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COUNCIL

## **Final Report of the American Samoa Archipelago Advisory Panel Meeting**

Tuesday, September 3, 2024

5 p.m. – 7 p.m. (SST)

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

Nathan Ilaoa, American Samoa Advisory Panel (AP) Vice Chair, opened the meeting at 5:13 p.m. Members in attendance included Nonu Tuisamoa, Joe Hamby, Dustin Snow, Gene Pan, Edgar Feliciano, Jerome Ierome, Keith Ah Soon, and Ray Tulafono.

Others in attendance included Zach Yamada, Asuka Ishizaki, Mark Fitchett, Felix Penalosa (Council Staff), Tony Langkilde (AS-DOC), Mia Iwane, Adam Ayers, Kirsten Leong (PIFSC SEES), Archie Soliai, Domingo Ochavillo (DMWR), and Will Sword (Fisherman)

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

Felix Penalosa, Council staff, reviewed the last Advisory Panel meeting, held on May 19, 2024.

There was no discussion from the AP.

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

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

The vice chair requested that the AP members provide fishing observations from June to September 2024.

An AP member reported that despite high winds, some individuals went sportfishing yesterday. Members of the fishing club who participated noted that the docks were in disrepair, which became a topic of discussion. Additionally, trash and debris were in the launching area, which required time to clean up before they could head out on the water.

The Vice-Chair asked how the fish flow has been on the processor side. An AP member said the relationship with the longliners is still good, and the fish flow has been steady, although they haven't had any swordfish for a while. They also mentioned that fish prices have been getting better, with less competition lowering them. The member thinks the AP's recent discussions might have helped with some of the complaints about prices, but they're not sure if this improvement will last.

The Vice-Chair mentioned that there were videos on social media showing vans loading up fish from the longliners, which received negative attention.

An AP member shared that, due to the weather, there hasn't been any octopus, and limu (seaweed) has been decreasing. They also noted that the canneries have been packing on Saturdays, which could either mean fishing has been good or that they are preparing for next year's Lent orders or other reasons. The AP member also heard that inspectors visited about two weeks and a month ago, and these inspections may have led to a large military order.

The Vice-Chair asked if there was anything fishery-related on Fono's agenda. Another AP member replied that the only topic that came up was licensing.

An AP member reported that in a meeting with StarKist, they complained about foreign longliners bringing albacore. Customs had been charging duties on miscellaneous catches that weren't landed in American Samoa, and this policy was being applied consistently rather than randomly. They added that if foreign longliners bring fish to StarKist, they must pay a fee to export it.

Another AP member explained that this year, the three-month in-zone FAD closure was reduced, and the high seas FAD closure was shortened from two months to one. This is good news for purse seiners, allowing them to organize their fishing efforts around FADs better. Since U.S.-flagged purse seiners primarily fish in the high seas, the reduced FAD closures are a positive development for the American Samoa tuna industry.

An AP member asked if local customs were charging duties on miscellaneous catch. Another AP member confirmed this and added that the policy was inadvertently forcing foreign longliners to sell locally. The Vice-Chair noted that this situation encouraged them to sell locally, while the AP member said they didn't recall any law where customs charged duties on miscellaneous fish. The Vice Chair suggested taking a closer look at the administrative code.

The Vice-Chair acknowledged that the weather has been windy and rough. Another AP member responded that because of the conditions, there has been very little fishing on the shoreline or off the reefs, which is unfortunate since most locals depend on reef fishing.

## **B. Fisheries Issues**

The vice chair requested AP members to provide the panel with fisher issues from June to September 2024.

The Vice-Chair acknowledged a valid point about the duty of foreign longliners. Another issue is the trash at the docks. There was a marine debris program to install receptacles at the Malaloa docks. The Vice-Chair asked if anyone knew what happened to that funding, recalling that designs for the receptacles had been shared.

An AP member responded that the docks were discussed and noted that the area was filled with trash. It seemed worse this time, and someone had to clean it up. The docks were in poor shape and were an eyesore.

The Vice-Chair pointed out that land-based pollution is a global problem and tends to collect in places like that. They also mentioned the giant clams public hearings and suggested discussing FADs, noting that DMWR has all FADs operating.

Another AP member raised an issue with Pala Lagoon in Nu'uuli, where people continue to bury trash. They asked who was supposed to enforce regulations in that area.

The Vice-Chair asked whether the concern was about the mangroves. The AP member replied that they had reported the issue to DMWR, but it seemed no action had been taken.

The Vice-Chair acknowledged previous concerns about construction. It noted that anything related to land use, including site visits and assessments, needs to be vetted by the Project Notification and Review System (PNRS) board and the eight partner agencies.

The AP member mentioned that trees are being cut down in the area and that they have spoken to villagers and DMWR about it.

The Vice-Chair noted that Pala Lagoon is a special management area with layers of protection. The AP member said it was a significant threat and that they would follow up with PNRS to see what could be done. They also raised concerns about people selling fish on the roadside for \$50 per string, asking if there was a way to manage this, such as weighing the fish. They recounted a recent experience where someone wanted to sell them fish for \$100 and stated it would be their last purchase from that vendor.

Another AP member said it was challenging to regulate roadside fish sales because agriculture vendors also sell crops this way. They mentioned that, when they headed the agency as director, they tried to stop roadside sales but emphasized the need to provide a proper place for selling fish.

An AP member also highlighted the issue of illegal sand mining, which continues every Saturday. They expressed frustration that this problem has persisted for a long time.

The Vice-Chair mentioned that the representative had talked about scales, noting that DMWR has a commercial receipt program requiring seafood vendors to report their catches to improve data collection.

Another AP member added that scales must be certified through enforcement, but they needed to find out who mentioned it.

An AP member discussed initiatives within the purse seine industry with the council in Honolulu and mentioned an upcoming Council meeting in Washington in October (CCC). This meeting would be an opportunity to meet with agencies and politicians. They noted that American Samoa regulations on U.S.-flagged purse seiners include the SIDs exemption, but NMFS has not granted exemptions for this fleet. They highlighted the importance of seeking an exemption for high seas fishing limits, as other fleets do not have similar restrictions. They also mentioned concerns about expanding restricted fishing areas due to monuments and sanctuaries and noted that political races might delay progress. They emphasized the importance of these areas for the American Samoa-based fleet and sought exemptions for fishing highly migratory species. Additionally, they discussed a proposal to increase duty on loins or allow American Samoa to use them and requested support from the American Samoa tuna industry.

The Vice-Chair acknowledged the need for American Samoa's voices to reach Washington, D.C., to emphasize the economic impact on the local community. They questioned whether the Antiquities Act could be used to close oceans without congressional approval, noting that nothing has been done yet.

An AP member responded that using the Antiquities Act to close monuments is not advisable at this time, as a new administration could overturn such actions.

The Vice-Chair noted that they are waiting on NMFS regarding designations, allowing for loins, and addressing the loss of fishing grounds in the PRIAs.

An AP member reported that the monument issue has gone quiet and seems to be at the White House level. They mentioned that they had met with CEQ, who denied receiving any information. They also said they have been working with Joe and KS on the tuna industry and hoped to leverage the CCC meeting in October.

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

##### **A. Options for Hawaii and American Samoa Longline Fisheries Crew Training Requirement**

Asuka Ishizaki provided a report on Options for Hawaii and American Samoa Longline Fisheries Crew Training Requirements. The Council, at its 199<sup>th</sup> meeting, directed the formation of an Action Team to initiate the development of a regulatory requirement for Hawaii and American Samoa longline crew training consistent with the Hawaii and American Samoa longline fisheries Biological Opinion (BiOp) Reasonable and Prudent Measures (RPMs) term and condition (T&C) and develop an options paper for the Council's consideration at the September 2024 meeting. At its 200<sup>th</sup> meeting, the Council will consider the following range of options: Option 1: Status Quo/No Action – No regulatory implementation of crew training; Option 2: Implement a crew training requirement consistent with BiOp RPM T&C; Option 3: Expand scope of the action to include related regulatory updates; Option 3A: Update the owner/operator protected species workshop requirement to allow overlap with crew training requirement; Option 3B: Revise required list of tools for protected species handling and release; Option 3C: Review and update protected species handling requirements.

The Vice-Chair noted that it would be interesting to see how discussions unfold at the CM meeting and inquired if there were any indications of what might happen.

Council Staff responded that it would not be a NOAA-only action. They explained that if the council moved forward with the initial action stage, they would return with the necessary details based on the workshops. The current direction of the conversation had not encountered any opposition so far. The Council Staff also mentioned that the approach would be more hands-on compared to the program in Hawaii.

##### **B. Review of Cannery Offal Dumping**

Archie Soliai provided an update on the review of Starkist Cannery's Offal Dumping. At its 199<sup>th</sup> meeting, the Council recommended that the Department of Marine and Wildlife Resources (DMWR) collaborate with the American Samoa Environmental Protection Agency (ASEPA) to

review the location of the dumping site. In response, DMWR reported that during the June meeting, the AP raised concerns about shark predation linked to the cannery's waste dumping near FAD B. Observations of water discoloration near FAD B were reported, prompting discussions with the ASEPA. DMWR requested the dumpsite coordinates and VMS data from the ASEPA that records discharge locations and times.

DMWR is concerned about potential shark depredation caused by the sludge and requested help from the AP and community to address the issue by reporting observations. Historically, small boats followed the dumping vessels to catch fish attracted to the discharge. The goal is not to penalize the cannery but to ensure compliance with dumping regulations. The dump site should possibly be relocated if necessary, as FAD B is highly productive.

An AP member raised a severe concern about shark predation, emphasizing the need to ensure that it is not increasing due to the sludge. They noted that historically, small alia (boats) would follow sludge boats, and they wanted to ensure that the canneries were complying with the rules. The member mentioned that they are discussing the possibility of relocating FAD B, which is the most productive FAD, even before the sludge boat issue arose.

Another member asked for clarification on what the sludge is, to which the AP member responded that it is just water with no solids leftover from fish meal production.

### **C. Report of Foreign Trade and Tariff Schemes**

At its 199th meeting, the Council endorsed the AP's recommendation to address the disproportionate burden faced by the US fishery and consumers and provide a subsidy program to promote fresh, locally caught fish. It directed staff to convene a working group to address regional trade issues and request an investigation on tariff schemes. Mark Fitchett, Council staff, reported that meetings were held with U.S. Trade representatives, DOC International Trade Administration, the World Wildlife Fund, and the U.S. International Trade Commission, respectively, to discuss the issues related to the Council's recommendation in the summer of 2024. This included competition between domestic and imports, market flooding, subsidies of foreign fisheries, and seafood labeling.

An AP member noted that everyone agrees that the SIMP is not working and that there is room for improvement. One of their goals is to meet with officials in Washington, D.C., during the Council Coordination Committee meeting.

An AP member discussed recent activities related to outreach and discovery, particularly concerning foreign competition and imports competing with domestic supply. In American Samoa, the market heavily depends on the U.S., with very little of their products going to other markets. Other canneries use tuna loins, leading to labor being shifted to low-wage countries. They emphasized the need to focus on Starkists using loins or increasing duties on loins to level the playing field. They expressed hope for progress on the Hawaiian Longline Association (HLA) and addressing unfair imports, including allowing American Samoa to import labor when there is a shortage or increasing duties on loins to protect American jobs, as importing loins effectively export jobs.

The Vice-Chair agreed, stating it would be beneficial for some progress to be made.

#### **D. ESA/MMPA Updates**

Asuka Ishizaki provided an overview of the proposed listing of 10 species of Giant Clams to the Endangered Species Act, which was published on July 24, 2024, and the associated public hearings, which will be held in September 2024.

The Vice-Chair expressed disappointment with NOAA, criticizing the process for soliciting public feedback, including for the PRI sanctuary proposal, as flawed. They felt that NOAA does the bare minimum in engaging with the community and that federal officials based in the area have not been proactive in outreach or in showing the impacts on resources and the economy.

The Vice-Chair mentioned receiving off-the-wall comments and noted that a mainland NGO is petitioning for another ESA listing. They supported the DMWR Director's request for an extension to gather more public comments and to ensure NOAA engages with the community more effectively. The Vice-Chair also criticized the minimal substance in the process, stating that FR notices are technical and not translated for local understanding, making it seem like a box-checking exercise.

An AP member agreed, highlighting the lack of information about the impacts on local people and the absence of meaningful outreach. They described NOAA's process as superficial and criticized the lack of substantial communication.

Another AP member expressed frustration with NOAA's long-standing process, noting that it has remained unchanged for years. They criticized NOAA for not considering substantive comments and for their apparent disregard for the concerns of island citizens, describing the process as a waste of time.

The Vice-Chair noted that the frustration aligns with Joe's comments about the political agenda on PRIAs and questioned the effectiveness of the agency's actions.

An AP member suggested that the current actions reflect what the administration wants, contrary to local interests, and criticized the lack of consideration for local input.

Another AP member followed the discussion, acknowledging the need for the process but wishing it could be avoided.

The Council Staff responded to concerns about comments not making a difference by providing an example where local community input led to a reduction in listed corals. They explained that while ESA statutes do not consider socioeconomic aspects directly, local community input is still essential and can influence outcomes. The Council Staff emphasized that conserving species and considering cultural importance are critical and that there are ways for local communities to be actively involved in management.

The Vice-Chair requested that NOAA hold workshops in island areas before comment periods to inform the public about upcoming proposals, noting that aquaculture had successfully held such workshops and recommending applying the same approach to other topics.

An AP member suggested adding radio announcements to ensure broader awareness of the issues.

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

Adam Ayers provided a final report on the 2023 Fisher Observation meeting, which involved local fishers sharing their on-the-water observations to add to scientific data for better fishery management in the U.S. Pacific Islands. Led by Hawai'i fishermen Clay Tam and Roy Morioka, the goal was to incorporate local knowledge into the data used in stock assessments and ecosystem reports. Since 2021, fishers from American Samoa, Guam, Hawai'i, and the Northern Mariana Islands have been sharing updates quarterly, and these observations are included in official fishery reports. The 2023 observations were gathered during Advisory Panel meetings and discussed at a Council meeting in January 2024 in American Samoa. The meeting included local fishers, Council staff, and NOAA social scientists, who used a structured interview process to collect insights from the fishing community.

The Vice Chair mentioned looking forward to reviewing the report and noted that several AP projects, including those involving Ayers and his team, are to be considered. They recalled participating in a meeting a few years ago and observed a lack of attendance. Reflecting on the last SEEM workshop, which had very few participants, the Vice Chair suggested that it might be beneficial to hold additional workshops with communities to increase engagement.

## **6. Fish Flow in American Samoa**

Mia Iwane provided a report on the Fish Flow in American Samoa project conducted by NOAA Fisheries' PIFSC Human Dimensions group. The project aims to enhance understanding of who contributes to and benefits from fisheries in American Samoa by exploring the types of seafood circulating in the region and the diverse benefits they provide to the community, including nutritional, cultural, social, and economic aspects. In 2024, the project has reviewed existing socioeconomic and fishery data, and the remainder of the year will focus on gathering input from American Samoa fisheries agencies, the fishing community, WPRFMC, and NOAA Fisheries to guide the project's scope. These scoping meetings will inform the 2025 fieldwork, which will involve interviews with select fishery sectors and communities using a culturally appropriate approach.

The Vice Chair proposed inviting Mia to meet informally to discuss the scope of the fish flow project further.

An AP member invited Iwane to visit his fish shop and share insights he has gained over the years, noting that understanding fish flow is challenging.

Another AP member mentioned that in American Samoa, small boat catches often involve catch and release, which is not commonly practiced. They added that catch and release is respected for billfish and giant trevally, as there is a desire for these fish to survive.

Iwane noted that catch and release is not a category frequently observed and appreciated having the context provided.

The Vice Chair suggested scheduling a meeting with the AP members to discuss the project further.

Iwane solicited comments on survey questions with the AP to improve data collection.

## **7. Updates on the Super Alia Project**

Tony Langkilde provided an update on the Tautai Mua and the AS Seafood Academy, which highlights several key points. The vessel's fishing gear accessories are being refitted, and additional tackle is expected soon for sea trials. The Federal Communications Commission (FCC) license for the vessel's call sign has been applied for, and it is required before the vessel can operate. The Tautai Mua has passed the US Coast Guard safety clearance, with a few items noted for improvement. The Garmin plotter's electronic programs are still pending installation from the builder. NOAA Fisheries has issued a longline fishing license for the vessel, allowing it to fish in the EEZ once it is fully prepared. Captain Joe's employment papers are nearly finalized, and the vessel will serve as a training platform for sustainability.

The AS Seafood Academy needs to install the internet and communication systems, and electronic equipment and office furnishings are still required. The outreach program is ready to launch, inviting the public to apply for training. Master Fisherman William Chute has been hired to manage training and education, while the Department of Commerce will handle the program's business aspects. An MOU with the Department of Marine and Wildlife Resources (DMWR) will support the training program's structure and manual.

The Vice-Chair inquired about the estimated completion date for gear acquisition and USCG requirements and asked when the sea trials would take place.

Langkilde responded that the center is expected to be ready by the last week of September.

The Vice-Chair noted that this would be another component for Iwane to examine.

An AP member asked if trainees could be anyone.

Langkilde confirmed that the center is open to all, with applications available for anyone interested. The application process is straightforward, involving a simple form and an interview. The center plans to select 10 participants per session, with sessions lasting 2-3 months. After completing the theoretical portion, participants will move on to practical training. The center aims to offer training throughout the year, focusing on sustainability and catering to those interested in fisheries, business, processing, and related fields. Outreach will include DMWR, USCG, NMFS, and the Council, as well as engagement with colleges and trade high schools to educate the next generation. These ideas are under consideration for enhancing the program.

## **8. Other Business**

There was no other business.

## **9. Public Comment**

Archie Soliai reminded everyone of the importance of the AP's work, especially as residents with a stake in local fisheries. He acknowledged the frustration with NOAA's processes and the



current issues surrounding the Giant Clams designation. Soliai encouraged the AP to attend the designation discussions in person despite the ongoing frustrations. He emphasized the need for meaningful engagement, noting that NOAA has again failed to review and analyze specific situations adequately and that abundance and scarcity vary by area. Soliai took note of observations and comments during the discussion.

Ray Tulafono expressed his concern about NOAA's process, highlighting that insufficient time is given for proper review and understanding. He stressed the need for workshops to help people understand and appreciate NOAA's efforts. Despite his frustration with the limited timeframe, he fully supports Soliai's position and the need for active participation.

Soliai recalled the community outcry during the bottomfish issue, where a presenter faced threats. They acknowledged that frustrations have intensified and criticized the current consultation process as a "hammer first before the nail" approach.

## **10. Discussion and Recommendations**

*Regarding Options for Hawaii and American Samoa Longline Fisheries Crew Training Requirement, the AS AP recommends the Council consider allowing the American Samoa longline crew to utilize the existing owner/operator protected species workshops to satisfy the crew training requirement.*

*Regarding the proposed listing of the Giant Clam, the AS AP recommends the Council request NMFS to extend the 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. The AP further recommends the Council request NMFS to provide translations for the proposed rule documents in Samoan.*

*The AS AP further recommends the Council request NMFS to hold community workshops and additional outreach (i.e., radio) in advance of rulemaking and proposed rule public hearings.*

Meeting adjourned at 8:26 PM.