



Report of the Hawaii Archipelago FEP Advisory Panel Meeting

Thursday, August 27, 2020

Via Webex

1. Welcome and Introductions

Gil Kualii, Hawaii Advisory Panel (AP) Vice Chair, opened the meeting. Hawaii AP members in attendance included: Chad Pacheco, Clay Tam, Basil Oshiro, Khang Dang, Nathan Abe, Carrie Johnston. Ed Ebisui III was excused.

Council staff in support included: Joshua DeMello, Zach Yamada, Marlowe Sabater, Asuka Ishizaki and Mark Fitchett.

2. Review of Last AP Meeting and Recommendations

Council staff provided an update to the recommendations made by the Hawaii AP at its last meeting. The Council took up all of the AP's recommendations at its 182nd meeting in June. Issues regarding COVID and fisheries will be noted in the next Annual SAFE Report; Problems at Honokohau Harbor were addressed by the State of Hawaii; and the AP will monitor the potential National Heritage Area designation for Kaena Point.

3. Council Issues

A. Development of an Offshore Energy Policy for the Western Pacific

Council staff presented a draft policy for offshore energy that the Council was to review for potential adoption at its 183rd meeting in September. The Council recognizes that offshore energy is a developing industry in the Western Pacific Region, and that offshore energy can have positive and negative impacts to communities, industry, and the marine environment in the Western Pacific Regional Fishery Management Council's jurisdiction. Council staff noted that the Council's objective is to encourage potential offshore energy operations to align with the MSA and adhere to guidelines in the policy. These guidelines provide for environmental responsibility, reducing conflicts with fishermen and culture, and using Best Management Practices.

The Hawaii AP agreed that there is a need for the policy and agreed to recommend approval by the Council.

B. Modification of PRIA Objectives and Activities for the PRIA MCP

Council staff presented potential changes to the Pacific Remote Island Area (PRIA) Marine Conservation Plan (MCP) being proposed to the Council at its 183rd meeting. The Council had previously recommended the PRIA MCP be transmitted to NMFS for approval and provided for the staff to revise prior to transmittal. Upon revising the MCP for edits incorporated at the 182nd Council Meeting, staff realized that the PRIA projects were not in-line with the Council's pelagic fisheries research plan. To remedy this, staff planned to provide an updated PRIA project portion of the MCP to the Council for its consideration at its 183rd meeting.

The Hawaii AP agreed with the changes in the PRIA MCP and recommended approval by the Council.

C. Options for Mandatory Permitting and Reporting in the Hawaii Small-boat Fishery

At its 181st Meeting, the Council directed staff to develop options for mandatory permitting and reporting in the Hawaii small-boat fishery. Council staff presented these options to the Hawaii AP for its consideration. The options included no action, mandatory permitting and reporting, developing a registry system, and developing a pilot project. He noted that the mandatory permitting and reporting could be for all MUS, just pelagic MUS, all fishery sectors, or just non-commercial. He provided the pros and cons of each option for the Hawaii AP's consideration.

One AP member commented that there should be an emphasis in the gaps in data and that we should be getting better data and strengthening what we have. She said that good data is important and anything that goes in place shouldn't be watered down and be good verifiable data. She also suggested using the State's Division of Boating and Ocean Recreation as a data source.

Another AP member said it is time for us to take a strong approach to collect data and not hold back. He suggested the Hawaii AP push for the Council to recommend mandatory permitting and reporting for all fisheries and MUS.

The Hawaii AP agreed to recommend the Council put mandatory permitting and reporting in place to collect data for all fisheries and MUS.

D. Annual Catch Limit for the Hawaii Uku Fishery

Council staff presented options for specifying multi-year harvest limits for the main Hawaiian Island uku (*Aprion virescens*) for fishing years 2022-2025. He said that the recent stock assessment allows scientists to project catch at different levels out to 2026. Based on this new information, the maximum sustainable yield was estimated to be at 93 metric tons (mt) (204,972 pounds) and the overfishing limit at 137 mt (301,948 pounds). He said that the Council's P* and SEEM Working Groups evaluated the scientific, social, ecological, economic, and management uncertainties and recommended a risk level for the Council to consider. He then presented the following options that the Council will consider:

- No Action. No harvest limits will be specified for fishing year 2022-2025.
- Specify the previous harvest limit at 58 mt (127,205 pounds) using the 2016 assessment for fishing year 2022-2025.
- Specify an ACL at P*=41% equivalent to 134 mt (295,419 pounds) based on the SEEM analysis using the 2020 benchmark stock assessment.
- Set an ACT at P*=36% equivalent to 132 mt (291,010 pounds) based on the SEEM analysis using the 2020 benchmark stock assessment.
- Set an ACT 10% lower than the SEEM analysis at P*=26% equivalent to 128 mt (282,192 pounds) using the 2020 benchmark stock assessment

Council staff also noted that the Council will have to set an Accountability Measure as well, which would apply should the ACL be reached. The options included post-season measures that would affect the fishery in the next fishing season and allocating between commercial and non-commercial. He noted that real-time monitoring is not available for this fishery.

The Hawaii AP initially considered supporting Alternative 5 as a precautionary approach, but noted that the SEEM analysis looked at Alternative 4. Discussion centered on taking a lower Annual Catch Target to be closer to the average catch.

One member noted that there needs to be better non-commercial data collected before doing any allocation. Staff noted that the non-commercial catch information included is based on the Hawaii Marine Recreational Fishing Survey and the variability in that data is high.

One AP member said that uku is incidental catch for some fisheries, while another AP member noted that it is a prized catch for spearfishers and kayakers. AP members agreed that it is a target fish for a lot of different fisheries that may have many participants.

An AP member noted that not knowing the universe of the non-commercial fishery is starting to become more prevalent in the fisheries and he questioned the validity of the HMRFS data. He wondered at what level the data will be acceptable. He put forth Alternative 4 as a recommendation saying that it is high risk but rewards the commercial fishermen that have been providing the data. He noted there needed to be an initiative to support getting better data. Another AP member recommended finding a non-profit to push that initiative.

Another member supported Alternative 4 but said without monitoring and enforcement it will be hard to get people to the table. He noted that uku is a fish to target when the currents are running hard and that restaurants liked this fish.

The Hawaii AP supported alternative 4.

Regarding the accountability measures, the AP agreed that splitting the allocation between the commercial and non-commercial fisheries doesn't make sense because all of the data comes from the commercial fishermen. The commercial fishery shouldn't have to shut down and allow non-commercial fishermen to continue when there is practically a 50/50 fishery. If there are non-commercial fishing reports, this could be looked at, but since there is none right now, they disagreed with any allocation. They agreed a post-season mechanism would be the best option.

The Hawaii AP supported the post-season adjustment as an Accountability Measure.

E. Mandatory Electronic Reporting in the Hawaii and American Samoa Longline Fishery

Council staff noted that at its 182nd meeting in June 2020, the Council reviewed the Pacific Islands Region ER Implementation Plan and considered inclusion of the American Samoa longline fishery in the action. He said that the action that the Council is considering whether to require vessel operators to record and submit logbook data electronically using a NMFS-certified electronic logbook application. A sub-alternative is to require electronic reporting for both the Hawaii and American Samoa longline vessels.

An AP member asked what the penalties would be if they failed to comply with the electronic reporting. Council staff responded that there are exemptions for hardware and software failure, but failure but failure to submit a report would be enforced by NOAA Office of Law

Enforcement. The AP member noted that there needs to be some leniency because the burden is high and they need training and there needs to be a break-in period and not a hard fast date. He said there is a hurdle in the language barrier, range and transmission is another issue. The transition from the logbook to electronic for some folks that are less tech savvy may not be able to do it. Council staff responded that there are plans for training and considerations in the timing of implementation

Another AP member said that with COVID going on, the timeline is a little aggressive. He said that people were supportive prior to the pandemic and that many of the longline captains are tech savvy enough to use it. However, there will be resistance to change, which he saw with the DAR Commercial Marine License. He said that people still go through the longer process of going to the building to provide the reports because that is what they are used to doing. He agreed that there should be a deadline but not sure it should be that soon. The four to five month time frame may not be enough. He said that clarity on the COVID situation is what concerns him the most and without that wouldn't be able to set a firm date for establishing the electronic reporting requirement.

The AP was in favor of mandatory reporting but was concerned with the implementation date. The implementation might be too soon, particularly with COVID concerns and the issues of marketing the fish. Because that is unknown right now, they didn't feel that a start of January 1, 2021 would be feasible without consistent training before then. They also didn't feel like they could speak for American Samoa. Council staff relayed that the American Samoa AP was in favor of the mandatory electronic reporting for their longline fleet.

The Hawaii AP selected Alt 1b with a delayed implementation.

F. Council Response to Executive Orders on Promoting Seafood Competitiveness (EO 13921) and Regulatory Relief (EO 13924)

Council staff presented on the Council's response to the President's request for regulations that should be removed to relieve the fisheries from some of the impacts of COVID. He reviewed the different suggestions for regulatory relief that ranged from removing the monument fishing prohibitions to potential changes to the Endangered Species Act. He said that the Council would review the list for approval at its 183rd meeting.

The AP didn't think anything was missing from what was presented. *There were no objections from the AP.*

4. Hawaii Reports

Council staff reported on activities worked on relating to Hawaii fisheries since its last meeting. He noted that the both the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council and the Hawaii Humpback Whale National Marine Sanctuary both voted on and passed resolutions opposing the Council's request to the President to remove the fishing prohibitions in the marine national monuments. He noted the Council provided the only opposition to those resolutions.

One AP member asked if there might be opportunities for partnerships on FADs or to revisit the issue with the state FAD managers. *Council staff agreed to work with the AP on FAD issues.*

5. Report on Hawaii Archipelago FEP AP Plan Activities

The Vice Chair noted that he will talk with the AP about providing different outreach instead of at tournaments and will be working with the AP by email to develop a list of outreach types of messages.

6. Island Fishery Issues and Activities

One AP member noted that there was an abundance of akule, halalu, and ahi around Kauai. He said that some folks are attributing it to RIMPAC. He also noted that there was a lot of fish but because of COVID selling the fish was limited so much of the fish is being given away to the community.

7. Public Comment

Public comment was asked for by the Vice Chair during the public comment period. None were provided orally but the following comments were made from the public in the chat feature of the meeting.

Walter Ikehara, NMFS Pacific Islands Regional Office, noted that a permitting and reporting system would need seamless State/Federal collaboration. The lack of this was a problem with MHI Non-commercial Bottomfish Permit.

Dean Sensui, Hawaii Goes Fishing, noted that even though its technically outside of state waters, the Division of Aquatic Resources should be supportive of the reporting requirements.

8. Discussion and Recommendations

The Hawaii Advisory Panel made the following recommendations:

Regarding Mandatory Permitting and Reporting Options for the Small-boat Fisheries:

- **The Hawaii AP recommended the Council require mandatory permits and reporting for all fisheries and MUS.**

Regarding the Draft Offshore Energy Policy:

- **The Hawaii AP supported the policy and recommended the Council adopt the offshore energy policy**

Regarding the PRIA MCP:

- **The Hawaii AP supported the changes to the PRIA MCP and recommended the Council approve the MCP.**

Regarding the Mandatory Electronic Reporting for the Hawaii Longline Fishery:

- **The Hawaii AP recommended Alternative 1b, with a delayed implementation date**

Regarding the Uku ACL Specification:

- **The Hawaii AP recommended the Council select Alternative 4 (ACL of 291,010 lbs) with a post-season accountability measure.**

9. Other Business

The Vice Chair noted that a Virtual Fishers Forum was to be held that night discussing the mandatory permitting and reporting options discussed at the AP meeting. He also provided the dates for the Council's 183rd Meeting in September.