

NORTHWESTERN HAWAIIAN ISLANDS  
CORAL REEF ECOSYSTEM RESERVE ADVISORY COUNCIL

September 8, 2004

To: Mr. Robert P. Smith, Reserve Coordinator  
NOAA National Ocean Service, Northwestern Hawaiian Islands Coral Reef Ecosystem  
Reserve  
308 Kamehameha Avenue, Suite 208  
Hilo, HI 96720

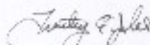
Re: Resolution Regarding Proposed Sanctuary Fisheries Alternatives

Dear Mr. Smith,

This attached resolution is being sent to you pursuant to an action item approved by the Northwestern Hawaiian Islands Coral Reef Ecosystem Advisory Council at its July 7-8, 2004 meeting.

Thank you for attention to this matter.

Sincerely,



Timothy E. Jahra  
Chairperson

**RESOLUTION REGARDING PROPOSED SANCTUARY  
FISHERIES ALTERNATIVES**

**RECOMMENDATION OF THE NWHI CORAL REEF ECOSYSTEM RESERVE  
ADVISORY COUNCIL  
TO  
THE NWHI CORAL REEF ECOSYSTEM RESERVE**

**JULY 8, 2004**

**The Council notes the following:**

1. The NWHI Coral Reef Ecosystem Reserve Advisory Council (RAC) and its Fisheries and Zoning Alternatives Subcommittee (FZAS) have reviewed the Executive Orders establishing the Reserve, the contract report of Sustainable Resources Group International, Inc. (SRG), a summary presentation on this report by contractor Bruce Wilcox regarding fishing in the NWHI, the recommendations of the Hawaiian Monk Seal Recovery Team, and heard expert presentations on the status of some fisheries, endangered and endemic species, sea birds, coral reefs, and other important components and characteristics of the NWHI ecosystems. Some RAC members participated in the various fisheries discussion groups managed by SRG in developing their report;
2. The RAC and FZAS also reviewed maps with various zoning alternatives prepared by NOS staff and discussed zoning as a strategy to protect resources in the Reserve, and queried experts on the appropriateness of zoning for protection of endangered species and for defining resource uses;
3. The RAC has considered its recommended NWHI Sanctuary Goals and Objectives in developing its recommendation on Fisheries and Zoning Alternatives.
4. The RAC has developed its fisheries and zoning alternatives recommendations for the entire NWHI sanctuary "study area" which includes state and federal waters out to 50 nautical miles;
5. The primary purpose of the proposed sanctuary is to achieve strong and long-term protection of marine ecosystems in their natural character (Draft VMPGO, RAC Advice and Recommendations 1/22/04);
6. The principal management goal of the sanctuary is to protect, maintain, and restore where appropriate, the natural biological communities, including habitats, populations, native species, and ecological processes of the proposed sanctuary as a public trust for current and future generations (Draft VMPGO, RAC Advice and Recommendations 1/22/04); and,
7. The supporting data and information used to develop these recommendations includes, but is not limited to the references cited herein.

**Regarding fisheries, the Council recommends that:**

- A. **Commercial crustacean fishery be prohibited in the proposed NWHI Sanctuary.**

Supporting Data and Information:

- Lobsters and other crustaceans are important components of endangered monk seal diets, especially for females and pups (MacDonald 1982; *Proposed Designation of Critical Habitat for the Hawaiian Monk Seal in the NWHI: Draft EIS 1980*; Hawaiian Monk Seal Recovery Team Recommendation 2000)
- Metapopulation structure increases vulnerability to area-based overfishing (SRG, *Fishing in the Proposed NWHI NMS*, 2004)
- Ecosystem effects have been clearly demonstrated, including spiny lobster stock reduction and shift in relative species abundance from spiny to slipper lobster (DiNardo and Marshall 2001)
- Conventional estimation methodologies inadequate for estimating metapopulation dynamics (SRG, *Working Documents: Crustaceans*, 2004; DiNardo and Marshall 2001)
- Collapse of spiny lobster populations in 1990's with no indication of recovery (Clarke et al. 1992; DiNardo and Marshall 2001)
- Fishery closed in 2000 by NMFS, in face of court injunction based on threat to endangered Hawaiian monk seal and due to uncertainty of stock estimates
- Numerous management measures adopted under the Crustacean FMP did not protect the spiny lobster populations from collapse; management measures requiring release of gravid females and lobsters below minimum legal size indicated close to 100% discard mortality (DiNardo et al. 2002)
- Hawaiian Monk Seal Recovery Team recommended closure of the fishery (2000)

**B. Commercial precious coral fishery be prohibited in the proposed NWHI Sanctuary.**

Supporting Data and Information:

- Information and data on distribution, species composition, growth rates, or abundance are lacking (SRG, *Working Documents: Precious Coral*, 2004)
- No life history data on precious corals in the NWHI
- Limited life history data on precious corals in the main Hawaiian Islands indicate that precious corals are extremely susceptible to overfishing
- Evidence of endangered monk seal foraging at deep depths in precious coral beds (Parrish et al. 2002)
- No commercial fishery has existed in the NWHI except in 1988, the domestic vessel Kilauea (with federal permit) used a dredge to harvest precious coral beds at Hancock Seamount, but the operation was discontinued because of insufficient harvests of high quality coral

**C. Fisheries including aquaria species and live fish trade species, and coral, live rock, algae, sponges, and other invertebrates be prohibited in the proposed NWHI Sanctuary.**

Supporting Data and Information:

- Existing state regulations prohibit taking coral and live rock

- The negative effects of directly harvesting and removing large amounts of coral reef and coral reef habitat on reef fish populations and ecosystem functions are widely known. NOAA and the US Coral Reef Task Force developed a key objective to reduce exploitation of reef organisms of the aquarium trade that bans the commercial domestic collection of coral and live rock, and monitors collection of other species (EO13089: *Coral Reef Protection* 1998; NOAA and the US Coral Reef Task Force, *A National Coral Reef Action Strategy* 2002)(Note: WPFMC agrees that harvesting coral and live rock in large amounts is harmful to coral reef ecosystems and should be prohibited in the NWHI)
- Numerous studies show that aquaria collection can have substantial effects on Hawaiian Island coral reef ecosystems (Kolm and Bergland 2003; Tissot and Hallacher 2003; Tissot et al. 2004)
- No data on NWHI distribution, population dynamics or other characteristics of aquarium species or sponges

**D. Limit recreational and charter fishing through bag or size limits, gear restrictions, catch and release requirements, time and area closures, zoning, and NMSP permits with reporting requirements and other management measures, to designated areas of the Sanctuary, where interactions with endangered Hawaiian monk seals, migratory seabirds, and other protected wildlife have been demonstrated as being very low, and the fishery can be monitored to collect data for ongoing evaluation of impacts. Such fishing shall be limited to trolling and pole and line fishing for such species that the NMSP, with concurrence by the Reserve Advisory Council, may deem appropriate. Fish caught for recreational purposes shall not be sold, traded, or bartered. A cap on levels of recreational fishing shall be established within one year after sanctuary designation that shall not exceed the level existing at that time.**

Supporting Data and Information:

- EO caps that set a pre-2000 level of recreational fishing take are not quantifiable due to lack of data, therefore other measures must be taken to limit catch and reduce impacts to the ecosystem
- No information is available on the number of people, effort, catch, or value of any pelagic charter fisheries that have been active in the NWHI (SRG, *Working Documents: Pelagic and Recreational Fisheries*, 2004)
- Limited analysis of data and information to assess recreational fishing-related impacts on ulua population at Midway (Friedlander 2003)
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**E. Commercial bottomfish fishery be prohibited in the NWHI Sanctuary within one (1) year from date of Sanctuary designation. Alternatives to facilitate closure of this fishery shall be evaluated as part of the EIS for sanctuary designation including buy-out of existing permits, or other closure options. In the interim phase out period, limit existing bottomfish fishing, permitted as of the year 2000, through catch and size limits, gear restrictions, time and area closures, zoning, and NMSP permits, to designated areas where interactions with endangered Hawaiian monk seals, and other protected wildlife have been demonstrated as being very low, and with reporting requirements that ensure the fishery can be monitored to collect data**

**for ongoing evaluation of impacts. Such fishing shall be limited to federal permittees, and gear types to handline and trolling.**

Supporting Data and Information:

- Bottomfish have life history attributes that make them susceptible to overfishing, e.g., limited habitat, high-value snappers slow growing
- Endangered Hawaiian monk seals and Pacific bottlenose dolphins interact directly with NWHI bottomfish fishery (WPFMC, *Amendment to Bottomfish FMP, Bycatch Provisions*, 2002; Nitta and Henderson 1993; Nitta 1999)
- Schooling species highly vulnerable to fish finding technology (Kelly, *Subcommittee Presentation*, February 2004 ; SRG, *Working Documents: Bottomfish Fishery*, 2004)
- Consistent decline in catch per unit effort of bottomfish species; decline in mean weight of *onaga*; spawning ratio approaching 20% critical threshold level (at or near lower bounds of 95% confidence intervals) (SRG, *Working Documents: Bottomfish Fishery*, 2004)
- Socioeconomic impact of prohibiting fishery minimal especially if buy-out is an option; currently (2003), only five vessels fishing in Mau Zone
- Bottomfish fishery results in significant (25%) bycatch which is 10% higher than that reported in fishery logbooks (WPFMC, *Amendment to Bottomfish FMP, Bycatch Provisions*, 2002)
- Inappropriate management approach used, which considers the bottomfish species complex, multiple species with varied life history traits, as if it were a single species

**F. Commercial pelagic fishery shall be limited through time and area closures, zoning, NMSP permits, and other management measures, to designated areas where interactions with endangered Hawaiian monk seals, and other protected wildlife have been demonstrated as being very low, and with reporting requirements that ensure the fishery can be monitored to collect data for ongoing evaluation of impacts. Such fishing shall be capped based on reported landings for the year preceding Dec 4, 2000. All Fish Aggregation Device fishing shall be prohibited, and fishing gear limited to handline, pole and line, and trolling.**

Supporting Data and Information:

- Inadequate data to assess effects on target species, warrants precautionary approach
- Interactions with protected species with potentially negative consequences

**G. Continue to prohibit pelagic longline fishing within 50 nautical miles around the NWHI.**

Supporting Data and Information:

- In 1991 National Marine Fisheries Service implemented a rule prohibiting longline fishing within 50 nm of the NWHI, the result of changes in the pelagic longline fishery and interactions between the fishery and the endangered

Hawaiian monk seal. The rule provides protection (Protected Species Zone) around monk seal breeding and foraging areas to eliminate incidental take from longline fishing operations. (WPFMC, *Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region*, 1991)

- H. Native Hawaiian subsistence fishing practices may continue to the extent consistent with existing law, subject to appropriate NMSP permitting and reporting requirements. Native Hawaiian subsistence practices shall mean 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 under this definition. Provisions may be made under this definition to include the customary practice by Native Hawaiian Ni’ihau and Kaua’i families to travel to the NWHI and bring back ocean resources for community sharing.**

Supporting Data and Information:

- Aspects of subsistence use are currently practiced, such as use of the NWHI for cultural renewal, ~~and~~ education, and culturally-based gathering of marine resources
- Native Hawaiian fishers expressed strongly held beliefs and ethical dimensions of fishing in the NWHI, indicating fishing practices and fishery management has not been consistent with values
- Defined as culturally based gathering; not a lot of activity currently (SRG, *Working Documents: Subsistence Fishing*, 2004)
- Cultural use not considered a fishery
- Subsistence fishing as a part of traditional cultural practices ~~was described as~~ includes catching fish for on-site consumption as part of a larger cultural activity

- I. Sustenance fishing shall be allowed only as incidental to other permitted activity, with all catch consumed while in the NWHI, subject to regulations set forth in the management plan.**

- J. All fishing not specifically allowed herein shall be prohibited.**