

Northwestern Hawaiian Island Coral Reef Ecosystem Reserve

Questions and Answers

Compiled by
Environmental Defense and KAHEA: The Hawaiian-Environmental Alliance
www.kahea.org or www.edf.org/

What do the Executive Orders protecting the NWHI do?

The Executive Orders established the Northwestern Hawaiian Island Coral Reef Ecosystem Reserve. The Reserve extends 50 miles on each side of an Archipelago comprised of coral reef atolls, sandy shoals and rocky cliffs.

At eighty-four million acres, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve is the largest marine protected area under US jurisdiction and second in size to the Great Barrier Reef Reserve of Australia. Protection is permanent. The primary management objective of the Reserve is to preserve and conserve the natural state of the NWHI ecosystem utilizing the foresightful precautionary principle, which requires management decisions to err on the side of caution.

The NWHI are extremely isolated and stretch for 1,200 miles into the cooler waters of the northern Pacific, forming an intricate network of hundreds of acres of coral reef.

Will fishing be allowed to continue?

- The EOs allow fishing to continue at current levels of catch and effort, so whoever is currently active in the NWHI can continue to be active there, including commercial bottomfishers and recreational fishers.
- Fishing is allowed to continue in 99.8% of Reserve waters. The Reserves designates small “protected areas” in less than 4% of the Reserve. The majority (95%) of these small “protected areas” are open to bottomfishing, in waters as shallow as 25 fathoms. Reserve protected areas, for the most part overlay protected areas established by Theodore Roosevelt in 1909 for the NWHI Refuge. Prime bottomfishing grounds are from 50–150 fathoms.
- Less than 5% of the bottomfishing grounds and 0.2% of the Reserve are off limits to bottomfishing and recreational fishing. The majority of the closed areas occur at French Frigate Shoals – the world’s primary monk seal breeding grounds.

Have Native Hawaiians been involved in this process? What is their role now?

The Native Hawaiian community played and will continue to play a central role in supporting and managing the Reserve; NWHI Reserve islands and atolls have ceded lands status and are of cultural importance to the Kanaka Maoli community which has shown overwhelming support for their protection.

These distant islands played a key role in Hawaiian history and are named in *mele* and *oli* (song and chant). The Hawaiian names of these islands not only reflect the history, but describe the homes of monk seal, sea turtles, and millions of sea birds. The NWHI have been called a *pu`uhonua*, or place of refuge, safety, and regeneration by *kupuna* and fishermen.

KAHEA board member holds the *Kupuna* seat on the Reserve Council, and our Oceans Project Director is the Vice Chair. In all, five Native Hawaiians serve on the 15 person Council as voting members.

Was there public input into the establishment of the NWHI Reserve?

The designation of the reserve has had a greater level of public participation than any natural resource decision-making process in the State of Hawai`i.

- In July, 2000, over 430 people attended five public meetings sponsored by federal agencies held throughout the Islands and one in D.C.
- KAHEA convened a community meeting with over 65 people from 5 islands, (one third were *kupuna*). Working together *kupuna*, fishers, cultural practitioners, scientists, environmentalists, and the concerned public produced a community-based protection plan for the NWHI. The community plan, based on a draft written by a Maui fisherman, was titled, “Malama I Ka Moana O Ka Northwestern Hawaiian Islands.” It allowed existing fishermen to continue to fish, ensured Native Hawaiian cultural access to the NWHI and served as the basis of the Executive Order.

- 1,100 people sent written comments to the Federal government during the public comment after the July hearings, the vast majority calling for strong permanent protection.
- 6 additional Federal hearings throughout the Islands were held in December, 2000. In spite of a massive media campaign against the Reserve prior to the public hearings, there was overwhelming public support for strong protection of the NWHI. This support reflects a recent poll indicating that 70% of Island residents place a priority on environmental protection. 8,400 people submitted written comments during the public comment period.

Are protection measures adequate to meet the goals of the NWHI Ecosystem Reserve?

The EO provides limited and minimal protection for fragile coral reef ecosystems and the multitudes of wildlife, including endangered species, that rely on their health. Many compromises were made in process of securing the NWHI Reserve.

The core group of activists involved in securing protections for the NWHI strongly advocated for the NWHI to be protected as a Monument. We feel that a resource-based agency, namely the Department of Interior, would be the appropriate agency to meet the management goals identified in the EO. This agency already oversees the NWHI Refuge established by Theodore Roosevelt in 1909. In spite of the fact that there is a minute amount of commercial fishing in the NWHI, the Reserve is housed under the jurisdiction of the Department of Commerce. Monument designation was soundly opposed by the Governor of Hawai'i and Wespac. We were unable to secure language indicating the NWHI are ceded lands and should be returned to the Hawaiian people upon resolution of land title.

At the request of DLNR, protection measures designated in the first EO were specifically weakened in the subsequent EO. For example, 200 fathom buffer zones were proposed to protect fragile atolls and reefs were reduced to 100 fathom depth zones at the request of the State of Hawai'i and Wespac. In addition, commercial fishing is allowed inside the buffer zones in waters as shallow as 25 fathoms (instead of proposed 50 fathom limit)—due to a specific request of DLNR .

Who is currently fishing in the NWHI?

Bottomfishers were grandfathered into the NWHI Reserve at current reported levels of catch and effort. According to bottomfishermen testifying at the December Federal hearings in Hawaii, there are only four vessels that make their living primarily from bottomfishing in the NWHI. Currently there are 17 permits issued by Wespac for the NWHI. Due to rough conditions and the distance and time from Main Islands, few fishermen can afford to fish there. NMFS reported that 10 bottomfishers utilized their permits in the NWHI last year. According to Wespac data, bottomfishers in the northern and more remote Ho'omalau Zone report an average net income of *negative* \$38,000 per vessel per year (i.e. reported losses of \$38,000 per year) and those in the southern Mau zone report an average negative net income/loss of \$7800 per vessel per year.

Recreational fishing was also grandfathered into the Reserve at current levels of catch and effort by EO: The Hawaii Chapter of the Recreational Fishing Alliance: The Hawaii Fishing and Boating Association has actively supported the NWHI Coral Reef Ecosystem Reserve. Because the NWHI are so distant and the waters so treacherous, they are generally inaccessible to standard recreational fishing vessels.

Most of the small amount of recreational fishing that occurs in the NWHI began in 1996 with the opening of Midway Island to the public. Midway is under US Fish and Wildlife jurisdiction and is included in the Reserve. One estimate of recreational activity in the last five years was approximately 100 recreational accessed the NWHI

What about the lobster fishery?

The Lobster fishery has been closed for nearly 2 years and remains closed under the Executive Order. Due to severe mismanagement by Wespac in allowing catch rates and gear that did not support recovery of the lobster populations, the lobster fishery was devastated. Even when the lobster population crashed in 1996, Wespac allowed a "retain-all" fishery. This means that, despite Hawai'i state regulations banning the practice, Wespac allowed NWHI lobster fishers to harvest egg-bearing females and undersized juveniles. It is currently unknown if lobster populations will be able to recover. The depletion of lobsters has significantly impacted the small remaining population of Hawaiian monk seals, which rely on lobsters for food. The National Marine Fisher Service shut the lobster fishery down under threat of court action and it remains closed under EO.

Lobster served in Hawaiian restaurants are either imported or come from a Keahole Point aquaculture facility.

Are precious coral in the NWHI protected?

Yes. Currently there is no commercial harvest of precious corals in the NWHI. One precious coral harvesting permit was issued by Wespac, but the permit was never utilized. Consequently, this “fishery” remains closed under the EO. In November, 2000, a Wespac science advisor discovered two enormous new beds of precious coral – valued at over \$25 million off of the Main Hawaiian Islands. The precious corals industry clearly has access to sources of coral outside of the NWHI.

Why is the Executive Order under review by the Bush Administration?

There is a concerted effort by a tiny, inordinately powerful special interest group to overturn the publicly supported Reserve. Members of the Western Pacific Regional Fishery Management Council (Wespac), an organization responsible for the management of fisheries in close to 50% of US waters, those in the Western Pacific region are leading a campaign to convince President Bush to repeal the NWHI Executive Orders and to replace them with Wespac’s “Coral Reef Ecosystem Fishery Management Plan.”

In August, 2001, over 17,500 people wrote to the Secretary of Commerce requesting protection for the NWHI as provided for by the EOs. There will be significant public backlash if the Reserve is weakened or overturned.

How will protecting the NWHI help the Main Hawaiian Islands?

Protection of the NWHI turtle breeding grounds is of direct benefit to the \$700 million ocean recreation industry in the Main Hawaiian Islands, much of which centers around scuba and snorkeling tours to view the sea turtles which arrive from the NWHI.

Nursery currents...

Will bottomfish prices increase?

Wespac’s own data show that there is no link between Hawai`i’s bottomfish catch rates and price increases. Despite massive changes in levels of bottomfish catches over the past 30 years (as a result of the boom and bust of the Main Hawaiian bottomfish fishery), prices in Hawai`i for bottomfish have remained stable over those decades. We are actually close to a 30 year price low. This is primarily due to high levels of imports from Tonga and other Pacific Islands. Due to industry lobbying efforts, consumers have no way of knowing if the fish in stores and restaurants is caught in Hawai`i or flown in from overseas.

Does the NWHI Reserve include State waters? Isn’t that where most of the coral reefs are located?

State waters extend from the land for three miles. The vast majority of reef ecosystem is located within State controlled waters. Our goal is to strongly encourage the State to adopt special protection measures that will be consistent with the goals stated in the Executive Orders.

What’s Next?

Draft Operations Plan for the Reserve: We are waiting for the Department of Commerce to release for public review the Draft Reserve Operations Plan (DROP) which was submitted to them in early June. This document will provide management guidelines for the Reserve and is necessary to provide any protection at all. We are urging Commerce to release the DROP as soon as possible. When this is released, we will be notifying the public on upcoming opportunities for input into the Draft plan. This will be an important opportunity to provide public comment.

State waters in the Reserve: The State of Hawai`i’s process: A parallel process is the Department of Land and Natural Resources’ development of protection measures for the state waters within the NWHI Reserve. The state manages lands 3 miles from a land mass. Beyond the small refuge area managed by USFW, this encompasses the vast majority of the fragile reefs and ecosystem in the NWHI. We are working to encourage the state to adopt protection measures that will be at least as protective as the Executive Order. Again this process will require public input. KAHEA will be keeping everyone informed of this process on our website and directly to those who are signed up with the Action Alert Network.

The NWHI Reserve will become the NWHI Marine Sanctuary The evolution of the NWHI Reserve into a sanctuary is not supposed to happen prior to the Draft Operations Plan being finalized, implemented and evaluated. KAHEA and others are attempting to discourage the Department of Commerce from hastening the initiation of the Sanctuary process. Public involvement into this longterm effort will also be very important.

What Can I Do to Help the Reserve become a Pu'uhonua (place of refuge) ?

Help make the NWHI a pu'uhonua (refuge) for future generations.

There is a critical need for the public to show their support for ocean protection. Stay informed about the efforts to undermine protection in the NWHI, provide public comments, check in for local strategy updates, and notify your regional Fishery Management Council.

- **Actively demonstrate your strong support for the NWHI Reserve.** Show your support for the NWHI as a pu'uhonua. Contact your legislative representatives (state and federal) and let them know how you feel about the need to protect the NWHI. Write a letter to the editor. Fax Governor Cayetano to encourage the state to adopt strong protection measures for the massive coral reefs in state waters of the NWHI. Fax: (808) 586-0006. While Commerce Secretary Donald Evans has indicated his support for the EO on Marine Protected Areas, in general, the NWHI Reserve has been singled out for review.
- **Participate in the upcoming public comment periods.** Use your email and outreach networks to encourage broad support. In the beginning of 2002, we are told the Reserve Councils management outline: Draft Reserve Operations Plan. Will be released for public comment. This will be a very important opportunity to provide your feelings for the need for adequate protection measures. This will be followed by a second opportunity for public comment regarding the transfer of the Reserve to a Sanctuary designation. Public input is very important and strongly encouraged. We will keep everyone informed about the dates of the comment opportunities and about key issues that are important to emphasize.
- **Sign up on our Action Alert Network** to receive periodic email alerts on actions needed to protect the NWHI Reserve. To join, visit www.actionnetwork.org. KAHEA and Environmental Defense will send out email updates and notices of public involvement to those who have signed up for web-based alerts. With a simple click, you can make your voice heard through free faxes or emails to key decision-makers.

For more information contact

- Cha Smith, Executive Director, KAHEA: The Hawaiian-Environmental Alliance kahea-alliance@hawaii.rr.com
- Stephanie Fried, Senior Scientist, Environmental Defense, Hawaii stephf@edf.org
- Dave Raney, Sierra Club Hawaii, Pacific Non-governmental Representative, U.S. Coral Reef Task Force: d_raney@aloha.net
- Isaac Harp, KAHEA Oceans Program Director, fisherman Imua.Hawaii@verizon.net