

RESOLUTION REGARDING
ALTERNATIVES TO BE ANALYZED IN THE DRAFT ENVIRONMENTAL
IMPACT STATEMENT FOR A PROPOSED SANCTUARY

RECOMMENDATION OF THE NWHI CORAL REEF ECOSYSTEM
RESERVE ADVISORY COUNCIL

TO THE NWHI CORAL REEF ECOSYSTEM RESERVE

June 2, 2005

The Council notes the following:

1. The NWHI Coral Reef Ecosystem Reserve Advisory Council (RAC) and its management plan subcommittee have worked with the Reserve staff on the development of a draft management plan and an alternative or alternatives to be analyzed in the DEIS for the proposed NWHI National Marine Sanctuary since 2004. The draft management plan uses the Reserve Operations Plan as a foundation, with action plans written to directly address management issues and needs, a departure from the functional approach taken in the Reserve Operations Plan (ROP). The issue-based management plan also differs from the ROP in that it contains a regulatory and permitting framework for access to and use of the sanctuary.

2. In preparing these recommendations the RAC reviewed the National Marine Sanctuaries Act (NMSA), Executive Orders 13178 and 13196 establishing the Reserve, and the Vision, Mission, Management Principles, and the RAC-recommended Goals & Objectives of the proposed NWHI National Marine Sanctuary, which together set the standards for management plan and the range of DEIS alternatives that should be considered by the NMSP in the DEIS.

3. The recommendations of the RAC included herein are offered to further the primary objective of resource protection as outlined in the purposes and policies of the NMSA, 16 U.S.C. 1431, sec. 301(b). In particular the NMSP and the RAC incorporated into Goal 1 for the proposed sanctuary section 301 (b)(3) “to maintain the natural biological communities in national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;” We also note that section 301 (b) (6) permits public and private uses of a sanctuary only “to the extent compatible with the primary objective of resource protection”. That precautionary approach has been incorporated into Goal 3 and was in the RAC’s original Goal 7.

4. Executive Order 13178 established “the long-term conservation and protection of the coral reef ecosystem and related marine resources and species of the

NHWI in their natural character” as the principal purpose of the Reserve. The executive orders outline several protection and conservation measures, including caps on commercial fishing effort, take, gear and permits, and limits on effort, take, and gear for recreational fishing in the Reserve to levels and landings for the year(s) preceding December 4, 2000; prohibition of certain activities, and the establishment Reserve Preservation Areas.

5. Executive Order 13178 directed that the Reserve Operations Plan address issues and actions that at a minimum provide for coordinated management, vessel allocation, research, marine debris clean-up and prevention, restoration, education and outreach, enforcement and surveillance, coordination with Native Hawaiian interests, identification of potential tourism, recreational, and commercial activities, the use of vessel monitoring systems, and any regulations the Secretary deems necessary to manage the Reserve. The draft management plan for the proposed sanctuary builds and expands on these priority issues and actions in an issue-based format.

6. The mission of the proposed sanctuary is to “[c]arry out coordinated and integrated management to achieve the primary purpose of strong and long-term protection of marine ecosystems in their natural character, as well as the perpetuation of Native Hawaiian cultural practices and the conservation of heritage resources of the Northwestern Hawaiian Islands” (from the Advice and Recommendations on Development of Draft Fishing Regulations Under the National Marine Sanctuaries Act Section 304(a)(5) September 20, 2004).

7. The principal management goal of the proposed sanctuary is to “[p]rotect, preserve, maintain, and where appropriate restore the natural biological communities, including habitats, populations, native species, and ecological processes, of the Sanctuary as a public trust for current and future generations.” (Id.)

8. The RAC has reviewed maps with various boundaries and zoning alternatives prepared by Reserve staff and discussed boundaries and zoning as a strategy to protect resources in the proposed NWHI NMS, and queried experts on the latest research regarding areas of high biodiversity, endemism and options for protecting endangered species and other resources needing protection.

9. The RAC has also considered the revisions made by the State of Hawaii in May 2005 to Chapter 13-60.5 Hawaii Administrative Rules, entitled “Northwestern Hawaiian Islands Marine Refuge”.

Regarding an alternative to be analyzed in the DEIS for a proposed national marine sanctuary in the NWHI, the Council provides the following recommendation in the attached table and map:

6/2/05 RAC DEIS Alternative Recommendation	
Landward Boundary	The sanctuary landward boundary should overlap the waters of the State of Hawaii's NWHI Marine Refuge, Hawaiian Islands National Wildlife Refuge, and Midway Atoll National Wildlife Refuge waters.
Seaward Boundary	Extend Reserve boundary such that the Sanctuary's outer boundary includes known precious coral beds and monk seal foraging areas at Seamount 10 and Seamount 11 northwest of Kure Atoll out to 180 degrees longitude, and Salmon Bank.
Regulations	Access is prohibited unless permitted, except enforcement activities and passage without interruption.
Zoning - SPAs	Entire area becomes a SPA over time with activities allowed only by permit (research, education, discharge, anchoring, etc.)
Zoning -other zones	No-fishing zones established which mimic State and USFWS marine waters and no-take areas recommended by WPFMC (out to 50 fathoms at Laysan and FFS).
Permits (non-fishing)	
Recreation	Non-extractive recreation only, by permit.
Ocean Tourism/ Special Use	No, except at Midway. (Any visitation to the area of this kind should take place under research or education permit.)
Research	Limited by permit criteria, activity, and location on a case-by-case basis, including volunteer programs.(Must further the conservation and management purposes of the Sanctuary.)
Education	Limited by permit criteria, activity, and location on a case-by-case basis, including volunteer programs.(Must further the conservation and management purposes of the Sanctuary.)
Management	Limited by permit criteria, activity, and location on a case-by-case basis, including volunteer programs.
Native Hawaiian Practices	Limited by permit criteria, activity, and location on a case-by-case basis
Permits (fishing)	
Precious Coral	No
Crustacean	No
Coral Reef Species	No
Commercial Pelagic Trolling	No
Bottomfishing and Associated Pelagic Trolling	No over the long-term. However, should allow for a 'grandfathering' of current, active bottomfishermen who would, over a period of time, be phased out through attrition or a buy-out program. Those that selected a buyout would need to make their decision within one year after the date the buyout offer is made. Those that opt to remain in the fishery would need to cease their fishing operations by the year 2025. No new permits would be issued and no existing permits may be transferred. All fishing would be limited to areas outside of no fishing zones established and referenced above.
Permits (Non-commercial fishing)	
Native Hawaiian Subsistence	Yes. Native Hawaiian subsistence activities should be permitted sanctuary-wide, including subsistence fishing, to the extent consistent with existing law. Such practices shall mean: <i>"the Native Hawaiian use of ocean resources for the purposes of perpetuating traditional knowledge, taking responsibility and caring for the environment, direct personal consumption while staying in the NWHI, and strengthening cultural and spiritual connections to the NWHI. The sale of any marine resources is prohibited. Provisions may be made under this definition to include the customary practice by Native Hawaiian Ni'ihau and Kaua'i families to travel to and bring back ocean resources for community sharing."</i>
Sustenance	Yes. Sustenance fishing for pelagic and bottomfish species using pole and line, trolling and handline methods only, by permit. Locations where such activities could take place would be managed through permit restrictions.
Recreation (personal)	No, except as allowed by the USFWS at Midway Atoll National Wildlife Refuge.
Sport fishing (fee-for-service)	No, except as allowed by the USFWS at Midway Atoll National Wildlife Refuge.

180°00'

175°00'W

170°00'W

165°00'W

Reserve Advisory Council Boundary Recommendations 6/2/05

30°00'N

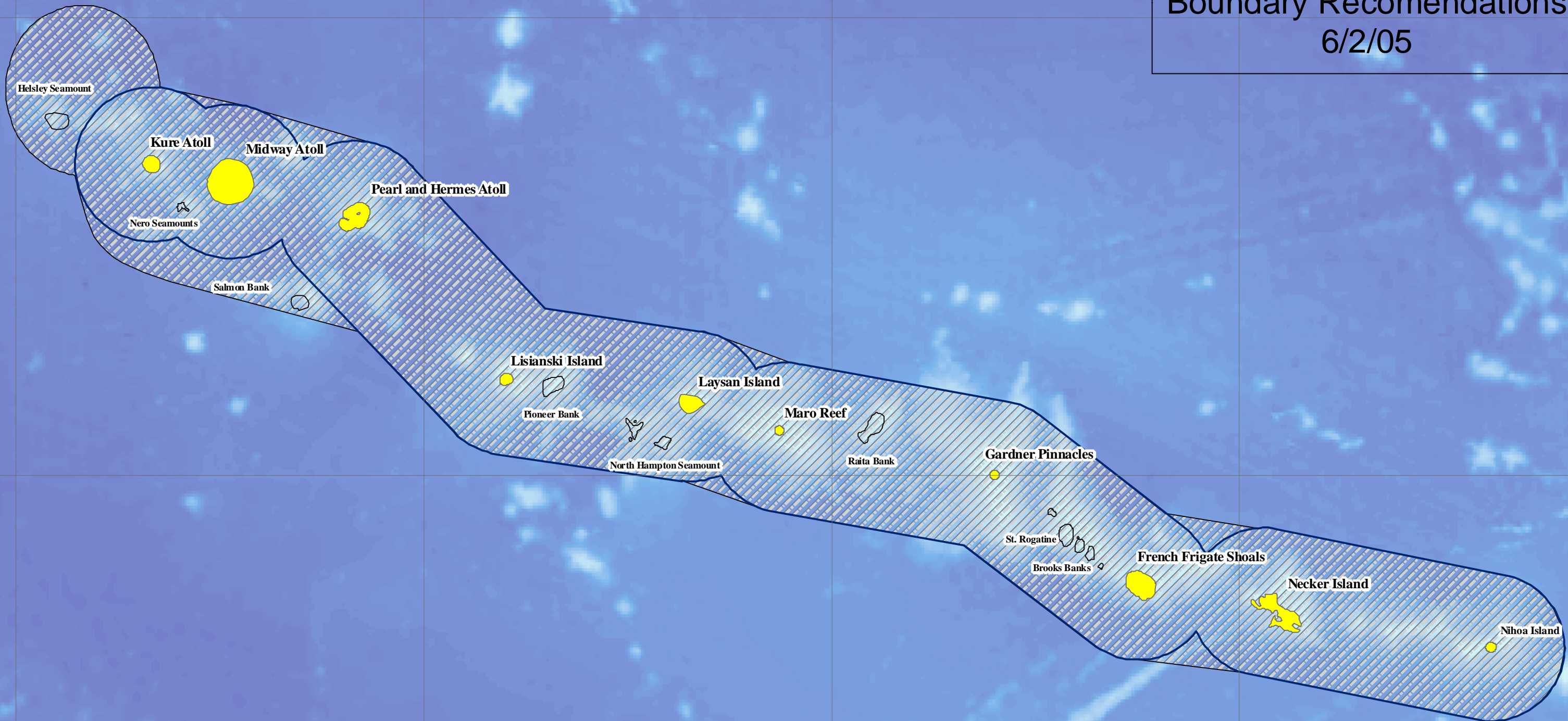
30°00'N





25°00'N

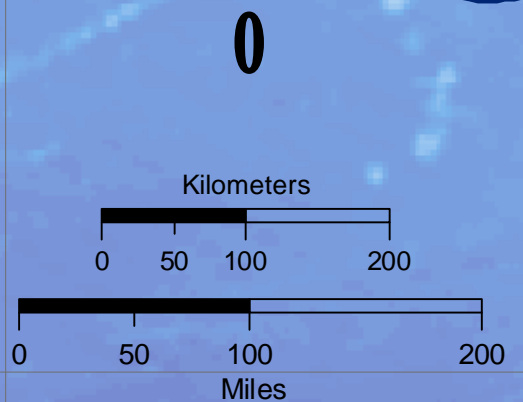
25°00'N

20°00'N

20°00'N



-  Coral Reef Ecosystem Reserve Outer Boundary
-  Proposed National Marine Sanctuary Outer Boundary
-  Phase-Out Commercial Bottom Fishing (Buy-out / Attrition)
-  Sanctuary Preservation Areas
(Overlap with State Marine Refuge, Hawaiian Islands National Wildlife Refuge, Midway Atoll National Wildlife Refuge, and includes proposed no-take areas by WESPAC; Strictest Regulations Apply.)



180°00'

175°00'W

170°00'W

165°00'W