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WHY THE RUSH?

PROMINENT NATIVE HAWAIIANS AND POLITICIANS ASK

In early 2016, U.S. Sen. Brian Schatz (D-Hawai'i) and seven native Hawaiians asked President Obama to expand the Papahānaumokuākea Marine National Monument (PMNM) using his authority under the Antiquities Act of 1906. Word on the street was the proponents' goal is to have Obama announce PMNM's reclaiming the title as the world's largest marine protected area during the IUCN World Conservation Congress to be held in Honolulu in early September.

News of the proposal surprised the larger native Hawaiian community, politicians, fishermen, businessmen, natural resource managers and others in Hawai'i. On July 26 a group of prominent native Hawaiians joined former Gov. George Ariyoshi and others at a press conference held at the Hawai'i State Capitol to ask, Why the rush to determine the fate of two-thirds of the U.S. exclusive economic zone (EEZ) around the Hawaiian Islands without a transparent analysis and public discussion?

Among the speakers were former U.S. Sen. Daniel Akaka (D-Hawai'i), Office of Hawaiian Affairs Trustee Peter Apo, Association of Hawaiian Civic Clubs President Annelle Amaral and Leon Siu, representing the Koani Foundation, Coalition of Hawaiian Nationals and Ke Aupuni O Hawai'i (Hawai'i Kingdom).

The Hawaiian Affairs Caucus of the Democratic Party of Hawai'i subsequently weighed in noting to the President its concern "about the lack of an environmental and economic assessment."

Sen. Mazie Hirono (D-Hawai'i) voiced similar sentiments: "While there is no requirement that federal agencies make their analyses available to the public before any final decision

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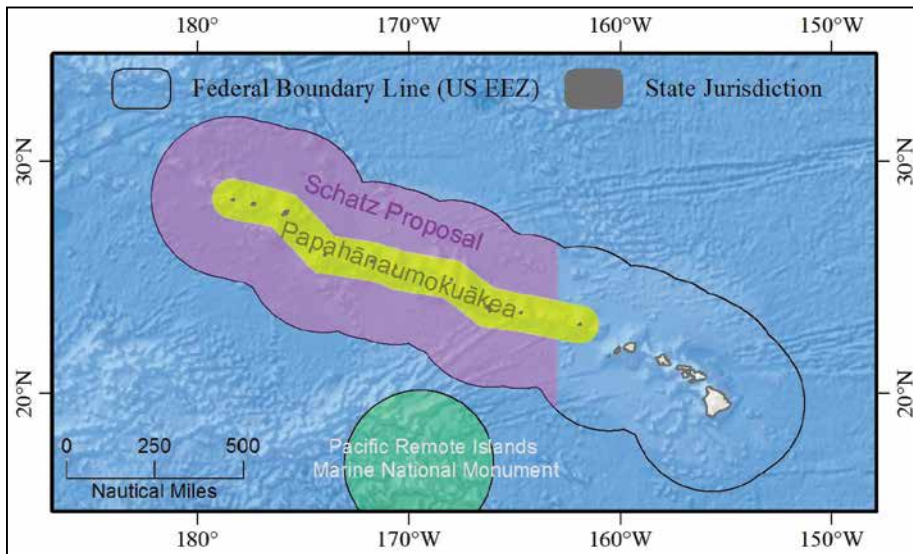


From top: U.S. Sen. Daniel Akaka, Office of Hawaiian Affairs Trustee Peter Apo, Association of Hawaiian Civic Clubs President Annelle Amaral and Leon Siu, representing the Koani Foundation, Coalition of Hawaiian Nationals and Ke Aupuni O Hawai'i (Hawai'i Kingdom) joined other native Hawaiians, former Gov. George Ariyoshi, businessmen and fishermen at a press conference on July 26, 2016, asking for adequate time and a transparent process to discuss the costs and benefits of the proposed expansion of the Papahānaumokuākea Marine National Monument before a decision is made.

ECOSYSTEM-BASED MANAGEMENT OF FISHERIES IN THE US PACIFIC ISLANDS

The Western Pacific Regional Fishery Management Council was established by Congress in 1976 to manage marine resources and maintain opportunities for sustainable domestic fishing in the US exclusive economic zone waters and high seas around Hawaii, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and the eight US Pacific remote island areas.

WHY THE RUSH? (Continued from page 1)



by the President under the Antiquities Act, I believe it would serve the public interest for this information to be made available ... especially as his decision will permanently affect livelihoods and our environment in Hawai'i."

On Aug. 18, the Chamber of Commerce Hawaii board opposed the monument expansion by majority vote. On Aug. 19, the Hawaii Farm Bureau also voted to oppose the expansion.

The current PMNM was established in 2006 by a Presidential proclamation using the Antiquities Act. It placed all of the Northwestern Hawaiian Islands (NWHI) emergent and submerged lands and waters 0 to 50 nautical miles (nm) from shore under federal control. The monument overlaid the 0 to 50 nm Protected Species Zone created by the Western Pacific Regional Fishery Management Council in 1991. Within the monument, all fishing for commercial, recreational and subsistence purposes is banned and access to engage in other activities, such as traditional navigation, requires a permit. The only fish that can be harvested in the NWHI is for "sustenance." In other words, it has to be consumed within the monument area. The transport of harvested resources for customary sharing, customary exchange and cultural uses is forbidden.

Some native Hawaiians are opposed to the proposal to expand the PMNM out to the full extent of U.S. EEZ, i.e., 200 nm from shore. They consider it a further federal taking of the Kingdom of Hawai'i.

The Kingdom was overthrown by the United States in 1893, which then President Grover Cleveland described as "an act of war." The U.S. Minister put in place a Republic of Hawai'i.

In 1898, the Republic was annexed as a territory of the United States by the Newlands Resolution and the Kingdom and government lands were ceded to the United States. Annexation by resolution is not legal, and native Hawaiians consider it a taking of Hawaiian sovereignty.

In 1959, people residing in the Territory were given the choice of remaining a territory of the United States or becoming a state of the union. When Hawai'i became a state, the former government and Kingdom lands were returned to the State of Hawai'i for administration, with oversight authority by the Department of the Interior. Under the State Constitution these "ceded lands" are to be used for the betterment of native Hawaiians and other public purposes.

The emergent and submerged lands of the NWHI are part of the ceded lands inventory, and many native Hawaiians consider the alienation of those lands by the creation of the PMNM as an uncompensated taking of the native Hawaiian trust. They criticize the monument's restrictions on customary practices that, in their view, reduce the rights of native Hawaiians, contribute to the loss of traditional culture and support the forced assimilation of Hawaiian culture into mainstream American culture. With no active fishermen operating those grounds, intimate knowledge of those areas is lost, and Hawai'i's effort for sustainability and food security are weakened.

For these native Hawaiians, expansion of the monument would further diminish the native trust and alienate the majority of the nascent Hawaiian sovereign lands.



WILL NWHI MONUMENT EXPANSION BENEFIT PROTECTED SPECIES?

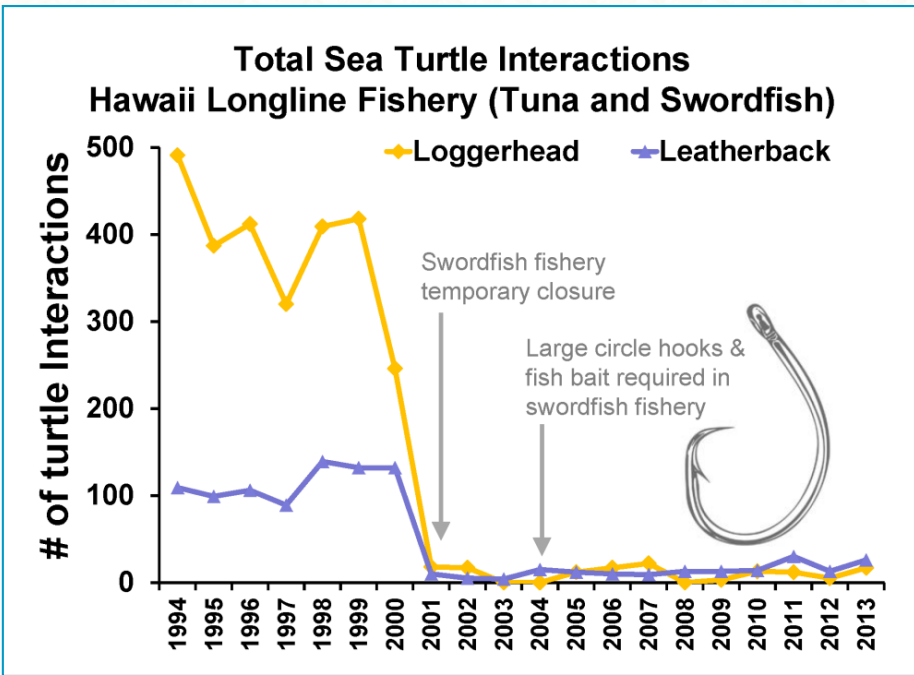
Proponents of the Papahānaumokuākea Marine National Monument (PMNM) expansion argue that the existing boundary around the Northwestern Hawaiian Islands (NWHI) does not allow for proper care and management of protected species, including migratory birds, marine mammals and sea turtles. In reality, existing fishery management mechanisms have implemented conservation measures over the last 40 years, and very little added benefit would come from pushing the boundary from the current 50 nautical miles out to 200 nautical miles, the extent of the exclusive economic zone (EEZ).

The Hawai'i longline fishery pioneered a number of bycatch mitigation measures for seabirds and sea turtles in the early 2000s. For example, all Hawai'i longline vessels are required to use a combination of seabird measures (such as side-setting and blue-dyed bait) that minimize accidental interactions (meaning hooking or entanglements) when they fish in areas most commonly used by certain seabird species. In addition, all vessels targeting swordfish using the shallow-set longline method are required to use circle hooks and mackerel-type bait, which minimize hooking and associated injuries.

Seabird and sea turtle mitigation measures successfully reduced incidental interactions in the Hawai'i longline fishery by approximately 70 to 90 percent. These measures developed by the Western Pacific Regional Fishery Management Council and implemented under the Pelagic Fishery Ecosystem Plan of the Western Pacific Region became the gold standard for conservation measures in the international arena.

Cetacean (whales and dolphins) interactions in the Hawai'i longline fishery are generally rare and have limited impacts on the affected species. Measures to minimize impacts to the offshore population of false killer whales were fully implemented in the Hawai'i longline fishery in 2013, under the False Killer Whale Take Reduction Plan. Monitoring is ongoing to determine the effectiveness of these measures, including a requirement to use "weak hooks" that withstand the weight of target catch but bend on a much heavier false killer whale.

Any remaining impacts to protected species are considered to be very rare interactions that do not pose a threat to the affected populations. Importantly,



Total sea turtle interactions in the Hawai'i-based tuna and swordfish longline fisheries, 1994-2013. Loggerhead and leatherback interactions were reduced by approximately 90 percent and have remained low after the reopening of the swordfish-targeting component of the longline fishery in 2004.

there have been no deaths of green, leatherback or loggerhead sea turtles in the Hawai'i longline fishery within the potential expansion area in the past decade. Fishermen are also required to handle any hooked or entangled protected species in a manner that ensures its survival after release, and longline vessel owners and captains are required to attend a protected species workshop every year to get a refresher on proper handling and release methods.

Long before the Hawai'i longline fishery's seabird and sea turtle management

measures were implemented, the Council worked with fishermen to implement spatial management measures for the fishery. Responding to concerns from longline fishermen, the Council established a 50-nautical mile Protected Species Zone around the NWHI in 1991. The Protected Species Zone eliminated any potential for interactions with Hawaiian monk seals. As a result, the fishery has not had any interactions with Hawaiian monk seals since federal observers began monitoring the fleet in 1994. The Protected Species Zone

coral. It is worth taking a closer look at these assertions.

The burning of fossil fuels to power industrial civilizations has increased levels of greenhouse gases such as carbon dioxide (CO₂) in the Earth's atmosphere. These gases warm the planet by trapping heat reflected by the earth that would have otherwise escaped back into space. Fortunately, the ocean acts as an enormous sink for these carbon emissions as microscopic phytoplankton fix the CO₂ from the atmosphere and convert it into organic carbon via photosynthesis.

These tiny organisms account for the formation of roughly 45 gigatons of organic carbon each year or about half of the global primary productivity. Most of this carbon passes through consumers feeding on the plankton and returns to the atmosphere. However, some of this organic material sinks down into the

remains in place today, with the existing monument boundary overlaid.

Much less known are the overarching protections developed by the Council and implemented in the 1980s that continue to define Hawai'i's fisheries in one critical way: what they are not. The Council prohibited the use of potentially destructive and non-selective gear from the EEZ under the original Fishery Management Plans for crustacean, precious coral and bottomfish fisheries. In 1987, the Council's Pelagic Fishery Management Plan prohibited all drift gillnet fishing within the EEZ, ahead of the 1991 United Nations ban on large-scale drift gillnets on the high seas. To this day, bottom trawls, bottom-set gillnets, drift gillnets, explosives, poisons and other potentially destructive and non-selective gear are prohibited from operating in all 2.2 million square miles of federal waters around Hawai'i and other U.S. Pacific Islands because of this pioneer work by the Council.

The combination of protected species bycatch mitigation measures, spatial management and prohibition of destructive gears means the Hawai'i longline fishery has very limited impacts on the ecosystem in the 50- to 200-nm zone around the NWHI. Management mechanisms implemented under the Council process will continue to monitor any remaining impacts, and measures will be revised through a public and transparent process should any needs be identified. Thanks to the efforts undertaken over the last 40 years to reduce impacts to protected species, a monument designation is unlikely to add any measurable benefits to these species.

WILL LINES DRAWN IN NWHI OFFSHORE WATERS MITIGATE CLIMATE CHANGE, HELP CORAL REEFS?

Proponents for expanding the no-take Papahānaumokuākea Marine National Monument (PMNM) to engulf the entire offshore waters surrounding the Northwestern Hawaiian Islands (NWHI) claim the action would help mitigate climate change through carbon sequestration. The proponents also promote their campaign with enticing images of coral reefs, all of which are contained within the existing PMNM boundaries, asserting that an expanded monument would protect the "juvenile"

deep ocean where it is converted back to CO₂ by bacteria. This biologically driven sequestration of carbon to the deep sea is identified as the biological pump.

The biological pump is a dynamic system that is influenced by complex oceanographic and biological processes. High primary productivity, larger sized phytoplankton, and low bacterial production help to increase the amount of organic carbon that is exported to the deep ocean.

The proposed expanded area of PMNM would include waters 50 to 200 nautical miles offshore that are situated within the chronically nutrient impoverished North Pacific Subtropical Gyre. Carbon sequestration is restricted in this area of relatively low primary production and smaller-sized phytoplankton. Additionally, bacterial presence in the ocean surface largely recycles the organic carbon,

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WILL LINES DRAWN IN NWHI OFFSHORE WATERS MITIGATE CLIMATE CHANGE, HELP CORAL REEFS?

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further limiting deep export. Claims that restricted fishing in these NWHI surface waters, which produce limited CO₂ export, will somehow increase carbon sequestration are simply unsubstantiated.

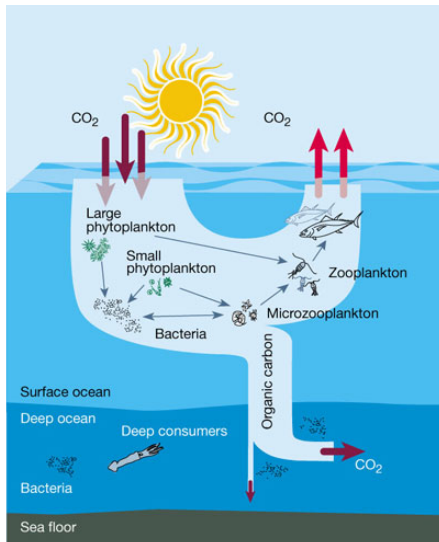


Illustration of biological pump. Source: Chisholm, S. W. (2000). *Oceanography: stirring times in the Southern Ocean*. *Nature*, 407 (6805), 685-687.

Also unfounded are claims that NWHI fishing should end because predator populations are critical to maintaining or growing reserves of carbon storage in coastal or marine ecosystems. The claims are based on a 2015 study by Atwood et al. (Predators help protect carbon stocks in blue carbon ecosystems. *Nature Climate Change*, 5(12), 1038-1045) that discusses how predators within vegetated coastal ecosystems such as mangroves,

seagrasses and salt marshes exhibit top-down control over carbon cycling. Empirical evidence supporting that these findings are transferrable to vastly different deep ocean environments, such as the proposed expansion area, is currently lacking. The authors simply suggest that predators within the open ocean *could* also influence carbon cycling, but "further research in other marine systems is urgently needed."

Even if these findings are applicable to the open ocean ecosystem, how would banning fishing in the proposed area reduce predator influences? The targeted tuna and billfish and common bycatch species are highly migratory and could be caught outside the closed area. This fact was explicitly acknowledged in literature supporting monument expansion: "The good news in the situation of the expansion of PMNM is that it is unlikely that the Hawaiian longline fishery would be significantly affected by the larger marine protected area. The most likely response to the expansion of the PMNM is for fishing effort to shift beyond the newly closed area" (Kerr J et al. 2016. Pu'uhonua—A Place of Sanctuary).

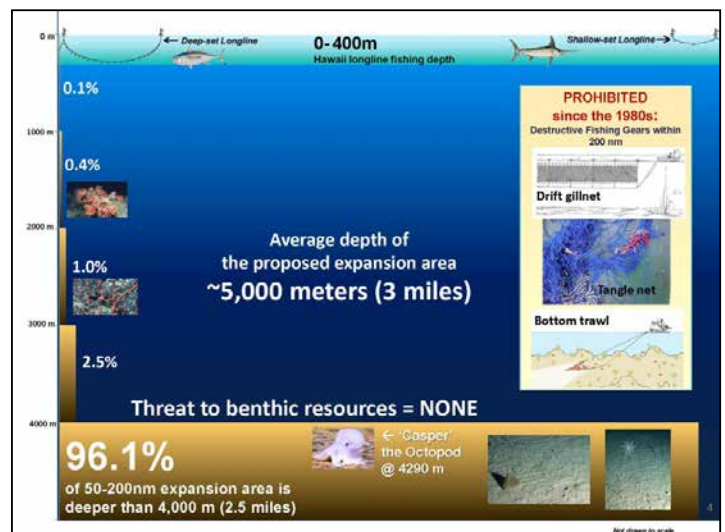
If predatory fish catch remains constant and would not negatively affect the fishermen, then there *would* be no top-down influence on carbon sequestration. However, the closure would force fishermen to fish farther away from home, burning more fossil fuels and increasing greenhouse gases in the atmosphere.

Another unsubstantiated argument is monument expansion would protect "juvenile" coral. Although adult corals are sessile, meaning they are fixed to one place, they were able to reach the remote Hawaiian Islands through their mobile larval stage. These larvae are able to swim towards the light at the ocean surface,

but their destination is subject to local hydrodynamic features. Fronts and secondary currents aggregate the larvae, which are also influenced by island topography, mixing the boundaries and forming eddies. Strong wind events are needed to break down these localized distributions so the larvae become highly dispersed.

Some species of stony coral survive six to eight months in their larval phase. Once their energy reserves are used up, the larvae begin to settle on the ocean floor and attach to a hard surface. If the surface is within a depth of about 100 meters, allowing needed sunlight to reach them, they metamorphose into primary coral polyps and replicate to form iconic coral reef colonies.

The vast majority of larvae, however, is eaten within the plankton or never settles onto suitable habitat and dies. Only minuscule amounts of larvae are fortunate enough to reach adulthood. Stony coral larvae settling out of the plankton within the open ocean environment of the proposed expansion area are doomed as the average depth is 5,000 meters. Removal of the longline fishery would have no impact on stony coral larvae.



Deeper corals, such as those found in certain spots in the proposed monument expansion area, are different than stony corals in that they do not depend on sunlight for their existence. These deeper coral are also not threatened by the existing longline fishery, which sets lines down to a maximum depth of 400 meters.

In fact, promoting rather than restricting Hawaii's longline tuna fishery could help protect coral reefs. At the 2016 International Coral Reef Symposium, Dr. Charles Birkeland suggested that Hawai'i consider pushing tourism to offer only pelagic seafood and not coral reef fish species.

Marketing the faster growing and short-lived pelagic species could help alleviate local demand for coral reef fish and thus benefit the coral reef ecosystem. Reducing harvest of pelagic tuna and billfish would not affect the deep-water, open-ocean environment in the same way. ➡

DO OFFSHORE MARINE RESERVES PROTECT HIGHLY MIGRATORY SPECIES?

There seems to be an ongoing

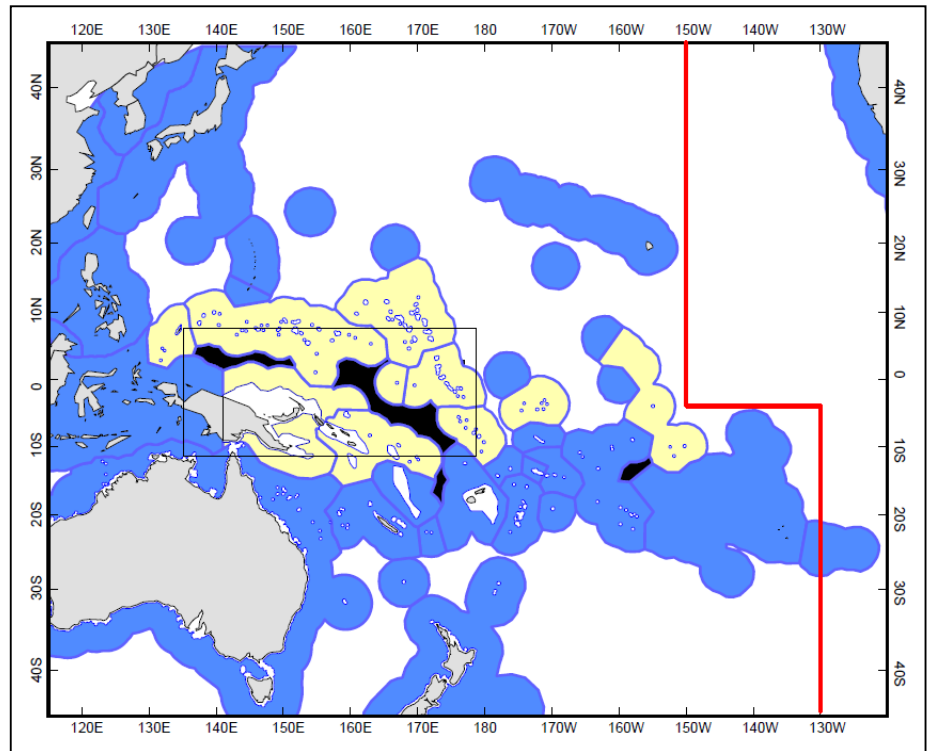
competition, primed principally by environmental non-government organizations (ENGOS) to establish the largest marine reserves on the planet. Most of these area closures permit little to no fishing, particularly commercial fishing. The premise is that area closures will protect stocks, which will increase and contribute to stocks in areas still open to fishing by spillover and enhanced recruitment.

However, a simple thought experiment can illustrate the potential fallacy of such a premise. If a fishing ground is selected as a marine protected area (MPA) and half of it closed, then any fleet operating must catch twice as much from the remaining area to maintain previous catches. This means that either fishing vessels have to fish twice as hard as in the past or catch rates in the remaining fishable area have to double. It might be argued that initially there may be some losses but these will be compensated for overtime as spillover and recruitment enhancement from the protected area begins to take effect. Nevertheless, even a simple thought experiment like this reveals that a significant negative human impact will likely arise from any closure.

The implementation of the Papahānaumokuākea Marine National Monument (PMNM) in the Northwestern Hawaiian Islands (NWHI) has shown whether the spillover-recruitment enhancement premise holds up in reality. The PMNM overlays the Protected Species Zone established by the Western Pacific Regional Fishery Management Council in 1991 in waters 0 to 50 nautical miles (nm) from shore, within which longline fishing was banned. This zone of 140,000 square miles became the NWHI Coral Reef Ecosystem Reserve by executive order in 2000 before being proclaimed a marine national monument in 2006.

According to intensive research by the Hawai'i Institute of Marine Biology on a number of fish and invertebrates, the connectivity between the main Hawaiian Islands (MHI) and NWHI is limited. The MHI are isolated in terms of resource management and will not receive substantial subsidy from the PMNM. In short, effective fishery management in the MHI is the best approach to maintaining sustainable fisheries and the NWHI cannot be relied upon as a fishery enhancement tool.

We are also able to look at the potential conservation of high seas marine reserves, at least on tuna stocks, by looking at management measures implemented by the Western and Central Pacific



In 2010, the two larger "doughnut holes" (dark blue areas) of high seas waters beyond national jurisdiction failed to reduce the catch of tuna, which raises the question of the effectiveness of high seas marine protected areas as a tool to conserve highly migratory species.

Fisheries Commission (WCPFC), of which the United States is a member. In 2010, the WCPFC closed two large areas of ocean in the Western Pacific Ocean, frequently referred to as doughnut holes, to all purse-seine fishing, as a move to conserve bigeye tuna. This measure had no appreciable conservation effect as it did not constrain the movement of purse-seine fishing effort into adjacent exclusive economic zone (EEZ) areas, including the EEZ of the Philippines, a major spawning ground for bigeye tuna.

Further, static boundaries around areas of ocean will offer little to no protection to highly migratory species, which, as the name implies, move through large areas of ocean. This includes turtles, pelagic sharks, cetaceans and seabirds, which forage over thousands of miles of ocean.

The speculative conclusion that marine reserves will be effective conservation and management tools rely on a suite of assumptions:

- Reserves will isolate individual fish and other marine biota from fishing mortality;
- Elevated densities in reserves will result in net emigration to fished areas either by random diffusion or spillover; and

- Unfished populations of fish are composed of larger individuals that have greater fecundity and thus act as a greater source of gametes than fished areas.

However, these speculations are each dependent on underlying assumptions about behavior, ecology and the fishery. It is logically true that preventing fishing in particular areas will eliminate direct fishing mortality. It is imprudent to make untested assertions about the primary consequences of reserve protection on fish population dynamics and then to extrapolate those effects to fishery-level predictions. Typical predictions of fishery enhancement could be invalidated for a number of reasons, including displaced fishing effort around the reserve boundary, recruitment limitation, self-recruitment rather than larval export, irreversible changes in species assemblages and any number of unknown causes due to the underlying complexity of the ecosystem. Without empirical substantiation, predictions of fishery enhancement and conservation benefits are deductions based on circumstantial evidence and ancillary information.

Even before the implementation of large offshore marine reserves, the United States had in effect a de-facto chain of

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DO OFFSHORE MARINE RESERVES PROTECT FISH STOCKS? (Continued from page 5)

such reserves known as the Pacific Remote Island Areas (PRIAs). They stretch from Wake Island in the northwest Pacific to Jarvis Island just south of the equator in the Central Pacific Ocean and also include Johnston, Howland, Baker and Palmyra Islands and Kingman Reef. The U.S. EEZ waters around the PRIAs amount to about 757,000 square miles of ocean, which were either not fished by U.S. purse seiners and longliners or fished infrequently, such as at Howland, Baker and Jarvis Islands. Only the U.S. EEZ around Johnston Island was fished regularly by Hawai'i-based longline vessels.

It might be argued that these areas were subject to illegal fishing, but such fishing may occur in any case regardless of the status of a given ocean area.

In 2009, the waters 0 to 50 nm around the PRIAs were proclaimed the Pacific Remote Islands MNM (PRIMNM), overlaying the 0 to 12 nm no-take zones already established by the Council, and fishing was banned in 86,888 square miles of ocean. In 2014, the PRIMNM was expanded to engulf 490,000 square miles of US EEZ waters, further closing of U.S. fishing grounds. This area is just shy (87 percent) of the combined areas enclosed by the Papahānaumokuākea

MNM, the Great Barrier Reef Marine Park, the Phoenix Islands Protected Area, the Pitcairn Islands Marine Reserve and the Chagos Islands Marine Protected Area (Indian Ocean), or 25 percent greater if only Pacific sites are considered.

In 2009, a total of 13,451 square miles of ocean in American Samoa were proclaimed the Rose Atoll MNM, roughly overlaying the 0 to 50 nm Large Vessel Prohibited Area already established by the Council, and banned all commercial fishing by U.S. vessels. Additionally, in 2012, the 0.25 square miles Fagatele National Marine Sanctuary was expanded to 130 square miles and incorporated the Rose Atoll MNM and other areas, bringing total sanctuary waters to 13,581 square miles and further restricting fishing grounds in American Samoa.

Also in 2009, the Marianas Trench MNM was established in 95,216 square miles of the U.S. EEZ around Guam and the Commonwealth of the Northern Mariana Islands. Along with already established fishing prohibited areas established by the Council, fishing in 16,505 square miles of the 182,000 square nm of the Mariana Archipelago is restricted to small coastal vessels taking about 150 to 200 metric tons (mt) of fish. The Department

of Defense additionally restricts fishing on some key fishing grounds, and the abundance of shallow seamounts in the Mariana Archipelago remains for the most part unfished. The Mariana Archipelago is known to harbor a large volume of skipjack, estimated to be about 80,000 mt of spawning biomass.

The fact remains that the United States has already cordoned off a very large area of its offshore waters that was admissible to only U.S. fishing vessels, most of which fished elsewhere. Since the establishment of the U.S. EEZ in 1976, about 1 million square miles of the 2.2 million square miles of U.S. EEZ waters in the Western and Central Pacific Ocean have remained largely unfished or lightly fished.

As such, the question that the discerning enquirer might ask is how would closing more ocean make things better, either for species abundance, biodiversity or fishery enhancement? This is particularly pertinent with the proposed fourfold expansion of the Papahānaumokuākea MNM to 583,198 square miles.

Moreover, the ENGOs are also campaigning to prohibit fishing in 30 percent of the high seas beyond national jurisdiction.



WOULD A NWHI MONUMENT EXPANSION UNDERMINE OBAMA'S MARINE PLANNING EXECUTIVE ORDER?

With the proposal on the table to expand the Papahānaumokuākea Marine National Monument (PMNM) under the Antiquities Act of 1906, the time is ripe to examine how President Obama's previous executive order (EO) would conflict with the expansion.

Obama signed EO 13547 on the Stewardship of the Ocean, Our Coasts and the Great Lakes on July 22, 2010, establishing the National Ocean Council (NOC) and adopting the final recommendations of the Interagency Ocean Policy Task Force as the National Ocean Policy. This EO makes 10 policy statements relating to biodiversity protection, resiliency, land-based impacts, scientific and cultural understanding and heritage, access and international law. The Chair of the White House's Council on Environmental Quality (CEQ) serves as co-chair of the NOC and, as such, is charged with implementing actions consistent with the policy.

EO 13547 directed "the development of coastal and marine spatial plans that build upon and improve existing Federal, State,


tribal, local, and regional decision-making and planning processes." Agencies whose actions may affect the ocean are to participate in writing the comprehensive, adaptive and ecosystem-based marine plans through the Pacific Islands Regional Planning Body. The non-federal members include a member from the Western Pacific Regional Fishery Management Council and two members each from American Samoa, the Commonwealth of the Northern Mariana Islands, Guam and Hawai'i. The federal members include representatives from the Joint Chiefs of Staff, Environmental Protection Agency and the Departments of Agriculture, Commerce (NOAA), Defense, Homeland Security, Interior and Transportation.

If the President were to expand the current PMNM according to the proposal developed by Sen. Brian Schatz and apply the same use restrictions as the current PMNM, he would effectively zone approximately 46 percent of the US exclusive economic zone (EEZ) around Hawai'i before the implementation of a marine plan for the Pacific Islands Region,

without consulting the Pacific Islands Regional Planning Body charged with developing the plan.

Prohibiting all commercial activity and requiring permits for entry is contrary to the Order's policy to "support sustainable, safe, secure, and productive access to, and uses of the ocean, our coasts, and the Great Lakes."

The EO is intended to provide for "adaptive management to enhance our understanding of and capacity to respond to climate change and ocean acidification." Static monument boundaries created under the Antiquities Act, lacking a mechanism for review of access and use restrictions, hamper the US capacity to respond to climate change impacts on its fisheries targeting highly migratory species.

The CEQ should reconcile these three points of departure from EO 13547 in advising the president on the use of the Antiquities Act to expand the PMNM or risk inconsistent implementation of the order. 

MARINE NATIONAL MONUMENTS – THE HUMAN DIMENSION

In their excellent 1995 tome *A New Century for Natural Resources Management*, Knight and Bates and their co-authors illustrate why and how “out of sight” no longer equates to “out of mind.” We are in a new management era, typified by unprecedented social concern and involvement. We have most decidedly evolved beyond the “trust us, we biologists know what’s best” approach that was the hallmark of managing fisheries and wildlife resources for a number of decades.

Yet it seems clear that remote areas of the Western Pacific were targeted for marine national monument designation to avoid dealing with the socioeconomic and cultural implications of their establishment. Why else would some advocate so stridently for “protecting” these remote, pristine areas when so many other areas are in need of relief from the impacts of coastal development, marine tourism and terrestrial run-off? By prohibiting domestic fishing, these large remote areas become more vulnerable to illegal, unreported and unregulated (IUU) fishing by foreign vessels, which do not need to report their transit through the monument waters while U.S. vessels must.

Simply put, there is no escape from the human dimension in the 21st century. Americans, at least outwardly, celebrate their transparent processes for deciding how and under what conditions public trust resources, such as those found in federal waters, will be utilized, conserved and preserved. These processes were born of the environmental movement of the 1960s and 1970s, during which time the American people told their political representatives that they would no longer tolerate the closeted decision-making of the federal government or the extreme agendas of preservationists on one end and exploiters on the other. Here, they say, are the enlightened days of seeking out public and user views on management issues and documenting and ameliorating potentially negative socioeconomic impacts to communities arising from federal regulations.

Except that the President may very soon use the Antiquities Act to greatly expand the Papahānaumokuākea Marine National Monument (MNM) in the Northwestern Hawaiian Islands with the stroke of a pen and following almost immediately in the wake of his 2014 decision to expand the Pacific Remote Islands MNM. The Antiquities Act is an arcane 1906 law intended by Congress to protect objects on small pieces of land owned

A Tale of Two Acts

Magnuson-Stevens Fishery Conservation and Management Act	Antiquities Act
ORIGINAL INTENT	
Passed by Congress in 1976 as the Fishery Conservation and Management Act, it was intended to promote the US fishing industry's optimal exploitation of fisheries	Passed by Congress in 1906 it was intended to protect prehistoric Indian ruins and artifacts (or “antiquities”)
WHAT DOES THE ACT DO?	
The primary law governing marine fisheries management in federal waters of the United States	Allows the President to set aside certain valuable public natural areas as park and conservation land for the “protection of objects of historic and scientific interest”
RESULTS OF THE ACT	
<ul style="list-style-type: none"> • Extended US jurisdiction out to 200 nm • Established eight regional fishery management councils that provide a bottom-up approach to management • Promotes sustainable fisheries through National Standards, preventing overfishing and protecting habitat • Provides a transparent and robust process for fisheries science and management and collaboration with the fishing industry and community 	<ul style="list-style-type: none"> • Preserved power for the President to use executive action to proclaim monuments (quicker than going through congress for a national park) • Established 122 national monuments managed by eight federal agencies in 31 states and 6 territories • Includes marine national monuments since 2006

or acquired by the U.S Government, such as landmarks and prehistoric structures. Even at that time, using this law to set aside hundreds of thousands of square miles of ocean would have been seen as a gross federal overreach. Today, given the progress described above, it seems unconscionable.

From a human dimensions perspective, it is irrelevant whether environmentalists think that a place needs additional conservation. What matters is that the attitudes, values and potential impacts to the public, including resource users, their families and communities, are fully understood and genuinely considered in a public and transparent decision-making process. Those who feel that two public meetings suffice to inform the President's decision on this issue are apparently living several decades in the past.

NWHI MONUMENT – HOW IT BEGAN

Rewind the clock back prior to the efforts to close the Northwestern Hawaiian Islands (NWHI) to fishing and you'll find a well-managed and sustainable fishery providing healthy local seafood to Hawai'i's communities. The Western Pacific Regional Fishery Management Council had established the Protected Species Zone encompassing waters out to 50 nautical miles from shore around the NWHI to prevent endangered Hawaiian monk seals from interacting with the pelagic longline fishery. The Council closed the NWHI lobster fishery in early 2000s due to uncertainty in the model used by the National Marine Fisheries Service (NMFS) to determine the annual harvest guideline. The healthy and sustainable bottomfish fishery continued to provide the state with about half of its prized bottomfish: onaga, 'ōpakapaka and ehu. The fishery delivered about 400,000 pounds of bottomfish annually worth over \$1.5 million. The NWHI was split into two management zones controlled by limited entry to cap effort. In addition, rules were also in place controlling vessel size, restricting gear

types and requiring trip reporting and federal observers.

Then President Clinton, through Executive Order (EO) 13196 on Jan. 11, 2001, created the NWHI Coral Reef Ecosystem Reserve and initiated the five-year National Marine Sanctuary designation process for consideration by the Secretary of Commerce. Prior to Clinton's EO, Hawai'i saw an average of 15 vessels per year bring back bottomfish from the NWHI operating within the limited entry system. However after the EO, the National Marine Fisheries Service put a freeze on new entrants into the fishery, which resulted in a steady decline in vessels as participants failed to meet the annual “use it or lose it” provision of the management program.

The fishing community and Council questioned this policy given the healthy nature of the NWHI bottomfish fishery. In 2005, Dr. Sam Pooley, director of the NOAA Pacific Islands Fisheries Science Center, wrote a response to questions concerning

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NWHI MONUMENT – How It Began

(Continued from page 7)

Hawai'i's bottomfish populations that stated, "Our scientists are confident that bottomfish in the NWHI remain in good condition based on over twenty-five years of monitoring, biological research and stock assessments."

On the eve of NOAA releasing the environmental impacts statement (EIS) for the planned NWHI National Marine Sanctuary designation, President Bush used his authority under the 1906 Antiquities Act to establish the Papahānaumokuākea Marine National Monument (PMNM). The June 15, 2006, proclamation bypassed the need for the EIS or public input. In 2006, the number of active bottomfish vessels whittled down to eight and the annual harvest shrunk to 244,000 lbs. The establishment of the PMNM created the then largest marine protected area in the world and called

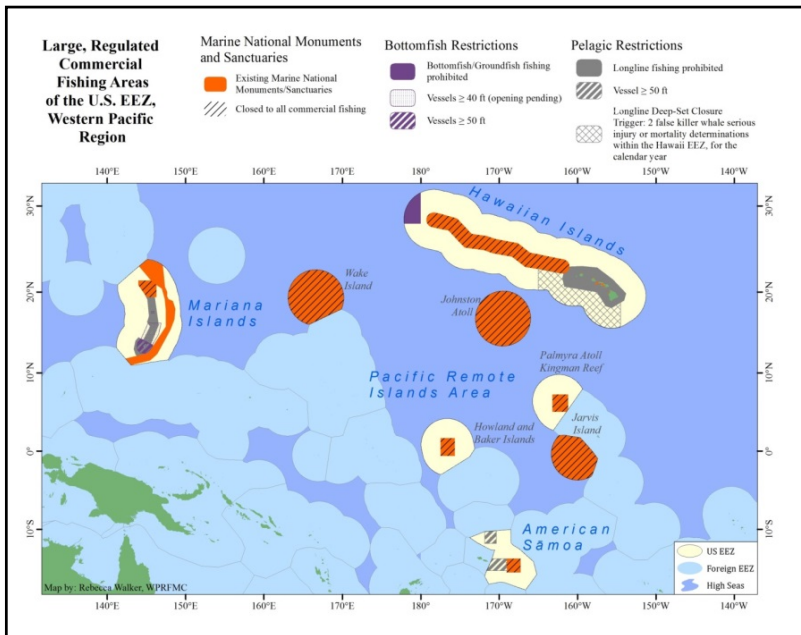


for the immediate closures of all fisheries in the NWHI, except the bottomfish fishery which was to end by 2011. The only fishing that would be allowed thereafter would be sustenance fishing, requiring people to eat within the PMNM boundaries any fish caught in the monument. Nothing is allowed to be brought back for subsistence, cultural or other purposes.

In 2009, U.S. Sen. Daniel Inouye (D-Hawai'i) appropriated funds to compensate the NWHI fishermen for being kicked out of the fishery and for the loss of their livelihoods. All fishing in the NWHI ended in 2010.

Ma'u Zone fisherman Gary Dill wrote in his final appeal to the closures, "And this loss will continue forever—369,270 lbs of prime bottomfish gone each year after year after year, forever. It is difficult to think how the federal government could compensate such a large sector of Hawai'i's population for the annual loss of this much bottomfish, year after year after year."

NO FISHERIES, ENFORCEMENT BENEFITS FROM EXPANDED PACIFIC REMOTE ISLANDS MONUMENT



In September 2014, President Obama expanded the Pacific Remote Islands Marine National Monument (PRIMNM) from 86,888 square miles to 490,000 square miles, which is about three times the size of California. In doing so, President Obama reinstated PRIMNM's claim as being the world's largest network of marine protected areas. Commercial fishing was already prohibited from 0 to 50 nautical miles (nm) from shore around the seven remote islands and atolls under regulations established by the Western Pacific Regional Fishery Management Council when the PRIMNM was first established in 2009. The expansion closed fishing to 200 nm from shore, the full extent of the US exclusive economic zone (EEZ), around Wake, Jarvis and Johnston Islands.

The Council opposed the PRIMNM expansion because the best available scientific information did not support claims that large pelagic marine protected areas (MPAs) would benefit populations of highly migratory species such as tuna, billfish, seabirds, sea turtles and marine mammals. What the expansion did was force the Hawai'i longline and U.S. purse-seine vessels from historical fishing grounds in U.S. waters. The loss of U.S. EEZ waters to these domestic fleets results in negative impacts that are not guaranteed to be mitigated from fishing on the high seas, which is increasingly being restricted.

In 2014, then Congressman Eni Faleomavaega of American Samoa wrote to President Obama opposing the monument expansion arguing the conservation impact would be minimal but the negative effects on the fishing industry on which American Samoa depends would be extremely harmful.

Aumua Amata Radewagen, the current congresswoman for American Samoa, also opposed the PRIMNM expansion saying the federal government's decision to wall off a huge part of the ocean that provides the livelihood for American Samoans was controversial and would negatively affect the local economy. "For my part I expect to be supporting legislative proposals that would curtail the federal government's authority to take such actions in the future, to take such action with the people most affected—the people of the islands," Radewagen said.

Gov. Lolo M. Moliga of American Samoa told Obama that the expansion is "demoralizing and it is quite disturbing that the proponents for the

expansion are individuals who have no basic understanding of what the expansion will do to the lives of the affected people.” Moliga criticized the lack of adequate consultation with the Pacific Island territories. He highlighted the fact that the US EEZ around American Samoa is small as the territory is surrounded on all sides by the EEZs of other nations.

The Governors of Guam and the Commonwealth of the Northern Mariana Islands (CNMI) also opposed the expansion.

American Samoa’s Port Administration director, Claire Poumele, argued that closing off fishing grounds utilized by the American Samoa-based purse-seine fleet threatened the territory’s economy as a third of its workforce are employed by the two tuna canneries.

One of those canneries, StarKist Samoa, supported this fear saying: “We feel that it is wrong to put American industry at risk given the lack of scientific evidence to back the move.”

Gov. Lolo M. Moliga of American Samoa told Obama that the expansion is “demoralizing and it is quite disturbing that the proponents for the expansion are individuals who have no basic understanding of what the expansion will do to the lives of the affected people.”

A spokesperson for Tri Marine, the other cannery in American Samoa, said the monument would “likely negatively affect the local fleet and raw-material supply from local vessels and therefore fishing and fish-processing livelihoods.”

Despite this overwhelming local opposition, the PRIMNM was expanded around half of the remote islands. The loss of traditional fishing grounds in U.S. waters for U.S. fishing vessels was, like all monument creations and expansions, an unfunded mandate.

Because the U.S. Coast Guard is a member of the Council and provides regular reports to it throughout the year, the Council suspected that enforcement of the area would not increase if it were expanded. During a Sept. 9, 2014, meeting at the White House, John Podesta, Counselor to the President, ensured Council members that enforcement funding would increase if the monument were expanded. Unfortunately, no additional federal resources have been appropriated to the U.S. Coast Guard to patrol the expanded PRIMNM from foreign and illegal, unreported and unregulated (IUU) fishing. ➔

ROSE ATOLL MONUMENT, REFUGE, SANCTUARY AND RESTRICTED FISHING AREA

The atoll of Muliava was designated as the Rose Atoll Marine National Monument (MNM) on Jan. 6, 2009, by President George W. Bush, effectively closing 10,156 square nautical miles (nm, or 13,451 square miles) of emergent and submerged lands and waters of and around Rose Atoll in American Samoa to fishing.

The Monument includes within its borders the previously existing Rose Atoll National Wildlife Refuge as well as the 0 to 50 fathom no-take areas and the Large Vessel Prohibited Area (LVPA) established by the Western Pacific Regional Fishery Management Council. Both the LVPA and the monument include waters 0 to 50 nm from shore, but their coordinates were initially misaligned, leading to the loss of approximately \$237,000 annually to the local fishery until the problem was rectified by the Council.

All commercial fishing is prohibited within the monument, and all commercial and non-commercial fishing is prohibited within 12 nm of Rose Atoll. The Council and NMFS may review these regulations to assess the closure’s impacts.

In 2012, Rose Atoll also became a part of the National Marine Sanctuary of American Samoa, when the 0.25-square mile Fagatele Bay National Marine Sanctuary expanded to encompass 13,581 square miles, making it the largest sanctuary in the National Marine Sanctuary system.

The Rose Atoll MNM is like a Russian doll—a National Wildlife Refuge and LVPA, within a monument, within a sanctuary. This begs the question whether President Obama’s 2011 Executive Order 13576 on Delivering an Efficient, Effective, and Accountable Government’s goal to “systematically identify additional reforms necessary to eliminate wasteful, duplicative, or otherwise inefficient programs” is being met or ignored in the case of Rose Atoll.

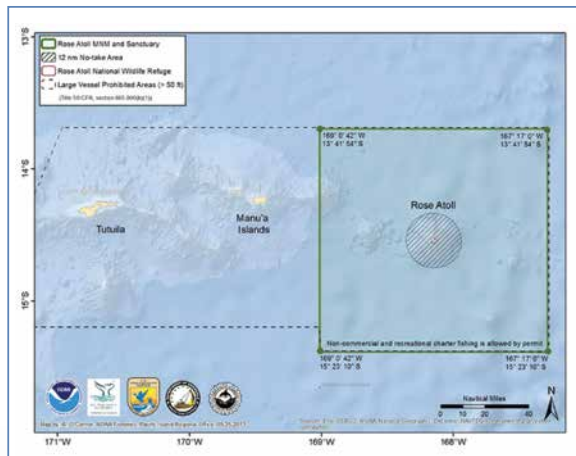


Photo courtesy of NOAA.

A similar situation also occurs in the Northwestern Hawaiian Islands (NWHI), which continues to be a National Wildlife Refuge, State Wildlife Sanctuary, Protected Species Zone, Coral Reef Ecosystem Reserve and Papahānaumokuākea Marine National Monument. Members of the Coral Reef Ecosystem Reserve Advisory Committee (RAC) continue to regularly meet in addition to the governance bodies of the monument. The RAC has proposed that the NWHI monument become a national marine sanctuary. The monument is already housed in the National Marine Sanctuary program. Other monuments are managed principally by the U.S. Fish & Wildlife Service. ➔

BROKEN PROMISES:

MARIANAS TRENCH MARINE NATIONAL MONUMENT

President George W. Bush designated the Marianas Trench Marine National Monument (MNM) on Jan. 6, 2009, using his authority under the Antiquities Act through Proclamation 8335. Prior to the announcement, the Commonwealth of

the monument was proclaimed. The CNMI government didn't even receive a courtesy notice of this action. It was the first indication that the word "co-management" is a misnomer.

As for the Monument's Islands Unit, the U.S. Congress had approved Public Law 113-34 in September 2013 transferring submerged lands within 3 miles from the coastline of the CNMI from the United States to the Commonwealth. However, on Jan. 15, 2016, President Obama

recovery of mineral resources in areas of the Pacific, outside the monument, that are not currently covered by existing offshore mineral law, including authority and procedures for obtaining royalties and assessing fees and for revenue sharing, as appropriate. This legislation, which has potential benefits to the CNMI, has yet to be passed into law.

Another unfilled promise concerns the creation of a monument visitors' center. Several workshops were conducted throughout the CNMI by both the local and federal agencies regarding the establishment of a visitor's center. However, nothing ever came out of this exercise despite engaging the people to share their thoughts. Like the other promises, this is just another unfunded mandate.

CNMI Gov. Torres expressed concerns about other unfulfilled monument promises when he wrote to Obama on May 3, 2016, about the proposed Papahānaumokuākea MNM expansion. Torres noted that "leading up to the designation of the Marianas Trench MNM, some government officials and some environmental organizations touted great potential economic impacts that the CNMI would receive from the creation of our monument. One study suggested for example that the CNMI would benefit from approximately \$10 million per year in direct spending with approximately \$5 million per year in tax revenue and the creation of nearly 400 jobs as a result of the creation of the Marianas Trench MNM. Unfortunately, the CNMI has yet to receive any such benefits."

Torres encouraged Obama "to consider and set into place the necessary administrative tools and support to ensure the proper management of all the existing US marine monuments." He noted that immediately after the creation of the Marianas Trench MNM, the Department of Commerce and the Interior were instructed to finish the management plan within two years of the monument designation.

"We are now in our eighth year since the monument was established and our monument and the management plan process have yet to come to fruition," Torres noted. "I respectfully request your focus includes the monuments already in existence and assistance with the completion of the existing Marianas Trench MNM mandates." ➡



Indigenous anti-monument protesters awaited the arrival of James Connaughton, President Bush's Council on Environmental Quality chairman, to Saipan, CNMI, in October 2008.

the Northern Mariana Islands (CNMI) leadership in 2008 negotiated terms for the monument directly with James Connaughton, Chairman of the Council on Environmental Quality. The terms addressed issues important to the people of the CNMI, many of whom opposed the monument and publicly protested against it. Eight years have passed since the Marianas Trench MNM designation, yet many of the promises remain unfulfilled.

The foremost issue was the promise of co-management with the CNMI. Despite this assurance, the Department of the Interior unilaterally delegated sole management authority of the Monument's Volcanic and Trench Units to the U.S. Fish and Wildlife Service merely two weeks after

through Proclamation 9077 exempted from the transfer the submerged lands adjacent to the three islands within the monument. Also exempted from the transfer were the submerged lands adjacent to the lands leased by the United States on the islands on Tinian and Farallon de Medinilla under the Lease Agreement Made Pursuant to the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, dated Jan. 6, 1983, as amended.

A related matter on which the CNMI has been waiting is Bush's directive to the Department of the Interior to develop legislation and procedures for the management and administration for the

ARE MARINE NATIONAL MONUMENTS GRASS ROOTS OR PEW DRIVEN?

The Expand Papahānaumokuākea Marine National Monument (PMNM) promotes itself as a “community-driven, marine conservation effort.” But is the Pew Charitable Trusts the real driver?

A Pew ex-vice president described Pew’s “Grassroots Potemkin Strategy.” The term Potemkin refers to stories of a fake portable village built to impress Empress Catherine II in 1787. “This strategy I advised Pew that Pew should be in the background. ... I always encouraged the grantees to never mention Pew. ... The idea was to create an impression that a mass movement was afoot” (Foundation Watch, Capital Research Center, June 2005).

However, after the *fait accompli*, Pew will often step forward for the accolades. On June 15, 2006, the day the Northwestern Hawaiian Islands MNM (later renamed the PMNM) was proclaimed, Joshua Reichert, head of the Pew’s Environmental Program, was interviewed on PBS NewsHour and the Associated Press reported that the Pew Charitable Trusts “had pushed for the sanctuary for eight years.”

Reichert outlined Pew’s multimilliondollar involvement in “Anatomy of an Advocacy Campaign,” penned for MPA News (August 2006). According to Reichert’s article, Pew paid for a NWHI director; two fulltime professionals to assist Hawaiian organizations to influence state political leaders; a communications/media firm to reach out to businesses and organizations; a media consultant to assist conservation groups to create an “NWHI Network” of organizations to conduct outreach to media; a prominent judge to lead a professional team to begin outreach and buyout negotiations with the eight bottomfish permit holders; and several legal experts. Pew also worked with members of the Hawai’i legislature to help educate other political leaders and with Washington, DC-based conservation partners, among other activities.

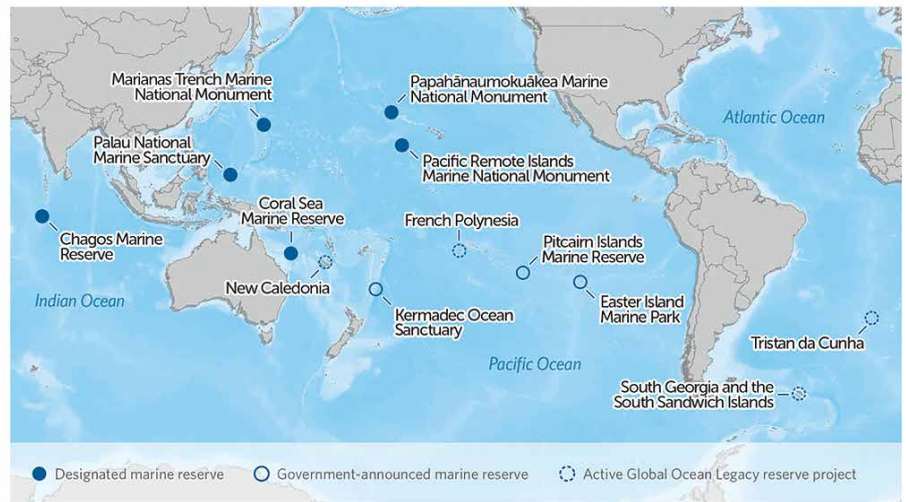
The website of marketing firm Scott Foster and Associates says Foster was on retainer with Pew for five years as the communications director and a key political strategist helping to create not only the NWHI MNM but also the Pacific Remote Islands MNM and Marianas Trench MNM.

The proposed PMNM expansion request came from seven native Hawaiians who sent a letter to President Obama in January 2016. However, the genesis of the idea is murky.

On June 22, William Aila, one of the seven native Hawaiians, told Hawaii Public Radio’s TownSquare host that the idea came from him. He recalled being with Christy Goldfuss, managing director of the White House’s Council on Environmental Quality, at the Our Ocean Conference, October 2015, in Chile. Aila said he asked her whether an expansion proclamation could bring Obama to Honolulu for the 2016 IUCN World Conservation Conference in September. According to the Pew’s website, Aila was at the Chile conference as a member of Pew’s Island Voices group. The Pew website also shows Aila in Washington, DC, in February to “push for expansion of the [PMNM].”

The Pew Charitable Trusts was created by the children of Joseph Pew, founder of Sun Oil Company (Sunoco). Waldemar Nielsen

Global Ocean Legacy



© 2016 The Pew Charitable Trusts

Pew’s Global Ocean Legacy project aims to create marine reserves worldwide. Most are in the Pacific. All of the proposed reserves are around territories except one. Local indigenous groups and/or governments have opposed the reserves at Chagos, Kermadec and French Polynesia. Pew is also working with the United Nations to designate areas of the high seas as marine reserves with a goal of 30 percent of the ocean set aside as marine protected areas.

(2001. *Golden Donors: A New Anatomy of the Great Foundations*) wrote that, by donating their stock to their own charitable foundation, the Pew family protected itself from substantial inheritance taxes and avoided the need to sell off large blocks of their Sun shares to pay such taxes. A few years later the family created a private bank, The Glenmede Trust Company, to handle their personal investments and manage their foundations. The agency coordinated the family’s wealth and protected their philanthropic activities on the grounds of the confidentiality of the bank-client relationship.

The Glenmede Trust Company serves in perpetuity as Trustee and Administrator of The Pew Memorial Trust, which is the primary funder for the Pew Charitable Trusts. Today, Glenmede is among the nation’s leading investment and wealth management firms with more than \$27 billion of investable assets.

The Pew Trusts is reportedly worth \$5 billion and has awarded hundreds of millions of dollars in grants to hundreds of organizations. It has created non-government organizations, such as the National Environmental Trust, Oceana, Sea Web, the Ocean Law Project and Center for Climate and Energy Solutions, and recently the Global Ocean Commission. It has funded numerous individuals, such as Carl Safina, Daniel Pauly, Boris Worm, who projected the collapse of fisheries by 2048, and Jane Lubchenco, former head of NOAA. Recommendations from the Joint U.S. and Pew Ocean Commission informed the nation’s ocean policy, which Obama established through executive order 13547. The Pew Commission was chaired by Leon Panetta, who previously served as White House chief of staff for President Bill Clinton, Secretary of Defense and Central Intelligence Agency director.

Pew’s key staff members are Executive Director and CEO Rebecca Rimel, a former nurse and assistant professor in neurosurgery, earning millions of dollars per year, and Reichert, a behavioral scientist and social anthropologist, who is now executive vice president and senior advisor to the CEO after directing the Environmental Program for 25 years. ➡

DOES THE GOVERNMENT CARE ABOUT ISLAND COMMUNITIES?

In 2006, native Hawaiian fisherman Leo Ohai approached the Western Pacific Regional Fishery Management Council for support to enhance the multi-gear, multi-species training he was providing to young fishermen from his native Hawaiian community. He requested an exemption to utilize traditional flagline basket gear in the longline closed area 0 to 50 nautical miles around the main Hawaiian Islands as part of the curriculum. Ohai was already targeting yellowfin tuna within the area using seven miles of lines less than a mile in length each, which fell below the definition of longline.

For the next 10 years, the Council unsuccessfully attempted to assist Ohai under the Western Pacific Community Development Program (CDP). The CDP is mandated by the Magnuson-Stevens Fishery Conservation and Management Act (MSA) under section 305(i)(2). It gives the Council authority to provide communities access to federally managed fisheries upon which they traditionally depended but may not have the capability to continue due to economic, regulatory or other barriers.

This decade of bureaucratic disappointment leaves the Council wondering if the federal government really cares about the U.S. indigenous fishing community. The Council was heartened to learn that in August 2016 the University of California at San Diego offered assistance to Ohai's family to develop the multi-gear, multi-species fishery curriculum minus the flagline gear. It is unfortunate that this assistance to the Ohai family could not have been provided sooner by the government. ➔



From top left: Leo Ohai; Former Council Member Tom Weber with basket gear.
Black and white photos: Basket gear (NOAA photos).

SUMMARY OF THE OHAI CDP PROPOSAL

2007: Council directs staff to draft a regulatory amendment for the CDP that would accommodate Ohai's request.

2008: Council staff sends draft CDP amendment to National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO) for review. Council approves draft amendment and directs staff to work with PIRO on a comprehensive document including alternatives to allow fisheries access through the CDP process and to transmit this completed CDP framework amendment to the Commerce Secretary for approval.

2010: NMFS implements the framework as Amendment 1 to Council's Fishery Ecosystem Plan (FEPs), establishing the eligibility requirements and procedures for submitting, reviewing and approving CDP proposals (75 FR 54044). Council requests a fuller development of Ohai's plan.

2011: PIRO asks for a full community plan, including by-catch discussion. Revised draft sent to PIRO for review. Ohai goes into semi-retirement. PIRO develops draft CDP Guidance document.

2012: PIRO determines application is complete but seeks more information to make a determination on the application. Ohai's children take over operations of their father's corporation, and the CDP proposal is revised to include them as new principals and to change gear from basket flagline to monofilament longline, increase exemption area and change fishing vessel. PIRO begins drafting environmental assessment (EA).

2013: Council sends amended proposal to PIRO to transmit for Secretarial approval. PIRO updates its CDP webpage to comply with Office of Management and Budget (OMB) guidelines.

2014: PIRO circulates pre-decisional draft proposal for internal review.

2015: PIRO drafts but does not publish Federal Register notice for the Ohai CDP project. PIRO updates the estimates of catches (average commercial and estimated CDP) and summarizes Endangered Species Act and Marine Mammal Protection Act determinations and estimated interactions applicable to the Hawai'i deep-set longline fishery. PIRO completes CDP summary draft for internal review and a general review timeline.

2016: PIRO drafts and internally reviews an EA for the project pursuant to the National Environmental Policy Act and informs Council that it is tiered into the 2015 Bigeye Tuna Territorial Specification EA.

FISHERY COUNCIL ASKS FOR TRANSPARENT ANALYSIS OF PROPOSED MARINE MONUMENT EXPANSION



The proposed monument expansion could prohibit commercial tuna fishing by U.S. vessels in two-thirds of U.S. offshore waters around Hawai'i. (J Gildea photo)

The Western Pacific Regional Fishery Management Council

at its 167th meeting held by teleconference on Aug. 3, 2016, agreed to a resolution that asks the US government to address a suite of concerns before acting on the proposed expansion on the Papahānaumoku-

ākea Marine National Monument (MNM) in the Northwestern Hawaiian Islands. Council members Suzanne Case, Hawai'i Department of Land and Natural Resources chair, and Julie Leialoha, Conservation Council for Hawai'i president, voted against the proposal. National Marine Fisheries Service (NMFS) Pacific Islands Regional Administrator Michael Tosatto abstained.

The resolution requested a "public, transparent, deliberative, documented and science-based process" to address the proposed expansion, which could prohibit fishing in two-thirds of the U.S. exclusive economic zone (EEZ), i.e., waters out to 200 miles from shore, around Hawai'i. The resolution was sent to President Obama, the White House Council on Environmental Quality (CEQ) and the Secretaries of Commerce, the Interior and State. It was the Council's third correspondence to Obama on the proposed expansion.

The Council's resolution also asked the federal government to address the resources and tools needed to effectively manage and administer an expanded monument and to specify the technical, scientific and socioeconomic costs and benefits from monument expansion on marine resources, residents of Hawai'i and the nation.

If any designation is made under the Antiquities Act of 1906 to proclaim an expanded monument, the Council recommended that the Magnuson-Stevens Fishery Conservation and Management Act process continue to be used to develop, analyze and implement fisheries management in the U.S. EEZ waters enclosed by the monument.

The Council's resolution is consistent with the Marine National Monuments resolution adopted by the Council Coordination Committee (CCC) at its May 24-26, 2016, meeting in the U.S. Virgin Islands. The CCC is comprised of the chairs and executive directors of the nation's eight Regional Fishery Management Councils. The Council's and the CCC's resolutions can be found at www.wpcouncil.org/nwhi-fisheries/.

All four of the nation's marine national monuments are located in the US Pacific Islands, placing about 30 percent of US waters in the region as large-scale marine protected areas closed to commercial fishing.

"No other region in the nation comes close to being that restrictive," said Council Chair Edwin Ebisui Jr. According to National Marine Protected Area Center data, all other U.S. regions are less than a quarter of 1 percent no-take.

During its 167th meeting, the Council also began the process to specify the 2017 catch and transfer limits for longline caught, bigeye tuna in the Western and Central Pacific Ocean (WCPO) for American Samoa, Guam and the Commonwealth of the Northern Mariana Islands. The Western and Central Pacific Fisheries Commission (WCPFC) conservation measures allow Small Island Developing States (SIDS) and Territories to have an unlimited catch of longline-caught bigeye tuna in the WCPO. However, since 2014, the Council has recommended, and the Secretary of Commerce has approved, a catch limit of 2,000 metric tons (mt) per US Territory of which 1,000 mt per territory can be transferred to federally permitted vessels, such as those in the Hawai'i longline fishery.

The Hawai'i longline fishery utilizes the U.S. quota, which is among the smallest for nations that have historically fished for bigeye tuna by longline in the WCPO.

The U.S. quota was reached early in 2014, 2015 and 2016. The Hawai'i fishery reopened last year with transferred quota from the U.S. Territories. The fishery closed this year on July 22. Catch-per-unit effort of 40 percent higher than normal with greater numbers and larger tuna are reasons the quota was met early. Rulemaking needed for the fishery to utilize transferred quota in 2016 was not completed by NMFS at the time this newsletter went to print.

Country	Internationally Set Longline Bigeye Tuna Catch Limits in the WCPO (mt)			
	2014	2015	2016	2017
Japan	19,670	18,265	18,265	16,860
Korea	15,014	13,942	13,942	12,869
Chinese Taipei	11,288	10,481	10,481	9,675
China	9,398	8,224	8,224	7,049
Indonesia	5,889	5,889	5,889	5,889
USA	3,763	3,554	3,544	3,345
NZ, AU, EU, PI	2,000	2,000	2,000	2,000
SIDS/Territories	No limit	No limit	No limit	No limit

The United States is the only nation in the WCPO to have shut down its fishery after reaching its quota. Three reasons for this were discussed: 1) The U.S. strictly monitors its catch and projects when the limit will be reached; 2) The limits are based on historic catches, which may not reflect current

operations of some fleets, such as the significant declines in the Japanese fleet, which is awarded the largest quota; and 3) There may be questionable reporting and a lack of equivalent compliance by some countries.

The Council is expected to take action on the 2017 Territorial catch and transfer limits for longline-caught bigeye tuna in the WCPO during its next meeting, to be held Oct. 11 to 14, 2016, in Honolulu.

At its 167th meeting, the Council also approved a letter to the Department of State regarding Indonesia seafood exports to the United States and Hawai'i. The letter recommends that the Department take action as appropriate due to ongoing problems with human trafficking of enslaved fishermen, the significant contribution of Indonesian fishing vessels to the overfishing of bigeye tuna in the WCPO, the unreliability of Indonesia's fishery statistics, and the unaccountably high longline bigeye catch limit for Indonesia. Taken together, these have a damaging impact on the seafood market and longline fishing industry in Hawai'i, which has become the global standard for environmentally responsible pelagic longline fishing. 🐟

Postcards

from the Western Pacific Region

1: Capt. Calistro Reyes (in white shirt) of *Padre De Familia* with wife Bernice, other family members, anglers and Saipan Fishermen Association officials with the winning trophy during the banquet for the 32nd Saipan International Fishing Tournament held on July 9 and 10, 2016.



1

2: Local angler PJ Gurr from the village of Maloata and his marlin.



2

3: Among the features of the 1st Marianas Trench Fishing and Seafood Festival held on July 16, 2016, on Saipan were (from top) Gary Sword from KKMP Radio displaying a variety of bottomfish and pelagic species.



3

4: (front row l-r) On July 28, the Western Pacific Regional Fishery Management Council staff bid aloha to its summer interns (front row with leis) Faasalafa Diana Kitiona (University of Hawaii at Hilo from American Samoa) and Dane Walin (University of Hawaii at Manoa). Diana's work focused on potential climate change impacts to American Samoa fisheries performance. Dane helped draft a community-based monitoring guide among other projects. Also seated are John Wiley (contractor/recent Hawaii Pacific University master's program graduate) who is assisting with an akule aerial survey project and the Council's executive director, Kitty M. Simonds.



4

5: Rodney Reid and Pemerika Gillet of the fishing vessel *Sau la* with their children and a nice sized yellowfin.



5

6: Angler Angus Hume aboard the *Viking* with his marlin.



6

Recipe

Save a Reef,
Eat a Tuna



In Hawai'i, poke is a favorite way to eat 'ahi, bigeye tuna landed iced by the local long-line fleet and yellowfin tuna landed principally by the trolling fleet. Served as an appetizer or over rice in a classic poke bowl for lunch, the recipe varies with the seasonings selected. Below is one of the five poke recipes featured in the Council's *Fish Forever Favorites* cookbook, which can be downloaded at <http://www.wpcouncil.org/education-and-outreach/educational-library>.

Hawaiian Style 'Ahi Poke

Courtesy of Office of Hawaiian Affairs
Trustee Peter Apo

Serves 4 to 8

Ingredients

- 2 lbs fresh tuna
- 3 tbsp macadamia nuts chopped fine
- 1 tbsp toasted sesame seeds
- ½ cup chopped green onions or small slices round onion
- 2 tbsp sesame oil
- 1 cup quality soy sauce such as Kikkoman
- 1 tbsp rice wine vinegar

Preparation

Place all ingredients in a bowl. Toss/mix all gently so as not to bruise tuna.

Plating option, 'ahi bowl: Serve as a mini-meal by topping off a small bowl of hot rice with a generous amount of 'ahi poke. Eat with chopsticks to complete this cultural hybrid Hawaiian-Asian dish.

PACIFIC ISLANDS FISHERY NEWS

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IN MEMORIAM



US Rep. Mark Takai (D-Hawaii), a strong supporter of the Hawai'i fishing community, passed away on July 20. Takai had recently appeared in a short video celebrating the 40th anniversary of the Magnuson-Stevens Fishery Conservation and Management Act and Hawaii's fishing industry.

His warmth and sincerity will be missed by all. *From the Boat to Plate*, which features Rep. Takai, can be viewed on YouTube at <https://www.youtube.com/watch?v=9M30Zy7LNsw>.

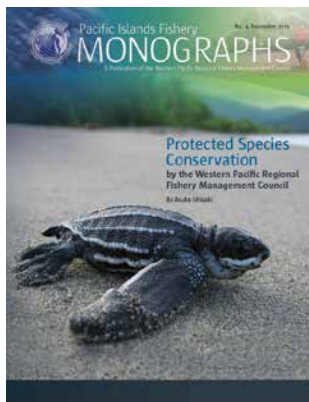
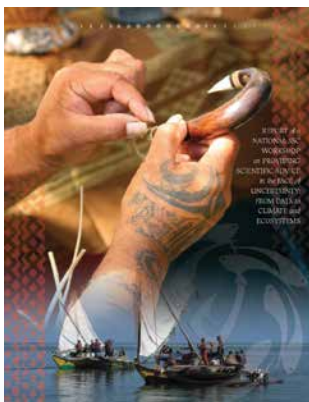
NEW OUTREACH MATERIALS



For copies of these and other outreach resources, go to www.wpcouncil.org/education-and-outreach or contact the Council at info@wpcouncil.org or (808) 522-8220.

Fishermen Code of Conduct: Based on native Hawaiian traditional

knowledge and cultural values, the code has had universal appeal throughout the Western Pacific Region. By request, the code has been translated into Samoan, Chamorro, Refaluwasch, Chuukese and, most recently, Korean and Chinese. A display featuring all of the translations was exhibited at the Council's booth at the Festival of the Pacific Arts, May 22 to June 4, 2016, in Guam.



Report of a National SSC Workshop on Providing Scientific Advice in the Face of Uncertainty: From Data to Climate and Ecosystems: The proceedings of the 5th National Meeting of the Regional Fishery Management Councils' Scientific and Statistical Committees is now available for download at <http://www.wpcouncil.org/education-and-outreach/educational-library> and at www.fisherycouncils.org. The workshop was hosted by the Western Pacific Regional Fishery Management Council, Feb. 23-25, 2015, in Honolulu.

Pacific Islands Fishery Monographs: Protected Species Conservation by the Western Pacific Regional Fishery Management Council. This fourth monograph in the series provides an overview of the many actions that the Council has taken since its establishment in 1976 to minimize fishery impacts on protected species. The Council collaborated with fishermen, seafood

industry members, researchers, managers and others to find solutions on emerging issues. Part I traces the history. Part II summarizes the Council's Sea Turtle Conservation Program since its establishment in 2002.

COUNCIL FAMILY UPDATES

Council Members: The Secretary of Commerce announced the appointment of three new members of the Western Pacific Regional Fishery Management Council. Their three-year terms began on Aug. 11, 2016.



Christinna S. Lutu-Sanchez stepped down from her position as chair of the American Samoa Advisory Panel to assume the role of a Council member. She is also a member of the Permanent Advisory Committee to the U.S. Commissioners of the Western and Central Pacific Fisheries Commission, president of the Tautai O Samoa Longline and Fishing Association and director of the American Samoa Tuna Association. She has been engaged in commercial fishing for 19 years, and her family owns U.S. longline vessels based in American Samoa.



Dean C. Sensui is a self-employed television producer and executive producer of *Hawaii Goes Fishing*. This fishing show allowed him over the past 12 years to observe fishermen and learn about fisheries science and management. He has also been engaged in video-monitoring a traditional fishing spot to observe changes in species diversity and abundance and in the collection of ta'ape (blue-lined snapper) for analysis. He sits on the board of the Pacific Islands Fisheries Group and the Hunting, Farming and Fishing Association of Hawaii and assists with communications for the Hawaii Fishermen's Alliance for Conservation and Tradition.



Archie T. Soliai is employed at StarKist Samoa in Pago Pago, American Samoa, as a government relations manager. He has previously served as a member of the American Samoa House of Representatives, a general manager for GHC Reid and Company, a probation officer for the High Court of American Samoa and a legal assistant for the American Samoa public defender. He serves on several community organizations including the American Samoa Renewable Energy Committee, American Samoa Chamber of Commerce, American Samoa Investment Committee, American Samoa Shriners Club and Lions Club of American Samoa, among others.

Scientific and Statistical Committee: At its 167th meeting on Aug. 3, the Council approved the following new SSC members, whose positions begin in October: **Debra T. Cabrera, PhD**, St. John's School, Guam; **Shelton Harley**, New Zealand Directorate of Fisheries Management (invited); **Ray Hilborn, PhD**, University of Washington; **Justin Hospital, PhD**, Pacific Islands Fisheries Science Center, and **Steve Martell, PhD**, private consultant, International Halibut Commission.

Advisory Panel (AP): The Council has appointed **Krista Corry** as the new chair of the American Samoa AP as well as the following new AP members: **Gordon Yamasaki** (American Samoa), **Juan Diego Blanco** and **Lino Tenorio** (CNMI) and **Ed Ebisui III** (Hawai'i). Changes were also made to the AP subpanels and are listed at www.wpcouncil.org/about-us/council-advisory-panels/advisory-panel/.

Marine Planning and Climate Change Committee: **Beatrice "Tricee" Perez Limtiaco** has been appointed to the committee. She is a special assistant to the Governor of Guam and his climate change point of contact.




Western Pacific Regional Fishery Management Council
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2016 Council Calendar

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September

1-10: IUCN World Conservation Congress. Honolulu

15-16: 2016 Our Ocean Conference, Washington, DC

16-17: Catch Documentation Scheme Intersessional Working Group of the Western and Central Pacific Fisheries Commission (WCPFC), Pohnpei, Federal States of Micronesia (FSM)

20-23: US Coral Reef Task Force, Guam and Saipan, CNMI

21-27: WCPFC Technical and Compliance Committee, Pohnpei, FSM

28-30: WCPFC FAD Management Options Intersessional Working Group, Pohnpei, FSM

October

4-6: Scientific and Statistical Committee, Honolulu

6-7: Permanent Advisory Committee to US WCPFC Commissioners, Honolulu

11-14: Western Pacific Regional Fishery Management Council, Honolulu

13: Fishers Forum, Honolulu

18-20: Rare Events Bycatch Workshop, Honolulu

25-27: Inter-American Tropical Tuna Commission Technical Meeting on Dorado, Panama City, Panama

25-28: False Killer Whale Recovery Planning Threats Workshop, Honolulu

November

3-8: WCPFC Turtle Workshop, Honolulu

December

5-9: WCPFC 13th regular session, Nadi, Fiji

Upcoming Events

Time to Celebrate: At its 168th meeting, Oct. 11-14, 2016, in Honolulu, the Western Pacific Regional Fishery Management Council will consider options for the 2017 U.S. Territorial catch and transfer limits for bigeye tuna caught by longline in the Western and Central Pacific Ocean. It will also review fishery statistics related to the American Samoa Large Vessel Prohibited Area exemption and impacts to American Samoa economy from the Effort Limit Area for Purse Seine vessels in the U.S. exclusive economic zone and high seas. Reports will be provided on the Main Hawaiian Islands Deep-7 Bottomfish Workshop, the Hawai'i Marine Recreational Survey, a study on the biomass and distribution of akule (*Selar crumenophthalmus*) from aerial surveys in O'ahu, and a project to mitigate false

killer whale depredation in the Hawai'i longline fishery, among other issues. The Council will also celebrate the 40th anniversary of the Magnuson-Stevens Fishery Conservation Act (MSA), which established the nation's eight Regional Fishery Management Councils to have authority of fisheries seaward of States, Commonwealths, Territories and Possessions of the United States.

As part of the 40th MSA anniversary celebration, the eight Councils collaborated on a new brochure on the history of US fisheries before and after the Act. The brochure can be downloaded from the all Council website at www.fisherycouncils.org, which was redesigned to commemorate the 40th MSA anniversary.

