

**NORTHWESTERN HAWAIIAN ISLANDS
CORAL REEF ECOSYSTEM RESERVE ADVISORY COUNCIL**

October 21, 2004

T. 'Aulani Wilhelm
Acting Reserve Coordinator
NWHI Coral Reef Ecosystem Reserve
NOAA National Ocean Service
6600 Kalaniana'ole Hwy, Room 300
Honolulu, Hawaii 96825

Re: Reserve Advisory Council concerns on "Advice and Recommendations on Development of Draft Fishing Regulations Under the National Marine Sanctuaries Act Section 304(a)(5)" and related processes

Dear Ms. Wilhelm:

Thank you for the opportunity to comment on Reserve Advisory Council concerns related to the NMSA Section 304(a)(5) process, and document entitled "Advice and Recommendations on Development of Draft Fishing Regulations Under the National Marine Sanctuaries Act Section 304(a)(5)". We have several concerns related to both the process and the document:

Related to the NMSA Section 304(a)(5) Process:

We recommend that no extension to the 120-day Section 304(a)(5) process be granted to the WPFMC. It is unlikely that additional time will result in substantially improved fishing regulations, and any extension could delay the sanctuary designation process. The impacts of a broad range of fishery management regimes for the NWHI have already been sufficiently analyzed. Recent analyses include an environmental impact statement for the Hawai'i bottomfishery prepared by the WPFMC as well as separate socioeconomic assessments of the commercial NWHI bottomfishery conducted by WPFMC, State of Hawai'i Division of Aquatic Resources, NOAA Fisheries, and NOS.

Related to the Proposed WPFMC Working Group:

We recommend that the NMSP not participate in the proposed WPFMC Section 304(a)(5) interagency working group because the composition and charge of this working group is inappropriate and subverts the process set forth in the NMSA. The NMSP has provided recommendations and advice regarding draft fishing regulations to the WPFMC in accordance with the NMSA Section 304(a)(5). As may be necessary, the RAC supports further public and transparent exchange of information between the WPFMC and the NMSP. The RAC believes the WPFMC should proceed

with its opportunity to develop draft fishing regulations in accordance with Section 304(a)(5) of the NMSA and within the 120-day time frame allowed.

Related to the Goals and Objectives Statement included in the document as Attachment A:

The RAC continues to stand by our original fishing recommendations and goals and objectives for the proposed sanctuary as approved on July 8, 2004. While we find some of the changes made by NOS to retain the substance of our intent, we find others substantially change our intent. We will be addressing these and other concerns more thoroughly under separate cover.

Related to definitions in the document:

We note that key terms used in the document lack definition, and in order for them to be acted upon, these terms require further elaboration. Such terms include, but are not limited to, ecosystem integrity and sensitive areas/habitat. In order to provide advice to the NMSP on definitions of key terms, we have established a subcommittee to develop such definitions and will be transmitting our recommendations to you under separate cover.

Again, we appreciate the opportunity to provide our advice and recommendations to you on these issues.

Sincerely,



Linda Paul
Vice-Chair
NWHI Reserve Advisory Council