



WESTERN
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Hawaii Archipelago Fishery Ecosystem Plan Regional Ecosystem Advisory Committee Report

Wednesday, April 20, 2011
Council Conference Room
1164 Bishop Street, Suite 1400
Honolulu, Hawaii
9:00 a.m. – 4:00 p.m.

1. Welcome and Introduction of Members

David Itano, Hawaii Vice Chair, opened the meeting at 9:00 a.m. and asked for introductions. REAC members at the meeting were:

1. Francis Oishi, DNLR
2. Todd Low, HI Aquaculture Development Program
3. Jeff Kent, OHA
4. Jo Ann Leong, HIMB
5. Anthony Ostrowski, The Oceanic Institute
6. Soulee Stroud, Association of Hawaiian Civic Clubs
7. Marc Inouye, PIFG
8. Kevin Weng, PFRP-UH
9. Mike Tosatto, NMFS PIRO
10. Michael Parke, NMFS PIFSC
11. Allen Tom, National Marine Sanctuary Program
12. Eric Roberts, USCG
13. Rebecca Hommon, US Naval Region Hawaii
14. Julie Leialoha, Council Member
15. David Itano, Council Member
16. Terry George, Castle Foundation
17. Alike Winter, Malama Maunalua
18. Basil Oshiro, Maui Cooperative Fishing Association
19. Vanda Hanakahi, Aha Kiole
20. Chris Ostrander, PACIOOS

Other participants included:

1. Roy Morioka, Fisherman
2. Hoku Johnson, NOAA/ONMS
3. Lasha Salbosa, NOAA/ONMS
4. Laura Mccue, NOAA/NMFS
5. Krista Graham, NOAA/NMFS/PIRO
6. Dawn Golden, NMSF PIRO
7. Jeff Walters, NMFS PIRO
8. Paul Bartram, Hui Malama o Mo'omomi

2. Approval of Draft Agenda

Itano reviewed the agenda and asked if there were any changes. Hearing none, the agenda was approved.

3. Marine and Coastal Ecosystem Policies, Program and Community Initiatives
- a. Coastal and Marine Spatial Planning
 - i. Pacific Islands Regional Office

Mike Tosatto, Acting Regional Administrator of NMFS Pacific Island Regional Office, provided a summary of Coastal and Marine Spatial Planning (CMSP) activities within NOAA on national and regional levels. NOAA has done CMSP, rule making, planning and many other activities before the National Ocean Policy (NOP) was developed and will continue to carry out those responsibilities under all its mandates. The NOP does not look to redirect policy or change the direction of State programs and plans, but tries to implement better coordination between state and federal initiatives.

Tosatto noted that from a NOAA perspective, CMSP is more than just ocean zoning although from a national perspective there is great interest for ocean zoning. Ocean zoning can be one element of CMSP.

Lelei Peau is the point of contact for the Pacific Island Region in the National Ocean Council. Given the inherent differences in the marine use and the cultural aspects in this region, participation in the regional planning body (RPB) is a huge challenge. No determination has been made on which agencies will be involved in the regional planning body. NOAA-NMFS has stepped up to take the lead with Tosatto as the main point of contact in the region.

The RPB's main task is to develop a marine spatial plan. It should consider likely activities that will be undertaken, coordinate and task the local agencies to undertake those activities to manage the use of the resource and balance it with conservation. A National workshop for CMSP is planned for June 2011. Local/State agency involvement will be a result of the workshop. Elements to be addressed include: how to divide the pie? Do we go by a whole group or subset? How to get the stakeholder input? Tosatto noted that the Council has a necessary place in the construct or framework of CMSP and that Council is a stakeholder conduit, and FMPs are a substantial section of the CMSP Plan.

Responding to a general question about the establishment of CMSP, Tosatto stated that there is really no formal CMSP at this time. Looking beyond the bureaucratic image of the initiative, there is only a strategic action plan developed by the Council. There will be a listening sessions on the action plan once finalized. However, in addition to large-picture CMSP, there are many regional and local CMSP-type efforts that are ongoing within different federal agencies.

The REAC members had extensive discussion regarding adequate representation on and participation in the development of CMSP on a national and regional basis. Due to diversity of cultures, economies and political status within the Pacific island region, this region should be provided ample opportunity to be represented on the regional planning bodies and local

representation on the stakeholder advisory group. It was confirmed that this initiative will not infringe on native Hawaiian rights. The REAC agreed that representatives from each county should be included in the stakeholder advisory group that there should be on sub-group just for Hawaii.

ii. Pacific Islands Ocean Observing System

Chris Ostrander presented on the Pacific Island Information Ocean Observing System and the data products that can support CMSP. Information Ocean Observing System (IOOS) is a national program created to ensure the sustained observation of our nation's coastal oceans and develop information products from those observations to assist people in their lives and livelihoods. The program looks into marine operations, climate variability, ecosystem fisheries, coastal hazards, and coastal and marine spatial data.

PacIOOS conducts data management and simulation, provides information systems to the public focusing on ocean state and forecasting. For CMSP, PacIOOS data visualization systems using MapViewer as a one-stop-shop for public to access various data layers. All information is available through the website. Data subsets in the map server are updated real time and users can download the data. Biological data is hardest to incorporate in a national database due to standardization problems. For example, track data from monk seals, sharks or whales are available to query.

The REAC members were impressed with the quantity of information housed in the PacIOOS system and ease of which that data can be queried and used. At this time, the data focuses on the main Hawaiian islands but NWHI data will be merged and made available at a later date. Data sharing among entities that own or house that information is one of the difficult issues to resolve in these types of initiatives. Ostrander noted that man power is the major problem at this point. They have many data layers that need to be worked on and the list keeps growing. Being able to standardize, format and process that information for the system takes time and they only have a limited amount of manpower to do that work.

iii. State of Hawaii Coastal Mapping Projects

Petra McGowan, Planning Coordinator at Division of Aquatic Resources (DAR), provided an overview of the State's coastal mapping project at DAR. She runs the coral program at DAR and this mapping project was based on the outcome from the Coral Reef Program Local Action Strategies. Based on a review and prioritization exercise conducted by the LAS working groups, two sites were selected as areas where an integrated coastal and marine mapping project would be initiated. The project goals were to use the mapping process as a tool to engage the community to visualize and understand type of activities in the area, distribution of use, overlapping uses, seasonal elements, potential impacts, and other aspects of coastal and watershed activities. The project started by sourcing existing data on those sites to produce GIS layers. Those were followed with interviews of stakeholders from those areas. Workshops were held to further the data mining. From these, maps and tools were developed which were used to get feedback to the community for review and response.

REAC members discussed how the community were informed and engaged and if fishermen were adequately represented in the discussion. McGowan noted there were 48 participants and many of those were fishermen. Basil Oshiro added that exist many sensitive issues that fishermen have been engaged in throughout the state. He asked if NOAA/DLNR will be able to help the community on these issues, such as eradication of taape, an invasive species introduced by the state.

A question was asked about obtaining the list of participants in the workshops. McGowan stated that information is posted on the website however the individual names might not be listed, only represented sectors. The Maui meeting is being planned for mid-August 2011 and they are looking for representatives from the fishing and local community.

Michael Park, NMFS PIFSC, reported on the status of the Science Center's integrated ecosystem assessment (IEA) project. This project seeks to gather expertise (scientific, cultural, local based knowledge) in a two day meeting to discuss how to assess that status of an ecosystem and not a just a fishery. How this will be operationalized is still to be developed. The community based meeting will be held in Kona this September for which notices have been sent out inviting participants to engage. The Council has been in dialog with Jeff Polovina and staff in this effort and will participate in the workshop.

iv. Ocean Regulatory Regime Review Initiative

Kitty Simonds reported on the Council's effort to address concerns heard from the fishing community regarding antiquated laws, state/federal consistency, enforcement and other related issues. To address this, the Council is putting together steering committee of representatives from throughout the Hawaiian islands to conduct a review of the regulatory regime. The Committee will include representatives from the fishing community, aha moku, environmentalist and state/federal enforcement and fishery offices. The review will culminate in a puwalu at the end of the year.

Simonds added that the State is also working on a project to review the enforcement and penalty schedule in an effort to standardize the schedule relative to the importance of the resources. Francis Oishi reported that they have a legal intern at DAR working on the project.

Alika Winter, Malama Maunalua, asked about enforcement's objective and suggested that the civil penalty schedule is much easier to work with.

Basil Oshiro reported on the Kahului Harbor fishing rule compliance issue and why it cannot be enforced. Simonds suggested that he be included as a member of the committee.

v. Offshore aquaculture

Todd Low, Aquaculture Development Program, provided a report on the status of aquaculture in Hawaii. Aquaculture is considered agriculture in Hawaii. The Aquaculture Development Program is responsible for aquaculture development on land and in the marine environment. The importance of food production has recently become a priority and that

framework has been pushed for aquaculture. The need is for more protein production, but knowing how to do it economically and environmentally safe is the challenge.

The State has two operations permitted through DLNR. One is located off of Kona, which was to Neil Simms, who sold the grow-out operation to Matson. The other is to Hukilau Foods/Grow Farms who is going through reorganization but was running the moi cages off of Kalaeloa.

NOAA is developing a aquaculture national policy which held listening session last year. The Council provided comments on the draft policy. The Council has an aquaculture policy in place and recently passed an aquaculture amendment to its FEP that would applicants to acquire a permit and report activities in addition to going through an environmental review of proposed activities.

The REAC discussed the role of fish pond development as a priority in the aquaculture effort. Low acknowledged the integrated in ahupuaa system and the fish ponds as a great cultural aspect, but noted that they would not likely have much impact for food production.

Itano noted the Council advisors comments have repeatedly raised concerns regarding escapements, diseases and impact to wild stocks through predation and competition. In particular, the REAC discussed release of kahala off the Kona coast and how the business should be held accountable. A feasibility study using towed cages is now being tested off of Kona waters. Tosatto explained that the applicant came in for a permit to which the Council had an opportunity to comment. The framework for applying for a fishing permit is established under MSA and aquaculture is a fishery activity to be managed accordingly. This particular fishery, aquaculture, is managed by the Council under its Coral reef FEP. Based on the loss of cages in the first trial, the applicant changed their proposal which is now being reviewed. Separate from that, PIRO is reviewing a proposal seeking placement of grow out cages or net pens for small scale tuna operations. The venture is still early in development with some equipment already on island.

Simonds asked who the fishponds are managed under. Oishi responded that it is not standardized where some are classified as state owned, others are leased, privatized and/or under the stewardship of NGOs. Low added that there is a mixture of ownership and stewardship and that it is difficult to develop the ponds as a cohesive structure.

b. Aha Moku Initiative

Vanda Hanakahi, Aha Kiole representative from Molokai, reported on the history of the Aha Ki`ole Advisory Committee (AKAC). The written report of the history of the AKAC was provided in the briefing materials. Hanakahi reported on the beginning of the Aha Ki`ole/Aha Moku initiative, support and supporters, and the history leading up to the current effort in the legislature. She discussed the five elements of traditional natural resource management, aha moku structure, Puwalu conference series and the next steps to establish moku management in the current resource management regime.

c. Discussion and Recommendations

Itano asked for public comment on the presentations heard earlier that morning before the group discusses recommendations.

Roy Morioka asked how the CZMA integrates in the CMSP process. Tosatto replied that it doesn't change anything in the CZMA. CZMA establishes via law a process for federal agencies to look at the impacts of proposed federal laws on state laws and provides for consistency requirements within both. Roy Morioka added that the President calls for reduction of redundancy in government and that CMSP seems to be a redundant initiative.

Eric Kingma reported that the Council has been interested in providing training to the community on this topic. The Council will hold a workshop with the National Marine Sanctuary Program and DAR this summer on CMSP and Climate Change.

Soulee Stroud commented that the Aha Moku bill is before the Legislature right now being considered for final action. He added that the work that has been done through this committee on this effort should be commended.

4. Ocean Management Activities

a. Hawaiian Islands Humpback Whale Sanctuary Management Plan Review

Malia Chow, Hawaiian Islands Humpback Whale National Marine Sanctuary, reported on the status of their Sanctuary review process. Chow reviewed the timeline of their process through which they have completed the initial scoping and released a scoping report in April 2011. Based on an analysis by Sanctuary staff, the scoping report which is over 300 pages long, provides a list of priority issues and concerns. The report is available on the Sanctuary website. Based on the type of proposals being considered in this review, there will need to be full environmental impacts statement prepared. The proposal will consider adding more species to the Sanctuaries management program including monk seals, sea turtles and dolphins.

Over 12,000 comments were received through the scoping period. All comments were binned into topical categories of importance: social economics, native Hawaiian traditional perspectives, environmental impacts and community engagement. Issues ranged from water quality, whale protection, enforcement, marine mammal entanglement, ocean literacy, native Hawaii culture, maritime heritage, management effectiveness, offshore development and climate change. The potential solutions or tools proposed include research, education, boundaries, and regulations.

The package was presented to the Sanctuary Advisory Group in December 2010 which formed working groups. The working group tasks were approved earlier in April which focused on offshore power energy and aquaculture. Offshore power includes initiatives such the windmill farms off of Lanai that would send power to Oahu via underwater cables to be run through the NMS. The working group decided to take different tact on aquaculture. They will host an aquaculture workshop in collaboration with the University of Hawaii on June 21-23, 2011. The workshop will focus on the need to develop citing criteria and consider aquaculture as means to

Hawaii's food security. The workshop will be held at UH Campus Ballroom and will include 40-50 participants.

The REAC members discussed and raised several questions regarding the sanctuary review process. Basil Oshiro noted that many comments came from out of state and questioned how those comments are weighted against those made from local residents. Chow stated that they went back to the summary and noted that there were more comments from Hawaii as opposed to out of state. Itano noted that if the number of comments were added up from out of state (national/international), those total more than the local comments received. Alan Tom added that they were more concerned about the content of the comments than how many there were and where they came from. He added that congressional input suggested that local input be considered with greater importance. Sylvia Spalding stated that when the Sanctuary was first put in, there was agreement that the Sanctuary would not manage fisheries. Tom responded that they agreed to it at that time but never promised that it would be no regulation of fishing in the future.

Roy Morioka noted that the Sanctuary was supposed to have, and advertised it as, a plan review. The review was supposed to be on their program that manages the single species sanctuary. The review and plan should not be expanded to include other species at this time. Morioka also noted that the MCBI should be considered one comment.

Anthony Ostrander, Oceanic Institute, suggested and the REAC members agreed that there needs to be commercial aquaculture and fishing interests represented on working group committees and at the aquaculture workshop.

b. Hawaiian Archipelago Bottomfish Essential Fish Habitat

Mark Mitsuyasu, Council staff, presented information on the Council's action to consider revising the designations for Hawaii bottomfish essential fish habitat (EFH) and habitat of particular concern (HAPC). The EFH and HAPC for the fourteen species complex of bottomfish are currently designated as 0-400 meters for all life stages and 80-200 meters, respectively. NMFS PIRO hired a contractor to review all new life history and related ecosystem information that could be used to improve and update these designations. The Contractor completed the review in December 2010. The updated life history document and recommendations for EFH and HAPC revisions were then taken to an independent WPSAR process in April 2011 with recommendations to go to the SSC and Council in June 2011. Mitsuyasu reviewed the general finding of the WPSAR recommendations which were still being finalized by the reviewers.

Basil Oshiro asked about the status of the BFRAs and how long those would remain in place. Mitsuyasu deferred to Francis Oishi as the BFRAs are established under state rules. Oishi stated that the BRFAs have had long time series of research with BotCam. Research at this point is pivotal, so the State will likely continue the BFRAs a little longer to better determine if benefits can be derived.

c. Protected Species

i. Monk Seal – Programmatic EIS

Jeff Walters, NMFS Protected Resources, provided an overview of the monk seals status and reported on the progress of developing the Monk Seal Draft Programmatic Environmental Impact Statement (DPEIS). There is an overall population decline (shark attacks, entanglements, emaciation) of monk seals in the Hawaiian archipelago. The NWHI segment of the population is projected to continue to decline as 60-90% of juveniles die by age 3, which is before the seals reach reproductive age. The MHI population is projected to continue to increase.

Current activities in the NWHI support the main goal of increasing juvenile survival. Research includes population monitoring and census, health and disease studies, diet and feeding behavior studies, de-worming research, translocation of weaned pups within NWHI and shark predation mitigation at French Frigate Shoals. Management focuses on disentanglement.

Current activities in the MHI support the main goal of improving seal management. Research is focusing on population monitoring, foraging and diet studies. Management is assessing fishery interactions, health and rescue response, habitat protection and enhancing public participation.

Proposed activities do not include new federal regulations prohibiting fishing and public access. Proposed activities will include vaccination studies, de-worming treatments, seal translocations to and from NWHI and MHI and seal behavior modifications. Translocation proposes to send NWHI (weaned pups) to the MHI for grow out to 3 years of age, then re-locate them back to the NWHI. This may start in 2012 at the earliest. Other studies will look at competition with ulua and sharks in NWHI and behavioral modifications by moving pups to prevent socializing, testing behavior modification methods and developing tools to manage seal behavior.

Walters noted that the DPEIS is planned for release in June 2011. Critical Habitat proposed rule is to be released in June/July 2011.

The REAC members discussed concerns raised by the fishing community in the past including the designation of critical habitat and possible impacts to fishing practices and locations and the reporting of fishery interactions and fear of fisheries being closed. Walters noted that the critical habitat proposal is not approved yet but will likely include significant amount of coastal waters. Regarding fishery interactions, seal populations continue to increase and therefore fisheries are not negatively impacting the population growth. Tosatto added that the critical habitat process requires them to look at socio-economic impacts of the proposed designations.

ii. Insular False Killer Whale listing under ESA

Krista Graham, NMFS Protected Resources, reported on the status of the insular False killer whale (FWK) listing under ESA. The status review was published August 2010. Endangered species proposed rule and then final listing publication is due on Nov 11, 2011.

Graham reported that the insular stock current abundance is estimated at 170 individuals. Historical abundance estimates of the population are 769. There are two primary threats to this population which include the small size of the population itself and the hooking/entanglement/intentional harm by fishermen.

REAC members raised questions about and discussed several key aspects of determining the population status and impacts on the FKW. Alike Winter asked how they determine if disfigurements are from fishing lines which Graham referred to relevant publications.

Several comments were raised about contaminant loading information from pelagic species and why there are high contaminant levels in animals off Kona. Graham noted that there are very few samples but they believe loading is tied to FKWs being top predators and referred to the Kona animals as “urban.” Itano asked if there was evidence that the contaminant levels in FKW are lethal and if it is an assumption that the levels are lethal? Graham noted the levels are “off the chart” and the killer whale first offspring frequently dies because of contaminant overloading from the mothers.

Basil Oshiro asked if the FKW are endemic to Hawaii and what the impacts to the fishermen will be if the FKW is listed. Graham said that they are global and protected under the MMPA. The insular population is thought to be distinct and found within a core zone within 40km around the archipelago. She added that the critical habitat listing only applies to the federal government and the Take Reduction Team is working with fishermen to reduce interactions in the pelagic populations.

Tony Ostrosky added that a lot of these processes start from NGOs on the mainland and agreed with concerns that NGOs will turn Hawaii into one big sanctuary.

Francis Oishi asked Tosatto if there are turtle critical habitat designations which Tosatto confirmed. Oishi added that concerns should be tempered given critical habitat areas for turtles are in place and fisheries still continue.

Rebecca Humman raised concerns regarding military activities and noted that NOAA would complete the cumulative impacts analysis in listing process. Tosatto stated that there is no requirement in the listing decision to look at economic impacts. Only after listing can economic and cumulative impacts be considered.

Roy Morioka stated that fishermen have watched the longline fishery impacted through restrictions such as limits on number of animals that can be taken. The near shore fisheries do not want to see that happen in coastal fisheries.

iii. Spinner dolphin human interaction EIS and Rule-making

Laura McCue, NMFS Protected Species, reported on the status of the spinner dolphin EIS by providing background information on spinner dolphins feeding and resting near-shore behavior. Scientific studies suggest that resting behavior of spinner dolphins is impacted by ongoing nearshore water activities. As a result, NOAA has prepared an EIS looking considering alternatives to address interactions with resting spinner dolphins. An advanced notice of

Proposed Rule was published in December 2005. Notice of Intent to Prepare EIS was published in October 2006. Public scoping meetings were conducted in the Fall of 2006. Scoping comments analysis and report was released in February 2007 with an economic data report as released in August 2007.

Alternatives being considered in the EIS include the following:

1. No action
2. Huma activities and vessel regs
3. Implement time-area closures in resting habitats (preferred alternative)
4. Combine alternative 2 & 3
5. Full closure of all resting habitats
6. Codify the West Hawaii Voluntary Standards on Marine Tourism (community-based alternative)

The EIS Preferred alternative is to implement time-area closures at 4 sites on the island of Hawaii and one site on Maui. Research would include collecting of one year baseline data backed by several years of monitoring post-regulatory implementation.

Francis Oishi noted the preferred alternative of time area closures located in State waters and asked for clarification on the authority that allows for federal action. Tosatto stated that MMPA is the authority that is applied to where ever the mammals are located.

Joann Leong asked who the lead was on the monitoring research? McCue said the principal investigator is Dave Johnston of Duke University.

5. Overview of 2011 Ocean Legislation

Council Staff reported on the current legislation being followed by the Council. Of the 19 or 20 natural resource management, fishery and Hawaiian rights legislation being followed, at the time of the REAC meeting, only four pieces of legislation are moving in the legislature:

- SB23, Relating to Native Hawaiians, Aha Ki`ole Advisory Council;
- HB850, Relating to Fishing, Lana`i community-based fishery management;
- HB377, Relating to State Leasing, Hawaiian Fishponds;
- SB120, Relating to State Funds, Certain special funds, repeal.

Kitty Simonds and Francis Oishi contributed to the legislative report.

6. Impacts of the March 2011 Tsunami

Francis Oishi, DAR, reported on the impacts of the March 2011 tsunami on the local harbors across the state of Hawaii. By far, the largest impact to the boating community occurred in Keehi lagoon on Oahu. However, the impact to the fishing community seems to have been marginal.

7. Public Comments

No public comments heard.

8. REAC Discussion and Recommendations

The Hawaii Regional Ecosystem Advisory Committee:

- 1) **Regarding CMSP, the REAC recommends that the National Ocean Council, and the to be established Pacific Regional Planning Body, actively engage communities in Hawaii to ensure that National CMSP policies properly account for Hawaii's unique natural and cultural resources.**
- 2) **Regarding CMSP, the REAC recommends that the to-be established Pacific Regional Planning Body be further divided into sub-regional groups that separately consider unique culture and resources of Hawaii, Marianas, and American Samoa Archipelagos and funding be provided to support this effort.**
- 3) **Regarding CMSP, the REAC recommends that the Counties in the State of Hawaii be included in the Hawaii sub-regional group.**
- 4) **Regarding CMSP data, that available data held by federal agencies (e.g. NOS NCCOS) be provided to PacIOOS for use in furthering developing its on-line CMSP data tools.**
- 5) **Regarding monk seals, the REAC recommends that NOAA Fisheries work with Hawaii fishermen to inform them of reporting systems for monk seal/fishermen interaction issues as well as process to deal with nuisance animals.**
- 6) **Regarding aquaculture, that the HIIHWNMS include aquaculture industry and fishing industry in its June 2011 aquaculture workshop.**
- 7) **Regarding the insular false killer whale proposed ESA listing, the REAC recommends that Council staff work with NMFS to summarize the details included in the NMFS status review report regarding the negative effects of the high contaminant levels, the methodology adopted for estimating past and current population of Hawaii insular FKWs, and prey competition with fisheries.**