

COLUMN

Peter Apo: Obama Should Say No To Expanded Marine Monument

Marine conservation is being used to justify a new wave of foreign intervention across the Pacific.

JUNE 24, 2016 · By Peter Apo

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President Obama is considering a request to more than quadruple the size of the Papahānaumokuākea Marine National Monument in the Northwestern Hawaiian Islands to 580,000 square miles – an area as large as the states of Texas, California and Montana.

If Obama takes this step, the federal government essentially would assert control over hundreds of thousands of miles of ocean around Hawaii with no public discussion.

According to the Antiquities Act of 1906, the trigger to designate an area as a national monument is simply the president's signature. No discussion required — not by Congress, not by state government and not by citizens who rely on the targeted geo-cultural area.

Correction: The first version of this report included an earlier map of the proposed expansion.

 Here is a map of Sen. Brian Schatz' Papahānaumokuākea expansion proposal.

Here is a map of the latest Papahānaumokuākea expansion proposal.

What's The Antiquities Act?

The original intent of the Antiquities Act was to give the president the authority to quickly

protect certain Native American archeological sites, structures and artifacts from looting, by declaring an area within designated boundaries to be a national monument. Such a declaration gives the president authority to impose a wide range of federal restrictions on access to the area and its resources.

The act served an important purpose in the 1900s. But since then, a whole body of congressionally generated laws has evolved to protect and manage such areas and objects. These newer laws render the act antiquated when it is applied in some situations.

The historical record suggests that, over the years, the Antiquities Act and national monument designations have been abused by presidents from both parties to place arbitrary restrictions on land use, reduce economic opportunity and strictly limit access to such designated areas – all without input from Congress, the impacted states or the affected citizens.

I would note the difference between national monuments and national parks is that the latter require congressional approval.

I also note that while the act directs the president to limit the designation to the “smallest area compatible with proper care and management of what is to be protected,” presidents have used their own discretion in determining the size and levels of protection.

A subject that warrants mention here but requires more inquiry is how the Antiquities Act, seemingly intended for presidential proclamations of *land-based* national monument status, somehow got transferred to the ocean environment.

The Big Picture

The push to expand the Papahānaumokuākea Marine National Monument is part of a larger global strategy to bring millions of square miles of the world’s oceans under a common umbrella of environmental protective governance that would designate vast expanses as marine sanctuaries, monuments or conservation areas.

The intent of such a sweeping global objective seems noble, given global warming and the degradation of the ocean environment. No doubt we need to manage our ocean resources better. But the zealousness with which a loose global coalition of ultra-conservative scientists and marine environmentalists are pushing to create new marine conservation areas

is imposing draconian restrictions on human access to vast expanses of the ocean.

These restrictions work by installing a gatekeeper permit application process subject to a blanket of government regulations, some of which don't make sense.



The Hoei Maru, a Japanese whaling vessel, broke in half 40 years ago on the reef at Kure Atoll in Papahānaumokuākea Marine National Monument in the Northwestern Hawaiian Islands.

For instance, in Hawaii's Papahānaumokuākea National Marine Monument, Native Hawaiians can practice subsistence fishing. So Hawaiians, with a conditional permit, can access the area and fish – but they have to eat the fish before leaving the zone to go home.

To this writer, clearly the analysis of the ultra-conservative wing of marine conservation scientists and environmentalists is: The less human access, the better.

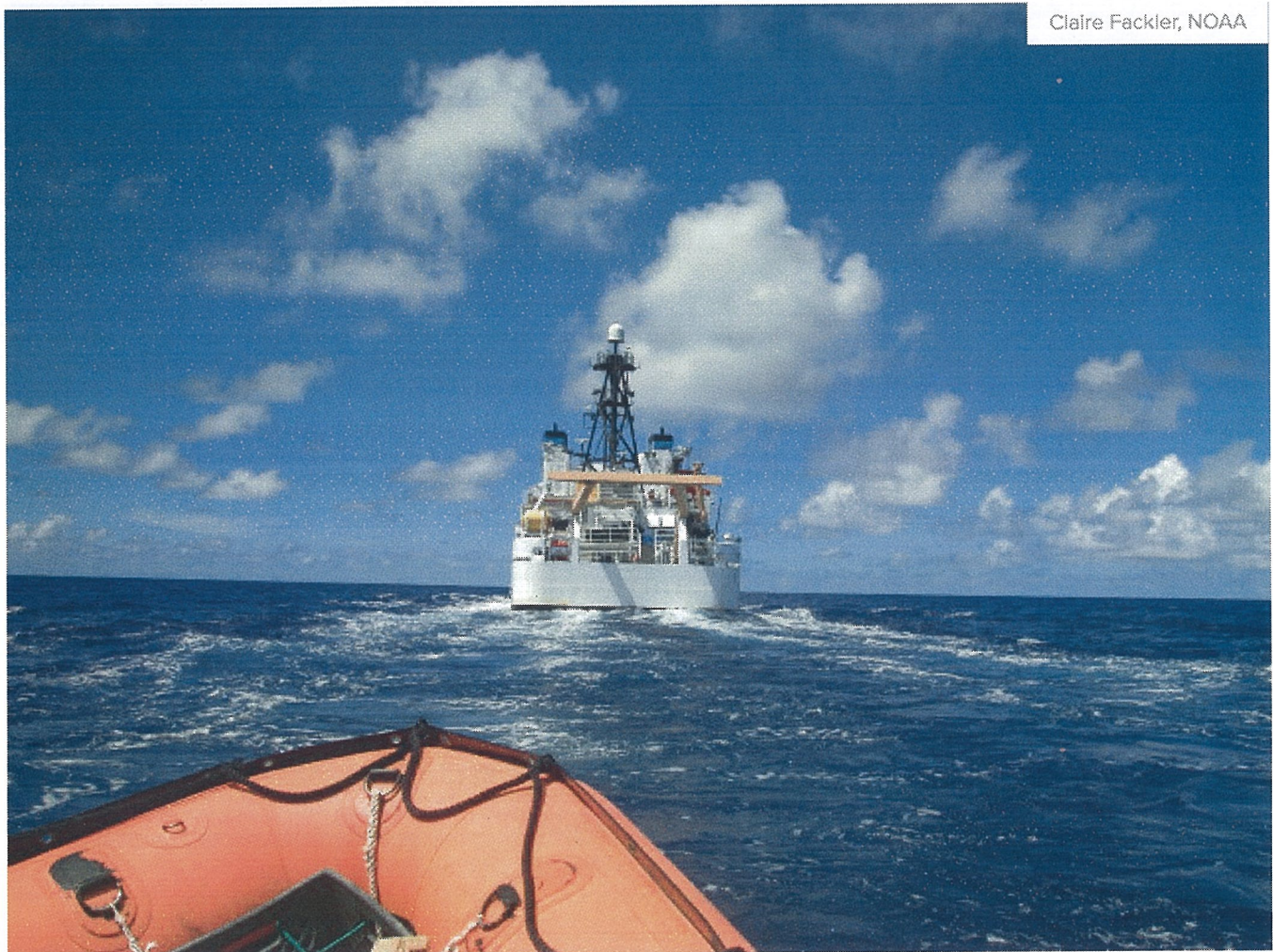
The Long Shadow Of Uncle Sam

The federal government already controls access to 850 square miles of Hawaii's lands and is

the second largest land owner in Hawaii. The inventory of lands under federal control, either by lease or title, includes some of the most important historic, cultural and strategically positioned lands, inland waterways and coastal waters in the state.

The list includes Pearl Harbor, Hickam Field, Bellows Air Force Station, Kaneohe Marine base, Pohakuloa Training Area, upper reaches of Waimea Valley, Pihilaau Army Recreation Center, Lualualei Naval ammunition depot, Fort Shafter, Tripler Army Medical Center, Camp H.M. Smith, Wheeler Army Airfield, Makua Valley, Volcanoes National Park, Haleakala National Park and a number of other less high-profile locations.

To this writer, as onerous as the degree of federal control over Hawaii lands might be, it pales compared to the tightening of the federal grip on hundreds of thousands of square miles of Hawaii's Northwestern seas being put on the table by the request to expand the current boundaries of Papahānaumokuākea.



The NOAA Research Vessel Hiialakai conducting work in Papahānaumokuākea Marine National

Monument.

I can't help but suspect that, somewhere in the motive for federal control over ingress to and egress from hundreds of thousands of square miles of the Hawaiian archipelago, there has to be some inkling of a military objective in the name of conservation.

So as not to be misunderstood, I believe the federal presence in Hawaii and the national security role the state plays in the U.S. presence in the Pacific Asian region is important. And if the extension of federal control over new expanses of Hawaii is warranted, I ask that those proposing and supporting an extension of federal authority do so with transparency and with all the cards on the table.

I can't repeat the theme of transparency enough. There must be a legitimate and formal opportunity for the state and the citizens of Hawaii and all the stakeholders to weigh in. It would help a lot if the leaders of our state and our congressional delegation would talk to us.

The Colonial Effect

One of the disturbing aspects of the "global" strategy of proliferating these marine reserves-monuments-sanctuaries is that, so far, it looks like the Pacific has been heavily targeted.

When I look at a map of the locations of these marine protected areas, there are already three designated national monuments: in the Marianas, the Pacific Remote Islands and Hawaii. There are marine reserves in New Caledonia and Palau. Moving forward, there are five more locations in various stages of being established in French Polynesia, Pitcairn Islands, Easter Island, Kermode Ocean and a second marine reserve proposed for New Caledonia.

Some people will say it's a stretch for me to conclude that all of these Pacific Island proposals are triggered by third parties who come from faraway places. But I have good reason to say that, because foreign intervention has been the Pacific Island experience ever since the first Europeans crossed into the Pacific and stumbled on to the Mariana Islands.

When I gaze at the spread of existing and proposed marine reserves, monuments and sanctuaries that span the Pacific Ocean, I can't help but view it as a clandestine new wave of colonization of the Pacific Islands flying the flag of marine conservation.

Papahānaumokuākea Marine National Monument

The existing Papahānaumokuākea Marine National Monument was established by President George W. Bush in June 2006 under the Antiquities Act.

The rumored back story to Bush's surprise designation of the Northwestern Hawaiian Islands for national monument status, late in his last term, was that he was motivated by the opportunity, as with all presidents, to establish a presidential legacy of marine environmental and conservation achievement.

The monument's purpose, oversimplified here, is to perpetuate the ecological integrity and ecosystems of the areas within the monument's boundaries by largely federalizing its governance.

The trustees of the monument are the U.S. Department of Commerce, U.S. Department of Interior, and the State of Hawaii.

Obama And The Ticking Clock

Fast forward to January 2016. President Obama is asked in a letter signed by several prominent Native Hawaiian leaders to consider expanding the Papahānaumokuākea Marine National Monument.

Monument status would increase federal oversight over the Northwestern Hawaiian Islands by quadrupling the size of the existing area to 580,000 square miles.

Talk in the street is that President Obama already was considering the proposal, but that it was given important momentum when prominent Native Hawaiian leaders sent him their letter.

NOAA and Robert Whitton/Bishop Museum



NOAA scientist Brian Hauk and Bishop Museum scientist Richard Pyle descend to a reef at 300 feet on Pioneer Bank in Papahānaumokuākea Marine National Monument.

I have to believe he is seriously considering the proposal, perhaps taking a page from President Bush and his shortcut to a presidential legacy.

It occurs to me that a clock is ticking for the president and supporters of the expanded monument because, in September of this year, Hawaii is hosting the prestigious IUCN World Conservation Congress. The conservation congress meets every four years and brings together several thousand government and civic leaders from all over the world.

The 2016 IUCN congress would be the perfect global opportunity to roll out this dramatic proposal of placing hundreds of thousands of square miles of Hawaii's seas into a conservation bank, making it the largest marine national monument in the world. That gives the president two months to complete the authorization process.

The two-month time frame does not bode well for public discussion. I hope I am wrong about the president's intent and the ticking clock.

The Public's Need To Know

Regardless of intent behind the proposed monument expansion, the people of Hawaii should be concerned that, with only the president's signature and without public discussion, federal control over access to Hawaii's oceans will expand by 75 percent.

The exercise of such presidential authority in the absence of a full public vetting would seem disrespectful of Hawaii's people, unless there is an inclusive public discussion period. That period should include statewide public hearings.

Hawaii is an archipelago of islands that rise from a submerged mountain range stretching for 1,300 miles from Kure Atoll to Hawaii Island. That's the distance from Seattle to Baja California.

Drawing a line around the entire archipelago creating the outward boundary of the state would make Hawaii the largest state in the union except for Alaska.

The essence of Hawaii's global identity – as the most famous set of islands in the world – and its history, culture, politics and economy are tied to the ocean. So any major changes in governmental jurisdiction over the Hawaiian Islands and its surrounding seas begs heavy doses of caution and rational thinking.

Stay Tuned

My next column will delve into the consequences for Hawaii of an expanded monument.

The impact on Hawaii's fishing is a huge flash point. Other very important issues include military objectives, the international law of the sea and archipelagic claims, Native Hawaiian rights, federal laws and oversight already in place providing protection without expansion, impacts relating to submerged lands and native Hawaiian self-determination, restrictive access permitting system and more.

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About the Author



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A former legislator, Peter Apo is a trustee of the Office of Hawaiian Affairs and the president of the Peter Apo Company LLC, a cultural tourism consulting company to the visitor industry. He has also been the arts and culture director for Honolulu, the city's director of Waikiki Development and served as special assistant on Hawaiian affairs to Gov. Ben Cayetano. His opinions are his own and do not necessarily reflect the views of OHA or other organizations he is involved in.

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