



WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

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

Thursday, August 18, 2022

9:00 a.m. – 4:00 pm (HST)

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

Gil Kualii, Hawaii Advisory Panel (AP) vice Chair, opened the meeting at 9:32 a.m. due to technical difficulties. AP members present included Clay Tam (AP Chair), Nathan Abe, Carrie Johnston, Eddie Ebisui III, Basil Oshiro, and Khang Dang. Members not in attendance included Chad Pacheco.

Others in attendance included Zach Yamada, Mark Mitsuyasu, Matt Seeley, Joshua DeMello (Council staff); Tori Spence, Pua Borges, Heather Cronin, Keith Kamikawa, Savannah Lewis (PIRO SF); Marlowe Sabater, Rebecca Walker (NMFS PIFSC); Tammy Harp (Public).

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

Council staff presented the report of the last AP meeting held on June 10, 2022. He reviewed the recommendations made at that meeting and provided an update on the status of those recommendations.

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

#### **A. Hawaii Small-Boat Management**

Roy Morioka, Hawaii Fishermen's Alliance for Conservation and Tradition (HFACT) provided a presentation on Hawaii small-boat management. He provided an overview of the characteristics of the Hawaii small-boat fleet, management and data collection, and possible recommendations to improve data collection on the commercial and non-commercial sectors of the fishery.

An AP member said that the non-commercial data issue would never be resolved with the current enforcement program and said that recreational fishermen should have a license to fish. He said that every state in the US requires a permit to fish with the exemption of Hawaii and Puerto Rico, but he acknowledges that there are customs and traditions that need to be respected. In regards to better understanding the non-commercial small-boat fishery, it will be a large task to overcome to have a proper assessment of the fishermen. Morioka said that the State of Hawaii could require non-commercial fishermen to report their catch through a registry program with questions that are less intrusive to understand the fishery better. Unfortunately, this will not happen without mandatory permitting and licensing. Through the Council process, there is an opportunity for the AP to discuss possible solutions. The State of Hawaii currently runs the data collection through HMRFS and commercial landings, but there is a need to separate the commercial and recreational fishermen's data to characterize the fishery better.

An AP member said that if there is a proposed mandatory permitting and licensing for the non-commercial fishermen, there needs to be teeth behind regulations and fear of enforcement. Another member said that the State of Hawaii has an existing freshwater permit. She said that there are part-time fishermen who fish out of Hawaii Kai and sell their fish to restaurants. She

said that those part-time commercial fishermen might not be a part of the fishery and management should focus their efforts more on the bad actors who are fishing hard and depleting the resources. She said that the DLNR has stated a few times over the past 5 years that Hawaii already is getting all the federal money our population is eligible to support recreational fishing programs, so a recreational marine license program would cost the state considerably just to build and administer, more than could be covered by typical recreational license fees. Certainly, the states' own laws governing "free and equal access" are another hurdle that has always been too high. But perhaps using existing boat license registration programs to 'mine' information, data, and participation from self-identified recreation boaters who fish, and other programs, such as HOST's registration for their gear recovery program, could provide contact info and potential participants in reporting recreation catch data.

An AP member said that the first step to addressing non-commercial fishery data is to work on instituting a license and changing public opinion on mandatory reporting. There were previous efforts for mandatory permitting and reporting, but nothing has transpired yet. Morioka said that with the absence of data, there was a need to be cognizant of MRIP and FRS surveys and how to better the data entry. The surveys could focus more on the frequency of fishing throughout the year, target species, and report what was caught. Morioka encouraged the AP to understand the data better and to think of ways to improve the data collection system.

An AP member said there needs to be different ways adapted to engage the variety of non-commercial fishers, from boaters, to kayak, to divers, and anglers from shore or boat. There are lists of these participants already out there, so the challenge could be to focus on getting the data (not on building a program) and access to those lists and registrations, adding a check box to participate on their registration, and then learning the best ways to get cooperation and meaningful engagement from the variety of stakeholders, and not focus on more new licenses and regulations for agencies to administer.

An AP member said that there is a serious lack of understanding of the fisheries in the Pacific Islands and the Council should reconsider how they better the data collection on fisheries. The first step would be to update and define the following terms recreational, non-commercial and subsistence fishing as Hawaii and is different from the rest of the continental US (e.g. subsistence should include customary exchange).

## **B. Alternatives for an Aquaculture Management Framework in the Western Pacific**

Zach Yamada, Council staff, presented the alternatives for managing aquaculture in the Western Pacific region. He provided an overview and background on past Council actions and presented the alternatives that the Council will consider for final action. Alternatives included 1) no action; 2) a limited entry aquaculture program with limited gear types, commercial and research permits for 10 and 3 years respectively, and limited allowable species and marine aquaculture systems; and 3) an expanded limited entry aquaculture program with extended commercial and research permit terms for 20 and 10 years, no prohibition on marine aquaculture systems and allowable to culture all native species respective to the island regions.

An AP member said that there should be a management framework for offshore aquaculture and it should be limited to species native to the region of the proposed aquaculture facility and accountability for these operations.

***The Hawaii AP recommends Alternative 3 to establish an expanded limited entry aquaculture program and reiterates that operations should be limited to local species native to the different island regions and the proposed options be vetted through the proposed regulatory process.***

### **C. Kona Crab Status Determination Criteria**

Thomas Remington, Lynker, provided a review of status determination criteria in the Hawaii Archipelago fishery ecosystem plan (FEP) for Kona crab harvested around the MHI. Despite the results of the stock assessment, the stock status of MHI Kona crab remains “unknown” under NMFS’ Fisheries Stock Sustainability Index (FSSI) as there is no SDC, and the FEP currently does not meet the requirements of National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and prevents the determination of stock status within the NMFS FSSI. Filling this management gap would further support MHI Kona crab as an actively-managed species under the FEP and allow for results of stock assessments to be used to determine stock status.

The AP said that it was odd to compare the SDC for the NWHI lobster to the MHI Kona crab. They said that the Kona crab has changed over time and there has been an increased level of uncertainty in the data. Most of the data on the MHI Kona crab primarily comes from commercial fishers. There is a need for more information to ensure that there is a better representative Kona Crab SDC. Remington said that this action would not change management, but would fill a management gap to support the MHI Kona Crab fishery further. If there is a need for more information on the fishery, then it should be explored. The AP said that the Council should consider waiting on the SDC for Kona crab due to the lack of data.

***The AP recommends the Council look at modifying the existing SDC with MHI Kona Crab fishery information to set the reference points and further request for ongoing research for distribution of fishing effort as there could be area based management***

### **D. Young Fishermen Sea Grant**

Cherie Kauahi, Sea Grant Hawaii Island Aquaculture Extension Agent, presented the preliminary results of the Sea Grant’s YFDA Hawaii project awarded \$100,000 in September 2021 entitled, “Strengthening Hawai‘i’s Seafood Workforce and Educational Opportunities for the Next Generation of Young Fishers and Aquaculturists. FIAC members were provided the link to participate.

The AP commended Sea Grant’s efforts and said that they should focus their efforts on recruiting people to get jobs in the fishery. An AP member said that there is an aging demographics in captains and wanted to know how the Hawaii longline fleet can get their information for local people. He said that captains make about \$80,000 to \$100,000 annually and wanted to know how they could collaborate.

An AP member said that the model programs that Sea Grant could consider include the Council’s High School Fishery Management Program to introduce students to the fishing industry. Another member asked if this program is only focused on the youth or if they are targeting adults as well. Kauahi said that they are in the development process for the program and would like to get feedback from the AP.

## **E. 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 said that they would like to maximize fishing access and allow research and customary exchange in the NWHI. They said that one of the primary purposes of the monument was to conduct scientific research. An AP member said that fishermen and scientists should be allowed to go into the monument and bring back their catch to feed their communities or donate their catch to charity. He said that this is a huge opportunity to fish in the monument and understand the state of the fishery. It would be of interest to tag fish to understand the usage of the areas with climate change and potential shifts. They should allow fishing in the monument to allow a better presence to assist the Coast Guard who patrol the area. The AP should consider not prohibiting commercial fishing just in case there is a need to have those resources feed the MHI.

***Recommends the Council select the alternative that maximizes fishing opportunities and reiterates the need to ensure that fisheries research is able to continue in the MEA***

## **F. Deep-set Longline Biological Opinions**

Zach Yamada, Council staff, provided an update on the deep-set longline biological opinion. He reported that the draft of the Hawaii deep-set longline Biological Opinion was not expected to be available for the 192<sup>nd</sup> Council meeting. Council staff will notify AP members as new information arises.

## **G. National Seafood Strategy**

Zach Yamada, Council staff, provided an overview of the National Seafood Strategy. He reported that NMFS will be presenting at the October CCC and will be asking for public comment soon.

The AP said they are interested and will look out for opportunities for the different fishery sectors.

## **H. Pacific Remote Island Coalition Proposal**

Mark Fitchett, Council staff presented the proposal by the Pacific Remote Island Coalition to expand the Pacific Remote Island Marine National Monument off Palmyra and Howland/Baker. He provided an overview of the conservation, cultural and historical values outlined in the proposal, threats posed by the proposal, and impacts on American Samoa.

An AP member said that the Hawaii Longline Associate opposed the monument although they do not fish there. He said that the expansion of the NWHI had a big impact on the Hawaii longline fishery. Another AP asked why the western Pacific has to carry the burden of closed

waters. An AP member said that he opposed the proposal because there is a need for sustainable fishing that could benefit the residents of the MHI. The AP asked what the purpose of the proposal was and to who it benefited. Fitchett said that the purpose of the proposal was to preserve and conserve the value of the ecosystem against deep sea mining.

An AP member said that there are a number of forces that are coming down the road for fishery management. Regarding Wake atoll, an AP member said that the Pacific Islander near those islands should speak about their support or oppose to the expansion. He said that these Pacific Island developing states had sold their fishing quota to China and do not follow the same regulations as the US. The AP said if the US is the best-managed fishery, then why do they continue to close fishing for the domestic fleet. He said that the US should consider opening close areas to commercial for those who have exemplified sustainable fishing practices. He said that there is a need for a sunset clause for these established and proposed monuments, otherwise, there will be no need to do fishery development.

Other AP members discussed how the national Marine 30x30 programs are disproportionately being met by our region, and this has caused awareness and concerns about the many economic and cultural justice concerns that this program and its initiatives are creating.

Fitchett said that the Council Coordination Committee area-based management subcommittee has taken an inventory of the 30x30 plan to show that they exceeded the 30% conservation goal as 100% of the waters is well managed with demonstrable conservation efforts. He added that Antiquities Act does not have a NEPA requirement as all other fishery management actions require this type of review.

## **I. Discussion and Recommendations**

### *Regarding Aquaculture management*

- **The AP recommends the Council implement Alternative 3 to establish an Aquaculture Management Framework in the Western Pacific that only allows species native to the region of the proposed facility.**

### *Regarding MHI Kona crab SDC*

- **The AP decided not to take action right now as the AP was concerned about what might be used and what is appropriate for the fishery**

### *Regarding proposed NWHI*

- **The AP recommends the Council select the alternative that maximizes fishing opportunities and reiterates the need to ensure that fisheries research is able to continue in the MEA**

## **4. AP Plan and Working Group Reports**

### **A. Smart FAD**

Gil Kualii provided a report on the Smart FAD working group. The group was provided with presentations from the Coast Guard, and US Army Corp of Engineers. The proposal was to look at both types of FADs and identify partners to see how to proceed.

## **B. Marine Planning**

Clay Tam, AP Chair, provided a report on the Marine Planning working group meeting held on August 17. He said they received presentations from BOEM on their Draft Fishery Mitigation Strategy and the Pacific Northwest National Laboratory on their LIDAR buoy that will be deployed offshore Makapuu, Oahu.

Tam reported that the working group discussed the timeline for the completion of the HI AP's FishMaps projects. The next steps included the development of the map that outlined significant fishing areas and the development of outreach materials.

## **5. Annual Report of Hawaii AP Activities**

### **A. 2022 Program and Activities**

Gil Kualii provided a report on tournament outreach provided at the August Hilo Trollers Tournament. He passed out over 75 surveys and received 23 completed surveys. He results were not what he expected. The AP should reconsider when they pass these surveys out at fishing tournaments to ensure that they have better results moving forward. Another member said that it is important that the AP are in tune with the tournament coordinator to ensure a better turnout.

### **B. End of Term/AP Solicitation**

Council staff reminded the AP to turn in their applications for the 2023-2026 AP term. All applications received after August 19 will be marked late when the Council members review the applications at its upcoming 192nd meeting. The current HI AP term will end on December 31, 2022.

## **6. Feedback from the Fleet**

### **A. Hawaii Fishermen Observations**

AP Members

For Hawaii Island, an AP member reported that there was an increase of shark interaction. He said that fishing and fish prices were steady although gas prices were high which affected their expenses. For the Hilo side, they observed a bloom of tuna eggs spanning over to Maui on his flight to Oahu for the meeting. He said this observed bloom was late as it was expected for July. They reported that the mahimahi have been biting in the last quarter.

For Oahu, they observed more aku and otaru offshore and they observed a bloom of mu off the north shore of Oahu. Another member report that the oama and halalu are starting to appear nearshore.

For Maui, they observed and increase of oama, tuna, and mahi in the last quarter. He reported that a fisherman had recently caught 25 pieces of otaru off of Maui.

### **B. Advisory Panel Issues**

A member asked for an update on Council's effort to address Equity and Environmental Justice. Council staff said that the Council will be providing public comment on the NMFS Equity and Environmental Justice Strategy prior to the deadline of August 31. Staff also reported

the outcomes of NMFS outreach efforts in American Samoa, the CNMI, and Guam. The AP asked staff to provide updates on EEJ as new information becomes available.

The AP chair reported that the MAFAC EEJ working committee submitted recommendations for the MAFAC to review at its upcoming meeting on August 23. He said that their comments included the need for a bottom-up approach for fishery management to ensure that fishers are involved in the process. In light of the strategy, he hopes that there will be some funding available to better support the Council's work.

## **7. Public Comment**

There were no request for public comment.

## **8. Discussion and Recommendations**

There was no discussion and recommendations.

## **9. Other Business**

The AP Chair encouraged the HI AP to review the National Saltwater Recreational Fishing Policy as they are requesting public comment.

Next informal meeting scheduled for September 16 from 9-11am.

Meeting ended: 4:00 p.m.