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**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration** 195th CM  
**NATIONAL OCEAN SERVICE**  
**Office of National Marine Sanctuaries**  
1305 East-West Highway  
Silver Spring, Maryland 20910

June 23, 2023

ATTN: John Gourley, Council Chair  
Western Pacific Regional Fishery Management Council  
1164 Bishop Street, Suite 1400  
Honolulu, HI 96813

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Dear Chairperson Gourley,

On April 18, 2023, National Oceanic and Atmospheric Administration (NOAA) published a Notice of Intent in the Federal Register to conduct scoping and prepare a draft environmental impact statement for the proposed designation of a national marine sanctuary in the Pacific Remote Islands (88 FR 23624).

This letter provides the Western Pacific Regional Fishery Management Council (Council) with the opportunity under section 304(a)(5) of the National Marine Sanctuaries Act (NMSA, 16 U.S.C. § 1434(a)(5)) to prepare draft fishing regulations for the proposed Pacific Remote Islands National Marine Sanctuary. While the national standards set forth in section 301(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) shall serve as guidance to the Council, the goals and objectives of the proposed sanctuary designation (see enclosure 3), the purposes and policies of the NMSA, Presidential Proclamations 8336 and 9173 (establishing and expanding the Pacific Remote Islands Marine National Monument, respectively), and the March 24, 2023, Presidential Memorandum on Conserving the Natural and Cultural Heritage of the Pacific Remote Islands are the benchmarks against which the Secretary of Commerce (the Secretary) will measure any draft fishing regulations prepared by the Council.

Pursuant to section 304(a)(5) of the NMSA, the Council may choose one of three available actions:

1. Recommend draft fishing regulations for the proposed sanctuary;
2. Recommend that fishing regulations are not necessary; or
3. Choose not to act (at all or in a timely manner).

The Secretary will accept the Council's draft fishing regulations and, as appropriate, issue them as proposed regulations unless the Secretary finds that the draft regulations do not fulfill the purposes and policies of the NMSA and the goals and objectives of the proposed sanctuary.

NOAA believes the current regulations for the Pacific Remote Islands Marine National Monument (50 C.F.R. § 665, subparts E and H), if applied to the full extent of the proposed sanctuary, would be consistent with the goals and objectives of the proposed sanctuary. Therefore, if the Council chooses to prepare draft fishing regulations, it may wish to consider a recommendation to extend these fishing regulations to the full spatial extent of the proposed sanctuary.

Consistent with 15 C.F.R. § 922.3, NOAA is providing the Council with 180 days from the date of this letter to make a recommendation and, if appropriate, prepare draft fishing regulations and submit them to the Secretary. Accordingly, NOAA must receive the Council's recommendation and, if appropriate, draft fishing regulations, no later than December 20, 2023.

NOAA acknowledges that, in the past and under limited circumstances, NOAA has allowed the Council to make an NMSA section 304(a)(5) recommendation after the deadline; however, we are unable to offer the same flexibility in this instance, and need to adhere strictly to the December 20, 2023, deadline. In order to meet this deadline and allow for the coordination of our joint efforts, NOAA would like to develop an agreed upon meeting schedule with the Council as soon as possible. NOAA staff will reach out to the Council to develop this meeting schedule in the next couple of weeks.

NOAA appreciates the Council's commitment to sustainable resource management in the Pacific Remote Islands and looks forward to its input if it chooses to prepare draft fishing regulations. If you have any questions, please feel free to contact me at (808) 725-5252 or [Kristina.kekuewa@noaa.gov](mailto:Kristina.kekuewa@noaa.gov)

Sincerely,



Kristina Kekuewa  
Pacific Islands Regional Director  
NOAA's Office of National Marine Sanctuaries

CC: Kitty Simonds, Executive Director, WPRFMC  
Sarah Malloy, Acting Regional Director, NMFS-PIRO  
Charles Littnan, Science and Research Director, NMFS-PIFSC  
Fred Tucher, Chief, NMFS-GCPI  
John Armor, Director, ONMS

Enclosures: (1) NMSA 304(a)(5) Regulations;  
(2) Presidential Memorandum; and  
(3) Proposed Sanctuary Goals and Objectives



## Enclosure (1)

### **National Marine Sanctuaries Act (NMSA)**

Title 16, Chapter 32, Sections 1431 et seq. U.S.C., as amended by Public Law 106-513, November 2000

#### **Sec. 304(a)(5) - Fishing Regulations**

The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to prepare draft regulations for fishing within the Exclusive Economic Zone as the Council may deem necessary to implement the proposed designation. Draft regulations prepared by the Council, or a Council determination that regulations are not necessary pursuant to this paragraph, shall be accepted and issued as proposed regulations by the Secretary unless the Secretary finds that the Council's action fails to fulfill the purposes and policies of this chapter and the goals and objectives of the proposed designation. In preparing the draft regulations, a Regional Fishery Management Council shall use as guidance the national standards of section 302(a) of the Magnuson-Stevens Act (16 U.S.C. 1851) to the extent that the standards are consistent and compatible with the goals and objectives of the proposed designation. The Secretary shall prepare the fishing regulations, if the Council declines to make a determination with respect to the need for regulations, makes a determination which is rejected by the Secretary, or fails to prepare the draft regulations in a timely manner. Any amendments to the fishing regulations shall be drafted, approved and issued in the same manner as the original regulations. The Secretary shall also cooperate with other appropriate fishery management authorities with rights or responsibilities within a proposed sanctuary at the earliest practicable stage in drafting any sanctuary fishing regulations.

### **15 CFR Part 922. National Marine Sanctuary Program Regulations**

16 U.S.C. 1431, Subpart A, § 922.3 - Issuance of regulations for fishing

If a proposed Sanctuary includes waters within the exclusive economic zone, the Secretary shall notify the appropriate Regional Fishery Management Council(s). The appropriate Council(s) shall have one hundred and eighty (180) days from the date of such notification to make recommendations and, if appropriate, prepare draft fishing regulations for the area within the exclusive economic zone and submit them to the Secretary. In preparing its recommendations and draft regulations, the Council(s) shall use as guidance the national standards of section 301(a) of the Magnuson-Stevens Fishery Conservation and Management Act ([16 U.S.C. 1851](#)) to the extent that they are consistent and compatible with the goals and objectives of the proposed Sanctuary designation. Any fishing activities not proposed for regulation under section 304(a)(5) of the NMSA may be listed in the draft Sanctuary designation document as being subject to regulation, without following the procedures specified in section 304(a)(5) of the NMSA. If the Secretary subsequently determines that regulation of fishing is necessary, then NOAA will follow the procedures specified in section 304(a)(5) of the NMSA.

Enclosure (2)

**Presidential Memorandum on Conserving the Natural and Cultural Heritage of the Pacific Remote Islands (3/24/23)**

The [Presidential Memorandum](#) calls on upon the Secretary of Interior and Commerce:

- To further ensure the protection of this unique and fragile area, support more abundant fisheries in surrounding areas, conserve the capacity of a healthy ocean to capture and store greenhouse gasses that would otherwise enter the atmosphere, and appropriately honor ancestral, historical, and cultural connections to this and other Pacific conservation areas.

And directs:

- The Secretary of Commerce to initiate designation of a national marine sanctuary to provide the most comprehensive and lasting protections to the significant natural and cultural resources of the submerged lands and waters surrounding the seven islands, atolls, and reefs of the Pacific Remote Islands Marine National Monument –both within and outside the Monument boundary, to the full extent of the seaward limit of the United States Exclusive Economic Zone — including marine life, shoals, seamounts, reefs, banks, and sediments high in minerals and sequestered carbon dioxide for the benefit of present and future generations. For any final designation, the Secretary shall also establish a sanctuary advisory council and pursue, as appropriate, opportunities to collaborate with Indigenous peoples with ancestral, historical, and cultural connections to the area on planning and management.
- The Secretaries of Commerce and Interior to 1) collaborate on the conservation of lands and and surrounding waters of the Pacific Remote Islands, 2) initiate a collaborative process to develop names and naming conventions reflecting ancestral, historical, and cultural connections for the National Wildlife Refuges and any National Marine Sanctuary designated in the area of the Pacific Remote Islands Marine National Monument and for the islands, atolls, reefs, and other natural features in the area, and 3) within two years provide the President with recommendations on honoring the heritage, traditional practices, ancestral pathways, and stopping points for Pacific Island voyagers and on providing posthumous recognition for the Hui Panalā`au, who were Native Hawaiians sent to the Pacific Remote Islands between 1935 and 1942, many of whom were young men from the Kamehameha Schools.

## Enclosure (3)

### **Proposed Pacific Remote Islands National Marine Sanctuary Goals**

#### **Goal 1: Conservation & Resource Protection**

Comprehensively protect, conserve, restore, and manage the marine biodiversity and ecosystems of the proposed Pacific Remote Islands national marine sanctuary, along with their associated ecosystem services, historic sites, and cultural heritage.

#### **Goal 2. Governance**

Ensure the effective, integrated management and shared stewardship of the proposed Pacific Remote Islands national marine sanctuary.

#### **Goal 3. Partnerships**

Pursue, build, and maintain collaborative domestic and international partnerships that generate active and meaningful community engagement.

#### **Goal 4. Indigenous and Local Community Engagement**

Engage and involve Indigenous and local community members from the start and throughout to continuously incorporate indigenous and local knowledge, cultural values, and stewardship ethics to best inform management efforts and abilities to protect, conserve, and steward the Pacific Remote Islands.

#### **Goal 5. Research & Monitoring**

Support, promote, conduct, and coordinate research and monitoring that brings together multiple forms of knowledge to increase understanding of the proposed Pacific Remote Islands national marine sanctuary's cultural and natural resources, and thereby improves decision-making and management.

#### **Goal 6. Education, Outreach & Interpretation**

Inspire current and future generations to collaboratively preserve, protect, and manage the proposed Pacific Remote Islands national marine sanctuary's natural, cultural, and historic resources through excellence in education, outreach and interpretation.

### **Proposed Pacific Remote Islands National Marine Sanctuary Objectives**

Objective 1: Establish the most comprehensive and lasting level of protection for the significant resources of the proposed Pacific Remote Islands national marine sanctuary by extending the existing protections of the Pacific Remote Islands Marine National Monument to the full extent of the United States Exclusive Economic Zone.

Objective 2: Uphold and complement the existing management of the Pacific Remote Islands Marine National Monument as outlined in Presidential Proclamations 8336 and 9173.

Objective 3: Provide the necessary policy, programs, structure, and processes to govern the proposed Pacific Remote Islands national marine sanctuary.

Objective 4: Coordinate with other federal agencies and fully use all applicable authorities in order to cooperatively, efficiently, and effectively manage the resources of the proposed Pacific Remote Islands national marine sanctuary for current and future generations.

Objective 5: Enhance community engagement and involvement, including engagement of Indigenous Pacific Island communities, to support the management of the proposed Pacific Remote Islands national marine sanctuary.

Objective 6: Honor and celebrate the distinct ancestral, historical, cultural, and maritime heritage connections to the Pacific Remote Islands and the surrounding open-ocean waters and recognize the importance of Indigenous knowledge, language, stories, and cultural connections between lands, waters, and peoples.

Objective 7: Conduct, support, and promote research, characterization, and long-term monitoring of marine biodiversity and ecosystems and cultural and maritime heritage resources.

Objective 8: Enhance greater public understanding of sanctuary resources to promote and encourage appreciation and stewardship of cultural and natural resources.

## References

- [Executive Order on Tackling the Climate Crisis at Home and Abroad](#)
- [Presidential Memorandum on Conserving the Natural and Cultural Heritage of the Pacific Remote Islands](#)
- <https://portals.iucn.org/library/sites/library/files/documents/pag-021.pdf> (pg. 8)
- [Definitions and Classification System for U.S. Marine Protected Areas](#)
- [MPA Guide Definitions for varying levels of protection](#)