WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

Options for Managing the Small-boat Fisheries of Hawai‘i

August 26, 2020

Introduction and Background

Since its creation by Congress in 1976 under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Western Pacific Regional Fishery Management Council (Council) has had authority over the management of fisheries in the Western Pacific Region (i.e., Hawai‘i and other US Pacific Islands) seaward of state waters, i.e., beyond 3 miles from shore. The MSA requires management decisions to be based on the best scientific information available and to strive for optimum yield while protecting fishing communities, protected species, habitat and safety at sea.

At the 180th Council meeting in October 2019, the Council directed staff to evaluate the effectiveness of the Council's management measures for the Hawai‘i's small-boat pelagic fisheries (commercial and noncommercial) and to identify information gaps in the existing data collection programs needed for effective management of these fisheries. The Hawai‘i small-boat fisheries are defined as fishing from a vessel (regardless of size) using troll, handline or other gear for open-ocean management unit species (MUS) listed under the Hawai‘i Archipelago or Pacific Pelagic Fishery Ecosystem Plans (FEPs). These MUS include such species as tuna, billfish, mahimahi, ono (wahoo), uku (jobfish), and monchong (pomfret).

Public scoping sessions were held around the state in February 2020 to gather feedback from the community on small-boat fisheries. The public focused their comments on the benefits and downsides to being part of the federal management system but recognized the need for good data in order for management and enforcement.

At its 181st meeting, the Council heard a report of the scoping sessions and agreed with the need for data for all of its MUS that are caught. The Council then directed staff to explore options for providing mandatory federal permits and reporting requirements for the Hawaii small-boat fishery. The options presented include a range for the Council to consider at its 183rd Meeting.

Purpose and Need

The Western Pacific Region requires federal permits for the noncommercial bottomfish fishery and the commercial crustaceans (i.e., lobsters and deep-water shrimp), precious corals, certain coral reef ecosystem species and certain pelagic (i.e., longline) fisheries. Longline vessels are also required to carry vessel monitoring system and observers, to provide daily catch reports, attend protected species workshops, utilize specific gear and refrain from operating in several

large protected areas, including 50 miles from shore from both the main and Northwestern Hawaiian Islands.

Federal permits are not required by the small boat commercial and non-commercial pelagic fisheries, which also harvest MUS under the Hawai‘i Archipelago and Pacific Pelagic FEPs. The ability of the Council to monitor and manage these fisheries is compromised by the lack of available, reliable data.

The Hawai‘i small boat fisheries may harvest an equal or greater level of some of pelagic MUS in both numbers and/or weight as the Hawai‘i longline fishery. While some of that small-boat catch may be captured in the State of Hawai‘i’s commercial marine license (CML) reporting system, it is believed that the greater harvest is done by the non-commercial sector of the fishery. Data from the state of Hawaii’s Hawaii Marine Recreational Fishing Survey suggest that for some species, non-commercial catch may be greater than, or equal to, commercial catch. The reports from the CML also shows that a majority of the fishing by the small boat pelagic vessels is occurring in federal rather than state waters for most pelagic species and at least at equal levels for some other species such as uku.

Data is needed on these fisheries as national and international policies for highly migratory species and protected species may have a direct or indirect impact on them in the not so distant future. A new stock assessment for Eastern Pacific yellowfin tuna may show the stock to be less healthy than in the past and may require the United States to include management measures on the species. Climate change is expected to impact the location of species and possibly population structures for some pelagic species as well.

In order to be able to manage these fisheries to maximum sustainable yield now and into the future, there is a need to know the universe of fishermen and to know their corresponding catch and effort. This data can be used for stock assessments and management approaches that will keep the fisheries and its resources sustainable. The purpose of these options is to bring the Hawaii small-boat fisheries into the management fold by providing a permitting process with oversight to support and manage the Hawaii small-boat fisheries in the US EEZ around Hawaii.

Potential Management Options

The following options are being considered to meet the purpose and need. In each option, the requirement would be for those intending to fish, or the possession of catch or gear, in the EEZ.

1. No Action

The no action option would be the status quo, meaning that the small-boat fishery in Hawaii would continue to not be federally managed.

Expected Fishery Outcomes

The Hawaii small-boat fishery would continue to fish under existing federal and/or state permits and report catch and effort as required. The fishery would be managed utilizing existing data from commercial fisheries with potential quotas and management measures based on partial data. Effects of the fishery on the stock, protected species and habitat will continue to be known as it is currently. Conservation and management measures would pertain to MUS rather than the Hawaii small-boat fishery.

2. Mandatory Permit and Reporting

This option would require anyone fishing, intending to fish, or in the possession of fish or gear, in the EEZ to have a Federal permit and provide a logbook of its catch to NMFS. Those fisheries that are already required to have federal permits (longline, crustaceans, precious corals, coral reef ecosystem, and non-commercial bottomfish) would be exempt. Permit holders would submit reports on fishing catch and effort through paper logbooks or any NMFS-approved electronic reporting system for the Western Pacific region.

Expected Fishery Outcomes

Hawaii's small-boat fishery would see an increase in effectively managed fisheries through increased fishery-dependent data. Better data would lead to more accurate stock assessments potentially providing for more informed annual catch limits or other quotas. It is anticipated that greater information would provide for increased catch or avoiding closing the fishery, but this would be dependent upon the data that is provided. Permits and reporting would be required for the fishery operating within the EEZ, which in most cases would be new for fishery participants, and may increase burdens initially.

Sub-options include:

- **a.** ***All fisheries***. Any person fishing in the EEZ would require a federal fishing permit and to report their catch. Those species that require existing federal permits (crustaceans, precious corals, non-commercial MHI bottomfish, longline, etc.) would not be included.
- **b.** ***Non-commercial fisheries only***. Any person non-commercial fishing in the EEZ would require a federal permit and to report their catch. Non-commercial fishing is defined as all fishing that does not meet the MSA definition of commercial fishing (fishing in which the fish harvested, either in whole or in part, are intended to enter commerce through sale, barter or trade (MSA § 3(4)). Commercial fishing licenses would still be required by the State of Hawaii.
- **c.** ***Federal fisheries* only**. Any person fishing for any Federal Management Unit Species (MUS) listed in the FEPs would require a permit and to report their catch. Those species with existing federal permits (crustaceans, precious corals, non-commercial MHI bottomfish, longline, etc.) would not be included.

d. ***Pelagic MUS only***. Any person fishing for Pelagic Management Unit Species listed in the Pacific Pelagics Fishery Ecosystem Plan would require a federal permit and to report their catch.

3. Registry System

This option would require anyone fishing in the EEZ to be a part of a Hawaii EEZ fishing registry. Similar to the National Saltwater Angler Registry, this option would be for anyone fishing, or intending to fish, in the EEZ for commercial or non-commercial purposes and for any species. A reporting system could be included in this option.

Expected Fishery Outcomes

A registry system would require all participants in the Hawaii small-boat fishery to sign-up and provide a name, vessel identification, and contact information to be collected by the federal government. The fishery would operate similarly as in the no action option but may be subject to increased or focused survey and data collection activities.

4. Pilot Permitting System

This option would develop a pilot permit and reporting system for one area in Hawaii for those fishing in the EEZ commercially and non-commercially for any species. The pilot system would be reviewed for future expansion to all areas.

Expected Fishery Outcomes

A pilot permitting system would require some of the Hawaii small-boat fishery participants to apply for and receive a federal permit and provide data through a reporting system. These participants would be only those that utilize a specific area. Outside of this area, the fishery would operate as if under the no action option.

Analysis of the Options

The proposed action is administrative in nature and looks at implementing a permitting and reporting option for the purpose of collecting data from existing fisheries. In general, these options, compared to the no action, will provide positive impacts by providing increased information on such things as protected species interactions, catch and effort on target/non-target species, and habitats used by the fisheries. The more accurate information collected the more effective management measures can be developed, especially with a known universe of fishermen that the options provide. Enforcement would also benefit by having a permitted universe of fishermen for tracking and enforcement of fishing regulations.

Much of the negative impacts resulting from these options, as compared to the no action option, fall mainly on the fishermen. Hawaii fishermen, particularly those non-commercial fishermen, are not required to have permits to fish in the EEZ or in the habit of recording and providing

fishing information. A burden will be placed on these fishermen to either fill out federal permit applications or sign-up on a registry as well as to fill out and submit federal logbooks or electronic catch reports. Specific positive and negative impacts as compared to no action are described below. A summary is provided in Table 1.

Option 1: No Action

Impacts of the no action option would be negative as the lack of permitting and reporting measures would hinder obtaining the information needed for effective management. Gaps in data for federally managed species will continue to exist and the potential for gar greater impacts to the fishery due to quotas, international management, and protected species interactions could not be addressed effectively.

Option 2: Mandatory Federal Permitting and Reporting

Compared to no action, the development of a mandatory federal permitting and reporting system would be expected to have positive impacts to the federal fisheries in the Western Pacific region because it should help track catch and effort and assist in the enforcement of regulations and facilitation of effective management. The degree to which the impacts will be positive would depend on the sub-option as some would have greater positive or negative impacts.

Specific impacts to all fisheries being permitted are mainly to the fishermen that would experience a potential duplication of effort if fishing commercially. The impacts would be lessened with only non-commercial fisheries requiring Federal permitting and reporting and would contribute to filling the current gap in data positively.

The inclusion of all federal fisheries that are not currently permitted, whether non-commercial or commercial, would provide a positive impact of filling in data gaps for all MUS currently managed by the Council. The burden would be increased on those fishermen fishing for any or all of the MUS. Restricting the permitting and reporting to pelagic MUS only would decrease the burden on those fishing for non-pelagic species, but the gap in data for such species as uku and Kona crab do not get filled, with the impact compared to no action as being similar to what is currently in place.

Option 3: Registry System

Compared to no action, a registry system would provide some positive impacts by creating a known universe of fishers that would allow for crafting effective, targeted management approaches. Less of a burden would be placed on fishers as a registry would likely be a less formal process with an on-line form to fill out rather than an application that needed to be approved.

This option also has negative impacts as a registry would require an additional reporting system to be developed to address the need for catch and effort information. The National Saltwater Angler Registry is already in place for all fishers conducting activity in the EEZ, but compliance for this registry in Hawaii has been low or non-existent at times. It can be assumed that an additional registry would have the same type of issues.

Option 4: Pilot Permitting System

Compared to no action, a pilot permitting system would provide more data that currently exists and could provide effective management for a particular area. It could positively impact any area-based management in Hawaii by providing additional information to managers on use, catch, and effort for that area. A pilot system would also provide for directed outreach and enforcement and a phased-in adoption of permitting and reporting for fisheries that have, to date, not been permitted.

This option, though, does not allow for gaps in data that exist for stocks and fisheries as a whole. Many of the species being targeted in these options are highly migratory, meaning a place-based solution may not provide enough information for effective management of the stock. Also, participants in these fisheries are more likely to fish in more than just that area, placing additional burdens on infrequent users.

Table 2: Summary of impacts of the options as compared to the No Action option

Option	Pros	Cons
1. No Action	• No direct social or economic impact to fishery participants	• Data gap continues to exist • Potential for impacts due to quotas, international management, protected species interactions still exists • Regulatory mechanism does not exist for management to potential impacts
2. Mandatory Permit and Reporting	• Universe of fishermen is defined • Complete data available for stock assessments and other fishery science • Regulatory mechanism in place to manage for potential impacts • Benefits of federal fishery protection	• Burden on fishermen for applying for permits and reporting • Potential duplication of effort with the State of Hawaii • Potential enforcement issue with jurisdiction • Potentially lacks data from nearshore (0-3 miles)
a. Non-commercial only	Pros from above plus: • Avoids duplication with the state of Hawaii (until the state decides to include a non-commercial license or permit)	• Burden on fishermen for applying for permits and reporting placed only on those that are not used to getting permits or reporting • Potential enforcement issue with jurisdiction • Potentially lacks data from nearshore (0-3 miles)
b. All MUS	• Universe of fishermen is defined • Complete data available for stock assessments and other fishery science • Regulatory mechanism in place to manage for potential impacts • Benefits of federal fishery protection for ALL regulated fish species	• Requires permitting of fishermen over a larger range of gear types and methods • Increased burden with increased number of species • Potentially lacks data from nearshore (0-3 miles) where some MUS species may be fished more
c. Pelagic MUS	• Mostly pelagic fisheries occurring in the EEZ	• Universe of fishermen is narrowed to only pelagic

only	= focus on the majority of fishing catch and effort	fishing methods, meaning the entire universe of fishermen not accounted for • Would still lack data for some Federal MUS • Potential enforcement and data problems in mixed-gear fisheries
3. Registry System	• Provides for the known universe of fishermen • Could be made voluntary • Allows for targeted data collection that may be less of a burden • Could use electronic app for voluntary reporting	• Would still require some type of data collection system • Potential duplication with NSWAR • Would require a different Federal system
4. Pilot Program	• Provides for a phased-in approach making it less of a burden for all fishermen • Allows for an opportunity to fine-tune the program	• Doesn't allow for data gaps to be filled immediately • A more lengthy process that would require identifying which area would be the pilot and a process for phasing in other areas • Fishermen may fish in multiple areas resulting in potential enforcement issues