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COUNCIL

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

Friday, June 10, 2022

9:00 – 12:00 pm (HST)

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

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

Others in attendance included Zach Yamada, Asuka Ishizaki, Joshua DeMello, Felix Reyes, Maria Carnevale, Mark Mitsuyasu, Matthew Seeley (Council staff); Thomas Remington (Lynker); Marlowe Sabater, Hin Ling Chan, Beth Lumsden, Danika Kleiber (NMFS PIFSC); Savannah Lewis (NMFS PIRO); Eric Kingma (Hawaii Longline Association).

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

Council staff presented the report of the last AP meeting held on March 11, 2022. He reviewed the recommendations made at that meeting and provided an update on the status of those recommendations.

### **3. Council Issues**

#### **A. Review of Draft Bottomfish Biological Opinion**

Asuka Ishizaki, Council staff, provided an overview of the draft bottomfish fishery Biological Opinion (BiOp), which covers the bottomfish fisheries under the American Samoa, Marianas Archipelago, and Hawaii Fishery Ecosystem Plans (FEPs). The consultation was triggered by the 2018 listing of the oceanic whitetip shark (OWT) under the Endangered Species Act (ESA), as well as the listing of the giant manta ray and chambered nautilus and the designation of the Main Hawaiian Island (MHI) insular false killer whale critical habitat. The BiOp concluded that the operation of the MHI, Guam, and CNMI bottomfish fisheries are not likely to jeopardize OWTs, and the impacts from the American Samoa bottomfish fishery were determined to be discountable due to no known interactions with the species. They included an Incidental Take Statement as a check as a trigger for reconsultation should OWT interactions exceed the anticipated level over five years. As part of the Incidental Take Statement, they developed reasonable and prudent measures that require NMFS to monitor the take of OWT in Guam, CNMI, and MHI bottomfish fisheries. The conservation recommendations are discretionary and include actions for NMFS to work with fishers and local agencies to disseminate species identification materials, support consistent reporting of OWT bycatch in the bottomfish fisheries, and establish methods to improve the accuracy and frequency of reporting OWT.

An AP member said that OWT interactions are rare and easy to identify. He has never seen a whitetip shark. Other members said that monitoring of OWT might encourage underreporting. He said that more clarification was needed on how observed and estimated take are calculated and applied to the BiOp.

Regarding the 25% mortality, they asked if the satellite data from Melanie Hutchinson used in her study was included in the BiOp. He asked if there was a means to include new studies that could in the draft bottomfish BiOp. Council staff said that there were no papers on mortality rates cited. The supporting documents came directly from the East Coast recreational hook and line fishery. They looked at dead-on-arrival rates, but none of them were OWT and were pulling whatever shark data was available. In HI, they rounded the mortality rate up over five years. Exceeding the number is if a second one was brought in over the first dead on arrival.

The AP Chair said that there is a need to have more local information and data to have more applicable information for the BiOp. Another member said that he had issues with Melanie's research since he knew some fishers were targeting OWT which could skew the data. He asked if the BiOp included data from the MHI bottomfish research project. Council staff said that this BiOp included data from the MHI bottomfish cooperative research project, which showed no OWT captures.

## **B. Proposed NWHI Fishing Regulations**

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.

An AP member said that scientists should be able to go into the NWHI. Another member said that he was uncertain about the conservation measures for the proposed monument/sanctuary. He said there is a need for better data collection to understand the conservation measures' effects better to create effective policies. Other members said that they should allow fishers to go into the NWHI as part of a research experiment to allow fishing as part of a research experiment.

An AP member said they must take a hard stance not to allow scientific research and fishers to fish in the NWHI. He said that the 30x30 had caught steam which could lead to the closure of the domestic fishery industry, causing the US to buy fish from third-world countries that do not follow the same standards as the US. As with bottomfish, if they consolidate our efforts to fish smaller areas rather than spreading it out is not good. Members said they saw boats entering those areas but were uncertain of their activities. In the hotel industry, he saw a lot of fish coming from outside the US, including the Philippines. He watched this monument get closer to his island. Fishers should be compensated if they could not fish the area.

An AP member said whether the NWHI is a monument; they need access. They need to go out there and get data. Prove the advocacy. When it comes down to food security here in the Pacific - it is their livelihood.

*The Hawaii AP continues to recommend the Council push for maximizing fishing opportunities in the NWHI and to recommend research by NOAA in the area be conducted in the NWHI to determine if the closed area conservation objectives are being achieved.*

### **C. Green Turtle Management Update**

Council staff provided a brief update on the Council's activities related to green turtle management. Council staff reported that the Council recently sent a letter to the Biden Administration requesting assistance for finding ways to resume the traditional cultural practice of honu harvest that is consistent with US obligations under the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC). Staff will continue to follow up with the US delegation to the IAC to make progress on this issue.

Members agreed that there is an overpopulation of turtles and they should be allowed to manage it as a fishery resource. An AP member said that the turtles are eating the limu that affects the herbivores. Another concern is pollution.

### **D. 2021 Annual Stock Assessment and Fishery Evaluation Reports**

Thomas Remington, Lynker, provided a presentation to the AP on updates to the annual SAFE reports, which monitor the region's fisheries, protected species, the ecosystem, and other factors associated with fishing in the Pacific Islands. Fishery performance for the Hawaii Deep 7 bottomfish fishery slightly rebounded in 2021 after decreasing in 2020 with an increase in catch and trips driven by the harvest of onaga and ehu. The uku fishery had increased catch in 2021 but with less effort than the preceding year. The Hawaii Kona crab fishery had increased fishing effort with a reduction in catch in 2021, showing a decrease in catch per unit effort. Pelagic fisheries in Hawaii longline fleet landed more slightly catch in 2021 (~31 million lb) than in 2020 (~30.4 million lb) with slightly increased effort in both the deep-set and shallow-set longline fisheries. The increased effort for the shallow-set sector was attributable to 2021 being the first year since 2017 that a fishery closure did not impede the fishery. The total revenue increased to a historically high level of approximately \$124.4 million due to the large increase in average price per pound of pelagic species.

Parameters including sea surface temperature, coral thermal stress exposure, and ocean color were presented. Remington noted that data for additional indicators are available in the full reports published by June 30, 2022, on the Council's website. Last, Remington encouraged AP members to use the Council's online portal ([wpcouncildata.org](http://wpcouncildata.org)) for the annual SAFE reports to navigate and visualize data presented in the reports.

An AP member said that the data may change due to more fishers going out for half days. Another member asked if all the data was from the CML and if any recreational data was included. Remington said that there will be a non-commercial section, including a portion for uku in the recreational fishery report.

## **4. Equity and Environmental Justice**

### **A. Report on Council EEJ and Fisheries Management**

Maria Canevale, Council staff, presented on the CCC EEJ WG Report, Next Steps and the recent WP EEJ Workshop. The Council held a workshop at the end of April, bringing indigenous Council members, AP members, NOAA regional staff, and leaders working on

environmental justice issues. The workshop focused on the four tools of organizational change (fund, empower, implement, and advocate) and how EEJ integrates with the Council's work. Members were encouraged to provide additional insights for WP EEJ Planning.

The AP vice-Chair advised the AP that EEJ will be on their radar for the near future and they should continue to stay engaged.

## **B. NOAA Fisheries Draft Equity and Environmental Justice Strategy**

Beth Lumsden, NMFS Pacific Islands Fisheries Science Center, reported the NOAA Fisheries Draft EEJ strategy. NMFS is soliciting comments until August 31. She reviewed the barriers to EEJ and how NMFS plans to address EEJ in the underserved community. The draft EEJ strategy seeks to remove barriers to EEJ and promote equity in the work they do. This will lead to step-down implementation plans at the regional level to create a framework to incorporate EEJ into their daily activities.

An AP member said we often see fishermen as the enemy as they cannot influence the state level. They said that they were not as powerful as they needed to be. As fishermen, they are marginalized, such as allowing shark tours to chum the water for the tour boats. A past governor said it was bad, but only fined the tour boats \$100. He said chumming the water has altered shark behavior and affected their fishing operations. He wants to see justice in this as it continues to affect their fishing operations. Beth agreed and said that they could address these issues in the regional implementation plans at the federal level.

An AP member said there is a need to ensure access to the shoreline, ocean and resources. The AP Chair said there are several outside influences in management. The NWHI continues to be a pain in the local communities. There is a need to fund small projects through CDPP. Beth said that there are various fundings such as SK BREP. And there are training and research opportunities set aside.

## **5. 2022 Marine Fishery Advisory Committee Report**

Clay Tam provided a report on the 2022 May Marine Fisheries Advisory Committee (MAFAC) meeting held in San Juan, Puerto Rico. They appointed Tam as a member of the MAFAC in April 2022. They established the MAFAC in 1970 to advise the Department of Commerce on living resources. Items included aquaculture, seafood resilience, recreational summit, and budgets.

The AP vice-Chair said that the federal, state, and county 30x30 initiatives should work together to achieve their goal. Council staff reported on the CCC ABM report that took an inventory of all closed areas that identified at least 61% closed to fishing or with fishing regulations. He also reported that the Council will discuss the PRIA expansion proposal from the Pacific Remote Island Coalition. Governor Ige and Congressman Case have endorsed this proposal.

An AP member said the US should worry about China as there is potential for increased pressure around the south of Hawaii. He asked why the US would close their US EEZ while China and other foreign countries are able to fish the whole Pacific. Council staff said that Kiribati's are opening their EEZs to fishing agreements with China and the Phoenix Islands Protected Area is opening.

*The Hawaii AP recommends that the Council inform NOAA/CEQ know that the Western Pacific Region has met the 30x30 objectives of the America the Beautiful Initiative with its existing marine managed areas (e.g. Marine National Monuments, sanctuaries, etc.)*

## **6. 2021 Hawaii Small-Boat Study**

Hing Ling Chan, NMFS PIFSC, presented the results of the Hawaii small-boat study conducted in 2021 to better understand the economic and cultural contributions of the small boat fishery. They surveyed 879 commercial marine license (CML) holders who landed at least one fish of which 345 completed the survey. This excluded charter, longline, aquarium, and precious coral fisheries. They found that recreational was the most identified fishing motivation, followed by subsistence. There were higher fixed costs for 2020 with most fishers taking less than 50 trips a year. In April 2022, they provided a 3-page brochure and a 4-page article in Hawaii Fishing News that highlighted key findings.

An AP member said that commercial fishermen show 70% sold and 30% recreational sold and asked what the sense of depletion on the resource is. NOAA, in their national and state data, often state they assume that the take is four to seven times the resource. Chan said that the data was consistent with past surveys and that the responses represented the small-boat fisheries survey information.

Another member asked what the max size of the boats and how much small-boat fishers take multi-day trips. Chan said that participants had an average boat size of 24 feet and they did not ask for that information and primarily got fishers who only fish for one day at a time.

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

### **A. Smart FADs**

Council Staff provided an update to the SmartFAD working group update. He asked for the working group to meet to further discuss the draft proposal.

### **B. FishMaps**

Council staff provided an update to the FishMaps project which includes the planning for potential mapping workshops. He announced that on Friday 17, Poseidon Fisheries Research will host their fishing tournament and the AP could use that as an opportunity for outreach.

An AP member said that FishMaps should include fishery data from other regions. The FishMaps could add value for fishing koas to better understand the impacts of that area. Another member said that it would be good to include the significant aku fishing grounds as well.

## **8. Feedback from the Fleet**

### **A. Fishermen Observation**

For Hawaii Island, an AP member said there had been a decrease in fishing due to the high fuel, ice and maintenance cost. There has been an increase in ika with the corresponding spotted dolphin. For Hilo, Hawaii, fuel prices were up, and 100 pound ahis were biting. There was low marlin and mahi on the Hilo side, but 30 pounds ono. He said the ika shibi fishers had a good catch of ono on an overnight trip.

On Maui, the trolling season started with the tuna catch picking up. Bottomfish continues to be slow, with low presence in the market. The AP member said that the Maui CoOp members are catching tuna, but fishers are complaining about fuel prices.

For O'ahu, they have observed a big mahimahi season in the spring. They reported a moderate ahi catch affected by high fuel and maintenance costs. An AP member said this last month had seen a slowdown, but those going out are finding big ahi and close to 1000 pound ahi. An AP member reported that the Hawaii longline catch has been more substantial compared to recent months with moderate demand.

For Kaua'i, an AP member said tuna catch has picked up. Fishers are more selective about going fishing cause of gas prices. There were more otaru coming up; akule was bountiful; oama was coming in; big nehu balls; big bird piles and the water boiling with fish in the north shore. The guys on the west side see more fish piles coming close; fishing is good, prices are good, but fuel prices are almost \$6, which limited participation.

## **B. Fishery Issues and Concerns**

An AP member reported that DLNR received funds from the federal government for FADs. However, they are considering program expansion. With the change in contractors after 25 or more years and leaning towards an OHA type organization, our subsistence fishing is preserving our fisheries and something we can discuss in our next meeting. This is an opportunity for us to be a part of that educational program.

On Kauai, the tour boats are taking over harbors. Fishers are having issues getting in and out. RIMPAC will be starting soon and may impact fishing.

## **5. Public Comment**

There were no public comments.

## **6. Discussion and Recommendations**

***Regarding the Draft Bottomfish BiOp Review***, the Hawaii AP recommends the Council provide the following considerations and findings to PIRO PRD:

- AP concurs that OWT interactions in the bottomfish fishery are rare, noting that OWT is relatively easy to identify for fishermen. OWT is not seen on bottomfish fishing grounds and experienced bottomfish fishermen have not observed OWT interactions. These fishermen experiences are further supported by the lack of OWT catch records during the bottomfish cooperative research surveys.
- AP noted concerns for the draft RPM language regarding “observed and estimated take”. Any expansion method applied to available data to estimate OWT interaction levels should be developed in consultation with fishermen to review assumptions used in such methods.
- The BiOp should consider shark tagging data from Hawaii, including recent research led by Melanie Hutchinson (PIFSC). AP noted concerns that the post-hooking mortality estimate of 25% in the draft BiOp is not based on Hawaii fishery data and not data specific to OWT.



***Regarding the Proposed NWHI Fishing Regulations***

- The Hawaii AP continues to recommend the Council push for maximizing fishing opportunities in the NWHI and to recommend research by NOAA in the area be conducted in the NWHI to determine if the closed area conservation objectives are being achieved.

***Regarding 30x30***

- The Hawaii AP recommends that the Council inform NOAA and the CEQ that the Western Pacific Region has met the 30x30 objectives of the America the Beautiful Initiative from Executive Order 14008 with its existing marine managed areas (e.g. Marine National Monuments, sanctuaries, etc.). Further closures to fishing access would conflict with ‘Securing Environmental Justice’ Provisions in Executive Order 14008 (Section 219) and Executive Order 13985.

**7. Other Business**

Next informal meeting scheduled for July 22 from 9-11 am

Meeting ended: 1:21 p.m.