



Community members discuss fishing regulation alternatives in the NWHI MEA at a Council-organized meeting at the Ala Moana Hotel in Honolulu Nov. 10, 2022. Photo: WPRFMC.

Fishing for Information on Regulations in the NWHI

“If Hawaiian fishermen want to go there, they should have the ability.” That was the consistent message heard loud and clear from communities at public meetings that the Western Pacific Regional Fishery Management Council organized in November 2022 on Kaua‘i, Maui, Big Island (Hilo and Kona), Moloka‘i and O‘ahu. The meetings served as a place for community members to provide comments on potential noncommercial fishing regulation alternatives in the Monument Expansion Area (MEA) in the Northwestern Hawaiian Islands (NWHI). The Council will consider the public’s input at its December meeting and make recommendations to the National Marine Fisheries Service (NMFS) to implement.

Presidential Proclamation No. 9478 (3 CFR 9478, Aug. 26, 2016) set aside an area of 50 to 200 nautical miles (the outer boundary of the U.S. exclusive economic zone) adjacent to the Papahānaumokuākea Marine National Monument. The Proclamation provides for management of activities and species under the Magnuson-Stevens Fishery Conservation and Management Act, including noncommercial fishing and Native Hawaiian practices.

The Council developed options to allow noncommercial fishing to occur within the MEA. It previously discussed

federal permitting and reporting for both noncommercial fishing and Native Hawaiian subsistence fishing practices. Potential fishing regulations would require fishers interested in conducting fishing activities in the MEA to obtain a permit from NMFS, report their catch and bring fish out of the area. In the case of noncommercial fishing activities, the fish could not be sold, traded or bartered. However, at its September meeting, the Council expressed interest in hearing from the community on whether fishing for subsistence purposes should allow for fish to be brought back for cultural sharing.

In the Rose Atoll and Marianas Trench Marine National Monuments, the Council recommended, and NMFS approved the inclusion of customary exchange. It is widely practiced in all of the Pacific Islands to share fish freely within a community without negotiation or immediate expectation of any

Customary exchange is the nonmarket exchange of marine resources between fishermen and community residents for goods and/or services for cultural, social or religious reasons.

equivalent return. This type of fishing custom does authorize the sale of fish to recover certain fishing costs so community members can afford the cost of accessing the monument, practice their culture and traditions, and share fish with family



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Regulations in the NWHI

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and friends upon their return.

More than 80 community residents participated in the six public meetings. At every meeting, participants raised the opportunity to fish in the MEA as being a critical issue. However, they noted that the area is far from inhabited islands (almost 200 miles from Kaua'i). Participants on Kaua'i said that allowing fishing to occur is important, but would be too expensive for most people.

Kaua'i Mayor Derek Kawakami said, "If you are talking about recreational fishing in the [NWHI], it should be about Native Hawaiian by practice and not blood quantum. Kaua'i is impacted the most by the monument. I don't know too many fishermen who can afford to go there and fish for recreation. There should be consideration of some commercial up there to bring back to the local community to enjoy local fish."

Participants on Maui and other islands echoed these thoughts on food security and commercial fishing, saying that fishermen should be allowed to go there and bring back resources to feed the community.

An O'ahu fisherman commented, "There are questions of practicality and the physical capability of being able to fish in the MEA. You would need at least a 40-foot-long vessel because there is no shelter to run to or access in the MEA." He noted Mother Nature will be the strongest manager of the area. The general sentiment was that fishing opportunities should be maximized as subsistence and noncommercial fishing is not feasible in that area unless you are a billionaire. Bobby Gomes, a former NWHI bottomfish limited-entry permit holder, said "even though I sold my fish, I considered myself a subsistence fisherman. I fished to pay my mortgage, just like a subsistence fishermen would trade or barter to survive."

Many meeting participants said any fishing activity that occurs in the area should be sustainable and that subsistence fishing should be allowed. Some wanted to limit subsistence fishing to Native Hawaiians, while others wanted to limit subsistence fishing to Native Hawaiian practices. One community member raised numerous points regarding Native Hawaiian access, rights and practices. "The federal government does not have the right to dissolve traditional rights that are defined by the Hawai'i State Constitution." Some said fishermen should

be able to recoup costs on subsistence fishing to make it worthwhile and that the Council shouldn't make it difficult for the people to continue their subsistence practices.

Other issues raised at the meetings included regulation enforcement, continued research in the MEA and limits on fishing. Participants were unclear if there was a demand to go fishing in the area but if there was, there should be an allowance for those to go fishing, especially for cultural reasons. One participant said, "The Council should not dismiss any family's ability to get out there as there are families that may have those practices; you just need to find them."

There are few areas within the 50 to 200 nm of the MEA that have habitat suitable for certain species like bottomfish. The vast majority consists of deep ocean waters (~5,000 meters, ~16,400 feet) and bottomfish typically live at depths of 75 to 400 meters (250-1,300 feet). In the early 2000s, before the NWHI was closed to fishing, Hawai'i fishermen caught more than 5,000 pounds of bottomfish (mostly opakapaka and hapu'upu'u) in the MEA worth more than \$27,000 in today's dollars. Non-longline pelagic catch from trolling, handline, shortline, etc. in the NWHI during that same time period averaged ~250,000 pounds, mostly comprised of tunas and billfish.

The Council has managed fisheries in the NWHI since 1976 and some consider the area pristine despite fishing that has occurred sustainably up until the designation of the PMNM. The management of fisheries in the NWHI and the Council's current effort to provide sustainable fishing access was previously covered in the *Pacific Island Fishery News* Summer 2022 issue in the article "The Return of Fishing to the Northwestern Hawaiian Islands."

A draft amendment to the Council's Hawai'i Archipelago and Pacific Pelagic Fishery Ecosystem Plans is being developed prior to the December meeting, when the Council will review the alternatives and recommend fishing regulations in the MEA. Following the meeting, the Council will send its decision to the Secretary of Commerce for review and approval. The public will have another opportunity to comment once the draft rules are published. To participate in the federal rule-making process and other public opportunities regarding the NWHI fishing regulations, visit www.wpcouncil.org.