WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

# Overview of Marine National Monuments in the US Pacific Islands[1]

(i) **The requirements and original objectives of the Act, including the Act's requirement that reservations of land not exceed "the smallest area compatible with the proper care and management of the objects to be protected"**

- The four Pacific Islands MNMs encompass an area of 760 million acres and account for 98 percent of the monument area under review (Table 1). The largest of these four monuments is the Papahanaumokuakea MNM, which has a total size of 373 million acres or greater than twice the size of Texas.
- Additionally, the marine national monuments are 6.6 miles deep in the case of the Marianas Trench MNM and average of 3 miles deep in the case of the expanded NWHI monument.
- The fishing gear used by US vessels now banned from operating in the area reach to a maximum depth of 400 meters, and do not even cast a shadow on the bottom where these resources of historic and scientific interest are sparsely scattered.

**Table 1. Size of the Marine National Monuments in the U.S. Pacific Islands.**

| **Marine National Monument** (Proclamation No.) | **Monument Size** | |
|---|---|---|
| | **Size in Acres** | **Size in Square Miles** |
| **Papahanaumokuakea MNM Total** | **372,847,360 acres** | **582,574 square miles** |
| Papahanaumokuakea Original (Proclamation 8031) | 89,467,520 acres | 139,793 square miles |
| Papahanaumokuakea Expansion (Proclamation 9478) | 283,379,840 acres | 442,781 square miles |
| **Pacific Remote Islands MNM Total** | **316,920,929 acres** | **495,189 square miles** |
| Pacific Remote Islands Original (Proclamation 8336) | 55,608,320 acres | 86,888 square miles |
| Pacific Remote Islands Expansion (Proclamation 9173) | 261,312,609 acres | 408,301 square miles |
| **Marianas Trench MNM** (Proclamation 8335) | **60,938,240 acres** | **95,216 square miles** |
| **Rose Atoll MNM** (Proclamation 8337) | **8,608,640 acres** | **13,451 square miles** |
| **All Marine Monuments in US Pacific Islands in Acres** | **759,315,169 acres** | |

[1] Categories contained herein are within context of the April 26, 2017, Executive Order on the Review of Designations Under the Antiquities Act

**Papahanaumokuakea MNM**

- The immense area of the monument is not consistent with the Antiquities Act with regards to the smallest area compatible. Coral reef ecosystem conservation does not require closure of such a large amount of water. Seamounts and deep-sea benthic communities are sparsely scattered within the monument area as are sunken WWII wrecks. The area of protection does not match the location resources contained therein.

**Pacific Remote Islands MNM**

- The immense area of the monument is not consistent with the Antiquities Act with regards to the smallest area compatible. Coral reef ecosystem conservation does not require closure of such a large amount of water. The monument will have no discernable effects on protection of highly migratory species such as tuna.

**Rose Atoll MNM**

- Rose Atoll coral reef ecosystem is a small area. A 50 nm monument area is actually a 100 nm wide closure that is unnecessary for the protection of Rose Atoll and not consistent with the Antiquities Act.

**Marianas Trench MNM**

- The 50 nm monument area around the Islands Unit is not necessary for coral reef conservation and not consistent with the smallest area compatible under the Antiquities Act. The Volcanic Unit does discretely protect certain seamounts and vents and could be used as a model for other monuments with respect to the smallest area compatible.

**(ii) Whether designated lands are appropriately classified under the Act as "historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest"**

**Papahanaumokuakea MNM**

- Classifying over 580,000 square miles of ocean as historic or of scientific interest is an abuse of the Antiquities Act. There are historic shipwrecks within the PMNM which could be appropriately classified, but the current size of the monument does not match the size needed to protect such historic objects.
- The emergent land areas of the NWHI contain historic landmarks and prehistoric structures and are already protected under a suite of federal and state laws.

**Pacific Remote Islands MNM**

- Classifying over 490,000 square miles of ocean as historic or of scientific interest is an abuse of the Antiquities Act.
- These marine monument areas are already studied and protected by other regulations and marine protected area designations through the Magnuson-Stevens Act, US Wildlife Refuges, etc.
- There is little justification to close off the entire US EEZ with regards to scientific interest with respect to highly mobile species. Moreover, there are not scientific

studies being conducted that tag highly mobile animals within the monument to understand movement and connectivity.

**Rose Atoll MNM**

- Rose Atoll coral reef ecosystem has scientific interest, but the size of the monument is not needed to support scientific study or coral reef conservation. The emergent land and lagoon area is already designated as National Wildlife Refuge.

**Marianas Trench MNM**

- The designation of the Trench Unit which covers the bottom substrate of the Marianas Trench within the EEZ does have scientific interest, as does the discrete areas designated in the Volcanic Unit. The 50 nm area around the Islands Unit does not contain the same level of scientific interest and does not match the area needed for adequate protection of the coral reef ecosystem.

**(iii) The effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C. 1701(a)(7), as well as the effects on the available uses of Federal lands beyond the monument boundaries**

- Collectively, the marine monuments prohibit commercial fishing in 51 percent of the US exclusive economic in the US Pacific Islands.

**Papahanaumokuakea MNM**

- After the expansion, 61% of the US EEZ around the Hawaii Archipelago is closed to commercial fishing. This forces fishing into a smaller amount of fishing grounds around the more inhabited Main Hawaiian Islands or onto the high seas where Hawaii longline vessels compete with foreign fleets. As evaluated by NMFS Pacific Islands Fishery Science Center, the loss of fishing grounds in the expansion area could result in loss of fish production valued at $8 million annually and an annual loss of $9 million to support business, $4.2 million in household income, $500,000 in state tax revenue, and more than 100 jobs if catches are not made up elsewhere. Impacts to Hawaii longline vessels are disproportionate to individual vessels that are smaller and unable to travel far distances safely.

**Pacific Remote Islands MNM**

- This monument closed fishing grounds to US purse seine vessels that historically delivered tuna local canneries in American Samoa. One of American Samoa's two canneries ceased operations in December 2016 as a result of the reduced supply of US caught tuna. Expansion of the monument also closed all US waters to commercial fishing around Johnston Island, which at times represented around 15% of fishing effort by the Hawaii longline fishery.

**Rose Atoll MNM**

- The Rose Atoll MNM permanently puts off limits valuable fishing grounds to the American Samoa longline fishery. Since 2013, this fishery has been on the verge of economic collapse.

**Marianas Trench MMM**

- The Marianas Trench MNM affects a domestic bottomfish fishery that supplied local and export markets. The 50 nm closure around the Islands Unit prohibits commercial fishing, which in the past occurred sustainably by bottomfishing vessels operating out of Saipan. There is substantial tourism-based economic development occurring in Saipan currently and whereby local fishermen could benefit from delivering sustainably-caught bottomfish to local markets.

**(iv) The effects of designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries**

- Displaces fishing effort into smaller areas of the US EEZ, concentrating fishing effort into what is left of the EEZ and increasing gear conflict with smaller fishing vessels, including recreational vessels.
- Displaces US fishing effort into the high seas, increasing safety risks and the costs of operation (e.g., fuel, ice, time); and forcing US fishermen to compete with foreign fishing fleets whose fuel costs are in some cases subsidized, e.g., China.

**(v) Concerns of state, tribal and local governments affected by a designation, including the economic development and fiscal condition of affected States, tribes and localities**

- All of the monuments were controversial. Past and present Governors, legislators, Congressional delegates, scientists, indigenous organizations and individuals, as well as fishermen opposed the marine monuments in the US Pacific Islands.

**Papahanaumokuakea MNM**

- Hawaii Governors voiced support for 2006 and 2016 designations, while several locally elected officials voiced concern and opposition. Support and opposition from Native Hawaiian organizations occurred with both designations.

**Pacific Remote Islands MNM**

- Support and opposition from Hawaii politicians and Native Hawaiian organizations for both designations.

**Rose Atoll MNM**

- Support was provided by Governor at time of designation. Existing Governor supports removal of the monument fishing provisions. Majority of American Samoa chiefs and other leaders support removal.

**Marianas Trench MNM**

- Governors of Guam and CNMI did not support the designation. Congresswoman Bordallo did not support designation at time. Current Governors support removal of monument fishing provisions. Significant local opposition during the designation period.

**(vi) Availability of Federal Resources to Properly Manage Designated Areas**

- USCG 14th District has had no funding increases for decades for monitoring and enforcement. USCG patrols the monument areas only as resources permit, typically once quarterly.
- Significant amounts of management duplication exist with monument designations. Administrative overlap between DOI, DOC, and local governments and regulatory duplication between several authorities including MSA, ESA, MMPA, MBTA, NEPA, OCSA, CWA, etc.

**(vii) Other Factors**

- Fishery regulations implemented under the Magnuson-Stevens Fishery Conservation and Management Act (MSA, see attached maps) are still in the US Code of Federal Regulations and can again be used to sustainably manage the fisheries and ensure conservation and management of protected species, habitat and ecosystems.
- The MSA fishery regulations are science-based and were developed through a transparent process of public participation per the MSA and the National Environmental Policy Act. There is no requirement that monument designations be based on the best available science as opposed to regulations developed under the MSA.
- US imports 91 percent of its seafood, and the US fisheries being impacted by the marine monuments, i.e., the Hawaii-based longline fleet, provides the United States with 80 percent of its domestic bigeye tuna, 50 percent of its domestic yellowfin and 50 percent of its domestic swordfish[2].
- Fishing is Hawaii's #1 agriculture product with a landed value of $110 million. It provides 50 percent of the seafood consumed in Hawaii.
- Eighty percent of the Hawaii longline catch remains in Hawaii; 20 percent is sent to the US mainland; less than 2 percent is exported to foreign markets[3].
- In American Samoa, 52 percent of the gross domestic product and the majority of the private-sector employment are fisheries-related.
- Unnecessary and burdensome constraints to the fishing industry cause US fishermen to want to leave this livelihood and hinder the new generation from joining it.
- There is no reason that sustainable fisheries cannot coexist with management measures that respond to climate change threats.
- There is a new international United Nations agreement being developed to protect high seas biodiversity will include high seas marine protected areas, which if implemented and combined with monuments, could leave no room for US fishing vessels to operate efficiently in the Western and Central Pacific. US commercial fishing vessels targeting tuna and other highly mobile species need access US waters to operate efficiently and free from foreign competition when the fish are present in the US EEZ.

[2] NMFS. 2015 Fisheries of the United States.
[3] Loke M et al. Seafood Consumption and Supply Sources in Hawaii, 2000-2009. Marine Fisheries Review 74(4):47.