



**Western
Pacific
Regional
Fishery
Management
Council**

May 09, 2017

The Honorable Wilbur L. Ross
Secretary of Commerce
US Department of Commerce
1401 Constitution Ave., NW
Washington, D.C. 20230

Dear Secretary Ross:

We understand from the Department of the Interior May 5th press release concerning Presidential Executive Orders 13792 and 13795, on the review of Monument designations under the Antiquities Act, that the Department of Commerce will lead the review of the Marine National Monuments in consultation with the Secretary of the Interior.

The designations of the Marine National Monuments in the Western Pacific Region impact the long-term continuity of key US tuna fisheries by removing over 50 percent of the US EEZ to commercial fishing. Monument designations displace the Magnuson-Stevens Fishery Conservation and Management Act, the nation's primary fishery management law which mandates the prevention of overfishing and the achievement of optimal yield for the benefit of the Nation. Attached is a record of our communications that convey our concerns with Marine National Monuments and information regarding their socio-economic impacts on US fisheries and fishing communities, lack of scientific evidence, and regulatory duplication.

The bottom-line is that Marine National Monument designations in the Western Pacific Region are unnecessary for the conservation and management of fishery resources and their fishing provisions should be vacated. This would not leave these waters void of management controls, as there exists a comprehensive suite of fishing regulations developed over the past several decades under the MSA that remain in the Code of Federal Regulations.

We are available to discuss these important matters with you should it facilitate your review of the Marine National Monuments.

Sincerely,

Edwin Ebisui Jr.
Council Chair

Kitty M. Simonds
Executive Director

Cc: Honorable President Donald J. Trump
Honorable Secretary Ryan Zinke

Attachments

List of Attachments

Number	Document	Date
1	<ul style="list-style-type: none"> WPRFMC analysis of Pew Charitable Trusts supported “Pu‘uhonua a Place of Sanctuary: The Cultural and Biological Significance of the Proposed Expansion for the Papahānaumokuākea Marine National Monument”. The WPRFMC analysis was reviewed for accuracy by the National Marine Fisheries Service Pacific Islands Fisheries Science Center and rebuts the scientific claims made in the Pew document. 	July 14, 2016
2	<ul style="list-style-type: none"> Letter to Interior Secretary Ryan Zinke communicating impacts Marine Monument designations and expansion within the Western Pacific Region Attached to letter is an overview of Marine National Monuments in the Western Pacific Region corresponding to the seven categories listed in Executive Order 13792. Also included are maps of the Western Pacific Region showing monuments and other fishery regulations established by the WPRFMC under the authority of the Magnuson Steven Act. 	April 26, 2017
3	<ul style="list-style-type: none"> Letter to President Trump requesting removal of the monument fishing provisions in the Marine National Monuments and summarizing monument impacts. Attachments include letters supporting the removal of the monument fishing provisions from the Governors of Guam, CNMI and American Samoa, and Congressman Bishop, Chair of the House Committee on Natural Resources and Congresswoman Aumua Amata Coleman Radewagen. 	April 14, 2017
4	<ul style="list-style-type: none"> Letter to President Obama expressing concern about the impacts of expanding the Papahānaumokuākea Marine National Monument 	December 1, 2016
5	<ul style="list-style-type: none"> Letter to President Obama expressing concern about the inadequate implementation of the Marianas Trench, Rose Atoll and Pacific Remote Islands Marine National Monuments. 	December 1, 2016
6	<ul style="list-style-type: none"> Letter to President Obama providing options for the expansion of Papahānaumokuākea Marine National Monument, that would not involve closing the entire US EEZ waters around the Northwestern Hawaiian Islands 	August 17, 2016
7	<ul style="list-style-type: none"> Letter to President Obama communicating a WPRFMC resolution on the proposed expansion of the Papahānaumokuākea Marine National Monument. 	August 12, 2016
8	<ul style="list-style-type: none"> Letter to President Obama communicating concerns over Hawaii Senator Brian Schatz proposal to expanded monument around the Northwestern Hawaiian Islands 	July 14, 2016
9	<ul style="list-style-type: none"> Letter to President Obama expressing concerns about expanding the Papahānaumokuākea Marine National Monument, which included an information paper from the Council on the lack of fisheries conservation benefits of an expanded monument 	April 8, 2016
10	<ul style="list-style-type: none"> Letter to President Bush from the WPRFMC expressing concerns that the Marianas Trench Marine National Monument would contain an islands unit comprising the top three islands of the Mariana Archipelago (Uracas, Maug, and Asuncion) that are already protected under federal and commonwealth law. 	November 10, 2008



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Analysis of the “Pu‘uhonua a Place of Sanctuary: The Cultural and Biological Significance of the Proposed Expansion for the Papahānaumokuākea Marine National Monument”

July 14, 2016

This document provides the Western Pacific Regional Fishery Management Council’s analysis of the document “Pu‘uhonua a Place of Sanctuary: The cultural and biological significance of the proposed expansion for the Papahānaumokuākea Marine National Monument” (hereafter referred to as the “Pu‘uhonua document”). Specifically, we focus on the scientific significance arguments posed in the Pu‘uhonua document.

Arguments made in the Pu‘uhonua document	WPRFMC Analysis
Key ecosystems that would benefit from expansion include coral reefs, seamounts, pelagic areas, guyots, and abyssal seabed communities.	Existing fishing activity in the potential expansion area do not pose a threat to coral reefs, seamounts, pelagic areas, guyots and abyssal seabed communities. Fishing activity occurs in the top surface layer of the water column, compared to the seabed of the potential expansion area lying three miles under water, and destructive fishing practices have been prohibited since 1986. Additional details on these points are provided below.
<ul style="list-style-type: none"> Coral Reefs: “The NWHI: in deep sea habitat in the NWHI of the Papahānaumokuākea Marine National Monument would better ensure the resiliency for these reefs, reducing one stressor -- fishing -- facing reefs in this multi-stressor situation” 	There is no fishery targeting corals in the Northwestern Hawaiian Islands (NWHI). The only fishery currently operating in the US Exclusive Economic Zone (EEZ) around the NWHI is the Hawaii longline fishery, which does not pose a threat to reefs or deep-sea habitat. The deepest hook set is about 400 meters which is much shallower than 99% of the benthic habitat in the potential expansion area of the NWHI. Any claims that fishing represents a threat to hermatypic or deep sea corals are entirely spurious. Deep water trawling has been prohibited in the US EEZ around Hawaii, Guam, Commonwealth of the Northern Mariana Islands (CNMI), American Samoa, and the Pacific Remote Island Areas (PRIA) since 1986 through action of the Western Pacific Regional Fishery Management Council.

Arguments made in the Pu‘uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Seamounts: “Since there are high levels of biodiversity and endemism on seamounts that have been studied to date, it is assumed that unexplored seamounts contain similar amounts of biodiversity and endemism and likely hold great opportunity for future scientific discoveries, including new species” 	<p>The average depth in the proposed monument expansion is 4,882 m. While seamounts comprise the shallower area in the potential expansion area, biological productivity is much higher on seamounts that are 1,000 m or shallower. These constitute only 0.1% of the area. Further, the Pu‘uhonua document appears to apply information gleaned from studies of mesophotic coral ecosystems (MCEs) and generalize the findings to seamounts that occur at depths significantly greater than MCEs are found. Finally, while it may be true that there is potential for scientific discoveries at unexplored seamounts, these explorations can occur now, and in fact with less bureaucracy than if the monument was expanded. Bottom line: monument expansion is not necessary to study biodiversity and endemism on seamounts, and in fact may hinder it.</p>
<ul style="list-style-type: none"> • Seamounts: “The proposed expansion of the Monument would protect approximately 110 additional seamounts from the irreversible effects of deep water trawling and the immeasurable damage of deep water mining.” 	<p>Deep water trawling (i.e., bottom trawling), bottom-set gill nets, tangle nets and other destructive fishing gear has been prohibited in the US EEZ around Hawaii, Guam, CNMI, American Samoa, and the Pacific Remote Island Areas since 1986 through action of the Western Pacific Regional Fishery Management Council under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. There is no other fishing activity posing a threat to seamounts in the potential expansion area.</p> <p>Deep water mining leases and associated permits must undergo a rigorous federal environmental review process under existing requirements. Threats to a resource do not determine its cultural or scientific interest, or demonstrate that the current boundaries are insufficient for the management of the resource. A monument expansion to protect these resources would be an admission that the current environmental review process, as well as a series of executive orders, is insufficient. If this is the case, monument designations and expansions would be a bandaid, not a solution.</p>

Arguments made in the Pu'uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • “Deep coral reefs in PMNM may contain the highest percentage of fish species found nowhere else on Earth, according to a study by NOAA scientists published in the Bulletin of Marine Science” 	<p>The “deep coral reefs” described here are more widely known as mesophotic coral ecosystems (MCEs). MCEs are considered deeper extensions of coral reef ecosystems found at 30 to 150m depths. Whereas it is true that Kane and colleagues showed that there is high endemism of MCE associated fishes, the claim that this area is the highest in the world is unsubstantiated¹. In fact, the authors of the study highlighted that “the study only surveyed slopes, ledges, or other distinguishing reef fish habitat features at depths between 30 and 90 m, and therefore the endemism estimates are not comparable to other fish habitat types at the same depths”. This means that their estimates only apply to a similar habitat type at that depth range. Reefs within the Papahānaumokuākea Marine National Monument (PMNM) do not demonstrate the scientific interest of the expansion area.</p>
<ul style="list-style-type: none"> • “Several of these species (oceanic white tip shark, giant trevally, bluefin trevally, green jobfish, and endemic Hawaiian grouper) and others spend parts of their life histories both inside and outside the borders of the existing monument. Expanding the area of protection will increase survivability of these species.” 	<p>The expansion is unlikely to increase survivability of the species mentioned in this statement. The majority of reef-associated species have a pelagic larval stage which is highly dependent on the ocean circulation. A hook-and-line fishery like the Hawaii longline fishery will have no direct impact to tiny larvae. Moreover, these species (maybe less so for the oceanic white tip) are already protected by the current boundary. Numerous papers published the home range of these different species:</p> <ul style="list-style-type: none"> ○ Giant trevally = 29km (18mi)² ○ Bluefin trevally = 10.2km (6.3mi)³ ○ Green jobfish = 12-19km (7.4-11.8mi)⁴; 3-30km (1.8-18mi)⁵ ○ Hawaiian grouper = purely demersal species with very limited home and depth range⁶
<p>Populations of seabirds, turtles, whales, predators such as sharks and tuna, and bottom life associated with seamounts and hydrothermal vents would benefit from the expansion. The existing borders do not allow for the proper care and management for populations of migratory birds, fish, mammals, and sea turtles, and newly discovered and little understood deep sea ecosystems.</p>	<p>The best available science does not indicate expanding the PMNM will benefit species such as seabirds, turtles, whales, sharks and tuna. Existing management mechanisms have continued to show success in minimizing ecosystem impacts from fisheries, and the Hawaii longline fishery serves as the gold standard in the international arena. Additional details on these points are provided below.</p>

Arguments made in the Pu‘uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Seabirds: “Eleven of the species found in the NWHI are considered imperiled or of high conservation concern, and in particular, six species – the Laysan (near-threatened), black-footed (near-threatened), and short-tailed (endangered) albatrosses, Christmas shearwater, Tristram’s storm-petrel (near-threatened) and blue noddy – are of the highest concern for the Pacific Island region as a whole.” 	<p>The Pu‘uhonua document cites the IUCN Red List status, which uses different criteria than the U.S. Endangered Species Act (ESA) listing. Of the species highlighted in this statement, only the short-tailed albatross is listed under the ESA, and this species’ primary breeding habitat is in Japan. Short-tailed albatross, Christmas shearwater, Tristram’s storm-petrel and blue noddy are not at risk from bycatch in the Hawaii longline fishery. The Laysan and black-footed albatrosses are not listed under the ESA, their populations are stable or increasing, and the Hawaii longline fishery pioneered seabird mitigation measures to reduce interactions with these two species in the early 2000s.</p>
<ul style="list-style-type: none"> • Seabirds: “...the most significant cause of population decline for albatross can be attributed to longline fisheries.” 	<p>The Hawaii longline fishery pioneered seabird mitigation measures in 2002 to reduce interactions with Laysan and black-footed albatrosses. As a result of these measures, sea bird interactions were reduced by 70-90 percent^{7,8}). These two species of albatrosses have stable or increasing populations⁹.</p>
<ul style="list-style-type: none"> • Seabird: “Some studies have shown that booby species range throughout most – though not all – of the NWHI. Furthermore, smaller seabird species have been shown to forage further from breeding colonies than larger birds (likely as a result of interspecies competition). Thus, many species are likely to be foraging well outside the current boundaries of the monument, including white-tailed tropicbirds, red-tailed tropic birds, masked boobies, great frigatebirds, sooty terns, and wedge-tailed shearwaters.” 	<p>The seabirds mentioned in this statement have limited to no interactions with the Hawaii longline fishery, and thus pushing the longline fishery outside of the US EEZ around the NWHI will not provide conservation benefits.</p>

Arguments made in the Pu‘uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Turtles: “More than 90% of green sea turtles (<i>Chelonia mydas</i>) or honu in Hawaiian nest in the NWHI. Individuals tagged at French Frigate Shoals have been identified near Kauai, Oahu, and Maui to the southwest and near Lisianski Island, and Pearl and Hermes Reef to the northwest. This is a flagship species for Hawaii’s tourism industry, with numerous businesses catering to tourists who wish to observe these endangered animals. They are also an iconic Hawaiian species of great cultural importance.” 	<p>Green sea turtles are rarely caught in the Hawaii longline fishery. There have been no green turtle interactions observed in the Hawaii longline fishery operating within the US EEZ around the NWHI since 2002. The Hawaii green sea turtle population has made a remarkable rebound since commercial harvest was prohibited through state and federal regulations in the 1970s.</p>
<ul style="list-style-type: none"> • Turtles: “Two other species of sea turtle, the loggerhead (<i>Caretta caretta</i>) and leatherback (<i>Dermochelys coriacea</i>), have been identified as being at particular risk of population decline as a result of incidental take by longline pelagic fisheries. In fact, fisheries are considered to be one of the main causes of anthropogenic mortality for sea turtles. Nesting populations of Pacific leatherbacks have experienced a 95% decline in just two decades. Loggerhead turtles showed an 80% population decline in the same period.” 	<p>The National Marine Fisheries Service has concluded that the Hawaii longline fishery is not impacting the recovery of loggerhead and leatherback populations.</p> <p>The source document pointing to loggerhead turtle decline is dated 2004. The North Pacific loggerhead nesting population has increased in the decade following the 2004 publication. Furthermore, loggerhead turtles rarely occur in the US EEZ around the NWHI and there have been no observed deaths of loggerhead turtles from the Hawaii longline fishery in the US EEZ around the NWHI.</p> <p>Similarly, there have been no observed deaths of leatherback turtles from the Hawaii longline fishery in the US EEZ around the NWHI. Leatherback turtles in the Western Pacific are threatened by land-based threats at their nesting beaches primarily located in Indonesia, Papua New Guinea and the Solomon Islands, such as egg harvest, predation by dogs and pigs, and beach erosion from frequent storms. Recognizing these threats, the Western Pacific Regional Fishery Management Council supported nesting beach conservation projects from 2002-2014 to aid in the recovery of Pacific leatherback turtle populations.</p>

Arguments made in the Pu'uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Turtles: "Because of high bycatch rates of sea turtles, particularly loggerheads, the Hawaiian swordfish fishery was closed by court order from 2000-2004. The Hawaiian tuna fishery was seasonally restricted by the same order due to high bycatch rates of olive ridley sea turtles. Both fisheries also caught substantial numbers of leatherback sea turtles." 	<p>Sea turtle bycatch mitigation measures implemented in the Hawaii swordfish longline fishery in 2004 successfully reduced interactions by 80-90 percent¹⁰. The court-ordered closure of the Hawaii swordfish longline fishery that lasted through 2004 resulted in more impacts to loggerhead and leatherback turtles, as domestic swordfish were replaced by imports from foreign fisheries that do not have the same standard of management as the U.S. It is estimated that the closure of the Hawaii's fishery contributed to an additional 2,800 sea turtle interactions during the four-year period¹¹.</p>
<ul style="list-style-type: none"> • Whales: "24 species of marine mammal have been identified in Hawaiian waters, 22 of which occur in the proposed expansion." 	<p>The simple presence of marine mammals does not provide justification for a monument designation. The Pu'uhonua document provides no further discussion on threats or justification on how a monument expansion would provide additional conservation benefits to these species.</p> <p>All marine mammals are protected under the Marine Mammal Protection Act (MMPA). The Hawaii longline fishery has an extremely small number of interactions with marine mammals. Efforts to address false killer whale interactions in the fishery are underway through the False Killer Whale Take Reduction Team.</p>
<ul style="list-style-type: none"> • Sharks: "Between 5,000 – 28,000 sharks are caught by longline vessels each year in the Northwest Hawaiian Islands, and nearly all are dumped overboard." 	<p>Capture and release is not synonymous with mortality. Sharks are not dumped overboard; they are cut loose from the branchline and rarely retained. At-sea observer data indicate 95% are alive upon release and electronic tags indicate low post-release mortality. 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 (ISC)¹².</p>
<ul style="list-style-type: none"> • Sharks: "In the Pacific, oceanic whitetip sharks (<i>Carcharhinus longimanus</i>) and silky sharks (<i>Carcharhinus falciformis</i>), highly migratory species that were once categorized as two of the most abundant species of large marine animals, have declined significantly." 	<p>Large scale commercial fishing has occurred in the Pacific Ocean for >50 years. The oceanic white-tip is probably the only shark documented scientifically to have declined in the Pacific Ocean. If they cannot withstand fishing pressure, how are they still caught in the NWHI at the same rate for the last 10 years? Moreover, core silky shark habitat is 10° S to 10° N, and the NWHI begins at 19° N. Oceanic white-tips have a larger habitat, and it is misleading to indicate that NWHI pertains to core habitat. Further, oceanic white tip and silky sharks are rarely caught by the Hawaii longline fishery and are released in accordance with Western and Central Pacific Fisheries Commission (WCPFC) and Inter-American Tropical Tuna Commission (IATTC) conservation and management measures.</p>

Arguments made in the Pu‘uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Sharks: “The same data set also shows that the catch per unit effort of sharks in NWHI has dropped considerably from a high of 13.02 sharks/million hooks in 1992 to 2.29 sharks/million hooks in 2014. This suggests an alarming decline in shark populations, and is of concern not only because of the declining numbers, but also because the limited fishery is targeting tuna, not sharks.” 	<p>Reductions in shark catch per unit effort (CPUE) in the Hawaii longline fishery are not a result of stock declines, but rather due to two major developments that affected shark catch rates in the fishery. The first was the prohibition in 2000 of shark finning under most circumstances, and the second was the temporary closure of the shallow-set component of the longline fishery in 2001-2004. Walsh and colleagues observed that catch rates for the blue shark, oceanic whitetip shark, bigeye thresher, and crocodile shark were significantly lower in 2004–2006 than in 1995–2000¹³. For the blue shark in particular, the combination of reduced catch rates, the finning ban, and an apparent capacity to resist the stress of capture on longline gear resulted in low (4%–5.7%) minimum mortality estimates. These results show that the Hawaii-based pelagic longline fishery has made substantial progress in reducing shark mortality and minimizing impacts to shark species that are incidentally caught in the fishery.</p>
<ul style="list-style-type: none"> • Sharks: “The value of large protected areas to sharks has been demonstrated, and expanded protection in this area will be of benefit to multiple threatened shark species.” 	<p>The Pu‘uhonua document provides no scientific evidence to support this statement. While protected areas may be beneficial for coastal sharks with limited range, the value of large protected areas has not been demonstrated for highly migratory pelagic sharks.</p>
<ul style="list-style-type: none"> • Tunas: “Commercially important tuna species are threatened with extinction and fisheries managers are not following scientific advice to improve stocks.” 	<p>Some commercial tuna stocks have been depleted but none in the Pacific face extinction. Both yellowfin and bigeye tuna stocks are considered healthy where they reside in a larger sub-region that includes the Northwestern Hawaiian Islands. For example, bigeye depletion is only 20% of unfished biomass in the Hawaii region, whereas in the equatorial Pacific, bigeye biomass depletion is around 80%¹⁴. The same holds true for yellowfin¹⁵.</p>
<ul style="list-style-type: none"> • Tunas: “The benefits of marine protected areas to commercial fish species are well studied. A global analysis of marine reserves found that on average, marine reserves result in higher fish biomass, greater numbers of fish, more species in an ecosystem, and larger fish. Expanding Papahānaumokuākea will create a large sanctuary where the ecosystem can thrive and where these economically important species can be safe from overfishing with the opportunity to mature and reproduce.” 	<p>There is no evidence that open ocean marine reserves have any effect on reducing tuna fishing mortality. In 2010 the WCPFC closed two large high seas pockets in the Western Pacific (High Seas Pockets 1 and 2) to purse seine fishing as a tuna conservation measure. However, there was no decline in the fishing mortality because tuna move and they moved into adjacent zones of heavy purse seine fishing and thus were exposed to the same levels of fishing mortality¹⁶.</p>

Arguments made in the Pu‘uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Tuna: “While much of the research in this area to date has focused on coastal and bottom habitats, the principle that fish populations rebound when fishing pressure is removed appears to hold true for offshore species, too. For example, Filipino fishermen caught skipjack, yellowfin, and bigeye tuna inside High Seas Pocket 1, an area of high seas between the Philippines and Guam closed to most fishing countries. These fish were on average larger than fish of the same species caught inside the Philippines EEZ.” 	<p>High Seas Pocket 1 (HSP 1) is open to all members in the WCPFC with fishing rights, especially longline vessels which heavily fish in High Seas Pocket 1. Some purse seine vessels do not fish in HSP 1 because of agreements with the Parties to the Nauru Agreement (PNA), not because HSP 1 is closed. Comparing tunas caught in High Seas Pocket 1 by the Philippine purse seine fleet with catches by the same fleet in the Philippine EEZ is entirely spurious. The fish are larger because the Philippines adopted larger mesh sizes for purse seiners and ringnet vessels operating in High Seas Pocket 1 than those operating within the EEZ. Further, the Philippines is a well-known spawning ground for tropical tunas where there is a profusion of small fish. Indeed special tags had to be developed to tag the very small tunas encountered in the Philippines by the Secretariat of the Pacific Community (SPC) tuna tagging program.</p>
<ul style="list-style-type: none"> • Tuna: “These tuna would grow large and produce exponentially more eggs than smaller, unprotected individuals swimming outside the area of protection. Spillover effects of the fish that do swim outside of the area of protection would benefit fishermen.” 	<p>There is no demonstrated spillover effect for tunas from large high seas closures, some of which have been in place for several years (e.g., the US EEZs around the PRIAs and the existing monument around the NWHI). Moreover, while bigger fish may produce more eggs, most of the reproductive potential of a stock is in the more abundant smaller mature females.</p>
<p>Marine protected areas are most effective when they are large, remote, strongly protected, protected for a long time, and enforced. Expanding the monument would make it even more effective at conserving wildlife, improving ecosystem health, and increasing climate change resiliency.</p>	<p>Although marine protected areas (MPAs) are widely used as a management tool for small-scale insular areas, applicability of this approach to a large open ocean habitat has yet to be demonstrated. Scale, remoteness, and consistency of protection are all factors that affect enforcement. It is presumptuous to claim that by expanding the current boundaries, management of the area (including all the components required for effective area-based management) will improve. Additional details on these points are provided below.</p>
<ul style="list-style-type: none"> • “Expanding the monument to include the entire U.S. EEZ surrounding the Northwestern Hawaiian Islands would achieve or exceed this 30% goal for the United States, and increase the global strongly protected area up to about 2.3%.” 	<p>The U.S. Pacific Islands region including Hawaii currently has the highest percentage of EEZ designated as no-take MPA at 28%, whereas all other U.S. regions have less than 1% of their EEZ areas designated as MPAs. Expansion of the monument boundary around the NWHI to the full 200nm extent would result in nearly 70% of the EEZ around Hawaii in no-take MPAs, placing a disproportionate burden on Hawaii.</p>

Arguments made in the Pu'uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • “The expansion will vastly increase the oceanographic habitats and populations of seabirds, fish, marine mammals, and sea turtles that are protected from commercial fishing, as well as decrease the distance from other protected areas. Enhancing the survival of migratory fish increases the marine resource capital from which fishermen can draw the interest in a sustainable manner.” 	<p>It is premature to assume that a large ocean MPA will be effective in conserving highly migratory species. One of the stocks mentioned that would benefit from the expansion is the tuna which is a pan-pacific stock. MPA implementation is not likely to improve overall stock abundance or increase harvest unless catch is simultaneously reduced in the areas outside the MPA¹⁷.</p> <p>There is an implicit assumption that the open ocean environment has a static nature, which is inaccurate. While traditional MPA designs are effective in static habitats, many important pelagic habitats are neither fixed nor predictable. Thus, pelagic protected areas will require dynamic boundaries and extensive buffers. In addition, the protection of far-ranging pelagic vertebrates will require dynamic MPAs defined by the extent and location of large-scale oceanographic features¹⁸.</p> <p>The use of MPAs for highly migratory species in an open ocean context through the expansion has 4 out of 5 shortcomings identified by Agardy and colleagues: inappropriately planned or managed MPAs; MPAs that fail due to the degradation of the unprotected surrounding ecosystems; MPAs that do more harm than good due to displacement and unintended consequences of management; and MPAs that create a dangerous illusion of protection when in fact no protection is occurring¹⁹.</p>
<ul style="list-style-type: none"> • “A key obstacle to establishing MPAs is the fact that in most cases the fisheries costs of MPA establishment are realized in the short term while the fisheries benefits come later.” 	<p>Few if any studies have shown any improvement to catch per unit effort (CPUE) resulting from large ocean MPA designation. Experiences from small MPAs designed to protect species with high site fidelity cannot be translated to open ocean MPAs.</p>
<ul style="list-style-type: none"> • Climate change: “Immediately taking steps to decrease the concentration of atmospheric carbon dioxide is practically the only way to slow the effects of ocean acidification, however, protecting large expanses of reefs from fishing and other extraction activities would also help maintain the biodiversity needed to buffer or ameliorate the effects of ocean acidification. 	<p>The implementation of an expanded NWHI monument will have no impact on climate change and biodiversity. The Hawaii longline fishery fishes in the epi-pelagic and meso-pelagic layer of the water column catching a range of pelagic predatory fish. Removal of this fishery will not slow the effects of ocean acidification, protect large expanses of reefs nor maintain the biodiversity needed to buffer or ameliorate the effects of ocean acidification.</p>
<ul style="list-style-type: none"> • Climate change: “Protected areas act as an ocean refuge for fish, including those displaced by climate change.” 	<p>The 50- to 200-nm area of the potential expansion is comprised of highly migratory pelagic species and deep-water benthic species. This statement is illogical in the context of highly migratory pelagic species inhabiting the potential expansion area. It suggests that a stationary area will protect fish that move.</p>

Arguments made in the Pu‘uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Climate change: “As ocean temperatures rise, migratory fish populations will move toward cooler waters affecting fisheries and food security.” 	<p>This statement provides support for keeping the entire 50- to 200-nm EEZ open to fishing for the purpose of minimizing impacts to fisheries and food security. If EEZ waters around the NWHI are closed, the fishermen will not be able to follow the fish northward in the EEZ (which stretches to the NW).</p>
<ul style="list-style-type: none"> • Climate change: “The most up-to-date science shows that marine reserves are an essential means to bolster climate resilience; strongly protected areas that safeguard species and ecosystem functions have proven to be six times more resilient to the impacts of climate change than unprotected areas.” 	<p>The studies cited in the Pu‘uhonua document in support of this and similar statements focus on nearshore coral reef and other coastal ecosystems, which are already protected within the existing 50 nm monument boundary. These studies focusing on coral reefs cannot be generalized to pelagic environments in the 50-200 nm potential expansion area. Further, the Pu‘uhonua document provides no evidence that large MPAs provide climate resilience in pelagic environments.</p> <p>Recent mass bleaching events in MPAs such as the Great Barrier Reef suggest that MPAs do not sufficiently protect marine environments from climate change impacts.</p>
<p>The area being proposed for expansion is not a major fishing ground according to publicly available data from NOAA. In fact, log books show that the effort in the region has been dramatically decreasing over the last five years.</p>	<p>A fishing ground that provides up to 10% of catch is a major fishing ground. Longline fisheries follow the fish and in some years the best fishing has been in the NWHI. Additional details on these points are provided below.</p>
<ul style="list-style-type: none"> • “The area in the Northwestern Hawaiian Islands under consideration for expansion is not a major fishing ground according to publicly available data from NOAA.” 	<p>The fishery is a dynamic operation ranging over a large area of ocean where conditions shift in response to oceanic conditions and fish behavior. For example, there is a winter feeding migration southwards by bigeye which would not be fully utilized if the waters of the NWHI are closed. This winter bigeye run is especially important to the Hawaii longline fleet as it occurs during the holiday season from Thanksgiving to the Chinese New Year in February, when demand for ahi is high. Vessels can make shorter trips, fishing the US EEZ around the MHI and NWHI resulting in shorter trips, lower expenses and higher quality fish, leading to improved profitability.</p>
<ul style="list-style-type: none"> • “The good news in the situation of the expansion of Papahānaumokuākea is that it is unlikely that the Hawaiian longline fishery would be significantly affected by the larger marine protected area. The most likely response to the expansion of the PMNM is for fishing effort to shift beyond the newly closed area.” 	<p>The claim that effort can shift out of the NWHI is indicative that the expanded closure will have no impact on highly mobile tuna stocks, which will move beyond the closure boundary to be caught by Hawaii and Asian longline fleets. Indeed, the Hawaii fleet may have to work harder to compete with the Asian fleets, whereas it is protected by the US EEZ around the NWHI and MHI. Moreover, major closures on the high seas have already been tested by the WCPFC and did not result in reductions to bigeye fishing mortality.</p>

Arguments made in the Pu‘uhonua document	WPRFMC Analysis
<p>Hawaii longline catch quotas are set by the negotiations that take place at the Western Central Pacific Fisheries Commission, not the placement of marine protected areas. An expanded monument simply displaces fishing effort and will not reduce the overall catch for the Hawaii longline fishery. In fact, the expansion of the monument would therefore have no or only minimal negative impacts on the Hawaiian and US economy.</p>	<p>There is no analysis or data to support the statement that the Hawaii longline fishery will not be impacted by Monument expansion. Whether or not the Hawaii longline quotas are set by the WCPFC has no bearing on closing access to fish in the NWHI. Further, the fleet is a mix of small (50ft) to large (90ft) vessels. The larger vessels can range further offshore, while smaller vessels need access to fishing grounds nearer to Hawaii. Closing the NWHI will thus remove access for the smaller vessels in the fleet and restrict them to the US EEZ around the Main Hawaiian Islands or to fish offshore on the high seas with the safety at sea issues that this entails. The Pu‘uhonua document also contradicts itself by stating that populations of predators such as tunas would benefit from expansion. Then it notes that expanding the monument will displace effort and will not reduce the overall catch of the Hawaii longline fishery which would suggest no reduction in fishing mortality.</p>

¹ Kane, Corinne, Randall K. Kosaki, and Daniel Wagner. 2014. High levels of mesophotic reef fish endemism in the Northwestern Hawaiian Islands. *Bulletin of Marine Science* 90.2: 693-703.

² Meyer, Carl G., Kim N. Holland, and Yannis P. Papastamatiou. 2007. Seasonal and diel movements of giant trevally *Caranx ignobilis* at remote Hawaiian atolls: implications for the design of marine protected areas. *Marine Ecology Progress Series* 333: 13-25.

³ Meyer, Carl G., and Randy R. Honebrink. 2005. Transintestinal expulsion of surgically implanted dummy transmitters by bluefin trevally – implications for long-term movement studies. *Transactions of the American Fisheries Society* 134.3: 602-606.

⁴ Meyer, Carl G., Yannis P. Papastamatiou, and Kim N. Holland. 2007. Seasonal, diel, and tidal movements of green jobfish (*Aprion virescens*, Lutjanidae) at remote Hawaiian atolls: implications for marine protected area design. *Marine Biology* 151.6: 2133-2143

⁵ Wetherbee, Bradley M., et al. 2004. Use of a marine reserve in Kaneohe Bay, Hawaii by the giant trevally, *Caranx ignobilis*. *Fisheries Research* 67.3: 253-263.

⁶ Rivera, Malia Ana J., et al. 2010. Genetic analyses and simulations of larval dispersal reveal distinct populations and directional connectivity across the range of the Hawaiian Grouper (*Epinephelus quernus*). *Journal of Marine Biology* 2011 (2010).

⁷ Gilman E, Brothers N, Kobayashi DR. 2007. Comparison of three seabird bycatch avoidance methods in Hawaii-based pelagic longline fisheries. *Fisheries Science* 73(1):208-210.

⁸ Van Fossen L. 2007. Annual report on seabird interactions and mitigation efforts in the Hawaii longline fishery for 2006. Honolulu: National

Marine Fisheries Service, Pacific Islands Regional Office.

⁹ Arata, J.A., P.R. Sievert, and M.B. Naughton. 2009. Status assessment of Laysan and black-footed albatrosses, North Pacific Ocean, 1923–2005: U.S. Geological Survey Scientific Investigations Report 2009-5131, 80 pages.

¹⁰ Gillman E, Kobayashi D, T. Swenarton, N. Brothers, P. Dalzell, I. Kinan-Kelly. 2007. Reducing sea turtle interactions in the Hawaii-based longline swordfish fishery, *Biological Conservation*, 139:19-28.

¹¹ Rausser G, Hamilton S, Kovach M, Stifter R. 2009. Unintended consequences: The spillover effects of common property regulations. *Marine Policy* 33: 24-39.

¹² ISC. 2013. Stock assessment and future projections of blue shark in the North Pacific Ocean. Shark Working Group, International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean, Busan, Korea, July 17-23, 2013, 82

¹³ Walsh, W., Bigelow, K.A. and Sender, K.L. 2009. Decreases in Shark Catches and Mortality in the Hawaii-Based Longline Fishery as Documented by Fishery Observers, *Marine and Coastal Fisheries: Dynamics, Management, and Ecosystem Science* 1:270–282.

¹⁴ Harley, S., N. Davies, J. Hampton, S. McKechnie. 2014. Stock Assessment of Bigeye Tuna in the Western and Central Pacific Ocean. WCPFC-SC10-2014/SA-WP-01.

¹⁵ Davies, N, S. Harley, J. Hampton and S. McKechnie. 2014. Stock Assessment Of Yellowfin Tuna In The Western And Central Pacific Ocean. WCPFC -SC10-2014/SA-WP-04

¹⁶ WCPFC. 2012. SUMMARY REPORT. Commission on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. Eighth Regular Session, Tumon, Guam, United States of America, 26-30 March 2012. 52 p plus apps.

¹⁷ Hilborn, Ray, Fiorenza Micheli, and Giulio A. De Leo. 2006. Integrating marine protected areas with catch regulation." *Canadian Journal of Fisheries and Aquatic Sciences* 63, no. 3: 642-649.

¹⁸ Hyrenbach, K. David, Karin A. Forney, and Paul K. Dayton. 2000. Marine protected areas and ocean basin management." *Aquatic conservation: marine and freshwater ecosystems* 10, no. 6: 437-458.

¹⁹ Agardy, Tundi, Giuseppe Notarbartolo Di Sciara, and Patrick Christie. 2011. Mind the gap: addressing the shortcomings of marine protected areas through large scale marine spatial planning. *Marine Policy* 35.2: 226-232.



**Western
Pacific
Regional
Fishery
Management
Council**

April 26, 2017

The Honorable Ryan Zinke
Department of the Interior
1849 C Street, N.W.
Washington DC 20240
Email: Ryan_Zinke@ios.doi.gov

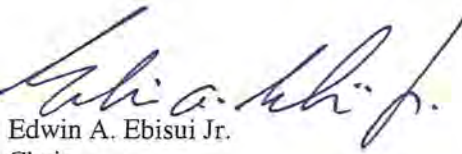
Dear Mr. Secretary:


We have read President Trump's Executive Order released today on the Review of Designations under the Antiquities Act and believe it is fitting. We understand that you will provide an interim report to the President within 45 days with respect to the Proclamation 9558 establishing the Bear Ears National Monument and other such designations as you determine to be appropriate. In this regard, we would appreciate your consideration of the four marine national monuments (MNM) in the US Pacific Islands (i.e., Western Pacific Region) for inclusion in the interim report. Encompassing an area of 760 million acres, these monuments account for 98 percent of the monument area under review, i.e., monuments created since 1996 that span 100,000 acres or greater.

The marine monuments in our region impose a disproportionate burden on our fishermen and indigenous communities, not only in terms of lost fishing area but also economic impact. As island states, we depend on our fisheries for our livelihoods, recreation and culture. In American Samoa, 52 percent of the gross domestic product and the majority of the private-sector employment are fisheries-related. In Hawaii, fish is the #1 food produced, with a landed value of \$110 million. Yet these monuments have closed regulated domestic commercial fishing in 51 percent of the US exclusive economic zone in our region.

Attached are additional points about the marine national monuments in the US Pacific Islands for your consideration as you determine what is appropriate for inclusion in the interim report. Please note that some media reports have included only the acres for the original Papahānaumokuākea MNM (89.5 million acres) and the Pacific Remote Islands MNM (55.6 million acres) and do not include their expansion area (an additional 283 million and 261 million acres respectively, for a total of 373 million and 317 million acres for these two MNMs alone). We have other important information pertinent to the scope of the review to share and are available to assist you and your staff.

Respectfully,


Edwin A. Ebisui Jr.
Chair


Kitty M. Simonds
Executive Director

Attachment: Overview of the Marine National Monuments in the US Pacific Islands and Maps
April 14, 2017, letter to President Trump with attached letters

cc: Secretary of Commerce



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

Honolulu, Hawaii

Overview of Marine National Monuments in the US Pacific Islands¹

- (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 Papahānaumokuākea 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
Papahānaumokuākea MNM Total	372,847,360 acres	582,574 square miles
Papahānaumokuākea Original (Proclamation 8031)	89,467,520 acres	139,793 square miles
Papahānaumokuākea 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

(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”**

- Historic landmarks include a few WWII wrecks, whose locations in many cases have yet to be identified.
- The justification to close US waters to US fishermen with respect to “scientific interest” of those waters is highly questionable, particularly with respect to highly migratory species.
- These marine monument areas are already studied and protected by other regulations and marine protected area designations through the Magnuson-Stevens Act, US Wildlife Refuge, etc.
- The marine monument proclamations have never evaluated how the monument resources of historic and scientific interest are contained within the smallest area compatible for their “protection.”

(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**

- Closes commercial fishing in 51 percent of the US exclusive economic in the US Pacific Islands. Targeted species are highly migratory and fishermen need to be able to access the fish when they are present within the US EEZ.
- Papahānaumokuākea MNM and Pacific Remote Islands MNM fishing prohibitions have economic impact to the Hawaii longline fishery according to the National Marine Fisheries Service. These impacts are disproportionate to individual vessels that are smaller and unable to travel far distances safely.
- Pacific Remote Islands MNM 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.
- 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.
- The Marianas Trench MNM affects a domestic bottomfish fishery that supplied local and export 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**
- Affects indigenous fishing communities by permanently closing commercial fishing opportunities in the ancestral waters of American Samoa, Hawaii, Guam and the CNMI.
 - 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.
- (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.
- (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.
 - 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 swordfish².
 - 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; and about 2 percent is exported to Japan³.
 - 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.

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.

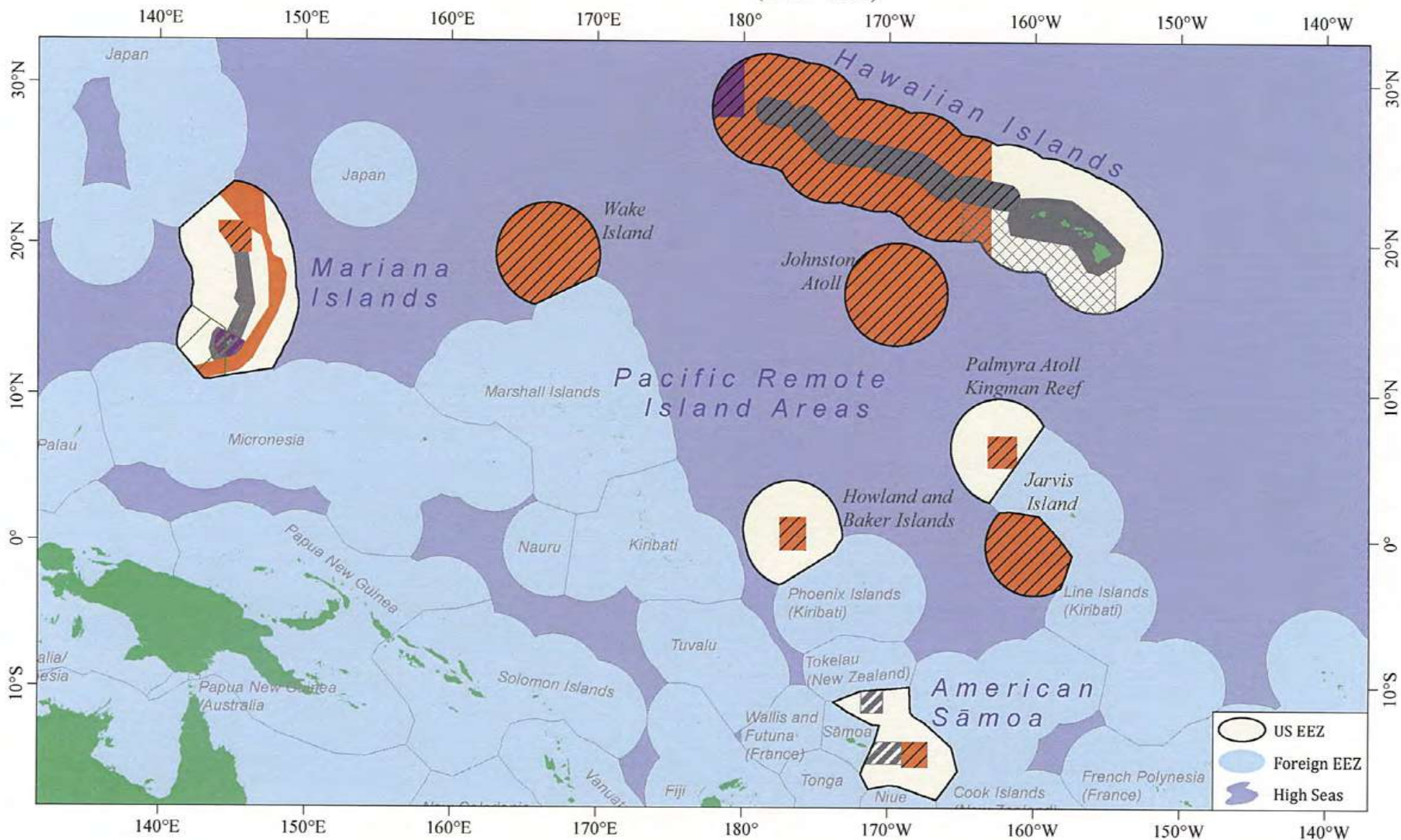
US EEZ Regulated Fishing Areas, Western Pacific Region

Magnuson-Stevens Act

- Longline fishing prohibited (1991 - 92, 2011)
- Large Vessel Prohibited Area (2002)
- False Killer Whale Southern Exclusion Zone (2012)
- Guam No Anchor Zone (2004)
- Bottomfish/Groundfish fishing prohibited (1986)
- Bottomfish Vessels ≥ 50 ft prohibited (2006)
- US EEZ: trawling, drift gillnets, poisons and explosives prohibited (1986 - 2004)

Antiquities Act

- Marine National Monument (2006 - 2016)
- Closed to all commercial fishing



Key Pelagic Fishing Regulations

All Long line Vessels

- Longline gear must be marked
- Must carry and use dip nets, line clippers, bolt cutters and other mitigation gear, and follow handling, resuscitation, and release requirements for incidentally hooked or entangled sea turtles and seabirds
- Federal permits and logbooks required
- Mandatory annual protected species workshops for all vessel owners and operators

General Longline (Guam, CNMI and PRIA)

- Long line exclusion zone around Guam out to 50-100 nm from shore

Hawaii Longline

Limited entry fishery with a maximum of 164 vessels

Maximum vessel size 101 feet in length

Longline exclusion zones throughout the Hawaii Archipelago out to 25-75 nm from shore

Mandatory notification to NMFS at least 72 hours (not including weekends and federal holidays) before leaving port to fish in the EEZ

- **Shallow-set fishery**
 - Mandatory observer program with 100% coverage
 - Annual hard cap of 34 loggerhead and 26 leatherback sea turtle interactions
 - Other gear requirements to minimize incidental bycatch of sea turtles (circle hooks and

mackerel-type bait) and seabirds (either side-set or use blue-dyed bait, strategically discard offal and set at night)

- **Deep-set fishery**

- Mandatory observer program with 20% coverage
- Follow shallow-set fishery seabird mitigation requirements when fishing north of 23 deg. N

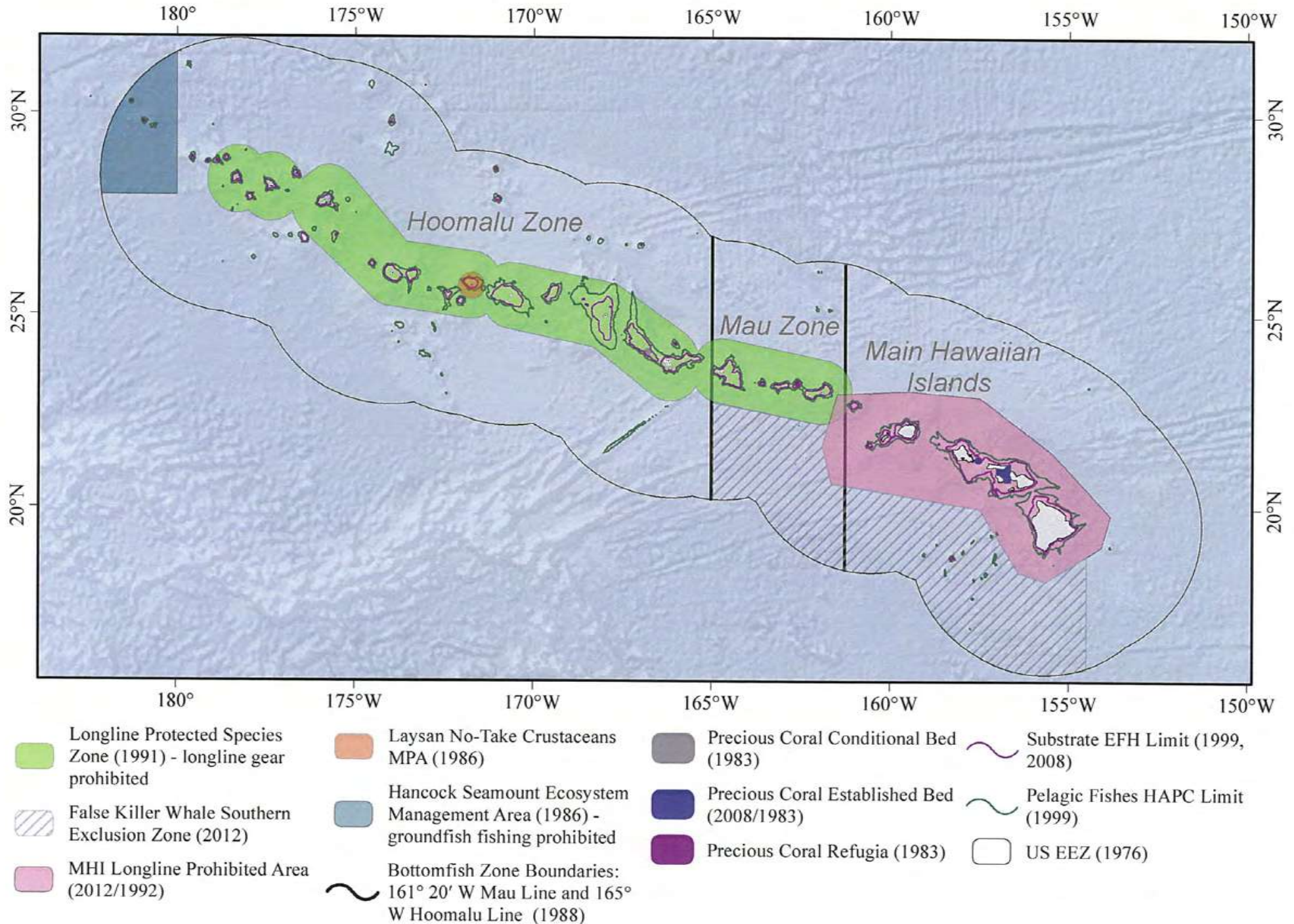
American Samoa

- Limited entry of vessels in four different size classes for longline vessels
- Mandatory notification to NMFS at least 72 hours (not including weekends and federal holidays) before leaving port to fish in the EEZ
- Large pelagic vessel (>50 ft) exclusion out to zone 50 nm from shore
- Longline gear requirements to minimize sea turtle interactions

Troll and Handline

- Federal permits and logbooks required when operating in the PRIA

Western Pacific Council Spatial Management in the Hawaiian Islands



Key Regulations for Hawaii Archipelago

NWHI Bottomfish

- Prohibits use of destructive fishing techniques: explosives, poisons, trawl nets and bottom-set gillnets
- NWHI EEZ split into two limited access systems - Mau and Hoomalu Zones
- Annual landing requirements for permit retention and redistribution of permits based on historical participation
- Mandatory participation in protected species workshop
- Limit on maximum vessel length
- Community Development Program reserves 20% of Mau Zone permits for indigenous Hawaiian fishermen
- Federal observer placement requirements
- Annual catch limits would be required if the fishery reopens
- Moratorium on commercial harvest of seamount groundfish at Hancock Seamounts

MHI Bottomfish

- Annual Catch Limits (ACL) for Deep-7 Bottomfish and non-deep-7 bottomfish complexes
- Non-Commercial Federal Permit and trip reporting
- Non-commercial bag limits for deep-7 bottomfish species
- Compliance with State of Hawaii Commercial Marine License requirement (CML)
- Trip Reporting
- Annual vessel registry and markings
- Prohibits use of destructive fishing techniques: explosives, poisons, trawl nets and bottom-set gillnets

Coral Reef Fisheries

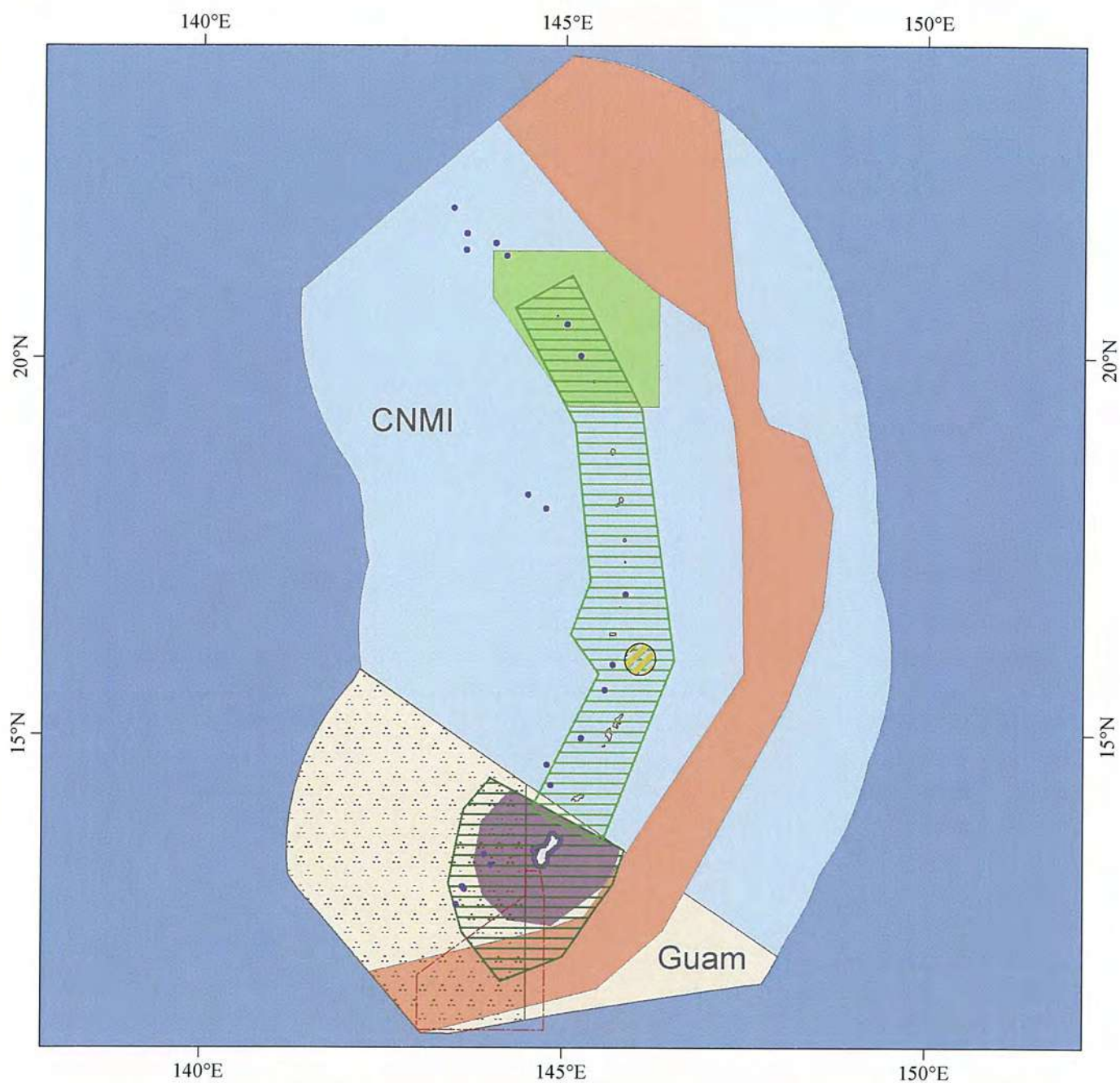
- Special permit (permitting and reporting) for Potentially Harvested Coral Reef Taxa and low use Marine Protected Areas
- Gear identification for traps
- ACLs
- Prohibitions (on live rock, poisons, explosives)

Crustaceans







- Limited entry permit (including permit area 1 around NWHI, which is a limited access permit)
- Annual lobster harvest guideline (quota, would then become ACL)
- Gear restrictions (by trap or hand only)
- Trap regulations (entry size, escape vents, max number of traps, etc)
- Monk seal protective measures
- Closed seasons (Permit area 1 closed Jan-Jun; Permit area 2 closed May-Aug)
- Closed areas (within 20 nm of Laysan, within the EEZ landward of the 10 fm curve)
- Harvest limitation Program (for Necker, Gardner, Maro and NWHI)
- Vessel monitoring system requirement
- Daily catch report requirement

Precious Corals






- Area restrictions (Westpac Bed refugia)
- Spatial Management (Established, conditional beds and exploratory area)
- Gear restrictions (selective gear only)
- Size restrictions (pink coral min height of 10 in; black coral min height of 48 in or diameter of 1 inch)
- permitting and reporting
- Quotas (by established bed and species; and now ACLs)
- Gold coral moratorium



Western Pacific Council Measures

-  CNMI Longline Fishing Prohibited Area (2011)
-  Bottomfish Vessels ≥ 50 ft prohibited (2006)
-  Anchoring by all fishing vessels ≥ 50 ft prohibited (2004)
-  Guam Longline Fishing Prohibited Area (1992)
-  US EEZ Around CNMI (1976)
-  US EEZ Around Guam (1976)

Other Marine Managed Areas

-  R-7201 (2015/2013)
-  W-517 (2002)
-  Islands Unit of MTMNM (2009)
-  Volcanic Unit of MTMNM/Mariana Arc of Fire NWR (2009)
-  Marianas Trench Marine National Monument (MTMNM) (2009); Mariana Trench National Wildlife Refuge (NWR) (2009)

Key Regulations for Mariana Archipelago

All Fisheries

- Annual Catch Limits
- Anchoring prohibited on Guam's southern banks

Bottomfish

- Prohibits use of destructive fishing techniques: explosives, poisons, trawl nets and bottom-set gillnets
- Prohibit vessels larger than 50 feet from targeting bottomfish with 50 nm around Guam
- Federal permits and reporting for large vessels

Coral Reef Fisheries

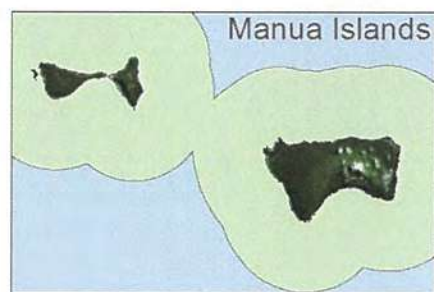
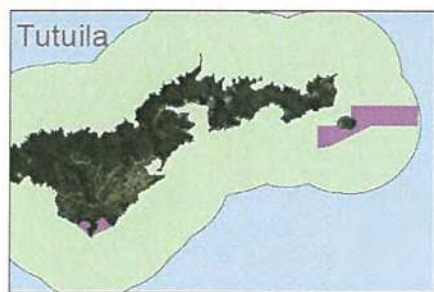
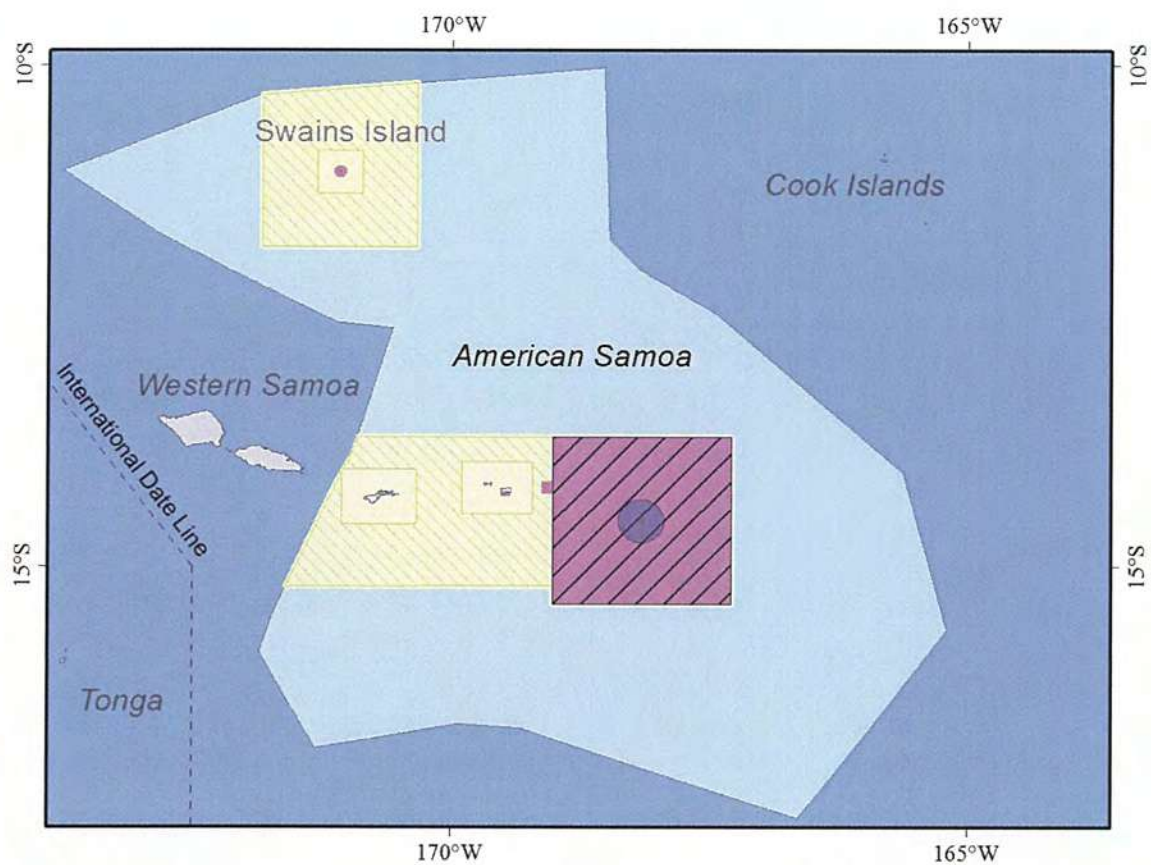
- Special permit (permitting and reporting) for Potentially Harvested Coral Reef Taxa and low use Marine Protected Areas
- Prohibitions (on live rock, poisons, explosives)
- Gear identification for traps

Crustaceans




- Permit and reporting (for spiny, slipper, deepwater shrimp)
- Landing notifications

Precious corals





- Spatial management (Exploratory area)
- Permitting and reporting requirements
- Gear restrictions (selective gear only)
- Size restrictions (pink coral min height of 10 in., Black coral min height of 48 in or diameter of 1 in.)
- Gold coral moratorium
- Quotas (1000 kg for all MUS combined, except black corals)



Western Pacific Council Measures

-  Large Vessel Prohibited Area Longline Exemption (2015)
-  Large Vessel Prohibited Area (2002)
-  12 nm No-Take MPA (2013)

Other Marine Managed Areas

-  National Marine Sanctuary of American Samoa (2012/1986)
-  Rose Atoll Marine National Monument (2009)
-  American Samoa Territorial Waters
-  US EEZ (1976)

Key Regulations for American Samoa Archipelago

All Fisheries

- Annual Catch Limits
- No-take MPA within 12 nautical miles of Rose Atoll

Bottomfish

- Prohibits use of destructive fishing techniques: explosives, poisons, trawl nets and bottom-set gillnets

Coral Reef Ecosystem

- Special permit (permitting and reporting) for Potentially Harvested Coral Reef Taxa and low use Marine Protected Areas
- Prohibitions (on taking live rock, poisons, explosives)
- Gear identification for traps

Crustaceans

- Permit and reporting (for spiny, slipper, deepwater shrimp)
- Landing notifications

Precious Corals

- Spatial management (Exploratory area)
- Permitting and reporting requirements
- Gear restrictions (selective gear only)
- Size restrictions (pink coral min height of 10 in., Black coral min height of 48 in or diameter of 1 in.)
- Gold coral moratorium
- Quotas (1000 kg for all MUS combined, except black corals)



Western
Pacific
Regional
Fishery
Management
Council

April 14, 2017

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue NW,
Washington, DC 20500.

Dear President Trump:

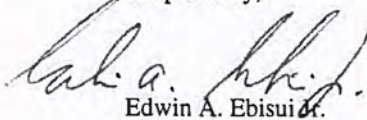
At its 169th meeting, the Western Pacific Regional Fishery Management Council considered the impacts of Marine National Monuments¹ on US fisheries and the undermining of the decades of fisheries management under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) by the Antiquities Act. The voting members of the Council request that you consider removing the monument fishing prohibitions in the US Pacific Islands Region².

These four monuments created by previous Administrations encompass 1.18 million square miles and prohibit US commercial fishing in 51% of the US Exclusive Economic Zone (EEZ) waters in the Western and Central Pacific. This amounts to about 25% of the entire US EEZ. Fishing is an important economic activity in the US Pacific Islands. The monuments have eliminated access to US fishing grounds to US fishermen, forcing them to compete with foreign fishing vessels on the high seas and making it more difficult for American fishermen to lower the US fishery trade imbalance (over 90 percent of US seafood consumption is imported, with up to a third estimated to be from illegal, unreported, unregulated fishing).

The best scientific information available indicates that monument fishing prohibitions are unnecessary for fisheries conservation and management. The monuments have no discernable conservation benefit to and do not provide significant additional protections to highly mobile species such as tuna, billfish, sea turtles, seabirds, and marine mammals. The climate mitigation attributes of the monuments are speculative.

Under the MSA, US fisheries are among the best managed globally and the regional fishery management councils are required to establish regulations to prevent overfishing while achieving optimal yield. Removal of the monument fishing prohibitions would not leave fishery resources unregulated. Comprehensive regulations developed under the MSA to manage bottomfish, lobsters, precious corals and pelagic species are still in place. We hope Mr. President, that you will redress this unfair burden on our American fishermen.

Respectfully,



Edwin A. Ebisui
Chair

Enclosed: Maps of four monuments and MSA fishery regulated areas in the Western Pacific Region
cc: Secretary of Commerce Wilbur Ross
Secretary of State Rex Tillerson

¹ The Pacific Remote Islands MNM, Marianas Trench MNM, Rose Atoll MNM, Papahānaumokuākea MNM

² Hawaii, American Samoa, Guam, Northern Mariana Islands, Pacific Remote Island Areas (Wake Island, Howland and Baker Islands, Jarvis Island, Palmyra Island and Kingman Reef, Johnston Island and Midway Atoll)

ROB BISHOP OF UTAH
CHAIRMAN

JASON KNOX
STAFF DIRECTOR

RAÚL GRIJALVA OF ARIZONA
RANKING MEMBER

DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

March 7, 2017

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President:

Access to several of the Nation's key fisheries is in jeopardy -- through the establishment and expansion of Marine National Monuments. All of these marine monuments have been created by Presidential Proclamations under the Antiquities Act of 1906. In the U.S. Pacific Islands region, for example, over half of U.S. waters have been closed to commercial fishing by a stroke of the pen and without scientific evidence, socioeconomic analysis, or a deliberative and public processes as are mandated under the amended Magnuson-Stevens Fisheries Conservation and Management of 1976 (MSA), the nation's primary fisheries law.

The loss of U.S. fishing grounds makes our consumers more dependent on foreign seafood sources, as only ten percent of the seafood consumed in the U.S. is domestically produced. Marine National Monuments created in the U.S. Pacific Islands resulted in the U.S. tuna purse-seine fleet losing access to historical fishing areas including all U.S. waters (0-200 miles) surrounding Jarvis Island, Wake Island, and Johnston Atoll, remote, uninhabited equatorial possessions of the United States, totaling 1,184,000 square miles. The Hawaii longline fleet also lost access to these areas as well as to two-thirds of the U.S. Exclusive Economic Zone around the Hawaii Archipelago. At the same time, U.S. government negotiators agreed to reduce significant access of the U.S. purse-seine vessels to the high seas within the Western and Central Pacific Ocean as well as catch limits for U.S. longline vessels. Such actions exemplify how a President and government bureaucracies can dispassionately decimate U.S. fishing industries.

The commercial fishing prohibitions of Marine National Monuments impact shore-side businesses and local economies of the U.S. In December 2016, for example, one of the two canneries in American Samoa, which represent over half of the local private sector workforce, and over half of the Territory's Gross Domestic Product, ceased operations due to lack of U.S. tuna supply. The remaining cannery has stated that it may close if the regulatory conditions do not change. Likewise, the loss of access to highly productive fishing grounds in the northeast has exacerbated the decline of many fishing ports in the region.

President Trump
March 7, 2017
Page 2

To remedy the impacts that face the U.S. fishing industry, you can act swiftly and effectively to remove all marine monument fishing prohibitions. The fisheries would continue to be managed under federal law (MSA), through the Regional Fishery Management Councils and the Department of Commerce. U.S. fisheries support hundreds of thousands of direct jobs, millions of indirect jobs, and billions of dollars in annual revenue. Removal of the fishing prohibitions stipulated in the monument proclamations and the return of U.S. fisheries management to the Regional Fishery Management Councils would continue to prevent overfishing and protect the marine environment as required by the MSA and other applicable laws, while allowing our fishing fleet to compete with their foreign competitors.

Using the Antiquities Act to close U.S. waters to domestic fisheries is a clear example of federal overreach and regulatory duplication and obstructs well managed, sustainable U.S. fishing industries in favor of their foreign counterparts. You alone can act quickly to reverse this travesty, improve our national security, and support the U.S. fishing industry that contributes to the U.S. economy while providing healthy, well-managed fish for America's tables.

Thank you for your consideration.

Respectfully,



Rob Bishop
Chairman
Committee on Natural Resources



Aumua Amata Coleman Radewagen
Member of Congress

cc: The Hon. Wilbur Ross, Secretary, Department of Commerce
The Hon. Raul Grijalva, Ranking Member, Committee on Natural Resources



March 3, 2017

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

We, the Governors of the US Territories of American Samoa and Guam and the US Commonwealth of Northern Mariana Islands, humbly request that you use executive authority under the Antiquities Act of 1906 to remove the fishing provisions applicable to the Marine National Monuments in federal and our island jurisdictions.

Our island communities depend on the ocean for food security and economic opportunities. Our Samoan, Chamorro, and Carolinian cultures are interwoven with the marine environment and fishing. The monument fishing restrictions are unnecessary and impede our socioeconomic and cultural stability. The promises of previous administrations and environmental organizations of monument co-management and revenue generation have not been realized.

Our islands contribute a significant amount of land and water for military training and among the highest per capita US Armed Forces personnel and military casualties, reflecting our resolute American patriotism. Many of our people have not returned from harsh and distant battlegrounds, providing the ultimate sacrifice for our great country.

We trust you will demonstrate your great leadership on this pressing issue and do what is right for our people and the Nation. Please return American fishermen to US waters and remove the monument fishing prohibitions.

Respectfully,

Eddie B. Calvo
Governor of Guam

Lolo L. M. Moliga
Governor of American Samoa

Ralph D. G. Torres
Governor of CNMI

Enclosures

PO Box 2950
Agana, GU 96932

A.P. Lutali Executive Office Building
Pago Pago, AS 96799

Caller Box 10007
Saipan, MP 96950



**Western
Pacific
Regional
Fishery
Management
Council**

December 1, 2016

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

Dear Mr. President,

The purpose of this letter is to provide you information on the impacts facing the Hawaii fishing and seafood industries as a result of your decision to expand the Papahānaumokuākea Marine National Monument (PMNM).

Under the statutory authority provided under the Magnuson-Stevens Fishery Conservation and Management Act, the Western Pacific Regional Fishery Management Council (Council) has the responsibility to develop conservation and management measures for all domestic fisheries within our region. As such, we are required to examine the economic, social, and cultural effects of conservation and management measures, including effects on fishermen, fishery-related businesses, small businesses, coastal communities, fish stocks and habitat.

At the Council's 168th meeting held in October 2016, NOAA Fisheries Pacific Islands Fisheries Science Center presented information on the potential direct and indirect economic impacts on the Hawaii longline fishery as a result of the monument expansion. The direct impact on the Hawaii longline fishery is a loss of fishing grounds that resulted in nearly 10 % of the fishery's total landings in recent years. The impact, however, is not proportional among fishery participants, as some vessel captains utilize those fishing grounds to a greater extent than others. Over the last five years, Hawaii longline vessels in the expansion area caught about 2.5 million pounds per year of tuna and other pelagic species, worth on average \$8 million.

The loss of these fishing grounds will have an immediate and long-term effect on the participants in these fisheries. It will also affect shore-side businesses and coastal communities that rely on this fishing industry. The closure of these fishing grounds will result in a loss of more than \$9 million to fishery support businesses (e.g., fuel and gear suppliers), \$4.2 million in household income, more than 100 jobs, and tax revenue of around \$500,000 to the State of Hawaii. The Council is working with PIFSC on further analysis of the economic impacts from the expansion. However, we believe the federal government should mitigate these impacts through direct compensation to Hawaii longline fishery participants. Compensation would lessen the impact on fishery participants who may need to increase the size of their vessel or purchase more fuel and supplies to make longer fishing trips to high seas fishing grounds. Hawaii longline owners may also find the need to upgrade their vessels so they can compete more efficiently with

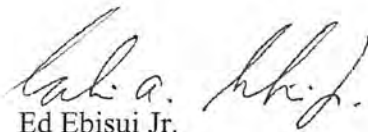
fleets from Japan, China, Taiwan, and Korea. Compensation would also help fishermen who want to leave the fishery and train for other livelihoods.

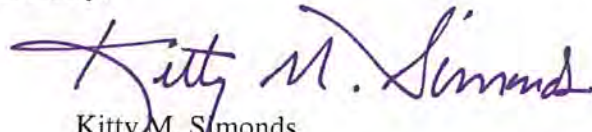
The proclamation to expand PMNM directs the Secretary of Commerce, in consultation with the Secretary of the Interior, to implement regulations to prohibit commercial fishing in the PMNM expansion area. The referenced statutory authority to promulgate the fishing provision in Proclamation 9478 is the MSA. The process to develop federal fishing regulations under the MSA inextricably involves the regional fishery management councils. The Council, at our 168th meeting held last month, initiated a process to amend the Hawaii and Pelagic Fishery Ecosystem Plans and to develop associated proposed regulations that would prohibit commercial fishing, allow non-commercial fishing, and allow Native Hawaii subsistence fishing with the PMNM expansion. The Council's process to develop the FEP amendments and regulations, which includes public scoping and environmental analysis, should take approximately 12-18 months. To help alleviate impacts from Monument expansion on the Hawaii longline fleet, the Council requests delayed implementation of the commercial fishing prohibition for 5 years.

There is precedent for phasing out fisheries in newly designated marine monuments including 5 years for the NWHI bottomfish fishery in the PMNM and 7 years for red crab and American lobster fisheries in the Northeast Canyons and Seamounts MNM. The Hawaii longline fishery is a global leader in sustainable practices as recognized in the White House Fact Sheet (8/27/2016) on the monument expansion. The immediate prohibition on fishing in the monument expansion area will not affect the stock status of any fish caught by the Hawaii longline fishery. A phased approach is appropriate.

Lastly, the Council did not support the expansion of PMNM. However, the Council takes its role under MSA seriously and will fulfill its duty to recommend regulations that implement the fishing provisions of Proclamation 9478.

Sincerely,


Ed Ebisui Jr.
Chair


Kitty M. Simonds
Executive Director



**Western
Pacific
Regional
Fishery
Management
Council**

December 1, 2016

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

Dear Mr. President:

The purpose of this letter is to communicate our continued concerns over the federal government's inadequate implementation of the Marianas Trench, Rose Atoll, and Pacific Remote Islands Marine National Monuments (MNM). These monuments were established by President George W. Bush in 2009, with you expanding the Pacific Remote Islands Monument in 2014. It has been nearly 7 years since these monuments were created, yet the Department of Commerce and the Department of the Interior have not finalized management plans for any of these monuments. Furthermore, there is no evidence of the conservation or economic benefits that were promised in return for local community support during the assessment period prior to designation.

For example, the Marianas Trench MNM proclamation by President Bush instructed DOC and DOI to implement a management plan within 2 years. To date, USFWS and NOAA have not fulfilled this basic mandate. In the lead up to the designation of the Marianas Trench MNM, federal officials and the Pew Environment Group painted a picture of how important it was to protect the valuable and unique natural resources they claim were under enormous threats, yet local officials and community members remained skeptical. Local government support was only swayed when the Presidential envoy promised in December 2008 that they would do the following:

- 1) Support conveyance of ownership to the 0-3 nm submerged lands back to the CNMI;
- 2) Establish a meaningful 50/50 co-management agreement between the federal government and CNMI, with the local government having veto power over any federal action in the monument;
- 3) Local control over travel to the monument by indigenous people of the Marianas; and
- 4) Construction of a world class visitor's center.

The Congress eventually conveyed unencumbered ownership for 0-3 nm surrounding each of the 14 islands in the Northern Marianas in 2013. However, you excepted from transfer those nearshore submerged lands surrounding the islands of Uracus, Maug and Asuncion until such time as the CNMI Government agreed to manage the submerged lands under the guidelines of the Presidential Proclamation that designated the Marianas Trench MNM.

In May of 2016, CNMI Governor Torres wrote to you expressing his disappointment with the broken promises associated with the Marianas Trench MNM. He cited that economic assurances were made based on a Pew-funded study that estimated that the monument would result in \$10 million per year in the direct spending and approximately \$5 million per year in tax revenue, plus the creation of 400 jobs. As Governor Torres stated, the CNMI has yet to receive any of these benefits.

The establishment of the Rose Atoll MNM also came with promises of co-management with the American Samoa government. This did not occur, and instead, NOAA superimposed the Rose Atoll MNM area with a National Marine Sanctuary, creating several layers of duplicative federal management. We believe it is important to recognize that the boundaries of the Rose Atoll MNM were incongruently overlaid with the Council's Large Vessel Prohibited Area (LVPA). This amounted to the loss of approximately \$240,000 per year to the American Samoa longline fleet, which forced the Council to amend LVPA boundary regulations to make them congruent with the Rose Atoll MNM boundaries and to prevent further economic losses.

Promises of increased enforcement were also common in the lead up to the creation of the monuments in 2008 and during the Pacific Remote Islands MNM expansion in 2014. However, this also has not been realized. The US Coast Guard and NOAA Office of Law Enforcement have not received additional funds or assets to increase patrols of monuments in the Western Pacific. While enforcement agencies have remained level-funded, we understand the NMFS and the USFWS have been receiving \$3 million per year for monument management. We question the utilization of these funds if the record shows that these agencies have failed to finalize the monument management plans. It appears the only promises being fulfilled are those associated with extended oversight by federal agencies associated with what we believe is empire building in the US Pacific Islands Region. We remind you that, prior to monument designation, these federal waters were already sustainably managed under existing law and regulations such as the Magnuson-Stevens Fishery Conservation and Management Act and that the local stakeholders play an important role in its management. With regards to marine monuments in the Western Pacific, local stakeholders and governments have been assigned a distant secondary role in managing waters that they have been managing for thousands of years.

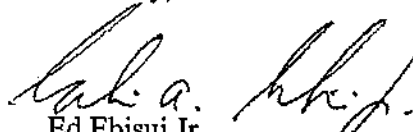
The Pacific Remote Islands MNM expansion displaced sustainably-managed US fishing vessels from US waters. For the US purse seine fleet, for example, this resulted in increased reliance on fishing in the waters of Pacific Island countries. Access to fish in waters of these countries comes at exorbitant costs (approximately \$12,000 per fishing day). Although touted by marine monument advocates as a fishery management tool, in reality monuments have little to no conservation benefits for highly migratory fish stocks (e.g. tuna and billfish), and as such, cannot be included in any stock assessment evaluating the condition of these stocks in our region. Simply closing off vast areas of marine waters to pelagic fishing does nothing for highly mobile

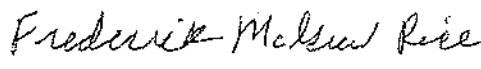
species when displaced fishing effort is not addressed. We are mystified why the White House believes removing US fishing vessels from US waters, without conservation benefits, is good for US fisheries. These actions are having negative impacts on the American Samoa economy which is dependent on fish processing for US seafood markets as its main private-sector industry. One of the two canneries in American Samoa has announced a December 2016 closure – laying-off 800 employees.


We are very disappointed that these MNM's have become nothing more than presidential legacy paper parks that offer little conservation benefits to marine resources and have provided no economic benefits to local communities. Further, marine monuments are examples of federal overreach that are an affront to Pacific Island culture, traditions, and threaten the economic stability of American Samoa, Guam, and CNMI.


Thank you for your attention to the concerns we have raised, and request you instruct your administration to ensure that promises are fulfilled and that the monuments are properly implemented and enforced.

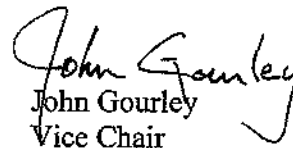
Sincerely,


Ed Ebisui Jr.
Chair


McGrew Rice
Vice Chair
Hawaii


Christinna Lutu-Sanchez
Vice Chair
Am. Samoa


Michael Duenas
Vice Chair
Guam


John Gourley
Vice Chair
CNMI



**Western
Pacific
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Fishery
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Council**

August 17, 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, we are writing to provide you options regarding your consideration of the request to expand the Papahānaumokuākea Marine National Monument (PMNM) around the Northwestern Hawaiian Islands (NWHI). We have developed two options to achieve the conservation and legacy objectives communicated by proponents of monument expansion while also ensuring access to current and historic fishing grounds of the highly monitored, responsible Hawaii longline fishery. These options have been vetted and supported by the Hawaii Longline Association and Hawaii Seafood Council.

Both options would result in the establishment of the world's largest contiguous no-take marine protected area, protect all WWII Battle of Midway objects, and encompass deep-sea high-density biological communities of scientific interest.

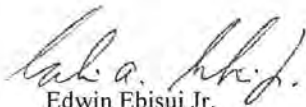
If you choose to expand the PMNM, we maintain our request that fisheries management in the US EEZ continue to be implemented under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), similar to what was prescribed in the proclamations establishing the Rose Atoll, Marianas Trench, and Pacific Remote Islands Marine National Monuments. The Hawaii longline fishery has been evaluated to be 94% compliant with the UN FAO Code of Conduct for Responsible Fishing and is subject to a suite of regulations developed under the MSA that includes catch limits, sea turtle, seabird, and marine mammal mitigation measures, independent federal observers, real-time satellite monitoring, fishing gear identification, and daily catch logbooks.

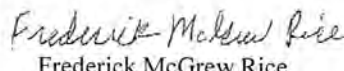
The Hawaii longline fleet has been subject to satellite-based monitoring since the early 1990s and the existing PMNM entry/exit notification requirements are duplicative and overly burdensome. Please consider revising the entry and exit notification requirements for Hawaii longline vessels, which we note only apply to US vessels and not foreign fishing vessels.

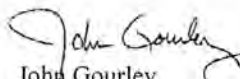
Another change to existing PMNM regulations that we request you consider is to allow subsistence fishing for Native Hawaiian communities, which is consistent with the provisions provided in the Rose Atoll and Marianas Trench monuments for local indigenous communities.

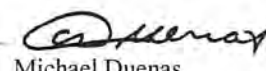
The initiative to expand PMNM has divided the Hawaii community, including friends, families, and colleagues. We believe the options we have developed would repair the community divide while addressing the interests of both sides of this issue.

Sincerely,


Edwin Ebisui Jr.
Chair


Frederick McGrew Rice
Vice Chair


John Gourley
Vice Chair


Michael Duenas
Vice Chair

Enclosure: Proposed PMNM Expansion Options

Cc: White House Council on Environmental Quality and The Honorable David Y. Ige, Governor, State of Hawaii



**Western
Pacific
Regional
Fishery
Management
Council**

August 18, 2016

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

Dear Mr. President:

Yesterday, we provided you with two options regarding your consideration of the request to expand the Papahānaumokuākea Marine National Monument around the Northwestern Hawaiian Islands. Those options would achieve the conservation and legacy objectives communicated by proponents of monument expansion while also ensuring access to current and historic fishing grounds of the highly monitored, responsible Hawaii longline fishery. These options have been vetted and supported by the Hawaii Longline Association and Hawaii Seafood Council. As noted, the preferred option would also reduce impacts to Native Hawaiian and State rights.

At this time, we submit for your consideration the following addendum to those options:

ADDENDUM

- ✓ 44% of US EEZ around Hawaii as no-take

In other words, both Option A and Option B would place 44 percent of the US exclusive economic zone around Hawaii as no-take waters (with possible allowance for subsistence fishing by native Hawaiian communities, as an added recommendation).

We feel it is important to include this addendum because efforts are underway to expand upon the Aichi Biodiversity Target established in 2010 to conserve 10 percent of coastal and marine areas, which Hawaii meets already. The World Parks Congress in 2014 recommended 30 percent no-take marine protected areas, which either option would exceed by 50 percent. Additionally, the United Nations' Ad Hoc Open-ended Informal Working Group is studying issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

Sincerely,

Edwin Ebisui Jr.
Chair

Frederick McGrew Rice
Vice Chair

John Gourley
Vice Chair

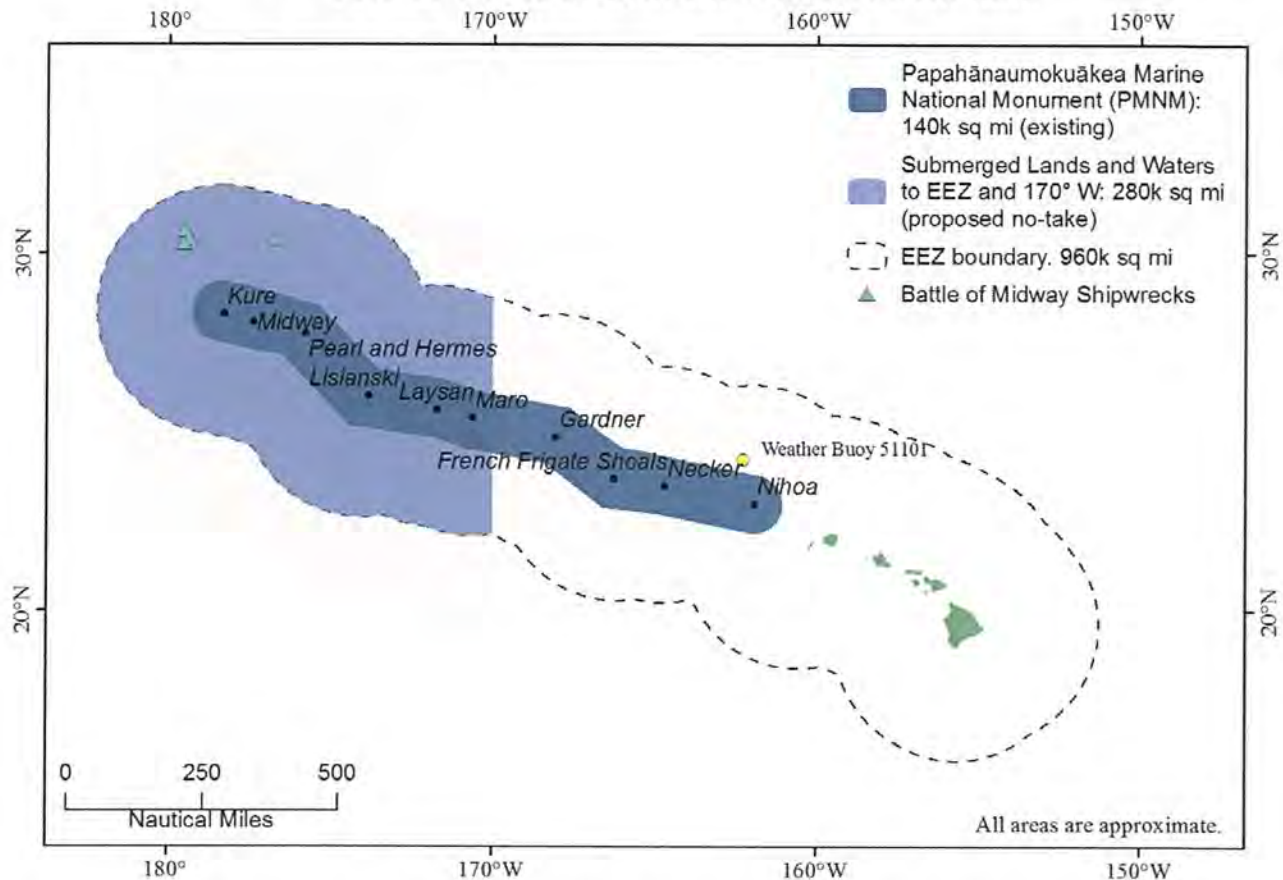
Michael Duenas
Vice Chair

Enclosures: Proposed PMNM Expansion Options with addendum point
Copy of August 18 letter

Cc: White House Council on Environmental Quality
The Honorable David Y. Ige, Governor, State of Hawaii

Option A (Preferred): Expansion West of 170°W

- ✓ World's largest contiguous no-take marine protected area: 419,517 sq. miles
- ✓ World's second largest contiguous marine protected area: 419,517 sq. miles
- ✓ Triples the no-take area of the existing monument
- ✓ 44% of US EEZ around Hawaii as no-take

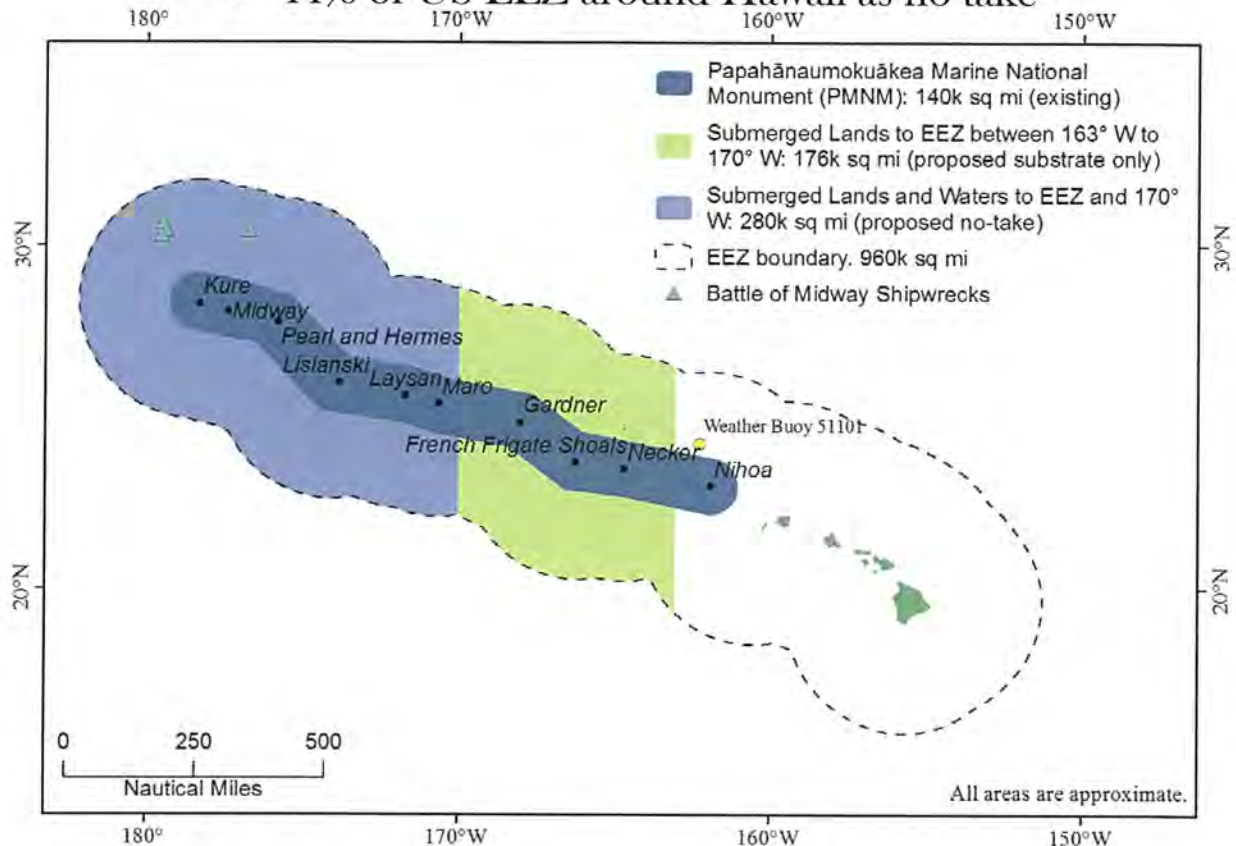


- ❖ Protects seamounts, banks and deep-sea high-density biological communities
- ❖ Eliminates future extractive activities that impact the ocean bottom (i.e., seabed mining)
- ❖ Protects dynamic pelagic areas (e.g., seasonal subtropical frontal zone)
- ❖ Protects all WWII Battle of Midway shipwrecks
- ❖ Encompasses 70% of NWHI monk seal population
- ❖ Encompasses 99% of NWHI albatross nesting population
- ❖ Protects an observed deep sea foraging area of monk seals off Kure
- ❖ Reduces impacts to Hawaii longline fishery and local sustainable food security
- ❖ Reduces enforcement burden for US Coast Guard, NOAA
- ❖ Continues to protect Hancock Seamount Ecosystem Management Area
- ❖ Continues fishery management under the Magnuson-Stevens Act
- ❖ Reduces impacts to Native Hawaiian and State rights



Option B: Expansion West of 163°W (Submerged Lands Only 163°W-170°W)

- ✓ World's largest marine protected area: 582,578 sq. miles
- ✓ World's largest contiguous no-take marine protected area: 419,517 sq. miles
 - ✓ Triples the no-take area of the existing monument
 - ✓ 44% of US EEZ around Hawaii as no-take



- ❖ Protects seamounts, banks and deep-sea high-density biological communities throughout the NWHI EEZ
- ❖ Eliminates future extractive activities that impact the ocean bottom (i.e., seabed mining)
- ❖ Protects dynamic pelagic areas (e.g., seasonal subtropical frontal zone)
- ❖ Protects all WWII Battle of Midway shipwrecks
- ❖ Encompasses 70% of NWHI monk seal population
- ❖ Encompasses 99% of NWHI albatross nesting population
- ❖ Protects an observed deep sea foraging area of monk seals off Kure
- ❖ Reduces impacts to Hawaii longline fishery and local sustainable food security
- ❖ Reduces enforcement burden for US Coast Guard, NOAA
- ❖ Substrate-only precedent exists with the Mariana Trench MNM
- ❖ Continues to protect Hancock Seamount Ecosystem Management Area
- ❖ Continues fishery management under the Magnuson-Stevens Act





**Western
Pacific
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Council**

August 12, 2016

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

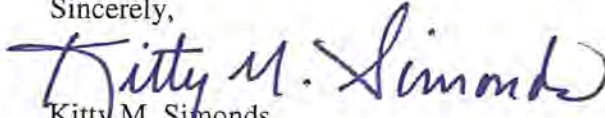
Dear Mr. President:

The Western Pacific Regional Fishery Management Council, at its 167th meeting convened on August 3, 2016, adopted the enclosed resolution.

The resolution requests that the US Government address concerns related to the proposed expansion of the Papahānaumokuākea Marine National Monument through a public, transparent, deliberative, documented, and science-based process. Further, if any designations are made in the marine environment under authorities such as the Antiquities Act of 1906, the resolution requests that fisheries management in the U.S. exclusive economic zone continues to be developed, analyzed, and implemented through the public process of the Magnuson-Stevens Fishery Conservation and Management Act.

At the August 1 and 2 public meetings on the proposed expansion held on Oahu and Kauai, people repeatedly asked that monument expansion not occur without a rigorous and transparent evaluation process that includes impacts to marine resources, people, and economy of Hawaii. We have heard from Senator Schatz that a decision will be made within a month, and officials from the State of Hawaii indicate this is a "done deal". We are naturally extremely concerned especially since we have not had any response to our previous letters of April 8 and July 14 of this year. The Council hopes, therefore, that its voice and those of the people of Hawaii will be heard and considered before any action is taken to expand the Papahānaumokuākea Marine National Monument.

Sincerely,


Kitty M. Simonds
Executive Director

Enclosure: Resolution from 167 Council Meeting

cc: White House Council on Environmental Quality
Secretary of Commerce
Secretary of the Interior
Secretary of State



Resolution on Potential Impacts of Expanding the Papahānaumokuākea Marine National Monument to the Fisheries and Food Security of Hawai'i and the Management of Fisheries as Mandated by the Magnuson-Stevens Fishery Conservation and Management Act

Approved by the Western Pacific Regional Fishery Management Council on August 3, 2016

Whereas the Western Pacific Regional Fishery Management Council was established by Congress in 1976 through the Fishery Conservation and Management Act, which is known today as the Magnuson-Stevens Act (MSA), to have authority over fisheries in the Pacific Ocean seaward of the State of Hawai'i, Territory of American Samoa, Territory of Guam, Commonwealth of the Northern Mariana Islands (CNMI) and the Pacific Remote Island Areas and is comprised of 13 voting members of which 12 represent the local governments, fisheries and other stakeholders;

Whereas the Council and the National Marine Fisheries Service (NMFS) manage fish stocks throughout their range in Hawai'i under the Hawai'i Archipelago and Pacific Pelagic Fishery Ecosystem Plans, taking into account international measures established by the Western and Central Pacific Fisheries Commission and Inter-American Tropical Tuna Commission;

Whereas the Council has maintained sustainable fisheries and conserved resources through conventional fishery management measures such as limited entry programs, spatial zoning, catch limits, observer programs, catch reporting, protected species mitigation measures and gear modifications, and advanced satellite monitoring, such that NMFS has recognized fisheries management in the U.S. Pacific Islands as a global model of sustainability in large part due to the Western Pacific Regional Fishery Management Council;

Whereas the Council's guiding principles include recognizing the importance of island cultures and traditional fishing practices in managing fishery resources and fostering opportunities for participation, and, to that end, has conducted research on indigenous fishing rights and established an Indigenous Fishing Rights Committee, an indigenous fishing program, and regulations that reserved Northwestern Hawaiian Islands (NWHI) limited entry bottomfish fishing permits for Native Hawaiian communities, among many other related actions;

Whereas the Council adheres to the MSA whose provisions are consistent with the United Nations Convention on the Law of the Sea (UNCLOS), including Article 61, "The coastal State taking into account the best scientific evidence available to it shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over exploitation," and Article 62, "The coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone without prejudice to Article 61 and further determine its capacity to harvest the living resources of the exclusive economic zone. When the coastal state does not have the capacity to harvest the entire allowable catch, it shall ... give other States access to the surplus of the allowable catch";

Whereas the Council in 1991, utilizing the MSA process of public participation and best available science to address potential interactions between Hawaiian monk seals and Hawai'i longline vessels, created the Protected Species Zone out to 50 nautical miles around all of the NWHI, encompassing a 100-nautical-mile (nm) wide by 1,200 nm long area that included all of the coral reef ecosystems, monk seal critical habitat, and seabird and sea turtle nesting sites in the NWHI;

Whereas the Antiquities Act of 1906 was used on June 15, 2006, by President George W. Bush to issue Proclamation 8031 to establish the 139,373 square-nautical-mile (nm) NWHI Marine National Monument (MNM, later renamed the Papahānaumokuākea MNM), overlaying the Protected Species Zone and which, among other provisions, permanently prohibits commercial, recreational and subsistence fishing that previously occurred in the NWHI, such as charter troll and limited entry bottomfish and lobster fishing, as well as other commercial activities and access within the entire monument area without authorization;

Whereas the Antiquities Act of 1906 "authorizes 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 on lands which are owned or controlled by the Government of the United States, and to reserve thereof parcels of land the limits of which shall in all cases be confined to the smallest area compatible with the proper care and management of the objects to be protected";

Whereas the Antiquities Act does not require notice, public participation, environmental or socioeconomic analyses, or Congressional oversight and allows the President to sidestep the Administrative Procedure Act and the National Environmental Policy Act in designating national monuments;

Whereas the Antiquities Act was subsequently used to create and expand the Pacific Remote Islands MNM (490,343 square miles), the Marianas Trench MNM (96,714 square miles) and Rose Atoll (13,393 square miles), which with the current Papahānaumokuākea MNM constitutes all of the nation's MNMs and prohibits fishing in 30 percent of the U.S.

EEZ in the Western Pacific Region, while allowing fishing managed under the Council in some MNM areas that include only submerged lands or permit customary exchange, whereas prior to the monument designation customary exchange did not require a permit;

Whereas the Antiquities Act is now once again being invoked in a request to President Obama to expand the Papahānaumokuākea MNM, and Senator Brian Schatz (D-Hawai'i) in June 2016 proposed the expansion encompass the full extent of the exclusive economic zone (EEZ) around the NWHI north of 163 degree longitude;

Whereas the Council is concerned that the proposed monument expansion would increase the monument more than fourfold to 582,578 square nm, i.e., equivalent to 60 percent of the EEZ around Hawai'i, 13 percent of the nation's entire EEZ and the size of the combined land masses of Oregon, Washington, California and Texas, and that this proposed area may not be confined to the smallest area compatible with the proper care of the objects to be protected;

Whereas the Council is concerned that the proposed expansion is not based on the best available scientific information with regards to mitigating the effects of climate change and benefiting the conservation of pelagic fish, seabird, sea turtle and marine mammal populations and coral reef and pelagic ecosystems and does not take into account protection of pelagic fish and protected species populations and pelagic and coral reef ecosystems already required by the existing Papahānaumokuākea MNM, the MSA and other existing laws;

Whereas the Council is concerned that the proposed expansion would harm commercial pelagic fisheries, especially the Hawai'i longline fishery, by closing fishing grounds within the EEZ, making it likely that the fishery will become more dependent on the high seas, where it must compete with foreign longline fleets and may have to fish further from Hawai'i thus incurring additional costs, increased safety risks and a larger carbon footprint;

Whereas the Council is concerned that the proposed expanded monument would negatively affect the local seafood markets, food security, economy and livelihoods of thousands who are employed in the fishing industry and associated businesses in Hawai'i and would increase the nation's dependence on imported seafood;

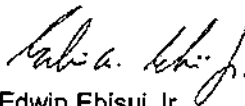
Whereas the Council is concerned that the proposed expansion does not take into account requirements to achieve optimum yield from the sustainable US fisheries that are managed to prevent overfishing and consistent with requirements of other applicable laws and statutes and would undermine the Council's ability to continue to manage fisheries throughout their range and in an ecosystem-based manner;

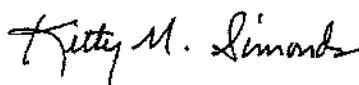
Whereas the Council is concerned that the expanded monument is being promoted as full protection when, in fact, it would not protect against coral bleaching and ocean acidification; would not protect migratory species throughout their range; and would not have authority over military activities, the navigation of foreign vessels, overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the sea under UNCLOS and customary international law;

Whereas the Council takes to heart the words of Chief Justice William S. Richardson of the Hawai'i Supreme Court, who emphasized at the Ho'ohanohano I Nā Kūpuna Puwalu (Honor Our Ancestors Conference) that "traditional and customary practices can only be recognized by the courts and by policymakers if the practices remain vibrant and healthy and relevant to the lives of our people";

Now, therefore, be it resolved that the Western Pacific Regional Fishery Management Council requests that United States government address concerns presented herein related to potential monument expansion through a public, transparent, deliberative, documented, and science-based process that includes projections regarding the management resources and tools needed to effectively manage and administer an expanded monument and the technical, scientific, and socioeconomic costs and benefits from monument expansion on marine resources, residents of Hawai'i, and the Nation; and that, if any designations are made in the marine environment under authorities such as the Antiquities Act of 1906, that fisheries management in the U.S. exclusive economic zone continues to be developed, analyzed and implemented through the public process of the Magnuson-Stevens Fishery Conservation and Management Act.

Be it further resolved that a copy of this resolution shall be sent to the President of the United States, the White House's Council on Environmental Quality, Secretary of Commerce, Secretary of the Interior, Secretary of State, and other parties as appropriate.


Edwin Ebisui Jr.
Chair


Kitty M. Simonds
Executive Director



**Western
Pacific
Regional
Fishery
Management
Council**

July 14, 2016

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

Dear Mr. President:

We are writing to you again regarding the issue of expanding the Papahānaumokuākea Marine National Monument (PMNM). We first wrote to you on this matter on April 8, 2016, whereby we provided information responding to the request by 7 private citizens to expand the PMNM.

On June 16th, Hawaii Senator Brian Schatz wrote to you expressing his support for expanding the PMNM from 139,800 to 582,578 square miles – increasing its size by approximately 316 percent. We reviewed the information contained in Senator Schatz's letter and information presented in a pro-expansion publication¹ and have found serious inaccuracies. Contrary to the statement in Senator Schatz's letter, the best scientific information available does not support that the ecosystem around the Northwestern Hawaiian Islands (NWHI) would be strengthened from monument expansion.

The area proposed for monument expansion is comprised of pelagic waters and deep-ocean seafloor (approximately 15,000 ft deep) of the US Exclusive Economic Zone (EEZ). The pelagic waters of this area do not form a distinct ecosystem, but rather are part of a larger sub-tropical pelagic ecosystem of the North Pacific Ocean. Effective conservation of highly migratory species such as tuna, billfish, sharks, seabirds, sea turtles that occur in pelagic ecosystem requires international measures and strict enforcement of foreign fishing vessels. Enclosed is our analysis that refutes arguments for expanding the monument contained in pro-expansion publication referenced above. Our analysis, which was reviewed by the National Marine Fisheries Service Pacific Islands Fisheries Science Center, provides accurate information with regards to marine resources and existing protections found in the NWHI.

Expanding the PMNM to the full extent of the EEZ would be an unprecedented action with negligible conservation gains – one that would close about two thirds of the EEZ around Hawaii to domestic fishing. The establishment of Marine National Monuments under the Antiquities Act has resulted in a disproportionate conservation burden that the US Pacific Islands region has had to shoulder. Marine National Monuments² have only been established in the US Pacific Islands and together represent about 30% of the US EEZ in our region. The establishment of these marine monuments has reduced accessible fishing grounds for sustainably managed US fisheries operating in US waters. Expanding the PMNM would compound negative cumulative impacts experienced by

¹ Pu'uhonua: A Place Of Sanctuary (The Cultural and Biological Significance of the proposed expansion for the Papahānaumokuākea Marine National Monument)

² Papahānaumokuākea MNM, Pacific Remote Islands MNM, Rose Atoll MNM, Mariana Trench MNM

the Hawaii longline fishery, which is highly monitored and primarily supplies Hawaii's domestic seafood market. Cumulative impacts include competition from less restricted foreign imports and catch limits and other restrictions imposed by international fishery management organizations such as the Western and Central Pacific Fisheries Commission and the Inter-American Tropical Tuna Commission.

Unilateral Presidential action to expand the PMNM under the Antiquities Act is contrary to the Magnuson-Stevens Fisheries Conservation and Management Act, which over the last 40 years has resulted in sustainable US fisheries and ecosystem protection. Expanding the PMNM under Antiquities Act also undermines the principles and public participation process established under the National Environmental Policy Act.


Hawaii is an ocean state; its commercial fisheries are its largest source of primary food production and make it the fifth most important commercial fishing port in the United States. Per-capita consumption of fish in Hawaii is twice the national average. Further, non-commercial fishing in Hawaii includes mass participation; the state is number one in terms of pounds of recreational fish landed per resident.

The maritime and fishing culture of Hawaii and the Pacific Islanders has a depth and significance which continues to resonate in modern times. Fishing, eating and sharing fish, and passing on the knowledge of fish and fishing locations, all play a pivotal role in preserving and perpetuating the culture and traditions of the people of the US Pacific Islands.

Finally, expanding the PMNM will further erode Native Hawaiian rights to the area and make it more difficult for Native Hawaiians to access these waters. Prior to the establishment of the PMNM, Native Hawaiians could readily access their traditional fishing grounds in the NWHI. There is no evidence that this access threatened any fish stocks or resources in the area. After President George W. Bush established the PMNM, the federal government instituted a Native Hawaiian Practices Permit, which if granted, comes with a suite of associated permit conditions that restrict traditional activities. For example, resources harvested in the NWHI under the terms of the Native Hawaiian Practices Permit must be consumed in the Monument. This eliminates Native Hawaiian customary sharing, customary exchange and other cultural use of fish caught in the Northwestern Hawaiian Islands.

Expanding the Papahānaumokuākea Marine National Monument would produce negligible conservation benefits while unnecessarily impact Hawaii pelagic fisheries and would result in social and cultural consequences. Such an action, especially as it would be taken under the Antiquities Act, would be a monumental step backward in the United States' progress in managing its natural resources using the best scientific information available and providing for meaningful opportunities for public participation.

Sincerely,



Kitty M. Simonds
Executive Director



Edwin Ebsui Jr.
Council Chair

Enclosures: 1) WPRFMC Science Rebuttal Analysis
2) WPRFMC Letter to Senator Schatz



Analysis of the “Pu‘uhonua a Place of Sanctuary: The Cultural and Biological Significance of the Proposed Expansion for the Papahānaumokuākea Marine National Monument”

July 14, 2016

This document provides the Western Pacific Regional Fishery Management Council’s analysis of the document “Pu‘uhonua a Place of Sanctuary: The cultural and biological significance of the proposed expansion for the Papahānaumokuākea Marine National Monument” (hereafter referred to as the “Pu‘uhonua document”). Specifically, we focus on the scientific significance arguments posed in the Pu‘uhonua document.

Arguments made in the Pu‘uhonua document	WPRFMC Analysis
Key ecosystems that would benefit from expansion include coral reefs, seamounts, pelagic areas, guyots, and abyssal seabed communities.	Existing fishing activity in the potential expansion area do not pose a threat to coral reefs, seamounts, pelagic areas, guyots and abyssal seabed communities. Fishing activity occurs in the top surface layer of the water column, compared to the seabed of the potential expansion area lying three miles under water, and destructive fishing practices have been prohibited since 1986. Additional details on these points are provided below.
<ul style="list-style-type: none"> Coral Reefs: “The NWHI: in deep sea habitat in the NWHI of the Papahānaumokuākea Marine National Monument would better ensure the resiliency for these reefs, reducing one stressor -- fishing -- facing reefs in this multi-stressor situation” 	There is no fishery targeting corals in the Northwestern Hawaiian Islands (NWHI). The only fishery currently operating in the US Exclusive Economic Zone (EEZ) around the NWHI is the Hawaii longline fishery, which does not pose a threat to reefs or deep-sea habitat. The deepest hook set is about 400 meters which is much shallower than 99% of the benthic habitat in the potential expansion area of the NWHI. Any claims that fishing represents a threat to hermatypic or deep sea corals are entirely spurious. Deep water trawling has been prohibited in the US EEZ around Hawaii, Guam, Commonwealth of the Northern Mariana Islands (CNMI), American Samoa, and the Pacific Remote Island Areas (PRIA) since 1986 through action of the Western Pacific Regional Fishery Management Council.

Arguments made in the Pu‘uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Seamounts: “Since there are high levels of biodiversity and endemism on seamounts that have been studied to date, it is assumed that unexplored seamounts contain similar amounts of biodiversity and endemism and likely hold great opportunity for future scientific discoveries, including new species” 	<p>The average depth in the proposed monument expansion is 4,882 m. While seamounts comprise the shallower area in the potential expansion area, biological productivity is much higher on seamounts that are 1,000 m or shallower. These constitute only 0.1% of the area. Further, the Pu‘uhonua document appears to apply information gleaned from studies of mesophotic coral ecosystems (MCEs) and generalize the findings to seamounts that occur at depths significantly greater than MCEs are found. Finally, while it may be true that there is potential for scientific discoveries at unexplored seamounts, these explorations can occur now, and in fact with less bureaucracy than if the monument was expanded. Bottom line: monument expansion is not necessary to study biodiversity and endemism on seamounts, and in fact may hinder it.</p>
<ul style="list-style-type: none"> • Seamounts: “The proposed expansion of the Monument would protect approximately 110 additional seamounts from the irreversible effects of deep water trawling and the immeasurable damage of deep water mining.” 	<p>Deep water trawling (i.e., bottom trawling), bottom-set gill nets, tangle nets and other destructive fishing gear has been prohibited in the US EEZ around Hawaii, Guam, CNMI, American Samoa, and the Pacific Remote Island Areas since 1986 through action of the Western Pacific Regional Fishery Management Council under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. There is no other fishing activity posing a threat to seamounts in the potential expansion area.</p> <p>Deep water mining leases and associated permits must undergo a rigorous federal environmental review process under existing requirements. Threats to a resource do not determine its cultural or scientific interest, or demonstrate that the current boundaries are insufficient for the management of the resource. A monument expansion to protect these resources would be an admission that the current environmental review process, as well as a series of executive orders, is insufficient. If this is the case, monument designations and expansions would be a bandaid, not a solution.</p>

Arguments made in the Pu‘uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • “Deep coral reefs in PMNM may contain the highest percentage of fish species found nowhere else on Earth, according to a study by NOAA scientists published in the Bulletin of Marine Science” 	<p>The “deep coral reefs” described here are more widely known as mesophotic coral ecosystems (MCEs). MCEs are considered deeper extensions of coral reef ecosystems found at 30 to 150m depths. Whereas it is true that Kane and colleagues showed that there is high endemism of MCE associated fishes, the claim that this area is the highest in the world is unsubstantiated¹. In fact, the authors of the study highlighted that “the study only surveyed slopes, ledges, or other distinguishing reef fish habitat features at depths between 30 and 90 m, and therefore the endemism estimates are not comparable to other fish habitat types at the same depths”. This means that their estimates only apply to a similar habitat type at that depth range. Reefs within the Papahānaumokuākea Marine National Monument (PMNM) do not demonstrate the scientific interest of the expansion area.</p>
<ul style="list-style-type: none"> • “Several of these species (oceanic white tip shark, giant trevally, bluefin trevally, green jobfish, and endemic Hawaiian grouper) and others spend parts of their life histories both inside and outside the borders of the existing monument. Expanding the area of protection will increase survivability of these species.” 	<p>The expansion is unlikely to increase survivability of the species mentioned in this statement. The majority of reef-associated species have a pelagic larval stage which is highly dependent on the ocean circulation. A hook-and-line fishery like the Hawaii longline fishery will have no direct impact to tiny larvae. Moreover, these species (maybe less so for the oceanic white tip) are already protected by the current boundary. Numerous papers published the home range of these different species:</p> <ul style="list-style-type: none"> ○ Giant trevally = 29km (18mi)² ○ Bluefin trevally = 10.2km (6.3mi)³ ○ Green jobfish = 12-19km (7.4-11.8mi)⁴; 3-30km (1.8-18mi)⁵ ○ Hawaiian grouper = purely demersal species with very limited home and depth range⁶
<p>Populations of seabirds, turtles, whales, predators such as sharks and tuna, and bottom life associated with seamounts and hydrothermal vents would benefit from the expansion. The existing borders do not allow for the proper care and management for populations of migratory birds, fish, mammals, and sea turtles, and newly discovered and little understood deep sea ecosystems.</p>	<p>The best available science does not indicate expanding the PMNM will benefit species such as seabirds, turtles, whales, sharks and tuna. Existing management mechanisms have continued to show success in minimizing ecosystem impacts from fisheries, and the Hawaii longline fishery serves as the gold standard in the international arena. Additional details on these points are provided below.</p>

Arguments made in the Pu‘uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Seabirds: “Eleven of the species found in the NWHI are considered imperiled or of high conservation concern, and in particular, six species – the Laysan (near-threatened), black-footed (near-threatened), and short-tailed (endangered) albatrosses, Christmas shearwater, Tristram’s storm-petrel (near-threatened) and blue noddly – are of the highest concern for the Pacific Island region as a whole.” 	<p>The Pu‘uhonua document cites the IUCN Red List status, which uses different criteria than the U.S. Endangered Species Act (ESA) listing. Of the species highlighted in this statement, only the short-tailed albatross is listed under the ESA, and this species’ primary breeding habitat is in Japan. Short-tailed albatross, Christmas shearwater, Tristram’s storm-petrel and blue noddly are not at risk from bycatch in the Hawaii longline fishery. The Laysan and black-footed albatrosses are not listed under the ESA, their populations are stable or increasing, and the Hawaii longline fishery pioneered seabird mitigation measures to reduce interactions with these two species in the early 2000s.</p>
<ul style="list-style-type: none"> • Seabirds: “...the most significant cause of population decline for albatross can be attributed to longline fisheries.” 	<p>The Hawaii longline fishery pioneered seabird mitigation measures in 2002 to reduce interactions with Laysan and black-footed albatrosses. As a result of these measures, sea bird interactions were reduced by 70-90 percent^{7,8}). These two species of albatrosses have stable or increasing populations⁹.</p>
<ul style="list-style-type: none"> • Seabird: “Some studies have shown that booby species range throughout most – though not all – of the NWHI. Furthermore, smaller seabird species have been shown to forage further from breeding colonies than larger birds (likely as a result of interspecies competition). Thus, many species are likely to be foraging well outside the current boundaries of the monument, including white-tailed tropicbirds, red-tailed tropic birds, masked boobies, great frigatebirds, sooty terns, and wedge-tailed shearwaters.” 	<p>The seabirds mentioned in this statement have limited to no interactions with the Hawaii longline fishery, and thus pushing the longline fishery outside of the US EEZ around the NWHI will not provide conservation benefits.</p>

Arguments made in the Pu'uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Turtles: "More than 90% of green sea turtles (<i>Chelonia mydas</i>) or honu in Hawaiian nest in the NWHI. Individuals tagged at French Frigate Shoals have been identified near Kauai, Oahu, and Maui to the southwest and near Lisianski Island, and Pearl and Hermes Reef to the northwest. This is a flagship species for Hawaii's tourism industry, with numerous businesses catering to tourists who wish to observe these endangered animals. They are also an iconic Hawaiian species of great cultural importance." 	<p>Green sea turtles are rarely caught in the Hawaii longline fishery. There have been no green turtle interactions observed in the Hawaii longline fishery operating within the US EEZ around the NWHI since 2002. The Hawaii green sea turtle population has made a remarkable rebound since commercial harvest was prohibited through state and federal regulations in the 1970s.</p>
<ul style="list-style-type: none"> • Turtles: "Two other species of sea turtle, the loggerhead (<i>Caretta caretta</i>) and leatherback (<i>Dermochelys coriacea</i>), have been identified as being at particular risk of population decline as a result of incidental take by longline pelagic fisheries. In fact, fisheries are considered to be one of the main causes of anthropogenic mortality for sea turtles. Nesting populations of Pacific leatherbacks have experienced a 95% decline in just two decades. Loggerhead turtles showed an 80% population decline in the same period." 	<p>The National Marine Fisheries Service has concluded that the Hawaii longline fishery is not impacting the recovery of loggerhead and leatherback populations.</p> <p>The source document pointing to loggerhead turtle decline is dated 2004. The North Pacific loggerhead nesting population has increased in the decade following the 2004 publication. Furthermore, loggerhead turtles rarely occur in the US EEZ around the NWHI and there have been no observed deaths of loggerhead turtles from the Hawaii longline fishery in the US EEZ around the NWHI.</p> <p>Similarly, there have been no observed deaths of leatherback turtles from the Hawaii longline fishery in the US EEZ around the NWHI. Leatherback turtles in the Western Pacific are threatened by land-based threats at their nesting beaches primarily located in Indonesia, Papua New Guinea and the Solomon Islands, such as egg harvest, predation by dogs and pigs, and beach erosion from frequent storms. Recognizing these threats, the Western Pacific Regional Fishery Management Council supported nesting beach conservation projects from 2002-2014 to aid in the recovery of Pacific leatherback turtle populations.</p>

Arguments made in the Pu'uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Turtles: "Because of high bycatch rates of sea turtles, particularly loggerheads, the Hawaiian swordfish fishery was closed by court order from 2000-2004. The Hawaiian tuna fishery was seasonally restricted by the same order due to high bycatch rates of olive ridley sea turtles. Both fisheries also caught substantial numbers of leatherback sea turtles." 	<p>Sea turtle bycatch mitigation measures implemented in the Hawaii swordfish longline fishery in 2004 successfully reduced interactions by 80-90 percent¹⁰. The court-ordered closure of the Hawaii swordfish longline fishery that lasted through 2004 resulted in more impacts to loggerhead and leatherback turtles, as domestic swordfish were replaced by imports from foreign fisheries that do not have the same standard of management as the U.S. It is estimated that the closure of the Hawaii's fishery contributed to an additional 2,800 sea turtle interactions during the four-year period¹¹.</p>
<ul style="list-style-type: none"> • Whales: "24 species of marine mammal have been identified in Hawaiian waters, 22 of which occur in the proposed expansion." 	<p>The simple presence of marine mammals does not provide justification for a monument designation. The Pu'uhonua document provides no further discussion on threats or justification on how a monument expansion would provide additional conservation benefits to these species.</p> <p>All marine mammals are protected under the Marine Mammal Protection Act (MMPA). The Hawaii longline fishery has an extremely small number of interactions with marine mammals. Efforts to address false killer whale interactions in the fishery are underway through the False Killer Whale Take Reduction Team.</p>
<ul style="list-style-type: none"> • Sharks: "Between 5,000 – 28,000 sharks are caught by longline vessels each year in the Northwest Hawaiian Islands, and nearly all are dumped overboard." 	<p>Capture and release is not synonymous with mortality. Sharks are not dumped overboard; they are cut loose from the branchline and rarely retained. At-sea observer data indicate 95% are alive upon release and electronic tags indicate low post-release mortality. 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 (ISC)¹².</p>
<ul style="list-style-type: none"> • Sharks: "In the Pacific, oceanic whitetip sharks (<i>Carcharhinus longimanus</i>) and silky sharks (<i>Carcharhinus falciformis</i>), highly migratory species that were once categorized as two of the most abundant species of large marine animals, have declined significantly." 	<p>Large scale commercial fishing has occurred in the Pacific Ocean for >50 years. The oceanic white-tip is probably the only shark documented scientifically to have declined in the Pacific Ocean. If they cannot withstand fishing pressure, how are they still caught in the NWHI at the same rate for the last 10 years? Moreover, core silky shark habitat is 10° S to 10° N, and the NWHI begins at 19° N. Oceanic white-tips have a larger habitat, and it is misleading to indicate that NWHI pertains to core habitat. Further, oceanic white tip and silky sharks are rarely caught by the Hawaii longline fishery and are released in accordance with Western and Central Pacific Fisheries Commission (WCPFC) and Inter-American Tropical Tuna Commission (IATTC) conservation and management measures.</p>

Arguments made in the Pu'uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Sharks: "The same data set also shows that the catch per unit effort of sharks in NWHI has dropped considerably from a high of 13.02 sharks/million hooks in 1992 to 2.29 sharks/million hooks in 2014. This suggests an alarming decline in shark populations, and is of concern not only because of the declining numbers, but also because the limited fishery is targeting tuna, not sharks." 	<p>Reductions in shark catch per unit effort (CPUE) in the Hawaii longline fishery are not a result of stock declines, but rather due to two major developments that affected shark catch rates in the fishery. The first was the prohibition in 2000 of shark finning under most circumstances, and the second was the temporary closure of the shallow-set component of the longline fishery in 2001-2004. Walsh and colleagues observed that catch rates for the blue shark, oceanic whitetip shark, bigeye thresher, and crocodile shark were significantly lower in 2004-2006 than in 1995-2000¹³. For the blue shark in particular, the combination of reduced catch rates, the finning ban, and an apparent capacity to resist the stress of capture on longline gear resulted in low (4%-5.7%) minimum mortality estimates. These results show that the Hawaii-based pelagic longline fishery has made substantial progress in reducing shark mortality and minimizing impacts to shark species that are incidentally caught in the fishery.</p>
<ul style="list-style-type: none"> • Sharks: "The value of large protected areas to sharks has been demonstrated, and expanded protection in this area will be of benefit to multiple threatened shark species." 	<p>The Pu'uhonua document provides no scientific evidence to support this statement. While protected areas may be beneficial for coastal sharks with limited range, the value of large protected areas has not been demonstrated for highly migratory pelagic sharks.</p>
<ul style="list-style-type: none"> • Tunas: "Commercially important tuna species are threatened with extinction and fisheries managers are not following scientific advice to improve stocks." 	<p>Some commercial tuna stocks have been depleted but none in the Pacific face extinction. Both yellowfin and bigeye tuna stocks are considered healthy where they reside in a larger sub-region that includes the Northwestern Hawaiian Islands. For example, bigeye depletion is only 20% of unfished biomass in the Hawaii region, whereas in the equatorial Pacific, bigeye biomass depletion is around 80%¹⁴. The same holds true for yellowfin¹⁵.</p>
<ul style="list-style-type: none"> • Tunas: "The benefits of marine protected areas to commercial fish species are well studied. A global analysis of marine reserves found that on average, marine reserves result in higher fish biomass, greater numbers of fish, more species in an ecosystem, and larger fish. Expanding Papahānaumokuākea will create a large sanctuary where the ecosystem can thrive and where these economically important species can be safe from overfishing with the opportunity to mature and reproduce." 	<p>There is no evidence that open ocean marine reserves have any effect on reducing tuna fishing mortality. In 2010 the WCPFC closed two large high seas pockets in the Western Pacific (High Seas Pockets 1 and 2) to purse seine fishing as a tuna conservation measure. However, there was no decline in the fishing mortality because tuna move and they moved into adjacent zones of heavy purse seine fishing and thus were exposed to the same levels of fishing mortality¹⁶.</p>

Arguments made in the Pu'uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Tuna: "While much of the research in this area to date has focused on coastal and bottom habitats, the principle that fish populations rebound when fishing pressure is removed appears to hold true for offshore species, too. For example, Filipino fishermen caught skipjack, yellowfin, and bigeye tuna inside High Seas Pocket 1, an area of high seas between the Philippines and Guam closed to most fishing countries. These fish were on average larger than fish of the same species caught inside the Philippines EEZ." 	<p>High Seas Pocket 1 (HSP 1) is open to all members in the WCPFC with fishing rights, especially longline vessels which heavily fish in High Seas Pocket 1. Some purse seine vessels do not fish in HSP 1 because of agreements with the Parties to the Nauru Agreement (PNA), not because HSP 1 is closed. Comparing tunas caught in High Seas Pocket 1 by the Philippine purse seine fleet with catches by the same fleet in the Philippine EEZ is entirely spurious. The fish are larger because the Philippines adopted larger mesh sizes for purse seiners and ringnet vessels operating in High Seas Pocket 1 than those operating within the EEZ. Further, the Philippines is a well-known spawning ground for tropical tunas where there is a profusion of small fish. Indeed special tags had to be developed to tag the very small tunas encountered in the Philippines by the Secretariat of the Pacific Community (SPC) tuna tagging program.</p>
<ul style="list-style-type: none"> • Tuna: "These tuna would grow large and produce exponentially more eggs than smaller, unprotected individuals swimming outside the area of protection. Spillover effects of the fish that do swim outside of the area of protection would benefit fishermen." 	<p>There is no demonstrated spillover effect for tunas from large high seas closures, some of which have been in place for several years (e.g., the US EEZs around the PRIAs and the existing monument around the NWHI). Moreover, while bigger fish may produce more eggs, most of the reproductive potential of a stock is in the more abundant smaller mature females.</p>
<p>Marine protected areas are most effective when they are large, remote, strongly protected, protected for a long time, and enforced. Expanding the monument would make it even more effective at conserving wildlife, improving ecosystem health, and increasing climate change resiliency.</p>	<p>Although marine protected areas (MPAs) are widely used as a management tool for small-scale insular areas, applicability of this approach to a large open ocean habitat has yet to be demonstrated. Scale, remoteness, and consistency of protection are all factors that affect enforcement. It is presumptuous to claim that by expanding the current boundaries, management of the area (including all the components required for effective area-based management) will improve. Additional details on these points are provided below.</p>
<ul style="list-style-type: none"> • "Expanding the monument to include the entire U.S. EEZ surrounding the Northwestern Hawaiian Islands would achieve or exceed this 30% goal for the United States, and increase the global strongly protected area up to about 2.3%." 	<p>The U.S. Pacific Islands region including Hawaii currently has the highest percentage of EEZ designated as no-take MPA at 28%, whereas all other U.S. regions have less than 1% of their EEZ areas designated as MPAs. Expansion of the monument boundary around the NWHI to the full 200nm extent would result in nearly 70% of the EEZ around Hawaii in no-take MPAs, placing a disproportionate burden on Hawaii.</p>

Arguments made in the Pu'uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • “The expansion will vastly increase the oceanographic habitats and populations of seabirds, fish, marine mammals, and sea turtles that are protected from commercial fishing, as well as decrease the distance from other protected areas. Enhancing the survival of migratory fish increases the marine resource capital from which fishermen can draw the interest in a sustainable manner.” 	<p>It is premature to assume that a large ocean MPA will be effective in conserving highly migratory species. One of the stocks mentioned that would benefit from the expansion is the tuna which is a pan-pacific stock. MPA implementation is not likely to improve overall stock abundance or increase harvest unless catch is simultaneously reduced in the areas outside the MPA¹⁷.</p> <p>There is an implicit assumption that the open ocean environment has a static nature, which is inaccurate. While traditional MPA designs are effective in static habitats, many important pelagic habitats are neither fixed nor predictable. Thus, pelagic protected areas will require dynamic boundaries and extensive buffers. In addition, the protection of far-ranging pelagic vertebrates will require dynamic MPAs defined by the extent and location of large-scale oceanographic features¹⁸.</p> <p>The use of MPAs for highly migratory species in an open ocean context through the expansion has 4 out of 5 shortcomings identified by Agardy and colleagues: inappropriately planned or managed MPAs; MPAs that fail due to the degradation of the unprotected surrounding ecosystems; MPAs that do more harm than good due to displacement and unintended consequences of management; and MPAs that create a dangerous illusion of protection when in fact no protection is occurring¹⁹.</p>
<ul style="list-style-type: none"> • “A key obstacle to establishing MPAs is the fact that in most cases the fisheries costs of MPA establishment are realized in the short term while the fisheries benefits come later.” 	<p>Few if any studies have shown any improvement to catch per unit effort (CPUE) resulting from large ocean MPA designation. Experiences from small MPAs designed to protect species with high site fidelity cannot be translated to open ocean MPAs.</p>
<ul style="list-style-type: none"> • Climate change: “Immediately taking steps to decrease the concentration of atmospheric carbon dioxide is practically the only way to slow the effects of ocean acidification, however, protecting large expanses of reefs from fishing and other extraction activities would also help maintain the biodiversity needed to buffer or ameliorate the effects of ocean acidification.” 	<p>The implementation of an expanded NWHI monument will have no impact on climate change and biodiversity. The Hawaii longline fishery fishes in the epi-pelagic and meso-pelagic layer of the water column catching a range of pelagic predatory fish. Removal of this fishery will not slow the effects of ocean acidification, protect large expanses of reefs nor maintain the biodiversity needed to buffer or ameliorate the effects of ocean acidification.</p>
<ul style="list-style-type: none"> • Climate change: “Protected areas act as an ocean refuge for fish, including those displaced by climate change.” 	<p>The 50- to 200-nm area of the potential expansion is comprised of highly migratory pelagic species and deep-water benthic species. This statement is illogical in the context of highly migratory pelagic species inhabiting the potential expansion area. It suggests that a stationary area will protect fish that move.</p>

Arguments made in the Pu'uhonua document	WPRFMC Analysis
<ul style="list-style-type: none"> • Climate change: "As ocean temperatures rise, migratory fish populations will move toward cooler waters affecting fisheries and food security." 	<p>This statement provides support for keeping the entire 50- to 200-nm EEZ open to fishing for the purpose of minimizing impacts to fisheries and food security. If EEZ waters around the NWHI are closed, the fishermen will not be able to follow the fish northward in the EEZ (which stretches to the NW).</p>
<ul style="list-style-type: none"> • Climate change: "The most up-to-date science shows that marine reserves are an essential means to bolster climate resilience; strongly protected areas that safeguard species and ecosystem functions have proven to be six times more resilient to the impacts of climate change than unprotected areas." 	<p>The studies cited in the Pu'uhonua document in support of this and similar statements focus on nearshore coral reef and other coastal ecosystems, which are already protected within the existing 50 nm monument boundary. These studies focusing on coral reefs cannot be generalized to pelagic environments in the 50-200 nm potential expansion area. Further, the Pu'uhonua document provides no evidence that large MPAs provide climate resilience in pelagic environments.</p> <p>Recent mass bleaching events in MPAs such as the Great Barrier Reef suggest that MPAs do not sufficiently protect marine environments from climate change impacts.</p>
<p>The area being proposed for expansion is not a major fishing ground according to publicly available data from NOAA. In fact, log books show that the effort in the region has been dramatically decreasing over the last five years.</p>	<p>A fishing ground that provides up to 10% of catch is a major fishing ground. Longline fisheries follow the fish and in some years the best fishing has been in the NWHI. Additional details on these points are provided below.</p>
<ul style="list-style-type: none"> • "The area in the Northwestern Hawaiian Islands under consideration for expansion is not a major fishing ground according to publicly available data from NOAA." 	<p>The fishery is a dynamic operation ranging over a large area of ocean where conditions shift in response to oceanic conditions and fish behavior. For example, there is a winter feeding migration southwards by bigeye which would not be fully utilized if the waters of the NWHI are closed. This winter bigeye run is especially important to the Hawaii longline fleet as it occurs during the holiday season from Thanksgiving to the Chinese New Year in February, when demand for ahi is high. Vessels can make shorter trips, fishing the US EEZ around the MHI and NWHI resulting in shorter trips, lower expenses and higher quality fish, leading to improved profitability.</p>
<ul style="list-style-type: none"> • "The good news in the situation of the expansion of Papahānaumokuākea is that it is unlikely that the Hawaiian longline fishery would be significantly affected by the larger marine protected area. The most likely response to the expansion of the PMNM is for fishing effort to shift beyond the newly closed area." 	<p>The claim that effort can shift out of the NWHI is indicative that the expanded closure will have no impact on highly mobile tuna stocks, which will move beyond the closure boundary to be caught by Hawaii and Asian longline fleets. Indeed, the Hawaii fleet may have to work harder to compete with the Asian fleets, whereas it is protected by the US EEZ around the NWHI and MHI. Moreover, major closures on the high seas have already been tested by the WCPFC and did not result in reductions to bigeye fishing mortality.</p>

Arguments made in the Pu'uhonua document	WPRFMC Analysis
<p>Hawaii longline catch quotas are set by the negotiations that take place at the Western Central Pacific Fisheries Commission, not the placement of marine protected areas. An expanded monument simply displaces fishing effort and will not reduce the overall catch for the Hawaii longline fishery. In fact, the expansion of the monument would therefore have no or only minimal negative impacts on the Hawaiian and US economy.</p>	<p>There is no analysis or data to support the statement that the Hawaii longline fishery will not be impacted by Monument expansion. Whether or not the Hawaii longline quotas are set by the WCPFC has no bearing on closing access to fish in the NWHI. Further, the fleet is a mix of small (50ft) to large (90ft) vessels. The larger vessels can range further offshore, while smaller vessels need access to fishing grounds nearer to Hawaii. Closing the NWHI will thus remove access for the smaller vessels in the fleet and restrict them to the US EEZ around the Main Hawaiian Islands or to fish offshore on the high seas with the safety at sea issues that this entails. The Pu'uhonua document also contradicts itself by stating that populations of predators such as tunas would benefit from expansion. Then it notes that expanding the monument will displace effort and will not reduce the overall catch of the Hawaii longline fishery which would suggest no reduction in fishing mortality.</p>

¹ Kane, Corinne, Randall K. Kosaki, and Daniel Wagner. 2014. High levels of mesophotic reef fish endemism in the Northwestern Hawaiian Islands. *Bulletin of Marine Science* 90.2: 693-703.

² Meyer, Carl G., Kim N. Holland, and Yannis P. Papastamatiou. 2007. Seasonal and diel movements of giant trevally *Caranx ignobilis* at remote Hawaiian atolls: implications for the design of marine protected areas. *Marine Ecology Progress Series* 333: 13-25.

³ Meyer, Carl G., and Randy R. Honebrink. 2005. Transintestinal expulsion of surgically implanted dummy transmitters by bluefin trevally – implications for long-term movement studies. *Transactions of the American Fisheries Society* 134.3: 602-606.

⁴ Meyer, Carl G., Yannis P. Papastamatiou, and Kim N. Holland. 2007. Seasonal, diel, and tidal movements of green jobfish (*Aprion virescens*, Lutjanidae) at remote Hawaiian atolls: implications for marine protected area design. *Marine Biology* 151.6: 2133-2143

⁵ Wetherbee, Bradley M., et al. 2004. Use of a marine reserve in Kaneohe Bay, Hawaii by the giant trevally, *Caranx ignobilis*. *Fisheries Research* 67.3: 253-263.

⁶ Rivera, Malia Ana J., et al. 2010. Genetic analyses and simulations of larval dispersal reveal distinct populations and directional connectivity across the range of the Hawaiian Grouper (*Epinephelus quernus*). *Journal of Marine Biology* 2011 (2010).

⁷ Gilman E, Brothers N, Kobayashi DR. 2007. Comparison of three seabird bycatch avoidance methods in Hawaii-based pelagic longline fisheries. *Fisheries Science* 73(1):208-210.

⁸ Van Fossen L. 2007. Annual report on seabird interactions and mitigation efforts in the Hawaii longline fishery for 2006. Honolulu: National

Marine Fisheries Service, Pacific Islands Regional Office.

⁹ Arata, J.A., P.R. Sievert, and M.B. Naughton. 2009. Status assessment of Laysan and black-footed albatrosses, North Pacific Ocean, 1923–2005: U.S. Geological Survey Scientific Investigations Report 2009-5131, 80 pages.

¹⁰ Gillman E, Kobayashi D, T. Swenarton, N. Brothers, P. Dalzell, I. Kinan-Kelly. 2007. Reducing sea turtle interactions in the Hawaii-based longline swordfish fishery, *Biological Conservation*, 139:19-28.

¹¹ Rausser G, Hamilton S, Kovach M, Stifter R. 2009. Unintended consequences: The spillover effects of common property regulations. *Marine Policy* 33: 24-39.

¹² ISC. 2013. Stock assessment and future projections of blue shark in the North Pacific Ocean. Shark Working Group, International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean, Busan, Korea, July 17-23, 2013, 82

¹³ Walsh, W., Bigelow, K.A. and Sender, K.L. 2009. Decreases in Shark Catches and Mortality in the Hawaii-Based Longline Fishery as Documented by Fishery Observers, *Marine and Coastal Fisheries: Dynamics, Management, and Ecosystem Science* 1:270–282.

¹⁴ Harley, S., N. Davies, J. Hampton, S. McKechnie. 2014. Stock Assessment of Bigeye Tuna in the Western and Central Pacific Ocean. WCPFC-SC10-2014/SA-WP-01.

¹⁵ Davies, N, S. Harley, J. Hampton and S. McKechnie. 2014. Stock Assessment Of Yellowfin Tuna In The Western And Central Pacific Ocean. WCPFC -SC10-2014/SA-WP-04

¹⁶ WCPFC. 2012. SUMMARY REPORT. Commission on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. Eighth Regular Session, Tumon, Guam, United States of America, 26-30 March 2012. 52 p plus apps.

¹⁷ Hilborn, Ray, Fiorenza Micheli, and Giulio A. De Leo. 2006. Integrating marine protected areas with catch regulation." *Canadian Journal of Fisheries and Aquatic Sciences* 63, no. 3: 642-649.

¹⁸ Hyrenbach, K. David, Karin A. Forney, and Paul K. Dayton. 2000. Marine protected areas and ocean basin management." *Aquatic conservation: marine and freshwater ecosystems* 10, no. 6: 437-458.

¹⁹ Agardy, Tundi, Giuseppe Notarbartolo Di Sciara, and Patrick Christie. 2011. Mind the gap: addressing the shortcomings of marine protected areas through large scale marine spatial planning. *Marine Policy* 35.2: 226-232.



**Western
Pacific
Regional
Fishery
Management
Council**

June 20, 2016

Honorable Brian Schatz
United States Senator
Hart Building
Suite SH-722
Washington
DC 20510-1105

Dear Senator Schatz:

We are writing in response to your letters of March 23rd and June 16th regarding the proposed expansion of the Papahānaumokuākea Marine National Monument (Monument) in the Northwestern Hawaiian Islands (NWHI).

Despite your assertion that you would not support any expansion that does not adequately consider the interests and importance of Hawaii's longline fishery, which as you note in your letter has fished responsibly in the NWHI for decades, the boundaries you propose for monument expansion eliminate the fishery from a substantial portion of its traditional range.

We are dismayed that you did not consult with the Western Pacific Regional Fishery Management Council (Council) prior to distribution of your letters which have proliferated unsubstantiated statements through the media. For example, insinuating that a "vigorous carbon sink" will be created by drawing a boundary on the ocean is false, as such an action would not make that part of the ocean absorb any more carbon than at present. The Council has federal jurisdiction over the waters within the Northwestern Hawaiian Islands beyond the current monument boundaries under the Magnuson-Stevens Fishery Conservation and Management Act of 1976. We, therefore, request a meeting with you and your staff as soon as possible.

As you yourself note, the Hawaii longline fishery uses "responsible and sustainable practices and has resulted in Honolulu's recognition as one of the nation's ten most productive fishing ports". This fishery is not simply about economics, it is also about the sustainability of the State of Hawaii through local food security (see the State of Hawaii 2050 Sustainability Plan, the Governor's Aloha + Challenge, and the Hōkūle'a Worldwide Voyage Promise to Paeaina).

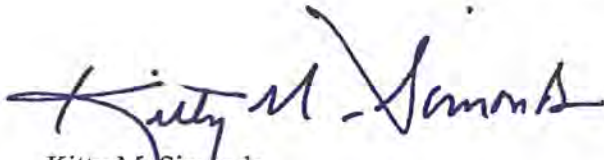
Most of the seabed in the area from 50 to 200 nm offshore lies beneath three miles of ocean water at a pressure of 440 atmospheres and the deepest that fishing occurs is 400 meters (less than one-quarter of a mile). Why does it need "protecting" in yet another paper park and further layers of federal bureaucracy?

The potential co-trusteeship for Office of Hawaiian Affairs of the current monument is possible without monument expansion. The Native Hawaiians lost free access to this area with the creation of the monument. Permits are required for all activities that are allowed, including the voyages of the canoes of the Polynesian Voyaging Society. The Native Hawaiian Practice Permit is available to everybody, not just Native Hawaiians.


If the Hawaii longline vessels are pushed out of the NWHI, they would have to compete on the high seas with foreign longliners, which operate just outside of the US EEZ around NWHI targeting the same stocks. Furthermore, all foreign vessels including fishing vessels can and do regularly transit the EEZ around the NWHI unhindered, while the Hawaii longline fleet must notify all movements of entry and exit from this zone.

It is essential that you meet with us so that the discussion on your proposal is grounded in truth and science. Please contact Kitty Simonds to arrange a meeting at your earliest convenience.

Sincerely

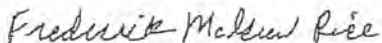


Kitty M. Simonds
Executive Director



Edwin Ebisui Jr.
Council Chair

Council Executive Committee



Frederick M. Rice



John Gourley
William Sword

Frederick M. Rice (Vice Chair Hawaii) William Sword (Vice Chair American Samoa), John Gourley (Vice Chair CNMI), Michael Duenas (Vice Chair Guam)

cc: The President of the United States
Council on Environmental Quality

Supporting Information. For attachment to letter to Sen. Brian Schatz June 20, 2016

- The best available science does not indicate expanding the PMNM will strengthen an ecosystem that sustains tuna, swordfish, sharks, seabirds, sea turtles and Hawaiian monk seals. Tunas, swordfish, pelagic sharks, seabirds, some species of turtles are highly migratory species which forage and spawn based upon a shifting system of gyres, currents, winds and temperature gradients which the proposed monument expansion does not address.
- Seabirds are associated with terrestrial habitats for breeding and nesting. The emergent lands in the NWHI are already protected under the current monument.
- How does closing waters make fishing more productive? Scientific research has shown that the movement of fish and other marine life in the Hawaiian Archipelago flows from the Main Hawaiian Islands to the NWHI and not vice versa. According to scientific research there is no evidence of spillover of larval or adult of species from the monument of bottomfish, coral reef fish, and pelagic fish.
- Expanding the monument will reduce opportunities to understand this ecosystem and would eliminate logbook and observer data collection from the Hawaii longline fishery. Data collected from the fishery is the primary means by which we understand spatial distribution, species composition, stock productivity, and trophic level dynamics of the pelagic ecosystem.
- The only major fishing activity in the NWHI is the longline fishery. The other existing activities—military activities, research and maritime transport—will not be impacted. Eighty percent of the fish caught in Hawaii stays in Hawaii, and fish is the state's number 1 primary production/ food production.
- How will removing longliners improve scientific research? What part of longline fishing is impeding any research efforts within the proposed area of expansion?
- No studies have shown that coral larvae stay within the current monument, the proposed expanded monument or even further. It depends on species. Some are brooders and some are broadcast spawners. Larvae from broadcast spawners are drawn to the open ocean where mortality is high. Once the planular larvae use up their energy reserve, the larva is forced to settle. Without a suitable substrate to settle on the larva will die.
- The Coral Triangle is the center for coral diversity, not the Northwestern Hawaiian Islands. Hawaii is not within the top ten hotspots for biodiversity protection. Further, there are no endangered species of coral in Hawaii.
- How does designating greater expansion of the NWHI create a “vigorous carbon sink”? Carbon sinks act on a basin scale without regard for political boundaries. Expansion will

also not protect against climate change. Studies show that terrestrial systems are the major sink for CO₂ generated by fossil fuels as compared to ocean systems.

- Pushing out the longliners with likely cause these vessels to fish further offshore, and increasing their carbon footprint.
- Reefs in large marine protected areas (MPAs) such as in Papua New Guinea, the Great Barrier Reef, and the Pacific Remote Island Areas were affected from recent coral bleaching, which is a function of temperature. Other protected areas have not prevented coral bleaching from occurring, such as Hanauma Bay and Molokini. MPAs of any size do not prevent coral bleaching.
- The expansion of the monument will add no protection for sunken warships, which have sovereign protection under the Law of the Sea. The Japanese carriers and battleship sunk at the Battle of Midway remain the property and concern of the Government of Japan.
- The Austronesian Expansion into Southeast Asia and Oceania jumped off from Taiwan about 40,000 to 60,000 years ago and progressed through the islands of Indonesia and the major islands of New Guinea and the Solomon Islands, before taking the final leap into Oceania where the descendants of these people became what are now the modern Polynesians.
- According to the Pele legend, the NWHI is an ancient pathway for native Hawaiians. Even until modern times families with generational ties to Nihoa, Mokumanamana and Mokuapapa made seasonal trips to the NWHI. Malama Honua, which began with a navigation of the NWHI, is a modern voyage. The creation of the first monument eroded the native indigenous right to access this area by requiring application for a permit and limiting native practices while in the monument area. In fact, in the interim, that generational practice may have ended because of the barrier created by the original Papahānaumokuākea boundaries and regulations. The only barrier to native access to this area is created by the monument. How is traditional indigenous practice preserved by requiring the acquisition of a permit to access traditional areas?
- Regarding enforcement, the implementation of other monuments in the Western Pacific (NWHI, PRIAs, Mariana Trench) included language that increased enforcement would occur, but this has not happened.
- Based upon the track record of other US Pacific monuments, federal and private funding resources have not been realized and management plans have not been completed. The State of Hawaii has not received funding for their role as a co-manager. The notion that private funding will make up for limited federal funding lacks precedent and would likely be unsustainable.
- Removing the Hawaii fishing vessels from the US EEZ around the NWHI would reduce the 'eyes on the water' that provide additional monitoring of illegal foreign fishing.

- Monument expansion would displace Hawaii longline vessels to the high seas where they would face competition from foreign vessels and increased operating costs to access fishing grounds farther from Hawaii.
- The longer trips could reduce seafood quality for Hawaii consumers. Monument expansion would displace small longline fishing vessels and concentrate them into the EEZ around the main Hawaiian Islands.
- The Hawaii longline fishery does not interact with monk seals. The original monument boundary was based on a Council implemented longline protected species zone. This closure was requested by longline fishermen who recognized their vulnerability to longline interactions with monk seals
- Further, there may be increased importation of fish from countries that have Illegal Unreported and Unregulated (IUU) fishing such as China, and countries such as Thailand and Indonesia which regularly use slaves in fishing operations. This also includes the adulteration of tuna with Carbon monoxide to maintain the appearance of freshness.
- Fishing is intrinsic to all of Hawaii's cultures.

United States Senate

June 16, 2016

The Honorable Barack Obama
President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

I am writing to propose that you exercise your authority under the Antiquities Act to proclaim a thoughtful expansion of the Papahānaumokuākea Marine National Monument (PMNM) based on the analysis and recommendations presented in this letter. This proposal would create the world's largest marine protected area.

On March 23, 2016, I wrote expressing my conditional support for an expansion of the PMNM, provided that we could address the concerns of key Hawai'i stakeholders regarding boundaries, governance, and resources. You responded promptly by directing officials from the Council on Environmental Quality (CEQ), the National Oceanic Atmospheric Administration (NOAA), and the Department of the Interior (DOI) to visit Hawai'i and to engage with state and county government leaders, Native Hawaiians, fishermen, scientists, and environmental groups. As a result of these meetings and subsequent discussions, I support expansion of the PMNM as described below.

The best available science indicates that expanding the PMNM will strengthen an ecosystem that sustains tuna, swordfish, sharks, seabirds, sea turtles, and Hawaiian monk seals. This strengthening will, in turn, support more productive fisheries outside the PMNM and provide a vigorous carbon sink to combat climate change. Protecting this region more thoroughly will also preserve undiscovered biodiversity for future discoveries, and maintain a reservoir of genetic diversity that will allow marine species the greatest possible chance of adapting to environmental change. Moreover, the expanded region contains significant bio-cultural resources and archaeological sites that further justify use of the Antiquities Act.

The Northwestern Hawaiian Islands (NWHI) host some of the planet's most intact and extensive coral reefs, which serve as the backbone of an ecosystem that supports the world's largest repository of seabirds and the highest density of apex predators. The adult corals that sustain and

grow these reefs are concentrated within the current boundaries of the PMNM, but research taking place today strongly suggests that as juveniles, they spend much of their time beyond those boundaries but within the proposed expansion area. Thus, by expanding the monument, we protect both the corals and the marquee species they support: tuna, swordfish, sharks, seabirds, sea turtles, and Hawaiian monk seals.

Expanding the PMNM will protect biodiversity, including undiscovered species and largely undocumented ecosystems around sea mounts, ridges, and the deep ocean floor. The genetic variation present in large populations of marine species holds the single best hope for adaptation and resilience against ocean warming and acidification. Preserving this genetic diversity depends on conservation, and scientists have established that the larger the scale of a marine protected area, the greater its conservation effect. Additionally, the NWHI have one of the world's highest concentrations of unique species not found anywhere else on the globe. The prevalence of these unique species provides a further warehouse of genetic diversity that can support resilience and adaptation to climate change throughout the Pacific, and, potentially, the world.

The expansion would directly combat climate change. In the same way that intact forests sequester carbon, healthy ocean ecosystems provide a vigorous carbon sink that lowers the amount of carbon dioxide in the atmosphere. Simply put, the best scientific data available support the use of your authorities under the Antiquities Act to expand the PMNM.

The NWHI also contain cultural and historical sites that the current boundaries of the PMNM do not fully protect. The upcoming 75th anniversary of the decisive Battle of Midway will draw attention to the remains of the World War II era wrecks discovered and documented in this region. Of the six major vessels lost by the American and Japanese navies in that battle, however, only one full ship has been found—the U.S. carrier *Yorktown*—and it lies outside the current boundaries of the PMNM. However, the search for three of the Japanese ships—the *Koga*, *Soryu*, and *Akagi*—has narrowed, and archaeologists and scientists expect discoveries outside the current boundaries of the PMNM. Thus, extending the PMNM's boundaries would protect not only the *Yorktown*, but potentially many of the other lost ships, aircraft, and sailors and marines from that significant battle, along with as yet undiscovered wrecks from other times.

Over and above their place in modern history, the NWHI also served Native Hawaiians as an ancient pathway up and down the Hawaiian Archipelago—a pathway that they navigated for 400 to 500 years guided by careful observations of the stars, ocean currents, and marine life. Today, this route connects Native Hawaiians to their cultural heritage of ocean exploration and

stewardship, as demonstrated by the Polynesian Voyaging Society's Mālama Honua voyage around the world.

Mālama Honua started with a trip around the NWHI, where master navigators were able to help apprentices hone their craft. The NWHI provide the ideal conditions to practice this traditional art, and expanding the PMNM will help maintain the biological character of the NWHI that traditional navigators rely on to find their way. Thus, the benefits to the ecology of the NWHI also reinforce and strengthen its capacity to connect Native Hawaiians today to their cultural and historic heritage.

Greater marine protection for the NWHI and its surrounding waters will protect their unique ecology and their historical and cultural value, but this region also supports a variety of Hawai'i residents and businesses. I will not support an expansion proposal that does not adequately take these interests into account. Recreational and subsistence fishing; cultural practices and ocean sports; and commercial longline fisheries—these traditional and customary practices all depend on access to and use of waters that currently lie outside the PMNM.

Engagement by your Administration with Hawai'i's recreational, cultural, and commercial stakeholders has identified their core concerns:

- Boundaries—the precise contours of where the PMNM would expand;
- Governance—PMNM co-trustee status for the Office of Hawaiian Affairs to give Native Hawaiians additional authority to protect the cultural and historical assets within the monument; and
- Resources—personnel and funding for research, exploration, management, educational opportunities and enforcement.

Based on engagement with leaders from interested communities, I have the following recommendations on how to address these concerns and to develop an expansion proposal that can draw widespread public support.

Boundaries. Residents of Kaua'i and Ni'ihau have expressed a strong interest in maintaining their longstanding culture of fishing, and I insist on their continued, unchanged access to fishing grounds. In addition, Hawai'i has a lengthy tradition of recreational and subsistence uses of the ocean including fishing, diving, canoe paddling, and sailing. Moreover, Hawai'i's longline fleet has fished in the Northwestern Hawaiian Islands for decades. The responsible and sustainable practices of our longline fleet have resulted in Honolulu's recognition as one of the nation's ten most productive fishing ports.

Recommendation: Protect environmental, scientific, historical, and cultural assets by expanding the regions of the PMNM west of 163° West Longitude PMNM out to the full 200 nautical miles of the U.S. Exclusive Economic Zone. This would increase the area protected in the PMNM from 139,800 to 582,578 square miles.

Preserve recreational, subsistence, and commercial uses by excluding any expansion of the current southeastern boundary of the PMNM east of 163° West Longitude towards the Main Hawaiian Islands. The non-expansion area would include a particularly active fishing spot near NOAA Weather Buoy 51101. I have enclosed a map which depicts the recommended expansion.

Governance. The PMNM holds special significance for Native Hawaiians, and Governor David Ige has requested that OHA become a co-trustee for the PMNM, along with the Department of Commerce, the Department of the Interior, and the State of Hawai'i. I join him in making this request because OHA's enhanced status will provide Native Hawaiians with greater input into the proper management of the monument to preserve and enhance its cultural and historical significance.

Recommendation: Amend the PMNM governing documents to recognize OHA as a co-trustee. Under Executive Order 8031, which established the PMNM, the co-trustees maintain their respective jurisdictions and areas of expertise. As such, recognizing OHA as a co-trustee will not alter or change the authority of any existing co-trustees, but, instead, ensure that Native Hawaiian perspectives will have representation in deliberations by a co-trustee with the appropriate jurisdiction.

Resources. Expanding the PMNM will create vast opportunities to better understand the unique ecology of our Hawaiian Archipelago, but this can only occur if sufficient funding exists for research, conservation, and management in an expanded PMNM.

Recommendation: The ambitious scale of this proposal has inspired interest from government managers, philanthropic organizations, and individuals to support the expansion. I am confident this interest will grow into commitments if a concrete proposal emerges supported by key stakeholders in Hawai'i.

A thoughtful expansion of the PMNM will continue Hawai'i's long history of sustainable use of the land and oceans into the future, and help ensure that we can give our children the legacy of a healthy, vibrant Pacific Ocean. I hope you will consider this proposal, and if you agree that it has merit, I respectfully request that you pursue a course of engagement, especially on Kaua'i and on O'ahu, which would allow the public an appropriate opportunity to provide written

comments, oral testimony, or both before you determine whether to exercise your authority under the Antiquities Act.

I appreciate the respectful and pro-active engagement by your Administration on this issue, and I look forward to continuing this collaborative process. As we commemorate the tenth anniversary of the establishment of the PMNM, I believe this proposal aptly recognizes that milestone.

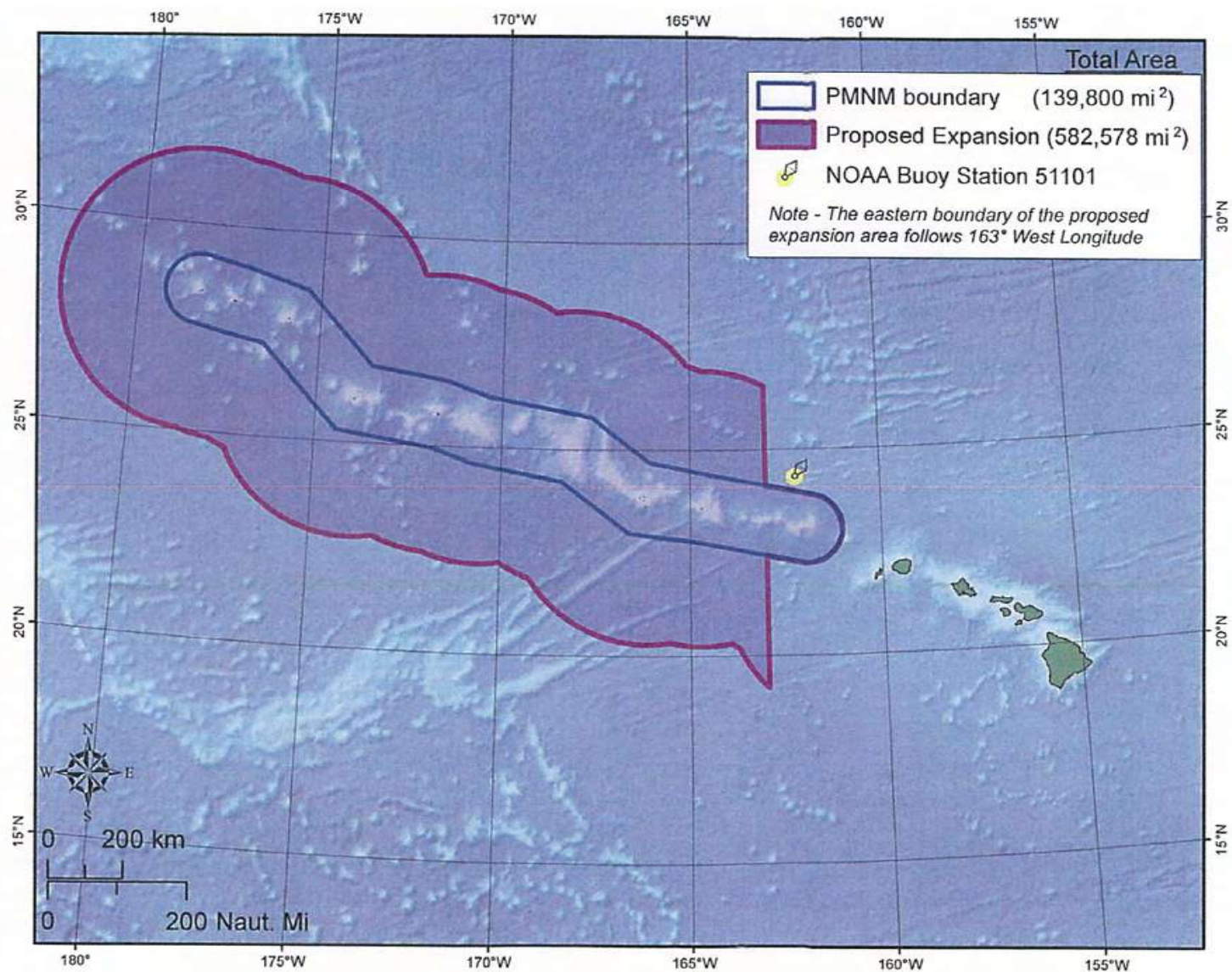
Sincerely,

A handwritten signature in blue ink, reading "Brian Schatz". The signature is fluid and cursive, with the first name "Brian" and last name "Schatz" clearly distinguishable.

BRIAN SCHATZ
United States Senator

Enclosure

cc: Christy Goldfuss, Managing Director, Council on Environmental Quality
Sally Jewell, Secretary of the Interior
Penny Pritzker, Secretary of Commerce
Dan Ashe, Director, Fish and Wildlife Service
Dr. Kathy Sullivan, Under Secretary of Commerce for Oceans and Atmosphere





**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.

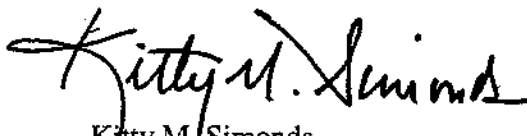
The US Pacific Islands region has already contributed a vast amount of waters to the national MPA inventory and virtually all of the no-take MPA waters. The proposed expansion of the PMNM contradicts Executive Order 12898 on Federal Actions to Address Environmental Justice in Minority Populations and 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

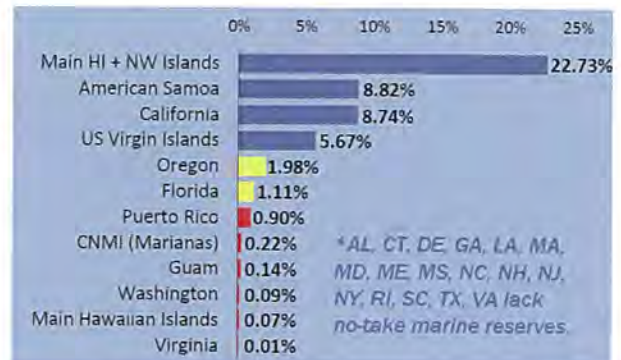
Honorable David Y. Ige, Governor, State of Hawaii
Honorable Ronald D. Kouchi, Hawaii State Senate, President
Honorable James K. Tokioka, Hawaii State Representative, Kauai



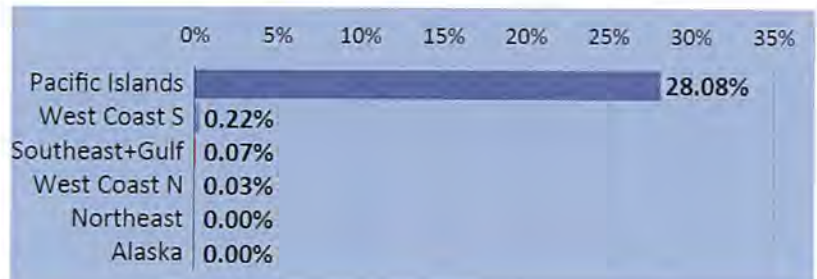
Information Paper on a Request to Expand the Papahānaumokuākea Marine National Monument

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

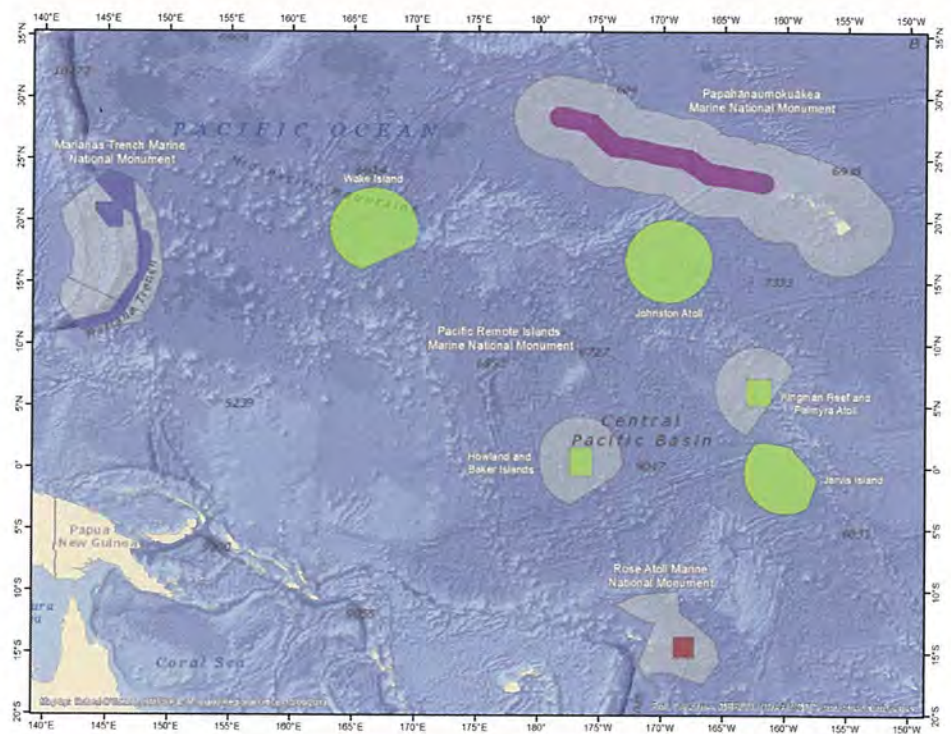
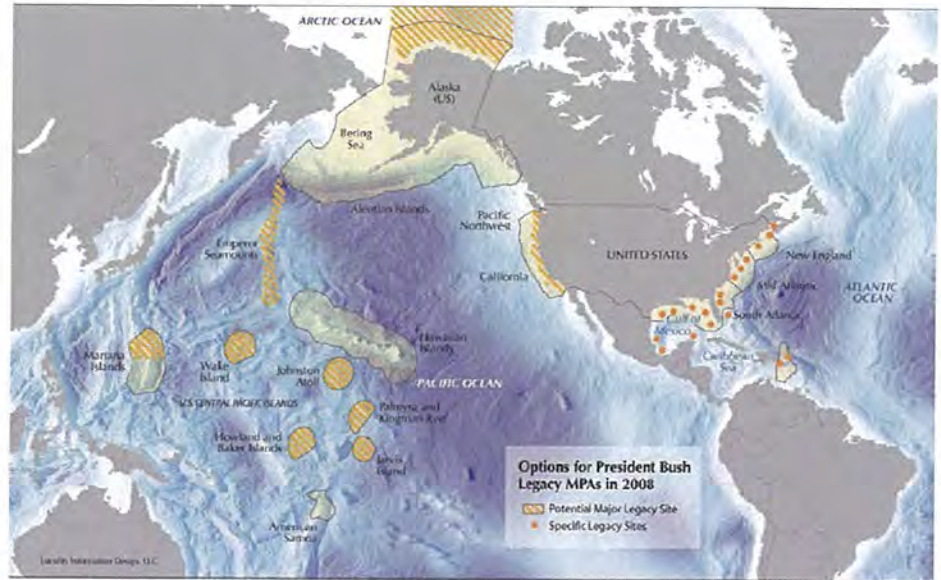


II. Background

In a letter dated January 29, 2016, a handful of Hawaii residents requested that President Barak 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

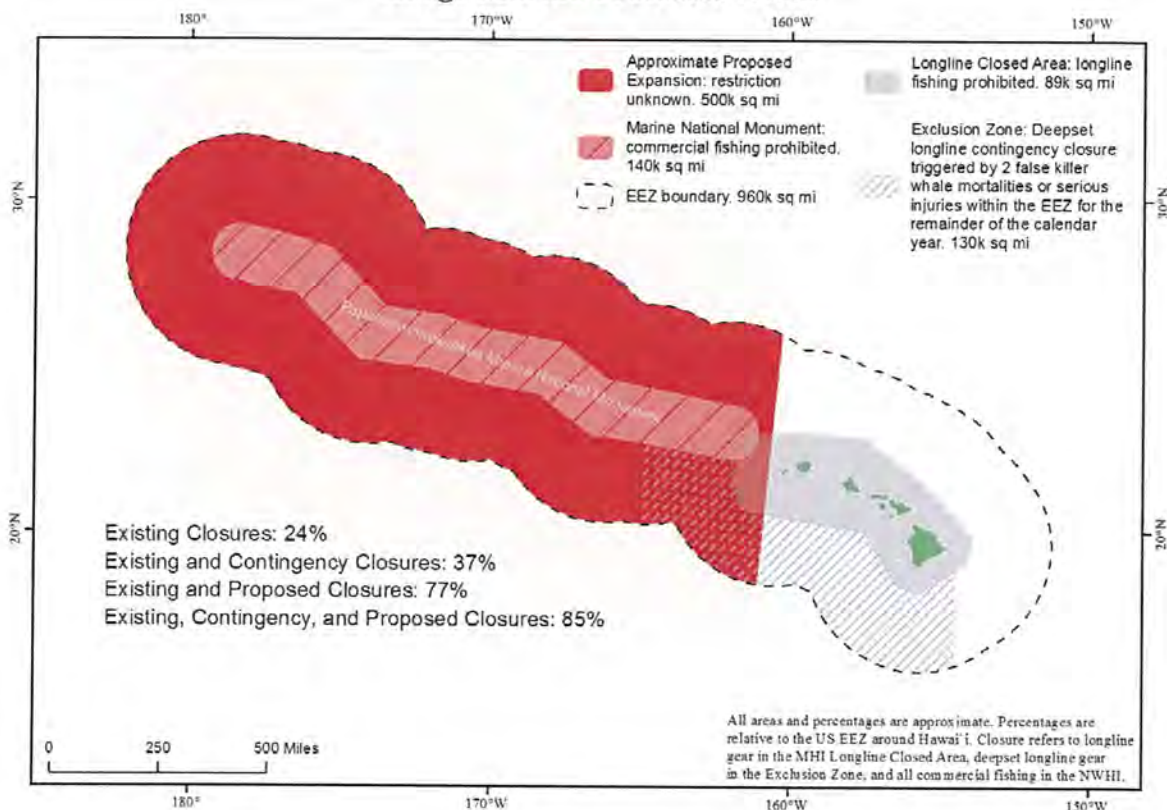


Top map depicts the 2008 options for President Bush Legacy MPAs presented by the Pew Environment Group. Bottom map shows the Marine National Monuments existing today, all of which are in US Pacific Islands. There are no marine national monuments in any other part of the United States.

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 MPAAtlas, 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

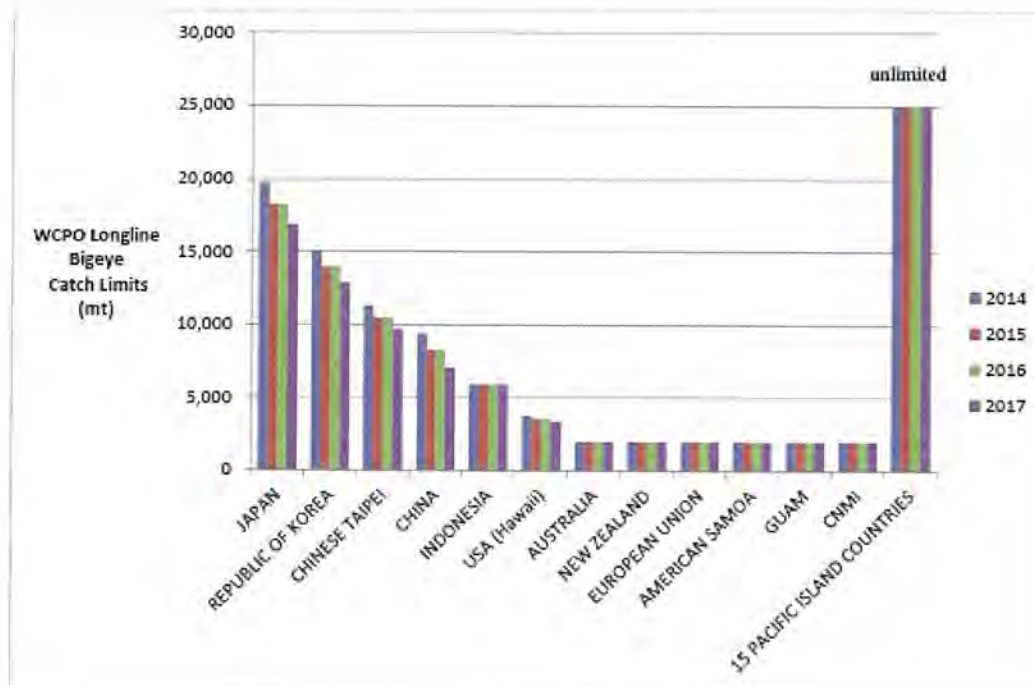
Although Presidential Executive Order 13158 regarding National Marine Protected Areas requires the development of a "scientifically based, comprehensive national system of MPAs representing diverse US marine ecosystems," the only marine national monuments that have been proclaimed have been in the US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

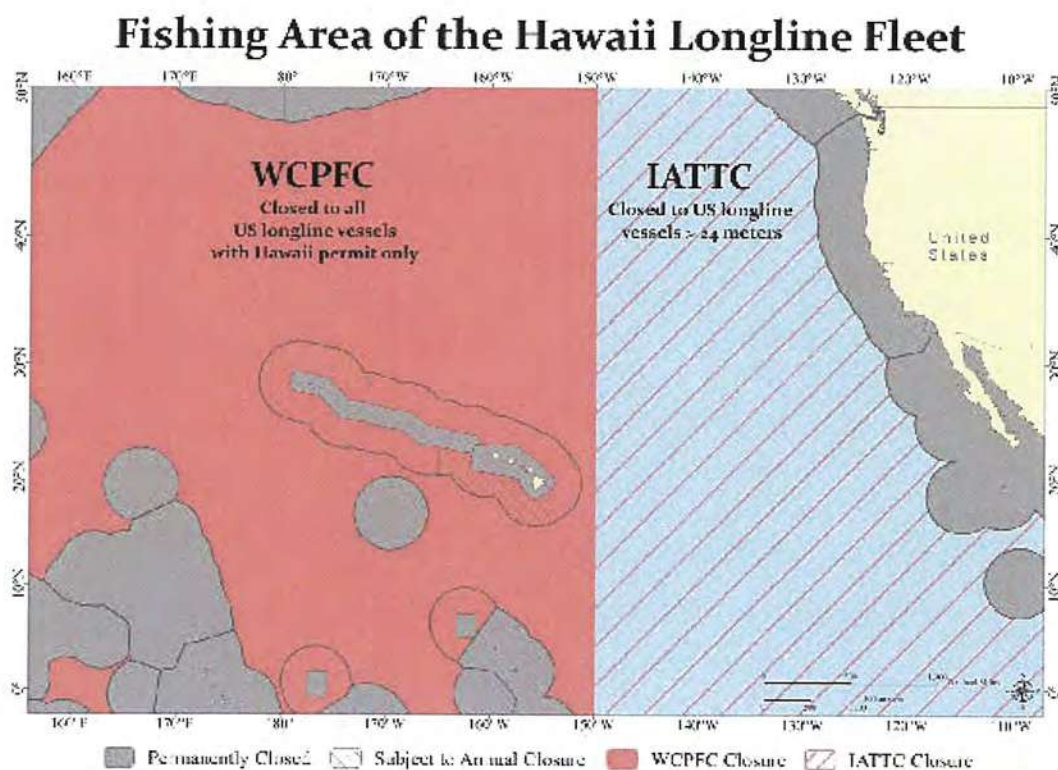
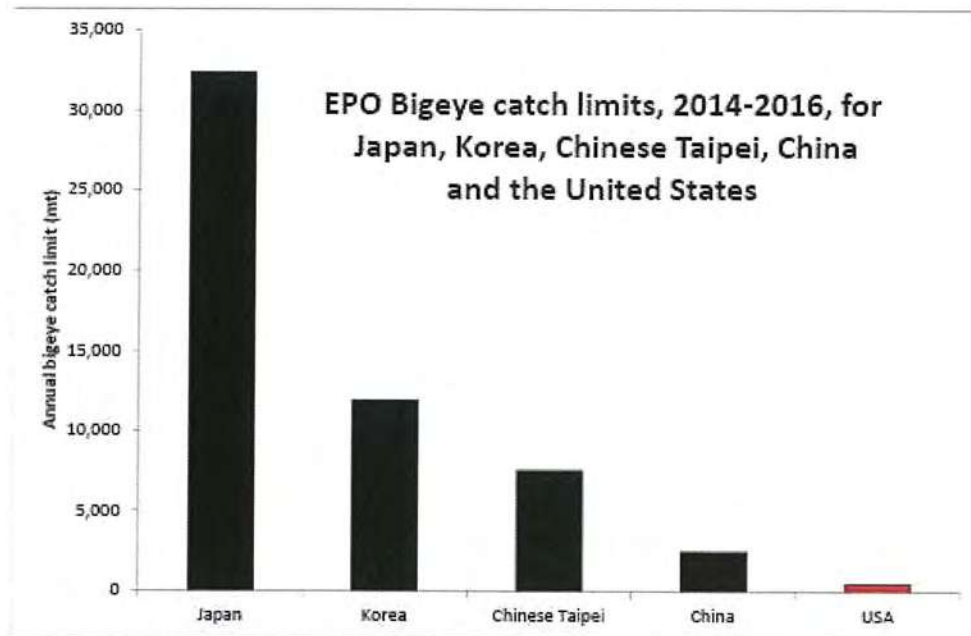
Hawaiian Islands: Existing and Proposed Large Marine Protected Areas



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)

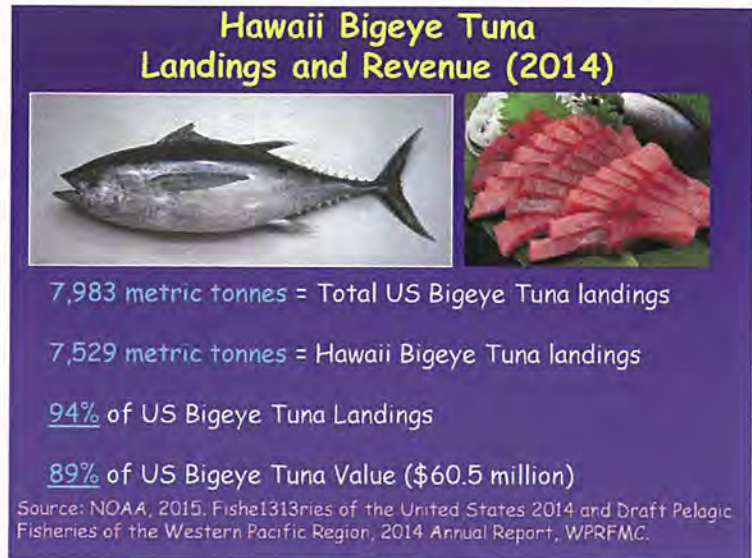
7th in the US
in landed
fish value.
(\$ 110 mill)

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.

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.

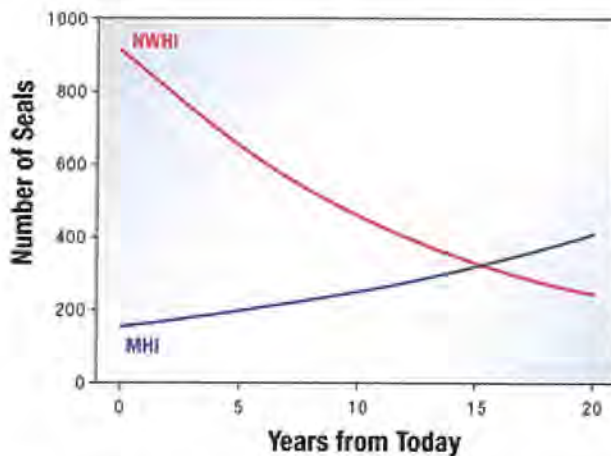
The MSA recognizes the social, cultural and economic importance of fishing to Native Hawaiians and supports traditional fishing and management practices and indigenous fishing communities through the Community Demonstration Project Program, Community Development Program, and Marine Education and Training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

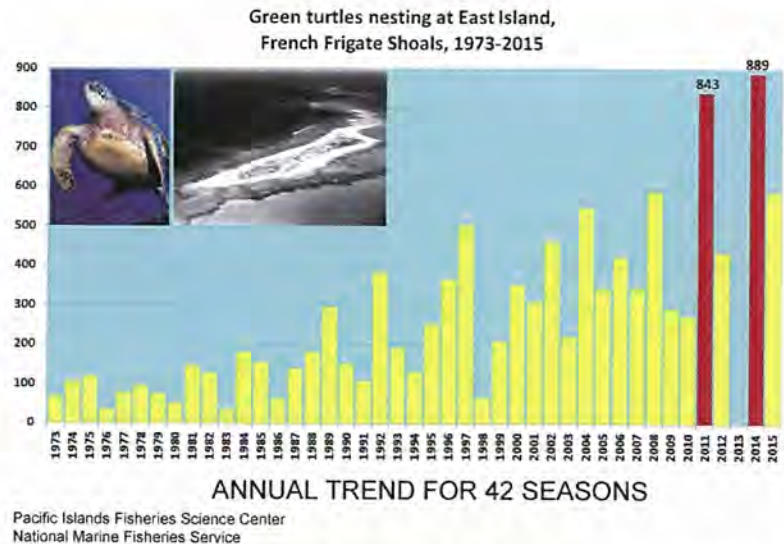
percent observer coverage, has on average less than five estimated green sea turtle interactions annually, with all observed interactions since 2002 observed outside of the US EEZ around the NWHI. Moreover, only one in five green sea turtles interacting with the deep-set longline fishery is from the 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.

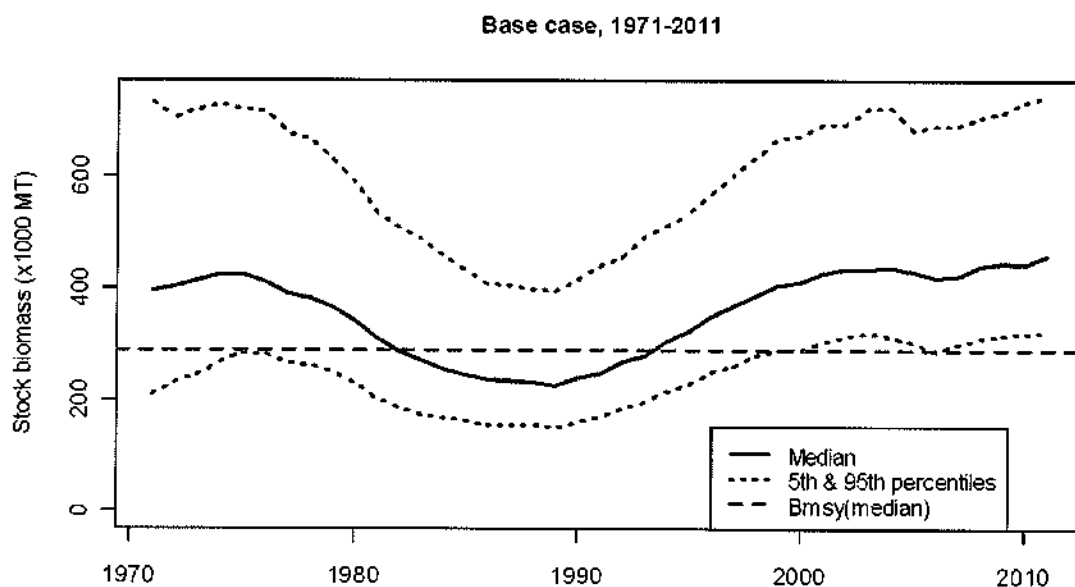
Ninety-six percent of the sharks caught by the Hawaii longline fishery throughout its range of operation are released alive. Eighty-five percent of these sharks are composed of blue sharks. The North Pacific blue shark is not overfished and overfishing is not occurring, according to the International 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



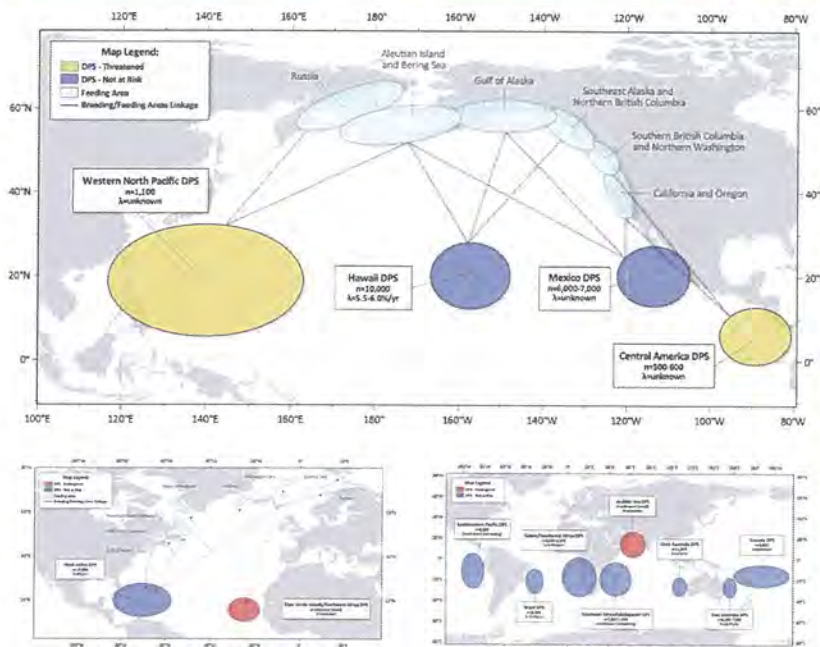
Median and 90% confidence intervals for the estimated historical stock dynamics of north Pacific blue shark (*Prionace glauca*). Source: International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean.

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



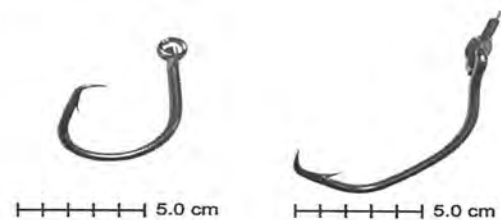
Humpback whale distinct population segments and proposed statuses

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
Southwest 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

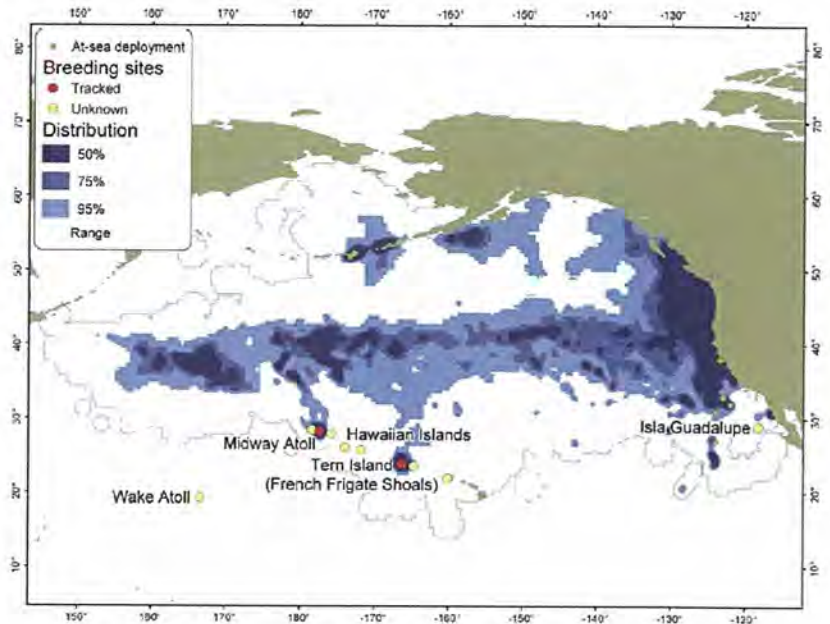
The breeding and foraging ranges of black-footed and Laysan albatrosses encompass most of the North Pacific Ocean.^{26, 27} Their distribution extends well beyond the US EEZ. Adding another 150 nm to the PMNM boundary would do little to further protect this species, especially given

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.

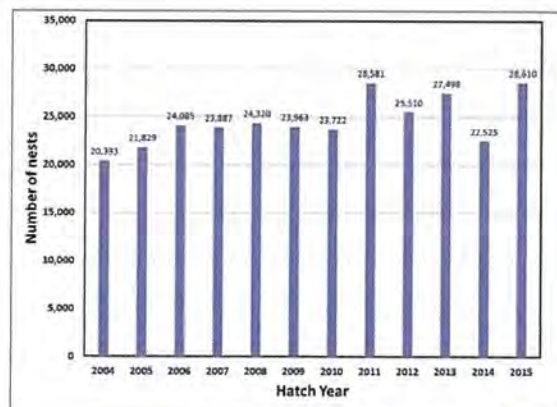
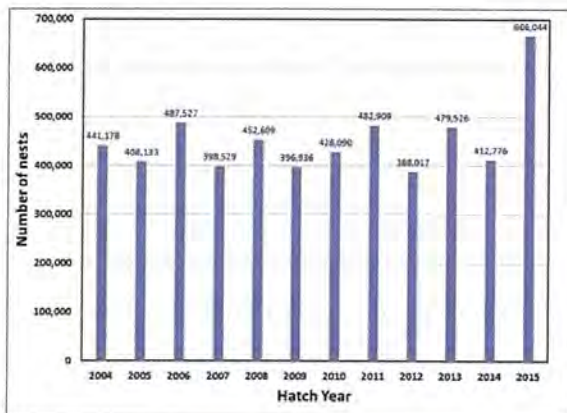
US protections include the Migratory Bird Treaty Act, Bird of Conservation Concern and the US National Plan of Action for Reducing the Incidental Catch of Seabirds in Longline fisheries. Internationally, these albatross are protected under eight conservation plans, including the Agreement on the Conservation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



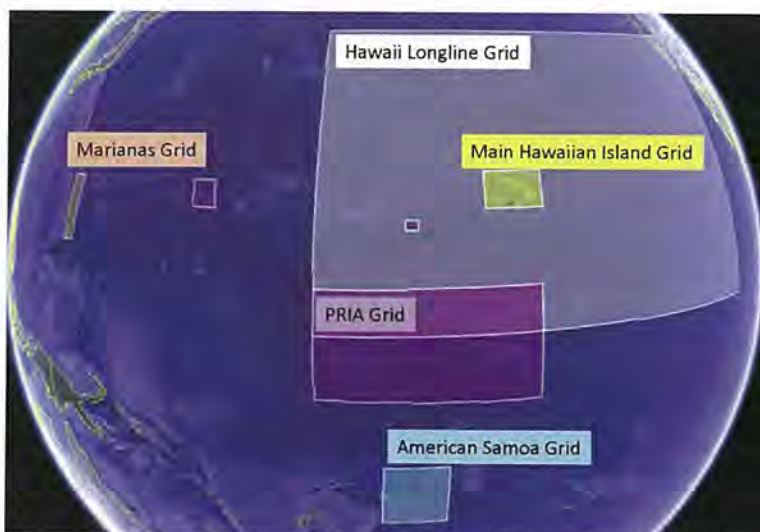
Left: Annual number of Laysan albatross nests at Midway Atoll National Wildlife Refuge (2004-2015). Right: Annual number of black-footed albatross nests at Midway Atoll National Wildlife Refuge (2004-2015). Source: US Fish and Wildlife Service-Pacific Region.

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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**WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL
SCIENTIFIC AND STATISTICAL COMMITTEE**

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Dr. Erik C. Franklin	UH-Manoa, Hawaii Institute of Marine Biology
Dr. John Hampton	Secretariat of the Pacific Community
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**Western
Pacific
Regional
Fishery
Management
Council**

November 10, 2008

President George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

On behalf of the Western Pacific Fishery Management Council ("Council"), I would like to convey our recent deliberations on your Potential Marine Conservation Management Areas or "Blue Legacy" initiative that could establish a national marine monument for the three northernmost islands of the Commonwealth of the Northern Marianas ("CNMI"). The Council met recently in Honolulu for its 143rd Meeting and recommended that you be informed by letter of the following request:

The removal of all areas in the CNMI and the Marianas Trench to be considered and/or designated as any federal marine conservation area as described in President Bush's August 25, 2008 memorandum.

The Council also had a broader recommendation expressing its concern with the scale of the marine conservation areas being considered in the Western Pacific Region. This recommendation provided as follows:

The Council appreciated that NOAA sent a representative to the Council meeting to provide an overview of the assessment process; however, without any defined proposal the Council is unable to provide substantive comments regarding the impact of new Marine Conservation Areas. The Council was concerned about the magnitude of areas being assessed and the potential impact on the residents of CNMI, American Samoa, Guam and Hawaii for whom the likely Marine Conservation Areas represent important cultural and natural resources which they have sustainably managed for millennia. The Council requests that your Administration provide a meaningful opportunity for the residents of these areas to formally review and comment upon any specific Marine Conservation Areas and their associated proposed regulations prior to their final designation, either via the NEPA process or through a public comment period. The Council directed its staff to forward the comments of the Council and the SSC on this issue to NOAA by October 26, 2008.

We have also attached an edited summary of the extensive discussions from the 143rd Council Meeting which provides more specifics on the Council's views on the implementation of a national marine monument in the CNMI.

In particular, the Council remains deeply concerned that the impetus for a national marine monument in the Marianas appears to be solely driven by an environmental non-government organization, The Pew Environmental Group, with little indigenous support for this initiative (see attached). The supporters of a national conservation area have tried to associate the top three islands of the CNMI (Uracus, Maug, Asuncion) with the Marianas Trench, which is over 500 miles to the south off the coast of Guam and has little relevance to these islands. Moreover, while the biomass of fish and other marine organisms is higher at these three islands due to lower fishing pressure, they are not biodiversity hotspots and indeed have less reef fish and coral species than the southern islands of the CNMI. Further, there is no pressing need to provide additional measures of federal protection for these islands since their distance from the southern CNMI makes them accessible only to large ocean going vessels. The Marianas Trench itself needs no protection, given its massive depth, which has only been explored once in the last half century, in 1960.

The CNMI, like many Pacific Island nations and territories, has a narrow economic base, primarily tourism and fishing. Mainland US labor laws were imposed on the CNMI, which has virtually destroyed a once thriving garment manufacturing sector, leaving only tourism and fishing as viable economic alternatives. Tourism in the CNMI has also been much reduced due to the economic downturn of the past year and is likely to decline even more sharply due to the global collapse of confidence in the financial sector and credit squeeze.

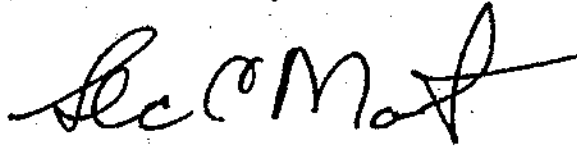
The relatively large segment of the US EEZ around the CNMI has proven pelagic (tuna and billfish) and bottomfish resources. The three northern islands are fishing grounds for bottomfish vessels from Saipan, which target snappers and groupers on the rocky slope beyond the coral reefs. Moreover, the CNMI is developing its longline fleet and an attractive feature for this fishery is the extensive north-south range of the US EEZ around the islands. This means that the fishery can adjust its targeting seasonally to take advantage of shifts in abundance between summer months fishing for tuna closer to Saipan, and winter fishing in the north for swordfish and other cooler water species such as albacore. The implementation of a monument will limit the fishing grounds available to both pelagic and bottomfish fisheries.

Perhaps the most egregious aspect of this whole initiative is that it plainly ignores the wishes of the indigenous people of the CNMI. All levels of government, from the mayors of Saipan, Tinian, Rota and the Northern Islands, to the Legislature and the Governor, as well as the representatives of the Carolinian Islanders on Saipan, have uniformly rejected the establishment of any federal monument or sanctuary for Uracus, Maug and Asuncion. Further, Guam Congresswoman Madeline Bordallo, Chair of the House Subcommittee on Fisheries Oceans and Wildlife, and Guam Governor Felix

Camacho have both expressed opposition to the establishment of a marine monument or other federal marine conservation designation. Ignoring their wishes and unilaterally imposing a national marine monument on CNMI through the Antiquities Act would make a mockery of our democratic constitutional process. If there was popular support by the indigenous people of the CNMI for a monument, then the Council would respect the wishes of the local people. However, it is clear that there is no popular groundswell support for the monument and the Council is compelled to bring this to your attention.

Federal dollars would be better spent on improving enforcement of the US EEZ around Guam and the CNMI, which has abundant pelagic resources and extensive reef and shallow seamount habitat. Being located on the margins of Southeast Asia, with its huge growing populations, these US waters provide a tempting target to unscrupulous foreign fishing vessels, and a stronger US Coast Guard presence with more patrol assets is needed to safeguard these resources for the people of Guam and CNMI. The Council respectfully requests that you carefully consider the long term future of the CNMI, its economy, and its people before taking away from them forever valuable and treasured resources.

Sincerely

A handwritten signature in black ink, appearing to read 'Sean Martin', with a stylized flourish at the end.

Sean Martin
Council Chair

cc: President Elect, Honorable Barack H. Obama
Vice President, Honorable Richard B. Cheney

Attachment	Document	Date
1	WPRFMC Council member comments sent to CEQ website	24-Oct-08
2	Letter from, Aha Kiole Advisory Committee to President Bush attached to Council comments opposing the mooinument	13-Oct-08
3	Letter from Representative Madeline Bordallo to James Connaughton opposing monument	24-Oct-08
4	Letter from Governor of CNMI Benigno R. Fitial to President Bush opposing monument	29-Apr-08
5	Letter and joint resolution opposing monument from CNMI Legislature to Governor Fitial	29-Apr-08
6	Letter from Governor of CNMI Benigno R. Fitial to Jay Nelson, Pew Charitable Trusts opposing monument	19-Mar-08
7	Letter from Jay Nelson, Pew Charitable Trusts to Governor of CNMI Benigno R. Fitial, proposing monument	20-Dec-07
8	Letter from Guam Governor, Felix P. Camacho to James Connaughton, CEQ, opposing monument	27-Oct-08
9	Letter from Guam Senator Judith P. Guthertz to CEQ opposing monument	Undated
10	Letter from Guam Senator Ben C. Pangelinan to CEQ opposing monument	26-Oct-08
11	Letter from Valentine I. Taisakan, Mayor of the Northern Islands to President Bush opposing monument	6-Jun-08
12	Letter from Juan Borja Tudela, Mayor of Saipan to President Bush, opposing monument	9-Jun-08
13	Letter from Jose P. San Nicholas, Mayor of Tinian & Aguiguan to President Bush opposing monument	12-Jun-08
14	Letter from Joseph S. Inos, Mayor of Rota opposing monument	15-Jul-08

Attachment	Document	Date
15	Letter from CNMI Senate President Pete P. Reyes to President Bush	6-Aug-08
16	Letter from Concerned Citizens of CNMI to President Bush opposing monument	15-Sep-08
17	Letter from Carolinian Affairs Office, Saipan, to President Bush opposing monument	17-Sep-08
18	Resolution opposing monument from Carolinian Affairs Office	20-Oct-08
19	Resolution opposing monument from Man Amko Council (Council of Chamorro and Carolinian Elders)	20-Oct-08
20	Editorial in New York Times urging President Bush to create Mariana Trench Monument	3-Sep-08
21	Op.ed piece submitted to New York Times responding to September 3, 2008 editorial	15-Sep-08

October 24, 2008

To whom it may concern:

The following are specific comments made by members of the Western Pacific Regional Fishery Management Council.

1. A meaningful public comment period is necessary to truly ascertain public opinions – the recent public “assessments” with no specific proposals made it impossible to give meaningful comments on actions that are likely to have significant impacts on the residents of American Samoa, CNMI, Guam and Hawaii. Island residents should be provided the opportunity to comment on a fully developed proposal and implementing regulations prior to any decision making.
2. “Misstatements” by the Pew Foundation and others must be publicly corrected to allow meaningful comments- numerous Pew documents, fliers, letters to the editor, university studies and other media have been distributed throughout the Mariana Archipelago and elsewhere claiming to assess the benefits of implementing President Bush’s “legacy”. These include the economic contribution of 8,000 new tourists to CNMI each year, \$330 million in assorted revenues, 25 local hires for federal positions, 3 new Coast Guard cutters, a spillover of increased biomass into open areas, significant research investments, continued and unrestricted access by indigenous islanders, a new university education program, protection of the world’s most diverse marine ecosystem, worldwide acclaim, and the identification of new methods to save the world’s coral reefs. The public has also been told that CNMI would regain authority over its submerged lands, would own and be able to sell or lease marine drilling and oil rights, would have legal authority to make management decisions regarding closed areas, and would be given a chance to review and approve the final proposal prior to its implementation. Given the administration’s repeated public avowals that no specific closed areas or management scenarios have been formulated to date, these statements can only be oral hyperbole designed to gain public acceptance with no foundation or fact. Unless the administration can document their veracity, it must clearly and publicly refute them so as to allow the public to comment on the proposal (or lack of proposal) actually at hand. To fail to do so means that decision-makers will rely on uninformed comments which have been heavily influenced by NGOs and special interest groups.
3. The federal government’s role in and support for the Pew Foundation’s publication entitled “The Deepest Ocean on Earth” (attached) claiming to provide the scientific basis for creating marine conservation areas must be publicly clarified - because this publication includes numerous NOAA photos and relies heavily on apparently personal statements by NOAA scientists it appears to be (and has been cited as) a federal publication in support of the closures. In fact it misrepresents much of the current scientific knowledge about these areas and contains numerous factual errors as well as subjective opinions by scientists who were unlikely to have been authorized to represent NOAA or the administration.
4. The existing comment timeline is too short and should be extended– providing only six days for the public to comment after the public meetings in the Marianas is highly

restrictive and clearly not designed to allow full consideration of the conditions and desires of the island residents most likely to be directly affected.

5. The existing decision timeline is too short and should be extended – the administration's commitment to making a decision prior to the end of its term is again indicative of a process that is not designed to allow full consideration of the impacts on the island residents most likely to be directly affected.
6. The Antiquities Act should not be used as it circumvents the NEPA process – the administration acknowledged using the Antiquities Act to establish the NWHI monument because the NEPA process was taking "too long". NEPA requires agencies to gather and consider all available information on the human environment and to consider a range of alternatives and their likely impacts on the environment prior to making a final decision. It also mandates opportunities for meaningful public comments on any proposed action (and its analyses) and provides a public record of responses to those comments.
7. Ocean resources are especially important to Pacific islanders and their practices, needs and comments should be given paramount importance – closing off or restricting fishing in up to one third of the CNMI as well as an unspecified area around Rose Atoll will deprive the residents of the Mariana and American Samoa archipelagos of marine resources upon which they have depended for millennia. Given the limited land areas available ocean resources are especially important to Pacific islanders, and they are carefully utilized so as to ensure that they are there for future generations.
8. Areas under discussion represent important cultural resources and compelling reasons for their federalization should be provided prior to any final decision – Rose Atoll is the location of the signing of the Deed of Cession and is very culturally important to the people of American Samoa. Similarly the northernmost islands of the Mariana Archipelago are considered to be held in trust for future generations of Chamorros and Carolinians.
9. The autonomy of the indigenous residents should be given paramount importance by decision-makers. These islands are the ancestral homes of Samoans, Chamorros, Carolinians and Hawaiians and it is their knowledge and care that have kept their marine areas in pristine condition. To unnecessarily remove them from any substantive role in the management of these marine resources, or to restrict their access to those resources, would deny them their heritage and the continued expression of their traditional practices and cultural values.
10. The negative experiences of Native Hawaiians regarding the establishment, implementation and management of the NWHI monument should be considered and avoided – although much has been made of the role of Native Hawaiians in establishing and managing the NWHI, with the exception of a few favored individuals, their participation has been non-substantive. Even the widely touted "cultural access" to the NWHI is available to anyone using "Native Hawaiian practices". There is no preferential

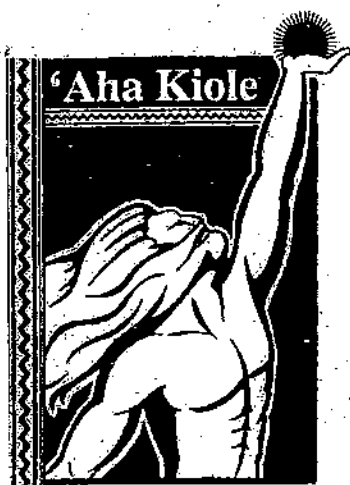
access for Native Hawaiians and few have been able to obtain permits or visit these important ancestral islands (see attached letter).

11. Due to conflicting objectives and jurisdictions, multi-agency management has proven difficult and any such approach should either be avoided or be explicit in the designation of the objectives, jurisdictions and roles of each agency – Rose Atoll is already managed by the Departments of Interior and Commerce, and the American Samoa Department of Marine and Wildlife Resources and the PRIA are managed by both Interior and Commerce. Similarly the NWHI monument is managed by Interior, Commerce and the State of Hawaii. In no case has the management been smooth and wholly satisfactory to the agencies or the public (including fishermen and NGOs).
12. The current perception that the Mariana archipelago, American Samoa and the PRIA are being considered largely because of their lack of voting representation in the Congress must be addressed – island residents are well aware that similar closures in the Atlantic and Gulf of Mexico were dropped from consideration following vocal input from U.S. senators for these areas and believe that their lack of representation has left them most vulnerable to ongoing unilateral initiatives from Washington D.C. . As a result there is a feeling that these areas continue to be regarded as colonies of the United States which are attended to only when they have something to offer, but whose needs and desires for equal treatment are ignored.
13. New funds for the effective enforcement of closed areas around inhabited islands is essential to any meaningful proposal which would restrict access – island residents have an excellent record of voluntary compliance with existing local and federal fishing regulations and are expected to respect any new restrictions. However foreign fishing vessels are already known to fish illegally in U.S. waters around the Mariana Archipelago. To restrict access by local residents without ensuring that foreign fishing vessels are also kept out would only harm local communities while making a mockery of any claims to the conservation or protection of these areas.
14. The administration must acknowledge that the Mariana Trench is at its shallowest in the northernmost part of CNMI – “protecting” the deepest part of the ocean has been widely touted as a benefit of creating a marine conservation area in the CNMI but this is not the case. This perception must be corrected in order to allow meaningful public comments.
15. The administration must acknowledge and respect the well-documented and wide opposition to marine conservation areas around CNMI that has been expressed by village mayors, the legislature, and the governor – in its first presentation the administration’s representatives assured the public that no new initiatives would take place without the agreement of the local government, however despite clear statements against new measures the administration continues to send emissaries to CNMI and Guam to plead its case and to hear from “the people”. If CNMI’s government is not to be seen as representing its people, a local referendum should be held to accurately gauge where the majority opinion lies.

16. The factual and scientific basis of the necessity of marine conservation areas to conserve or protect any specific areas must be well-documented and provided to the public and decision-makers - The northern islands of the CNMI are already designated and managed by CNMI as sanctuary and fishing in the waters around CNMI is already monitored and managed by the federal government using science-based and precautionary regulations approved by the Secretary of Commerce as follows: No-take marine protected areas around Rose Atoll in American Samoa as well as around Kingman Reef, Jarvis Island, Howland Island, and Baker Island; case-by-case reviews and permits for all fishing of coral reef associated species for which there is little available information; a limit on the number and size of longline fishing vessels permitted to fish around American Samoa; requirements for all longline and small-boat pelagic fishermen to carry and use gear to safely release sea turtles should they be accidentally hooked or entangled; a mandatory protected species workshop that all longline vessel owners and operators must attend annually; a moratorium on the harvest of gold coral; prohibitions on fishing for bottomfish using vessels large than 40 feet in length around Guam; and federal permitting and reporting requirements for pelagic, bottomfish and crustacean fishing around the PRIA. In addition, proposed rules have been published by NOAA that would: close areas to bottomfish fishing around CNMI by vessels greater than 40 feet in length; implement federal permitting and reporting requirements for all CNMI-based commercial bottomfishing vessels; and implement federal permitting and reporting requirements for all vessels targeting deep-water shrimp or pelagic squid in U.S. EEZ waters of the Western Pacific Region. Additional recommendations that have been processed by NOAA would prohibit longline fishing within 30 miles of CNMI (it is already prohibited within 20 miles of Guam) and prohibit pelagic purse seine fishing in all U.S. EEZ waters around the Marianas Archipelago and within 75 miles of American Samoa. In addition, the region managed by the WPRFMC has had fewer stocks determined to be overfished (one) or subject to overfishing (two) than any other region in the country.
17. There is no evidence of overfishing, degradation of marine habitat or threats to protected species or seabirds in these areas so this cannot be a basis for further limiting fishing within them. The Pew foundation and others have also expressed concern over potential threats from global climate change and ocean acidification but the idea that closing these areas would protect them from such impacts is bizarre and needs to be rethought.
18. The anticipated costs of implementing new marine conservation areas must be provided to decision makers and the public - at a minimum effective implementation will require significant new outlays for monitoring and enforcement and a fully implemented program is likely to include many other costs. Both the public and decision makers must be informed as to these costs before any meaningful comments or well reasoned decisions can be made. This is especially important in our current gloomy economic environment which requires that any potential new expenditure be carefully examined before being undertaken.
19. The existing Council process and associated federal fishing regulations must be described to the public and decision makers - much of the public discussion by the Pew foundation as well as the administration fails to acknowledge or describe the existing management.

process under the Magnuson-Stevens Fishery Conservation and Management Act, leaving the impression that these areas are unmanaged and unmonitored. As described in the act, this is a highly transparent and science-based process that explicitly includes Pacific islanders in the decision making process, that provides multiple opportunities for public review and comment, and that provides the final authority for the approval of recommended fishing regulations to the Secretary of Commerce.

20. The Western Pacific Regional Fishery Management Council (which has authority over the offshore resources around the Marianas Archipelago, American Samoa and the PRIA) has a policy for the establishment and management of MPAs which should be acknowledged and respected – this policy includes the Council in development and consideration of new marine protected areas and requires explicit consideration of the requirements, rights and privileges of the region's native peoples and their traditional fishing practices.
21. The extent and impact of domestic fishing that occurs in potential marine conservation areas, as well as anticipated restrictions to this fishing, must be described in public and to decision makers – existing regulations allow limited fishing around the Mariana Archipelago, American Samoa and the PRIA. This fishing has been well documented by NOAA and provides much needed jobs, local economic production, tax revenues and, perhaps most importantly, sustainable fishery products that have been harvested using environmentally friendly fishing technology. The loss of these benefits must be quantified and described to the public and decision makers in order to allow informed comments and decision making.
22. A complete and objective analysis of the specific environmental, social and economic impacts (both positive and negative) for directly affected communities should be conducted and made available prior to any decision-making – to fail to assess both the costs and benefits before committing to such a major initiative would be irresponsible and indicative of political decision making that seeks to project a positive portrayal without regard to the actual results.
23. If areas around CNMI are to be closed to fishing, the residents and fishing community in particular should be compensated – although people in the continental U.S. may find pleasure in the thought that these areas are being “protected”, the cost of losing access to these marine resources would largely be borne by the residents and fishermen of CNMI. These groups have little access to alternative resources and should be justly compensated for this permanent loss on an ongoing basis.
24. No new closed areas or area restrictions should be implemented in the Western Pacific Region – existing management measures and processes are effectively protecting and conserving the marine environment and the implementation of costly (or underfunded) new initiatives is unnecessary. If any funds are available to protect this area, they should be immediately applied to improving the enforcement of the U.S. EEZ boundaries against incursions by illegal foreign fishing vessels.



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October 13, 2008

President George Bush
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Bush,

On behalf of the Aha Ki'ole Advisory Committee, of the State of Hawaii, we strongly oppose the establishment of a national marine monument in the three islands north of Saipan in the Commonwealth of the Northern Mariana Islands (CNMI).

The Aha Ki'ole Advisory Committee was created when the Hawaii State Legislature unanimously passed Senate Bill 1853, a Bill that created the Aha Moku System – a natural resource ecosystem management process in Hawai'i that integrates empirical knowledge into current land and ocean-use policies. This Act was written by almost 100 Native Hawaiian ocean and land resource practitioners representing the forty (40) traditional land districts in the State of Hawaii. It encompasses all of the main Hawaiian Islands. Governor Lingle signed this Bill into law in June 2007, thus creating Act 212.

The Native Hawaiian communities have followed the progress of the Pew Foundation's attempts to establish another national marine monument in CNMI with anger, trepidation, and despair. These strong and passionate emotions are universally felt by Hawaiians whenever the word "Papahānaumokuākea" is mentioned. This is the name your administration picked for our islands. When you created the national marine monument of the Northwest Hawaiian Islands, it was done without the participation of the Native Hawaiian people. Except for a handful of people, Hawaiians did not know that the Pew Foundation was planning to take three-fourths of Hawaiian lands and make it into a monument. Hawaiians found out by reading the newspaper after the fact – just like everyone else. But, Hawaiians are not "everyone else" – they are the indigenous people of Hawaii and this monument was considered a "taking" by the Bush Administration.

We ask that you not compound your grave mistake with Hawaii by creating another monument in CNMI against the wishes of their people. The indigenous people of the Northern Marianas need protection for their heritage. All of the elected officials of the Mariana's, including Governor Ben Fitial, Senate President Peter Reyes, Speaker of the House Arnold Palacios and all four mayors of the CNMI emphatically said "NO" to the establishment of this monument. As leaders elected by the people to represent them, why will you not listen to them?

The Aha Ki'ole is an Advisory Committee established by Act 212 of the 2007 Hawaii State Legislature
Leimana DaMate, Community Coordinator – Ph: 808-497-0800, Email: Leimana@fastmethi.com

Aha Kiole Advisory Committee
Page Two

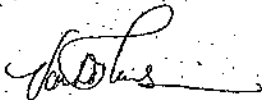
The actions of the Pew Foundation reflected by the actions of your Administration show that there is no consideration for the indigenous people of CNMI – any more than there was any consideration for the Native Hawaiians. Native people do not have a voice with you or your administration.

Have you even realized that your actions have taken away a huge part of the Hawaiian culture and heritage, and now will take an integral part of the CNMI culture away from the native people – with no hope of ever getting this part of their heritage back? Another pacific island culture forever changed by the actions of a different culture too far away to even understand the ramifications of their actions.

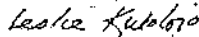
The trust of the Hawaiian people in you and your administration, as well in the Republican Party has been irrevocably broken by the taking of the Northwest Hawaiian Islands. You are breaking the trust of the native people of the Northern Marianas.

We urge you, President Bush, to please listen to the people of CNMI – as you never listened to the Native Hawaiians. We will forever mourn the loss of our north western islands. Please do not inflict this heartbreak and rage on another pacific culture.

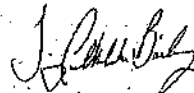
Respectfully yours,



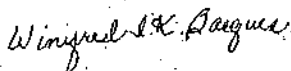
Vanda Hanakahi, Chair
Kiole, Moloka'i



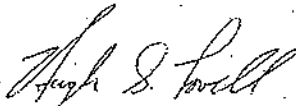
Les Kulolio, Vice-Chair
Kiole, Kahoolawe



Timothy Bailey
Kiole, Maui



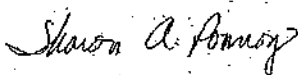
Winifred Basques
Kiole, Lana'i



Hugh Lovell
Kiole, Hawai'i



Charles Kapua
Kiole, O'ahu



Sharon Pomroy
Kiole, Kaua'i



Ilei Beniamina
Kiole, Ni'ihau

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Congress of the United States House of Representatives

NATURAL RESOURCES COMMITTEE
CHAIRMAN: SUBCOMMITTEE ON FISHING,
WILDLIFE AND OCEANS

SUBCOMMITTEE ON INDIAN AFFAIRS

ARMED SERVICES COMMITTEE

SUBCOMMITTEE ON READINESS

SUBCOMMITTEE ON SEAPOWER
AND EXPEDITIONARY FORCES

October 24, 2008

The Honorable James L. Connaughton
Chairman
Council on Environmental Quality
722 Jackson Place, NW
Washington, D.C. 20503

Dear Chairman Connaughton,

I appreciated the opportunity to meet with you in Guam to discuss the proposed marine monument sites, including the Northern Mariana Islands and the Mariana Trench. Fishing and marine recreation are an important part of the culture and economy in Guam and many of my constituents depend upon the ocean waters to make a living. Tourism related to fishing and ocean recreation is one the main attractions that brings thousands of visitors to Guam each month.

Because of that fact, Guam is dedicated to careful stewardship of our marine resources. We have taken many steps to preserve the aquatic resources in and around Guam and to ensure that fishing industries comply with rules and regulations that are in place to sustain a healthy marine resource. I view retention of local flexibility to manage our marine resources in a way that balances the protections needed for sustainable marine resources with a thriving economy as an important sovereignty issue.

As such, I am opposed to the use of the Antiquities Act to create one or more marine national monuments in the CNMI and the Mariana Trench in an expedited fashion that involves little input from stakeholders and local communities. Moreover, the lack of detail regarding the President's proposals is even more reason for requiring additional input from stakeholders. I believe the process in place under the National Marine Sanctuaries Act, which involves formal public consultation of stakeholders, is a far better process that could be used to assess the merits of these proposals. This process would help affected individuals better understand the details of the proposal and develop alternatives that would meet Administration and community goals. I also believe that fisheries should be managed through the Magnuson-Stevens Act process and the regional fishery management councils. At this time, it is not clear that the proposals being considered by the Administration would ensure utilization of the fishery management councils.

The Honorable James L. Connaughton
Chairman
Council on Environmental Quality
October 24, 2008
Page Two

In short, where local conservation efforts have proven to be successful, I believe we should employ existing administrative processes that provide a proper role for ongoing local involvement in the management of our precious marine resources. I am extremely concerned that the process that is being employed now, in the last weeks of the Bush Administration, does not provide for adequate public input, let alone adequate Congressional oversight.

We must work together to protect our ocean resources. I urge your support and leadership with the federal agencies to work closer in partnership with the local communities to develop proposals that satisfy more stakeholders concerns.

Sincerely,


MADELEINE J. BORDALLO
Member of Congress



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

VIA CERTIFIED MAIL

APR 29 2008

President George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

RE: Designation of a Marine National Monument in the Commonwealth of the Northern Mariana Islands

Dear President Bush:

The purpose of this letter is to apprise you and those within your Administration regarding recent inquiries made by national environmental organizations concerning the designation of a Marine National Monument in the Commonwealth of the Northern Mariana Islands ("CNMI").

In December, 2007, I received a letter from the Pew Charitable Trusts ("Pew") requesting my support for the designation of a National Monument sector around the northernmost three of the Northern Mariana Islands (Uracas, Maug, and Asuncion Islands), an area already designated by our founders as a Nature Preserve under the CNMI Constitution. A copy of that letter is enclosed for your reference. In its letter, Pew noted that it had modeled its thinking concerning the proposed National Monument on the recent designation of the Northwest Hawaiian Islands ("NWHI") as a Marine National Monument.

On March 19, 2008, I responded to Pew's letter of request for my endorsement. A copy of my response is also enclosed for your reference. As outlined in my response, I do not support Pew's proposed creation of a Marine National Monument in the Northern Mariana Islands. Such a designation would, in my view, greatly reduce or eliminate the ability of the CNMI government to carefully balance cultural, environmental, and economic considerations in the region in an open and inclusive manner.

In view of your Administration's recent designation of the NWHI as a National Monument, I felt it important to convey to you my concerns about this PEW proposal, and the rationale underlying these concerns. My hope is that representatives from your Administration will coordinate with me and the CNMI Administration before taking any further action on any proposal advanced by Pew in this regard.

First, a long history exists regarding ownership and management of submerged lands around the Northern Mariana Islands. Article IX of the CNMI Constitution declares that all submerged lands in and around the Northern Mariana Islands belong to the people of the CNMI, and that management and disposition of submerged lands shall be governed by the laws of the CNMI. For over 20 years, since the establishment of a Covenant between the CNMI and the U.S., the Federal government and the CNMI have engaged in discussions regarding ownership and management of these areas, and the CNMI remains resolute that submerged lands rightfully belong to the indigenous peoples of this area.

Second, notwithstanding assurances contained in Pew's December, 2007, letter, I am concerned with the potential impact of such a designation on ocean areas of critical importance to the people of the CNMI. As an island community and traditional native culture, the CNMI's very existence is tied to the sea. Fishing and related activities are intrinsically intertwined with our culture and economy--present and future. We rely on fishing as a source of food and jobs. Those who live in the CNMI have no interest in ceding their cultural heritage to the Federal government under the auspices of environmental protectionism.

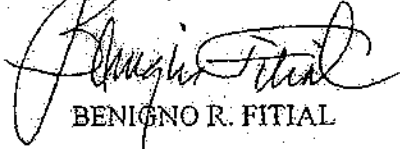
Third, as the process surrounding the designation of the NWHI National Monument makes clear, monument designation under the Antiquities Act of 1906 lacks procedural safeguards to insure public involvement and environmental review during the designation process. Given the importance of a decision such as this to the people of the CNMI, any consideration regarding the designation of a National Monument must include a full and complete analysis of its cultural, economic, and environmental impacts.

Fourth, the CNMI has actively supported the development of a commercial longline fishery in areas around the Northern Mariana Islands. The CNMI is working to expand its fishing fleet to fill the vacuum in its narrow economic base due to the recent closure of the garment industry and the contraction of tourism. Increasingly-stringent Federal immigration controls will further impact tourism from emerging markets like Russia and China. The loss of about 115,000 square miles of ocean area due to inclusion in a National Monument would significantly impact this developing fishery and the economy of the CNMI.

Finally, the views contained in this letter are shared by the majority of the representatives in the CNMI legislature, and their constituents. As the enclosed Senate Resolution makes clear, the CNMI Constitution has already designated the islands of Uracas, Maug, and Asunción as wildlife conservation areas, with the waters surrounding these islands already constituting marine protected areas. Given this consideration, and given our desire to retain control over such areas for the benefit of indigenous peoples, the Senate and House of Representatives of the CNMI recently enacted a joint resolution opposing the establishment, creation, or designation of a Marine Monument, Marine Sanctuary, or National Park in the vicinity of the Northern Islands of the CNMI.

In view of these considerations, I respectfully request that you refrain from designating any portion of the CNMI as a Marine Monument, Marine Sanctuary, or National Park, as requested by the people of the CNMI and evidenced in the enclosed resolution and this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Benigno R. Fitial", written in a cursive style.

BENIGNO R. FITIAL

Cc: CNMI Delegation
James L. Connaughton, Chairman, Council on Environmental Quality
Dirk Kempthorne, Secretary of Interior
Carlos M. Gutierrez, Secretary of Commerce



The Senate
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. Box 500129
Saipan, MP 96950

April 29, 2008

The Honorable Benigno R. Fitial
Governor
Commonwealth of the Northern Mariana
Islands
Capital Hill
Saipan, MP 96950

Dear Governor Fitial:

I have the honor of transmitting herewith a certified copy of Senate Joint Resolution No. 16-04 entitled, "A Senate Joint Resolution to respectfully request that the President of the United States refrain from unilaterally creating a Northern Islands National Monument and imposing the regulatory burdens appurtenant thereto upon the People of the Commonwealth of the Northern Mariana Islands without the consent of the local government." S.J.R. No. 16-04 was adopted by the Senate on April 22, 2008 and by the House of Representatives on April 24, 2008, Sixteenth Northern Marianas Commonwealth Legislature.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dolores S. Bermudes".

Dolores S. Bermudes
Senate Clerk

Attachment



THE SENATE
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE JOINT RESOLUTION NO. 16-04

Introduced by: Sen. Paul A. Manglona; Sen. Felix T. Mendiola; Sen. Paterno S. Hocog; Sen. Pete P. Reyes;
Sen. Maria Frisca T. Pangelinan; Sen. Luis P. Cirsofimo; Sen. Jude U. Hofschneider;
Sen. Joseph M. Mendiola; Sen. Henry H. San Nicolas

A SENATE JOINT RESOLUTION

TO RESPECTFULLY REQUEST THAT THE PRESIDENT OF THE UNITED STATES
REFRAIN FROM UNILATERALLY CREATING A NORTHERN ISLANDS NATIONAL
MONUMENT AND IMPOSING THE REGULATORY BURDENS APPURTENANT
THERE TO UPON THE PEOPLE OF THE COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS WITHOUT THE CONSENT OF THE LOCAL GOVERNMENT.

1 WHEREAS, The Papahānaumokuākea Marine National Monument (formerly the Northwestern
2 Hawaiian Islands Marine National Monument) was created by President George W. Bush on June 15, 2006
3 under the 1906 Antiquities Act, after years of research; and

4 WHEREAS, a similar monument is being considered which would include the waters adjacent to the
5 islands which comprise the Northern Mariana Islands; and

6 WHEREAS, The Pew Charitable Trusts (Pew) wrote to the Governor of the Commonwealth of the
7 Northern Mariana Islands (CNMI) on December 20, 2007 and suggested that the CNMI concur that the 200-
8 mile EEZ surrounding Uracas, Maug and Asuncion Islands be designated by U.S. President George W. Bush as a
9 marine sanctuary or monument; and

10 WHEREAS, the Governor of the CNMI responded to the Pew in a letter dated March 19, 2008
11 expressing his appreciation of Pew's interest in the environs of the Northern Islands of the CNMI while
12 respectfully declining the suggestion of designating any marine sanctuary or monument in the Northern Mariana
13 Islands; and

14 WHEREAS, the CNMI Senate and the House of Representatives did attentively listen to a presentation
15 given by Pew representatives Mr. Jay Nelson and Mr. Angelo Villagomez about the suggested marine sanctuary
16 on March 26, 2008; and

17 WHEREAS, the Legislature has been made aware of many concerns raised by citizens of the CNMI and
18 has begun to conduct investigations into the possible repercussions that would accrue to the People of the CNMI
19 were the President to unilaterally designate the proposed monument; and

SENATE JOINT RESOLUTION NO. 16-04

1 WHEREAS, it is the sense of the Senate that the majority of the citizens of the CNMI have not and
2 would not formally endorse such a proposal, until such time that more information is gathered and considered,
3 and until the People of the CNMI have been offered meaningful opportunities to comment and influence any
4 regulations which will govern access to and conduct within any monument that might be established; and

5 WHEREAS, no such opportunities have occurred, as there has been little to no dialogue between the
6 governments of the Commonwealth of the Northern Mariana Islands and the United States of America on this
7 issue; and

8 WHEREAS, designation of the said CNMI marine monument would result in the complete and total
9 closure of all types of extractive fishing and mining activities within a 115,000 square-mile area of the CNMI
10 EEZ; and

11 WHEREAS, the establishment of any proposed marine monument, marine sanctuary, or national park
12 may conflict with the Commonwealth's efforts in establishing its own fishery industry, mining activities and
13 other potential extractive uses throughout the CNMI, which is substantive justification warranting further study;
14 and

15 WHEREAS, designation of the CNMI marine monument by President Bush would be a permanent and
16 nearly irrevocable federal action that rightfully should require consideration of the needs and opinions of the
17 People of the CNMI and the potential of lost opportunities for economic benefit to the CNMI; and

18 WHEREAS, the CNMI is committed to continue with the existing marine resource management system
19 established by the Magnuson-Stevens Act that involves partnership with the National Marine Fisheries Service
20 and the Western Pacific Regional Fisheries Management Council; and

21 WHEREAS, the CNMI fervently opposes the transfer of any form of marine resource management
22 authority over CNMI waters to the National Oceanic and Atmospheric Administration, National Marine
23 Sanctuary Program, or any other Federal Agency; and

24 WHEREAS, the CNMI Constitution has already specifically identified the islands of Uracas, Maug and
25 Asuncion as wildlife conservation areas with the waters surrounding them already acting as *de-facto* Marine
26 Protected Areas, accessible only upon satisfaction of conditions determined by the People of the CNMI; and

27 WHEREAS, the establishment of the proposed monument seems likely to wrest control of access to
28 these islands from the People of the CNMI, and transfer that control to those with little familiarity with the
29 resources in question, the history of the islands, and the culture and traditions of their people; and

30 WHEREAS, the People of the CNMI have a strong affinity for the ocean, even going so far as to require
31 in our Constitution a clean environment, such that propriety should require the consultation with and

SENATE JOINT RESOLUTION NO. 16-04

1 consideration of the needs and wishes of the People of the CNMI occur before any monument is established;
2 now, therefore,

3 BE IT RESOLVED, by the Senate of the Sixteenth Northern Marianas Commonwealth Legislature, the
4 House concurring, that the Senate respectfully requests that the President of the United States refrain from
5 unilaterally creating a Northern Islands National Monument and imposing the regulatory burdens appurtenant
6 thereto upon the People of the Commonwealth of the Northern Mariana Islands without the consent of the
7 People, through their local government; and

8 BE IT FURTHER RESOLVED, that the Senate on behalf of the People of the CNMI, the House
9 concurring, does not support the establishment, creation, or designation of a marine monument, marine
10 sanctuary, or national park in the vicinity of any of the Northern Islands of the CNMI at this time and feels that
11 study, discussion, and deliberation is necessary before any further action is taken; and


12 BE IT FURTHER RESOLVED, that the Senate, the House concurring, hereby requests that the CNMI
13 Washington Representative join with the People of the CNMI in officially conveying this sentiment to the White
14 House, the United States Congress and the federal agencies mentioned herein, in a unified effort to prevent any
15 designation of a marine monument, marine sanctuary, or national park in the CNMI until such time as the People
16 of the CNMI have had adequate opportunity to consider and give input on the issue; and

17 BE IT FURTHER RESOLVED, that the President of the Senate and the Speaker of the House of the
18 Sixteenth Northern Marianas Commonwealth Legislature shall certify and the Senate Legislative Secretary and
19 the House Clerk shall attest to the adoption of this joint resolution and thereafter transmit certified copies to the
20 Honorable George W. Bush, President of the United States of America; the Honorable Dirk Kempthorne,
21 Secretary of the United States Department of Interior; the Honorable Nick J. Rahall II, Chairman of the
22 Committee on Natural Resources, United States House of Representatives; the Honorable Jeff Bingaman,
23 Chairman of the United States Senate Committee on Energy and Natural Resources; Bill Robinson, Regional
24 Administrator, NMFS Pacific Islands Regional Office; Kitty Simonds, Executive Director, Western Pacific
25 Regional Fishery Management Council; the Honorable Benigno R. Fitial, Governor of the Commonwealth of the
26 Northern Mariana Islands; the Honorable Pete A. Tenorio, CNMI Washington Representative; Dr. Ignacio Dela
27 Cruz, Secretary, Department of Lands and Natural Resources; Mr. Angelo Villagomez, Pew Charitable Trust
28 Representative; and Mr. Jay Nelson, Pew Charitable Trust Representative.


SENATE JOINT RESOLUTION NO. 16-04

ADOPTED BY THE SENATE ON APRIL 22, 2008
AND BY THE HOUSE OF REPRESENTATIVES ON APRIL 24, 2008.

CERTIFIED BY:

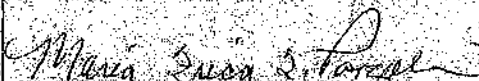


PETER P. REYES
PRESIDENT OF THE SENATE



ARNOLD I. PALACIOS
SPEAKER
HOUSE OF REPRESENTATIVES

ATTESTED BY:



MARIA TRICA T. PANGELINAN
SENATE LEGISLATIVE SECRETARY



EVELYN C. FLEMING
HOUSE CLERK



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

COPY

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

MAR 19 2008



Mr. Jay Nelson
Director
Global Ocean Legacy
The PEW Charitable Trusts
2005 Market Street, Suite 1700
Philadelphia, PA 19103-7077

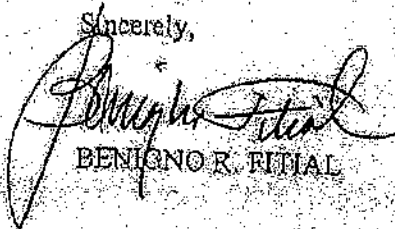
Dear Mr. Nelson:

Thank you for your letter regarding the establishment of a marine sanctuary in the Commonwealth of the Northern Mariana Islands.

Although we appreciate PEW's interest in the CNMI, my administration is not prepared to embrace the proposal to establish such a national monument in the CNMI at this time. Given our valuable natural resources and their potential uses, the CNMI government must fully consider all options and decide carefully, prudently and strategically balancing economic, environmental, social, cultural, and other considerations, in deference to our local constituents and stakeholders.

Again, thank you for your constructive suggestions and interest in our Commonwealth.

Sincerely,


BENIGNO R. FITIAL

cc: Mr. Ramond Mafnas, Senior Policy Advisor
Dr. Ignacio dela Cruz, Secretary, DLNR
Mr. Sylvan O. Igisomar, Director, DFW
Dr. John Joyner, Director, CRMO
Mr. Frank Rabaulman, Director, DEQ
Mr. Angelo Villagomez



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202.552.2000 Phone
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December 20, 2007

The Honorable Benigno Repeki Fitial
Governor
Commonwealth of the Northern Mariana Islands
Caller Box 10007, Capital Hill
Saipan, MP 96950

Dear Governor Fitial,

I work in Juneau, Alaska for the Pew Environment Group on a project called Ocean Legacy. Although you and I have not yet had the opportunity to meet, Angelo Villagomez and I had coffee on August 16, 2007 to discuss our Ocean Legacy idea with your Senior Policy Advisor, Ramon Mathas and Secretary Ignacio Dela Cruz. Representative Cirita M. Kaipat helped set up and also participated in this meeting. I have been in contact with Mr. Villagomez and Ms. Kaipat concerning our idea since January 2007.

As the leader of an island nation, you are well aware that the world's oceans face a difficult future for a number of reasons including pollution, overfishing and climate change. Worldwide, many of the most valuable fisheries and ecosystems have been degraded with little hope of improvement or reversal in the near term. Foreign fishing fleets are scouring the globe to find and exploit the last outposts of healthy fish populations. Clearly, humankind has not fully valued our marine environment nor offered protection to the cultural, biological and geological resources of the world's great seascapes as we have done on land. With few exceptions, there are no Grand Canyon National Parks of the sea. This is a tragedy because ours is likely the last generation with an opportunity to protect important remnants of this rich oceanic heritage.

The Pew Environment Group is an international non-profit committed to working with communities around the globe to educate the public and policy makers about the causes, consequences and possible solutions to environmental problems. One of the areas on which we focus is ameliorating the loss of the world's great marine ecosystems.

Ocean Legacy is an initiative of the Pew Environment Group in collaboration with the Oak Foundation, the Sandler Family Supporting Foundation and the Robertson Foundation. It is an outgrowth of our work in the northwestern Hawaiian Islands which led to the creation of the Papahānaumokuākea Marine National Monument. The goal of the project is to identify suitable large marine ecosystems and work with local governments to see if a handful of these "parks of the sea" can be protected for future generations.

To initiate the Ocean Legacy work, we commissioned an exhaustive look at marine systems worldwide to identify high-value cultural, biological and geological features worthy of protection. We were particularly interested in relatively healthy ocean ecosystems where the long-term economic and cultural benefits of protection would

outweigh the value of potential short-term extractive uses. We also needed to find political jurisdictions with a capacity and a history of professional management and enforcement.

To date, we identified only four areas of the world that meet these criteria: Australia's Coral Sea, New Zealand's Kermadec Trench, the British Indian Ocean Territory of the Chagos Islands, and the Exclusive Economic Zone around the northernmost three of the Northern Mariana Islands.

Several features attracted our interest in this region of the Northern Mariana Islands. First, it sits along the Marianas Trench, the deepest place on the globe and demonstrably one of the wonders of the natural world. Second, there has to date been only a minor amount of legal fishing in the area; it is healthy and relatively free from pollution and other direct human impacts. Third, this area is important enough that the residents of the Mariana Islands have already recognized the special nature of the three northern islands and designated them as nature reserves in the Commonwealth Constitution. Fourth, we understand from discussions with a number of individuals in Saipan that local use of the area is limited and intermittent. Fifth, we understand that it is a dream for all Chamorros and Carolinians to someday visit the northern waters and there is local interest in protecting them for future generations as part of your cultural heritage.

As I know you are aware, we have modeled our thinking on the recent designation of the northwest Hawaiian Islands (NWHI) as a Marine National Monument - essentially a National Park in the sea. Protection of the NWHI was widely supported by Native Hawaiians, business leaders, the Governor and community leaders from across the political spectrum. Hawaiians recognized the unique nature of the NWHI and the region's importance to the culture and history of Hawai'i. Ultimately there was widespread understanding that extractive uses were less important than restoring, protecting and maintaining a part of Hawaii's marine legacy for future generations.

As a consequence of the Monument designation, the State of Hawai'i received an additional bonus. Although state jurisdiction legally extends only to three miles from the islands of the NWHI, the Monument designation expressly provides for the state to be a co-manager throughout the monument effectively extending the area of state authority by almost 20 times, well into what were formerly exclusively federal waters. Furthermore, the state previously had little capacity and few resources to manage the remote waters of the NWHI but under the Monument agreement, an opportunity now exists for the state to receive additional federal support as co-manager.

To be clear, our concept of a monument surrounding the constitutionally protected CNMI Nature Reserve is a private initiative. We will be successful only if the local residents and their elected leaders are supportive. We also need the support of the federal government. Ultimately it is the governments that are capable of protecting and providing research, monitoring and enforcement for these icons of the sea.

The rules by which monuments are created and managed are not fixed. The NW Hawaiian Islands model suited the circumstances and interests of the Governor and people of

Hawai'i. If a Marine Monument were to be designated in the CNMI the resource management undoubtedly would differ to reflect local wishes.

The restrictions adopted for the NW Hawaiian Islands were put in place largely at the request of state Office of Hawaiian Affairs and Native Hawaiian elders who honor and revere the NW Hawaiian Islands and wanted access restricted. It was not something that was imposed by the federal government. As part of that agreement, a working group of 15 Native Hawaiian cultural practitioners was established to help Monument staff review and approve access and fishing permits.

The NWHI currently has a small bottomfish fishery of eight vessels. Under the monument designation, those boats have five additional years to fish (until June 15, 2011) before commercial fishing in the area is ended. In addition, subsistence fishing is allowed in the Monument by Native Hawaiians. Lately, this opportunity has only been exercised once or twice a year, mostly by traveling in traditional canoes. The 200 mile distance from the nearest inhabited islands, Kauai, makes greater use of the area difficult just as it does for the northern islands which are over 300 miles from Saipan.

The economic opportunities created through designation of a large Marianas Trench Marine Monument are real. As the principle federal agency involved, the National Marine Sanctuary Program would undertake a management plan in conjunction with the CNMI government. Every monument/sanctuary that the Sanctuary Program manages has a visitor center which, in the case of the Mariana Islands could potentially include information on the region's biology, volcanism and features of the world's deepest trench. It could offer a dramatic and informative new visitor venue for Saipan in addition to providing educational programs for residents.

The Sanctuary Program also promotes research, monitoring and enforcement within its monuments. This would require the chartering of local vessels and/or the acquisition of new vessels capable of traveling more than 300 miles to the northern islands. In Hawai'i they are looking at acquiring a plane to help in the management of the monument. All of this requires staff, for example the NW Hawaiian Islands monument now has about 40 full-time employees, most of whom are local including several Native Hawaiians.

Finally, Hawai'i received widespread publicity and recognition during and after the creation of the National Monument. Some of that press is still appearing. This one action established Hawai'i as a leader in ocean protection and a leader in Pacific conservation. A monument within CNMI waters could become the second largest protected area in the world, effectively putting CNMI on the map globally. Given its distance from Saipan, a new CNMI monument would be unlikely to attract a large numbers of on-site visitors but its designation would be a magnet for attracting high end "adventure" tourists. For example this spring, a new tourism operation is opening up in the NW Hawaiian Islands with regular charter flights to Midway Island. This is a direct result of the attention, publicity and increased public interest surrounding the designation of the new National Monument. International attention on a large undersea park would focus welcome attention on CNMI, the kind of attention that attracts independent tourists now being sought by the ecotourism industry. These are the kind of visitors who may not have

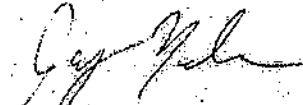
noticed CNMI to date but would notice that one of the 14 U.S. marine "parks" was located there.

I have visited your beautiful islands three times this year to talk with people and determine local interest in the idea of a creating a "national park of the sea" in the northern islands. After our initial discussions with Senior Policy Advisor Ramond Mafnas and Secretary Dela Cruz, we decided it was important to spend more time assessing local interest in the concept and resolving any concerns before we took your time discussing this opportunity.

While there remain many questions about the concept, which we are happy to address, the reaction of many community members with whom we have spoken about this idea has been generally favorable. Angelo and I look forward to continuing this dialog and would be pleased to brief you at your convenience. We believe that a fair look at the facts and consideration of the potential economic benefits for Saipan and the Commonwealth will continue to generate broad support locally.

We look forward to talking with you and providing you with any information you might need.

Sincerely,



Jay Nelson

Director - Global Ocean Legacy

cc: The Honorable Cinta Kaipat

Mr. Ramond Mafnas, Senior Policy Advisor to the Governor

Dr. Ignacio Dela Cruz, Secretary, Department of Lands and Natural Resources

Dr. John Joyner, Director, Coastal Resources Management

Mr. Frank Rabaulman, Director, Division of Environmental Quality

Mr. Sylvan Igisomar, Director, Division of Fish and Wildlife

Mr. Angelo Villagomez



Office of the Governor of Guam

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TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

27 OCT 2008

James L. Connaughton
Chairman
Council of Environmental Quality
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Connaughton:

Hafa Adai! Marine resources within the Marianas Trench are extremely valuable and the Government of Guam has several concerns regarding the designation of a marine conservation management area in this region. We are not in support of a sudden declaration of a monument or conservation status within the Marianas Trench by Executive Order of the President because such a process would not allow for an appropriate consideration of cultural, environmental, economic and multiple use implications which require a considerable amount of time. The creation of such a monument entails detailed planning and should include, at minimum, an assessment of resource values and potential uses, an assessment of impacts to the local communities, meaningful stakeholder input, a comprehensive cost-benefit analysis, and long term management and monitoring strategy. None of these analyses have been conducted.

While the mission of the Department of Defense is crucial for national security and the Marianas Trench has high strategic military value, the designation of a monument without a complete assessment of Department of Defense operations and procedures would compromise the ultimate intent and purpose of a monument—the protection and conservation of marine resources. Furthermore, if a monument should be established, it is crucial that the interests of the Government of Guam and Commonwealth of the Northern Mariana Islands be incorporated into preliminary designs and studies. For example, the southern islands of the Marianas Trench have higher biodiversity and greater habitat diversity as compared to the northern islands. It is imperative that facts such as these are considered in a site selection process. In addition to involvement of the local governments, meaningful stakeholder input from the general public is crucial especially with regard to marine conservation actions. Also, the Government of Guam was assured by National Oceanic and Atmospheric Administration representatives during their recent visit that the current management of potentially affected fisheries would not be modified. Finally, joint responsibility for management of the proposed area of conservation should be shared by the local jurisdiction and the federal government.

I believe that the management of cultural, economic, and environmental resources should be conducted in an open and inclusive manner for all the residents of the Mariana Islands.

Siaseu yan Magåhåi

A handwritten signature in black ink, appearing to read 'F. Camacho', with a long horizontal flourish extending to the right.

FELIX P. CAMACHO

I Muga' lāhen Guåhan

Governor of Guam

Assessment c/o Council on Environmental Quality
722 Jackson Place
Washington, D.C., 20503
oceans@ceq.eop.gov

Name: Dr. Judith P. Guthertz, Assistant Majority Leader, Guam Legislature

Comments: As a former member (1998-2001) and Chair (2001-2003) of the Western Pacific Fisheries Management Council, I am very familiar with the area being considered for designation as a Marine Conservation Management Area. I am strongly opposed to such designation.

Guam is a non-self governing territory and is on the list of the remaining 16 such areas under the United Nations. Each year our State Department reports to the United Nations on what the United States is doing to bring Guam to self-government.

With this status, it would be unethical and imperialistic for the United States to place Guam's waters under a conservation regime without the approval of the people it is entrusted with leading to self-determination and self-government. The United States should be in the process of transferring authority and governance to the people of Guam, not taking authority away from the local government.

The Indigenous People of Guam have been fishing in those waters for about 4,000 years and have not damaged the natural resources. If anyone is over-fishing the area, it would be foreign fishing interests.

It is an insult to all residents of Guam and the CNMI to take an action assuming that they cannot govern themselves.

If President Bush sincerely wants a legacy, he should have taken steps to further the development of self-determination and self-government for Guam. He has done absolutely nothing for the past eight years. He should be ashamed of himself. His father made a grand statement near the end of his term in favor of statehood for Puerto Rico if that is what the people of Puerto Rico desired.

President Bush still has time to make a similar contribution and establish a legacy in this regard. He could announce that the United States Government will accept whichever political status option is desired by the Chamorro people as expressed in a United Nations observed plebiscite.

Just looking at a map in an office inside the beltway and dreaming of a "Blue Legacy" is a ridiculous exercise in imperialism. If the people of Guam and the CNMI desire such

a designation, they will be sure to let you know. Until then, please resist the temptation to interfere in our business.

Senseramente:

Signed

Judith P. Guthertz

Senator



The People

Majority Whip (D)

Member
Committee on
Tourism
Maritime, Military,
Veteran and Foreign
Affair

Member
Committee on
Judiciary
National Resources,
Infrastructure and
Cultural Affairs

Member
Committee on Health
Human Services and
Homeland Security

Member
Committee on
Education, General
and Omnibus Affairs

Mina Bente Nuebi Na Liheslaturan Guahan

Senator vicente (ben) c. pangolinan (D)

October 26, 2008

Assessment
c/o Council on Environmental Quality
722 Jackson Place
Washington, D.C. 20503

Dear Council Members,

As a resident of Guam, one of the indigenous Chamorus of Guam and the Marianas Islands and an elected representative of the people of Guam serving in the Guam legislature, *I strongly oppose any efforts by the President or federal entities to establish Marine Protected Areas, Marine Conservation Areas, Marine Conservation Management Areas, or a Marine National Monument in the U.S. Exclusive Economic Zone of Guam and the Marianas Islands, to include the Marianas Trench and Islands under the Commonwealth of the Northern Mariana Islands government protection; as may be recommended in response to the President's memorandum of August 25, 2008, to be established pursuant to Executive Order of the President of the United States or pursuant to the Antiquities Act.*

The President issued a memorandum on August 25, 2008, directing the Secretary of Defense, the Secretary of the Interior, the Secretary of Commerce, and the Chairman of the Council On Environmental Quality to assess the views of territorial governments, local governments on the advisability of increased action by the United States or the federal government over specific areas of the Pacific.

In response to that directive, this is an official statement, expressing my official position on behalf of the people of Guam to such action in the scope and manner being proposed by the President.

A. Establishment of a Marine Conservation Management Area while allowing military activity on the scale currently being conducted has no preservation or conservation benefit to the people of the Marianas, the United States, or the world, and will only further subject these rare resources to exploitation by the military and impedes the conservation efforts of residents and governments of the region.

Development of a Preserve or Conservation Management Area will restrict the indigenous people of the Marianas access to the natural, cultural, and economic resources surrounding their islands, yet the President in his memorandum states that the establishment of these areas will not restrict in any way the U.S. military in its operations in the same area, which currently

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includes an unprecedented military buildup of personnel, docking of nuclear ships and submarines, active firing ranges, training exercises, and supporting equipment and personnel on the island and waters of Guam and potentially on other islands of the Marianas. This massive buildup of military activity, personnel, and dependents during peacetime is the largest ever in the history of the United States and is slated to be in full force by 2012. (The Environmental Impact Statement is currently being conducted on this buildup of military and support activities, and is scheduled to be completed in Spring of 2009.)

In addition to current and proposed massive military activity, Guam and the Marianas Islands continue to be subjected to contaminated military dump sites which have not been cleaned since WWII, continue to suffer as downwinders the higher incidences of cancer and other effects of radiation from nuclear bombing of the Marshall Islands, and continue to be subject to environmental damage and illness as a result of the washing of nuclear-contaminated ships on Guam. Environmental policy for this region should include prohibiting damage from current and planned military activities and remedying the effects of past military activity.

I truly believe the establishment of this marine monument will give greater latitude to the military to expand the scope of allowed activities in waters immediately surrounding the island of Guam. It will make the case that the degradation of the marine environment immediately surrounding Guam is being mitigated by the establishment, while doing nothing to ensure the environmental integrity of the environmental regulation processes during the military expansion.

B. The Establishment of a Monument or Conservation by Executive Order denies the government and people of Guam from meaningful input in the further taking of their lands and waters by the United States.

The President in his memorandum of August 2008 directed all agencies to consider cultural, environmental, economic, and multiple use implications of any measures, and to assess the views of the territorial and local governments and other interested parties, of the advisability of providing additional protection and management of historic or scientific interest at these islands, coral reefs, geologic features and surrounding marine waters. However, although the Marianas Trench lies within 60 miles from Guam and the northern Marianas Islands lie within the same archipelago as Guam, none of the agencies directed to respond—including the Secretary of Defense, Secretary of Interior, Secretary of Commerce, and Chairman of the Council of Environmental Quality—have solicited the input of the people of Guam or the government of Guam. Only the head of the Guam Fisherman's Co-op has called a meeting on the proposed actions and invited a representative of the Council of Environmental Quality to attend. This representative expressed to those in attendance that there was no project to explain, but that he was only there to make a list of interests or existing activities that the people in attendance thought should be excluded from or made an exception for in the establishment of a preserve in the area.

for example, local fishing activities. The process denies the opportunity of the people of Guam and the Marianas Islands to adequately comment or to even be notified of the proposed conservation areas, and in effect robs them on the eve of a presidential election from having input into this matter.

C. In addition to the negative impact on fishing and access to other natural resources by the people living on Guam and the other Marianas Islands, restriction of these waters and islands would be a clear violation of the rights of the indigenous inhabitants of Guam, the Chamorros, as outlined in the United Nations Declaration of the Rights of Indigenous Peoples.

While the President and federal agencies tout the importance of the objects of historic and scientific interest in the areas "under the jurisdiction of the United States", including the exceptional and diverse collection of marine life and habitat in the marine waters around the northern Mariana Islands and the Marianas Trench, the proposed action will prevent *increased* or *new* access by the people of Guam and the Marianas to these energy and mineral resources, and prevent new or increased scientific study of the area except with permission of the United States. This will also restrict energy, fishing, tourism and other economic benefits for the island economies from access to these areas.

Aside from a blanket exception to U.S. military activity, the President's memo directs that the agencies make a recommendation on the compatibility of a conservation area with *sustaining* access to (1) recreational and commercial fishing; (2) energy and mineral resources; and (3) opportunities for scientific study. Thus, the representative from Council on Environmental Quality only solicited a list of the current interests in the area from the people at the Fisherman's Co-op meeting.

Chamorros have a right to use and benefit of the natural resources of the region and in order to sustain their unique and indigenous culture must have continued stewardship of any commercial, scientific, or other exploration or use of the resources in this region.

D. Further taking of land and waters of Guam without consent is directly contrary to the right of the people of Guam to self determination and to be assisted in this regard by the colonial government of the United States.

I object to the establishment of any restrictive area on this water or land by the United States government as an impediment to and a violation of the right to self determination of the Chamorros, who remain on the United Nations list of 16 remaining non-self governing territories in the world. This further taking of the resources of Guam mirrors the taking of the land on Guam by the military and requires consent of the people of Guam. Guam has not yet had the opportunity, resources, or political status to study or develop the resources in the region, and this further restriction of the energy, fishing, tourism and other economic benefits for the

Letter to Council on Environmental Quality
October 26, 2008
Page 4

island economies from access to these areas directly interferes with their ability to be self governing.

E. The Marianas Fishing Community is not responsible for over-fishing and should not be penalized for the acts in other jurisdictions that utilize gear and practices that do not support sustainable use, or responsible conservation and management regimes.

The fishing constituency and the people of the Marianas are comprised of a number of Pacific Islander cultures living side by side with other mainstream Americans who collectively practice sustainable fishing.

The Marianas Fishing Community is not the cause of the degradation of high seas fish stocks or the destruction of critical marine habitat.

The Marianas Fishing Community has historically (nearly 4,000 years) proven to be excellent stewards of the ocean whereby the harvest is primarily consumed by the community;

The Marianas Fishing Community continues to provide sustenance to residents of our islands without the need to implement industrialized harvesting methods.

The Marianas Fishing Community should be allowed to continue fish in the waters of the Marianas with traditional or modern effective fisheries management tools.

The Marianas Fishing Community wholeheartedly supports the existing management regime as established by the U.S. Congress under the Magnuson-Stevens Fishery Conservation and Management Act.

The Marianas Fishing Community recognizes that the Western Pacific Regional Fishery Management Council for several decades has banned the use of the Trawl Nets, Gill Nets and most recently Purse Seine. The WPRFMC also established large closed areas whereby larger (50') scale fishing vessels are prohibited from entering; thus protecting seamounts from industrialize resource extraction to include anchoring which adversely impacts the marine habitat.

Sincerely,


Senator Ron C. Spangelman
29th Guam Legislature

Cc: Congresswoman Madeleine Z. Bordallo
Governor Felix Camacho
Speaker, 29th Guam Legislature



Commonwealth of the Northern Mariana Islands

Office of the Mayor

The Northern Islands Municipality

P.O. Box 502859 CK

Saipan, MP 96950

Tel. (670) 234-7392 or 6720

Fax: (670) 233-6466

E-mail: mayor@northernislands.net

Website: www.northernislands.net

VALENTIN I. TAISAKAN
Mayor of the Northern Islands

June 6, 2008

President George W. Bush
The White House
1600 Pennsylvania Avenue N W
Washington, D. C. 20500

RE: Designation of a Marine National Monument
in the Commonwealth of the Northern Mariana Islands.

Dear President Bush:

I am Valentin I. Taisakan, Mayor of the islands north of Saipan (Northern Islands). I am writing to convey my concern over the proposed National Marine Monument that the Pew Charitable Trust (PEW) is actively promoting for its establishment in the waters of the Commonwealth of the Northern Mariana Islands (CNMI).

It is my understanding through PEW's presentation that you, Mr. President, by the power and authority given to you by the American Antiquities Act of 1909, can designate the waters surrounding the islands of Uraeus, Muag and Asuncion as a National Marine Monument (NMM); and without the need of consultation with the people of the CNMI. The propose site of the NMM covers an area over 115,000 square miles of our northern-most part of the islands north of Saipan. It is expected that by the end of your term in office, you will declare and designate these waters as a National Marine Monument.

Mr. President, it took the Northwestern Hawaiian Islands Marine National Monument about six (6) years for it to be declared a Marine National Monument; and that was the time period given the people of the State of Hawaii and the native Hawaiians to be educated about that project. As I understand it, a referendum was not conducted to show whether the majority of the people of the State of Hawaii and/or the native Hawaiians supported the establishment of the Northwestern Hawaiian Islands Marine National Monument. However, the fact of the matter is that the people of the State of Hawaii and the native Hawaiians were given six (6) years to be educated and the opportunity to know and understand more about the project.

Mr. President, it is only fair that you allow and give the people of the Northern Mariana Islands the same time period given the people of the State of Hawaii to study the negative and positive effect of having to designate a permanent National Marine Monument within the CNMI waters. It is very important for us to clearly understand how this project will affect our fisheries and ocean resources, tourism and other economic opportunities; and the culture values and tradition of person of Northern Marianas Descent.

Mr. President, the economy, needs and priority of the people of the State of Hawaii and the native Hawaiian are different from that of the CNMI. Their economy and livelihood are much better; and their standard of living meets that of the U.S. mainland. We are not. The CNMI's economy has for the longest time at its worst; and has yet to hit the bottom floor of our Marianas' Trench -- the deepest ocean in the world. Unlike the State of Hawaii, the U. S. mainland and other territories, the CNMI have a long way in meeting the U.S. standard of living. The proposed site representing an area of about 115,000 square miles of CNMI's waters can provide the revenue resources the CNMI needs to support and enhance the livelihood of our people, and hopefully, we may be able to meet the U. S. standard of living.


Mr. President, we respect the power and authority given to you by the American Antiquities Act of 1906, however, to declare and designate a National Marine Monument, which covers an area over 115,000 square miles of waters surrounding the islands of Uracus, Maug and Asuncion in the northern-most part of the islands north of Saipan, without consultation with the people of the Commonwealth of the Northern Mariana Islands is not in good standing and spirit of the Covenant.

The Covenant to establish a Commonwealth of the Northern Mariana Islands in political union with the United States of America has provisions that govern that relationship. For example, under the Article I, Section 105 of the Covenant, it reads in part as follows: "In order to respect the right of self-government guaranteed by this Covenant the United States agrees to limit the exercise of that authority so that the fundamental provisions of this Covenant, namely Article I, II and III and Sections 501 and 805, may be modified only with the consent of the Government of the United States and the Government of the Northern Mariana Islands." The American Antiquities Act of 1909 is not known to us but only recently through "PEW." It is only fair that the United States honored that provision (Section 105) and allow for consultation on this important issue through Section 902 of Article IX of the Covenant.

Mr. President, on behalf of the people of the Northern Islands and the Commonwealth, I humbly ask and beg for your understanding and consideration to allow us, the people of the Commonwealth of the Northern Islands, ample time to seriously study the possible effect of the proposed National Marine Monument with hope that you call for consultation with the CNMI through the Covenant Section 902 Talk.

Thank you, Si Yuus Maase and Olomwaay Mr. President.

Sincerely,


VALENTIN I. TAISAKAN
Mayor of Northern Islands

cc: Carlos M. Gutierrez, Secretary of Commerce
Dirk Kempthorne, Secretary of Interior
Benigno R. Fitial, Governor, CNMI
Pete P. Reyes, President, CNMI Senate
Arnold I. Palacios, Speaker, CNMI House of Representative
Juan B. Tudela, Mayor of Saipan
Joseph S. Inos, Mayor of Rota
Jose San Nicolas, Mayor of Tinian
Ramon I. Tebuteb, Chairman, Saipan & Northern Islands Legislative Delegation
Antonia E. Tudela, Chairperson, Saipan & Northern Islands Municipal Council
Joshua Reichart, Pew Charitable Trusts



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE MAYOR
Municipality of Saipan
Afetna Square, San Antonio

JUAN BORJA TUDELA
Mayor of Saipan

VIA CERTIFIED MAIL

President George W. Bush
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

9 June 2008

RE: Designation of a Marine National Monument in the Commonwealth of the Northern Mariana Islands

Dear President Bush:

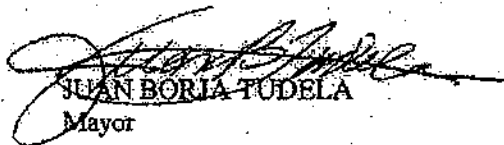
I am writing to convey my serious concern regarding the proposed National Marine Monument that is being promoted by the Pew Charitable Trusts ("Pew") in the Commonwealth of the Northern Mariana Islands ("CNMI"). If designated, the National Marine Monument would convert over one third of the entire Commonwealth's 200-mile Exclusive Economic Zone into a marine preserve managed by the National Marine Sanctuary Program under NOAA/NOS.

Based on many comments I have received from my constituents on Saipan, I feel that the loss of extractive privileges of natural resources in over 115,000 square miles of water surrounding our northernmost Islands of Uracús, Maug and Asuncion far outweigh any benefits being touted by Pew. Pacific Island traditions are based on a long history of cultural use of natural resources and I find the Monument proposal to be contrary to our basic way of life.

As Mayor of the Municipality of Saipan, I do not support having a National Marine Monument designated in the Northern Mariana Islands. Additionally, I respectfully request that you maintain the existing resource management authorities, the Western Pacific Fishery Regional Fishery Management Council and the National Marine Fisheries Service. It is my belief that these agencies are much more sensitive to the Pacific islanders' way of life and our traditional and sustainable approach in the use of our natural resources.

Therefore, on behalf of the people of the island of Saipan, I respectfully request that you do not designate any portion of the CNMI as a National Marine Monument.

Sincerely,



JUAN BORJA TUDELA
Mayor

Cc: James L. Connaughton, Chairman, Council on Environmental Quality
Dirk Kempthorne, Secretary of Interior
Carlos M. Gutierrez, Secretary of Commerce
Benigno R. Fitial, CNMI Governor
Arnold I. Palacios, Speaker CNMI House of Representatives
Pete P. Reyes, President CNMI Senate
Ignacio Dela Cruz, Secretary natural Resources
Kitty Simonds, Executive Director, Western Pacific Regional Fishery
Management Council
Bill Robinson, NMFS Regional Administrator, Pacific Regional Office
Joshua Reichart, Pew Charitable Trusts



Office of the Mayor
MUNICIPALITY OF TINIAN AND AGUIGUAN
Post Office Box 59
San Jose Village, Tinian, MP 96952

Jose P. San Nicolas
Mayor

Phone: (670) 433-1800
(670) 433-1802
Fax: (670) 433-1819

June 12, 2008

President George W. Bush
The White House
1600 Pennsylvania Avenue N W
Washington, D.C. 20500

RE: Designation of a Marine National Monument in the Commonwealth of the Northern Mariana Islands

Dear President Bush:

I am writing to convey my concern over the proposed National Marine Monument that is being promoted by the Pew Charitable Trusts ("Pew") in the Commonwealth of the Northern Mariana Island ("CNMI"). If designated, the National Marine Monument would convert over one third of the entire CNMI Exclusive Economic Zone into a marine preserve managed by the National Marine Sanctuary Program under NOAA/NOS.

Based on many comments I have received from my constituents, I have reached the conclusion that the loss of extracted privileges of natural resources in over 115,000 square miles of water surrounding our northern-most Islands of Uracus, Maug and Asuncion far outweigh any benefits being touted by Pew. Pacific Islands traditions are based on a long history of cultural use of natural resources and I find the Monument proposal to be contrary to our basic way of life.

As Mayor of Tinian & Aguiguan, I am not in support of having a National Marine Monument designated in the Northern Marianas Islands. Additionally, I respectfully request that you maintain the existing resource management authorities, the Western Pacific Fishery Regional Fishery Management Council and the National Marine Fisheries Service, as these agencies are much more sensitive to the Pacific Islanders' way of life and our traditional and sustainable approach in the use of our natural resources.

Therefore, on behalf of the people of Tinian, I respectfully request that you not designate any portion of the CNMI as a National Marine Monument.

Sincerely,


Jose P. San Nicolas

cc: James L. Connaughton, Chairman, Council of Environmental Quality
Dirk Kempthorne, Secretary of Interior
Carlos M. Gutierrez, Secretary of Commerce
Benigno R. Fitial, CNMI Governor
Arnold I. Palacios, Speaker CNMI House of Representative
Pete P. Reyes, President CNMI Senate
Ignacio Dela Cruz, Secretary DLNR
Kitty Simonds, Executive Director, Western Pacific Regional Fishery Management Council
Bill Robinson, NMFS Regional Administrator, Pacific Islands Regional Office
Joshua Reichart, Pew Charitable Trusts



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

OFFICE OF THE MAYOR

P.O. Box 537 Rota, MP 96951



Joseph S. Inos
Mayor of Rota

Tel No. 532-9451/3
Fax No. 532-9454
Email: mofico@gmail.com

July 15, 2008

President George W. Bush
The White House
1600 Pennsylvania Avenue N W
Washington, D.C. 20500

RE: The Charitable Trusts' Proposal to Designate a National Marine Monument in the Commonwealth of the Northern Mariana Islands.

Dear Mr. President Bush:

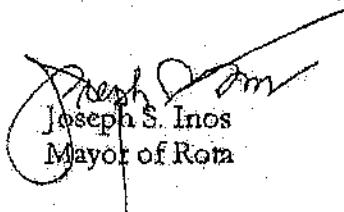
I wish to express my concern over the ever increasing efforts by the Pew Charitable Trusts to have a National Marine Monument designated in the Commonwealth of the Northern Mariana Islands (CNMI). The proposal Pew is advocating on your behalf involves the designation of over one third of the entire Exclusive Economic Zone (EEZ), approximately 115,000 square miles, as a "no-take" marine protected area. I am also troubled that the Antiquities Act of 1906 would be used to accomplish this endeavor. It is my understanding that this significant Federal action requires no public or stakeholder involvement and does not require compliance with the National Environmental Policy Act or any other laws that protect public interest.

My discussion with community members lead me to believe that the people of the CNMI prefer the current resource management approach being utilized by the Western Pacific Regional Fishery Management Council and the National Marine Fisheries Service. This management system promotes active participation by many of our island citizens as CNMI representatives in various Advisory Panels, Plan Teams, Science and Statistics Committee, and as Council Members working under guidance of the Magnuson-Stevens Act and other Federal Laws. I believe our present resource management approach is more in-line with our belief in the sustainable use of natural resources.

Despite the non-partisan opposition by the CNMI elected leaders against the proposed National Monument, I am disappointed that we continue to be hard-pressed to the point where the issue has now become controversial within our communities. Because of this situation, I do not support the designation of a National Marine Monument in the Mariana Islands as it conflicts with our traditional and sustainable use of marine resources and completely bypasses public and stakeholder involvement.

Therefore, on behalf of the people of Rota, I respectfully request that you not designate a National Marine Monument in the CNMI.

Sincerely,



Joseph S. Inos
Mayor of Rota

Cc: Dirk Kempthorne, Secretary of Interior
Benigno R. Fitial, CNMI Governor

"Nature's Treasure Island"



Commonwealth of the Northern Mariana Islands

Sixteenth Northern Marianas Commonwealth Legislature

Pete P. Reyes
Senate President

Arnold I. Palacios
Speaker of the House

August 6, 2008

President George W. Bush
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Re: Proposed Marianas Trench National Marine Monument

Dear President Bush:

We, the presiding officers of the Sixteenth Northern Marianas Commonwealth Legislature, write in opposition to the proposed Marianas Trench National Marine Monument. A plan now being proposed and circulated by the Pew Charitable Trusts would create a marine monument in the area of the three northernmost islands of the Commonwealth of the Northern Mariana Islands. We join Governor Benigno R. Fitial, many fellow legislators, and mayors of island municipalities in expressing our opposition.

As policy-makers and representatives of the people of the Commonwealth, we must take issue with some of the publicity generated by Pew and other groups and individuals in support of the proposed monument. We feel that the very media savvy and internet capable Pew campaign and its supporters may have created an impression that most residents of the Commonwealth are in support of the monument. In point of fact, a substantial number of local residents, many of whom are not equipped to disseminate their views through websites, blogs, or other mass media, oppose the creation of a monument. Particularly for indigenous residents of the Marianas, the loss of local control over such a vast area of land and water is an assault on the traditions and culture of the islands and on the concept of local self-government enshrined in the 'Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America' (48 U.S.C. §1801). We feel obliged to report the sentiment of this important, if often overlooked, group.

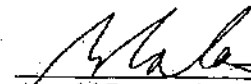
A monument, if modeled after the Papahānaumokuākea Marine National Monument in Hawaii, would severely restrict fishing and mineral exploration in the protected area. In light of the continuing economic crisis in the Commonwealth, we would like to have the ability, if feasible, to develop sustainable local economic activity

and not rely on assistance from the federal government. The creation of a monument takes at least one development possibility off the table. Furthermore, the islands at the center of the Pew proposal are remote and already protected under the Constitution of the Northern Mariana Islands. Anecdotal evidence in the form of eyewitness reports and underwater photography suggests that the area remains a pristine marine environment. Based on this evidence, we suggest that current preservation measures are adequate and federal involvement is unnecessary.

We hope that you, through the chairman of the Council on Environmental Quality, will share our concerns with those involved in any decision to create a Marianas Trench National Marine Monument. We fear that the creation of a marine monument is not only unnecessary, but also conflicts with both traditional and potentially beneficial uses of the waters surrounding our islands, and interferes with the principle of self-government so precious to our island community.

Sincerely,


Pete P. Reyes, Senate President


Arnold I. Palacios, Speaker
of the House

Cc: James L. Connaughton, Chairman, Council on Environmental Quality



Commonwealth of the Northern Marianas Islands
Caller Box 10007, Saipan, MP 96950

September 15, 2008

Honorable George W. Bush, President
United States of America
1600 Pennsylvania Ave., NW
Washington, DC 20500

Attn: James L. Connaughton
Chairman, Council on Environmental Quality

Dear President Bush:

You may have received reports that only 1/3 of 1% of oceans are under marine protection, a combined area about the size of Africa. Ignored in these reports are the vast marine areas protected by American Pacific islanders through the use of traditional means and an historical understanding of responsible stewardship, areas such as in the Northern Mariana Islands (NMI), including the Mariana Trench. An example is the unprecedented international multi-government cooperative protection areas realized under the Micronesia Challenge, an area the size of the United States of America. NMI strategy for ocean protection and survival coincides with the U.S. strategy for responsible and sustainable management of the resources and values of the Nation's oceans.

We are baffled that consideration is being given by the White House to designate a national marine monument in the Marianas; a designation would deny and take away from us the management responsibility of hundreds of years of successful stewardship. The degree of this bafflement was addressed to you in correspondence from our Governor, mayors and legislators, and was communicated directly to your staff, Mr. James Connaughton, at the Coral Reef Task Force conference in Kona, Hawaii last month. The NMI situation is analogous to U.S. relations with countries such as Russia, China and North Korea. Those relationships are influenced to a large extent by the issue of the protection of rights and rights violations in those countries. How can the White House denounce Russia for its "illegitimate, unilateral attempt" to redraw borders by force against Georgia, and chide China's actions against Tibet, while proposing through the unilateral designation of a monument in the Marianas to trammel similarly the NMI's rights to continue to manage our own marine

resources? You have said repeatedly that it is the role of government to protect the rights of the minority, not to abuse them just because the government may have the power to do so. You and Vice-President Cheney have intimated that America has the duty to work with the NMI to protect our common interest with the U.S. and to uphold our common democratic values.

Rights guaranteed to each American through the Bill of Rights are both civil and political. Since the U.N. Trust Territory of the Pacific (TTPI), these guaranteed rights extend further to include social and economic rights. The right to responsible management of our marine resources, in concert with federal environmental laws, is an example of a social and economic right and is a reflection of our expectation of protection from you, our President.

Island heritage teaches us how vital and how precious oceans are and how, for mutual coexistence, we Pacific islanders must remain committed to assisting the ways oceans self-maintain. The pristine nature of the water world of the Marianas is directly proximate to the stewardship and successful indigenous strategies and cultural practices of our people in concert with our federal partners. We islanders honor the grace, form, beauty, vitality and sustenance of Mother Ocean. We have the expertise to hear the sounds of the ocean's habitats, to honor its sense of order, and determine how ocean things are supposed to be. This is the magic of an American Pacific Islander's life-purpose, a living and breathing awareness of the co-evolutionary reciprocal connection between us humans and marine life.

The proposal to designate a monument in the Marianas has influenced one of the biggest political conflagrations since the NMI entered into its occasionally contentious political union with the U.S. It is one of the few occasions directing our people to again reread the U.N. agreement in which the U.S. was named Trust Territory administrator. The U.N. mandate to America under that agreement requires the U.S. to ensure economic security and a clean environment with us and it prevents America from taking away from us that which we already have. You need to know that the proposal has stoked considerable anger and opposition, which the PEW group fuels even today. Monument proponents are using quickie cost-benefit analysis trick-mirrors to recruit our people with "funny money" and fantasy jobs to accept the notion of a monument in the Marianas.

The myth of the advantage of designating the monument can easily overtake the reality of its actual resulting impact. When one questions the virtue of a marine monument in the Marianas, the logic for not having it seems so compelling and self-evident. In the Marianas it would strip control from American Pacific islanders who have demonstrated and are demonstrating they are worthy stewards of the resources, and it would redound to immeasurable emotional heartache for us and a tide of political negativity for you. Realistically, your environment protection legacy would be the blues of a President who would be reputed as having acted cavalierly, arbitrarily and capriciously; possibly as a President who cared little that the area is

already amply protected and is neither stressed, endangered, polluted, nor in need of fixing. We hope you do not wish to take the risk of leaving such a disastrous politico-historic vilification as the "blue legacy." You do not wish to have to again, and again, respond to the promise of ongoing resolute rejection of, and opposition and resistance to the notion of a monument in the Marianas.

We islanders know that we own the waters, perhaps not by political title, but by birth and birthright and the unalienable natural right to life, liberty and property. These are proclaimed universal standards of basic rights in the U.N. Universal Declaration of Human Rights, because these are considered essential to the dignity of each human being, despite the "strategic categorization" of the Marianas. These are those rights recognized in the Declaration of Independence as being based on natural law, a law higher than the authorities cited in your August 25th instructions to your Cabinet. Their existence is "self-evident," given by God, and is "unalienable"; government is to preserve and protect these natural rights.

In CNMI testimony at the 20th U.S. Coral Reef Initiative Task Force meeting three weeks ago in Kona, Hawai'i, we said:

A monument is counter to the successful indigenous cultural strategies historically demonstrated by the CNMI in concert with its federal partners of responsible, sustainable use of CNMI natural resources. The said designation would be an affront to the Pacific islands' traditional manner of protecting and giving respect to individual rights when determining matters of importance to the common good.

We remember being disposed of the area waters first by Spain, then Germany, followed by Japan, and now America? We beg your consideration so we Pacific Island Americans might avoid the never-forgiven property plight of the Native Americans and the property infamy of the Japanese Americans. We and they are braided together in a reappearing common threat. Through your sovereign prerogative, please make the outcome different this time. We deserve to keep control of these home-waters and to have our cultures and values protected by the great democratic country with which we are proudly in political union.

Clear our bafflement. Rather than designating a national marine monument in the Marianas, recognize the foresight and genius of the CNMI in having included in our Constitution specific conservation protection of the area you have wished to designate as a monument. Recognize the perfected paradigm of the Micronesia Challenge for further conserving and protecting the Marianas marine and terrestrial resources. Recognize the five thriving Marine Protected Areas already existing throughout the NMI. Recognize the success we islanders are demonstrating in ocean conservation as truly being a praiseworthy asset and of value to the international image of the U.S. in ocean protection. Being the honorable statesman that you are, please leave these recognitions as your "blue legacy".

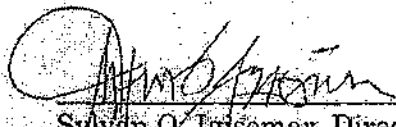
While you weigh the varied recommendations about a monument designation in the Marianas, we ask you to honor the people of the NMI by fighting for our rights through advantageously recognizing and considering the success of our demonstrated marine resources stewardship and protection. Discontinue your quest to designate a monument in the Marianas; allow us to remain in control. Commit ample federal resources to enhance further the conservation practices and strategies we espouse in the goal of saving the planet. Help us to establish a United States Coast Guard base in the NMI, and provide assistance to us for increased enforcement, research and monitoring activity.

These presidential actions can arise only from a position truly representative of the island, national and international mindset. Make this possible, and in the process produce one of the world's largest, most compassionate examples of democracy in action for this and future generations while protecting the national interest of effectively managing the marine resources and environmental values of the Nation's oceans. Give monumental prestige and honor to the people of the NMI and reject the proposal to designate a national marine monument in the NMI.

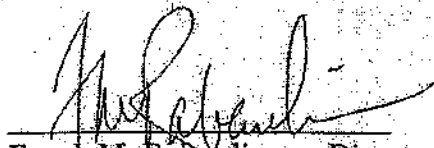
Respectfully yours,




John B. Joyner, Ph.D., Director
Coastal Resources Management Office




Sylvan O. Iggimar, Director
Division of Fish & Wildlife



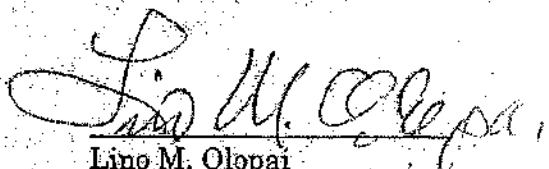
Frank M. Rabauliman, Director
Division of Environmental Quality



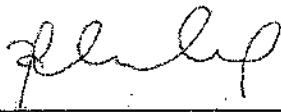
Joaquin P. Villagomez, President
Latte Environmental
Consulting Company



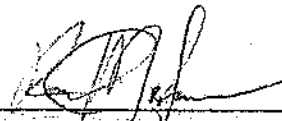
George M. Moses




Lino M. Olpai



Kodep Uludong



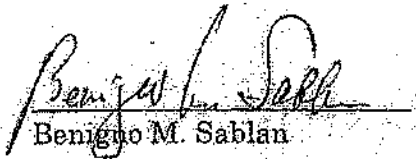
Ray Mafnas
Senior Policy Advisor to the Governor



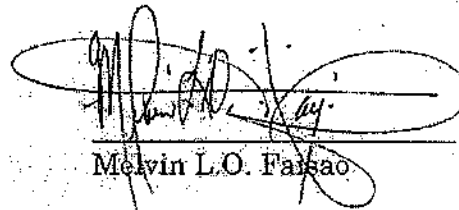
Felicidad T. Ogomuro



Elizabeth Rechebei



Benigno M. Sablan



Melvin L.O. Faisao

Cc: Governor
President, Senate
Speaker, House of Representative
Mayors



CAROLINIAN AFFAIRS OFFICE

Office of the Governor

Caller Box 10007, Saipan, MP 96950

Tel. 234-6385 * Fax. 235-5088

Email Address: admincao@saipan.com



The Carolinian Affairs Office (CAO) is constitutionally mandated to advocate matters that benefit persons of CNMI Carolinian descent. It is charged to uphold the constitutional rights of persons of CNMI Carolinian descent in matters relating to government services or areas affecting them.

September 17, 2008

Honorable George W. Bush, President
United States of America
1600 Pennsylvania Ave., NW
Washington, DC 20500

Attention: James L. Connaughton
Chairman, Council on Environmental Quality

Dear President Bush:

The Carolinian and Chamorro people or more refer to as CNMI Descents have recognized among themselves as holding native title rights to Lands situated in the Commonwealth of the Northern Mariana Islands, including rights over the sea, which co-exist alongside the rights for commercial and recreational fishers. These determinations of traditional rights have been handed down from generations to generations.

The CNMI Descents, represented through their own effort in local sovereignty to diligently scheme enactment of the Marine Sovereignty Act of 1980 or CNMI Public Law 2-7, first lodged their claim on Marine boundaries in December 11, 1980. These include the rights to hunt, fish, gather and use resources within the area for personal, domestic or non-commercial exchange or communal consumption for the purposes allowed by and under their traditional beliefs and customs.

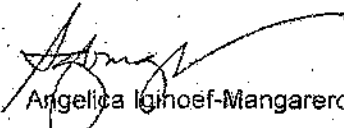
Furthermore, the CNMI Descent have been enjoying their traditional fishing conservation practices in co-existence of the MAGNUSON-STEVEN'S FISHERY CONSERVATION AND MANAGEMENT ACT which became ideally a stepping stone as an inclusion of recognizing the traditional CNMI Descents claims that all Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth and the Informal Composite Negotiating Text of the United Nations Conference on the Law of the Sea (ICNT).

The ICNT provides that the rights recognized or established therein to the resources of a territory such as the Commonwealth shall be vested in the inhabitants of that territory, to be exercised for their own benefit and in accordance with their own needs and requirements. Moreover, these mandates do not encroach on nor violates the CNMI Descent rights but allow provisions such as to preserve and protect the traditional rights and interests of the people of the Northern Mariana Islands in the surrounding sea and the resources thereof; In addition, it ensures the continued availability of such resources for future generations by establishing jurisdiction over such resources.


With that said the CNMI Descents practices' traditional values of the surrounding water, lands, and each variety of living species. These values are of significant traditional respect for protection and preservation of the marine and land environment, including prevention of pollution from outside the zone which threatens or risk to harm these resources.

The CNMI Descents have relied heavily on traditional seasonal hunting of fishes and other native species, which have passed down from our forefathers as way of conservation practices and curbing exploitation on the ecological surroundings.

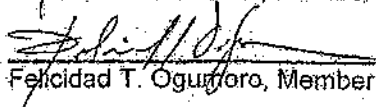
In essence we, the Undersigned members of the Carolinian Affairs Office Advisory Committee invite you to have a round table discussion with our Paramount High Chief Governor Benigno R. Fitial on the issues surrounding our traditional rights to the resources found in our oceans and lands through a mutual consent as stipulated in the Covenant (ref. 48 U.S.C. § 1801) To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America) **that the Covenant is not a unilateral enactment by the U.S. Congress. It is not an organic act, which Congress may unilaterally change at its pleasure. Because the Covenant is a binding bilateral agreement between the U.S. and the people of the NMI, neither party may unilaterally amend Covenant's fundamentals' provisions without the consent of the other. To do so would constitute a material breach of the Covenant.**

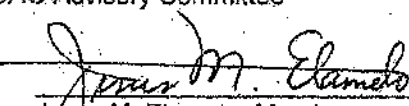

Angelica Iginoef-Mangarero, CAO Executive Assistant

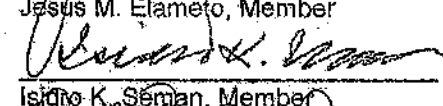
Concurred By 
Melvin Faisao, Chairman CAO Advisory Committee


David R. Onar, Member


Frank M. Rabauliman, Member


Felicidad T. Ogunoro, Member

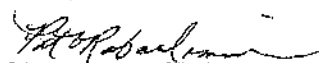

Jesus M. Elameto, Member


Isidro K. Seman, Member

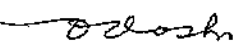

Carmelita Rabauliman Faisao, Member



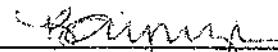
Vincent R.M. Rabauliman, Member



Patricia O. Rabauliman, Member



Vivian W. Odoshi, Member



Rosa L. Ayuya, Member

Victoria S. Magofna, Member

Henry K. Magofna, Member

Rosa T. Castro, Member

Catherine P. Anderson, Member

Felix R. Fitiaf, Member

cc: **Hon. Benigno R. Fitiaf, Governor, CNMI**
Mr. Allen T. Tom, Director Pacific Islands Region Program
Attachments (Petitioners Against any monument establishment)

A RESOLUTION

To assert that we (CNMI Descent) are the rightful owner of lands and ocean resources established throughout this great Commonwealth as provided in any CNMI laws and recognized and guaranteed in creation of the Covenant as codified in 48 U.S.C. § 1801 and that the issues on traditional rights and belief should not be viewed as a comprehensive list, but rather as points to facilitate further discussion and identification of any other issues that may be of concerns to native indigenous (CNMI Descent).

1 **WHEREAS, RECALLING** that CNMI people have owned the lands and ocean
2 on which conservation and monument designation are to be located on since time
3 immemorial and continue to so own; and

4 **WHEREAS, RECOGNIZING** that since the federal government is pursuing its
5 intent on creation of monument designation without recognition of the native indigenous
6 title (CNMI Descent) is an un-remedied appropriation of NMI Descent traditional land
7 and ocean ownership rights; and

8 **WHEREAS, NOTING** that the Honorable President George Bush desires to
9 reform existing arrangements for accommodating conservation and to leave an
10 environmental legacy in the White House with limited consultative discussion on just
11 compensation and access for the CNMI Descent rights and ownership of land including
12 the ocean is a breach on the Covenant, which is an agreement entered into between the
13 United States government and the government and people of the Northern Mariana
14 Islands. The parties entered into agreement as two separate but equal sovereign entities.
15 and

16 **WHEREAS, the Federal Government** has proposed the Marianas Trench
17 Monument encompassing 115,000 square miles of surrounding waters of the three
18 northernmost islands, [Asuncion (Songschoof), Maug (Longatraw), Uracas (Schughppul)];
19 and

20 **WHEREAS, CALLING** on the US Federal Government to recognize, in
21 negotiation, the position of CNMI Descent traditional rights as land and ocean owners and

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parties of equal status rather than relegating Commonwealth people (CNMI Descent) to the position of 'stakeholders' or 'interest groups' and the imperative for a lasting commitment by Honorable President George Bush or the US Federal Government to engaging CNMI Descent or Commonwealth people on this basis; and

WHEREAS, we (CNMI Carolinian Descents) call on the US Federal Government to implement a fair and equitable process including a mutually reasonable timetable to enable adequate CNMI Descent wide approval of new policy for Indigenous (CNMI Descent) rights in, and ownership of, land and ocean and to provide adequate resources for the process; and

WHEREAS, in negotiating a fair process the CNMI Descent calls on the US Federal Government to recognize and fulfill obligations on the traditional rights of indigenous (CNMI Descent) people and the environment; and

WHEREAS, the US Federal Government must recognize and accept CNMI Descent ownership of lands and ocean including all cultural and intellectual properties throughout CNMI lands and ocean boundaries established in CNMI Public Law 2-7, to enable the development of a CNMI Descent conservation management control of lands and ocean; and

WHEREAS, those identified areas by the US Federal Government in the Commonwealth for the sole purpose of monument designation, protected conservation areas; and for others purposes that the CNMI Government and the US Federal Government may establish agreement on in the future will not diminish or extinguish any rights of CNMI Descent ownership, nor prevent the exercise of such rights; and

WHEREAS, that where identified indigenous (CNMI Descent) negotiations have determined that Commonwealth land and or ocean is to be used for conservation areas and or monument designation purposes or for other purposes, the US Federal Government will compensate CNMI Descent owners for the loss of full use and enjoyment of indigenous (CNMI Descent) ownership and stewardship on land and ocean in the form of a negotiated annual rental payment or package in the amount not less than its fair market value but not in form of grant assistance or technical assistance agreements; and

WHEREAS, the people of the Mariana Islands currently have total and free

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1 access to the entire Northern Mariana Islands Exclusive Economic Zone and should the
2 Federal Government implements the designation of a national marine monument such
3 action would greatly restrict the people of the Marianas Islands from entering the ancestral
4 waters that have been culturally accessible without restriction for thousand of years; and

5 **WHEREAS**, the local and traditional care of Mother-Ocean in the NMI, as
6 provided in the Covenant, was officially transferred from the Government of the Trust
7 Territory of the Pacific Islands and returned to Northern Mariana Island people; and

8 **WHEREAS**, we the people of this great Commonwealth have proven and
9 continue to demonstrate as worthy stewards and owners of NMI land, water and cultural
10 resources; and

11 **WHEREAS**, the Carolinian Affairs Advisory Committee strongly opposes any
12 form of transfer of resource management authority over Northern Mariana Islands
13 Ocean/Sea (water) to the National Marine Sanctuary Program or other federal agencies
14 than the present arrangement governed by the Magnuson-Stevenson Act involving the
15 National Marine Fisheries Service and the Western Pacific Regional Fisheries Management
16 Council; and

17 **WHEREAS**, It is the intention of this resolution to support the Paramount High
18 Chief Governor Benigno R. Fitial and the residents of the Commonwealth in their strong
19 objection to the designation of any national marine monument within the Northern
20 Mariana Islands water; and

21 **NOW, THEREFORE BE IT RESOLVED**, by the Carolinian Advisory
22 Committee, that the Carolinian Affairs Advisory Committee presents a unitary strong
23 opposition of monument designation, identified protected or conservation areas and other
24 purposes on lands and in the ocean within the Commonwealth without consultation
25 process between the CNMI Government and the US Federal Government for mutual
26 consent is a breached on the Covenant; and

27 **BE IT RESOLVED**, that our ocean provides greatest opportunities for economic
28 development and such the CNMI Descend as Pacific Island communities immemorial to
29 time have recognized that we inhabit the islands scattered throughout this ocean in the
30 Commonwealth which some of the most inspiring migration in human history have taken

CAROLINIAN AFFAIR ADVISORY COMMITTEE RESOLUTION NO. 2008-001

1 place, over thousands of years; and

2 **BE IT FURTHER RESOLVED**, that the ocean/sea has been the major influence
3 in the history of Pacific Island communities which includes the CNMI Descents
4 (Carolinian and Chamorro) throughout this CNMI region on customary association with
5 the sea forms the basis of present day social structures, livelihoods and tenure systems and
6 traditional systems of stewardship and ownership rights on governing its use; and

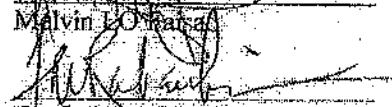
7 **BE IT FURTHER RESOLVED**, that it is the position of the Carolinian Affairs
8 Advisory Committee Members that every national marine proposal for the Mariana Islands
9 (Commonwealth) be rejected in its entirety; and

10 **BE IT FURTHER RESOLVED**, that the Chairman shall certify, and the
11 Executive Assistant of the Carolinian Affairs Office shall attest to the adoption of this
12 Resolution and thereafter transmit certified copies to, the Honorable Benigno R. Fitial,
13 Governor of the Commonwealth of the Northern Mariana Islands; the Honorable James L.
14 Connaughton, Chairman Council on Environmental Quality; the Honorable Juan B.
15 Tudela, Mayor of Saipan; the Honorable Arnold I. Palacios, Speaker of the House; the
16 Honorable Pete P. Reyes, Senate President;

17 **AND NOW, BE IT FURTHER RESOLVED**, We (the undersigned parties),
18 acknowledges the affirmation of this resolution and its contents and exercises to effectuate
19 adoption and passage of this resolution.

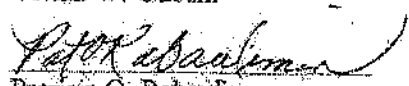
Date: 10-20-2008


Malvin E. O'Garra


Frank M. Rabaulman


Carmelita M. Rabaulman-Paisao



Vivian W. Odoshi

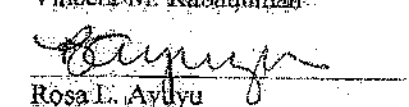

Patricia O. Rabaulman

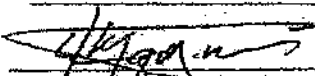

David R. Omar

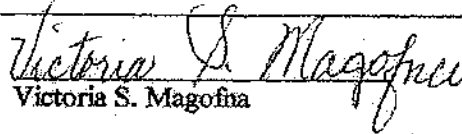

Jesus M. Elameto


Isidro K. Seruan


Vincent M. Rabaulman


Rosa L. Ayllu


Enrique S. Magofna (Henry)


Victoria S. Magofna

Rosa T. Castro

Catherine P. Anderson

Felix R. Fitial

Attest for the Adoption of this resolution by:


Angelica W. Iginoel Mangarero, EACAO

10/20/2008

Certified By:


Melvin LO Palsao, Chairman CAO Advisory Committee

Saipan Man Amko Council Resolution

WHEREAS, on 15 June 2006, President George W. Bush under the authority of the Antiquities Act of 1906, unilaterally made the decision to designate the North west Hawaiian Island National Marine Monument, a decision that bypassed the fair and equitable approach required by the National Marine Sanctuaries Act; and

WHEREAS, President George W. Bush is now proposing to create an additional large oceanic marine protected monument in the Northern Mariana Islands prior to his leaving office in January 2009; and

WHEREAS, determination of the proposed marine monument boundaries and the "no-take" management approach being advocated might neither be based on the scientific method nor on the traditional sustainable use approach of conserving natural resources practiced by Pacific Islanders; and

WHEREAS, the Antiquities Act grants unilateral authority to the President of the United States to designate any federal lands as a National Monument; and

WHEREAS, the concerns raised by the indigenous people of the Northern Mariana Islands include but are not limited to: permanent federal prohibitions associated with the Antiquities Act, additional resource use restrictions associated with the new management authority – the National Marine Sanctuary Program; a complete ban on commercial and recreational fishing within monument waters, a complete ban on all forms of oil, gas and mineral extraction activities within monument waters; and

WHEREAS, the people of the Mariana Islands presently have total and free access to the entire Northern Marianas Exclusive Economic Zone, and designation of a national marine monument would greatly restrict anyone who wishes to enter the ancestral waters that have been culturally accessible without restriction for thousands of years; and

WHEREAS, numerous correspondence from NMI elected representatives opposing a national marine monument for the Marianas Islands have been sent to the Pew Environment Group and President George W. Bush including:

1. Letter from CNMI Governor Benigno Fitial to Mr. Jay Nelson (Pew Charitable Trusts), dated 19 March 2008;
2. Letter from Governor Benigno Fitial to President George W. Bush, dated 29 April 2008;
3. Joint CNMI Senate/House Resolution No. 16-04, dated April 2008 (*included in Governor Benigno Fitial's letter to President George W. Bush*);
4. Letter from Tinian Mayor Jose P. San Nicolas to President George W. Bush, dated 12 June 2008;

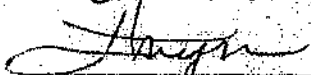
5. Letter from Saipan Mayor Juan B. Tudela to President George W. Bush, dated 9 June 2008;
6. Letter from Rota Mayor Joseph S. Inos to President George W. Bush, dated 15 July 2008;
7. Letter from Northern Islands Mayor Valentin I. Taisakan to President George W. Bush, dated 6 June 2008;
8. Letter from CNMI House Speaker Arnold I. Palacios and Senate President Pete P. Reyes to President George W. Bush, dated 6 August 2008;
9. Joint CNMI House/Senate Resolution No.16-13, dated 10 September 2008; and

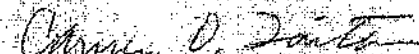
WHEREAS, the Manamko Council supports Governor Benigno R. Fitial, Mayor Valentin I. Taisakan, Mayor Juan B. Tudela, Mayor Jose P. San Nicolas, Mayor Joseph S. Inos, the 16th CNMI Legislature, and residents of the Northern Mariana Islands in their strong opposition to the designation of any national marine monument within CNMI waters; and

WHEREAS, the manamko Council strongly opposes any form of transfer of resource management authority over Northern Mariana waters to the National Marine Sanctuary Program or federal agencies other than the present arrangement governed by the Magnuson-Stevens Act involving the National Marine Fisheries Service and the Western Pacific Regional Fisheries Management Council;

THEREFORE, BE IT RESOLVED that it is the position of the Northern Mariana Islands Manamko Council that every national marine monument proposal for the Mariana Islands be rejected in their entirety.

Date: October 20, 2008

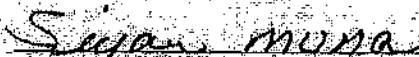

Francisco Reyes, Chairman

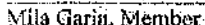

Carmen O. Taitano, Vice Chairperson


Ana T. Nakatsukasa, Treasurer


Teresita Sorroza, Secretary


Mary Allan Conrad, Member


Siyan Munz, Member


Mila Garin, Member


Christy Michael, Member

Subject: Editorial - Mr. Bush's Blue Legacy - Editorial - NYTimes.com

From: <Saved by Windows Internet Explorer 7>

Date: Mon, 15 Sep 2008 11:29:33 -1000

The New York Times
nytimes.com

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September 3, 2008
Editorial

Mr. Bush's Blue Legacy

President Bush may be on the brink of doing something stunningly at odds with his record as one of the worst environmental stewards ever to inhabit the White House. He is considering setting aside three vast, remote corners of the Pacific Ocean for protection, an area larger than Alaska and Texas combined.

In a memo last month, Mr. Bush directed his administration to develop a plan for creating sanctuaries in the waters around the Northern Mariana Islands, including the Mariana Trench, the world's deepest; Rose Atoll in American Samoa; and parts of a long, sprawling collection of reefs and atolls known as the Line Islands.

The waters are as isolated and pristine as any part of the globe can be these days, home to countless species of fish and plants, rare turtles and seabirds and glorious reefs. The Mariana Trench is a staggering place; it could swallow Everest. The islands are mostly coral flyspecks, but if the waters around them are protected to the fullest extent possible — to the 200-mile territorial limit — the sanctuaries would total nearly 900,000 square miles. That is bigger than all of Mexico.

Mr. Bush has done something nearly as spectacular once before. In June 2006, he created the Papahānaumokuākea Marine National Monument in the Northwest Hawaiian Islands. Over the strident objections of some commercial-fishing interests, Mr. Bush created a no-fishing sanctuary covering 140,000 square miles, an area larger than all of the country's national parks combined.

Mr. Bush used the Antiquities Act of 1906, a little-known statute that allows presidents, by executive order, to protect public lands by designating them as national monuments.

His decision won wide praise, except from the Western Pacific Regional Fishery Management Council, known as Wespac, one of eight federal agencies assigned to protect fish and fishing in United States waters. Wespac is notorious among environmental groups as a chronic enabler of reckless commercial fishing.

Wespac's executive director, Kitty Simonds, is condemning this new idea as punishment of the "brown and yellow people" of American Samoa and the Northern Marianas. In fact, her agency's customary attitude — fish here, fish now — ignores the strong local support across the Pacific for farsighted stewardship of imperiled oceans, a resource that belongs to future generations as much as it does to all of us.

Mr. Bush's proposal could shrink in scale as details are hammered out and compromises made. He has the power to make the sanctuaries absolute no-fishing, no-mining zones — the best option. His memo also left open the possibility of allowing some fishing and mineral extraction in the sanctuaries. We hope he resists the forces of exploitation, and closes as much as possible of those stretches of the vast blue Pacific to human meddling.

That would be an achievement for the ages. All we can say is: Go for it, Mr. President.

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Part 1.3.1.6

Part 1.3.1.7

Op-Ed Piece for the New York Times

By Kitty M. Simonds

Executive Director

Western Pacific Regional Fishery Management Council

The Western Pacific Regional Fishery Management Council is not alone in questioning the wisdom of a proposed marine national monument for the Commonwealth of the Northern Mariana Islands (CNMI). However, non-profit environmental groups and news media framing the dialog on this issue choose to focus on the Council and ignore the opposition clearly voiced by the CNMI governor, legislature and mayors for each of the commonwealth's four island municipalities along with other elected leaders and residents—as well as growing community skepticism toward other monument schemes in the Pacific.

What may be considered a “blue legacy” for a retiring President could result in fatal hardships for remote Pacific island residents who have depended on the ocean's resources for thousands of years. It threatens to close off large areas of the Pacific to indigenous islanders who rely on the ocean for their food, economic survival and cultural identity. It also raises questions about the continuing invasion on these remote people and their right to self-determination.

The New York Times (*NYT*) in its September 3 editorial “Mr. Bush's Blue Legacy” portrayed the Council and its executive director as nay-saying irritants to the President's marine monument plans in the Pacific islands past and present. The Council, one of eight federally-constituted regional ocean policy-making agencies, is painted as standing alone in questioning Bush's plan for the CNMI and as the lone resister to his action in unilaterally designating the Northwestern Hawaiian Islands (NWHI) Monument.

In fact, the Council does not oppose the NWHI Monument. In its congratulatory letter to the President on the monument, the Council said it was pleased that he recognized the importance of the NWHI to the people of Hawaii and the United States and reiterated that environmental protection and responsible fisheries management activities can co-exist. The Council continues to believe that fishing by native Hawaiians for sustenance and by the few existing federal and state licensed fishermen in the NWHI is compatible with the monument goals and should be allowed.

Outside the fishing community, publicly vocal resistance to the NWHI Monument has arisen from Hawaiian groups and environmentalists who have found that military and other federal activities are allowed with little to no restrictions.

The Council does not deserve the environmental tarring of being labeled as “a chronic enabler of reckless commercial fishing” as characterized in the *NYT* editorial. Quite the opposite, it has played a lead role for more than 30 years in regulating fishing and other extractive activities that threaten ocean resources. It enacted seasonal closures for certain

species and area closures for others. It developed the first no-take marine reserves in the NWHI in 1980s. It pioneered the satellite tracking system for fisheries known as VMS that enables fishery managers throughout the world to enforce closures. It was among the first to eliminate drift gill nets, bottom trawling and other destructive and non-selective fishing practices and to establish quota-based fisheries. It has also implemented successful measures to minimize fishery interactions with seabirds and sea turtles and has exported these technologies globally.

Only two of the Council's 16 members are connected with commercial fishing. The other members represent recreational and subsistence fishers, the environmental community, a variety of water-related occupations, and several federal and local marine and wildlife management agencies. Decision-making is by consensus and based upon science, includes public input from well-advertised public hearings and is reviewed by federal government lawyers. As mandated by the Magnuson-Stevens Fishery Conservation and Management Act, the Council works within the Commerce Department and alongside NOAA Fisheries. It does not operate as some kind of free-floating rogue agency isolated from federal accountability.

On the other hand, the Pew Charitable Trusts, a global non-profit, is internet-active and conspicuous in its aggressive public relations campaigns to mobilize support for the monument movement. The Pew also has been open in its criticism of the Regional Fishery Management Council system, urging others to work against or around the Councils. It has focused especially on the Western Pacific Council and its executive director, spending millions of dollars on its disinformation campaign. The relationship between the Pew Charitable Trusts and the Pew Oceans Commission, which is a part of the President's ocean management advisory team, is not clear. But the weight of Pew as a major player in Pacific Ocean policy is beyond doubt.

The Western Pacific Regional Fishery Management Council is mandated by the Magnuson-Stevens Act to consider the consequences of ocean policy decisions on the indigenous populations in Hawaii, Guam, CNMI or American Samoa. The threatened loss of fishing rights through the closing of an ocean area zoned for monument designation is a legitimate Council concern. It also ought to concern others with more power, resources and influence to ensure that federal policy is used to help, not hurt, these indigenous populations.