



Report of the Hawaii Archipelago FEP Advisory Panel Meeting

March 10, 2016

Council Office, Honolulu, HI

And by Teleconference

1. Welcome and Introductions

Gary Beals, Hawaii Advisory Panel (AP) Chair, opened the meeting at 9:00 a.m. and welcomed the AP members. AP members in attendance were: Ed Watamura, Clay Tam, Dan Roudebush, Nathan Abe, Geof Walker, and Lyn McNutt.

Also in attendance was Joshua DeMello, Charles Kaaiai, and Rebecca Walker (Council Staff).

AP members Basil Oshiro, Breland Tam, and Layne Nakagawa were excused.

2. Outstanding Council Action Items

DeMello reviewed the recommendations from the last AP meeting and 164th Council Meeting. He noted that the AP's bottomfish recommendations were taken up by the Council and that the data improvements are being looked at through fishermen workshop. DeMello also explained that the AP's concern regarding Monk Seal haul outs on boat ramps was presented in the Council's latest newsletter. The Council, he said, is continuing to work on the Bottomfish Restricted Fishing Areas (BRFAs) with the State and noted that the AP was interested in determining biomass numbers in the BRFAs for inclusion in the stock assessment.

3. Council Issues

A. Council Program Review

DeMello presented on the Council's Program and the activities done in 2015. He noted that activities to support these priority initiatives were achieved in each of the Council's five program areas: 1) Pelagic Fisheries Program, 2) Island Fisheries Program (formerly, Insular Fisheries Program), 3) Ecosystem Program (which includes the former Protected Species Program as well as a focus on Human Dimensions), 4) Fishing Community Program (which includes the former Indigenous Program area) and 5) Education and Outreach Program. The Council's annual work targeted five priority areas: 1) Conduct reviews of Fishery Ecosystem Plans (FEPs); 2) Integrate ecosystem information into the FEPs; 3) Support monitoring, data collection and research programs; 4) Support capacity building and fishery development; and 5) Support US fisheries on the international level related to highly migratory species management, trade and compliance. He noted that 2016 will follow the same programs.

There were no comments

B. Overview of Eastern Pacific Swordfish

DeMello presented that on June 18, 2015, the National Marine Fisheries Service (NMFS) determined that the Eastern Pacific swordfish stock in the Eastern Pacific Ocean (EPO) is subject to overfishing. NMFS based this decision on a 2014 stock assessment that used data up to 2012. The Western Pacific Council was informed that it must take appropriate action to address

overfishing of this stock pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) Section 304(i).

He said Section 304(i) of the Magnuson-Stevens Fishery Conservation and Management Act applies because the overfishing of North Pacific swordfish in the EPO is due largely to excessive international fishing pressure and the IATTC and WCPFC have inadequate measures in place to correct the problem. Therefore, the Council is required within one year to develop recommendations for domestic regulations to address the relative impact of the domestic fishing fleet on the stock, and develop recommendations to the Secretary of State and Congress for international actions to end overfishing of EPO stock of swordfish.

He noted that based on the stock boundary shown in the stock assessment that the Hawaii swordfish fleet fishes exclusively on the WCNPO stock and that any EPO swordfish caught by Hawaii longline vessels are incidentally caught by the tuna targeting deep-set bigeye fishery. Catch data from the Pacific Islands Fisheries Science Center shows that this incidental EPO swordfish catch amounts to between 0 and 4 mt from 2004 to 2014, with an average of 2 mt. So, Hawaii's contribution to the catch in 2012 represents 0.04 % of the total fishing mortality.

DeMello presented the options that the Council will be looking at to end overfishing. On the domestic fishery, the Council will consider the following options:

1. Continue to monitor the incidental catch of EPO swordfish by the Hawaii deep set longline fishery and for NMFS to report this catch annually to the Council.
2. Prohibit the retention of EPO swordfish caught incidentally by the Hawaii deep set longline fishery and continue to monitor catches for compliance.

In the international fishery, the Council will consider the option of:

1. Recommend that the US Delegation to the IATTC put forward a recommendation that the IATTC take action to limit catches of the EPO swordfish stock to no greater than 5,490 mt annually, which is the estimated MSY for the stock.

The AP discussed the options being presented to the Council and favored the first option to report and monitor the catch since there is very little caught in Hawaii's fishery. ***The Hawaii AP agreed that the Hawaii fishery isn't a problem and recommended option 1.***

C. FEP Review Modifications

DeMello reviewed the history behind the FEP review, noting that the AP did participate in the review meetings a couple of years ago and that the changes were presented to them at its last meeting. He explained that at the Council Meeting, the Council will look at revised management policy goals and objectives as well as formatting and other non-regulatory modifications. Since the Council last took action in 2015, these goals and objectives have changed so the Council will need to approve them before it is submitted to the Secretary of Commerce for approval.

He noted that the Council will consider potential management actions at its 165th Council Meeting in March 2016. These may include accepting certain minor revisions to the management objectives that were put before the Council at its 164th meeting. There is also potential for directing that the new plans be transmitted for Secretarial review prior to the 166th meeting (June 2016).

The AP reviewed the modifications to the goals and objectives and had no objection to the modifications. AP members were concerned with making sure that science and community were included in the goals and objectives of the FEP. Council staff agreed and said that it is included.

4. Hawaii Archipelago FEP Community Activities

DeMello noted that since the last AP meeting, there have not been many community activities in Hawaii being worked on by the Council and that much of the attention has been put towards the Marianas because Hawaii has many more groups working in the community already. He did say that the Council is involved with the Promise to Paeaina commitment that is working with the Polynesian Voyaging Society to make Hawaii's oceans a better place before the *Hōkūle'a* returns from its worldwide voyage. He explained the Council's involvement in this effort as well as the potential involvement of the Council in the IUCN World Conservation Congress in September, noting that the Council is a member of IUCN.

Kaaiiai noted that the Council continues to be involved with the Aha Moku system and that much of the work being done is aimed at promoting the system and setting up the Councils on the islands.

McNutt noted that there is lots of legislation being jammed through the legislature and there is a concern about that, especially about mandates to have a set number of community-based sustainable fishing areas by 2020, without having a nomination process. Watamura noted that HFACT has also been making public comments regarding these issues as well.

5. Hawaii FEP AP Issues

A. Report of the Subpanels

i. Island Fisheries Subpanel

a. DOCARE Issues

Beals noted that the intent of this agenda item was to have DOCARE provide a presentation and answer questions during this meeting. However, after initial agreement, DOCARE pulled out of the meeting, referring the AP to the Chief of DOCARE and DLNR Chair to answer any questions. He noted that he will be contacting both for an explanation on why DOCARE pulled out of the call.

The AP members said that it is a shame because the DOCARE could have answered the questions that they had, but that won't happen now. McNutt commented that the fishermen brought it up that DOCARE has become adversarial and this only perpetuates that feeling and reinforces the perception that DOCARE has changed to be more confrontational. Kaaiiai noted that DAR is another venue to request information as well, but the AP's concerns are more about the conduct of DOCARE rather than the results of DOCARE.

b. North Kona Fishing Ban

Beals provided a quick synopsis of the issue of a north Kona fishing ban at Kaupulehu. He noted that there is a proposal to have a 10-year fishing ban in the area while a management plan is developed. He noted that, in general, that the closure is needed because of the decline in fish stocks and its cause is overfishing. Beals was concerned that the other factors for the decline was not addressed, such as development and tourism.

The AP members were concerned with the science used in the area and that there were other motives for the closure. They were also concerned that the closure was too long and the proposed expansion would affect bottomfishing as well. Concerns were also noted regarding the ability to enforce the closure in that area, possible expansion to including bottomfish habitat, and the special interests supporting the initiative.

Watamura noted that the Integrated Environmental Assessments being done on the Kona coast should include potential closed areas immediately. He noted that the coordination between all the parties and the Federal scientists to ensure that closures is science-based. McNutt was concerned that there was no guidelines and that the Federal government goes through a stricter process of consider socio-economics and science. Roudebush was concerned with the expansion from 60 ft. to 600 ft., which may go beyond 3 miles, which would make it a Federal issue. Tam explained that part of the issue is that who supports the closure in the community, particularly those that provide funds to hold these meetings. He also noted that the expansion to 600 feet brings into Essential Fish Habitat for bottomfish and the Council should comment on that, particularly closure for research on bottomfish and obtaining permits. Abe noted that the discussions on the closure have stated that bottomfishing would be allowed. Roudebush said that the AP should take into account the position of the supporters and see where the weakness in the arguments and address those first. Walker noted that the 600 ft. contour does extend to Federal waters, according to GIS maps. Abe noted that the effects of the terrestrial habitat on the reef are missing and that these may have a bigger impact on the decline of fish stocks than overfishing alone.

AP members noted that the issues to address is the precedent it would set for closures; effects on bottomfish fishery; and the lack of information in regards to other effects (land development) and socio-economic impacts.

The AP recommended the Council to look at the closure impacts on the bottomfish fishery and habitat to make sure that there is minimal impacts. The AP also discussed whether or not the Council should take a position on community-based management and the need for science-based decisions as it may provide a precedent, but no recommendation was made.

ii. Pelagic Fisheries Subpanel

a. Proposed Expansion of the Papahānaumokuākea Marine National Monument

The AP noted that the proposed expansion to 200 miles would encompass the pelagic fishery in the northwestern Hawaiian Islands. McNutt noted that in the DLNR's rejection of the proposed expansion of the Hawaii Humpback Whale National Marine Sanctuary, they were concerned with the loss of revenue from fees and fines that would go to the Federal government instead of State government. She noted that this should also be a concern for this expansion as well. Abe noted that the proposed expansion would affect the Hawaii longline fishery so the Council will need to be involved and should be concerned.

The AP was against any proposed expansion and requested the Council take a look at the impacts to all of Hawaii's fisheries.

b. Hawaii longline fishery bigeye tuna quota

The AP was concerned with the low quota that the Hawaii longline fishery receives under the WCPFC and would like to see it increased. Watamura noted that a regional approach needs to be taken to address these concerns. Tam noted that PIFG is working on tagging tuna and would like to get greater support and funding so that some of the regional stock questions can be addressed. Abe noted that we need to get the science so that we can increase the quota.

The AP agreed and recommended the Council request the WCPFC provide for more of a regional approach to assessments and quotas. Further, the AP recommended the Council support further pelagic fishery research, including satellite tagging, to support this regional approach.

iii. Ecosystems and Habitat Subpanel

a. Wind energy projects

Walker provided a quick summary on the proposed project. She noted that it was a big area that is being proposed.

Beals asked if there were costs available for the costs to produce energy, as the building and maintenance must be high. Walker said these were not addressed in the document but could be asked of the applicant.

Some of the concerns from the fishermen reported by the AP were the aggregating of fish by the structure and not having access to these fish. It was also noted that there were concerns regarding attracting seabirds to the area as well that may die from the blades. Walker noted that the application for the lease says that they intend for the areas between the turbines are accessible and that they take into account seabirds as well. Watamura noted that the issue of the ahi migratory patterns was brought up with the group so they are aware.

The Hawaii AP recommended the Council work with any wind energy farm to ensure access to fishing grounds is not restricted and/or fishing is allowed around/near these wind energy structures and provide comments on fishing during the environmental assessment process.

iv. Indigenous Fishing Rights Subpanel

There were no indigenous fishing rights issues brought up.

B. Other (New) Issues

McNutt brought up a couple of issues from the Kauai fishermen. The first was reducing bycatch of certain species by creating new markets for these fish. These include cateye sharks, kahala, and dogfish that could be used for other products. The second was to correlate data between weather conditions and fish catch. These seem to affect fishing dramatically and are affecting more than individual islands. The third issue was determining the importance of fresh water for juvenile bottomfish and the travel of bottomfish. There needs to be more tagging of juvenile Opakapaka to determine where they go. Many of the concerns in Kauai are tied to the proposed monument expansion and the movement towards community-based management, and that a

large issue that fishermen want to see is getting information on non-fishing impacts to fishery resources.

Roudebush noted that there were concerns regarding the lost FADs and what the plans are for replacing them. He noted that the short distance for fishing is popular for economic reasons to fishermen.

Watamura noted the legislation moving through the Hawaii legislature and noted that a big issue is a bill to require boaters to have prop guards. This is a concern because prop guards can be useful for outboards, but there would be problems still with inboard engines. McNutt noted that there is concern regarding the legislation requiring additional community-based subsistence fishing areas, as requiring additional areas is rushing the process.

6. Public Comment

There was no public comment.

7. Discussion and Recommendations

The Hawaii AP made the following recommendations to the Council:

- *Regarding EPO Swordfish*

The Hawaii AP agreed that the Hawaii fishery isn't the problem in the fishery and recommended option 1 Continue to monitor the incidental catch of EPO swordfish by the Hawaii deep set longline fishery and for NMFS to report this catch annually to the Council.

- *Regarding FEP Modifications*

The Hawaii AP reviewed the modifications to the FEP and had no objection to the proposed modifications.

- *Regarding Island Fisheries:*

The Hawaii AP recommended the Council determine the impacts of a proposed closure at Kaupulehu, Hawaii on the Hawaii bottomfish fishery, as the proposal extends out to Federal waters at the 600 ft. (100 fm) contour and send the findings to the State of Hawaii.

Recommend the Council request NMFS PIFSC to prioritize Kaupulehu in the Kona Integrated Ecosystem Assessment to determine non-fishing impacts in this area.

- *Regarding Pelagic Fisheries:*

The Hawaii AP recommended the Council request the WCPFC provide for more of a regional approach to assessments and quotas. Further, the AP recommended the Council support further pelagic fishery research, including, but not limited to, active satellite tagging, to support this regional approach.

The Hawaii AP did not agree with any proposed expansion of the PMNM and requested the Council look at the impacts of the closed area.

- *Regarding Ecosystems and Habitat:*

The Hawaii AP recommended the Council work with any wind energy farm to ensure access to fishing grounds is not restricted and/or fishing is allowed around/near these wind energy structures and provide comments on fishing impacts during the environmental review process.

8. Other Business

The AP agreed to look at some of the other issues in future discussions and for consideration for recommendations at the next AP meeting.

Beads closed the meeting at 11:00 a.m.