



## **Final Report of the Mariana Archipelago CNMI Advisory Panel Meeting**

Thursday, September 5, 2024, 6:13 p.m. – 9:09 p.m. (ChST)

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

Richard Farrell, CNMI Advisory Panel (AP) Vice Chair, opened the meeting at 6:12 pm. Members in attendance included Michael Fleming, Lino Tenorio, Anthony Guerrero, David Cabrera, Ray Tebuteb, Perry Mesngon, and Lawrence Concepcion. Cecilio Raiukiulipiy was excused.

Others in attendance include Angela Dela Cruz, Felix Reyes, Asuka Ishizaki, Zach Yamada (Council staff), Adam Ayers, Hing Ling Chan, Kirsten Leong, Mia Iwane (PIFSC), and David O'Brien (PIRO).

### **2. Review of the Last AP Recommendation and Meeting**

Angela Dela Cruz, Council staff, provided a review of the last recommendations from its June AP meeting.

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

#### **A. Fisher Observation**

AP members provided their fisher observations from July to September 2024.

An AP member reported that the water conditions around Saipan, Tinian, and Rota have been calmer than in previous months. Fishers have been using various methods and are happy with the water and catch. There has been less shark depredation. Waters have been flat, but the catch rate has been slow. Over the past two weeks, numerous tremors all along the archipelago, including Guam, have triggered fish feeding.

An AP member reported that a lot of shark depredation occurred within the lagoon at the mafuti (emperors and breams) derby on August 31, 2024. Six black-tip sharks were caught during the event. Observed during a boat trip between Saipan and Rota, the marlin caught were small, below 115 pounds or less.

The Vice-Chair reported that calm waters resulted in bad results for bottom fishers and Tinian fishers. Trollers were caught, but not much. Atulai (bigeye scad) was caught but was sporadic for boat-based fishers who were using single hooks. There was some discoloration in the waters between the fingers at the Tinian marina, but it disappeared over time. Shore-based fishers caught atulai and large giant trevallies. Atulai was found inside the marina area but was not biting. There were no results from spearfishers and talaya (throw net) fishers.

An AP member reported that bottomfishing had gone up in the past few weeks and has been spotty. With a lot more small fish coming in, it was hard to say what the trends for the fishery were. There have been nice runs of tuna and yellowfin.

An AP member reported that at the recent Saipan Fishing Association international derby, held July 20-21, many small marlins were caught. So far, no big marlins have been caught.

An AP member reported that shark interaction has been very aggressive for Rota fishers.

## **B. Fisheries Issues**

AP members reported any fisheries Issues observed from July to September 2024 that are tied to the territory's unique social, economic, and ecological context.

An AP member reported that the fuel price has not gone up much recently. The AP member emphasizes that the economy is reliant on the ocean and that tourism is brought in through this resource. For that reason, it was advised to respect dive sites. Managaha, for example, would help bring fish back, including LaoLao Beach. It would help divers and the economy over time as these areas continue to recover.

An AP member questioned whether efforts are moving forward with the initiative to mitigate shoreline erosion at the former Hyatt Hotel beach and SCM (Smiling Cove Marina). The AP member also asked whether there were any new observations on the sand at SCM.

An AP member reported that the cross-point light between Saipan and Tinian is not working. This light is used as a landmark, especially on nights when the moon is not visible. It was also suggested that a repeater be installed between Saipan and Rota to help with mobile phone reception.

An AP member raised concerns about the sanctuaries in the CNMI. It was suggested that there needs to be a study to look at what is working and areas that are hit hard. At Laolao Beach, it is in a terrible state at this time. Other beaches, like Marine Beach, have healthy marine fauna growth. There is a need to suggest to legislators that the MPAs be alternated to allow for recovery. Videos of talaya fishing over the last 15 years show there is not an abundance of fish now when looking at comparisons. There is a need to look at ways to manage the reefs better.

An AP member observed amongst bottomfishers over the last three or four weeks that four local fish markets tend to shy away from purchasing too much bottom fish. Many spearfishers are selling reef fish, which is cheaper than bottomfish by two dollars, so markets prefer to purchase more reef fish. Bottom fishers have been told not to catch and sell specific species, like opakapaka, as it is more expensive, and markets maximize their profit by purchasing cheaper fish.

Regarding the marine protected areas (MPAs), an AP member expressed that DFW has just been “passing the ball around,” and nothing has been done since the previous Council Meeting in March 2024. There was a discussion about introducing a bill for a fee to be collected from fishers, especially immigrants who are taking from the resources but are not contributing. This AP member found out there was a law enacted in 2019 that DFW did not enforce since they did not have the funds. DFW needs the plastic embossing machine to print the license cards. This issue was brought up with the DLNR secretary, but it’s always about money. CNMI needs to

find ways to make revenue. Fishers should pay a small fee. Should calamities happen, like the previous pandemic, and relief is awarded to affected fishers, there would be a database of actual fishers to refer to.

An AP member added to an AP member's previous comment regarding alternation MPAs and shared that he had a casual conversation with the previous DFW acting director, Mike Tenorio, regarding the likelihood of rotating these MPAs. Tenorio stated that baseline studies were supposed to be completed but have not been done, which is why there is hesitation in rotating. But he does agree with rotating them. Tenorio suggested that initiative outside of DFW needs to be done for a rotation to occur likely and that a baseline study could be done then.

An AP member mentioned that the tanker's buoy lighting is out in Rota. Members discussed that Mobil would be responsible for fixing it as it is their mooring buoy.

An AP member pointed out that boat registrants do not have CF (Commercial Fishing) on their registration, even if they are commercial fishers. They have PU (Personal Use) on their boats instead.

In regards to the MPA, an AP member questioned if there was a designated number of years for MPAs. It was also stated that every September, fishers celebrate and ask for permits to fish inside the MPAs. It is more of an economic issue. There has been a recent conversation with in-lagoon fishers regarding legislation attempted a few years ago to allow for net fishing (Tekken/chenchulu or Panak). There have been no updates regarding this view or the support behind this effort. DFW enforcement recently detained two fishers for fishing within the MPAs. There have been recent conversations regarding this matter with the community.

The Vice-Chair stated that he had yet to hear updates on the FADs. Council staff invited DLNR staff to attend but did not attend the AP meeting. There is a need for an upgrade on the Tinian Marina as people have gotten injured there, and that's why there have been no derbies on Tinian.

***Regarding CNMI Fisheries issues, the CNMI AP recommends the Council request DLNR/DFW provide a review on the local MPAs around the CNMI.***

#### **4. Council Fisheries Issues**

##### **A. CNMI Bottomfish Review**

Angela Dela Cruz, Council staff, provided an update on the CNMI Commercial Fishing Recording and Reporting Regulations. Fishers are concerned about applying for two different permits and reporting to two different entities: commercial BMUS for Federal reporting in areas located within 3-200 nm and any marine species intended to enter commerce for the CNMI reporting in areas located within 0-3 nm (except for federal waters). Potential next steps to alleviate the need for fishermen to acquire two permits to target and land BMUS species and provide reports to both local and federal authorities we suggested.

The Vice Chair pointed out that it is very critical for waters 0-3 and 3-200 to be distinguished, especially in Tinian. Maps are not available stating the northern  $\frac{2}{3}$  of Tinian, where 0-3 nm offshore is not CNMI waters, would infringe on the southern tip of Saipan, where one would

need a federal permit. The port will not be 0-3 due to its military use. In regard to fish landed in CNMI and federal waters, it is more stringent on the CNMI side but not lenient to the point where a fisher violates federal regulations. Territorial waters are already mandated, but CNMI bottomfishers could get in trouble if they do not know where the federal and CNMI boundaries are. Even with 0-3 being mandated, the military that operates in the area can turn around and impose federal waters, and he has seen maps that do not show 0-3 CNMI waters on Tinian. Tinian residents have seen that map as well. This is because of the military joint use agreement. Federal entities can take action against those who fish in federal waters and do not have permits. The Vice-Chair wants to see the federal side clarifying this issue in writing, as the Joint Region Marianas (JRM) websites do not have maps available. The concern is for commercial bottomfishers not to get caught doing something they are unaware is not allowed.

An AP member expressed the understanding that 0-3 miles CNMI waters refers to anywhere as close as possible from land out to 3 miles. Between Saipan and Tinian and Tinian and Goat Island, the span is less than 3 miles. That is why there is a bottomfish permit that allows fishing at EEZ remote reef waters. Many still fish in the area without bottomfish permits. DFW should have a record of all who applied. There are only two left who currently have federal bottomfish permits.

An AP member pointed out that if they are leaning towards just a single permit to include federal and CNMI, it needs to work for both sides. He does not want this to hinder the fishing activities.

An AP member stated that the new map is 30% larger than the published 0-3 nm. Department of Defense held meetings regarding the Mariana Island Training and Testing (MITT) and CNMI Joint Military Training (CJMT) proposals, showing a need to invite JRM's Mark Cruz back to explain what is going on. With Tinian, it is more than 75% and now extends further south on the west side. I may be up to 85% now under federal jurisdiction.

An AP member was concerned about the repositioning ships in the past, where they were armed and would shoot if one came too close. They are not military vessels. Once the military build-up is in full mode, folks may ask the AP that was supposed to help if there are concerns that remain on this issue.

AP members stated that there is a need for more military outreach on this issue. Maps need to be shared with the community. The maps the Vice Chair mentioned have not been seen by this member, and with the restrictions on Tinian, the waters where they can fish are limited. Bring the right folks from the military who will provide an understanding of how the community will be affected and address the issues.

An AP member expressed his understanding of the Covenant. Although it is very clear, the rules and regulations from the federal side are really 0-200 miles. He does not agree it is 0-3 miles. His religion is that the water, whatever the miles, belongs to the people and not entities like the federals. His religion is his culture.

***Regarding the CNMI Bottomfish permit, the CNMI AP recommends the Council explore options to reduce burdens on duplicative reporting and military impacts around CNMI waters.***

## **B. ESA/MMPA Update**

Asuka Ishizaki, Council staff, provided an overview of the proposed listing of 10 species of Giant Clam to the Endangered Species that was published on July 24, 2024, and the associated public hearings that will be held in September 2024. This proposed listing was determined following an independent review of the best available scientific and commercial information. NMFS is soliciting comments on the proposed listings through October 23, 2023. Based on the proposed rule for the four species, they would continue to be allowed to take, but imports/exports or products made from these species will be prohibited. This was a result of a petition in 2016.

The Vice-Chair asked if any of the ten species are found in the CNMI.

Council staff stated that some occur in the CNMI. The list of species that used to occur or are native to the CNMI was presented. Under threatened species, they will still be allowed, but import/export of products will not be allowed. Council staff referred AP members to an infographic from Floyd Masga that demonstrates which specific species are allowed and not allowed for certain activities.

The Vice-Chair stated that cultural practice includes the crafting of the *sinahi* (giant clam necklace).

Council staff stated that listing only considers scientific and commercial information. Not cultural or social importance. Once the prohibitions are in place, it will be challenging to reverse. Local species, including Bearclaw clams (*Hippopus hippopus*), are included in the ESA and are the species used for *sinahi*. Although NMFS is proposing this species as threatened and to apply prohibitions, the take prohibition is not automatic. NMFS can tailor the prohibitions based on conservation needs. It will need to consider the value of conservation and would need to justify by not having prohibition.

The Vice-Chair asked if the petition included research in the Marianas for the proposed listing.

Council staff responded that the petition needs to include enough information for NMFS to consider it as warranted. NOAA Fisheries will have to do a status review, called a 90-day finding. This was issued around 2017 that the species may warrant listing. Based on these findings, no new research will be required, but NMFS needs to seek the best available information.

The Vice Chair suggested a recommendation to provide the AP and the Mariana Island community the findings or evidence that there are concerns that justified the listing.

***Regarding the proposed listing of the Giant Clams, the CNMI AP recommends the Council request NMFS consider the sociocultural role of the local sinahi (Hippopus hippopus) for CNMI and provide flexibility for allowing continued utilization of the species.***

*Further the CNMI AP recommends the Council request NMFS to extend public comment period to allow more time for NMFS to conduct outreach with the affected communities and for community members to provide informed comments in response to the proposed rule*

## **5. Report on 2023 Fisher Observation Meeting**

Adam Ayers, PIFSC SEES, provided the final report of the 2023 Fisher Observations Meeting, which was held in January 2024.

An AP member suggested that the next meeting should include fishers from each island in the CNMI.

The Vice Chair suggested to fill the gaps in Tinian and Rota by some effort from the federal or PIFSC side to provide feedback.

## **6. Contributions of Small Boat Fisheries in CNMI**

Michel Chan and Mia Iwane PIFSC SEES, provided an overview on the Marianas Boat Fishing Survey that will begin in late 2024/early 2025. This survey will be focused on boat fishers who fished in 2024 to hear about their experiences, expenditures and costs, and thoughts on fisheries management.

AP members suggested that the survey could include the number of trips fished for roadside vendors vs an independent fisher, the percentage lost to shark depredation, and the amount of charter captains.

## **7. Other Business**

The Vice-Chair got word that the Tinian monarch was moved up north (to the northern islands). This is concerning because it will no longer be endemic to Tinian. There was no recollection of a hearing or public outreach on that.

An AP member expressed that there must be a reason the bird only exists on Tinian. The Vice Chair suggested Council staff touch base with the thought of the Fishermen's Cooperative being reestablished in the CNMI.

Council staff summarized discussions held at previous informal meetings in regard to the saturation of markets and possible solutions. The AP members are attempting to look at how previous attempts at having a Coop were unsuccessful and how a new initiative may be successful. AP members are still pending the previous business plan from Gene Weaver.

An AP member stated that at the last informal meeting, there was a consensus to search for funding to initiate a feasibility study because there was concern about the islands' economic stability. The study will provide answers to questions brought up at the Inetnon.

An AP member provided information of his experience with the previous Coops. They wanted to buy fish at their price and did not allow fishers to sell to others. In the CNMI waters, fish are seasonal. Price fixing is difficult. Fishers are faced with high cost of fishing and if their catch is

low, they need to offset expenses. Fishers who catch certain species are discouraged to catch more of the same species during the following days as the Coop would be saturated. Coop operations should look at how to expand their market. They should find a way to buy fish, maybe dry it, smoke it, filet it, or other ideas to create a marketable product. Due to competition, some local markets are now providing free fish cleaning.

Another AP member questioned how can Rota avail if this is located only in Saipan. Can Rota be included by shipping fish caught there for the Coop? The Coop should be for all three islands. There is a need for incentives and innovation to develop and sell fish products. In Rota, fish are not preserved.

An AP member stated that when he was previously working with the data section at DFW, he noticed that fish markets would cut up their bottomfish and put it back into the coolers for the safety of the public, so they don't spoil.

An AP member stated that he was present at the initial Coop effort. He saw great effort from the late Richard Seman. What is lacking is faithful Coop members to follow the bylaws. They need to be flexible to seasonal fish and not flood the market. The Guam Coop has been in operation for more than 20 years and they encourage members to control their catch to what is needed and not glut the Coop. Honesty is the best policy. Membership and honesty. Management should find ways to manage and operate properly. Encourage catch diversity. CNMI has the same species found elsewhere, but it's between fishers and management.

The Vice Chair pointed that pricing will always be cutthroat and that maybe a Coop is not what is needed. Garapan Fishing Base has the facilities, including a building (Garapan Market) and refrigeration. There are ways to prepare fish that can be marketed to visitors, including family members visiting. The biggest consideration is the processing of catch. It is an issue. Fish is very delicate and may have a short shelf life. In Hawaii, they are processing fish for tourists.

## **8. Public Comment**

There were no public comments.

## **9. Discussion and Recommendations**

***Regarding CNMI Fisheries issues, the CNMI AP recommends the Council request DLNR DFW provide a review on the local MPAs around the CNMI.***

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Meeting ended: 9:09 pm, ChST