



Draft Report of the Mariana Archipelago FEP CNMI Advisory Panel Meeting

Saturday, September 2, 2023

10:00 a.m. - 12:00 noon, ChSt

1. Welcome and Introductions

Richard Farrell, CNMI AP Vice Chair opened the meeting at 10:07 a.m. ChSt. Members in attendance included Anthony Guerrero, Lino Tenorio, Lawrence Conception.

Others in attendance included Zach Yamada, Joshua DeMello, Felix Reyes, Asuka Ishizaki, Mark Fitchett (Council Staff), Floyd Masga (DLNR), Sylvan Igisomar (DLNR/Council member), Adam Ayers (NOAA Affiliate).

2. Review of the Last AP Recommendations and Meeting

Council staff shared a review of the last AP recommendations and meeting held on June 3, 2023.

3. CNMI AP Project and Activities Update (AP Plans)

The AP Vice Chair said fishing had been slow in Tinian so far during 2023 and in the last quarter. All derbies except for a kids derby event hosted by the FWS, and outreach activities in Tinian were not held due to bad weather.

An AP member added the fishery in Saipan had also been slow. Tony G: Saipan had been slow.

4. Feedback from the Fleet

A. Second Quarter Fishermen Observations in the Marianas

The AP Vice Chair said Saipan saw some fishing derbies, but other activities and projects had slowed down across the Marianas. The Tinian breakwater is now gone due to storms. The Commonwealth Ports Authority recently hosted an open house outreach event to solicit the community's input on the development or revitalization of the breakwater. Military buildup funds are around the corner. A contractor is already working on the installation of fuel lines at the marina. The Architecture and Engineering (A&E) has been issued for a new marina. The renovation and construction of the marina parking, and security lights are all done. Southwest of Tinian is showing a lot of sand erosion but this area usually sees a cycle with the sand brought back by the waves. There were no seasonal runs of fish, just short runs of i'e and atulai. Lately, wahoo is being caught at the 25-30 pounds range.

An AP member said the fishing derby hosted by the Saipan Fishing Association during late July derby was a success. It saw their largest boater participation. The I Sanhalom Laguna

Anglers (ISLA) just completed their lagoon Mafuti fishing derby. The Tasi To Table (TTT) will be hosting its fishing derby on Saturday, September 9. And the Johnny Walker Blue Label fishing tournament is scheduled for Saturday, September 16.

Another AP member said that within the last quarter, shark depredation slowed down some of the fishing at remote reefs. The areas where sharks hit the most include 300 reef, Marker reefs and Farallon De Mendenilla (FDM). Other areas that used to be hit by sharks now show zero to 5% depredation only. Tatsumi, Goat Island, and Reef Coke, also did not experience many shark interactions. Fishers from Guam say they are hit by sharks everywhere, including shoreline, bottom fishing, and trolling. Right after Typhoon Sodelor, the islands saw active shark activities which lasted for 3 years. NOAA came to study if storms affect shark activity but there were no results. The water condition has not been normal. May, June, and July had not been good. August saw several storms around but the waters were mostly calm. Regarding fishing derbies, there were a lot of marlin being caught in the past quarter but not many were caught during the derby.

B. CNMI Fishery Issues and Priorities

The Vice Chair said the price of fuel remains high. Fishers are unable to make a profit. They even go fishing during rough weather to make ends meet. Increase in the number of construction workers for the military divert airfield project and Phase II of military construction will take a toll on Tinian's resources. The consumption of fish will increase.

An AP member said they need more staffing to allow for better data collection section of the government.

Another AP member added that work is being done at Fishing Base and it is nice to see reinforcements being installed. He would like to see if something can be done about the grass or seabed next to the ramp. At low tide boats get stranded. Not many boaters use Smiley Cove. Instead, they mostly go out of Fishing Base. Also, if something can be done on the other side to prevent boaters from getting stuck.

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 CNMI AP agreed to the status quo of Option 2.

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

- ***The CNMI 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.***

B. CNMI Marine Conservation Plan 2023-2026

Floyd Masga, DLNR staff, presented the CNMI marine conservation plan for 2023 to 2026. Masga reported that DLNR plans to have a coordination meeting with a team of staff from the Governor's office, DFW, DLNR, and the Council to review and develop a three-year MCP. DLNR plans to engage the fishing communities and stakeholders through outreach events, electronic surveys and meetings to draft the objectives and projects of MCP for the Governor of CNMI's review. Masga reviewed the ongoing and current projects, including the Garapan fishing base, Garapan revetment construction, and the CNMI bottomfish development and training.

An AP member asked if DLNR would consider the maintenance of the Aid to Navigation light buoy to be included in the plan. Masga said the revetment project is a priority to save the location from disappearing after every storm. Some of the listed projects were noted as possible tasks. They reviewed the cost for the assessment and evaluation of the Fishing Base; the agency discovered that it is necessary to focus the funds on the seawall revetment. Regarding the Aids to Navigation, they had already discussed this matter with DLNR and others.

The Vice-Chair said the USCG and the CNMI Boating Safety may help, including navigational lighting at North Point, Tinian. The AP had asked for a radio tower in Anatahan or Agiguan, but COVID prevented these from moving forward.

An AP member added that Aids to Navigation is essential for fishermen's safety. Navigation buoys must be installed.

An AP member asked if they had identified them the shared funds noted in the MCP.

Masga said the amounts are SFF funds associated with Agreements like the HLA agreement. The projects are proposed but have yet to be initiated. The Garapan Fishing Base revetment needs to be completed before the fishing platform is done.

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

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 of the AP (Advisory Panel) raised concerns regarding identifying areas bordering the port for designation and asked about the military's approach to addressing these concerns. Specifically, there was a query regarding the necessity of mitigation measures in these designated areas. Furthermore, attention was drawn to the ongoing construction of the divert field, and the inquiry was made regarding the corresponding mitigation efforts associated with this project. There are limited mitigation prospects in Tinian aside from these mentioned developments. Additionally, should dredging activities be contemplated at the port, mitigation measures for dredging would be essential. Notably, the maps of Tinian reveal a known Green Sea Turtle (GST) nesting habitat in the bay area on the right side. While a few other sites in the northern region have smaller beaches that serve as nesting sites, it was surprising that these areas were not incorporated into the plans.

The paramount consideration here is national security, which precedes other concerns. There was also a discussion regarding the recent GST CH (Critical Habitat) meeting, which exclusively took place in Saipan. Subsequently, the team visited Tinian but only engaged with the mayor's office in a courtesy visit. This approach has confused Tinian residents, as they have not had an opportunity for meaningful input. If there is a seasonal influx of activities in CH-designated areas, they expect that the local community will not be content with the situation. Delays have characterized information dissemination and often relies on announcements made by the mayor's office.

Regarding mitigation measures, the Council staff clarified that consultation recommending mitigation measures is contingent on the presence of federal activities, and it is not an automatic process. Whether mitigation is necessary depends on the nature of the activity in question. The Pacific Islands Regional Office (PIRO) emphasized that when an activity represents only a small fraction of a CH designation, it becomes challenging to identify 'diverse effects.' Consequently, the likelihood of a single activity significantly impacting a CH is relatively low. In the case of corals, they are already listed under the Endangered Species Act (ESA), and CH designation would complement existing consultation processes. However, the potential for lawsuits arises with CH designations, although predicting such outcomes remains difficult. Under the ESA, the federal government has limited exceptions for declaring CH, with national security being one such exception, albeit not automatic. Specific criteria must be met for this exception. It is also noted that the management plan for the northern part of Tinian may have been reviewed and found to have no issues.

The Council has been apprised of requests from advisory bodies seeking extensions, which is considered a valid point of discussion. The nesting beach CH designation is not expected to result in closure, as any such action would be attributable to factors other than CH designation.

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.

An AP member asked if bottomfish workshops and fishery development workshops can be included to support underserved communities and address equity and environmental justice. Council staff said they could consider the idea and how it could align with governance.

An AP member asked if the funds could be used to improve infrastructure. Council staff said that this funding will not fund infrastructure projects. AP members should continue to advocate for those projects and look at different funding opportunities for support.

An AP member asked the Council could consider deployment of smart FADs to understand climate change and its impact on the fishing industry.

Another AP member said he hopes to see some of the resources and planning used towards mitigation of infrastructure in marinas, including storm damage at Fishing Base, Smiley's Cove and in Tinian.

Council staff said funds may not be authorized for these but there is a lot of funding available. The AP should keep an eye out for those opportunities. There are SFF grants that can deal with climate change and its impacts.

Council staff suggested the AP take a look at the SAFE reports for guidance and more information, including some of the climate indicator information.

8. Other Business

No other business was 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 CNMI 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 Proposed rule to designate critical habitat for the green sea turtle:

- *The CNMI AP recommends the Council request NMFS consider holding public meetings in Tinian and Rota to ensure each of the communities are able to provide input in person.*

Regarding CNMI Fishery Issues:

CNMI AP recommends the Council incorporate the following needs and priorities in developing proposals to address climate-ready fisheries:

- *Planning toward mitigation of infrastructure in marinas*
- *Data collection through smart buoys to monitor environmental and climate factors that may be driving fisher behavior and fishing activity.*