Finding on the Recommendation of the Western Pacific Fishery Management Council Regarding the Management of Fisheries within the Proposed Northwestern Hawaiian Islands National Marine Sanctuary

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PROPOSED NORTHWESTERN HAWAIIAN ISLANDS NATIONAL MARINE SANCTUARY

Finding on the Recommendation of the Western Pacific Fishery Management Council Regarding the Management of Fisheries within the Proposed Northwestern Hawaiian Islands National Marine Sanctuary

1.0 FINDING

In accordance with section 304(a)(5) of the National Marine Sanctuaries Act (NMSA), 16 U.S.C. 1434(a)(5), NOAA provided the Western Pacific Fishery Management Council (WPFMC) the opportunity to prepare draft NMSA regulations for fishing to fulfill the goals and objectives (G&O) of the proposed Northwestern Hawaiian Islands (NWHI) national marine sanctuary designation and the purposes and policies (P&P) of the NMSA.

Under section 304(a)(5) of the NMSA, a Council may either: (1) prepare NMSA draft fishing regulations that fulfill the P&P of the NMSA and G&O of a proposed sanctuary designation; or (2) make a determination that draft NMSA regulations for fishing are not necessary. Regulations provided by a Council, or a determination that regulations are not necessary, shall be accepted and issued as proposed regulations unless NOAA finds they do not fulfill the P&P of the NMSA and G&O of the proposed designation. Further, section 304(a)(5) requires NOAA to prepare the fishing regulations if the Council declines to make a determination with respect to the need for regulations, makes a determination which is rejected by the NOAA, or fails to prepare the draft regulations in a timely manner

Per Section 304(a)(5) of the NMSA, WPFMC provided its "Recommendation of the Western Pacific Fishery Management Council Regarding the Management of Fisheries within the Proposed Northwestern Hawaiian Islands National Marine Sanctuary" (WPFMC Recommendation) on April 14, 2005 (WPFMC 2005a). WPFMC recommended a proposed regulatory regime under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), as opposed to draft fishing regulations under the NMSA. NOAA considers WPFMC's Recommendation to be its determination that regulations for fishing under the NMSA are not necessary because WPFMC believes that their recommended regulatory regime under the MSA fulfills the P&P of the NMSA and G&O of the proposed NWHI sanctuary.

NOAA finds that WPFMC's Recommendation does not fulfill the P&P of the NMSA and G&O of the proposed NWHI sanctuary. The rationale for this finding is provided in this document. This finding concludes the NMSA 304(a)(5) process for the purpose of the proposed sanctuary designation.

Per section 304(a)(5), because NOAA finds that the WPFMC's Recommendation does not fulfill the P&P of the NMSA and G&O of the proposed NWHI sanctuary, and therefore does not accept WPFMC's Recommendation, NOAA must prepare draft NMSA regulations for fishing in the proposed sanctuary. In doing so, NOAA will incorporate any new information and data from scientific studies, meetings with the fishing community, and federal and state regulatory actions. Draft regulations will be included with the Draft Environmental Impact Statement (DEIS) for public comment as required by the NMSA and in accordance with the National Environmental Policy Act (NEPA). This document summarizes the NMSA 304(a)(5) process and provides the rationale for this finding.

2.0 BACKGROUND ON SECTION 304(a)(5) PROCESS

Under Section 304(a)(5) of the NMSA, 16 U.S.C. 1434(a)(5), regional fishery management councils are provided the opportunity to prepare draft NMSA regulations for fishing that fulfill the P&P of the NMSA and G&O of sanctuary designation. This provision specifically recognizes that regional fishery

management councils have considerable expertise in developing fishing regulations and could provide valuable assistance to NOAA in developing draft NMSA regulations for fishing in the proposed NWHI sanctuary.

Section 304(a)(5) of the NMSA provides the regional fishery management council an opportunity to draft regulations that fulfill the G&O of the proposed sanctuary designation and the P&P of the NMSA. Regional fishery management councils have 120 days to respond to the NMSA 304(a)(5) opportunity (15 C.F.R Section 922.22(b)). Draft regulations prepared by the Council shall be accepted and issued as proposed Sanctuary regulations unless NOAA determines that they fail to fulfill the P&P of the NMSA and G&O of sanctuary designation. Further, section 304(a)(5) requires NOAA to prepare the fishing regulations if the Council declines to make a determination with respect to the need for regulations, makes a determination which is rejected by the NOAA, or fails to prepare the draft regulations in a timely manner.

The G&O of sanctuary designation, together with the P&P of the NMSA, serve as the benchmarks against which a regional fishery management council's draft regulations, or determinations that regulations are not necessary, are measured. The proposed NWHI sanctuary's G&O Statement describes the sanctuary vision (SV) and mission (SM), and management principles (MP), goals, and objectives for the proposed sanctuary (Attachment A). While all the G&O are used to evaluate the WPFMC Recommendation, management goal 7 relates specifically to fishing. The G&O Statement for the proposed NWHI sanctuary designation was developed using the advice of the NWHI Coral Reef Ecosystem Reserve Advisory Council (RAC) and RAC subcommittees, interagency partners, and the public through a series of meetings over the period of approximately one year beginning in July 2003 (NOAA 2004). The language is based largely on the P&P of the NMSA and the Executive Orders 13178 and 13196 (EO), and supplemented by reference to multiple documents including scoping comments, the draft interagency memorandum of understanding, and the Hawaii State Constitution. The WPFMC, as a nonvoting member of the RAC, participated in the RAC and its subcommittee meetings throughout the development of the G&O Statement and possible fishing alternatives for the NWHI.

Prior to the initiation of the NMSA 304(a)(5) process, WPFMC requested that NOAA conduct an analysis of the 2003 WPFMC proposal for managing fisheries in the proposed NWHI sanctuary (WPFMC 2003) and provide guidance on developing draft regulations for fishing that would meet the G&O of the proposed sanctuary designation. As part of this analysis, NOAA utilized screening criteria based on the P&P of the NMSA and G&O of sanctuary designation to evaluate the potential range of fishing activities and overall regulatory regimes. Screening criteria were used to score the compatibility of fishing activities and a range of fishing alternatives against the P&P of the NMSA and G&O of the proposed sanctuary designation. Fishing activities and alternatives that received negative total scores based on the evaluation were deemed incompatible with the P&P of the NMSA and G&O of the proposed sanctuary designation.

On September 20, 2004, NOAA initiated the NMSA 304(a)(5) process. NOAA provided its analysis along with the G&O Statement and model regulations that appeared to best fulfill the G&O of the proposed designation (NOAA 2004) as input to WPFMC for the development of draft fishing regulations.

Upon request, WPFMC was granted two extensions to the 120-day response period to conduct public meetings, facilitate its process, and incorporate the results of public comment and the WPFMC process into any draft fishing regulations. WPFMC held public meetings on the islands of Oahu, Maui, Kauai, and Hawaii. On April 14, 2005, WPFMC submitted its "Recommendation of the Western Pacific Fishery Management Council Regarding the Management of Fisheries within the Proposed Northwestern Hawaiian Islands National Marine Sanctuary" (WPFMC Recommendation; WPFMC 2005a). NOAA analyzed the WPFMC Recommendation utilizing a similar approach and criteria as in the earlier analysis of WPFMC's 2003 proposal (NOAA 2004) as the basis and rationale for this finding.

3.0 RATIONALE FOR FINDING

The WPFMC Recommendation is largely based on its 2003 proposal for fishing in the proposed sanctuary (WPFMC 2003) submitted to NOAA prior to the initiation of the NMSA 304(a)(5) process. NOAA compared the WPFMC Recommendation to the earlier proposal to identify new or modified provisions (Table 1). Key new provisions proposed in the WPFMC Recommendation are summarized below:

- Moratoria on coral reef, precious coral, and crustacean fisheries pending opening via a Fisheries Ecosystem Management Plan developed under MSA
- Community Development Program (CDP) permits for Native Hawaiians with exemptions from moratoria on coral reef, precious coral, and crustacean fishing
- Maximum number of bottomfish permits established
- Permits and reporting requirements for pelagic trolling

NOAA reviewed the WPFMC Recommendation and found that it fails to fulfill the G&O of the proposed sanctuary and P&P of the NMSA. This section provides the rationale for NOAA's finding focusing on the six fishing activities proposed by WPFMC. NOAA finds that the recommendations associated with each of these fishing activities do not fulfill the G&O of the proposed sanctuary and the P&P of the NMSA.

In addition to the concerns associated with these individual fisheries described below, the primary purpose of any sanctuary designation, particularly the NWHI proposed sanctuary designation, is resource protection (NMSA P&P 6); (SM and MP7). The G&O of sanctuary designation highlight the need to limit and control fishing (Goal 7), and limit access only to those activities consistent with long-term ecosystem protection (MP 7; Objective 3a).

The WPFMC Recommendation, however, would only establish a near-term moratorium on the commercial precious coral, coral reef species and crustacean fisheries pending the development of a fishery ecosystem management plan. This approach fails to identify the criteria that would be used to end, or the nature of the specific process for ending, the moratorium. For example, the Recommendation identifies development of an ecosystem fishery management plan as a basis for ending the moratorium, but there are no details as to what would constitute a plan sufficient to lift the moratorium. This lack of information also raises a significant concern as to whether the WPFMC could issue an ecosystem management plan meeting the statutory and regulatory requirements of the MSA that would also fulfill the G&O of the proposed sanctuary designation or the P&P of the NMSA. Absent these types of critical information, the WPFMC Recommendation fails to provide limits or controls necessary to maintain ecosystem integrity (Goals 3 and 7; Objective 3a).

Table 1. WPFMC 2003 Submittal and New Provisions of WPFMC Recommendation in Response to the NMSA 304(a)(5) Process

Fishery	WPFMC 2003 Proposal (WPFMC 2003)	WPFMC Recommendation (WPFMC 2005a)
Commercial Longlining	• Area restriction on commercial longlining in protected species zone [CFR 660.12]	• No changes indicated
Commercial precious coral fishing	• Three conditional beds (of which one is proposed), one exploratory area, and one refuge within NWHI EEZ [CFR 660] • Open-access permits are bed-specific [CFR 660.81(b)] • Only one permit is valid per vessel and per person [CFR 660.81(c-d)] • Bed/Area-specific harvest quotas for each species present [CFR 660.84] • Minimum size restrictions for pink and black coral [CFR 660.86] • Must harvest with selective gear [CFR 660.88] • Mega-refugium, 250 nm long extending from existing Westpac refuge to southeast Brooks bank, where all precious coral harvest is prohibited (proposed) • Minimum size restriction (4 feet height, 1.5 inch base diameter) for gold coral harvest (proposed) • No harvest of gold coral in NWHI (proposed) • Observers required as directed by NMFS (proposed) • Harvest restriction within exploratory area adjacent to conditional beds (proposed) • Permittees may only harvest every other legal size coral when harvesting in the exploratory area, thus leaving at least 50% of the standing stock of an undesignated bed (proposed)	• Would establish a moratorium pending the development of a fishery ecosystem management plan by the WPRFMC and implemented by NOAA Fisheries under the MSFCA
Commercial coral reef species fishing	• Special permit required, issued on a case-by-case basis [CFR 660.602] • Federal reporting requirement [CFR 660.602(d)(3)] • Fishing permitted only with list of allowable gear [CFR 660.605] • Harvesting of live coral or live rock prohibited, except for research, as aquaculture seed stock or for traditional and ceremonial purposes [CFR 660.603(c)]	• Would establish a moratorium pending the development of a fishery ecosystem management plan by the WPRFMC and implemented by NOAA Fisheries under the MSFCMA
Commercial crustacean Fishing	• 15 “lifetime” limited access permits [CFR 660.41(d)] • Permits may be transferred or sold [CFR 660.41(e)] • 3 Federal reporting requirements: catch, sales and packing/weigh-out reports [CFR 660.14] • Closed season: 1 Jan – 30 June [CFR 660.45 (a)] • Lobster no-take zone within 20 nm of Laysan and within the 10 fm curve of	• Would establish a moratorium pending the development of a fishery ecosystem management plan by the WPRFMC and implemented by NOAA Fisheries under the MSFCA

Fishery	WPFMC 2003 Proposal (WPFMC 2003)	WPFMC Recommendation (WPFMC 2005a)
	all emergent land [CFR 660.46] • Gear restricted to traps (with design requirements) or hand harvest [CFR 660.48 (a)(1-4)] • Maximum number of traps of 1,200 for each vessel [CFR 660.48(a)(5)] • VMS unit required if lobster trap gear is onboard a vessel operating in Permit Area 1 when fishing for lobster is prohibited [CFR 660.48(a)(7-8)] • Observers required as directed by NMFS [CFR 660.49] • Annually determined area-based harvest guideline for four lobster fishing grounds [CFR 660.50]	

Commercial bottomfishing and associated pelagic trolling	• 17 permits can be issued: 10 in Mau zone (includes potential for two CDP permits) and 7 in Ho'omalu zone – Additional permits could be issued if the Regional Administrator, in consultation with the Council, determines that bottomfish stocks can support additional fishing effort [CFR 660.61(f)].
	• No vessel may have valid permits for the Mau and Ho'omalu zone simultaneously [CFR 660.61(a)(2)]
	• Automatic permit renewal with no minimum landing requirements (proposed)
	• No fee for permit renewal (proposed)
	• Any vessel that fished in any year from 2000-2004 and did not renew their permit in any subsequent year will be issued an automatically annually renewed permit (applies to one vessel from each zone, proposed)
	• Mechanism for issuance of new Mau zone permits specifically defined (proposed)
	• Mechanism to issue new Ho'omalu zone permits [CFR 660.61(g)]
	• Permits are non-transferable to a new owner [CFR 660.61(c)]
	• State-required landings logbook must be available for Federal inspection and copying by an authorized officer [CFR 660.14(f)(3)]
	• Observers required as directed by NMFS [CFR 660.65]
	• Primary operators must complete a protected species workshop [CFR 660.61(g)(1)(iv) and 660.61(h)(1)(viii)]
	• Maximum vessel length: 60 ft [CFR 660.61(d) and 660.61(i)(2)]
	• Moratorium on Hancock seamount groundfish [CFR 660.68]
	• No harvest caps
		• Mostly procedural changes related to re-issuance of permits
		• Only substantive difference would set maximum number of permits as follows:
		  • 7 permits in the Ho'omalu zone
		  • 10 permits in the Mau zone with 2 of 10 as CDP

Commercial pelagic trolling and	• Open access fishery (no permit required) • No maximum number of vessels	• Permit required • Federal logbook reporting

Fishery	WPFMC 2003 Proposal (WPFMC 2003)	WPFMC Recommendation (WPFMC 2005a)
handlining	• No harvest limits • No mechanism to place observers on vessels	requirement • Observers required as directed by NMFS • Primary operators must complete a protected species workshop
Subsistence Fishing	• Open access fishery (no permit required) • No reporting requirement	• Subsistence CDP permit required, no fee (permit specific for precious coral, crustacean and coral reef species) • This permit provides an exemption to moratorium for precious corals, coral reef species, and crustaceans • No reporting requirement described
Recreational fishing	• Open access fishery (no permit required) • No reporting requirement	• No change in proposed management
Area Restrictions common to all FMPs	• No-take MPAs: within the EEZ landward of the 10 fathom curve, within the EEZ landward of the 50 fathom curve around Laysan, FFS and the north half of MANWR • Prohibits all fishing including subsistence fishing	• No change in proposed management

NOTE: Summary of WPFMC 2003 proposal and WPFMC 2005 Recommendation for managing fisheries in the proposed NWHI national marine sanctuary. The WPFMC Recommendation column displays changes made in WPFMC 2003 proposal in response to the NOAA's advice and recommendations (NOAA 2004) initiating the NMSA 304(a)(5) process.

3.1 COMMERCIAL PRECIOUS CORAL FISHING

The draft MSA regulations for commercial precious coral fishing in the WPFMC Recommendation fail to fulfill the P&P of the NMSA and G&O of the proposed sanctuary designation. The G&O of sanctuary designation called for a prohibition of commercial precious coral fishing as appropriate to maintain the natural character and biological integrity of ecosystems of the region (Objective 7b). The rationale for this finding and related elements of the G&O (Exhibit 1) are provided below.

While there is some uncertainty as to the extent to which deep-water precious coral beds serve as refuge for eels and bottomfish, and consequently as monk seal foraging habitats, there is reasonable basis to conclude that they are relevant to the management and health of the critically endangered Hawaiian monk seal population (Parrish et al 2002). Moreover, precious corals together with reef-building corals are coral species that define the habitat of shallow and deepwater marine ecosystems and serve as the biological and physical foundation for designating the area as a national marine sanctuary (SV). The significance of the precious coral beds to maintaining the natural character and biological integrity of the region's ecosystems demonstrates it is appropriate to prohibit commercial precious coral fishing, consistent with Objectives 7b and 7c.

Prohibiting commercial precious coral fishing is also necessary given the uncertainty of impacts associated with such activity, and the need to err on the side of resource protection in the face of such uncertainties (MP6; Objectives 1b, 7k). No precious coral fishery has ever occurred in the NWHI. Except for a limited number of observations, little is known about the size of standing stock, distribution, growth rates, and life history traits of precious corals in the NWHI. As such, information and data for the estimation of basic precious coral fisheries management parameters, let alone ecosystem management parameters, are absent and may be difficult to estimate for the NWHI. A prohibition is further supported by recent concerns over the black coral fishery in the main Hawaiian Islands. The black coral fishery in the main Hawaiian Islands is over 40 years old and considered to have the best information and data on these resources in the world (WPFMC 2005b). Despite this information and data, recent recommendations from WPFMC call for changes in management measures to avert serious problems with the black coral fishery in the main Hawaiian Islands due to recruitment failures from overfishing and invasive species (WPFMC 2005b).

The WPFMC's proposal would place a moratorium on this fishery. If the moratorium were a permanent one, it would have fulfilled the G&O of the proposed sanctuary, and particularly the primary purpose of resource protection (NMSA P&P 6; SM; and MP 7), and the G&O highlighting the need to limit and control fishing (Goal 7; Objectives 7b, 7c) and limit access only for activities consistent with long-term ecosystem protection (MP 7; Objective 3a). The proposed moratorium, however, would be for the near term only, and lifted once WPFMC adopts an "ecosystem based management plan" for the fishery. It therefore fails to fulfill the G&O of the proposed sanctuary for two reasons. Allowing any commercial precious coral fishing is at odds with the G&O of the proposed sanctuary for the reasons noted in the preceding paragraphs of this Section. Moreover, as explained more fully in the introduction to Section 3.0 above, establishing the intent to open a commercial precious coral fishery in the NWHI through the development of a fishery management plan lacking key details fails to provide limits or controls necessary to maintain ecosystem integrity, particularly given the uncertainty of impacts associated with such fishing (Objectives 1b, 3a, 7b, 7c and 7k).

EXHIBIT 1. KEY ELEMENTS OF GOALS AND OJECTIVES RELATED TO COMMERICAL PRECIOUS CORAL FISHING

Goals and Objectives

Goal 1: Protect, preserve, maintain, and where appropriate restore the natural biological communities, including habitats, populations, native species, and ecological processes, of the Sanctuary as a public trust for current and future generations.

1b. When there is uncertainty in available information regarding the potential impacts of any activity, err on the side of resource protection.

Goal 3: Manage, minimize, or prevent negative human impacts by allowing access only for those activities that do not threaten the natural character or biological integrity of any ecosystem of the region.

3a. Allow access only for activities consistent with long-term ecosystem protection.

Goal 7: Maintain ecosystem integrity by limiting and controlling fishing activities using an ecosystem-based management approach. Maximize ecosystem protection while minimizing adverse socioeconomic impacts. Limit fishing activities to areas that minimize or prevent interactions with corals, seabirds, endangered Hawaiian monk seals, and other protected wildlife, or that do not threaten the natural character or biological integrity of any ecosystem of the region.

Objectives: As appropriate to maintain the natural character or biological integrity of any ecosystem of the region:

7b. Prohibit commercial precious coral fishing.

7c. Prohibit harvest of all coral species, live rock, all aquaria species and live fish trade species, and algae, sponges, and other invertebrates.

7k. When there is uncertainty in available information regarding the potential impacts of any fishing activity, err on the side of resource protection.

3.2 COMMERCIAL CORAL REEF SPECIES FISHING

The draft MSA regulations for commercial coral reef species fishing in the WPFMC Recommendation fail to fulfill the P&P of the NMSA and G&O of the proposed sanctuary designation. The G&O of sanctuary designation call for a prohibition of commercial coral reef species fishing as appropriate to maintain the natural character and biological integrity of ecosystems of the region (Objective 7c). The rationale for this finding and related elements of the G&O (Exhibit 2) are provided below.

Coral reef ecosystems of the NWHI provide important habitat and foraging grounds for threatened and endangered species including Hawaiian monk seals, fledgling seabirds, and nesting threatened green sea turtles. Protection of these coral reef ecosystems is the core of this sanctuary's proposed designation (SV). The available scientific record readily demonstrates that the coral reef ecosystems are significant to maintaining the natural character and biological integrity of the region's ecosystems; their significance to the readily supports the conclusion that it is appropriate to prohibit commercial coral reef species fishing, consistent with Objective 7c.

This conclusion is alternatively well supported by prior experience with this fishery. Past attempts to harvest coral reef species in the NWHI experienced sudden collapses and required decades for even partial recoveries (Friedlander et al., 2005), and as a consequence, the harvest of live rock and live coral is

currently prohibited by both state and federal regulations (Hawaii Administration Rules [HAR], 1995; WPRFMC, 2001a). Marine debris, coral bleaching, disease, and invasive aquatic species are some of the threats to the status of coral reef ecosystems in the NWHI, even in the absence of any harvest of coral reef species (Friedlander et al., 2005). The available evidence supports the conclusion that allowing commercial harvesting of coral reef species would likely result in a significant, adverse impact to the proposed sanctuary's ecosystem, and should be prohibited to maintain the natural character and biological integrity of the region's ecosystem, consistent with Objective 7c.

The WPFMC's proposal would continue the existing moratorium on this fishery. If the moratorium were permanent one, it would have fulfilled the G&O of the proposed sanctuary, and particularly the primary purpose of resource protection (NMSA P&P 6; SM, MP7), and the G&O highlighting the need to limit and control fishing (Goal 7; Objective 7c) and limit access only for activities consistent with long-term ecosystem protection (MP7, Goal 3, Objectives 3a). The proposed moratorium, however, would be for the near term only, and lifted once WPFMC adopts an "ecosystem based management plan" for the fishery. It therefore fails to fulfill the G&O of the proposed sanctuary for two reasons. Allowing any commercial coral reef species fishing is at odds with the G&O of the proposed sanctuary for the reasons noted in the preceding paragraphs of this Section. Moreover, as explained more fully in the introduction to Section 3.0 above, establishing the intent to open a commercial coral reef species fishery in the NWHI through the development of a fishery management plan lacking key details fails to provide limits or controls necessary to maintain ecosystem integrity (Objectives 1b, 3a and 7c).

EXHIBIT 2. KEY ELEMENTS OF GOALS AND OJECTIVES RELATED TO COMMERICAL CORAL REEF SPECIES FISHING

Goals and Objectives

Goal 1: Protect, preserve, maintain, and where appropriate restore the natural biological communities, including habitats, populations, native species, and ecological processes, of the Sanctuary as a public trust for current and future generations.

1b. When there is uncertainty in available information regarding the potential impacts of any activity, err on the side of resource protection.

Goal 3: Manage, minimize, or prevent negative human impacts by allowing access only for those activities that do not threaten the natural character or biological integrity of any ecosystem of the region.

3a. Allow access only for activities consistent with long-term ecosystem protection.

Goal 7: Maintain ecosystem integrity by limiting and controlling fishing activities using an ecosystem-based management approach. Maximize ecosystem protection while minimizing adverse socioeconomic impacts. Limit fishing activities to areas that minimize or prevent interactions with corals, seabirds, endangered Hawaiian monk seals, and other protected wildlife, or that do not threaten the natural character or biological integrity of any ecosystem of the region.

Objectives: As appropriate to maintain the natural character or biological integrity of any ecosystem of the region:

7c. Prohibit harvest of all coral species, live rock, all aquaria species and live fish trade species, and algae, sponges, and other invertebrates.

7k. When there is uncertainty in available information regarding the potential impacts of any fishing activity, err on the side of resource protection.

3.3 COMMERCIAL CRUSTACEAN FISHING

The draft MSA regulations for commercial crustacean fishing in the WPFMC Recommendation fail to fulfill the P&P of the NMSA and G&O of the proposed sanctuary designation. The G&O of sanctuary designation call for a prohibition of commercial crustacean fishing as appropriate to maintain the natural character and biological integrity of ecosystems of the region (Objective 7a). The rationale for this finding and related elements of G&O (Exhibit 3) are provided below.

As with commercial coral reef species fishery, this conclusion is alternatively well-supported by prior experience. Almost 30 years of commercial crustacean fishing demonstrates that allowing it to resume would risk further deterioration of the health of these stocks and disruption to the health of the region's ecosystems. Since the commercial crustacean harvest began almost 30 years ago, fishery managers have attempted to address a continuous stream of ecological concerns brought on by the fishery. The crustacean fishery has undergone a series of closures beginning with two emergency actions in 1991 in response to indications that NWHI lobster stocks were approaching an overfished condition (56 FR 21961 and 36912). The fishery was reopened in 1992 under new harvest guidelines, but then closed for the entire 1993 season with a second emergency closure issued eight weeks into the 1994 season (59 FR 44341). The fishery was again opened in 1995, but only to a single vessel under an experimental fishing permit to assess stock conditions, and closed again in 2000 because of shortcomings in understanding the dynamics of the NWHI lobster populations, increasing uncertainty in population model parameter estimates, and the lack of appreciable rebuilding of the lobster population despite significant reductions in fishing effort throughout the NWHI (65 FR 39314). The closure has continued through 2005 as a precautionary measure to prevent overfishing (70 FR 8544).

Demonstrated ecosystem impacts have occurred in the form of a species shift with slipper lobsters displacing spiny lobsters in traditional spiny lobster habitat. Recruitment failures from overfishing combined with changes in marine productivity in the region are considered the primary factors responsible for this ecosystem impact (Polovina et al. 1995). In addition, the lobsters' metapopulation structure is considered highly vulnerable to rapid depletion under the combined strain of environmental variability and fishing pressure (Dinardo and Marshall 2001).

One of the most studied fisheries in the NWHI, the documented history of commercial crustacean fishing activity and its management is characterized by a boom and bust fishing cycle, unknowns regarding vulnerability of the species to natural and anthropogenic perturbations, ecological impact of slipper lobsters displacing spiny lobsters in traditional spiny lobster habitat in the fishery, potential ecosystem threats to the habitat and reef species, and a likely importance of lobsters in the monk seal diet. Despite the research and adaptive management approach, ecosystem impacts have occurred and the resource has yet to recover from a catastrophic collapse, demonstrating that this fishery cannot be sustained in a manner to address ecosystem-level requirements for the proposed NWHI sanctuary. It is therefore appropriate to prohibit commercial crustacean fishing to maintain the natural character and biological integrity of the region's ecosystem, particularly when there is uncertainty in available information regarding some of the potential impacts of that activity (e.g., importance of lobsters to the monk seal diet) (MP 6; Objectives 1b, 3a, 7a and 7k).

The WPFMC's proposal would place a moratorium on this fishery. If the moratorium were a permanent one, it would have fulfilled the G&O of the proposed sanctuary, and particularly the primary purpose of resource protection (NMSA P&P 6; SM and MP7), and the G&O highlighting the need to limit and control fishing (Goal 7) and limit access only to activities consistent with long-term ecosystem protection (MP 7; Goal 3; Objective 3a). The proposed moratorium, however, would be for the near term only, and lifted once WPFMC adopts an "ecosystem based management plan" for the fishery. It therefore fails to fulfill the G&O of the proposed sanctuary for two reasons. Allowing any commercial crustacean fishing

is at odds with the G&O of the proposed sanctuary for the reasons noted in the preceding paragraphs of this Section. Moreover, as explained more fully in the introduction to Section 3.0 above, establishing the intent to open a commercial crustacean fishery in the NWHI through the development of a fishery management plan lacking key details fails to provide limits or controls necessary to maintain ecosystem integrity, particularly given the uncertainty with respect to some impacts associated with such fishing (Objectives 1b, 3a, 7a and 7k).

EXHIBIT 3. KEY ELEMENTS OF GOALS AND OJECTIVES RELATED TO COMMERICAL CRUSTACEAN FISHING

Goals and Objectives

Goal 1: Protect, preserve, maintain, and where appropriate restore the natural biological communities, including habitats, populations, native species, and ecological processes, of the Sanctuary as a public trust for current and future generations.

1b. When there is uncertainty in available information regarding the potential impacts of any activity, err on the side of resource protection.

Goal 3: Manage, minimize, or prevent negative human impacts by allowing access only for those activities that do not threaten the natural character or biological integrity of any ecosystem of the region.

3a. Allow access only for activities consistent with long-term ecosystem protection.

Goal 7: Maintain ecosystem integrity by limiting and controlling fishing activities using an ecosystem-based management approach. Maximize ecosystem protection while minimizing adverse socioeconomic impacts. Limit fishing activities to areas that minimize or prevent interactions with corals, seabirds, endangered Hawaiian monk seals, and other protected wildlife, or that do not threaten the natural character or biological integrity of any ecosystem of the region.

Objectives: As appropriate to maintain the natural character or biological integrity of any ecosystem of the region:

7a. Prohibit non-subsistence crustacean fishing

7c. Prohibit harvest of all coral species, live rock, all aquaria species and live fish trade species, and algae, sponges, and other invertebrates.

7k. When there is uncertainty in available information regarding the potential impacts of any fishing activity, err on the side of resource protection.

3.4 COMMERCIAL BOTTOMFISH/PELAGIC FISHING

The draft MSA regulations for commercial bottomfish/pelagic fishing in the WPFMC Recommendation fail to fulfill the P&P of the NMSA and G&O of the proposed sanctuary designation. The G&O of sanctuary designation call for maintaining ecosystem integrity by limiting and controlling fishing activities using an ecosystem-based management approach (Goal 7). The development of a marine zoning system that prescribes further limits on use to enhance ecosystem protection and ease of management and enforcement (Objective 3c) was deemed by NOAA as a fundamental management tool of an ecosystem-based management approach for the proposed sanctuary (NOAA 2004). The rationale for this finding and related elements of the G&O (Exhibit 4) are provided below.

The federally permitted NWHI commercial bottomfish fishery has been regulated under the current management regime since 1986. Limited entry was established for the larger, more distant Ho`omalu Zone in 1989 and for the Mau Zone in 1999 (WPFMC 1999). NOAA Fisheries Service issued a

Biological Opinion concluding that the NWHI bottomfish fishery was not likely to jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify critical habitat (NOAA Fisheries 2002). Data show that in over a decade of fairly stable fishing operations, the target species populations have remained high based on traditional management measures, including MSY (WPRFMC 2004a). Nevertheless, NOAA issued a notice that overfishing of the bottomfish multispecies stock complex is occurring around the Hawaiian archipelago (70 FR 34452, June 14 2005), requesting WPFMC take appropriate action to end this overfishing within one year.

Despite fairly stable fishing operations based on traditional management measures, the G&O of the proposed sanctuary designation calls for an ecosystem-based approach that extends beyond a focus on target species to address impacts on non-target species, trophic interactions, and other ecosystem parameters. The WPFMC recommendation to establish a maximum number of bottomfishing permits at 10 (including 2 CDP permits) in the Mau zone and 7 permits in the Ho'omalu zone was based largely on economic considerations (Pooley 1996) and not on ecosystem considerations for the NWHI and could potentially increase the number of permits compared to current levels. In addition, the recommendation does not incorporate limits or controls on bottomfishing that could form the basis for developing an ecosystem-based management approach because it does not include representative habitats (especially deepwater slopes and banks and pelagic areas) for target species of bottomfish/pelagic fishery. The potential ecosystem impacts of bottomfishing, such as the role of metapopulation structure, biomass removal, and spatial movement between banks are also largely unknown. Under Objective 7e, bottomfishing may be allowed, but only as appropriate to maintain the natural character or biological integrity of any ecosystem of the region. Given the WPFMC's focus on economic considerations in establishing the maximum number of permits to be issued, the lack of any evidence offered by the WPFMC to support these levels as also consistent with protection of the ecosystem, and the G&O of erring on the side of protection in the face of uncertainty, the WPFMC recommendation fails to fulfill the G&O of the proposed sanctuary. (Objective 1b, 7e nd 7k).

The WPFMC recommendation regarding commercial bottomfish/pelagic fishing fails to fulfill the G&O of the proposed sanctuary for a second reason. While fishery managers and scientists alike are working to define all essential elements of an ecosystem-based management approach, fishery managers and scientists generally agree that establishment of ecological reserves or area restrictions with similar management goals is a fundamental management tool for ecosystem-based management in the NWHI (NOAA 2004). Area restrictions should be designed to protect a range of ecosystem values (U.S. Coral Reef Task Force 1999; Crosby et al., 1997) including representative habitats of the target species to serve as buffers for management errors and as control sites to improve our understanding of ecosystem impacts of fishing, particularly important in the NWHI given the unknown impacts associated with bottomfishing. The WPFMC Recommendation to establish small, shallow-water no-take zones, however, would allow bottomfishing to occur in sensitive habitats which directly conflicts with the G&O of the proposed sanctuary (MP 6; Objectives 1b, 7e and 7k).

Finally, the WPFMC Recommendation does not require a vessel monitoring system (VMS) or some other mechanisms that could have addressed the need for data on individual fishing events in addition to this system's primary use for enforcement and surveillance and as a tracking system for access and use of sanctuary resources. VMS is an accepted tool for such purposes, and used by NOAA in other fishing regions and foreign governments. For this reason as well, the WPFMC Recommendation fails to fulfill the G&O of the proposed sanctuary to provide for appropriate processes for enforcement and surveillance, as well as a tracking system for access and use that is compatible with partner agencies. (SM9, Objectives 2a and 2b).

EXHIBIT . KEY ELEMENTS OF GOALS AND OJECTIVES RELATED TO COMMERICAL BOTTOMFISH/PELAGIC FISHING

Goals and Objectives

Goal 1: Protect, preserve, maintain, and where appropriate restore the natural biological communities, including habitats, populations, native species, and ecological processes, of the Sanctuary as a public trust for current and future generations.

1a. Develop and implement a comprehensive management plan that integrates best practices, available science, traditional knowledge, and innovative management techniques, and addresses both short-term and long-term resource protection needs.

1b. When there is uncertainty in available information regarding the potential impacts of any activity, err on the side of resource protection.

Goal 2: Provide for comprehensive and coordinated conservation and management that recognizes and complements existing jurisdictional boundaries and management regimes and involves stakeholder communities

2a. Develop and implement regional and global approaches, interagency agreements, and processes with partners to address key cross-jurisdictional activities such as education, resource and monitoring, enforcement and surveillance, and access.

2b. Created a permit, notification, and tracking system for access and use that is compatible and coordinated with partner agencies.

Goal 3: Manage, minimize, or prevent negative human impacts by allowing access only for those activities that do not threaten the natural character or biological integrity of any ecosystem of the region.

3c. Develop a marine zoning system that prescribes further limits on use to enhance ecosystem protection and ease of management and enforcement.

Goal 5: Support Native Hawaiian cultural, religious, and subsistence practices that are consistent with the long-term conservation and protection of the region.

Goal 6: Support, promote, and coordinate research and long-term monitoring that improves management decision-making and is consistent with the conservation and protection of the region.

Goal 7: Maintain ecosystem integrity by limiting and controlling fishing activities using an ecosystem-based management approach. Maximize ecosystem protection while minimizing adverse socioeconomic impacts. Limit fishing activities to areas that minimize or prevent interactions with corals, seabirds, endangered Hawaiian monk seals, and other protected wildlife, or that do not threaten the natural character or biological integrity of any ecosystem of the region.

Objectives: As appropriate to maintain the natural character or biological integrity of any ecosystem of the region:

7e. Allow bottomfish fishing to continue except within sensitive habitats

7k. When there is uncertainty in available information regarding the potential impacts of any fishing activity, err on the side of resource protection.

3.5 COMMERCIAL PELAGIC TROLLING

The draft MSA regulations for commercial pelagic trolling in the WPFMC Recommendation fail to fulfill the P&P of the NMSA and G&O of the proposed sanctuary designation. The G&O of sanctuary designation call for maintaining ecosystem integrity by limiting and controlling fishing activities using an ecosystem-based management approach (Goal 7). The development of a marine zoning system that prescribes further limits on use to enhance ecosystem protection and ease of management and enforcement (Objective 3c) is deemed by NOAA as a minimum requirement of an ecosystem-based

management approach for the proposed sanctuary. The rationale for this finding and related elements of the G&O (Exhibit 5) are provided below.

Traditional stock assessment measures indicate that the status of pelagic fish stocks for most targeted species, such as *aku, mahi mahi, uku* and *ono* are healthy, although concerns have been expressed for yellowfin and bigeye tuna. Nevertheless, the relationship between these pelagic species and ecosystems of the NWHI is largely unknown, as is the impact from allowing fishing to continue as it has to date. Given the primary purpose of resource protection that extends beyond a focus on target species to address impacts on non-target species, trophic interactions, and other ecosystem parameters (NMSA P&P 6); (SM and MP7), the G&O highlighting the need to limit and control fishing (Goal 7) and limit access only to those activities consistent with long-term ecosystem protection (MP 7; Goal 3, Objective 3a), and the G&O to err on the side of resource protection in the face of uncertainty, it is appropriate to place limits on commercial pelagic fishing and to prohibit such fishing in sensitive areas (MP 6; Objectives 1b, 7f and 7k).

The WPFMC Recommendation, however, fails to fulfill the G&O of the proposed sanctuary for two reasons. First, it fails to provide limits on commercial pelagic fishing outside of sensitive areas that would provide for an ecosystem-based management approach in light of the uncertainties with the health of pelagic stocks and their importance to the region's ecosystems (Objectives 1b, 7f and 7k). Second, while the WPFMC Recommendation would establish small, shallow-water no-take zones, it would still allow pelagic fishing in sensitive habitats (Objectives 7f and 7k).

EXHIBIT 5. KEY ELEMENTS OF GOALS AND OJECTIVES RELATED TO PELAGIC TROLLING

Goals and Objectives

Goal 1: Protect, preserve, maintain, and where appropriate restore the natural biological communities, including habitats, populations, native species, and ecological processes, of the Sanctuary as a public trust for current and future generations.

1b. When there is uncertainty in available information regarding the potential impacts of any activity, err on the side of resource protection.

Goal 3: Manage, minimize, or prevent negative human impacts by allowing access only for those activities that do not threaten the natural character or biological integrity of any ecosystem of the region.

3c. Develop a marine zoning system that prescribes further limits on use to enhance ecosystem protection and ease of management and enforcement.

Goal 7: Maintain ecosystem integrity by limiting and controlling fishing activities using an ecosystem-based management approach. Maximize ecosystem protection while minimizing adverse socioeconomic impacts. Limit fishing activities to areas that minimize or prevent interactions with corals, seabirds, endangered Hawaiian monk seals, and other protected wildlife, or that do not threaten the natural character or biological integrity of any ecosystem of the region.

Objectives: As appropriate to maintain the natural character or biological integrity of any ecosystem of the region:

7f. Allow commercial pelagic fishing using handline, pole and line and trolling gear except within sensitive habitats

7k. When there is uncertainty in available information regarding the potential impacts of any fishing activity, err on the side of resource protection.

3.6 SUBSISTENCE FISHING

The draft MSA regulations for subsistence fishing in the WPFMC Recommendation fail to fulfill the P&P of the NMSA and G&O of the proposed sanctuary designation. The G&O of sanctuary designation call for a prohibition of subsistence fishing except for Native Hawaiian subsistence use as appropriate to maintain the natural character or biological integrity of ecosystems of the region (Objective 7g). The rationale for this finding and related elements of the G&O (Exhibit 6) are provided below.

In 2004, NOAA adopted a definition of Native Hawaiian subsistence use developed by the NWHI Coral Reef Ecosystem Reserve Native Hawaiian Working Group for the purposes of sanctuary designation. This definition, provided to WPFMC at the initiation of the NMSA 304(a)(5) process (NOAA 2004), was developed to fulfill the G&O of sanctuary designation recognizing subsistence use together with cultural and religious practices as an inter-related set of uses that traditionally occurred together for the long-term conservation and protection of the region as envisioned by Objective 3b and Goal 5. In addition, and as noted above, there is a high degree of uncertainty associated with NWHI fisheries and the vulnerability of target species and ecosystems to natural and anthropogenic perturbations. Prohibiting subsistence fishing except for Native Hawaiian subsistence as developed by the Working Group is appropriate to maintain the natural character and biological integrity of the ecosystem of the region, particularly given uncertainties associated with allowing fishing in the NWHI and the need to err on the side of resource protection (Objectives 7g and 7k).

The draft MSA fishing regulations in the WPFMC Recommendation would allow the issuance of Community Development Permits (CDP) to Native Hawaiians for subsistence use and exempt CDP permittees from the moratorium on any coral reef ecosystem management unit species, crustacean management unit species, or precious coral management unit species. No definition of the actual meaning of "subsistence," however, has been provided that could be used to understand the difference between an application for a proposed CDP permit that would be used for commercial fishing from an application for a proposed CDP permit that would be for subsistence use. Indeed, the same eligibility criteria are used to evaluate applicants under both commercial and "subsistence" types of CDP permits, highlighting the absence of any means of distinguishing between these two categories of applicants. In addition, the WPFMC Recommendation for area restrictions would allow non-Native Hawaiian subsistence fishing to occur within the sanctuary boundary, outside the no-take zones. As such, subsistence fishing described in the WPFMC Recommendation is undefined and allows for subsistence fishing for non-Native Hawaiians. For both these reasons, the WPFMC Recommendation fails to fulfill the G&O of the proposed sanctuary, particularly given uncertainties associated with allowing fishing in the NWHI and the need to err on the side of resource protection (Objectives, 1b, 7g and 7k)

EXHIBIT 6. KEY ELEMENTS OF GOALS AND OJECTIVES STATEMENT RELATED TO SUBSISTENCE FISHING

Goals and Objectives

Goal 1: Protect, preserve, maintain, and where appropriate restore the natural biological communities, including habitats, populations, native species, and ecological processes, of the Sanctuary as a public trust for current and future generations.

1b. When there is uncertainty in available information regarding the potential impacts of any activity, err on the side of resource protection.

Goal 3: Manage, minimize, or prevent negative human impacts by allowing access only for those activities that do not threaten the natural character or biological integrity of any ecosystem of the region.

3b. The management system shall continue to allow Native Hawaiian cultural, religious, and subsistence uses.

Goal 5: Support Native Hawaiian cultural, religious, and subsistence practices that are consistent with the long-term conservation and protection of the region.
Goal 7: Maintain ecosystem integrity by limiting and controlling fishing activities using an ecosystem-based management approach. Maximize ecosystem protection while minimizing adverse socioeconomic impacts. Limit fishing activities to areas that minimize or prevent interactions with corals, seabirds, endangered Hawaiian monk seals, and other protected wildlife, or that do not threaten the natural character or biological integrity of any ecosystem of the region.
Objectives: As appropriate to maintain the natural character or biological integrity of any ecosystem of the region:

7g. Prohibit subsistence use within the sanctuary except for Native Hawaiian subsistence use.

7k. When there is uncertainty in available information regarding the potential impacts of any fishing activity, err on the side of resource protection.

3.7 SUMMARY – ALL FISHING ACTIVITIES

The draft MSA regulations for fishing activities in the WPFMC Recommendation fail to fulfill the P&P of the NMSA and G&O of the proposed sanctuary designation. The WPFMC Recommendation for all fishing activities were reviewed and received a negative total score of -4 using screening criteria based on the P&P of the NMSA and G&O of sanctuary designation. The key issues leading to this finding include following:

- Absence of marine zoning adequate to protect representative and critical habitat areas, and protected species from the fishing impacts.
- Provisions for future fishing activities that are not appropriate to maintain the natural character or biological integrity of the coral reef ecosystem in the region- precious corals, coral reef species, crustaceans.
- No criteria or process for opening prohibited fisheries.
- Absence of provisions for requiring ecosystem based science to inform management decision making.
- Provisions for an inappropriate level of bottomfish/pelagic fishing permitted and absence of adequate limitations on catch.
- Absence of defined Native Hawaiian subsistence fishing provisions.

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ATTACHMENT A

PROPOSED NORTHWESTERN HAWAIIAN ISLANDS NATIONAL MARINE SANCTUARY

Goals and Objectives Statement

Sanctuary Vision:

That the vast coral reefs, ecosystems, and resources of the Northwestern Hawaiian Islands (NWHI) -- unique in the world -- be healthy and diverse forever.

Sanctuary Mission:

Carry out coordinated and integrated management to achieve the primary purpose of strong and long-term protection of the marine ecosystems in their natural character, as well as the perpetuation of Native Hawaiian cultural practices and the conservation of heritage resources of the Northwestern Hawaiian Islands.

Sanctuary Management Principles:

The sanctuary shall be managed in a manner that:

1. *Is consistent with the Vision and Mission;*
2. *Recognizes that the resources of the Northwestern Hawaiian Islands are held as a public trust;*
3. *Incorporates and integrates best practices, available science, traditional knowledge, and innovative management techniques in order to have a comprehensive approach to both the ecological and social environment;*
4. *Honors the significance of the region for Native Hawaiians;*
5. *Enhances public awareness and appreciation of the unique character and marine environments of the NWHI;*
6. *Errs on the side of resource protection when there is uncertainty in available information on the impacts of an activity;*
7. *Authorizes only uses consistent with the primary purpose of resource protection and applicable law;*
8. *Coordinates with federal, state, and local governments, Native Hawaiians, and appropriate organizations;*
9. *Carries out appropriate and effective enforcement and surveillance and associated public outreach.*

Sanctuary Goals and Objectives:

Goal 1: Protect, preserve, maintain, and where appropriate restore the natural biological communities, including habitats, populations, native species, and ecological processes, of the Sanctuary as a public trust for current and future generations.

Objectives:

1a. Develop and implement a comprehensive management plan that integrates best practices, available science, traditional knowledge, and innovative management techniques, and addresses both short-term and long-term resource protection needs.

1b. When there is uncertainty in available information regarding the potential impacts of any activity, err on the side of resource protection.

1c. Develop and implement the necessary prohibitions, rules, regulations, and penalty schedules to achieve the primary purpose of resource protection and address the needs of the Sanctuary.

1d. Develop and implement a surveillance and enforcement program needed to ensure compliance with regulations.

1e. Cooperate with regional and global programs encouraging conservation of marine resources.

Goal 2: Provide for comprehensive and coordinated conservation and management that recognizes and complements existing jurisdictional boundaries and management regimes and involves stakeholder communities.

Objectives:

2a. Develop and implement regional and global approaches, interagency agreements, and processes with partners to address key cross-jurisdictional activities such as education, research and monitoring, enforcement and surveillance, and access.

2b. Create a permit, notification, and tracking system for access and use that is compatible and coordinated with partner agencies.

2c. Coordinate all activities to minimize impacts to ecosystems, avoid redundant or duplicative efforts, and to achieve efficient use of agency resources.

2d. Engage representative stakeholder communities and the public in seeking advice for effective management.

Goal 3: Manage, minimize, or prevent negative human impacts by allowing access only for those activities that do not threaten the natural character or biological integrity of any ecosystem of the region.

Objectives:

3a. Allow access only for activities consistent with long-term ecosystem protection.

3b. The management system shall continue to allow Native Hawaiian cultural, religious, and subsistence uses.

3c. Develop a marine zoning system that prescribes further limits on use to enhance ecosystem protection and ease of management and enforcement.

3d. Develop a permitting and tracking system to identify, evaluate, and monitor activities, access, and uses in order to ensure consistency with long-term ecosystem protection.

3e. Develop other measures as may be necessary to ensure long-term ecosystem protection.

3f. Work with the appropriate domestic and international agencies to adopt a notification requirement for transiting non-military vessels and the designation of special maritime zones on nautical charts.

Goal 4: Enhance public awareness, understanding, and appreciation of the marine environment and cultural and maritime heritage resources.

Objectives:

4a. Develop public outreach and education programs with partners to raise public awareness of NWHI marine ecosystems and the need to protect them and to effectively communicate access and use restrictions.
4b. In order to minimize the use of and impact to the region, plan and establish programs that emphasize the concept of bringing the place to the people, rather than people to the place.
4c. Increase the awareness of marine conservation in the NWHI by emphasizing the global nature of threats to the ecosystems and the importance of the region to the state, the nation, and the world.
4d. Enhance the effectiveness of education programs and public outreach by incorporating Native Hawaiian culturally based themes and traditional approaches to learning, multiple perspectives, histories, and stories of the region.

Goal 5: Support Native Hawaiian cultural, religious, and subsistence practices that are consistent with the long-term conservation and protection of the region.

Objectives:

5a. Build capacity within the Sanctuary program to develop a working relationship with Native Hawaiians to facilitate their participation in the management of the Sanctuary.
5b. Develop a plan for Native Hawaiian access and use in the NWHI collaboratively with Native Hawaiians and regional partners.
5c. Increase understanding of Native Hawaiian histories and cultural practices in the NWHI through research and oral traditions.
5d. Integrate Native Hawaiian traditional knowledge, values, and perspectives into management and education programs.

Goal 6: Support, promote, and coordinate research and long-term monitoring that improves management decision-making and is consistent with the conservation and protection of the region.

Objectives:

6a. Identify, assess, prioritize, and authorize ecological, historic, cultural, and socioeconomic research and monitoring necessary for effective management of the region.
6b. Coordinate with regional and national agencies to make vessels and other resources available for conservation and research activities.
6c. Compile existing research and avoid duplication by collaborating and coordinating with jurisdictional partner agencies and universities.
6d. Develop the ability to quickly assess and respond to unexpected, rapid ecological changes that have occurred as a result of storm events, dramatic climate and temperature shifts, and other occurrences.
6e. Establish criteria for cultural research activities through consultation with the Native Hawaiians.
6f. Work with partners and researchers to make NWHI research available and accessible to the public in a timely manner.

Goal 7: Maintain ecosystem integrity by limiting and controlling fishing activities using an ecosystem-based management approach. Maximize ecosystem protection while minimizing adverse socioeconomic impacts. Limit fishing activities to areas that minimize or prevent

interactions with corals, seabirds, endangered Hawaiian monk seals, and other protected wildlife, or that do not threaten the natural character or biological integrity of any ecosystem of the region.

Objectives: As appropriate to maintain the natural character or biological integrity of any ecosystem of the region:

7a. Prohibit non-subsistence crustacean fishing.
7b. Prohibit commercial precious coral fishing.
7c. Prohibit harvest of all coral species, live rock, all aquaria species and live fish trade species, and algae, sponges, and other invertebrates.
7d. Allow recreational fishing for pelagic species except within sensitive habitats.
7e. Allow bottomfish fishing to continue except within sensitive habitats.
7f. Allow commercial pelagic fishing using handline, pole and line and trolling gear except within sensitive habitats.
7g. Prohibit subsistence use within the sanctuary except for Native Hawaiian subsistence use.
7h. Allow sustenance fishing for pelagic and bottomfish species using pole and line, trolling and handline methods with the Sanctuary except within sensitive habitats.
7i. Allow spearfishing without the use of SCUBA for pelagic species except within sensitive habitats.
7j. All fishing not specifically allowed shall be prohibited.
7k. When there is uncertainty in available information regarding the potential impacts of any fishing activity, err on the side of resource protection.

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