

## **Timeline of Management Actions related to the MHI BRFA's**

### **June 2017**

- 1998, State implements 19 BRFA's for onaga, ehū, opakapaka, gindai, lehi, kalekale, hapuupuu (deep-7) in the MHI; 5 year review required; mandatory vessel registry for bottomfishing.
- 2005, Council received letter from the Secretary of Commerce regarding overfishing occurring in the MHI deep-7 fishery.
- 2006, Congress reauthorize MSA to mandate Annual Catch Limits (ACLs) for all federal fisheries.
- 2007, State, NMFS and Council establish coordinated bottomfish management regime using annual quotas from NMFS stock assessments and near real-time monitoring removing the need for spatial management (BRFA's).
- 2007, State revise BRFA's replacing 19 with 13 larger closures.
- 2007, State contracts Dr. Drazen, UH, to assess efficacy of BRFA's using BotCam (5-year study).
- 2011, MHI Deep-7 fishery meets Congressional mandate to manage through ACLs and has evolved into a model of cooperation and coordination between the State DAR, NMFS and Council. ACL based on new NMFS stock assessment. BRFA's cannot be factored into the NMFS stock assessments.
- Persistence of BRFA's plague management efforts.
- 2012, Dr. Drazen report preliminary results at the SSC and Council meetings. Serious concerns are raised regarding flaws in the study design and protocols used in the sampling. Findings by the SSC, endorsed by Council:
  - Initial results indicate no measurable statistical difference in abundance within the BRFA and adjacent areas.
  - To determine if there are significant effects bottomfish size and abundance, additional 10 years of study is needed.
  - Status of bottomfish stock is healthy (not overfished nor experiencing overfishing occurring). BRFA's were initially implemented to address these concerns;
  - Fishery operates under ACL, based on a peer reviewed stock assessment, directly controlling fishing mortality removing need for BRFA's;

- No baseline assessment prior to 1998 BRFA's, nor prior to revised 2007 BRFA's. Therefore the BRFA's cannot be assessed as to their performance.
  - BRFA's are not factored into the peer reviewed stock assessment. Final report from Drazen has not been presented to the SSC or Council.
  - Fishery now has near-real time monitoring through permit and trip reporting; and
  - No evidence to suggest fishing mortality has been reduced through BRFA's. DOCARE has not been able to adequately monitor or enforce compliance of the BRFA closures.
- 2012 (June), the Council, at its 154<sup>th</sup> meeting, requests the State remove the BRFA's located in Federal EEZ waters. Also suggest DAR work with PIFSC to develop new research plan to assess efficacy of BRFA's.
  - 2013 (June), Dr. Dana Sackett (UH) reports at the 113<sup>th</sup> SSC the results from botcam study for Dr. Jeff Drazen (UH) contracted by the State of Hawaii. The SSC recommends that Council staff develop a process for future treatment of the BRFA's including eliminating some or all of the BRFA's, and developing a monitoring program.
  - 2013 (June) , the Council, at its 157<sup>th</sup> meeting, directed staff to work with the NMFS, State of Hawaii and other institutions to form a working group to:
    - Develop a coordinated research and monitoring plan for the MHI bottomfish fishery;
    - Consider future treatment of the BRFA's, including potential assessment strategies if restructuring or eliminating some of the BRFA's;
    - Prepare a report based on the working group findings for State and Council consideration by September 2013;
    - Include representatives from the MHI bottomfish fishery in this process.
  - 2013 (October), the SSC at its 114<sup>th</sup> meeting heard the recommendations from the working group to remove part or all of the BRFA's based on the status of the fishery, improvement to monitoring, ongoing research and coordinated state/federal management. The SSC recommended that all BRFA's be eliminated in federal waters and encouraged the State to consider removing all BRFA's in State waters as well, because their management utility has been superseded by mandatory catch limits.
  - 2013 (October), the Council at its 158<sup>th</sup> meeting, recommended the BRFA's in Federal waters be removed by the State. They also recommended reconvening the working group to develop a proposal and budget to fund research projects from working group mtgs.
  - 2014 (January), DLNR Chair, Bill Aila, releases plan to remove half of the BRFA's.
  - 2014 (March), the SSC at its 115<sup>th</sup> meeting reviewed recommendations made by the bottomfish working group regarding possible revisions of the BRFA management plan and possible research priorities for the MHI Bottomfish. It was suggested that the Council could simply open the BRFA's in federal waters to allow fishing. The Executive

Director noted that that option was under legal review and that a number of the National Standards could be utilized to justify the elimination of MHI BRFAs in federal waters.

The SSC reiterated the recommendation from the 114<sup>th</sup> SSC: "...the SSC recommends that all BRFAs be eliminated in federal waters and encourages the state to consider removing all BRFAs in state waters as well, because their management utility has been superseded by mandatory catch limits."

- 2014 (June), The Council at its 160<sup>th</sup> meeting requested NMFS evaluate the effects of the BRFAs, pre and post implementation, on the long term MHI bottomfish fishery CPUE in the stock assessment.
- 2014 (December), Alton Miyaska, DAR, and Council host state wide meetings on bottomfish management, including vetting the State's plan on BRFAs. Comments received overwhelmingly support removal of all BRFAs (Report available from HDAR).
- 2015 (December), HFACT, sends Case petition to remove the BRFAs. Petition Denied.
- 2017 (March), the Council at its 169<sup>th</sup> meeting directed staff to reconvene the bottomfish working group comprised of representatives from the SSC, State of Hawaii, PIFSC, University of Hawaii, and bottomfish fishermen to review available information and develop a study and a plan that would provide options for opening the BRFAs.
- 2017 (May), the bottomfish working group met to discuss options for rationalizing the removal of the BRFAs. Bruce Anderson suggested that the working group develop a proposal to evaluate existing data or develop a new research study to scientifically support the opening of the BRFAs.

Given the limited options on removing the BRFAs, the group suggested consideration be given to the following actions to move forward:

- 1) Evaluate existing fishery dependent data to see if the BRFAs have had effects on CPUE trends within the reporting grids nearest the BRFAs.
- 2) Consult NMFS and/or the SSC to see if another study can be designed that would evaluate the efficacy BRFAs.
- 3) Work with DAR staff to develop a proposal to present to the DLNR chair.
  - a. If a portion or all of the BRFAs are reopened, what research/data collection efforts should be done prior to opening? What research/data collection should be implemented after opening?
  - b. If BRFAs remain closed, what new research/data collection efforts should be done to assess the efficacy of the BRFAs? What modifications can be made to ongoing programs?