



WESTERN  
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MANAGEMENT  
COUNCIL

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

Monday, December 4, 2023

9 a.m. – 12 p.m. (HST)

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

Gil Kualii, Hawaii Advisory Panel vice Chair, opened the meeting at 9:05 a.m. Hawaii AP members included: Clay Tam, Nathan Abe, Khang Dang, Abraham Apilado, Len Nakano, Carrie Johnston, and Amanda Padilla.

Also in attendance were Zach Yamada, Joshua DeMello, Felix Penalosa and Asuka Ishizaki (Council staff); Thomas Remington (Lynker: Council Contractor); Savannah Lewis (PIRO); Adam Ayers, Kisei Tanaka, and Marlowe Sabater (PIFSC).

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

Council staff provided an update on the September 2023 AP meeting and recommendations.

### **3. Hawaii AP Project and Activities Update**

Council staff provided an update on the 2023-2026 AP Plan.

Kualii thanked everyone involved with the 2024 lunar calendar for doing a great job, including Council staff and AP members who provided input. Kualii requested 20 office calendars and 30-40 fisherman calendars for each AP member for distribution purposes. Once printed, the calendars will be mailed to AP members for distribution in their local areas.

Regarding the Smart FAD proposal, Tam asked if a budget needed to be developed. Staff noted that this would be covered more later, but they still need to submit a pre-proposal. Once the pre-proposal is approved, Council staff will work with the AP to develop their proposal further.

### **4. Fourth Quarter Feedback from the Fleet**

Gil Kualii, AP Vice Chair, reviewed the AP's fisher observations for the first three quarters of 2023. For the first quarter of 2023, the AP reported a strong ahi bite with significant occurrences of bait balls statewide. With steady good weather, fishers were able to target Kona crab, uku, squid, and opelu. There were reasonable prices for the market with an increased effort from the longline fleet for swordfish at half the 2022 prices. Fishers off Kona, Hawaii, observed an unusual north-to-south current, which was unusual for that time of year.

For the second quarter, the AP reported less catch with variable weather across the state with unusual rain from the Kona low. Statewide, there was an excellent ono and ahi bite with fishers catching them closer to shore. From the market perspective, the catch slowed down with lower-than-expected fish quality.

For the third quarter, the AP reported that fishing slowed down with spotty fishing statewide. During this period, a strong storm led to the Lahaina fire that displaced many families, causing them to lose their homes. In response to this tragic event, communities nationwide responded quickly and swiftly to support those communities.

The AP members provided the following observations and fishery issues for the fourth quarter 2023.

On Kauai, fishing has been slow for mahimahi and ahi on the north shore. The opelu and halalu have aggregated closer to shore with the slower currents. On the west side, the mahimahi has been good, with sizes between 10 and 20 pounds. There has been a lot of rubbish in the water with a slow ahi bite and reports of an orca pod. The ahi bite was about 12 to 14 miles offshore. With warmer waters, they have also noticed more shark depredation. In November, fishers reported that the one bite was strong off Kau'ula and Ni'ihau. Coming into the holiday season, bottomfish has been slower with low interactions with onaga.

On Maui, the opakapaka bite has been good, and there have been big bait balls. The Kona low did bring crazy weather with lots of rubbish. She said that with the aftermath of the Lahaina fire, there continues to be a lingering metallic and toxic scent. Since the Mala boat ramp has closed, the Maalaea and Kihei harbors have been busier as there are more requests for fresh fish.

On Oahu, there have been fewer fish showing up on social media. Fuel costs have been down, and fishers are hoping to go out to catch fish for the holiday season. Another AP member reported a strong ahi bite in November and increased bait balls at Kewalo Basin. During the BFISH survey for 2023, fishers reported catching more juvenile paka, marking a large recruitment class for the upcoming fishing years. The catch for the Hawaii Longline fleet has been low in the fourth quarter, with most of the vessels bringing in lower value ahi (yellowfin and Tombo). By the end of November, vessels had been bringing in more fish since they had been staying out at sea for longer periods.

On Hawaii island, the ahi have been biting, but there have been no currents. For the past three years, strong easterly winds caused a natural eddy near the center of Kona, but for the fourth quarter, the north side of Kona has been dead. Another member said there was a strong bite for uku in the third quarter, but it disappeared in recent months. There has been increased shark depredation, although it has been a solid bottomfish season. Another member said the market was flooded with bottomfish at the point where fishers were giving away their opakapaka and Gindai. Another member reported there was more purple flying squid while fishing ika shibi. Another member reported there were orca sites off the Kona coast and reported a pod attacking a manta ray.

Regarding the market, tourism has been slow, and fishermen need to get the prices they want with flooded markets. As of December 1, there has been more pressure on how roadside vendors continue to conduct their business.

## **5. Hawaii Fishery Issues and Activities**

### **A. Uku EFH Revision**

Thomas Remington, Lynker/Council contractor, presented the draft Hawaii Fishery Ecosystem Plan (FEP) Uku Essential Fish Habitat (EFH) Revision Amendment. Uku EFH is currently described in the Hawaii FEP for all life stages, and the most recent (2016) revision designated shallow water EFH from the shore to a depth of 240 m. Two new models that describe the uku habitat that have passed WPSAR are now available to refine EFH for this species. The two models are the Level 1 (presence-absence) model developed by Franklin (2021) and the Level 2 (density) model developed by Tanaka et al. (2022). At the 145th meeting in September, the SSC determined that both models are considered the best scientific information available (BSIA), and at the time of the Council's initial action to refine EFH, the SSC at the 148th meeting in June 2023 recommended utilizing a single model approach, focusing on the Level 1 information.

The alternatives were refined since the initial action, removing the alternative that would designate EFH solely based on Level 2 model information and removing an alternative that would designate EFH based on the average of Level 1, Level 2, and CPUE model information. The remaining alternatives for final action would be to update the EFH descriptions and maps for subadult and adult uku in the MHI using BSIA. Sub-alternative 2a would update the EFH based on presence-absence model outputs from 0 to 300 m supplemented by information from relevant literature (preliminary preferred), and Sub-alternative 2b would update the EFH using density model outputs from 0 to 30 m and presence-absence model outputs from 30 to 300 m, supplemented by information from relevant literature.

An AP member said their preference would be Alternative 2b, as it would provide an approach that would comply with the Magnuson Stevens Act and implementing regulations and include more detailed data to revise uku EFH in the MHI. The member said that the key is to use more data where it is available and to have a consistent data source to understand if there are shifts in the fishery over time.

Another AP member said that no one would figure out fishing completely as the fishery fluctuates yearly. There are many ways to catch uku from nearshore out to deep water. It is hard for management to make decisions since the primary data source comes from the commercial catch reports, and scientists need to work with fishermen to understand where the fish occur. The member stated that the fishery could not be overfished if it continues as a hook-and-line fishery, and scientists should let Mother Nature run its cycle.

Remington said this action does not directly manage the fishermen but allows the government to manage federal actions and ensure habitat is protected - such as installing wind farms or conducting military activities - to ensure sustainable fisheries.

An AP member asked if managers have considered the use of slot limits for managing the uku fishery given the importance of egg-producing individuals and larval recruitment for the species. The member noted that their interests are centered around larvae and understanding which sizes should be protected to ensure the longevity of the fishery.

Remington said the Uku ecosystem-based fishery management working group would consider the use of slot limits and how it would contribute to the conservation and sustainability of the fishery through the use of a management strategy evaluation as part of their initiative.

An AP member asked if the model outputs have been overlaid with sanctuary boundaries to determine the interaction of the uku fishery and these closed areas.

Remington noted the models do not consider EFH with respect to shifts in uku occurrence or density within a given year.

***The Hawaii AP recommends the Council take final action on Alternative 2b to revise uku EFH based on overlay of Presence-Absence and Density information***

***The Hawaii AP further requests NMFS PIFSC conduct a cooperative research project with fishermen to better understand the presence-absence of uku to better inform the next Uku EFH revision.***

## **B. PRIA Sanctuary Designation Update**

Joshua DeMello, Council staff, presented the analysis of options for fishing regulations for the proposed Pacific Remote Islands (PRI) National Marine Sanctuary. As part of the sanctuary designation process under the National Marine Sanctuaries Act, section 304(a)(5) requires the appropriate fishery management council be given the opportunity to prepare draft regulations for fishing within the EEZ. NOAA has identified that proposed fishing management actions are necessary and provided the Western Pacific Regional Fishery Management Council with a package of materials intended to help the Council make a determination of what would best fulfill the sanctuary goals and objectives. The Council may decide to prepare draft fishing regulations and recommendations, determine that regulations are not necessary, or decline to make a determination with respect to the need for recommendations.

An AP member said about 80 percent of US waters are closed to commercial fishing. Drawing the 200-mile circle would close that EEZ to drifting longline. He said the penalty for getting caught in the EEZ is about **\$17,000 per instance**, and the boat owners are not big corporations. Fishing is hard, and staying on top of these fishing regulations is challenging as most boats are small mom-and-pop operators. The fleet struggles to stay atop the new federal regulations. There are no clear goals or objectives for the proposed sanctuary, and adding more regulation is not advantageous. The goalpost continues to move, and the longline fleet strives for a sustainable fishery. He said that the Council should recommend option 2 to stay with the status quo and only welcome new regulations if it is clear how it will achieve conservation.

Another AP member said there is no need to regulate the Hawaii longline fleet further, and the AP echoes its recommendation to allow fishing to its furthest extent.

An AP member said establishing the NWHI monument is another prime example of unnecessary regulation. With the proposed sanctuaries around the PRIA and the NWHI, where would the fishery be able to go that is not in US waters. With the goals of EO 14008, there is a need to allow fishing since this action seems like a done deal.

An AP member said ONMS should consider the overlay of the nuclear testing sites in the 1950s and 1960s in relation to the monument and proposed sanctuary. In the past, people lived on Johnston and Bikini Atoll, where they would have incinerators to clean contaminated soil. Harmful legacies have been perpetuated in those areas, and the environmental impact statement should make note of those events.

An AP member asked if the Council would reconsider the action.

Council staff said the Council members are looking at the existing monument to see if some areas can be given back to the fishing fleet. The Council could also consider to amend its plan by updating additional information.

An AP member asked if the Council, NMFS, or ONMS had a discussion with other indigenous communities on the impacts of the proposed sanctuary on their fishery. In the Pacific island, the cultural aspect of fishing is a bigger driver than commercial purposes, and there are hidden misconceptions about the goal of "cultural security" under the proposed sanctuary. If the Council has more cultural support, it could benefit the position by allowing fishing and addressing EEJ concerns. The AP and the Council should work with other indigenous groups to help their brothers and sisters across the region.

Council staff said there was a workshop held in American Samoa that addressed this issue. The American Samoa community did not support shutting down waters for the sanctuary. For Hawaii, closing off additional fishing areas adds to the narrative of Hawaii's culture and values and ignores what may be applied to the rest of the world. He said if management were to close off areas to everyday Hawaiians like Penguin Banks, then that would impact more Hawaiians than the PRIA. As much as navigation is a part of Hawaiian culture, the Hokule'a does not stop in the PRIA and does not impact their economy, unlike American Samoa.

An AP member said that, like the PRIA, growing up in Hawaii, he aspired to fish in the NWHI after fishing Middle Bank as a child. He said if the NWHI opened up to fishing, he would sell his business and prepare to bottomfish in the NWHI.

***The Hawaii AP noted that fishing is hard enough and additional federal regulations would be challenging for fishing to continue. The Hawaii AP recommended that the Council NOT develop additional fishing regulations and that existing regulations are more than sufficient for the Pacific Remote Islands. Further, the AP requests the Council consider requesting the removal of regulations in other parts of the PRI to allow for additional fishing.***

## **6. Update on Council Inflation Reduction Act Application Priorities and Development**

Council staff provided an overview of the Inflation Reduction Act (IRA) funding. The Councils have been allocated \$20M from the IRA funding to contribute to dynamic management and increasing fishing community resiliency in response to climate impacts. Council staff has started developing project proposals to address the IRA priorities, including climate scenario planning, regulatory review, protected species, and community engagement. The projects would need to be completed by 2027.

An AP member said engagement with the community should be the main priority of the Council's proposal. The position of the AP is critical since they serve as the conduit to

communities. The communities bear the brunt of uninformed decisions that may negatively affect the fishery (i.e., king crab fishery). Having support and buy-in from the community will ensure that there is consultation from the bottom-up approach, and other management agencies should work with their respective APs to achieve this goal.

An AP member asked if the proposal would include support for staff to focus primarily on EEJ initiatives that continue to come down from the Biden Administration. Council staff said there are limited staff, although the Council strives to incorporate EEJ into their work. AP members said they were available to assist the Council as they continue to push for more EEJ in the region. Concerning FADs and other projects included in the Council's proposal, the AP endorses the priorities and are available for further development.

Council staff said that during the initial coordination of the priorities, the NMFS counterparts identified Priorities 1 and 3 and asked for further clarification between community engagement and capacity building with climate readiness.

An AP member said the Council or NMFS could explore new pathways with aquaculture since Hawaii has nutrient-rich water that runs into the sea. This project could include inserting pipes that feed freshwater to coral nurseries, fish farms, and other aquaculture projects.

An AP member said there is a need for all partners to come together to discuss how they will address EEJ and climate change collectively. This could also include agencies like the US Army Core of Engineers (USACE), which have projections of the effects of rising king tides and sea levels. The Pacific islands' economies are only vulnerable if the community takes action to prevent more people from moving to Las Vegas. There is a need to use the best available science and make good decisions for the betterment of the whole community.

Another AP member said incorporating empirical knowledge will propel management into the future and prevent history from repeating itself. Much of the shoreline has been changed for the community, and there is uncertainty about how the ocean will maintain the state's current population.

### ***Regarding the IRA Proposal***

***The Hawaii AP recommends the Council emphasize the linkage between EEJ, community engagement and climate-readiness in Priority 4 of the IRA proposal, noting the importance of empirical knowledge by fishing communities in understanding climate change effects and impacts to fishing activities, and that those who are most vulnerable to climate change impacts are underserved communities. The Hawaii AP recommends the Council place high priority on the proposed activities to expand the community-based Fish Aggregation Device (CFAD) program, and to identify and implement protocols that incorporate traditional, local and indigenous ecological knowledge into Council management.***

## **7. Other Business**

Gil Kualii reported that the Council Meeting was on December 12 and 13 and invited the members to attend the virtual meeting.

Kualii reported that an alternate has not attended more than two formal advisory panel meetings and requested they be removed based on the terms of reference for AP member participation.

Council staff reported that the MHI Deep 7 WPSAR will be held from December 11 to 15 at Pier 38, Honolulu, Hawaii.

## **8. Public Comment**

There were no request for public comment.

## **9. Discussion and Recommendations**

The Hawaii Advisory Panel made the following recommendations:

### ***Regarding MHI Uku EFH Revision:***

The Hawaii AP recommends the Council identify Alternative 2b as its preference for final action to revise uku EFH in the MHI based on an overlay of Presence-Absence and Density model output information supplemented by relevant literature.

The Hawaii AP further requests NMFS PIFSC conduct a cooperative research project with fishermen to better understand the presence-absence of uku to better inform the next Uku EFH revision.

### ***Regarding Fishing Regulations for the Proposed Pacific Remote Island National Marine Sanctuary***

The Hawaii AP recommends Option 2 Status quo. The Hawaii AP noted that fishing is hard enough and additional federal regulations would be challenging for fishing to continue. The Hawaii AP recommended that the Council NOT develop additional fishing regulations and that existing regulations are more than sufficient for the Pacific Remote Islands. Further, the AP requests the Council consider requesting the removal of regulations in other parts of the PRI to allow for additional fishing.

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The meeting finished at 12:15 p.m.