



**DRAFT AGENDA**

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**Mariana Archipelago FEP Guam Advisory Panel Meeting**

Thursday, August 31, 2023

6:22 p.m. – 8:29 p.m. (ChST)

**1. Welcome and Introductions**

James Borja, Advisory Panel (AP) Acting Vice Chair, opened the meeting at 6.22 p.m., ChSt. Members in attendance included Michael Duenas, Dominick San Gil, Jason Miller, Michael Gawel. AP members Jonathan Deloso and Dale Alvares did not join the meeting. AP members Judy Amesbury and Jesse Rosario were excused.

Others in attendance include Zach Yamada, Felix Reyes, Josh DeMello, Asuka Ishizaki, Mark Fitchett (Council staff), Mia Iwane, Eric Cruz, Marlowe Sabater (PIFSC), Olivia Bañez (Guam CRI).

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

Felix Reyes, Council staff, gave a review of the last AP recommendation from its June 17, 2023 meeting. Regarding the AP's request for the Council to request the Governor of Guam, in light of recent Typhoon Mawar's destruction and impact on Guam's small boat fisheries, to assist DAWR in navigating the Government of Guam procurement process and seek ways for expeditious procurement and deployment of FADs. A letter was drafted and sent to the Governor on August 23, 2023.

**3. Guam AP Project and Activities Update (AP Plans)**

Regarding shark depredation, two AP members said they recently joined a hands-on shark tagging training in Oahu. They are now waiting for a go-date to deploy transponders and start tagging sharks around Guam. Jason Biggs is coordinating with Carl Meyer on the next step.

An AP member said the goal is to get to areas that are regularly fished with easy access and have shark depredation going on. Tagging of sharks around Guam must be during the calmer months. Some of the trainers will be coming to Guam later this year for another hands-on training and deploy transponders and start to tag sharks.

Another AP who was trained said DAWR received six tagging receivers from Hawai'i but the attachments have not yet arrived. They have the trace gear and the transmitters and will be deciding on the deployment sites. DAWR was awarded a state wildlife grant to fund 60 additional receivers for deployment around the island. DAWR will explore avenues on how to contract their deployment while using the expertise of those already trained.

An AP member asked what the target species of sharks for tagging are. An AP member said in Guam's waters, there are silky, gray reef and tiger sharks. They will concentrate on the sharks that are common with the shark depredation event sites.

Regarding military closures and fisheries access, an AP said the new USMC Mason firing range representatives approached him and wanted to talk to the AP to help convey the information about the range, closures and fishing access with the fishers.

Regarding fish aggregating devices (FAD), an AP member said Guam's FAD deployment involves 500 or 1,000 fathom systems, they are either too deep or too shallow. When shallow, they are susceptible to being tangled in ship's propellers. The AP hopes DAWR will work with the AP to address issues related to FAD development and deployment.

AP member and DAWR staff Michael Dueñas provided an update on FAD procurement for 2023 and the challenges encountered navigating the bid process for procurement and deployment of FADs with the Government of Guam's procurement arm, General Services Agency (GSA). Over the years, there was no competition in the bidding process, the bid received tended to exceed the requisition fund. DAWR will work GSA to resolve the impasse. The same approach is being used with the Shallow Water Mooring Buoys (SWMBs) to try to get competition and as many local vendors to submit bids.

An AP member asked if the military would assist with FAD deployment as part of a mitigation measure for the community impacted by the Marine's firing range.

Regarding fishermen's contribution to the economy, the vice chair said there continues to be collection of catch logs or records but the overall dollar amount and what the fishery's value at this time is not known.

Regarding education and outreach, the vice chair said Southern High had a fishing club but does not know if it is still active. Finding the right organization to provide the type of program needed is important. There was a pilot program with UOG in the past but is no longer being held. DAWR hosts kids derbies and is an avenue to reach the community.

Council staff added that with the lunar calendar, it would be good to have the AP to look at what will be highlighted. The AP collectively agreed to be more hands on the calendar development, including images and content. AP members suggested highlighting Guam's fishing families, how they pass down fishing knowledge, and how the youth of the families continue the traditions. Guam has several families known for their fishing prowess and traditions.

The vice chair suggested using the Greg Perez Fishing Derby as a platform to solicit fishermen for ideas. Focus on the you, such as the grant Shut Up and Fish received for kids to look at fisheries.

#### **4. Feedback from the Fleet**

**AP Members**

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

An AP member said there is a video of a supposed mako shark off Hospital Point.

Another AP member said he noticed they have not been hit by sharks like in the past. Due to storms, fishing had not been as active. He said sharks recently tend to hit the yellowfin tuna

more than skipjack. The sea water temperature was nice after the storm and makes things fishable.

An AP member also said the prevailing winds have been coming from the southwest due to storms forming around Guam. Wind direction never got back to normal from the northeast. As a result, the east and the north side had been calm. All deep bottom fishing trips they experienced shark depredation. They hit as soon as they hook up. Anywhere from five to eight shark interactions per day and experiences up to 50% loss of catch. Recently, he brought up a nine foot shark that looked like a bronze whaler. It was the first time seeing one. An image was circulated with shark experts and is awaiting feedback on what the species is. He also recently landed another silvertip shark. The bite for August was good. This summer season is not showing many marlins being caught. And those caught were all small. This could be due to storms and the southwest current and winds which had been happening since May. Bottomfishing for 2020 was good, 2021 was slower, 2022 even slower, but 2023 was better.

Another AP said this past quarter had been a productive year for trolling. He has been catching more yellowfin than skipjack. Of the five recent trips he took, he only caught only one skipjack although other fishermen are reporting a 50-50 yellowfin to skipjack landings.

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

The Vice Chair asked AP members for fisheries issues and priorities.

An AP member said there is a new species that are being caught around Guam. A large, 53 inch spanish mackerel was caught from a kayak just off Talofof Bay using surface lure and in 50 feet of water. AP members also talked about possible bronze sharks and silver tip sharks being caught.

An AP reported that DAWR explored hosting the kids fishing derbies to teach the youth fishing skills, responsible resource management and conservation.

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

### **A. 2024 Territorial Bigeye Tuna Catch and Allocation Specification**

Mark Fitchett, Council staff presented the 2024 US Territorial Bigeye Tuna specification. Three options were presented: 1) no action, 2) total catch and effort attributions consistent with status quo (3000 metric ton [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 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. Only CNMI and American Samoa have engaged in territorial agreements with the Hawaii Longline Association for the last several years.

The vice chair said the challenge is not with the recommendation, the issue lies with the governor.

An AP member said Guam would need to be quick and ahead of CNMI and American Samoa if funds were to be realized from Hawaii Longline Association.

## **6. Updates on the Proposed Rule to Designate Critical Habitat for Green Sea Turtles**

Asuka Ishizaki, Council staff, provided a brief overview of the proposed rules to designate critical habitat for populations of green sea turtles listed under the Endangered Species Act (ESA). The proposals were published by the US Fish and Wildlife Service (USFWS), which has jurisdiction for ESA-listed sea turtles on land, and the National Marine Fisheries Service (NMFS), which has jurisdiction in marine areas. Critical habitat is a tool used in the ESA consultation process to ensure that federally funded, authorized or permitted activities do not destroy or severely modify the species' habitat. It does not, by itself, create a protected area or restrict access, and does not stop development or directly impact activities that do not have a federal nexus. A public hearing on the proposed rule was held in Saipan on August 23, 2023. AP members were asked to provide their input to the Council for consideration in providing comments to NMFS and USFWS.

The vice chair said he attended the public meeting held by NOAA and USFWS on the Green Sea Turtle Critical Habitat designation. As a property owner at Jinapsan, a beach located near a military base with special access needed, he is concerned his property would be designated as a critical habitat. Restrictions may be imposed on the use of property. They have been good stewards of their property. Activities, such as in Tumon Bay and the lights that face the ocean may be affected, including improvements to the properties if they use federal grants. The Army Corps of Engineers (USACE) said Agana Boat Basin was scheduled to be dredged by 2024. The Guam Fishermen's Coop new seawall may be affected. Some Urunao beach property owners operate tourist businesses. Turtle population has increased around the island.

Council staff replied that in general, areas where there are already nesting activities on land, there are already consultations happening. In terms of the family property having seen nesting activity, there is good news that there are already consultations going on and is a simpler hurdle to overcome. The ones in water (as in Honolulu harbor which is a part of an existing critical habitat, are talking to the NMFS, who do not have any thought to delay projects with consultations).

An AP member said that on land, with the sea level rising, critical habitat have been based on current sea turtle nesting. There were concerns about the military bases on Guam who have Integrated Natural Resources Management Plan (INRMP) and they use these to get around many of the actions that impact endangered species.

An AP member said he was disgusted with the process and poor facilitation. The flyer said the meeting was from 6-8pm, The meeting ended at 7:14pm. The facilitator cut off questions and did not allow full questions to be asked. Guam was like a check box. When asked why a blanket 20 meters depth, NOAA/NWS response the density shows so many turtles.

The vice chair said if they increased the number of officers, they may start dictating what can or cannot be done on the private properties. With land in Guam, there are already red tapes with historical conservations.

Council staff said NMFS had funding to engage local folks to help them navigate local cultural sensitivities. General logistics on how the meeting was run did not help facilitate a better understanding of what critical habitat is and did not foster dialogue. And to identify specific

concerns on what impacts may be to private landowners to get federal funding or NMFS questions.

## **7. MSA Program Planning 2025-2029**

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 would need to be completed by 2027.

## **8. Other Business**

There was no other business discussed.

## **9. Public Comment**

There were no public comments

## **10. Discussion and Recommendations**

***Regarding the 2024 US Territorial Bigeye Tuna Catch/Effort Limit and Allocation Specifications:***

- *The Guam AP recommends the Council select 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.*

***Regarding the green turtle critical habitat proposed rule, the Guam AP recommends the Council consider the following concerns in responding to the public comment period:***

- *The public hearing in Guam was poorly facilitated and did not allow for full question and answer to foster better understanding of the potential impacts of the critical habitat designation;*
- *Request clarification on how public may have input on any potential impact, changes or delays to critical infrastructure projects (such as harbor dredging and boat ramp repair, maintenance or construction) resulting from consultations;*
- *NMFS and USFWS should consider potential impact of the designation on private landowners who may receive federal funding or permitting to carry out projects on their property, and to conduct more public outreach to address these concerns during the public comment period; and*
- *Request clarification on whether the military natural resources plans include marine species, if they are used to exclude areas for designation.*