



**Western
Pacific
Regional
Fishery
Management
Council**

May 7, 2024

PMNM-Sanctuary Designation, NOAA/ONMS
1845 Wasp Blvd, Bldg 176
Honolulu, Hawaii 96818

To Whom It May Concern,

The Western Pacific Regional Fishery Management Council (Council) would like to provide comments on the Proposed Rule for the draft environmental impact statement (EIS) and draft management plan for the proposed designation of a national marine sanctuary for waters of the Northwestern Hawaiian Islands (NWHI). The Council believes that the No Action alternative is appropriate for the area and that the designation of a national marine sanctuary is unwarranted.

In 1984, Congress added sanctuary designation standards as Section 303 of the National Marine Sanctuaries Act. One such standard involves “the manageability of the area, including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities.” Congress seems to have intended that the size of a sanctuary should be relatively small, geographically discrete marine areas in which the management capability should be carefully considered. The proposed designation would encompass over 580,000 square miles, or nearly 14-times the combined area of the 15 existing National Marine Sanctuaries. The proposed sanctuary designation for the NWHI is neither small nor geographically discrete and would require much more management resources than currently available. The existing management under the Papahānaumokuākea Marine National Monument (PMNM) requires the resources from five different agencies which are already providing adequate management for the area.

The existing management of Papahānaumokuākea, including the Council’s fishing regulations, has maintained the NWHI for decades. It is disappointing that the EIS does not reflect all of the existing management, including the Council and National Marine Fisheries Service efforts to provide sustainable use and resource protection/conservation since 1976. The boundary in Alternative 2 replicates what the Council put into place as a Protected Species Zone to protect Monk Seals and other protected species in 1991. The designation of a national marine sanctuary, on top of a marine national monument, on top of an area that was already well-managed by the Council is unnecessary duplication. Together, existing management agencies have authority to meet the proposed need for action.

The EIS identifies climate change, marine debris, invasive species, and international shipping traffic as justification for the sanctuary designation under the Need for Action section. While these activities may play a role in impacting resources of the NWHI, placing boundaries around the islands and designating a sanctuary does not eliminate those impacts. The management activities proposed under Section 2.2, Need for the Proposed Action, can all be addressed through the existing PMNM management or by each of the monument management partners. Interagency consultation, assessing civil penalties, applying additional regulations, safeguarding values, and ensuring lasting protection are activities that PMNM could do by amending its management plan. The addition of a draft Sanctuary Management Plan (SMP) in the EIS, however, muddies the waters between a proposed sanctuary and a monument.

It is unclear in the EIS and draft SMP how the sanctuary functions in coordination with the existing PMNM. While the alternatives in the EIS describe the existing monument management, it is unclear if the draft SMP provides details on how the additional layer of a sanctuary would function in conjunction with the existing PMNM management. A graphic that provides where the sanctuary ends and the PMNM begins would be helpful to understand this proposed system. The EIS seems to indicate that the sanctuary will be nearly identical to the PMNM, using the same terms and regulations, just with a different term for the management system. Therefore, the sanctuary management continues to provide a duplication of effort and the Council again notes that the sanctuary would be unwarranted.

While not required as per the Council on Environmental Quality's 2020 NEPA regulations, the EIS would benefit by identifying any potential cumulative impacts that the alternatives may have on the physical, biological, cultural, and socioeconomic resources. The combined effects of human activities may have moderate beneficial or adverse impacts but cumulatively could result in degradation of sanctuary resources. Cumulative impacts are especially important in this instance as the EIS is proposing a sanctuary on top of a monument, state of Hawaii, US Fish and Wildlife Service National Wildlife Refuge, and existing Council/NMFS fishing regulations. Individually, each of these management frameworks have supposedly been evaluated for impacts but cumulatively, the addition of multiple layers of bureaucracy need to be analyzed and provided to the public for its consideration.

The President identified Native Hawaiian subsistence practices as meriting protection under Presidential Proclamation 9478. The Council provided a recommendation to include cost-recovery for Native Hawaiian Subsistence Fishing. The intent was to provide opportunities to the indigenous people of Hawaii to practice their culture and tradition in their own homeland. To do so requires resources to ensure that the practitioners are safe and successful. Given the time and distance involved in travel to the MEA, the Council's recommendation does not allow limited sale outright, but provides a mechanism through the permit process for requesting and justifying cost recovery on a case by case basis. This would allow NMFS to review and consider the hardships of the Native Hawaiian applicant in order to allow subsistence practice in the NWHI. The EIS would benefit by exploring a range of alternatives that incorporates differences from the existing PMNM management system in order to provide the public with different management activities and ideas that might meet the goals and objectives of the sanctuary. Incorporating existing management without providing alternatives does not allow the public to weigh in on any potential needs for change in management of the NWHI.

The Council's intent with these comments is to point out that a national marine sanctuary is not needed as well as to provide where areas of the EIS might be improved. Fishing regulation recommendations are currently being worked on with the NMFS and await the decision of the sanctuary designation. Thank you for your consideration and if you have any questions or concerns, please contact me at the Council Office at (808) 522-8220.

Sincerely,



Kitty Simonds
Executive Director