



Report of the Hawaii Archipelago FEP Advisory Panel Meeting

August 7, 2019

9 a.m. – 11 a.m.

Council Office Conference Room

Honolulu, Hawaii

1. Welcome and Introductions

Gil Kualii, Hawaii Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) Chair, welcomed everyone to the call and provided a roll-call of members as introduction. Hawaii AP Members in attendance included Nathan Abe, Carrie Johnston, Eddie Ebisui III, Khang Dang, and Michael Lee. Clay Tam was excused.

Also in attendance was Kitty Simonds (Executive Director), Joshua DeMello, Mark Fitchett, Zach Yamada and Asuka Ishizaki (Council staff) and Dean Sensui (Council Member, Hawaii Vice Chair). Members of the public were also on the web conference.

2. Approval of Draft Agenda

The Hawaii AP Chair asked if there were changes to the draft agenda. Hearing none, the AP approved the agenda.

3. Managing Loggerhead and Leatherback Sea Turtle Interactions in the Hawaii-based Shallow-set Longline Fishery (Action Item)

Council staff presented on an issue regarding managing loggerhead and leatherback sea turtle interactions in the Hawaii-based shallow-set longline fishery. The fishery is managed under the Council's Pelagic FEP which introduced new technologies that reduced turtle interactions by 90 percent. The Regulatory Amendment that introduced these new technologies also established requirements and annual interaction limits for loggerhead and leatherback turtles ("hard caps"). These hard caps, if reached would trigger the closure of the fishery for the remainder of the calendar year. The hard cap limits are based on the anticipated level of interactions in the Biological Opinion (BiOp) for the Hawaii shallow-set longline fishery prepared pursuant to the Endangered Species Act (ESA) Section 7 consultation process. The existing annual fleet-wide hard caps prevent loggerhead and leatherback takes above the specified limit, but do not provide early response to higher interaction rates that may indicate a potential for higher impacts to sea turtle populations or a fishery closure early in the calendar year. Effective management of loggerhead and leatherback turtle interactions in the Hawaii shallow-set longline fishery should consider responsive measures that can help ensure year-round fishing operations while addressing the needs for protected species conservation. The Council considered a range of management measures to address this need in 2018, and has been awaiting a new BiOp to review its analysis for consistency with the Council's action. A new BiOp was originally scheduled to be completed by October 31, 2018. After many delays, a draft was available for review on March 28, 2019 with a final BiOp issued on June 28, 2019.

Prior to the final BiOp being published, the Council at its 177th Meeting in April 2019 recommended amending the Pelagic FEP to establish a management framework for the Hawaii shallow-set longline fishery that consists of: 1) annual limits on the number of North Pacific loggerhead and Western Pacific leatherback turtle interactions consistent with the anticipated level of interactions set forth in the current valid BiOp; and 2) individual trip interaction limits for loggerhead and leatherback turtles. The Council also recommended setting hard cap limits of 36 loggerhead and 16 leatherback turtles as well as an individual trip limit of 5 loggerhead turtles and 2 leatherback turtles.

The new BiOp includes Reasonable and Prudent Measures (RPMs) and associated Terms and Conditions (T&C) to mitigate the impact of take. These measures are similar to but not fully consistent with the Council's recommended action at the 177th Meeting. The AP reviewed the alternatives that the Council will consider for taking final action on the measures for managing loggerhead and leatherback turtle interactions in the Hawaii shallow-set longline fishery: 1) No action (hard cap limit of 17 loggerhead and 26 leatherback interactions); 2) Modify annual fleet-wide hard cap limits and establish individual trip limits (as recommended at the 177th Council Meeting); 3) modify the measures consistent with the RPMs and T&C from the final BiOp and modify the loggerhead cap limit to the ITS in the BiOp; or 4) Modify the measures consistent with the RPMs and T&C and do not set a loggerhead turtle hard cap.

The AP discussed the proposed modifications to the shallow-set longline fishery management. An AP member had a question about when most interactions occur (by season) in order to determine the high incident months. Council staff said that there is some seasonality, which is in the first quarter of the year, but that is also the busiest part of the fishery as well. The AP member said maybe starting the fishing year later would deal with that problem. Council staff said that the seasonality is driven by when and where as well as market conditions. Another AP member noted that the idea of changing the fishing year has been discussed by fishermen. The fishing starts around Nov-Dec, and continues until March when the fishing winds down and boats start changing over to deep-set fishing. AP members said that there would be more fishing time available to fishermen and helps the fishery to maximize its fishing before turtle interactions occur.

Reviewing the alternatives, the AP looked at the four alternatives presented by Council staff and discussed the merits and drawbacks of each alternative. An AP member noted that their goal should always be taking a proactive approach vs reactive approach. Another AP member asked which alternative would benefit the fishery most if they continued to interact with the limit on turtles. Council staff responded that alternatives 2, 3 and 4 would allow the fishery to interact with loggerhead turtles beyond interactions in the past two years and may provide more fishing time for the fishery. An AP member asked if the Council has to recommend RPM T&C 1a and 1b. Council staff replied that if the Council did not include the RPM, the NMFS would implement them through another process and not the MSA which allows for a public process. AP members asked if implementing through Council rules would allow for more flexibility. Council staff said that the Council process would allow for easier changes. AP members also asked if the NMFS evaluation in 5 days was actually enough time for them to review and provide guidance. Council staff said they don't know how it will play out but it is written in a way that says they are only prohibited from fishing for 5 days regardless of whether NMFS is able to provide guidance.

An AP member involved in the fishery noted that they have 100% observer coverage so they know exactly what their interactions are and they will abide by whatever limits developed based on science. He said there is a worry that any new measure added will be difficult to remove. He also said that the impact on improving the population is small and although he would prefer to not have the additional regulations, he could support having no loggerhead hard cap (alternative 4) if he needed to support an alternative because it provides the greatest leeway for the fishery. He noted that spatial management is not supported because there would need to have active management of those areas based on temperature or other factors. Council staff said that they worked earlier with the industry on this idea to move off of hotspots in real-time, but it can't be done in regulations because it takes too long for notifications to occur.

The AP originally looked at Alternative 2 but discussed Alternative 4 providing additional relief to the fishery instead. One AP member suggested looking at increasing the leatherback individual trip limit from 2 to 3. Council staff noted that the AP could recommend the Council include that in the recommendation but it would not meet the RPMs and may not get implemented. Another AP member asked which alternative would maximize the fishery and conservation benefits the best. Council staff noted that alternative 2 may keep more individuals in the fishery longer than alternative 4 because the loggerhead hard cap is large enough that it may not be hit at all. Another AP member noted that alternative 2 seems more punitive based on chance, alternative 3 seems more scientifically sound, but alternative 4 provides the balance for the fishery. Another AP member said that alternative 4 is deceiving because having no hard limit would allow way too many loggerhead interactions so the true intent appear to be to reduce the number of vessels fishing instead of protecting turtles. He said that alternative 4's vessel limits does not provide additional conservation benefits to turtles versus alternative 2 and rather limits fishing participation by removing vessels from the fishery.

The AP discussed the need to look at the target species in relation to the TurtleWatch program and other protected species such as Oceanic White Tip sharks. The AP supports further development of TurtleWatch to consider including information on target catch as well as potential interactions with other protected species of concern.

The AP decided that Alternative 2 would be best for the fishery in order to maximize benefits to the fishery and the conservation of sea turtles while allowing the most fishermen to participate.

4. Public Comments

The AP was provided the public comment from the Hawaii Longline Association which supported the removal of the loggerhead hard cap and opposed mandatory vessel limits and leatherback hard cap as they are both punitive to the fishery that has negligible impact on sea turtle populations, but also did not oppose alternative 4.

Dean Sensui added that the Council is looking for the AP's candid opinion of the current situation. The AP provides advice and input to the Council. The Council wants to hear what the AP sees as needs to be done. If the AP sees that certain restrictions are unreasonable, they should voice their opinions as that is what the Council and NMFS needs to hear. The AP sees everything first-hand so don't feel restricted by the alternatives. Feel free to do what you think needs to be done.

There were no additional public comments.

5. Discussion and Recommendations

The Hawaii Archipelago FEP Advisory Panel made the following recommendations:

- *Regarding the Hawaii-based shallow-set longline fishery management, the Hawaii AP recommends the Council select Alternative 4, to modify the loggerhead and leatherback turtle mitigation measures consistent with RPMs and T&C 1a and 1b, and do not set a loggerhead turtle hard cap limit. Further, the AP notes that the additional restrictions are punitive and provides no additional conservation benefits and requests that they be removed in the near future.*
- *The AP further recommends the Council consider providing fishermen greater fishing opportunities by changing the start of the fishing year from January 1 to October 1.*

6. Other Business

There was no other business.

Hawaii Advisory Panel Meeting
August 7, 2019
Webex Participation

Participants

S	Staff (me)	
PL	Presentation Laptop	
A	Alex	
B	Becky	
	Call-in User_10 (Anony****)	
	Call-in User_6 (+1808522****)	
	Call-in User_7 (+1808747****)	
	Call-in User_8 (+1808342****)	
	Call-in User_9 (+1310770****)	
CJ	Carrie Johnston	
J	Julie	
KD	Khang Dang	
LL	Leinaala Ley	
MP	m parke	
ML	Matt Lybolt	
TR	Thomas Remington	
Y	Yonat	