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COUNCIL

Report of the Hawaii Archipelago Fishery Ecosystem Plan Advisory Panel Meeting

April 13-14, 2011
Council Office
Honolulu, Hawaii

1. Introductions

Ed Watamura, AP Chair, opened the meeting. Members in attendance included: Larry Gaddis, Marc Inouye, James Kuwada, Kenny Corder, Tim Hale, Gary Beals, Ray Shirakawa, Layne Nakagawa, Ed Watamura. The first day of the meeting also included the Hawaii FEP Plan Team members. Others in attendance included: Al Everson, Walter Ikehara, Ed Ebisui III, and Roy Morioka. Council staff Mark Mitsuyasu, Marlowe Sabater and Joshua DeMello provided meeting support.

2. National Fisheries Mandates and Issues

A. Coastal and Marine Spatial Planning (CMSP)

i. Overview of CMSP

Roy Morioka presented an overview of what Coastal and Marine Spatial Planning (CMSP) is and what is happening now. He noted that CMSP was established by President Obama and focused on the nine priority objectives of the National effort. He also said that CMSP is a planning process and it has a lot of energy behind it because it comes from the President, and we are waiting to see what our role will be in CMSP. Morioka said that the key to CMSP is that it is imperative for fishing communities to keep informed and participate in regional planning bodies, the development of CMSP policies, and regional CMSP plans. There is a deadline of April 29, 2011 for comments on the nine priorities.

ii. Community CMSP Workshop

Sylvia Spalding, Council staff, presented on the Council's work in the community to inform them of the President's CMSP initiative. She noted that the Council had CMSP as its theme for the last Fishers Forum at Aloha Tower as well as part of an International Fishers Forum in Taiwan. She also noted that there is going to be a national workshop to present CMSP to different stakeholder groups and that CMSP is not a new idea and the Councils have been working on CMSP since they were created. Spalding noted that the Council would like to train the fishing community on CMSP so that they are informed about the process before it is brought to Hawaii. She noted that the Council is planning to hold a workshop in the first week of August for this training to include Hawaii, Guam, and CNMI community members to learn about the tools of CMSP and to get involved at the community level. This workshop will also be held concurrently with a workshop on climate change.

Mark Mitsuyasu, Council staff, encouraged the AP to inform the Council if they are interested in participating in the community workshops.

iii. Discussion and Recommendations on CMSP

The AP discussed the implications of CMSP but was very concerned about what it actually does. It was explained that CMSP is similar to zoning by geographic areas. The AP members noted that they should be looking at what needs to be “preserved” (i.e. fishing areas) and should start laying out what is important to fishermen and identify, by area, what needs to be set aside for sustainable fishing.

AP members were also concerned with shipping vessels and their interaction with fisheries. They said that since the shipping vessels don’t have permanent shipping routes, it is unknown where these boats will be. They recommended that when CMSP is established, permanent shipping routes be considered to avoid interactions with fishermen and important fishing areas.

Recommendation

In regards to CMSP:

The AP recommended that any Coastal and Marine Spatial Planning effort in Hawaii consider establishing permanent shipping vessel lanes/routes that avoid important fishing areas and banks.

B. Annual Catch Limits

i. Update on Annual Catch Limits

Sarah Pautzke, Council staff, provided a background and overview on the need for ACLs and an update on where the Council is in finalizing the process for establishment of ACLs. She provided a difference between ACLs and TACs and went over an example of how ACLs would be set and issues with ACLs facing the Council.

ii. Report on ACL and Catch Share Workshops

Moriokoa provided the AP with the results of workshops that started in early 2010 and continued to 2011 regarding the establishment of ACLs and Catch Shares. He said that he has been meeting with different groups, including fishing clubs, Council advisory groups, and community meetings. He said that he has hammered on the need for complete data from fishermen to provide accurate ACLs and Catch Shares. He noted some of the results of the workshop were that fishermen said that catch shares are unnecessary for Hawaii, kill small business, and that open access is best. Other issues brought up in the community included non-commercial data collection and marine spatial planning. Morioka said the results of these workshops are that the participation and involvement of the community in these issues is growing and that people are beginning to understand the issues at hand.

iii. Discussion and Recommendations on ACLs

The AP discussed the impending mandate of ACLs, in particular, what ACLs mean in relation to the Total Allowable Catch (TAC) strategy being employed for the bottomfish fishery. They asked if an ACL developed for the fishery would override a Council recommended TAC?

Pautzke replied that the TAC was put in place by the Council as a stop-gap measure, should the ACL process not be in place before the opening of the 2011-2012 bottomfish season. She also said that if the ACL amendment isn't approved, the ACL will not be put in place. The AP was also concerned the ACL would be for the entire deep-seven complex and not by species. Mitsuyasu explained that the stock assessment is based on the complex and not individual species, although that is the ultimate goal. The AP also discussed how an ACL for the Main Hawaiian Islands bottomfish fishery should be developed, taking into consideration the State's implementation of trip reporting. They recommended that the Council establish the ACL equal to the Allowable Biological Catch (ABC) at their recommended TAC. Then, establish an Annual Catch Target (ACT) that is a reduction from the ACL through the SEEM analyses and management uncertainty processes that is no lower than a 40% probability of overfishing.

The AP also discussed problems with reporting and having a check and balance system for recreational fishing data. They agreed that data collection does cause more problems but that there is a need for fishermen to provide good data because the ACL process has too much room for error. The AP said that fishermen are penalized too much and that too make sure that they aren't continually punished, they need to provide timely and accurate data.

The AP also discussed how an ACL for the Main Hawaiian Islands bottomfish fishery should be developed, taking into consideration the State's implementation of trip reporting. Since this first year was a trial of the new reporting system and enforcement wasn't going to be strict, the AP suggested that the data collected wouldn't provide that immediate accuracy that it was intended to do so the Council should set an ACL close to their recommended TAC. They recommended that the Council establish the ACL equal to the Allowable Biological Catch (ABC) at their recommended TAC. Then, establish an Annual Catch Target (ACT) that is a reduction from the ACL through the SEEM analyses and management uncertainty processes that is no lower than a 40% probability of overfishing.

Recommendations

In regards to the potential MHI BF ACL:

The AP recommended the Council, in light of the first year of trip reporting, establish an ACL equal to the ABC at the TAC recommendation (at 383,000 lbs) and establish an ACT utilizing the SEEM analyses and management uncertainty process at a probability of overfishing not lower than 40% (which corresponds to ~340,000 lb).

3. Upcoming Fishery Management Actions

A. Options for Non-Commercial Fishery Data Reporting

Joshua DeMello, Council Staff, presented options for reporting fishery data from the non-commercial fisheries. He provided a background and the purpose for looking at the options and a suite of options available to the group to recommend to the Council.

The AP discussed the options and agreed that the simplest option for reporting is the best solution for non-commercial fishermen. They also discussed the jurisdictional issues in regards to data collection (fished in/caught in state waters vs Federal waters) and agreed that reporting

should be tied to the vessel and should include a “did not fish” report as a condition of being part of the fishery. “Zero” catch reports were also identified as a need for non-commercial fishermen as well. The AP also discussed the need to provide non-commercial fishermen with something in return for providing their data. There was a question whether the Federal government provide resources for a State recreational data collection program. Council staff said that the Council tried to do it just like they did for the Commercial Marine License, and may also consider pre-emption as an alternative.

The AP discussed these options in terms of the MHI bottomfish fishery and agreed that State of Hawaii should be using its BF registry as data collection instrument and should be mandating that all non-commercial registry participants provide catch and effort data (including a did not fish or zero catch report).

Recommendations

In regards to non-commercial BF data reporting:

The AP recommended the Council request the State of Hawaii to establish a reporting requirement for non-commercial bottomfish data collection, including a “did not fish” and “zero catch” report, tied to those vessels registered as “recreational” (or non-commercial) as a condition of the State’s annual Bottomfish Vessel Registry to complement the Federal NCBF permit on a jointly managed species complex. The data collected could be used to determine the number of annual trips and pounds per registered vessel, targeted species, areas fished, etc.

In regards to non-commercial data options:

AP recommended the Council choose the simplest option for ease of reporting by recreational fishermen.

B. Hawaiian Archipelago Bottomfish EFH and HAPC review

Al Everson, PIRO Habitat, provided a background on the need to review EFH and HAPC and stated that it came about because of the impacts to habitat by destructive fishing gears, but in the WPR the Council doesn’t allow this type of gear. He reviewed EFH Designations and the different levels that EFH can be designated at due to the amount of information available and said that EFH should be reviewed every five years. He noted that the designations in the WPR were designated at level 1 because there was not a lot of information available back in 1996. He also showed an example of what bottomfish EFH was designated as during that time. Everson also provided information on HAPC and the criteria for designating HAPCs.

Mitsuyasu presented a review of bottomfish EFH and HAPC designations and changes to the designations being considered. He provided a review of the previous designations as well as the change to additional complexes for EFH. He also showed the proposal for 16 HAPCs and discussed the WPSAR review of these changes. Mitsuyasu also provided a report from the WPSAR review and discussed the recommendations from the group and shared a preliminary summary. Recommendations from WPSAR included the need for more life history work and

recommended to break the two complex groups into three groups and add additional information from all the life stages.

The AP was concerned with the designation of EFH and its implications to fishing. Mitsuyasu explained that EFH is used to make sure that fishing is considered and analyzed whenever the Federal government proposes to use an area for any purpose.

C. Status of State Bottomfish Regulatory Changes

Alton Miyasaka, HDAR, stated that state rules were just adopted last year so they are planning on implementing the changes now. He mentioned that a trip report form is being developed and will be beta tested soon and will go through a series of statewide meetings to inform the fishing public about what the changes are, what the new form looks like, and why the changes were necessary. They also hope to make trip reporting available online as well. He said that public meetings may be held in the summer of 2011 but there is no exact schedule set. In the next fishing year, he said that HDAR will institute a voluntary change over to the trip reporting format to provide a transitional time for fishermen and time to do outreach to fishermen. He noted that enforcement of trip reporting is a concern, but they don't plan on being strict on the reporting at first (issuing fines on delinquencies) but will stress the importance of timely information. However, he explained, the following fishing year a citation/fine system will be implemented to enforce the provision.

Miyasaka also noted that the BF Registry will become an annual registration (from one-time registration) and by August 2011 you can start registering online or in-person. He said that all of the old registrations will expire at the end of August 2011, and new registration won't be effective until the season is open. He noted that registration is still free and the announcement will be included in public meetings and that the BF registry is a permanent number system so numbers shouldn't change from year to year.

The AP members were aware of the changes towards trip reporting as well as the annual registration but had some concerns regarding the change over and its affect on bottomfish ACLs. They reiterated their recommendation for the Council to request the State of Hawaii to utilize its BF vessel registry to collect data, and tie it to the annual renewal.

They also continued to question the necessity of the Bottomfish Restricted Fishing Areas (BRFAs), particularly in light of the conclusions of the WPSAR review of proposed EFH and HAPCs. The AP noted that some of the proposed HAPCs are currently BRFAs and that WPSAR concluded that these areas are not special places for recruitment or spawning (a condition of designation for HAPCs). They also noted that the State of Hawaii's impetus for creating the BRFAs were to "conserve the spawning areas of bottomfish" (HAR §13-94-8). The AP was very concerned that the BRFAs were not doing what it was created for and urged the Council to continue to request the BRFAs be removed taking into account the WPSAR review.

Recommendation

In regards to the State of HI BF regulatory changes and the WPSAR review on EFH and HAPC:

The AP recommended the Council provide the State of Hawaii with the results of the WPSAR review on proposed bottomfish and EFH and HAPC and continue to request they open the BRFA's to fishing. The BRFA's were created to protect spawning areas (HAR §13-94-8), and according to the WPSAR review, the proposed HAPCs that overlap the existing BRFA's are not proven to be recruitment or spawning areas.

D. Options for Limited Entry of Offshore Aquaculture

DeMello presented a background on offshore aquaculture in the EEZ and the need for limited entry options. He said that the Council was interested in developing criteria for limited entry and environmental monitoring and provided options for the groups to consider.

The AP had a lengthy discussion on the impacts of escapes from current aquaculture operations and noted its displeasure. They agreed that someone needs to be held accountable for the impacts of aquaculture operations on the environment and wild fisheries. Council staff noted that to hold someone accountable, there needs to be some rule or law that was broken, which is why these options were presented. The AP said that there needs to be a way for fishermen (and the general public) to identify cultured fish, such as physical markings or tags. They also suggested that permits be revoked if escapes are found to have negative impacts on the environment or wild fisheries and that these escapes should be reported in a timely matter. The AP also recommended that any limited entry criteria being considered should also look at restrictions on gear to minimize escapes.

Recommendations

In regards to limited entry criteria and environmental monitoring for offshore aquaculture:

The AP recommended the Council include criteria for revoking permits if escapes are found to have negative impacts on the environment. The Council should also include in the reporting requirements that escape events should be required to be filed with NMFS within 24 hours and that negligence in escapes be considered in an annual permit review to be established by the Council/NMFS.

The AP recommended the Council include criteria in its limited entry for restrictions on aquaculture gear to minimize escapes, monitoring environmental effects through mandatory marking or tagging of cultured fish, and utilizing Federal observers.

4. Coral Reef Funded Projects

A. Kona Crab Stock Assessment

Lennon Thomas, HPU Graduate Student, gave a presentation on an assessment of the MHI Kona Crab stock being conducted. She noted that she received funding through the Council's coral reef grant and its focus on capacity building to determine the current state of kona crab stock in MHI as part of her Master's Thesis. She reviewed the life history characteristics of the species and identified gaps in the collected information as well as analyzed spatial and temporal trends in the commercial fishing data to standardize CPUE across time and apply a general linear model to the data. Thomas presented the results and showed a general decline in landings over the time series, with Penguin Bank makes up a large part of the landings. She noted that these landings o

drive the catch rate in the fishery. A 50% decline in catch rates was shown, but she explained that other factors not included in the model also likely affected catch rates (difference in efficiency, rec catch, etc).

The AP applauded Thomas' efforts in producing an assessment of the Kona Crab stock, but was concerned with what the data shows and attributed some of the declines to the changes in regulations (i.e. prohibition on bottomfish fishermen having Kona Crab gear, prohibition on taking unberried females, etc). They also pointed out that Kona Crab fishing is not worth traveling all the way to Penguin bank because of these regulations, increasing fuel costs, and predation. The AP agreed that this was a great first step but recommended that the Council look into collecting other information such as non-commercial participation and catch and the effects of the regulations to determine an accurate ACL for this fishery.

Recommendation

In regards to the Kona Crab stock assessment presentation:

The AP recommended the Council look into collecting other information from the Kona Crab fishery (e.g. habitat preference, non-commercial fishery participation and catch, change in regulations, etc) to determine an accurate ACL for the fishery.

B. Black Coral Mapping

Daniel Wagner, UH-Manoa Graduate Student, presented a project on mapping black coral populations in Hawaii. He explained that the project, funded through the Council's coral reef grant, was designed to map the populations of the commercially valuable Hawaiian black corals (*Antipathes griggsi*, *A. grandis*, *Myriopathes ulex*). Wagner said that they used literature records (~400 articles), collected samples (300 specimens from the National Museum of Natural History, Bishop Museum, and specimens collected by researchers between 2006 and 2010), and photos/video from 30 years of surveys (over 1800 dives by Hawaii Undersea Research Laboratory and Monterey Bay Aquarium Research Institute utilizing manned subs and Remotely Operated Vehicles). He showed the results of the projects which included maps of the distribution of the three species, and the distribution by harvesting depth. He noted that the important beds for black coral in the MHI are the Auau Channel bed, East and South Kauai bed, and Keahole/South Point bed.

The AP was appreciative of the presentation and inquired about the invasive soft coral (*Carijoa riisei*) and its impact on the distribution. Wagner deferred to Sam Kahng (black coral researcher) who noted that recent surveys showed that the invasive species looks less dense than in previous surveys (although it could be attributed to the use of high definition technology) and that the problem is probably less severe than previously thought.

C. Deepwater Chorusing Phenomenon

Marc Lammers, UH HIMB/PIFSC CRED, presented on a phenomenon known as Deepwater Chorusing. He said that the objectives of research, also funded through the Council's coral reef grant, was to: 1) use the naturally occurring sounds as spatial and temporal indicators of biological activity; and 2) use acoustic tools to explore deep areas. This project, he noted, was

built upon previous research where they placed acoustic recorders in 300 feet of water and found that during the day there is not much going on, but in the evening there are many sounds being recorded. Through this project, they were aiming to determine the source of the sound and if it was localized. Lammers said that in this project, they deployed recorders at 110-170 m at four sites around Oahu (Kaena, Kahuku, Mokapu, Makapuu) He said that the results showed that chorusing occurs nightly at all four locations and begins 25-45 min after sunset. Results also show that the chorus is seasonal, and predominant between January and July, although it is found weaker and less consistent year round in some areas (i.e. Makapuu). Lammers noted that the sound recorded was 12.5x louder during chorusing than at ambient levels and that the intensity differed by area and varies in duration by location from ½ hour to 10 hours.

Results also showed that the Kahuku site had a strong correlation between chorusing and tidal strength. Lammers said that they still couldn't identify the source of the chorusing but suggested that it could be fish or a mesopelagic boundary community (vertically and horizontally migrating community where species are moving up and down the water column or in and out from shore) and noted that researchers in Australia hypothesize that it's the mactophid fish that make up a large part of this community. He hopes to continue this research to establish the location of the chorusing in the water column utilizing a vertical array of recorders and dispersed recorders along the slope to see what the depth range of the chorusing is. He is also working with botcam projects to determine the source but botcam is primarily used during the day, so he is discussing using it at night to see if bottomfish make these same sounds.

The AP enjoyed the presentation and was interested in the results but did not make any recommendations.

D. Report on Tournament Sampling

Edwin Ebisui III presented on a project he did for the Council as part of its coral reef grant to collect biosamples and support the development and announcement of fishbox.org. He said that the project utilized fishing tournaments to collect life history samples from coral reef associated species (particularly larger sizes where data is not currently available) which included length, weight, otolith, gonads, and heads. He said that it was a great opportunity to provide outreach on the importance of collecting this information as well as providing information about the Council and its coral reef program. Ebisui III also noted that large fish provided lots of exposure and recommended further outreach with shoreline fishermen on this type of data collection. He noted that participation was voluntary and samples are being tested and run through a collaboration with the Pacific Islands Fisheries Group.

The AP was impressed with the project and noted that this basic life history information is important for stock assessments considering the mandate for ACLs. They recommended that this type of project be continued to provide information for accurate stock assessments and ACLs.

Recommendation

In regards to life history data collection and biosampling:

The AP recommended the Council continue to pursue collaboration with other groups to collect basic life history information to aid in the development of accurate stock assessments and ACLs.

E. Upcoming Coral Reef Projects

DeMello presented an overview of the Council's coral reef program and the projects being funded to inform the Council's FEPs. He noted that the focus of the coral reef program has shifted recently to include local capacity building, incorporating traditional knowledge, collecting life history information, and working with communities. He also urged the AP to be involved in local meetings and provide their comments and suggestions for coral reef fisheries to the Council.

5. Council and Advisory Panel Responsibilities

Mitsuyasu gave an overview of the AP, noting its shift from two-year to four year terms. He explained that this provides more time for the members to become accustomed to the Council process and learn about the issues. He also noted that the Council may hold a joint-AP meeting with the AP from the other island areas to provide additional information and training to the members.

The AP noted that the joint workshop should also provide members with information on how the public is noticed and how to access the Federal Register for these notices.

6. Protected Species Issues

A. Insular False Killer Whale Listing Under ESA

Krista Graham, NMFS PIRO Protected Resources, presented a report on the process for listing the insular population of the False Killer Whale (FKW) under Endangered Species Act (ESA). She gave an overview of what ESA, its purpose, and the steps for listing any species under ESA, then provided details on the FKW listing. Graham also gave a background of FKW life history and distribution, and the analysis done on the insular FKW population around Hawaii. She said that in October 2009 the Natural Resource Defense Council petitioned NMFS to list the FKW as endangered. In January of 2010, the NMFS found that the petition may be warranted, and a technical memo on this was published that August. She explained that in November 2010, NMFS published a proposed rule to list the insular population of FKW as an endangered species.

The AP discussed different concerns with the presenter including the process for detecting contaminants, who the NRDC is, and how the population was assessed. The AP was particularly concerned with how NMFS determined the interactions with fisheries when there are not many reports of interactions.

They were also concerned with the announcement of the proposed rule because many of the neighbor island members were unaware of the public comment opportunity. Graham noted that there was a press release and a notice in the Federal Register, but was unsure if neighbor island

media picked up the press release. The AP urged wider announcement of these types of issues and for publication in all of the local papers.

The AP was very bothered by the fact that there is no evidence that fishing caused a decline in the insular FKW population, yet they are getting the short stick and regulations are going to be put in place that will affect their livelihood. The AP noted that the listing of the insular FKW population under ESA is just another attack on the Hawaii longline fishery and is being used by these groups to close fisheries in Hawaii. The AP recommended that the Council request NMFS consider other impacts to the insular FKW stock aside from fishing.

Recommendation

In regards to Insular FKW listing:

The AP is concerned with the listing of the insular FKW as endangered under ESA and recommended the Council continue to insist that the NMFS look at other impacts on FKW aside from fishing impacts. The AP is also concerned with the use of listing species on the ESA as a means to close fisheries in Hawaii.

B. Spinner Dolphin and Human Interaction EIS and Rule-making

Laura McCue, NMFS PIRO Protected Resources, presented the NMFS plans for developing an EIS on spinner dolphin interactions with humans under MMPA. She provided an overview of spinner dolphin behavior and noted that dolphins will continue to come to the same place for rest. She said that there is concern that humans coming to interact with the dolphins during their rest period may affect the dolphins amount of rest causing reduced energy available for growth, reproduction, and foraging. It may also cause them to be more vulnerable to predators and causes displacement from these resting areas. She also showed some genetic research showing that there are six distinct stocks and said that NMFS has been working since 2005 to prepare proposed rules and an EIS. She then discussed the EIS and the alternatives for action: 1. No action; 2. Regulate human activity/vessels; 3. Implement time area closures; 4. A combination of options 2 and 3; 5. Full closure of habitats; 6. Codify the West Hawaii voluntary standards for marine tourism. She noted that NMFS' preferred alternative is number three, a time area closure of 4 sites on the island of Hawaii and 1 site on Maui. McCue also noted that NMFS will do baseline surveys and surveys during the closure to monitor the effects of the regulations and provide an adaptive management strategy should the need arise.

The AP was supportive of this process and had some discussion on the proposed alternative and proposed closed sites. McCue assuaged concerns about the closures and said that closures would be from 7am to 3 pm and won't affect existing boat ramps. She also noted that the EIS will address their concerns about the impacts on small businesses.

C. Hawaiian Monk Seal Programmatic EIS

Jeff Walters, NMFS PIRO PR, provided the AP with a presentation on a programmatic EIS being developed for the Hawaiian Monk Seal. He provided a background on monk seals and its history in Hawaii as well as some life history information (reproduction, distribution, etc). He showed a population decline (4.5%) in the NWHI, as well as regional trends (declining in NWHI

and higher numbers than MHI, MHI has less seals, but increasing in the mains). Walters noted that there are recovery challenges such as entanglement, habitat loss, shark predation, food limitation (NWHI), public awareness, human interactions, and disease (MHI) and explained some of the current activities (research and management) being done for the seals. He said that the goal of the program is to improve juvenile seal survival in the NWHI and improve management (research in foraging and diet studies, prevent nuisance by stuff like dogs, also fishery interactions using circle hooks) in the MHI. He said that NMFS is not proposing new regulations on fishing or access, but is developing a Programmatic EIS for other activities like deworming, vaccination, seal translocations, seal behavior modification, and also analyze the activities they are currently conducting. He noted that they need the EIS to comply with NEPA and get a take permit from ESA and the Marine Mammal Protection Act. Walters said that the draft is scheduled to be released in June and that they will most likely hold public hearings in July and finalize the EIS in January 2012 to receive a permit by February 2012 at the earliest.

Walters also discussed the designation of monk seal critical habitat around Hawaii. He explained that critical habitat is an area that contains habitat features that are essential for the survival and conservation of a species which may require special management considerations. He also said that it is used to make federal agencies take precautions to ensure that any projects that they fund or do doesn't affect the habitat of the species. He then explained that the revision came about from a July 2008 petition, which they found to be warranted in October 2008 and that NMFS is working on a proposed rule to designate the critical habitat in the MHI. Walters said that currently NMFS has only designated critical habitat in the NWHI and that sometime in the summer of 2011 NMFS will have a proposed rule with the critical habitat designations in the MHI and conduct public hearings.

The AP was very concerned with the NMFS plans to conduct translocation of juvenile pups from the NWHI to the MHI. They said that fishermen are already seeing increased interactions with the monk seal in the MHI and that these interactions have been negative. The translocation of the pups, according to the AP, would also impact the local nearshore fisheries because additional monk seals would put additional pressures on the nearshore resources that already face too much pressure. They said that other options should be considered first, such as culling predator populations in the NWHI or translocating young monk seals from the MHI to the NWHI to test these theories.

The AP was also concerned that the NMFS is trying to reduce human interactions with the monk seal but is seeking permits to interact very closely with the animal (e.g. deworming, marking, disease control, etc). The AP agreed to work with NMFS to intervene early and identify problems with the monk seal interactions.

Another issue that the AP had with all of the protected species issues is that fishermen's voices are being muted because of the comments from non-Hawaii people sent out in electronic mass mailings. They said that National initiatives don't give local fishermen or local people a chance to have HAWAII'S voice heard, and instead, those from afar are dictating what should be done in Hawaii.

Recommendation

In regards to Hawaiian Monk Seals:

The AP recommended NMFS not translocate juvenile Hawaiian Monk Seals from the Northwestern Hawaiian Islands to the Main Hawaiian Islands. NMFS should be protecting the monk seal pups in the NWHI, such as culling of competition, or translocating pups between the NWHI, and not compound problems already occurring with monk seals in the MHI.

The AP recommended NMFS work with fishermen and others to monitor the behavior of monk seals in the MHI to translocate continued nuisance individuals away from the MHI.

7. Hawaii Fishery Issues

A. Ocean Regulatory Regime Review Initiative

Kitty Simonds, Council Executive Director, talked to the AP about creating committees on each island to review all the fishing regulations for that island. She noted that a review of regulations is needed to see if they are working and what needs to be changed to keep fishing and fisheries sustainable. Simonds noted that she is working with Brooks Takenaka and Roy Morioka and Conservation International to start a steering committee with fishing reps from each island to initiate this review and develop the process.

The AP agreed that a review of the existing regulations was needed and that they are willing to participate in the process on the steering or island committees.

B. Other Hawaii Fishery Issues

Watamura asked the AP for additional issues that they would like the Council to consider.

One AP member noted that FADs should be removed because they the catching of juvenile fish is a shame. He also advocated for mandatory recreational reporting through a vessel registration system.

Another AP member noted the need for the Council, NMFS and State of Hawaii to work on a better relationship with fishermen. He said that the fishermen's trust can be gained back by providing something back to fishermen instead of just taking all the time.

There was also some discussion on an AP members suggestion to provide education and outreach to non-commercial fishermen on the importance of data collection. He noted that incentives may be needed to collect this data.

8. Ecosystems and Communities

A. Report on Hoolei Ia Puwalu

Simonds also presented a report of the statewide puwalu in November 2010. She gave a history of the puwalu series and working with the Hawaiian community. She said that this puwalu was held to include other members of the communities in the development of community

management based on traditional management methods. These methods included managing resources at an ahupuaa/moku level. The puwalu was used to inspire communities on working to conserve the resources through a more formalized process of the Aha Moku system initiated by the Hawaii legislature.

Morioka then presented the guidance provided by the Aha Kiole Committee on developing this system for managing natural resources: Adaptive Management, Code of Conduct, Consultation Process, Education, and Eligibility Criteria.

Some AP members were concerned with the community voices drowning out the true fishermen's voice in this proposed process. Other members were impressed with the system and saw that it was working in some areas. Morioka explained that this is just a process, similar to the Council process, where the management concerns and solutions are driven by a community process instead of the normal government top-down approach.

B. MRIP/NSWAR Update

DeMello presented on the Council's Marine Recreational Information Project (MRIP) project proposal to collect data from captain/vessel owners. He explained that this project was designed to test the efficacy of using the State of Hawaii's vessel registry as a surveying tool to collect non-commercial fishing catch and effort.

He also provided an update on the National Saltwater Angler Registry (NSWAR) and noted that he is working with the MRIP Registry Team to amend the Registry's final rule to provide an exemption to Hawaii's non-commercial bottomfish fishermen who hold a Federal Main Hawaiian Islands Non-Commercial Bottomfish permit.

9. Public Comment

There was no public comment.

10. Recommendations

In regards to CMSP:

- 1) The AP recommended any Coastal and Marine Spatial Planning effort in Hawaii consider establishing permanent shipping lanes/routes that avoid important fishing areas and banks.

In regards to the potential MHI BF ACL:

- 2) The AP recommended the Council, in light of the first year of trip reporting, establish an ACL equal to the ABC at the TAC recommendation (at 383,000 lbs) and establish an ACT utilizing the SEEM analyses and management uncertainty process at a probability of overfishing not lower than 40% (which corresponds to ~340,000 lb).

In regards to non-commercial BF data reporting:

- 3) The AP recommended the Council request the State of Hawaii to establish a reporting requirement for non-commercial bottomfish data collection, including a "did not fish" and

“zero catch” report, tied to those vessels registered as “recreational”(or non-commercial) as a condition of the State’s annual Bottomfish Vessel Registry to complement the Federal NCBF permit on a jointly managed species complex. The data collected could be used to determine the number of annual trips and pounds per registered vessel, targeted species, areas fished, etc.

In regards to non-commercial data options:

- 4) AP recommended the Council choose the simplest option for ease of reporting by recreational fishermen.

In regards to the State of HI BF regulatory changes and the WPSAR review on EFH and HAPC:

- 5) The AP recommended the Council provide the State of Hawaii with the results of the WPSAR review on proposed bottomfish and EFH and HAPC and continue to request they open the BRFAs to fishing. The BRFAs were created to protect spawning areas (HAR §13-94-8), and according to the WPSAR review, the proposed HAPCs that overlap the existing BRFAS are not proven to be recruitment or spawning areas.

In regards to limited entry criteria and environmental monitoring for offshore aquaculture:

- 6) The AP recommended the Council include criteria for revoking permits if escapes are found to have negative impacts on the environment. The Council should also include in the reporting requirements that escape events should be required to be filed with NMFS within 24 hours and that negligence in escapes be considered in an annual permit review to be established by the Council/NMFS.
- 7) The AP recommended the Council include criteria in its limited entry for restrictions on aquaculture gear to minimize escapes, monitoring environmental effects through mandatory marking or tagging of cultured fish, and utilizing Federal observers.

In regards to the Kona Crab stock assessment presentation:

- 8) The AP recommended the Council look into collecting other information from the Kona Crab fishery (e.g. habitat preference, non-commercial fishery participation and catch, change in regulations, etc) to determine an accurate ACL for the fishery.

In regards to life history data collection and biosampling:

- 9) The AP recommended the Council continue to pursue collaboration with other groups to collect basic life history information to aid in the development of accurate stock assessments and ACLs.

In regards to Insular FKW listing:

- 10) The AP is concerned with the listing of the insular FKW as endangered under ESA and recommended the Council continue to insist that the NMFS look at other impacts on FKW aside from fishing impacts. The AP is also concerned with the use of listing species on the ESA as a means to close fisheries in Hawaii.

In regards to Hawaiian Monk Seals:

- 11) The AP recommended NMFS not translocate juvenile Hawaiian Monk Seals from the Northwestern Hawaiian Islands to the Main Hawaiian Islands. NMFS should be protecting the monk seal pups in the NWHI, such as culling of competition, or translocating pups between the NWHI, and not compound problems already occurring with monk seals in the MHI.

- 12) The AP recommended NMFS work with fishermen and others monitor the behavior of monk seals in the MHI to translocate continued nuisance individuals away from the MHI.