



**WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL**

December 10, 1999

To John Berry, Assistant Secretary  
Department of the Interior

Form: Kitty Simonds, Executive Director  
Western Pacific Regional Fishery Management Council

RE: Reconciliation Efforts as called for in P. L. 105-150, the Apology Resolution

The Western Pacific Regional Fishery Management Council is the federally mandated Agency that prepares fishery Management plans (FMPs) for the exclusive economic zone (EEZ) surrounding Hawaii and the other US Pacific Islands. This area encompasses more than 1.5 million square miles, an Area nearly equal to all other US EEZ waters combined. The waters Around the Hawaiian Islands, from the Big Island to Kure Atoll, accounts for nearly half of this 1.5 million square miles, or About one-fourth of the total US EEZ.

The Council is comprised of mostly indigenous persons from Hawaii, American Samoa, Guam and the Northern Mariana Islands. Since its inception in 1976, Council members have worked diligently with Senators Daniel Inouye, Daniel Akaka and other members of the Western Pacific Congressional Delegations to secure due recognition of indigenous US Pacific Islanders in our nation, and participation of Native Hawaiians, Samoans, Chamorrans and Carolignians in our fisheries. Among the fruits of this labor is recognition in the 1996 Magnuson-Stevens Conservation and Management Act that "Pacific Insular Areas contain unique historical, cultural, legal, political and geographic circumstances which make fisheries resources important in sustaining their economic growth. The Act also contains provisions designed to help provide fishery access to our island communities and to foster and promote traditional indigenous fishing practices. In implementing reconciliation efforts with Native Hawaiians, we ask that the Departments of Interior and Justice ensure that these provisions can be accomplished in a timely manner and that the intent of the provisions are incorporated in other federal actions affecting our fisheries.

One of the provisions enables the Western Pacific Council and the Secretary of Commerce to establish a western Pacific community development program for any fishery under the authority of the Council to provide access to such fishery for western Pacific communities that participate in the program. The Council is finalizing one such program that intends to reserve 20 percent of the Northwestern Hawaiian Islands Mau Zone limited entry bottomfish permits to eligible Native Hawaiian communities. The Council may consider establishing similar programs for its pelagic, crustaceans and precious coral fisheries and its impending coral reef ecosystem fishery. We ask that the establishment of quotas for eligible Native Hawaiian communities be similarly considered by the federal government whenever it deals with issues that may affect the fisheries within the US EEZ surrounding Hawaii. For example the State Department is currently:

negotiating a fisheries agreement with 27 other Pacific Island and Pacific Rim nations involved in tuna fisheries in the central and western Pacific Ocean. One stated outcome of the agreement is the establishment of total allowable catches (TAC) for the four primary species of tuna. As distribution of these highly migratory species includes the EEZ surrounding Hawaii, the State Department should ensure that negotiations and the wording of the final treaty reflect the federal government's relationship with Native Hawaiian's concerning fisheries, as established in the Magnuson Act.

Another provision of the Act authorizes the Secretaries of Commerce and Interior to make direct grants to eligible western Pacific communities, as recommended by the Western Pacific Fishery Management Council, for the purpose of fishery demonstration projects to foster and promote traditional indigenous fishing practices. According to the Act, not less than three and no more than five of these projects should be established, and the total amount of grants awarded by the Secretaries should not exceed \$500,000 in each fiscal year. To date, the Secretary of Interior has not awarded any monies for the demonstration projects, and we request that this inadequacy be righted immediately. In addition to ensure that Native Hawaiian issues are duly recognized within the Department of Interior, we believe that the Native Hawaiians should have a presence in the Department's office, as has been proposed by Senator Daniel Akaka.

As a Native Hawaiian and Pacific Islander, I am aware of how fishing has been interwoven into our daily lives for hundreds if not thousands of years. The Council believes that federal actions should ensure Native Hawaiians have a fair and reasonable opportunity to garner and enjoy economic and other benefits from fishing activities that are an integral part of their cultural heritage. Through such means Native Hawaiians can avoid becoming marginalized in their ancestral lands