



**Western
Pacific
Regional
Fishery
Management
Council**

April 8, 2016

The Honorable Barack H. Obama
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

On behalf of the Western Pacific Regional Fishery Management Council (Council), we are writing to you regarding a January 2016 request to expand the Papahānaumokuākea Marine National Monument (PMNM) around the Northwestern Hawaiian Islands (NWHI). This marine protected area (MPA) was established in 2006 by President George W. Bush. At the time, NWHI ecosystems had been managed under a suite of state and federal regulations and supported low-impact, sustainable fisheries that supplied Hawaii with half of its local bottomfish and the majority of its local lobster.

The PMNM encompasses the NWHI—a string of islands and atolls stretching 1,200 nautical miles (nm) northwest of Kauai and Niihau. With a breadth of 100 nm and length of 1,200 nm, the PMNM is the world's largest no-take MPA and accounts for virtually all of the United States' no-take MPAs. At approximately 138,000 square miles, the PMNM contains coral reef ecosystems, deep benthic habitat, seamounts, the abyssal plain, and pelagic waters of the NWHI. The boundaries of the PMNM mirror an existing protected species zone that was established by the Council in 1991 and which prohibited longline fishing in the zone. Coupled with the fishing exclusion areas established under the Magnuson-Stevens Fishery Conservation and Management Act and other authorities, the Hawaii longline fishery is currently banned from 24 percent to 37 percent of the US exclusive economic zone (EEZ) around Hawaii. Eighty percent of this fishery's landings is consumed in Hawaii; this fishery also supplies the US mainland with 80 percent of its domestic bigeye tuna and 50 percent of its domestic swordfish and yellowfin tuna.

From Presidential actions within the last 10 years, approximately 28 percent of the US EEZ in the US Pacific Islands Region has been established as Marine National Monuments (MNM). Your Executive Order in 2014 to expand the Pacific Remote Islands MNM created the world's largest non-contiguous MPA. The significant percentage of US waters already established as MPAs in our jurisdiction far exceeds any other area of the US. Less than 1 percent of state and federal waters combined in the other US regions are designated as no-take MPAs.

The cultural and economic importance of fisheries to Hawaii are unmatched elsewhere in the Nation. I trust you have fond memories of local Hawaii seafood from your childhood and from your recent visits and understand why Hawaii's per capita seafood consumption is twice the

national average. Healthy fisheries sustained indigenous Hawaiian communities for over 1,500 years, and fisheries continue to remain important today. Hawaii fisheries support subsistence, non-commercial, charter, and commercial fishing activities, contributing to local food security and supporting Hawaii's tourism economy with fresh, sustainably caught seafood. Hawaii's commercial fisheries alone generate approximately \$110-120 million annually in landed value, which is multiplied several times over in the local seafood industry, supporting thousands of direct and indirect jobs.

The best scientific information available indicates that the expansion of the PMNM will not yield marine conservation benefits. The Council's Scientific and Statistical Committee (SSC), which is comprised of distinguished scientists, recently agreed on the following:

- Marine resources that occur in the NWHI and surrounding US EEZ are already protected and subject to comprehensive management regulations and monitoring;
- Expanding the PMNM will not provide any additional conservation benefits for highly mobile species such as tuna, billfish, sharks, sea turtles, and marine mammals that range well beyond the US EEZ;
- Seabirds such as Laysan and black-footed albatross are already protected by a suite of domestic and international mitigation measures that will not be augmented by boundary expansion of the PMNM; and
- Expansion of the PMNM will result in negative socio-economic impacts to Hawaii fisheries, Hawaii economy, and the Nation.

Expansion of the PMNM would adversely impact the Hawaii longline fishery, and potentially small-scale troll and bottomfish vessels operating out of Kauai. Approximately 10 percent of the Hawaii longline fishing effort occurs in the US EEZ around the NWHI. If these Hawaii vessels are forced to fish on the high seas, they face increased competition with foreign vessels, lower catch rates, and higher operating costs. Based on reports from the US Coast Guard and NOAA's Office of Law Enforcement, there are fleets of several nations that fish in close proximity to the US EEZ around the Hawaii Archipelago. Negative impacts to Hawaii fisheries affect the local seafood market, leading to increased reliance on foreign imports. It is estimated that 30 percent of foreign imported seafood is caught by Illegal, Unregulated, and Unreported fisheries. There are also concerns with foreign imported seafood in regards to labor practices and food safety.

The assertion that the expansion is warranted because large MPAs are important to mitigating the impacts of climate change is unfounded, especially in regards to highly migratory species as their locations and migratory patterns are expected to shift while the boundaries of MPAs remain static. The creation of large MPAs does not reduce fishing effort; instead, it concentrates that effort elsewhere, which arguably has more dire consequences. For example, the creation of no-fishing areas in the high seas pocket areas of the Western and Central Pacific Ocean was a failed experiment and did not reduce tuna catches, but merely redistributed them in the EEZs of neighboring countries.

There are increasing calls for closing the high seas to fishing, even if fishing is monitored and subject to international management measures adopted by regional fishery management organizations. If the high seas are further restricted, coupled with increased loss of operational

area in the US EEZ due to monument expansion, the sustainable, highly-monitored US fisheries such as the Hawaii longline fishery face eminent demise, further exacerbating US reliance on foreign seafood imports.

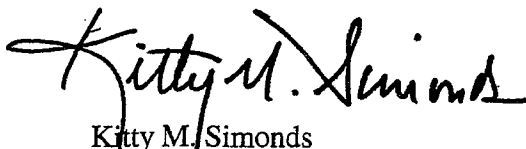
The US Pacific Islands region has already contributed a vast amount of waters to the national MPA inventory and virtually all of the no-take MPA waters. The proposed expansion of the PMNM contradicts Executive Order 12898 on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Mr. President, as you know, minorities account for two-thirds of Hawaii's population. These waters are important as their fishing grounds to support their sustenance, livelihoods and culture. Further expansion of MPAs in our region would increase the existing disproportionate burden on people of the US Pacific islands that rely on fish as their main renewable natural resource.

Executive Order 13158 on Marine Protected Areas encourages Federal agencies charged with strengthening the Nation's MPA network to avoid creating ineffective MPAs. The Executive Order directs agencies to base management decisions on science-based prioritization for the protection of marine areas, gaps in levels of protection currently afforded, economic effects of management actions, scientific evaluation of the effectiveness of MPAs, among other factors, in consultation with other agencies and the regional fishery management councils.


Because of the existing protections and management measures, the expansion of the PMNM will not provide marine conservation benefits nor mitigate the impacts of climate change. Expansion would, however, result in negative socio-economic impacts to Hawaii fisheries and the local seafood market. Therefore, we respectfully ask that you not advance the request to expand the PMNM.

Enclosed is more information on Hawaii fisheries and existing protections in the NWHI. We are available to discuss this letter and the information contained herein with you and representatives of your administration at any time. Mahalo for your attention to this.

Sincerely,



Kitty M. Simonds
Executive Director



Edwin Ebisui Jr.
Chair

Enclosures:

WPRFMC Information Paper
SSC Member Affiliations

c/c: Hawaii US Congressional Delegation

Honorable David Y. Ige, Governor, State of Hawaii

Honorable Ronald D. Kouchi, Hawaii State Senate, President

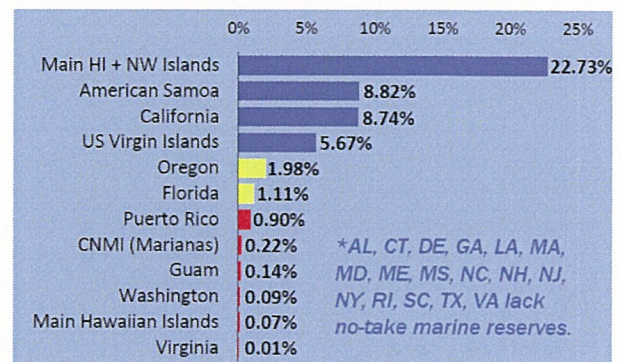
Honorable James K. Tokioka, Hawaii State Representative, Kauai



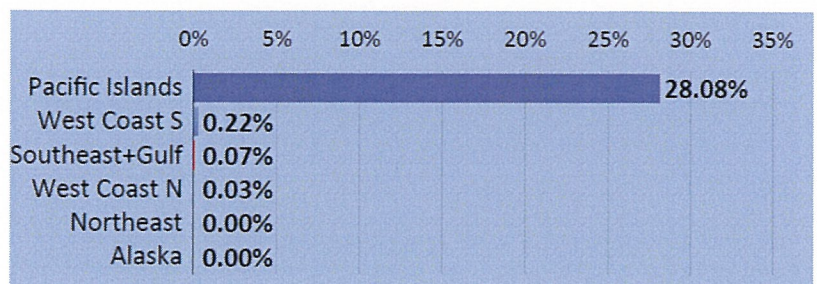
Information Paper on a Request to Expand the Papahānaumokuākea Marine National Monument

I. Summary

- There is no scientific or conservation justification to support expanding the Papahānaumokuākea Marine National Monument (PMNM). The existing monument provides protection to the coral reef ecosystem, other vulnerable habitats and species, and cultural resources from 0 to 50 nautical miles (nm) offshore. Expanding the PMNM beyond this area would not provide any additional conservation benefits for highly mobile species such as tuna, billfish, sharks, seabirds and marine mammals that range well beyond the US exclusive economic zone (EEZ). Marine resources found 50 to 200 nm offshore in the NWHI and surrounding US EEZ are already protected and subject to comprehensive management regulations and monitoring. Laysan and Black-footed albatross are already protected by a suite of domestic and international mitigation measures that will not be augmented by boundary expansion of the PMNM. Expansion of the monument boundaries would create a redundancy of regulations.
- Expansion would have negative socio-economic impacts to Hawaii longline fishery, Hawaii economy and seafood consumers, and the nation. Loss of sustainable fisheries production from Hawaii longline fleet would increase Hawaii and US reliance on foreign, unregulated seafood sources.
- Expansion would not provide additional buffer from the effects of climate change.
- Expansion would result in another unfunded mandate for NOAA and other government agencies.
- Approximately 28 percent the US EEZ in the Western Pacific Region has been established as no-take marine protected areas, which far exceeds any other region in the US. None of the other seven regions excludes even 1 percent of their US waters.



Above: No-take reserve area by State/Territory. Below: No-take Reserve Area by US Region. Source: Marine Conservation Institute 2015

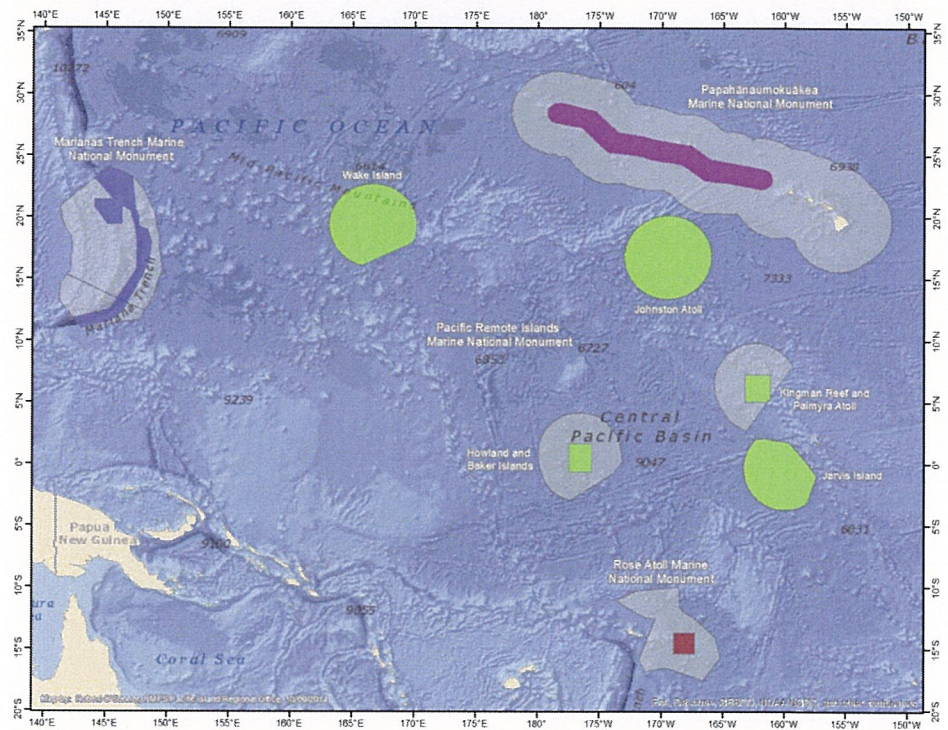
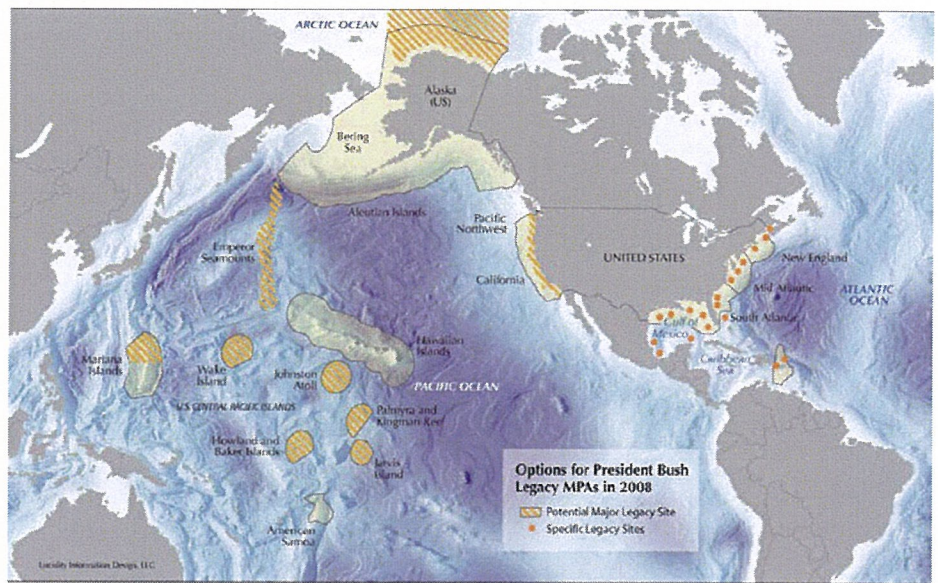


II. Background

In a letter dated January 29, 2016, a handful of Hawaii residents requested that President Barack Obama expand the PMNM. They claim the current monument does not protect habitat and travel routes for Hawaiian monk seals, green sea turtles, sharks, whales, and black-footed and Laysan albatross. They contend that “fully protected marine reserves and sanctuaries are more resilient to climate change.”

According to the *Washington Post*, the group is lobbying the President to expand the monument from its current boundary 50-nautical miles (nm) offshore out to 200-nm. This would increase the monument area nine times its current size to 520,000 square miles, which is about twice the size of Texas.¹

Proponents of the PMNM expansion suggest it provides President Obama with a legacy opportunity. This same argument was used to urge President Obama to expand the Pacific Remote Islands Marine National Monument (PRIMNM) in 2014 and President George W. Bush to proclaim the PRIMNM in 2009². Legacy is also the focus of the Pew Charitable Trusts’ campaign to secure “the designation of large, fully protected reserves.” The PMNM and PRIMNM are both part of the Global Ocean Legacy of the Pew Charitable Trusts.³

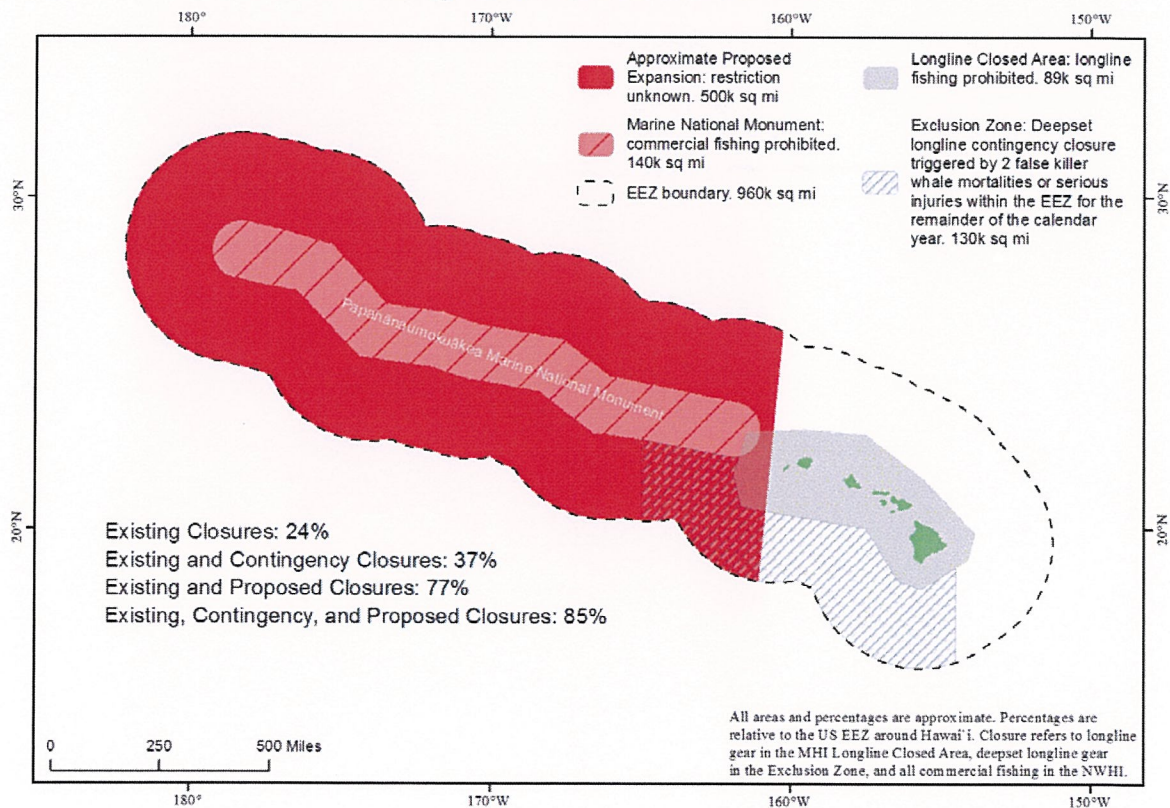


Top map depicts the 2008 options for President Bush Legacy MPAs presented by the Pew Environment Group. Bottom map shows the Marine National Monuments existing today, all of which are in US Pacific Islands. There are no marine national monuments in any other part of the United States.

The PMNM was proclaimed as the nation's first marine national monument in 2006 by President Bush using the Antiquities Act of 1906.⁴ The Antiquities Act provides the President with the authority "to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected." To date, the Act has been used to proclaim and expand four marine national monuments, all of which are in the US Pacific Islands. According to data provided by the US National Marine Protected Areas Center and MPAtlas, 28 percent of the exclusive economic zone (EEZ) surrounding US Pacific Island Region and 23 percent of the EEZ around the NWHI are classified as no-take marine protected areas (MPAs). Oregon (2 percent), Florida (1 percent), Washington (0.09 percent) and Virginia (0.01 percent) are the only other states having no-take MPAs.⁵

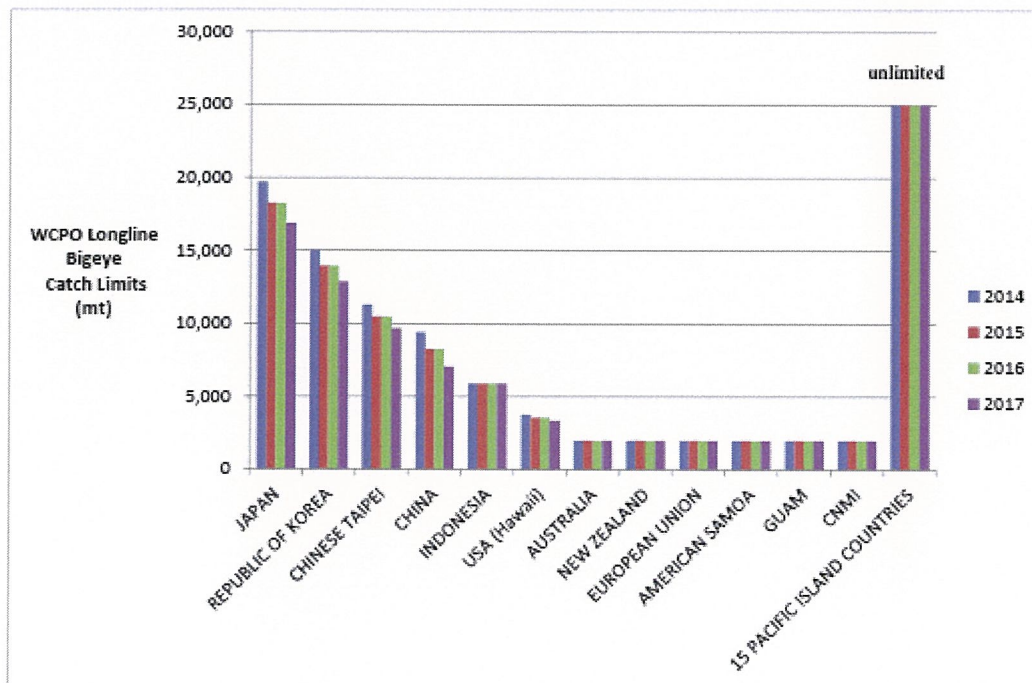
Although Presidential Executive Order 13158 regarding National Marine Protected Areas requires the development of a "scientifically based, comprehensive national system of MPAs representing diverse US marine ecosystems," the only marine national monuments that have been proclaimed have been in the US Pacific Islands, despite the push to create monuments in Alaska, off the East Coast and other places identified by the Pew.^{6, 7, 8}

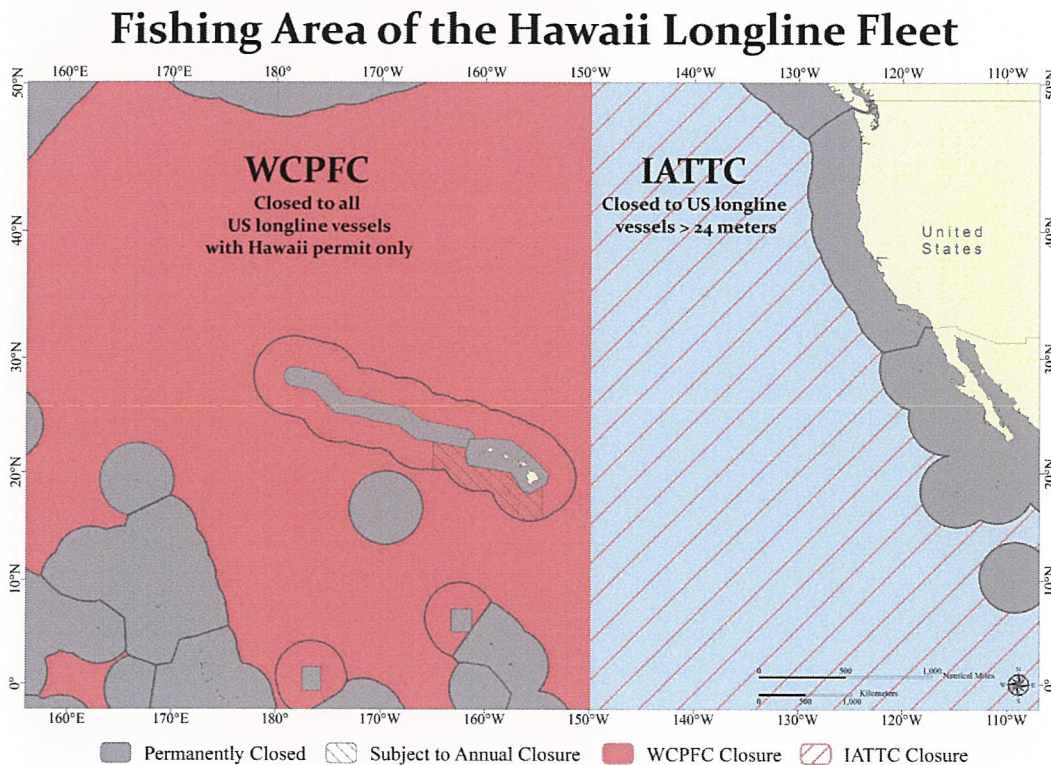
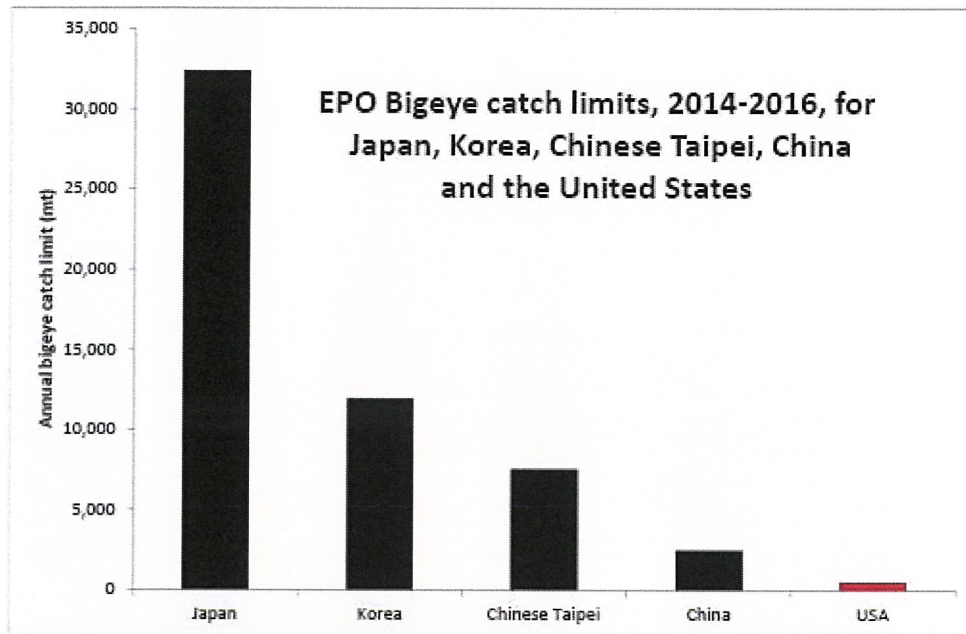
Hawaiian Islands: Existing and Proposed Large Marine Protected Areas



The Council and its Scientific and Statistical Committee of renowned US and international scientists have reviewed and assessed the claims expressed by the proponents for PMNM expansion and found them to be unfounded and without management and scientific justification or merit.⁹ The SSC concluded that designation of large-scale marine protected areas for conservation benefit should be based on science and developed with stakeholder input.

The US EEZ surrounding the NWHI outside of the current PMNM boundaries consists of open-ocean and deep-water benthic habitat. The management measures under the Council's current Fishery Ecosystem Plans (FEPs) sufficiently protect these habitats and the species that travel through them. Populations of all the species identified by the monument expansion proponents are increasing or stable, except perhaps the Hawaiian monk seal which has promising aspects for recovery based on the increasing main Hawaiian Islands population. Expanding the PMNM will not protect habitats and travel routes from the impacts of climate change, such as ocean warming or increased acidification. However, it will cause social, cultural and economic hardship to Hawaii and the nation by placing additional, unnecessary burden on local domestic fisheries, which are the most highly regulated and monitored fisheries in the Pacific and are subject to state, national and international management measures. The Hawaii deep-set longline fishery targets bigeye tuna. It accounts for less than 2 percent of the bigeye tuna catch in the Pacific, according to the Secretariat of the Pacific Community's 2014 tuna yearbook. The Hawaii fleet utilizes the US national quota in the Eastern and Western and Central Pacific Ocean, which is small compared to the quota of other nations. It is the most highly monitored and enforced, and the only fishery to be closed due to reaching the national quota. These local fisheries are being squeezed out of existence. For example, expanding the PMNM to the full extent of the EEZ around the NWHI would result in the Hawaii longline fishery having access to only 15 percent to 33 percent of the US EEZ surrounding the archipelago.





Closure in the Western and Central Pacific Ocean for the US (i.e., Hawaii) longline fleet only lasted from August to October 2015. Closure in the Eastern Pacific Ocean for the US (i.e., Hawaii) longline fleet for vessels greater than 24 meters lasted from August to December 2015.

III. Monument Expansion Would Result in Serious and Unnecessary Negative Social, Economic and Cultural Impacts

Expansion would have significant economic impacts to Hawaii longline participants and seafood consumers. The potential loss is approximately \$10 million annually in wholesale landed value from Hawaii longline fishery, translating in approximately \$30 million across Hawaii's retail seafood market. The Hawaii longline fishery supports thousands of direct and indirect jobs including vessel captains, crew, fish auction buyers, seafood wholesalers, fork lift drivers, delivery drivers, fish cutters, chefs and food servers.

Loss of fishing grounds to the Hawaii longline fishery is another example of federal overreach and redundancy, undermining the nation's primary fisheries legislation and an already comprehensively managed fishery.

Loss of these sustainable fisheries production from the Hawaii longline fleet would increase Hawaii and US

reliance on foreign, unregulated seafood sources; 60 percent of Hawaii seafood is from foreign imports. Hawaii has the highest per capita seafood consumption in United States. Seafood in Hawaii is culturally important including the consumption of fresh, raw fish.

The high seas are further being restricted to US fisheries through international management measures, leaving less area to operate sustainably in the future. Freedom of the high seas with regards to fishing is under threat, with recent calls to ban all high seas fishing. Closing the US EEZ to US fisheries would result in higher dependence on high seas fishing. Increased reliance on the uncertain high seas fishing grounds is contrary to US national security interest and Hawaii's long-term food security. Uncertainty in the local fish supply has a negative impact on the Hawaii seafood industry.

2014 Hawaii Food Crops (million \$, farmgate or dockside)

Food	\$ million	Food	\$ million
Commercial Wild Fish Landings	110.0	Bananas	11.8
Cattle	64.9	Papayas	11.3
Coffee	62.6	Milk	10.1
Sugarcane	54.3	Lettuce	7.6
Macadamia Nuts	35.7	Taro	1.9
Algae	33.0		

Note: 2014 is the most recent Hawaii Ag data set.

Note: Seed crops ranked No.1 at \$158.8 million in 2014.

Source: USDA Natl Ag Stat Serv 2016, Draft Pelagic Fisheries 2015 Annual Report, WPRFMC and WPacFIN

Port of Honolulu (2014)



32nd in the US
in landed
fish volume.
(29 mill lb)

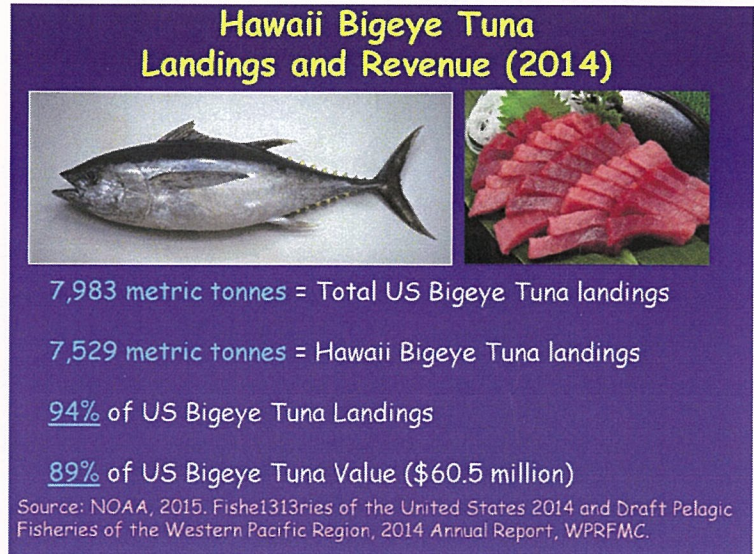
7th in the US
in landed
fish value.
(\$ 110 mill)

Source: NOAA 2015. Fisheries of the United States in 2014. Draft Pelagic Fisheries 2015 Annual Report, WPRFMC and WPacFIN

*"We do more
with less"* ¹²

The Longline Fishery Today

- The current number of active vessels operating in fleet is 140
- 99 percent of active vessels are based out of Honolulu Harbor and sell their fish fresh to the United Fishing Agency, which is one of the Nation's last remaining fish auctions
- 80 percent of the fisheries landings is consumed in Hawaii, 20 percent is shipped to the US mainland, less than 2 percent is exported to foreign markets
- The fishery is comprised of vessels that target bigeye tuna and vessels that target swordfish
- The fishery supplies 90 percent of the US produced fresh bigeye tuna and around 60 percent of the US produced swordfish
- Annual revenue of the fishery is approximately \$110 million, resulting in Honolulu Harbor consistently ranking in the top 10 of US ports in terms of fishery value
- Fishing trips last 15 to 18 days within the Hawaii EEZ and adjacent high seas. No fishing occurs in the waters of any other nation; the fishery is totally reliant on portions of the US EEZ and the adjacent high seas



Importance of the US EEZ around the NWHI to the Hawaii Longline Fishery

- From 2010 to 2015, approximately 8 percent of the fishery's annual catch on deep-set trips was from the US EEZ around the NWHI
- From 2010 to 2015, approximately 12.8 percent of the fishery's annual catch on shallow-set trips was from the US EEZ around the NWHI
- The value of the fish harvested in the US EEZ around the NWHI is approximately \$10 million annually in landed value
- This translates to approximately \$30 million alone to Hawaii's retail seafood markets
- The Hawaii longline fishery supports thousands of direct and indirect jobs including vessel captains, crew, fish auction buyers, seafood wholesalers, fork lift drivers, delivery drivers, fish cutters, chefs, and food servers

Management Regime for Hawaii Small Boat Fishery

- The proposed expansion would subsume areas of water currently outside the monument and important fishing grounds to the people of Kauai and Oahu

- These areas produce about 1 million pounds of tunas, billfish, bottomfish, small pelagics and reef fish worth between \$3 million to \$5 million annually
- The proposed expansion would also include Middle Bank, an important bottomfish fishing area, which produces high quality fresh bottomfish for the Hawaii seafood market worth \$80,000 to \$160,000 annually.

Federal fisheries provide scientists and managers with a long time-series of fishery dependent and independent data about the pelagic ecosystem and marine species in the offshore NWHI waters. Data provided by observers (20 percent of tuna longline trips and 100 percent of swordfish longline trips) are more comprehensive than can be collected by scientists on a research cruise. Important research on marine species and ecosystem is lost when fisheries are closed.

Top 10 Recreational Fishing States

State	Recreational Fish Catch per capita (lb)
Hawaii	8.4
Louisiana	7.9
Rhode Island	3.0
New Hampshire	2.3
Alabama	2.3
Florida	2.1
Massachusetts	1.8
Mississippi	1.7
New Jersey	1.5
North Carolina	1.4

Source: Fisheries of the United States 2014 and US Census 2014.

IV. Existing Measures Adequately Protect Habitat and Travel Routes of the Species in the US EEZ Waters around the NWHI Identified in the Expansion Request

Habitat and travel routes of Hawaiian monk seals, green sea turtles, sharks, whales, and black-footed and Laysan albatross in the offshore NWHI waters are already protected under several layers of state, national and international measures. Activities that occur in this area are limited to fishing, ocean transportation, military and research. Military, ocean transportation and research activities are permitted in the PMNM and would presumably continue in the NWHI offshore waters even if the monument boundaries were expanded.

The only affected activity would be fishing, an activity that is already highly monitored and regulated under the Pacific Pelagic and Hawaii Archipelago Fishery Ecosystem Plans (FEPs) developed by the Western Pacific Regional Fishery Management Council, approved by the Secretary of Commerce, implemented by the National Marine Fisheries Service (NMFS) and enforced by the US Coast Guard under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). These fishery conservation and management measures are consistent with the Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), Migratory Bird Treaty Act (MBTA), NEPA and other legislation. The management measures ban bottom trawling, drift gillnetting and other potentially harmful fishing methods; include refuges, moratoriums, limited entry programs, area-specific quotas, vessel size restrictions, reporting requirements; require mandatory vessel monitoring system, observer coverage, bycatch and protected species mitigation; and more. The Protected Species Zone established by the Council in 1991, prohibited longline fishing within 50 nm of those islands and atolls of the NWHI.

The Pelagic FEP includes provisions to mitigate seabird and sea turtle interactions in the Hawaii longline fishery, including hard caps for two sea turtle species. These mitigation measures have reduced interactions by 90 percent and have been adopted in part by the Western and Central Pacific Fisheries Commission and the Inter-American Tropical Tuna Commission. Shark finning is prohibited, and vessels have been prohibited from operating within 50 nm around the NWHI since 1991. Captains and crew attend annual mandatory workshop on protected species mitigation training. The fishery is limited to 164 permitted vessels and a maximum vessel size of 101 feet in length. Vessels must maintain daily logbooks and reporting. Mandatory satellite-based Vessel Monitoring Systems track all movement of vessels. Independent observers are placed on 20 percent of the trips targeting tuna and 100 percent of the trips targeting swordfish trips. Regulations also require the vessels and fishing gear to have identification marks. Hawaii longline vessels are prohibited from operating in waters from 0 to 50 or 75 nm (depending on location) around main Hawaiian Islands to protect small-scale troll and handline fisheries. All landings are monitored shore-side. The fishery is carefully managed and strictly monitored, resulting in what is believed to be the most environmentally responsible longline fishery in the Pacific. Under the criteria and standards of the United Nation's FAO Code of Conduct for Responsible Fisheries, the Hawaii longline fishery scored very highly (94 percent), reflecting the scope and effect of the current conservation and management program in place.

The Hawaii Archipelago FEP, in coordination with State of Hawaii regulations, protects coral reef species, habitat and ecosystems; deep-water precious coral species, habitat and ecosystem; commercially important crustacean species, habitat and ecosystems; and deep-water bottomfish snappers, jacks and grouper species, habitat and ecosystems. The Hawaii Archipelago FEP established a moratorium on the seamount groundfish complex at the Hancock Seamount in the NWHI and established the area as an Ecosystem Management Area. The Hancock Seamount armorhead was overfished by foreign fleets prior to the MSA and is the only federally managed stock that is overfished in the Western Pacific Region. Fisheries under the Hawaii FEP operate small vessels to troll, bottomfish, trap and engage in other fishing activities. They must comply with requirements for a State of Hawaii Commercial Marine License, federal non-commercial bottomfish permit, monthly reports (trip reports for bottomfish), annual catch limits, mandatory vessel markings, species minimum size restrictions, seasonal restrictions (crustaceans, reef fish), bag limits (crustaceans, reef fish, bottomfish), area restrictions and closures (harbors, Marine Life Conservation Districts, Bottomfish Restricted Fishing Areas, the PMNM), gear restrictions and specifications, and federal special use permit for potentially harvested coral reef taxa.

The Pelagic and Hawaii Archipelago FEPs identify essential fish habitat and habitat areas of particular concern. Modified versions of both FEPs are scheduled to be published in 2016 that will include enhanced ecosystem sections, including protected species and climate change.

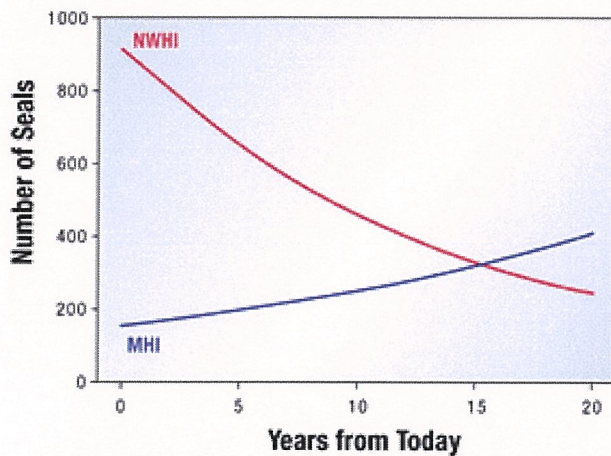
The MSA recognizes the social, cultural and economic importance of fishing to Native Hawaiians and supports traditional fishing and management practices and indigenous fishing communities through the Community Demonstration Project Program, Community Development Program, and Marine Education and Training Program.

A. Hawaiian Monk Seals

The Hawaiian monk seal is protected federally under the MMPA and ESA and is listed under the State of Hawaii's Endangered Species List. The Council in 1991 established the NWHI Protected

Species Zone (50 CFR 665.806) to mitigate longline interactions with monk seals. The boundaries of the Protected Species Zone are virtually identical to the current PMNM boundaries. Subsequently, no additional monk seal interactions with the fisheries operating in the NWHI offshore waters have been observed.

Hawaiian monk seals occur throughout the Hawaiian Islands, with their primary habitat located in the NWHI. The main pupping sites are located at Kure Atoll, the Midway Islands, Pearl and Hermes Reef, Lisianski Island, Laysan Island and French Frigate Shoals. Marine foraging habitat for monk seal typically range mostly within 500 meter depth and well within the existing PMNM monument.¹⁰ While the monk seal population in the NWHI has experience a long-term decline, the population is increasing in the main Hawaiian Islands.¹¹



Overall Hawaiian monk seal decline has been moderated by the increasing population of seals in the main Hawaiian Islands (MHI). Sightings in the MHI increased from 77 individually identifiable monk seals in 2005 to 153 in 2010. This increase is due in part to intrinsic population growth, and also to the increased monitoring effort identifying individual seals. Documented annual births in the MHI have increased since the mid-1990s, with 25 births reported in 2010. Source: NOAA Fisheries

Primary monk seal threats in the NWHI include derelict fishing gear originating outside of Hawaii and other marine debris, which likely also originate from various sources outside of Hawaii. The National Marine Fisheries Service (NMFS) with partner agencies is pursuing a program to mitigate entanglement.¹² According to NMFS, monk seal population decline in the NWHI appears to be due to “limited foraging success and food availability, which has been attributed to lowered ecosystem productivity and competition between seals and other top predators (sharks and jacks).”^{13, 14} The closure would exasperate the problem of sharks preying on juvenile seals. Expanded monument designation does not have the capacity to increase the productivity of the ecosystem, which is based on oceanographic and climate conditions. The priorities of the NMFS Five-Year Action Plan for the Hawaiian Monk Seal, published in January 2016, does not indicate a concern with habitat and travel zones in the offshore NWHI waters.¹⁵

B. Green Sea Turtles

Over ninety percent of the Hawaiian green sea turtles nest on French Frigate Shoals located within the existing PMNM boundary. The Hawaiian green sea turtle population has shown a remarkable rebound since commercial harvest was prohibited by the State of Hawaii in 1974 and listed under the ESA as a threatened species in 1978. The population has increased despite identified threats such as fibropapillomatosis (a tumor-causing disease), demonstrating the strength and resilience of this population. The Hawaii green turtle population was determined in 2012 to be of “Least Concern” under the IUCN Red List, and continues to be protected as threatened under the ESA.

Hawaii green sea turtles are nearshore foragers and rarely interact with the Hawaii-based longline fishery. The Hawaii-based longline fishery has adopted sea turtle bycatch mitigation measures including large circle hooks and mackerel-type fish bait, and as a result this fishery's impacts to all sea turtle species are considered negligible as evaluated by NMFS.^{16, 17}

Throughout its range of operation, the Hawaii shallow-set longline fishery, which has 100 percent observer coverage, has on average less than one green sea turtle interaction annually with all turtles released alive following strict handling procedures. Throughout its range of operation, the Hawaii deep-set longline fishery, which has 20

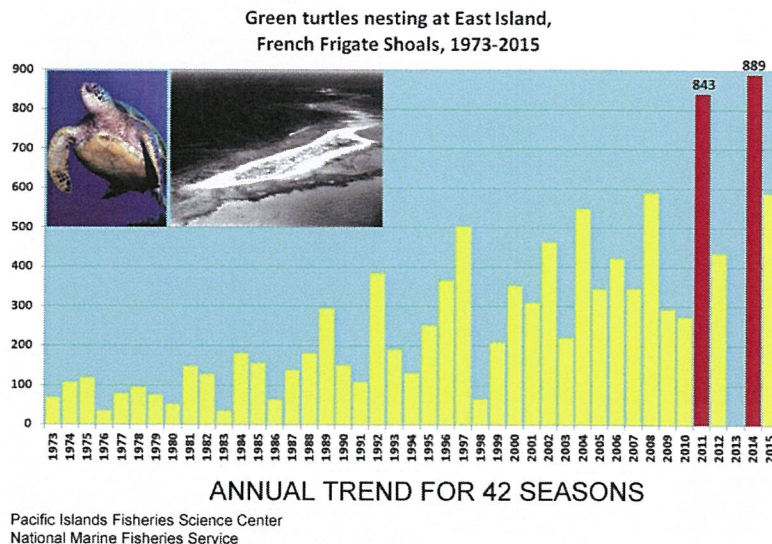
percent observer coverage, has on average less than five estimated green sea turtle interactions annually, with all observed interactions since 2002 observed outside of the US EEZ around the NWHI. Moreover, only one in five green sea turtles interacting with the deep-set longline fishery is from the Hawaii population, and thus the actual impact is less than one Hawaii green sea turtle per year. Based on the Hawaii green sea turtle nesting beach counts, the total population of the Hawaiian green sea turtle can be estimated conservatively at 400,000 individuals. In other words, the Hawaii longline fishery impacts about 0.00025 percent of the population.

Very few other threats exist for this population between 50 and 200 nm given that the green turtles spend most of their time in nearshore waters.

C. Sharks

The Council under the Pelagic FEP manages oceanic sharks in the NWHI offshore waters. The United States is a member of the Western and Central Pacific Fisheries Commission (WCPFC), which also has conservation and management provisions for oceanic sharks. Sharks are additionally protected by the Shark Finning Prohibition Act, signed into law by President Clinton on December 21, 2000, and the Shark Conservation Act of 2010 (SCA) (H.R. 81, S. 850) signed into law by President Barack Obama on January 4, 2011.

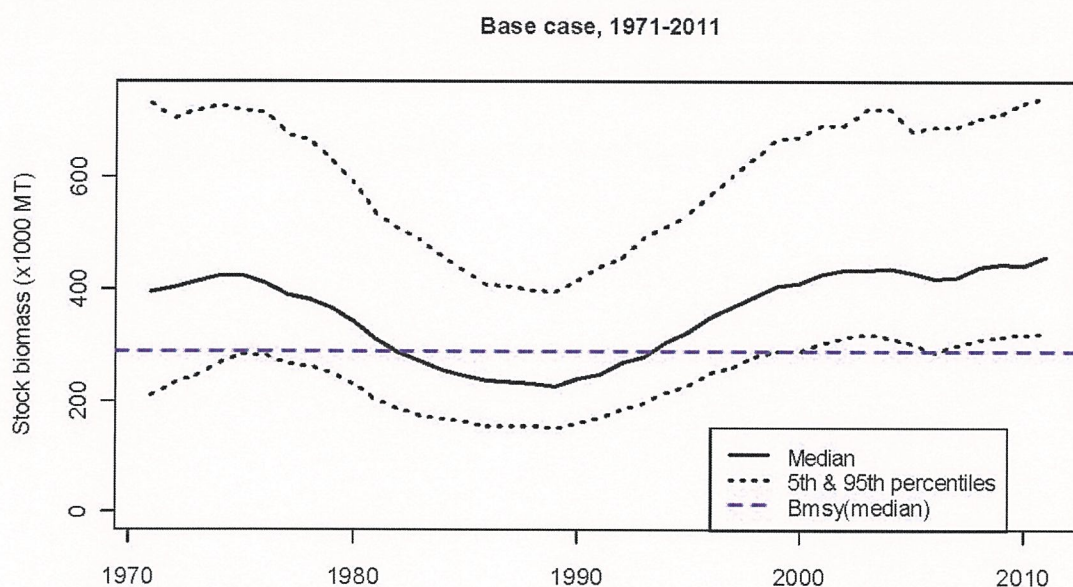
Ninety-six percent of the sharks caught by the Hawaii longline fishery throughout its range of operation are released alive. Eighty-five percent of these sharks are composed of blue sharks. The North Pacific blue shark is not overfished and overfishing is not occurring, according to the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean.¹⁸ The remaining 15 percent are bigeye threshers, ocean white tips, shortfin mako, silky and crocodile sharks. These are highly migratory pelagic sharks that do not show site fidelity to the NWHI. Of these, only bigeye threshers and shortfin mako are retained by the Hawaii longline



Green turtle nesting trend at East Island, FFS, 1973-2015 (no estimate is available for 2013). Nesting at East Island represents approximately half of nesting activity at FFS. Green turtle nesting naturally exhibit variability between years as females do not nest every year.

fishery. Total shark landings by the Hawaii longline fishery throughout its range of operation is 250,000 pounds a year.

Top predators play an important role in ecosystems by influencing prey behavior. In the PNMN, this role is filled by sharks (primarily tiger sharks, galapagos sharks, grey reef sharks and whitetip reef sharks) and large fishes (primarily giant trevally).¹⁹ Research on these species shows tiger sharks as being the most wide-ranging top reef predator in PMNM waters, routinely swimming hundreds of kilometers along the Hawaii Archipelago and into the open ocean. Grey reef and Galapagos sharks occasionally cross the open ocean between islands but are generally resident at a single island. None of these sharks are listed as threatened or endangered. On the other hand, Galapagos sharks have been identified as a major threat to endangered Hawaiian monk seals, attacking and killing pups at French Frigate Shoals.²⁰ Tiger sharks feed heavily on fledging albatross at East Island in the NWHI during late spring and early summer.²¹



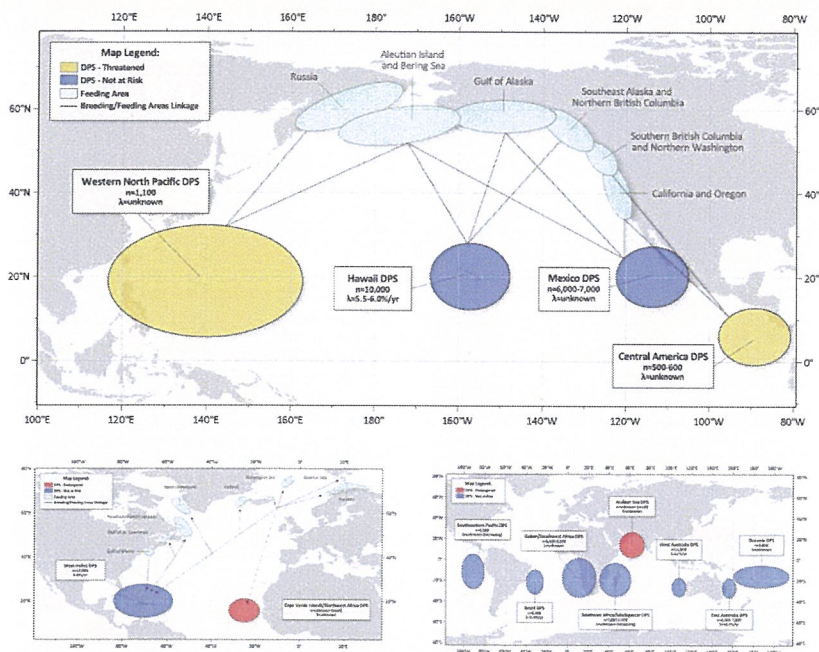
Median and 90% confidence intervals for the estimated historical stock dynamics of north Pacific blue shark (*Prionace glauca*). Source: International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean.

D. Whales

In the past decade, humpback whales have been found in the NWHI during the winter breeding season.²² While the full extent of humpback whale habitat utilization in NWHI is unknown, humpback whales are found in coastal areas (mainly in waters less than 200 meters deep) during breeding season. The North Pacific population of humpback whales has exhibited recovery since the cessation of commercial whaling, increasing over tenfold from approximately 1,200 to 1,400 individuals in 1966 to approximately 21,000 by 2006.²³ Consequently, NOAA Fisheries in 2015 proposed removing the Hawaii population of humpback whales from the ESA.²⁴ The final rule is expected to be published in April 2016. The humpback whale will continue to be protected under the Marine Mammal Protection Act (MMPA) and by the Hawaiian Islands Humpback Whale National Marine Sanctuary.

Humpback Whale DPSs in the North Pacific

Humpback Whales



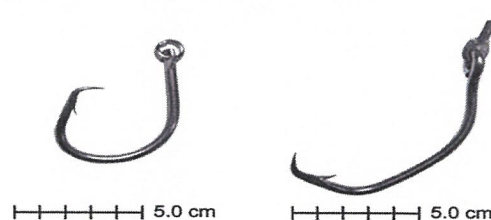
Humpback whale distinct population segments and proposed statuses

DISTINCT POPULATION SEGMENT	PROPOSED STATUS
West Indies	Not warranted
Cape Verde Islands/Northwest Africa	Endangered
Western North Pacific	Threatened
Hawaii	Not warranted
Mexico	Not warranted
Central America	Threatened
Brazil	Not warranted
Gabon/Southwest Africa	Not warranted
Southeast Africa/Madagascar	Not warranted
West Australia	Not warranted
East Australia	Not warranted
Oceania	Not warranted
Southeastern Pacific	Not warranted
Arabian Sea	Endangered



Listing of the humpback whale distinct population segment in Hawaii under the ESA is “not warranted.” Source: Barlow J et al. ²⁵ Barlow, J. Humpback whale abundance in the North Pacific.

False killer whales, which are a large dolphin, have also been found in the EEZ around the NWHI. Interactions between the species and Hawaii fishing vessels are considered a rare event, and there have been no observed interactions with the nearshore populations of false killer whales in the NWHI as this population’s distribution is mostly contained within the existing PMNM boundary. A False Killer Whale Take Reduction Team (FKWTRT) was established in 2009 pursuant to the MMPA to reduce interactions between the offshore pelagic population and the Hawaii longline fishery. Regulations resulting from the FKWTRT process are in place that closes 130,000 square nm of the US EEZ south of the main Hawaiian Islands and NWHI if the Hawaii longline fishery interacts with two individuals from false killer whales pelagic population. The fishery is also required to use weak hooks that straighten when taken by a false killer whale. These measures further eliminate potential interactions of NWHI populations.



Gear modification include “weak” circle hooks with wire diameter <4.5mm

E. Black-Footed and Laysan Albatross

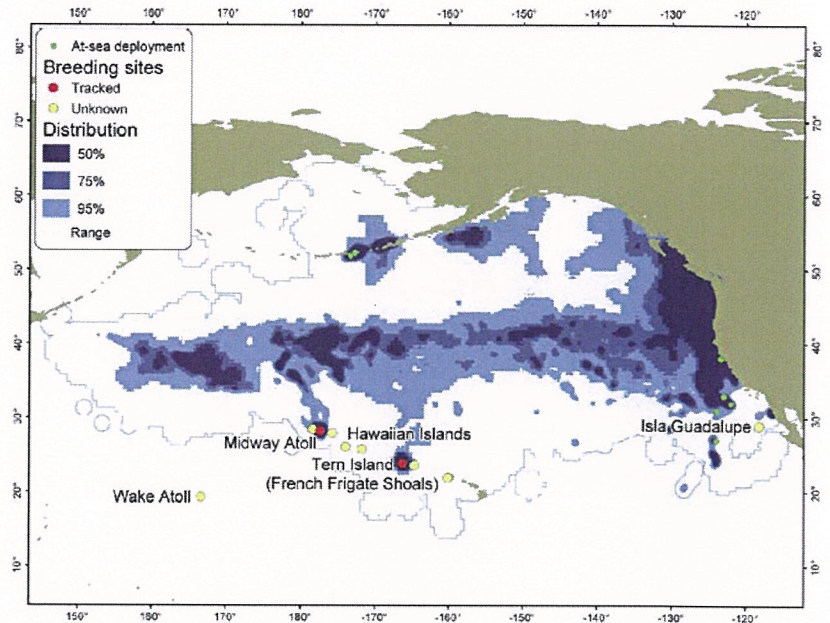
The breeding and foraging ranges of black-footed and Laysan albatrosses encompass most of the North Pacific Ocean. ^{26, 27} Their distribution extends well beyond the US EEZ. Adding another 150 nm to the PMNM boundary would do little to further protect this species, especially given

that bycatch mitigation measures are in place for the Hawaii longline fishery. In addition, interaction rates within the Hawaii longline fishery are the same within the EEZ around the NWHI and outside the EEZ, meaning the same level of sustainable, mitigated impacts to seabird would occur even if the monument were to expand.

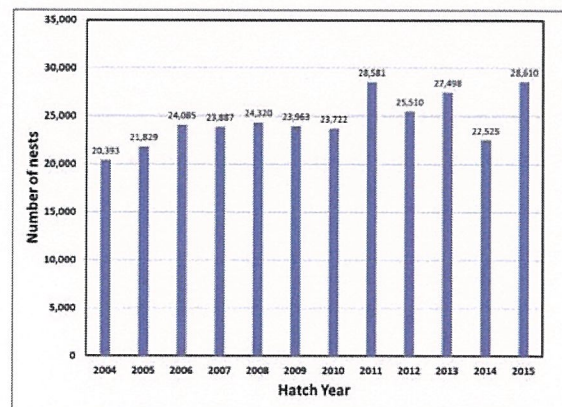
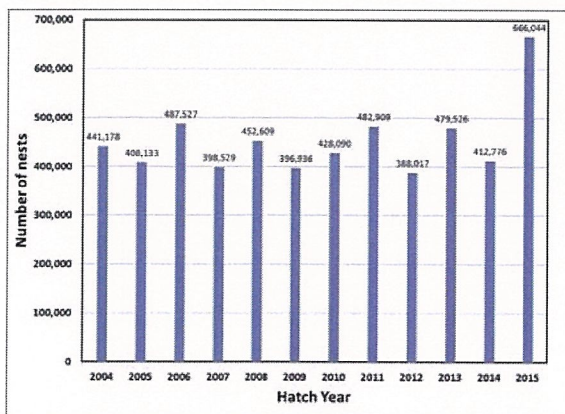
US protections include the Migratory Bird Treaty Act, Bird of Conservation Concern and the US National Plan of Action for Reducing the Incidental Catch of Seabirds in Longline fisheries. Internationally, these albatross are protected under eight conservation plans, including the Agreement on the Conservation of Albatrosses and Petrels and the Conservation Action Plan for Black-Footed Albatross and Laysan Albatross.

The Council has established seabird mitigation requirements that have significantly reduced interactions between albatross and the Hawaii-based longline fishery by more than 90 percent. Methods include side-setting, night-setting, blue-dyed bait and strategic discard of offal. Boat owners and captains are also required to attend protected species workshops, where they learn to release birds with the least amount of harm.

Black-footed and Laysan albatross nests in the NWHI are overall stable or increasing. In 2015, Midway Atoll experienced a record nesting year for both populations.²⁸



Satellite-tracking data of breeding adult black-footed albatross. Map based on data contributed to BirdLife Global Procellariiform Tracking Database by: S. Shaffer, M. Kappes, Y. Tremblay, D. Costa, R. Henry, D. Croll (Univ. of Calif. Santa Cruz) and D. Anderson, J. Awkerman (Wake Forest Univ.).



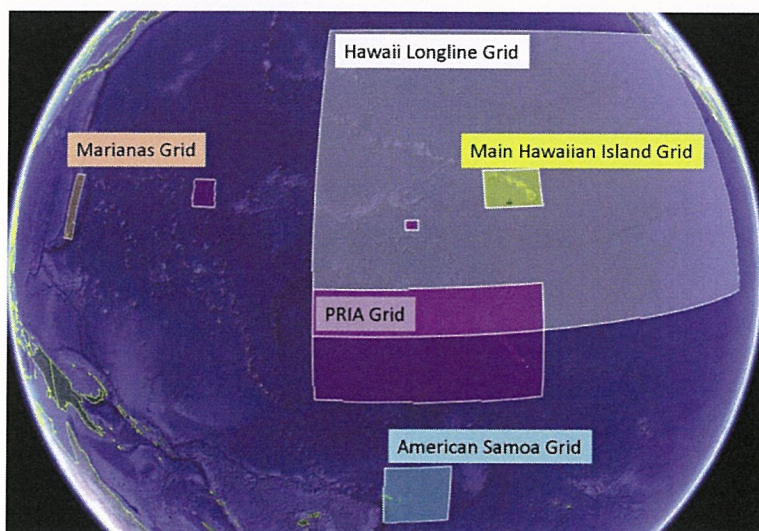
Left: Annual number of Laysan albatross nests at Midway Atoll National Wildlife Refuge (2004-2015). Right: Annual number of black-footed albatross nests at Midway Atoll National Wildlife Refuge (2004-2015). Source: US Fish and Wildlife Service-Pacific Region.

V. Monument Expansion Will Not Mitigate Climate Change Impacts

The request to expand the PMNM contends that “fully protected marine reserves and sanctuaries are more resilient to climate change.” While this might be true in some instances, it would not be the case for the open-ocean and deep-water benthic habitats 50 to 200 nm of the NWHI were the PMNM expanded to include them. These open-ocean and deep benthic areas are already provided protection and management by existing plans, regulations and programs. Expanding the PMNM would not increase the benefits to these areas and could diminish them. Existing fishery-dependent data and established scientific groups that analyze the area’s ecosystem may no longer be available. Traditional knowledge associated with generational fishing in this area would also be lost. Additionally, increasing the size of the PMNM would stretch already limited human assets and funding available to protect the resources within the existing PMNM boundaries.

According to the PMNM Climate Action Plan, the pelagic (open ocean) ecosystem has a high level of vulnerability to only one climate change variable, which is ocean acidification; the level of confidence of this assessment is medium (33 to 67 percent). Increased sea temperature and change in precipitation or weather are assessed as having a moderate impact, with a medium level of confidence. Sea-level rise, change in currents and change in storm tracks or intensity are all assessed as having a low level of vulnerability and also a low level of confidence in the qualitative assessment (33 percent or less). Submerged banks and seamounts are rated as having a relative high vulnerability to ocean acidification and change in currents, with a moderate level of confidence. Vulnerability to all other climate change variables is rated as low with a low level of confidence. The five goals and associated strategies of the PMNM Climate Action Plan (which is under review) are focused almost universally on terrestrial and near-shore species and ecosystems.²⁹

A significant portion of the PMNM Climate Action Plan relates to monitoring and modeling climate change indicators and impacts, partnering with other organizations and undertaking outreach and education. For the offshore NWHI waters, these activities are already being pursued by the Council through its Pelagic FEP and associated annual report. The climate change module of the 2015 report includes climate indicators for The Council’s Plan Team includes a climate change subgroup of NOAA scientists and consultants. The Council’s Committee on Marine Planning and Climate Change is comprised of climate experts from Hawaii and the US Pacific territories and commonwealth and were instrumental in crafting the Council’s Marine Planning and Climate Change Policy and Action Plan.



The Council’s 2015 annual report for the Pelagic FEP includes a climate change module that monitors indicators in the Hawaii longline grid, which includes the offshore waters of the NWHI.

**Summary of Pelagic Climate and Ocean Indicators
in the 2015 Annual Report of the Pacific Pelagic Fishery Ecosystem Plan³⁰**

Indicator	Definition and Rationale	Indicator Status
Atmospheric Concentration of Carbon Dioxide (CO ₂)	Atmospheric concentration CO ₂ at Mauna Loa Observatory. Increasing atmospheric CO ₂ is a primary measure of anthropogenic climate change.	Trend: increasing exponentially 2015: time series maximum 400.83 ppm
Oceanic pH	Ocean surface pH at Station ALOHA. Ocean pH provides a measure of ocean acidification. Increasing ocean acidification limits the ability of marine organisms to build shells and other hard structures.	Trend: pH is decreasing at a rate of 0.039 pH units per year, equivalent to 0.4% increase in acidity per year
Oceanic Niño Index (ONI)	Sea surface temperature anomaly from Niño 3.4 region (5°N - 5°S, 120° - 170°W). This index is used to determine the phase of the El Niño – Southern Oscillation (ENSO), which has implications across the region, affecting migratory patterns of key commercial fish stocks which in turn affect the location, safety, and costs of commercial fishing.	2015: Strong El Niño
Pacific Decadal Oscillation (PDO)	A measure of SST anomalies north of 20°. The PDO can be thought of as a long-lived, multi-decadal ENSO cycle and has well-documented fishery implications related to ocean temperature and productivity.	2015: Positive (warm) PDO
Tropical Cyclones	Measures of tropical cyclone occurrence, strength, and energy. Tropical cyclones have the potential to significantly impact fishing operations.	Eastern Pacific, 2015: 18 named storms, time series maximum 9 major hurricanes
		Central Pacific, 2015: 14 named storms, time series maximum 5 major hurricanes
		Western Pacific, 2015: 27 named storms
Oligotrophic Area*	Area with ≤ 0.07 mg chlorophyll-a per m ³ . A measure of the size of the region's least productive waters, projected to expand as a result of climate change	2015: VIIRS sensor maximum 18 million km ²
Sea Surface Temperature* (SST)	Satellite remotely-sensed sea surface temperature. SST is projected to rise, and impacts phenomena ranging from winds to fish distribution.	Trend: increasing at a rate of 0.01°C per year 2015: 2 nd warmest year in time series, 22.91°C
Ocean Color*	Satellite remotely-sensed ocean color. A measure of ocean productivity.	2015: VIIRS sensor minimum 0.12 mg chl-a m ⁻³
North Pacific Subtropical Frontal Zone (STF) & Transition Zone Chlorophyll Front (TZCF)	The STF is marked by the 18°C isotherm, the TZCF by the 0.2 mg chl-a m ⁻³ isopleth. These fronts are target by swordfish fishery.	STF, 2015: farther north than average TZCF, 2015: farther south than average west of 150°W, farther north east of 150°W
Fish Community Size Structure**	Fish lengths as recorded by longline observers. Fish size is impacted by a number of factors, including climate.	Full Fishery: median fish length declined by 1.9 cm per year over 2007 – 2013
		Bigeye Tuna: no trend in median fish length
		Swordfish: no trend in median fish length

VI. Expanding the PMNM will result in another unfunded mandate for NOAA and other government agencies.

The US Coast Guard and NOAA Office of Law Enforcement patrol the US EEZ around the NWHI with limited resources. It is unlikely that expanding the PMNM will provide more enforcement assets for the US Coast Guard and NOAA. The Obama administration argued that the success of the PRIMNM depended upon increased enforcement, which has not been realized.

Additionally, the existing four marine national monuments in the US Pacific Islands have continuing funding and governance issues. A promised visitor center, management plan and millions in new visitor revenue have not materialized for the Marianas Trench MNM even after 10 years. The Rose Atoll MNM has one staff person, who is the superintendent of the Rose Atoll National Wildlife Refuge.

Native Hawaiians complain they do not have the governance role they desire in the PMNM. The role of the local governments in the Marianas Trench and Rose Atoll MNMs is limited and advisory. The Marianas Trench MNM Advisory Council has not met since April 2014, and there is no staff for the monument. The federal government has not given the CNMI authority over waters 0 to 3 miles of its three most northern islands because it has not yet developed a monument management plan. The governance issue is problematic throughout the entire marine national monument, and fixing the Hawaiian issue by expanding the PMNM will not address this systemic problem.

There has been a suggestion that expansion of the PMNM could provide opportunities to enhance the role of the Office of Hawaiian Affairs in the governance of the PMNM and to secure financial commitments from environmental groups, philanthropic organization and individuals to finance needed research, conservation and management as the “current fiscal climate ... limits the availability of federal funding.”^{31, 32}

Where is the guarantee that these private funds will indeed materialize? When the Marianas Trench MNM was being proposed, The Pew Charitable Trusts’ Ocean Legacy Program funded a study on the economic impact of the proposed monument. The Pew study estimated increased visits by research scientists and high-end tourists. It also said “NGO and federal funds will be attracted to ‘piggyback’ on the monument designation, particularly in the areas of environmental education and discovery.” It estimated that the monument would bring in \$14,565,800 in revenue and \$4,823,786 in tax revenue and generate 378 jobs.³³ None of this has materialized.

Summary of Benefits

Category	Direct Spending	Total Sales	Tax Revenues	Total Jobs
Annual Federal Funding	\$ 1,670,000	\$ 2,237,800	\$ 843,478	25
Increase in Tourism (2%)	\$ 5,200,000	\$ 6,968,000	\$1,960,000	174
Research and High-end Tourism	\$ 4,000,000	\$ 5,360,000	\$2,020,308	179
Totals (with 2% visitor growth)	\$10,870,000	\$14,565,800	\$4,823,786	378

The Pew Charitable Trusts study erroneously suggested that monument designation would provide economic benefits to the CNMI. Source: Iverson T. “Economic Impact of a proposed Mariana Trench Marine National Monument.”

The suggestion that industry, environmental organizations and philanthropic foundations would fund management of an expanded monument is contrary to statements made by the National Park Service (NPS), when it was closed due to federal budget issues. When some states began stepping in to keep the national parks open, the NPS said others should not pay for federal responsibilities.³⁴ Christina Golfuss, then NPS deputy director for Congressional and External Relations, said “Furthermore, we are concerned that agreements to have states provide funding for activities that are inherently Federal in nature, even for a short period of time, would undermine the longstanding framework established by Congress for the management of federal lands under the stewardship of the Department.” This should be the case with marine national monuments as well. Relying on environmental groups, philanthropic organization and individuals to pay for federal responsibilities would compromise these activities and make the government increasing reliant upon them.

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