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MANAGEMENT  
COUNCIL

## **Report of the Non-Commercial Fishery Advisory Committee Meeting**

Wednesday, March 10, 2021

1:00 p.m. to 3:00 p.m.

Virtual Meeting

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

Dean Sensui, Chair of the Non-Commercial Fisheries Advisory Committee (NCFAC) opened the meeting at 1:35 pm. NCFAC members in attendance included Ben Walin, David O'Brien, Steve Kaneko, Joaquin Cruz, and Hongguang Ma.

Also in attendance was Ed Watamura, Council Member/Hawaii vice Chair; Kitty Simonds, Council Executive Director; Marlowe Sabater, Zach Yamada, Felix Reyes, and Joshua DeMello, Council staff; Justin Hospital, NMFS Pacific Islands Fisheries Science Center; Bryan Ishida, Hawaii Division of Aquatic Resources; and Roy Morioka, Alex Filardo, and Keelan Barcina, members of the public.

### **2. NCFAC Task and Scope of Activities**

Council staff reviewed the task and scope of activities for the NCFAC. He noted the goal of the NCFAC is to provide the Council with recommendations on non-commercial fisheries that are affected by Council management options. To do this, the NCFAC will be required to assist in the monitoring of non-commercial fisheries through the Annual SAFE Reports; assist in improving non-commercial data collection; and increase opportunities and access for non-commercial fisheries.

The Chair asked if a list of issues was available so that the NCFAC could concentrate on these issues during its discussions. Another member of the NCFAC agreed that a list of issues would provide a roadmap for the group. Council staff noted that the NCFAC will be asked to review different issues as needed but the NCFAC could develop a list of issues.

### **3. Council Action Items**

#### **A. MHI Deep 7 Bottomfish ACL**

Council staff presented an overview of the MHI Deep 7 bottomfish fishery stock assessment update and the differences in the updated model compared with the latest benchmark assessment. He noted that result of the updated assessment is an increase in the Annual Catch Limit (ACL) for the fishery.

One member noted that only a few of the deep 7 is captured in the non-commercial fishery and most of the species are part of the commercial fishery because of the skill and equipment involved in catching the species.

The Chair asked how the non-commercial estimate was developed for the stock assessment update. Council staff noted that the estimate is the same from the benchmark assessment, from a previous survey done to determine that ratio. The Chair asked if an estimate could be determined by the Hawaii Marine Recreational Fishing Survey. Another member responded that

the query site for HMRFS data is available and catch rate estimates are included. He said you could pull out the proportion of the catch that is not sold and use that proportion to compare catch estimates.

The Chair asked if the ACL encompasses the entire fishery (i.e. all sectors). Council staff replied that the assessment generates results for the total fishery but the ACLs under consideration are for commercial only. The Chair asked if opakapaka is the primary driver of the fishery. Council staff said that opakapaka dominates the Deep 7 catch and a single-species assessment was completed. The Chair asked if the direction of management is single-species assessments. Council staff said not in this assessment NMFS PIFSC may look at it in the next benchmark to determine if the data is available to do that and may look at onaga as the next species.

A member asked if kayak fishing was making an impact. Council staff responded that it is an uncertainty because we don't know the extent to which that fishery is participating in bottomfish fishing or the level of their non-commercial catch.

A member asked if the few HMRFS non-commercial bottomfish interviews were due to any structural reasons. The HMRFS member reported that the few numbers of interviews are because of the relatively fewer number of trips. Since there are fewer trips, there is less of a chance of intercepting that trip and if it is a commercial trip, it is even less likely that the person will get interviewed.

### **B. American Samoa Bottomfish Regime**

Council staff provided an update on American Samoa bottomfish management. Two separate actions were taken by the Council at its 184<sup>th</sup> meeting regarding addressing an overfishing condition and an overfished state. This included the need to designate an ACL and develop a rebuilding plan. At 184<sup>th</sup> meeting, the Council deferred action so DMWR could develop a territorial management plan and a Community Development Plan. At its 185<sup>th</sup> meeting in March, the Council will look at a rebuilding plan with 3 options: status quo; designating an ACL of 1,500 lbs. with in-season monitoring; and a moratorium (close federal waters). None of the options allow the stock to rebuild within ten years without a displacement of the fishery from federal to territorial waters. There is a need for the territory to develop, implement, and enforce its plan that would include a way to track catch and effort.

A member asked about the species composition. Council staff replied that the complex includes both shallow and deep water species and the deep species include the same as Hawaii's deep 7 excluding Hapu'upu'u.

Another member asked about only allowing fishing to occur within the three-mile territorial jurisdiction. Council staff responded that prohibiting fishing in federal waters is the maximum action that NMFS and the Council can take. He said that only 15% of the estimated habitat for bottomfish is in federal waters and closing fed waters, without some type of territorial action, is not going to do much to alleviate the fishery from its situation.

The Chair asked if an ACL could be applied in territorial waters. Council staff said only if the territory agrees. The Chair asked if there is a species that is driving the assessment. Council staff replied that the shallow bottomfish (emperors, groupers, shallow snappers) is more than half of the catch, so it's not just one species but rather the entire shallow complex. Separating out the species is something that the Council's Plan Team will be exploring in April.

### **C. Guam Bottomfish Rebuilding Plan**

Council staff presented on the Guam Bottomfish Rebuilding plan to address the overfished condition in the fishery. The Council discussed the options at its last meeting in December 2020 and chose 31,000 lbs. as its preferred alternative. As environmental assessment was developed by the action team, there was a need to review the biomass projection to be consistent with National Standard 1. This resulted in a more pessimistic outlook for the fishery as the three-year projection increased the time of rebuilding for each of the alternatives. The result is that the previously preferred alternative recommended by the Council is no longer viable as the rebuilding timeline exceeds 10 years. The team also identified a need to control the catch at whatever alternative the Council chooses, including territorial waters. Council staff presented the revised alternatives that the Council will consider at its 185<sup>th</sup> meeting in March 2021. He noted that 26% of the estimated bottom habitat is in federal waters. He also reviewed the in-season monitoring plan and noted that there is no process to close territorial waters should the ACL be reached.

The Chair noted that the accuracy of the assessment seemed to be very low. Council staff responded that an issue is in not knowing how representative the creel survey is of the actual fishing and fishermen have voiced their concern about using that data. The Executive Director added that the process is flawed when dealing with data-poor/data-limited situations in the territories and that the Council is looking at ways to get better information. The Chair asked how this would be corrected. Council staff said that they need to make sure that the process is corrected and that should be reflected in the next benchmark assessment. He added that the development of electronic self-reporting methods in the territories would provide an alternative data set.

### **D. Protected Species Updates**

Council staff noted that Endangered Species Act (ESA) consultations are conducted for federally managed fisheries to ensure fishery does not "jeopardize" ESA-listed species. NMFS Pacific Islands Regional office (PIRO) Protected Resources Division (PRD) is doing the consultation and the resulting document is termed a Biological Opinion (BiOp). Council staff presented that there is a BiOp that is currently under development to determine and address potential impacts from bottomfish fishing on ESA species (i.e. Oceanic Whitetip Shark). The bottomfish consultation was initiated in June 2019 with a statutory deadline to complete the document in 135 days. The latest update on timing is PRD expects to complete the consultation in June 2021. He said the Council expects to receive a draft BiOp for review prior to its June meeting and will ask the NCFAC members for a review and comments at that time.

#### **4. Discussion on Non-commercial Data Collection Efforts**

##### **A. Fishermen Efforts (Lokahi, HFACT, CILI, etc)**

Council staff presented on the Catch-It, Log-It e-reporting system developed to collect bottomfish data from fishermen in the territories. It is a voluntary, self-reporting system that was launched in 2020 with over 200 users with 70% of users reporting. It is hoped that this information can help to validate creel survey efforts in the territories in order to calibrate the expanded estimates and assist in the next bottomfish stock assessments.

A member noted that Catch-it, Log-It is a great idea and he is trying to get more avid fishermen to download the app. He noted that there needs to be an incentive for fishermen to make them want to log more of their catches. He reported that he is working with Council staff to set up a booth at their next fishing tournament and tournament organizers have made it mandatory for anyone entering tournament to sign up and use the app. He also noted the importance of also using the app once it is installed because having it and using it are two different things. The Chair asked how the Catch-it, Log-It app is being promoted. Council staff said while social media is the main way of getting the word out, a contractor was hired to meet with fishermen in person as well as help with outreach in printed media, the development of public service announcements, and providing information via radio broadcasts.

The Chair noted that Lokahi, a smartphone app that was developed by fishermen in Hawaii and available in app stores has more than 800+ registered users. Part of the app's function is to allow fishermen to self-report on their fishing including species, pieces, and location. The idea behind the app is to share information with the community and encourage participation to record and report their catch, even if their catch is zero. The app developers are currently working with scientists to know what information is needed in order for the data to be useful for stock assessments.

A member asked if Lokahi was for commercial and non-commercial use and if it could be separated in the data collected. The Chair said that it is not exclusively for non-commercial fishing but the question is asked when users first sign-up for an account on the app so the data in theory could be separated.

##### **B. NASEM Study on Recreational Fisheries**

Council staff noted that the Marine Recreational Information Program (MRIP) contracted the National Academies of Sciences, Engineering, and Medicine (NASEM) to review the use of MRIP data in setting ACLs and for ACL management. He reported that the Council presented at a stakeholder workshop a summary of regional data collection programs, management needs, and suggestions on how to improve the current data collection systems. The hope was that this information would be included in the NASEM report to NMFS to raise the awareness of the region's data needs and improvements that need to be made in the region. He noted that NMFS needs to find better ways to manage data-poor/data-limited fisheries by having an alternative approach to ACLs.

One member presented a proposal focused on MHI deep 7 bottomfish, where the Hawaii Fishermen Association for Conservation and Tradition (HFACT) is trying to get minimal data for an effective stock assessment, keeping it simple for fishermen. Another element of their

proposal is to poll the registries rather than chasing all over for the universe of fishermen. He argued that fisheries are seasonal so intercept surveys and other efforts can be guided to when and where fishermen are coming in. You wouldn't have to guess at the universe because you know how many there are and the tool, meaning the registry, already exists. He said that while incentives are nice, having skin in the game is the real incentive. He added that there is a need to socialize the idea of single species stock assessments with fishermen and a need to figure out the rational way to manage the fisheries.

### **C. Council Initiatives**

Council staff presented on the Council's initiatives to improve Hawaii fisheries management including improving collection of the non-commercial fishery data. He noted the HFACT proposal and reported that discussions occurred with the State of Hawaii and enforcement agencies to determine the feasibility of using the registries as a data collection sampling frame. While potentially possible, further discussions need to be had with NMFS Pacific Islands Fisheries Science Center regarding this approach.

A member noted that understanding where we are and where we are going would be useful. Another member noted that providing a layout about the kinds of things that are being thought about or tested would also help other groups to work on those efforts as well. He noted that there has been interest expressed to MRIP on using the DOBOR registry for HMRFS purposes.

### **5. Discussion on Non-Commercial Data Reporting**

Council staff reported that pelagic non-commercial information from the territories are currently reported in the Annual SAFE Report, but non-pelagic, non-commercial fisheries are missing this type of information. He hoped that the NCFAC would be able to provide ideas on how to provide this information. Council staff noted that the non-pelagic annual reports are missing a non-commercial module so staff is looking at ways to incorporate some kind of information regarding non-commercial fishing.

The Chair noted the importance of the local agencies to play a part in this process.

A member noted that NMFS developed a recreational snapshot using a formula similar to what is used in the Annual SAFE Report for pelagic species but suggested that using something similar for bottomfish might not be a good approach. He said the data is available and a request can be made but whoever does so should look at developing another approach.

A member suggested that the state's Commercial Marine License might be able to pull out the unsold portion of the catch.

One member agreed that there needs to be a module for the annual report and it should reflect the problems in the data.

Another member requested reports on data collected so far from the different apps.

## **6. Potential Impacts from Executive Orders and Legislation**

Council Staff presented on Congressional legislation that was introduced in the beginning of the 117<sup>th</sup> Congress and its potential impact on fisheries in the region. He noted that most of the current legislation doesn't impact the fisheries directly but there is a discussion draft on reauthorizing the Magnuson-Stevens Fishery Conservation and Management Act that the Council is keeping an eye on. There are also Executive Orders that were issued by President Biden that looks at undoing the previous administration's efforts and re-establishing combating climate change as a priority. EO 14008 has a provision to look at conserving 30% of US lands and waters by 2030 and the Council is monitoring that to see how conservation is defined and what it means for the region. He noted 24% of the strongly protected waters of the US is within the Western Pacific jurisdiction (which equates to over 50% of the Federal EEZ within the region itself) and the Council hopes to avoid additional closures due to this Order.

## **7. Public Comment**

Roy Morioka provided a public comment. He said that it is important that the non-commercial component of the fishery is identified. The Commercial Marine License cost increased a few years back and fewer fishermen are inclined to get the license due to cost. We would expect to see an increase in the Federal non-commercial bottomfish permit but that hasn't happened. He said that the Council should focus on the Management Unit Species first and as other species are added, announce that the types of regulations under consideration. He reported that a virtual meeting that allowed for at-sea observations of fishing over the past year was important to include in the annual reports but the non-commercial viewpoint is just as important. Regarding e-reporting, he said that voluntary apps fail because fishermen would report when they get a significant catch or zero catch. He stressed the importance of recognizing Hawaii's unique seasonal fishing with seasonal runs of fish and the need to look at management by seasons.

## **8. Discussion and Recommendations**

The Non-Commercial Fisheries Advisory Committee made the following recommendations:

- The NCFAC recommends the Council develop a list of non-commercial issues for the NCFAC to address and include a roadmap; the list should address the low-hanging fruit and then the longer-term
- The NCFAC recommends the Council request the summary data from self-reporting apps for discussion by its advisory groups
- The NCFAC recommends the Council work with NMFS to expand the recreational snapshot to MUS species in each of the island areas to develop an Annual SAFE Report module that also identifies the problems in the data.

## **9. Other Business**

Council staff noted the lack of fishermen membership from all of the island areas and presented the process for including new members. The Chair requested members to provide potential members to staff.

The NCFAC discussed their availability and decided on meeting as a group in advance of the Council meetings (quarterly).