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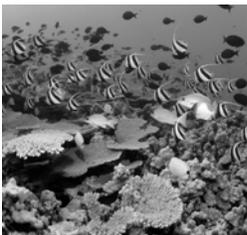
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### Designation Purposes



- To provide long-term protection for NWHI marine ecosystems under NMSA standards
- To provide comprehensive, coordinated, ecosystem-based management
- To evaluate proposed and current activities in the region in an ecosystem context
- To enhance understanding of the region

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### Summary of NMSA Section 304 (a)(5)

"The Secretary shall provide the appropriate Regional FMC with the opportunity to prepare draft regulations for fishing...as the Council may deem necessary to implement the proposed designation."

NMSP will provide WPRFMC the opportunity to draft fishing regulations for the proposed sanctuary

WPRFMC will have 120 days to prepare draft regulations



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## Fishing Regulations

Draft regulations shall use as guidance the national standards of Section 301 (a) of Magnuson-Stevens Act as consistent with the of the purposes and polices of the NMSA and the goals and objectives of the proposed designation in the NWHI.

The NMSP will issue the regulations under the NMSA.



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## Schedule for 304(a)(5) Review

304(a)(5) submitted request to WPFMC on September 20, 2004

Present fishing package at WPRFMC meeting on October 14, 2004

WPFMC has 120 days to prepare draft regulations, unless an extension is granted. During this period, WPFMC will conduct its own review process.



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## Sanctuary Designation Timeline

Summer 2004 to Summer 2005	DEIS/Management Plan development
March 2004 (?)	WPRFMC Completes 304(a)5 Request
Late Summer 2005	DEIS released/public review
Fall/Winter 2005	FEIS released
Early 2006	Designation decision

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### 304(a)(5) Package: What is it?

- Pre-EIS, pre-decisional document
- Analysis will aid in developing the range of alternatives that will be considered in the EIS
- Goals & Objectives are final for the purpose of the 304(a)5 process
- Model regulations, analysis and tables (attachments a, b & c) serve as guidance for WPFMC

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### Guiding Framework

- National Marine Sanctuaries Act
  - purposes & policies
- Goals and Objectives Statement of the proposed sanctuary
  - vision, mission, principles
  - goals & objectives
- Ecosystem-Based Management Approach
  - comprehensive approach
  - collaborative management

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### Agency & Public Involvement

Over 90 meetings held since 2002.

Working closely with:

- NOAA Fisheries
- State of Hawaii
- US Fish & Wildlife Service
- WPFMC
- US Coast Guard
- Reserve Advisory Council
- Public & stakeholders



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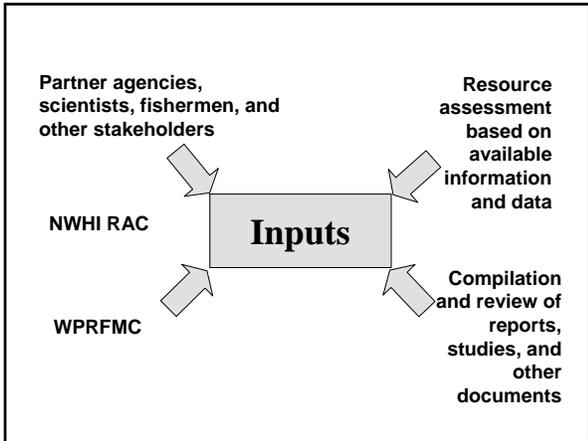
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### 304(a)(5) Package

"Advice..." package to WPRFMC consists of:

- Attachment A: Goals and objectives of proposed sanctuary
- Attachment B: Model regulations
- Attachment C: Fishing Alternatives Analysis and associated zoning
- Attachment D: Resource and Use Statistics




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### Goals & Objectives Development

The Goals and Objectives Statement is based on the NMSA and was developed and refined over one year through input from agency partners, Reserve Advisory Council, stakeholder and public participation.

The Goals and Objectives Statement includes vision, mission and management principles.




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## Model Regulations

Model regulatory language and definitions were developed, consistent with the goals and objectives and the result of the fishing alternatives analysis. They serve as a guide to develop such regulations under the NMSA.



Such model regulations have been provided by the NMSP to fishery management councils in the past at other sites.

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## Fishing Alternatives Analysis

Identifies a way of managing fishing activities that is most consistent with the purposes and policies of the NMSA, and the goals and objectives of the proposed sanctuary.



The Analysis Involved 4 Primary Steps:

1. Resource Assessment
2. Fishing Activity Evaluation
3. Development and Evaluation of Range of Fishing Alternatives
4. Identification of Most Consistent Alternative

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## Evaluation Tools

- **Compatibility/Consistency Screening:** based on NMSA purposes and policies and sanctuary goals and objectives
- **Ranking:** based on ecological and socioeconomic parameters
- **Spatial Analysis:** comparing resource and use across zoning options



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## Step 3: Development and Evaluation of Range of Fishing Alternatives

7 fishing alternatives were identified or developed. They included alternatives identified by both WPFMC and the RAC.

All were screened against the goals of the proposed sanctuary. A second screening evaluated the alternatives against the goal 7 objectives.

Only alternatives 3 & 4 met all the objectives.




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Table 9. Refined Range of Fishing Alternatives

Fishing Activity <sup>1</sup>	No Action Fishing Alternatives <sup>2</sup>	Fishing Alternatives <sup>3</sup> #1	Fishing Alternatives <sup>3</sup> #2	Fishing Alternatives <sup>3</sup> #3	Fishing Alternatives <sup>3</sup> #4	Fishing Alternatives <sup>3</sup> #5	Fishing Alternatives <sup>3</sup> #6
Commercial Pelagic (Longline)							
Commercial Precision Coral							
Commercial Coral Reef Species							
Commercial Crustacean							
Commercial Bottomfish/Pelagic							
Commercial Pelagic (Shortline)							
Recreational (Catch and Release)							
Recreational (Catch and Keep)							
Recreational Subsistence							
Native Hawaiian Cultural Subsistence							
Zoning Options	No Action Option 1 Zone 1 No Take Preservation Area (SPA) per EO without regulations; 100 mi- wide protected species zone	Zone 2 Option 2 No Take Preservation Area (SPA) per EO with regulations; 100 mi- wide protected species zone	Zone 3 Option 3 No Take Preservation Area (SPA) per EO with regulations; 100 mi- wide protected species zone	Zone 4 Option 4 Yes Limited Reserves and Secondary Preservation Areas	Zone 5 Option 5 Yes Limited Reserves and Secondary Preservation Areas and encompassing Hawaiiwide core planning	Zone 6 Option 6 Yes Limited Reserves and Secondary Preservation Areas based on RPA 100 mi- wide protected species zone	Zone 7 Option 7 Yes Secondary closed to recreative harvest

Notes: 1 - Prohibited fishing activities are shown in dark shaded areas  
2 - EO 8 Executive Orders 13176 and 13196  
3 - In 5 fathoms  
4 - nautical miles

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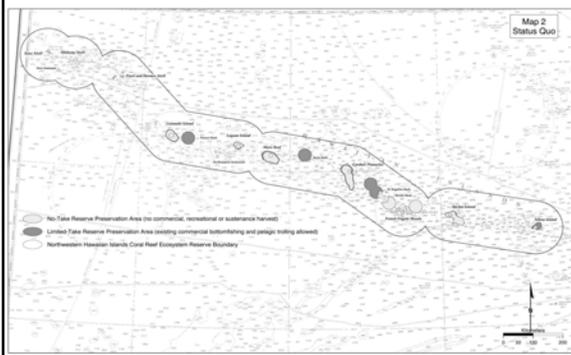
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## Spatial Analysis: Zoning Options




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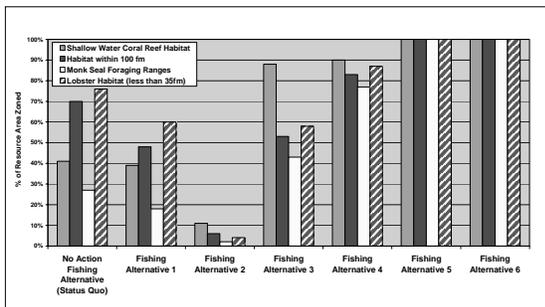
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# Percent of Various Habitats Protected by Fishing Alternative



**Table 10. Screening Criteria Used to Evaluate Fishing Alternatives**

National Marine Sanctuary Act, Purpose and Prizes	Proposed Sanctuary Management Goals	Screening Criteria
(1) Identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and manage these areas in the National Marine Sanctuary System.	<b>Goal 1: Protect, preserve, maintain, and where appropriate restore, the natural biological communities, including habitats, populations, native species, and ecological processes of the Sanctuary as a public trust for current and future generations.</b>	Does the proposed alternative protect, preserve, and restore multiple scales of the ecosystem (e.g. habitats, populations, and processes; material, energy, and genetic information flow)?  Does the proposed alternative address present uncertainties in favor of long-term resource protection?
(3) Maintain the natural biological communities in the national marine sanctuaries, and protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes.		Does the proposed alternative identify restoration measures for endangered or damaged ecosystem components?
(9) Cooperate with global programs encouraging conservation of marine resources.		Does the proposed alternative identify mechanisms to enhance cooperation with global initiatives and programs to encourage conservation of marine resources?
(2) Provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner that complements existing regulatory authorities.	<b>Goal 2: Provide for a comprehensive and coordinated conservation and management that recognizes and complements existing jurisdictional boundaries and management regimes and involves stakeholder communities.</b>	Does the proposed alternative provide mechanisms to achieve comprehensive and coordinated management?
(7) Develop and implement coordinated plans for the protection and management of these areas with appropriate federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas.		

**Table 11. Results of Screening Fishing Alternatives (Continued)**

Screening Criteria	No Action Fishing Alternative (Status Quo)	Fishing Alternative 1	Fishing Alternative 2	Fishing Alternative 3	Fishing Alternative 4	Fishing Alternative 5	Fishing Alternative 6
Does the proposed alternative protect, preserve, and restore multiple scales of the ecosystem (e.g. habitats, populations, and processes; material, energy, and genetic information flow)?	Some characteristics known (0)	Some characteristics known (0)	Limited knowledge of characteristics or precise costs and coral reef species (0)	Some characteristics known (0)	Some characteristics known (0)	Some characteristics known (0)	All fishing prohibited (0)
Does the proposed alternative address present uncertainties in favor of long-term resource protection?	Minimal protection (-1)	Minimal protection through zoning (0)	Minimal protection (-1)	High protection through zoning (+1)	High protection through zoning (+1)	Full protection (+1)	Full protection (+1)
Does the proposed alternative identify restoration measures for endangered or damaged ecosystem components?	Maintains existing benefits from (1)	Maintains existing benefits from (1)	Maintains existing benefits from (1)	Maintains existing benefits from (1)	Some benefits lost through zoning (0)	Some benefits lost through zoning (0)	All existing benefits lost (-1)
Does the proposed alternative identify mechanisms to enhance cooperation with global initiatives and programs to encourage conservation of marine resources?	Bottomfish and pelagic species fairly resilient (0)	Bottomfish and pelagic species fairly resilient (0)	Bottomfish and coral reef species, and ecosystems potentially affected (-1)	Bottomfish and pelagic species fairly resilient (0)	Bottomfish and pelagic species fairly resilient (0)	Pelagic species fairly resilient (0)	Fishing prohibited, no target species (0)
Does the proposed alternative provide mechanisms to achieve comprehensive and coordinated management?	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)
Does the proposed alternative provide mechanisms to enhance cooperation with global initiatives and programs to encourage conservation of marine resources?	Access provided for (+1)	Access provided for (+1)	Access provided for (+1)	Access provided for (+1)	Access provided for (+1)	Access provided for (+1)	No access provided (-1)
Does the proposed alternative identify and minimize potential ecosystem impacts of research and monitoring?	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)	Requirements for research and monitoring in support of ecosystem-based management (+1)	Requirements for research and monitoring in support of ecosystem-based management (+1)	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)
Does the proposed alternative identify and minimize potential ecosystem impacts of research and monitoring?	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)	Considered but not detailed at this stage (0)
<b>Total Score</b>	<b>-1</b>	<b>0</b>	<b>-1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>

Notes:  
 1 - Screening criteria based on provisions of NSMS, EIS, and management goals of proposed sanctuary from Table 10  
 2 - Scoring Range: -1=negative response; neutral response, 0=neutral response; +1=positive response.  
 3 - Total Score: negative total score means alternative does not meet screening criteria; positive total score means proposed alternative does meet screening criteria



## Why SPAs and ERs?

- **Sanctuary Preservation Areas**
  - Provides for maximum protection shallow, coral reef ecosystems harboring unique and endemic marine life and used by threatened and endangered species
  - Take would only be allowed for Native Hawaiian subsistence use and for permitted research or educational take.
- **Ecological Reserves**
  - Incorporates protection for poorly understood pelagic and deep water resource areas
  - Provides insurance for fisheries management errors and uncertainties
  - Provides higher level of enforceability and ease of management
  - No commercial fishing allowed

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## Alternative 3 Highlights

- Zoning maximizes resource protection by placing 47% of high value areas in protected status
- 88% of shallow water habitat protected, compared to 41% by status quo
- 43% of monk seal foraging ranges protected, compared to 27% by status quo
- Prohibits fishing activities deemed incompatible; does not allow compatible activities to occur in areas where they did not previously take place
- Minimizes adverse socio-economic impacts by allowing 4% more bottomfishing than the status quo (76% compared to 72%)
- Provides high degree of enforceability

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## Opportunity for Innovative Ecosystem Fishery Management

Development of an ecosystem based management strategy.

Would require the adoption of an ecosystem-based approach that would focus beyond target species to address impacts on non-target species, trophic interactions and other ecosystem parameters.

Complementary to ecosystem based fishery management approaches contemplated under MSFCMA.



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### Development of Ecosystem-Based Fishery Management Plan

- Multi-sectoral task Force co-led by NOS/NMFS
- Commercial bottomfish/pelagic trolling fishery would be allowed to continue in certain areas, but only under an ecosystem-based management strategy
- Task force to develop strategy and research priorities within 1 year of sanctuary designation
- Change goal of fishery management from MSY to long term conservation and protection of coral reef ecosystems

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### Focus on Bottomfish

- Life history characteristics (long-lived, slow growing, low reproductive capacities) suggest highly vulnerable to overfishing
- Substantial but fragmented information exists on the biological, distribution, and abundance of bottomfish stocks, not being used to effectively manage the resource
- Implementation of Bottomfish Stock Assessment Workshop Panel recommendations would serve as a starting point to improve the scientific basis for bottomfish management

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## Comparison Between Alternatives 3 & 5



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### Similarities:

#### Prohibited Activities:

1. All Coral Harvest
2. Coral Reef Species Harvest
3. Crustacean Fishing
4. Pelagic Longlining
5. All other activities not specifically allowed



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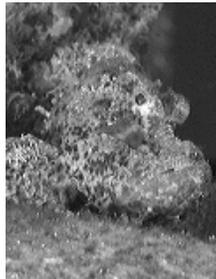
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### Similarities Cont'd:

#### Allowed Activities:

1. Recreational fishing
2. Sustenance fishing
3. Native Hawaiian Subsistence Use
4. Commercial pelagic trolling



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### Similarities Cont'd:

Other provisions:

1. No-take SPAs inclusive of State waters
2. Large, contiguous no commercial fishing areas (although in different places)



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### Activities More Restricted by Alternative 3:

Activities:

1. Areas where commercial pelagic trolling can occur (Mau Zone only, outside SPAs)
2. Areas where recreational fishing can occur (Mau Zone, outside SPAs & at Midway, consistent with FWS regs)



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### Additional Protections Provided by Alternative 3:

1. Establishment of large-scale Ecological Reserves (47% of total area compared to 29% limited entry zone)
2. Increased outer boundary to include precious coral bed North of Kure
3. Increase in SPA areas around FFS "complex" and at Maro and Laysan
4. Required development of an ecosystem-based fishery management plan to be completed within 1 year for commercial fisheries, beginning with bottomfish

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**Activities Less Restricted by Alternative 3:**

- 1. Alternative 5 phases out bottomfishing within one year, Alternative 3 restricts areas where bottomfishing can occur
- 2. RPAs at Necker, Gardner Pinnacles and Nihoa are reduced to 3 miles
- 3. Recreational catch and keep fishing allowed in Mau zone and conditionally at Midway, consistent with FWS regs

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**Goals and Objectives Comparison**

RAC Version (July 2004)  
compared to  
Final Version (Sept 2004)

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**What's Next?**

- 1. This document initiates the 304(a)5 process and will not change
- 2. WPFMC is in 120-day review period
- 3. They have initiated their own Council process to determine how to respond. They will take initial action at their meeting next week.
- 4. Our focus now is on the continued development of the management plan and DEIS.

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