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COUNCIL

## **Report of the Hawaii Archipelago FEP Advisory Panel Meeting**

September 29, 2017

8:00 a.m. – 4:00 p.m.

Council Office

Honolulu, Hawaii

### **1. Welcome and Introductions**

Gary Beals, Hawaii Advisory Panel (AP) Chair, opened the meeting and asked for introductions. In attendance was: Gary Beals, Lyn McNutt, Clay Tam, Shyla Moon, Matt Yamamoto, Nathan Abe, Layne Nakagawa, Basil Oshiro, Gil Kualii, Geoff Walker,

Also in attendance was Joshua DeMello, Marlowe Sabater, Asuka Ishizaki, Mark Mitsuyasu and Charles Kaaiai (Council Staff); Kamealoha Smith and Teresa Nakama (CDPP AP); and Bryce Inouye (public)

### **2. Report on Council Action Items and Past AP Meeting**

Council staff reported on the past recommendations from the June AP meeting. He noted that the AP's recommendations were in reference to the Council's action items. While the AP recommended the Council select no action for commercial fishing and permitting and reporting for non-commercial fishing, the Council decided to defer action pending the President's review of the monuments. Regarding Kona crab Annual Catch Limits (ACL), the AP selected no ACL, but the Council selected an ACL of 3,500 lbs. Staff noted that the Council needed to choose an ACL and that no ACL would not have met the Magnuson Stevens Act requirements. He also noted that the Council did not take up the recommendation for including closed areas that can still be accessed for research and research be done on important food fish. Staff said that while the Council did not take up this recommendation, they continue to advocate for fishing and proper management of closed areas.

### **3. Council Issues**

#### **a. Ecosystem Component Species Designation**

Council staff presented on an issue the Council will deal with in October. He said the issue is that there are thousands of species in the fishery ecosystem plans (FEPs) and each species requires numerous calculations (for things such as MSY, OY, OFL, ACL, SDC, etc.). All of these species also require stock assessments and there are only three stock assessments that have currently been completed. He said that the current ACLs are ineffective because the catch of these species are mainly in state waters. Staff said that they want to correct the situation where the Council can actually manage these species under the ACL management program.

Council staff reported that the National Standard guidelines explain that species that are overfished (or in an overfishing situation), are caught in the federal waters, etc., those are the species that should be recommended for conservation and management. He provided the factors to consider when deciding whether or not the species is in need of conservation and management. He said that a NMFS contractor looked at the Hawaii catch and applied the factors and filtered out the species by those factors. The filtering result was that 26 species were left and

ranked the importance of the species by different factors to develop a prioritized list of species that are in need of conservation and management. He then presented options for reclassifying the management unit species as in need of federal conservation and management and species that are not in need of federal conservation and management. He said that if the species are not in need of federal conservation and management, these species could be designated as Ecosystem Component species or that those species could be removed from the FEP.

An AP member asked if some of those species are needed to understand the ecosystem and what would happen if we didn't monitor those species. Staff responded that if it is included in an ecosystem component, the Council would continue to monitor and collect information. If it was removed, the monitoring would not occur. AP members had some concerns about the data being able to provide what needs monitoring and doesn't and additional concerns for monitoring fisheries in regards to climate change.

The AP agreed with classifying by the species by the National Standard factors and having a smaller list of species in need of conservation and management. They also discussed the option of parking the rest of the species on the side until we get enough information on those species and *recommended the Council choose Option 2 with an Ecosystem Component designation for those species not in need of federal conservation and management.*

The AP also discussed the next steps, thinking ahead, of what needs to be done for those species in need of management. *The AP would like the opportunity to prioritize those species at a future meeting.*

#### **b. Aquaculture Management in the Western Pacific Region**

Council staff presented on establishing a regional management program for aquaculture in the Western Pacific. The purpose of the action is to develop a program that ensures environmentally sound and economically sustainable aquaculture in federal waters. He noted that there is a draft environmental impact statement (EIS) that is being developed and that the options being presented are mirrored in the EIS. He reviewed the history of the action noting that the Council recommended permitting and reporting for aquaculture operations in the region in 2010, but a broader management approach was needed to determine the details of a permitting system. Staff reviewed the alternatives under consideration and noted that alternatives 2 and 3 are very similar but alternative 3 includes much stricter requirements.

The AP discussed the need of having aquaculture in Hawaii. They said that aquaculture operations could flood the market with additional fish or control the price. They also had concerns about escapes, competition with wild stocks, and potential pollution. Members noted that the current operations were using grant money and testing their ideas, then selling their operations. However, the AP did note that the existing facilities did provide benefits to fishermen as they work better than any of the fish aggregation devices.

The AP said that if no action was taken, there wouldn't be any way to manage aquaculture operations that may deploy a facility in federal waters. The AP also had questions about how the weight harvested or broodstock would be attributed to the current ACLs/quotas. If the weight is counted during harvest, it wouldn't be fair because for those holding pens as the fish would have

been fattened up and grown out before the harvest. The AP discussed the potential need for Aquaculture having its own ACLs. They were also concerned that the development of aquaculture zones would restrict fishing and was against having any fishing areas restricted. In the end, the AP *agreed that aquaculture, should it be allowed, needs to be managed and took an ala carte approach to choosing alternatives for each component.*

#### **c. Hawaii Coral Reef MUS 2018 ACL Specifications**

Council staff presented on the ACL specifications for coral reef species in 2018. He said there was a stock assessment for 27 species so the Council is looking at establishing ACLs for those 27 species for the fishing year 2018. He noted that the ACLs for coral reef fish were previously set by family. He presented options for the AP to consider on how to set the ACLs for these species that were established. These options included No Action, rolling over the existing scores, or setting a new ACL estimated through the catch data or the survey data.

The AP said that there shouldn't be ACLs for *taape, toau, and roi* as all of these species were introduced and have become a problem in Hawaii. There was a concern that if you provide ACLs by species like toau, roi and taape, and they hit the ACL, then the Council would have to close the fishery and the fishermen would never be able to get rid of those species. They also pondered what would happen if "overfishing" were to be declared on those species, suggesting that those species will never be able to be removed. They said that a cap on the harvest won't allow fishermen to get rid of the fish and *recommended that No ACL be set on these species.* The AP also *agreed that the ACLs should be set by family* since the Council is moving towards ecosystem components. Further, the AP *recommended the ACLs be set by Family Level because catch isn't reported on a species level and the concerns of identifying an ACL for specific species that might be overfishing/overfished and thus not eligible for ecosystem components.* The AP also *recommended providing the higher ACL between the survey and the catch.* The AP agreed that you cannot use a singular method and that the knowing what is happening in the fishery is really dependent on the family of those species.

#### **d. Gold Coral Moratorium Options**

Council staff presented on options for managing the gold coral fishery. He noted that the fishery is currently under a moratorium that is set to expire in 2018. He said that should the moratorium lapse, the Council would need to designate ACLs for the fishery, as it currently does not have one. He provided a background on the need for the moratorium and noted that no new research has been done since the last moratorium extension in 2013.

Staff presented options which included no action (let the moratorium expire), extend the moratorium another five years (providing time to develop a more comprehensive gold coral moratorium management strategy), or prohibit the take of gold coral (permanent closure of the fishery). He explained that to develop an ACL or prohibit the take of gold coral would take time and the moratorium would lapse in the meantime, potentially removing safeguards on the fishery. He did note that there is no current fishery but it would be opened to any new entrants.

There were some concerns from the AP why the Council allows for gold coral harvest if they are that long-lived. There was also some discussion about the recalculation of estimates and how it may reduce current quotas to a level that economic harvest would be unrealistic. *The AP agreed*

*to extend moratorium to provide time to do the calculations and estimate a possible ACL based on the updated information.*

**e. Annual Limits on Sea Turtle Interactions in the Hawaii-based Shallow-set Longline Fishery**

Council staff presented the options for limits on sea turtle caps on the Hawaii-based shallow-set longline fishery. She said there is an incidental take statement (ITS) in the biological opinion (BiOp) that sets a cap for how many turtles the fishery can interact with. The Council is going to look at whether they want to keep or modify the hard cap measures. They are redoing the BiOp so the ITS will change, and then the hard caps will change as a result. This is an opportunity for the Council to take a look at all of it again. She noted that the hard cap keeps it from exceeding the ITS and therefore no need for re-consultation under ESA Section 7.

Council staff reported that the Council will consider the following options: managing by existing hard cap; modify the annual limits; or remove hard cap. She said that if they modify the limits it could be changed to multi-year limits (consistent with the ITS which provides for the variability in the fishery year to year), it could keep the limit mechanism but not set an annual limit, or specify a new annual limit. Staff reviewed the pros and cons and said the Council may choose to select a preliminarily preferred alternative.

An AP member said it was a contentious BiOp at the start of this issue. Another member said that if you remove the caps people will say the Council isn't managing the fishery properly so it opens the Council up to more criticism. While the ITS doesn't mean the turtle is killed, a take is not just kill but all interactions, so if you remove it people will say the Council wants to go out and kill more turtles.

The AP discussed the need for the caps. Staff responded that it was put in place because we didn't know what the fishery would do when it was opened. She said that it was in the best interest of the turtle to keep our fishery open because we release sea turtles otherwise fish will be imported from fisheries that don't follow the same protective measures and catch more turtles. The AP noted that if the observers are still in place it would be okay to just remove the cap.

An AP member suggested that if the cap increases in the ITS, that means turtle population is increasing. Another said that if your population is increasing you will have more interactions thus the fishery will get shut down. The AP agreed that it would be better to remove the cap and keep the research to monitor how the population is doing. The AP also said that if the Council removes the hard cap, they would have to go through the whole process again to put it back in, so it would better be to keep the mechanism and not put any hard cap.

The AP chose to accept the new limits and agreed to the option that doesn't close down the fishery but does a new Section 7 consultation. Staff noted that this was in line with the deepset and American Samoa longline fisheries. *The AP recommended option 3, to remove the hard cap measure but keeping the mechanism so that the fishery stays open without closures.*

#### **4. HI FEP Community Activities**

Council staff noted that they are continuing to participate in different Hawaii community initiatives regarding fishing including Aha Moku, the Hōkūle‘a voyage and Promise to Pae ‘Āina, and the Governor’s initiative to have 30% of Hawaii effectively managed by 2030. He said updates will be provided to the AP as progress is made in these activities.

#### **5. HI FEP Advisory Panel Issues**

The Hawaii AP had concerns about the current court ruling on the aquarium permits in Hawaii and its effect on other fisheries. They were also concerned with the proposed commercial marine license (CML) price increases as everyone on the vessel, during a commercial trip, would be required to have a CML. They said that unless the vessel license provision is included with this proposal, everyone on board the vessel would need a higher-priced CML in order for them to sell fish.

The AP discussed the contribution of fish to the community being more than just an economic contribution. They provided examples of fish flow projects and agreed that they would like to see more studies like that which would provide a greater idea of the contribution of fishermen and fishing to the community beyond economics.

The AP also continued to push for opening the Bottomfish Restricted Fishing Areas (BRFAs) as they have done at previous meetings. They continue to wonder at the necessity of the BRFAs when there is an ACL based on a stock assessment that doesn’t take into consideration the effectiveness of the BRFAs.

The AP noted that they found the climate change training they received helpful and would like to see continued discussion on climate change and different element incorporation (, including traditional knowledge, moon phase, etc.) that is important to fishermen. As a priority, the AP could support projects that collect that information or having guidelines to validate Hawaiian science and bring that to the point where it could be incorporated into the management. They also said there is a weakness in teleconnection data in our region and the air currents and the effects of the mountains on the air may have some impact on climate and fisheries.

The AP also noted that there needs to be meaningful data and only fishermen can tell you what the fish are doing, so real cooperative research done by fishermen and not scientists. They said that fishermen have the memory and the only way to actually monitor the fisheries. The AP agreed that the fishermen are the eyes and ears of not just enforcement but also to the data and monitoring.

The AP also discussed potential changes to the Magnuson Stevens Act (MSA) and different wording used. They agreed that the word “depleted” was better than “overfished” because it doesn’t single out fishing as the only cause of the decline of a fish stock. They noted that habitat has been a major factor and fishermen were getting the blame. The AP encouraged the Council to promote the depleted term rather than overfished.

### **a. Other Issues**

Council staff provided information to the AP on the Saltonstall-Kennedy grant program and encouraged the members to apply. He indicated the preliminary proposal is only two pages long and is due on October 10. He further indicated the FY18 solicitation seeks proposals that fall into the following categories: Marine Aquaculture; Adapting to Environmental Changes; Promotion, Development, and Marketing; and Territorial Science. Council staff offered assistance to anyone who is interested in applying for the program.

Council staff also noted that the report by Secretary of the Department of Interior, Ryan Zinke, regarding the monument review was leaked and the Marianas Trench National Marine Monument was not included in the list of monuments to be reviewed. He said the leaked report indicated that Zinke would not be recommending any of the 27 monuments be eliminated but there will be some changes to some of them.

### **6. Public Comment**

There was no public comment

### **7. Discussion and Recommendations**

The Hawaii Advisory Panel made the following recommendations:

#### ***Regarding Ecosystem Component Species:***

- The Hawaii AP recommended the Council select Option 2 with an Ecosystem Component designation for those species not in need of federal conservation and management. The AP would also like the opportunity to prioritize those species at a future meeting.

#### ***Regarding Gold Coral Management:***

- The Hawaii AP recommended the Council select Option 2, extending the gold coral moratorium, to provide the Council with more time to develop an appropriate ACL and management strategy.

#### ***Regarding Sea Turtle Limits:***

- The Hawaii AP recommended the Council select Option 3, which would include no closures and no hard cap

#### ***Regarding Hawaii Fisheries:***

- The Hawaii AP recommended the Council support the use of “depleted” as a replacement for overfishing in potential changes to the MSA.
- The Hawaii AP recommended the Council support additional fish flow type of studies to determine the movement of fish within and outside of Hawaii.
- The Hawaii AP reiterated its recommendation to the Council work with the State of Hawaii to remove the Bottomfish Restricted Fishing Areas.

#### ***Regarding AP membership:***

- The Hawaii AP recommended the Council remove Tate Marks from the Hawaii AP and replace him with AP alternate Gil Kualii.

**Regarding Hawaii Coral Reef Species ACLs:**

- The Hawaii AP recommended the Council designate ACLs for the Hawaii coral reef species by family because catch isn't reported on a species level and the concerns of identifying an ACL for specific species that might be overfishing/overfished and thus not eligible for ecosystem components. The AP also recommended the Council not designate ACLs for those species identified as introduced and invasive in Hawaii. The AP further recommend ACLs based on either the catch or survey as follows:

<b>Family</b>	<b>Survey or Catch based ACL?</b>	<b>Rationale</b>
Acanthuridae (Surgeonfish)	Survey	Difference is too high between the survey and the catch
Carangidae (Jacks)	Catch	No survey available
CR Lutjanidae (Snappers)	No ACL	The species in this group (taape and toau) are an introduced/invasive species
ND7 Lutjanidae (Snappers)	Catch	Uku acts like a pelagic fish so it won't be picked up in surveys; many species in this family are found deeper
Mullidae (Goatfish)	Catch	Some of the species are found deeper and on sand bottom where surveys won't capture them
Scaridae (Parrotfish)	Survey	There is no catch data and it isn't reported by species
Serranidae (Grouper)	No ACL	The species (roi) is an introduced/invasive species
Holocentridae (Soldierfish)	2016 ACL	Catch data doesn't separate soldierfish by species and the survey is only done on one species.
Lethrinidae (Emperors)	Survey	Mu isn't a commercial species so it won't be reported in the CML database

**Regarding Aquaculture Management:**

- The Hawaii AP recommended the Council select, as its preliminary preferred alternative, the following:

<b>Aquaculture Program Component</b>	<b>Preferred Alternative</b>
Permitting	Alternative 3
Applications	Alternative 3
Permit Duration	Alternative 3
Allowable Systems	Alternative 2
Siting	Alternative 3
Allowable Species	Alternative 2
Record Keeping	Alternative 3
Framework Procedures	Alternative 2
Program Capacity	Alternative 3

## **8. Other Business**

Council staff talked about the remainder of the AP term, and encouraged the members to continue working on the issues they have identified as priorities. He also indicated that staff is working with the AP Chair to determine the needs and availability of resources to assist the AP in their work.