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Report of the Meeting of the Hawaii Advisory Panel, American Samoa Advisory Panel and Fishing Industry Advisory Committee

Thursday, March 16, 2023

Samoa Standard Time: 4:00 p.m. – 6:00 p.m.

Hawaii Standard Time: 5:00 p.m. – 7:00 p.m.

1. Welcome and Introductions

Clay Tam, Advisory Panel (AP) Chair, opened the meeting at 5:12 p.m. (HST). American Samoa AP members present were Nate Ilaoa (AS Vice Chair), Brian Thompson, Nonu Tuisamoa and Joe Hamby. Hawaii AP members present were Gil Kualii (HI Vice Chair), Nathan Abe, Abraham Apilado, Khang Dang, Carrie Johnston and Len Nakano. Fishing industry advisory committee (FIAC) members in attendance were Michael Goto (Chair), Stuart Chikami, Johnathan Hurd, John Kaneko, Baron Miho and Kenton Geer.

Others in attendance were Asuka Ishizaki, Mark Fitchett, Zach Yamada, Mark Mitsuyasu, Felix Reyes, Felix Penalosa (Council Staff) and Jason Mehlinger (PIRO SFD).

2. Review of Draft American Samoa Longline and Hawaii Longline Fishery Biological Opinions

A. Draft BiOp Overview

Melissa Snover, PIRO Protected Resources Division (PRD), provided an overview of the draft Hawaii deep-set longline and American Samoa longline fishery Biological Opinions (BiOps), which the Council received on March 8, and March 9, 2023, respectively. These draft BiOps included all applicable ESA-listed species that may be impacted by the respective fisheries, and concluded that the two longline fisheries are not likely to jeopardize the continued existence of listed species. Both draft BiOps include Reasonable and Prudent Measures (RPMs) that require NMFS to 1) release incidentally caught ESA-listed species from fishing gear in a manner that minimizes injury and increases post-release survivorship; and 2) ensure that the fisheries have monitoring and reporting programs sufficient to confirm the extent of take is not exceeded.

B. Advisory Group Review of the Draft BiOps

The Joint AP-FIAC was asked to provide review of the draft BiOps with a focus on whether assumptions about the fisheries and analyses were reasonable, and whether the draft RPMs and conservation recommendations were reasonable, feasible and practical. Members commended the involvement of PIFSC in providing scientific data and analysis for the draft BiOps, noting that the collaborative approach taken between PIRO and PIFSC is the ideal process for consultations. Members also expressed appreciation to PIRO for providing the opportunity for industry representatives to review and provide input to the draft BiOps.

The Joint AP-FIAC noted that the information presented generally provides support for the

RPMs included in the draft BiOps. Members expressed some concern for the RPM that would require observer coverage in the insular false killer whale (IFKW) overlap area, noting the need to consider potential impacts to the fleet while recognizing the limited amount of effort in the area. Members also emphasized the importance of prioritizing crew safety in implementing requirements for handling protected species and ensuring flexibility for determining fishing location, noting that consideration for crew safety is paramount for any handling requirements. Members also noted data gaps for IFKWs particularly on the windward sides of the main Hawaiian Islands, noting the need to make progress in collecting data if fishermen will be impacted by measures such as observer coverage in the overlap area.

AP-FIAC generally supports the RPMs, and recommended priority placed on the “maximum extent practicable” for all applicable RPMs that may affect vessel operations and crew safety. AP-FIAC expressed concern about the potential burden to require observer coverage in the IFKW overlap area, and recommended the potential impacts to vessel operations be considered.

3. Review of Potential Measures for the False Killer Whale Take Reduction Plan Modifications

Council staff provided an update on the False Killer Whale Take Reduction Team (TRT) work team deliberations held in advance of the in-person meeting at the end of March where the TRT will consider recommendations for modifying the False Killer Whale Take Reduction Plan (FKWTRP). The TRT met in November 2022 to review and consider implications of latest data and studies related to false killer whale interactions, assess effectiveness of current FKWTRP and brainstorm potential management and other measures, and identify additional data and analysis needed to support follow-up TRT discussions. Hawaii longline industry representatives are developing and testing a fighting line device that would increase the chances of straightening the weak hook while reducing gear flyback risk, and the TRT work team on this topic has discussed the need to quantify the potential conservation benefit of such a device and develop clear handling guidance for crew. The TRT work team on electronic monitoring (EM) has developed high-level objectives for false killer whale data collection using video systems, which are intended to be incorporated into the broader EM implementation discussion ongoing through the Council’s Electronic Technologies Steering Committee. Remaining work teams on deterrents, Southern Exclusion Zone (SEZ), and shortline fisheries have identified a range of issues and considerations, but have not resulted in identification of new measures that hold promise for immediate implementation.

The Joint AP-FIAC was asked to provide input to the Council on its position on the potential modifications to the FKWTRP. Members emphasized the need to gather information before regulations are implemented, such as the impacts of climate and environmental changes affecting false killer whale populations and tagging studies to improve understanding of false killer whale movement and population status. Members also discussed the importance of focusing on crew and safety noting that measures that help support crew and are economical/feasible will result in greater compliance. Members also discussed issues associated with potential EM implementation in the fishery, noting that fishermen should not have to carry the cost burden and cameras may not record weather, sea conditions and other environmental factors that affect crew’s ability to follow handling requirements.

The Joint AP-FIAC provided the following considerations for the Council:

- **The Joint AP-FIAC recommends the FKWTRP measures consider crew safety and compliance issues.**
- **The Joint AP-FIAC recommends NMFS provide funding to industry to develop and implement the fighting line device and any new regulatory requirements. The Joint AP-FIAC further recommended that NMFS consider a pilot program that would compensate fishermen for their participation to develop new measures.**
- **The Joint AP-FIAC recommends any mandatory EM implementation for the longline fishery to be at no-cost to the industry.**
- **The Joint AP-FIAC expressed concerns for using EM to evaluate compliance with handling measures, noting that environmental factors (e.g., sea state) may affect crew’s ability to follow handling measures but may not be captured on video.**

4. Public Comment

There were no public comments.

5. Discussion and Recommendations

The Joint AP-FIAC made the following recommendations.

- 1. Regarding the Review of Draft American Samoa Longline and Hawaii Longline Fishery Biological Opinions, the Joint AP-FIAC generally supports the RPMs, and recommended priority placed on the “maximum extent practicable” for all applicable RPMs that may affect vessel operations and crew safety. The Joint AP-FIAC expressed concern about the potential burden to require observer coverage in the IFKW overlap area, and recommended the potential impacts to vessel operations be considered.**
- 2. Regarding Potential Measures for the False Killer Whale Take Reduction Plan Modifications, the Joint AP-FIAC:**
 - a. Recommends the FKWTRP measures consider crew safety and compliance issues.**
 - b. Recommends NMFS provide funding to industry to develop and implement the fighting line device and any new regulatory requirements. The Joint AP-FIAC further recommended that NMFS consider a pilot program that would compensate fishermen for their participation to develop new measures.**
 - c. Recommends any mandatory EM implementation for the longline fishery to be at no-cost to the industry.**
 - d. Expressed concerns for using EM to evaluate compliance with handling measures, noting that environmental factors (e.g., sea state) may affect crew’s ability to follow handling measures but may not be captured on video.**

6. Other Business

Council staff noted that the National Seafood Strategy comment period was extended to the end of March 2023.

Meeting adjourned at 7:15pm HST.