

Committee on Natural Resources
Subcommittee on Oversight and Investigations
Oversight Hearing
1324 Longworth House Office Building

September 19, 2023
10:15 AM

Oversight Hearing titled “Examining Barriers to Access in Federal Waters: A Closer Look at the Marine Sanctuary and Monument System.”

Questions from Rep. Raúl Grijalva for William Johnson Aila Jr., Native Hawaiian Fisherman

1. What actions can Congress take to help strike a balance between achieving our conservation goals and supporting local economic stability and growth around marine protected areas in the Pacific?

Marine protected areas (MPAs) have the broad goal of conserving biodiversity, wildlife, and underwater landscapes that face unprecedented impacts from climate change. There are many types of MPAs, with a range of goals and effectiveness, and the issues and the conservation outcomes from one MPA type will differ from another. Some MPAs prohibit all extractive activities, while others permit almost all types of extraction.

The higher the level of protection, the greater the potential to conserve and restore healthy and biodiverse ecosystems, and the benefits they provide to people. For example, fully and highly protected areas¹ are expected to result in restoration of ecological interactions; recovery of habitat; increased abundance, size, and reproductive output of previously exploited species; and enhanced climate adaptation and resilience potential. These types of MPAs can also serve as reference areas for evaluating the impacts of extractive and destructive activities outside of the protected area, buffers against mismanagement or environmental changes, and savings accounts for fisheries outside of the MPA. In the case of the Pacific Remote Islands (PRI), a highly protected area (i.e., one that allows only light extractive activities that have low total impact and minimizes all other abatable impacts) is being proposed. Implementing a highly protected PRI national marine sanctuary will allow the species and ecosystems within the sanctuary boundaries to recover and flourish, and ultimately provide opportunities for the continuation of sustainable cultural, traditional, and spiritual practices; economic growth; and ecological resilience.

While fully and highly protected MPAs are expected to produce the strongest conservation benefits, MPAs are not a panacea for conservation; they are one tool that can be used alongside other techniques to protect, conserve, and sustain ocean and coastal resources and ecosystems for current and future generations. Where marine protected areas take a holistic approach to protecting nature and ecosystems, other tools like fishery conservation and management prioritize the extraction of the highest sustainable

¹ *Using the MPA Guide*, PROTECTED PLANET, https://mpa-guide.protectedplanet.net/UsingTheMPAGuide_2pp.pdf (last visited Sept. 18, 2023).

catch of target species over time. Despite this difference in goals, highly protected MPAs have been shown to also contribute to the maintenance and replenishment of fisheries stocks.

To help strike a balance between achieving our conservation goals and supporting local economic stability and growth around marine protected areas in the Pacific, Congress should invest in more, strategically located and effective MPAs. Such investments are needed to ensure a healthy ocean now and for future generations and could include developing scientific evaluation of and planning for the existing marine protected areas in the Pacific; understanding how they function in terms of a connected network of marine protected areas; developing wildlife corridors; and connecting important habitats for the various life stages of marine species. Congress should support, strengthen, and protect proven conservation methods, like the National Marine Sanctuary System and Marine National Monuments, that have demonstrated time and time again that they provide benefits to local “blue economies.” As an example, Congress could encourage NOAA to create the proposed Pacific Remote Islands National Marine Sanctuary with strong protections in the Howland and Baker and Palmyra and Kingman areas. Congress then, through funding the National Marine Sanctuaries Program via annual appropriations, has the capacity to resource critical conservation programs in the Pacific including cultural programs, habitat restoration, scientific discovery, education programs, enforcement of existing regulations, and more. Protecting PRI would help ensure the survival of critically endangered species including sharks, rays, whales, seabirds, and turtles while simultaneously bolstering important, economy driving fisheries, including yellowfin and bigeye tuna.

Congress also has the ability to reauthorize tax credits that, in the past, played a key role in supporting fishery-based businesses. Most helpful of these tax credits is the American Samoan Economic Development Credit, also known as the section 30a tax credit provision, which for years helped the largest private sector employer in American Samoa, the Starkist Cannery, operate successfully.

Congress could make investments in the sustainable blue economy of American Samoa, providing financial incentives to support a diversified economy. There are a variety of labor issues that Congress could explore, from minimum wage, foreign labor force, and mandating or incentivizing the U.S. flagged vessels to offload tuna catch at the cannery in American Samoa. These changes would ensure a consistent and regular delivery of fish to support a sustainable operation, addressing gaps in supply due to periods of time where vessels choose to deliver to other canneries.

Finally, Congress could advocate for an increased tuna catch quota for U.S. fisheries in the Western Pacific or consider supporting pathways for American Samoa to gain more favorable status under the Western and Central Pacific Fisheries Commission.

Questions from Rep. Case for Mr. Aila

1. What available data supports the idea that expanding the Pacific Remote Islands National Marine Sanctuary will benefit pelagic fisheries in the Pacific?

The primary purpose of expanding protections for the Pacific Remote Islands (PRI) is to create a nature preserve that protects and preserves Indigenous culture and cultural practices in one of the world’s only remaining pristine ocean areas. It is extremely rare to have such an intact and healthy ocean ecosystem

where large fish swim, whales are free from entanglement, and navigators can rely on the natural cues of the surrounding wildlife to guide long distance voyages, allowing the perpetuation of cultural practices that have plied the waters for centuries.

We also know that protecting areas from commercial fishing, especially at industrial scales, means 1000s of tonnes of fish and other wildlife unintentionally caught in fishing nets the size of football fields will not be killed in this area each year. These fish are then able to grow, thrive, and reproduce, resulting in robust and healthy populations that can spill over into areas that are open to fishing.

There is also evidence from commercial fishermen’s own records that demonstrate benefits of large scale marine protected areas (MPAs). Commercial fishermen are required to report their “catch rates” (i.e., the estimated number of fish caught per unit of effort) when fishing in different areas. This publicly available fishing data tells us two important things:

- After the expansion of the Papahānaumokuākea Marine National Monument in 2016, catch rates for yellowfin tuna (*Thunnus albacares*) and bigeye tuna (*Thunnus obesus*) improved in the waters surrounding the protected area. Specifically, catch rates in the waters near the new monument boundary saw a dramatic increase of 0.5 bigeye tuna per 1000 hooks (a 12% increase over pre-expansion levels), 0.6 yellowfin per 1000 hooks (a 54% increase over pre-expansion levels), and 1.9 fish of any species per 1000 hooks.² This means that fishermen are catching fish with far less effort, which can translate into safer and more profitable fishing trips and a benefit to the fishery.
- The U.S. purse seine and U.S. longline fleets have spent less than 0.5% of their fishing effort (total amount of fishing activity on the fishing grounds over a given period of time) inside the proposed protected areas of the Pacific Remote Islands National Marine Sanctuary according to automatic identification system vessel monitoring data obtained through Global Fishing Watch (GFW) from the last ten years (2013-2022). Western and Central Pacific Fisheries Commission-reported catch data indicates that only 0.10% of the U.S. purse seine fleet’s catch came from within the proposed Sanctuary. A report by the Environmental Markets Lab within the University of California, Santa Barbara outlines these findings.³

Based on this publicly available fishing data, it is clear that expanding protections for the Howland and Baker and Palmyra and Kingman areas by creating the Pacific Remote Islands National Marine Sanctuary would not greatly impact the U.S. flagged fishing fleets’ existing practices and catch, nor would it restrict how many days fishing vessels can fish or how much a vessel can catch. United States vessels—which operate on a quota-based system—will continue to be able to fish in other places, with many fishing grounds already located closer to home ports.

Additionally, because of climate change, the western Pacific warm pool is expanding, resulting in the movement of pelagic fish populations to the east and north. The PRI are the ideal location for a

² Sarah Medoff et al., *Spillover benefits from the world’s largest fully protected MPA*, SCIENCE (Oct. 20, 2022), <https://www.science.org/doi/10.1126/science.abn0098>.

³ Environmental Markets Lab, *Analysis of historic fishing activity within the proposed National Marine Sanctuary for the Pacific Remote Islands*, UNIVERSITY OF CALIFORNIA, SANTA BARBARA, https://emlab.ucsb.edu/sites/default/files/documents/pri_proposed_sanctuary_report.pdf, (last visited Sept. 18, 2023).

large-scale MPA due to the strategic location as a recipient site for migrating fish populations where they can grow and the associated opportunity for protecting large female fish will result in increased reproductive output for population replenishment.

2. Despite being a former WESPAC member yourself, you have raised questions about WESPAC's ability to sustainably manage a fishery. Why is that? In your opinion, does the Council adequately balance commercial, recreational and conservation interests? What other tools can the government use to ensure the sustainable management of our fisheries for future generations?

According to the Magnuson-Stevens Act, all fishery management councils must implement “conservation and management measures [that] shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.” The Western Pacific Fisheries Council (WESPAC) has demonstrated that it has an inability to balance optimum yield and conservation and a clear bias towards commercial fishing as evidenced by:

- Rapidly expanding the longline fleet;
- Resisting to enact regulations that placed a cap on the number of vessels, require a log book, or institute a vessel monitoring system;
- Resisting efforts to create a longline closure area to separate longliners from local fishermen until there were incidents of violence;
- Mismanaging the Northwestern Hawaiian Islands bottom fish fishery until it was eventually phased out;⁴
- Mismanaging the lobster fishery, resulting in the collapse of both the spiny and slipper lobster stocks and the placement of a zero quota by President Bush.⁵

Luckily, the U.S. has several other tools at hand that can help protect economic livelihoods and preserve irreplaceable natural resources. One such option is amending the Magnuson–Stevens Fishery Conservation and Management Act, making all council executive directors federal employees and subject to federal ethics regulations. Another option is the creation of a national marine sanctuary. Having seen WESPAC’s failures in the past, Native Hawaiians and other Pacific Islanders have proactively proposed the creation of the Pacific Remote Islands National Marine Sanctuary. The proposed sanctuary would, among many other benefits to the local environment and economies of the Pacific, help ensure the longevity of critical fisheries.

3. Can you elaborate on the cultural practices and traditions that we risk losing should we fail to properly protect and sustain the waters of the proposed Pacific Remote Islands National Marine Sanctuary?

The culture of wayfinding by Hawaiians, Chamorro, Carolinians, Marshallese, and other Pacific Indigenous groups would suffer negative impacts, or irrevocable loss, if the ecosystems of the Pacific Remote Islands (PRI) are not protected. A clear consequence of failing to properly protect and sustain the

⁴ Teresa Dawson, *New Rules for Bottomfish: Are They Too Little, Too Late?*, ENVIRONMENT HAWAII (June 1998), <https://www.environment-hawaii.org/?p=3398>.

⁵ *POACHERS R US: Overfishing of lobster pushes Hawaiian monk seals toward extinction. Who's accountable*, CASCADIA TIMES, <https://times.org/poachers-r-us-overfishing-of-lobster-pushes-hawaiian-monk-seals-toward-extinction-whos-accountable/> (last visited Oct. 4, 2023).

PRI waters would be the reduction of seabirds by overfishing and destructive fishing techniques. Navigators rely on a healthy seabird population to provide signs as to the proximity of islands, especially low-lying islands. A healthy seabird population is dependent upon a healthy tuna population as tuna and sea birds work together to feed on schools of smaller fish. Seabird feces are a critical source of nitrogen to the plants that inhabit PRI and in turn provide the basis of a food chain that leads to healthy coral reefs and healthy coral reef ecosystems, each interrelated and dependent on each other. There are many voyaging stories that need to be collected from all of the Pacific Indigenous groups and in those stories additional cultural practices will be brought forward. However, those practices cannot be perpetuated without healthy PRI ecosystems, and those healthy PRI ecosystems cannot be sustained without proper protection.

4. Can you elaborate on the opportunities for co-management with the State of Hawai‘i and the Native Hawaiian Community that marine protected areas in the Pacific have offered?

Papahānaumokuākea has always been closely managed with Native Hawaiian influence. Native Hawaiians were made co-trustees by President Obama during its expansion phase in 2016. The Office of Hawaiian Affairs (OHA) represents Native Hawaiians at the management level and works cooperatively with the State of Hawaii and its federal partner agencies. This partnership is unique within the national marine sanctuary system and has allowed for co-trustees to leverage funding, share ship space, and participate in other creative cooperative projects. A result of this unique co-management was the successful designation of Papahānaumokuākea as a World Heritage site based on its biological and cultural treasures as well as the completion of the *Mai Ka Pō Mai*.⁶ As co-managers, Native Hawaiians - specifically the Papahānaumokuākea Native Hawaiian Working Group - through the Office of Hawaiian Affairs completed *Mai Ka Pō Mai* in 2021. The resource, which provides a Native Hawaiian perspective and guidance that uses traditional concepts and cultural traditions as a foundation for management in Papahānaumokuākea, is a culmination of 10 years of discussion and collaboration. Designating the PRI National Marine Sanctuary presents a new opportunity to protect these special, connected areas and have representation from, and co-management with, Hawaii, the U.S. Pacific territories, and possibly independent Pacific nations. A strong relationship and shared *kuleana*, or responsibility and privilege, could improve our Pacific relations and buffer China's increasing influence.

⁶ Office of Hawaiian Affairs, National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, and State of Hawai‘i, *Mai Ka Pō Mai: A Native Hawaiian Guidance Document for the Management of Papahānaumokuākea*, OFFICE OF HAWAIIAN AFFAIRS (2021), https://www.oha.org/wp-content/uploads/MaiKaPoMai_FINAL-web.pdf.