



## **Report of the Joint Mariana Archipelago FEP Advisory Panel Meeting**

Thursday, December 7, 2023

6:04 p.m. – 8:00 p.m. (ChSt)

### **1. Welcome and Introductions**

Richard Farrell, CNMI Advisory Panel (AP) vice-chair, opened the meeting at 6:04 p.m. ChSt. Members in attendance included Clay Tam (AP Chair), Michael Fleming, Cecilio Raiukiulipiy, Ray Tebuteb, Lino Tenorio, Lawrence Concepcion, Anthony Guerrero, Dominick San Gil (Guam Vice-chair), Michael Duenas, Jesse Rosario, Jason Miller, Mike Gawel, James Borja and David Cabrera. Dale Alvarez and Perry Mesngon were excused.

Others in attendance include Zach Yamada, Felix Reyes, Mark Fitchett, Joshua DeMello, Asuka Ishizaki, and Felix Penalosa (Council staff). The public in attendance includes Eric Cruz, Angela Delacruz, Floyd Masga, Mia Iwane, Felipe Carvalho, and Audrey Toves.

### **2. Review of the Last AP recommendations and Meetings**

Felix Reyes reviewed the last Guam and CNMI AP recommendations from their September meeting. Regarding the 2024 US Territorial Bigeye Tuna Catch/Effort Limit and Allocation Specifications, the Guam and CNMI APs selected Option 2, allowing transfers of up to 1,500 mt from any territory to US-flagged longline vessels with total transfers not to exceed 3,000 mt. At its 196th meeting, the Council took final action and will consider taking final action on the multi-year specification discussed at its March 2023 meeting.

Regarding the proposed rule on the green sea turtle critical habitat, the Guam AP recommended the Council consider concerns raised about the public comment period held on the islands, and the CNMI AP recommended the Council request NMFS consider holding a public meeting on Tinian and Rota. At its 196th meeting, the Council took up the recommendations and included the AP's comments in the Council public comment letter dated October 4, 2023.

### **3. Feedback from the Fleet**

#### **A. Fourth Quarter Fishermen Observations in the Marianas**

AP members provided their observations from September 30 to December 6, 2023.

The Guam AP reported fish has been coming down south. They said military boats going back and forth in the area interrupt fishing. A member said October and November saw wahoo come in with early signs of mahimahi. A full mahimahi run is expected by January. DAWR has deployed two FADs recently, the Haputo #2 FAD and FACPI 2 FAD. A member said rainbow runners were a lot bigger, and with storms passing through, it's been challenging to get to the fishing grounds.

The CNMI AP reported the water was rougher, and the fish were further out. Mahimahi is coming in earlier. There had been an increase in turtle sightings. An AP member added he was surprised the atulai is still in. Another AP member said atulai did not come into Tinian and Saipan. Fishermen asked about issues with boaters entering or exiting the marina channel and the super-low tides. An AP member said two derbies were held during this period, although they did not get the expected outcomes. One derby was for law enforcement and was a shallow-bottom event. A notable catch was a big dogtooth tuna. Most of the fish caught during the derbies were either sold or donated. Spearfishermen said they encountered strong currents along the reefs. There were also concerns that the earthquakes in Maug may have affected their fishing. There is no atulai now being caught. He said a gallon of gasoline costs \$7.22/gallon.

## **B. Marianas Archipelago Fishery Issues and Priorities**

A Guam AP member said he has been net fishing more due to high gas prices and bad weather. He is still seeing a good catch with talaya for pompanos and sesyun. With the deployment of the two FADs a couple of weeks ago. Regarding boating, fishers see productivity with their catches, even just the day following the deployment. Another Guam AP member said when he goes trolling, DAWR would be present at the marinas to conduct their creel surveys. He sees them in the morning, but after eight hours of fishing, they are away on his return to collect his data. Unfortunately, he does not have confidence in the creel surveys. The accuracy of the data being submitted is being exaggerated. A member echoed the previous member on the quality of the creel survey. He applauds the biosampling workshop just held. It was great for the fishery scientists and stock assessment people to come and meet with fishers and interact. It has never been done before. He sees great strides in the data, even if not so great.

Regarding the Guam BMUS, such as mafuti and onaga, Guam has an annual catch limit (ACL) of 31,000 pounds. If any catch is to be sold at around seven pounds, it is still a fishery at only around \$200,000. Fishermen give a lot of fish away. Then, they are told the data could be better, and they need to collect more data. He said PIFSC should provide additional funds to support creel surveys and commercial data receipts. He said there are success stories of cooperative research to improve biosampling and shark talking. He was concerned that there were more funds to support fishery management than the fishery's value. Reports say there are 400 fishers in Guam, but of that, only 200 fishers are active. To manage this number of fishers at 31,000 at \$230,000, the fishery needs help. Get us out of this overfished and overfishing state. It is painful to think the fishers caused the fishery's collapse.

Clay Tam, the AP Chair, said that cooperative research helped regarding the comments about the ACL. The Pacific Islands Fisheries Group (PIFG) finished its 13th season of the bottomfish independent survey, a collaborative effort with the Council, NOAA, and the community. The survey was a combined effort to move the needle forward. The key was participation and teamwork from those involved. Relying only on an agency is not possible. All must work together. These recent meetings stemmed from that project. The more that is done to support as a community, is best. It may take sacrifices from fishers and the community but it will be in the community's best interest. As a member of the NOAA Marine Fisheries Advisory Commission, they reviewed the proposed 2024 budget, which notes an increase in funding for climate change.

Major industries along the coast, both commercial and recreational, are experiencing a huge problem arising with the big white ships that do surveys. PIFG is working with Lynker on a contract to help with expanding the bottomfish independent survey to Guam since the local fishers know where the fish are, but they need to be a part of the solution.

Felipe Carvalho said the stock assessment is used to determine the ACLs. Creel surveys tell how many fish are removed from the water. If the creel survey data is unreliable and the community has strong concerns about the data quality, PIFSC must address those issues. They are scheduled for a Bottomfish stock assessment update in March 2024 to provide an update on the stock status. While developing the new assessment, which is yet to be linked to the creel survey, they identified extreme problems with the creel survey data. They will promote a very in-depth review of the creel survey data to determine whether it is reliable for future stock assessments and include the community in that discussion.

A Guam AP member said they encounter a lot of shark depredation. To improve the creel survey, it would be beneficial to understand the impacts of depredation on their catch in future stock assessments.

Carvalho said the shark issue is highly complex and has yet to learn how to deal with it regarding stock assessment. PIFSC hopes to meet with the local agencies to discuss ways to improve the Creel survey to capture information on depredation.

A CNMI AP member said Saipan is experiencing an overgrowth of seaweed. Also, the military's shooting range planned around Tinian is a big concern. The circulated map shows the potential impact of 16-20 miles off Tinian.

Another AP member said the Garapan marina needs to be addressed with the seaweed issue. An AP member added that in the last three or four months, bottom fishing was much better from between the 300-foot to 750-foot depth, mostly opakapaka, gindai, and mafuti, but not for onaga. He heard from other fishers that a lot of mahi are being caught, even in Guam. Another member commented on the fishing base channel and the coral growth in the area. During super-low tides, boats have difficulty navigating the channel. There must be some solar channel markers to mark the route. Most fishermen now leave Smiling Cove, but it is far from those living in the south. Fuel is the highest expense for all fishers, and this long travel is a considerable expense. Smiling Cove Marina has super aggressive coral in the shallows. At Tinian Cross, a planned shooting range will take over most deep bottom areas, including a new regime for Spanish mackerel. The proposed shooting range will impact CK Reef. It is polluting the water. They should instead put the range to face a cliff and not to the water. A member said they are still waiting for the new marina dock to be done in Tinian. He shares the same concerns regarding the shooting range with other AP members. He said many families go to the proposed range site to pay their respects to those who died when a boat capsized in the area.

#### **4. Council Fishery Issues and Activities**

##### **A. Multi-Year Bigeye Tuna Catch and Allocation Limits**

Mark Fitchett, Council staff, presented alternatives for setting a framework for a multi-year bigeye tuna (BET) catch and allocation limits applicable for American Samoa, Guam, and CNMI

to US-flagged Hawaii longline vessels. Under Amendment 7 to the Pelagic FEP, the Council specified annual fishing agreements to support the territorial marine conservation plan and fishery development projects. At its 194th meeting, the Council took initial action of no catch limits and 1,500 metric tons (mt) allocation limits for each U.S. participating territory for fishing years 2024 through 2026. At its 197th meeting, the Council may take final action on the following alternatives: 1) No action - no catch or allocation limits; 2) catch limit of 2,000 per territory and 1,500 allocation limits, limiting total transfers to 3,000 mt (status quo); 3) specify for each U.S. participating territory up to a 1,500 t allocation limit, with the option to set a catch limit without the requirement to do so; or 4) specify for each U.S. participating territory a 2,000 t allocation limit, with the option to set a catch limit without the requirement to do so. The AP may recommend a preferred alternative for the Council's final action for its upcoming meeting.

A Guam AP said regarding the longline BET limits, he is concerned when looking at the recent catch limits that the US received only a tiny increase, but the other countries show significant increases. He asked why there are no catch limits under the Small Island Developing States (SIDS).

Council staff said the table conveys that the US utilizes most of its catch limit. Other countries like Japan and Indonesia do not use their catch limits. Some nations use Ultra High Temperature (UHT) longline fishing and freeze their fish so their price of fish is lower. In Hawaii, the cost is usually \$115 million per year. There are no longline fisheries in the CNMI and Guam, although American Samoa has a longline fleet and a cannery. There are agreements for catch limits and allocations already with the CNMI for 2023 and 2024. It is up to the Guam government to set the price for their allocation limits. The rate is \$250,000 per 1,000 mt and \$375,000 for 1,500 mt, or about \$125,000 if split between the three territories.

A CNMI AP member said he is concerned about the SFF funds. A Guam AP member asked what the commercial value of the quota is so they can inform their governor how they can negotiate for more since Guam has yet to participate. They need help to convince the Guam government to participate.

Josh DeMello, Council staff, said the current value of the BET fishery is zero until somebody wants to buy it. The Hawaii Longline Association gave \$250,000 to CNMI and American Samoa since they have agreements.

The AP members also discussed concerns associated with the administrative cost burden incurred by the local governments in processing funding from specified agreements, which reduces the amount of funds that can be used to execute projects under the MCP. They inquired how that process could be streamlined to reduce those costs and burdens. Council staff indicated they would look into the matter and follow up with the AP at a future meeting.

## **B. Fishing Regulations for the Proposed Pacific Remote Island National Marine Sanctuary**

Joshua DeMello, Council staff, presented the analysis of options for fishing regulations for the proposed Pacific Remote Islands (PRI) National Marine Sanctuary. As part of the sanctuary designation process under the National Marine Sanctuaries Act, section 304(a)(5) requires the appropriate fishery management council be given the opportunity to prepare draft

regulations for fishing within the EEZ. NOAA has identified that proposed fishing management actions are necessary, and provided the Western Pacific Regional Fishery Management Council a package of materials intended to help the Council make a determination of what would best fulfill the sanctuary goals and objectives. The Council may decide to prepare draft fishing regulations and recommendations, determine that regulations are not necessary, or decline to make a determination with respect to the need for recommendations.

The Joint AP agreed that the current fishing regulations were sufficient, and the Council take final action on option 2, no action.

## **5. Update to the Council IRA Application priorities and Development**

Asuka Ishizaki, Council staff, provided an overview of the Inflation Reduction Act (IRA) funding. The Councils have been allocated \$20M from the IRA funding to contribute to dynamic management and increasing fishing community resiliency in response to climate impacts. Council staff have started developing project proposals to address the IRA priorities, including climate scenario planning, regulatory review, protected species, and community engagement. The projects need to be completed by 2027.

A Guam AP member said climate change in the small island areas impacts the human population of small islands like the Republic of the Marshall Islands. They then move to other areas under the Compact of Free Association (COFA) agreement with the US. Their islands are smaller than before due to climate change. This migration is causing a significant impact on Guam's fisheries. Regarding climate change grants, an AP member asked if members could host workshops to educate the immigrants on the Guam cultural ways of fish take, catch limits, and more.

Council staff said this issue could be addressed through scenario planning or regulatory review activity. Both will allow the Council to assess the issues and how they can be resolved through a management system. The AP needs to identify these folks from these communities and bring them into the planning effort so we can engage them. Regarding grant fund proposals, the funding coming to the Council will not work. Much of the funding will be for travel to allow Council family members to visit the territories. At this point, regarding education and outreach to the COFA communities into Guam of local rules, other grants may be available, like the Marine Education and Training Grant program and others that can help address these better.

An AP Amember suggested assessing existing impacts over the last few years of the migrants, particularly how they impact our fisheries. Another member said the community benefited from the Malessa Community-Based Resource Management Plan (CBRMP) and the development and deployment of community-based FADs. Another member suggested some of the funding could be used for travel of the AP to meet at other territories.

An AP member asked if ongoing work with the Marine Conservation Plan (MCP) for the island areas exists. He asked if the funds for the IRA could be used to support projects under the MCP.

Council staff said the projects under the MCPs do not meet the criteria for the IRA proposal. She asked the members to identify the projects that still need to be addressed and send those to staff so they can be looked at to see if they fit into the categories.

An AP member asked if meeting presentations and reports would be sent to the AP before meetings. Council staff said all files are on the shared Google Drive.

## **6. Other Business**

Mia Iwane, PIFSC, provided updates and next steps for social science initiatives in the Marianas. In 2023, PIFSC finished the report of the 2009-20210 CNMI elder fisher perceptions of nearshore marine resources. The report highlighted that the most common motivations for fishing were subsistence, followed by commercial. The most common fishing methods were spearfishing, trolling, bottomfishing, and Talaya. About 77% of participants said they changed their fishing methods over time. For perception, elders thought that fishing worsened over time and recommended improving reef fishing with increasing unpredictability. There was agreement on the gillnet ban for fishing regulations but did not agree with the outright raised impacts to the allowance for traditional fishing practices. For future surveys, PIFSC will consider a Marianas small boat survey that may be completed in 2025, pending approval.

An AP member asked if the survey could ask about the amount of imported fish from foreign countries. They said it is hard for the local fleet to compete with imports, especially since they do not have the same infrastructure as Hawaii.

Iwane said it is difficult to make significant changes to the survey tool after submitting it. She is working on another project and will look at how may be possible but will flag it.

Another AP member asked if PIFSC has this survey until April 30, 2025, the future is uncertain. He said it has been a common problem when surveys are conducted we always provide something in return for the data.

Iwane said the approval entity is undergoing national review and cannot get any new survey instruments approved. They are trying to find other ways to collect data. The last time data was collected was in 2018. A brochure was prioritized within a year after the data was collected.

Eric Cruz said it is about asking about incentives for submitting surveys. In 2007, POP from Honolulu supported an event at the Guam Fishermen's Coop and brought a lot of gear to give to fishermen if they filled out the surveys. PIFSC could look at something similar in the future or look at a different route.

An AP member said in the survey in 2011, PIFG had a tackle show in Guam and invited small boats to conduct surveys. The 2018 survey was returned to gauge the small boat fishery and see what changes happened. In 2025, they will see what changed since. What has changed with cost, fishing method, and economics.

David Cabrera presented how the Talaya Club can reinvigorate traditional fishing methods and cultivate informed ocean stewards of all ages. Communities in the CNMI are subsistence fishers. Most people in the CNMI do not have a tangible connection to the ocean. Talaya Club offers the community an opportunity to have a tangible connection that can impact their daily lives so that their connections evolve into a desire to protect the ocean and the resources it provides. CNMI are subsistence fishers. Most of the people just view or drive by the ocean. This is to teach how to protect the ocean and manage its resources successfully using online courses. He noted he received an MOU with the NMC to have the courses be eligible for a degree program. A full proposal was submitted. This is replicable in Guam.

An AP member said he has been a panel reviewer for the Saltonstall-Kennedy grants for several years. He hopes Cabrera submitted a full proposal. If the proposal does not get approved, keep submitting it yearly. A member asked if the certificate program with the Northern Marianas College is under CSRES or if it is just a program certificate. This idea should be replicated in Guam. He is working with the Community Development Institute and the National Development Program. The director of Northern Marianas College is going forward with including the courses, together with Sea Grant. Another AP member said he taught courses at the University of the South Pacific and worked on similar plans. Those ideas could be added to the plans of this program. Adding a bit on oceanography, aquaculture, and more could be valuable.

## **7. Public Comment**

There were no requests for public comment

## **8. Discussion and Recommendations**

### ***Regarding the Multi-Year Bigeye Tuna Catch and Allocation Limits:***

- **Guam Advisory Panel does not recommend an alternative for the multi-year specification at this time, noting concerns regarding the Guam Government not participating in a specified fishing agreement and preventing Guam's access to SFF funds to support fishery development.**
- **CNMI Advisory Panel recommends Alternative 2, sub-alternative 4 (specify 2,000 mt allocation limit per territory).**

### ***Regarding Fishing Regulations for the Proposed Pacific Remote Island National Marine Sanctuary:***

- **The Guam and CNMI APs were concerned with the potential impacts to the American Samoa community from closing fishing in the PRI EEZ and recommended that the current fishing in place be continued.**

### ***Regarding Update to the Council IRA Application priorities and Development:***

- **The Guam and CNMI APs recommend that the IRA proposal incorporate**
  - **An assessment of the impact of climate change on migration of people from other small island areas to Guam**
  - **Opportunities for fishing community members from each jurisdiction to meet in Hawaii and/or other areas to provide educational opportunities.**

The meeting ended at 9:58 pm, ChSt.