



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

Fishing Rights of Indigenous People Standing Committee Meeting

Friday, September 15, 2023, 2:00-4:00 pm.

Western Pacific Regional Fishery Management Council Office

1. Welcome and Introductions

Chelsa Muna, Fishing Rights of Indigenous People Standing Committee Chair, opened the meeting at 1:40 p.m. Standing Committee members in attendance included Judith Guthertz, Sylvan Igisomar, Matthew Ramsey, William Sword, and Manny Duenas.

Others in attendance included Kitty Simonds (Council Executive Director); Judith Guthertz, Archie Soliai (Council Members); Joshua DeMello, Asuka Ishizaki, Zach Yamada, Mark Mitsuyasu, and Mark Fitchett (Council staff), Dawn Golden, Jarad Makaiau and Michelle Chow (NMFS PIRO), Marlowe Sabater, Danika Kleiber, and Mya Brown (NMFS PIFSC), and Malia Taylor-Wolfe (UH Manoa)

2. Addressing Equity and Environmental Justice in Fisheries Management

A. Report on NASEM's Committee on Assessing Equity in the Distribution of Fisheries Management Benefits

Zach Yamada, Council staff, provided a report of the National Academy of Sciences, Engineering, and Medicine (NASEM) Ad Hoc Committee to determine what data and information are required to assess equity in the distributions of federal fisheries management benefits. The NASEM Committee has met several times to hear perspectives from the Regional Administrators, Science Centers, Council staff, and researchers, and a draft report is expected to be available during fall 2023. The Committee will finish the draft report following in the upcoming months and will be looking for reviewers to provide feedback on its report. The Council and its SSC have an opportunity to provide feedback. This could provide an opportunity for the inclusion of consideration of equity issues in the formation of the limited entry programs, permit transfers, commercial and non-commercial programs, and effects of monument designations in the Western Pacific.

Duenas asked if there were experts from areas that represent underserved communities. Council staff said that the experts include members from Alaska to the East Coast but none from the Western Pacific, but their background is diverse. The Council missed the deadline for nominations, but the committee has invited the Council to participate as an observer in the development of their report.

Duenas commented that the implications of ESA and MMPA affect our culture and the allocation review should not be limited to fishery issues.

Sword said the weight of the voices of the local people that will be affected should be taken into account. He provided an example of the Pacific remote islands sanctuary comments that had over 57,000 comments but could not provide a breakdown of where the comments came from. There needs to be more credence to the comments provided by the local communities.

Muna asked if there were any comments from indigenous people and if there is an opportunity for inclusion of additional indigenous representation on the committee. Simonds said the committee is set with scientists but we are able to provide input and comments through the Council and the advisory groups. Muna said it behooves the federal government not only include Council members but the voice of those impacted. The American Samoa (AS) workshop on the PRI sanctuary provided the voice of the people who live there and will be impacted. If its going to be about indigenous people it should include indigenous people not just those voices on the outside.

Guthertz commented that what is happening to American Samoa is being watched by the other territories. We are proud Americans but disenfranchised and we have to depend on others to represent us in the arena of the US government. We depend on the federal agencies to ensure that our ideas and recommendations are considered. What the sanctuary issue is doing is setting a precedent for what is done for everyone else: from the White House to the Secretary of Commerce to NOAA, it concerns us. The only way we can be heard is through the agency and this process. But we are concerned about the process and the end result. The Governors of the territories sent a letter to NOAA on the sanctuary issue and did not receive a response. She understands the responsibilities of the agencies but at some point the input from those affected by the designation should weigh the most on any decision that occurs.

Igisomar said there are examples of what we don't want to see in American Samoa but in CNMI the sanctuary designation has been removed. The former governor and former Lt governor (not Gov) submitted requests for the nomination to be removed from designation consideration. No response was ever received. The elected government of the people never got a response from NOAA. However, the original nominators requested the removal and they got a response from NOAA. So who does the government listen to? Is it the special interest groups? or the public and duly-elected officials and the community?

He said we all know that we are not treated equally. There are federally-recognized tribes and indigenous groups that enjoy certain privileges. Is there a way for all of us to be on the same list and be recognized as indigenous and however unique you are be treated equally in your jurisdiction.

Sword said that next week the House will have a hearing on sanctuaries. If NOAA is serious, they would provide the right person to give testimony. Action speaks louder than words and you have to walk the talk. The whole AS sanctuary workshop was not just ONMS putting it together but the ASG Director of Marine and Wildlife Resources did a lot of work but didn't get the recognition.

B. Updates on NMFS EEJ Regional Implementation Plan

Danika Kleiber (PIFSC) and Michelle Chow (PIRO) provided updates on the National Marine Fisheries Service Pacific Island Region's Equity and Environmental Justice implementation plan. After the National EEJ Strategy was finalized, the Pacific Island Region kicked off their work on their regional plan that included their follow up partner engagement and development of internal and external EEJ workshops that were split into two phases. Between August and November, NMFS plans to have internal and external workshops to understand and prioritize EEJ actions for the regional implementation plan. They are expected to have a draft plan by December 2023 and plan to finalize their plan in early 2024.

Duenas asked what are the goals and objectives for the EEJ workshops. He asked how beneficial the exercise to the community. Are you going to identify impacts to the community? Are you looking at the cumulative impacts of the actions? In Guam there is coral critical habitat + green sea turtle critical habitat + shooting ranges + a host of many other actions from the federal government. I would rather be treated as an equal rather than pointing out inequity because it is nothing but garbage to point out inequities and not doing anything about it. If you want a sensitivity to the underserved communities, you need to find out the crux of the problem. Why only our indigenous cannot eat turtles but every other indigenous group in the world can? Why do I have to share my tuna quota with Hawaii? Because they can't catch enough to feed their own people. We have to give up our share to help them. The federal government needs to prove to the community that they can identify and address the issue. ESA listed green sea turtle in 1978, five years after ESA, without having any scientific justification or science out here and they denied our culture this. Concentrate on something and show the proof.

Muna asked who the partners were that were engaged? The AS workshop set the bar for what every single federal engagement process should look like. It flipped the federal government scoping on its head and incorporated the voice of the people who mattered in the process. It goes back to how much the islands are being segmented into monuments as opposed to the east coast, which is the definition of inequity. Closing areas in Guam for environmental protection and at the same time closing the same areas for live military training needs to be considered. Kleiber said that they recognized that the usual way of engagement was not the way they wanted to do it. So they had numerous meetings with territorial and commonwealth partners and built relationships with groups they didn't have relationships with and do something different. Identification of underserved communities often relies on data that doesn't exist in our region so we focused on working with partners on how they want to be represented in federal data.

Duenas advised that too many times that special interest groups are engaged and that direct

community engagement, not groups, need to be approached to participate. He was concerned that the people related to the area are not engaged and they are users of the resources.

Danika said that travel reports were developed on the meetings and she was happy to provide those.

Muna said that more than just typical partners need to be approached and they should talk to more than just groups. Talking to a scientist in the agency is different from talking to a fishermen that goes out everyday. A segment of the implementation plan needs to give a weight to indigenous knowledge.

Igisomar said that they were engaged by their staff. He said that as an appointed staff, he has limited time to get work down and is often approached aggressively to get things done. He hoped that this initiative is not just checking a box. Igisomar hoped for his people to be treated equally to indigenous Alaskans that are allowed to take protected species. Many decisions are made on emotions rather than the science.

Chow said the workshops are concentrated on pathways on how to get staff to make changes on the division and program level. Making sure everyone gets the same feedback from the Council and other groups. That way everyone is aware and can make changes to their work plans. The agency doesn't want this to be a check the box exercise and wants to ensure that there are tangible outcomes.

C. Report out on NMFS engagement in the Territories

Dawn Golden, NMFS PIRO Protected Resources Assistant Regional Administrator, provided an update of a recent NMFS engagement in the Territories in June 2023. She went out into the territories to build relationships on how to move things forward and what are the issues to work on. She went out to Guam and CNMI but did not get the opportunity to go to American Samoa due to sanctuary issues. Timing has been bad because they went out in July and people were still recovering from impacts of the Typhoon in Guam and didn't get to meet with as many people as they hoped. This is just the first step of many to be taken. Kleiber and Chow coordinated meetings for folks to provide what the issues and how to engage with the community. In regards to the critical habitat activities, they have mandates to do the work but they learned lessons for the future. In CNMI, they held small meetings in Saipan, Tinian and Rota, to discuss how to engage in the future and it was a listening session on how PRD can do more and what are those steps. What she learned was that PRD only comes out when there is a rule and it is very regimented with three minute comments. Results of conversations was that more face to face meetings with the agency were needed, small meetings are better-go out and have picnic table conversations, informal conversations should be done more, don't start off with regulations and statutes but how it affects people, different communities have different views. They will talk about how they do that.

Duenas offered his services to have a BBQ with the fishermen and anyone in the community she wants to talk to. Food and a beer always provides honesty and integrity because the culture is

centered around food. Engaging the community that is adversely affected is great but they need to start working on paths to find adequate resolutions, such as the green sea turtle issue. DOI and NOAA Fisheries has been a failure because after 50 years they were upgraded despite all the laws we created to protect them. Its only punishing our culture to not have it on our special dinner tables. A nursery may help address this better and then have an allocation to perpetuate, not preserve, our culture. Not just hear the issues but develop a path forward.

Kleiber said she is always looking for good indicators of meetings

D. Updates on MREP

M. Sabater/J. Makaiau provided updates on the Marine Resource Education Program and the effort to bring it to the region. The MREP is a program designed by fishermen for fishermen. It is administered and organized by the Gulf of Maine Research institute to empower fishermen to hae a voice in the fishery they depend on. The purpose of MREP is to develop a regional-specific curriculum for fishermen. The intent is to have fishermen lead the initiative to figure out the best way forward. The workshop was held in the Gulf, Maine, West Coast and are now moving to the West Pacific

In 2023, GRMI received EEJ funding to initiate activities in Alaska and the Pacific Islands; the POCs met on July 12 to organize a steering committee to plan and develop a workshop in the Fall of 2023. They will also create a list of potential partners and participants as well as identify key fishermen in the fishing communities; developing the workshop would be done in Winter 2024 to conduct a pilot workshop in Summer 2024. GMRI hasn't received the funds yet but anticipates it will be available soon.

Muna asked where the other regions got their funding for MREP previously. Sabater said all of the other regions have been doing these workshops for several years. It started in New England and moved westward. All of them were funded by NMFS, a grant from NMFS to GMRI. Danika said they had very different sources of funding and its on their website. They are careful with their funding to make sure to avoid any perceived conflicts. Muna said if they already had funding why us now? is it because of EEJ? Kleiber said it was the source of the funding.

Duenas said the community should be engaged but the ownership of the data should be by the people. We need to expand this program to include data collection and observations.

3. Council Program Planning and Multi-year Priorities

Council staff presented on the status of updating the Council's 5-year program plan. The current plan is for 2020-2024, and the Council is scheduled to review and approve the next 5-year plan and budget in March 2024. The current plan priorities focuses on improving support for island areas and FEPs, which included the shift from three to four SSC and Council meetings per year and expanding the Plan Team membership to incorporate broader ecosystem expertise. Staff also reviewed the list of current Council advisory bodies, policies and agreements. near- to mid-term priorities.

4. Advisory Group Reports and Recommendations

Regarding marine education:

The Education Committee recommends the Council support the expansion of the Marine Resource Education Program to the Pacific Islands Region.

5. Other Business

Council Staff noted that the Council has been approached by the Udall Foundation to provide information to assist in the renaming of the PRIMNM to something more culturally appropriate. The Council provided the idea of making sure that the name is appropriate for all areas rather than just one area. Some of the names talked about included Fa'a Pasifika, Motu Mamao, Te Moana, Motu Fa'asao, etc. Simonds added that the proposals recommended Hawaiian names but many other cultures have utilized these areas. Staff solicited other names to provide to Udall in its continuing discussions.

Duenas said he doesn't like the idea of changing names. He asked about geographic distance and maybe the closest can name it. That would give some sort of ownership of the area.

Sword said that the Samoans were called the navigator islands and most of the migrations in polynesia started from the Manua islands. There is an argument for people who were there first. There should be a consideration for geographic consideration as well.

Igisomar said that there was a sheet of paper at the USCRTF that had all the recognized tribes. Is there a way to get assistance in getting on that list? Maybe the Council can assist in helping crafting the letter. Simonds said the Council can send a letter for providing the request and information from the Council to the Governors.

Ramsey said the ability to recognize indigenous people is an uphill battle but intermediate steps can be taken. White House guidance specifically recognizes Native Hawaiians, which opens up the door for different types of benefits. While federal recognition should still be pursued, in addition to that, the federal government should get recognition of the peoples through other ways such as White House language, grants, etc. while you are moving towards federal recognition

6. Public Comment

There was no public comment.

7. Discussion and Recommendations

The FRIP SC recommended the Council support the advisory group recommendations.

The FRIP SC recommends the Council send a letter to NOAA to consider inviting Archie Soliai to the Congressional hearing to hear the native and indigenous perspectives.

The FRIP SC recommends the Council direct staff to draft a letter to the state and territorial governors to seek recognition of their indigenous peoples as federally recognized tribes to assist

in EEJ.

The FRIP SC recommends the renaming of the Pacific Remote Island Areas be based on geographic proximity.

The meeting was adjourned at 3:15 p.m.