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# CASCADIA TIMES

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## ROGUES OF THE PACIFIC

**EXPLOITING A FRAGILE CORAL REEF ECOSYSTEM FOR FUN AND PROFIT**

**THE HAWAIIAN MONK SEAL • MAP: ISLES OF CORAL**

## SPECIAL ISSUE: NORTHWESTERN HAWAIIAN ISLANDS

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Cover Photo: Hawaiian monk seal on French Frigate Shoals. Photo by Jim Maragos, U.S. Fish and Wildlife Service  
Above: Green sea turtle. Photo by Jim Watt

# CASCADIA TIMES

2004 John B. Oakes Award for the Nation’s Best Environmental Journalism

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Founded 1995 by Paul Koberstein, Robin Klein, and Kathie Durbin. Original designs by Bryan Potter.

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The Northwestern Hawaiian Islands are thousands of miles from the place we call Cascadia, and are an improbable place for *Cascadia Times* to go for stories.

And yet, these islands in the Pacific have much more in common with the Pacific Northwest than one might think. Numerous species travel between the West Coast and the islands, including sea turtles, marine mammals, seabirds and fish.

The process of establishing protections for the Northwestern Hawaiian Islands has spanned a century from Theodore Roosevelt's Executive Order in 1909 to the Bush Administration's rejection of fishing plans for the fragile region. During the past five years the state of Hawai'i has seen the broadest public participation in a resource management decision in history.

Hawai'i's Governor Lingle and Representative Ed Case have responded directly to the public call for strong protections. The final test will come as the Department of Commerce Sanctuary designation process draws to a close.

*Cascadia Times* thanks everyone who's support helped make this special report possible, including Lyn Bishop, the Harold K.L. Castle Foundation, Fritzi Cohen, Ann and Doug Christensen, D.I. Davison, Joseph W. Edgell Jr., Candace France, Alberta Gerould, Steven G. Herman, Mike Kretzler, the Pew Charitable Trust, John Reynolds, Kevin Shea, Louise Waitt, Vivian Webber, Anne Younger and many others.

We also would like to thank the Board of Directors for the Cascadia Times Research Fund, including the new President Hilary Abraham, as well as Ken Margolis and John Haines.

They are working to help us build a stronger *Cascadia Times* and are seeking input from the many communities who see a vital need for investigative journalism on environmental issues. Please contact us if you're interested in participating.

Finally, we'd like to thank *Utne Reader* for nominating *Cascadia Times* as one of the best environmental publications in its annual Independent Press Awards.

*Cascadia Times* is not simply about furry animals and remote forests. It's also about the people who live in this region, their communities and their quality of life. *Cascadia Times* makes connections across the West, with a broad, bio-regional outlook.

# ROGUES OF THE PACIFIC

## EXPLOITING A FRAGILE CORAL REEF ECOSYSTEM FOR FUN AND PROFIT

By Paul Koberstein

The Northwestern Hawaiian Islands, America's largest coral reef ecosystem, have nurtured an exotic web of life for millions of years.

Because of their isolated location — they are further from continents than any other islands on earth — life evolved on its own terms. In the Hawaiian Archipelago (see map at right), of which the northwestern islands are a part, about 25 percent of all species occur nowhere else in the world.

While the Main Hawaiian Islands have been dramatically altered by humans, the northwestern islands remain as undisturbed as any place on earth. It's simple to see why. Human access to the 1,200-mile long chain (about the distance from Seattle to San Diego) has never been easy.

The public prefers the northwestern islands to remain undisturbed. At numerous hearings on plans to determine the islands' future, people overwhelmingly and repeatedly gave support for fully protecting and preserving the islands as they are.

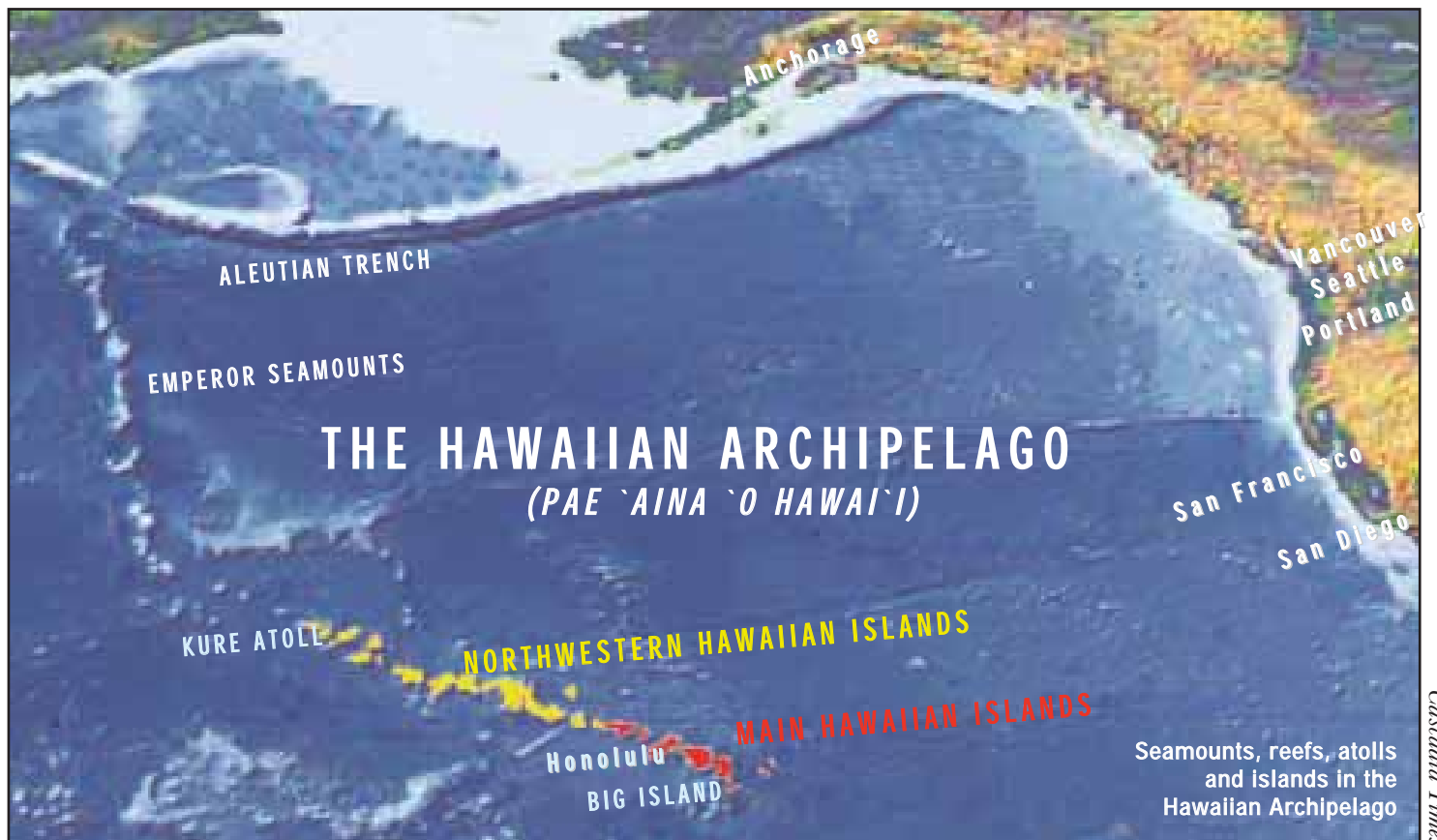
Yet a tiny handful of politically connected individuals have long been lusting for whatever undersea riches the fragile islands might bear. Over the years, they have been harvesting bottomfish, lobsters and other species from the islands — with some catastrophic results.

They are now clamoring for state and federal permission to take much, much more — even though they have been shown to have severely damaged parts of the ecosystem.

Since 2001, Native Hawaiian and conservation groups have compiled federal data indicating that fishers have been depleting Hawai'i's bottomfish at alarming, ecologically unsustainable, rates. In 2004, the federal fisheries agency admitted that overfishing for bottomfish was occurring throughout the Hawaiian archipelago. In 2005, a study by conservation groups confirmed overfishing in the northwestern islands. Moreover, documents reviewed by *Cascadia Times* demonstrate that fishers triggered a dramatic collapse of the lobster in the northwestern islands. There's mounting evidence the boom-and-bust lobster fishery nearly wiped out a critically endangered marine mammal in the process.

This mammal, the Hawaiian monk seal, has been a tragic victim of commercial fishing. The most endangered pinniped (a grouping of marine mammals that includes the seal, walrus and sea lion) in the Pacific Ocean, it lives almost exclusively in the northwestern islands. The monk seal began losing population to starvation just as the lobster population collapsed in the late 1980s, according to field reports written by scientists at the time.

The National Oceanic and Atmospheric Administration (NOAA) now believes that it's "likely" that the monk seal relies on the lobster as an important part of its diet — after



Seamounts, reefs, atolls and islands in the Hawaiian Archipelago

*Cascadia Times*

years of refusing to say so. In October 2005, the federal agency also determined that the lobster fishery cannot be sustained without compromising the natural character and biological integrity of the ecosystem. NOAA has never come so close to acknowledging that the lobster fishery was at least in part responsible for the monk seal's collapse.

And yet, this small group of fishers and its politically powerful backers steadfastly deny that they have caused any harm to the monk seal or the coral reef ecosystem. Their allies include a federally funded fishery management council known as Wespac, which has not been shy about spending tax dollars to promote the interests of commercial fishers in the

(Continued on Page 4)



*Andy Collins/NOAA*

**The Kūpuna Islands** Native Hawaiians have long had an important cultural, religious and social connection to the Northwestern Hawaiian Islands, which they call the *Kūpuna*, or elder, islands (the mark above the first *u* in *Kūpuna* indicates a long vowel sound.) In the Hawaiian language, the name for the Hawaiian Archipelago is *Pae `Aina `o Hawai`i*.

The northwestern islands contain numerous archaeological sites — including 88 on Nihoa Island, the southernmost of the group — evidence of ancient habitation, religious ceremonies, agriculture and burials. Native Hawaiians traveled to these islands in double hulled canoes hundreds of years ago. They built ancient rock shrines on Mokumanamana (Necker) Island (left), the purpose of which is still unknown. In 1822, Queen Ka`ahumanu sent an expedition to explore the islands.

In January 2005, Wespac conducted pub-

(continued on page 4)

## The *Kūpuna* Islands

(continued from page 3)

lic hearings on its proposal to allow fishing in the northwestern islands.

Wespac produced radio ads that ran on several stations before the hearings. One ad said, "Hawai'i fishermen have utilized the waters of the Northwestern Hawaiian Islands for hundreds of years. Now, a proposed National Marine Sanctuary may prohibit or restrict all fishing and Native Hawaiian use in the area."

The statement upset many leaders in the Native Hawaiian community because it threatened them with the loss of rights guaranteed by the Hawai'i Constitution.

Some Native Hawaiians said they came to the hearing because Wespac was disseminating information in an attempt to cause Native Hawaiians to oppose the sanctuary.

"We needed to come here because you (Wespac) advertised that Native Hawaiian rights are at risk," Vicky Holt Takamine, president of 'Ilio'ulaokalani, a coalition of traditional practitioners committed to protecting Hawaiian customs.

Wespac's statement was not accurate, said William Aila, a Native Hawaiian who helped author the proposed sanctuary rules addressing native rights. He said that all traditional and customary uses would be protected by the sanctuary.

But Eric Kingma, a Wespac official shown behind Aila, insisted that Native Hawaiians would lose rights.



William Aila

Aila urged Wespac to fully protect the islands. As a child, he recalls catching large akule. "I was astounded by the size of the fish at Midway," he said. "I don't want to tell my grandkids there used to be (large) akule at Midway."

Both Aila and Takamine asked for the strongest protection for the ecosystem, ceded lands and sacred sites.



Jim Maragos/U.S. Fish and Wildlife Service

## Coral Reef Fish

A total of 557 marine reef fish species have been identified in the Hawaiian Archipelago, and about 24 percent of these are considered endemic. Reef and coastal pelagic fish families with species valued for food include surgeonfish, goatfish, parrotfish, jacks, bigeye scad, mackerel scad, and soldier fish. Coral reefs in Hawai'i also provide habitat for over 1,000 mollusks, 1,350 other macroinvertebrates and 400 seaweeds.

## ROGUES OF THE PACIFIC

(Continued from Page 3)

northwestern islands.

Wespac, known officially as the Western Pacific Fishery Management Council, was one of eight regional fishery councils created by Congress under the 1976 Magnuson Act to help ensure that U.S. waters are not overfished. But Wespac, which is largely controlled by commercial fishing interests in Hawai'i, is seen today as a strident advocate for expanding fishing in sensitive marine habitats.

Wespac's methods include unethical and possibly illegal tactics to confuse, mislead and misinform the public, other government agencies and even the White House. Local small-boat fishing groups have requested a federal investigation of the Council.

Wespac's goal is to open lobster, coral reef fish and precious coral fisheries in the northwestern islands — each of which has been declared illegal on multiple occasions by NOAA. And yet, Wespac continues to churn through tax dollars as it dredges up old proposals again and again in hopes that it might eventually sneak them through the regulatory process.

In December 2005, for example, Wespac approved a set of these illegal lobster, coral reef fish and precious coral fishing plans without allowing the public, the state of Hawai'i or NOAA to see the final versions.

Wespac also appears to be under no obligation to tell the truth about its proposals. For example, in March 2005, Wespac supported the reopening of lobster fishing after determining that the monk seal

would not be harmed by it. Wespac based its decision on its own interpretation of an important monk seal study. But according to the scientist who conducted the study, however, Wespac's interpretation was completely false (see "The Hawaiian Monk Seal: How it became the most endangered pinniped in the Pacific," page 16).

And in January 2005, Wespac outraged leaders in the Native Hawaiian community by airing radio advertisements falsely stating that conservation measures proposed for the northwestern islands would strip away their traditional rights (see "The *Kūpuna* Islands," page 3).

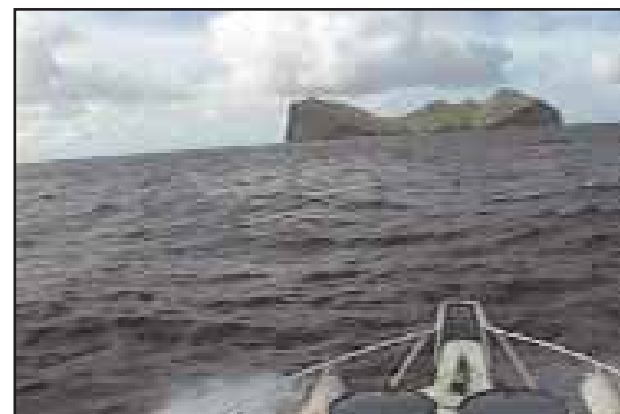
Documents obtained by *Cascadia Times* under the Freedom of Information Act and through other means also show that:

■ Wespac council members or the companies they own have repeatedly violated federal fishing regulations. Six times in the 15 years, they were prosecuted and paid fines for illegally fishing in closed areas; illegally retaining juvenile and egg-bearing female lobsters; falsifying fishing logbooks; and illegally fishing for and retaining billfish and other species without a permit. In each case, NOAA issued fines against companies owned by Jim Cook, a former longtime Wespac chairman, and his business partner Sean

Martin, a current council member (see page 4).

■ Wespac has been spending federal coral reef conservation funds to promote damaging fishing methods in fragile coral reef habitat areas. For example, Wespac spent coral reef conservation funds to sponsor a television program in January 2005 that depicted a recreational fishing trip into monk seal habitat on and near Nihoa Island in the northwestern islands. The boat, shown in the photos below and on page 11, came within only a few feet of

(Continued on Page 6)



**Coral Reef Conservation?** A television crew and recreational fishers head to Nihoa Island in the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. The show, sponsored by Wespac and NOAA, promotes recreational fishing near Hawaiian monk seals on Nihoa. See Page 9 for details and more images from this trip.



## Federal council pays "profit sharing" bonuses to CEO

One of Wespac's larger expenses is the \$187,000 annual salary paid its executive director, Kitty M. Simonds (also known as Rose B. Simonds). The salary, which is scheduled to increase to \$220,000 by 2009, includes an annual "profit sharing" payment of about \$20,000.

Profit-sharing payments seem odd because Wespac is a federal entity that receives all of its funding from the taxpayer, and generates no profits from any of its operations.

Simonds' salary is equal to almost one-third the annual revenue from all current NWHI fisheries, which Simonds wants to expand, despite environmental concerns raised by other federal entities that have ordered some of them to be closed.

Simonds refused to speak with *Cascadia Times*.

There are eight fishery management councils in the U.S., and none pay profit sharing or other bonus-

es to executives. "I don't know what profit sharing means," said Chris Oliver, executive director of the North Pacific Council, in a reply to an email. "We do not pay bonuses to the Executive Director or any other employees."

Simonds' salary is determined by Wespac members and not the U.S. Department of Commerce, which allocates money to Wespac through annual contracts and special agreements, and oversees Wespac's operations. Wespac has no real authority other than to recommend fishing management plans to the Secretary of Commerce.

Simonds' salary exceeds that of both Commerce Secretary Carlos Guterrez and Conrad Lautenbacher, administrator of the National Ocean and Atmospheric Administration (see table).

### Who makes how much?

President George Bush	\$400,000
Vice President Dick Cheney	\$208,100
Chief Justice John Roberts	\$208,100
House Speaker Dennis Hastert	\$208,100
Kitty Simonds, Executive Director, Wespac	\$187,469
Secretary of Commerce Carlos Guterrez	\$180,100
Conrad Lautenbacher Administrator of NOAA	\$162,100
Hawai'i Gov. Linda Lingle	\$112,000

**Kitty B. Simonds** is executive director of Wespac (she also signs her name Rose M. Simonds on official documents). At a Wespac public hearing on proposals to expand fishing in the Northwestern Hawaiian Islands in January 2005, Simonds reacted to criticism of Wespac's fishing plans by howling at the speaker, Marjorie Ziegler (far left), executive director of the Conservation Council of Hawai'i. During Ziegler's remarks, Simonds spoke to the man sitting next to her, Wespac council member Ed Ebisui.

Ziegler paused for a moment, smiled at Simonds, and said calmly, "I'll wait until you finish. This is directed at you." Simonds howled (middle photos), "Oh, I hear you well." Simonds noticed a video camera (from which these images were taken) was pointed at her (far right), and refrained from further interrupting the speakers.

Before the meeting, Wespac chair Roy Morioka told the photographer video cameras were not allowed. The photographer refused to stop shooting. Similar photographs to the ones above were first published in the *Honolulu Weekly*.

"I don't know what profit sharing means. We do not pay bonuses to the Executive Director or any other employees." — *Chris Oliver, executive director of the North Pacific Fishery Management Council*

## Repeat Offenders: Wespac officials violate federal fishing laws six times

Sean Martin, a member of the Wespac council since 2003, makes his living as a commercial fisherman. He also co-owns a company that manages vessels, an ice factory and Pacific Ocean Producers, the largest ship supply company in the islands. He's an activist as well, spearheading a battle to ease regulations designed to protect endangered species that come in contact with fishing gear. And as a member of Wespac, he's a regulator, helping to write the very rules that govern his business.

And sometimes, his business violates those very rules, according to documents obtained through the Freedom of Information Act.

Six times in the last 15 years, Martin or his business partner James Cook (a former Wespac chairman) have been cited and fined for commercial fishing violations in waters off Hawai'i. The most recent was settled in February 2004, eight months after Martin came on the council.

A longline boat owned by Vessel Management Associates, a company that owns and manages vessels, was



Sean Martin, at a 2005 Wespac meeting.

caught fishing in closed waters off the Main Hawaiian Islands in February 2003. Cook and Martin agreed to settle the case for \$7,000. Cook and Martin also agreed to pay another \$1,000 civil penalty from a previous case. That fine had been suspended if they committed no further violations. But with this new violation, NOAA's Office of General Counsel withdrew the suspension and required payment, documents show.

Wespac rules allow council members to continue on the council even after they violate fishing laws.

Other cases involving Cook, Martin or their companies include:

■ In December 2001, the *Mariah*, a longline vessel owned by Vessel

Management Associates failed to submit its fishing log book in a timely manner. The company and the vessel's operator, Peter A. Webster, paid a \$500 civil penalty.

■ In March 2001, NOAA cited Webster and Vessel Management Associates for illegal longline fishing and for falsifying its logbooks. The case also involved the *Mariah*. In a settlement agreement signed by Webster and Martin, they agreed to pay a \$3,000 civil penalty. Another \$2,000 penalty was suspended if the respondents committed no violations of the Magnuson Act for five years.

■ In February 1999, the longline vessel *Northern Venture*, owned by Vessel Management Associates and operated by Jerry Ray, was cited for illegally fishing within a closed area near the Northwestern Hawaiian Islands. In a settlement agreement signed by Martin, a \$10,000 civil penalty was assessed.

■ In August 1992, a vessel owned by Cook and Martin, and operated by Ed Timoney (husband of former Wespac council member Timm Timoney), was

cited for illegal lobster fishing in the northwestern islands. The vessel *Petite One*, owned by CMK Inc., a company owned by Cook, Martin and a third partner, was caught with about 616 undersized spiny lobsters, 292 undersized slipper lobsters and 562 female lobsters carrying eggs. It failed to maintain an accurate and complete daily lobster catch report and failed to accurately record required information in the ship's logbook. They were fined \$40,000 and paid a reduced penalty of \$29,500.

■ In May 1991, Cook and Robert Harstad, owner and operator, respectively, of the longline vessel *Kaimi*, were illegally fishing for and in possession of billfish and other associated species without a permit. They paid a civil penalty of \$1,000.

Interestingly enough, Martin and Cook have a state of the art vessel monitoring "war room" with computer screens that tracks, in real time, the exact location of each of their vessels. ■

## Hawaiians Support Full Protection

Formed in 1918 by Prince Kuhio Kalanianaʻole, the Hawaiian Civic Clubs are the oldest community-based Hawaiian organization in the islands. On Oct. 29, 2005, at their annual convention, the Civic Clubs approved a resolution calling for a national marine refuge to:

■ “Permanently and completely prohibit all commercial activities and protect Native Hawaiian cultural, religious, and subsistence practices, and allow only appropriate scientific and educational access to the NWHI Archipelago that would only benefit the cultural and ecological resources of the NWHI Archipelago.”

The Civic Clubs raised the following points as a basis for their resolution:

■ “The NWHI archipelago consists of ceded lands and hold great significance in Hawaiian culture and history, and are featured in ancient ʻoli and mele;”

■ “The NWHI Archipelago must be a true Puʻuhonua — a place of safety and regeneration — in order to provide adequate support to endemic, rare, threatened species including Hawaiian monk seals, threatened green sea turtles...millions of migratory sea birds;”

■ “Massive public input and support from *kūpuna*, cultural practitioners, fishers, scientists, and community members prompted protections for this special place through the federal NWHI Coral Reef Ecosystem Reserve established by the 2000 Executive Order;”

■ After receiving more than 25,000 comments from the public, the State of Hawaiʻi's Board of Land and Natural Resources responded by approving a fully protected Puʻuhonua or Refuge in state waters of the NWHI...

■ “The new state Refuge reflects public input by guaranteeing Native Hawaiian cultural, religious, and subsistence practices while prohibiting all commercial and recreational fishing in state waters of the NWHI.”

■ “The state's Refuge protections should be extended to federal waters.”



Jim Maragos/ U.S. Fish and Wildlife Service

## Predator Dominated Ecosystem

Galapagos sharks are a common predator in the Northwestern Hawaiian Islands, and a predator to the endangered Hawaiian monk seal. The Galapagos shark is found near islands such as Galapagos, Hawaiʻi, Virgin Islands and Bermuda. It is usually found in water between 16 and

200 feet deep.

One of the most striking aspects to marine life in the northwestern islands is the dominance of large predators, such as sharks and jacks. In the Main Hawaiian Islands, top carnivores represent only 3 percent of the total fish biomass, as a result of heavy fishing. But in the northwestern islands, the big fish consist of 54 percent of all fish biomass.

The Galapagos shark is one of 40 species of shark found in the Hawaiian Islands. The Galapagos grows as long as 12 feet. Dark grey on top and off-white on the bottom with a black tail, the Galapagos are hard to distinguish because of their general shark form. However they do have one distinguishing characteristic: a ridge that runs between their dorsal fins (back fins). — *Jake Bortnick*

## ROGUES OF THE PACIFIC

(Continued from Page 4)

contact with a swimming monk seal. The program didn't warn viewers that harassing a monk seal is against the law.

■ Wespac has also used coral reef conservation money to misinform the public about its own conservation efforts. In March 2005 it printed 210,000 copies of a brochure that was delivered inside the Sunday *Honolulu Advertiser*. The brochure, which promoted resource extraction in the northwestern islands, greatly exaggerated the size of Wespac's current proposal to protect the area. The brochure claimed that Wespac in 2001 proposed to set aside 24 percent of federal waters as a “no-take zone.” In fact, Wespac proposed a no-take zone of just 14 percent of the area.

■ Wespac pays its executive director, Kitty M. Simonds, an annual salary of \$187,000 — more than either the Secretary of Commerce or the Administrator of NOAA is paid. Simonds receives about \$20,000 a year in “profit-sharing” bonuses, even though Wespac as a federal entity receives all its funding from the taxpayer and generates no profits from any of its programs (see page 4).

Simonds, who has held that position for more than 20 years, apparently has swift access to Senator Dan Inouye's office. When a federal bureaucrat gives them trouble, Inouye's office has a history of intervening on behalf of the council.

Simonds refused to grant an interview with *Cascadia Times*. “You're my favorite friend,” she said to this reporter as she jabbed her finger into my chest, spun on

her heels and walked away.

■ Wespac has been lobbying the Hawaiʻi Legislature to pass legislation that would make it nearly impossible to establish marine reserves in state waters as a means for protecting and conserving resources. If passed, this law might open state waters in the northwestern islands to commercial extraction, and could even eliminate existing marine protected areas throughout the Main Hawaiian Islands while blocking any future reserves. The lobbying itself may violate a federal prohibition against spending tax dollars for that purpose (see page 9).

■ Wespac plans to increase its annual spending by 25 percent throughout the rest of the decade, even though federal regulations have sharply reduced the fisheries it manages. It had wanted to increase spending by 100 percent, but that idea was shot down by NOAA (see page 10). NOAA did approve the 25 percent increase.

■ NOAA officials have found evidence that Wespac has mispent coral reef conservation funds in other ways. A 2003 email from a NOAA official said the agency was not certain that Wespac had spent coral reef education funds for that purpose.

Local fishing groups have launched a call for a federal investigation of Wespac. They have petitioned the Inspector General of the Department of Commerce to undertake that inquiry. Wespac has written a memo to the Inspector General claiming it has followed the law and has done nothing wrong.

The Waianae Boat Fishing Club and the Oahu Game Fish Club contend that

Wespac “has engaged in a pattern of improper and dishonest conduct,” says Native Hawaiian fisher William Aila. “This pattern includes a programmatic failure to meet legal mandates and the questionable use of federal funds to support its campaign” to undermine other ongoing efforts to protect the islands.

In addition, many others have called on Wespac to withdraw its fishing plans. This includes members of a broad network of fishers, Native Hawaiian cultural practitioners, *kūpuna* (elders), scientists, environmentalists, divers and Hawaiʻi residents. Groups associated with this network include the ʻIlioʻulaokalani Coalition, Environmental Defense-Hawaiʻi, KAHEA: The Hawaiian-Environmental Alliance; and the Sierra Club-Hawaiʻi.

Known as the Northwestern Hawaiian Islands *hui* (a Hawaiian term meaning group), this network has, for more than five years, provided information on the region to the general public, and has kept Hawaiʻi's people informed of the more than thirty federal and state public hearings and scoping sessions and more than 100 public meetings.

In the last five years, more than 112,000 comments in support of the strongest possible protection for the islands have been submitted to state and federal entities. Vicky Holt Takamine, president of the ʻIlioʻulaokalani Coalition of respected cultural practitioners, says her organization is seeking maximum protection for the islands and full recognition of Native

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Hawaiian rights and traditional practices.

"When we put out the call, our communities respond by showing up at hearing after hearing," she says. "It takes a great deal of time and effort but we work hard to arrive at a coordinated and unified approach."

This story is not just a cautionary tale about a rogue organization acting like a bully and exhibiting questionable behavior as it attempts to further exploit the Northwestern Hawaiian Islands. It also raises questions about the integrity of overall U.S. ocean policy.

Over the last few years, two major studies of U.S. ocean policies have sought changes to correct numerous defects. And yet, Congress has not enacted any of their recommendations.

If Wespac is allowed to continue operating as it has, there's nothing to prevent other regional councils — which have their own failed fisheries to worry about — from following its example. The health of all oceans under U.S. jurisdiction may be at greater risk than the authors of either of the two studies ever contemplated.

## The Case for Conservation

The Northwestern Hawaiian Islands, it is often said, are best loved only from afar.

To many, the question is not so much

whether the islands can support commercial fishing, but whether it can also allow recreational fishing, tourism, extreme sports, bio-prospecting, and increased vessel traffic — any kind of exploitation at all — without suffering ecological collapse. Bruce Wilcox, a conservation biologist at the University of Hawai'i, says the ecosystem is too narrow and fragile to support anything other than traditional Native Hawaiian uses.

In September 2005, the state of Hawai'i determined that the islands cannot support recreational fishing and anything more than minimal entry without incurring serious ecological damage, such as from the introduction of alien species or the disturbance of highly sensitive habitats.

Hawai'i Gov. Linda Lingle declared that the only way to preserve the ecosystem is to fully protect it in its entirety. The state created a "no extraction" refuge in state waters, from 0 to 3 miles from shore, with no commercial or recreational fishing allowed and access sharply restricted by permit only.

Lingle called on the federal government to provide similar protection in federal waters, out to 50 miles.

In 2000 and 2001, President Clinton issued two Executive Orders establishing the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve and called for the a process to initiate a process to consider the area as a National Marine Sanctuary. The sanctuary, the orders said, should "complement and supplement" protections in the Reserve.

This process is being run by the National Ocean Service, an arm of NOAA in the Department of Commerce, which also houses Wespac. Given Wespac's ability to influence the Sanctuary Program, many people throughout the islands are concerned that it might weaken existing protections in federal waters, in violation of Executive Order provisions, and perhaps even influence the state to weaken its new protections.

With few exceptions, existing sanctuaries allow almost any commercial activity to occur except oil and gas exploration and development.

"If the Northwestern Hawaiian Islands becomes a true sanctuary, one that prohibits commercial fishing and other uses, it will demonstrate recognition of the highly unique nature of this region," says Jay Nelson of the Pew Charitable Trust. "As the most remote island chain in the world, it deserves such recognition and protection."

The Pew Charitable Trusts is proposing a buyout program that would compensate the eight remaining commercial bottomfishers for ending fishing in the northwestern islands. Pew has offered to help finance the plan.

For the past five years, documentation provided by the National Oceans Service has indicated that they intend to roll back existing protections in federal waters, introduce new fisheries, and even open the area

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## The Executive Orders

In 1909, Theodore Roosevelt issued an Executive Order to protect the Northwestern Hawaiian Islands.

Almost a century later, Bill Clinton issued two Executive Orders establishing the 84 million acre Northwestern Hawaiian Island Coral Reef Ecosystem Reserve.

Executive Order 13178, issued in December 2000 after comments from government agencies and the public, ensured "the comprehensive, strong, and lasting protection of the coral reef ecosystem and related marine resources and species" of the islands.

Its principal purpose is the "long-term conservation and protection" of the ecosystem and species "in their natural character."

It said the Reserve will be managed using a "precautionary approach with resource protection favored when there is a lack of information regarding any given activity."

It specified that a sanctuary may be established in the islands, and if so, it must "complement or supplement" the Reserve's protections.

It recognized Native Hawaiian "culturally significant, noncommercial subsistence, cultural, and religious uses," and said that research and educational activities would be allowed only "to the extent consistent with the primary purpose of the reserve."

It said that the process of designating a sanctuary shall be initiated, but left open the question of whether the designation would actually be completed.

It caps commercial and recreational fishing at existing (low) levels of catch and effort and allows no increase in permits and the establishment of any new fisheries.

It created a Reserve Advisory Council "to provide advice and recommendations on the Reserve Operations Plan and designation and management of any sanctuary."

The RAC, unlike Wespac, has strict conflict-of-interest rules. Violations of marine regulations result in dismissal from the RAC.

Executive Order 13196, issued in January 2001, made permanent the small closed areas established around each island and atoll.

## Governor orders strongest possible protection

Gov. Linda Lingle (right) announced in September 2005 her decision to create the Northwestern Hawaiian Island Marine Refuge. She ended all extractive uses from state waters, located 0 to 3 miles from shore around all the islands except Midway Atoll. Access is sharply limited.

Lingle said the new rules set in motion the most significant marine conservation initiative in the history of Hawai'i. She said that the NWHI region is "Hawai'i's gift not only to our residents, but to the global community as a world-class natural resource."

Access permits to the refuge are subjected to a "do no harm" standard and require a precautionary approach. Access is allowed only for Native Hawaiian customary practices and scientific, educational or non-extractive purposes for resource protection and management. In addition, state refuge rules require all permits to be subject to public comment.

"As one of the last pristine wilderness locations on earth, it is only right to consider the long-term preservation of this area and strive to have one place that is free from extraction," said Peter Young, chair of Hawai'i's Department of Land Resources.

Two rounds of public hearings held statewide resulted in more than 25,000 public comments.

The state's permitting guidelines state that:



- Activities in the islands must be non-commercial and not involve the sale of any organism, byproduct, or material collected;
- Resources and samples are a public trust, not to be used for sale, patent, bioassay, or bio-prospecting, or for obtaining patents or intellectual property rights;
- Activities must have demonstrable benefits to the preservation and management of the ecosystem;
- Activities must do no harm to the ecological or biological systems, sites or resources of the NWHI;
- Activities must have demonstrable benefits to the cultural and spiritual relationship of Native Hawaiians to the NWHI ecosystem;
- Activities must support the perpetuation of traditional knowledge and ancestral connections of the Native Hawaiians to the NWHI.

## The Bottomfish Crisis

In 2003, only vessels fished for bottomfish in the Northwestern Hawaiian Islands, netting just \$353,000 worth of fish after expenses. Using hook and line, they take snappers, jacks and groupers, such as the hapu`upu`u (shown at right).

Also known as the Hawaiian grouper, the hapu`upu`u is found nowhere else on earth. It is also a hermaphrodite — it changes sex from male to female at about age 6.

Sadly, it is in decline as a result of the bottomfish fishery managed by Wespac, according to a new study by two conservation groups, The Ocean Conservancy and the Marine Conservation Biology Institute. "The fishery mostly takes hapu`upu`u that are between 10 and 30 pounds — all of which are males," notes the study, entitled, "Bottomfish Fishing in the Northwestern Hawaiian Islands: Is it Ecologically Sustainable?"

Building on earlier analyses by Stephanie Fried of Environmental Defense, the study used state and federal data to measure the health of bottomfish, and found a disturbing downward trend since the 1980s.

"It is clear that fishing for bottomfish in the NWHI is not sustainable," the study says. The fish are depleted in the eastern third of the northwestern islands, and heading in that direction elsewhere. They are in even worse shape in the Main Hawaiian Islands. Wespac has been directed by NOAA Fisheries to prepare a plan to rebuild those stocks.

However, neither Wespac nor NOAA Fisheries acknowledge a bottomfish problem in the northwestern islands.

"Many have claimed that so few vessels fishing such a vast area would cause little harm," said Lance Morgan, chief scientist for Marine Conservation Biology Institute. "The government's data have shown the opposite is the case: the fishing pressure from only a few boats has had demonstrably negative effects on the resources. This unique region, with its extraordinary reef ecosystem, deserves extraordinary care."

"The high cost of fuel, the distances that we are required to travel, and the normal increases in overall operational expenses has taken any real potential for profit out of this business." — *Zenen Ozoa, commercial fisherman*



Jim Margolis/ U.S. Fish and Wildlife Service

## ROGUES OF THE PACIFIC

(Continued from Page 7)

to "experimental" tourism in monk seal breeding grounds.

Stephanie Fried, a senior scientist with Environmental Defense-Hawai'i says "consistent efforts by the Sanctuary Program to reduce or eliminate Reserve protections have generated tremendous alarm throughout the islands."

In its draft Environmental Impact Statement on the proposed sanctuary, NOAA is not proposing complete protection and a ban on commercial activity, says KAHEA Executive Director, Cha Smith. "This issue has had the greatest public involvement of any resource protection issue in Hawai'i. There will no doubt be tremendous backlash if NOAA's 'Sanctuary' undermines the people's unwavering call for full protection and no commercial activity in the NWHI."

But a few fishers think they have a right to fish the islands, as if they own the area. Says Gary Dill, one of eight bottomfishers in northwestern islands. "I'm utterly dismayed to see our federal government working its way very slowly since 2001 towards what I personally can see is the greatest theft in these islands since the overthrow of the Hawaiian monarchy. They are fixing to rob us blind."

Other fishers, however, believe that the islands should be protected from the likes of Wespac.

Zenen Ozoa, owner of the commercial bottomfishing vessel Kaima Kai, another of the permitted NWHI bottomfish fishers, agrees. "The area needs and deserves protection," he wrote in a Dec. 26, 2005, letter to Gov. Lingle indicating his support for "efforts to ban fishing in the entire area."

Ozoa described the "challenging" nature of fishing in the islands: "As you know, the high cost of fuel, the distances that we are required to travel, and the normal increases in overall operational expenses has taken any real potential for

profit out of this business. The price of fish realized at the Honolulu auction has not risen sufficiently to cover the cost of operations. Low profitability, uncertainty, zero growth potential, and jurisdictional 'land mines' provide the perfect recipe for business failure."

Ozoa supports a buyout of the remaining bottomfish fishers and has offered his assistance to the Governor in facilitating the process.

Buzzy Agard, a Native Hawaiian *kūpuna* and former head of the Ahi Longlining Association fished commercially for ten years in the northwestern islands 60 years ago. He calls for the full closure of the islands which are thought to serve as nurseries for the struggling fisheries of the Main Hawaiian Islands. He quit fishing there long ago after he found it easy to unintentionally wipe out the fish in localized areas. Agard, from a family of fish processors and a founding member of the Wespac council became a vocal critic of the organization as they ensured the crash of the spiny lobster fishery through mismanagement.

Agard wanted the NWHI lobster fishery to be sustainably managed for future generations, but the Wespac-led wipeout of the spiny lobster population was aimed at immediate profit for a few, dooming the fishery. Agard says the islands need the strongest possible protection.

"The habitat around the atolls is very small. It is much better to try to bring the place here in films, than to take people out there. Human presence is going to have an adverse affect."

### Empire Building

Under the Magnuson Act, Wespac's charge is to develop fishery management plans for U.S. waters around Hawai'i, Guam, American Samoa, the Northern Marianas and several far-flung atolls in American possession. Wespac is one of eight regional fishery

councils in the U.S. Though its territory, encompassing 1.5 million square miles, is the largest, its fisheries are the smallest in the U.S.

Wespac, like the seven other councils has, in theory, no real power or authority to make decisions or policy. By law, the regional councils are advisory bodies; they can suggest policies, but only federal agencies like NOAA can make policies. Any plans Wespac approves are merely recommendations to the Secretary of Commerce. Given Wespac's tight relationship with Inouye's office, however, these claims may be true.

At a hearing, Wespac chairman Roy Morioka introduced the organization last year as the "federal policy making agency for federal waters" in the western Pacific. In December 2005, Wespac even claimed in public documents that it sets policy for all "offshore waters in the U.S. Pacific Islands" (which would include federally protected U.S. Fish and Wildlife Refuges).

Wespac's goal is to open three fisheries and expand a fourth in the northwestern islands — none of which is legal under the Executive Orders. In this effort, Wespac is spending tax dollars to combat NOAA and the state of Hawai'i, each of which has blocked Wespac's fishing plans.

Wespac proposals would:

■ Create a new fishery for precious corals, even though, as NOAA put it, Wespac knows little about the size, distribution, growth rates, and life history traits of precious corals in the area. Precious coral beds, however, are known to be important to the health of monk seals, and may be important to bottomfish. There has never been a precious coral fishery in the northwestern islands.

■ Create a new fishery for coral reef fish. NOAA, in rejecting the fishery, points out that past attempts to harvest coral reef species in the islands led to sudden collapses, requiring decades for even partial

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# Wespac fails in attempt to lobby the Hawai'i Legislature to pass New Jersey bill blocking marine protection

Under federal law, it is illegal for federal employees to take part in political activities while on the job. In the buzz at the Hawai'i state capitol in Honolulu, rumors that Wespac officials have been lobbying legislators have been circulating.

A bill introduced in the Hawai'i Legislature in January would, if it goes into effect, ban new marine protected areas in the state. The bill puts the state's new refuge in the Northwestern Hawaiian Islands at risk. It would also impose restrictions on the state's authority to prohibit fishing elsewhere in the state to allow overfished species to rebound.

According to multiple sources, this bill was written by Wespac.

On February 6, Dan Polhemus was waiting for a meeting with the chair of the House Water, Land and Ocean Resources Committee, Rep. Ezra Kanoho, in Kanoho's office in the State Capitol.

Polhemus, director of the state Division of Aquatic Resources, says he saw two Wespac employees and a fishing industry lobbyist emerge from Kanoho's office: Kitty Simonds, Wespac's executive director, Mark Mitsuyasu, a Wespac staff member, and Roy Morioka, the lobbyist and, until last year, chair of Wespac.

Two days later, Kanoho introduced two bills that would restrict marine protection in Hawaiian waters. House Bill 2881 would bar the state of Hawai'i from prohibiting or limiting any areas open to public fishing unless a "scientific analysis clearly demonstrates a correlation

between fishing and a specific conservation problem."

That sets a high standard that would be difficult to prove, says sport fishing advocate Rick Gaffney, a supporter for strong marine conservation measures in Hawai'i, a member of Wespac and the former head of Hawai'i's Recreational Fishing Alliance.

"First you have to show there has been some impact, requiring a five year analysis," Gaffney says. "In the meantime things get worse and worse."

A newer version of HB 2587 stripped this language from the bill, and added funds to support state enforcement efforts but there's always a chance the bill could be amended to resemble its original form.

Tina Owens of the Lost Fish Coalition, an organization that advocates marine protection, said passage of such bills "would essentially give free rein to anyone wanting to plunder the ocean and turn our near-shore waters into barren wastelands. The fish-until-none-are-left legislation should be filed and forgotten."

Owens said that while Wespac appears to want to kill Hawai'i's marine refuge in the northwestern islands, other proposed marine protected areas would also be lost. Owens said some view this loss as "collateral damage."

Gaffney said the Wespac council has not approved support for the bill, even though Wespac's bylaws require council approval before it takes a stand on proposed legislation.

But Gaffney said Simonds assured him in an email that she did not lobby on

behalf of the bill.

So what was Simonds and her cohorts doing in Kanoho's office?

Polhemus says Kanoho told him the three were concerned about the state's proposed plan to curtail commercial bottomfishing. "When we came in and sat down, Kanoho said something to the effect, 'the people who were just in here say you want to close down the bottomfishery.'"

Linda Paul of Hawai'i Audubon, was in Kanoho's office just minutes after Polhemus left. Kanoho told Paul and others that Wespac wrote House Bill 2881.

Stephanie Fried of Environmental Defense discovered that the language in HB 2881 was taken from the language in failed legislation that had been introduced in New Jersey in 2003. This so-called "Freedom to Fish" legislation has also been introduced over the years in other states where it has mostly been rejected.

These bills, Gaffney says, make it virtually impossible to create marine reserves that ban fishing as a means to help undersea ecosystems recover from heavy fishing.

On February 8, Kanoho opened the hearings stating that he would take testimony on HB 2881. He indicated that the community response had been such that it was clear that there would not be enough support for this bill to pass in the legislature and that, therefore, he would end up tabling the bill, delivering a sharp blow to Wespac's plans.

Recent Wespac Chair Morioka testified in strong support of the bill. Simonds was present along with four

other Wespac officials, two of whom were seen providing talking points to fishers in the audience.

Wespac's approach was to label the New Jersey bill "Hawaiian science" in yet another attempt to mislead local communities. Native Hawaiian cultural practitioner and `Ilio`ulaokalani President, Vicky Holt Takamine expressed concern at this and testified in opposition to the bill. The the Native Hawaiian Legal Corporation also opposed the bill.

With HB 2881 tabled, Kanoho announced that final action on a revised HB 2587, with the anti-marine protection provisions stripped out and with funds added for marine enforcement, was deferred until 2020, effectively killing the bill.

After the resounding defeat of their legislative lobbying effort, Wespac published hearing announcements presenting a plan for the integration of "Hawaiian science" into fisheries management, an apparent attempt to appropriate Hawaiian terms to re-cast the council's flawed "fisheries ecosystem plan" for Hawai'i.

This is not the first time Wespac tried to influence legislation to conserve ocean resources. In 1999, Wespac fought hard to kill a bill that banned "shark-finning." Shark finning refers to the practice of amputating a live shark's fins for sale to Asian markets where it is highly prized in shark fin soup. The shark is thrown back to the ocean, helpless and unable swim. The shark finning bill passed, as did a similar law in Congress. ■

## ROGUES OF THE PACIFIC

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recoveries. "The available evidence supports the conclusion allowing commercial harvesting of coral reef species would likely result in a significant, adverse impact to the proposed sanctuary's ecosystem," NOAA said.

■ Reopen the lobster fishery that was closed after the 1999 season because of uncertainty about the population and the risk that it had been overfished. "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," NOAA said. It also noted the "likely importance of lobsters in the monk seal diet," a statement that Wespac has always questioned.

■ Expand bottomfish based largely on economic considerations and not on ecosystem considerations for the northwestern islands. NOAA said Wespac's proposal does not put "limits or controls" on bottomfishing, with unknown ecological impacts.

### Heads in the sand

Samuel King, a federal judge in Hawai'i, likes to write little jokes into footnotes in his rulings, says Paul Achitoff, an attorney for Earthjustice, who litigated a monk seal lawsuit in King's

court. Once, in a 2000 ruling involving Wespac's lobster fishery and monk seals, he pointed out that ostriches don't really bury their heads in the sand:

"With all this talk of seals, fish, and lobsters, we break the monotony by tendering a fact about a terrestrial member of the animal kingdom. The legend that ostriches

bury their heads when faced with danger is just that: a legend. The real story is that ostriches lie on the ground with their necks outstretched to avoid detection."

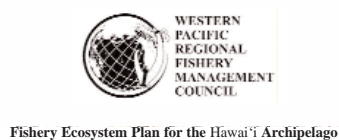
At the time, lobsters were disappearing from the northwestern islands, as were the monk seals. Judge King said killing the lobsters should stop, at least for the time being until scientists can figure out whether monk seals are starving because the lobsters are gone.

Both NOAA Fisheries and Wespac contended at the time that they were not aware of any data that confirmed the lobster fishery was harming the monk seal. But King, noting that the absence of proof was not the same as absence of harm, railed at this "head-in-the-sand attitude we do not condone." As the judge said, it's not the ostrich who can't tell what's going on.

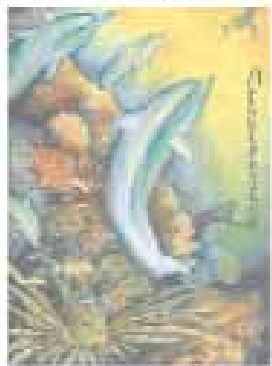
Five years later, in December 2005, Wespac remains obsessed with opening the lobster fishery. The lobster population is still severely depleted, and the monk seals continue to starve. But the connection between starving monk seals and disappearing lobsters is not as murky as Wespac would have you believe. The lack of lobster in monk seal diets is a known problem.

On Dec. 20, Wespac was preparing to vote on a proposal to open or expand the four fisheries: lobster, precious coral, coral reef fish and bottomfish..

Wespac was applying a new, green-



Fishery Ecosystem Plan for the Hawai'i Archipelago



**Green on the outside, illegal on the inside** Wespac's new "ecosystem" fishing plan proposes the same illegal fisheries it has been seeking for the northwestern islands for several years. Wespac now calls its approach "Hawaiian science."

sounding spin to its fishing plan. Members of the council were talking like tree huggers. From now on, they said, fisheries will be operated in tune with the entire ecosystem. Before, the ecosystem's health was not a major consideration when fishing rules were being made.

This shortcoming was not Wespac's alone. Until recently, none of the other regional fishery councils in the U.S. have been taking ecosystem effects into account.

The document (shown at left) has an attractive cover and a green label: "Fishery Ecosystem Plan." But like the Wespac fishery plans that came before, the contents included the schemes that NOAA had rejected two months before.

One of the key features of ecosystem planning, as outlined by NOAA, is a focus on the relationship between predators and prey. But Wespac's ecosystem plan fails to address interactions between the highly endangered monk seal and an important prey species, lobster.

The new plan was little more than a cut and paste job. Wespac was simply regurgitating language from old, illegal fishing plans, stuffing them into the new volume, and calling it "Hawaiian science."

So goes ecosystem planning in the western Pacific.

Wespac played a few other tricks on

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# Spending more for less

## Wespac's operations cost the most among regional councils, though its fisheries are tiniest

The Western Pacific Regional Fishery Management Council — better known as “Wespac” — writes plans for commercial fishing in about half of all U.S. territorial waters. Wespac's fishing areas are located around the remote Pacific Ocean islands of Hawai'i, Guam, American Samoa, the Northern Marianas and far-flung atolls.

Despite this large area, fisheries managed by Wespac are remarkably small in value when compared to other U.S. fisheries. In 2002, a total of 40 million pounds of fish, worth about \$68 million, were landed in Wespac-managed fisheries. That amount is equal to about 2 percent of the

total value of all U.S. commercial fisheries, which caught about \$3.2 billion worth of fish in 2002. And yet, Wespac spends more than 25 percent of the entire amount of money allocated to the eight federal fishery management councils that operate in the Pacific, Atlantic and Gulf of Mexico.

Outside of longline fisheries on the high seas — most of which are managed by international authorities — the only significant fishery managed by Wespac is the \$353,000 (after expenses) bottomfish fishery in the Northwestern Hawaiian Islands.

Wespac's cost of managing these fisheries has increased from about \$1.5 million in 2000 to nearly \$5 million in 2005.

And yet, Wespac's authority has shrunk substantially since 2000. In 2001, President Clinton created the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve under with two Executive Orders. The orders banned all commercial extraction from the islands, except for a small bottomfish fishery. One federal court ordered reduced longline fishing for swordfish and tuna, in an effort to protect endangered sea turtles. Another federal court ordered the closure of lobster fishing in the northwestern islands. NOAA Fisheries found Wespac fishery plans to be illegal. Congress and the Hawai'i Legislature banned the inhumane practice

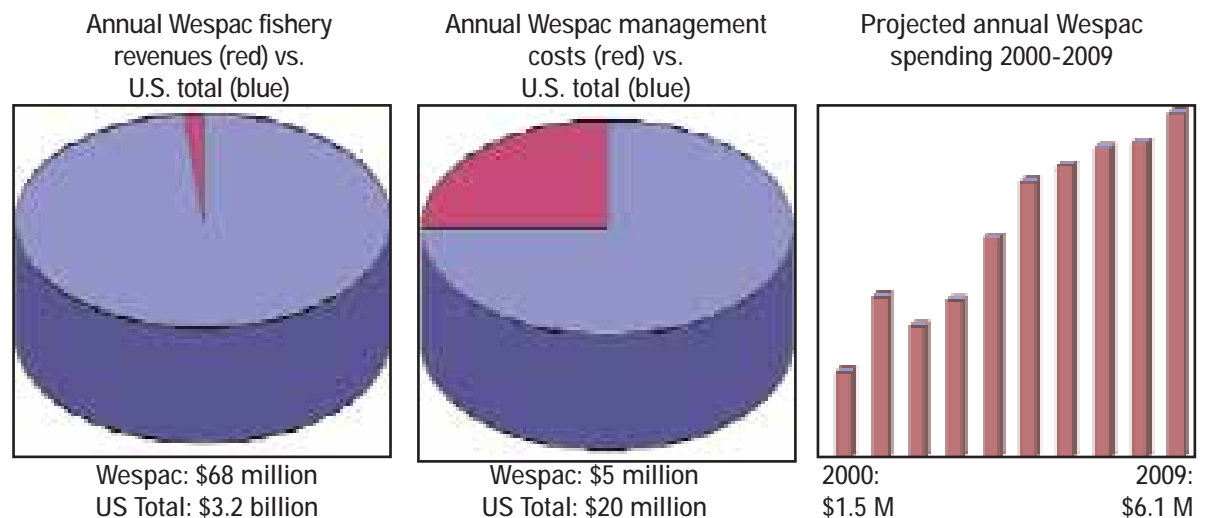
of amputating shark fins for export to Asia. Shark-finers would toss the de-finned shark overboard to its certain death.

Finally, in September 2005, Hawai'i Gov. Linda Lingle announced that all state waters in the NWHI would be closed to all commercial and recreational fishing.

Today, Wespac has only one fishery in the NWHI, a tiny operation involving only eight boats. They target several species of deepwater snapper and one type of endemic grouper but also pursue coral reef dependent species in shallow waters, including the closed waters of the federally protected U.S. Fish and Wildlife refuges.

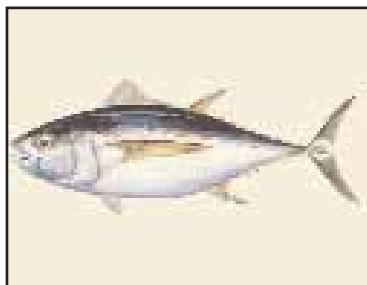
### The biggest slice of the pie goes to Wespac

Wespac proposes to increase its annual spending from about \$1.5 million a year in 2000 to more than \$6.1 million in 2009 (right chart), according to current budget projections, even though its duties have been scaled back significantly since 1999 by the White House, Congress, the Department of Commerce, the state of Hawai'i and the federal courts. Wespac is one of eight regional fishery councils in the United States. Fisheries managed by Wespac are worth only about 2 percent of the total value of U.S. fisheries (left chart). Wespac spends about 25 percent of all taxpayer money spent by the fishery councils for managing fisheries (middle chart).



## WESPAC'S SHRINKING FISHERIES

Several Wespac fisheries in the NWHI have been shut down or cut back for environmental reasons



*Bigeye Tuna*

**PELAGIC** longline fisheries catch fish that spend their lives on the high seas, such as tuna and swordfish.

**Annual NWHI Revenue:** \$0

**1991:** Pelagic longliners are banned within 50 nautical miles of the NWHI to protect the endangered Hawaiian Monk Seal.

**1999:** A federal judge closes large areas east and west of the NWHI to prevent fishing from killing or harming protected sea turtles. Closures were in effect until 2004.

**2000:** Congress and Hawai'i ban the inhumane practice of shark finning, over Wespac's objections. The ban stopped Wespac members themselves from profiting from the sale of shark fins to Asian markets.

**2000:** A single commercial fishing season using bottom longlines to catch reef sharks is conducted at French Frigate Shoals. One vessel catches 990 sandbar, Galapagos and tiger sharks in 21 days.

**2004:** The number of critically endangered leatherback sea turtles killed by the Hawai'i tuna longline industry triples in just one year.



*Amberjack*

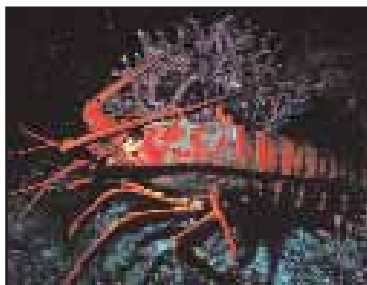
**BOTTOMFISH** fisheries focus on snappers and groupers that live in the relatively shallow waters around reefs, atolls and islands in the NWHI.

**Annual NWHI Revenue:**

\$353,000 net revenue in 2003, with total revenue of \$1.3 million and costs of \$947,000

**2000-2001:** Two executive orders prevent bottomfishing from expanding in the northwestern islands.

**2005:** Two separate reports support earlier findings that unsustainable fishing is depleting bottomfish stocks throughout the archipelago. In June, NOAA Fisheries finds that bottomfish are being overfished throughout the Hawaiian archipelago, and gives Wespac one year to correct the problem. In October, a report from two conservation groups finds overfishing in the northwestern islands. Wespac meanwhile produces two new plans for expanded bottomfishing in the northwestern islands under the guise of “ecosystem management.” It proposes larger quotas and more fishing permits.



*Spiny Lobster*

**CRUSTACEAN** fisheries in the NWHI targeted two species of lobster, spiny and slipper. The fishery has been closed since the end of 1999.

**Annual NWHI Revenue:** \$0.

**1989:** An all-time record lobster catch of 2 million pounds is recorded in the northwestern islands.

**1992:** Wespac member caught poaching lobster, fined \$29,500.

**1993 and 1995:** Lobster stocks crash, forcing the fishery to close.

**1996:** Wespac approves a new regulation allowing fishers to retain all juvenile and egg-bearing female lobsters.

**1999:** A scientist reports preliminary data showing lobster is an important part of the diet of endangered Hawaiian monk seals, which had suffered from severe starvation.

**2000-2001:** NOAA Fisheries, the White House and a federal court ban lobster fishing in the northwestern islands.

**2005:** Wespac twice proposes to reopen the fishery, which would violate the Executive Orders and a federal court order.



*Bamboo coral*

**PRECIOUS CORAL** fisheries have never operated in the NWHI, despite extended efforts by Wespac to create them. They are illegal under the Executive Orders, in the National Wildlife Refuges, and in state waters. A dead specimen of coral attributed to the NWHI was available for sale on eBay in 2002.

**Annual NWHI Revenue:** \$0

**1995:** Wespac launches work on its “Coral Reef Ecosystem Fishery Management Plan” which proposes a precious coral fishery in the northwestern islands.

**2001:** The White House bans a precious coral fishery in the NWHI. Wespac nevertheless approves a plan allowing it. A year later NOAA Fisheries rejects the plan in the NWHI.

**2005:** Wespac proposes to open the precious coral fishery. NOAA rejects this plan.

**2006:** Wespac publishes a proposal for a temporary “moratorium” on coral harvesting in the NWHI, a step that would allow the Council to open up a coral harvesting operation in the future.



*Masked Angelfish*

**CORAL REEF FISH** fisheries would allow the harvest of reef fish in the northwestern islands, including some that are highly desirable in the live aquarium fish trade. These fisheries have been proposed several times by Wespac, but are illegal under the Executive Orders, which Wespac has attempted to overturn.

**Annual NWHI Revenue:** \$0

**1996, 1997:** Consultants hired by Wespac recommend against establishing a Coral Reef Ecosystem Fishery Management Plan

**2001:** Executive Orders create an Ecosystem Reserve in the northwestern islands. Coral reef fishing is specifically banned. Wespac approves coral reef fishing anyway.

**2002:** NOAA rejects the reef fishery. **2005:** Wespac again proposes coral reef fishing, and to open up fishing in shallow waters in defiance of the Executive Orders. NOAA rejects this plan by noting that past attempts to harvest coral reef species in the islands led to “sudden collapses and required decades for even partial recoveries of stocks.

# Coral reef conservation money goes to battle National Marine Sanctuary protection for islands

Wespac has received several million dollars in grants under the Coral Reef Conservation Act since 2000. The money comes to Wespac in annual \$500,000-\$750,000 chunks from the National Oceanic and Atmospheric Administration, often the result of earmarks from Sen. Dan Inouye.

Wespac has spent the money on such things as studies on parrotfish and on the impacts of alien species on black coral. It has collected acoustic recordings on Hawaiian deep-reef slopes, tracked ulua and tagged reef fish. It has conducted a baseline study of the Hawai'i coral reef ecosystem and habitat and held a science symposium on the northwestern islands.

It's not clear why Wespac needed to do these things, given that it operates only a small bottomfish fishery in the Northwestern Hawaiian Islands and has been denied permission to open other fisheries there.

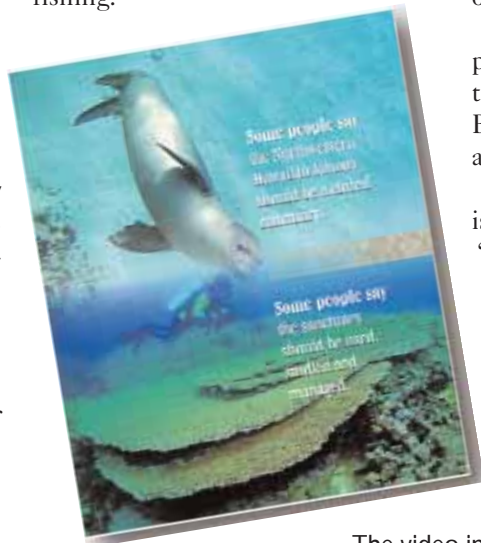
Wespac spent some of this coral reef conservation money on "outreach and education" material. This material, including the two examples described below, appears to be part of a Wespac public relations campaign designed to build public support for more commercial exploitation of the islands.

**"We are not at all certain that 'coral reef education' funds were actually used for coral reef education purposes."  
— Tom Hourigan, NOAA coral reef coordinator**

**Say what?** Wespac spent \$36,000 of taxpayer money to produce and distribute the 12-page brochure at right. It printed 150,000 copies of the brochure and distributed most of them as a supplement to the Sunday *Honolulu Advertiser* on March 6, 2005.

Its title, *Some people say the Northwestern Hawaiian Island should be a closed sanctuary. Some people say the Northwestern Hawaiian Islands should be used, studied and managed*, suggests two sides the issues would be found inside. Not so. The brochure promotes fishing for lobster, precious coral and coral reef fish in the Northwestern Hawaiian Islands — fisheries that were

banned to protect damage to the ecosystem. There is no discussion of negative impacts resulting from fishing.



## Fishers Gone Wild

"Hawai'i Goes Fishing" is the name of a popular cable television show in Hawai'i. In January 2005, the program chronicled a four-day recreational fishing trip to Nihoa in the Northwestern Hawaiian Islands. The show was co-sponsored by Wespac, NOAA and Pacific Ocean Producers, a business owned by Wespac member Sean Martin, and former Wespac chair Jim Cook. Nihoa is rich in important and fragile cultural sites — 88 are known — showing evidence of ancient habitation, religious ceremonies, agriculture and burials.

Six images from the video are published at right to indicate what kind of management Wespac may have in mind for the islands. They show, from top to bottom: (1) The boat approaches a beach where Hawaiian monk seals are resting. (2 and 3) The boat approaches a monk sea in the water. (4, 5 and 6) The fishers land an ulua (a type of bottomfish), a mahi mahi and a blue marlin, respectively.

Wespac spent \$1,000 from Coral Reef Conservation Act funds to sponsor the program.

This education project has paid for the development of coral reef fishery fact sheets and profiles (\$15,000), black coral fact sheets and profiles (\$10,000), and the development of a coral reef fishery display (\$2,500). The material either advocates more fishing in the islands, or it minimizes, ignores or denies any of the negative environmental impacts that have been shown to result from the fishing.

The material also includes a guide to Wespac's coral reef fishery regulations, even though the regulations have been rejected by the Secretary of Commerce because, under current law, coral reef fishing is illegal in the northwestern islands.

Some NOAA officials have been concerned about how Wespac has spent some of its coral reef money. In a 2003 email by Tom Hourigan, a NOAA coral reef coordinator, he urged the agency to make sure Wespac did not divert money allocated for a coral reef education position to some other purpose. "We are not at all certain that 'coral reef education' funds (in 2001) were actually used for coral reef education purposes," Hourigan wrote. ■

A casual reader might not have noticed that Wespac produced the brochure. Its authorship was marked only in tiny letters.

The brochure claims that Wespac proposed to set aside 24 percent of the ecosystem as "no-take" zones. But Wespac actually proposed to set aside only 14 percent of the region.

The brochure also claims the islands are "already protected" by "layers of regulations and several management plans concerning species, ecosystems and activities." This is true, though the brochure doesn't mention that Wespac is actively trying to undermine and overturn these regulations. ■

The video included a statement from NOAA that monk seals feed on bottomfish and also eat the same fish used as bait. It urged fishers who hook a monk seal to carefully lead it to shore, cut the line and call NOAA.

The footage showed four men catching 27 fish (including the ones caught in the bottom three photos) over the first two days, though conversations on board indicated more fish were caught. The vessel carried 3,000 lbs. of ice, enough to preserve up to 2,000 lbs. of fish. Recreational fishers who saw the video suspected it was a commercial fishing operation, given the volume of the catch.

The video's narrator, Ben Wong, gushed about the "non-stop fishing," "fisherman's paradise!" and "great adventure." Captain Steve Yamasaki said they were entering "our own little sanctuary where we will be isolated for the next couple of days on a tranquil and majestic island."

"One of the biggest attractions here is that bay," the captain said, referring to a beach used by seals. "There's a nice sand beach, and as we get up closer, there's a nice cave that you can see right through the island almost."

