

# 193rd Council Meeting Highlights, December 5-8, 2022



WPRFMC Council members (or designee) and executive director at the Pagoda Hotel in Honolulu for the 193rd meeting, with Shaelene Kamaka'ala and Roger Dang joining virtually.



## Noncommercial and Native Hawaiian Subsistence Fishing Returns to the NWHI After 15 Years

**Fishery managers** from across the Western Pacific recommended fishing regulations for the Papahānaumokuākea Marine National Monument (PMNM) Expansion Area. Members of the Western Pacific Regional Fishery Management Council urged the National Marine Fisheries Service (NMFS) to authorize noncommercial and Native Hawaiian subsistence fishing from 50 to 200 nautical miles around the Northwestern Hawaiian Islands (NWHI).



For Native Hawaiian practices, this would include an opportunity to recover fishing costs up to \$15,000 per trip.

The Council members discussion on this action was lively.

"It is important to provide this opportunity for people in the Pacific, specifically Hawai'i, to provide food for their community, especially areas that have been culturally their place to fish," said American Samoa Council member Will Sword. "We can also take advantage of the chance to gather much needed data."

"I'm concerned that any action we take here will define our culture and its evolution," said Manny Dueñas, Council member from Guam. "In the end, we are looking at ways to sustain our native peoples and see them flourish like hundreds of years ago."

In discussing cost recovery, Council member McGrew Rice said, "By my estimate, if a 1-day trip to the NWHI costs \$3,000 plus fuel, most people can't afford this without being able to recoup their costs." This echoes sentiments heard from the public at meetings the Council held across Hawai'i in November 2022. Cost recovery includes actual trip expenses like fuel, bait and

ice. The NWHI are 400 miles from the main Hawaiian Islands, and take two days to reach by boat.

Some members disagreed with the final recommendation. David Sakoda, the State of Hawai'i representative, was concerned with dissolving established Native Hawaiian rights under the State Constitution. "We don't want to water down customary and traditional rights by extending beyond what is included in the Constitution," said Sakoda. The State was amenable to cost recovery, as long as it was only included in the noncommercial fishing permit.

Hawai'i Council member Shae Kamaka'ala said, "I feel the term Native Hawaiian subsistence is much too narrow. Native Hawaiian practice permits are in place for the original monument area, and it is a more appropriate term to describe the broader human interaction in that space."

The Council has had an indigenous fishing rights standing committee since the 1980s, and from 2006 to 2017, a series of Puwalu conferences to identify traditional fishing practices in Hawai'i to inform management decisions.

The Council approved the fishing regulations in the Monument Expansion Area with two dissensions and two abstentions, and included prohibiting commercial fishing, limiting gear types and catch limits for managed pelagic and bottomfish species. NMFS and the Council will include fishery performance indicators, such as number of permits issued and catch and effort information, in the annual Hawai'i and Pacific Pelagic Fishery Ecosystem Plan reports.

In 2016, Presidential Proclamation No. 9478 set aside an area of 50 to 200 nautical miles (the outer boundary of the U.S. exclusive economic zone) adjacent to the PMNM. The Proclamation provides for management of activities and species under the Magnuson-Stevens Act, including noncommercial fishing and Native Hawaiian practices.