



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

Report of the Hawaii Archipelago Fishery Ecosystem Plan

Advisory Panel Meeting

June 13, 2013

9:00 a.m. – 2:00 p.m.

Council Office, Honolulu, Hawaii

1. Welcome and Introductions

Ed Watamura, Advisory Panel Chair, opened the meeting at 9:30 a.m. In attendance was James Kuwada, Gary Beals, Layne Nakagawa, and Larry Gaddis. Also in attendance was Council staff-Joshua DeMello, Asuka Ishizaki, Marlowe Sabater, and Eric Kingma. Also in attendance was Annie Yau (PIFSC) and a couple members of the public.

Absent was James Torio, Leslie Alapai, Kenneth Corder, Tim Hale, Henry Lau, Kawika Cutcher, Ray Shirakawa, Keeaumoku Kapu, and Marc Inouye.

2. Update on Previous AP recommendations

Joshua DeMello, Council staff, provided an update on the recommendations made by the AP at its meeting in June 2012. He noted that many of the issues brought up by the AP are being addressed by the State of Hawaii.

3. Update on Roles and Responsibilities of AP

DeMello provided an update on the roles and responsibilities of the AP. He noted that he has been providing updates to the AP through an emailed newsletter and encouraged the AP to provide information for him to use in the newsletter. He also asked for ways for the Council to better communicate with the AP and provided examples on what the other APs are doing.

The AP discussed the need for more meetings to keep the interest on the issues. There could be teleconference meetings with each of the islands and they can also meet on their island by themselves as well. A constant flow of issues would provide greater communication and engagement. Information should be sent to the AP ahead of time through email so that they can be read at their leisure. Attaching files to emails and the newsletter would be helpful as well.

The AP talked about the need to review the AP to determine the AP's effectiveness, membership attendance, and possible changes to responsibilities and members as necessary. The four-year term is useful to avoid having to train new members continually, but also hinders performance if members do not attend meetings or are not engaged. An annual review could provide the AP with the ability to rejuvenate membership. There should also be a review to ensure that there is

more diversity on the AP as well, to include other interested parties, including fish buyers, tackle dealers, etc.

The AP should assign mentors to new members to provide training on the process and roles of the AP (travel orders, how to communicate, etc). While it is talked about at the meetings, there needs to be more of an effort to get people up to speed in the beginning of the term to ensure effectiveness.

4. Council Issues and Action Items

A. Pelagic and International fisheries

Eric Kingma, Council staff, provided an update on management measures for pelagic fishing in Hawaii. He provided information on the actions the Council may take at the 157th Council meeting on bigeye tuna and striped marlin. Kingma provided information on North Pacific Striped Marlin stock status as well, showing that the stock may be overfished and that overfishing may be occurring on the stock. He noted that Japan takes up most of the catch in the domestic longline and drift gill-net fleets that target the species. He also said that the tsunami and earthquake may have destroyed much of the gill net fleet as well. In Hawaii, the striped marlin catch is 14% of the total North Pacific catch, so Hawaii is a player in this fishery. The Hawaii longline fishery catches 93% of the striped marlin and next biggest is the troll fishery, of which the charter fishery is the major contributor. The Western and Central Pacific Commission has adopted a rule for countries to reduce their catch of striped marlin. A limit was put in place, although the Council and NMFS have not codified this limit at this time. Kingma mentioned that the Council will look at options for this fishery including providing a quota, prohibiting retention, trip limits, or minimum sizes.

Kingma also provided an overview of other actions that the Council may take at its 157th meeting including US territory bigeye annual limits and American Samoa longline swordfish trip limits. The territory agreement is still under US legislation as the amendment has yet to be approved. The AS swordfish trip limit action is to bring the fishery more in line with what the regulations are for the Hawaii fishery because the AS fleet already uses the same type of gear as the Hawaii fleet and meets the same requirements.

There was discussion on international authority and management of pelagic fisheries. Kingma noted that the commissions have the duty and mandate to manage fisheries on an international level and that parties to the convention have the duty to adopt the rules that is adopted by the commission. However, there are no strict measures for non-compliance in these commissions at this time.

The AP discussed the options for the striped marlin fishery. They said that the option minimum size may not be as conducive to conserving the species and instead that a maximum or slot limit

may be better suited for this fishery. Kingma did note that the minimum size is the L50 size, although it may make sense to provide a maximum size as well. He said that these options were preliminary because the Council doesn't want to overregulate the Hawaii fisheries, particularly if no other country will be implementing similar regulations and that those countries play a larger role in the catch.

The AP asked Kingma if there is weather effects (El Nino, La Nina) on the catch and effort. They noticed that the striped marlins are around Hawaii longer when the water is cold. They also asked if low numbers show less fish out there or that the fishery is more opportunistic. Kingma responded that there has been a real decline, but the data also shows that there has been recruitment as well. He noted that there have been studies considered by the Council that may help with the bycatch of striped marlin in the longline fishery without affecting the bigeye tuna catch. The AP was concerned with fluctuating catch and what role that the sea surface temperature and other environmental conditions play in the fishery.

B. Insular Fisheries

i. Update on Hawaii Bottomfish Fishery

DeMello provided an update on the Hawaii bottomfish fishery with the current status of the fishery as of June 7, 2013. He also noted that the studies on life history and the Bottomfish Restricted Fishing Areas are to be presented at the SSC and Council.

The AP noted that the weather was very good for bottomfishing in 2013, contributing to the good catches of bottomfish. The AP also discussed the use of looking at pre-1998 catch in the stock assessment and perhaps looking at time series of the catch island by island to see what effect the BRFAs may have played in increasing or decreasing the catch by each island.

The AP had a discussion about the BRFAs and the presentation by Dr. Jeff Drazen to fishermen at the DLNR. The AP members noted that the State of Hawaii doesn't appear to be moving towards removing the BRFAs with the fear that the ACL development process isn't sufficient to replace the BRFA's effects. The AP members, however, continued to urge that the BRFAs should be removed as the science being done through life history and other work with NMFS is more inclusive than the Botcam research (due to providing sex, age, growth, etc) and that the data is currently being processed and will be available soon. The AP discussed the need to have Federal and local management measures for the fishery to be aligned.

There was also a discussion on the need to have the SSC review the BRFAs and the science behind the evaluation. The AP proposed to make a recommendation to the SSC, but Council staff advised that the AP can only make recommendations to the Council. The AP decided to make the recommendation to the Council for the SSC to take a closer look at the BRFAs.

ii. Recommendations for 2014 Annual Catch Limits

Marlowe Sabater, Council staff, provided an update on the ACLs and noted that bottomfish and precious coral ACLs will be proposed to stay at the same levels because no new information has been provided, but the Council is looking at a different ACL for the coral reef fish. He provided the AP information on how the ACLs are currently developed and what information is being used to calculate the ACL then provided a novel new method for calculating ACLs for coral reef fish.

He noted that the first approach to coral reef ACLs was to take the 75th percentile of the catch and set the ACL at that level. Some of the years in the time series are above the ACL level and there is an increasing trend in catch for some species. Now, the Council is looking at a model-based approach to designate ACLs instead of taking a percentage of the time series. Sabater explained the different models reviewed by the SSC and the model that the Council chose to use. The models provide a method for an ACL to be set on a modeled MSY and generate more accurate ACLs. He noted that some ACLs were exceeded in each of the island areas which forces the Council to implement its Accountability Measures (AMs). He noted that in Hawaii, the non-deep 7 bottomfish ACL was exceeded, mainly because of the landings of uku, as well as some of the coral reef fishes caught in the spearfishing fishery, including parrotfish and surgeonfish. The AMs in this case would require the ACL to be reduced for the next year. The Council needs to justify why a zero ACL is not warranted. The civil penalties instituted by the State of Hawaii may have played a role with increased reports of catch (and thus the lower reports that the ACL is based upon).

Sabater solicited advice on justification for the overages and if there are other species that would benefit from a species ACL. Updated data sets (due to truncated and expanded time series) would result in larger ACLs, except for a couple of species in which there would be lower ACLs. The AP was concerned with the non-deep 7 bottomfish overage and discussed removing uku from this ACL and creating a separate ACL for uku. However, the AP said that the high catches of uku may be a cyclical event and that the high catch isn't equal across the whole archipelago and more in concentrated spots. The AP also noted that the requirement for other permits (MRIP Registry and NMFS non-commercial bottomfish permit) may have caused the increase in the number of licenses reporting in 2011, but doesn't explain the decline in 2012. The number of licenses needs to be verified. The overages on the ACLs may be better explained by multi-year fluctuations in the fishery, and the AP recommended looking at the current year catch as compared to a multi-year average instead of just the ACL.

The AP asked when the next Bottomfish stock assessment is to be done. Sabater stated that it should be next year. The AP was concerned with whether or not the recreational fishery information would be updated in the stock assessment. There were concerns that there was high-

grading in the recreational fishery and that recreational fishing is captured under the CML because of fishermen wanting to avoid the bag limits. Watamura provided information on a survey being conducted amongst the Waialua Boat Club (to be expanded to other boat clubs in the future) of non-commercial members to capture their catch and effort data (as well as fish flow information). They hope to have participation from all clubs to get a good idea of what the actual non-commercial universe may be.

C. Update on Protected Species Issues

Asuka Ishizaki, Council Protected Species Coordinator, provided an update on protected species issues, including information on the petitions to list species under the Endangered Species Act (ESA) and the 2013 List of Fisheries. She noted that the Green Sea Turtle is being reviewed as a worldwide stock in response to the petition to delist the Hawaii population and that process will go beyond this year. She also noted that the Hawaii Fishermen's Alliance for Conservation and Tradition (HFACT) petitioned to delist the humpback whale from the ESA and the 90-day finding period is underway. With the list of fisheries, the concern is the fishing conducted in concert with pan-tropical spotted dolphins. Ishizaki said that for now, the listing is okay, but there are concerns with ongoing research to breakdown the stocks into island associated groups which may cause the Hawaii troll/charter fishery to be elevated to Category II or higher.

She also provided additional information on protected species actions, including a petition to list the scalloped hammerhead shark, bumphead parrotfish, and humphead wrasse. She also spent some time discussing the listing of false killer whales under ESA and the development of a take reduction plan for the Hawaii longline fishery under the Marine Mammal Protection Act.

There was discussion amongst the AP regarding the different ESA listings. The AP was still concerned with the potential listing of the 66 coral species, particularly the three located in Hawaii.

D. Fishery Community Engagement

i. Hawaii High School Summer Course

DeMello presented the agenda of the High School Summer Course that the Council is sponsoring to provide the AP with an idea of the Council's capacity building initiatives. He explained that this is part of the Council's efforts to get more locals into marine sciences, fishery science and management across the region.

ii. Engagement with Communities

a. Community FADs

DeMello presented on the Community FAD project being conducted by the Council.

The AP discussed concerns with FADs delaying seasonal fishing runs and perhaps holding the fish offshore. Many thought that may be something that may need to be investigated. The FADs may also have changed the fishing for yellowfin and caused the increase in the catch of small yellowfin.

b. Aha Moku and Community Monitoring Projects

DeMello provided a brief report on the Aha Moku projects going on with the Council. The Council is supporting the development of each of the island Aha Moku Councils by providing assistance where requested. Outside of the Council's Ola Ke Aha Moku project assists communities in meeting and organizing for engaging the community. The Council is assisting the Mokauea Fishermen's Association to determine the level of ecosystem monitoring possible and assist in the Association's activities to teach school children and organizations about Mokauea Island. The Council is also working with Naaikane O Maui to implement strategic planning for their organization in support of Maui's Aha Moku system. In both cases, the Council also supported ecosystem monitoring training with technical assistance from Hawaii Pacific University and NMFS PIFSC water quality monitoring training.

5. Hawaii AP issues

Gaddis brought up the yellowfin tuna minimum size issue. He noted that the Chapter 91 rule-making process is so burdensome that it would delay the process. He also noted that the Governor instituted a Temporary Administrative Rule for solar panel tax credits, so maybe there should be one for the yellowfin tuna minimum size. The AP discussed the necessity of discussing the rule and decided to ask the Council to look at instituting a Federal minimum size since the majority of the fish is caught in Federal waters.

Beals provided some background on his work to get greater regulation of carbon monoxide tuna. While it is law to mandate that the fish has to be labeled that it has been treated, the labels should also include dates for when the fish was caught or a sold by date. This will help consumers make an informed decision and avoid any potential harm from consuming old fish. The AP was in agreement and said that any labeling or seafood certification should also include "Hawaii caught" as it provides an economic incentive for Hawaii as well.

Nakagawa was concerned with the BRFA review and evaluation not looking at the BRFAs around Maui, particularly the Hana BRFA which could provide much needed benefits to the Hana community. He was also concerned with the comparison between the inside and outside of the BRFA because the habitats have to be comparable inside and outside. The randomization of the Botcam drops makes it almost impossible to compare the two sites equally.

6. Other Business

No other business

7. Public Comment

Roy Morioka provided public comment asking the AP to request the Council to review the BRFA evaluation and the science behind it. He noted that the SSC has the expertise to review the science and the Council has the ability to review the science through its WPSAR process.

8. Discussion and AP Recommendations to Council

In regards to the AP roles and responsibilities, the AP:

1. Recommended the Advisory Panels be reviewed annually to determine the AP's effectiveness, membership interest, and possible changes to responsibilities and members as necessary. Any changes in membership should look at diversifying the AP to be representative of each of the island areas as well as the different aspects of the fishery (to include fish buyers, fish marketers, tackle dealers, etc.).
2. Recommended the Council assist the Hawaii AP with scheduling more frequent meetings and helping to organize possible conference calls on a scheduled basis.

In regards to pelagics, the AP:

3. Recommended the Council request NMFS to look at the fluctuating catch of striped marlin and the potential effects of changing environmental conditions on the Hawaii troll fishery.
4. Recommended the Council look at developing a minimum size for yellowfin tuna in Hawaii by looking at the appropriate minimum size based upon science and begin developing options for management. Furthermore, the Council should also look at putting any available scientific information (i.e. David Itano's work) through a peer-reviewed process such as WPSAR.

In regards to bottomfish, the AP:

5. Continued to recommend the Council remove the Federal portion of the BRFAs and follow up on its request with the State of Hawaii. The AP further requested the Council to establish and assert where Federal waters are within the Main Hawaiian Islands to provide clear guidance to fishermen on which rules they need to follow.
6. Recommended the Council utilize its WPSAR and SSC to review the science behind the BRFA evaluation.

7. Recommended the Council look at the catch and effort data from the bottomfish fishery, pre-and-post BRFA implementation (1998), and on an island by island basis, to determine if the BRFAs played a role in any potential increase or decrease in catch.

In regards to ACLs, the AP:

8. Recommended the Council, in its evaluation of the recent catch as compared to the ACL, be done on a multi-year average instead of a single year to better account for fluctuations in the fishery.
9. Recommended the Council look at the possibility of removing uku from the Non-deep 7 bottomfish ACL and establishing an uku ACL. The AP further recommended the Council continue to request the NMFS PIFSC to conduct a stock assessment on uku.
10. Recommended the Council evaluate the effectiveness of its Annual Catch Limits and determine its confidence in the ACL process to address any concerns from the State of Hawaii.

In regards to seafood labeling, the AP:

11. Recommended any seafood labeling or certification include “Hawaii caught” instead of product of Hawaii. The AP further recommended that all carbon monoxide treated tuna be labeled with dates for when fish was caught and/or a sell buy date.

In regards to FADs, the AP:

12. Recommended the Council request NMFS to conduct research on FAD effects on migratory fish and possible disruption in seasonal migration.