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## **Report of the Joint Meeting of the Coral Reef Ecosystem Plan Team and Ecosystem and Habitat Advisory Panel**

Council Office Conference Room  
Honolulu, Hawaii  
8 March 2001  
DRAFT

Jeff Walters, served as acting chairman for the meeting which began at 12:15 p.m. Non-Oahu based members participated via conference call. (See attached lists of participants.)

### **Introduction**

Kitty Simonds opened the meeting with an update of progress with the Coral Reef Ecosystem FMP since the last meetings of the Plan Team and Advisory Panel, nearly a year ago. The Council generally supports the new NWHI Coral Reef Ecosystem Reserve, but opposes the management of fisheries in the EEZ in ways that circumvent the Council process. She also noted various ambiguities in the Executive Orders that created the Reserve that remain to be clarified.

### **Review of Public Comments on CRE-FMP/DEIS**

Council staff provided an overview of the main management measures contained in the Coral Reef Ecosystem FMP followed by some of the public comments received, as they relate to the measures, together with some proposed responses.

### **Relation of NWHI CRE Reserve to CRE FMP**

Robert Smith, Reserve Manager, presented an overview of the NWHI Coral Reef Ecosystem Reserve, created by Executive Orders at the end of the Clinton Administration. Smith stated that implementation of the mandates of the EOs will be initiated through a Reserve Operation Plan which will be developed over the next six months. Allowable fishing within Reserve Preservation Areas greatly differ from place to place. Smith said that management of the NWHI presents a unique situation in that the EO superceded the authority of the Magnuson-Stevens Act and the fishery management responsibilities of the Council, including development of its CRE-FMP. Anchoring and dumping of effluent, which is prohibited in the Reserve, will be allowed to continue by NOAA research vessels at the discretion of the Secretary. Regarding enforcement questions, Smith said the immediate concerns will be for education with help of the Reserve Advisory Council. Enforcement will initially be light handed except for gross violations for which the Reserve conservation measures are already clear. In response to a question to

clarify which is the "preceding fishing year" in the EO, Smith said this is still unclear. Smith said he hopes to provide answers to the other questions sent to him regarding the Reserve by the March 13, 2001, Council meeting.

### Discussion

The Plan Team discussed the comment whether military restriction at FDM, CNMI, make it a "de facto MPA." Maragos noted that FDM contains a significant amount of coral reef habitat. Others said it is unclear whether FDM is open or closed to public access, as considerable fishing does occur. Only when bombing is occurring is access prohibited.

The comment whether Palmyra should be changed to a low-use MPA from a no-take MPA was discussed by the group. The coral reef task force's recommendation for 20% no-take MPAs was based on representative coral reef habitat within unique geographic sub-regions. Therefore, Palmyra should be considered its own region.

Consistent with a number of the comments, Plan Team members recommended that the CRE-FMP should be made consistent with the Executive Orders creating the NWHI Coral Reef Ecosystem Reserve. The inaccuracy of NOAA nautical charts was discussed in relation to interpreting measures of the NWHI EOs. Maragos noted that IKONOS imagery (5-10 fathoms) and hyperspectral imagery, which is not geo-referenced is only good to about 10 fathoms. Some of the NWHI have been ground-truthed from recent dives, but much work remains to be done.

Some Plan Team members voiced concern about the rationale for general vs. special permits. It was questioned whether "adequate data" exist on any currently harvested MUS to begin management. Further rationale should be provided for the general permit.

Regarding the permit and reporting measure, there was discussion regarding prohibited species and exemptions. It was suggested that the exemptions to the prohibition on commercial take of live wild rock and live coral should also include dead coral and be consistent with local state/territory and federal laws.

The group discussed exemptions of existing FMP fisheries in the context of achieving a true "ecosystem plan." It was suggested that fishing managed under other FMPs should not be exempt from the permitting requirement of the CRE-FMP. Permits issued under FMPs operating within the coral reef ecosystem (<50 fm) should satisfy coral reef ecosystem permitting requirements of the CRE-FMP.

Several members stated that insufficient time was provided to review public comments. Jim Maragos noted that FR regulations state that the DEIS document should be available for review 15 days before the public hearings. Others suggested that the public comment period and review period should be extended, but that preliminary recommendations on the public comment review could be made now. It was noted that the Department of Interior requested the Department of Commerce to extend the public comment period for the CRE-FMP DEIS. A Plan Team member recommended that action on the CRE-FMP be deferred until June when all Plan

Teams and Advisory Panels will be available to review the comments and the FMP can be made consistent with the NWHI Reserve. Dave Raney (public observer) noted that adequate protection is now in place by the NWHI Reserve and that emergency action is no longer needed to protect EEZ coral reef resources.

The Advisory Panel, while agreeing with the Plan Team on the utility of additional time to more fully review comments and make recommendations, concurred with the present preferred alternative in the CRE-FMP/DEIS. It noted the importance of allowing the plan to be completed in a timely manner, which then can be adjusted through various amendments as conditions change and new orders are clarified.

### Recommendations of the Coral Reef Ecosystem Plan Team

#### Marine Protected Areas

- 1) **The regulations, uses and boundaries of MPAs in the CRE-FMP should be consistent with other MPAs established in the Pacific Region, including the NWHI Coral Reef Ecosystem Reserve, Hawaiian Islands National Wildlife Refuge (NWR), and other NWRs.**
- 2) **Provide in the CRE-FMP the scientific justification for establishing no-take MPA for the northern half of Midway Atoll.**
- 3) **For the purpose of the CRE-FMP, 0-3 nmi around Rose Atoll, American Samoa, shall not be managed by the CRE-FMP. This is in support of the comments received from Governor Sunia of American Samoa.**

#### Permit and Reporting

- 4) **The FMP should include monitoring protocols and reporting requirements consistent with ecosystem-based management, including fishery dependant and independent monitoring.**
- 5) **Regarding grounds for denial of a special permit, revise the second bullet (p. 162. Vol. 1, CRE-FMP) to read: "According to the best scientific information available, the harvests to be conducted under the permit would be significantly detrimental to any species or habitat covered under the plan."**

#### Other

- 6) **The EIS should not repeat/duplicate text from the FMP. Eliminate excessive duplication in the EIS/FMP by incorporating by reference text/statements in one place and reference that section anytime it is addressed again.**
- 7) **NOAA should provide guidance as soon as possible to the Council on implementing**

**ecosystem-based FMPs within the content of the Magnuson-Stevens Act.**

- 8) Include a category for MUS in the FMP listing protected/depleted species prohibited from take (as previously developed by the Plan Team).**
- 9) The CREPT should be given more time to review comments and make recommendations on the management measures of the Coral Reef FMP and recommends that another meeting be scheduled. The Council should defer from taking final action on the plan until the Plan Team can meet again in person with sufficient time to adequately review all public comments on the CRE-FMP/DEIS.**

**Recommendations of the Ecosystem & Habitat Advisory Panel**

- 1) The Council should continue to approve the present preferred alternative in the draft CRE-FMP DEIS (Alternative 3: Substantial Additional Protection to CRE Resources) for the final.**
- 2) The Advisory Panel agreed with the Plan Team that more time is needed to fully review all public comments on the CRE-FMP DEIS, which can be used to improve parts of the document not directly related to the preferred alternative, or be addressed through framework amendments.**
- 3) The Advisory Panel was also in agreement with the recommendation that for the purpose of the CRE-FMP, 0-3 nmi around Rose Atoll, American Samoa, shall not be managed by the CRE-FMP.**

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