



Report of the Hawaii Archipelago FEP Advisory Panel Meeting

Thursday, September 29, 2016,

9:00 a.m. – 11:00 a.m.

Council Office and by Teleconference

Honolulu, Hawaii

1. Welcome and Introductions

Gary Beals, Hawaii Advisory Panel (AP) Chair, opened the meeting. Hawaii AP members in attendance included: Basil Oshiro, Dan Roudebusch, Shyla Moon, Eddie Ebisui III, Nathan Abe and Clay Tam

Others in attendance included Joshua DeMello and Asuka Ishizaki (Council Staff).

2. Outstanding Council Action Items

DeMello presented an update on the recommendations from the 166th and 167th Council Meeting that deal with Hawaii Archipelago fishery issues.

3. Council Issues

A. 2017 U.S. Territory Bigeye Tuna Limits

DeMello presented on the Council's action item for the 168th Council Meeting regarding specifying the 2017 US Territory Bigeye Tuna (BET) Limits. He noted that the Council sets the catch limit for BET in the territories and that Amendment 7 to the Pelagics Fishery Ecosystem Plan allows for part of that quota to be transferred to the Hawaii-based longline fleet. He reviewed the options and noted the preference from the other APs which differed.

Oshiro asked why the territories aren't utilizing their entire quota? DeMello replied that there isn't a fishery for BET in the territories and that the quotas are in place to encourage the development of the fishery. He noted that the Western and Central Pacific Fishery Commission didn't set limits for those island territories that are developing their fishery so the Council was proactive in setting limits while still encouraging the development of a fishery.

Abe said that he understands the rationale and science behind the quota transfer but stated that it looks bad to the public. His solution was that the Council should be increasing the Hawaii-based longline quota instead with the total allowable quota that can be transferred from the territories.

Beals asked if NMFS could expedite the transfer agreements to avoid any closures. DeMello said that there are a host of factors involved in getting the transfer agreements done and some of the lag previously occurred because of the lawsuit on Amendment 7.

There was discussion regarding the closure of the longline fishery and its positive impacts on the small boat fishery. Members noted that some fishermen saw a price increase during the closure and said that if the fishery is concerned about having fish for the holidays, it would make sense to start the fishing year later. In that scenario, if the quota is reached by summer, the small-boat

fleet would benefit. They agreed that the small-boat fishery wouldn't be able to fill the demand but a closure would have less of an impact as the small-boat fishery would be able to supply some fish and augment the need to import fish, as well as provide goodwill between the fleets. *The AP recommended the Council to look at changing the start date of the longline fishing year in order to ensure fish for the holiday season and to lessen the impact of any closures of the fishery.*

B. Council Coral Reef Projects

DeMello presented the Council's proposed coral reef projects for inclusion into its NOAA Coral Reef Conservation Program grant proposal. He provided an overview of the grant program and its priorities as well as examples of past projects. He then went over the different projects being proposed noting that the AP was being asked if there were any concerns regarding these projects.

Tam said that any project using technology should be aware of privacy concerns. He also requested that the any fishery data collection efforts be explicit in the use of the data in the proposal to address fishermen concerns that the data will be used to push an agenda. He said that the projects should state what data is being collected and how it will be used to improve the fishery. *The AP agreed and supported the proposed projects, noting that the projects should include this type of information.*

C. Implementing the NWHI Monument Expansion

DeMello reported that the as a result of the expansion of the NWHI monument, the Council may consider action to implement the proclamation regulations. He noted that while commercial fishing is prohibited, non-commercial fishing will still be allowed, so the Council may be looking at regulations for the area as provided for under the proclamation.

Moon stated that it was nonsensical to go non-commercial fishing in the expanded monument area if you cannot bring some of it back to share with the community.

The AP was concerned with the enforcement of the expanded area and the monitoring of foreign vessels. They noted that the fishermen were the eyes out there and their presence may have discouraged foreign ships. Oshiro said that the proclamation didn't indicate any increased funding or resources for the US Coast Guard to monitor and enforce the expanded monument either.

The AP was also concerned that their comments to their US Senator was not taken into account and that they only got form letter responses back. They said that fishermen were discouraged that their Senator and their Governor did not take into account the fishermen's concerns and that hosting the IUCN World Conservation Congress (WCC) was throwing that non-support back in their face.

4. Hawaii FEP Community Activities

A. IUCN World Conservation Congress

Ishizaki provided a report on the IUCN World Conservation Congress and the Council's participation. She said that the Council had lots of one-on-one interaction with people coming through the Council's booth. She noted that many people asked the staff about the monument

and asked for their perspective, resulting in many good discussions about the issue. Ishizaki thanked the AP members for their assistance with the booth.

Ishizaki also presented information on the Member's Assembly meeting as the Council is a member of the IUCN and got to vote on the conservation motions. An important motion that the Council voted no on was a push to have 30% of the world's ocean be designated as no-take marine protected areas. She also said that in conjunction with NOAA PIRO, Hawaii Seafood Council, and Conservation International, hosted a tour of the Hawaii fish auction and said that people were amazed at the transparency of the process and impressed with how well the seafood industry is run in Hawaii.

Oshiro asked if the IUCN targeted the foreign countries on following rules and regulations of conservation. Ishizaki said it was part of the discussion and that they recognized that the IUCN can ask countries to do something but without enforcement there is likely little success. She said that the IUCN works on broad conservation issues and a lot of the resolutions look at asking individual countries to protect a resource. However, it is non-binding and only adds pressure for countries to do something, but there is no impetus for them to do it. She noted that the US is the only ones that come back from international agreements and implement at the domestic level regarding fisheries.

Roudebush asked why the US doesn't put more rules on imports as a means of enforcement. Ishizaki replied that the US has started doing that through different measures, such as fisheries with IUU imports and marine mammal issues but it doesn't fully solve the problems as it is only on items coming into the US.

B. Promise to Pae 'Āina

DeMello presented on the Promise to Pae 'Āina and gave a background of where the Promise came from. He noted that it was conceived as part of the Hōkūle'a Worldwide Voyage and that the Council is a signatory to the Promise. He explained the Council has been working on the commitments in the promise and attending working group meetings, but the main commitment is the "Our Livelihood" commitment which deals with resource management. He explained the different projects under this commitment and noted that these projects hope to have something completed before the Hōkūle'a returns in 2017.

The AP asked to be informed and included in any future meetings regarding any of the efforts for the Promise to Pae 'Āina so that they may participate and spread the word.

5. Hawaii FEP AP Issues

A. Report of the Subpanels

i. Island Fisheries Subpanel

Having heard the report on the status of the bottomfish issues previously, there were no further issues reported from the AP on Island Fisheries.

ii. Pelagic Fisheries Subpanel

Moon added to the AP discussion regarding misinformation about the slavery issue in the longline fishery. She said that there a lot of good information and a lot of bad information out

there and there should be an effort by the AP to help spread the good information. She said that there are some bad apples, but that isn't the majority and they need to get that information out.

Abe said that the closure of the NWHI to longline fishing is going to have an effect on the seafood quality because fishermen will be forced to fish in the south to make up for the numbers. Ebisui III said that there are concerns from fishermen that longliners are catching and holding fish longer and the quality of the fish is bad. He said that with the NWHI closure, the problem is going to get worse because the quality won't hold as long and you may see more discarded fish. Abe noted that the fish quality further south isn't as good because of warmer water, but they can catch more.

iii. Ecosystems and Habitat Subpanel

Abe reported on the spinner dolphin proposed rule hearings in Kona. He said that there are companies that take tourists to watch or swim with the dolphins, as well as community members that interact with them. He said that it must be at a point where NOAA has to step in to reduce the interactions and set rules to where you cannot swim with the dolphins anymore and the worst case scenario is closing the bays where dolphins rest. He said it doesn't affect fishermen right now, but there are concerns about fishermen interacting with the pantropical spotted dolphins. Abe said that the spotted dolphin is different, and behaves different, so fishermen should be aware that those species will be the next ones to be regulated. He is in favor of self-regulation of the fishery and a code of conduct so that the fisheries are not regulated out of existence like the dolphin tours because there are boats that fish near the spotted dolphins.

Moon said that she heard fishing is exempted, but didn't read that commercial fishing was exempted in the EIS. Ishizaki said that what is being proposed is the approach of dolphins within 50 yards and noted that there are exemptions, but what the EIS does say about fishing is that there are analyzed time area closure options but they are not proposing those options. That is where the fishing is mentioned and exemptions are given to subsistence and recreational fishing.

Roudebush noted that there is concern over fishing around spotted dolphins and that some folks are trying to get protections for spotted dolphins so it may be a concern in the future. Abe noted that this is coming down the pike, which is why they are trying to get the fishermen to self-regulate right now before rules are placed on them. Oshiro agreed that they need to be proactive. Moon said that it is important to make sure people know the difference between the spinner and spotted dolphins. Ishizaki agreed and said to make sure that comments on the proposed rule are directed at the spinner dolphin. The AP agreed that they should support HFACT's effort on self-regulating in Kona and Ishizaki noted that the Council has offered its support.

Abe also reported on the Aquaculture PEIS hearing in Kona and noted that there are no current regulations for aquaculture in the EEZ. He said that people at the hearing were worried about the environment while others were concerned about the economic aspect of competition where the fish being raised shouldn't be the same as the ones caught in the wild. Abe also said that the aquaculture should also be fishermen friendly and let people fish around the cages.

Roudebush added that the local Hawaiian's concern is that the only ones that will be able to do this are big corporations and the locals wouldn't be able to compete. He said that there should be a way to ensure for smaller operations to participate. Beals said that a Community Development Plan could be considered, as was done in the NWHI bottomfish fishery. Abe said there needs to be some kind of bonding or other assurance so that these operations aren't just research projects that are being sold after the project is completed.

iv. Indigenous Fishing Rights Subpanel

Oshiro had concerns about the Federal government taking over the submerged lands and wanted to know if the monument expansion would have impacts on gathering rights. He said that the closure of fishing in the NWHI is going to affect the future generations and that there needs to be considerations of future gathering rights as well.

Moon said that there are bottomfish tags still out there that may be in the NWHI. Oshiro agreed and said that the inability to do research to collect tags is basically lost to the scientific community. He also said that the proclamation stated that the monument shall not restrict scientific research or exploration activities, so tagging projects should be allowed. Tam asked if the number of permits in the NWHI was available and there needs to be accountability to the public regarding the management of the area. DeMello said that they put out reports every year and *agreed to send the link to the reports.*

B. Other Issues

Abe commented that there is a need to have more education to the public on the fishery issues. He said fishermen are respected in other places, but not Hawaii. There needs to be better education on the importance of fishing and fishermen and their value to the culture, economy and society.

Beals noted that Roy Sokolowski has resigned from the Hawaii AP and that they can make a recommendation to replace him. He noted that Shyla Moon is an alternate and that the AP has in the past provided recommendations to the Council to promote alternates to replace members.

The AP agreed to request the Council replace Roy Sokolowski with Shyla Moon on the Hawaii AP.

6. Public Comment

There was no public comment.

7. Discussion and Recommendations

The Hawaii AP made the following recommendations:

- *The Hawaii AP recommended the Council to look at changing the start date of the longline fishing year in order to ensure fish for the holiday season and to lessen the impact of any closures of the fishery.*
- *The Hawaii AP Supported the proposed coral reef projects with the caveat that the projects explicitly state what the projects are going to do with the data.*

- *The Hawaii AP recommended the Council replace Roy Sokolowski with Shyla Moon the Hawaii AP.*

8. Other Business

Roudebush asked about when the AP might meet together for training or meetings in the future? DeMello responded that the AP's training needs are being reviewed and the staff will contact the AP when training is identified and arranged.