

Report from the Joint Bottomfish Task Force, Hawaii Plan Team and Hawaii Advisory Panel Meeting

28 July 1997

Plumeria Room

Ala Moana Hotel

Honolulu, Hawaii

Introduction

A joint meeting of the Council's Bottomfish Task Force, Hawaii Bottomfish Plan Team, and Hawaii Bottomfish Advisory Panel was held on 28 July 1997 at the Plumeria Room, Ala Moana Hotel. The meeting agenda and list of participants are attached.

The meeting was co-chaired by Dave Kalthoff and Bob Moffitt. Dave Kalthoff chaired the first three agenda items, which addressed Northwestern Hawaiian Island Bottomfish management issues. Bob Moffitt chaired the second half of the agenda, from item 4 to 9.

Hoomalu Zone

Regarding the Hoomalu zone fishery, Alvin Katekaru provided the group with an update on the status of new Hoomalu zone entrants. He reported that there will be two openings in the fishery. The cut-off for new entry applications was 28 July 1997. Three applications have been received. It should take about two weeks for the applications to be reviewed and the new permits to be issued.

Mau Zone

Regarding the Mau Zone fishery, Mark Mitsuyasu provided the group with a summary of the Task Force actions to date and reported on the recommendations from the 92nd Council, 65th SSC, BPT, and BAP. The overall recommendation was for the Task Force to continue developing its preferred option which includes using the control date with other past participation criteria. Marcia Hamilton, contracted by the Council to develop a draft amendment for the Mau zone LE program, presented the group with issues that needed to be resolved before she can complete the draft amendment. The following summarizes the discussions and recommendations which were agreed to for each issue.

1) Preferred Option

The Task Force again selected Option B3, which allows initially for 18 permits to be issued at the beginning of the LE program as its preferred option. The Task Force expects that "use it or lose it" provisions will reduce the initial number of permits issued to a target number of permits (8-13) in a reasonable period of time. Until the target number is reached, no transferability of permits will be allowed to encourage attrition.

2) Determination of the long term Target Number of Permits

Marcia Hamilton presented an update of Sam Pooley's original analysis on 1994 data that provided the numbers which the Task Force used to generate its options. The update incorporates data from 1994 through 1996. Marcia's preliminary analysis suggests that the maximum number of vessels that could be supported is thirteen under biological conditions and eight to obtain the highest catch efficiency.

Based on the updated analysis, the Task Force proposes that initial target number be set using MSY criteria (i.e. 13). The annual review of the status of the NWHI fishery will monitor the landings of the fishery closely so that if the stock is determined to be highly stressed, adjustments can be made to reduce effort. At least every five years, the target number of permits will be re-evaluated and adjustments made to the limited entry plan if necessary to ensure overfishing does not occur.

3) What to do When the Target Number is Reached

The Task Force recommends that after the target number of permits is reached (i.e. 13), administrative procedures be established to transfer or issue permits. These administrative procedures may include lottery, fractional licensing, limited transferability, etc.

4) Ownership of Permit and Vessel

The Task Force recommends, as before, that the permit will be issued to the owner of the fishing vessel as defined on the USCG vessel documentation. This provision would be identical to the issuance of Hawaii longline and lobster limited entry permits. If a qualified fisherman/owner receives a permit but does not have a vessel, the owner has twelve months from the date of permit issuance to acquire a vessel or must surrender the permit. The Task Force specifically mentioned that it did not want the permits to be transferred in any way, thus circumventing the use it or lose it provision. Language must be included to minimize the Aloop holes@ which might allow transfers. This includes language specifying that there will be no renting, leasing or chartering of vessels with permits or permits alone.

5) Loss and Replacement of Vessel

If a vessel is lost at sea, the permit owner has twelve months from the date of loss to replace the vessel. The replacement vessel cannot be longer than 60 feet. The permitted owner may charter a replacement vessel, but the charter can not exceed twelve months (the time permitted to replace the vessel). The charter vessel may not be longer than 60 ft. If a fishing vessel is judged unseaworthy, the owner can apply to the Review Board to replace the vessel.

6) Indigenous Hawaiian fishing rights considerations

Don Schug reviewed a document prepared for the Task Force which summarized the background and history of the Magnuson-Stevens FCMA and NWHI bottomfish FMP with regards to native fishing rights. He noted that the guidelines in the FCMA are guidelines and not requirements. He also noted that there are two possible aspects to providing native fishing rights, either based on historical participation or on affirmative action. He also presented a AReport of Roundtable Discussion Regarding Preferential Access for Native Hawaiians to the Mau Zone Fishery,@ which recommends that the Task Force consider an option that provides a certain number of reserved permits for native Hawaiian fishermen. It was also

recommended that granting of these permits be made part of a demonstration project under the Western Pacific Community Development Program for the Mau zone bottomfish fishery.

There was considerable discussion on this proposal, much of it pertaining to whom the permits should go and how they should be issued and administered. Linda Paul stated that preferential fishing rights cannot be held individually, but must be granted to a communal entity. The Task Force recommends that the Council proceed with refining the option to hold 2 permits or 25% of the total number of permits (based on the target number), whichever is greater, for the native Hawaiian community. Twenty five percent is based on the current population of people who are Hawaiian or part Hawaiian in the State of Hawaii. These permits will be reserved for use by only native Hawaiian fishermen, as defined in previous Council action. The permits will remain intact and not subject to the use it or lose provision. Also, these permits will be included within the final target number of permits.

7) SSC recommendation to evaluate 7 (or target number of vessels) vessel option

The SSC recommended at its 65th meeting that the Task Force consider adding an option that would allow for 7 permits to be issued at the onset of the LE program. The Task Force, Plan Team and Advisory Panel felt that allowing less than 18 permits initially would not be fair and equitable for current Mau zone participants and pre-control date fishermen.

1996 Annual Report

Bob Moffitt summarized key descriptive statistics (landings, CPUE, revenue, vessels, SPR) for the 1996 bottomfish fishery by Hawaii's three management areas. MHI onaga and ehu remain the only problems in the fishery with targeted SPRs of 4.8% and 8.1%, respectively. Annual report recommendations, as reflected in the May 1997 report of the Plan Team, were reviewed in terms of progress. Progress is being made on most items but there are no funds to increase the sampling level at the Honolulu auction. With regard to the recommendation to establish baseline parameters for virgin stocks for the shallow-water and deep-water complexes, possibly a dockside sampling program could be established with assistance from NMFS, and the RAIOMA data could be reassessed. Measure of effort should be standardized. Moffitt will investigate the possibilities further.

Hawaii Plan for Dealer Reporting

Reggie Kokubun reported on the recently passed legislative bill requiring fish dealers to be licensed. This will require all selling and buying to be through licensed dealers only. The dealer reporting system and its numerous details have yet to be worked out. DLNR plans to implement this through Administrative Rules, which are currently being drafted and will require public hearings. The goal is to integrate commercial fish catch reports with the dealer reporting system.

Revised Magnuson-Stevens Act Requirements

The Bottomfish FMP was reviewed for consistency with certain definitions in the Magnuson-Stevens Act.

Essential Fish Habitat: The FMP needs to be amended by October 1998 to more fully consider habitat (define boundaries, describe, assess fishing and non-fishing threats, conservation and enhancement). A matrix of life stages by physical and chemical parameters was presented, discussed, and expanded by the group. Assistance through

an AFS intern and consultant, supported by NMFS-SWR funds should help facilitate the process. The Plan Team/Advisory Panel will help develop a scope-of-work for the contractors and provide guidance through all phases. The definition in the Act for EFH is acceptable. Bottomfish subteam members for EFH are S. Hau, D. Heacock, D. Kobayashi, R. Schroeder and A. Torres.

Bycatch and overfishing: A new document by Don Kobayashi clarified the discrepancies (misinterpretations) that the Rosenberg et al (1994) report had with regard to overfishing definitions in the FMP. The fisheries include very little bycatch, most of the catch is used in most places. The list of BMUS could be expanded to include species commonly taken but not listed. True bycatch might include things like the deep-water green-eye shark, walu and gemphylids. Bottomfish subteam members for bycatch and overfishing are B. Moffitt, F. Aitaoto, D. Kobayashi and M. Mitsuyasu.

Fishing communities/fishing sectors: The FMP makes reference to these terms (e.g., commercial, recreational, charter) in a manner consistent with their definitions in the Magnuson-Stevens Act. The FMP does not mention Acharter@, but does recognize Asubsistence@ (defined as for personal use), which the Act does not. The FMP makes no significant use of the term Afishing community@. Bottomfish subteam members for fishing communities/fishing sectors are S. Pooley, K. Kawamoto, M. Trianni, W. Ikehara and D. Schug.

The group found the above definitions acceptable, including the definition of Aoptimum yield@.

Overfished MHI Stocks

Walter Ikehara summarized the State's progress with a closed area management plan for overfished MHI bottomfish. He expects a final draft to be ready by August, followed by a task force meeting and DLNR Board meeting. If the governor signs his approval it could be law by the end of the year. DLNR is also working together the University of Hawaii Institute of Marine Biology to study juvenile habitat and develop culture technology for ocean ranching of bottomfish. Some genetics work may be included which could be used for stock delineation. **The group recommended continued endorsement of the State's management proposal.**

Robert Schroeder discussed federal considerations for overfished species. Onaga and ehu are expected to appear on the soon to be released national list of overfished species. Under the reauthorized M-S Act, this means the Council will then have one year to implement management measures to restore these stocks to healthy status within 10 years. Don Kobayashi recently re-analyzed his model and found that the reduction in fishing mortality through a 20% closed area could restore SPR to 20% within the required 10-year time frame, provided the fish not move out of the area. **The group recommended continued development of the federal backup plan for closed area. It was also recommended that a genetic study be conducted to determine the stock boundaries for onaga and ehu in the Hawaiian archipelago.**

W. Pacific Sustainable Fisheries Fund

Don Schug briefly presented information on the Western Pacific Sustainable Fisheries Fund and Marine Conservation Plan. Under the new Magnuson-Stevens Fishery Conservation and Management Act fees collected from agreements allowing foreign fishing within the EEZ administered by the WPRFMC will be placed in the fund and made available to the Council to implement the Marine Conservation Plan. Don asked those

present to review the proposed projects currently identified in this plan and to make suggestions for improvements and for further projects. The MCPs must be finalized by the November 1997 Council meeting.