



Fishing Industry Advisory Committee Meeting

Thursday, March 10, 2022

2:00 p.m. – 5:00 p.m.

Virtual Meeting via Webex

DRAFT REPORT

1. Welcome and Introductions

Mike Goto, Fishing Industry Advisory Committee Chair, called the meeting to order at 2:04 p.m. Fishing Industry Advisory Committee (FIAC) members attending included: Stewart Chikami, John Kaneko, Sean Martin, Baron Miho, Josh Schade, Eric Kingma, Kenton Geer, and Vince Haleck

Others in attendance included: Archie Soliai (Council Chair), Kitty Simonds (Council Executive Director); Mark Mitsuyasu, Zach Yamada, Joshua DeMello, Felix Reyes, Floyd Masga, Diana Kitiona, Marlowe Sabater, Amy Vandehey, Matt Seeley, and Mark Fitchett (Council Staff); Tori Spence (NMFS PIRO); Clay Tam (AP Chair); Bryan Ishiida (Hawaii DAR); Justin Hospital (NMFS PIFSC); Tim Perez (Guam Coral Reef Marine Center); Anthony Guerrero (Circle Hook Catches CNMI)

2. Status Report on November 2021 FIAC Recommendations

Mark Mitsuyasu provided an update on the FIAC's recommendations from its last meeting in November 2021.

3. Roundtable update on Fishing/Market Issues/Impacts (billfish, transportation, etc)

Goto reported a strong 2021 fishing year as compared to 2020; markets rebounded with seafood markets and restaurants reopening and more consistent airline flights providing stability; deep-set catch rates have been the lowest it has been in 2021 and is continuing in 2022; still seeing a strong market in 2022 especially for the shallow-set swordfish with the market supporting up to 20,000 lbs a day. Hoping the season will not be cut short due to protected species interactions, as this has been the best season so far, which is half way through.

Kingma reported that next week PIFSC will present the 2021 longline report with catch and effort statistics; BET had lower effort as compared to 2019 and 2020; requesting to see BET differences in November through March rather than calendar year to provide a better picture. Catch rates have declined since 2015. Historical high at 4.9 BET/1000 hooks in 2015 has dropped to 2.9 BET/thousand hooks in 2021.

Haleck reported that the AS longline fisheries did okay, but catching fish to generate enough revenue to cover the boats remains the issue; exclusive sale to StarKist continues but the prices received is not enough to cover cost of boat; and longline owners applied for CARES Act support and have waited over a year for relief. Haleck reported that one of their vessels are trying jig fishing for albacore south of the islands near New Zealand which will be exported to the west coast. They need to diversify if the fleet is going to survive.

Tony Guerro in CNMI, owner of Circle Hook Catches, reported that there has been an uptick in fishing and demand due to easing of COVID restrictions in CNMI.

5. Aquaculture Management Final PEIS and Future Action

Tori Spence, NMFS PIRO Aquaculture Coordinator, presented on the Draft Programmatic Environmental Impact Statement (DPEIS) for offshore aquaculture management in the Western Pacific region. A draft programmatic environmental impact statement (PEIS) was released for comments on May 7, 2021 with comments due August 5, 2021. She reviewed the history and timeline as well as the categories of comments that were submitted during the comment period and the alternatives contained in the PEIS. An impact analysis was done on the effluent, ecosystem function, wild fish stocks, protected species, and socioeconomic impacts. She noted that the Council will develop an FEP amendment that would have very similar alternatives that would have additional opportunities for public input.

Geer said that offshore aquaculture in Kona was good for fishing when it was first deployed and has helped to remove illegal FADs but there are many negatives about the company and the cages. Now no one can fish anywhere near the cages due to a shark and marine mammal presence that never existed before. The cage also ruined the best spot for ika shibi fishing due to the increase in mammals and there are lots of sharks that are affected as well. He was concerned that longline gets put through the ringer regarding protected species while the cage operations are not under consideration.

Spence noted that the EIS takes into account the effect of the cage as a FAD and was interested in any more information that the fishing community might have.

6. NWHI Proposed National Marine Sanctuary 304(a)(5) Council Response

Council staff provided a presentation on the Council's responsibilities under the National Marine Sanctuaries Act 304(a)(5) to provide fishing recommendations for a proposed NWHI national marine sanctuary. As part of the sanctuary designation process, section 304(a)(5) requires the appropriate fishery management council be given the opportunity to prepare draft regulations for fishing within the EEZ. NOAA has identified that proposed fishing management actions are necessary, and provided the Council a package of materials intended to help the Council decide whether or not to prepare draft fishing regulations and recommendations. He reviewed the background of what is known and unknown as well as the decision points available to the Council. The Council may decide to provide fishing regulations, in which case the Council would need to determine what fishing should be allowed in the proposed sanctuary. He noted that a response is due at the end of March 2022 and that the Council would make a decision at its 190th meeting.

Kingma said that there has been some confusion in the Hawaii longline fleet with boundary discrepancies. An overlap between the southern exclusion zone and the monuments occurs around 163 degrees West. The compliance guides seem to show that the area is open to fishing but it is not and the captains are advised by the Hawaii Longline Association to avoid the area. He suggested that NMFS clearly identify the boundaries and management areas in its compliance guides.

Schade asked what cultural activities are allowed in the NWHI. Council staff responded that the cultural activities will have to be defined by the proposed sanctuary and that a management plan and EIS will be developed. He noted that the Proclamation for the Monument Expansion Area allows for cultural activities from 50-200 nm and there are also allowances for a Native Hawaiian cultural permit within Papahānaumokuākea (3-50 nm) by permit.

Guerrero noted that the CNMI will have to look at this process closely as there is a monument in the CNMI where a sanctuary is also being proposed. It is currently being revised by the Office of National Marine Sanctuaries to determine if it is appropriate to keep it on the nomination list and fishers are uneasy about this matter and will be looking at this closely.

Geer asked why Middle Bank is being considered as there are many Kauai fishers who fish there and it is a large portion of their income. Council staff noted that in the original sanctuary discussions, the weather buoys and Middle Bank were being considered for inclusion but was excluded due to the proclamation of a monument. The expansion of the monument also included discussions on including Middle Bank but there was an agreement between those that supported the monument and its expansion and the Kauai fishermen so most of Middle Bank remains outside of the monument boundaries. However, there is still interest by certain parts of the community that continue to push for the closing of Middle Bank as well.

Kingma said that they already have a large protected area that seriously impacts Hawaii's fishing community and food resiliency. It is also an important area for Kauai's fishermen and a large portion of the ocean has already been permanently taken away. He said that the reason why people want a sanctuary is because monuments can be undone by a sitting president whereas sanctuaries require much more to be removed.

7. International Fisheries

A. New Strategy for Addressing WCPFC Issues

Council staff presented on development of a new strategy for addressing WCPFC issues through a more holistic approach. Council staff and advisers have developed an information paper that emphasizes the importance of fisheries to the Pacific Islands community and of strategic importance to US national interests. The diminishing role of US fisheries in the Pacific has a range of adverse consequences including 1) economic consequences for the state of Hawaii and the US Pacific Territories of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; 2) waning US political and economic influence throughout the region; 3) weakening national security in the face of China's growing influence and presence across the Pacific; 4) conservation consequences for the species impacted by fisheries in the region,

including protected and endangered species of marine mammals, sea turtles, and sea birds; 5) weakening of regional governance and rule of law; among others. A new Pacific strategy requires coordination across multiple federal departments and agencies, including the Departments of State, Interior, Commerce, Defense, and Homeland Security.

Goto noted that Hawaii fisheries have had to deal with international issues consistently and this is a different way to look at this at a geopolitical level.

Martin thanked the Council for taking the initiative to develop the strategy. There have been notable failures of the US to promote the Hawaii fishery on an international and even domestic level.

Chikami thanked the Council for taking this on and following through on the Council recommendation resulting from the WCPFC meeting in December. There needs to be a way to negotiate better and the relationship between the small island areas has not been strong as well. There have been recurring issues with compliance. The commission has been more focused on economics rather than rationale. China continues to expand and take over more of the Pacific. The South Pacific Tuna Treaty is up for negotiation in 2023

Kingma echoed Chikami and mentioned there is a need to be targeting high levels of the Biden Administration and within various agencies. US delegations need to be working ahead of time in preparation for WCPFC subsidiary bodies.

Martin noted the document could perhaps add more focus on the impacts of the canneries on the Pacific communities. Goto noted there is a need to get more representation at the WCPFC on behalf of shared US interests, including the US Pacific Territories.

Simonds noted a press release stating that was Starkist getting \$200 million for producing canned tuna. The US purse seine and longline industries have a shared obligation to get this strategy enacted so they can meet such a demand for Starkist with US product. The Council will be working with the Hawaii Longline Association and the American Tunaboat Association to get this strategy moving. The impacts of BBNJ will also disproportionately impact fisheries, possibly US fisheries that rely on the high seas,

Chikami said that not many people realize how important the tuna fishery is to American Samoa. The government officials that cycle through ten do not understand the fisheries. It's a multi year long term commitment. There is a need for more people to recognize how important tuna is to the Pacific Islands and US Territories. There is hope there can be re-engagement with the Pacific Islands.

B. Revisiting WCPO Silky Shark MSA 304(i) Obligations

Council staff presented on revisiting MSA Obligations to end overfishing of Western and Central Pacific Ocean silky sharks. At its 186th Meeting, the Council addressed MSA 304(i) obligations to suggest domestic and international measures to end overfishing. The prohibition of

wire leaders reduces US domestic impacts on silky sharks in Council-managed fisheries. In November 2021, the Council received a letter to consider recommending domestic measures towards fisheries not directly under Council management. Purse seine fishing on FADs is the leading source of mortality on the stock, of which the US fleet has declined in recent years from 34 vessels in 2018 to 13 vessels today. The Council had already addressed purse seine fisheries in its previous international MSA 304(i) recommendation. More US regulations on purse seine fishing to reduce FAD sets may force more vessels to re-flag where they are no longer beholden to WCPFC FAD set controls on US vessels and US regulations to ensure conservation. The relative US impact has declined by at least 50% as US vessels re-flag from the US.

Chikami said the US purse seine fleet has seen a huge exodus into other flags, partly because of strict enforcement and then the economics. There is an unlevel playing field becoming untenuous for the fleet. The enforcement under WCPFC has been relatively light on other foreign fleets. Compliance has not been prioritized for other foreign fisheries while US fisheries are scrutinized much more. A great deal of frustration that the US enforces to a much higher degree than some other countries in the Pacific. The exodus is concerning and 2018 had a significant decline. Thus the way the US is going it may not stop. Chikami reiterated there should not be any domestic regulations for those fisheries that should be managed throughout the region and at the international level. The current US impact is so low and more regulations would make the situation worse.

Goto said the trend of US re-flagging needs to stop, particularly with investment of funds coming from the US Department of Agriculture.

8. False Killer Whale Hook Study Implications

Council staff presented the considerations for future direction of the False Killer Whale Take Reduction Plan, including implications of a weak hook study conducted in 2021. Council previously developed a position statement in advance of the April 2018 False Killer Whale Take Reduction Team meeting. The 2021 weak hook study suggested there may be economic impacts to the fishery in terms of reduced target catch value. Staff also highlighted related considerations, including NMFS' serious injury guidelines, updated abundance estimates, and the Southern Exclusion Zone. FIAC was asked for their input on whether the weak hook approach should continue to be pursued as a mitigation strategy, whether other approaches should be prioritized, and whether additional analyses are needed to inform the future direction.

Hawaii longline fishery representatives on the FIAC emphasized that bait and catch depredation is a real issue for the fleet that has economic impacts, and that the fleet is constantly thinking about better strategies than those that the Take Reduction Team has advanced over the years. FIAC members noted that the existing regulatory strategy of weak hooks has had a low success rate and may cause further injuries to false killer whales, and that a reset is needed. The fleet's transition to monofilament leaders would help facilitate trailing gear removal. FIAC members did not support further regulations with weaker hooks due to potential economic impacts in light of increasing fuel, bait and other operational costs. FIAC supported focus on getting better information on post-hooking survivorship, researching other deterring measures such as artificial baits, and improving understanding of the effect of SEZ closures on fleet dynamics. FIAC noted

that the SEZ was a punitive measure that may be creating more harm than helping false killer whales by pushing fishing effort and interactions into other areas.

9. CCC Working Group on Equity and Environmental Justice

Maria Carnevale presented. The Council continues to gather input for WP EEJ planning and the related national planning efforts with the CCC and NMFS. Feedback to date was shared and the members were offered the opportunity to add additional examples on how the federal government could help make things fairer for our underserved communities. The members highlighted several related issues throughout the meeting; better engagement on regulations, the disproportionate burdens of monument designations in the region and a new Pacific Strategy intended to help offset the disparities among U.S. and international fishery allocations in the Pacific.

10. Other Issues

Kingma asked for the Council to follow up on several issues. Industry is still working through the impacts from the COVID-19 pandemic and seeking relief through the CARES Act. He also asked for an update of the Young Fishermen's Act that needs to support fishery development in the Pacific islands, including training of next generation crew and marine mechanics.

11. Public Comment

Archie Soliai (DMWR Director) - shared a written statement (Included below) on various issues impacting the American Samoa fisheries and community.

*Advocacy Statement on US Purse Fleet supporting the American Samoa Economy
Fishing Industry Advisory Committee Meeting – Public Comment
March 10, 2022*

The Territory's tuna industry is in grave danger of collapsing largely because of the way the tuna fishery in the Western and Central Pacific is being managed. We're talking about an industry that is responsible for over 80% of the private employment in American Samoa. We cannot allow our economy to lose its tuna industry.

The American Samoa tuna industry relies on tuna supply primarily from U.S. flag purse seiners. There has been a steady decline in the Territory's locally based U.S. flag purse seiner fleet because boats have been changing flags and areas of operation to save costs and take advantage of better fishing conditions available to non-US flag fishing boats.

Note that there were 40 U.S. flag purse seiners in 2015. Now, there's only 13. There were 85 purse seiner deliveries to American Samoa in 2020 and only 45 in 2021. This is unprecedented.

At the core of the problem is the way the US Government is choosing to manage the locally based purse seiners. Other fleets operate under conditions that recognize them as serving the fragile and tuna dependent economies of small island developing states and territories (SIDS). The US Government needs to change its fishery management regulations so that these locally based purse seiners are treated as a SIDS fleet. American Samoa is recognized as a SIDS /

Participating Territory but does not enjoy the benefits that other SIDS nations/territories are receiving. A new strategy will level the playing field and stop the exodus of US flag purse seiners from American Samoa.

On the local front, the American Samoa Government is taking steps to create a local license for US purse seiners that support the local cannery, and economy. ASG hopes that the creation of this new licensing system will enable the US Government, and WCPFC, to not only recognize these US vessels as a SIDS fleet but also discontinue the disproportionate burden that American Samoa carries contrary to Article 30 of the WCPFC Convention.

Thank you.

DRAFT

12. Discussion and Recommendations

The Chair opened the floor for committee recommendations. The Fishing Industry Advisory Committee made the following recommendations:

Regarding CARES Act Funding:

1. The FIAC recommends the Council request NOAA Fisheries to exempt the American Samoa Longline fishery from CARES Act requirements described in Sec. 12005(b)(1)-(2), where businesses should demonstrate an economic revenue loss greater than 35 percent as compared to the prior five-years.
2. The FIAC recommends the Council request NOAA Fisheries and Pacific States Marine Fisheries Commission to provide rationale for the delays in CARES Act 2 funding to the fishing community.

Regarding the Proposed National Marine Sanctuaries:

3. The FIAC recommends the Council develop fishing regulations for the proposed NWHI sanctuary that would allow fishing to continue in as much of the sanctuary as possible. Further, the FIAC recommends the Council request NMFS to clearly identify spatial boundaries in the fishery compliance guides that include monuments and sanctuaries so fishermen clearly understand where fishing is/is not allowed.
4. The FIAC recommends the Council continue to keep the fishing community informed on the potential development of a national marine sanctuary in CNMI which would overlay the existing Marine National Monument and may expand fishing area closures. This would allow the fishing community to understand and provide its perspectives should the future designation process proceed.

Regarding a New Pacific Strategy:

5. The FIAC endorses the Pacific Strategy as presented and recommends the Council request the US Permanent Advisory Committee to the WCPFC (PAC) address this strategy at its next series of meetings leading up to WCPFC subsidiary committee meetings and work in coordination with longline and purse seine fishing industries.

Regarding Domestic MSA 304(i) Obligations to Address Overfishing of WCPO Silky Sharks:

6. The FIAC recommends the Council inform NOAA Fisheries that no additional MSA 304(i) domestic recommendations are needed because the US purse seine fleet has diminished in recent years, overfishing from international sources is increasing, and more US domestic regulations would exacerbate the issue of US vessels re-flagging, resulting in counterproductive conservation efforts.

Regarding FKW Weak Hook Implications & TRP Direction:

7. The FIAC does not support moving to weaker hooks due to the potential economic impacts and lack of clear conservation benefit, and recommends the Council to take the position that the TRP focus on reducing trailing gear and solutions to reduce depredation.

8. The FIAC recommends the Council request NMFS PIFSC to analyze false killer whale interaction and depredation patterns through 2021, including estimating economic impacts from depredation, as well as the effect of SEZ closure on fishing effort and false killer whale interactions, and provide a presentation at the June FIAC meeting.

Regarding the CCC Working Group on Equity and Environmental Justice (EJJ):

9. The FIAC recommends the Council approve the draft Western Pacific Equity and Environmental Justice Planning Framework and direct staff to work toward implementing a Western Pacific EEJ strategy.

Regarding the Young Fishermen's Act:

10. The FIAC recommends the Council determine the potential for utilizing the Young Fishermen's Act to support the training of the next generation of crew and marine mechanics.



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AGENDA

(version 2022.2.23)

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Virtual Meeting via Webex:

<https://wprfmc.webex.com/wprfmc/j.php?MTID=mc8723e11bc17771fc036d6de63c0b63e>

Event number (if prompted): 2466 080 9927

Event password (if prompted): FIAC0310mtg (34220311 from phones)

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|---|-----------------------------|
| 1. Welcome and Introductions | Mike Goto |
| 2. Status Report on Sept 2021 FIAC Recommendations | Mark Mitsuyasu |
| 3. Roundtable update on Fishing/Market Issues/Impacts (billfish, transportation, etc) | Members |
| 4. Investigating the Relationships Between Imports and Fish Prices | Jonathon Sweeney |
| 5. Aquaculture Management Final PEIS and Future Action | Tori Spence |
| 6. NWHI Proposed National Marine Sanctuary 304(a)(5) Council Response | Josh DeMello |
| 7. International Fisheries | |
| A. New Strategy for Addressing WCPFC Issues | Mark Fitchett |
| B. Revisiting WCPO Silky Shark MSA 304(i) Obligations | Mark Fitchett |
| 8. False Killer Whale Hook Study Implications | Asuka Ishizaki |
| 9. CCC Working Group on Equity and Environmental Justice | Maria Carnevale |
| 10. Other Issues | |
| 11. Public Comment | |
| 12. Discussion and Recommendations | |