

Council Finalizes Recommendations for Fishing Rules in NWHI at March Meeting



Council members discuss potential fishing regulations for the MEA in the NWHI at its 194th meeting in Guam.

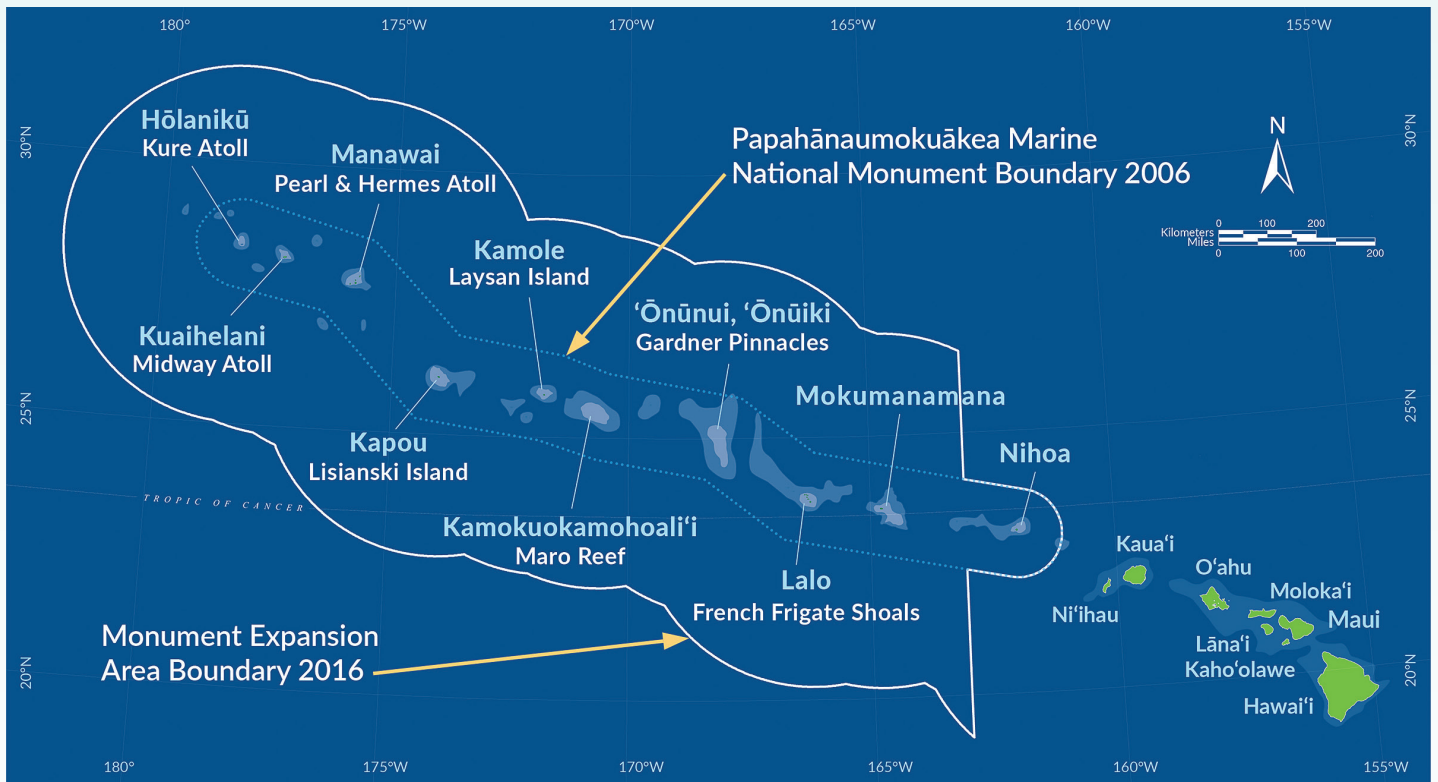


The Northwestern Hawaiian Islands (NWHI) has been closed to fishing since 2014 when President Obama established the Monument Expansion Area (MEA) adjacent to the Papahānaumokuākea Marine National Monument (PMNM) through Presidential Proclamation 9478. Commercial fishing was prohibited at that time and noncommercial fishing was closed until regulations were developed. The Western Pacific Regional Fishery Management Council finalized those regulations at its 194th meeting in the Mariana Archipelago in March 2023.

The Council acknowledges the great distance, and therefore great costs, associated with a fishing trip to the MEA and stressed the importance of allowing cost recovery to address equity and environmental justice for those seeking to practice traditions and perpetuate culture.

Commercial fishing continues to be prohibited under the Council's final recommendations and noncommercial fishing would be allowed by federal permit. Permitted fishers could catch fish and bring it back to the main Hawaiian Islands for consumption or to share with friends and the community. Fishers would be required to report their fishing catch and effort, and abide by other federal laws and regulations. The Council also made recommendations for regulating Native Hawaiian subsistence fishing practices.

Those wishing to practice subsistence fishing in the MEA would be required to apply for, and receive, a federal permit to fish and would be able to bring their catch back to the main Hawaiian Islands for community sharing, barter or exchange. However, the Council recommended that permittees also be allowed to request that the National Marine Fisheries Service (NMFS) consider the ability to recover costs through the limited sale of catch associated with their trip. Permittees could explain why they are requesting the recovery of costs of fuel, ice and other trip costs. The Council acknowledges the great distance, and therefore great costs, associated with a fishing trip to the MEA and stressed the importance of allowing cost recovery to address equity and environmental justice for those seeking to practice traditions and perpetuate culture. Without cost recovery, the community would continue to be disenfranchised and be at a disadvantage as costs for trips to the MEA can reach into the thousands of dollars.



Credit: NOAA.

Equity amongst fishers, particularly for those of Asian American, Native Hawaiian and Pacific Island communities is a directive by President Biden through his Executive Orders 13985 and 14031. In addition to the allowance for limited cost recovery, the Council also requested NMFS to provide funding to existing grant programs under Section 305 of the Magnuson-Stevens Act, including the Community Demonstration Projects Program and Community Development Plans. Applications for funding under these programs would allow communities to participate in Native Hawaiian subsistence fishing practices in the MEA.

While the recommendations are final, there are still more steps until it is a final regulation, including further opportunities for public comment.

The Council's recommendations will be incorporated into an amendment to its Hawai'i Archipelago

Fishery Ecosystem Plan and be reviewed by NMFS and noticed in the *Federal Register* for public input. The Secretary of Commerce will make the final decision on whether or not the recommendations will be accepted. Fishing regulations will need to meet both the goals and National Standards of the Magnuson-Stevens Act as well as the goals and objectives of the proposed sanctuary. Both the Office of National Marine Sanctuary (ONMS) and NMFS will be weighing in on this decision and it will be a ONE NOAA decision, developing a consistent regulatory package between fisheries and sanctuaries. As of the date of this publication, the Council has not received a response from ONMS regarding its recommendations for fishing regulations in the MEA.

For more information, visit www.wpcouncil.org/nwhi.fisheries-2 🐟