



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

Report of the Hawaii Archipelago FEP Advisory Panel Meeting

Thursday, June 15, 2017

Council Office
Honolulu, Hawaii

1. Welcome and Introductions

Gary Beals, Hawaii Advisory Panel (AP) Chair, called the meeting to order at 9:02 a.m. Members in attendance included: Basil Oshiro, Geoff Walker, Nathan Abe, Clay Tam, and Shyla Moon.

Others in attendance included: Joshua DeMello, Rebecca Walker, Charles Kaaiai and Mark Mitsuyasu (Council staff), and Matt Yamamoto (member of the public).

2. Report on Council Action Items

Council staff reported on the Hawaii AP recommendations from its last meeting. He noted that the Hawaii AP made two recommendations, both regarding closing areas to fishing and asking the State of Hawaii to develop a plan and guidelines prior to closure with regular monitoring and assessments. The Council sent a letter to the State of Hawaii but no response has been received to date.

3. Council Issues

A. Sustainable Fisheries Fund Marine Conservation Plan

Council staff provided the AP with information on the Council's Marine Conservation Plan (MCP) for Hawaii and the Pacific Remote Island Areas, noting that it is a spending plan for funds deposited into the Sustainable Fisheries Fund through Magnuson Stevens Act violations (i.e. foreign fishing). He provided an overview of what projects were included and solicited any recommendations for changes.

An AP member suggested that the MCP should ensure that boat ramp construction is included and noted that there needs to be a boat ramp for the community on the south side of Kona since there is no ramp from Keauhou to Pohoiki. Staff noted that Objective 5, Project 3 of the MCP included boat ramp construction and maintenance.

The AP discussed it but took no position on the MCP.

B. Options for NWHI Monument Expanded Area Fishing Regulations

Council staff presented options to the AP for fishing regulations in the Monument Expansion Area (MEA) in the Northwestern Hawaiian Islands. He reviewed the background, purpose, and need for the regulations and provided a suite of options for the AP to consider. Options were provided for commercial fishing and non-commercial fishing, and ranged from no-action to prohibition.

An AP members said that he would like to see the area open back to longline fishing so option A1 (No Action) is the only one that is acceptable for him. He noted that there is no justification

for closing the fishery. Another member commented what is the use of having the resource if you can't use it, especially if current management through the Magnuson Stevens Act is working and the stocks are sustainable. He added that the fishermen are helping the Hawaii communities by providing food and agreed that commercial fishing should continue in the EEZ as long as its sustainable. *The AP agreed that they would like to see commercial fishing continued and chose the no-action option (Option A1) as this is the only option that would not prohibit fishing.*

In regards to non-commercial fishing, AP members discussed charter fishing and also which fishermen can afford to go up to the MEA without the need to sell some of the catch to recoup costs. They noted that the travel to the area may be cost prohibitive, but at the same time, its important that if someone is going up there, that the Council/NMFS know what is being taken out to determine if the productivity for fisheries in the area. AP members agreed that they don't want to prohibit fishing at all, but if commercial fisheries are permitted, there needs to be a way to keep the non-commercial fishery accountable and understand that part of the fishery sector as well. *The AP agreed that Option B2, permitting and reporting for non-commercial fishing in the MEA, made the most sense.* There was no discussion on the definition of non-commercial fishing, but later discussions talked about the need to differentiate between recreational and subsistence in some cases.

The AP also had concerns about the monument being expanded further in the future and wanted to make sure that the monument doesn't expand southwards towards the Main Hawaiian Islands.

C. Research Priorities

Council staff noted that the research priorities were looked at by the AP at its last meeting in March. He provided proposed updates to the Five-Year Research Priorities and Cooperative Research as recommended by other Council advisory groups and opened the discussion for additional changes to the priorities.

AP members discussed the need for cooperative research priorities to include recovering tags in closed areas, like the monuments. Research priorities should ensure access to these areas for all potential research. The AP also noted that only certain species of fish are in demand for food so the research priorities should focus on those species. *The AP agreed that the research priorities should include priorities for food fish and research in closed areas.*

D. Re-specification of ACL for the MHI Kona Crab Fishery

Council staff informed the AP that the Council will be looking to re-specify Annual Catch Limits (ACLs) for the Main Hawaiian Islands (MHI) Kona Crab fishery. He said that new science was available that provides the Council with information on the stock status of Kona Crab that needs to be considered in the management of the fishery. He noted that the assessment includes potential projections based upon catch and biomass, but the assessment provides data only up

The AP had a lengthy discussion on the Kona Crab fishery. One AP member said that the ACLs, no matter what they are set at, will not help the fishery because of the lack of enforcement and the lack of accountability for the catch in real-time. He also said that it is hard to believe the assessment behind ACLs because they are based on commercial catch. He and other AP members noted that there is a larger non-commercial catch that isn't being considered and the

decline in catch and effort is due to the loss of highliners in the fishery and not reflective of the true stock status and that the fishery is largely non-commercial because restaurants don't want to buy Kona Crab because it is hard to eat and has a short shelf-life. Other members commented that other regulations such as the closures of certain areas as well as the loss of participation by key individuals in the fishery have much more of an impact on that data which weren't accounted for in the assessment.

An AP member also noted that the fishery operates in shallower waters even though the Kona Crabs are found deeper most of the year and found shallower only in certain months. He noted that the fishery would be better served to improve the state management regulations by changing the closed seasons to allow for berried females to be protected in the correct months, as well as looking at gear (single-panel vs layered panels), minimum size (that would be for both females and males), and the no-take of female regulations. He said that the mortality of female Kona Crab that are thrown back due to regulations is high (due to predation or injuries) so it would make sense to retain all non-berried females. Another AP member noted that there are differences by island and that those differences should be taken into account when looking at changes in regulations, particularly in extending or shifting closed seasons. She said that much of the fishery on her island is affected by the weather and changing the seasons could eliminate much more fishing than anticipated with little benefit to the stock. She noted that every area is different and the ocean can be calmer or rougher depending on the island, or Kona Crab can be found in different types of habitats.

The AP agreed that the assessment did not include enough information for them to think that a change in the ACLs were necessary. They said that the assessment does not include the biological information that is important to accurately assess stocks (i.e. male to female ratio, survivability of crabs thrown back, etc.) and thus not reflective of the actual population status. *The AP chose the option of No ACL with the provision of revised state management regulations looking at potential changes to gear restrictions, minimum size, seasonal closures, an no-take of female crabs and determined by location.*

4. Hawaii FEP Community Activities

Council staff provided an update on community activities that the Council has been involved with in Hawaii. He noted that the Council will be participating in the Hōkūle'a Mālama Honua fair when the voyaging canoe returns on June 17 and the Council will be provide information at a booth from June 18-20. Along those lines, he added that the Council has been working with others on the Promise to Pae'Āina as part of the voyage, on the feasibility study for non-commercial licensing and a coordinated monitoring effort to determine the status of the nearshore ecosystem. He also noted that the Council's High School Summer Course on Fisheries and Marine Science is underway at Moanalua High School and that the staff presented its process for community-based fisheries management to the Kahana community at its request.

5. Hawaii FEP AP Issues

A. Report of the Subpanels

i. Island Fisheries Subpanel

Council staff provided an update on the Bottomfish Restricted Fishing Areas (BRFAs) and said that the State of Hawaii asked the Council to provide support for determining if there was

scientific justification for opening the BRFA's. A working group was held to review the available information and it was noted that briefings were offered to the Board of Land and Natural Resources but there has been no response. Staff also noted that legislation to reopen some of the BRFA's failed in the legislature this year and the decision is a political one and up to the state on how it wants to handle it. He said that the state wants to do more research but they have no money for that and that the Council and its Scientific and Statistical Committee is already on record to remove the BRFA's because they have no scientific justification. He noted that unless the political will changes, there is nothing more that the Council can do at this point and if there are any ideas on what else the Council might do, he is open for suggestions.

ii. Pelagic Fisheries Subpanel

There was no report from the Pelagic Fisheries Subpanel.

iii. Ecosystems and Habitat Subpanel

Council staff noted a survey on fishermen opinions on Marine Protected Areas is being circulated. AP members said that some people didn't get the survey and they are interested. Council staff agreed to follow up with the researcher.

Council staff noted that the Hawaii AP will be reviewing potential changes to Essential Fish Habitat (EFH) for Hawaii's fisheries in the near future. She said that precious corals EFH are being reviewed and there may be some changes the AP may want to weigh-on. She also said non-fishing impacts to EFH are being looked at as well, which may result in options for the Council to consider in the future. She also noted that the Council's Stock Assessment and Fishery Evaluation reports are available and this new information is available in the reports and asked the AP to provide any comments on the reports.

iv. Indigenous Fishing Rights Subpanel

Council staff provided an update of a conference call with all of the AP's Indigenous Fishing Rights subpanels to discuss and define cultural/indigenous fishing. He said there was a lot of discussion and most members agreed that the Council was doing enough to address indigenous fishing rights and cultural fishing. Some members thought the Council could do more. He noted the Council will address cultural fishing and indigenous fishing rights at this next meeting. He said some need to address things on island before they can work with the Council. An AP member added that the Aha Moku could provide the Council with assistance regarding cultural and indigenous fishing issues.

B. Other Issues

The Chair presented on issues regarding non-commercial fishing licenses that the group discussed. He said that discussion resulted in a preference for a no-fee fishing registry as opposed to a license. Other members noted that commercial fishermen say that if they have to pay, the non-commercial fishermen should have to pay and provide catch reports as well. Other concerns were the definition of "recreational" vs "subsistence" fishing and noted that charter fishermen are recreational but others are subsistence fishing where they feed family and friends and there should be a distinction between the two in regards to licenses.

6. Public Comment

Matt Yamamoto provided public comment saying he agreed with the Kona Crab discussion by the AP and its recommendations. He said that one of the key things with a non-commercial fishing license is that it would provide a way for enforcement to inspect coolers without needing probable cause, which would greatly improve enforcement.

7. Discussion and Recommendations

The Hawaii Advisory Panel made the following recommendations:

Regarding the Options for Fishing Regulations in the NWHI MEA, the Hawaii AP:

- 1. Recommends the Council select, for commercial fishing, Option A1 (No Action), and for non-commercial fishing, Option B2 (Permitting and reporting for non-commercial fishing in the MEA).**

Regarding the Re-specification of ACLs for MHI Kona Crab, the Hawaii AP:

- 2. Recommends the Council select Alternative 1 (No ACL) with an additional recommendation that the State of Hawaii review its current management regulations for Kona Crab (to include a change to a single-layer net, a potential change in closed seasons, allowing the take of females over a (revised) minimum size, etc.) and that develop regulations by island area to reflect the differences in each island's fishery and stocks.**

Regarding the Council's Research Priorities, the Hawaii AP:

- 3. Recommends the Council include in its research priorities that closed areas can still be accessed for research and that priorities focus research on an established list of important food fish to the communities.**

8. Other Business

There was no other business.

Meeting adjourned at 10:52 a.m.