

An NGO Perspective on Coral Reefs in the Western Pacific

**Testimony by Dave Raney before the U.S. Commission on Ocean Policy
Honolulu, Hawaii, May 14, 2002**

Introduction

Aloha. My name is Dave Raney. I am a volunteer with the Sierra Club, and serve as the Pacific Non-Governmental Organization (NGO) Representative to the U.S. Coral Reef Task Force. My comments are from the perspective of an NGO volunteer who has closely tracked the major issues regarding protection of coral reef ecosystems in the Western Pacific, especially those within Hawaii and the United States territories and possessions

I first encountered the awesome beauty of coral reefs as a teenager snorkeling the reefs off Fort Lauderdale Florida in 1955. In the forty seven years since then I have dived reefs throughout Florida and the Caribbean, and, since moving to Hawaii in 1968, reefs throughout the Pacific. Within my lifetime I have witnessed devastating declines in the health of coral reefs I once knew as healthy and vibrant, and in the abundance and diversity of the fish species I had once seen. The worst declines appear to have occurred in Florida and the Caribbean, but long time residents throughout the Western Pacific will tell you of similar declines. We have the opportunity and responsibility, however, to do better here in the Western Pacific.

Main Points Relevant to the Commission's Charter

My testimony today will focus on the following main points relevant to the Commission's Charter:

- **The requirement of a coordinated and comprehensive national ocean policy that will promote:**
 - **Stewardship of ocean and coastal resources**
 - **Protection of marine environment and prevention of marine pollution**

- **The requirement that the Commission's report include the following:**
 - **Recommendations for modifications to federal laws and/or the structure of federal agencies**
 - **A review of the effectiveness of existing federal interagency policy.**

Stewardship of Ocean and Coastal Resources

I tell you my story because when I look at the eight major purposes of the Ocean Act, I do not see them as co-equal. I see the promotion of responsible stewardship as providing the overarching ethic and constraint within which the other purposes should operate. Responsible stewardship requires one generation to draw upon the wisdom of past generations, evaluate the effects of our actions on future generations, and choose actions to assure that the natural resources within our trust are passed on undiminished to future generations. My generation has failed to meet the test of responsible stewardship for coral

reefs, and I am donating my time as a volunteer to do what I can to make amends for this failure.

Stewardship of the Northwestern Hawaiian Islands and Pacific Remote Islands and Atolls (PRIAs)

Ocean resources, especially the unique ecosystems found in the remote areas of the Western Pacific, including the NWHI, are the heritage of all humanity and U. S. ocean policy should reflect our responsibilities as wise stewards of those resources.

Current U.S. ocean policy is heavily weighted toward extraction of ocean resources under the Department of Commerce and the mandate of the Magnuson-Stevens Act to seek out and harvest fish, broadly defined, wherever found. There is a need to balance this policy with the stewardship responsibilities for those resources and the ecosystems impacted directly or indirectly by extractive uses.

The Northwestern Hawaiian Islands (NWHI) and the Pacific Remote Islands and Atolls (PRIAs) are the marine equivalent of wilderness areas, and deserve special protection as such (See Figure 1). As a matter of national policy, the survival of the endangered Hawaiian monk seal, sea turtles, and endangered or threatened sea birds in the NWHI and PRIAs should take precedence over extractive, and potentially harmful non-extractive, activities proposed there. A precautionary approach must be taken.

The Northwestern Hawaiian Islands (NWHI) and the Pacific Remote Islands and Atolls (PRIAs) contain unique ecosystems that could be irreversibly damaged by “sustainable” extraction of key predator species, especially sharks and jacks. The value of preserving these ecosystems as scientific treasures far outweighs the potential benefits of extracting additional fish or shark fins from these areas.

Coral reefs in an ecosystem perspective – the fate of the monk seal

I am particularly concerned with our stewardship responsibilities toward not only coral reefs themselves, but the health of the ecosystem of which they are a key element, and the threatened and endangered species whose fate depends on the ecosystem. **We have an awesome responsibility right now, especially for bringing back the Hawaiian monk seal from the brink of extinction. I fear we would be playing roulette with the fate of the species by reopening the lobster fishery in the Northwestern Hawaiian Islands (NWHI), or by failing to properly assess and control the cumulative effects of research and other activities that may increase the number and frequency of visits of humans occupying the very limited land areas of the NWHI.**

Ocean Policy: Close Cooperation among Government Agencies

The challenge of protecting the coral reef ecosystems of the Pacific is shared primarily between two federal agencies, the Department of Commerce and the Department of the Interior. One of the purposes of the Oceans Act is to promote close cooperation among all government agencies and departments, to ensure “coherent and consistent regulation and management of ocean and coastal activities.”

I recommend for your reference the recently published report titled “Coral Reef Ecosystems of the Northwestern Hawaiian Islands, Interim Results Emphasizing the 2000

Surveys.” The report documents an enormous amount of work requiring close coordination between the State of Hawaii, NOAA, U.S. Fish and Wildlife, and other partners.

The cooperation at the working level between and among federal and state agencies has been outstanding, with sharing of resources across agency boundaries and true collaboration among the participants regardless of their home organizations.

Such close cooperation is sadly lacking at higher levels here in the Western Pacific, however, primarily by the failure of the Western Pacific Regional Fishery Management Council (WPRFMC) to do the following:

(A) Bring its Coral Reef Ecosystem Fishery Management Plan (CREFMP) into compliance with the Executive Orders (130178 and 13089) that established the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve;

(B) Fashion its proposed marine protected area boundaries and management measures to be consistent with protections already afforded coral reef resources within the boundaries of the National Wildlife Refuges and the NWHI Coral Reef Ecosystem Reserve;

(C) Include the U.S. Fish and Wildlife Service as a cooperating agent under the National Environmental Policy Act in the drafting of the environmental impact statement for the CREFMP; and

(D) Heed previous requests by the Marine Mammal Commission to take a more precautionary approach to management of the lobster fishery, and declare the NWHI lobster fishery permanently closed as required to comply with the NWHI Executive Orders.

In its Year 2000 annual report, the Marine Mammal Commission noted that it had written to NMFS on 23 November 1999, reiterating its past recommendations that the Service prohibit lobster fishing at all major monk seal breeding atolls until such time as information is sufficient to assess (1) the relative importance of lobsters and other monk seal prey species taken by fisheries in the diet of different age and sex classes of Hawaiian monk seals, and (2) the effects of lobster fishing on the availability of important monk seal prey resources."

As recently as March 14, 2002, however, the Scientific and Statistical Committee of the WPRFMC met to discuss a "Process to re-open the NWHI lobster fishery," and recommended that NMFS undertake additional research, data collection, and computer modeling as needed to develop an estimate of the harvestable population of lobsters in the NWHI, as one of the conditions required to re-open the lobster fishery there.

The WPRFMC is technically an advisory body to the National Marine Fishery Service (NMFS) within the Department of Commerce. It often behaves, however, as an independent Nation State following the Magnuson-Stevens Act as its constitution and ultimate authority and stubbornly marching along its own path. Fortunately it has not yet acquired its own armed forces. It is well-entrenched politically, well-funded, and able to muster a large group of scientists supportive of its positions. It has spent much effort over the past two years attempting to overturn or weaken the Executive Orders establishing the NWHI Coral Reef Ecosystem Reserve, rather than bringing its CRE FMP and other fishery management plans into compliance with the NWHI EOs.

Improved cooperation is needed between (1) the National Marine Fisheries Service (NMFS) and the Western Pacific Regional Fishery Management Council (WPRFMC), and the U.S. Fish and Wildlife Service, where there are overlaps in jurisdiction over the marine portions of national wildlife refuges in the NWHI and PRIAs; and (2) between NMFS/WPRFMC and the NWHI Coral Reef Ecosystem Reserve under the National Ocean Service.

WPRFMC's Coral Reef Ecosystem Fishery Management Plan proposes (1) no-take marine protected area boundaries that appear to allow commercial fishing well within the existing boundaries of national wildlife refuges in the NWHI and PRIAs, where such fishing is prohibited, and (2) numerous provisions, identified in the CREFMP EIS, which are inconsistent with the Executive Orders establishing the NWHI Coral Reef Ecosystem Reserve.

See Figure 2 below for an example of the conflict between the WPRFMC no-take marine protected area boundary and existing NWR boundaries, in this case the existing 12 nautical mile boundary of the Kingman Reef NWR.

Existing 12 Nautical Mile No-Take Marine Protected Area at Kingman Reef National Wildlife Refuge

Figure 5.11: Kingman Reef Marine Protected Area.

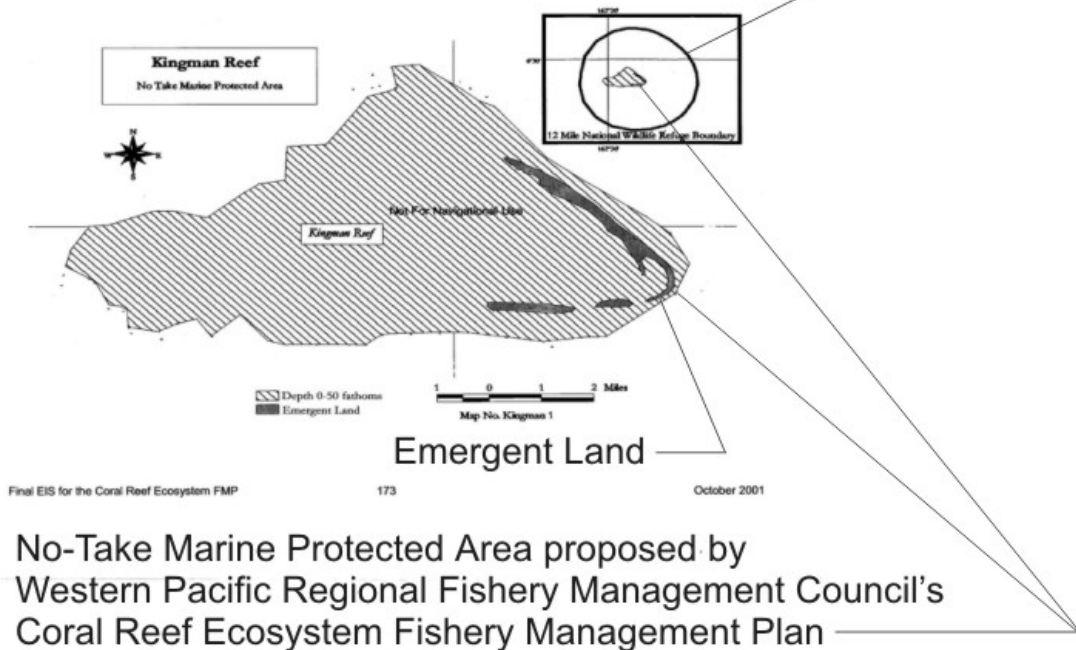


Figure 2 – Conflicting no-take marine protected area boundaries at Kingman Reef NWR

Note that the WPRFMC 50 fathom boundary for their no-take marine protected area (MPA) would allow, indeed invite, fishing vessels to come dangerously close to emergent land areas at Kingman, risking vessel groundings, introduction of alien species, and interference with green sea turtles foraging and resting there. In

contrast, the 12 nautical mile NWR boundary provides a safe buffer area around the reefs and emergent lands at Kingman, and would be much easier to enforce than the WPRFMC boundary. WPRFMC justifies its no-take MPAs as providing “an overlay effect, providing additional protection such as requiring vessel insurance.” (CREFMP EIS Volume II, page 334). If so, this overlay effect would be much more effective, and much less confusing to fishers, if it encompassed the entire area contained within the 12 nautical mile NWR boundary.

Dr. Paul Henson of the U.S. Fish and Wildlife Service makes the following points in his correspondence on or about December 18, 2001 to Kitty Simonds, Executive Director of WPRFMC:

“We strongly believe that a legitimate need for the FMP does not exist within the Service’s National Wildlife Refuges in the Pacific (Refuges).

Consistent with the requirements of the National Wildlife Refuge Improvement Act of 1997 (NWRISA), the Service can permit activities in these Refuges only if they are compatible with the purposes for which the Refuges were established. Accordingly, these Refuges are either closed to all types of fishing or open to only highly restricted fishing associated with recreation or research. Therefore, the mechanism to control unchecked coral reef exploitation within these Refuges already exists as part of the Service’s ongoing Refuge management. Rather than designing the FMP to apply where it is not needed, we believe it would be more productive to recognize existing “no-take” and “low-take” Refuge restrictions as part of the FMP strategy...

We feel that the proposed type of “overlapping management regime” you refer has a strong potential to result in unnecessary duplication of effort, bureaucracy, and expenditures. It would be confusing both to the Service as well as the public. Our greatest concern is that the proposed action or any proposed alternative, if eventually implemented, could significantly impact irreplaceable trust resources within the Refuges. We believe the proposed management regime is unnecessary because the National Wildlife Refuge System Administrative Act, as amended (NWRSA), requires that the Service maintain sole and exclusive management authority over the Refuges.”

Ocean Policy: Close Cooperation among Government Agencies
NWHI Coral Reef Ecosystem Reserve/National Marine Sanctuary

You will be hearing more today about the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve now in place and the proposed NWHI National Marine Sanctuary. Since the majority of the coral reefs of the United States lie within the NWHI, this area warrants special attention from the Commission.

The Reserve received widespread public support in the numerous public hearings held on the Executive Order which created it, both in Hawaii and elsewhere throughout the nation and the world. Approximately 8,400 public comments were received. Over 80% of the people who participated in the comment process were in favor of additional protection for the marine ecosystem in the Northwestern Hawaiian Islands.

We are grateful that the administrative reviews of the NWHI Executive Orders have been completed and the Executive Orders are being upheld. We still have a long way to go, however, beginning with the need to adopt rules and regulations to make the Reserve and its Operations Plan enforceable, to revise the Operations Plan to better reflect the comments submitted by the Reserve/Advisory Council, and to ultimately produce a Sanctuary that complements and supplements the Reserve, as called for in the Executive Orders.

A NWHI National Marine Sanctuary should include state waters, and offers the potential for producing a cooperative and unified management regime needed for stewardship of this the magnificent ecosystem

Recommendations

- 1. Promote the successful implementation of the NWHI Coral Reef Ecosystem Reserve by supporting the NWHI Executive Orders, implementation of rules and regulations for the Reserve, revision of the Reserve Operations Plan to better incorporate the comments of the Reserve/Sanctuary Council, and pursuit of a NWHI Sanctuary that would complement and supplement the Reserve.**
- 2. Affirm as necessary the right of the USFWS to manage marine resources within the boundaries of national wildlife refuges.**
- 3. To achieve the Oceans Act goal of coherent and consistent regulation and management of ocean and coastal activities, require WPRFMC/NMFS to work cooperatively with the USFWS and other agencies to replace conflicting and confusing management regimes with an integrated and cooperative approach that embodies the most stringent protections where there are overlapping jurisdictions.**
- 4. Implement reforms of fishery management councils to broaden the range of stakeholder interests represented, including those representing the interests of the general public.**
- 5. Require NMFS to provide timely notification to regional fishery management councils when there is a need to revise proposed fishery management plans and other actions to bring them in compliance with existing laws or executive orders, thereby saving taxpayer dollars and unnecessary adversarial contests with public interest groups.**
- 6. Prohibit expenditures, potentially in the hundreds of thousands of dollars, for any efforts to re-open the lobster fishery in the NWHI, and require expenditures needed to fully support the efforts of the Monk Seal Recovery Team and NMFS management programs intended to assist the recovery of the endangered seal. Reopening the lobster fishery is prohibited under the NWHI Executive Orders, would further reduce prey for the endangered seal at a time when juveniles are suffering from insufficient prey, and would represent a major subsidization of this fishery.**

Figure 1. Pacific National Wildlife Refuges (colored map printed separately)

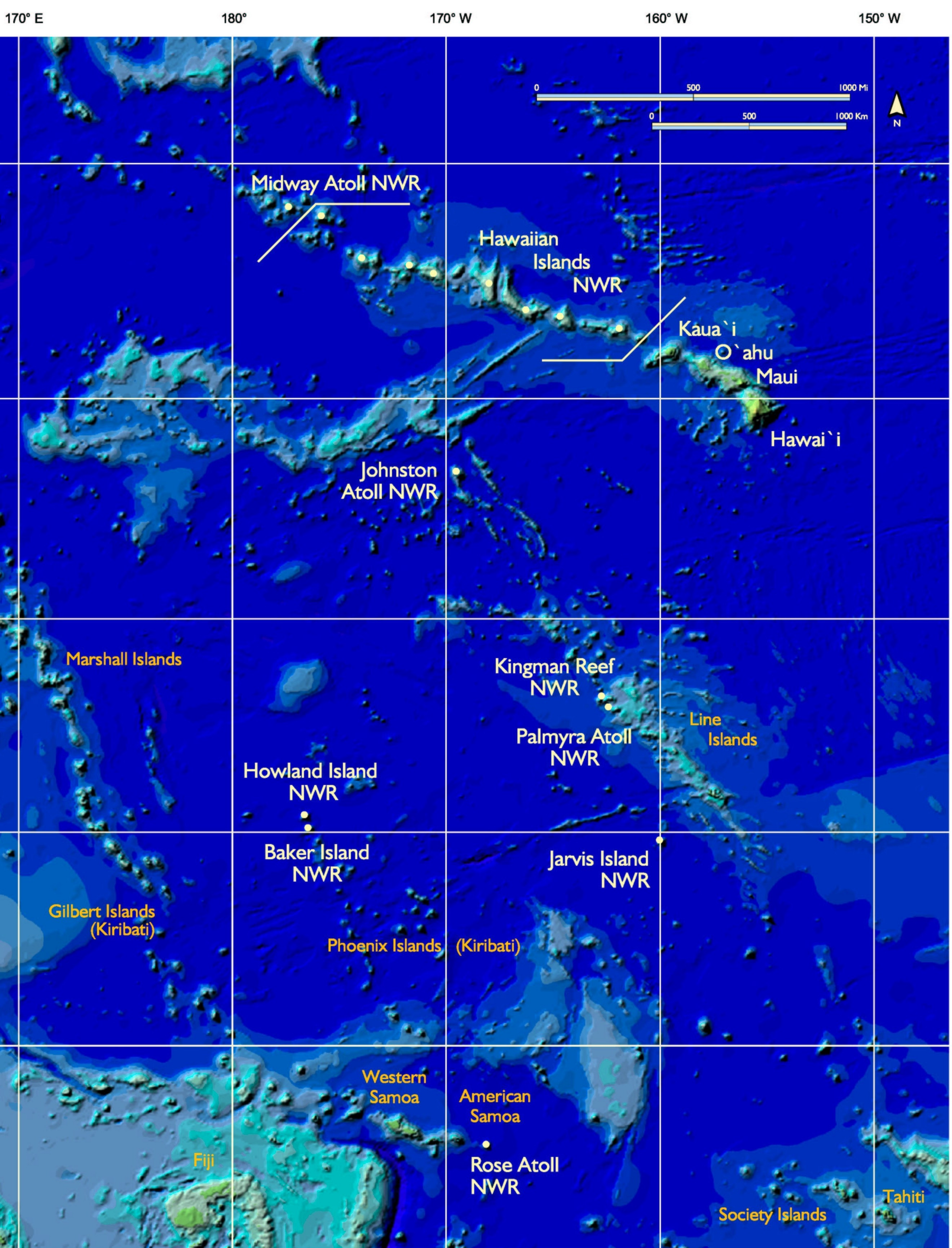


Figure 1

National Wildlife Refuges in the Pacific

