to do so limits participation in the islands.

Cultural protocols require people in these islands to communicate with their leaders face-to-face and provide for oral comments and suggestions. This practice may not be unique, but becomes increasingly challenging when there is a need to provide information and receive public comments in four different languages. Providing materials in different languages and holding in-person public hearings in local languages can help to overcome the challenges in communication.

Available Funding Opportunities

Recent changes in federal contracting methods have consolidated the number of potential contractors into a handful of pre-qualified businesses. Small, local, indigenous and women-owned companies that once contracted directly with federal agencies are now required to go through these large companies as brokers to access federal funding. Reforming contracting structures and methodologies to afford these smaller and diverse companies equal success would better direct resources and expertise.

Regional Representation

Western Pacific community representation on federal advisory groups and participation at national workshops continue to be a challenge. Escalating transportation costs and logistics, however, should not be an excuse for excluding participants from the region, especially from serving on mechanisms closest to the decisions that have the ability to disproportionately affect the region. For example, the Marine Fisheries Advisory Committee deals with national fisheries and policy issues and has not appointed persons from this region, despite qualified applicants applying annually.

Appropriateness of policies, regulations, or guidance

The idea of a “one size fits all” approach to management is not appropriate as exemplified in the management of fisheries in the western Pacific. Federal mandates, along with its associated guidance and policies, such as annual catch limits, may be appropriate for fisheries in Alaska or New England, but do not allow for areas with less capacity to properly identify, implement and enforce these types of regulations. The level of investment into the building blocks and drivers of policy decision-making, i.e., data collection, plays a large role in implementation success. Aside from better investments on the drivers, there is a need for strengthening and retooling key policy design principles for better regional outcomes. Incorporating responsiveness, adaptiveness and the ability to evolve as policy design elements would serve to create better management implementation results. Otherwise, the region is often faced with a mismatch in policy directives as opposed to regional management needs, with exemption requests as the only viable option. Unfortunately, this is the case with the application of MSA’s National Standard 1, which determines stock status. When applied to our data-poor fisheries, it unrealistically burdens these underserved communities by dramatically reducing the catch limit from 106,000 pounds to 5,000 pounds, and 66,000 pounds to 31,000 pounds for American Samoa and Guam, respectively. This reduces their communities’ economic stability in the absence of any clear data-driven management.

Underutilized Mechanisms

Mechanisms already exist to provide justice and equity to the underserved communities in the Western Pacific Region. Programs such as the Community Demonstration Projects Program (CDPP), congressionally authorized by the MSA to “foster and promote traditional indigenous fishing practices,” remain an unfunded mandate. If funded, the CDPP could directly address the intent of these EOs. In addition, the Western Pacific Sustainable Fisheries Fund is an existing financial pathway for the Territories and Commonwealth to receive federal funding to achieve their priority marine conservation objectives. These types of investments would benefit from consistent funding in order to provide permanence for the EO objectives region-wide.

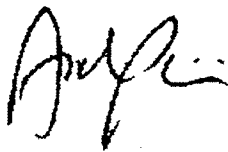
Institutional Structures

As opposed to the Council’s bottom-up approach to management, the federal government generally employs a top-down approach. Unilateral presidential actions, such as the use of the Antiquities Act to designate nearly 1.2 million square miles of large-scale no-take marine protected areas, have impacted communities’ relationship and access to their marine resources. Often the burdens of achieving national conservation targets have fallen to our Pacific communities, and through mechanisms that by design remove their input from the process. Fifty-two percent of the U.S. exclusive economic zone in the western Pacific has been designated through presidential proclamation in this fashion. The U.S. Pacific Territories will likely carry the burden of coral conservation in the Pacific if the proposed critical habitat designation is finalized, despite these waters representing less than 1% of the range of the Endangered Species Act-listed coral species. The proposed rulemaking is currently underway and thus far devoid of any substantive coordination with the local government and their communities. The Billfish Conservation Act, as amended in 2018, created unnecessary prohibitions for the marketing and sale of sustainably harvested Pacific billfish species. As such, the Council believes that this billfish stock should once again be available to U.S and international markets. This action would remedy unnecessary economic challenges, not only for our underserved communities, but also for the U.S., being that billfish is a key exportable product within international trade.

When there is a lack of advocates for these underserved communities at the top, and decision making is top-down, the gap in equity widens. A federal workforce, particularly in executive leadership positions, including representatives from these disadvantaged communities, provides a voice and decision-making lens connected to the community of impact. There is also a need for opening pathways for training, technical expertise and demystifying the federal recruitment process in order to achieve this goal.

The Council is not necessarily looking for more from this Administration, but asking for different. They say a rising tide lifts all boats, but many of the boats in our region are canoes and they work a little differently. This difference needs to be recognized to be able to meet the rising tide in its own way. We appreciate the opportunity to provide these initial comments towards a better system of government for communities in our region. The Administration's systematic and whole government approach creates an ability in the here and now to catalyze effective change. We look forward to continuing to work together to address inequities for the underserved communities in the Western Pacific Region. To that end, the Council requests the opportunity to meet with your point of contact(s) to discuss appropriate remedies.

Most Respectfully,



Taotasi Archie Soliai
Council Chair



John Gourley
CNMI Vice Chair



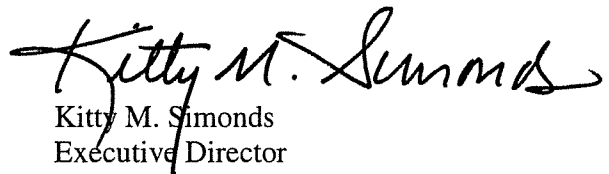
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David Y. Ige, Governor, State of Hawaii
Mazie Hirono, U.S. Senator, State of Hawaii
Brian Schatz, U.S. Senator, State of Hawaii
Ed Case, U.S. Representative, State of Hawaii
Kaula I. Kahele, U.S. Representative, State of Hawaii