



## **DRAFT Report of the Hawaii Archipelago FEP Advisory Panel Meeting**

Tuesday, November 22, 2022

9:00 a.m. – 1:00 pm (HST)

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

Gil Kualii, Hawaii Advisory Panel (AP) vice Chair, opened the meeting at 9:08 a.m. due to technical difficulties. AP members present included Clay Tam (AP Chair), Gil Kualii (Vice-Chair), Nathan Abe, Carrie Johnston, Eddie Ebisui III, Basil Oshiro, Chad Pacheco, and Khang Dang.

Others in attendance included Zach Yamada, Mark Fitchett, Joshua DeMello, Asuka Ishizaki, Mark Mitsuyasu (Council staff); Bryan Ishida (DAR), Pua Borges, Savannah Lewis (NMFS PIRO), Dennis Heinemann (Marine Mammal Commission), Len Nakano, Tammy Harp (Public).

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

Council staff presented the report of the last AP meeting held on August 18, 2022. He reviewed the recommendations made at that meeting and provided an update on the status of those recommendations.

An AP member said the monument needs to ensure research and science is allowed, mainly due to 30x30. He said the use of area closures is the laziest management tool, and there is a need to collect more data to manage the fishery better. Another AP member said the recent weather changes had affected the fisheries (rain and soil erosion), not just fishermen. The AP noted Kauai is closest to the monument and it would be detrimental to ensure they continue to have access and continue collecting information.

### **3. Hawaii Fishery Issues Activities**

#### **A. Review of Paper Inferring Spillover Benefits of the Papahānaumokuākea Marine National Monument**

Mark Fitchett, Council staff, presented on a rebuttal to “Spillover Benefits from the World’s Largest Fully Protected MPA” paper making causal inferences of expanding the Papahānaumokuākea Marine National Monument in 2016. He summarized two response letters: 1) a letter explaining how the Monument expansion yielded implausible benefits to the scale the paper infers with such low catch biomass being ‘protected’ by historical fishing and 2) a letter demonstrating how the Monument expansion yielded marginal perceived ‘benefits’ to bigeye tuna, which are likely due in actuality to stock abundance increases and environmental conditions. He will describe an analytical framework as well to the Council to refute the paper’s claims.

An AP member said that the Hawaii fishing community continues to shoulder the brunt of the expansion. Regardless of the spillover, he does not see the direct benefits of the spillover because it seems to be benefiting the foreign fleets rather than the U.S. fleet. He asked why the

scientists have not considered the direct benefits to the protected species populations and the whole ecosystem would be expanded. There is a need to look at the big picture of the ecosystem benefits. There are reports on turtles, seabirds, and monk seals but what about the resource. It does not make sense to hear this presentation to carry the burden as we don't see the benefits and need to better understand this through research. It is important to make note of fisher observation and understanding the idiosyncrasy. Need to know benefits and outcomes of the fish species and human socio-economic impacts. This monument expansion is not equitable to the community and we need to understand that we need to stop the infighting as this is not equitable

An AP member said that stock assessments are international, not just Hawaii catch; the reason why the other areas are greater because that's the only area they can fish. He said there is a need to get research in that area; the NWHI is a place that would help the southern islands because of the abundance it moves south. How many fishermen were fishing there in the first place? They went for quality not quantity; his brother was one of the guys that fished there and now moved to San Diego because closer to fish the East;

## **B. Proposed NWHI National Marine Sanctuary Update**

Joshua DeMello, Council staff, presented options for fishing regulations in the Northwestern Hawaiian Islands (NWHI) stemming from the plans for a proposed National Marine Sanctuary in the area. He provided an overview and background of the issue and presented options that the Council will consider for potential action. Options included no action, prohibiting commercial fishing and permitting non-commercial fishing in the Monument Expansion Area, permitting commercial fishing and non-commercial outside of the Monument Expansion Area, and prohibiting both commercial and non-commercial fishing in the area. In addition, staff provided potential impacts and solicited the AP for comments and recommendations.

The AP reiterated their previous recommendations to maximize fishing opportunity in the NWHI MEA. The AP said the Council should allow commercial and recreational fishing from 50-200 miles. An AP member said that the Council should allow Hawaii longline fleet to fish in the NWHI MEA and support self-sustainability. An AP member said that there if there is an interest from native Hawaiian commercial fishermen to have access, then they should be able to fish in the NWHI MEA.

An AP member said that they should consider the overall picture of what the Hawaii fleet is faced with as 75% of their EEZ is closed to fishing. An AP member reiterated that the NWHI is an exclusive economic zone not an exclusive shoot ourselves in the foot zone. The arguments to close the NWHI was that the current fleet minimally uses the area and to protect the area to deep sea mining. To further close more areas does not seem like effective management.

An AP member said that management should consider opening 25% of the NWHI monument to display successful management in that area. If the federal government considered this, then it would provide as a baseline to better understand the spillover effects of the monument. They learned enough to think rationally since this is so irrational as this is our food source. The people of Kauai are affected the most and this is a food source that is right there for those residents.

The AP said that if the Council closed fishing to only recreational fishing in the NWHI, then that would only benefit the millionaires and billionaires who may not follow the rules. If it limited to that, then it would not provide any benefits for the fishing communities of Kauai as it would not be practical for them to spend \$10,000 without any chance of recouping their cost. An AP member said that there is an increase for ecotourism and exemplified in different national monuments

**The Hawaii AP recommends the Council take the following actions to maximize fishing in the MEA:**

- **Permit Commercial fishing in the MEA**
- **Permit Non-Commercial Fishing in the MEA**
- **Permit NH Subsistence Fishing in the MEA**
- **Promote fishery research in the NWHI in order to manage the fisheries effectively and provide for appropriate sustainability limits.**

### **C. Catch Limits for the North Pacific Striped Marlin**

Mark Fitchett, Council staff, and David O'Brien, PIRO, presented the alternatives for catch limits for North Pacific striped marlin or Western and Central North Pacific (WCNPO) striped marlin based on latest best scientific information available (BSIA). WCNPO striped marlin stock is overfished, experiencing overfishing and subject to an interim rebuilding plan by an international commission, the Western and Central Pacific Fisheries Commission (WCPFC), but with no specified catch limits. At the 185<sup>th</sup> Council meeting in March 2021, the Council considered recommendations in response to the stock status, taking into account the relative impacts of U.S. vessels, as required by the Magnuson-Stevens Act (MSA) Section 304(i). The Council took final action recommending a Pelagic FEP amendment to establish a management framework using a phase-in approach, with an initial catch limit of 457 mt for 2022, and specification of catch limits for U.S. vessels proportional to a total WCNPO stock-wide catch limit to end overfishing for subsequent years. The Council's final action was taken in anticipation of updated scientific information to inform appropriate future catch. At the time, a new benchmark stock assessment was expected in 2022 by the International Science Committee for tuna and tuna-like species in the North Pacific (ISC) to address uncertainties in the previous 2019 stock assessment. However, the ISC did not recommend the 2022 assessment be used for management and recommended a new stock assessment to be conducted in 2023 to continue reconciling uncertainties. The ISC and WCPFC Science Committee deferred to stock status and management advice from 2019.

Due to the unresolved uncertainty in the best scientific information available associated with the delay in a new stock assessment, the Council's final action from the 185<sup>th</sup> meeting has not yet been implemented. Therefore, the Council will consider updating its recommendation to address the relative impact of US fisheries on the WCNPO striped marlin stock pursuant to MSA 304(i) until new scientific information and management advice is available. The Council will consider the following alternatives: 1) No action/status quo; do not set an limit for retaining (landing) WCNPO striped marlin; 2) Set an annual catch target of 457 metric tons (t) in U.S.

longline fisheries, consistent with WCPFC conservation and management measures and previous Council action, with an annual retention limit of 434 t as an accountability measure; 3) Set an annual catch target of 426 t in U.S. longline fisheries, consistent with a reduction in catch equivalent to the U.S. relative contribution to international overfishing of this stock with an annual retention limit of 404 t as an accountability measure; and 4) Prohibit retention of WCNPO striped marlin.

An AP member said that the Hawaii Longline fleet has a small effect on overfishing of striped marlin in the Pacific. He said that striped marlin comes and goes around Hawaii as compared to the Taiwanese and Japanese fleets that have vessels that primarily target striped marlin. The Hawaii Longline fleet primarily targets tuna and there is not a large reduction in the stock due to the longline fleet. Another AP member said that Hawaii is a melting pot of different stocks from different areas. They found that 30% of tagged striped marlin came from the southern hemisphere and off the west coast out of Baja, and Australia. An AP member said that there were efforts to tag striped marlin off of Hawaii where they found that they have a seasonal aggregation of striped marlin and found that there is a 5 year cycle in the fishery with good and bad fishing years.

The AP discussed that there are longline boats that have transitioned to shallow-set, although they did not catch as much. The small boat troller will catch them here and there and the deep-set longline boats do not interact with them. He said in Baja there are over 100 striped marlin that are caught daily although there is limited tagging data. Due to the Billfish Conservation Act set by the US Congress, it is not of interest for the Hawaii fleet to target striped marlin due to the inability to export it and its price point in the market.

Another AP member said that it would be imperative to wait for the new assessment to ensure that the catch limits are representative of the stock. He said that the transition from wire-leader to monofilament-leader has also caused an issue with safety at sea. In the interest of their fleet, they do not send their boats to target striped marlin and want to ensure that any measure that is put forth is for the conservation of the species. It was important to note that everything that the fleet catches goes to feed the island community and boost Hawaii's economy.

***The Hawaii AP recommends the Council implement alternative 2 to set an annual catch target of 457 metric tons (t) in U.S. longline fisheries, consistent with WCPFC conservation and management measures and previous Council action, with an annual retention limit of 434 t as an accountability measure.***

#### **D. Final Supplemental Biological Opinion and Status of the Full Biological Opinion for the Hawaii Deep-set Longline Fishery**

Asuka Ishizaki, Council staff, reported that the full supplemental Hawaii deep-set longline (DSLL) Biological Opinions (BiOp) was completed on September 28, 2022. NMFS concluded that the DSLL fishery was not likely to jeopardize the continued existence of these two species and included reasonable and prudent measures (RPMs) that require the release of animals caught alive in a manner that minimizes injury and ensures sufficient monitoring and

reporting program to confirm that the extent of take is not exceeded. These RPMs do not require any changes to the Pelagic FEP or associated regulations.

The AP received a status update on the full DSLL and BiOp, which are expected to be completed in early 2023. At the September 2022 Council meeting, NMFS indicated that they plan to provide the Council with an opportunity to review the draft full BiOp, and expected to have those available for review before the March 2023 Council meeting.

An AP member asked if the incidental take statement values will justify closing the fishery. Council staff said that the incidental take statement values display the level of analysis in terms of the consultation. This value will not lead to closing of the fishery.

#### **4. Public Comment**

There were no request for public comment.

#### **5. Discussion and Recommendations**

The Hawaii Advisory Panel made the following recommendations:

*Regarding Fishing Regulations for the Monument Expansion Area:*

**The Hawaii AP recommends the Council take the following actions to maximize fishing in the MEA:**

- **Permit Commercial fishing in the MEA**
- **Permit Non-Commercial Fishing in the MEA**
- **Permit NH Subsistence Fishing in the MEA**
- **Promote fishery research in the NWHI in order to manage the fisheries effectively and provide for appropriate sustainability limits.**

*Regarding Striped Marlin:*

**The Hawaii AP recommends the Council implement alternative 2 to set an annual catch target of 457 metric tons (t) in U.S. longline fisheries, consistent with WCPFC conservation and management measures and previous Council action, with an annual retention limit of 434 t as an accountability measure.**

*Regarding Hawaii Fisheries:*

**The Hawaii AP recommends the Council request a presentation on the Holomua 30x30 in order to determine the impacts on the fisheries managed by the Council.**

#### **6. Other Business**

Council staff provided a brief update on the False Killer Whale Take Reduction Team (FKWTRT) meeting held Nov 7-10. The primary focus of the FKWTRT is addressing pelagic

stock FKW interactions in the Hawaii deep-set longline fishery, but there is interest from some FKWTRT members to revisit the discussion on the potential impact of shortline fishing on false killer whales due to concerns that there may be ongoing impacts while the Southern Exclusion Zone is closed to the longline fishery. FKWTRT formed a working group to consider this topic further, and Council staff will keep AP members informed of those discussions. Staff expects to provide an update for further AP input at the March 2023 meeting. AP may also designate a representative to participate in the working group discussions with Council staff if that option becomes available.

An AP member said that if the TRT wants to consider managing the shortline fishery, then there is a need to ensure adaptive management that addresses climate change and utilizes fishermen's observations. Council staff said that there was discussion on climate and ecosystem indicators. They have observed an increase in FKW interaction as they are appearing everywhere fishing is happening. Since FKW have social learning, they are able to adapt and follow fishing boats for long periods of time. The marine mammal protection act does not account for these types of scenarios and it is a tricky issue to work to get below the threshold. An AP member said that the AP should consider addressing these statutes if there is a need for change.

An AP member said that the shortline fishery has a small impact on FKW as they have an average soak time range from three to four hours and the depth of their lines are much more shallow as compared to the deep-set longline boats. He said for shortline to be mentioned is irrational.

Zach Yamada, Council staff, announced that the Bureau of Ocean Energy Management (BOEM) released their annual invitation for input on research priorities for BOEM funded studies related to Offshore Energy in the Pacific for 2024. BOEM has invited stakeholders for input and ideas for new environmental and socioeconomic studies to inform ongoing and future management of energy and mineral resources in the Pacific Outer Continental Shelf Region that includes waters offshore California, Oregon, Washington and Hawaii. Study ideas may be submitted at any time and must be received by December 9, 2022.

An AP member said there is a need to better understand the effectiveness of offshore energy in Hawaii. The AP said that Hawaii is a long way from converting completely to renewable energy, and they are unsure whether these turbines would be able to withstand hurricanes and storms. An AP member said that 99% of everything that is used is a byproduct of fossil fuels and energy derived from fossil fuel.

AP members gave a report on meetings held by the Hawaii Fishermen's Alliance for Conservation and Tradition (HFACT) and DAR to engage the community on the Hawaii Department of Land and Natural Resources (DLNR) Holomua 30x30 initiative. There were a total of 8 meetings held initially around the main Hawaiian islands. As the word began to spread, there were two additional meetings on Kauai where local politicians and legislators spoke in opposition to the DLNR's initiative. An AP member said that these meetings did not discuss the State's herbivore management plan, but it called for what type of management should the DLNR implement moving forward. The AP said that the fishing community was in opposition to the Holomua 30x30 initiative and would like to meet with DAR staff to explain the State led initiative further.

***The HI AP directed staff to engage DAR to have a question and answer session to discuss the Holomua 30x30 Initiative.***

The AP vice chair thanked the current AP for volunteering their time for this term and recognized Eddie Ebisui, Basil Oshiro and Chad Pacheco for all their work with their fishing community and for the Hawaii AP. He said they are not continuing in the next term, but the AP is not saying goodbye, but a hui hou for now and invited them back to provide their wealth of knowledge at future meetings. The AP members echoed the sentiments and the AP Chair said the AP would not have been successful without them and there are opportunities for them to continue to participate.

The meeting was adjourned at 12:40 p.m.