

### Fax Transmission

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**From:** Kitty Simonds, WPRFMC

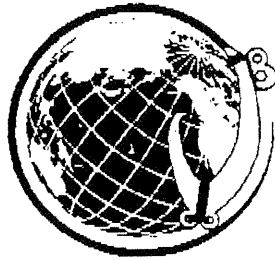
**Fax #:** (808) 522-8226

**Re:** Deep Sea Coral Protection Act (S. 1953)

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Attached is a letter from the Western Pacific Regional Fishery Management Council to Senator Daniel K. Akaka (Hawaii) regarding the Council's position on Senate Bill 1953, known as the Deep Sea Corals Protection Act.

If you have any questions, please call me at (808)522-8220.



**Western  
Pacific  
Regional  
Fishery  
Management  
Council**

August 19, 2004

The Honorable Daniel K. Akaka  
United States Senate  
141 Hart Senate Office Building  
Washington D.C. 20510

Dear Senator Akaka,

The Western Pacific Regional Fishery Management Council (Council) would like to thank you for your staff's August 10, 2004 inquiry as to our stance regarding the proposed Deep Sea Coral Protection Act (S. 1953). The Council fully supports increased research, mapping, and monitoring of these fragile benthic habitats. However the extension of the proposed bill to include the management of deep sea marine species is in direct opposition to the Magnuson-Stevens Fishery Conservation and Management Act and for that reason this bill as currently written is opposed by the Council.

The Council provides protection for corals and associated species under two of its Fishery Management Plans (FMPs): the Coral Reef Ecosystems FMP, and the Precious Corals FMP. Through the regulations promulgated under both FMPs both shallow and deep sea coral ecosystems in the waters of the Western Pacific Region are carefully conserved and managed. The Coral Reef Ecosystems FMP was published in February, 2004 (69 FR 8336) and protects shallow water coral reef ecosystems. The Precious Corals FMP was published in September 1983 (48 FR 39229) and manages bamboo, black, gold, and pink deep water precious coral species.

In order to minimize incidental impacts to precious corals or their substrate, the Council's Precious Coral FMP requires the use of selective harvesting gear (gear which can be used to discriminate between types, sizes, and characteristics of living and dead corals) throughout the Western Pacific Region. The FMP's regulations also include area quotas, minimum size limits, restrictions, and permitting and reporting requirements. In addition, under the Council's other FMPs the use of bottom-trawling, bottom-set gill nets, and gears that could be defined as "mobile bottom-tending fishing gear" are all prohibited due to the damage they can cause to demersal substrates. As a result, both precious corals and benthic habitats in the Western Pacific region have been conservatively managed by the Council for over 20 years.

Again, the Council fully supports the increased research, mapping, and monitoring of deep sea corals, sponges, and associated bycatch proposed in the Deep Sea Coral Protection Act. However the management of these resources is, and should remain, under the purview of the

Regional Fishery Management Councils. We urge you to refrain from supporting this bill in its current form and instead suggest that you ensure that the intent and implementation of the Magnuson-Stevens Fishery Conservation and Management Act is not undermined by the usurpation of management authority proposed in the Deep Sea Coral Protection Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Kitty". The signature is stylized with a large, sweeping initial "K" and a cursive "itty".

Kitty M. Simonds  
Executive Director

cc: Council Members

