

## **Monument Management Board Policy on Sustenance Fishing in Papahānaumokuākea Marine National Monument**

**March 4, 2010**

Proclamation 8031 (“Proclamation”) provides for sustenance fishing within Papahānaumokuākea. As defined in the Proclamation “sustenance fishing means fishing for bottomfish or pelagic species that are consumed within the monument, and is incidental to an activity permitted under this proclamation.” The Proclamation also states “The Secretaries may not permit sustenance fishing in the Midway Atoll Special Management Area unless the activity has been determined by the Director of the United States Fish and Wildlife Service or his or her designee to be compatible with the purposes for which the Midway Atoll National Wildlife Refuge was established.” In December 2008, U.S. Fish and Wildlife Service Managers determined sustenance fishing to be a compatible activity with certain stipulations.<sup>1</sup>

From June 15, 2006, when the Monument was established, to the end of 2009, sustenance fishing outside of Midway Atoll was a permitted activity on 17 permits. The combined catch over those 3 ½ years totaled 323 fish (only one fishing log from 2009 is still outstanding). Over the past year, during which fishing was allowed within Midway Atoll, catch at the atoll has totaled 37 fish.

Beginning March 4, 2010 the following Papahānaumokuākea-wide policy will go into effect:

### **State waters**

Sustenance fishing in State waters will continue to be prohibited.<sup>2</sup>

### **Federal waters (outside of Midway Atoll Special Management Area)**

Sustenance fishing will no longer be allowed by permit, except when requested and approved in conjunction with a Native Hawaiian Practices permit.

### **Midway Atoll Special Management Area**

Sustenance fishing will be permitted within the Midway Atoll Special Management Area with the following conditions:

- All fishing will be conducted for sustenance of Midway or vessel communities at the common table.<sup>3 4</sup>

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<sup>1</sup> USFWS Monument Management Plan Compatibility Determinations Dec. 12, 2008. Available at <http://www.fws.gov/pacific/planning/main/docs/HI-PI/Papahana/Compatibility%20Determinations.pdf> Midway Atoll Sustenance Fishing at pp. 136-144.

<sup>2</sup> Subsistence fishing may be permitted as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.

<sup>3</sup> Common Table for Midway means the Midway galley, such as the “Clipper House.” Common Table for Government vessel-based agency employees, volunteers, and contractors means the ship’s galley. Common Table for other permittees on their own vessel is the Midway galley.

- The quantity of fish taken will not exceed what can be consumed by Midway residents or visiting vessel occupants within that 2-day period. No fish will be frozen.
- Total allowable take is a maximum of 300 fish per year<sup>5</sup>:
  - 208 by Midway Atoll residents.<sup>6</sup> They may take 26 boat trips per year with up to 6 people aboard, and may catch up to 4 fish per week.
  - 92 by visiting vessels.<sup>7</sup> They may catch up to 4 fish per day. NOAA ships *Oscar Elton Sette* and *Hi'ialakai*, up to 15 private vessels (e.g., sailboats), and 5 FWS contract vessels (e.g., barges) may troll for fish, en route to or from Midway, but within Midway waters, each year.
- Sustenance fishing will be conducted by deploying 2- 4 lines as vessels transit Midway waters.
- Only artificial lures will be used. Lures will be trolled in a water depth of at least 200 feet, and at a speed of at least 7 knots.<sup>8</sup>
- Use of wire line, down-riggers, planers, and heavy weights is not allowed.
- Fishing for bottom fish is not allowed.
- Vessels are required to navigate around aggregations of foraging (fishing) or resting seabirds, rather than navigate through them.
- Fishing lines will be tended at all times and fish will be brought into the boat as quickly as possible.
- Caught fish will be bled so the blood does not enter the ocean and attract sharks during the fishing activity.
- All fish other than 'ahi (yellowfin tuna, *Thunnus albacares*), mahimahi (dolphinfish, *Coryphaena bippurus*), and ono (wahoo, *Acanthocybium solandri*) will be released unharmed.
- All fishing gear will be cleaned using a mild bleach solution before use in the Monument and must also be cleaned according to Monument quarantine procedures. The bleach solution will be disposed of properly.
- Fishing is only allowed during daylight hours to guard for human safety.
- A fishing report must be submitted to the Refuge Manager after each fishing trip.<sup>9</sup>
- All catch data will be summarized quarterly by Midway Refuge Manager and reported annually to Monument managers to determine if catch levels are acceptable and the activity remains compatible.

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<sup>4</sup> Although a limit on the number of fish allowed is stipulated here, if sufficient poundage of fish is caught to provide for the common table before the number limit of fish is reached; fishing will cease.

<sup>5</sup> Conservatively this may equate to 15,000 pounds of fish, or 6.8 t when Residents are at carrying capacity.

<sup>6</sup> For the purposes of this sustenance fishing policy, Midway residents are defined as permanent island residents such as FWS staff, their families, and contract employees. All fishing for Midway residents will be conducted from a federally owned, shore-based, power boat operated by an agency-certified boat operator.

<sup>7</sup> Visiting vessels are defined as any permitted vessel that comes into the Midway SMA. Sustenance fishing must be listed on the permitted activities for any visiting vessel.

<sup>8</sup> Speeds of at least 7 knots prevent hooking albatrosses, boobies, and other seabirds that follow fishing boats. Seabirds are able to ingest lures trolled at slower speeds.

<sup>9</sup> Reporting requirements: After each trip trained personnel will record all fish catch (including species, weights, lengths, and GPS location of catch), fishing effort, by-catch (including accidental catch of or interactions with seabirds, seals, turtles, sharks, nontarget fish, and other wildlife), and date of activity.