

Testimony from the Western Pacific Regional Fishery Management Council
February 23, 2009

The Honorable Madeleine Bordallo
Chair
House Subcommittee on Insular Affairs, Oceans and Wildlife
427 Cannon House Office Building
Washington, D.C. 20515-5301

Dear Madam Chair,

My name is Paul Dalzell; I am the Senior Scientist with the Western Pacific Regional Fisheries Management Council. I am married to a native of Papua New Guinea who comes from a culture that has a four thousand year heritage of utilizing coral reefs for food, medicines and building materials. I have spent over 30 years working in fisheries management in the Pacific Islands and Southeast Asia, and worked extensively on coral reef fisheries and their management. Over the past 12 years I have worked for the Council to develop fisheries management policy for the US EEZ around Hawaii, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI) and the Pacific Remote Island Areas (PRIA) for a variety of fisheries including reef fisheries.

On behalf of the Council, I would like to thank you and the members of the House Subcommittee on Insular Affairs, Oceans and Wildlife for inviting us to testify on the legislation to reauthorize the Coral Reef Conservation Act of 2000 (Act) (H.R. 860) and the legislation to convey submerged lands to the Commonwealth of the Northern Mariana Islands (H.R. 934). This Act has been instrumental in assisting the Council and its Pacific Island members in improving our ability to conserve and manage our coral reef ecosystems by enabling us to undertake numerous initiatives and projects that we would otherwise have been unable to accomplish.

Comments on HR 860-Coral Reef Conservation Act

One of the major Council initiatives supported through the Act was the development and implementation of the Coral Reef Ecosystem Fishery Management Plan (CREFMP), the first ever ecosystem-based plan for fisheries developed in the United States. This plan provided a spring board from which we initiated numerous projects to collectively assist our local resource management partners in assessing the status of coral reef fish stocks in our jurisdictions.

In the opinion of this Council, any legislation by Congress to reauthorize the Coral Reef Act of 2000 must include the Councils with coral habitat and maintain the fishery management process designated by the Magnuson-Stevens Act. The NOAA Coral Reef Conservation Program (CRCP) has many worthy goals to conserve coral reef and to provide for their sustained use, including reef fisheries. The Act intends to provide a considerable sum of money for restoration and habitat projects, but there needs to be a way to better coordinate, monitor, and assess coral reefs and coral reef fisheries. It is simply not cost effective to simply throw money at projects without effective monitoring, especially given the downturn in the economy. However, the

Program has no management and monitoring authority and must rely on partner State and Territorial Governments within the immediate coastal zone and the Regional Fishery Management Councils in waters under Federal jurisdiction to implement any management initiatives.

The Councils continue to be in the 'frontline' to protect coral reef ecosystems and manage fishing activities on or associated with corals. For example, the South Atlantic Fishery Management Council set a precedence for the protection of deepwater coral habitats in the South Atlantic 25 years ago with the establishment of the Oculina Bank Habitat Area of Particular Concern, protecting the only known concentrations of *Oculina varicosa* coral in the world. Located off the east central coast of Florida, this area includes over 300 square miles of protection from bottom trawling, anchoring and other bottom damaging activities. The Council continues to monitor fisheries that may affect this important area and develops regulations that will insure its protection. Vessel Monitoring Systems are now required for rock shrimp vessels operating in the area. In addition, the southern portion of the Oculina Bank has been designated an Experimental Closed Area where fishing for snapper grouper species is prohibited to help protect stocks and coral habitat, including the two remaining intact Oculina coral reefs known to exist. The Council is continually working to increase public awareness and understanding of the importance of this fragile and unique ecosystem, while supporting mapping and research activities. Scheduled for approval in 2009, the South Atlantic Fishery Management Council's Comprehensive Ecosystem-Based Amendment 1 focuses on deepwater coral conservation, protecting what is currently thought to be the largest contiguous distribution of deep-water coral ecosystems in the world. Over 23,000 square miles of deepwater habitat will be designated as Coral Habitat Areas of Particular Concern when the Comprehensive Ecosystem-Based Amendment is completed and implemented.

The Councils should, therefore, also be stated as partner agencies in any coordination dealing with coral reefs, as many coral reef FMPs have already been developed and are in place. It follows therefore that the Councils should be included as members of the US Coral Reef Task Force as voting members. The Western Pacific Regional Fishery Management Council has requested repeatedly since 2000 that all the Councils with coral reefs in their jurisdiction should be members of the US Coral Reef Task Force through letters to its Chairs and to NOAA Administrators, only to be rebuffed in its efforts. Executive Order 13089 issued by President Clinton does not preclude the Regional Fishery Management Councils from membership, nor limit membership. This Council is disappointed that Title II, Section 201 of H.R. 860 does limit the membership of the Task Force and does not include the Councils as a voting member. Moreover, H.R. 860 adds definitions and prohibitions from the National Marine Sanctuaries Act that may be in opposition to non-sanctuary managed areas under the purview of the Council and the Magnuson-Stevens Act. This may result in confusion and inconsistencies between state, territorial and federal agencies with respect to managed activities such as fishing. Regulations and management of fisheries should continue to be maintained under the authority of the Magnuson-Stevens Act and should be explicitly stated in any reauthorization

This Council has conducted numerous projects with grants administered from the NOAA Coral Reef Conservation Program to support federal management of coral reef fisheries in the Western Pacific. This was possible due to the Coral Reef Conservation Program Grants in the existing

statute. Currently, the 4 Councils (Gulf, Caribbean, South Atlantic, and Western Pacific) receive funds from the CRCP under the category “Projects to Improve or Amend Coral Reef Fishery Management Plans”. Unfortunately, H.R. 860 removes the Coral Reef Conservation Program Grants and replaces them with seemingly competitive Community-based Planning Grants. Requiring Councils to enter into competition for coral reef funding would thwart the Council’s ability to effectively manage coral reefs by potential reductions in funding or possibly no funding at all. While this Council generally supports competitive grant processes as a means to achieve excellence, the special role of the Regional Fishery Management Councils as the management authorities needs to be recognized, and forcing it to compete with other government agencies, non-government organizations and academia could potentially hamstring their ability to manage fisheries activities in federal waters. How would the Council’s current objective of “improving or amending FMPs” compete against community plans, and how would this benefit coral reef conservation?

Without designated funding for the Regional Fishery Management Councils, this Council would not have been able to accomplish the diverse range of projects conducted in support of coral reef fishery management and conservation. Since 2001 the Council has funded approximately 50 projects on reef fish stock assessment, reef fish life history, and monitoring and assessment of coral reef species for American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and Hawaii. Funding has also been provided to gather information on current species of concern for the State of Hawaii, namely jacks and parrotfish, parrotfish in the Guam and CNMI, and the Council is currently proposing to assess critical habitat for the humphead wrasse in American Samoa. Besides life histories and stock assessment, the CRCP grants have allowed the Council to develop a community consultation process, address invasive species monitoring and assessment, undertake specific reef fishery data collection projects, provide assistance to the local agencies with coral reef issues and provide employment opportunities such as the Council's habitat coordinator, engagement of contractors, and support for workers in State and territorial government agencies.

The Western Pacific Council faces serious challenges in the management of coral reef fisheries under the CREFMP and the Magnuson-Stevens Act. There are several thousand reef fish and invertebrates within the coral reef ecosystems that spread over a vast arc across the Western Pacific that reaches from the Northern Marianas to American Samoa. The new provisions of the Magnuson-Stevens Act require Councils to develop Annual Catch Limits (ALCs) and Accountability Measures (AMs) for federally managed fisheries. While much of the coral reef and associated fish and invertebrates lie within State and Territorial jurisdiction, the MSA National Standard 1 guidelines state that as FMPs currently consider whether overfishing is occurring for a stock or stock complex overall, it is appropriate to specify an overall ACL for the stock or stock complex. As such, there is going to be an even greater need to gather life history information and accurate catch data for those reef stocks which are most at risk from overfishing and for funds to support these activities. Thus, the Councils need to be provided an adequate amount of funding for coral reef ecosystem fishery management, and H.R.860 does not specifically address this, and in fact could reduce funding through removing the coral reef conservation program grants and replacing it with community-based planning grants as proposed in the bill.

The same applies to the science providers to the Council, namely the National Marine Fisheries Service (NMFS), who will need to generate more stock assessments for the Councils to set ACLs and AMs. In the Western Pacific, the NMFS Pacific Islands Fisheries Science Center (PIFSC) Coral Reef Ecosystem Division (CRED) has been conducting surveys of reefs and reef biota, i.e. fish and other living organisms, in the Western Pacific. There is a pressing need for CRED to provide biomass estimates for stock assessments in order to let the Councils set ACLs for coral reef fish. The CRED shipboard surveys are very expensive requiring significant time at sea, covering vast distances and with a multitude of researchers. However, this is what it takes to get the job done. Without adequate funding, or a reduced funding stream, the CRED will be unable to provide the biomass estimates for stock assessments, which in turn will hamper the Council's abilities to set ACLs, which will allow for fishing and at the same time ensure fish stocks are not overfished fish stocks and safeguard coral reef ecosystem functions, and provision of goods and services therefrom.

It can not be stressed strongly enough that local traditions and practices on coral reefs in the Pacific are intimately entwined with fishing and management for sustainability. In providing this testimony, the Council acknowledges one of the central purposes of this legislation is to benefit local communities, and this includes conservation, including resilience and the consideration of island and local traditions and practices. Indeed language describing the purpose of the Act states it recognizes the benefits of healthy coral reefs to island and coastal communities and to encourage Federal action to ensure, to the maximum extent practicable, the continued availability of those benefits. This means not only the physical protection afforded by reefs from storms and tsunamis but also the social and economic benefits from fishing.

One of the purposes of the Community-based Planning Grants is to "build upon local approaches or models, including traditional or island-based resource management concepts". The Council has been active in this role through the development of its Puwalu series of meetings, aimed at developing a forum for practitioners who still retain traditional approaches to fishing and managing reef resources in Hawaii. This inspired the State legislature to establish the Aha Kiole Councils to provide a mechanism by which this body of wisdom, accumulated over centuries of experience could be included into the fishery management process.

In this time of economic recession, government officials, including Governor Lingle have strongly advocated for sustainability, and local food security, i.e. depending less on imports and lessening carbon footprints. This will require a greater need to properly manage all fisheries including those on coral reefs. Moreover, the economic recession, job losses and business foreclosures are dominating headlines in Hawaii and elsewhere in our region. Unemployment forces people to go fishing, including fishing on coral reefs, to provide food or income for themselves and their families. The impetus for management and for the Council to play its role is inevitably going to grow in the near future.

The Western Pacific Council can fully support the reauthorization of the Coral Reef Conservation Act if the concerns and changes outlined above are addressed in H.R. 860.

Comments on H.R. 934-CNMI Submerged Lands

The Council strongly supports the conveyance of submerged lands from the United States to the CNMI under this bill. The CNMI began participating in the Council process only as observers because of the issues surrounding the control of fishery resources by the federal government, all the way to the high water mark. However, over time, the CNMI observer status was changed to one of full participation as Council members grew confident that the Council would abide by fishery management decisions made locally for the Northern Mariana Islands. Further, the Council's Coral Reef Fishery Ecosystem Plan is a partnership with CNMI as it recognized a three mile jurisdiction of the local government, which was incorporated into the regulations formulated under this plan. However, the Council would also support any jurisdiction that the CNMI felt was appropriate and recognizes that they may wish to negotiate for further than three miles.

The nearshore waters of the CNMI contain a rich diversity of marine life, especially in the southern islands, which have been a source of sustenance for the indigenous Chamorro people for several millennia. They still serve this function, but are also a strong incentive for the local tourist industry which draws visitors from Japan, China, Korea and Russia. Further, the establishment of a National Marine Monument comprised of the top three islands in the archipelago (Uracas, Maug and Ascuncion) offers potential for additional revenues from increased eco-tourism and research. It is therefore appropriate that H.R. 934 will provide the legislation to formalize the assumption of responsibility by the CNMI people on these important nearshore waters. The Council looks forward therefore to continuing its partnership with the CNMI Government and its people in developing ecosystem approaches to fishery management.

In closing, the Council reiterates its full support for H.R. 934 and would fully support H.R. 860 if the Subcommittee would include within the bill, language that would authorize the Western Pacific Regional Fishery Management Council and the Caribbean Fishery Management Council to join the U.S. Coral Reef Task Force as full voting members and to provide the four Councils with coral reef fisheries with its own funding source for coral reef fishery ecosystem management. As such, we would have an equal voice in the Task Force's decision making process and implementation of strategies and actions to promote conservation and sustainable uses of coral reef resources that are appropriate for our regions and cultures, as well as have the funding to implement these strategies and actions. Again, on behalf of the Council, I'd like to thank the Subcommittee for the opportunity to provide testimony on these two bills.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Dalzell", written in a cursive style.

Paul Dalzell

Senior Scientist

Western Pacific Regional Fishery Management Council