



Conservation Council
for Hawai'i

Hawai'i's voice for wildlife

Kō Hawai'i / leo no nā holoholona lōhiu



Comments Submitted to the
Papahānaumokuākea Marine National Monument Reserve Advisory Council
June 8, 2016

In Support of the Proposed Expansion of the Papahānaumokuākea Marine National Monument

Aloha, Chair Johns and Members of the Council. Conservation Council for Hawai'i is proud to stand with the Native Hawaiian Cultural Working Group and supports its request to expand the boundaries of the Papahānaumokuākea Marine National Monument from 50 nautical miles out to 200 nautical miles, excluding the waters around Kaua'i, Ni'ihau, and most of Middle Bank.

Science tells us that marine protected areas are most effective when they are large, remote, highly protected, protected for a long time, and enforced. These large protected areas are more resilient to climate change, extreme weather, invasive species, and other ecological disruptions.

The existing monument protects 7,000 known species of marine and terrestrial life, 25% of which are endemic to Hawai'i, found nowhere else on the planet. Expanded protections would eliminate or reduce impacts of present and future extractive activities, such as commercial fishing as well as those posed by the imminent growth of seabed mining.

There is no need to accommodate the Hawai'i-based longline fishing industry. The proposed expansion of Papahānaumokuākea Marine National Monument will not adversely affect the Hawai'i-based longline industry in any way. It is on a quota system, and only 5% of its catch comes from the expansion area. The industry will simply replace these fish with fish caught in international waters or in other countries from which it purchase quotas. It will continue to quickly reach its annual tuna quota in 6 months each year and purchase quotas from the Commonwealth of the Northern Mariana Islands, Guam, and possibly American Samoa in the near future.

The proposed expansion is the least of the industry's worries. Globally, tuna are overfished globally. Annual quotas will continue to regulate fishing and rule the day. Above all else, climate change threatens all species that depend on the oceans for their survival, including humans.

Attached to my testimony is a copy of four articles about the Hawai'i-based longline fishing industry, which raise serious concerns.

We have a small window of opportunity to protect this amazing area and pu'uhonua for species of tuna and other marine life. Please kokua and support the full expansion of Papahānaumokuākea Marine National Monument.

Mahalo nui loa for the opportunity to comment on this important matter.

Marjorie Ziegler



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June 8, 2016

June 7, 2016

Would Hawaii Marine Monument Expansion Hurt The Tuna Industry?

Conservationists question the claim of the longline fleet — and many state legislators — that the proposal represents a \$7 million loss for fishing.

Nathan Eagle

Conservationists and others are crying foul over letters that state lawmakers recently sent President Obama that urged him to not consider expanding the Northwestern Hawaiian Islands Marine National Monument.

They're specifically concerned about the numbers used to justify opposition, calling the estimated \$7 million financial hit to the longline tuna fishing industry misleading at best.

"It's just a false logic to suggest that a mobile fishery resource has to be fished in this particular location," said David Henkin, staff attorney for Earthjustice, nonprofit environmental law organization.

"You're talking about catching fish," Henkin said. "You're not cutting down trees. You're not mining for gold."

Representatives of the longline fishing industry said it's not so much about the money from ahi they would potentially lose if the monument is expanded as it is about the government further limiting the places they can fish.

"The fact of the matter is that we continue to be squeezed out of traditional areas," said Sean Martin, president of the Hawaii Longline Association.



Longline fishers, who target ahi tuna for sashimi markets, oppose expanding Papahānaumokuākea Marine National Monument. Cory Lum/Civil Beat

The monument, officially designated by President Bush in 2007 as Papahānaumokuākea, protects the habitat of more than 7,000 marine species, a quarter of which are believed to be found nowhere else. It's also home to 14 million seabirds that nest there.

The monument's current protections, which include prohibitions against commercial fishing, extend 50 miles outside the island chain and encompass nearly 140,000 square miles.

Fish Found Nowhere Else

Scientists issued a news release Monday announcing the results of a documenting deep coral reef fish communities in the area composed exclusively of fishes unique to Hawaii.

“This is the highest level of endemism recorded from any marine ecosystem on Earth,” said Randall Kosaki, first author on the study and the National Oceanic and Atmospheric Administration's Office of National Marine Sanctuaries deputy superintendent for Papahānaumokuākea. “Hawaii's one of the most remote archipelagos on our planet, so we have many, many species here that are not found anywhere else,” he said.

Prominent Native Hawaiians, environmentalists and fishers have asked Obama to use his executive authority to expand the monument to the maximum limit that federal jurisdiction allows — 200 miles out, with certain exceptions.

But in the lawmakers' letter to the president, they said the proposed expansion would reduce the size of the Hawaii longline fishing industry by 8 percent. In all, 30 House lawmakers, including Speaker Joe Souki, signed the May 3 letter. Just days earlier, Hawaii Senate President Ron Kouchi of Kauai sent Obama a nearly identical one. Kouchi and Rep. James Tokioka, a Kauai lawmaker who circulated the letter on the House side, could not be reached for comment Monday.

The longliners hauled in 27 million pounds of fish in 2013, with a dockside value of \$85.4 million. The fish include bigeye and yellowfin tuna, known as ahi in Hawaii, along with swordfish, mahimahi, opah and ono.

The lawmakers complained that an 8 percent reduction would mean 2.16 million pounds less fish, representing a \$6.83 million loss to the industry.



A male Hawaiian Pigfish is seen at 320 feet at Kure Atoll, which is 1,300 miles northwest of Honolulu inside the boundaries of Papahānaumokuākea Marine National Monument. Courtesy: NOAA

“The truth is that longliners do not target the proposed expansion area and mostly go out to foreign waters on their own accord,” said William Aila, a fisherman who now serves as deputy director of the Department of Hawaiian Home Lands.

The monument expansion won’t dig into the longline industry’s profits in large part because the fishers have been hitting their ahi quota limit so fast in recent years, conservationists have said.

Fishing Hits Record Pace

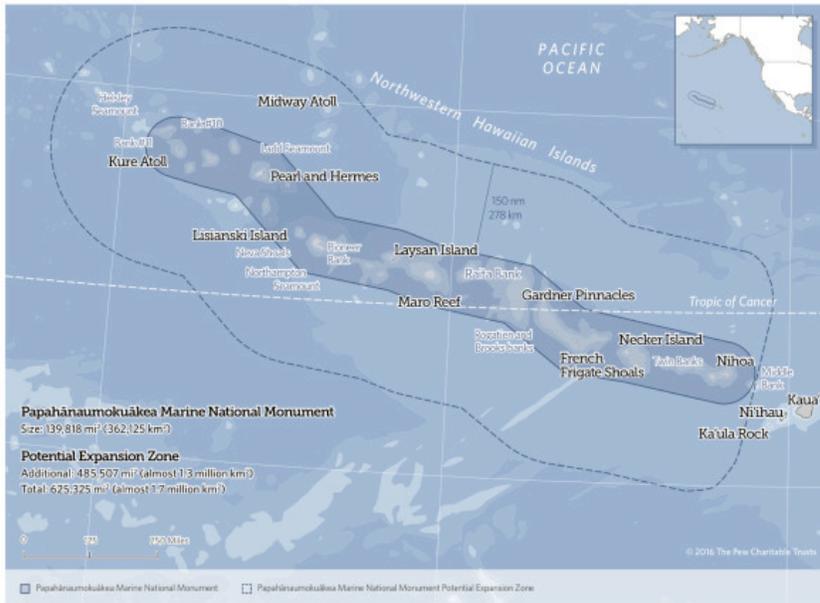
Hawaii’s longline fleet of 140 boats is allowed to haul in roughly 3,500 metric tons of tuna annually under an international agreement. Longliners fish by stringing out miles of line with thousands of hooks off their boats, targeting bigeye tuna for sashimi markets.

Last year, the longliners hit their quota at record pace, reaching the limit in early August, and it looks like that will happen again this year.

As of Monday, NOAA scientists were forecasting that the Western and Central Pacific longline fishery would hit its quota for bigeye tuna on Aug. 14. They estimated that longliners have already caught 81 percent of the limit.

But that doesn’t mean they’ll stop fishing in August.

Native Hawaiian Proposal for Papahānaumokuākea Marine National Monument Expansion



This map shows the proposed expansion of Papahanaumokuakea Marine National Monument. Courtesy: Pew Charitable Trusts

The longliners are already preparing to again pay U.S. Pacific Island territories in exchange for some of their quota so they can continue fishing past the limit.

They paid \$200,000 last year for 1,000 tons of the Commonwealth of the Northern Mariana Islands' 2,000-ton quota, and struck a similar agreement with Guam for another 1,000 tons.

In April, CNMI reached an agreement with the Hawaii Longline Association to pay \$250,000 for 1,000 tons in each of the next three years.

Martin, of the Hawaii Longline Association, said Monday that there are no plans at this point to strike a similar agreement with Guam as in years past.

He said the three-year deal with CNMI gives longliners and the territory some stability. He added that the money goes toward marine conservation plans developed in the region, helping the territory afford facilities like boat launch ramps, piers and fuel and ice facilities.



Hokulea navigator Nainoa Thompson, seen here Saturday speaking to hundreds gathered to greet the traditional sailing vessel in New York, is one of seven prominent Native Hawaiians who asked President Obama to expand federal protections around Papahānaumokuākea. Cory Lum/Civil Beat

NOAA scientists forecast in a paper last month that Hawaii longliners would be able to catch 2,000 tons beyond the 3,500-ton limit by the end of December.

Henkin called this a “shell game” that allows overfishing, but the courts have so far disagreed. A District Court judge ruled in December that federal rules allow Hawaii fishermen to continue sidestepping these international catch limits.

“When the longliners reach their annual ahi quotas early, they just buy the quotas of other regions and keep fishing, even though it’s unsustainable,” Aila said. “What’s worse, they’re selling a large amount of the ahi out of state and the seafood dealers are importing frozen, gas-treated tuna for us to eat.”

Holding On To What They Can

Seafood self-sufficiency in Hawaii is roughly 37 percent, according to the letter lawmakers sent Obama. They wrote that seafood was the top food crop in Hawaii in 2011, bringing in some \$87.5 million.

Martin has said the local fishing industry needs the flexibility to fish in the area being considered for expansion. He said the longline fleet spends an average of 7 percent to 11 percent of its time there.

Martin said the argument calling into question the financial impact of the monument’s expansion on the longline industry amounted to “splitting hairs.”

“If you follow that logic, are we going to go look for fish? Yeah. Might we find it? Yeah, we might,” he said. “One of the things most important to the industry is maintaining the flexibility and access to certain waters.”



Longline fishers drop miles of line off their boats with thousands of hooks, primarily targeting ahi for sashimi markets. Courtesy: NOAA Fisheries

Conservationists argue that if the monument is expanded as proposed and the longliners theoretically lose access to 8 percent of the fish they catch, they'd have four or five months to catch that ahi elsewhere since they are hitting the quota by July or August.

This would have added benefits, too, according to the conservationists. They say if it takes longer for the fishers to reach their quota, that means the market is receiving a steadier supply of tuna throughout the year — and the ahi are being fished less frantically.

“They’re causing the price per pound to just plummet because they’re flooding the market,” Henkin said. “There’s a supply-and-demand situation there.”

The bottom line for longliners is holding onto the fishing areas they currently can access, regardless of how much ahi is caught in the proposed expansion area around the monument.

“The industry looks at the whole northern Pacific as our ice box,” Martin said. “The whole ocean is important to us.”

Bigeye tuna is listed as “vulnerable” to extinction by the International Union for Conservation of Nature, a 1,300-member union comprised of government and civil society organizations. The group cites overfishing as a threat, noting significant declines over the past decade.

“With decades of close study, we know marine protected areas are the best mechanism to provide fish for the future,” said Richard Pyle, an associate zoologist in ichthyology at Bishop Museum.

“The expansion is one of the best things we can do for food security in the state,” he said.

The White House sent a delegation to Hawaii last month on a fact-finding mission prompted by the calls to expand the monument. The feds have yet to issue an official proposal.

* * *

December 17, 2015

The Limit's No Limit: US Tuna Fleet Shells Out Cash To Keep Fishing

Since hitting their bigeye quota in August, Hawaii longliners have made three deals to pay other territories for some of their unused quotas.

Nathan Eagle

Hawaii longline fishermen are on track to haul in a record amount of bigeye tuna this year thanks to a federal rule that lets them sidestep catch limits by paying Pacific island territories for their unused quota.

The deals have kept ahi available and prices affordable here during the holiday season, a time when sashimi traditionally finds its way to many tables. It's also preserved jobs in the industry and contributed to the local economy.

But environmental groups, still waiting for a judge to rule on their case challenging the practice, say the deals undermine international agreements designed to help overfished stocks recover in the Central and Western Pacific.

The U.S. fleet, about 145 longline vessels almost entirely based in Honolulu, hit this year's limit of 3,502 metric tons (7.7 million pounds) last August.

Fishermen were allowed to resume fishing in October under an agreement that they made with the Commonwealth of the Northern Mariana Islands. The deal between Quota Management Inc. President Khang Dang and CNMI Gov. Eloy Inos involved paying the territory \$200,000 for 1,000 tons of its 2,000-ton limit.

QMI can assign its rights and obligations to the Hawaii Longline Association, a wholly owned subsidiary of QMI. HLA is a nonprofit trade association formed to advance and benefit the Hawaii-based commercial longline fisheries industry.



Tuna are packed on ice at the Honolulu Fish Auction on Monday. Cory Lum/Civil Beat

It's the third year that QMI has paid CNMI for its unused quota. In 2014, the agreement called for a \$175,000 payment, up from \$150,000 in 2013. Civil Beat obtained a copy of the agreement through a Freedom of Information Act request.

The fishermen used up their additional allotment by Nov. 30, but were able to strike a similar agreement with Guam — \$200,000 for another 1,000 tons. The fleet had caught an estimated 326 tons of that quota within several days.

A deal along the same lines was reached last week with American Samoa in case the fishermen use up their extra limit from Guam before the year ends and the quota resets.

The money is deposited into the Western Pacific Sustainable Fisheries Fund, which the territories use for fishery development projects approved by their respective governors, according to Western Pacific Regional Fishery Management Council spokeswoman Sylvia Spalding. This includes things like boat ramps, fish markets, processing facilities, training programs and loan programs.

Wespac is a 16-member group that is tasked with advising the National Marine Fisheries Service on how to minimize bycatch, protect habitat and prevent overfishing. Wespac recommended the quota-sharing agreements with the Pacific territories that NMFS adopted in March 2014.

Given the high demand for fresh ahi in Hawaii, there's a lot of money on the table. The price of tuna at the Honolulu Fish Auction on Wednesday ranged from \$4.86 to \$6.48 per pound. That's up from a week ago, when it was \$2.65 to \$3.64, but still below where it was in the weeks after the longliners hit their limit and had to stop fishing in early August.



A fishing boat docked at Pier 38 next to the Honolulu Fish Auction this week. Cory Lum/Civil Beat

The price per pound is on par with where it was a year ago. It ranged from \$3.82 to \$5.43 on Dec. 15, 2014.

The tuna prices include bigeye and yellowfin — both of which are called ahi in Hawaii. The fish auction report lumps them together.

The value of the fish landed by the Hawaii fleet each year is roughly \$100 million, according to Wespac. Only 3 percent of it is exported out of state.

Pacific bigeye tuna is on NMFS' overfishing list along with 27 other stocks, which is part of why there are limits on how much ahi fishermen can catch.

But Wespac says the amount of fish Hawaii longliners catch is just 1.5 percent of all the bigeye tuna caught in the Pacific Ocean. International fleets and purse seiners catch the vast majority, often unintentionally while targeting other species.



Earthjustice attorney David Henkin says every commercial fishery, including Hawaii longliners, needs to cut down on the amount of bigeye tuna being caught.

Cory Lum/Civil Beat

Still, Earthjustice attorney David Henkin said people in Hawaii should be concerned about the issue if they want to have ahi to feed their families in the future.

“There is no question that bigeye tuna are being overfished and that, to have a reliable source of tuna for future generations, every commercial fishery, including the Hawaii-based longline fishery, needs to cut down on the amount of bigeye pulled out of the ocean each year,” he said.

A lawsuit that’s pending in federal court in Honolulu could force NMFS to stop the practice. Earthjustice sued the agency last November on behalf of Conservation Council for Hawaii, Center for Biological Diversity and Turtle Island Restoration Network.

“Local people want Hawaii fish caught by Hawaii boats because the fishery has a reputation for high-quality fresh fish and environmentally responsible fishing practices,” Spalding said.

The Wespac spokeswoman pointed at the industry’s support of seafood businesses and the tourism market, adding that it’s important for Hawaii consumers to have a fresh ahi supply maintained during the holiday season when demand soars.

Henkin said the latest science should steer federal regulators and policymakers in a different direction.

To end overfishing, he said, commercial fisheries need to reduce their bigeye catch by 36 percent compared to the 2008-2011 levels.

“Instead of respecting the science and complying with our agreement to limit the Hawaii-based longline fishery to 3,502 metric tons of bigeye, the National Marine Fisheries Service is allowing the fishery to catch 2,000 metric tons above that limit,” Henkin said.

He noted that's nearly 20 percent more fish than the longliners caught in 2008 (4,649 metric tons), the last year before the United States was supposed to start cutting back on bigeye fishing as part of the international effort to end unsustainable practices.

"Thus, at a time that we know we need to cut back on the amount of catch to ensure our children will have ahi to eat, the longliners, with the Fisheries Service's blessing, are catching more bigeye than ever before," he said. "That is completely irresponsible."

The Pelagic Fishery Ecosystem Plan, developed by Wespac, provides a mechanism for transferring a limited amount of territory bigeye to pelagic permit holders, consistent with the conservation needs of the stock, as well as the objectives of the Western and Central Pacific Fisheries Commission to end overfishing of bigeye, Spalding said.

"This year's allocation specification was subject to rigorous environmental review to ensure consistency with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law," she said, adding that any allocation specification that is found to be inconsistent with the conservation needs of the stock is subject to disapproval by NMFS.

* * *

May 23, 2016

Study: Tuna Fishers Could Save Sharks

Researchers found that cliques within the Hawaii-based fishing industry don't share information with each other.

Nathan Eagle

Hawaii-based longline fishers could save thousands of sharks from being accidentally captured and killed in the Pacific Ocean by sharing information with each other, according to a new scientific study.

Researchers from the University of Hawaii and ARC Centre of Excellence for Coral Reef Studies at James Cook University found that if "cliques" of fishers communicated more with their rivals, it could lead to more sustainable fishing practices, a UH release said Monday.

Michele Barnes, lead author of the study, which was published in the Proceedings of the National Academy of Sciences, interviewed nearly every Hawaii-based longline tuna fisher — 145 in all, working on 121 different boats —and found there were three distinct groups.



University researchers say tuna fishers could save more sharks, such as this dead bigeye thresher shark, by sharing information with each other. Courtesy: NOAA Fisheries

“To use the phrase, ‘birds of a feather flock together,’ we definitely found that to be the case here — fishers primarily shared information with those most similar to themselves,” she said in the release.

The study says the three groups are Vietnamese Americans, European Americans and Korean Americans.

Longline fishers drag lines miles long with thousands of hooks, often catching non-target species in the process.

The study found that “enhanced communication channels across segregated fisher groups could have prevented the incidental catch of over 46,000 sharks between 2008 and 2012 in a single commercial fishery.”



Researchers found that tuna fishers may not even be aware that some groups have learned how to avoid sharks more effectively. Courtesy: NOAA Fisheries

“Shark bycatch has significant ecological implications because many species of shark are in sharp decline,” UH co-author John Lynham said in the release.

“But when sharks are accidentally caught,” he said, “there are also economic implications because it takes time for fishers to cut them off the line, they risk losing their gear, and it can be dangerous”

Barnes said it was unclear whether fishers are even aware that some groups have learned how to avoid sharks more effectively.

“Sharks are vital to the health of the oceans, and fishing supports the livelihoods of millions of people across the globe,” she said. “So when we can find simple, low-cost ways to reduce the number of sharks that are accidentally caught, it’s great for fishers, and for the oceans.”

The industry generates \$65 million to \$94 million annually, according to the study.

* * *

June 3, 2016

Harassment Of Fisheries Observers Has Doubled, Groups Say

UPDATED: Contractors hired to monitor U.S. fishing vessels reported an uptick in incidents from 2013 to 2015.

Nick Grube

Independent monitors hired by the National Oceanic and Atmospheric Administration to track catch limits and document endangered species interactions on U.S. fishing vessels are finding themselves in increasingly dangerous waters.

On Thursday, two nonprofits seeking to bolster protections for fisheries observers released statistics showing that the number of reported incidents of intimidation, harassment and assault on these workers more than doubled from 35 in 2013 to 84 in 2015.

The Association for Professional Observers and Public Employees for Environmental Responsibility also said that NOAA officials have done little to respond to the uptick in harassment.



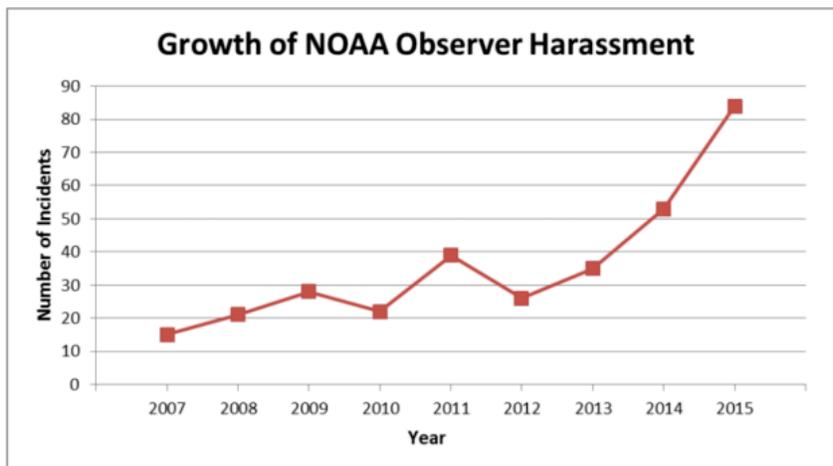
A fisheries observer measures a swordfish caught on a longline vessel working out of Hawaii. Dissonante Media

In 2015, NOAA data showed that no enforcement action was taken despite a record number of assaults, and that more than half the cases remained open even though many months had passed since the incidents had been reported.

“For Fisheries Observer, NOAA means ‘No Assistance Available’ because they can expect no support if they are attacked or prevented from doing their jobs,” PEER Executive Director Jeff Ruch said in a press release. “NOAA views the fleets as its constituents and these independent monitors as necessary inconveniences.”

About 700 observers monitor fleets in 47 fisheries in U.S. waters, with about 60 of them assigned to NOAA’s Pacific Islands Regional Office to oversee longline tuna and swordfish vessels in Hawaii and American Samoa.

Their job is to document how many fish come aboard a vessel, and note any instance in which a protected species, such as a seal, sea turtle or dolphin, is killed. This data is then used to help agencies, such as NOAA and the Western Pacific Regional Fishery Management Council, manage fish populations.



The number of reported cases of intimidation, harassment and assault on fisheries observers has increased dramatically over the past several years. Public Employees for Environmental Responsibility

Observers are also on board to make sure fishermen follow all the rules, such as checking what type of bait is used and making sure that hazardous waste doesn't spill into the ocean. While observers are not law enforcement officials, what they see and what they report can lead to hefty fines and lower profits for fishermen.

As a result, observers are often looked at as tattle-tales by the very fishermen they're asked to share cramped quarters with on the high seas for days, weeks and even months at a time. This can lead to tension between observers, captains and their crew.

Last year, the mysterious disappearance of American fisheries observer Keith Davis made national headlines when a Chinese vessel he was on reported him missing in international waters 500 miles off the coast of Peru. Many of his relatives and friends suspected he was the victim of foul play.



Keith Davis disappeared under suspicious circumstances in September while working as a fisheries observer aboard a Chinese vessel off the coast of Peru. Submitted photo

Davis, who had ties to Hawaii, worked as an observer for MRAG Americas and was well-known for his adherence to safety protocols. He was also a member of the Association for Professional Observers, where he helped develop an international bill of rights to protect observers.

The association now advocates for more safety measures for those in the profession, including outfitting observers with panic buttons and their own satellite phones so that they can contact officials should they get into trouble.

The association and PEER have long pushed for more accountability and oversight of the observer program to cut down on harassment, assaults and retaliation. But the nonprofits have criticized NOAA's response, saying that any attempts at reform have been "half-baked."

Elizabeth Mitchell, president of the Association for Professional Observers, was critical of a recent NOAA initiative to replace human monitors on fishing vessels with cameras and other technology.

“Three observers have been murdered in recent years, including my colleague, Keith Davis,” Mitchell said in Thursday’s press release. “Rather than enforcing observer protections, NOAA has joined with the fishing industry in a push to replace observers with cameras despite the absence of any reliability or accountability controls.”

UPDATE

NOAA responded Friday to the concerns raised by PEER and the Association for Professional Observers in a statement highlighting that the safety of at-sea monitors is a priority for the agency, and that any concerns should be addressed directly to the NOAA Office of Law Enforcement for investigation.

“We take seriously every report of violence, threats, or harassment against professional observers and we evaluate all complaints received.” said James Landon, who is director of the NOAA Office of Law Enforcement.

NOAA added that its ability to complete investigations in a timely manner is contingent on the evidence provided by observers and other witnesses