



## **Report of the Non-Commercial Fisheries Advisory Committee Meeting**

Wednesday, September 1, 2021

1:00 p.m. – 3:30 p.m.

Virtual Meeting Via Webex

### **1. Welcome and Introductions**

Dean Sensui, Non-Commercial Fisheries Advisory Committee (NCFAC) Chair, opened the meeting at 1:10 p.m. NCFAC members in attendance included Hongguang Ma, Keith Kamikawa, Wayne Pangelinan, Alex Castro, Ben Walin, Steve Kaneko, Phil Fernandez, and Gene Weaver.

Others in attendance included Council staff Joshua DeMello, Marlowe Sabater, Zach Yamada, Mark Mitsuyasu, Felix Reyes, Floyd Masga; as well as members of the public David O'Brien (NMFS Pacific Islands Regional Office), Bryan Ishida (State of Hawaii Division of Aquatic Resources), Justin Hospital (NMFS Pacific Islands Fisheries Science Center), Clay Tam (Pacific Islands Fisheries Group), Thomas Remington (consultant), and Mark Ladao (Honolulu Star-Advertiser)

### **2. Review of Last NCFAC Meeting and Recommendations**

Council presented the report of the last NCFAC meeting held on June 9, 2021. He reviewed the recommendations made at that meeting and provided an update on the status of those recommendations.

### **3. Council Issues**

#### **A. Hawaii Uku Fishery**

Council staff presented the alternatives to specify Annual Catch Limits (ACL) for the Hawaii uku fishery for fishing year 2022-25). He noted that the recent stock assessment showed that the stock is not overfished nor experiencing overfishing. The Council previously considered splitting the ACL between commercial and non-commercial sectors but recommended a combined ACL and identified a preliminarily preferred alternative with an ACL of 295,419 lbs. and an Annual Catch Target of 291,000 lbs. Accountability Measures for the ACL would include in-season monitoring with a projection of when catch would be reached and the fishery would close. He provided the analysis of alternatives for the NCFAC's consideration.

NCFAC members asked about enforcement of the ACL and any potential closure. Council staff noted that enforcement of the ACL falls upon the enforcement agencies (US Coast Guard and NOAA Office of Law Enforcement) who will be reviewing this action. The state of Hawaii doesn't have a rule in place to prohibit take or close the fishery but the Council was assured that the state is working on developing those regulations.

#### **B. NWHI Sanctuary Designation**

Council staff provided an update on the proposed designation of a National Marine Sanctuary in the Northwestern Hawaiian Islands. While not much is known about the proposal at this time, the Council is working with the Office of National Marine Sanctuaries and NMFS on the process

as the Council is afforded 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 NCFAC on preferences for the goals and objectives, public scoping and any other issue regarding the designation.

NCFAC members asked about the boundaries and whether a sanctuary would overlay the monument or if the monument would be removed. Staff noted that the boundaries would be discussed during the public comment period and right now and the monument is a separate entity. The Council is working on figuring out what fishing would be allowed or feasible given the sanctuary would be laid on top of the existing monuments.

The NCFAC noted that the Kauai fishing community would be the most impacted by a sanctuary because they are the closest to those resources. Any meetings to be held on the proposed sanctuary should be focused on Kauai and Oahu.

One member asked about the difference between sustenance and subsistence. Council staff noted that the term subsistence is defined by the state as customary and native practice while the term sustenance is a monument term for consumption within the monument.

An NCFAC member noted that fishing will be limited to the range of the boats. Any regulations need to be practical to be able to access the monument/sanctuary waters safely. Larger charter boats would have a larger range than smaller boats and fighting for what can be done or not done in an area where the fishermen won't be able to reach is fruitless. Another member noted that there were charter flights available to Midway and fishing did occur. The previous member said that the restrictions to get to Midway and on permits to access caused all of those opportunities to go away. The fight for fishing needs to be at a practical level to give fishermen a chance. Members discussed realistic limitations on who can get into that area and fish and what it would take to get there and noted that there would be little impact. They noted that there was a need to stand on principle as these types of restrictions might trickle down to where fishermen can access as marine protected areas and other initiatives are already affecting fishing.

The NCFAC agreed that the preferences for goals and objectives as outlined by the staff that included maximizing fishing opportunities and the ability to bring fish back from the monument for a cultural connection, minimizing additional burdens to fishers, boundaries that support policy objectives, affirming MSA as the authority for fisheries and prioritizing research was what should be supported. ***The NCFAC supported the preferences for the sanctuary goals and objectives as presented and suggested the Council provide these preferences to the Office of National Marine Sanctuaries.***

### **C. Proposed Magnuson-Stevens Act Changes**

Council staff presented a summary of proposed changes to the Magnuson-Stevens Fishery Conservation and Management Act (MSA). There are three comprehensive MSA reauthorization bills that would have an impact on fisheries in the Western Pacific region, 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 solicited the NCFAC to help guide those comments.

An NCFAC member asked if there was a bill that was more likely to pass. Council staff noted that the Huffman bill would have to clear less committees so probably more likely although there would still need to be an effort in the Senate.

NCFAC members also asked about the definition of Subsistence and what that means relative to the Council's definition of Customary Exchange. Members were concerned that "customary and traditional" is undefined and whether that means indigenous only. ***The NCFAC wanted to ensure that customary and traditional would be to the area rather and that it was important to delineate that it is not limited to indigenous.*** The NCFAC was also concerned with the Huffman bill's provisions on nominating Council members and requiring additional efforts by the Governor in the process. The concern was that the Governor of Hawaii has disappointed the fishing community in the current nomination process and wanted to see if there was any wording that could be added to make sure that fishermen are represented on the Council.

#### **D. 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 NCFAC might be interested in and solicited other priorities that should be addressed.

An NCFAC member asked about bottomfish tagging research. Council staff noted that NMFS Pacific Islands Fisheries Science Center (PIFSC) worked with the Pacific Islands Fisheries Group (PIFG) to do tagging and that the project was a good outreach tool for getting fishermen involved in research. Cooperative research has been helpful for scientist to learn from the fishermen on how fishing is done.

NCFAC member discussed the Council's current priorities and noted that shark depredation is very relevant. There is very little data regarding shark depredation but anecdotal evidence from fishermen suggests that depredation has increased over the past few years. Having better data on shark abundance and depredations might help fishermen when confronted with issues such as legislation and new policies that threaten fishing. ***The NCFAC supported adding Hawaii to the shark depredation research priority.***

#### **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.

NCFAC members questioned why China was getting funds. Council staff said that it is unclear but likely for agriculture biosecurity, environmental protection, etc.

## **5. Fishermen Observations**

Council staff noted the initiative started by the Council's Advisory Panel Chair to incorporate traditional and fishermen knowledge regarding the fishery resources into science and management. This effort includes recording fishermen's observations regarding changes in fishing and the ecosystem observed by fishermen on the water. Physical, biological, oceanographic, economic, or socio-cultural changes play an important role in determining WHY fish catch and effort may be increasing or decreasing. It is important to note these changes so that when stock assessments are developed, the data can be explained by these observations. The Council is currently working on incorporating these observations into its Annual SAFE Reports and the AP Chair encourages the NCFAC to document their observations for inclusion into these sections.

One NCFAC member said they would like to have a reporting mechanism for fishermen to file a report in real time. There is a lot of anecdotal information but nowhere to record it. A standardized form could provide a place to capture the information as meetings are not always the best place to get information. It would also allow for individual reports to help round out the intel from those that aren't able to attend the meetings. Another member noted that sending an email or announcement once a month to trigger people to respond might be an easy way to get observations.

The Advisory Panel (AP) Chair reported that this initiative was started to help fishermen engage with the community and keeping their ears to the ground to get additional information. Cycles are based on observation traditionally but under normal circumstances, those observations don't get recorded. Those observations can lead to predictions and determine if those cycles are real and determine if it correlates with other indices of fishing effort and performance. There is no real mechanism to collect that information but maybe something can be made more formal in the future and the AP is working with the Council's Social Science Planning Committee on this type of effort.

An NCFAC member noted that there was a lot more *Malolo* (flying fish) in the water this year than the last five years. He said it hasn't correlated with catch but it was a noticeable increase. He also said that there was a lot of *Nehu* (anchovy) in the water as well. Ahi fishing has been way offshore this year where it is normally closer to shore. He said that the absence of two Fish Aggregation Devices (FADs C and F) may have caused the tuna not to come in as close as they used to. The NCFAC Chair noted that FADs are known to disturb the normal patterns of fish migration and how they move around so it would be good to know if that had an impact.

Another NCFAC member noted that fishing has been tough this past few months and slow but was unsure why. He wondered if it was sea surface temperatures or perhaps the drought on Maui hasn't produced enough freshwater. There was no real tuna run this year whereas two years ago was the best in recent memory. The FADs haven't helped and fishermen have been setting their

own. The mahimahi that is caught has been small, while the south shore of Maui has been more productive than the north shore.

## **6. Non-Commercial Fishing Activities, Issues, and Efforts**

The NCFAC Chair called on members of the committee to provide any fishing activities, issues, efforts, or concerns.

NCFAC members from CNMI noted that a couple of tournaments were held and that fishermen caught marlins, tunas, and mahimahi. Their concerns are about military closures in the northern islands that prevent them from accessing areas for bottomfish fishing. They were also concerned about access to fishing as they have three launching sites in Saipan and two are either closed or being closed for renovations. The one remaining launch is farther causing more expense for fishermen.

An NCFAC member from Kona noted the user conflicts at Keauhou boat ramp. The area is extremely busy from 5 p.m. to midnight due to the manta ray tourist boats and non-commercial fishers who go down to the pier to fish can't find parking so they give up and go home. Another member noted that kayak companies are taking up parking and space at other boat ramps on Oahu. He was concerned about the impacts of these tourist-based businesses on local residents, especially given the current issues brought to light during the pandemic.

An NCFAC member from Maui noted that fishing was slow at a recent tournament and that a population growth at the Kahului harbor with an increase in a number of surfers and other users has taken up spaces for trailer boats. He said the fishing community is working with the state and county to get signage for trailer boat parking. He noted that at Mala Wharf, if you're not there before 7 a.m. you won't have a stall to park your boat and trailer.

***The NCFAC supported recommending the Council request a study of user conflicts at harbors, boat ramps, and marinas and its impacts to the fishing community.***

An NCFAC member also noted that a non-commercial license will be required for non-residents in 2022 and wondered how that would work. There are a lot of smaller boats getting into commercial fishing and using vertical jigging but are not full-time commercial fishermen. He said there is a need to figure out how to categorize fishing for expense, commercial, part-time, charter, etc. A license could be required to sell fish on the weekend but not have to report every single trip. There should be different levels of licenses. As the islands are becoming overrun, the community needs to get back to controlling what is going on in the ocean.

NCFAC members discussed the idea of licensing and noted that it goes back to good resources management. Catch reporting is essential for good fishery management. One member noted that there are also commercial folks that use different permits to catch but might also be selling. Another member noted that a commercial license should be more expensive and that full-time commercial fishermen are willing to pay more because it would decrease competition in the market as well. A recreational license was discussed that would allow for selling a certain level of fish annually and if you sell beyond that point you would need to get a different level license. NCFAC members noted that consequences and enforcement are needed in any license program.

One member asked about funding availability from previous legislation. Council staff noted that they will provide information on funding sources when it is made available to the NCFAC for their consideration.

Another NCFAC member was concerned with “jug fishing” where a float is connected to a rope that has branch lines. He noted that it is used to catch fish like uku and that people were concerned that the method needed to be regulated. Another member noted that the concern was the when the line gets broken, the jug and the branch lines are abandoned because of the distance from shore and will continue to passively fish without being retrieved. He cautioned that regulations put into place for this type of fishing would affect other fishing methods so concerns that are brought up should take that into account.

## **7. Public Comment**

There was no public comment

## **8. Discussion and Recommendations**

The Non-Commercial Fisheries Advisory Committee made the following recommendations:

### ***Regarding a proposed NWHI National Marine Sanctuary:***

- The NCFAC supported the preferences for the sanctuary goals and objectives as presented and encouraged the Council to provide these preferences to ONMS.

### ***Regarding Research Priorities:***

- The NCFAC recommended the Council include Hawaii in the shark depredation research priorities.

### ***Regarding MSA Reauthorization Legislation:***

- The NCFAC recommended the Council request the definition of customary and traditional, as included in the definition of subsistence fishing, not be limited to only indigenous fishing.

### ***Regarding MHI Uku Fishery:***

- The NCFAC recommended the Council select Alternative 5 which would specify a combined commercial and non-commercial ACL at 41 percent risk of overfishing at 295,419 lbs. and set an Annual Catch Target (ACT) at 36 percent risk of overfishing at 291,010 lbs. with in-season and post-season AMs.

### ***Regarding Non-commercial Fishery Issues:***

- The NCFAC recommended the Council support a study of user conflicts at harbors, boat ramps, and marinas and its impacts to the fishing community.

## **9. Other Business**

### **A. 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. Council staff requested the NCFAC to work on a list of fishery projects that the Council can assist on helping the fishing community to compete for these funding opportunities. The opportunities are available at <https://eda.gov/arpa/>