



Office of the Senate President

STATE CAPITOL
HONOLULU, HAWAII 96813

April 28, 2016

President Barack Obama
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear President Obama:

I am informed that a group of Hawaii residents are seeking to have you expand the Papahānaumokuākea Marine National Monument (hereinafter referred to as "Monument") and as the Hawaii State Senator representing the islands of Kauai and Niihau, my constituents would be the most affected by any such expansion. Please accept this as a request to not expand the Monument, as a proposed expansion of the Monument will have an adverse effect on my constituents, the Hawaii commercial fishing industry and individual Hawaii subsistence fishermen.

As you are aware, the Northwestern Hawaiian Islands Marine National Monument was established on June 15, 2006 by Presidential Proclamation 8031 and was officially designated as the aforementioned Monument in 2007. Currently, the Monument designates nearly 140,000 square miles as a protected marine area. The Monument overlays the fifty nautical mile Protective Species Zone of the Western Pacific Fishery Management Council.

The fishing and seafood industry is an integral part of Hawaii's culture, identity, and economy. The use restrictions that currently apply within the Monument's current boundaries have already eliminated 50% of Hawaii's bottom fish fishery, which consisted of 17 permits, including those dedicated to indigenous native Hawaiian fishing communities. As a direct result of the establishment of the Monument, Hawaii's bottom fish supply, which includes fish such as long tailed red snapper (onaga) and pink snapper (opakapaka), is now completely dependent upon individual Main Hawaiian Islands bottom fish fishermen and imported products.

The Hawaii long line fishery (deep set and shallow set) produces high-quality, domestic, safe and sustainable open ocean seafood for Hawaii's residents and visitors, as well as consumers in markets across the country. Hawaii's residents consume more than double the national average in seafood per capita, per year. The longline fishery produces fresh bigeye tuna (ahi), yellowfin tuna (ahi), swordfish (shutome, kajiki) and other market species such as dorado (mahimahi), wahoo

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(ono), and moonfish (opah). Expansion of the Monument would result in at least an 8% reduction to the longline fishing industry. In 2013, the amount of fish produced by the longline industry was 27 million pounds, with a dockside value of approximately \$85.4 million dollars. An 8% reduction would represent a significant loss of approximately 2.20 million pounds, with a dockside value loss of approximately \$6.83 million dollars.

Nearly one-fourth of the waters surrounding the Hawaiian Islands are already designated as no-take marine protected areas, exceeding the 20% global standard for marine protected areas. The proposed expansion of the Monument would increase the no-take zone to 67% of the United States exclusive economic zone waters surrounding the Hawaii archipelago. That considerable increase – over 40% – has the potential to be devastating to Hawaii’s already fragile fishing economy and food sustainability.

As an island state, Hawaii is dependent upon importing most of its consumable commodities, with the exception of seafood. Currently, seafood self-sufficiency in Hawaii is currently around 37% with Hawaii residents consuming an average of 36.9 pounds of seafood per year, while the rest of the United States consumes an average of 14.4 pounds of seafood per year. In 2011, seafood was the number one Hawaii food crop earning some 87.5 million dollars. The proposed expansion of the Monument with a prohibition on fishing in the expanded areas would result in a huge reduction in seafood for Hawaii.

In addition to the fact that there is no scientific or empirical data to support the claim that the current, already significant size of the Monument is insufficient to achieve its intended goal of preserving "historic or scientific interests", there are no facts or scientific determinations that the Monument needs to be increased because there are "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" in the proposed expansion area that are necessary to be preserved as a national monument as required by the "Antiquities Act" (16 U.S.C. 431).

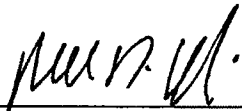
The Antiquities Act states that: “the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected”. (Emphasis added.)

In compliance with the language of the Act, Presidential Proclamation 8031, asserted that: “[T]he Federal land and interests in land reserved includes approximately 139,793 square miles of emergent and submerged lands and waters of the Northwestern Hawaiian Islands, which is the smallest area compatible with the proper care and management of the objects to be protected.”

Without sufficient evidence of "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" in the entire proposed expansion of the Monument and a finding that the proposed expansion would be confined to the "smallest area compatible with the proper care and management of the objects to be protected", any such expansion could be interpreted to exceed the mandates of the Antiquities Act.

Thank you for your consideration of this request and if there are any questions with regard to the foregoing, please do not hesitate to contact this office.

Sincerely,



RONALD D. KOUCHI
Senate President
8th Senatorial District – Kauai and Niihau

cc: Brian Deese, Senior Advisor to the President, White House Executive Office
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
The Honorable David Ige, Governor of the State of Hawai'i
United States Senator Brian Schatz
United States Senator Mazie Hirono
United States Congresswoman Tulsi Gabbard
United States Congressman K. Mark Takai
Suzanne Case, Chair, Department of Land and Natural Resources, State of Hawai'i
The Honorable Sally Jewell, Secretary of the Interior
The Honorable Penny Pritzker, Secretary of Commerce
Dr. Kathryn D. Sullivan, Under Secretary of Commerce of Oceans & Atmosphere and
NOAA Administrator