



## The Pledge of Allegiance ends with the phrase "with liberty and justice for all."

U.S. fishermen, who, as children, would recite this every morning before starting school, have come to question this phrase. Today, "justice for all" seems to have forgotten the

U.S. Pacific Island fishermen. Between the constant shrinking of the U.S. exclusive economic zone (EEZ) by the federal government decreasing the waters available for fishing, the ever-increasing foreign fishing presence on the

seas and in the markets, and using the Pacific Islands to shoulder the burden of the American conservation ethos,

justice has turned into "just us." As the pledge of allegiance binds us to the principles of unity and fairness, so too must the U.S. approach to fisheries by providing justice for equitable access, fair treatment of fishing communities and preservation of sustainable fishing.

In 2021, President Biden issued Executive Order (EO) 14008, also known as "America the Beautiful," which contains a mandate to conserve 30% of the ocean by 2030. In addition, the President issued EO 13985 that requires the federal government to provide equity and environmental justice (EEJ) to the American people. The two EOs should work hand-in-hand when it comes to fisheries, but in the Pacific Islands, they tend to be mutually exclusive. By creating monu-

ments in the Western Pacific, the United States has conserved more than 26% of the U.S. EEZ, almost reaching its goal, but it has done that at the expense of U.S. fishermen in the islands. **Nearly 53% of the U.S. EEZ in the region is closed to commercial fishing due to monument designations, leaving fishermen to wonder if the drive to conserve outweighs the equity and justice for the people of the Pacific Islands.**

EEJ is not a new term or buzzword born out of this administration. The federal government has a long history of seeking fairness in the way people are treated and resources are distributed. In fisheries, the Magnuson-Stevens Fishery Conservation and Management Act (MSA), enacted in 1976, encoded this equity into the Act itself by providing for underserved indigenous communities in section 305. As part of this section, the Western Pacific Regional Fishery Management Council has developed projects and programs aimed at addressing disparities in fisheries policies, practices and opportunities. These efforts seek to recognize and rectify structural inequalities, while giving communities the necessary support and resources to ensure equitable outcomes. The Community Development Program allows underserved communities to have access to federal fisheries that would otherwise be unachievable without exceptions to federal regulations. The Community Demonstration Project Program has provided funding to seed fishery project ideas and engage communities in fishery activities. The Council has continued these and other efforts throughout its tenure, including offering opportunities for training, building capacity in fisheries science and management, and addressing protocols for meeting with indigenous communities. But, while the Council continues to work on advancing EEJ, the barriers to providing it keep mounting.

Efforts to promote sustainable fishing in the Western Pacific have faced challenges due to increasing regulatory hindrances. While measures like the Shark Finning Act and Billfish Conservation Act aim to protect

# Justice? Or Just Us?

**Equity in Fisheries:  
Balancing Conservation  
and Livelihoods in the  
Pacific Islands**



## ALLOWABLE FISHING FROM 50-200 nm OPTION

### STATUS QUO

COMMERCIAL FISHING PROHIBITED

NON-COMMERCIAL FISHING LARGELY UNREGULATED

### COUNCIL PROPOSAL

PROHIBIT COMMERCIAL FISHING

ALLOW NON-COMMERCIAL AND NATIVE HAWAIIAN SUBSISTENCE FISHING FOR BOTTOMFISH AND PELAGIC SPECIES UNDER CATCH LIMITS AND MSA PERMIT AND REPORTING REQUIREMENTS

ALLOW NATIVE HAWAIIAN SUBSISTENCE PERMIT APPLICANTS TO REQUEST FOR LIMITED COST RECOVERY OF TRIP EXPENSES THROUGH SALE OF FISH

### NOA PREFERRED ALTERNATIVE

SAME AS CIL EXCEPT FOR NATIVE HAWAIIAN SUBSISTENCE PERMIT HOLD

## Monument Expansion Area

180° 00' W

200 nm

Hancock Seamount  
28° 00' N

established to protect seamount and groundfish that had been overfished by foreign vessels

Hōlanikū  
Kure Atoll

Kuaihelani

Midway Atoll

Pearl & Hermes Atoll

Manawai

50 nm

Kapou  
Lisianski Island

Pioneer Bank

Laysan Island  
Kamole

Maro Reef  
Kamokuokamohoali'i

Ralta Bank

Gardner Pinnacles  
'Ōnūnui, 'Ōnūnui St.

HO'OMALU ZONE  
NORTHWEST HAWAIIAN ISLAND

Size of exclusive economic zone (EEZ), 3-200 nautical miles offshore, around Hawai'i in relation to U.S. mainland

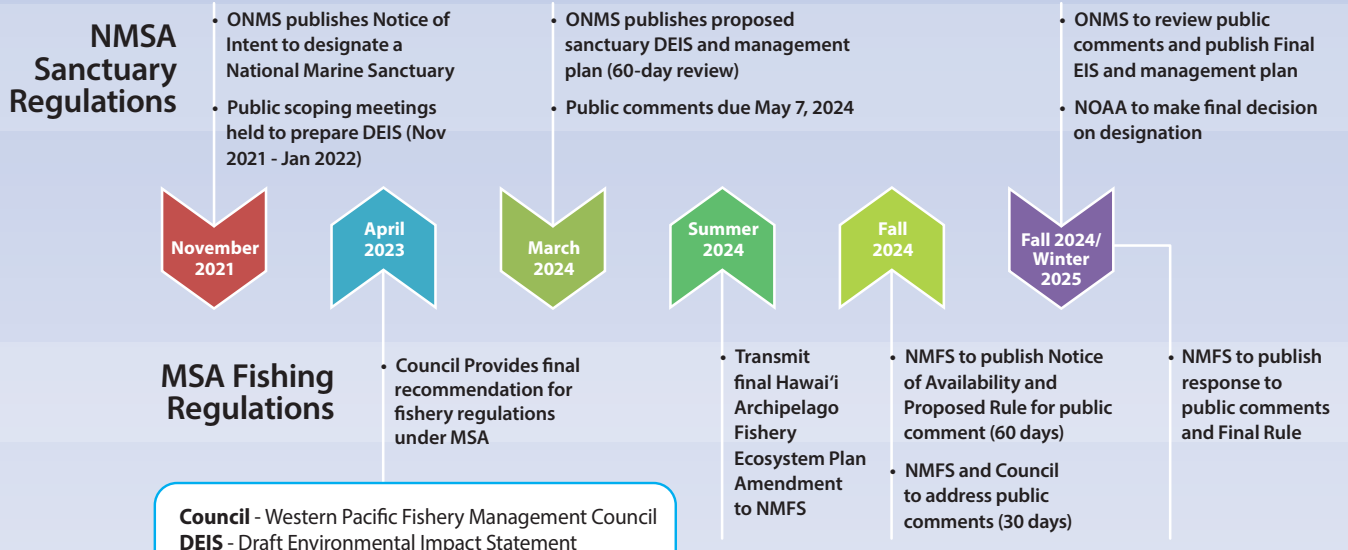


## Hawaiian Islands



Papahānaumokuākea Marine National Monument  
No commercial fishing • no non-commercial fishing

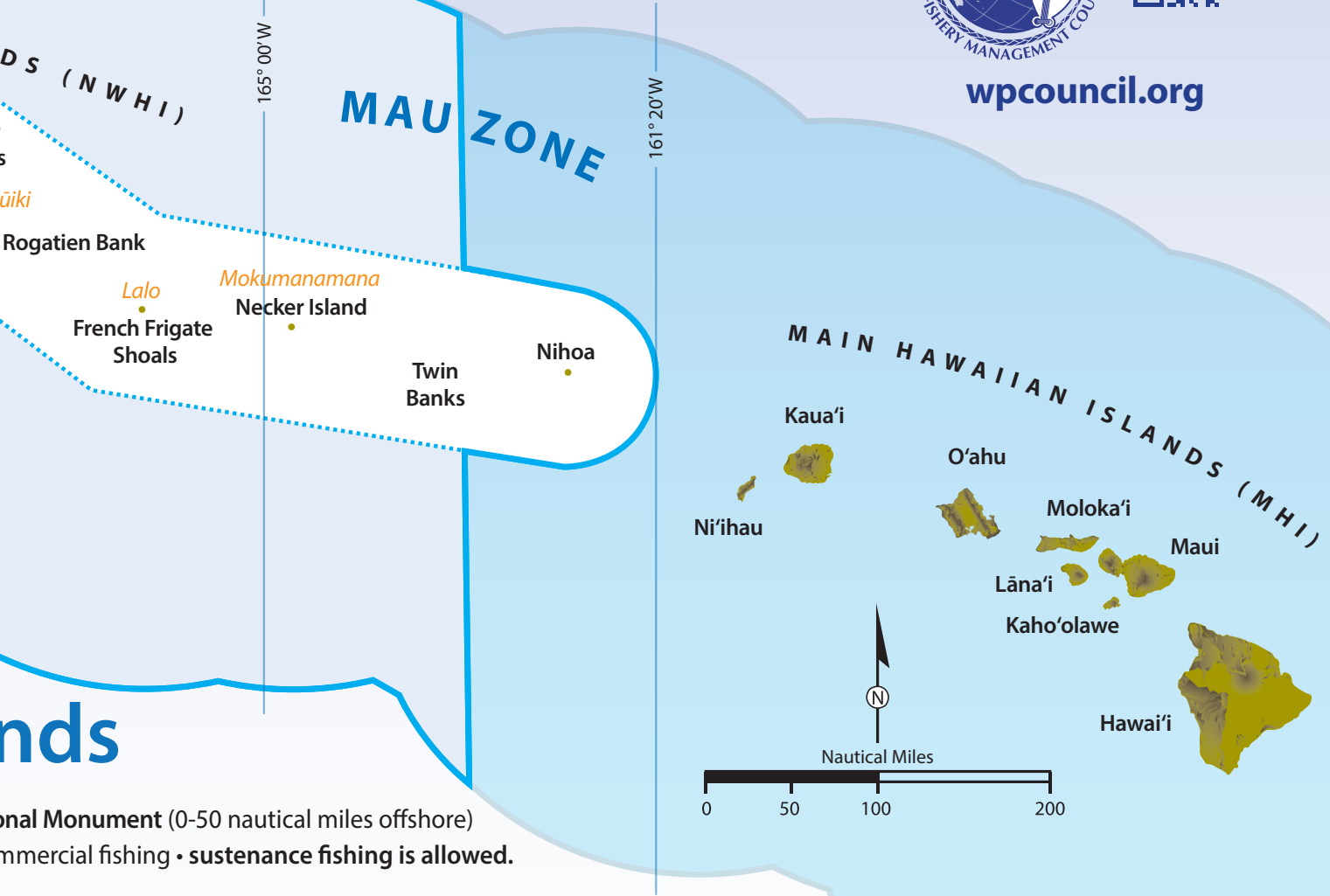
# PROPOSED NWHI SANCTUARY REGULATORY PROCESS



**Council** - Western Pacific Fishery Management Council  
**DEIS** - Draft Environmental Impact Statement  
**MSA** - Magnuson-Stevens Fishery Conservation and Management Act  
**NMFS** - National Marine Fisheries Service  
**NMSA** - National Marine Sanctuaries Act  
**ONMS** - Office of National Marine Sanctuaries



[wpcouncil.org](http://wpcouncil.org)





marine species, they inadvertently impact U.S. fisheries in the region. Despite good intentions, these regulations have sometimes proven unnecessary and have limited local fishing activities. Additionally, U.S. fishermen face tough competition from less regulated high seas fisheries, which may have lower standards for human rights and seafood safety. As a result, imported seafood is becoming more prevalent in local markets, overshadowing fresh, domestic options. Moreover, the designation of Marine National Monuments in the Western Pacific has restricted commercial fishing,

pushing U.S. fishermen to less favorable areas where they compete against subsidized foreign fleets. Current proposals to establish National Marine Sanctuaries could further limit fishing opportunities in the region.

These challenges highlight the need for balanced approaches that support both conservation efforts and the livelihoods of local fishermen.

Such approaches were established with the passage of the Fishery Conservation and Management Act of 1976 (now known as the MSA). Congress had the foresight to employ a concept that continues to be too rare in the federal government, where management for the people is conducted by the people. This bottoms-up approach through the regional fishery management councils was an experiment in democracy that succeeded. In the Western Pacific, this system has eliminated bottom-trawling and other gears that impact habitat, while still allowing ample room for growth in the fisheries. So much so, that part of the region has been cited as an example of a pristine ecosystem, and non-fishing groups have petitioned for additional protections. That protection, however, has come at the cost of U.S. fishing.

The decisions aimed at conserving areas and restricting access to resources in the Western Pacific have presented challenges for fisheries throughout the 21st century. While the MSA

mandates that fishery management councils consider the best available scientific information and engage in a public process to develop fishing regulations, conservation initiatives like National Marine Sanctuaries and Marine National Monuments do not necessarily follow the same framework. While it's indisputable that safeguarding areas from the effects of climate change and direct impacts is essential, decisions regarding fishing impacts should ideally be grounded in science. However, U.S. fishermen have encountered a growing tendency to bar them from accessing the U.S. EEZ, with exclusions often based on sentiments and conjecture rather than solid scientific evidence. Sustainable fishing practices, when properly managed, can contribute positively to conservation efforts by providing valuable data on fish populations and habitats, as well as assisting in enforcement activities through active observation on-the-water. Conservation measures need not impede fishing activities, but can rather complement existing efforts.

Collaborative initiatives are underway in international fisheries across the Pacific, often with the United States taking a leading role by providing money and help to other nations. However, this works against U.S. fishermen facing penalties for catching the same species and competing against foreign fisheries that receive financial support. U.S. fishermen simply seek the right to pursue their livelihoods by fishing in U.S. waters. While other countries look to the United States for hand-outs, fishermen at home are looking for a hand-up. With an estimated 54.5 million fishermen in the United States, achieving equity for all could be attained without any additional costs.

As fishermen across the United States commit to responsible management of our fisheries, an opportunity emerges for the nation to demonstrate its commitment to its people. Instead of placing emphasis on safeguarding distant coral reefs from less immediate threats, presidents should prioritize leaving legacies that demonstrate support for their citizens and the nation. By doing so, the United States can remain indivisible and truly provide justice for all.

## *U.S. fishermen simply seek the right to pursue their livelihoods by fishing in U.S. waters.*

Published in the Spring 2024 issue of *Pacific Islands Fishery News* by the Western Pacific Regional Fishery Management Council.