

Appendix 5

NMFS 2001 Administrative Activities

Protected Species

Protected species interactions have become some of the leading issues in fishery management in the United States. With specific regard to the bottomfish fisheries in the Western Pacific Region, the concerns are focused on fishing interactions with the endangered Hawaiian monk seal. In a court action directly related to this issue, the Earthjustice Legal Defense Fund filed a complaint on behalf of the Greenpeace Foundation, Center for Biological Diversity and Turtle Island Restoration Network alleging that the U.S. Department of Commerce and NMFS, in connection with their authorization of the bottomfish and crustacean fisheries in the NWHI, have violated and are in continuing violation of the ESA, NEPA, and the Administrative Procedure Act (APA) (Greenpeace Foundation, et al. v. William M. Daley, et al. (D. Haw.) Civ. No. 00-00068 (SPK) (FIY)). In March 2001, Federal Judge Samuel King denied the plaintiffs motion for a permanent injunction of the NWHI bottomfish fishery.

NWHI Executive Order

A second environmental concern developed from a series of directives from former President Clinton that focused public attention on protection of U.S. coral reef ecosystems. Executive Order (EO) 13089, Coral Reef Protection, issued in June 1998, requires agencies to (a) identify actions that may affect U.S. coral reef ecosystems, (b) utilize their programs and authorities to protect and enhance the condition of such ecosystems, and (c) ensure that any actions they authorize, fund or carry out will not degrade the conditions of coral reef ecosystems. Agencies whose actions affect U.S. coral reef ecosystems must provide for implementation of measures needed to research, monitor, manage and restore affected ecosystems, including, but not limited to, measures reducing impacts from pollution, sedimentation and fishing. The EO also established the U.S. Coral Reef Task Force composed of the heads of 11 federal agencies and the Governors of seven states, territories or commonwealths with responsibilities for coral reefs. In March 2000, the Task Force issued the National Action Plan to Conserve Coral Reefs, which presents a cohesive national strategy to implement EO 13089.

In May 2000, the President issued a Memorandum stating that it is time to implement the Coral Reef Task Force's recommendations to ensure the comprehensive protection of the coral reef ecosystem of the Northwestern Hawaiian Islands (NWHI).¹ The Memorandum directed the

¹ The President's directive coincided with Executive Order 13158, which requires federal agencies to establish a comprehensive national network of marine protected areas (MPAs) throughout U.S. marine waters. The executive order calls for expansion of the nation's MPA system to include examples of all types of U.S. marine ecosystems. According to the executive order, a MPA means any area of the marine environment that has been reserved by federal, state, territorial, tribal or local laws or has regulations to provide lasting protection for part or all of the natural and cultural resources therein.

Secretaries of Interior and Commerce, in cooperation with the State of Hawai'i and in consultation with the Council, to develop recommendations for a new, coordinated management regime to increase protection for the NWHI coral reef ecosystem and provide for sustainable use. Upon consideration of their recommendations and comments received during the public visioning process on this initiative, President Clinton issued EO 13178 on December 4, 2000, establishing the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, pursuant to the National Marine Sanctuaries Amendments Act of 2000 (NMSA). The EO was revised and finalized by EO 13196, issued January 18, 2001. In establishing the Reserve, the Executive Orders set forth a number of conservation measures, including the creation of Reserve Preservation Areas in which fishing is restricted. Pursuant to EO 13178 and the NMSA, the National Oceanic and Atmospheric Administration (NOAA) is initiating the process to designate the Reserve as a national marine sanctuary (66 FR 5509, January 19, 2001).

Use-it or Lose it Requirement for Permit Renewal (Calendar Yr 2000)

Mau Zone limited entry permits expire on December 31 each year. NMFS will renew a permit for the following year if the permit holder's vessel made a minimum of 5 separate landings, each of which consisted of at least 500 pounds of bottomfish management unit species, from the Mau Zone during the previous permit year. Failure to meet the required landing requirement may result in the permit being lost (not renewed). All 2001 Mau Zone limited entry permit holders will be required to meet this permit renewal requirement.

Northwestern Hawaiian Islands (NWHI) Bottomfish Fisheries

During calendar year 2001, The Pacific Islands Area Office (PIAO) in Honolulu, issued a total of 9 permits for the NWHI bottomfish fishery. Four vessels were registered for the Ho'omalau Zone fishery; 5 vessels were registered with Mau Zone permits.

Ho'omalau Zone vessels:

1. Ka Imi Kai
2. Fortuna
3. Laysan
4. Kealailani

Mau Zone vessels:

1. Kai Pali
2. Imua
3. Wahine Kapaloa
4. Jamie Elizabeth
5. Iwa lani