Western
Pacific
Regional
Fishery
Management
Council

May 25, 2006

Mr. Paul Koberstein
Editor and Publisher
Cascadia Times
25-6 NW 23rd Place, No. 406
Portland, OR 97210

Re: Response to Spring 2006 Article Concerning the Western Pacific Regional Fisheries Management Council

Dear Mr. Koberstein:

The purpose of this letter is to respond to the Spring 2006 edition of your publication in which you level a range of personal and professional attacks against the Western Pacific Regional Fishery Management Council ("the Council"), its members, and the communities it represents.

At best, your Spring 2006 edition contains a number of false and misleading statements that ignore the history and culture of the Hawaiian Islands, and the efforts of many scientists and public servants who have spent their careers conserving and protecting environmental resources. At worst, this edition represents nothing more than poorly researched, unprofessional journalism that distorts the facts. The Council finds it particularly ironic that your mission is to produce a "responsive and responsible" publication that fosters understanding of the natural environment. Your reporting certainly has not achieved these goals.

The attached document details some of the more egregious mistakes, fabrications, and exaggerations contained in your article. Clearly, the attached document amounts to more than what we would expect you to publish in the *Cascadia Times*, but we believe that certain members of your board may be interested in the facts so that they may judge for themselves the degree to which your publication has strayed from the truth and the public interest.

The Facts About Monk Seals

Your comments on the Hawaiian monk seal population in the Northwestern Hawaiian Islands (NWHI) ("The monk seal began losing population to starvation just as the lobster fishery collapsed in the late 1980s...) ignore the facts that monk seal population had been declining throughout the NWHI since the 1950s. Quoting directly from the Hawaiian Monk Seal

Recovery Plan,[1] "results suggest that the species declined by about 50 percent between the late 1950s and the mid 1970s." As you may know, the Magnuson-Stevens Fishery Conservation and Management Act (MSA) was enacted by Congress in 1976, and this Council was formally established under the MSA later that same year.[2] The precipitous and chronic decline of the monk seal that occurred prior to 1976 appears to have been caused by the large military and civilian presence in the NWHI during and after WWII, which was gradually reduced in the following decades, but not without disastrous consequences to monk seals. It was only through the pro-active intervention of the scientists at the National Marine Fisheries Service (NMFS) Honolulu Laboratory in the late 1980s and 1990s, under the direction of the Hawaiian Monk Seal Recovery Team, that this decline was halted, and the population stabilized but at less than 50% of the 1950's population level.

Monk seal abundance at French Frigate Shoals (FFS), shown in your figure, peaked in the mid-1980s and has declined since then. While this period of decline corresponds with the changes in catch per unit of effort (CPUE) in the lobster fishery, FFS was not a prime lobster fishing ground and stocks there have remained more or less unfished over the past two decades. This ban was implemented because the Council recognized early on in the development of the lobster fishery that FFS contains the largest segment of NWHI monk seals. The appearance of emaciated pups and poor juvenile survival rate at FFS appear to be caused by the erosion of small sand islands in the lagoon, which are nurseries for the pups and juveniles. As a result, the mothers and pups are forced into greater concentrations in the remaining habitat. This creates greater stress among the mother seals due to frequent squabbling, thus neglecting the pups' well being and making them increasingly vulnerable to shark attack. In 2005 a total of 52 pups were born at FFS of which 14 or 27% were lost as a result of shark predation.[3]

NMFS has repeatedly stated that no connection exists between NWHI lobster abundance and monk seal population trends. More tellingly, the lobster fishery has been closed for almost a decade with a concomitant rebuilding of lobster stocks, especially slipper lobsters, yet the monk seal problem at FFS continues to exist. Conversely, in the Main Hawaiian Islands, the monk seal population is growing exponentially despite the heavier fishing pressure for many known monk seal prey items.

The Facts About the NWHI Lobster Fishery

Commercial fishing for lobsters in the NWHI began long before the Council was established. No regulations governing lobster fisheries in the NWHI existed when the fishery first expanded in the 1980s. The Council responded to this situation by developing a fishery management plan (FMP) to regulate this fishery and conserve stocks. Advice on the level of catch, fishing effort and the Maximum Sustainable Yield (MSY) was provided by the NMFS

[1] NMFS. 2005. Recovery Plan for the Hawaiian Monk Seal. Prepared by the Hawaiian Monk Seal Recovery Team for the Office of Protected Resources National Marine Fisheries Services National Oceanic and Atmospheric Administration.

[2] See 16 U.S.C. § 1852(a).

[3] Personal Communication, NMFS Pacific Islands Fisheries Science Center (2006).

Honolulu Laboratory using dynamic production models, which were regarded at the time as cutting edge fisheries science.[4] However, as was later understood, the NWHI is in fact subject to major oceanographic regime shifts, a fact that was not reflected in NOAA's management models. As such, the abundance of lobsters and other fish stocks may change by an order of magnitude depending on whether the area is bathed in nutrient rich waters or not. All lobster populations on unfished as well as exploited banks declined simultaneously in 1989 when the NWHI switched from a nutrient rich to a nutrient poor regime. This regime shift was observed across several different trophic levels in the NWHI, in both the terrestrial and aquatic ecosystems leading to a decline in range of animal populations in the NWHI.[5, 6]

Contrary to the assertions in your article, the Council did not ignore these data. Indeed, a review of the Council and its Scientific and Statistical Committee (SSC) minutes through the 1990s to the present reveals a persistent and focused concern with the data and modeling used by NMFS to generate yield estimates for the fishery. Moreover, the level of concern was such that the Council convened several workshops specifically to examine the model used in managing this fishery to estimate stock abundance.

Based on these concerns, the Council set the harvest level for the fishery at just 13% of the harvestable biomass, which corresponded with a low (10%) risk of overfishing the population. The Council also instituted a "retain-all" policy for the NWHI lobster fishery only after researchers found levels of discard mortality approaching 100%. The retain-all policy forced fishermen to count every lobster brought onboard as part of the annual fishery quota. Although controversial, this policy eliminated the possibility of "high grading," a practice that occurs in quota systems where fishermen discard animals with low market value in order to catch ones that bring a higher market value.

No scientific evidence exists indicating that the lobster fishery is overfished. Those who manage lobster fisheries know that lobster population abundance is cyclic, with populations rising and then falling. The lobster fishery was closed by NOAA Fisheries and the Council due to uncertainties in the lobster population model that was used to calculate the number of lobsters that could be caught and, since that time, has not been reopened because NOAA Fisheries has not completed an environmental impact statement and has not issued a quota for the fishery.[7] NOAA Fisheries, as requested by the Council, has continued to research the NWHI lobster stock.

In March, 2006, the Council voted to close the NWHI lobster fishery indefinitely but continues to advocate for research on the populations since the spiny and slipper lobsters are

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[4] Polovina, J.J. 1989. A system of simultaneous dynamic production and forecast models for multispecies or multiarea applications. Canadian Journal of Fisheries & Aquatic Sciences, 46 (6), 961-963.

[5] Polovina, J.J. et al. 1994. Physical and biological consequences of a climate event in the central North Pacific. Fisheries Oceanography 3 (1), 15-21.

[6] Polovina, J.J. 2005. Climate variation, regime shifts, and implications for sustainable fisheries. Bulletin of Marine Science, 76(2):233-244.

[7] The fishery was a bank-specific quota fishery. The quota was based on a 10 percent risk of overfishing, which is a very conservative figure.

indicators of ecosystem function. These are hardly the actions of a Council "obsessed with the personal profits of a few individuals."

The Facts about Council Membership

The Council is one of eight regional councils in the United States, which were established under the MSA. The Western Pacific Council has 13 voting and 3 non-voting members. Half of the members are appointed by the U.S. Secretary of Commerce to represent fishing and related community interests in the region. Remaining members are designated state, territorial and federal officials with fishery management responsibilities. The Council, by Congressional mandate, is made up of 16 members.

(1) Four designated state officials, i.e., the head of fisheries from the governments of Hawaii Guam, American Samoa and the Commonwealth of the Northern Mariana Islands (CNMI);

(2) Four designated federal officials, i.e., the regional administrator of the NMFS Pacific Islands Regional Office, a regional U.S. Fish and Wildlife representative, the commander of the U.S. Coast Guard 14th District and a representative of the U.S. Department of State; and

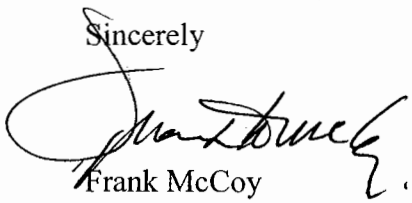
(3) Eight members who are nominated by the governors of Hawaii, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands (CNMI) and selected by the Secretary of Commerce. Currently these include a variety of stakeholders, not just fishermen and/or fishing industry representatives. The majority are Native Pacific Islanders with thousands of years of cultural management practices.

Contrary to the allegations contained in your publication, no management action by this or any other fishery management council can be imposed unilaterally on a fishery. An FMP or FMP amendment must go through an extensive review and approval process, with ultimate approval authority resting with the Secretary of Commerce. This process entails review by government fisheries scientists, economists, social scientists, fishery management specialists, and lawyers, and may result in approval, modification, or disapproval of proposed actions. Further, the process includes multiple opportunities for the public to comment upon proposed Council actions and documents, as well as any resultant environmental impact statements or proposed rules.

Conclusions

In closing, I encourage *Cascadia Times* to adhere to professional and ethical guidelines when reporting on issues of importance to the public. As public servants, we owe the public the truth, and we owe it to ourselves to strive for the highest professional standards possible. Your Spring 2006 publication falls far short of these standards and guidelines, and does the public a great disservice.

Sincerely



Frank McCoy
Council Chair

Cc: *Cascadia Times* Board of Advisors

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Attachment:

- "Inaccuracies, Innuendos and Omissions in the *Cascadia Times* 'Special Report: The Northwestern Hawaiian Islands / Rogues of the Pacific'"

Inaccuracies, Innuendos and Omissions in the *Cascadia Times*
"Special Report: The Northwestern Hawaiian Islands / Rogues of the Pacific"

FALSE: The NWHI are "America's largest coral reef ecosystem" (page 3).
TRUTH: The NWHI contain 10% of the nation's total potential coral ecosystem habitat if calculated based on 0-10 fathom contour and 14% of the total potential coral ecosystem habitat if calculated based on 0-100 fathom contour. Florida comprises a much larger coral reef ecosystem, accounting for more than 80 percent of the U.S. coral reef habitat. [Source: Rohman, SO, JJ Hayes, RC Newhall, ME Monaco and RW Grigg. 2005. The area of potential shallow water tropical and subtropical coral ecosystems in the United States. In Coral Reefs (2005) 24: 370-383.]

FALSE: The NWHI are "undisturbed" (page 3).
TRUTH: The Polynesian settled on Necker Island and Mokumanamana (Necker Island) around 1000 A.D., and Native Hawaiians for hundreds of years traveled from the main Hawaiian Islands to the NWHI to gather bird feathers, catch turtles and fish, and perhaps to pursue other cultural purposes. In the 19th century, foreign vessels gathered reef fish, seals, whales, turtles, sharks, birds, pearl oysters and sea cucumbers from the NWHI. Commercial fishermen from the main Hawaiian Islands have continuously fished in the NWHI for nearly a century. Among the land-based human activities since the mid-19th century are guano extraction, harvesting of bird skins and feathers, establishment of military bases and LORAN stations, research operations, tourism and sport fishing. As a result of these land-based activities, endemic species have been lost and invasive species have been introduced.

FALSE: The NWHI lobster stocks are overfished (page 3).
TRUTH: NMFS has never listed either NWHI lobster species (spiny tail or slipper lobster) as "overfished" in its *Annual Report to Congress on the Status of the Stocks*. The NWHI lobster fishery was a bank-specific quota fishery. The quota was based on a very conservative 10 percent risk of overfishing, which amounted to a total quota of 13 percent of the harvestable yield. As a precautionary measure, Council and NOAA at the recommendation of fishermen closed the fishery because of observed changes in fish catch and uncertainty in population model used to calculate harvest guideline. The lobster fishery was not re-opened because NOAA Fisheries did not issue a quota for the fishery. The courts also closed the fishery until NOAA completed an Environmental Impact Statement, which to this day has not been done. In a declaration to the U.S District Court dated September 29, 2000, Dr. Rebecca Lent, former NMFS Southwest Regional Administrator and current NMFS Assistant Administrator for Fisheries, stated that NMFS closed the NWHI Crustacean Fishery due to the uncertainties in the population model used to estimate the exploitable lobster population.

The best available science shows that there was an oceanic regime shift in 1989 that caused reduced populations in many species, including lobster ("Climate Variation, Regime Shifts, and Implications for Sustainable Fisheries," by J. Polovina, *Bulletin of*

Marine Science, 76(2):233-244, 2005). This was evident at Laysan Island where the fishery did not operate.

The monk seal population has declined at French Frigate Shoals, but the reason for this has never been identified. Other island and atolls have stable or increasing monk seal populations. Problems at French Frigate Shoals that impact monk seals may include competition with other large predators (sharks and jacks), lost haul out areas due to shifting sand, shark predation of pups, and aggressive male monk seals that attack females and pups (two such aggressive males were relocated to Johnston Atoll in 1999). Other issues include marine debris entanglement and possible toxic pollutants (residue from the creation and use of Tern Island for military purposes).

FALSE: NOAA "now believes that it's 'likely' that the monk seal relies on the lobster as an important part of its diet—after years of refusing to say so (page 3).

TRUTH: This statement was not made by any NOAA scientist. It was made by the National Marine Sanctuary Program (NMSP), an agency that does not study monk seals. The Pacific Islands Fisheries Science Center (PIFSC), which does study monk seals, now believes that lobster is not as important to monk seal diet as previously believed. No scientific evidence exists to support the claim that the lobster fishery is the cause of the Hawaiian monk seal problem. Instead, PIFSC scientists have found an apparent link between survival of juvenile Hawaiian monk seals and ocean productivity (Baker J, J Polovina and E Howell, "Apparent Link Between Survival of Juvenile Hawaiian Monk Seals and Ocean Productivity," presented at the "Symposium on Climate Variability and Ecosystem Impacts on the North Pacific: A Basin-Scale Synthesis," April 2006, Honolulu).

FALSE: A 2005 "study" by conservation groups confirms overfishing is occurring in the NWHI (page 3).

TRUTH: The 2005 "study" by The Ocean Conservancy and Marine Conservation Biology Institute claiming overfishing in the NWHI is just that, a claim. This "study" was not peer reviewed by any scientist with stock assessment experience and lacks any credibility. In fact, in direct response to this claim, the director of PIFSC posted a letter on Oct. 27, 2005, on the PIFSC website that stated: "We'd like to clear the record in terms of the scientific judgments from the National Oceanic and Atmospheric Administration (NOAA). And, in brief, the populations of snappers, groupers and jacks (aka, bottomfish) in the NWHI are fine. Bottomfish in the NWHI are not overfished and the level of fishing (fishing days) is within the established targets as determined by Federal guidelines."

MISSING INFO: Page 3: The author wholly ignores the Magnuson-Stevens Act's National Standards, which mandates the Council to manage fishing based on the best available science and to allow harvest of marine resources using a science-based methodology to accurately estimate a sustainable harvest level.

FALSE: The Council is controlled by commercial interests (page 4).

TRUTH: The Council, by Congressional mandate, is made up of the following 16 representatives:

Four designated state officials:

- Peter Young, Hawaii Department of Land & Natural Resources
- Adrienne Loerzel, Guam Office of the Governor
- Ray Tulafono, American Samoa Department of Marine & Wildlife Resources
- Ignacio Dela Cruz, Commonwealth of the Northern Marianas Islands (CNMI) Department of Land & Natural Resources

Four designated federal officials:

- Bill Robinson, Pacific Islands Regional Office, National Marine Fisheries Service
- Jerry Leinecke, U.S. Fish and Wildlife
- Rear Adm. Sally Brice-O'Hara, U.S. Coast Guard 14th District
- Bill Gibbons-Fly, U.S. Department of State

Eight members who are nominated by the governors of Hawaii, Guam, American Samoa and CNMI and selected by the Secretary of Commerce:

- Frank McCoy, Harbor & Environmental Services (American Samoa)
- Stephen Haleck, business owner (hotel and gas station) (American Samoa)
- Manuel Duenas, Guam Fishermen's Cooperative Association (Guam)
- Frederick Duerr, resort and hotel consultant (Hawaii)
- Edwin Ebisui, attorney at law (Hawaii)
- Rick Gaffney, boat dealer and ocean recreation consultant (Hawaii)
- Sean Martin, Pacific Ocean Producers (Hawaii)
- Benigno Sablan, cultural practitioner (CNMI)

FALSE: The Council's goal is to open lobster, coral reef fish and precious coral fisheries in the NWHI (page 4). "Wespac's goal is to open three fisheries and expand a fourth in the NWHI" (page 8).

TRUTH: The Council did not advocate re-opening of lobster fishing. In March 2005, it voted on draft fishing regulations for the NWHI National Marine Sanctuary that would establish a moratorium on all commercial, recreational, subsistence and sustenance fisheries for lobster, precious coral and coral reef fish fisheries. In March 2006 the Council voted to amend its existing Fishery Management Plans to prohibit fishing for lobster, precious coral and coral reef fish in the proposed NWHI National Marine Sanctuary, even though the Goals and Objectives of the proposed NWHI Sanctuary allow non-commercial harvest of lobster resources.

The Council's goal is also not to expand the bottomfish fishery, but rather to further restrict it. In March 2006, it voted to reduce bottomfish permits for the NWHI from 17 to 14, to cap harvest at 381,500 pounds (85 percent maximum sustainable yield) and to create large no-fishing areas around French Frigate Shoals, Pearl and Hermes Reef, and Midway and Kure Atolls.

FALSE: All traditional and customary uses would be protected by the sanctuary (page 4).

TRUTH: The Council stands by its interpretation of the NMSP's September 20, 2004, Advice and Recommendations document that a proposed National Marine Sanctuary may prohibit or restrict all fishing and Native Hawaiian use in the area. The NMSP's document provides certain Native Hawaiians from Kauai and Niihau access to NWHI to bring back any marine resources to the main Hawaiian Islands for community sharing. However, this privilege is not extended to Native Hawaiians from the other islands.

Questions on this issue from the Council to the NMSP were clarified in a letter dated October 24, 2004, from Dan Basta, Director of the NMSP. In his letter, Mr. Basta states all other Native Hawaiians from the other islands may obtain a recreational fishing permit. The recreational fishing provision of the NMSP allows access only to Nihoa and only to catch certain species of jacks and pelagic species.

Additionally, while Hawaii's constitution may guarantee Native Hawaiian certain rights to access and use public resources that are not extended to other ethnic groups, federal civil rights laws prohibits federal entities from guaranteeing such rights to access and use of public resources to a certain ethnic group while denying such benefits to other ethnic groups.

In light of federal civil rights laws and the fact that NOAA has not yet released an environmental impact statement with a preferred alternative for the proposed sanctuary, it is purely speculative that any traditional and customary uses are at this point protected or "guaranteed" by the sanctuary.

FALSE: The Council and NOAA promote recreational fishing near Hawaiian monk seals on Nihoa and sponsored a four-day recreational fishing trip to Nihoa (pages 4 and 9).

TRUTH: The Council and NOAA frequently work with local fishing television shows to air one- to two-minute marine resource conservation messages. The author's simple logic that since the Council and NOAA worked with a local fishing television show to air marine resource conservation messages, we must therefore also pay for the fishing expeditions aired on the show demonstrates the author's ignorance and investigative weakness.

MISSING INFO: Page 7: The article omits the phrase preceding the one quoted on management principles in the Executive Order, i.e., "The Reserve shall be managed using the best available science ...."

MISSING INFO: Page 8: In the main Hawaiian Islands, the majority of bottomfish grounds are in State waters, hence the State has managed these fisheries. It designated 19 Bottomfish Restricted Fishing Areas and kept the fishery open-access but required all vessels catching bottomfish to register with the State (approximately 3,800 vessels have). In the NWHI, the majority of bottomfish grounds are located in federal waters, and the

Council has managed this area and has implemented regulations that limit the fishery to 17 vessels (with recommendations to reduce this to 14) of no larger than 60 feet in length.

The NWHI bottomfish fishery managed by the Council is healthy. The fishery catches about half the amount of fish that scientists estimate can be taken without affecting the sustainability of the resource. In 2003 NOAA Fisheries scientist calculated the maximum sustainable yield of NWHI bottomfish around 448,000 lbs. The fishery landed approximately 224,000 lbs in 2003.

In June 2005 the Council was informed that overfishing was occurring in the Hawaii Archipelago; however, overfishing was only occurring in the main Hawaiian Islands. The Council and NOAA Fisheries are working with the State of Hawaii to end overfishing in the main Hawaiian Islands.

MISSING INFO: The article fails to mention that Buzzy Agard was fishing in the NWHI during a time when there were no fishing regulations in place.

FALSE: Wespac officials have been lobbying Hawaii legislators to pass New Jersey bill blocking marine protection (page 9).

TRUTH: One of Council's primary responsibilities is to inform decision makers of actions affecting fishing communities and their constituents. Council staff met with Rep. Ezra Kanoho at his request to discuss issues related to the Northwestern Hawaiian Islands.

FALSE: A bill introduced in the Hawaii Legislature in January that would ban new marine protected areas in the state was written by the Council (page 9).

TRUTH: The bill (H.B. 2881) would not ban new marine protected areas in the state but rather would require the Hawaii Department of Land and Natural Resources to use best science and explore various tools to conserve fish stocks before simply prohibiting fishing as a first resort. According to *Hawaii Island's Journal* ("Fish Fight" by Alan McNair, March 25-April 7, 2006; page 12), "Rep. Dwight Takamine (D. -N. Kohala, S. Kohala, Hamakua, N. Hilo) told the Journal that his staff wrote Bill 2881, based on language from 'statutes that had been implemented in other states.'"

FALSE: The Council's new Fishery Ecosystem Plans (FEPs) are little more than a new green-sounding spin to its fishing plans (page 9) and would allow the Council to expand its jurisdictional boundaries (page 20).

TRUTH: The Council has always stated that the FEPs are just the first step in transition from a species-based approach to an ecosystem-based approach. This first step is to simply re-organize its **existing codified fishing regulations** under place-based FEPs. The Council has never claimed that these FEPs contain every critical feature of ecosystem planning (e.g., predatory-prey relationships). It recognizes these important components of a FEP and will strive to identify them for all species in each island

area in future steps. The FEPs do not create any new regulations at this time, nor expands the Council's jurisdictional boundaries.

FALSE: The Council's budget is too much because fisheries managed by the Council accounts for just 2 percent of the value of U.S. fisheries yet the Council receives 25 percent of the Regional Fishery Management Councils' budgets (page 10).

TRUTH: Councils do not know the budgets of other Councils. However, Council budgets are not contingent upon the number of fisheries they manage or the economic value of the fisheries under their jurisdiction as the author implies. Regional Fishery Management Councils also receive funding through competitive grant programs offered by federal agencies, thus providing additional funding for their research and management needs.

The area managed by the Western Pacific Regional Fishery Management Council area is approximately 1.5 million square miles, or one-third of the Exclusive Economic Zone under U.S. jurisdiction, and contains some of the most diverse and productive ecosystems under U.S. jurisdiction.. Given the Council's mandate under the Magnuson-Stevens Act and the recommendation of the U.S. Ocean Policy calling for greater understanding of the structure and function of the ecosystem (e.g., predator prey relations, sea turtle conservation, etc.), the budget percentage of this Regional Fishery Management Council (as the author also asserts, contradicting himself) seems insufficient rather than exorbitant.

MISSING INFO: Page 17: The author claims that uncertainty about the link between lobster and monk seals is a reason to use a precautionary management approach and keep the fishery closed. The author fails to discuss other potential reasons for the problem with juvenile monk seals, such as food competition with predators (such as sharks and jacks) in a predator-dominated ecosystem of the NWHI, shark attacks on pups and juveniles (that is well documented by NMFS), attacks and interactions with aggressive male monk seals that occurred at Laysan in the early '90s and more recently in 1998 and 1999 at French Frigate Shoals, or entanglement with marine debris (also well documented by NMFS and the primary reason for marine debris removal activities of recent years in the NWHI).

FALSE: A proposed regulation for black coral fishing would violate a Council policy that was just two months old (page 20).

TRUTH: This statement by Hawaii Division of Aquatic Resources Administrator Dan Polhemus is plain ignorance. The proposed black coral regulation is not contained in the FEPs because it is still proposed and not an "existing codified fishing regulation." The "proposed" black coral regulation would be implemented in the future as an amendment to the Hawaii FEP.

FALSE: There were many more errors to the FEPs than those acknowledged by Council on the last day of public hearings, according to Hawaii officials (page 20).

TRUTH: Following the December 20, 2005, Council meeting, Council Executive Director Kitty Simonds requested the Hawaii Department of Land and Natural Resources to

review the Hawaii FEP and identify any factual, grammatical or typographic errors. On January 31, 2006, the Department of Land and Natural Resource provided just 18 comments many of which were missing punctuation marks and misspelled words.

FALSE: The public has been shut out of the FEP review process altogether (pages 20 and 21).
TRUTH: The Council held more than 20 pubic meetings on FEPs throughout the region between October 2004 and December 2005. Moreover, the FEPs have yet to be released for official NOAA review and public comment. When this occurs, the public will have ample time to further review and comment on the documents.

MISSING INFO: Page 21: There is nothing in the Executive Orders and the National Marine Sanctuaries Act that would make it illegal for the Council to provide advice and recommendation to NOAA for fishing regulations for the proposed NWHI National Marine Sanctuary. In fact, the NMSA specifically provides for Council involvement in the development of fishing regulations within sanctuaries, and NMFS has reaffirmed its desire to involve the Council in its forthcoming management planning processes for the proposed NWHI Sanctuary.