



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

**Ecosystem & Habitat
Action Memorandum**

104th Council Meeting
Maui Prince Hotel
Makena, Hawaii
15 June 2000
Draft

Regarding the Coral Reef Ecosystems FMP, the Council acted to continue with its preferred alternative (of March 2000) for the FMP, except as modified below:

Status: Draft Coral Reef Ecosystem FMP/DEIS revised based on the following modifications. Revised draft submitted 9 August for internal review by NOAA/NMFS. Memo of 21 September from R. Lent (RA) to K. Simonds included recommended revisions. Conference call held 21 September to discuss revisions needed. Memo of 22 September from K. Simonds to R. Lent addressed how we intend to make the revisions for NMFS concurrence. Memo of 26 September from R. Lent to K. Simonds concurred with part of our response and listing additional recommendations.

I. MANAGEMENT UNIT SPECIES (MUS)/TAXA

The management unit shall include virtually all biota in the coral reef ecosystem, except species already covered under existing fishery management plans (FMPs). The management unit shall be divided into two groups of species or taxa:

- “Currently Harvested Coral Reef Taxa,” i.e., organisms that are currently harvested but not covered by existing FMPs, for which adequate information is available to begin management [current version of Table 2 made from April summary].
- “Potentially Harvested Coral Reef Taxa,” i.e., organisms that are not known to be currently harvested, or for which adequate information is not available [current version of Table 3 made from April summary].

The currently harvested list of the draft CRE plan should be reviewed and revised as necessary, adding management unit species to the other FMPs where appropriate.

For information, all species (MUS) managed under other FMPs should be listed in the CRE plan. Some MUS in the FMP are included under the Council’s other four FMPs, under which their MSY/OY, EFH and other fishery characteristics are identified. For these MUS, fishery-level

effects and management should be the primary responsibility of the other FMP processes, while ecosystem effects should be the primary responsibility of the coral reef ecosystem FMP process. However, all Plan Teams should review all recommendations concerning these species for consistency. Where inconsistencies occur, an inter-Plan Team effort (through the formal non-regulatory process) should work to modify recommendations for consistency.

II. FISHING PERMIT AND REPORTING REQUIREMENTS

Permit and reporting to rely largely on existing region-specific (local) systems for monitoring and coordination (as in following table, from CREPT):

Region	Fishery Type	Special Permit	General Permit	Reporting*
PRIAs NWHI	Existing/emerging targeted CRE fisheries	permit mgmt. meas.	n/a	via permit
Am. Samoa Guam	Existing/emerging targeted CRE fisheries	framework	framework	via local monitoring, coordination
CNMI MHI	Existing targeted CRE fisheries Emerging targeted CRE fisheries	framework permit mgmt. meas.	framework framework	via local monitoring, coordination via permit

Notes: 1) For currently harvested CRE taxa.

2) Potentially harvested CRE taxa require special permit.

3) For all areas, incidental CRE catch under other FMPs will require no additional permit; reporting via local monitoring and coordination.

4) Develop local-specific mechanisms for monitoring and reporting where no reporting systems exist.

* Details of reporting mechanism to be determined.

Related Provisions:

- No permits shall be issued for commercial take of wild live rock. A special permit will be required to take small amounts of live hard corals as seed stock for aquaculture purposes, or for traditional/ceremonial purposes by indigenous peoples.
- Permits may be issued for scientific and management activity (including anchoring, limited collecting, and bioprospecting) in all areas and depths, and with regard to all taxa. Scientific research should be closely related to ecology and resources of the coral reef ecosystem of the region. These permits should not cover bulk harvesting or extractive activities beyond individual prospecting for bio-active materials.
- The NMFS SWFSC Director must coordinate with the Council regarding applications for research permits through "letter of application" (CFR 600.74a)

- Existing FMP fisheries shall follow the permit and reporting requirements in their respective plans.
- Special permits may be required for particularly vulnerable species (see CREPT's prohibited list); additional species may be added/removed from the list through framework.
- The Coral Reef Ecosystem Plan Team will prepare an annual report; evidence of overfishing and/or substantial negative impacts from fishing activity shall be brought to the attention of the Council with recommendations for management action, if necessary.

Indigenous Fishing Provisions:

- The access rights of Native Hawaiian People to the Northwestern Hawaiian Islands for traditional and customary practices shall be permitted in take MPAs.
- If quotas are established for the commercial exploitation of the coral reef resources, in Hawaii 20% of such quotas shall be reserved for the exclusive and unconditional use of Native Hawaiians. An appropriate percentage of the sustainable quota of the coral reef resources shall be determined later for CNMI, Guam and American Samoa.

Special Permit Application Criteria:

- Species/taxa to be targeted by the fishery.
- Estimated levels of catch, daily, by trip, and trips per year.
- Locations of areas/banks to be fished.
- Gear to be used and methods of collection (should be selective and minimize ecosystem/habitat impacts).
- Other criteria as determined by the Council, consistent with its authority under the M-S Act.
- An appeals process will be provided for both general and special permit processes.

Grounds for Denial of Special Permit:

- The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application.
- According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect any species of fish in a significant way.
- Activities to be conducted would be inconsistent with the intent of the special permit program or the management objectives of the FMP.

Requirements for Special Permit Use:

- Report catch, effort and discards by species, location, time and other factors as specified by the Council.
- Report any lost gear or damage to the coral reef. For the purpose of obtaining accurate reef impact information, the permit holder will not be penalized for complying with this permit condition. The amount of lost gear both reported and discovered will be considered when issuing new and reissuing existing permits.
- Submit reports within 30 days of returning to port.
- Pay administrative costs associated with the permit process.

III. FISHING GEARS AND METHODS

- Only the following selective, non-destructive fishing gears shall be allowed: hand harvest, spear, slurp gun, hand net/dip net, hoop net (for kona crab), throw net, barrier net (for aquarium fish), surround/purse nets for targeted schools (e.g., akule, baitfish, weke) with a minimum of bycatch, hook-and-line (includes handline [powered or not], rod-and-reel, and trolling), and remote-operating vehicles/submersibles.
- Nets shall be tended at all times (except hoop nets for kona crabs).
- Traps shall be allowed in appropriate areas and with appropriate conditions (e.g., minimal bycatch mortality, negligible habitat impact, and provisions to minimize the possibility of ghost fishing); traps must be permanently marked to identify owner.
- Use of poisons, explosives and intoxicating substances is prohibited.
- Spearfishing with assisted breathing apparatus at night is prohibited in the PRIAs and NWHI, and fishing with assisted breathing apparatus will be frameworked in other areas consistent with local regulations.
- Existing FMP fisheries shall follow allowable gear/methods listed in their respective plans.

IV. MARINE PROTECTED AREAS (MPAs)

Significant coral reef areas of special value shall be designated as marine protected areas (MPAs) for their protection, conservation and management.

Existing FMP fisheries follow conservation and management measures in their respective plans, except in no-take MPAs where all fishing is prohibited (no exemptions).

This plan, including MPAs, does not extend to State, territory and commonwealth waters (0-3 nmi from shore), except around Rose Atoll (AS).

Sustainable utilization of coral reef resources for customary and traditional purposes shall be permitted in take MPAs in the Northwestern Hawaiian Islands.

MPAs or sections thereof shall be established for the exclusive use of indigenous people for sustainable customary and traditional practices in the Northwestern Hawaiian Islands.

No cruise ships should be allowed in MPAs due to potential for damage to EFH or HAPC.

MPAs shall be established in the following areas:

1) Wake Atoll and Johnston Atoll

- Special Permit Zones: 0 to 50 fathoms; allow recreational fishing.

2) Midway

- No-take MPA for half of Midway; other half allow recreational fishing for island inhabitants for on-island consumption or catch-and-release.
 - Special Permit Zones: 0 to 50 fathoms;
- 3) **Jarvis Island, Howland Island, Baker Island, Kingman Reef and Palmyra Atoll**
- No-take MPA: 0 to 50 fathoms.
- 4) **Rose Atoll**
- No-take MPA: 0 to 50 fathoms.
- 5) **Guam's Southern Banks**
- No anchoring by fishing vessels larger than 50 feet.
- 6) **Northwestern Hawaiian Islands**
- No-Take Zones (including existing FMP fisheries): 0 to 10 fathoms around all islands and 0 to 50 fathoms around Laysan and French Frigate Shoals. Within No-Take Zones, anchoring shall not be allowed in areas of particular concern (to be identified).
 - Special Permit Zones: 10 to 50 fathoms around all islands (except as noted above for Laysan and French Frigate Shoals).
 - Recommend that the State of Hawaii and the US Fish and Wildlife Service adopt consistent regulations.

Preliminary Estimates of No-Take Areas

Area	Federal Waters	Total (State/Federal)
NWHI	14%	24%
PRIA	67%	67%
WP Region	13%	21%

V. INSURANCE

All vessels operating or transiting in the MPA shall be required to have insurance to cover the cost of vessel removal and pollution liability (and possibly mitigation) in the event of a grounding, depending on category of vessel, type of permit, and fishing area.

VI. FRAMEWORK ACTIONS

A framework regulatory process shall be established to allow management adjustments to be made rapidly. The following options may be considered for addition to the FMP in the future:

A. Mooring and Anchoring

To protect essential fish habitat from damage, anchoring of any fishing vessel in no-take MPAs should be prohibited except in serious emergencies or in prescribed areas that the Council may designate, depending on category of vessel, type of permit, and fishing area. Mooring buoys may be installed in zones designated by the Council. All other vessels must not anchor in any MPAs.

B. Vessel Monitoring System

Fishing vessels operating in MPAs may be required to carry remote electronic vessel monitoring systems (VMS), if funded by NMFS, as part of an effective monitoring and enforcement system for state, territorial and federal agencies, depending on category of vessel, type of permit and fishing area.

C. Others

Movement of management unit species between the lists (Currently Harvested and Potentially Harvested) should be included under the framework provisions of the FMP.

VII. PROPOSED NON-REGULATORY ACTIONS

- Establish formal process for coordination among plan teams to identify and address impacts to coral reef ecosystems by existing FMP fisheries.
- Facilitate consistent state and territorial level management of coral reef resources.
- Create social, economic and political incentives for sustainable use (including bioprospecting) and disincentives for unsustainable use of coral reef resources.
- Conduct education, public outreach and “coral reef management diplomacy”.