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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**

SPRING 2006

No. 58

## 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

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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.

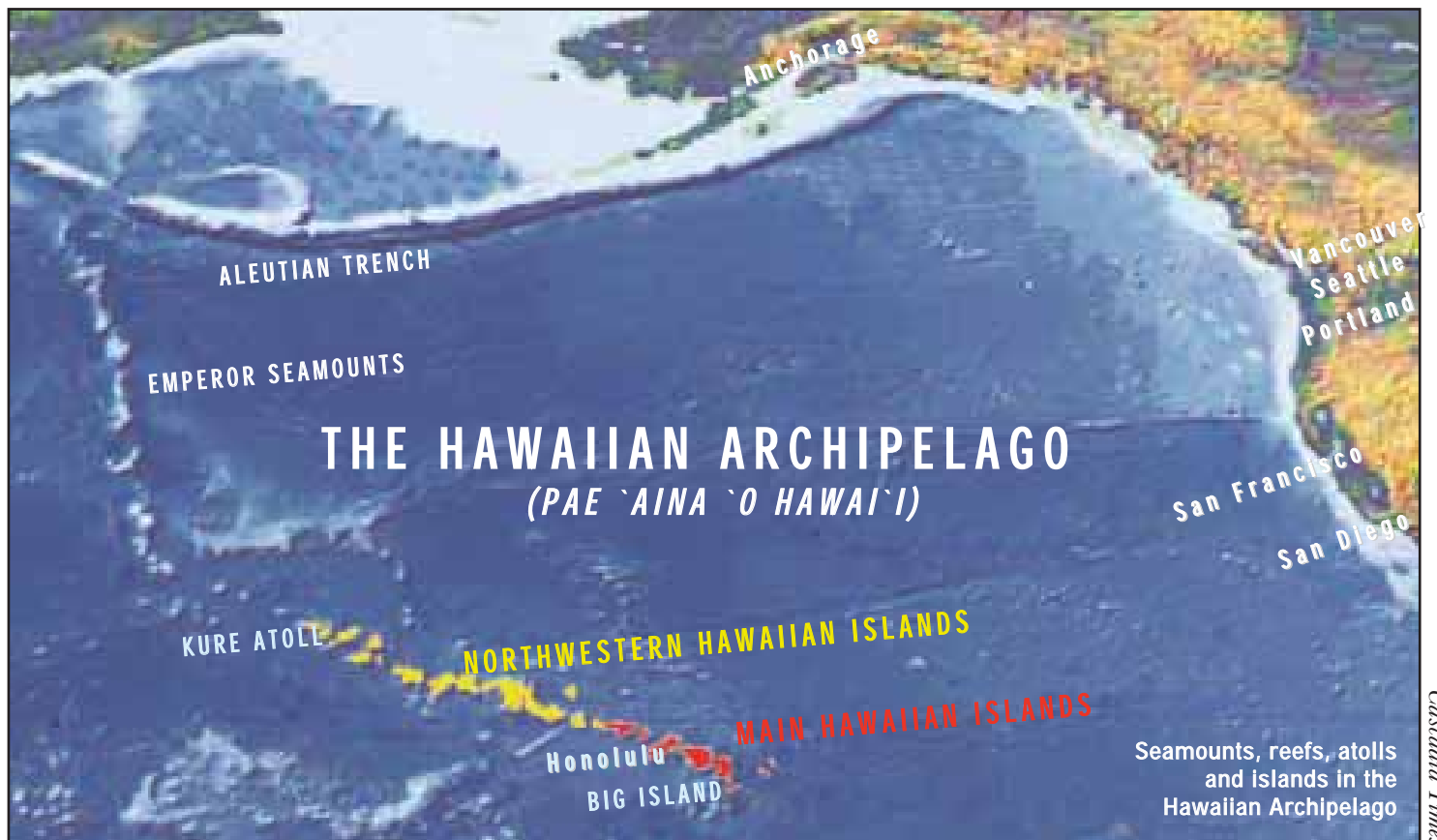
Yet a tiny handful of politically connected individuals have long been lusting for whatever undersea riches the fragile islands might bear. Over the years, they have been harvesting bottomfish, lobsters and other species from the islands — with some catastrophic results.

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



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-

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## 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).

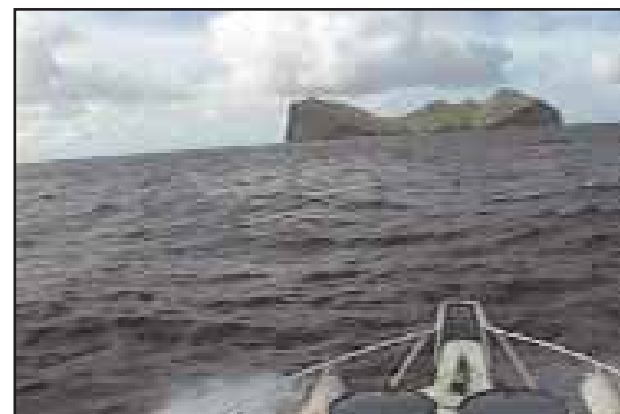
Documents obtained by *Cascadia Times* under the Freedom of Information Act and through other means also show that:

■ 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

(Continued from Page 8)

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.

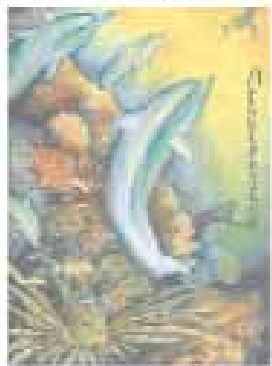
Five years later, in December 2005, Wespac remains obsessed with opening the lobster fishery. The lobster population is still severely depleted, and the monk seals continue to starve. But the connection between starving monk seals and disappearing lobsters is not as murky as Wespac would have you believe.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

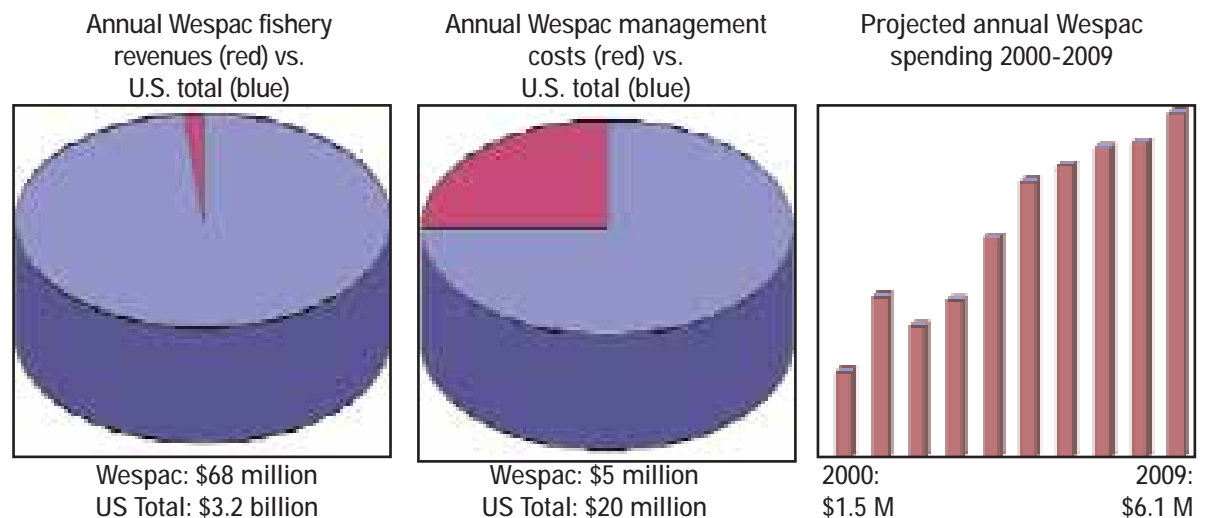
of amputating shark fins for export to Asia. Shark-finishers would toss the de-finned shark overboard to its certain death.

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.

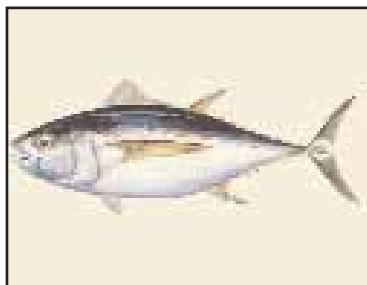
### The biggest slice of the pie goes to Wespac

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.

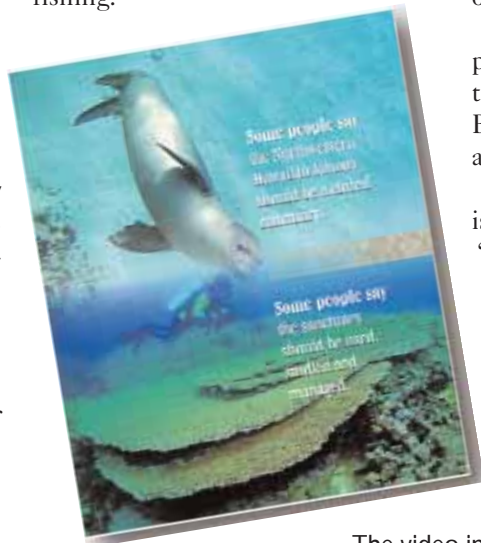
Wespac spent some of this coral reef conservation money on "outreach and education" material. This material, including the two examples described below, appears to be part of a Wespac public relations campaign designed to build public support for more commercial exploitation of the islands.

**"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.

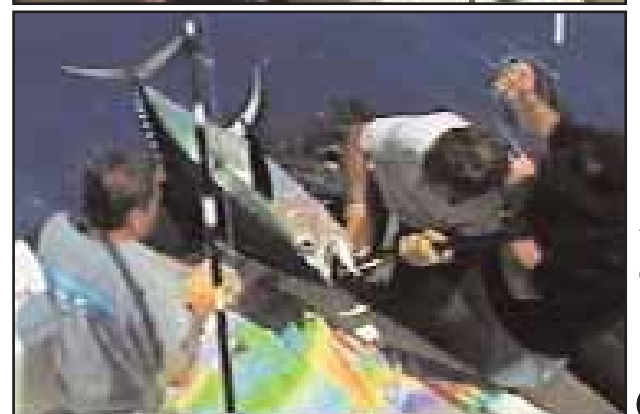
The brochure also claims the islands are "already protected" by "layers of regulations and several management plans concerning species, ecosystems and activities." This is true, though the brochure doesn't mention that Wespac is actively trying to undermine and overturn these regulations. ■

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."



# Isles of coral

## Exploring the Northwestern Hawaiian Island Coral Reef Ecosystem Reserve

The Northwestern Hawaiian Islands coral reefs are unlike any in the world. The most isolated archipelago on earth, it is home to the northernmost coral reefs. The small islands, atolls, submerged banks and reefs host a bewildering array of birds, fish, coral, sea turtles and marine mammals — including the highly endangered Hawaiian monk seal.

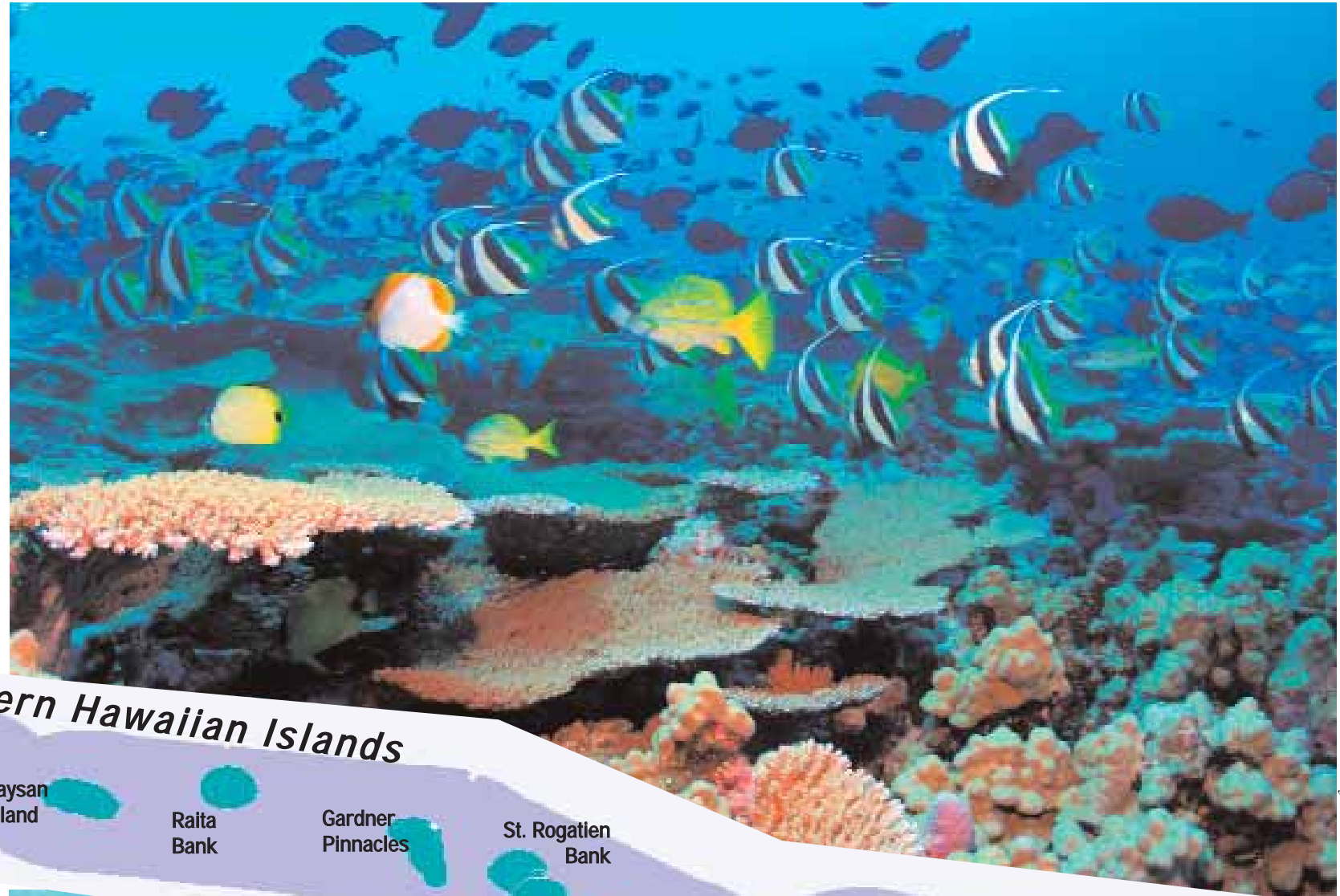
The Hawaiian archipelago is a museum of natural history. Every stage of island development, from massive volcano to atoll to submerged reef, is here. The islands preserve an undisturbed record of the geological forces that created the islands in the central Pacific over 30 million years, and of the cultural history of Polynesian peoples who arrived here more than a thousand years ago.

The islands all emerged from a tectonic “hot spot” now located some 20 miles southwest of the Big Island where a new island, Lo’ihi, is being formed. They are being carried by the motion of the Pacific Plate at about 10 centimeters per year.

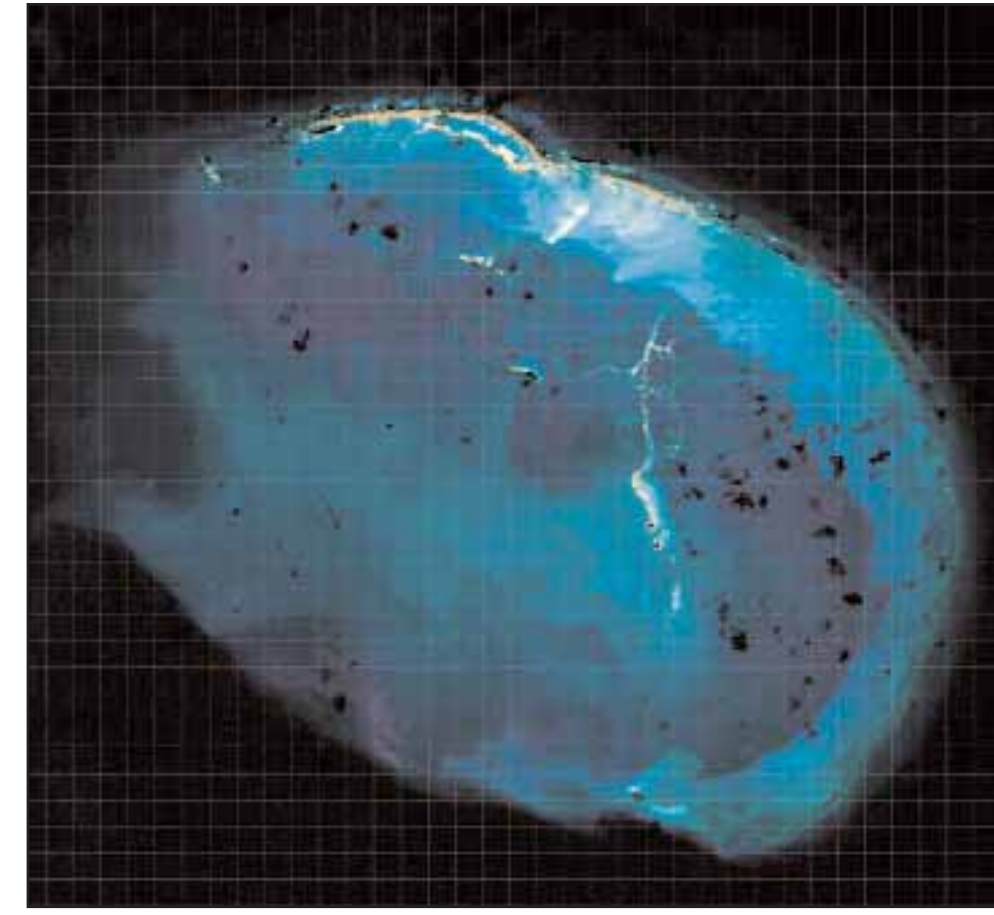


**Spectacled Parrotfish at Kure Atoll.** Courtesy NOAA

**TIMELINE: Chronology of volcano eruptions that created the Hawaiian Archipelago. Dates indicate approximate age of each island.**



**Lobe corals** are growing in huge colonies in the northwestern islands, while around the world coral reefs are threatened or in decline



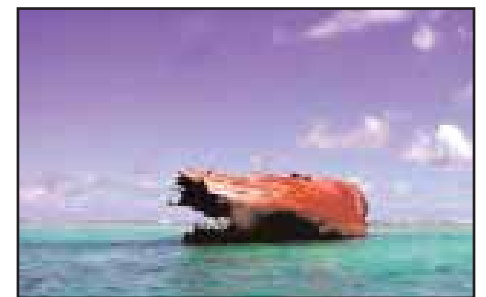
### FRENCH FRIGATE SHOALS FROM THE SKY AND BENEATH THE WAVES

The photograph above of French Frigate Shoals was taken by Ikonos, a space satellite. The light green colors indicate islands and reefs that are above water. They encircle an ancient volcano that has sunken beneath the sea. The underwater photograph at left shows reef fish swimming among table corals. French Frigate Shoals is the main breeding area for the highly endangered Hawaiian monk seal. The monk seal population has been declining since the late 1980s in part because of starvation.

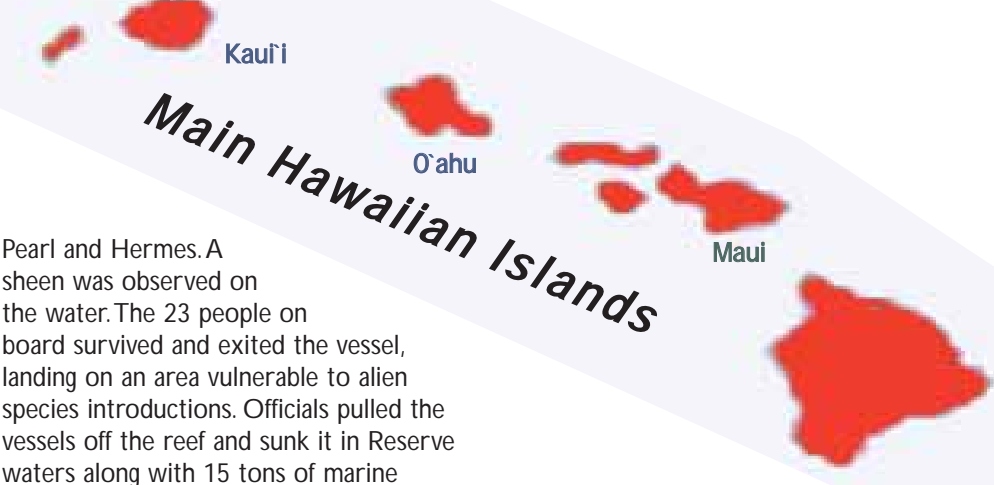
### Shipwrecks, marine debris and alien invaders

When a ship wrecks in the Northwestern Hawaiian Islands, it does more than leave a hulking piece of metal on the reefs. It can also introduce alien species, potentially causing enormous damage. There have been at least 52 shipwrecks in the Northwestern Hawaiian Islands, including rafts, whaling vessels, navy frigates, tankers, and modern fishing boats. Only 12 vessels have been located. When anchors, especially the enormous anchors of cruise ships, are carelessly dropped and dragged on fragile reef, hundreds of meters of habitat can be destroyed. Fishing vessel shipwrecks like the Hoi Maru #5 and Paradise Queen II at Kure Atoll, or the tanker Mission San Miguel, lost at Maro Reef, pose serious threats to reef ecosystems. In 1998, the Paradise Queen II, one of six active NWHI lobster vessels, wrecked and discharged 4,000 to 5,000 gallons of diesel fuel into the water. Two

years later, a research team found the bodies of two monk seals among piles of nets near the decaying wheel house on the beach. The researchers also found coral damage from abandoned lobster traps and lead weights. In June 2000, the 85 foot longliner, Swordsman II, shipwrecked at Pearl and Hermes Reef, one of the main monk seal pupping sites. More 2,200 gallons of fuel is spilled. Longliners have not been allowed to fish within 50 miles of the northwestern islands since 1991. In July, 2005, the Casitas, a 145-foot vessel contracted by NOAA for marine debris removal, slammed into reefs at



**Paradise Queen II**



**MAP: The Northwestern Hawaiian Islands Coral Reef Ecosystem**

The federal boundaries of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, located 3 to 50 miles from shore.

The Reserve Advisory Council for the Coral Reef Ecosystem Reserve has, for many years, proposed mandatory Vessel Monitoring Systems for all vessels in the region, to provide notification to enforcement and monitoring agencies, as well as to the ship's captain, whenever a vessel approaches closed or protected areas, banks, reefs, or land. Such a system could well have prevented the more recent shipwrecks.

## Threats to the Ecosystem

A diver at Kure Atoll (right) surveys coral reef bleaching. The recent influx of researchers can pose a threat to the ecosystem.

In 2003, more than 100 scientists met in Honolulu at the invitation of NOAA, to identify research priorities for the management of the islands. Most cited vessel traffic as a key ecosystem threat.

Increased access leads to increased potential for errors, shipwrecks, and landings that can introduce invasive species, disrupt habitat, and violate cultural sites.

Threats include:

- Lack of enforcement and monitoring; no requirement for automatic Vessel Monitoring Systems; lack of significant penalties for violations of conservation regulations;

- Opening the NWHI to new commercial activities, including the live fish trade; bioprospecting; ecotourism, extreme sports, air tours of monk seal and bird breeding grounds; liveaboard sailboat tours;

- Opening the closed lobster fishery; expanding bottomfishing; trolling; the establishment of coral reef fisheries.

- Recreational fishing;
- Cruise ship access;
- Increased public attraction to the refuge through the World Heritage and National Marine Sanctuary designation processes;

- The "research gold rush" which began with Reserve designation; lack of prioritization of research for conservation needs; lack of monitoring, oversight; increase in disturbance to monk seals; lobster "research" by commercial fishing vessels;

- Military use, sonar, war games, hazardous materials dumping;

- Lack of required invasive species inspections for all vessels and equipment;

- Dumping and marine debris;
- Shipwrecks, vessel groundings
- Inadequate permitting process: lack of permit review by recognized ecosystem scientists; and the lack of public oversight;

- Shipwrecks and vessel groundings.



Jim Margolis/ U.S. Fish and Wildlife Service

## ISLES OF CORAL

(Continued from Page 12)

no-take marine reserves are established elsewhere," according to another NOAA report, *The State of Coral Reef Ecosystems*, published in 2005. "The nearly pristine condition of the (northwestern islands) allows scientists to study how unaltered ecosystems are structured, how they function, and how they can most effectively be preserved."

Coral reefs in the three northwesternmost islands — Kure, Midway and Pearl and Hermes — suffered bleaching in 2002. When coral polyps are stressed by temperatures that exceed their tolerance level, they can lose their algae (which provides pigment), turn white, and die.

### KURE TOLL *Mokupapapa*

A near-perfect ring of coral surrounding a lagoon, Kure Atoll is located 1,300 miles west-northwest of Honolulu — farther from the equator than any other shallow-water coral reef in the world.

As Kure aged, coral reefs gradually grew as the central island eroded away. All that's left are a necklace of reefs and low sandy islets, and crescent-shaped Green Island in the southeastern part of the lagoon.

The oldest island in the Hawai'i Archipelago, Kure Atoll lies at the so-called Darwin Point — the position on the earth where the slow growth rate of shallow-water coral matches the slow erosion and sinking of coral reefs. When the growth of coral occurs at a slower rate than erosion, the Kure will sink forever beneath the sea. Kure is growing at .2 millimeters per year.

Kure Atoll is managed as a state wildlife sanctuary. Bird and dolphin surveys, marine debris removal, and invasive vegetation control and native plant species replanting are the main

management actions.

Rats were eradicated from the island in the past. Introduced big-headed ants and scale insects are a potential threat as are introduced invasive plants.

Hawaiian grouper are more abundant here than in other parts of the NWHI. A large group of spinner dolphins lives in the atoll.

### MIDWAY ATOLL *Pihemanu*

Best known for its role in World War II, Midway is about 1,270 miles northwest of Honolulu, Close to the Pacific Ocean's centerpoint, it is on the opposite point on earth from Greenwich, England. It is not part of the state of Hawai'i.

The atoll consists of two major islands (Sand and Eastern), small sand islets, and a fringing coral reef. It is about 6 miles in diameter. The ancient volcano has sunk 500 feet beneath the ocean.

Midway was discovered in 1859 and claimed by the United States. Since then, its physical environment has endured significant change.

The U.S. blasted a shipping channel through the reef, and Pan Am Clippers landed at its air strip. It was the scene of a major naval battle on June 3, 1942, between Japan and the United States, and later served as a U.S. submarine base.

The coral reefs here are more than 400 meters thick, and their deep chasms, caves and corridors in the reef create habitat for a wide variety of fish, several of which are unique to Midway. *Pocillopora* and *porites* coral are abundant.

Since 1996, the U.S. Fish and Wildlife Service has managed the Midway Atoll National Wildlife Refuge. Nearly 2 million birds nest here, including the world's largest breeding colony of moli (Laysan alba-

tross), and the second largest colony of ka'upu (black-footed albatross). Hawaiian monk seals, green sea turtles and spinner dolphins frequent Midway's blue lagoon.

### PEARL AND HERMES REEF *Holoikauaua*

This low coral atoll is made up of as many as eight islets, five of which are permanent, and almost 300,000 acres of coral habitat. The reef encloses an elliptical lagoon. The maximum elevation is ten feet.

The reef was unknown to westerners until 1822 when a British whaling ship, the Pearl, ran aground. Its sister ship, the Hermes, ran aground while trying to help the Pearl. These wrecks were discovered in 2004.

It is home to 160,000 birds of 17 species, including one-fifth of the world's black-footed albatross.

Marine debris carried by ocean currents have heavily marred Pearl and Hermes. The debris damages reefs, entangles fish and marine mammals, and may be introducing alien species to the NWHI. Green sea turtle sand monk seals nest and pup here.

### LISIANSKI ISLAND *Papa 'apoho*

Lisianski Island, is a low, sandy island measuring approximately one mile long and 0.6 mile wide, with a land area of 0.6 square miles. Maximum elevation is 40 feet.

It lies near the north edge of Neva Shoal, a large area varying in depth to 60 feet. It has about 310,000 acres of reef habitat. The island was "discovered" in 1805 by Capt. Urey Lisianski, a Russian explorer. During the same period, Lisianski was visited by expeditions harvesting fish, turtles, guano, bêche-de-mer (sea cucumbers), and sharks, as well as monk seals. More concentrated exploitation of the island



Jim Maragos/ U.S. Fish and Wildlife Service

## Seabird Stopover

The masked booby, at right, is the largest of the boobies. Two white terns, above, are small robin-sized birds that are able to hover in one spot, like fairies, which is why they are also called fairy terns. The islands provide habitat for more than 30 species and 14 million breeding sea birds, wintering shorebirds, and endangered endemic songbirds and waterfowl. For some bird species, the islands support the world's largest colonies, such as the Laysan Albatross. The islands have been a National Wildlife Refuge since President Teddy Roosevelt designated them for protection in 1909.



Jim Maragos/ U.S. Fish and Wildlife Service

took place during the

plants is currently occurring as well as efforts to remove invasive *verbena* and *cenchrus* weeds. It is the northernmost spot where *acropora* corals occur in the islands.

### MARO REEF *Ko'anak`a*

Maro Reef is an irregular reef network with no distinct atoll or fringing reef. It is approximately 12 miles by six miles in size. It has about 500,000 acres of reef habitat. There is only a small awash rock and no terrestrial wildlife.

Few monk seals or sea turtles occur or give birth here because of the lack of haul-out spots. There are unusually large populations of galapagos and other sharks.

### GARDNER PINNACLES *Puhahonu*

Gardner Pinnacles has a total land area 0.01 square miles and a maximum elevation of 190 feet. It has about 600,000 acres of reef habitat.

The two volcanic rocks serve as roosting and breeding sites for smaller populations of 12 species of seabirds, including blue-gray noddies. Coral diversity is high but abundance is low because of the lack of shallow water habitat and the predominance of high wave energy from the exposure to the open sea on all sides.

## FRENCH FRIGATE SHOALS

### *Kanemiloa`i*

French Frigate Shoals, a crescent shaped coral atoll about 12 miles by 18 miles, opens to the west. The largest land area in the shoals is Tern Island; a number of smaller islets are scattered along the westerly reef of the crescent. There are two exposed volcanic rocks called La Perouse Pinnacles.

French Frigate Shoals has the highest breeding populations of monk seals and green sea turtles and the highest coral diversity in the northwestern islands.

This is the only spot where all 18 species of seabirds that nest in the islands nest.

### MOKUMANAMANA (Necker Island)

Mokumanamana Island (Necker Island) is about 0.7 miles long by 0.2 miles wide. The rocky, fish-hooked shaped island consists of two parts connected by a low isthmus. Total land area is 0.07 square miles, and the maximum elevation is 276 feet.

It has about 380,000 acres of reef habitat. The whole island is designated as critical habitat for three endemic endangered plants. Nine insects are endemic to the island as are one trap-door spider and one land snail.

About 60,000 seabirds from 16 species nest or roost on the island. There is a large colony of blue-gray noddies. Observations of seals at the island suggest that the species has occurred there regularly for at least a century, although likely for much longer.

Both Mokumanamana and Nihoa have low coral diversity (less than 20 species) because of high wave action and scour.

### NIHOA ISLAND

Nihoa Island, the easternmost point of the northwestern islands, is a precipitous remnant of a volcanic peak, about 1,500 feet long. It has about 142,000 acres of reef habitat.

The whole island is designated as critical habitat for endangered plants and two endangered and endemic birds: the Nihoa millerbird and Nihoa finch.

More than 500,000 seabirds nest on the island. The island supports the largest known colony of 'ou (Bulwer's petrel) in the world. It also supports the largest Hawaiian colonies of 'iwa (great frigatebirds), 'a (brown boobies), 'a (red-footed boobies), noio (black noddies), blue-gray noddies, noio-koha (brown noddies) and manu-o-Ku (white terns).

There are at least 17 insects, six ticks and mites, a trap-door spider, and six land snails endemic to just this island. Recent outbreaks of the grasshopper *Schistocerca* are a concern for endangered plants and the birds and invertebrates that rely on this habitat. ■

## U.S. Makes Little Progress Toward Protecting Oceans

The chairmen of two separate commissions that recommended changes in U.S. ocean policies are critical of the slow pace in implementing those recommendations.

James Watkins, chair of the U.S. Commission on Ocean Policy, and Leon Panetta, chair of the Pew Oceans Commission, wrote a joint letter to President Bush to point out that some progress has been made, but said they they "feel strongly that these actions are proceeding at a pace that does not reflect the urgency of the situation."

Slow progress toward implementing needed reforms and "very limited" funding are "jeopardizing a rare opportunity for this nation to make fundamental changes in ocean policy."

In a report card attached to their letter, they were highly critical for the lack of reforming ocean governance at the federal level.

"Many of the reasons for declining ocean and coastal ecosystem health are due to failures in our governance approaches and structures, including fragmented laws, confusing and overlapping jurisdictions, and the lack of a clear National Ocean Policy."

They also found insufficient support for ocean research, and the lack of new funding for ocean policy and programs.

"Funding for essential ocean programs, outlined above, remains woefully insufficient and is far outpaced by current and future challenges. Failure to provide even the modest funding increases recommended by the Commissions, compounded by funding rescissions in important ocean programs, jeopardizes the economic and ecological benefits our nation receives from its oceans and coasts. New investment must be made so that we can address ocean and coastal issues effectively," the joint report said.

# THE HAWAIIAN MONK SEAL



Jim Maragos/U.S. Fish and Wildlife Service

## The twists and turns of monk seal science How it became the most endangered pinniped in the Pacific

Wespac apparently feels it is under no obligation to tell the truth. At least, not in January 2005, when Wespac trotted out an obscure study to make a case for lobster fishing in the proposed Northwestern Hawaiian Islands National Marine Sanctuary.

Wespac said the study is proof that lobster fishing won't take food away from the highly endangered Hawaiian monk seal, which lives in the islands almost exclusively. The seal has suffered an steep decline and an alarming rate of starvation in recent years.

At a packed public meeting in January 2005 in Honolulu, Wespac stated that "conclusive evidence the fishery indirectly effects (sic) monk seal foraging is unfounded." For this, it cited a 1998 study by a 1998 University of Hawai'i researcher named Gwen Goodmanlowe, who had published a paper, *Diet of the Hawaiian monk seal*, in the journal *Marine Biology*.

In a report, Wespac claimed her results showed lobster and bottomfish "do not constitute a significant component of the natural diet of Hawaiian monk seals."

Goodmanlowe says she did not say that.

*Cascadia Times* interviewed Goodmanlowe, now at the California State University, Long Beach, by email. She says Wespac's interpretation of her study is wrong.

The study did not say monk seals don't eat lobster. The way her study was designed, it was not even possible to reach any kind of conclusion about lobster in monk seal diets.

The study did say blubber studies are needed "so that the occurrence of lobsters in the (monk seal) diet can be accurately identified."

In 1999, Goodmanlowe wrote another paper that further examined monk seal nutrition. In this paper, she found that seals she examined may be lacking essential amino acids that are commonly found at relatively high levels in lobster. Seals that lack the amino acid can have problems with brain functions. She said this finding indicated that lobsters "may be more beneficial nutritionally" to monk seals than other prey.

By then, NOAA Fisheries had already hired a Canadian researcher from Nova Scotia to do the blubber studies that Goodmanlowe recommended.

The scientist, Dr. Sara Iverson, said other studies did not accurately measure lobster in monk seal diets because the animal spits out the shells or so thoroughly digests them that they are impossible to find in scat.

She said the best place to find clues to what's in a monk seal's diet is to analyze what's in the blubber.

She went public with her preliminary data at least three times. At the end of 1998, Iverson presented preliminary findings to the Hawaiian monk seal recovery team showing that the seals do, in all probability, eat lobster.

"Although this is preliminary (how many times can I say that word?), lobster has definitely come through and sometimes quite largely (especially at French Frigate Shoals)," she wrote in a Nov. 13, 1999 email to NOAA Fisheries scientists.

She presented a similar oral report at a December 1999 meeting of the Hawaiian monk seal recovery team where she said lobster may represent 20 to 25 percent of the prey consumed by sub-adult seals of both sexes, and by adult females.

This was too much for Wespac to

swallow. On March 6, 2000, Simonds wrote a letter to a top NOAA official complaining that Wespac's science advisors did not see any conclusive evidence "of food limitation" in monk seals, despite compelling field reports (excerpted on Page 18) detailing case after case of monk seal starvation.

Simonds' letter also protested "the misrepresentation of results from fatty acid signature studies of monk seal tissue that prematurely suggest a proportionally high level of lobster in their diet."

Since then, the public has heard little from Iverson about monk seals. She did give a declaration in the lobster lawsuit before Federal Judge Samuel King. In it, she cautioned that her results were preliminary, and not to be used to make policy decisions regarding the seal.

She declined an interview about her data, and NOAA Fisheries rejected *Cascadia Times'* petition under the Freedom of Information Act to see her results.

### Back to the beginning

One might think the Hawaiian monk seal enjoys a cushy lifestyle. After all, the seal gets to hang out on the beautiful reefs and sandy beaches of the Northwestern Hawaiian Islands.

But that doesn't mean survival is easy. The waters around its haulouts are full of dangerous predators, including the large and powerful Galapagos and tiger sharks. Smaller monk seals also need to watch out for big male seals who on occasion beat up and kill the weaker animals.

But the most worrisome threat may be starvation, which has plagued the Hawaiian monk seal continually since

1988. That year, researchers began noticing large numbers of dead, emaciated young seals on the beaches of the main pupping grounds on French Frigate Shoals, according to field reports written at the time.

In 1990 and 1991, as the downward trend continued, NOAA scientists wrote in a report, "This population clearly is declining after 30 years of increase."

They were right. During the 1990s, the monk seal population at French Frigate Shoals declined by 55 percent.

Today, the starvation continues, and the aging population is failing to replace itself. As the older females die off, and with the population declining 5 to 6 percent a year, the species appears to be on track for a sudden and tragic collapse.

There are only 1,600 monk seals in the world, counting the 300 of the even more highly endangered cousin, the Mediterranean monk seal. A third group, the Caribbean monk seal, hasn't been seen since 1932. On earth, no other pinniped, a group of marine mammals that includes seals and sea lions, is so close to extinction.

It may be a coincidence, but the monk seal's decline paralleled the crash of one of its prey: the lobster. The main difference is that the lobster dropped much faster than the monk seal, at least so far.

You can't say Wespac wasn't warned. As long ago as 1980, the U.S. Army Corps of Engineers expressed the same concern and urged Wespac to be careful.

During the 1990s, the U.S. Marine Mammal Commission wrote at least a dozen letters to NOAA and Wespac warning that lobster fishing might be taking food away from starving monk

seals, and to take precautions.

In 2005, the commission found itself still fighting Wespac and its proposed lobster fishing.

In comments on that plan, it noted that lobster fishing in the northwestern islands showed “classic signs of overfishing and stock depletion.”

Catch levels in 1999, when the fishery had to be closed, were just 10 percent of levels taken in the mid-1980s.

“It is uncertain to what extent the depletion of the lobster stock has contributed to the decline of the monk seal population at French Frigate Shoals or to the species’ lack of recovery at other locations. This clearly reflects a case in which precautionary management requires that the fishery remain closed until unambiguous data indicate otherwise,” the commission wrote.

As always, Wespac dismissed the commission’s recommendation.

### Ignoring the data

Throughout the decline of the lobster and the monk seal, Wespac demonstrated a lack of commitment to caution and conservation, a stubborn refusal to listen to outside experts, a strong reliance on old-fashioned denial and a close allegiance to the lobster fishing industry.

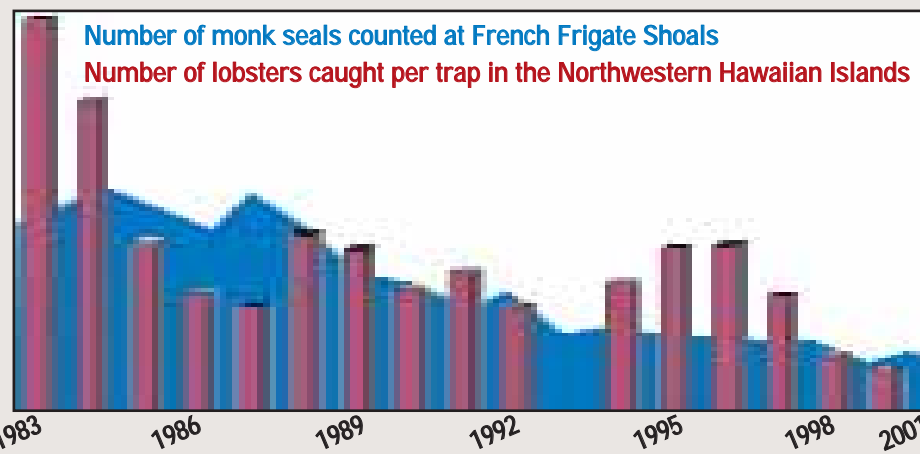
Wespac was not alone in its failure to protect these species. NOAA played a major role by failing to recognize and act on danger signs. But the record also shows that some scientists at NOAA were deeply troubled by the lobster fishery and its effects on the monk seal. According to emails contained in federal court records, these officials were overruled by their superiors, perhaps testimony to Wespac’s political clout.

U.S. ocean policies have also failed in the northwestern islands and with

## Twin Falls: The decline of lobsters and seals

Things were looking a lot better for lobsters and seals back in 1983. That’s the year Wespac took over the lobster fishery in the Northwestern Hawaiian Islands, and it’s been downhill both lobster and seal ever since. The chart below shows the

growing scarcity of lobster (red bars) as measured by the effort it took to trap one. It also shows the mean number of monk seals counted at the main breeding grounds on French Frigate Shoals each summer.



1983: 3.37 lobsters per trap. 1999: 0.36 lobsters per trap.

1985: 313 seals at French Frigate Shoals. 2002: 119 seals at French Frigate Shoals

### Lobster’s boom and bust

From 1985 to 1995, fishermen reported to federal authorities that they caught about 13 million lobsters in the NWHI, including legal and illegal lobsters. The legal lobsters were above a certain size. The illegal lobsters were either undersized or egg-bearing, which were not legal to retain. Wespac began allowing lobster fishers to retain undersized and female lobsters with eggs in 1996.

Year	Legal Catch	Illegal Catch	Total Catch
1985	2,034,164	704,891	2,739,055
1986	1,848,838	626,747	2,475,585
1987	802,206	413,965	1,216,171
1988	1,061,839	504,607	1,566,446
1989	1,166,032	655,799	1,821,831
1990	777,444	768,886	1,546,330
1991	167,054	235,823	402,877
1992	427,013	452,471	879,484
1993	0	0	0
1994	130,979	139,156	270,135
1995	38,257	63,563	101,820
Total	8,453,826	4,565,908	13,109,734

Source: NOAA Fisheries

marine mammals in particular. The Marine Mammal Protection Act, a weak law approved by Congress in 1972, created the Marine Mammal Commission, a toothless but diligent federal agency whose only means of protecting the animals rests with its power to persuade other government entities to do the right thing.

Wespac has shown that the commission is easily ignored even in the most dire circumstances, like those facing the monk seal. Wespac’s neighboring fishing council, the North Pacific Fishery Management Council in Alaska, has sim-

ilarly dismissed the mammal commission’s pleas to slow down fishing in areas where northern fur seals and Steller sea lions are in serious decline.

A review of federal documents by Environmental Defense reveals that Wespac at numerous points in its history allowed fishers to catch amounts of lobster far in excess of quotas, easily ignoring the Marine Mammal Commission even in the most dire circumstances. The fishery was not run with an eye for ecological sustainability; Wespac instead was obsessed with the personal profits of a few individuals.

Lobster fishing couldn’t have been better during the late 1980s. With a high price for lobster tail, fishers reported hauling 2.5 million lobsters on board in 1986, worth \$6 million. From 1985 to 1990, they caught more than 11 million.

Every year during the 1980s, Wespac set quotas that were exceeded by as much as 500 percent. In 1989, Wespac decided that it would be safe to catch 1 million lobsters a year. But that year, boat captains worried that the boom was going to bust. Of 16 boats, only three were clearly profitable, economists said at the time.

They were right to worry. As the chart above shows, in 1990, almost half the catch was comprised of illegal undersized lobster females with eggs, meaning the fishers, in theory, had to throw back about 50 percent of the haul.

By 1992, fishers were catching far more illegal lobsters than legal ones. That year, Jim Cook, who went on to be Wespac’s Chairman, and Ed Timoney, husband of an ex-Wespac council member, was fined \$40,000 and negotiated to pay a reduced fine of \$29,500 for keeping illegal undersized and female lobsters with eggs. Lobster fishing was closed in 1993.

By 1994, cost and revenue analyses indicated that, on average, lobster vessels showed losses of \$40,000 to \$55,000 per vessel per year.

In 1995, the fishery remained closed but one vessel was allowed to fish under an “experimental fishing permit” to assess stock conditions.

In 1995, Wespac decided that the solution to this problem was to let allow fishers keep all the lobsters. Everything was now legal, as far as Wespac was con-



Jim Mangos/ U.S. Fish and Wildlife Service

“I am really concerned about this. We spend an incredible amount of money each year, the seal still continues to decline, and we are considering allowing a fishery to develop and increase around one of the few haulouts that is increasing. I think we are shooting ourselves in the foot.”

—Michael Payne, NOAA Fisheries, Nov. 30, 1995 email to NOAA Fisheries Director William Fox

## Causes of Death

What happened to Hawaiian monk seal? Why is it dying? Field reports from scientists working for NOAA, the U.S. Fish and Wildlife Service and the state of Hawai'i shed some clues. Numerous dead seals were necropsied during 1989, when scientists said 30 years of population growth for the monk seal had ended. Field notes from that year revealed some of the threats the seals faced that year on their main breeding grounds on French Frigate Shoals:

**Case 1:** Yearling male found March 27 on Tern Island with a large, fresh shark bite wound in the muscle layer just behind his left foreflipper.

**Case 2:** Yearling female on French Frigate Shoals had been seen alive Jan. 26, emaciated, and breathing laboriously. Found dead Feb. 3 by Fish and Wildlife Service personnel who noted that the gastrointestinal tract was empty.

**Case 3:** Yearling male found desiccated March 24 by Fish and Wildlife Service personnel on Whaleskate Island. He was last seen Jan. 25 alive and emaciated.

**Case 4:** Nine-day-old female pup, found May 19 on Tern Island. Her mother had appeared with fresh shark-bite wounds and refused to nurse her pup.

**Case 5:** Yearling female was found dead May 30 on Trig Island. The right foreflipper was lacerated, probably from a shark bite. She was emaciated.

**Case 6:** Two-year-old female found dead on June 25 on Whaleskate Island. Body condition was emaciated. She was alive on June 14 at Disappearing Island.

**Case 7:** Three-year-old male found dead on July 21 at Tern Island. Body was emaciated.

**Case 8:** Immature, unknown sex, observed being attacked by large sharks on August 25 near East Island. From the length of the attack and the violence, blood, and "flying parts" observed, the observer concluded the seal had been killed.

Source: NOAA Technical Memorandum, December 1992, the Hawaiian Monk Seal at French Frigate Shoals, 1989

## Yearling female on French Frigate Shoals had been seen alive Jan. 26, emaciated, and breathing laboriously. Found dead Feb. 3 by Fish and Wildlife Service personnel who noted that the gastrointestinal tract was empty.

cerned. But under state law, retaining undersized and berried female lobsters was illegal.

Emails passed among senior NOAA officials at the time indicate they held strong doubts about letting fishers keep the young and the female lobsters. The impacts on monk seals was chief of their concerns.

Even the guy at the top, William Fox, the agency's director, was worried. In November 1995, he said in an email:

"As I pointed out... the potential effects on monk seals were inadequately

addressed in the (Wespac) biological assessment."

Fox was particularly concerned that lobster fishermen would engage in "high grading," the practice of throwing away small lobsters without counting them against the quota.

Fox "said the literature (research) indicates that monk seals feed predominantly on sublegal lobsters, therefore a decline in these would be more of a problem than a decline in the overall stock," according to an email by Sven Fougner, another NOAA Fisheries offi-

cial and the first executive director of Wespac.

Fox also believed that the seals moved around to areas with healthier lobster populations.

The lobster fishery wasn't being closely watched. Wespac never required independent observers to be on board any of the boats.

"We have stated that the relationship between lobsters as prey and seals is not well understood, but that lack of understanding should not be used to state that we do not know the impact and act as if there may not be one," said Michael Payne, a NOAA Fisheries official, in another November 1995 email. "Rather, it should prompt a conservative approach to re-opening this fishery until monk seal predatory habits and lobster are better understood.

"This is such an endangered species, with a trend that continues to decline, that to be anything other than very cautious is not prudent. ... It is not apparent to me why this fishery should be allowed unless monitored by observers, and a buffer is established that will protect a foraging area for seals.

"I am really concerned about this. We spend an incredible amount of money each year, the seal still continues to decline, and we are considering allowing a fishery to develop and increase around one of the few haulouts that is increasing. I think we are shooting ourselves in the foot."

NOAA Fisheries issued a biological opinion in 1996 that found a "continuing decline in pup production, and total seal counts over the past years, (which) is cause for significant concern." The agency attributed the decline to three factors, including the lobster fishery.

And yet, in the end NOAA Fisheries let Wespac reopen its lobster fishery in 1996 with new rules and created a "retain all" fishery allowing the capture of female lobsters with eggs and undersized juveniles. practices banned in the Main Hawaiian Islands. Female lobsters can take 8 years to reach reproductive maturity and their capture is banned in waters throughout the United States. This fragile fishery may be the only place in the country where their harvest has been legal.

The lobster fishery has historically been a spiny lobster fishery. The low-value slipper lobsters were never prized by the fishing industry. In the 1980s, the spiny population was plentiful. But as the spiny population was fished down, in 1998, fishers, for the first time, caught more slippers than spiny.

On October 16, 1998, the 87-foot Paradise Queen II, a lobster and longlining vessel, was fishing for lobster at Kure Atoll when it went aground on the seaward side of the fringing reef crest, southeast of Green Island.

According to a joint state and federal government inquiry, at the time of the grounding, the vessel carried 11,000 gallons of diesel fuel and a combined volume of 500 gallons of hydraulic fluids and oil.



## Searching for Answers

A government veterinarian, top photo, counted seven lobsters in the belly of a deceased monk seal, indicating that the lobster was important at least to this individual. In the bottom photo, an emaciated young monk seal awaits examination.



Jim Margolis/ U.S. Fish and Wildlife Service

The vessel was also carrying about 3,000 pounds of frozen lobster tails, 4,000 pounds of bait, 1,040 plastic lobster traps and 11 miles of lobster pot mainline.

The boat was not pulled off the reef because the ship's owner did

not allow government responders to remove the ship immediately after it ran aground. Once the ship broke apart, removal became impossible.

Two years later, researchers found broken coral, uprooted coralline algae structures, the bodies of two monk seals among piles of nets surrounding the decaying wheel house, some 600 lobster traps and hundreds if not thousands of lead fishing weights and fishing line.

The fishery staggered along until February 2000, when NOAA Fisheries officials had finally had enough. Environmentalists had filed a lawsuit accusing the agency of violating its duties under the Endangered Species Act to protect the monk seal. Despite the apparent low abundance of spiny lobster at many banks in the northwestern islands, the commercial fishery was continuing to target spiny lobsters.

NOAA declared that any spiny lobster-directed commercial fishing effort may be excessive.

Wespac responded with a letter stating that it "strongly opposes" the closure. "The Council requests that (NOAA Fisheries) immediately withdraw its proposal and allow the fishery to operate with a harvest guideline of no more than 130,000 lobsters," Simonds wrote in a letter.

For once, Simonds didn't get her way.

NOAA announced the closure would take effect on July 1. And on November 15, Federal Judge Samuel King ordered NOAA to keep it closed.

**"It stands to reason that fishing immediately adjacent to major monk seal colonies where juvenile seals first learn to feed would likely have the most significant impact. We believe that precautionary steps to suspend lobster fishing around all atolls supporting major monk seal colonies are both prudent and warranted." — John Twist, U.S. Marine Mammal Commission**

#### Who speaks for the monk seal?

The Marine Mammal Commission began warning NOAA and Wespac of its concerns about the lobster fishery as early as 1981.

It said Wespac's lobster fishing regulations "must include provisions for preventing adverse impacts on the Hawaiian monk seal and other endangered or threatened species, as well as provisions for preventing overfishing of the lobster stocks."

But Wespac NOAA preferred to listen to their own experts, and they allowed the fishery to keep chugging along.

In 1991, the commission noted that in 1990 the lobster stock had been reduced to 22 percent of its pre-fishery level in the late 1970s. "We are concerned, however, that the current definition of overfishing in this Plan may be lower than it should be, given recent trends in Hawaiian monk seal population levels and ecological relationships between lobsters and seals," the commission said.

In 1991, NOAA responded to the commission by noting that the lobster fishery, when compared with other lobster predators like sharks, and environmental stresses on the stocks, "is only a small component affecting the availability of lobster to the monk seal."

In 1994, the commission asked NOAA to close fishing near French Frigate Shoals. "Pups born at this atoll have been smaller at weaning than pups born at other islands and have suffered

very high mortality in their first year of life. Also, survivorship rates for pups and juveniles have declined substantially over the last five years," the commission's director, John Twist, wrote.

But Wespac was not persuaded. Neither was its Science and Statistical Advisory Committee. The committee claimed that there was "insufficient information at this time to support the concerns raised by the (Marine Mammal) Commission regarding the decline of the monk seal population at French Frigate and the lobster fishery; there should be no prohibition of lobster fishing around French Frigate."

The letters continued to come from the commission; they made no discernible impression on NOAA or Wespac. In 1999, Simonds sent this message to the commission's Twist:

"The basic assumption underlying your letter, as in your previous letters on this subject, continues to be that lobster fishing is adversely affecting monk seals due to competition for prey, either primary catch or bycatch. We are aware of no new information that suggests lobsters are important components of the diet of monk seals, and therefore continue to believe that the small (northwestern islands) lobster fishery does not have any significant impact on seals."

In a response dated May 1999, Twist admonished Simonds for failing to exercise due caution:

"When dealing with an endangered species and such uncertainty, we believe it is important for resource managers to

adopt precautionary measures pending resolution of the uncertainties. In this regard, it stands to reason that fishing immediately adjacent to major monk seal colonies where juvenile seals first learn to feed

would like have the most significant impact.

"We believe that precautionary steps to suspend lobster fishing around all atolls supporting major monk seal colonies are both prudent and warranted until such time as reliable information is available on the diets... of monk seals."

In January 2000, Wespac argued back through a press release with this headline: "Don't blame fisheries for monk seal decline."

Later that month, James Cook, Wespac's chairman, wrote to Penelope Dalton, NOAA Assistant Administrator of Fisheries, to complain about the criticism coming from the Marine Mammal Commission:

"Predictably, the small highly regulated and limited fisheries in the NWHI are demonized once again as a major source of danger to this seal population."

The day after Cook wrote the letter, NOAA announced its intent to close the fishery.

Cook, who nine years earlier had been caught and fined \$29,500 for poaching lobster, soon left the council because he had reached his term limit. He remained involved in Wespac's operations, however, as chair of Wespac's advisory panel. In 2003, his business partner Sean Martin joined the council. Interestingly, in 2004 Martin paid a \$7,000 fine for violating federal fishing laws.

## A political history of the northwestern islands

Members of the public have submitted more than 112,000 written and oral comments to federal and state officials over the past five years, during more than 30 hearings and at over 100 meetings and public comment opportunities. Public input has been consistently and overwhelmingly in favor of the strongest protection measures for the Northwestern Hawaiian Islands. A network of fishers, Native Hawaiian cultural practitioners, scientists, environmentalists, divers and Hawai'i residents known as the NHWI *hui* led the campaign. A January 2006 report by the *hui* recounts this history:

### October 2000

5,550 people send letters and faxes to Hawai'i Congressional delegation and Clinton White House, urging strong protections, national monument status, expressing concern about the ability of Department of Commerce to provide strong protections.

### December 2000

250 attend federal hearings throughout the islands on then-proposed Executive Order protections; more than 8,400 submit written comments. Fewer than 1 percent say the protections are too restrictive.

### December-January 2000

President Clinton issues two Executive Orders providing strong protections for the northwestern islands.

### August 2001

The Executive Orders are put on hold by Bush administration; 17,500 write to Secretary of Commerce urging support for strong protections.

### May 2002

4,570 people write to Wespac opposing its plans to allow harvest of deep-sea coral and coral reef fish in NWHI. 1,000 people attend Sanctuary scoping meetings throughout the Islands. 11,100 people submit comments, overwhelmingly in support of the strongest possible protections and Native Hawaiian cultural rights.

### June 2003

1500 people send letters, faxes and emails to Secretary of Commerce expressing concern about Wespac's proposed fishing plans, insisting that it provide strong protections.

### May 2004

In response to weak NWHI plan proposed by NOAA, more than 25,800



Jim Maragos/ U.S. Fish and Wildlife Service

**Meet the Boff** Giant Trevallies, a bottomfish, at Pearl and Hermes Reef. Research suggests that the offspring produced by old, large females are more numerous than those produced by younger fish. The offspring of the old fish have also shown to have the greatest chance of surviving. This theory has come to be known as the BOFF (Big Old Fat Female) hypothesis which points out the big fish give the species a greater chance of enduring changing ocean conditions. Data collected by the federal government indicates that a decline in the mean weight of fish occurred from 1984 to 2003 for three species — uku, onaga and ehu — in the northwestern islands, an indication that fishing is continuing to deplete the stocks.

## ROGUES OF THE PACIFIC

(Continued from Page 9)

everybody. It said the new plan would apply to all federal waters surrounding the Hawaiian Islands. It added, however, that it could “expand these boundaries if and when supported by scientific data and/or management requirements.” Wespac didn't explain precisely where or why it wanted to expand its jurisdiction.

This proposal drew a pointed letter on December 2 from Peter Young, chair of Hawai'i's Department of Land and Natural Resources, and the state's designated representative on Wespac.

“To expand these boundaries beyond the EEZ (the U.S. exclusive economic zone) would mean including international waters, which is beyond the scope of Wespac's authority,” Young wrote in the letter, which was addressed to Simonds. “The only other possibility for expanding the boundary would be to include the waters managed by the state of Hawai'i.”

The state would surely oppose that, Young said in an interview.

The plan contained other errors. A proposed regulation for black coral fishing would violate a Wespac policy that was just two months old.

“Wespac can't even keep its own policies straight inside its own document,” said Dan Polhemus, director of Hawai'i's Division of Aquatic Resources.

Wespac was originally scheduled to take a final vote in March, but Executive Director Kitty Simonds moved it ahead to Dec. 20 with no explanation. The change came as a complete surprise to the state of Hawai'i. By speeding up the process, Wespac essentially prevented the state and the public from providing meaningful comment, Young said.

The state did not get a copy of the final plan until the 14th. Before then, it had seen only a draft that was missing two entire chapters and contained “numerous factual and typographical errors,” Young said in his letter to Simonds.

Wespac gave the state and the public almost no time to review the 1,200 pages of draft plans before public hearings began on the 12th. And it gave no one — not even Wespac council members — an opportunity to review the final plans at all. When the council voted on the 20th to approve the plans, they were still unfinished and incomplete.

On the last day of public hearings, Wespac provided a list of some of the errors which had been corrected in the plan. But Hawai'i officials said many more errors remained. People at some public hearings were reviewing different versions of documents than people at other hearings.

In an interview with *Cascadia Times*, Young said: “The state and the public should have an opportunity to see a completed final document before it is considered final. Mistakes could have been corrected if there was time. These documents are so important we have to make sure they are critically reviewed.”

“There was an apparent urgency and yet no explanation as to why the urgency,” Young said.

The state urged Wespac to wait until it got things right. But Wespac Chairman Frank McCoy (of American Samoa) still demanded an immediate final decision on the 20th. “We're not putting in the so-called mistakes that everybody's calling mistakes,” he said. “It's basically misplaced words and that kind of stuff. I'm the chairman, I'm not ashamed to put this out.”

McCoy said he really didn't think there was such a rush. “We've had ample time to do this,” he said. “We voted on it a year ago, over a year ago, to start looking into this process. So, to say that we didn't have time to review this and review that, I'm not going to accept that.”

Stephanie Fried, of the conservation group Environmental Defense, said the public had been shut out of the process altogether. It was given no opportunity whatsoever to review a document that will

be changed. “The process leading to this meeting is a textbook example of why a federal investigation of Wespac is fully warranted,” she said.

A Wespac member from Guam did not seem bothered by the sudden rush. “I'm sorry that people want to wait until March,” said Manuel Duenas. “But I can't wait until March because there'll be another meeting in June and then another meeting in October and that's too much, way too much to finish waiting for this thing to go.”

Rick Gaffney, a Hawai'i-based recreational fisher on Wespac, called the entire process “flawed.”

“I think we'll be a laughingstock in the public's eye and I just don't think it's appropriate,” he said. “No one has explained to me why there's a rush to complete these final actions. Why are we forcing the situation in two weeks? It just doesn't make sense to me.”

It wouldn't be until eight weeks later that the reason for the rush would be made clear.

On February 21 2006, Wespac published a document titled “Measures for Fishing Regulations in the Proposed NWHI Sanctuary” and announced that it had made a deal with NOAA regarding fishing in the proposed sanctuary.

According to Wespac, NOAA had guaranteed “a high likelihood” that Wespac's new plans for fishing would be accepted for the proposed sanctuary as long as they included a temporary moratorium on the harvest of lobster, corals, and reef fish and caps on bottomfish and pelagic fishing. Wespac indicated that they had been told that they had until April 14 to submit the amended management plans and regulations to NOAA.

As always, Wespac declared its continuing resolve to allow the illegal fisheries as well as increase the number of active bottomfish permits, in violation of existing fishing caps put in place by the Executive Orders.

“The process leading to this meeting is a textbook example of why a federal investigation of Wespac is fully warranted.” — *Stephanie Fried*

## Defiance, Wespac-style

When Clinton signed the Executive Orders, he declared that their principle purpose would be to ensure “the long-term conservation and protection of the coral reef ecosystem and related marine resources and species of the Northwestern Hawaiian Islands in their natural character.”

The orders capped all bottomfishing to at current levels of take and effort and allowed the secretary of Commerce to make further modifications to ensure conservation of the area in its natural state. This meant that closed fisheries, like lobster, could not reopen, and that proposed fisheries for precious coral and coral reef species were barred.

They established small, yet significant Reserve Preservation Areas which are off-limits to fishing in federal waters shallower than 100 fathoms, except for permitted bottomfish fishers and sport fishers who are allowed to fish in most of these areas.

They also created a broadly representative Reserve Advisory Council which included federal and state representatives, scientists, fishers, Hawaiian cultural practitioners, educators, and environmentalists.

The 84.3 million acre reserve allows the small number of grandfathered fishers to continue in all but 139,000 acres.

Since most bottomfish fishing is reported to occur at depths between 50-150 fathoms, and since all active bottomfishers were grandfathered in at existing levels of catch, the Reserve Preservation Areas were expected to have a minimal effect on this fishery.

But Wespac immediately reacted to the orders by spreading false information about their economic impact on Hawai'i in an attempt to stir public opposition.

Wespac claimed the orders would cause a massive reduction in the area where bottomfishing is allowed area as well as a significant reduction in bottomfish revenues. Wespac also claimed that the public would pay much higher prices for fish.

At a public meeting in February 2001, Wespac presented a chart claiming that the bottomfishing revenue would decline by 67 percent in the eastern third of the northwestern islands, and by 57 percent in all other areas.

Wespac also said the orders would close fishing in 10 areas less than 100 fathoms in depth. In fact, the orders closed only five such areas.

When this was presented at a public meeting, members of the audience said that the underlying assumptions were incorrect, and that the dollar losses Wespac was claiming were grossly exaggerated.

Wespac officials revised their numbers for the closed areas on the spot and presented a newly printed chart.

Stephanie Fried of Environmental Defense, in a review of Wespac's manipulation of data, found that this new chart still incorrectly labeled areas as “closed” that were not in fact closed. “Unfortunately, the new chart still ignored the public comments pointing out that

half of the areas (Wespac) had labeled 'closed' were not actually closed by the EO,” Fried said in her report, “Search for the Truth.”

“On the new chart, almost every dollar value had been changed by Wespac staff — some markedly increased, some decreased — yet oddly all of the percentages of 'loss' remained the same,” she said. “These percentages of 'bottomfishery loss,' unchanged from the first flawed analysis, were then circulated in the news media, and apparently to state and federal officials, by Wespac and associates.”

In mid-February Wespac met to decide a strategy for fighting the orders and closures. According to the minutes of that meeting, Wespac called for a harvest in 2001 of 130,000 lobsters in the northwestern islands — in clear defiance of closures ordered not just by the White House but by NOAA and the federal court. It based its recommendation on advice from its Scientific and Statistical Committee, which viewed the closures as not necessary.



## Wespac pushes fishing in marine refuge

This cartoon, which appeared in the Spring 2006 issue of Wespac's quarterly newsletter, appears to encourage fishers to go to the Northwestern Hawaiian Islands to fish.

Wespac member Ray Tulafono of American Samoa said the Council could not change the terms and conditions of the executive orders, but it could “make a statement” that it disagreed with them.

Council Chair Judy Guthertz of Guam said that when the President created the coral reef reserve, he didn't consult with Wespac, and its input was basically ignored. According to the text of the Executive Order, however, the Reserve closures were based on a White House evaluation of input from Wespac, federal and state agencies and the public.

She said President Bush might be willing to change the executive orders. “It doesn't seem sensible to agree that the lobsters are not overfished and yet not let anybody fish for them,” she is quoted in the minutes.

But Judson Feder, a NOAA general counsel advising Wespac, suggested it might not be wise for Wespac to spend its limited resources on a fishery that may never be reopened for commercial activity.

And Dave Gulko, of the Hawai'i Division of Aquatic Resources, said lobster fishers would set as many as 130,000 traps in a concentrated area defined by Wespac itself as coral reef habitat in its Coral Reef

Ecosystem Fishery Management Plan. The impact of placing these traps and the method being used to place them on bottom habitat must be considered, he said.

After approving the lobster fishery, Wespac asked its staff to draft a letter asking NOAA Fisheries to “make every effort to clear up misstatements on fisheries, for example, disseminating correct information on Web sites, press releases, responding to wrong information, etc.”

The Council wrote to Secretary of Commerce Dan Evans, with a copy to President Bush, outlining its analysis the impacts of the executive orders on fishing and asked that the orders be revised so that the fishing could be kept open, and that the responsibility for managing them remain with Wespac.

Wespac also duped others with its false claims. As part of its campaign to undermine the historic reserve, distorting the facts to achieve this end, the fishery council drafted ghost-written letters for prominent Hawai'i Republican politicians to send to the Secretary of Commerce, Don Evans.

Linda Lingle — then head of the Hawai'i Republican Party and now Hawai'i governor wrote to Evans opposing the closures because of Wespac's allegations of negative economic impacts. She also called on the Bush Administration to reverse the executive orders.

“As the attached letter, drafted for me by the Western Pacific Fishery Management Council states, ‘I am extremely concerned that unless these executive orders are annulled, amended or interpreted to allow for sustainable fisheries, they will cause great negative socioeconomic impacts to the State of Hawai'i,’” she wrote, attaching the Wespac draft which was unsigned and written on plain paper without any letterhead. The Wespac letter claimed that the Reserve could “destroy virtually all other existing and potential fisheries in the federal waters surrounding Hawai'i.”

But seven months later, Lingle determined that the reserve had the widespread support of fishers, fish processors, Native Hawaiian cultural practitioners, divers, scientists and people throughout the islands who had united their communities to persuade the White House to protect the distant islands from the management abuses of Wespac and NOAA Fisheries. She then wrote to Evans, and “based on new information,” retracted her opposition to the Reserve. She urged the Administration to let the Executive Orders stand, unaltered.

Elected governor in November 2002, Lingle, the former mayor of Maui, has become one of the strongest supporters of protection for the islands.

On September 29, 2005, as governor, Lingle ordered all fishing closed in state waters of the NWHI and established an extraordinarily protective state refuge. The closures are now in effect.

And, in a stunning announcement, Lingle asked the federal government to order a similar closure in federal waters surrounding the Northwestern Hawaiian Islands, placing her at the lead of international coral reef protection efforts. ■

## A political history of the northwestern islands

(continued from page 20)

write to urge the plan be changed to ensure protection of NWHI and compliance with Executive Orders.

### July 2004

442 of the world's leading coral reef scientists from over 250 research institutes, universities, museums, governmental and multilateral agencies in 65 countries call for the strongest possible protections for the NWHI.

### July-August 2004

100 people attend hearings throughout the islands on the state's new plan for a NWHI refuge. Native Hawaiian community representatives call for no commercial activities, strict limits on public access, no fishing except for Native Hawaiian traditional practices. Only four individuals testify in support of commercial activities (fishing). 24,000 submit comments calling for the strongest possible protections.

### August 2004

Native Hawaiian consultation workshop attended by *kūpuna*, cultural practitioners, fishers, and other Native Hawaiian community members made these recommendations for the NWHI: no commercial activities, including the selling of resources or profit-driven activities; no recreational fishing; monitoring and enforcement; allow traditional cultural practices.

### January 2005

About 60 people testify at Wespac hearings on fishing in NWHI, held throughout the islands. The overwhelming majority oppose extraction in NWHI, except for Native Hawaiian traditional uses. Wespac places ads claiming that NWHI protections threaten Native Hawaiian rights and fishing rights. Native Hawaiian fishers clarify that commercial fishing is not a traditional Hawaiian cultural practice.

### May 2005

Rep. Ed Case, D-HI, cites overwhelming public input and special needs of the islands, and proposes the NWHI Refuge Act for federal waters allowing, no commercial use, observers on all boats, stiff penalties for violations, and a buyout of bottomfish fishers.

### December 2005

Wespac approves a new round of fishing plans that contain old, illegal schemes under a pretty cover. Wespac refuses to allow the public or the state of Hawai'i an opportunity to review the plans before final approval.

# ResourceDirectory

## THE NORTHWESTERN HAWAIIAN ISLANDS HUI

### 'Ilio'ulaokalani Coalition

'Ilio'ulaokalani Coalition, Inc. is an island wide grassroots organization comprised of kumu (master teachers) and loea (cultural experts) whose purpose is to link and apply traditional Hawaiian cultural principles, practices and skills to effect educational, social, environmental and economic change for the betterment and advancement of native Hawaiians and the community at large.  
www.ilio.org

### Environmental Defense-Hawai'i

Founded in 1967. Environmental Defense links science, economics and law to create innovative and equitable solutions to society's most urgent environmental problems. P.O. Box 520 Waimanalo, Hawai'i 96795  
sfried@environmentaldefense.org  
www.ed.org/hawaii

### KAHEA: The Hawaiian-Environmental Alliance

KAHEA is network of activists throughout five main Hawaiian Islands. We address critical issues within our communities and 'ahupua'a (geographic and cultural demarcation from the uppermost land to the outer reef). P.O. Box 27112 Honolulu, Hawai'i 96827-0112  
(808) 524 8220  
kahea-alliance@hawaii.rr.com  
www.kahea.org

### The Sierra Club-Hawai'i

The Sierra Club is fighting to restore and protect this vital region for the next century and beyond.  
1040 Richards Street, Room 306, Honolulu, Hawai'i 96813  
wild@aloha.net

## OTHER CONSERVATION ORGANIZATIONS

### Conservation Council for Hawai'i

Conservation Council for Hawai'i is dedicated to protecting native Hawaiian plants, animals, and ecosystems. CCH is the Hawai'i affiliate of the National Wildlife Federation.  
www.conservation-hawaii.org

### Earthjustice Honolulu

Earthjustice established an office in Honolulu in 1988 to protect natural and cultural resources throughout Hawai'i and the mid-Pacific. Clients range from environmental organizations such as the Turtle Island Restoration Network to local citizen groups like Makawai Stream Restoration Alliance. 223 South King Street, #400 Honolulu, HI 96813  
(808) 599-2436  
eajushi@earthjustice.org  
www.earthjustice.org/regional/honolulu

### Marine Conservation Biology Institute

2122 112th Ave NE, Suite B-300, Bellevue WA 98004  
(425) 274-1180  
www.mcbi.org

### Oahu Game Fish Club and Waianae Fishing Club

These organizations petitioned for a federal investigation of Wespac. The site includes documents submitted to the Office of Inspector General, U.S. Department of Commerce.  
www.scottfoster.org/wespac

### Polynesian Voyaging Society

Pier 7, 191 Ala Moana Blvd. Honolulu, HI 96813  
Founded on a legacy of Pacific Ocean exploration, the Polynesian Voyaging Society seeks to perpetuate the art and science of traditional Polynesian voyaging and the spirit of exploration through experiential educational programs that inspire students and their communities to respect and care for themselves and each other, and their natural and cultural environments.  
www.pvs-hawaii.com

### The Ocean Conservancy

The Ocean Conservancy promotes healthy and diverse ocean ecosystems and opposes practices that threaten ocean life and human life. Through research, education, and science-based advocacy, The Ocean Conservancy informs, inspires, and empowers people to speak and act on behalf of the oceans.  
2029 K Street, NW Washington, DC 20006  
www.oceanconservancy.org

## STATE AND FEDERAL AGENCIES

### National Coral Reef Conservation Program

Supports effective management and sound

science to preserve, sustain and restore valuable coral reefs. ecosystems.  
www.coralreef.noaa.gov

### National Marine Sanctuaries Program

The mission of NOAA's National Marine Sanctuaries is to serve as the trustee for the nation's system of marine protected areas, to conserve, protect, and enhance their biodiversity, ecological integrity and cultural legacy.  
www.sanctuaries.nos.noaa.gov

### NOAA Fisheries Pacific Islands Regional Office

1601 Kapiolani Boulevard, Suite 1110, Honolulu, Hawai'i 96814  
swr.nmfs.noaa.gov/pir

### Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve

6600 Kalaniana'ole Hwy, #300 Honolulu, HI 96825  
(808) 397-2660  
Mokupapapa: Discovery Center for Hawai'i's Remote Coral Reefs  
308 Kamehameha Ave, #109 Hilo, Hawai'i 96720  
(808) 933-8195  
hawaiiireef@noaa.gov  
hawaiiireef.noaa.gov

### Pacific Islands Fisheries Science Center

The Pacific Islands Fisheries Science Center of the National Marine Fisheries Service (NMFS) is a part of the National Oceanic and Atmospheric Administration (NOAA). The Center administers scientific research and monitoring programs that support the domestic and international conservation



The northern fur seal, featured in *Breaking Point in the Bering Sea*, Spring 2005

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and management of living marine resources. ecosystems.  
www.pifsc.noaa.gov

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**WESPAC**

A federal advisory council that prepares fishery management plans for the Western Pacific.

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(808) 522-8220  
info.wpcouncil@noaa.gov  
www.wpcouncil.org

**FRIENDS OF CASCADIA TIMES**

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1000 Friends of Oregon works to conserve farm and forest lands, protect natural and scenic resources, and promote livable cities with transportation and housing choices. 1000 Friends is currently working on the three-year Oregon Coastal Futures Project, a collaborative effort to help plan for the future of one of Oregon's great treasures. With your help, we can continue to advocate for protection of Oregon's coastal and natural resources.

534 SW Third Avenue, Suite 300  
Portland, OR 97204  
(503) 497-1000  
fax: (503)223-0073  
info@friends.org  
www.friends.org; www.coastalfutures.org

**Audubon Society of Portland**

The Audubon Society of Portland has been a pioneer in the federal, state and local efforts to conserve and restore Oregon's coastal and ocean resources.

5151 NW Cornell Rd Portland OR 97210  
To get involved in the exciting collaborative process to establish fully protected marine reserves, please contact Samantha Murray at: (503) 292.6855  
smurray@audubonportland.org  
www.audubonportland.org

**CoastWatch**

**ADOPT A MILE OF THE OREGON COAST**  
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605 S.E. 37th Ave. Portland, OR 97214  
(503) 238-4450  
orshores@teleport.com;  
www.oregonshores.org

**Columbia Riverkeeper**

Citizens group working to protect the quality of the Columbia River and all life dependent on her.

PO Box 912, Bingen, WA 98605  
(509) 493-2808  
PO Box 1254, Hood River OR 97031  
(541) 387-3030  
721 NW 9th, Suite 300, Portland, OR  
Portland, OR (877) 252-6077  
www.columbiariverkeeper.org

**FLOW (Friends of Living Oregon Rivers)**

FLOW's mission is to provide legal oversight, monitoring and public education to help protect Oregon Waters from the impacts of pollution and development. P.O. Box 2478 Grants Pass, OR 97528

www.oregonwaters.org;  
flow@oregonwaters.org  
541-251-3569

**Green Fire Productions**

Green Fire Productions has produced a new documentary, *Common Ground: Oregon's*

*Ocean*, that examines Oregon's ocean ecosystems and looks for ways to protect marine biodiversity and enhance fisheries. PO Box 14906, Portland, OR 97293 (541) 486-4070  
www.greenfireproductions.org  
karen@greenfireproductions.org.

**Oregon Environmental Council**

Oregon's oldest statewide environmental group, OEC works to protect Oregon's clean water and air now and for future generations. We bring Oregonians together for a healthy environment.

222 NW Davis Street, Suite 309, Portland OR 97209-3900  
(503) 222-1963  
info@oeconline.org  
www.oeconline.org

**Oregon League of Conservation Voters**

OLCV educates voters and holds politicians accountable. With our sister organization, OLCV Education Fund, we coordinate the Oregon Conservation Network, a coalition of conservation groups that lobbies the Legislature. OLCV's Scorecard rates legislators' environmental voting record. OLCV's PAC endorses candidates and supports those in tough races with money and volunteers. Jonathan Poisner, Executive Director

320 SW Stark #415 Portland, OR 97204  
(503) 224-4011  
(503) 490-1234 cell  
(503) 224-1548 fax  
jpoisner@olcv.org

**Pacific Rivers Council**

Protects, restores rivers, their watersheds, and native aquatic species. Current programs emphasize aquatic conservation in forested watersheds.

PO Box 10798, Eugene, OR 97440  
(541) 345-0119  
info@pacrivers.org; www.pacrivers.org

**Rainbow Video and Film Productions**

Producing documentaries on threats to our air, water and forests. Working with citizen groups using videos as activist tools. Teaching production skills to young activists.

2217 NW Johnson Portland OR 97210  
dgenasci@teleport.com  
www.rainbowvideoandfilm.com.

**River Network**

As the nation's leader in supporting grass-roots river and watershed conservation groups, River Network has published the second edition of its "Clean Water Act Owner's Manual," a comprehensive guide for people who want to clean up their rivers, streams and watersheds. It gives advice about how to use the Clean Water Act to solve real-world problems.

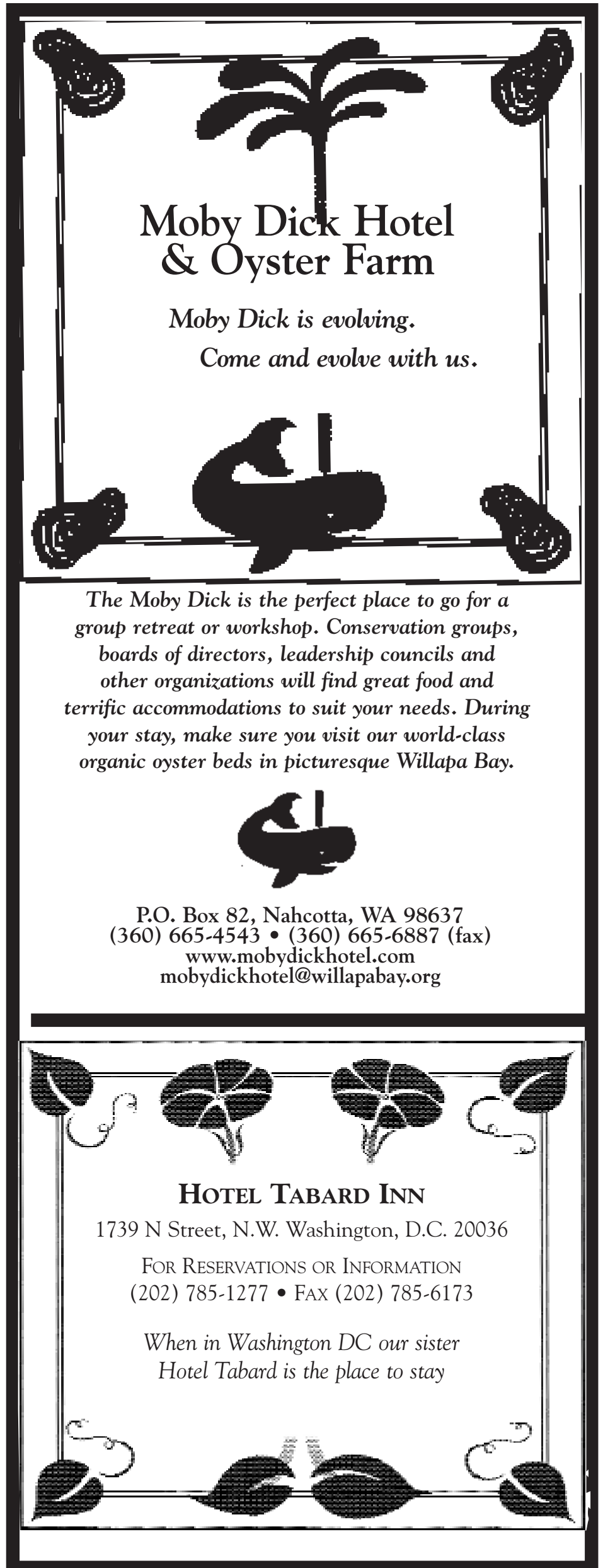
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info@rivernetwork.org;  
www.rivernetwork.org

**Tidepool**

Tidepool is the only daily on-line news service for the Cascadia Rainforest.  
www.tidepool.org

**Waterwatch of Oregon**


WaterWatch works to keep water in its natural course - thus protecting fish and wildlife. 213 SW Ash St., Suite 208, Portland OR 97204; (503) 295-4039  
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