



Report of the Hawaii Archipelago FEP Advisory Panel Meeting

Friday, September 3, 2021

9:00 a.m. – 12 noon

1. Welcome and Introductions

Gil Kualii, Hawaii Advisory Panel (AP) vice Chair, opened the meeting at 9:00 a.m. Hawaii AP members in attendance included: Basil Oshiro, Nathan Abe, Clay Tam, Carrie Johnston, and Eddie Ebisui III.

Council staff in attendance included Zach Yamada, Joshua DeMello, Marlowe Sabater, Asuka Ishizaki, Mark Mitsuyasu and Kitty Simonds. Public members in attendance included Andrew Villeneuve (Sea Grant), Nathan Eagle (Civil Beat), Thomas Remington (Council Contractor).

2. Review of Last AP Meeting and Recommendations

Council staff presented the report of the last AP meeting held on June 11, 2021. He reviewed the recommendations made at that meeting and provided an update on the status of those recommendations.

3. Council Issues

A. Revising Seabird Mitigation Measures in the Hawaii Deepset LL Fishery

Council staff presented on the options paper for the regulatory amendment considering the use of tori lines in lieu of blue-dyed bait and modification of the strategic offal discharge requirement in the Hawaii deep-set longline fishery. Field trials conducted in the deep-set fishery show that tori lines are significantly more effective in preventing longline gear interactions with black-footed and Laysan albatrosses than blue-dyed bait. Blue-dyed bait is currently required as part of the seabird interaction mitigation measures implemented under the Council's Pelagic FEP. The current regulations require the discharge of offal and spent bait under the existing measures. Still, available information suggests that this practice may increase interactions over time by attracting more seabirds to the fishing vessels. The Council will be considering initial action at the upcoming 187th Council meeting and may consider final action at the December meeting.

An AP member said this action could work temporarily, but the fishers should have the ability to decide if necessary. Council staff has a good indication that this method would consistently work if the gear is consistently deployed correctly.

One member asked if the deep-set longline fleet considered night setting. In his short-lining experience, he found he has less interaction with seabirds at night setting at least 50% of the time. He wondered if the deep-set fishermen set gear at different times of the day that they may be able to avoid seabirds. If they fish 50% at night, then they might do that more often. He deferred other members of the AP.

The Hawaii AP supported replacing blue-dyed bait with tori lines (option 3) and that the industry be provided some time to get rid of their existing supplies. The AP also deferred

making a recommendation on the offal discards but monitoring of interactions should continue to see if more changes are needed.

B. NWHI Sanctuary Designation

Council staff provided an update on the proposed designation of a National Marine Sanctuary in the Northwestern Hawaiian Islands (NWHI). While not much is known about the proposal, the Council is working with the Office of National Marine Sanctuaries and NMFS on the process. This proposal would allow the Council an opportunity to develop any potential fishing regulations. Staff reviewed the process for designation and pointed out the Council's role, and solicited input from the AP on preferences for the goals and objectives.

The vice Chair asked the AP whether fishing should be allowed, what types, and where. A member said that if the fishery is not affecting the ecosystem, then the bottomfish and longline fleet should have the ability to go and fish in the NWHI. In his experience with the existing sanctuary, he found that they agreed to allow fishing within the sanctuary off of Maui, but did not think it would have the same effect on the NWHI.

One member asked if the sanctuary designation would take the place of the Monument. Another member asked if the proposal is for the existing Monument with the expansion. Council staff said that they are not sure. With the overlay of the sanctuary and the Monument, a member asked who would have the final say. Staff said that they are in initial discussions with NOAA General Counsel to answer these types of questions and that the Office of National Marine Sanctuaries (ONMS) will have to go more in depth about those details and would be presenting at the upcoming 187th Council meeting.

The Hawaii AP endorses the preferences for fishing goals and objectives presented by staff and recommends the Council communicate these preferences to the ONMS to provide for fishing, access, and cultural connections to the NWHI.

C. Specifying ACLs for the MHI Uku Fishery

Council staff presented the alternatives to specify the annual catch limits for the Main Hawaiian Islands (MHI) uku fishery for 2022-2025. The analysis is based on the best scientific information available (Nadon et al. 2020) that utilized the fishery-independent, life history, and fishery-dependent data both from the commercial and non-commercial sectors. The AP was asked for comments and preference for any of the alternatives presented.

An AP member said that there is not a big uku market in Maui. On Hawaii Island, an AP member reported a market for uku and would prefer to target it if prices stay about \$8/lb. The AP wanted to steer clear from managing them separately and managing the fishery as a whole. The AP does not think that the non-commercial data reflects the fishery, especially with the number of spikes in the data. The AP noted that there is a need for non-commercial data in order for sector allocation to work.

The Hawaii AP recommended Alternative 5, which specifies a combine commercial and non-commercial ACL at 41 percent risk of overfishing at 295,419 pound and set an Annual Catch Target at 36 percent risk of overfishing 291,010 lb with in-season and post-season AMs.

D. Proposed Magnuson-Stevens Act (MSA) Changes

Council Staff reported Congress is in its 117th legislative session and noted that different bills that may amend the Magnuson Stevens Fishery Conservation and Management Act were recently introduced. He reported on the different introduced bills, including HR 4690, HR 3674, and HR 59. These bills provide for addressing climate change impacts to fisheries, reinforcing protecting essential fish habitat, and directed changes at the Western Pacific Regional Fishery Management Council and its responsibilities. He noted that there were requests for the Council's comments and the AP could provide its concerns on this legislation to the Council.

An AP member said Hawaii fishermen should have the ability to sell their billfish and marlin. Not sure why Hawaii does not have that ability since the resources are not overfished except Striped Marlin. As of late, they have seen a lot of marlins being tagged and released. They also want to make sure that the western Pacific can take advantage of the economic opportunities. The Council's Executive Director said that it disappointed the Council that the Congress members would pass this act. She agreed with the member that all the billfish fisheries are thriving, and Hawaii should have the ability to export their fish to the continental US. AP members agreed that the changes made to the US fishery need to be reflected in international management as the international fisheries have a larger impact than the smaller domestic fisheries.

The AP was also concerned about the definition of subsistence and asked if the Council's current definition of customary exchange was similar. Council staff noted that the Council's definition of customary exchange allows for recouping cost while the current definition in the bill does not.

The Hawaii AP recommends the Council continue to communicate the need to allow fishermen in the region to export billfish as the stocks are healthy. Further, the AP recommends the Council ensure that its Customary Exchange definition is included in the definition of subsistence fishing under any MSA reauthorization and that any changes to MSA are also reflected on international fishing that is having a larger impact on fisheries in the Pacific than domestic US fisheries.

E. Regional Research Priorities

Council staff presented the updates to the MSA Five-Year Research Priorities to satisfy the requirements of MSA§302(h)(7). The Cooperative Research, the Management Strategy Evaluation, Social Science and Pelagic Research priorities are integrated within this priority document. Staff highlighted some priorities that the HI AP might be interested in and solicited other priorities that should be addressed.

The HI AP supported the updated MSA Five-Year Research Priorities as presented.

F. Potential Cultural Honu Take

Council staff provided an update on a community initiative to request authorization for cultural take of green turtles (*honu*) in Hawaii. Over the years, the Council and its advisory bodies have made recommendations to support the cultural harvest of green turtles in the region. The green turtle population in Hawaii is listed as "threatened," and the ESA has a process for tailoring take prohibitions for these populations which may provide a mechanism for limited harvest. The

Council may discuss the status of green turtle population and management in Hawaii, taking into consideration recommendations from the advisory bodies.

An AP member said that it would be important to look at the ecological assessment and how these populations affect different areas in the Hawaii Archipelago. The resource should be managed at an *Ahupua'a* level rather than a statewide level. Before this can happen, they want to make sure that the population level is recovered enough to support the take of the green sea turtle. Council staff said that there are local foraging populations, but the monitoring involves the nesting population at French Frigate Shoals. She acknowledged that understanding the population as a whole is important.

Another AP member said that turtles have adapted and continue to look for alternative food sources. He said through his observations, the increase in green sea turtles has shifted the ecosystem out of balance. He said that following the listing of the green sea turtle, they noticed a decline of *limu* (seaweed) on the shoreline. Council staff said that studies have shown that some areas are over-saturated and that sea urchins are competitors. Staff noted that those concerns are important, and the Council will continue to push for NOAA look at the ecological impacts of foraging grounds.

The AP also noted that prohibition on turtle take was nearly fifty years ago and the knowledge of how to catch and prepare turtle is with the older generation. There is a need to document this information as well as participation in the fishery.

The Hawaii AP recommends the Council continue to pursue a cultural take and management of green sea turtles and research the subsistence use of turtles through interviews of historical participants in the fishery.

4. Review of US Support to the Pacific Nations

Council staff presented an overview of foreign aid that the US provides to Pacific island and East Asian nations that compete with the US in fisheries. The data was provided by USAID showed that in 2018 that just over \$1.6B was provided to East Asia and Oceania for economic development, agriculture, environmental protection, developmental food aid, and food security. Many of the countries under the Western and Central Pacific Fisheries Commission are provided aid yet does not support the US in its fishery management efforts. He said it is important to note that funding is being provided to support the fisheries in other countries while continuing to see an inequitable share of the catch.

5. Report on Bottomfish Restricted Fishing Areas

Jason Helyer, State of Hawaii Division of Aquatic Resources (DAR), presented a summary of the data collected from those fishing in the four Bottomfish Restricted Fishing Areas (BRFAs) opened in 2019. DAR received few fishing reports that showed people fishing in the opened BRFAs. This could be attributed to minimal fishing activities or no reporting from the BRFA area. He provided that data was available but could not make conclusions due to the low participation.

An AP member asked if the state plans to open more BRFA's. Council staff said that after the BRFA's were opened in 2019, the Board of Land and Natural Resources (BLNR) asked that DAR review the data to determine the positive and negative impacts of the opening. Following that report, the BLNR would decide on the remaining eight BRFA's. Helyer reported it is difficult to tease out this information if no fishing is being reported in the BRFA.

Helyer asked the AP if they were aware of fishing occurring in the four opened BRFA's. An AP member reported that in Maui there is no fishing occurring in the Hana BRFA. The AP did not know if fishermen were fishing in the other BRFA's.

An AP member asked if there was any research done in and out of the BRFA's. Another member reported that PIFSC's Ben Richards did an analysis of the BRFA. An AP member said that the BRFA's in place restricted fishermen's ability to rotate their areas on their own accord.

The Hawaii AP agreed that a presentation on the summary of the BFISH project conducted by PIFSC would be helpful in evaluating the BRFA opening.

6. Hawaii Fishermen Observations Update

An AP member reported that there had been an increase in Orca sightings off Hawaii Island. Fishing has been slow at the FADs on Hawaii Island as high winds are not allowing fishermen to get to their fishing spots.

Another AP member reported that Oahu has seen a lot of ono being caught and that fishing at the FADs has not been productive.

An AP member said that Maui has seen an increase in fishermen going out, but not much fish show up in the market. He is uncertain about productivity due to that low supply. The Maui Trailer Boat Club hosted their annual Hanapa'a tournament, but only a few boats caught any fish.

7. Report on Hawaii Archipelago FEP AP Plan Activities

Council staff reported on the status of the Hawaii Archipelago FEP AP Plans. He reported on the Fish Maps project, the speakers' bureau, and the Hawaii Fishing News article that features Eddie Ebisui and Basil Oshiro. Staff asked for the subcommittee of Fish Maps to meet and members agreed.

8. Fishery Issues and Activities

An AP member reported that Heeia Kea Small Boat Harbor has shut down the wash area and there was limited parking. Another AP member noticed more military presence and activity out of Kaneohe Bay and the Maui Tri-Isle where they instructed his group to stay out of those areas.

The Hawaii AP discussed learning more about FAD buoys, designs, state plans for maintenance and usage, etc. and to figure out how to partner with the state to make buoy system work for everyone.

9. Public Comment

There was no public comment

10. Discussion and Recommendations

After discussion, the Hawaii Advisory Panel made the following recommendations:

Regarding Honu:

- The Hawaii AP recommended the Council continue to pursue a cultural take and management of green sea turtles and research the subsistence use of turtles through interviews of historical participants in the fishery.

Regarding a proposed NWHI National Marine Sanctuary:

- The Hawaii AP endorsed the preferences for fishing goals and objectives presented by staff and recommended the Council communicate these preferences to the ONMS in order to provide for fishing, access, and cultural connections to the NWHI.

Regarding MSA Legislation:

- The Hawaii AP recommended the Council continue to communicate the need to allow fishermen in the region to export billfish as the stocks are healthy. Further, the AP recommended the Council ensure that its Customary Exchange definition is included in the definition of subsistence fishing under any MSA reauthorization and that any changes to MSA are also reflected on international fishing that is having a larger impact on fisheries in the Pacific than domestic US fisheries.

Regarding Seabird Mitigation Measures:

- The Hawaii AP supported replacing blue-dyed bait with tori lines (option 3) and recommends the Council consider a sufficient transition period to allow blue dye supplies to be exhausted and ensure unnecessary costs are not incurred by the industry. The AP noted that offal discard would not be an issue in the absence of a regulatory requirement based on the fishery's standard practice of setting during the day and hauling at night but deferred recommending a sub-option at this time. Further, the AP recommended that monitoring of seabird interactions continue to determine whether additional adjustments may be needed in the future.

Regarding the main Hawaiian island uku fishery:

- The Hawaii AP recommended the Council consider Alternative 5 with a combined commercial and non-commercial ACL at 41 percent risk of overfishing at 295,419 lb and set an Annual Catch Target (ACT) at 36 percent risk of overfishing at 291,010 lb with in-season and post-season AMs.

Regarding MHI Bottomfish:

- The Hawaii AP recommended the Council request PIFSC present a summary of the data gathered by the BFISH project to the AP and provide to the state for its evaluation of the BRFA opening.

11. Other Business

A. Impacts of Imports on Hawaii Fish Market

Council Staff reported that the Pacific Islands Fishery Science Center is working on a project to study the impacts of foreign product to the Hawaii seafood market. This study will look at what is the baseline need for domestic product. For a short period of time, there was a local of foreign frozen ahi. The only product available was local product by the local fleet, which was also in short supply. With the reciprocal return of tourism, the demand for fish increased which drove the price the ahi to go skyrocket. PIFSC will create an interactive visual tool that looks at import and market demand. PIFSC will present its findings at the 188th Council Meeting.

An AP member commented that the continental US has been experiencing a decrease in imported products similar to Hawaii. Another member asked if the decrease in catch was caused by COVID. Council staff said that could partly be the reason in addition to oceanographic and La Niña conditions.

B. Community Funding Opportunities and Unfunded Projects

On March 11, 2021, President Joe Biden signed the American Rescue Plan Act (ARPA) of 2021. This is a \$1.9 trillion economic relief stimulus package that allocated \$3 billion to the Economic Development Administration to invest in infrastructure innovation and workforce training to create good-paying American jobs and strengthen the nation's global economic competitiveness. This investment will include commercial and recreational fishing, aquaculture, and the businesses and communities that depend on them. Similar to the EDA's program, the Council expects that there will be more funding opportunities that will come down the line. Members of the Advisory Panel should work on compiling a list of fishery development projects to compete for these funding opportunities.

The meeting was adjourned at 12:35 p.m.