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Living Marine Resource Conservation Policy Executive Summary

Fisheries:

With the exception of some Pacific pelagic stocks our fisheries are in poor shape

Reason: overfishing, destructive fishing practices, loss of fish habitat, coastal pollution

Main Hawaiian islands bottomfish depleted; NWHI lobster fishery shut down

Living marine resources are public trust resources

Harvesting these resources is a privilege, not a right

Precautionary Approach:

Recognizes that uncertainty is inherent in managing natural resources, particularly multiple interactions among elements of complex aquatic ecosystems. Since it is usually easier to prevent environmental damage than to repair it later, this approach requires that in the absence of sufficient data on which to base safe and reliable predictions, the burden

of proof must shift from the data collectors to those proposing actions that may negatively impact the natural systems.

Magnuson-Stevens Act needs to be retired:

1976 goal: develop U.S. fisheries; they are now over-developed

Vessel buy-back programs aren't working (money is used to buy new, more efficient vessels; old vessels are bought by other fishermen).

Regional Fisheries Management Councils: the fox is guarding the hen house

analogous to asking Weyerhaeuser and Georgia Pacific to manage our national forests

Council system is biased, duplicative, circulatory, expensive, return doesn't justify cost

Fishery management plans should be put together by NMFS laboratories

Councils need to be more representative of all user groups and advisory only; not quasi-regulatory

Need a new national Living Marine Resources Conservation and Management Act

Need to manage fisheries in an ecosystem context

Technically can't manage ecosystems - complex, dynamic, predictability problems

In fisheries context it is energetically impossible to simultaneously maximize yield of more than one species in an ecosystem (Jason S. Link, "What does Ecosystem-Based Fisheries Management Mean?" *Fisheries* April 2002)

Mandate at least 25% of aquatic habitat as no-take refuges: insurance for our fisheries

EFH too vague, instead focus on Habitat Areas of Particular Concern

Utilize community-based management and enforcement where it makes sense

Prohibit non specific gear such as gillnets, which have wiped out reef fish in main Hawaiian Islands and negatively impacted tourist industry

Prohibit gear that destroys habitat such as traps and bottom trawls

Prohibit harvesting pre reproductive-sized fish

Shark Trade:

Prohibit importation and processing of shark fins in the U.S.(happening in Honolulu)

IPOA-Sharks, U.S. NPOA mandate: take affirmative steps to minimize waste of pelagic shark resources, encourage full use of harvested sharks, ensure sustainable shark stocks

FAO shark world-wide data base getting worse, not better

Basking sharks, whale sharks proposed for CITES listing because of fin trade depletion

Saltwater Aquarium and Live Fish Trade:

Pirate fisherman depleting reef fish in the western Pacific and moving eastward

Collectors often use cyanide, which destroys fish habitat

Collecting pre-reproductive fish, rare ones go first

Shipping mortality rate 80-90%

Throw-away pet trade: U.S. and Europe the major consumers

Home salt water aquariums should be discouraged,

Limit home consumption to species certified as aquacultured species only

Encourage people to visit their city aquarium instead

Aquaculture native species only; help curb alien species proliferation

Northwestern Hawaiian Islands (NWHI): Recommend World Heritage Site designation

Extraordinarily rare and unique ecosystem; corals slow growing, no surplus production
Most northern near-pristine large-scale reef system in the world

Coral Reef Protection Act - Hawaii State Legislature 2002

House passed it; got pigeon-holed by one Senator in the Senate this year

Provides that state waters in NWHI be set aside as no-take refuges, and 25% of coral reefs in the main Hawaiian Islands be set aside as no-take refuges

National Wildlife Refuges in the Pacific: All need consistent 12 mile seaward boundary to provide adequate foraging area for nesting seabirds

Howland, Baker, Jarvis, Johnston National Wildlife Refuges: managed to 3 miles

Kingman, Palmyra NWR: 12 miles

Midway NWR: 5-7 miles beyond fringing reef

NWHI NWR ambiguous: Pres Theo. Roosevelt drew an oval that included U.S. EEZ

Migratory Bird Treaty Act: Need to extend DOI jurisdiction to entire U.S. EEZ

Implements treaties with Canada, former Soviet Union, Japan, Mexico to protect migratory seabirds throughout their migratory range.

Currently Dept of Interior enforces it only out to 3 miles pursuant to old Submerged Lands Act, 43 U.S.C. 1312, in which U.S. territorial waters extend only 3 miles seaward.