



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

REPORT

Fishing Industry Advisory Committee Meeting

Thursday, June 10, 2021

1:00 p.m. – 4:00 p.m.

Virtual Meeting Via Webex

1. Welcome and Introductions

Michael Goto, FIAC Chair, opened the meeting at 1 pm. Members present were Stewart Chikami, Johnathan Hurd, John Kaneko, Mike Yonemura, Baron Miho-Anasia, Michael Goto, Josh Schade, Eric Kingma, Kenton Geer, Manny Duenas and Lino Tenorio. Council staff present: Kitty Simonds, Mark Mitsuyasu, Asuka Ishizaki, Joshua DeMello, Marlowe Sabater, Mark Fitchett, Zach Yamada, Maria Carnevale, Floyd Masga, Felix Reyes, Diana Kitiona. Public participants in attendance: Bryan Ishida, Justin Hospital, Mark Fox, David Sakoda.

2. Status Report on March 2021 FIAC Recommendations

In the interest of time, the Chair directed members to the March 11, 2021 FIAC Report for the summary of discussions and recommendations. Staff added that documents and presentations for upcoming agenda items are included as links on the Council's website.

3. Hawaii Offshore Wind Energy

The Committee heard a presentation on a Hawaii Offshore Wind Energy project by Progression Hawaii Offshore Wind by Austin Kino, Katie Schwind, and Noelani Kalipi. The project seeks to produce 400 megawatts of energy to be distributed to the island of Oahu from a series of floating offshore wind turbines. If installing 8 MW turbines, targeting 50 or instead if installing 15 MW turbine, then using 27 devices. Power will be supplied to the Hawaiian Electric Company. The floating turbines are to be located 12 miles offshore with a target operational date of 2032. Progression Energy is partnered with EDF Renewables and with Principle Power, Inc. on this project.

Offshore wind as a global field is comprised of about 176 or so operating projects primarily in Europe, Asia and 1 in the U.S. The U.S. Department of Interior, BOEM has leased 16 projects on the East Coast. There are more offshore wind proposals under review. Progression Energy recognizes that collaborating with both the Fishing and Maritime industries is vital to the success of the offshore wind industry.

Progression Energy staff shared three benefits triggering rapid growth in the offshore wind industry, in comparison with their onshore counterparts. 1. Higher amount of energy from a single turbine; 2. Higher speed and more consistent winds offshore (as compared to inshore); and 3. Availability of large energy production in areas with land scarcity.

Today, most installed devices are in shallow water using fixed bottoms. Deep water devices for potential use off the west coast and Hawaii will utilize a floating platform design. As of 2019, 65mw of floating offshore wind devices are operating globally. The forecast is 19gw by 2030. The team share a graphic displaying a floating platform with a 2 mooring lines/anchors and an inter-array cable for connection to the grid. There are options with device engineering that will be site specific, ie. cables could be mid water.

There are a series of current BOEM studies looking at site characterization, including protected species characterization and interactions, site related seabird colonies, socio-economic impacts with Hawaiian Fisheries and commercial fisheries.

The team shared an overall process timeline through 2032 and summarized various project considerations: Community participation, mission compatibility with national security and military readiness, leasing authority (BOEM) needs, HECO, Meeting regulatory requirements at City, State and Federal levels, the assessment and characterization studies, and the consistent engagement with industry-fisheries, shipping, aviation, tourism.

The Committee asked questions to better understand the project scope and potential impacts to the environment and community. Potential impacts to seabirds were raised as a serious concern given the size, location and structure of the devices. The turbines will act as fish aggregation devices which will also draw in seabirds into the area. The Progression team noted they are looking at all mitigation options to minimize impacts to seabirds. Furthermore, it was explained that with the ESA Section 10 Incidental Take Permit, a Habitat Conservation Plan is required and will need to provide an Overall Benefit to the species.

The distance to which fishermen will be allowed to approach the platform was also questioned by committee members. The plan will need to allow trollers get as close as possible. Progression noted that they are working to try to keep fishermen in the area aside from installing buffer zones so fishers don't climb the structures.

Finally, a question was raised regarding what role wind power would play in Governor Ige's sustainability plans and goals. The State's 100% renewable energy mandate by 2045 looks to use as many natural resources for renewable energy target. There is no stated percent or quota for each types of renewable energy (wind, thermal, solar, etc.) yet.

4. Offshore Aquaculture

A. Ewa Beach Offshore Aquaculture Proposal (Ocean Era/Neil Sims)

Neil Sims from Ocean Era provided an overview presentation that includes the company's plan to expand offshore aquaculture with fish and limu components off of Ewa Beach, Oahu. The group proposes a swivel mooring system that will maintain nutrient contributions from the algae to the fish cages. They discussed feed studies, the Kona Blue farm and previous success. Fish farming portion will start with Nenu, Moi and limu as targets. Fingerlings of both fish species will be produced by Oceanic Institute using local brood stock. The proposed location for the project is 2 miles offshore from Ewa Beach. Propose to build single point mooring to 5 cylindrical net pens. Long term is to have two systems in place. Requested permits are for 10 pens, but they will start with 5. The permits authorize for a five year timeframe. Moi, nenui and limu will go into the local market.

The Committee raised questions regarding potential conflicts with the community. Noted were prior experiences in Kona, Hawaii concerns of displacement of older fishers, false killer whale interactions, cultural impacts and changes in the fisheries. Ocean Era is looking at funding opportunities to assess social impacts for fishers. The company had received positive feedback and community support regarding improved opelu fishing in 2008/09 due to their projects.

Referencing the Kona project, concerns were raised regarding shark impacts, interactions with aquaculture pen nets and reasons for why the cage operations ultimately fail. Ocean Era described previous challenges with the net pen system used with a material that breaks down over time. They shared an issue the inability to service from the surface and had to use divers. This proposal will not use divers and has the ability to be worked from the surface.

Finally, Ocean Era confirmed that an EA is now being prepared to satisfy NEPA. All previous Hawaii aquaculture farms prepared an EA.

B. Federal Offshore Aquaculture Management

Tori Spence provided a report on the on Pacific Island Region Aquaculture Management Program/Draft Programmatic EIS. The DPEIS covers federal waters throughout the region, including Hawaii, CNMI, Guam and American Samoa. Process for the development of PEIS has been in progress for several years. Public meetings will be held in the next two weeks on DPEIS which has 3 management alternatives: Alt. 1: No action. Alt. 2: Limited aquaculture management program and Alt. 3: Expanded aquaculture management program. The Committee had no question or discussion on this agenda item.

5. Council Actions for the 186th meeting

A. Regulatory Amendment: Gear and Release Requirements to Improve Post-Hooking Survivorship of Oceanic Whitetip Sharks in the Longline Fisheries

Council staff provided an overview of a draft regulatory amendment considering prohibition of wire leaders and requirement to remove trailing gear in the longline fisheries operating under the Pelagic FEP. The Council is scheduled to take final action at the June meeting, and will be specifically considering whether the trailing gear removal requirement would apply to the Hawaii deep-set fishery only, or to all longline fisheries operating under the Pelagic FEP.

Hawaii and American Samoa longline fisheries representatives on the FIAC were supportive of the trailing gear removal requirement being applied to all longline vessels under the Pelagic FEP, especially in light of the pending Biological Opinions. Members emphasized the importance of prioritizing crew safety, and ensuring that the requirement includes language such as “as much as practicable”. The HLA representative on the FIAC noted that their transition from wire to mono leaders is a proactive way to address shark impacts, and urged the Council to proceed with the final action. Another FIAC member noted that having a target to remove trailing gear to less than 1 meter may cause more damage to the shark compared to cutting the line as quickly as possible.

B. Bigeye Tuna Catch Limit and Allocation

Council staff discussed options for US Territorial Bigeye Catch and Allocation Limits for 2022: 1) No management action: No specification of catch or allocation limits; 2) Status quo: Specify a 2,000-mt catch limit for each US Participating Territory and allocation limits that do not collectively exceed 3,000 mt among all Participating Territories as was taken for fishing years 2020 and 2021; and 3) Specify a 2,000-mt catch limit and up to a 2,000-mt allocation limit for each US Participating Territory.

Committee members discussed the options presented and generally supported the status quo. The status of existing and upcoming territorial agreements was also discussed. Unfortunately, Guam has not been able to sign an agreement for 2021 specification. HLA required a decision on agreements to ensure the fishery remains open, but as Guam was not responsive, they turned to CNMI process the agreement allocation for 2021.

C. Hawaii update to the Deep 7 Bottomfish Annual Catch Limits

Council staff presented the supplemental environmental impact analysis of specifying the multiyear annual catch limit for the main Hawaiian island deep 7 bottomfish fishery. The Council at its 185th meeting recommended rolling over the 492,000 lb ACL and the in-season accountability measure that tracks the catch relative to the ACL and closes the federal waters once the ACL is projected to be reached. The effects analysis showed no significant adverse effects on the physical and biological resources, socio-economic and management setting, and cumulative impacts. The supplemental environmental assessment document updated the 2019 environmental assessment document for any potential changes in the fishery

and the environment brought about by the Council recommendations.

The Committee confirmed the stock assessment has remained unchanged and the fishery is recording landing significantly lower than the ACL. Rolling over the prior catch limits make sense.

D. Developing Draft Tori Line Specifications for the Hawaii Deep-set Longline Fishery

Council staff presented preliminary draft tori line specifications for the Hawaii deep-set longline fishery based on recent design and field work conducted in the fishery. The Council is expected to take action on a regulatory amendment to modify seabird mitigation measures for the deep-set fishery later in 2021. The draft regulatory specifications include tori line length, attachment point height, and streamer length and spacing. Other details such as materials and alternative streamer designs may be included in non-regulatory design guidance.

A FIAC member noted that he has used a kite flown behind a non-longline vessel to successfully deter seabirds. Another member expressed concern that the Hawaii longline fishery has been subject to many protected species management measures with limited conservation benefit. Council staff explained that the tori line is being developed as an alternative to blue-dyed bait, and is intended to alleviate the burden from blue-dyed bait.

6. Hawaii Legislative Report (D Sakoda)

David Sakoda, Hawaii Division of Aquatic Resources, provided a report that the 2021 legislative session was extremely successful for DAR. Eight Bills were introduced and 7 were signed into law. He highlighted the successful Bills:

HB1016 - vessel license Bill (a single license satisfies the CML for a vessel, all vessels qualify, charter services must first obtain a CML or Vessel license; can still get single CML as well.

HB1017 - crustaceans Bill repeals statute of taking or killing female spiny lobster, kona crab, or samoan crab. It was requested by kona crab fishermen. They worked to move the rules from HRS to HAR and now plan to amend the rules through HAR process to allow taking female kona crab.

HB1020 – This was a new Bill introduced this year that allows for adopting or repealing rules in response to rapidly changing resource conditions; current process requires public hearing and Governor’s office approval but this streamlines the process to provide temporary rule changes in a matter of months. It is effective up to 2 years with extension of up to 1 year at a time. It is not permanent, but board will have to review it to make it longer and report to legislature. The use of this authority takes effect Oct 2021

HB1023 - requires non-residents to get a fishing license. Cost is \$20 1 day, \$40 for 7 days or \$70 annual. It is enforced through proof of residency (ID with state address) or recreational fishing license. They expect it to generate \$1M per year that can be used to provide matching funds for Sportfish Restoration Funding. The increased revenue will go to the special fund for fishery management projects

HB553 - makes it illegal to knowingly intentionally capture or kill sharks. The Bill as exemptions for public safety, research, taken outside of state waters, self-defense, and a permit for non-commercial take. The Bill authorizes DAR to develop rules to make sure incidental is not a violation. It takes effect Jan 2022.

The Chair noted that shark legislation is controversial but has federal regulatory impacts as well and that recently more shark protection laws are being looked at nationally. The question was raised regarding

Hawaii laws being preempted by federal regulation or legislation. Sakoda confirmed that the new Hawaii law has no conflict with existing federal and state laws. Industry representatives confirmed that the longline vessels currently do not land sharks due to Fish and Wild Service rules. There was only commercial value for Mako shark but it wasn't hard to mitigate because it wasn't worth the regulatory requirement

The Committee discussed the new vessel license and how it would applied in situations where crew does not have CMLs. Under the new VESSEL CML, the captain will have one license tied to the vessel that will cover everyone on the boat. Vessel CML does not cover charter patrons, as they would need to get a non-resident license. The vessel CML Bill was supported by small boat and longline owners. The Committee agreed that the Vessel CML rule should be prioritized by DAR to begin the Chapter 91 rule making process.

7. Marianas Shark Depredation Project

Carl Meyer presented background on the issue and current research. Depredation is a long running problem as raised by the Council for decades, especially in the Mariana Islands. The genetic study relied on fishermen to collect bio samples from fish that were depredated by sharks. Samples were sent from Guam and the CNMI to the research at the Hawaii Institute for Marine Biology. Of the 29 samples taken, only two were not able to be used. The new technique worked well identifying the main culprits to bottomfish depredation to be primarily reef and shelf associated sharks. No oceanic white tip sharks were identified interacting with these fisheries. Future work will require more sampling, shark tagging and tracking, local capacity building and development of deterrent devices.

The Committee discussed the longstanding depredation problem, tagging project and need for additional work. Additional issues include: 1) Shark regulation issues between fed and state; 2) appreciates UH being involved but must support local research capacity building. Suggested NOAA legal counsel talk to the Guam AG to clarify rules so everyone involved are made aware of the law interpretations. It was noted that experiments are ongoing utilizing magnetic devices to deter sharks in local fisheries and updates will be provided as more information becomes available.

8. MAFAC Seafood Recommendations

Council staff reported that NOAA Fisheries asked MAFAC what it could do to help increase consumer confidence and consumption of US seafood. MAFAC designated a subcommittee to work on this question and they came up with a report that focused on NOAA re-establishing a National Seafood Council. This Seafood Council would be industry-led with a clear mission and purpose to promote the US seafood community and focus on US seafood both wild capture fisheries and aquaculture to present a unified voice and consistent messaging. The report was provided to NOAA and DOC who are currently reviewing the findings. He noted that the Western Pacific does not have representation on MAFAC.

The Committee discussed the issues and noted awareness that the previous effort of the National Seafood Council had a spokesperson in the late 80s and early 90s that was used to push for domestic seafood. It didn't generate much in terms of outputs, but the new effort may be able to do more. The main concern is that although they would be pushing US seafood consumption, the big powers that be involve are importers and the US supply is dominated by foreign seafood. There are efforts to support regional seafood, so there needs to be a decentralized, more regional effort instead. The national effort will push East Coast stuff and the Pacific guys will get left behind. Anything that helps to get more seafood for health rather than sustainability is a good thing. There should be efforts to ensure that in implementation it supports regional efforts.

9. ESA Issues

A. Consultations updates

Council staff provided a brief update on the ongoing ESA consultations for the bottomfish fisheries, American Samoa longline fishery, and the Hawaii deep-set longline fishery. Completion of these consultations continues to be delayed. Staff will inform the FIAC when the draft Biological Opinions is available and input is needed on conservation measures.

B. Shortfin Mako ESA listing petition

Council staff provided an overview of the shortfin mako shark ESA listing petition and the associated 90-day finding issued by NMFS in April 2021. The petition requests listing globally either as threatened or endangered. Following the 90-day finding, NMFS will prepare a status review within 12-months of the petition submission to determine if the petitioned action is warranted. The North Pacific shortfin mako shark stock is not overfished or experiencing overfishing.

The Committee supported the Council's effort to submit a letter in response to the 90-day finding. Council staff added that the petition was for global listing, but NMFS could evaluate distinct population segment if information exist.

10. Other Issues

A FIAC member mentioned that the Council and/or its SSC address a rebuttal to the Lynham et al (2020) publication in Nature Communications regarding the PRIA and PMNM expansion designations and fisheries catch rates. The member raised several concerns with the analysis and conclusions that are worthy of discussion and rebuttal.

Guam FIAC member raised several ongoing Guam fishery issues and noted that he would send staff his working document for review. In addition to comments provided on published agenda items, document frames issues and provides information on fishing activities and impacts on Guam fisheries from the Freely Associated State of Micronesia fishermen, impacts of Ritidian and other military range closures, and research and data collection on Guam bottomfish.

11. Public Comment

No public comments

12. Discussion and Recommendations

The FIAC made the following recommendations.

- 1) Regarding gear and release requirements in longline fisheries, FIAC recommends that the Council adopt Alternative 2B, prohibition of wire leaders in the Hawaii deep-set longline fishery, and requirement to remove trailing gear from oceanic whitetip shark in all longline fisheries operating under the Pelagic FEP. FIAC supports regulatory language that would prioritize crew safety when removing trailing gear, with a target of removing line as much as practicable to below the weighted swivel in the Hawaii deep-set longline fishery or to less than 1 meter of the hook.
- 2) Regarding US Participating Territorial Bigeye Tuna Catch and Allocation Specifications for 2022, the FIAC recommends the Council proceed with Option 2 - setting a catch limit of 2000 mt for each US Participating Territory, with a 1500 mt transfer limit from any US Participating Territory to US permitted vessels, and limiting total transfers to 3000 mt total.
- 3) Regarding the main Hawaiian islands deep 7 bottomfish Annual Catch Limit specification, the FIAC supports the Council's recommendation specifying the ACL at 492,000 lb corresponding to

a 39-40 percent risk of overfishing and the in-season accountability measure for fishing year 2021-22, 2022-23, and 2023-24.

- 4) Regarding Hawaii passed legislation, the FIAC recommends the Council encourage the State of Hawaii Division of Aquatic Resources to prioritize and put in place the new Vessel License rule through the Chapter 91 rulemaking process.
- 5) Regarding MAFAC, the FIAC requests the Council to encourage NMFS to add Pacific Island representatives to the committee.