



Report of the Non-Commercial Fishery Advisory Committee Meeting

Wednesday, June 8, 2022

1:00 p.m. to 3:30 p.m.

Virtual Meeting via Webex

1. Welcome and Introductions

Dean Sensui, Chair of the Non-Commercial Fisheries Advisory Committee (NCFAC), opened the meeting at 1:09 p.m. NCFAC members in attendance were Keith Kamikawa, Steve Kaneko, Hongguang Ma, Audrey Toves, Ben Walin, and Gene Weaver. NCFAC members Lee Alameida, Joaquin Cruz, Phil Fernandez, Alex Castro, and Brian Yoshikawa were absent.

Others in attendance included: Kitty Simonds (Council Executive Director); Joshua DeMello, Mark Mitsuyasu, Zach Yamada, Floyd Masga, Felix Reyes (Council Staff); Clay Tam (AP Chair); Eric Roberts (Office of National Marine Sanctuaries-Papahānaumokuākea); Mark Ladao (Honolulu Star-Advertiser); Savannah Lewis, Pua Borges (NMFS PIRO), Bryan Ishida (State of Hawaii DAR); Danika Kleiber, Justin Hospital (NMFS PIFSC), Tammy Harp, Kanoe Morishige (Public members).

2. Review of Last NCFAC Meeting and Recommendations

Council staff presented the status of the recommendations made by the NCFAC at its last meeting held on November 16, 2021. The NCFAC recommended continued exploration of sector allocation as well as requesting the national recreational fishing summit include an update on the progress from previous summits. Both of these issues were scheduled to be discussed at this meeting.

3. Council Issues

A. Sector Allocations

Council staff, presented on sector allocation issues with an example of the uku fishery for the reason allocation is being considered.

The NCFAC Chair noted that in conversations with an advisory panel member for the North Pacific Fishery Management Council, they discussed the allocation for black cod between the commercial and non-commercial sectors. The AP member noted that the allocation to the commercial sector was made in weight while non-commercial allocation was in pieces. The science changed and the quota went up in weight for the commercial sector but went down in pieces for the non-commercial sector. The NCFAC Chair was concerned that there needed to be a standard of measure for both sectors if the Council considers sector allocation.

An NCFAC member asked if the non-commercial sector is included in the Annual Catch Limit (ACL) for uku. Council staff said yes and it is calculated through the Hawaii Marine Recreational Fishing Survey (HMRFS).

Another member asked where uku fishing took place. Council staff noted that the split between the state and federal waters is about 50-50. A member noted that the HMRFS data needs to be reviewed to make sure it is presented appropriately.

B. NWHI Fishing Regulations

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. Staff provided potential impacts and solicited the NCFAC for comments and recommendations.

The NCFAC Chair was concerned with the proliferation of sanctuaries and noted there needed to be a way to control the expansion. He said the area being looked at is deep and that fishing in that area would be mostly pelagic and closing areas would not help.

Council staff asked if anyone would go fishing in the areas closest to the Main Hawaiian Islands. She noted that there used to be bottomfish charters at Midway and if people are desperate they could go fishing for sustenance or subsistence in those areas. An NCFAC member said a fisher would have to load up to make it worthwhile. Any fishing outside the 50 mile range will target pelagic.

Council staff discussed protections and how much protection the sanctuaries afford to existing monuments. She noted that the President could remove protection and a sanctuary could provide protection for existing regulations. An NCFAC member said there needs to be a broader sense of these closures and their unnecessary impacts. This situation is different from other Pacific Island areas and the rest of the nation and needs to be practical.

C. Marine Planning Discussion

Council staff provided the NCFAC with a presentation on marine planning around the Western Pacific. He reported on new aquaculture operations, alternative energy facilities, and major military training activities identified in nearshore waters around the western Pacific. This included updates on the LVPA litigation in American Samoa, military training and testing activities in the Mariana Archipelago and Hawaii, and alternative energy facilities around Hawaii.

An NCFAC member asked if there are reports on wave energy devices working. Council staff replied that he has not seen any but knows that there are doubts due to Hawaii being so close to the equator where the tides do not change drastically enough for a large tidal flow.

D. Forage Fish

Council staff provided a presentation on the Forage Fish Act of 2021 (S 1484 and HR 5770), which was introduced in the U.S. Senate on April 29, 2021, and in the U.S. House of Representatives in October 2021. The House bill was co-sponsored by Congressman Ed Case, Hawaii, and addresses the management and conservation of forage fish. The proposed legislation

is concerned with unmanaged forage fish and ensuring they are protected through appropriate management. While most species are prey of others, forage fish maintain the unique role of a prey species throughout their life cycle and addressing the unique role of forage fish is necessary to sustain ecosystem function and sustainable fisheries. Ultimately, the bill would revise the MSA to allow the Secretary of Commerce (the Secretary) to define forage fish, solicit scientific advice from the SSC, and determine Council responsibilities.

In the Western Pacific region, most species that would be classified as forage fish are likely managed adequately already. When setting ACLs for forage fish fisheries, the Council must assess, specify, and reduce such limits by the diet needs of fish species and other marine wildlife. While this bill is a priority to Congress, the passing of Congressman Don Young, Alaska, delayed progress. If the bill does not pass this year, it would need to be reintroduced in the next Congress. A large consideration is the additional demands on the Council and NMFS, especially given what data are available for forage fish in the region.

The NCFAC Chair noted that a Hawaii fishermen's recent catch included multiple species and it seems that ahi feed on whatever is out there from squid to small fishes. He said being able to identify and manage forage fish will be impossible. Council staff noted that the bill covers what is considered forage fish and asked the NCFAC to consider how the Council would ensure the fisheries are managed and overcome those kinds of ecosystem effects.

An NCFAC member was concerned about what species would be identified as forage fish because each area is different. One fish might be forage in one area and a staple in another area. When the list is developed, he recommends they be looked at a territory level.

Another member noted that with the advancement of genetics, they are able to do more bar coding. They can be identified to see what those groups are and identify what is in the stomachs.

4. Report of National Recreational Fishing Summit

Keith Kamikawa, NMFS PIRO, provided an overview of the summit and takeaways for the region. The 2022 National Saltwater Recreational Fisheries Summit was held on March 29-30, 2022 in Arlington, VA, with the theme of "Recreational Fisheries in a Time of Change." Climate change, uses of ocean space, and new technologies offer both challenges and opportunities for collaboration to safeguard and improve the state of recreational fisheries.

5. Non-Commercial Data Collection

A. MRIP Regional Implementation Plan Update

Council staff provided an overview of the MRIP Regional Implementation Plan noting its expiration this year. He provided the prioritized themes in the plan and noted that some have been accomplished while others have not been worked on or funded. The expiration of the plan is an opportunity for the region to provide additional projects and ideas for non-commercial fisheries in order to potentially receive funding for improving non-commercial data collection. Staff noted that a working group of the agencies will be formed this summer to update the Plan and asked for volunteers from the NCFAC. He also requested any feedback from the group and ideas to be included in the updated Plan.

The NCFAC Chair said that the programs need to be expanded rather than reduced. A member said that there were all kinds of promises made about money by folks who have since retired. It

is hard to expand anything without the funds. The Chair said that there are a lot of programs but up to individuals to keep things moving.

B. Non-Commercial Annual Report Update

Council staff reported that the non-commercial module will not be ready for the 2021 Annual SAFE Report. He noted that the NMFS PIFSC is working on developing the algorithm to tease out the non-commercial component of the creel surveys in the territory and are at the beginning phase. A working group met in March 2022 to discuss the discrepancy between methods to estimate non-commercial catch and how to produce the sections for the reports. There are issues with estimating non-commercial catch by subtracting commercial receipt book data from the total estimated catch derived from creel surveys since vendors do not always report sales to the species level. It is common for vendors to report sales in more general taxonomic groups, such as by family or by fishery (e.g., “Etelis” or “assorted bottomfish”); this has led to a discrepancy in the commercial sales data and the creel survey data for intended sales as well as fishers’ qualitative assessment of the proportion of catch that is typically sold. PIFSC scientists are working on an analysis that breaks down the larger groups and assigns a proportion to the Management Unit Species.

C. Discussion on Data Collection

NCFAC members discussed data collection issues in the Western Pacific region.

The NCFAC Chair noted that in the past few years they’ve seen what the lack of reporting does to the ACL. He said there is a lot of mistrust causing the difficulties in collecting data.

Another member noted that the fishers are hesitant to report as they are concerned with the private information like catch and location. She said fishing areas are private and fishers lack the understanding why they should report. There needs to be more education and outreach on why data is needed.

An NCFAC member asked what the incentives are for participating in data collection as that makes a difference. He said that the trust of what happens to their data is another reason why they are hesitant and an incentive for participating would help. The data may be used against them to make closures or create restrictions so where is the give back to the community. Another member added that sharing information can be good or bad.

6. Equity and Environmental Justice (EEJ) in Fisheries

A. Report on CCC and WP EEJ and Fisheries Management

Maria Carnevale, Council staff, presented on the CCC EEJ WG Report, Next Steps and the recent WP EEJ Workshop. Members are encouraged to provide additional insights for WP EEJ Planning.

The NCFAC chair asked if there was discussion regarding balancing environmental concerns with the ability to harvest seafood. Council staff said that the EEJ discussion was about fishing communities and the dialogue around which communities are underserved.

A member asked if access was taken into consideration. Council staff said that issue was

captured in the comments. The member noted that there are large closures of ocean areas that could bring in a lot of food. The fishers also have to go further to catch fish because of the closures which means they burn more fuel and have more impact on the environment.

B. NMFS Draft EEJ Strategy

Danika Kleiber, NMFS PIFSC, presented the Draft NOAA Fisheries 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. They will finalize the strategy in November 2022. They are currently working on implementing the regional EEJ Implementation Plans.

7. Fishermen Observations

A. Changes in the fisheries this year to date

In Guam, fishing decreased a lot as fish caught a few years ago are now hard to find. Fishing is overall hard now and effort to just get out fishing has been reduced. Bottomfish has been perfect for flat waters but the weather can be different and changes the amount of activity. Temperature has also noticeably changed as water temperature was higher up to 86 degrees. Fishermen are experiencing similar situations where warm waters are unproductive for fishing.

In Hawaii, the last month was slow but Ahi was showing up on the south shore of Maui as well as big mahimahi. The fishing on the north shore of Maui has been slow with a recent tournament's largest catch a 38 pound ahi and another tournament with a 33 pound ono. The FADs are critical for Maui and the state FADs are missing. Private FADs are being put out instead. The buoy design needs to change. On Oahu, the fish auction has noted that the quality of the fish wasn't very good and the decline in quality brings down price. The ahi being caught has had large egg sacs showing that the fish are in and probably spawning. Kauai has been catching a good number of ahi which is good news as a new ahi tournament is scheduled in a couple of weeks.

In CNMI the fish vendors have been selling more bottom and reef fish and not pelagic. The price of fuel and water conditions has a big effect on fishing activities. This has caused more fishers to go bottom and spearfishing rather than trolling.

B. Changes in the ecosystem this year to date

The NCFAC noted that winds in Hawaii have started to pick up but otherwise they were not aware of any ecosystem changes this year.

8. Non-Commercial Fishing Activities, Issues, and Efforts NCFAC Members

An NCFAC member noted that a green sea turtle take was talked about at previous meetings and wanted to an update. He said that the effort to provide a take is not just science but having people feed themselves. Council staff noted that the Council had found a path towards a cultural take but it hit a snag in the international arena. The Inter-American Convention for the Protection of Sea Turtles (IAC) does not allow for the take of green sea turtle and the US would have to re-consult with the IAC to allow for a subsistence take. With the movement for EEJ, the

Council hopes the government would be more amenable to providing equity for the Pacific Islands. Another member noted that turtles may not have been subsisted on but it was part of their diet and if taken out would increase the reliance on another source of food. The issue needs to be looked at through a food and cultural aspect and outside agencies lack the sensitivity of what happened to Hawaii.

9. Public Comment

Clay Tam, Hawaii fisherman, commented on the struggle to collect non-commercial data and the need for good data and working with agencies. He noted the example of the bottomfish fishery working to build trust with the scientists and the highliners stepping to the plate to assist in the assessments. He said it is important to work together to understand the data needs and documenting catch. He said the non-commercial fishery doesn't have a place to record their catch history so he has told his kids to get a commercial license just to report their data that will provide their catch history in the fishery. He noted that knowing your economic impact and where you fish matters as wind energy and other ocean uses take over.

Tammy Harp, Hawaii fisherwoman, noted that the Council had a native and indigenous advisory subpanel in the 1990s and the subpanel suggested a lottery be considered for honu take but there were concerns over racism. She explained that Hawaii was never legally annexed which puts it all in a political bind. She said the ability to take turtle is stigmatized because of cultural inherent ability to appreciate and protect what is harvested. She wasn't personally into eating honu but her parent's generation did eat it and the commercialization of honu for restaurants is what caused overharvest. She also commented that the NWHI had "use it or lose it" provisions for the bottomfish fishery and that the longline fisheries should include something similar.

10. Discussion and Recommendations

The Non-Commercial Fisheries Advisory Committee made the following recommendations:

Regarding NWHI Fishing Regulations

- The NCFAC recommends the Council be practical in its decision for fishing regulations in the NWHI as the area is far from the Main Hawaiian Islands and requires a large amount of fuel.

Regarding Non-Commercial Data Collection

- The NCFAC recommends the Council to continue its outreach and education efforts for data collection needs and the importance of data.

Regarding EEJ

- The NCFAC recommends the Council continue its efforts on honu harvest and present its results to the advisory groups.

11. Other Business

Council staff noted that the Council's Scientific and Statistical Committee Meeting is being held next week June 14-16, 2002 and the Council's 191st Meeting will be held the following week, June 21-23, 2002. The meeting was adjourned at 4:10 p.m.