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Representative Jared Huffman
Chair U.S. House Committee on Natural Resources, Subcommittee on Water, Oceans, and Wildlife.

Aloha Chairman Huffman,

Thank you for allowing me the opportunity to answer the questions submitted to me by U.S. Delegate Aumua Amata Coleman Radewagen, from American Samoa.

Aloha Ms. Radewagen, regarding questions 1 &2, I am aware of the GAO investigation of WESPAC improprieties in 2009. The request for an investigation was made as early as 2005. I was part of several groups who requested the action and hope to make you aware that although there was a finding of no serious violations at the time, the GAO made strong recommendations for NOAA and WESPAC to implement.
These recommended reforms included:
- the WESPAC council provide more transparency about its decision-making processes.
- publishing reasons why members recuse themselves from a vote.
- posting minutes of its meetings online as other regional councils did.
- consulting with NOAA attorneys before making decisions.
- the GAO specifically recommended that the council notify NOAA attorneys before meeting with federal or state lawmakers or when testifying before a legislative committee.

The GAO report also stated that the council and other federal bodies that receive federal funds are prohibited from trying to influence legislation. They may, however present technical or factual information to lawmakers if requested. This grey line would no longer be grey should Rep. Huffman's amendments to the Magnuson-Stevens Act be adopted.

I have included several articles from the period 2005 to 2009 (Attachments #1-3), a Star Bulletin editorial dated November 13, 2005 (Attachment #4), and a freedom of information request from Christine Owens to the Inspector General of the Department of Commerce confirming an investigation was ongoing (Attachment #5).

I have also included a link to two Civil Beat Articles dated November 3, 2021 and November 4, 2021. In the articles are examples of the type of behavior that should serve as justification for Rep. Huffman's reforms. I would also like to point out on page three of the second article is a reference to "the council is currently under investigation again". Based on my previous experience, the Inspector General is likely not commenting on an open case.

The links are as follows:
https://www.civilbeat.org/2021/11/how-politics-and-lobbying-have-shaped-federal-fisheries-policies-in-the-pacific/

https://www.civilbeat.org/2021/11/wespacs-aggressive-effort-to-muscle-in-on-state-control-of-fisheries/

As evidenced by the ongoing investigation and well documented allegations, WESPAC has not implemented the recommendations made in 2009. Thus, the need for reforms.

In response to your question regarding a recent lobster assessment in the Papahanaumokuakea Marine National Monument. Since the creation of the Monument 20 years ago there have been many surveys of the marine resources. Many on an annual basis, except for 2020-2021 due to COVID. Significant numbers of lobsters have never been reported. I am looking for an article which I had in my possession but cannot locate in time for this response in which National Marine Fisheries commented that 6 years post moratorium on lobster fishing in the NWHIS, the lobster numbers have not recovered. Should I be able to locate it soon I will send it to you. I am enclosing a Honolulu Advertiser article from December 2, 1992 which documents a sitting Council member's husband being fined for taking illegal sized lobsters and females with eggs (Attachment #6). In addition, the vessel used was leased from Jim Cook, another WESPAC council member. Reform has been needed for a long time. Thankfully the area is protected.

Thank you for your question concerning the Councils inaction on the small boat fishery. I note that you pointed out the actions that the council has taken. You are correct in pointing these actions out. As someone who was there with others providing those recommendations to the Council, I have the unique history to make the following statement. "Although the council took these actions, it was the small boat fishermen who dragged them kicking and screaming to make those decisions". I have included newspaper articles that provide an accurate account of actions taken at the time and not obscured by recent revisions of the history.

Longline moratorium and limited entry program
- Three articles from 1989-1990 pushing the Council and State of Hawaii to limit the number of Longlines moving to Hawaii from the Gulf of Mexico (Attachments #7-11).

Longline area closures
- Five articles from 1991-1992 pushing the Council to designate closed areas to longliners to stop the user conflicts occurring between longliners and small boat fishermen (Attachments #12-17).

Longline vessel monitoring requirements

- Three articles from 1992 documenting efforts by small boat fishermen to get the Council to require this tracking system because of numerous reports of violations including one of several successful prosecutions based on Vessel Monitoring Systems (Attachments #18-20).

I have many other examples of the Council acting on fisheries management issues but only upon prompting and pressure from small boat fishermen and conservationists.

I do agree with Ms. Coit that one size does not fit all, and that Councils should be allowed to tailor regional solutions to regional issues. Having said that I would point out all the examples listed in the preceding pages where this has happened. However, WESPAC's initial reaction was/is to favor the large commercial fleets and the financial interests of a few of its Council members. For example, Jim Cook and Sean Martin profited from refurbishing Shrimp boats from the Gulf of Mexico to longline gear and their financial interests were enhanced by the sale of fishing supplies to these new arrivals. Therefore, it was counter intuitively from a financial position to limit the number of longline permits issued. It also became apparent that the same individuals would suffer economic impacts by having their own longline vessels having to fish further due to the area closures which is why they opposed these measures at the time but gladly take credit for them presently.

Thank you for the opportunity to provide clarity to the history of how and why WESPAC took actions at the time. Please feel free to contact me should you have any further questions. I fully support the amendments proposed by Rep. Huffman and supported by Rep. Case.