



Report of the Hawaii Archipelago FEP Advisory Panel Meeting

Thursday, September 20, 2018

9:00 a.m. – 11:00 a.m.

Council Office, Honolulu, Hawaii and by teleconference

1. Welcome and Introductions

Gary Beals, Hawaii Advisory Panel (AP) Chair, opened the meeting at 9:00 a.m. Hawaii AP members in attendance included: Matt Yamamoto, Clay Tam, Geoff Walker, Shyla Moon, Gil Kualii; Excused: Nathan Abe, Layne Nakagawa, Basil Oshiro

Also in attendance was Joshua DeMello (Council Staff), Brett Shumacher (NMFS PIRO)

2. Report on Previous Advisory Panel Recommendations

Council staff provided an update on the status of the Hawaii AP's recommendations from its last meeting in May 2018.

3. Council Issues

A. Precious Corals Essential Fish Habitat Refinement Options

Council staff provided a presentation on essential fish habitat (EFH) refinement options for precious corals. He said that the EFH for the Council's management unit species were designated after the Sustainable Fisheries Act in 1996 which reauthorized the Magnuson Stevens Act (MSA) and required EFH. The purpose of this action, which the Council will review at its 174th meeting, is to update the information in the Hawaii Fishery Ecosystem Plan (FEP) so the information isn't broad and based on the best information available on habitat characteristics. He presented options that the Council may consider for initial action which included updating the existing information in the FEP or not; Provide new EFH designations for shallow water black corals based on habitat and geographic extent or leave the existing designations; and for existing EFH, keep the same EFH designation, describe EFH as all hard substrate within the 200 to 600 m isobaths throughout the EEZ, update the current designation with the best available scientific information on the geographic extent of the bed, or update the current designations and add newly discovered beds to the EFH designation.

The AP discussed the issue and noted that the Hawaii Bottomfish Restricted Fishing Areas (BRFAs) used EFH as an argument to keep the BRFAs closed. One member said that EFH needs to be kept to where the species is and not where they could be. He said that the technology is there to go out and find where they are. Unless you do the research in the area, you don't know. He said that if an area was actual EFH, the species would be all over that habitat, but based on observations it's very specific. Another member said that just because it can grow there doesn't mean it will be there. They said there are specific grounds for every species and they are not universally distributed. Another member noted that everything is not equal, especially in the tropics, where there is no continental shelf.

The Hawaii AP had a broader discussion on EFH and what is essential, noting all the changes made to the environment. They asked if the EFH was part of looking at sustainable fisheries or conserving the environment. The AP asked if there are priorities to do more research and look

for more EFH.

The Advisory Panel agreed that it would be useful to update the FEP with new information and not broaden it based on habitat characteristics. The AP was more comfortable with updating the FEP with what is known, as updating with what is unknown could have unforeseen consequences.

B. Update on Aquaculture Management

Council staff said there is no update as the Draft Programmatic Environmental Impact Statement (DPEIS) is still under review and has yet to be published. He said they hoped it would be published prior to the 174th Council Meeting. He noted that the AP did make a previous recommendation on aquaculture at a previous meeting and agreed to provide the DPEIS to the AP when it is available for comments.

The AP asked if there is any interest in conducting aquaculture in the Western Pacific Region. Council staff replied that there has been interest in the past and many of those interested are waiting to see what the regulatory regime ends up looking like as it is a large investment. One AP members noted that fishermen like the aquaculture cages in state waters, as it acts like a giant Fish Aggregation Device (FAD).

C. Hawaii Longline Fishery Management

i. Mandatory Electronic Reporting

Council staff presented on the Council's potential action on developing a mandatory electronic reporting requirement for the Hawaii longline fishery. He noted that in 2007, the Council recommended, and NMFS implemented, an amendment to the pelagic regulations to allow the optional use of electronic reporting. There has been a slow uptake of vessels utilizing electronic reporting so since 2014, the Council has been working with NMFS Pacific Island Fisheries Science Center (PIFSC) to increase e-reporting. After years of trial and error, PIFSC now has tablets with approved software ready to be provided to the Hawaii longline fleet to utilize for electronic reporting. At its 174th meeting, he said, the Council will consider whether or not to amend its Pelagics FEP to make electronic reporting mandatory.

AP members asked if the fleet will still have to do the physical logbook? They asked what about if they lose electricity? They also wanted to know what the fine is for not doing it? An AP member noted that there is a \$2,000 fine for not turning in the logbook within 72 hours. One member was concerned that implementing something like this would cause the fishery to bear the costs of upgrading equipment and software. He said that it will be a large burden to some vessels. Another member noted that the Council should make sure that the long-term ideas are looked at because the software companies close, hardware goes out of date, etc. The Council, he said, also needs to think about enforcement and security to reduce any hacking potential. Another member noted that transmitting the location of the catch is sensitive for fishermen, while another noted that the Council should think about using this technology for the bottomfish fishery as well.

The AP said that if the Council makes it mandatory, there needs to be some type of backup system. They said that electronics can be fussy and if there is no backup, it shouldn't be

mandated.

ii. Managing Loggerhead and Leatherback Sea Turtle Interactions

Council staff reported that at its 173rd meeting, the Council recommended amending the Pelagic Fishery Ecosystem Plan (FEP) to establish a management framework for the Hawai'i shallow-set longline fishery that consists of 1) annual limits on the number North Pacific loggerhead and leatherback turtle interactions consistent with the anticipated level of annual interactions that is set forth in the current valid Biological Opinion (BiOp) and 2) individual trip interaction limits for loggerhead and leatherback turtles. The Council also recommended specifications under the framework as follows: 1) annual limit of 37 North Pacific loggerhead and 21 leatherback turtles; and 2) individual trip limit of 5 North Pacific loggerhead turtles. He said that its 174th meeting, the Council will review its specification recommendations from the 173rd Meeting for consistency with the draft BiOp that is expected to be published and may consider taking final action to revise its recommendations based on the best available information in the draft BiOp.

AP members asked what is considered an interaction? Another AP member responded that any disruption to the turtle is a take, but he thinks that it should only be when the turtle is killed. He noted that the pendulum has gone way too far in the one (wrong) direction on this issue. Another AP member asked about bringing back turtle watch? Council staff responded that NMFS is working on it. The AP member said that the fishermen should be working together as a fleet to identify known hot spots. AP members said that areas should be closed off if people are getting the individual limits. One member said that the fishery should be proactive and avoid the area and even have a map down at Pier 38 showing where the hotspots are. He said the technology is there to fish smarter, which benefits everyone. AP members agreed that mandatory e-reporting would be instant and NMFS would be able to get interactions with turtles so the map can be updated instantly.

Schumacher said that there is not too much you can do about what a “take” means as take is currently defined in the Endangered Species Act. He added that you need to get what the mortality rate is from the take because a take doesn't necessarily result in mortality. He said that information is provided in the Council's Annual Pelagic SAFE Report.

D. Annual Catch Limit Specifications

Council staff presented options for Annual Catch Limits (ACLs) for the non-deep 7 bottomfish, precious corals, deepwater shrimp, and Kona crab fisheries. He noted that because there is no new information on these fisheries, the options for ACL specifications are status quo (existing ACL) or no action (no ACL). He noted that for Kona Crab, a new assessment was recently completed so the ACL will only be for one year, whereas the other fisheries would be for three years. The ACLs under consideration include:

Management Unit Species	ABC Control Rule Tier	Risk of Overfishing	ACL (lbs)
Non-Deep 7 bottomfish	3	42 percent	124,205
Deep water shrimp	4	Not applicable	250,773
Black corals at Auau Channel	4	Not applicable	5,512
Pink corals at Makapuu Bed	4	Not applicable	2,205
Pink corals at 180 Fathom Bank	4	Not applicable	489
Pink corals at Brooks Bank	4	Not applicable	979

Pink corals at Kaena Point Bed	4	Not applicable	148
Pink corals at Keahole Bed	4	Not applicable	148
Bamboo corals at Makapuu Bed	4	Not applicable	551
Bamboo corals at 180 Fathom Bank	4	Not applicable	123
Bamboo corals at Brooks Bank	4	Not applicable	245
Bamboo corals at Kaena Point Bed	4	Not applicable	37
Bamboo corals at Keahole Bed	4	Not applicable	37
Precious corals in exploratory areas	NA	Not applicable	2,205
MHI Kona Crab	NA	Not applicable	3,500

The AP discussion mainly focused on Kona crab. They said that the commercial sale is almost non-existent. One member said that there used to be a live crab fishery but the current ACL precludes people from developing that again. He said we would hit the ACL if someone started up again. AP members noted that the regulations have impacted the fishery (male only, size, etc) and many fishermen feel it is not worth putting the effort into fishing for Kona crab anymore. One member said that as things change, it needs to be included in the consideration of the ACL. He also said that there needs to be monitoring of the rules, otherwise it is all for naught and we might be doing bad to the fishery.

The AP agreed that if there is no new data or research, the status quo is, unfortunately, all we have.

4. Hawaii FEP Community Activities

Council staff reported on the Council’s involvement with the Registry Permit License (RPL) study group and its attempts to collect feedback on non-commercial fishery licensing. He noted that the group held multiple focus group meetings on different islands attempting to solicit feedback on a potential fee-based license being considered by the State of Hawaii. He said that they didn’t get a good reception and due to that, the RPL study group is reconsidering its approach and have stopped holding meetings.

One AP member noted that the problem is that those were targeted meetings and it reminded them of other things like sanctuaries and BRFA’s where fishermen lost out. He said that having a more structured invite and explanation at the outset would have been better. He also said it wasn’t fair for the state to put the study group in front to take the lickings.

Another member said that the state is missing protocol and an actual fishery management plan which is a fundamental flaw in procedure in getting the word out. He said there needs to be more transparency and have a plan for what they are doing for the next 5-10-15-20-25 years. He said the state has no outreach and education abilities and when more systemic problems and issues accumulate, you get a bad track record. He noted that the outer island guys don’t have a relationship with DAR and that DAR isn’t familiar with the community. He said they need to be out there to know who they are and they need to engage because no trust building has been done.

Another member said to make sure that if you come to the outer islands, you have to make sure you have enough time for each person to say what they need to say. If you are looking for constructive criticism, provide something for people to fill out like paperwork, surveys, etc. There needs to be a way to collect input from those people who won’t speak out but might send

an email. She also said there should be different opportunities (a speaking booth, email on the form they take home, etc) to allow everyone to participate.

5. Hawaii FEP AP Issues

A. Report of the Subpanels

AP members reported that the Council needs to follow-up with the state on the small yellowfin and skipjack being caught using the damashi rig at the buoys early in the morning.

The AP members were also concerned with the state of the aquarium fishery in Hawaii due to the court decision. They said it is horrible and the state should have already had everything in place. They recommended the Council request a plan from the state on what it is going to do to get the aquarium fishery back in operation.

AP members discussed the petition to list cauliflower coral under the ESA. One member said the data they are using says that 36% of the coral disappeared in the last 10-20 years and that global warming, pollution, and runoff isn't being considered. He said that if they put it under ESA, is it just about Hawaii. Council staff responded that they will have to look wider than Hawaii at first to see if its endangered, but then will have to look at how Hawaii's population is compared to the global status.

6. Public Comment

There was no public comment.

7. Discussion and Recommendations

The Hawaii Advisory Panel made the following recommendations:

Regarding Precious Corals EFH Options:

- The Hawaii AP recommends the Council update the FEP with new information but does not recommend any changes to the existing EFH.

Regarding Mandatory Electronic Reporting:

- The Hawaii AP recommends the Council consider having a backup system should it mandate the use of electronic reporting.

Regarding Hawaii Annual Catch Limits:

- The Hawaii AP recommends the Council select the status quo alternative as there is no new information that would necessitate a change in ACLs.

Regarding Hawaii Fishery Issues:

- The Hawaii AP recommends the Council request the State of Hawaii develop a plan on how it will be reinstating the Hawaii aquarium fishery.

8. Other Business

There was no other business. The meeting ended at 10:40 a.m.