



**Western
Pacific
Regional
Fishery
Management
Council**

**Testimony of Mr. Taotasi Archie Soliai, Chair
Western Pacific Regional Fishery Management Council
Presented by Edwin Watamura, Vice Chair (Hawai‘i)**

**At a listening session hosted by US Representative Jared Huffman on the
Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act
February 21, 2020, at the Bishop Museum, Honolulu**

Good morning Congressman Huffman and Congressman Case. Thank you for the opportunity to speak on reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). My name is Taotasi Archie Soliai. I am the chair of the Western Pacific Fishery Management Council (Council). I am honored to participate in this listening session on behalf of the Council to offer our perspectives on reauthorization.

Our region is unique. Its non-contiguous jurisdiction spans both sides of the dateline and both sides of the equator and comprises approximately half of the US exclusive economic zone. Our region includes one state, two territories, a commonwealth and several uninhabited islands, each with a different history and relationship with the United States. We have five official languages, which reflect our indigenous cultures. The MSA provides for these regional differences.

The bottom-up structure of the MSA allows for community integration into federal policy at multiple levels—including the Council, its advisory bodies and its open, public meetings. The legislation provides the tools and guidance needed to meet the MSA objectives—to protect fish stocks, increase long-term economic and social benefits, and ensure a safe and sustainable supply of seafood. The main pillars of the MSA are 1) recognition of regional environmental and economic differences and the benefits of regional management; 2) management that is science-based; and 3) management that considers in its deliberations the needs and perspectives of the local fishermen, fishing communities and the public at large.

The MSA has worked successfully overall in the Western Pacific Region. To illustrate this, I will provide three examples and then touch on some other areas for consideration.

Hawai‘i Longline Fishery

Honolulu harbor consistently ranks among the nation’s top 10 ports in landed seafood value, bringing in approximately \$120 million in fresh (not frozen) wild-caught fish annually.¹

¹ Fisheries of the United States, 2018 Report. NOAA Fisheries. February 11, 2020.
<https://www.fisheries.noaa.gov/resource/document/fisheries-united-states-2018-report>

Hawai‘i’s fisheries overall generate \$1.0 billion in sales and 11,000 jobs.² The Hawai‘i longline fleet lands the vast majority of the fish in Honolulu, including nearly all of the nation’s domestic production of bigeye and yellowfin tuna and half of its domestic production of swordfish. Hawai‘i wild-caught fish is the number one food producer in the State, with 80 percent of the commercial landings staying on island. Even so, only 51 percent of the seafood consumed in the State comes from local fisheries, both commercial and noncommercial.³

The Hawai‘i longline fleet is globally considered the golden standard in pelagic fisheries. Through the MSA process, the Council has developed and implemented measures that have formed the basis of international standards for regional fishery management organizations, such as the Western and Central Pacific Fisheries Commission and the Inter-American Tropical Tuna Commission.

Through the MSA and Council process, the Hawai‘i longline fishery is one of the most regulated and monitored fisheries in the world. The mandatory use of the satellite-based vessel monitoring system was pioneered by the Council for this fishery in 1991. Observer coverage in the fleet ranges from 20 percent for deep-set vessels to 100 percent for shallow-set vessels. By comparison, foreign fleets do not maintain even the minimum internationally required coverage of 5 percent. Longline closures from 0 to 50 miles offshore around the main and Northwestern Hawaiian Islands (NWHI) were implemented by the Council thirty years ago—decades before any marine monument. The longline fishery operates at a depth of 400 meters, while the expanded NWHI monument, which spans the entire US EEZ from 0 to 200 miles around the 1,200-mile island chain, has an average depth of 3 miles, or 5,000 meters (see fig.1).

Through successful partnerships with the National Marine Fisheries Service (NMFS) and the fishing industry, the Council has developed management measures for the Hawai‘i longline fishery that have reduced interactions and mortalities with sea turtles and sea birds by more than 90 percent (fig. 2a and 2b). The Council process under the MSA provides a platform on which potential issues are identified, affected industry members are engaged, potential solutions developed and tested, ecosystem and socioeconomic concerns considered, and effective and practical solutions recommended for implementation. A significant number of amendments to the Pacific Pelagic Fishery Management Plan for the WPR focus on protected species issues, from gear requirements, to area closures, to crew training, to vessel monitoring system and observer requirements (see Appendix 1). Our Hawai‘i shallow-set longline fishery has had 100 percent observer coverage, which means every time a fishing boat goes out to fish for swordfish, a NOAA observer is on board to document all interactions with protected species.

The Council has also engaged in numerous non-regulatory activities to address protected species. The Council has hosted International Fishers Forum to transfer technology to foreign fleets. We have supported conservation programs at leatherback and loggerhead nesting beaches in Indonesia, Papua New Guinea and Japan and loggerhead foraging grounds in Mexico and

² Fisheries Economics of the United States, 2016. <https://www.fisheries.noaa.gov/content/fisheries-economics-united-states-2016>

³ Loke M et al. 2012. An Overview of Seafood Consumption and Supply Sources: Hawaii versus U.S. Honolulu: University of Hawai‘i at Manoa, College of Tropical Agriculture and Human Resources.

Ecuador. We are currently engaged in cooperative efforts to improve line cutting gear and tori streamer lines to mitigate turtle and seabird mortalities and interactions, respectively.

Despite these successes, and while the species targeted by the Hawai‘i longline fisheries are neither overfished nor experiencing overfishing, the fisheries continue to be strapped by where they can fish (see fig. 3), how much they catch and what they can market principally due to measures implemented under or driven by the Endangered Species and Marine Mammal Protection Acts (MMPA and ESA). While the MSA must consider the ESA and the MMPA, neither of those Acts need consider the mandates of the MSA. The Council is currently working to host an international workshop on spatial management as ongoing UN discussions on an international legally binding instrument to address marine biological diversity of areas beyond national jurisdiction (BBNJ) may result in additional area closures outside of the US EEZ, where our fishermen must compete with foreign fleets (see fig. 4).

One of the strengths of MSA is the balanced consideration of human factors alongside biological factors in managing fisheries. MSA requires a fishery impact statement that includes consideration of conservation, economic and social impacts for every plan or amendment prepared by the Council. Additionally, the Council process provides for input from affected fishermen throughout the process of developing management measures, such as whether proposed measures may be practical or effective under operational conditions. These economic, social and operational factors are critical to developing measures that effectively mitigate impacts on protected species.

Hawai‘i Bottomfish Fishery and Annual Catch Limits

The MSA requirement that annual catch limits (ACLs) be specified for all federally managed fisheries (with a few exceptions) has been overall effective in the Western Pacific Region (WPR). For example, ACL management of bottomfish in the main Hawaiian Islands is implemented cooperatively by the State of Hawai‘i, the Council and NOAA Fisheries Pacific Islands Region as Hawai‘i fishermen operate in both federal and state waters (see fig. 5). This cooperative State-federal effort requires commercial and noncommercial permits, reporting of commercial catches and closure of both state and federal waters if the ACL is reached. Through ACL management, the Hawai‘i bottomfish stocks are healthy, neither overfished nor experiencing overfishing. Through cooperative research provided for by the MSA, fishermen have worked with NOAA scientists on fishery-independent surveys to improve the stock assessment. Because ACL management is working, the State has opened several bottomfish restricted fishing areas, a move supported by fishermen and scientists alike. The open areas enable fishermen to reduce fuel costs and improve safety at sea.

One of the areas where ACL management has not worked well is with fisheries that have insufficient data needed for a robust stock assessment. Currently, mandatory catch reporting in the WPR is required for only the Hawai‘i commercial fishery. The Commonwealth of the Northern Mariana Islands (CNMI) has passed legislation to require mandatory commercial reporting, but it is not yet implemented. Noncommercial catch reporting is not required by Hawai‘i nor any of the three Territories in part due to the indigenous cultural and traditional practices that are recognized by the local governments. Without good data and good stock assessments, the acceptable biological catches (ABCs) set the Scientific and Statistical

Committee can be best guesses even though based on the best scientific information available. For example, the ACL for slipper lobster for the CNMI and the Territories of American Samoa and Guam range from 20 to 60 pounds and are based on the catch data and essential fish habitat for slipper lobster in the main Hawaiian Islands extrapolated to the essential fish habitat for slipper lobster in the Territories, as there is no catch data in the Territories on which to base the ABC. For ACLs to work effectively to protect both the stocks and the communities that depend upon them, the Council needs good data, and we are continuing our work with the State/Territory and federal agencies and the fishing communities to improve data collection in our region.

EXAMPLE 3: ECOSYSTEM-BASED MANAGEMENT

The MSA requires fishery conservation and management measures to include ecosystem considerations. Our region embraced ecosystem-based management early, implementing the Coral Reef Ecosystem Fishery Management Plan in 2004 and restructuring fishery management plans into fishery ecosystem plans in 2009.

Increasingly, ecosystem-based management has focused on anticipated impacts of a changing climate. The Council's Marine Planning and Climate Change Committee was instrumental in the Council's work with Hawai'i and the US territories to host conferences and produce videos, displays and publications that showcase the impact of climate change on island fishing communities. The Council's Plan Team includes NOAA climate change experts, who monitor the impacts of climate change in the Council's annual stock assessment and fishery evaluate reports.

The MSA recognizes that both living marine resources and the communities that depend on them are part of the ecosystem and includes provisions to support indigenous traditional knowledge and fishing communities. The Council has worked through the MSA process to include the indigenous communities in the federal fishery decision-making process and to sustain their fishing traditions. The 1996 and 2006 reauthorizations of the MSA include the Western Pacific Community Development Program and Community Demonstration Project Program (CDPP), which recognize the traditional practices of native people in the region. The CDPP is a grant program for which Congress mandated that \$500,000 be set aside annually to support three to five demonstration projects. Thirteen projects were funded between 2002 and 2005, ranging from pelagic fisheries training to fishpond restoration. NMFS has not provided funding for the CDPP after 2005.

OTHER CONSIDERATIONS

- **Rebuilding Plans:** MSA requires rebuilding target dates to not exceed 10 years. Such a timeline may, in some circumstances, significantly impact on the livelihoods of fishing communities and their supply of safe and sustainable seafood.
- **Emergency Regulations and Interim Measures:** The MSA allows NMFS to implement interim measures to reduce, but not necessarily end, overfishing during the two years it takes to implement a rebuilding plan, as long as certain criteria are met. The interim measure may last for no more than 180 days but may be renewed for an additional 186

days. The timeline for the analysis for an interim measure is at a minimum one year. In other words, the application of the analysis to the interim measure is not transparent.

- **Transparency:** Costs and availability of technology services in the US Pacific Territories can make it difficult to webcast meetings, should this become a requirement under a reauthorized MSA. While the Council tries to webcast its meetings, doing so from the territories, such as American Samoa, has been problematic. The broadband width for the internet does not allow for both webcasting and providing attendees the ability to access electronic documents. An MSA requirement that all Council meetings are to be webcast would not be practicable and would be costly in the territories.
- **Council Coordination Committee:** In addition to the above, the Council Coordination Committee's general thoughts regarding the reauthorization process represent some general tenets worth considering relative to any change in the MSA:
 - Avoid across the board mandates which could negatively affect one region in order to address a problem in another region. Ensure that we have the ability to develop regional solutions to regional problems. Make provisions region-specific where necessary, or couch them as optional tools in the management toolbox rather than mandates.
 - Allow for flexibility in achieving conservation objectives, but be specific enough to avoid lengthy, complex implementing regulations or 'guidelines'.
 - Be in the form of intended outcomes, rather than prescriptive management or scientific parameters.
 - Avoid unrealistic/expensive analytical mandates for implementing fishery closures or other management actions.
 - Avoid constraints that limit the flexibility of Councils and NMFS to respond to changing climates and shifting ecosystems.
 - Avoid unfunded mandates, and/or ensure that Councils and NMFS have the resources to respond to provisions of legislation.
 - Preservation and enhancement of stock assessments and surveys should be among the highest priorities when considering any changes to the Act.

Thank you for allowing the Council to provide its perspective on the MSA reauthorization. Our hallmark fisheries are the rewards of the MSA legislation that is regionally focused, science-based and has a strong public participatory process through the Regional Fishery Management Councils.

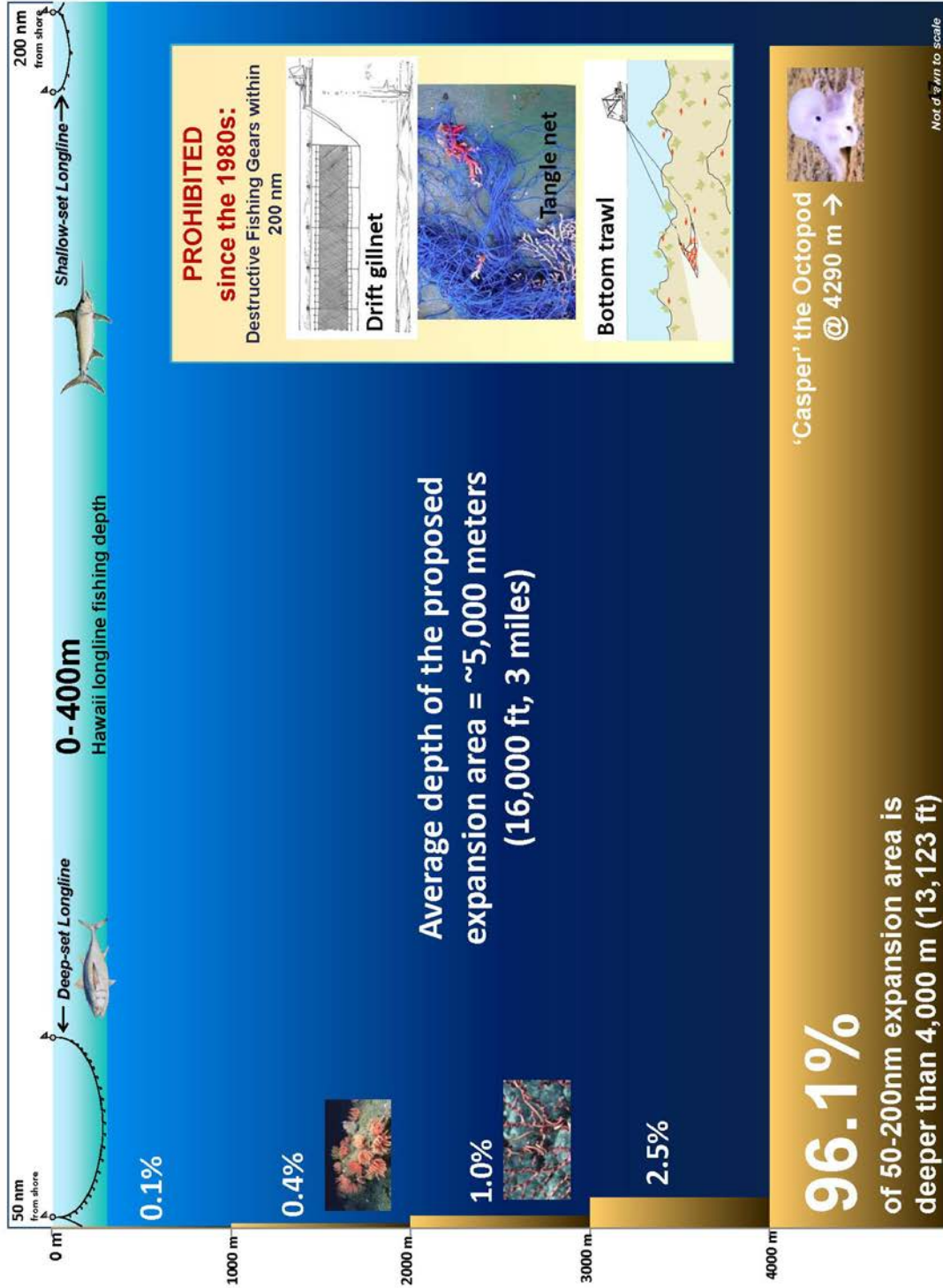
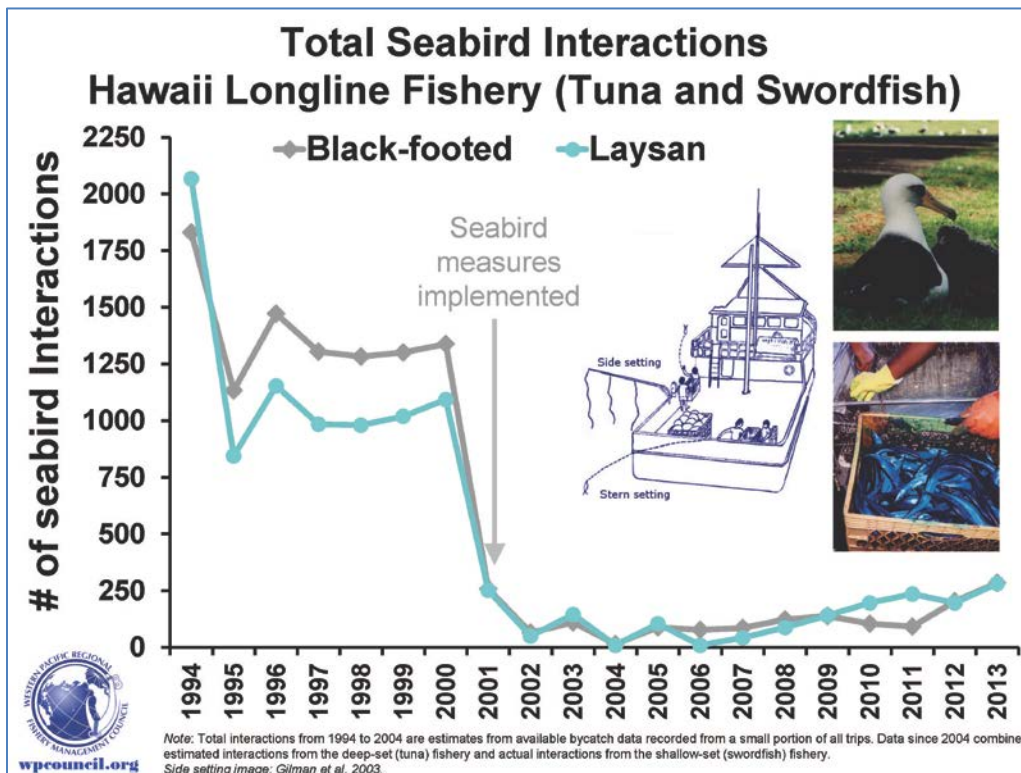
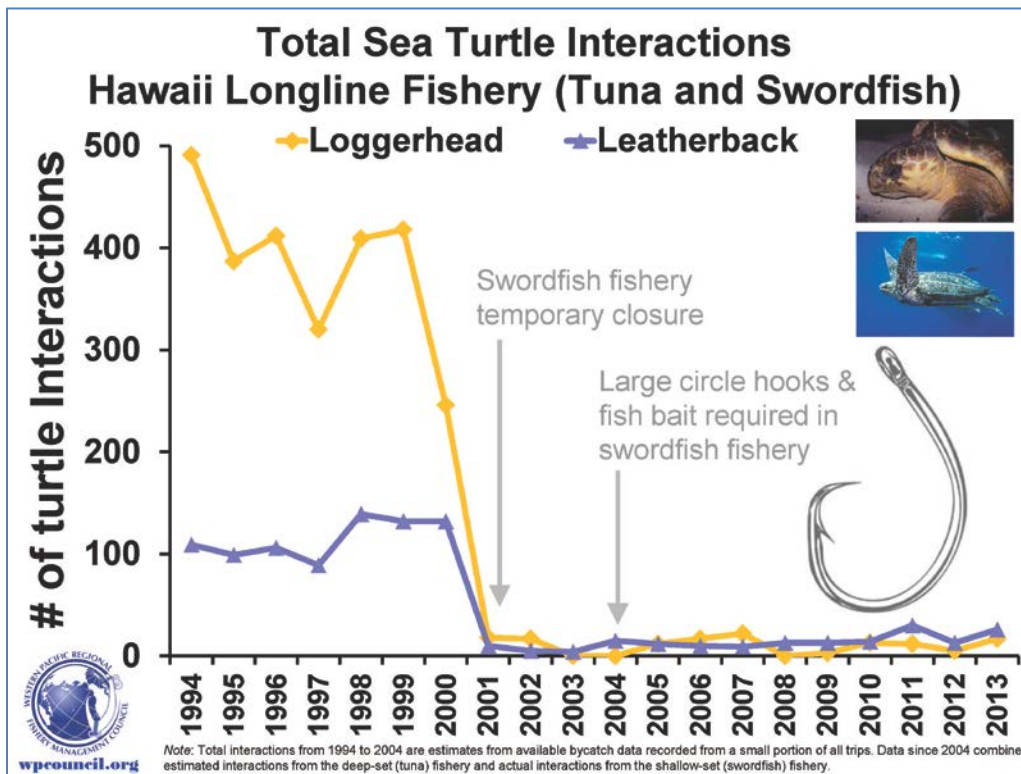


Figure 1: Longline fishing depth is 400 meters, while the average depth of the expanded NWHI monument is 3 miles (5,000 meters).



Figures 2a and 2b. Sea turtle and seabird interactions were reduced by more than 90 percent.

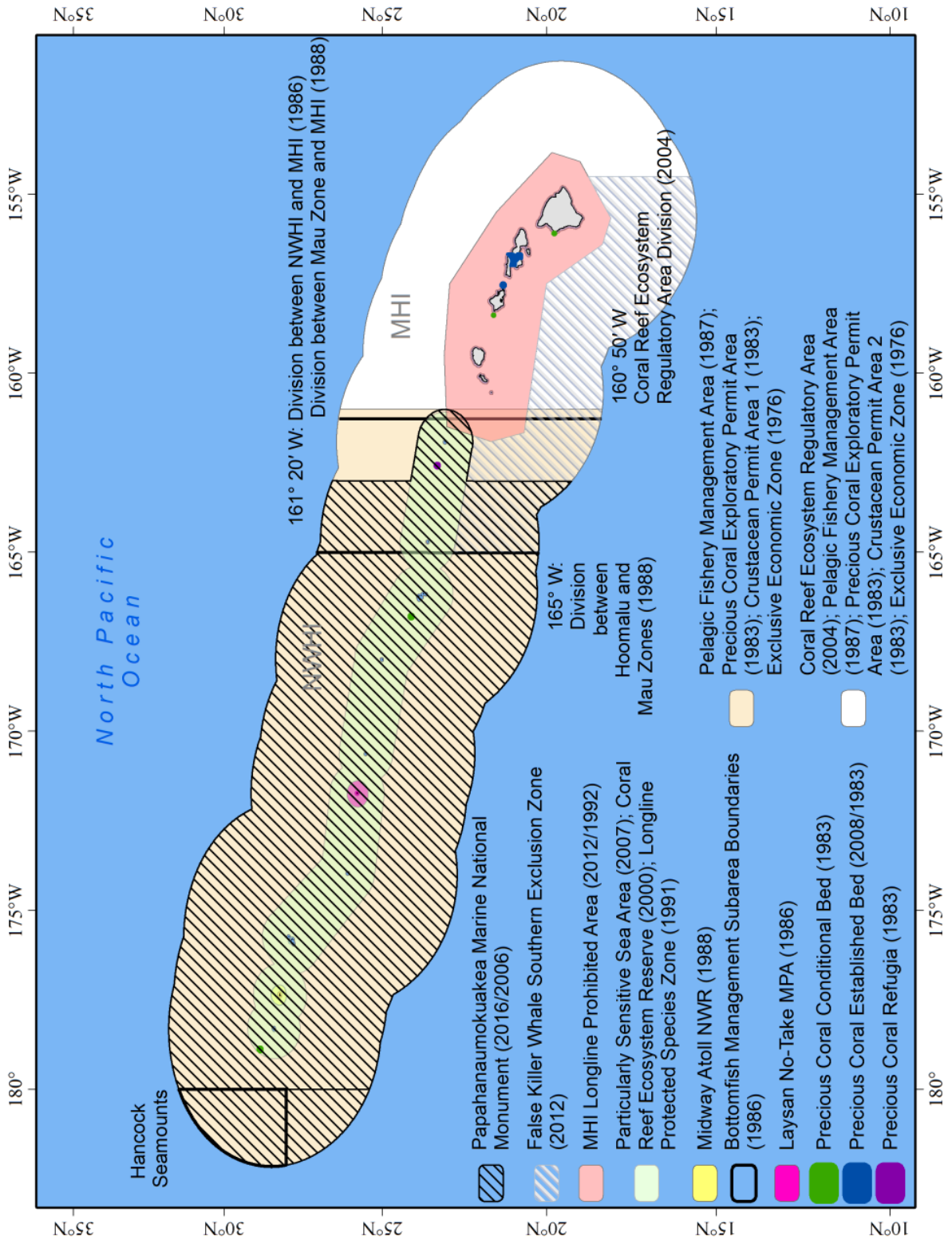
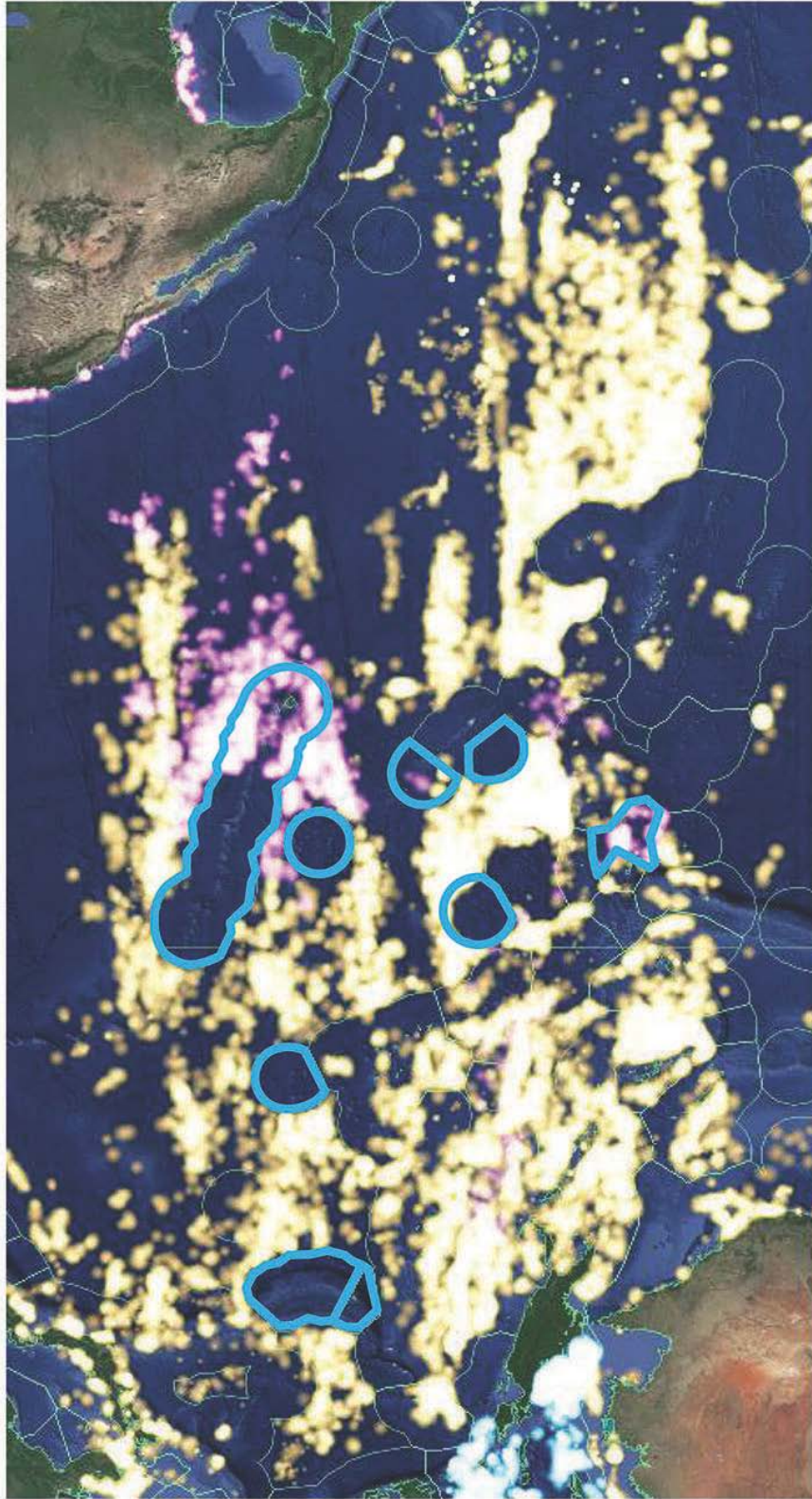


Figure 3. Only 17 percent of the US EEZ around the Hawaiian Islands remains open for all permitted commercial fisheries.

Fishing Effort in the Pacific Ocean



Data source: Global Fishing Watch

Three months fishing effort (November 9, 2018–February 9, 2019)

● Foreign fishing vessels ● U.S. fishing vessels ● U.S. exclusive economic zone

Vessels are predominately purse seine, longline, and pole and line vessels targeting tuna and swordfish.

Figure 4.

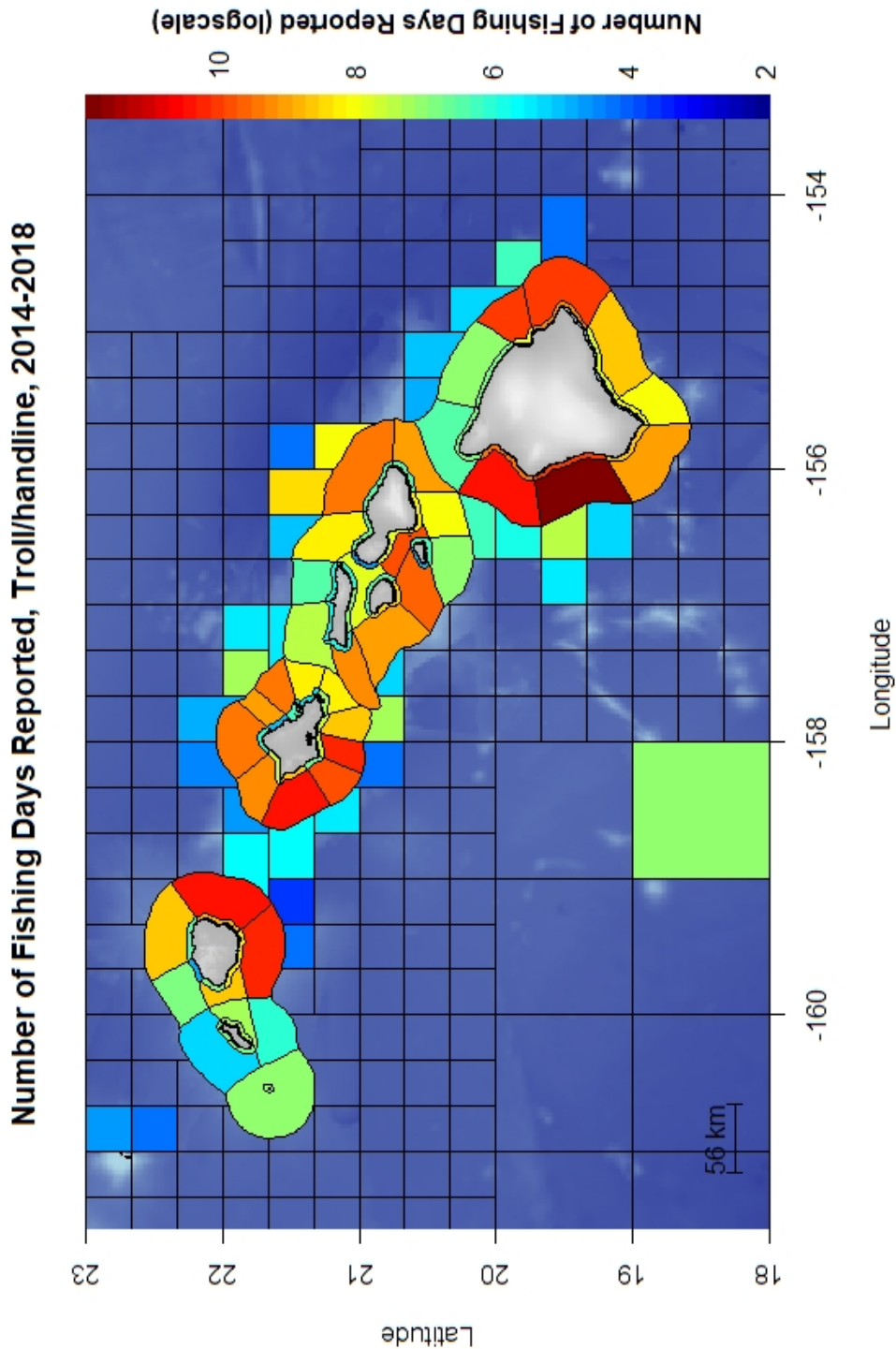


Figure 5. Reported fishing days for the Hawai'i commercial handline/troll fisheries by Hawai'i Division of Aquatic Resources (DAR) reporting grid, combined from 2014 to 2018. The narrow bands around the main Hawaiian Islands represent the State waters from 0 to 3 miles offshore, and the wider bands represent the federal waters from 3 to 200 miles offshore. Source: Hawai'i DAR 2019.

APPENDIX 1

Protected Species-Related Amendments to Pelagic Fishery Management Plan for the Western Pacific Region

- Amendment 2 became effective on May 26, 1991 (56 FR 24731). It implemented requirements for domestic pelagic longline fishing and transshipment vessel operators to have Federal permits, to main Federal fishing logbooks, and, if wishing to fish within 50 nm of the Northwestern Hawaiian Islands (NWHI), to have observers placed on board if directed by the National Marine Fisheries Service (NMFS). Amendment 2 also required longline gear to be marked with the official number of the permitted vessel, and incorporated the waters of the EEZ around the Commonwealth of the Northern Mariana Islands into the area managed under the FMP.
- Amendment 3, which became effective on October 14, 1991 (56 FR 52214) created a 50 nm longline exclusion zone around the NWHI to protect endangered Hawaiian monk seals. This is a contiguous area extending 50 nm from named features in the NWHI and connected by corridors between those areas where the 50-nm-radius circles do not intersect. Amendment 3 also implemented framework provisions for establishing a mandatory observer program to collect information on interactions between longline fishing and sea turtles.
- Amendment 4 was effective October 10, 1991 through April 22, 1994 (56 FR 14866). It established a three-year moratorium on new entry into the Hawaii-based domestic longline fishery. The amendment also included provisions for establishing a mandatory vessel monitoring system for domestic longline vessels fishing in the Western Pacific Region.
- In response to a Biological Opinion issued by NMFS on June 10, 1993 regarding protected species interactions with the Hawaii-based longline fleet, NMFS issued an interim final rule effective January 6, 1994 (58 FR 67699) that required operators of these vessels to carry a federal observer if requested by NMFS.
- At the request of the Council, NMFS issued a final rule effective April 15, 1993 (58 FR 14170) that revised the gear marking requirements for longline vessels managed under the FMP while fishing in EEZ waters. The rule required that all floats and buoys be marked with the vessel's official number whether deployed or possessed on board the vessel. Unmarked gear could be seized and destroyed by enforcement officers. This rule was intended to reduce or limit the incidence of longline gear abandonment, which can result in adverse interactions with protected species.
- A final rule effective December 15, 1994 (59 FR 58789) under Amendment 4 required Hawaii-based longline vessels to carry and use a NMFS-owned vessel monitoring system (VMS) transmitter to ensure that they do not fish within prohibited areas.
- NMFS issued a final rule that made its 1992 interim rule requiring observers on longline vessels permanent effective April 23, 1994 (59 FR 18499).

- NMFS issued a final rule implementing an experimental vessel monitoring system (VMS) program in the Hawaii-based longline fishery effective December 15, 1994 (59 FR 58789). This program required vessel operators to carry VMS systems which were owned, installed and operated by NMFS, for a maximum of three years. This program was intended to enforce prohibitions against fishing in closed areas and was designed to provide information to NMFS and the Council on its cost-effectiveness.
- Framework Measure 2 became effective June 13, 2002 (67 FR 34408) and incorporated the terms and conditions developed by the Council and contained in a November 28, 2000 Biological Opinion issued by the USFWS. These measures required Hawaii-based pelagic longline vessel operators to use blue-dyed bait, strategic offal discards, and line shooters with weighted branch lines to mitigate seabird interactions when fishing north of 23° N. Also included was a requirement that all Hawaii-based longline vessel owners and operators annually attend a protected species workshop conducted by NMFS.
- Regulatory Amendment 1 to the FMP became effective June 9, 2002 (67 FR 40232) and incorporated the reasonable and prudent alternative of a March 2001 Biological Opinion issued by NMFS. To mitigate interactions with sea turtles, this amendment prohibited shallow set pelagic longlining north of the equator by vessels managed under the FMP and closed waters between 0° and 15° N from April through May of each year to longline fishing. It also instituted sea turtle handling requirements for all vessels using hooks to target pelagic species in the region's EEZ waters and extended the protected species workshop requirement to include the operators of vessels registered to longline general permits. On August 31, 2003 NMFS' 2002 Biological Opinion was vacated and remanded to NMFS by Judge Kollar-Kotelly, as was the rule implementing the sea turtle measures contained in NMFS' March 2001 Biological Opinion (68 FR 53101).
- Regulatory Amendment 3 became effective April 2, 2004 (69 FR 17329) and implemented management measures for the longline fisheries managed under the Pelagic FMP, with the objective of achieving optimum yield from these fisheries while not jeopardizing the long term existence of sea turtles and other listed species. The amendment established a limited model Hawaii-based shallow-set swordfish fishery using circle hooks with mackerel bait. This hook and bait combination was found to reduce interactions with leatherback and loggerhead turtles by 67% and 92% respectively in the U.S. Atlantic longline fishery. Fishing effort in the model shallow-set swordfish fishery was limited to 50% of the 1994-1999 annual average number of sets, or just over 2,100 sets, allocated between those fishermen applying to participate in the fishery. As an additional safeguard a 'hard' limit on the number of leatherback (16) and loggerhead (17) turtle interactions that could occur in the swordfish fishery was implemented with the fishery to close for the remainder of the calendar year if either limit was reached. In addition the amendment re-implemented earlier sea turtle handling and resuscitation requirements and included a number of conservation projects to protect sea turtles in their nesting and coastal habitats. This rule also implemented the requirement for night setting imposed by the USFWS Biological Opinion on Hawaii-based longline vessels targeting swordfish north of 23 degrees north latitude.

- Regulatory Amendment 4 became effective December 15, 2005 and included a range of measures to minimize interactions with turtles by non-Hawaii based domestic longline vessels operating in the Western Pacific under general longline permits (70 FR 69282). Under this amendment, vessels with longline general permits making shallow sets north of the equator were required to use 18/0 circle hooks with mackerel-type bait and dehookers to release any accidentally caught turtles. The amendment also required both operators and owners of vessels with general longline permits to annually attend protected species training workshops. Further, operators of vessels with general longline permits were required to carry and use specific mitigation gear to aid in the release of sea turtles accidentally hooked or entangled by longlines. These include dipnets, long-handled line clippers and bolt cutters (with allowances for boats with < 3' freeboard). This regulatory amendment also required operators of non-longline pelagic vessels (e.g. trollers and handliners) to follow handling guidelines and remove trailing gear wherever they fish.
- Regulatory Amendment 5 became effective January 18, 2006 (70 FR 75075) and allowed operators of Hawaii-based longline vessels fishing north of 23 degrees north latitude, as well as those targeting swordfish south of 23 degrees north, to utilize side-setting to reduce seabird interactions in lieu of the seabird mitigation measures required by Framework Measure 1. Side-setting was tested on Hawaii-based longline vessels and found to be highly effective in reducing seabird interactions.
- Amendment 18 removed the 2,120 set limit for the Hawaii-based shallow-set longline fishery and implemented a new loggerhead sea turtle hard cap of 46 annual interactions. Existing requirements including 100 percent observer coverage, the use of circle hooks and mackerel-type bait and the use of onboard handling and release techniques were maintained. This amendment was implemented to provide increased opportunities for the sustainable harvest of swordfish and other fish species, while continuing to avoid jeopardizing the existence of threatened and endangered sea turtles or their habitat.