

Comment Category 25 – Research

- 2) While marine debris is a larger problem in shallow water because many items float rather than sink, at what depth does it cease to be of concern? To our knowledge, there has never been a coordinated depth zonation study for marine debris starting from land and going down to at least 400 m at a site known for its accumulation (e.g., Pearl and Hermes) and/or a site near a monk seal colony. Monk seals, as I am sure most are aware, have been documented to frequent precious coral beds down to depths of 400 m (see Frank Parrish’s studies and his National Geographic Explorer production). We think a study of this type could and should be mentioned in the plan. How much bottomfishing debris (anchors, anchor lines, fishing leads and fishing lines) exists on popular deepwater fishing sites? This might be important to document particularly following the closure of the fishery in the next 4-5 years. In the main Hawaiian Islands, alien species have been documented in deeper than typical SCUBA depths (see Sam Kahng’s various papers on *Carijoa riseii*). Is this species in the monument and if so, how deep does it go given that monument waters are clearer and thus likely pushing it to even deeper depths than in the MHI (*C. riseii* is negatively phototaxic). How big of a threat is it to the monument’s black coral beds? Again, we think this should be mentioned as a potential research effort in the plan. A likely study site and one for long-term monitoring focus would be Middle Bank at the lower end of the monument.
- 3) Therefore, my proposal is that NO research should be conducted in or around the NWHI for the next 10 years unless it will benefit the protection and restoration of these islands. After 10 years researchers can go in and do their tests on the status of restoration efforts only when approved by the citizen based advisory council.
- 4) Permission should only be granted to research absolutely necessary for protection and recovery of threatened and endangered species and their habitats, and restoration of those habitats as needed. Research having only tangential or general relevance to critical management decisions in the Monument should be revised to clearly distinguish between these two categories of research proposals.
- 5) In addition to the Proclamation findings and permitting criteria, the Research and Monitoring Action Plan must prioritize research and provide criteria that managers will use regularly to fund and prioritize research activities in the Monument.
- 6) 3.1.1 Marine Conservation Science Action Plan. Ocean Conservancy is concerned that the “Desired Outcome” stated at the beginning of this section fails to capture all of the research outcomes that are required for effective Monument management. The statement should reflect all five of the thematic areas in the Hawaiian Archipelago Marine Ecosystem Research Plan (HAMER Plan) and repeated here in this section. As currently written it fails to cover the critical need to research and understand human impacts, among other elements.
- Under “Strategies to Achieve the Desired Outcome”, Strategies MCS-1, 2 and 314 are not linked to the basic requirement that all research serve to improve management of the Monument. We suggest that these strategies

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	<p>should read something like [emphasis on added language]:</p> <ul style="list-style-type: none"> • MCS-1: Continue and expand that research, characterization and monitoring of marine ecosystems for the life of the plan that will advance and improve management of the Monument. • MCS-2: Assess and prioritize research and monitoring activities over the life of the plan with respect to the contribution it will make to improving management of the Monument. • MCS-3: Communicate results of research and monitoring over the life of the plan and how that research and monitoring has been or will be used to improve Monument management. <p>7) 3.1 and 3.2: The RAC has consistently over the years recommended that any and all research in the NWHI should be focused exclusively on whether such research is essential to management. Keeping this in mind and to consolidate the action plans that involve scientific research into one section, the RAC recommends that these two sections be reorganized as follows.</p> <p style="padding-left: 20px;">3.1 Conserving Wildlife and Habitats</p> <p style="padding-left: 40px;">Threatened and Endangered Species Action Plan</p> <p style="padding-left: 40px;">Migratory Birds Action Plan</p> <p style="padding-left: 40px;">Habitat Management and Conservation Action Plan</p> <p style="padding-left: 40px;">Research and Monitoring Action Plan</p> <p style="padding-left: 20px;">3.2 Conserving Cultural and Historic Resources</p> <p style="padding-left: 40px;">Native Hawaiian Culture and History Action Plan</p> <p style="padding-left: 40px;">Historic Resources Action Plan</p> <p style="padding-left: 40px;">Maritime Heritage Action Plan</p>
25-02. Response	<p>The revised research Action Plan Section 3.1.1 now reflects some of these suggested changes. To address specific details for research-related topics, a Natural Resources Science Plan will be created to guide and regulate research in the Monument, as defined in the Priority Management Need Understanding and Interpreting the NWHI, Marine Conservation Science Activity 2.1. This step-down plan will define and prioritize research activities based on management needs to protect, conserve, and when possible, restore ecosystems within the Monument. Based largely on the HAMER plan, research activities will be prioritized by the necessity of information for management purposes, including the highest priority management critical activities you point out.</p> <p>Due to the remoteness of the NWHI, research will be limited by vessel and field station space, so only those research</p>

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	<p>activities ranking highest in management priority will be accommodated. In addition, Marine Conservation Science Activity 2.1 stipulates that the MMB will produce a Natural Resources Science Plan to guide and regulate research in the Monument. It is in this step-down plan where detailed research and monitoring activities beyond the scope of management activities will be developed and discussed in great detail and where salient questions such as yours will be incorporated.</p> <p>In the Priority Management Need Managing Human Resources, cumulative impacts of human activities are addressed via the following activities, located in the Permitting Section: P-2.1, P-2.2 and P-2.3. These activities are designed to address the cumulative impacts of both research and human impacts on the Monument. They will be used to assess and evaluate these effects to aid in management decisions to provide the Monument with the best overall protection and resource conservation. These impacts will also be addressed in numerous sections of the Natural Resources Science Plan, in which more detailed studies will evaluate the cumulative impacts ongoing within the boundaries of the Monument.</p> <p>Investigations into the sources, types, and accumulation rates of marine debris and its removal and prevention are described in the Marine Debris Action Plan (3.3.1). Monument Management Plan Sections 3.1 and 3.1.1 have undergone a major revision. Although these revisions do not correlate directly to your suggested placement, your comments were addressed by incorporating additional language to 1) further detail the need for research, 2) to directly link any research conducted with management needs, and 3) to consider cumulative impacts of research.</p>
25-03. Comment	<p>The comments below express concern and objection to bioprospecting activities within the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> 1) ABSOLUTELY NO BIOPROSPECTING EVER. 2) Additionally, a new Action Plan should be added to the DMMP regarding protection of indigenous resources from bioprospecting that may occur during activities authorized under the remaining 5 priority Action Plan groupings. This must include an enforcement action plan, a penalty schedule, and methods for repatriating resources taken from Native Hawaiians.
25-03. Response	<p>There is no place within the Monument Management Plan where bioprospecting is proposed. All Monument permits dealing with specimen or sample collecting specifically prohibit the sale of collected organisms. Bioprospecting, which is defined in the glossary as the “search for new chemicals, compounds, genes and their products in living things that will have some value to people,” inherently involves identifying biological resources with potential commercial value that may be developed into marketable commodities, such as pharmaceuticals, pesticides, and cosmetics. The special condition applied to these permits states that authorized activities must be noncommercial and must not involve the use or sale of any organisms, by-products, or materials collected within the Monument for obtaining patent or intellectual</p>

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	property rights. For this reason, commercial bioprospecting would not be permitted. To clarify this, language was added in Section 3.4.1, Permitting Action Plan, in the Monument Management Plan. Please refer to the Enforcement Action Plan, Section 3.4.2, as well as NHCH 2.7 for more information on repatriation.
Unique Comments	
25-04. Comment	p. 120 the phrase “complementary Western science” would be rejected by many Hawaiians. Recommend remove this phrase
25-04. Response	The MMB contends that the categorization and wording is sufficient for its management purposes.
25-05. Comment	The former section 3.1 (p105), is now retitled “3.2 Conserving Cultural and Historic Resources.” The old section 3.1 (p105) should be rewritten to reflect the new strategies and activities (following): 3.1 Conserving Wildlife and Habitats (3.1.1 Threatened and Endangered Species Action Plan, 3.1.2 Migratory Birds action plan, 3.1.3 Habitat Management and Conservation Action Plan, 3.1.4 Research and Monitoring Action Plan). Then, the new: 3.2 Conserving Cultural and Historical Resources (3.2.1 Native Hawaiian Culture and History Action Plan, 3.2.2 Historic Resources Action Plan, 3.2.3 Maritime Heritage Action Plan)
25-05. Response	We believe that the existing structure of the document suits the purposes of the Co-Trustees and, thus, have not made the proposed changes.
25-06. Comment	Information Management Action Plan – Section 3.6.2. MCBI applauds and looks forward to implementation of the various data management and access technologies discussed in this Action Plan. We encourage the public release of as much data as possible, operating on the principle of open rather than closed government. Information management will be useful both to researchers and the public. While there is substantial attention paid to incorporating old data into the information management programs, there is no mention of incorporating new data and research. There needs to be a plan to keep the system up-to-date, and to ensure that everyone given a research permit must turn over their data, along with any requests for keeping the data from public disclosure, to the permit grantor, who will then forward it to the appropriate database holder. Only if these procedures are identified will the information management program be successful and useful in the future.
25-06. Response	Information management and data incorporation are integral components to manage Monument resources. Numerous activities in the Monument Management Plan include data integration for comprehensive information management. It is our intent to make much of this information available to the public and scientific community.

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25-07. Comment	In addition to portraying the NWHI as a “natural laboratory,” the DMMP specifically singles out a specific research group, the Hawaii Institute of Marine Biology (HIMB), for activities in the Monument. It does not serve the Monument resources to pre-determine which research institutes will work for the conservation of the Monument. Moreover, it must be noted that this institute has been associated with violations of strict state NWHI Refuge rules in the past. We urge the Co-Managers to delete this reference to a specific group, which appears to privilege it above other research institutions and organizations.
25-07. Response	Contracts with various institutions and organizations, such as the Hawaii Institute of Marine Biology, have resulted from specific congressional appropriations. As such, these relationships will continue to be established with various institutions. However, it does not preclude additional formations of partnerships between the Monument and other institutions and organizations. The Monument Management Plan has been changed to address the concern about a “natural laboratory.”
25-08. Comment	The “Marine Conservation Science Action Plan,” as written, allows an invasive precedent for research, and should be removed. Instead, we recommend identifying the science necessary to meet the needs of the Action Plans on “Conserving Wildlife and Habitats” and “Reducing Threats.” These sections should consist of a clear accounting of the study necessary to carry out such conservation or threat reduction; including a monitoring component for all human activities and research in the Monument.
25-08. Response	Resource managers and policymakers need comprehensive information about habitats, the ocean, and their natural and social environments to make wise decisions. Baseline data, monitoring, characterization, and research are essential components to determine normal and abnormal temporal changes and provide the basis for determining if management activities are effective or need to be modified based on continually changing conditions. In terrestrial environments, much of this basic understanding has been and continues to be gathered over decades. In the Monument’s marine environments, especially deep water habitats, such understanding is not easily attainable. The MMP reflects many nationally recognized natural and social science needs for ecosystem-based management, such as the US Commission on Ocean Policy (2005) and the President’s Ocean Action Plan.
25-09. Comment	Under Strategy MCS-2.121 there is no mention of climate change. There can be little doubt that, in time, ocean warming, sea-level rise, stronger storms, altered ocean hydrodynamics and/or acidification will have profound effects on the PMNM. Therefore, it is imperative that research plans and activities be focused on understanding how climate change will affect Monument ecosystems and how management can enhance the resilience of those ecosystems. Under “Research on human impacts” there is no mention of past human impacts, such as those discussed above. We recommend that the DMMP should address the restoration of the NWHI ecosystem to a completely functional, intact and resilient

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	system, which will require management that will bring about the recovery of resources that were depleted by past resource extraction and research to support that activity. This is a distinctly different justification from supporting exploitation and management of those resources in the MHI.
25-09. Response	As noted in Section 1.4, Environmental and Anthropogenic Stressors, climate change has potential short-term and long-term consequences to Monument resources. The MMB is committed to using data from existing monitoring and restoration efforts (see Strategy MCS-1 “Continue and expand research, characterization, and monitoring of marine ecosystems,” numerous activities in the Threatened and Endangered Species Action Plan [3.2.1], and the Habitat Management and Conservation Action Plan [3.2.3], and directing future research and monitoring efforts to investigate how climate change is impacting individual species, assemblages, habitats, and ecosystems in the Monument.
25-10. Comment	<p>Under Strategy MCS-2 it is stated that: “Consistency with HAMER and links to similar research in the main Hawaiian Islands will be maintained so that science conducted in this portion of the archipelago can be used across the archipelago.” We recognize that research conducted in the Main Hawaiian Islands (MHI) may be applicable to the PMNM, and vice versa. However, care must be taken before research in the PMNM is undertaken because of a connection to research in the MHI. If there is a clear connection between the ecosystems in the two areas then research, if appropriate (see below), in both would be justified. Otherwise, research should be allowed in the Monument on a very limited basis and only for the expressed purpose of investigating the possibility of a connection. If none is found within a prescribed timeframe then the research should be suspended. In addition, not all research would be appropriate under this argument. Considerable fisheries research takes place in the MHI, but with the closure of the bottomfish fishery in 2011 there will not be any commercial or recreational fisheries in the NWHI. Therefore, it will not be acceptable to allow fisheries research in the NWHI simply because research is taking place in the MHI and there may be a biological connection. For example, it has long been claimed by the National Marine Fisheries Service and the Western Pacific Fisheries Management Council that bottomfish stocks are connected throughout the archipelago. However, there is no peer reviewed science to support this assumption and the one peer-reviewed study that is available that addresses the issue actually suggests the opposite. Thus, there is no justification for conducting bottomfish research, which would damage Monument resources, to ostensibly contribute to understanding MHI bottomfish stocks. The same argument applies to lobsters, reef fish, and precious corals. More importantly, because there will not be any commercial fisheries in NWHI, such research would not have any application to the management of PMNM resources. The exception might be for those species that are or hopefully will be undergoing recovery from decades of commercial fishery, if there is compelling, scientific evidence of a MHI-NWHI connection, which is not the case at this time. Species or populations that are in need of rebuilding include:</p> <ul style="list-style-type: none"> • Spiny and slipper lobsters (<i>Panulirus marginatus</i> and <i>Scyllarides squammosus</i>) that were overfished to the point of

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	<p>collapse but have not recovered since the fishery was closed in 2000.</p> <ul style="list-style-type: none"> • Bottomfish species which have been fished down varying amounts, but in some cases the depletion may be in excess of 50%. • Black-lipped pearl oysters, which were severely depleted early in the 20th Century and have only recently begun to show signs of recovery.
25-10. Response	<p>A Natural Resources Science Plan (Activity MCS-2.1) will be developed in the first year of implementation. This science plan will include the following thematic areas: 1) research on ecological processes and connectivity, 2) research on biodiversity and habitats, 3) research on human impacts, 4) research on ecosystem change, indicators, and monitoring, and 5) modeling and forecasting ecosystem change. This plan will include information on investigating how species and populations are interconnected between the MHI and the NWHI and will look at which species or populations may require specific recovery activities.</p> <p>The connection to HAMER does not imply that research conducted in the MHI should be mirrored in the NWHI, but rather that if similar types of research are ongoing in both areas and if methods are consistent and so forth, then this may allow for more powerful comparative studies.</p> <p>All permits granted by the Co-Trustees, including those for general research and fisheries research, must meet the findings in Presidential Proclamation 8031, which also make up the Monument’s permitting criteria. One of these findings is demonstrating that proposed activities can be conducted with adequate safeguards for the cultural, natural, and historic resources and ecological integrity of the Monument. All permitted activities must also comply with the National Environmental Protection Act, the Endangered Species Act, and all other applicable federal and state regulations. Therefore, any fisheries research, including any research based on connectivity with areas outside the Monument, would be permitted in accordance with the Proclamation creating the Monument as well as with applicable federal and state laws.</p>
25-11. Comment	<p>Issue Requests for Proposals to Scientists: The Monument funding structure should include an opportunity for scientists to fulfill “requests for proposals” issued by the Co-Managers based on the management needs of the ecosystem. This to say, instead of simply granting whatever random research permit request is brought to the Monument Management Board, the Co-Managers should actively identify what science is needed to make informed management decisions, draft a request, and grant only those permits that best meet the terms of that request.</p>
25-11. Response	<p>While the Monument does not currently issue Requests for Proposals, we have initiated Memorandums of Agreement with various research agencies in which the Monument states research that is needed to enhance management needs and</p>

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	<p>the partner agency fulfills those mandates.</p> <p>Marine Conservation Science Activity 2.1, in the Priority Management Need Understanding and Interpreting the NWHI, stipulates that the MMB will produce a Natural Resources Science Plan to guide and regulate research in the Monument. This step-down plan will define and prioritize research activities based on management needs to protect, conserve, and when possible, restore ecosystems within the Monument. Research activities will be prioritized by the necessity of information for management purposes. Due to the remoteness of the NWHI, research will be limited by vessel and field station space, so only those research activities ranking highest in management priority will be accommodated.</p>
25-12. Comment	<p>Ocean Conservancy strongly believes that the Monument should not be used as a private laboratory for scientists to pursue basic research. As noted throughout this comment letter, research activities result in threats and impacts to Monument resources. The Monument should only be subject to research impacts if there is a clear and over-riding benefit to the Monument.</p> <p>This principle is clearly identified in the Draft Management Plan under “Monument Goals”: “Goal 2: Support, promote, and coordinate research, ecosystem characterization, and monitoring that increases understanding of the NWHI and improves management decision making.” [emphasis added]</p> <p>The principle is also committed to under “Strategy MCS-2”: “A management-driven Natural Resources Science Plan will be developed and assessed on a regular basis to ensure that marine and terrestrial research and monitoring conducted in the NWHI is appropriate, relevant, and necessary to ensure effective management, improve management decision making, and advance ecosystem science.” [emphasis added]</p> <p>Ocean Conservancy typically supports the use of marine protected areas for research that will advance our understanding of marine ecosystems and human impacts because it may lead to better conservation and management. However, in this case, because of the unique and special nature of the Monument we believe that it should be spared as many human impacts as possible, specifically those that are not consistent with the need for science-based conservation and management decisions.</p>
25-12. Response	<p>In the Priority Management Need Understanding and Interpreting the NWHI, Marine Conservation Science Activity 2.1 stipulates that the MMB will produce a Natural Resources Science Plan to guide and regulate research activities conducted in the Monument. This step-down plan will define and prioritize research activities based upon management needs to protect, conserve and when possible, restore ecosystems within the Monument. Research activities will be prioritized by the necessity of information for management purposes. Due to the remoteness of the NWHI, research activities will be limited via vessel and research station space, therefore, only those research activities ranking highest in management prioritization will be granted available accommodation.</p>

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25-13. Comment	Activity TES-2.5: Prevent human interactions with cetaceans. Efforts will be made to prevent negative human-cetacean interactions that may occur as a result of visitor programs or research activities through design controls on both. The controls will aim to prevent disturbance to cetaceans resting in Monument lagoons or nearshore areas and prevent [suggest the word “restrict” instead] geological research using sound levels known to be dangerous to marine mammals.
25-13. Response	Sonar use is subject to the ESA and MMPA regulations. Activity TES-2.5 was reworded to say “... controls will aim to prevent disturbance to cetaceans resting in Monument lagoons or nearshore areas and restrict disturbance to Cetaceans”
25-14. Comment	We would also like the term “natural laboratory” to be removed, and replacement language added to describe how the Northwestern Hawaiian Islands can serve as a global “control” site to better understand the global issues described previously.
25-14. Response	We have changed the Monument Management Plan to reflect this comment (please see Marine Conservation Science, Section MCS-3.1.1). The thought that the NWHI may serve as a global control site is a good one. This is especially true when comparing the NWHI to other Pacific coral reefs, to which it is most similar. This is captured with new wording in the “Current Status and Background” section, which states that the NWHI “provides a unique opportunity to understand how pristine ecosystems respond to change and compare these natural responses with other sites with greater human impact. This understanding will be particularly important for evaluating the effects and ecological implications of climate change in the Monument, as compared with other sites around the Pacific.”
25-15. Comment	The justification for deepwater research in the monument and the deepwater research portion of this plan are not adequately developed. First, while land and shallow water habitats may be the focus of the monument’s management efforts, it cannot be ignored that 98.5% of the monument waters are deeper than 100 meters (based on a GIS extraction of ETOPO-2 bathymetry inside the monument boundaries, Fig 1). It should be noted that the plan’s definition of 30 m being the start of deepwater habitat was considered too shallow for the resolution of this bathymetry analysis. Even so, this translates to 139,000 of the 141,000 square miles of the monument waters, most of which are completely unknown and poorly understood. It is therefore likely that in 100 or 1000 years from now when technological advances will provide much greater access to the deep sea, the monument’s impact on conserving the world’s natural environments may be far greater for deepwater habitats than for either land or shallow water habitats. Taking a closer look at just the relatively low resolution ETOPO-2 global relief data or even nautical charts, a number of important observations can be made. For example, French Frigate Shoals, the Brooks Banks, St. Rogatien and West St.

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	<p>Rogation are all part of the same large bathymetric ridge feature (Fig. 1). Since waters do not reach the surrounding full ocean depths between these features as they do to all sides, there may be implication for organism transport between these banks and also isolation from those outside this feature. It may indeed be considered a refuge within a refuge. Further, the northern tip of this large feature and that of the ridge from Gardner Pinnacles just to the west extends outside the Monument boundary, albeit while doing so at abyssal depths. On the southern side, the large ridges of Pioneer Bank and West Northampton Seamount extend to or almost to that Monument boundary, while those off the eastern side of Maro Reef extend toward other banks and seamounts within the Monument (Fig. 2) (Smith et al., 2003). It would be interesting to study if these deep sea ridges provide pathways for the migration of organisms up and down the archipelago. From submersible dives in 2003 and 2007, we already know that dense deep sea communities reside at water depths greater than 1000 m (Smith et al., 2004; Baco-Taylor et al., 2006)</p>
25-15. Response	The MMB will address research topics as a part of the Natural Resources Science Plan. Deep water habitats are one component to be considered.
25-16. Comment	<p>Activity MCS-1.3 and 1.4 (page 110) - 1) If one vessel is named in this section, then other vessels should as well, particularly since it was the RVs Kilo Moana and Ka'imikai-o-Kanaloa (KoK) that have to date provided a larger portion of the deepwater mapping data in the monument. We suggest the following change: Line 23: Working with NOAA, SOEST, and other partners, the MMB will use data collected with the multibeam sonar systems on RV's Hi'ialakai, Kaimikai-o-Kanaloa (KOK), Kilo Moana, and other vessels..... Line 31: Some specific details of projects that need to be conducted should be added here such as age dating of deepwater corals and analyzing them for paleoceanographic climate change information, surveying deep coral communities and what factors are most important for promoting high densities. Other projects could include distribution patterns of deepwater animals relative to substrate types and Hawaii's Oxygen Minimum Zone (OMZ which is located at 600-1000 m). We know that some other researchers are going to provide comments on projects involving global climate change so we will not include that topic here. One very important consideration is the role the monument could have in understanding deepwater habitats, particularly seamounts throughout the Pacific. For example, cobalt-rich manganese crusts occur on seamounts as well as island slopes and banks in a large region of the central Pacific. The zone of their formation has been drawn right through the monument boundaries just south of French Frigate Shoals (Clark, unpublished). These crusts, along with manganese nodules that form on the abyssal plains, have potential commercial value. As technology develops and the terrestrial sources of strategic and more common minerals declines, these resources will likely be targeted in the future for commercial mining. However, manganese crust invertebrate and fish communities that would be disrupted by these operations are very poorly known. The monument offers an excellent opportunity to provide that type of information since a substantial portion of</p>

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	the hard substrate within its boundaries below 800 m is believed to have these crusts.
25-16. Response	Reference to vessel names has been removed from Activity MCS-1.3. The Monument Management Plan discusses background information on vessels in Volume I, Section 3.6.3, Coordinated Field Operations Action Plan.
25-17. Comment	<p>Marine Conservation Science Action Plan – Section 3.1.1.</p> <p>Overall, the plan is comprehensive in its scope of activities, but fails to state what scientific research is necessary or critical to establish ecosystem-based management and fulfill the conservation mandate of the Proclamation. We look forward to the forthcoming Science Plan to help fill in many of the Draft Plan’s missing details and identify clear management priorities. We expect that the Science Plan, when developed, will include priorities for research consistent with the following: 1. Science necessary to effectively implement ecosystem-based management to achieve the Monument’s protection purpose, i.e., research to help managers track and respond to the health and function of the Monument’s ecosystems and its key species and habitats, and; 2. Identification of management priorities and a discussion of how research acting on these priorities will help address ecosystem-based management. The Draft Plan identifies a budget that gives more to interpretation and science than to conservation and resource protection. Again, protection is the vision, mission, and purpose of the Monument. Therefore, it is only appropriate that funding for conservation be increased, especially in support of the critically endangered Hawaiian monk seal and other threatened or endangered species and the threats to them. Research that is outside the scope of ecosystem-based management or that does not directly address Monument natural resources should be allowed based on whether such research is non-invasive, and only as funding, staffing, and logistical support resources allow after conservation actions are addressed. In order to establish ecosystem-based management to effectively protect Monument resources, we suggest that the following should be prioritized or considered:</p> <ul style="list-style-type: none"> • Conduct a competent ecological history of the region to assess effects from anthropogenic influences and establish appropriate baselines for management. • Characterize the ecology of the entire area, including deep water and offshore habitats, to ensure a complete accounting of Monument resources. • Establish a monitoring program of indicator species and environmental data to track changes in the ecosystem and to help trigger management and protection activities. • Freely and openly allow data access to all co-Trustees; access for the public should be defined and implemented and should be as open as possible. A strategy for promptly processing relevant information should be developed to inform managers of deteriorating or changing conditions.

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	<ul style="list-style-type: none"> • Partner with other researchers to look at connections to other regions and initiatives at different spatial scales, for example: <ul style="list-style-type: none"> o Tracking of albatross leaving the Monument for other parts of the Pacific, o Tracking of monk seals and green turtles moving throughout the Hawaiian archipelago, and o Tracking marine debris entering the Monument from locations throughout the Pacific. • Establish a priori priorities for active management versus monitoring in the event of budget shortfalls. Evaluate the appropriate intervals for monitoring natural resources to maximize management efforts and ongoing funding. • Given the looming and potentially significant impacts of climate change, including a rise in sea-level, and increasing acidification and warming of ocean waters, the marine conservation science plan must address the significance and impacts of these changes and to the NWHI ecosystem and efforts to mitigate them. • Create a regularly-scheduled research workshop to facilitate discussions between researchers and managers regarding research that applies to management goals, as well as ways to use research time and effort more effectively. The workshop should be used to collaboratively develop research priorities and identify how to best leverage opportunities to access the region. • Adopt a scientific code of conduct for researchers and their transportation and support staff. As part of this, researchers’ informal agreement not to engage in sustenance fishing in the Monument should be formalized.
25-17. Response	The comments that you provide are detailed suggestions that will be considered as a part of the Natural Resources Science Plan.

Comment Category 26 - Tourism	
Summarized Comments	
26-01. Comment	<p>The comments below express concern about the number of people allowed on Midway Atoll, especially in relationship to the number of visitors.</p> <p>Comments:</p> <ol style="list-style-type: none"> 1) Very concerned about the number of people allowed on Midway - protect the resources first! Sensitive burrows. Sensitive coral habitat. 2) Strict rules must be in place to address the inherent conflict of interest created by a tourist program in an extremely fragile marine preserve. Thus, we strongly urge the Co-Managers to establish a cap on the number of tourists allowed to visit the Monument in one day, as well as a maximum visit-length per person. These two

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	<p>numerical limits should be developed after a cumulative impact and risk assessment has been conducted and a numerical carrying capacity for the region can be identified based on an understanding of all the human stressors on this ecosystem and the standards of the precautionary approach to decision-making. In the meantime, the current 50-visitors per night maximum should be applied to day-only visitors.</p> <ol style="list-style-type: none"> 3) Strictly limit tourism activities in the Monument. To ensure the human footprint in the Monument is not deepened, set a maximum limit on the number of tourists visiting Midway based on current tourism levels. 4) Keep human visitors to a minimum - leave only footprints. 5) I'm concerned in our group -- we were one of three groups, I think, on this trip -- and how many visitors is too many? And we were 14. I know sometimes you hear the number 50. Wow. I don't think that's appropriate. I really think the numbers have to be a lower number. 6) That's also why we're asking for very strong controls on tourism. People have mentioned the World Heritage site and what World Heritage site status has done to other places like the Galapagos. We need to protect against that. If this train is going to go forward we need to have some strong caps on tourism. I don't know if people know this but the last commemoration of the battle of Midway 1,500 people were on Midway. And I'm not sure that this island can handle that kind of human activity on any great extent. We need to have a cap. Right now there's a cap that only 50 people can spend the night there. I say we start with that as day visitors. It's only 50 day visitors. You've got to prove you can prevent that harm, the footprint from that if you increase tourism, that that footprint won't increase. 7) Very concerned about the number of people allowed on Midway - protect the resources first! Sensitive burrows. Sensitive coral habitat. 8) No tourism or commercial fishing should be allowed in the monument. 9) Our only hope is a well policed "no go" policy that extends to the military, commercial fishing, tourist, and research activities.
26-01. Response	<p>The Draft Midway Atoll Visitor Services Plan set a limit of 50 overnight visitors at any one time, reflecting current limitations of seating capacity of the 15-person charter aircraft and the available housing in Charlie Barracks (24 rooms). During the height of the Cold War, approximately 5,000 people lived on Midway, but that number dropped in the 1980s to about 500 personnel and to even fewer people during the base closure process from 1993 to 1996. When the previous visitor program operated from 1996 to 2001, up to 100 overnight visitors were allowed at any one time, with a maximum overall population of about 250 people. A 15-year plan allowing the 50-person visitor capacity is reasonable, even though in the initial years we are likely to allow fewer visitors. Based on the past two decades of observations, we have found</p>

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	that the 50-person cap does not materially interfere with or detract from wildlife and their habitats. If we detect such detraction, we will revise the program accordingly.
26-02. Comment	<p>The comments below express concerns regarding the exclusion of certain groups of people from the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> 1) The Monument is a cultural and biological refuge, not a resource to be exploited for the economic gain of the visitor industry. From a Native Hawaiian perspective, it is considered wao akua (a sacred place). Wao akua were left wild and were seldom accessed by people because of their critical role in the process of life and death or creation and afterlife. Great concern exists about the breadth and scope of greater numbers of visitors within the Monument from wildlife and ecotourism tours as well as cruise ships. The impacts include and are not limited to disparate environmental and cumulative effects on the Monument, unequal access to the economically privileged, and the potential for transgressions against, and dilution of, Native Hawaiian Culture. 2) The people of the United States have made this Monument possible, all it's scientific value not with standing; it just seems plane wrong to exclude those people from their new Monument. After all, as mentioned above, only a few intrepid souls are likely to venture so far. Some non scientific people will be allowed into the Monument. This will amount to a special class of people; these are the Hawaiians, who will be allowed to certain areas for religious practices. Insofar as others are also allowed in this would not be a problem. One would surmise that permitting Hawaiian priests while excluding the average citizen not only establishes a special class of U.S. citizen, but violates the U.S. Constitutional requirement to separate church and state. This Monument is, after all, the United States of America. I do not mean to suggest that Hawaiians should be excluded from the Monument, nor should anyone, including Hawaiians, be prevented from practicing their beliefs; it just does not seem right to allow some citizens and exclude others on the basis of religion. 3) Please change the proffered access policy to allow access to the Monument by the average citizen. It is our Monument. You are keeping safe it for us.
26-02. Response	<p>Presidential Proclamation 8031 provides for Midway Atoll to be the “window to the Monument,” the only site where recreation is allowed. The Co-Trustees have limited the number of overnight visitors to no more than 50 at any one time. Up to three larger groups (50 to 800 people, with no more than 400 day visitors at any one time) are allowed to visit Midway each year. All visitor activities are under Monument permits and must meet the Proclamation’s findings and requirements. Visiting a remote island in the midst of the Pacific is indeed an expensive activity. We continue to look for ways to reduce costs, and we encourage other entities to seek grants or other funding sources that will allow a broader range of people to visit Midway. We feel the visitor program enhances our ability to share the importance of the NWHI,</p>

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	as well as its sacred status to Native Hawaiians, and to share this with a broader group of people.
26-03. Comment	<p>The comments below were opposed to provisions in the Midway Atoll visitor program that allowed cruise ships to visit Midway Atoll.</p> <p>Comments:</p> <ol style="list-style-type: none"> 1) OHA notes that in 2005, 2006, and 2007, one cruise ship visited Midway Atoll each year and that now three cruise ships, with 800 passengers each, are proposed in the environmental assessment's preferred alternative and the Midway Atoll NWR Conceptual Site Plan. OHA inquires as to the feasibility and possibility of charging these users to generate revenue. While OHA does see this proposed increase in cruise ship presence as a cause for concern, we also are realistic about the opportunities it can present if carefully controlled, insured and regulated. 2) Disagree with the provisions that would allow cruise ships to visit. 3) No cruise ships should be allowed to anchor off shore within the boundaries. 4) No cruise ships should be allowed to stop and unload any passengers in NWHI. 5) I'm concerned about mentioning of the cruise ships. I can't imagine bringing in huge numbers of people. They say they handle it once or twice a year. I think Midway is so special that overwhelming it just to get people there is not going to be a good thing to happen. 6) So I'm very concerned about the cruise ship. Because it seems like that's an awful lot of people that get there at one time. When I went there they had -- they had a limit of 100 people a day on Midway including staff and everything else. That seemed adequate protecting the resources. But I think having that many people on a cruise ship to get off one time is a big concern. And in fact all these people have to go out there to provide hospitality. It just seems like their time should be spent doing things for the resources. That's my main concern. 7) I also think on cruise ships they should be not allowed anywhere near that Monument. They have dumped in marine sanctuaries in California. They have dumped in Penguin Banks on Moloka'i. It's well known, their record. They've ruined it for themselves. I'm sorry, they need to stay away from the Monument. 8) There's a concern about the -- that there be no cruise ships in the management area. 9) The other issue I have with the Draft Management Plan is tourism. I have to admit that I'm a little bit jealous of everyone who's gotten to be there and commune with this incredible place. I don't think that I'm ready to say that that should never happen. But when I hear about 800 people on a cruise ship I can't see it. I live in a sustainable community off-grid. We have new people come in every day. I know what an incredible shift it means to actually use a composting toilet, solar power. It's actually pretty mild. For some people it's over the top. If you have a

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group of 10 or 30 people and you're teaching them how to behave, you're on Midway, and you have a writers' workshop I can see that that's doable. If you have 800 people using composting toilets it's not going to work. It's just a fallacy that this kind of area can support that much tourism. And I think for me if it means I don't ever get to go there that's okay. There needs to be some place on this planet that is so worthy of saving that it means maybe you don't get to go or it's hard to go.

- 10) Then when I was reading the Management Plan I read about you would allow up to three cruise ships, I just about passed out. Because if you all are asking us to wash our shoelaces in concern about invasive species, just knowing the amount of pollution that those cruise ships can dump, and even though as someone mentioned: Well, they're not allowed to dump in the Monument -- I'm sorry. Isn't that the northern gyre? All of that stuff swirls around. And when you're on the island and you look at the dead chicks and you see what's in their bolus, and you see that it's BIC lighters, it's toothbrushes, it's the little teeny lightbulbs. It's everything that's been tossed into the water. It's heart breaking. So to think that you would allow cruise ships -- the folks on the cruise ships do not need to come to Midway in that capacity. They can fly in. They can get there. If you do allow people to get there in that extra special way, there are so many birders that come. I was mentioning one of the gals, she said Midway was on her "Bucket List". I don't know if you've seen that movie. But anyway, it's before they "kick the bucket" they want to get there. And it just meant the world. She felt that she had died and gone to heaven to be on Midway. That's the kind of person that you want on Midway, not someone who's just bought a lot of trinkets at the ABC Store in O'ahu and now is getting to go up to Midway to check out some stuff. I think it presents the wrong attitude.
- 11) It's very, very sad. I'm very hurt. It's very hurtful to read the plan because it looks like a Resource Management Plan. It looks like you're building something, you're building tourism. Cruise ships, scary, plastic, pollution.
- 12) The cruise ships. Don't think that's a good idea up there. We have so much more to learn about this place before we open up. Not allowing more cruise ships.
- 13) Cruise ships? No way. Cruise ships have to go. It just puts a load on in the area that is unacceptable and it can't be sustained. It's just not a realistic situation. I think that there should be little to no activity on Midway during the nesting and chick season. We heard comment of the chicks being under the carts, et cetera. I probably will never be out there. But knowing it's there is all I need. It's like many other areas, Mother Nature dealt us a beautiful hand but man has destroyed every place they have gone. We don't need to destroy this little spot that's left. We're not reinventing the wheel. We have seen the action. We can look right here on the main islands of Hawai'i and see the devastation. It's listed as one of the most devastated environments in the world. And so we have a rather pristine area out here. We need to protect, maintain what is there. As I say I'll probably never see it. But I don't

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	<p>have to see it just knowing it's there for the migrating birds. The migrating birds can come here. But they don't come here. Why don't they come here? Because of man. They're not out there because they like that island better than this island. They're out there because there's nobody there. The more activity we put out there, regardless what it's for -- I understand and appreciate science and that kind of activity -- but to make tourism out there is nonsense. It's absolutely ridiculous. We have already ruined these islands of Hawai'i. Let's don't keep up that process.</p> <p>14) Cruise Ships (p.73) The DMMP mentions that two cruise ships visited Midway in 2004, and one cruise ship visited the site in the years 2005, 2006, and 2007. Are the number of cruise ships officially regulated, or have they been in the past? How and to what degree does the Monument financially benefit from these visits? Will the rising price of oil have an impact on the number of cruise ships that visit the Monument? How many cruise ships are estimated to visit the Monument each year? Activity VS-1.2: Provide Visitors with Opportunities to Learn About and Appreciate the Monument's Cultural and Historic Resources (p. 239) On occasions when cruise ship passengers are visiting Sand Island for the day, how will they be managed? Will these 800+ visitors be required to stay in groups led by Monument personnel? Will they be allowed to explore the island on their own?</p> <p>15) No cruise ships. I am surprised and dismayed that cruise ships are allowed anywhere in the Monument. Even at Midway Atoll, already heavily impacted by human presence for over a century, cruise ships are invasive. They are a danger to coral reefs and to the purity of the water. Oil spills, dumping of waste water, anchoring and running aground are potential dangers not worth risking. Cruise ships should be banned from the entire Monument, including Midway Atoll.</p> <p>16) Specifically, I disagree with the provisions that would allow cruise ships to visit the place.</p> <p>17) no cruise ships!!! Allowing cruise ships (which everyone knows are polluting the oceans) totally sends the wrong message...it flies in the face of your vision of ecosystem protection ("cultivate an ocean ecosystem stewardship ethic") of the Monument.</p> <p>18) Cruise ships should only be permitted in the vicinity of Midway and only with the strictest regulation of discharge of wastes and other activities deleterious to native ecosystems.</p>
26-03. Response	<p>In reviewing the many comments expressing general objections to cruise ships, we understand that much of the concern is related to impacts of large numbers of people at Midway at one time. While cruise ships may provide more than a mode of transportation to some of their passengers, we regard their visitation to the Monument as a means to carry members of the public to Midway. In this respect, there is little difference between a large ship and a large airplane that may also convey people to Midway. To address the concern, we concluded we need to refocus parts of the Midway Atoll</p>

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Visitor Services Plan toward the purpose of large-scale visits rather than the means of transport.

In addition to providing for overnight visitors, we believe it is equally important to allow day visitors to come to Midway—the “window to the Monument.” All visitors would learn about and experience its unique wildlife and historic resources, as well as the natural and cultural resources of the Monument and its importance to Native Hawaiians. The short-term visits would allow a broader range of visitors, including veterans and their families, many of whom may otherwise have difficulty getting to Midway and staying an entire week.

We have rewritten the objective in the visitor services plan to reflect bringing up to three larger groups (from 50 to 800 visitors) to Midway each year. These groups may arrive via aircraft or passenger vessel. All groups must meet all Monument findings and requirements specified in Presidential Proclamation 8031 and its implementing regulations at 50 CFR 404.11, including obtaining the appropriate (usually Special Ocean Use) Monument permit. In addition, passenger vessels and aircraft must meet specific Refuge requirements. No more than three such permits for large groups will be approved per year, and as in the past, all will be related to learning about the atoll’s wildlife and historic resources, and the Monument’s cultural significance.

Unless the Refuge Manager has approved a higher number (e.g., to participate in a ceremony commemorating the Battle of Midway), no more than 400 visitors would come ashore at any one time. In the past, Midway has hosted numerous large groups, numbering from 250 to 1,800 visitors each. Because they are limited to existing roads and trails, we have not documented any negative impacts from these visits. Visitors remain in areas where albatrosses are already acclimated to human presence, and they are restricted from any area where Hawaiian monk seals or green turtles are present. However, because the largest groups in our view taxed our ability to provide the high quality visitor experience we desire, we are now limiting the size of large groups to no more than 800 people. In our experience, these visits have had a very positive impact on our guests, with many expressing their commitment to maintaining such special wildlife habitats, doing their part to reduce threats to wildlife, and their appreciation for those who so valiantly fought the Battle of Midway.

Before arriving, passengers participate in an orientation session to ensure a safe visit for both humans and wildlife. They also learn during these orientations about the natural and historic resources of Midway Atoll, as well as of the broader Monument, and about the cultural significance of the NWHI to Native Hawaiians.

All large groups would be divided into smaller groups for walking tours along roads and trails. Because Midway does not have the infrastructure to support such large groups overnight, they typically arrive after sunrise and spend from 8 to 12 hours on Sand Island. Group sponsors provide water and food for their passengers and remove all trash generated by the visit from the atoll when they depart.

Most of those issues raised in public comment were previously addressed in the Interim Visitor Services Plan and

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	<p>compatibility determinations. New information raised in public comment included questions regarding this type of “mass tourism” and whether large groups of visitors would show proper respect and reverence for the NWHI as a place sacred to Native Hawaiians and the quality of experience with scores of visitors on-island simultaneously. Although no physical evidence of Native Hawaiian culture remains on Midway, it is particularly important to us to impart the sense of sacredness Native Hawaiians hold for the NWHI. Thus cultural briefings are required, reaching a far broader audience than just agency personnel, researchers, and other permittees. Also, we note that visitors arriving for week-long versus one-day visits may have different expectations of quality of visitor experience, and we hope to meet those differing expectations by scheduling such groups at different times.</p> <p>The National Wildlife Refuge System Administration Act of 1966, as amended, directs Refuge managers to facilitate compatible wildlife-dependent recreation (defined as hunting, fishing, wildlife observation and photography, and environmental education and interpretation), and makes these uses priority public uses of the National Wildlife Refuge System in planning and management. Uses are compatible when, in the sound professional judgment of the manager, they do not “materially interfere with or detract from” the purpose or purposes for which a National Wildlife Refuge was established. Presidential Proclamation 8031 leaves Midway Atoll as the only portion of the Monument open to public recreation, although it also prohibits extractive uses, such as hunting and fishing.</p> <p>In our determination, it is important that we do not arbitrarily discriminate between the types of visitors and how they arrive. Past experience at Midway has shown many natural resource converts among those who came for its history, and vice versa. Visitation to Midway is an important opportunity to gain awareness and support for the Monument.</p> <p>Cruise ship companies do pay significant fees when bringing visitors to Midway, but that is not the reason they are permitted to come. Our overriding goal is to allow visitors the opportunity to experience and learn about remote island ecosystems and the Monument’s significant wildlife, cultural, and historic resources.</p>
26-04. Comment	<p>The comments below suggest we broaden the recreational activities to be offered at Midway Atoll; e.g., offering SCUBA diving, sportfishing, golfing, windsurfing, and sailing.</p> <p>Comments:</p> <ol style="list-style-type: none"> 1) I would like to see scuba diving here and the reason is there is alot of other things besides the coral reef and the REEF HOTEL to see in a beautiful part of the world and on the island or inside the reef also plus not mention wrecks of the Corsair US NAVY World War 2 plane in the outside the reef and all the other stuff like the anchors where they used to park the large sailing vessels. Also i would like to see sport fishing out here and I have heard that it was a good source of fun and eating also for the island and it would be a good thing to have that back. I love fishing no matter what kind it is. Also I am certified PADI Master Scuba Diver with over 100 dives and I

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	<p>would be willing to help out whenever needed to go diving with Instructors. Plus a golf driving range or a small golf course would be nice not during bird season cause Morale and the weekend there isnt alot to do outside and i am a Outdoors guy and this island is small but it could be a great place for all these to be at and so thanks and hope this happens.</p> <p>2) I would like you to consider sailing or windsurfing in small craft in the lagoon at Midway.</p>
26-04. Response	<p>The National Wildlife Refuge System Administration Act of 1996, as amended, requires that any proposed or existing use of a national wildlife refuge must be appropriate. It also requires that this use must not materially detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of the National Wildlife Refuge. For the most part, approved recreation on a refuge is wildlife dependent. Activities such as golfing, windsurfing, and sailing are not wildlife dependent, do not support the Refuge System’s mission or purposes, and may negatively affect Midway’s wildlife resources. Therefore, these activities are not considered appropriate on Midway Atoll. Sportfishing is precluded by Presidential Proclamation 8031, which established Papahānaumokuākea Marine National Monument. Alternatively, scuba diving to observe wildlife and historic resources has been determined to be compatible and is included within the Midway Atoll Visitor Services Plan. Our goal is to reestablish an active dive program for visitors on Midway by May 2011 through the use of a concessionaire.</p>
Unique Comments	
26-05. Comment	<p>The last one is world heritage status. There are a lot of concerns about world heritage status linking to vastly increasing tourism numbers.</p>
26-05. Response	<p>Inclusion on the World Heritage List would have no effect on visitor use or visitation policy. World Heritage listing does not require that sites be open to visitors. The Monument’s visitation policy—that only Midway Atoll will be open to the public, at a maximum of 50 overnight visitors a day—would not be affected by the Monument becoming a World Heritage site.</p>
26-06. Comment	<p>How will tourists take to any inspection for possible alien species introduction? Will the barges, sea planes, cruise ships be fumigated?</p>
26-06. Response	<p>To date, our visitors have been very understanding of the need to inspect their luggage to prevent the introduction of alien species. Inspection takes place as they depart Midway also, to prevent the importation of new alien species to Hawai‘i. Vessels are not “fumigated” per se, but they are inspected before departing for the Monument and are treated, as necessary. Containers transporting goods to the islands are treated for insects before departure, and rodent traps are set</p>

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	within the containers.
26-07. Comment	In your Draft Management Plan you talked about the possibility of allowing up to 50 visitors a night. I'm really concerned about that number because with our 14 people we had approximately three people with us at all times. There was a gentleman named Winn Simpman (phonetic) the Oceanic Society. Murray, who's name I forget, was with Fish and Wildlife. Then there was a wildlife biologist who also came with us on certain things. I think it was John Claveter. (Phonetic) Anyway, we had a lot of oversight and we learned a tremendous amount. If you had triple or quadruple that amount I would say you'd have to triple and quadruple the amount of people. Unless you had a whole bunch of volunteers I can't see paying for that many more professionals. Having a smaller group also developed a lot of camaraderie. We were able to talk to the Fish and Wildlife staff. And I think when you have a smaller group you develop really intense advocates for the islands.
26-07. Response	Although we agree that visitors generally learn more in small groups, we believe allowing 50 overnight visitors is well within the biological carrying capacity of Midway Atoll and would not materially detract from wildlife conservation. At the same time it would allow more people to experience and learn about the Monument.
26-08. Comment	I want to thank you for all that you're trying to do for the Hawaiian Islands. I have learned a lot tonight from the comments that other people have made also. To me I kept connecting these special islands with the Galapagos Islands in the sense that the Galapagos Islands are a place that people tried to preserve because they were unique. We keep hearing that they're having a lot of problems as the years go by because of so much tourism and so much debris. And I hope that you will keep in mind—I appreciated the earlier person who commented about comparing this with other places—but I hope you'll also keep in mind places like the Galapagos where they have not strongly enough managed it it would appear, their tourism. Unfortunately they're seeing some damage resulting from it. So I know that you're doing your best. And I hope you will continue to listen to the community. And I hope we can really preserve these islands. Just like a lot of other people I still want to go there but I'm willing to forego it. I've never been to the Galapagos. I'd rather forego going there than contribute to the problems.
26-08. Response	Our existing limits on tourism—no more than 50 overnight visitors at any one time, and up to 3 large day-use groups per year (numbering 50 to 800, with no more than 400 daytime visitors on island at any one time)—are designed to provide appropriate opportunities for visitors to learn about and experience Monument resources without negatively impacting them.
26-09. Comment	Finally, I would like to speak to a little bit of the ideas about the visitor plan. Again, and I think it talks to a little bit the unique Hawaiian nature of this place. I'm concerned people have talked about carrying capacity. I had the opportunity to

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	<p>speak to the gentleman that says he spends most of his time, he lives there. I'm concerned that we're not doing enough to maintain the unique Hawaiian character and heritage of the place. I'm very respectful of the military activities and the history that goes on with them. And I think it's important that people have an opportunity to stay connected to that. But I believe by offering the opportunity for more and more people to visit there that potentially we're moving in a direction that the main Hawaiian Islands have gone which is a bit of a cultural dilution. And if it's going to be the place the idea of bringing the place to the people and not the people to the place. I'd like to emphasize that idea. If we do bring the people to the place that they have a very culturally connected experience. Ecotourism is not necessarily something that I find to be deeply connected to culture. And I have a lot of concerns that as we bring more and more people there that there's potential for transgression against the Native Hawaiian culture.</p>
26-09. Response	<p>Under Presidential Proclamation 8031, recreational visitation within the Monument is limited to Midway Atoll. The Co-Trustees have limited the number of overnight visitors to no more than 50 at any one time. Up to three larger groups (50 to 800 people, with no more than 400 day visitors at any one time) are allowed to visit Midway each year. All visitor activities are under Monument permits and must meet the Proclamation's findings and requirements. The visitor program enhances our ability to share the importance of the NWHI, as well as its sacred status to Native Hawaiian communities, and to share this with a broader group of people.</p>
26-10. Comment	<p>I do not agree with the access policies which have been promulgated. It seems to me that with the cessation of commercial activities the area will thrive. With the only area open to public access being Midway Island, for the vast majority of people, access will be impossible.</p> <p>The fact is, even if all areas were accessible by the public, very few people would actually visit the area. It is remote. One would think that a reasonable permit process including some testing process to ensure visitors understood what was permitted and what was not, combined with a monitoring operation would allow access without risk to the environment.</p>
26-10. Response	<p>Presidential Proclamation 8031, which established the Monument, authorized recreational visitors at Midway Atoll only. The managing agencies have no authority to allow access for recreational visitors elsewhere.</p>
26-11. Comment	<p>I read in the original bill that vessels would have to have a monitoring device; this seems like a reasonable thing. It also seems reasonable that people who want to visit the Monument, as a rule, would be people who value what is being done and consequently would be unlikely to cause harm. It seems quite likely that these visitors could actually be used for the benefit of the monument. At the very least concerned visitors could provide random monitoring of the area and could report suspicious activity, removing some flotsam and jetsam, and possibly some other services.</p>
26-11.	<p>Individuals who wish to access the Monument for nonrecreational activities may apply for a Monument permit for their</p>

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Response	activities. Activities would need to meet all the permit criteria and findings of the Proclamation, as found in Appendix D of the Monument Management Plan.
26-12. Comment	Stays might be extended to include added time for habitat restoration and beach clean-up.
26-12. Response	We are willing to work with our visitor program permittees to allow visitors to stay longer on Midway, as long as the numbers of overnight visitors does not exceed 50 people per night and that transportation arrangements can be made. We have no requirement that visitors stay only a specified period, except for the daytime only larger groups.
26-13. Comment	By all means allow people into the garden of Papahānaumokuēa, but with the understanding that they must pay for the privilege by helping tend that garden. There are ample ways they can do this: scientific research, debris removal, replenishment of native flora and fauna, educational programs for schools, etc. Cruise ships, exploitative fishing vessels, and others who consume without replenishing should be prohibited.
26-13. Response	The Midway Atoll Visitor Services Plan specifically seeks to provide opportunities for visitors to give back to the Monument through habitat restoration, beach cleanups, wildlife monitoring, and historic restoration. Visitors—whether they stay only a few hours or for many days—also are encouraged to share their experiences when they return home, often to school groups, interest groups, neighbors, or other entities. Under the terms of the Presidential Proclamation establishing the Monument, commercial fishing vessels will be phased out of the Monument no later than June 6, 2011.
26-14. Comment	I do think that providing strategic access to the Monument, especially to those who may be able to inspire others, is warranted. Documentary producers, writers, and musicians are one such group. Teachers are another important constituency, especially if they can be supported in providing distance learning opportunities (via web cams, etc.) to their students. Politicians and business people, who make policy and have the power to influence how business is conducted, should see this special place and come to understand a little about it. The list goes on.
26-14. Response	We agree; such access is provided for within the Monument Management Plan and Midway Atoll Visitor Services Plan.
26-15. Comment	Not too many people take advantage of the opportunity to visit this wonderful destination. Too bad, too. More people should take this beautiful site in on land and under the sea. Take our word for it, it is worth the time, the bucks, the experience. It is one you will never, ever forget. And that's a promise. I don't want too many people to go. And I don't want them to all go at the same time. But I certainly believe that if you go, you will appreciate it even more.
26-15.	We agree, which is why we have consistently supported a visitor program on Midway Atoll.

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Response	
26-16. Comment	There is concern about visitation. I fortunately was, for my—I was there during the start of the visitor program, and I think we made some mistakes. And I'm happy to see that those mistakes have been corrected in the revised plan. The only unfortunate thing about the visitor program from my perspective is that you can't get enough people out there who really want to see it. You're physically limited by the transportation and facilities and, frankly, now by cost. So there will always be people that can't go. But I would encourage you to let that program rebuild.
26-16. Response	The Midway Atoll Visitor Services Action Plan and its associated Midway Atoll Visitor Services Plan would allow the program to grow from the current level of approximately 15 overnight visitors to 50 overnight visitors within existing infrastructure limitations. At least for the next 15 years, we have not planned for expanding beyond that level. We agree that transportation and facilities are limiting factors, particularly transportation. In the Coordinated Field Operations Action Plan, we propose to identify alternative aircraft transportation between Honolulu and Midway within five years.
26-17. Comment	So, finally, you also mentioned—these are some little details—that you might rent golf carts to people. Renting the bicycles is okay. But we noticed that even on the bigger golf carts in the heat of the day the chicks sit underneath the golf carts. Even though there were maybe eight people getting onto a golf cart, sometimes we would almost miss that there was a chick hiding underneath. So I just think renting it to your everyday visitor might not be the best idea.
26-17. Response	Although we encourage our visitors to either walk or ride bicycles as their means of transportation on Midway, some people are physically incapable of doing so. To accommodate their needs, we try to have small golf carts available to rent. Anyone renting a golf cart is provided specific directions about safely operating the vehicle within a bird colony.
26-18. Comment	I feel there should be highly controlled very small-scale ecotourism on Midway. If just a very few are allowed to see the treasures of this marine monument, maybe they can spread the word to the many that it is imperative to protect this entire marine area. That's really all I have to say. It's worth protecting. Do whatever you can to protect it.
26-18. Response	We agree, which is why we have consistently supported a visitor program on Midway Atoll.
26-19. Comment	Fails to set a cap on the number of day-visitors to Midway.
26-19. Response	We have modified the Midway Atoll Visitor Services Plan to allow no more than three large daytime visits each year. Each visit may bring as many as 800 people to Midway, but no more than 400 may be on the island at any one time, unless Refuge management has specifically approved a larger number to participate in an event, such as a ceremony

Comment Category 26 - Tourism	
	honoring the Battle of Midway.
26-20. Comment	For any permitted human activity in the NM a precautionary principle of “leave no trace” must be employed. Everything that gets carried in gets carried out as is the practice now in many protected areas within the national park system.
26-20. Response	When large groups of visitors visit Midway, their sponsors are required to remove any trash generated by the visit. It is not feasible for smaller groups of visitors traveling on the current small charter aircraft to take back any trash they generate, so this refuse is processed on island.
26-21. Comment	Space should be limited to 30 at any one time and should students, contractors and researchers as well as eco-tourists.
26-21. Response	The infrastructure at Midway can accommodate approximately 120 people at any one time, and we strive to keep the total number at approximately that level. We could not meet our operational requirements with only 30 staff and contractors.
26-22. Comment	<p>Probably the most amazing vacation I ever had was the week-long cruise of the Great Barrier Reef in Australia. It was a relatively small boat (approx. 15 passengers plus crew). All the cruises on the reef were controlled, licensed and did no damage.</p> <p>As I understand it, there are no plans to allow similar cruises in the Northwestern Islands. That’s a shame because no pictures or films I’ve seen have even halfway matched the beauty of being there.</p> <p>Not only would this policy deny a life-time experience to the public, educating and publicizing the value and worth of the Northwestern Islands, but would also keep the informal eyes of the passengers and crews from noticing and reporting illegal trespassers. Isn’t illegal fishing still a problem there?</p> <p>Totally banning anyone but scientists seems to be a remarkably “dog in the manger” attitude.</p>
26-22. Response	This type of cruise would probably be precluded by the requirements of Presidential Proclamation 8031, as well as the remoteness of the area. The Proclamation does allow Special Ocean Uses outside of Midway Atoll but mandates that the activity not involve the use of a commercial passenger vessel. Sailboats operators may be issued recreational permits to pass through the Monument en route to Midway, but they must meet all requirements, such as those for hull inspections and vessel monitoring systems.
26-23. Comment	HHF has reservation about the Preferred Alternative for Midway Atoll Visitor Services (Section 1.6.14). While it is important to provide educational opportunities, as well as heritage- and eco-tourism options for a limited number of visitors, that need must be carefully considered against the potential impact to the resources. Where synergy is possible and the visitation enhances the resource (such as through volunteer activities), it is much more supportable than simple

Comment Category 26 - Tourism	
	tourism. HHF will support the careful expansion and implementation of visitor services with the explicit commitment to use of the precautionary principle, wherein the well-being of the history and natural resources is prioritized over the use or convenience of the visitor. HHF also recommends that regular and meaningful opportunities for input from public interest groups be sought to help ensure accountability and necessary course corrections.
26-23. Response	We appreciate your support of our small-scale visitor program at Midway and assure you it will be closely monitored to avoid impacts on any natural or historic resources. We are working with a potential permittee who is interested in bringing a visitor group to Midway specifically to work on a historic restoration project. As you point out, visitor volunteers can play an important role in meeting our mission.
26-24. Comment	No tourism should be planned for at least 10 years, or until restoration is complete and then in only a very limited way.
26-24. Response	Our small-scale visitor program not only brings us help with our restoration program, but it helps educate people about the impacts humans can have on remote island ecosystems from their homes far away. We feel the educational value of the visitor program far outweighs any potential negative impacts.
26-25. Comment	So, I think it would be worthwhile to see if the concessions could begin working, if they're not already and I'm sorry, I'm totally ignorant, but if there is a way of ensuring that some day, maybe the concession comes home to Hawaii, it's Hawaii based, Hawaiian based, you know, and this isn't racist or anything, but, you know, it's also natural. You remember, those islands are ultimately among the firstborn children, only which the kanaka followed afterwards, you know, the Hawaiians followed afterwards, so it would be worth to bring some of this connection of spirit in it and see if the concession, you know, can have a local base rather than a mainland or even a foreign or let's go to a Jacques Cousteau or something, I mean, you know.
26-25. Response	At present, we have no concessionaires at Midway, but we do have several permittees who are bringing visitors to the atoll under Special Ocean Use permits. We would welcome and encourage permit applications from Native Hawaiians to bring one or more groups of visitors to Midway. If in the future we offer opportunities for visitor concessionaire operations, we would be required to follow federal contracting procedures. Again, Native Hawaiian or other Hawaiian groups are encouraged to respond to any solicitations for concessionaire operations.
26-26. Comment	Throughout the determinations, there appears to be a theme of unconsciousness around how greater visitor activity will potentially have negative or destructive cultural impacts. As we saw in proceeding documents, this is a fundamental error that has resonated throughout the entirety of the DMMP and needs to be addressed at its core.
26-26.	Under Presidential Proclamation 8031, recreational visitation within the Monument is limited to Midway Atoll. The Co-

Comment Category 26 - Tourism	
Response	Trustees have limited the number of overnight visitors to no more than 50 at any one time. Up to three larger groups (50 to 800 people) are allowed to visit Midway each year. All visitor activities are under Monument permits and must meet the Proclamation’s findings and requirements. We feel the visitor program enhances our ability to share the importance of the NWHI, as well as its sacred status to Native Hawaiian communities, and to share this with a broader group of people.
26-27. Comment	<p>Midway Atoll Visitor Services Action Plan – Section 3.4.3</p> <p>MCBI supports a visitor program to Midway, as long as the conditions of the program are sufficient to ensure that conservation of the NWHI ecosystem, its unique flora and fauna, and other resource protections, remain the top priority and are achieved within the context of the program. Activity VS-1.3 would establish monitoring of the visitor program, but the results of this monitoring are not mentioned in Strategy VS-2, which would assess the overall success and needs of the program. Because protection is the goal of the Monument, the biennial assessment of the visitor program must explicitly consider and defer to monitoring results and resource needs, not just to finances and visitor satisfaction.</p> <p>It is not clear why wildlife dependent and independent activities are given different review timeframes. On the surface, it would seem that wildlife dependent activities should have the shorter of the two timeframes.</p> <p>Visitor impact should be mitigated by restricting locations for visitor interactions. For example, steps should be taken to minimize visitor impact to fragile coral reefs by controlling entry/exit locations. MCBI feels that, given the draw of the Monument, monthly and yearly limits should be placed on the total number of short-duration prearranged visits discussed in Strategy VS-1. Education of visitors should include ways that Monument restrictions are relevant to other areas. For example, this will be a prime opportunity to educate visitors about interactions with wildlife, ways to prevent damage to coral reefs while snorkeling and diving, and the impact of marine debris throughout the Pacific.</p> <p>Most importantly, given funding and staffing restrictions, the visitor program should not take priority over necessary research and management activities to protect the NWHI ecosystem and cultural resources with the Monument. While there will certainly be an allure to spending time and money on the visitor program (as seen in proposed budget of the Draft Plan), it can never be forgotten that protection is the purpose of this Monument. In that vein, and as mentioned above, MCBI applauds Activity CFO-1.3, which would develop renewable energy and waste reduction systems in development plans.</p>
26-27. Response	<p>We agree that the visitor assessment should include the results of monitoring the impact of visitors and have modified the text in Strategy VS-2 accordingly. In addition, the Refuge Manager has the authority to immediately alter any aspect of the visitor program deemed to have a negative impact on wildlife or historic resources.</p> <p>The reevaluation period for wildlife-dependent and nonwildlife-dependent activities is mandated by the National Wildlife Refuge System Improvement Act of 1997. Congress also stated in the act that “compatible wildlife-dependent recreation</p>

Comment Category 26 - Tourism	
	is a legitimate and appropriate general public use of the System, directly related to the mission of the System and the purposes of many refuges, and which generally fosters refuge management and through which the American public can develop an appreciation for fish and wildlife.” We are very supportive of the visitor program on Midway Atoll as the “window to the Monument,” the only location within its boundaries where people may learn about and experience its unique resources. Our current requirements of no more than 50 overnight visitors at any one time and no more than 800 day visitors at up to three events per year provide adequate limits without establishing a yearly cap.
26-28. Comment	Passage without interruption must no longer be allowed.
26-28. Response	Passage without interruption is allowed under Proclamation 8031. Ship reporting requirements adopted by the IMO and PMNM regulations require vessels with e-mail capability to provide notification upon entering and leaving the reporting area around the Monument. Vessels without e-mail capability must provide notice at least 72 hours before entering the Monument and within 12 hours after they leave.
26-29. Comment	I think like one of the speakers said tonight, that we—I think it was the Surfrider Foundation, we need to think more of this as a conservation effort, rather than a tourist attraction, and we need to keep human intervention to a minimum. Horror stories of people saying that there are going to be cruise ships or groups of 50 people a day spending the night on one of these preserved islands is just unthinkable. We should learn from our brothers and sisters on the Galapagos Islands who are taking a very minimal amount of people, but they’ve almost destroyed the habitat there biologically. We need to really, really keep this to a very bare minimum of human contact, if at all, and why we would allow things like fishing or anything to be taken is just against the whole purpose of having the monument, which should be and is espoused to be conservation.
26-29. Response	Protecting the health, diversity, and resources of the NWHI ecosystems is our constant and highest concern. Although we have not included specific annual limits on the number of people accessing the area in the Monument Management Plan, we closely manage and monitor all activities through the interagency permitting process, the Papahānaumokuākea Information Management System, and the Monument Evaluation Action Plan (3.6.4). The number of tourists visiting the Monument at any one time is also limited through the Midway Atoll Visitor Services Plan.

Comment Category 27 – Transportation	
Unique Comments	
27-01.	The comments below provide input regarding the concerns for the additional risks introduced through the increase of

Comment Category 27 – Transportation	
Comment	<p>traffic in the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> 1) OHA understands that inspections are mandatory for all vessels prior to entering the Monument and that continuous passage is not prohibited. OHA suggests prohibiting the transit of hazardous cargo through Papahānaumokuākea. We also recommend requiring a certificate of financial responsibility and/or insurance for vessels entering the area. A polluter pays principle should be adopted throughout Papahānaumokuākea that extends to any type of harm caused. Another suggestion is to not prohibit transit but to regulate it by designating sea lanes through Papahānaumokuākea. 2) 3.3.3 Maritime Transportation and Aviation Plan. We appreciate that the Maritime Transportation and Aviation Action Plan acknowledges that both maritime transportation and aviation bring with them risks to Monument resources. However, Ocean Conservancy urges revision of the DMMP to more specifically discuss the fact that any future increase in access to and use of the Monument related to activities described in the Plan, will necessarily result in increased airplane traffic and increased risks associated with transportation. Discussion of maritime transportation and aviation uses of the NWHI associated with military activities such as RIMPAC should be included in the “Current Status and Background” section at Page 205 and should be addressed under all appropriate Strategies and Activities in this action plan. 3) Maritime transportation in particular presents what is likely the greatest threat of catastrophic damage to the NWHI via an oil spill or major vessel grounding. Given the potential for extreme damage from such an incident, the DMMP should identify all available measures to reduce the risk of such an event. Fundamental to the task of reducing risks associated with maritime transportation is a basic understanding of how many ships are in the Monument, where they are and what they are doing. The DMMP recognizes the need for better information to assess (and then reduce) hazards associated with transportation activities under Activity MTA-2.1 Conduct studies on potential aircraft and vessel hazards and impacts and identifies specific studies that might be conducted such as noise and light impacts and a discharge study. Although we support pursuit of specific hazard studies, we believe there is a fundamental need for development of a comprehensive vessel reporting system for all vessels entering or transiting the Monument.
27-01. Response	<p>When developing the Monument Management Plan, we considered the threats and relative risks to Monument resources from commercial shipping, including from hazardous cargo. We also considered the protective measures from the International Maritime Organization designating the Monument as a Particularly Sensitive Sea Area. The International Maritime Organization is a specialized agency of the United Nations that addresses navigation safety and protects the environment from commercial shipping activities. Protective measures developed by the United States and adopted by</p>

Comment Category 27 – Transportation	
	<p>the International Maritime Organization, in association with Particularly Sensitive Sea Area designation, include Areas To Be Avoided and a ship reporting system. These measures appear on international nautical charts and have multiple uses, as follows: They direct ships away from coral reefs, shipwrecks, and other ecologically or culturally sensitive areas in the Monument; they encourage ships to use three transit corridors in between Areas To Be Avoided if they must transit through the Monument; and they facilitate a timely response to emergencies.</p> <p>At this time, these international protective measures, in conjunction with those in Presidential Proclamation 8031 and implementing regulations, appear adequate to address the threats to the Monument from commercial shipping. The measures are consistent with international law, in particular customary international law, as reflected in the 1982 United Nations Convention on the Law of the Sea. Of course, Monument staff would monitor the adequacy of these measures, and, if deemed necessary, we may consider additional measures.</p> <p>The MMB added language to the Maritime Transportation and Aviation Action Plan (3.3.3) need for action. We also added military vessel and aircraft use to the current status and background.</p>
Unique Comments	
27-02. Comment	I would like to see greater emphasis placed on the issue of potential groundings by vessels passing through or near to the archipelago. The fear of a major oil spill kept me up at night when stationed at Midway, but it is the prospect of a spill at a more remote location in the archipelago that carries with it the greatest risk to fish and wildlife.
27-02. Response	Emergency response for events such as vessel groundings, oil, fuel, or chemical spills, or releases of hazardous substances is addressed through the Area Contingency Plan for the Hawaiian Islands. This is a local plan under the larger structure of the National Response Plan. The Monument Co-Trustees and Interagency Coordinating Committee will address NWHI responses as part of the Area Contingency Plan. The Emergency Response and Natural Resource Damage Assessment Action Plan describes strategies and activities to plan for and respond to an emergency within the established Incident Command System for the region. The plan also applies to other unanticipated events that fall outside the scope of the Area Contingency Plan for the Hawaiian Islands. Because of the extensive infrastructure found at Midway Atoll, Monument has developed several Midway-specific contingency plans, as follows: Emergency Spill Response Plan, Spill Prevention and Control Counter Measure Plan, and Airport Emergency Action Plan.
27-03. Comment	Under Activity MTA-1.1 Coordinate implementation of domestic and international shipping designations with appropriate entities, the DMMP discusses the April 2, 2008 designation of the NWHI as a Particularly Sensitive Habitat Area (PSSA) by the International Maritime Organization. Ocean Conservancy strongly supports this designation and we were particularly pleased to see that this designation included expansion and amendment of six existing “Areas to be Avoided” and establishment of a ship reporting system for vessels transiting the Monument. The DMMP notes that a:

Comment Category 27 – Transportation	
	<p>“ship reporting system is mandatory for ships entering or departing a U.S. port of place and recommendatory for other ships.” The DMMP also includes discussion of a Vessel Monitoring System in the Enforcement Action Plan: Activity EN-2.2 Operate a Vessel Monitoring System for all permitted vessels and Activity EN-2.3 Integrate additional automated monitoring systems and ship reporting systems for all vessels transiting the Monument. However, it is not clear from the current DMMP text whether such systems are currently capable of tracking all vessels within Monument water and if not, how vessel traffic that does not come under the existing VMS or PSSA requirements will be tracked.</p> <p>A recent baseline study, Franklin (2008), documented the magnitude and spatial distribution of vessel traffic patterns in the NWHI for the first time. Noting that the NWHI has not had access to an automatic identification system (AIS) or radar array to facilitate the tracking and identification of vessel traffic and provide information on past or present vessel activity, Franklin concludes: “Future efforts to monitor vessel traffic in the PMNM would benefit greatly from the delivery of near-realtime or realtime information from a suite of technologies such as satellite imagery, high frequency surface radar, or remote AIS receivers.” Such technology is available and is currently utilized in other areas of the U.S. For example, in the San Francisco Bay area, the public can track all commercial vessels in real time via a public website. We urge revision of the Maritime Transportation and Aviation, Emergency Response and Enforcement Action Plans to explicitly require implementation of a comprehensive system for tracking all vessels within NWHI waters and to include discussion of any existing “holes” in such comprehensive coverage and how they can be filled.</p>
27-03. Response	<p>The law enforcement agencies and the Coast Guard charged with enforcing the laws and regulations within the Monument are examining an array of technologies and will use those that help protect the Monument and to detect those who would harm it. We will continue to use existing technologies to the greatest extent, while identifying opportunities to expand the use of new technologies, to the extent allowable under domestic and international law.</p>

Comment Category 28 - Volunteers	
Summarized Comments	
28-01. Comment	<p>The following comments are requests for more volunteer opportunities be made available within the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> 1) Increase volunteering opportunities. 2) Far more volunteers would be available if they did not have to commit to 3 months. I believe efforts should be made to shorten the time commitment to 30 days. 3) And volunteer opportunities are a really good way to get people involved. I’m not sure how that’s going to be

Comment Category 28 - Volunteers	
	<p>encouraged. But I would like to see maybe the possibility of shorter term volunteer trips. Not many people can take a whole month or two months off to be able to give back. Maybe there could be shorter trips that really work people hard. And the people who can't go on these volunteer trips as well as the education workshops, perhaps there is a way that they can earn their spot. So it's not just the people who sign up first or not just the people who can pay, you know. I'm sure it costs a lot to go there. If there is a way that they can earn it by actually doing things where they live on their own island, being able to demonstrate that they can take care of their place as well as the Northwestern Hawaiian Islands, and continue to do that when they return from their trip.</p>
28-01. Response	<p>Most volunteer positions within the Monument are from three to six months, due to limited means of access to remote islands and to increased training efficiencies and expertise. Even with these sizable time commitments, many more people apply to become volunteers than we can physically accommodate; for this reason, we will maintain the current requirements.</p>
Unique Comments	
28-02. Comment	<p>How do you plan to recruit and qualify volunteers for work on these islands?</p>
28-02. Response	<p>As indicated in the Constituency Building and Outreach Action Plan, volunteers play an important role in habitat restoration and wildlife monitoring within the Monument. Due to infrequent opportunities for transport to the islands, most volunteer opportunities are a minimum of three months in duration, with some up to six months or longer. Requirements, duties, and other pertinent information are available on the Internet at www.fws.gov/hawaiianislands and www.fws.gov/midway.</p>

Comment Category 29- Cumulative Impacts	
Summarized Comments	
29-01. Comment	<p>Comments suggested the plan should include an assessment of the cumulative impacts of activities permitted by the MMB over the last two years and resulting from implementation of the Proposed Action.</p> <p>Comments:</p> <ol style="list-style-type: none"> 1) That's why we're also seeking a cumulative impact assessment. A cumulative impact assessment gives you the information your need to make informed management decisions. But you're not doing one of those. 2) As is noted in the chapter 4 of the DEA, the National Environmental Policy Act (NEPA) requires evaluation of the proposed project regarding cumulative effects; significant unavoidable negative effects; the relationship between short term uses and long term productivity; and any irreversible or irretrievable commitment of resources. Unfortunately the analysis within the DEA is woefully inadequate in regards to each of these criteria. 3) And we're also talking the short past term, the last two years. The last two years haven't gotten any environmental review whatsoever. They need to be part of the cumulative impact assessment, the integrated permitting plan, all the things that were up on the screen during the PowerPoint presentation about all we have done in the last two years. 4) The Draft EA does not effectively address the pre-existing or past conditions and how the proposed actions will interact with the already highly fragile ecosystem that exists within the Monument. In addition to all the quantified impacts from military activity, shipwrecks, fishing and other activities, the last two years has seen a range of activities and permits issued, yet in analyzing the cumulative impacts of proposed actions, there is no mention of the impacts and effects that these recent activities have had within the Monument. It is appropriate for the DMMP and EA to analyze each of these previously and presently occurring actions when considering what the cumulative effect of proposed actions will be within the Monument. Instead of objectively assessing the risks and impacts of past and on-going human activities in the Monument, the DMMP and DEA declare all currently allowed activities and procedures to be the baseline for analysis. This means there has been no independent review of the permitting process, current research activities, military exercises and tourism activities. The DEA should evaluate all current activities and procedures in the Monument for cumulative harm & risks to public trust resources. Co-managers should establish a numerical carrying capacity for activities in the Monument based on the precautionary principle. 5) Page 241: The Cumulative Effects on natural resources is not an analysis and is incomplete. For example, there is no analysis on Monument and its management activities and their cumulative impacts to the Hawaiian monk seal. The Hawaiian monk seal is one of the planet's most endangered species and is declining in the NWHI at an

Comment Category 29- Cumulative Impacts	
	<p>alarming rate. However, the cumulative impact section does not describe the overall effect of the Monument on this species. This seems to be not in line with NEPA. Moreover, conclusory statements regarding potential cumulative effects are not justifiable without proper analysis and leaves the reader doubting the overall benefit to natural resources that occur in the NWHI.</p>
29-01. Response	<p>40 CFR Parts 1500-1508 requires Federal agencies to conduct an assessment of cumulative impacts resulting from implementation of the Proposed Action. Volume II, Chapter 4: Other NEPA Analyses contains the cumulative impact assessment for the Papahānaumokuākea Marine National Monument Management Plan.</p> <p>The MMB recognizes the importance of evaluating the cumulative impacts of human activities conducted in the Monument and is collecting data for this analysis. Assessing and analyzing required permit reports for all permitted Monument human activities will be a primary means for resource managers to understand the cumulative impact of ongoing activities (see Activity P-2.2, Analyze permit data to inform management decision making). In addition, information about past activities, such as military uses and fishing, is critical to our understanding of the Monument’s ecosystem and to establish a baseline for evaluating the health and condition of the its natural, cultural, and historic resources and analyzing how current activities, either individually or cumulatively, are impacting Monument resources. Such past activity data is one of the many data sources that we will incorporate into the Information Management System (Activity IM-1.1, Activity IM-1.4, and Activity P-2.1).</p> <p>A fundamental component of any threat or risk assessment is to have a baseline understanding of the Monument ecosystems and how these may be influenced by natural and human activities. Strategies MCS-1, Continue and expand research, characterization and monitoring of marine ecosystems, and MCS-2, Assess and prioritize research and monitoring activities, will provide the fundamental monitoring data and information that is essential, along with the human use and impact data described above, to conduct such assessments. While data is mostly collected and analyzed for local areas in the Monument, collectively it supports other efforts to evaluate the threats to the NWHI at a Monument or regional scale. In response to the comments, we have changed the text to the Monument Management Plan in Section 3.4.1, Permitting Action Plan, Permit Tracking, and Activity P-2.2.</p> <p>Until a comprehensive analysis of threats, including human uses, is completed, the MMB as a matter of policy seeks to ensure that access is consistent with Proclamation 8031 and that, wherever possible, activities are combined to limit multiple visits to a given area. Carrying capacity could need to be assessed for biological, ecological, cultural, physical, social, infrastructure, and other conditions for any given area. However, the MMB must first focus its efforts on establishing baseline parameters for measuring changes to the health, quality, or function of Monument resources; then, we must assess the relative individual and cumulative impacts from human activities on these resources. Information collected and analyzed will depend on the activity and the specific ecosystem that the activity is conducted in. The</p>

Comment Category 29- Cumulative Impacts	
	<p>results from the cumulative impact analysis, the risk assessment, and the monitoring conducted in the Monument will help define these values over time. It will not be possible to consider various carrying capacities for the Monument resources until these data can be analyzed. It will also be important that these values be regularly revisited as we learn more about the ecosystem and the changing environment.</p>
29-02. Comment	<p>Comments suggested the plan should include an assessment of the cumulative, short and long-term impacts resulting from global warming, military, and commercial activities.</p> <p>Comments:</p> <ol style="list-style-type: none"> 1) We also need to look at some serious long-term future things like global warming. The cumulative impact assessment currently doesn't even consider global warming. We all recognize that this is going to happen. It's going to have serious management implications. 2) 'It's also why people feel so strongly about not having any military activity in the Northwestern Hawaiian Islands. If we don't put our foot down it's gonna happen. 3) A cumulative impact assessment means you look at long-term past, things that have happened. And we're talking about the military carpet bombing, all of the different attempts at commercial exploitation in the Northwestern Hawaiian Islands.
29-02. Response	<p>The present environmental conditions and baseline analyzed as part of the EA reflect the impacts to date of activities that have occurred in the Monument as well as the effects of climate change. The management strategy for the Monument includes on-going monitoring of resources and qualities to inform future management actions.</p> <p>The MMB recognizes the importance of evaluating the long-term cumulative impacts of human activities conducted in the Monument and is collecting data for this analysis. Assessing and analyzing required permit reports for all permitted Monument human activities will be a primary means for resource managers to understand the cumulative impact of ongoing activities (see Activity P-2.2, Analyze permit data to inform management decision making). In addition, information about past activities, such as military uses and fishing, is critical to our understanding of the Monument's ecosystem and to establish a baseline for evaluating the health and condition of the its natural, cultural, and historic resources and analyzing how current activities, either individually or cumulatively, are impacting Monument resources. Such past activity data is one of the many data sources that we will incorporate into the Information Management System (Activity IM-1.1, Activity IM-1.4, and Activity P-2.1).</p> <p>A fundamental component of any threat or risk assessment is to have a baseline understanding of the Monument ecosystems and how these may be influenced by natural and human activities. Strategies MCS-1, Continue and expand research, characterization and monitoring of marine ecosystems, and MCS-2, Assess and prioritize research and</p>

Comment Category 29- Cumulative Impacts

monitoring activities, will provide the fundamental monitoring data and information that is essential, along with the human use and impact data described above, to conduct such assessments. While data is mostly collected and analyzed for local areas in the Monument, collectively it supports other efforts to evaluate the threats to the NWHI at a Monument or regional scale. In response to the comments, we have changed the text to the Monument Management Plan in Section 3.4.1, Permitting Action Plan, Permit Tracking, and Activity P-2.2.

Until a comprehensive analysis of threats, including human uses, is completed, the MMB as a matter of policy seeks to ensure that access is consistent with Proclamation 8031 and that, wherever possible, activities are combined to limit multiple visits to a given area. Carrying capacity could need to be assessed for biological, ecological, cultural, physical, social, infrastructure, and other conditions for any given area. However, the MMB must first focus its efforts on establishing baseline parameters for measuring changes to the health, quality, or function of Monument resources; then, we must assess the relative individual and cumulative impacts from human activities on these resources. Information collected and analyzed will depend on the activity and the specific ecosystem that the activity is conducted in. The results from the cumulative impact analysis, the risk assessment, and the monitoring conducted in the Monument will help define these values over time. It will not be possible to consider various carrying capacities for the Monument resources until these data can be analyzed. It will also be important that these values be regularly revisited as we learn more about the ecosystem and the changing environment.

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APPENDIX A
AGENCY COMMENTS AND RESPONSE LETTERS

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BOB JACOBSON
Councilmember
Chair, Environmental Management Committee
Vice-Chair, Finance Committee
Vice-President Hawai'i State Association of Counties



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HAWAI'I COUNTY COUNCIL
County of Hawai'i

July 17, 2008

Papahānaumokuākea Marine National Monument
Box 50167
Honolulu, HI 96850

Re: Draft Environmental Assessment, Papahānaumokuākea Marine National Monument

The Papahānaumokuākea Marine National Monument is a national treasure and we need to remember to protect our monuments and our ocean and its fragile environment with the utmost care.

The Draft Environmental Assessment states that "The Monument is important both nationally and globally, as it contains one of the world's most significant marine and terrestrial ecosystems and areas of cultural significance" which I believe is true and would strongly oppose increased commercialism, military activities, or commercial fishing in the area. We must limited future activities that harm this critical environment and maybe discontinue activities that have the possibility of harm.

Aloha,

Council Member Bob Jacobson

District 6 -- Upper Puna, Ka'a, and South Kona
Hawai'i County Is An Equal Opportunity Provider And Employer



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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESEARCH SERVICES MANAGEMENT
ENGINEERING
FORESTRY AND WILDLIFE
GEOTECHNICAL ENGINEERING
KAROLANNE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

November 21, 2008

Mr. Bob Jacobson, Council Member
Hawai'i County Council
25 Aupuni Street, Suite 200
Ben Franklin Building
Hilo, Hawaii 96720

Re: Hawai'i County Council's July 17, 2008 Comments on the Draft Management Plan for the Papahānaumokuākea Marine National Monument

Dear Mr. Jacobson:

Thank you for providing comments on the Draft Papahānaumokuākea Marine National Monument Management Plan (draft MMP), Environmental Assessment (EA), and its associated documents. The draft MMP is the product of an extensive coordinated planning process undertaken by the Monument Management Board (MMB) on behalf of the Co-Trustee agencies: US Fish and Wildlife Service, the National Oceanic and Atmospheric Administration and the State of Hawai'i, Department of Land and Natural Resources. The MMB is comprised of representatives of these three agencies and the Office of Hawaiian Affairs.

The draft EA contained in Volume II evaluates the likely environmental consequences of the activities contained in the Monument Management Plan (MMP). The draft EA was developed in accordance with the National Environmental Policy Act and Hawai'i Revised Statutes (HRS) Chapter 343.

Under Chapter 343 HRS, the Department of Land and Natural Resources (DLNR) is required to respond in writing to comments received from agencies during the course of the draft MMP public review process. This letter is DLNR's response to your agency's comments. All responses to comments were prepared jointly by the members of the MMB and will also be included in Volume 5 of the final MMP and associated documents. The Hawai'i County Council's (Council) comments were considered in the preparation of the final MMP, EA and associated documents and in many cases, where appropriate, the documents were amended to address your comments as outlined below.

Comment. In your letter you state in part that the Hawai'i County Council "strongly opposes increased commercialism, military activities or commercial fishing in the area."

Response. The management plan provides that all activities occurring within Papahānaumokuākea must be consistent with the Findings in Presidential Proclamation 8031 and that they occur pursuant to permits approved by the monument's Co-Trustees. Among the permitting criteria that must be satisfied is a

finding that the proposed activities can be conducted with adequate safeguards for the cultural, natural and historic resources and ecological integrity of the Monument.

Commercial Activities

Two examples of where the MMP limits or forbids commercial activities are tourism and the sale of physical or biological samples collected from the monument:

- Proclamation 8031 specifically provides that Midway Atoll will be the "window to the Monument," and will be the only site where recreational activities are allowed. The MMP will limit the number of overnight visitors to no more than 50 at any one time. Up to three larger groups (50 to 800 people, with no more than 400 day visitors at any one time) will be allowed to visit Midway each year. All visitor activities are under Monument permits and must meet the Proclamation's findings and requirements. It is believed that the visitor program will enhance the monument's ability to share the importance of the NWHI; as well as its sacred status to Native Hawaiian communities; with a broader group of people.
- All Monument permits dealing with the collection of samples or specimens specifically prohibit the sale of collected organisms. Although "bioprospecting", the search for new chemicals compounds, genes and their products in living things that will have some value to people, is not specifically addressed in the MMP it inherently involves the identification of biological resources with potential commercial value that may be developed into marketable commodities such as pharmaceuticals, pesticides and cosmetics. The special condition applied to collection permits states that authorized activities must be for noncommercial purposes; may not result in the sale of any organism's by-product and that no materials or byproducts of the materials collected within the Monument may be used to obtain patent or intellectual property rights. Accordingly, bioprospecting for commercialization will not be permitted.

Commercial fishing

- There are currently eight permitted bottomfish vessels operating within the Monument, with all of catch being regulated by caps on total harvest. All commercial fishing in the Monument will be phased out by 2011.

Military Activity in the Monument

Military activities are exempt from the permitting process. Proclamation 8031 provides in part that:

- "The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard) that are consistent with applicable laws"; and
- "All activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities".

Please note, however, that while the military is exempt from prohibitions and permits otherwise required by the Proclamation, they are still required to adhere to all other all other applicable laws and regulations, including, but not limited to the National Environmental Protection Act; Endangered Species Act; the Marine Mammal Protection Act; the National Wildlife Refuge System Administration Act; the Fish and

Wildlife Coordination Act; the Migratory Bird Treaty Act; Clean Water Act; the Comprehensive Environmental Response, Compensation, and Liability Act; the Oil Pollution Act; the National Historic Preservation Act; and cultural consultation under the Native American Graves Protection and Repatriation Act. The MMP requires the Monument managers to work with the Armed Forces to ensure their activities "shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities."

Comment. The Hawai'i County Council recommended that "future activities within the monument should be either limited or discontinued if these activities could either cause harm or present a possibility of harm to the monuments critical environment."

Response. The MMP has identified eleven guiding principles for monument management. The seventh principle requires that the monument "errs on the side of resource protection when there is uncertainty in available information on the impacts of an activity;" and that the monument adheres to the "do no harm" approach to permitting consistent with the precautionary principle in which historic, cultural and natural resource protection and integrity are favored.

DLNR appreciates your interest and comments on the Papahānaumokuākea Marine National Monument draft management plan. We look forward to your continued involvement as work begins on the implementation phase of the program.

Sincerely,



LAURA H. THIELEN
Chairperson

00007



Carlie S Wiener
<cwiener@hawaii.edu>
05/28/2008 12:13 PM

To: PMNM_MMP_Comments@fws.gov
cc:
Subject: submission of comments for the outreach section of the draft management plan

Outreach Plan Comments – Monument Management Draft Plan

General Comments:

- Well planned broad-ranging education plan
- I really like the development of the interpretive themes and guides

Outreach Plan activities and Suggestions:

- Add outreach and constituency objectives for an international audience to broaden recognition, (i.e.) the Monument should eventually have global recognition like the great barrier reef
- A baseline study or content analysis should be done of current perceptions, attitudes and literature in media relating to the Monument and/or the Northwestern Hawaiian Islands.
- Development of traveling teacher boxes with pre-done lesson plans and supplies that can travel to schools in the outer islands. In my experience I have found that there is a serious disconnect with the kids and the knowledge that the Northwestern Hawaiian Islands even exists. This disconnect is more prevalent on islands besides Oahu which is often targeted in outreach.
- Emphasize experiential learning using both Northwestern Hawaiian Islands and Main Hawaiian Islands connections
- Use a rotating "guest" for school visits on the islands outside of Oahu
- Junior scientists shadowing program – have management employees and scientists related to the Monument interact with Hawaii students, have them job shadow, learn what the job entails and provide internships for local students
- Include an annual magazine publishing related to new discoveries, management breakthroughs and related research findings, this can be different then the already published newsletters, it could be used as an accompanying study guide in schools
- Creation of a Northwestern Hawaiian Islands ocean sciences textbook to be used in schools
- Greater Monument focus or presence at teacher workshops and environment, science and education conferences.
- Creation of a science exhibit at the Mokupapa Discovery Center
- Creation of a pacific teachers cruise, bring together teachers from all over the pacific to do outreach work and traditional connecting/learning in the Monument.
- Designate a national day devoted to the Monument to aid in recognition
- Add local marine science objectives to the ocean literacy section of the management plan.

Warmest Regards,

Carlie Wiener
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GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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November 21, 2008

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RECREATION ENFORCEMENT
DIVISIONS
FORESTRY AND WILDLIFE
HISTORICAL PRESERVATION
KAOLOAWE ISLAND RESERVE COMMISSION
LAND
STATE TRAILS

Ms. Carlie Wiener
November 21, 2008
Page 2 of 2

Comment. HIMB, along with several other commenters, offered valuable suggestions for measuring and evaluating current perceptions, identifying target audiences, evaluating messages, and developing outreach products in support of Papahānaumokuākea Marine National Monument.

Response. Activity CBO-1.1 - *Develop An Integrated Communications Strategy Based On An Assessment Of Ongoing Activities And Future Needs*, requires development of an integrated communications strategy based on an assessment of ongoing activities and future needs. This strategy will identify target audiences, messages, means of communications, as well as a means to evaluate the MMP's effectiveness.

Under Activity CBO-1.5 - *Research And Implement New Technologies And Tools To Increase Public Understanding Of The NWHI Ecosystems Within Five Years*, the Monument managers are required to facilitate research and to implement new technologies and tools to increase public understanding of NWHI ecosystems, including the use of telepresence technologies.

Comment. HIMB also recommended that the Outreach Plan "[i]nclude an annual magazine publishing related to new discoveries, management breakthroughs and related research findings, this can be different than the already published newsletters, it could be used as an accompanying study guide in schools."

Response. Under Section 3.5.2 - *Constituency Building and Outreach*, the Plan requires the development and updating of printed materials to aid Monument constituencies in understanding key aspects of the Monument. While the production of an annual magazine would be consistent with Activity CBO-2.2 - *Continue To Develop And Update Printed Materials To Aid Monument Constituencies In Understanding Key Aspects Of The Monument*, the managing agencies will also develop numerous annual reports that may serve the same purpose.

Comment. HIMB also recommended that a science exhibit based upon the Papahānaumokuākea Marine National Monument be created at the Mokupapa Discovery Center.

Response. The development of additional exhibits at Mokupapa will be addressed in the overarching Monument interpretive strategy that will be developed under Activity CBO-4 - *Develop and implement an overarching Monument interpretive strategy, including site-specific planning documents for the Monument's visitor facilities, within 5 years.*

DLNR appreciates your interest and comments on the Papahānaumokuākea Marine National Monument draft management plan. We look forward to your continued involvement as work begins on the implementation phase of the program.

Sincerely,

LAURA H. THIELEN
Chairperson

Ms. Carlie Wiener
Northwestern Hawaiian Islands Research & Outreach
Hawaii Institute of Marine Biology
P.O. Box 1346
Kaneohe, HI 96744

Re: Response to Hawaii Institute of Marine Biology's May 28, 2008 Comment Letter on the Draft Papahānaumokuākea Marine National Monument Management Plan

Dear Ms. Wiener:

Thank you for providing comments on the Draft Papahānaumokuākea Marine National Monument Management Plan (draft MMP), Environmental Assessment (EA), and associated documents. The draft MMP is the product of an extensive coordinated planning process undertaken by the Monument Management Board (MMB) on behalf of the Co-Trustee agencies: US Fish and Wildlife Service, the National Oceanic and Atmospheric Administration and the State of Hawai'i, Department of Land and Natural Resources. The MMB is comprised of representatives of these three agencies and the Office of Hawaiian Affairs.

The draft EA contained in Volume II evaluates the likely environmental consequences of the activities contained in the Monument Management Plan (Volume I). The draft EA was developed in accordance with the National Environmental Policy Act and Hawai'i Revised Statutes (HRS) Chapter 343 of the State of Hawai'i.

Under Chapter 343 HRS, the Department of Land and Natural Resources (DLNR) is required to respond in writing to comments received from agencies during the course of the draft MMP public review process. This letter is DLNR's Chapter 343 response to your agency's comments. All responses to comments were prepared jointly by the members of the MMB and will also be included in Volume 5 of the final MMP and associated documents. The Hawaii Institute of Marine Biology (HIMB) comments were considered in the preparation of the final MMP and EA and associated documents and where appropriate, the documents were amended to address your comments as outlined below.

Section 3.5.2 - *Constituency Building and Outreach*

All of HIMB comments pertain primarily to Section 3.5.2 - *Constituency Building and Outreach*, of the MMP. All of the activities referenced below are contained in that section of the MMP.

00364



Christopher Kelley
<ckelley@hawaii.edu>
07/21/2008 04:05 PM

To: PMNM_MMP_Comments@fws.gov
cc: jrsmith@hawaii.edu, Frank Parrish <Frank.Parrish@noaa.gov>
Subject: Re: MonumentPlan_CommentsFromHURL

Hello:

Attached are comments from the Hawaii Undersea Research Laboratory (HURL) on the Draft Monument Management Plan. We felt the plan was very well written so our congratulations to all those who contributed. The comments we provide here are mostly general and directed at the deep water aspects of the plan, which we felt could benefit from some additional material given the proportion of the monument that is below 100 m depth.

If you have any questions regarding these comments, please don't hesitate to contact either John or myself by email or phone 956-7437 (Kelley) or 956-9669 (Smith).

Christopher Kelley
Program Biologist, HURL



Monumentplan_CommentsfromHURL.doc

Papahānaumokuākea Management Plan Comments

General comments:

The justification for deepwater research in the monument and the deepwater research portion of this plan are not adequately developed. First, while land and shallow water habitats may be the focus of the monument's management efforts, it cannot be ignored that 98.5% of the monument waters are deeper than 100 meters (based on a GIS extraction of ETOPO-2 bathymetry inside the monument boundaries, Fig 1). It should be noted that the plan's definition of 30 m being the start of deepwater habitat was considered too shallow for the resolution of this bathymetry analysis. Even so, this translates to 139,000 of the 141,000 square miles of the monument waters, most of which are completely unknown and poorly understood. It is therefore likely that in 100 or 1000 years from now when technological advances will provide much greater access to the deep sea, the monument's impact on conserving the world's natural environments may be far greater for deepwater habitats than for either land or shallow water habitats.

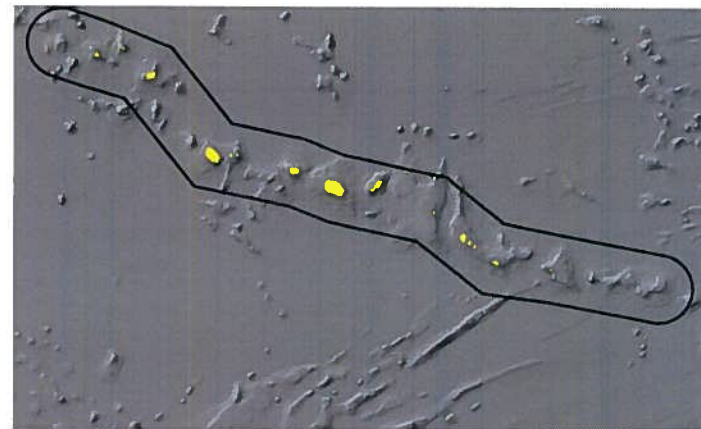


Fig 1: ETOPO-2 global bathymetric data showing the seafloor inside and around the Monument boundaries (black lines). Yellow polygons are the areas of the seafloor with the boundaries that are shallower than 100 m.

Taking a closer look at just the relatively low resolution ETOPO-2 global relief data or even nautical charts, a number of important observations can be made. For example, French Frigate Shoals, the Brooks Banks, St. Rogatien and West St. Rogatien are all part of the same large bathymetric ridge feature (Fig. 1). Since waters do not reach the surrounding full ocean depths between these features as they do to all sides, there may be implication for organism transport between these banks and also isolation from those outside this feature. It may indeed be considered a refuge within a refuge. Further, the northern tip of this large feature and that of

the ridge from Gardner Pinnacles just to the west extends outside the Monument boundary, albeit while doing so at abyssal depths. On the southern side, the large ridges of Pioneer Bank and West Northampton Seamount extend to or almost to that Monument boundary, while those off the eastern side of Maro Reef extend toward other banks and seamounts within the Monument (Fig. 2) (Smith *et al.*, 2003). It would be interesting to study if these deep sea ridges provide pathways for the migration of organisms up and down the archipelago. From submersible dives in 2003 and 2007, we already know that dense deep sea communities reside at water depths greater than 1000 m (Smith *et al.*, 2004; Baco-Taylor *et al.*, 2006).



Fig. 2. From left to right, the rift zone ridges of Maro Reef, West Northampton Seamount, and Pioneer Bank as mapped by the RVs *Kilo Moana* and *KoK*. *Pisces* submersible dives were carried out on Pioneer ridge in 2003.

Like the main Hawaiian Islands and other oceanic volcanic island chains, the NWHI carry a long geologic history as the tectonic plate they ride on traverses the Pacific Ocean, with the ongoing processes of island and reef subsidence, erosion from various causes, and new islands being built by the hot spot. In effect, the NWHI-Emperor chain is a veritable timeline crossing the northern Pacific Ocean basin, the longest on Earth. While protecting the geology is not the focus of the Monument, it does provide the substrate, habitat, current modification, and the platform on which the shallow ecosystems are perched – the small islands, banks, and atolls. Ocean acidification leading to the deterioration of reefs is a popular topic these days. The NWHI, like the main islands and other such places, contain a sequence of fossil reefs that have subsided to great depths and which cap the volcanic seamounts making up the great bulk of the Northwestern Hawaiian “Islands”. What can we learn about similar such episodes of environmental change in the geologic past by studying these ancient reefs? The fossil reefs in the MHI are fairly well studied (*e.g.*, Moore and Fomari, 1984; Moore and Campbell, 1987; Jones, 1995, Grigg, 1987). How do they tie in with those in the NWHI? While we are at it – what can we learn by extending studies to the Emperor Seamounts and going even farther back in time?

Natural geohazards have also been a large part of the NWHI. Giant submarine landslides and resultant tsunamis have been well studied in the MHI (*e.g.*, Moore *et al.*, 1989; Moore and Moore 1984). In the late 1980s to mid 1990s, the U.S. Geological Survey carried out the EEZ surveys of the entire MHI and NWHI chain, mapping with the long range GLORIA sidescan sonar system out to 200 nm from the coasts. Fascinating geologic features were revealed and

many papers published, along with providing the basemap for numerous follow-on, more detailed studies. Regarding the giant landslides, some of which are the largest on Earth, roughly 20 have been delineated in the MHI and another approximately 50 in the NWHI (Moore, *et al.*, 1994a, b). None of the landslide features in the NWHI have been studied further, to the best of our knowledge. While these catastrophic events in the NWHI are prehistoric, they have played a major role in reshaping the seamounts and platforms now providing the ecosystems of the Monument and may have provided pathways for distributing organisms to different depths and locations (perhaps wiping out some communities) in ways that we have not even conceived of yet.

Anthropogenic and natural threats clearly exist for the monument’s deepwater habitats; but are more difficult and more expensive to study. As pointed out on page 68, the only active fishery currently in the monument is the deepwater bottomfish fishery, yet only one study has been conducted on two banks to evaluate the impacts from this fishery (*ref.*). Neither of these banks were found to have substantial coral beds in bottomfishing depths however, what impacts could fishing be having on banks that do (*e.g.*, Brooks Bank was mentioned in the Kelley & Ikehara (2006) paper as a site of extensive black coral beds)? More research should be conducted to answer this question. There has been deep coral trawling in the northern end of the monument (Parrish and Baco-Taylor?, 2007) yet there is no reference in the plan to possibly evaluating the effects of these activities. Recently published studies have found that the colonies of commercially targeted deepwater species can grow to be thousands of years old (Roark *et al.*, 2006). How old can these and other corals get and could the monument be preserving communities of the oldest animals on the planet? Where are the most important deepwater coral beds in the monument and would it be possible to monitor these areas more closely for illegal activity? Studies are now ongoing to determine whether certain topographic features and oceanographic conditions promote the formation of particularly dense deepwater coral beds. Since locating every deepwater coral bed in the monument is cost prohibitive, we think the plan should be to provide a reference to the need to develop a greater understanding of where they likely occur and consider increased protective measures for these areas.

While marine debris is a larger problem in shallow water because many items float rather than sink, at what depth does it cease to be of concern? To our knowledge, there has never been a coordinated depth zonation study for marine debris starting from land and going down to at least 400 m at a site known for its accumulation (*e.g.*, Pearl and Hermes) and/or a site near a monk seal colony. Monk seals, as I am sure most are aware, have been documented to frequent precious coral beds down to depths of 400 m (see Frank Parrish’s studies and his National Geographic Explorer production). We think a study of this type could and should be mentioned in the plan. How much bottomfishing debris (anchors, anchor lines, fishing leads and fishing lines) exists on popular deepwater fishing sites? This might be important to document particularly following the closure of the fishery in the next 4-5 years.

In the main Hawaiian Islands, alien species have been documented in deeper than typical SCUBA depths (see Sam Kahng’s various papers on *Carrijoa riseii*). Is this species in the monument and if so, how deep does it go given that monument waters are clearer and thus likely pushing it to even deeper depths than in the MHI (*C. riseii* is negatively phototactic). How big of a threat is it to the monument’s black coral beds? Again, we think this should be mentioned as a

potential research effort in the plan. A likely study site and one for long-term monitoring focus would be Middle Bank at the lower end of the monument.

We believe it is important to add more details on deepwater corals in the monument to the "corals" section that starts on page 27. There is a lot of very valuable information provided in Parrish and Baco (2007) including the number of species of deepwater corals that have been documented in the Hawaiian Archipelago to date (137 gorgonian octocorals and 63 species of azooxanthellate scleractinians), past harvesting techniques, stressors, etc. Just last November, two new potential genera of deepwater bamboo corals were collected by submersible at a single site off Twin Banks (Watling, pers comm).

Activity MCS-1.3 and 1.4 (page 110)

1) If one vessel is named in this section, then other vessels should as well, particularly since it was the RVs *Kilo Moana* and *Ka'imikai-o-Kanaloa (KoK)* that have to date provided a larger portion of the deepwater mapping data in the monument. We suggest the following change:

Line 23: Working with NOAA, SOEST, and other partners, the MMB will use data collected with the multibeam sonar systems on RV's *Hi 'ialakai*, *Kaimikai-o-Kanaloa (KOK)*, *Kilo Moana*, and other vessels.....

Line 31: Some specific details of projects that need to be conducted should be added here such as age dating of deepwater corals and analyzing them for paleoceanographic climate change information, surveying deep coral communities and what factors are most important for promoting high densities. Other projects could include distribution patterns of deepwater animals relative to substrate types and Hawaii's Oxygen Minimum Zone (OMZ which is located at 600-1000 m). We know that some other researchers are going to provide comments on projects involving global climate change so we will not include that topic here. One very important consideration is the role the monument could have in understanding deepwater habitats, particularly seamounts throughout the Pacific. For example, cobalt-rich manganese crusts occur on seamounts as well as island slopes and banks in a large region of the central Pacific. The zone of their formation has been drawn right through the monument boundaries just south of French Frigate Shoals (Clark, unpublished). These crusts, along with manganese nodules that form on the abyssal plains, have potential commercial value. As technology develops and the terrestrial sources of strategic and more common minerals declines, these resources will likely be targeted in the future for commercial mining. However, manganese crust invertebrate and fish communities that would be disrupted by these operations are very poorly known. The monument offers an excellent opportunity to provide that type of information since a substantial portion of the hard substrate within its boundaries below 800 m is believed to have these crusts.

Activity TES-2.5: Prevent human interactions with cetaceans.

Efforts will be made to prevent negative human-cetacean interactions that may occur as a result of visitor programs or research activities through design controls on both. The controls will aim to prevent disturbance to cetaceans resting in Monument lagoons or nearshore areas and prevent

[suggest the word "restrict" instead] geological research using sound levels known to be dangerous to marine mammals.

3.5 Coordinating Conservation and Management Activities

Education and outreach efforts should be extended beyond the Hawaii population and visitors to the discovery centers and the Monument itself to the U.S. mainland and internationally. The goal is to create greater awareness for this refuge, coral reef ecosystems worldwide, and reduce the effects of detrimental human-caused activities inside and outside the Monument (*e.g.*, marine debris, global climate change, illegal fishing, dumping, etc) that will result in degradation of the Monument resources. Perhaps some formal program competition could be run, much like taking a science teacher on the space shuttle, where a teacher (and class?) could be introduced to the Monument as part of a research cruise or land expedition. To have wider impact, this competition would not be restricted to those located in Hawaii. There could be dual awards for Hawaii and the mainland (or other). Funding for this program could either be built into the annual Monument budget or proposals could be written to other line office RFPs or agencies.

References:

- Grigg, R. W. (1997). "Paleoceanography of coral reefs in the Hawaiian-Emperor Chain-- revisited." *Coral Reefs* v. 16 supp.: p. 533-538.
- Jones, A. T. (1995). "Geochronology of drowned Hawaiian coral reefs." *Sedimentary Geology* v. 99: p. 233-242.
- Moore, J.G., D.A. Clague, R.T. Holcomb, P.W. Lipman, W.R. Normark, and M.E. Torresan, Prodigious submarine landslides on the Hawaiian Ridge, *Journal of Geophysical Research*, v. 94 (no. B12), p. 17,465-17,484, 1989.
- Moore, J. G. and D. J. Fornari (1984). "Drowned reefs as indicators of the rate of subsidence of the island of Hawaii." *Journal of Geology* v. 92: p. 752-759.
- Moore, J.G., and G.W. Moore, Deposit from a giant wave on the island of Lanai, Hawaii, *Science*, v. 226 (no. 4680), p. 1312-1315, 1984.
- Moore, J. G. and J. F. Campbell (1987). "Age of tilted reefs, Hawaii." *Journal of Geophysical Research* v. 92(no. B3): p. 2641-2646.
- Moore, J.G., W.R. Normark, and R.T. Holcomb, Giant Hawaiian landslides, *Annual Review of Earth and Planetary Sciences*, v. 22, p. 119-144, 1994b.
- Moore, J.G., W.R. Normark, and R.T. Holcomb, Giant Hawaiian underwater landslides, *Science*, v. 264 (no. 5155), p. p. 46-47, 1994c.

Note: the Baco-Taylor and Smith references are already included in the draft plan bibliography

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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November 21, 2008

Dr. Christopher Kelly, Program Biologist
Hawai'i Undersea Research Laboratory
University of Hawai'i at Manoa
1000 Pope Road, MSB 303
Honolulu, HI 96822

Re: Hawai'i Undersea Research Laboratory July 21, 2008 Comments on Draft
Papahānaumokuākea Marine National Monument Management Plan

Dear Dr. Kelly:

Thank you for providing comments on the Draft Papahānaumokuākea Marine National Monument Management Plan (draft MMP), Environmental Assessment (EA), and associated documents. The draft MMP is the product of an extensive coordinated planning process undertaken by the Monument Management Board (MMB) on behalf of the Co-Trustee agencies: US Fish and Wildlife Service, the National Oceanic and Atmospheric Administration and the State of Hawai'i, Department of Land and Natural Resources. The MMB is comprised of representatives of these three agencies and the Office of Hawaiian Affairs.

The draft EA contained in Volume II evaluates the likely environmental consequences of the activities contained in the Monument Management Plan (Volume I). The draft EA was developed in accordance with the National Environmental Policy Act and Hawai'i Revised Statutes (HRS) Chapter 343.

Under Chapter 343 HRS, the Department of Land and Natural Resources (DLNR) is required to respond in writing to comments received from agencies during the course of the draft MMP public review process. This letter is DLNR's Chapter 343 response to your agency's comments. All responses to comments were prepared jointly by the members of the MMB and will also be included in Volume 5 of the final MMP and associated documents. The Hawai'i Undersea Research Laboratory (HURL) comments were considered in the preparation of the final MMP, EA and associated documents and in many cases, where appropriate, the documents were amended to address your comments as outlined below.

General Comments

In the introduction to its general comments, HURL suggested that justification for deepwater research and in the monument and the deepwater research portion of the draft management plan were not adequately

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CONSTITUTION AND RESOURCES ENFORCEMENT
COMMISSION
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIKOLAHE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Dr. Christopher Kelly
November 21, 2008
Page 2 of 3

developed. HURL then provided a substantial amount of relevant information to expand upon these concerns. The information provided by HURL is appreciated and as explained below, will be useful in the future development of research priorities for the monument. Similar concerns related to a need for more detailed descriptions of many research activities that will occur in the monument were provided by other reviewers during the public comment process.

Response. Detailed descriptions and more robust development of future scientific research plans for the monument are outside the scope of the management plan itself, which provides a broad outline of all of the activities that will be occurring within the monument. With respect to natural sciences research, the MMP requires that a Natural Resources Science Plan (Activity MCS-2.1) be developed in the first year of plan implementation. This science plan will include the following thematic areas: 1) research on ecological processes and connectivity, 2) research on biodiversity and habitats, 3) research on human impacts, 4) research on ecosystem change, indicators, and monitoring, and 5) modeling and forecasting ecosystem change.

Its stated purpose is to guide and regulate research in the Monument. This step-down plan will define and prioritize research activities based on management needs to protect, conserve, and when possible, restore ecosystems within the Monument. Research activities will be prioritized by the necessity of information for management purposes. Due to the remoteness of the NWHI, research will be limited by vessel and field station space, so only those research activities ranking highest in management priority will be accommodated.

With respect to deepwater research, the following language was added to Activity MCS-1.3: "As resources in this habitat are virtually unknown in the NWHI, it is imperative to understand the dynamics of deep-water habitat to protect and manage them in the future."

Responses to HURL's specific comments are provided below.

Comment. HURL suggested that the need for marine debris research should have been discussed in greater detail.

Response. Investigations into the sources, types, and accumulation rates of marine debris and its removal and prevention are described in the Marine Debris Action Plan (3.3.1). Monument Management Plan Sections 3.1 and 3.1.1 have undergone a major revision. HURL's comments were addressed by incorporating additional language to 1) further detail the need for research, 2) to directly link any research conducted with management needs, and 3) to consider cumulative impacts of research.

Comment. HURL recommended that more detail be added to the deepwater corals discussion that is contained in Section 1.2 "Status and Condition of Natural Resources".

Response: Additional information of deepwater corals was added to Section 1.2.

Comment. HURL recommended that the names of following vessels be added to the list of vessels contained in MCS-1.3: RV Kilo Moana and Ka'imikai-o-Kanaloa (KoK).

Response. References to all vessels were deleted from MCS-1.3 so as not to give the impression that any particular vessel had special standing.

Dr. Christopher Kelly
November 21, 2008
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MARINE MAMMAL COMMISSION
4340 EAST-WEST HIGHWAY, ROOM 700
BETHESDA, MD 20814-4447

00621

15 July 2008

Comment. HURL recommended the following change to the language in Activity TES-2.5 - Prevent human interactions with cetaceans: replace the word "prevent" with "restrict" in the sentence ending with "... prevent geological research using sound levels ..."

Response. Sonar use is subject to the ESA and MMPA regulations. Activity TES-2.5 was reworded to say "... controls will aim to prevent disturbance to cetaceans resting in Monument lagoons or nearshore areas and restrict disturbance to Cetaceans"

Comment. HURL recommended that education and outreach efforts be extended beyond the Hawaii population and visitor discovery centers to the U.S. mainland and internationally.

Response. Activities OEL-1.5, OEL-1.8, and NHCH-2.3 allow students and teachers educational opportunities in the Monument and do not preclude participation by the international community. Activity OEL-1.8 has been revised as follows: "Facilitate at least two opportunities per year for educational groups, private/nonprofit environmental or historical organizations to conduct wildlife-dependent or historical courses or to administer informal educational camps, within 2 years."

DLNR again wishes to thank your interest and for reviewing and commenting on the Papahānaumokuākea Marine National Monument draft Monument Management Plan, draft Environmental Assessment and the associated documents. We look forward to your continued involvement and participation as the implementation phase of the project moves forward.

Sincerely,



LAURA H. THIELEN
Chairperson

Susan White, Ph.D.
Superintendent, Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
Box 50167
Honolulu, HI 96850-5000

Dear Dr. White:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the draft management plan for the Papahānaumokuākea Marine National Monument and offers the following comments and recommendations. The purpose of the draft management plan is to identify proposed policies and activities that the Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and Hawaii Department of Land and Natural Resources would pursue jointly as co-trustees to manage the Papahānaumokuākea Marine National Monument.

RECOMMENDATIONS

The Marine Mammal Commission commends the authors for preparing an exceptionally good draft plan. The authors have had to integrate a complex array of challenges to protect natural and cultural resources; differing legal, jurisdictional, and programmatic mandates within co-trustee management agencies; and previous draft and interim planning documents. The resulting plan is coherent, insightful, and well-thought-out and lays a solid foundation for what could become one of the world's best examples of large-scale ecosystem-based management. To improve the plan, the Marine Mammal Commission recommends that the co-trustees—

1. adopt the draft plan subject to modifications addressed in the following specific comments, particularly including the following points:
 - a. highlight the most urgent recovery needs for Hawaiian monk seals in the Northwestern Hawaiian Islands (NWHI) (i.e., developing monk seal care and intervention methods to increase juvenile seal survival, minimizing shark predation at French Frigate Shoals, and preventing entanglement in marine debris)
 - b. add the following two new activities to Endangered and Threatened Species Action Plan strategy TES-1 for recovering Hawaiian monk seals: (1) improve and apply monk seal care capabilities and interventions for increasing juvenile seal survival and (2) reduce shark predation on monk seal pups
 - c. add the following new activity to Endangered and Threatened Species Action Plan strategy TES-2 for conservation of cetaceans: initiate passive acoustic monitoring system to detect calls of endangered whales, other marine mammals, and fishes, and to establish an ambient underwater sound budget for natural and anthropogenic sound sources
 - d. expand the mission statement to note explicitly the primary importance of restoring damaged or depleted Monument resources

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- e. add a new “guiding principle” that calls on managers to perpetuate and, where possible, restore significant natural and cultural resources over the long term while ensuring that impacts and risks inherent in research and management activities are no more than short-term or minor and clearly outweigh potential adverse effects
 - f. reorganize the list of six priority management categories and the action plans and activities under those categories to better reflect Monument priorities, with revised sections entitled “conserving and restoring wildlife and wildlife habitat” listed first and “conserving and restoring cultural and historic resources” listed second
2. appoint a representative of the Marine Mammal Commission to the Monument Interagency Coordinating Committee
 3. establish a Monument Advisory Council, with a purpose and membership comparable to that of the current Coral Reef Ecosystem Reserve Advisory Council, to provide advice and recommendations to the co-trustees on Monument research and management activities
 4. review and, as appropriate, revise the Memorandum of Agreement for managing the Monument to—
 - a. reflect the new name of the Monument,
 - b. identify provisions and a schedule for periodically updating the Monument management plan,
 - c. modify the Monument mission statement to reflect the aspiration for restoring significant natural and cultural resources as mentioned in 1d above,
 - d. add the recommended guiding principle mentioned in 1e above to the list of guiding principles, and
 - e. incorporate such other changes as may be deemed appropriate and necessary in light of recent progress and developments.

SPECIFIC COMMENTS

Volume I

Pages 12–21. Islands and marine habitats of the Papahānaumokuākea: This section describes major environmental features at the various atolls and banks within the Monument. The description of French Frigate Shoals notes that it currently supports the largest colony of Hawaiian monk seals. The descriptions of Laysan Island, Lisianski Island, Pearl and Hermes Reef, Kure Atoll, and Midway Atoll should note that they also support important breeding colonies of monk seals. Also, the descriptions of Mazo Reef and Gardner Pinnacles should note that they are important feeding areas for monk seals.

This section also should note other marine mammal species that are important components of certain marine habitats in the Monument. In this regard, the summaries of reef biota at Midway, Pearl and Hermes Reef, and French Frigate Shoals should note that atoll lagoons provide resting habitat for local populations of spinner dolphins and that pelagic waters provide habitat for several species of whales and dolphins, including overwintering humpback whales.

Page 38, Line 30: Insert the words “under the Endangered Species Act” after the word endangered.

Page 36, Marine Mammals: The first six paragraphs provide a good summary of key points regarding the status, distribution, and ecology of Hawaiian monk seals within the National Monument. Although the first paragraph notes that the species is endangered and declining, the text does not reflect the magnitude of concern regarding its long-term existence in the NWHI. To better reflect this concern, we suggest adding something like the following after the sentence ending on line 15, page 36:

Monk seal numbers in the NWHI have declined persistently since the first counts of the species in the 1950s. Despite efforts to mitigate known impacts, recent beach counts are less than two-thirds the size of initial counts and are expected to decline further due to poor recruitment of breeding-age seals. The past and projected declines have elevated monk seal recovery to a crisis situation as indicated in the recently revised Hawaiian Monk Seal Recovery Plan (NOAA Fisheries 2007).

Page 41, Endangered and Threatened Species: This section notes that 23 species listed as endangered or threatened under the Endangered Species Act occur within the Monument. The State of Hawaii also designates species as endangered and threatened under state law. It would be helpful to clarify which species are listed under both federal and state authorities and whether there are any species in the NWHI that are listed under state law but not under federal law.

Page 56, lines 5–11: This paragraph discusses the effects of past human activities on wildlife, reefs, and islands in the NWHI. Past human activity is believed to have had a major effect on Hawaiian monk seals and, to reflect this understanding, we suggest that something like the following be added to the end of this paragraph:

Impacts of these activities on Hawaiian monk seals were particularly acute and may explain much of the decline in the monk seal population in the years following World War II (Ragen and Lavigne 1999¹).

The citation for Ragen and Lavigne 1999 should be added to the bibliography at the end of this volume.

Page 62, Line 23: A new subsection should be added between the sections on Climate Change and Weather Changes called something like “Rising Sea Level.” The new subsection should describe how sea level increase has affected, and is likely to continue to affect, various species and the ecosystem in the NWHI. For example, several islets at French Frigate Shoals that were once vegetated and used as breeding habitat by seabirds, monk seals, and other wildlife have been lost or severely reduced in size as a result of rising sea level, and additional losses of limited terrestrial

¹ Ragen, T.J., and D.M. Lavigne. 1999. The Hawaiian monk seal: biology of an endangered species. Pages 224–245 in: J. Twiss and R. Reeves, eds. Conservation and management of marine mammals. Smithsonian Institution Press, Washington, D.C.

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habitat in the NWHI are likely. At a minimum, the new text should describe how sea level rise reduce monk seal haul-out habitats (see Baker et al. 2006²). The citation for Baker et al. 2006 also should be added to the bibliography at the end of the volume.

Pages 63–64, Diseases: This section notes that diseases are a significant threat to certain coral species and sea turtles. The section should also note that the introduction of diseases is an important conservation concern for Hawaiian monk seals, seabirds, and perhaps other wildlife species in the Monument.

Page 68, Lines 27–29: The sentence here incorrectly implies that lobster harvests have been prohibited since 1991. This sentence should be revised to read as follows:

The NWHI crustacean (lobster trap) fishery was temporarily closed in 1993 due to uncertainty about the stock's status. In 1994 and 1995 lobster catches resumed at reduced levels under a research program, and between 1996 and 1999 harvests comparable to the research catch were again authorized under a harvest guideline management system. Since 2000 harvest guidelines for the NWHI have remained at zero with no catch.

Also, in the paragraph on bottomfish fishing, the last two sentences should be moved to the beginning of the next paragraph so that all discussion of bottomfish fishing appears in the same paragraph.

Page 69, Line 8: A new sentence should be added noting that collisions with vessels can seriously injure or kill whales and that the humpback whale, which occurs in the NWHI more frequently than previously thought, is likely the species most susceptible to vessel collisions in the Monument (Laist et al. 2001³). A citation for Laist et al. 2001 should be added to the bibliography at the end of this volume.

Page 82, Papahānaumokuākea Interagency Coordination Committee: This section notes that an interagency coordinating committee will be established to assist in implementing Monument management, but that the committee has not yet been appointed. As part its statutory responsibilities under Title II of the Marine Mammal Protection Act, the Marine Mammal Commission has had a longstanding interest and involvement in marine mammal research and management activities in the NWHI. Among other things, it provided the initial recommendations for listing the Hawaiian monk seal as endangered and for designating critical habitat for the species. It also has intermittently funded research on monk seals in the NWHI and has been actively involved in recommending and reviewing major NWHI research and management actions by the

² Baker, J.D., C.L. Littman, and D.W. Johnson. 2006. Potential effects of sea level rise on terrestrial habitats of endangered and endemic megafauna in the Northwestern Hawaiian Islands. *Endangered Species Research* 2:21–30.

³ Laist, D.W., A.R. Knowlton, J.G. Mead, A.S. Collet, and M. Podesta. 2001. Collisions between ships and whales. *Marine Mammal Science* 17:35–75.

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Navy, the National Marine Fisheries Service, the Fish and Wildlife Service, and the Hawaii Division of Land and Natural Resources throughout the past 30 years. In view of our commitment to conserving NWHI resources, the Marine Mammal Commission requests that a Commission representative be included on the Monument Interagency Coordinating Committee.

Page 82, Lines 37 to 40: This section notes that the National Oceanic and Atmospheric Administration listed the NWHI Coral Reef Ecosystem Reserve to be a candidate for sanctuary designation in 2001 and that it established a reserve advisory council to provide advice on the designation. Because the council was mandated by the Executive Order establishing the Reserve and was active before the Reserve was identified as a candidate sanctuary, we suggest deleting the sentence on lines 38 to 40 and adding a new sentence at the end of the preceding paragraph reading something like the following:

The Executive Order also directed that the National Oceanic and Atmospheric Administration establish a reserve advisory council to provide recommendations and advice on research and management activities, including the preparation of a reserve operations plan and the designation of the Reserve as a national marine sanctuary.

Pages 87–93, Section 2.3, Initial Management: This section notes that Executive Orders and accompanying regulations establishing the Monument emphasize the need for ecosystem-based management. The section provides a thoughtful and very helpful description of crucial elements needed to translate this complex and often vaguely defined concept into practice for purposes of managing Monument resources.

Page 89, Line 15: The bullet on this line describing adopted Monument regulations for commercial fishing would be more accurate if it were changed to read “prohibit certain commercial fisheries immediately and phase out all other commercial fishing by 2012.”

Page 96, Table 2.1: This table summarizes the Monument's vision, mission, guiding principles, and goals. The vision, mission, and guiding principle statements on this table are taken directly from the co-trustees' 8 December 2006 Memorandum of Agreement for Promoting Coordinated Management of the Northwestern Hawaiian Islands Marine National Monument in Appendix H. These statements provide an exceedingly helpful and thoughtful foundation for managing Monument resources, and the Marine Mammal Commission commends the co-trustees for articulating such a useful and well-developed conceptual framework for Monument decision-making. It would be helpful to note in the text accompanying this table that the statements of vision, mission, and guiding principles are set forth in that Memorandum of Agreement.

Notwithstanding the overall strengths of this framework, we believe that two modifications should be made to the statements on this table. First, the mission statement should be expanded to refer explicitly to the need for and importance of restoring resources that have been degraded or damaged by past human activity. Although the Monument has a relatively intact and healthy complement of wildlife resources compared to most other tropical island environments, human

activity has nonetheless introduced many alien species and contaminants, significantly depleted fish and wildlife populations, and brought many other changes that have damaged, degraded, or diminished components of the area's natural heritage. Extensive effort is needed to undo those impacts. Therefore, although protecting and perpetuating Monument resources is an essential part of the Monument's mission, in our view an equally important aspect of its mission should be to undo the negative effects of past human activity to the extent possible and consistent with the maintenance of significant cultural features and values. Such remediation is not reflected in the Monument's current mission statement. Therefore, the Marine Mammal Commission recommends that the mission statement be expanded to read as follows:

Carry out seamless integrated management to restore and achieve strong, long-term protection and perpetuation of NWHI ecosystems, Native Hawaiian traditional and customary cultural and religious practices, and heritage resources for current and future generations. (new language underlined)

Second, the guiding principles in this table should reflect the mission statement's aspiration to restore and protect Monument resources over the long term. As noted on page 95, the guiding principles are intended to provide direction for making informed management decisions about human activities consistent with the vision and mission statements. Restoration activities will require that managers carefully consider and balance short-term or minor impacts and risks against prospects for restoring and perpetuating natural and cultural resources for future generations. Such will be the case for endangered and threatened species in particular (e.g., Hawaiian monk seals, certain birds, and endemic plants). Short-term impacts and risks also are inherent in work to remove alien and invasive species; clean up contaminants, marine debris, and other forms of pollution; and remove, relocate, refurbish, restore or utilize cultural or historical resources. The need to consider and accept short-term or minor impacts in pursuit of long-term management objectives articulated in the Monument's vision and mission statements is not reflected in the guiding principles in this table. Therefore, the Marine Mammal Commission recommends that the list of guiding principles for managing Monument resources be expanded by adding something like the following:

perpetuates and, where possible, restores significant natural and cultural resources over the long term while ensuring that impacts and risks inherent in research and management activities are no more than short-term or minor and clearly outweigh potential adverse effects.

Pages 97–99, Six Priority Plan Groupings: This section notes that the plan contains 22 action plans organized under six priority management needs. The current order of these six needs does not clearly reflect the priorities expressed in the vision and mission statements. For example, the need listed first is entitled "understanding and interpreting the NWHI," whereas the Monument's mission is preserving wildlife and cultural resources. To emphasize the prime importance of protecting wildlife and cultural resources, actions to conserve wildlife and wildlife habitat should be mentioned first. A category for conserving and restoring cultural and historic resources should be given comparable priority. Such activities are now scattered within the understanding and interpreting

category. In addition, research and monitoring studies that could have been included under the understanding and interpreting category are listed under conserving wildlife and habitat. To relate research activities with management needs, the approach used in the conservation of wildlife category seems preferable. In that section, research activities are linked to specific wildlife conservation issues rather than grouping most of them separately under an understanding and interpreting category. In any event, to better convey management priorities, the Marine Mammal Commission recommends that consideration be given to reorganizing the presentation of priority management needs and activities so they better reflect Monument priorities, with the section on wildlife conservation listed first and a new category on conservation of cultural and historic resources listed second. For reasons noted earlier, we also suggest that the category for wildlife be renamed something like "conserving and restoring wildlife and wildlife habitat."

Page 99, line 25: This line states that interagency coordination is needed to "maintain *existing* resource protection measures..." (emphasis added). However, this plan and the Executive Orders establishing the Monument call for a significant increase in protection through measures that, in part, would be implemented based on this plan. Although greater coordination among agencies likely will result in cost savings to help address new initiatives, cost estimates and action plans identified in subsequent sections of the draft plan indicate that many, if not most, agency partners will be called upon to increase staff and funding support for actions outlined in the draft plan. We therefore suggest that the words "maintain existing resource protection" be changed to read something like "expand resource protection measures as called for by the Monument's designation, increase support for related research and management work."

Page 102–104, Table 3.1: This table provides cost estimates totaling \$355 million to implement action plans identified in the draft management plan over the 15-year planning horizon. It would be helpful if the accompanying text provided an explanation of how these estimates were derived.

Page 107, Section 3.1.1, Marine Conservation Science Action Plan: This action plan, which is the first of five action plans designed to improve understanding and interpretation of NWHI resources, discusses actions to investigate, monitor, and integrate information on natural resources within the Monument. As presently written, the title does not clearly convey the activities covered under this section. In addition, the title of this action plan also differs from other action plan titles in this section in that all other titles identify particular classes of resources (e.g. Native Hawaiian cultural, historic, and maritime heritage resources). A more appropriate title that would better complement other action plan titles in this section might be something like "Natural Resources Monitoring and Assessment Action Plan." Also, although the "current status and background" section of this action plan identifies a number of past major investigations of natural resources, it does not, but should, mention long-term research initiatives by the National Marine Fisheries Service on Hawaiian monk seals and by the Fish and Wildlife Service on seabirds. This section appears to highlight appropriate strategies and activities; however, it should be noted that this plan needs to prioritize listed activities and to undergo periodic updating.

Page 129, Section 3.1.3. Historic Resources Action Plan: To better distinguish this action plan on land-based structures and artifacts from submerged historical resources (e.g., sunken whaling ships, other significant wrecks, and historical artifacts) addressed under the "Maritime Heritage Action Plan," a more appropriate title for this action plan would probably be something like "Land-based History and Heritage Action Plan."

Page 143, Section 3.2. Conserving Wildlife and Habitats: As noted above, we believe a better title for this section would be "Conserving and Restoring Wildlife and Habitats."

Pages 145–158, Section 3.2.1. Threatened and Endangered Species Action Plan: Because some activities identified under this action plan address species that are neither threatened nor endangered under the ESA (e.g., spinner dolphins and certain other non-listed cetaceans), the title of this section is somewhat misleading. In addition, there are other important species or species groups (e.g., depleted lobster and oyster populations, certain top predators such as sharks and giant trevally, and certain endemic insects and plants) that are neither endangered nor threatened but which would be appropriate subjects for focused research and management. The only other section on wildlife, however, is for migratory birds. Activities to address some of the other species (e.g., restoring black-lipped pearl oysters under Activity HMC-1.1) are scattered under other sections of the draft plan, particularly the section on ecosystems. Therefore, we suggest that a new action plan be added entitled something like "Non-Endangered Wildlife Action Plan." This action plan could identify strategies and activities focused on individual species, such as spinner dolphins, oysters, lobsters, and certain plants, that do not fit in the endangered species and migratory bird action plans.

Page 145, Hawaiian Monk Seals: This paragraph notes in part that Hawaiian monk seals are declining and that a recently revised Hawaiian Monk Seal Recovery Plan identifies actions that the Monument Management Board and others can take to help reverse the ongoing decline. This explicit and prominent recognition of the importance of monk seal recovery for Monument management planning is important and appreciated.

Page 145, Cetaceans: This section notes that 6 endangered whales and 18 non-ESA listed cetaceans occur in the Monument and that recovery plans for several of the endangered whale species have been adopted or drafted. Elsewhere, the draft management plan notes that local spinner dolphin populations exist at French Frigate Shoals and the Monument's westernmost atolls. Because those populations may well occur entirely or principally within the Monument's boundaries, Monument managers should be particularly mindful of their conservation needs, and it would be helpful to note this in the plan. If a separate action plan is developed for wildlife species that are neither listed species under the ESA nor migratory birds, the discussion of spinner dolphins and other non-ESA listed cetaceans should be moved to that section.

Page 147, Need for Action: This section notes that coordinated action is required to protect "these 23 endangered and threatened species." To clarify which 23 species these are, it would be helpful to reference the list of species in Table 1.4 on page 41.

Page 148, lines 1–23, Strategy TES-1, Support activities that advance recovery of the Hawaiian monk seal for the life of the plan: The second paragraph of this section lists eight activities described in the recently revised Hawaiian Monk Seal Recovery Plan as being of particular relevance to seals within the Monument. A reference to the recovery plan should be provided. In general, this section is helpful; however, it does not list all the activities identified in the plan that are particularly important with regard to monk seal management within the Monument. To be complete, the list should be expanded to include the following: (a) reducing male aggression toward pups, juveniles, and adult females, (b) responding to biotoxin impacts, and (3) reducing impacts of contaminants. In addition, to highlight the highest-priority monk seal recovery needs in the Monument, we suggest that something like the following be added to the end of this paragraph.

With regard to the NWHI, the Hawaiian Monk Seal Recovery Team, the Marine Mammal Commission, and the National Marine Fisheries Service believe that the actions requiring attention most urgently are (1) developing a captive-care program to improve juvenile survival, (2) reducing shark predation on pups and juveniles at French Frigate Shoals, and (3) preventing entanglement in marine debris.

Pages 148–149, Activities TES 1.1–1.5: This portion of the plan identifies five activities to advance monk seal recovery within the Monument. These activities are helpful and will clearly further Hawaiian monk seal recovery goals; however, only one activity (TES-1.1, removal of marine debris) squarely addresses the highest-priority needs mentioned in the previous comment. To help address the most urgent needs, the Marine Mammal Commission recommends that the list of activities in support of monk seal recovery be expanded to include two additional activities: (1) improve and apply methods for increasing juvenile monk seals survival rates in the NWHI, and (2) reduce risks of shark predation on monk seal pups.

Narrative under the first of these additional activities could note that juvenile mortality has increased significantly in the NWHI since the 1980s and early 1990s; various captive-care projects, including translocations, have been tried with varying levels of success to increase juvenile survival; new captive-care methods are being investigated and developed to improve survivorship rates; and Monument staff and assets will be used as appropriate and feasible to assist captive-care work involving the capture, transport, care, and release of juvenile monk seals in the NWHI. Narrative under the second activity could note that predation on monk seal pups by Galapagos sharks at French Frigate Shoals increased sharply in the late 1990s, claiming perhaps 50 percent of all pups born at the atoll; the National Marine Fisheries Service concluded that predation was a behavior learned by a few individual sharks and initiated efforts in 2000 to remove individual sharks believed to be exhibiting that behavior; the number of monk seal pups and juveniles killed by sharks has since declined but remains above historic levels; and Monument staff will work with the Service to ensure that plans for mitigating shark predation are consistent with Monument management policies and objectives and, as possible, support or assist research to evaluate shark behavior and shark predation risks and improve the effectiveness of related mitigation efforts.

Page 149–150, TES-2, Determine the Status of Cetacean Populations and Verify and Manage Potential Threats: Currently little is known about cetacean populations, particularly large whales, occurring in and around the Monument's pelagic waters. A cost-effective, low-impact way to gather data on these species and populations, as well as certain fishes, is through passive acoustic monitoring (PAM). The Pacific Islands Fisheries Science Center is in the process of developing a PAM system for the Pacific Islands region. Among other things, recordings of whale calls could help determine whether blue whales using Monument waters belong to the eastern or western North Pacific populations; document the seasonal occurrence of odontocetes, including hard-to-study beaked whales; assess underwater sound from anthropogenic (ships, sonar) and natural (seismic) sources; and establish a baseline 'acoustic budget' for the region for comparison with other areas and for longitudinal studies. Establishing PAM stations within the Monument would be an important contribution to the Center's developing program and would help Monument managers assess and manage cetacean populations. **The Marine Mammal Commission therefore recommends** that the strategy for assessing and managing cetacean populations be expanded to identify an activity to initiate a passive acoustic monitoring system to detect and analyze calls of endangered whales, other marine mammals, and fishes and to establish an ambient underwater sound budget for natural and anthropogenic sound sources.

Page 149, Activity 2.2, Conduct Spinner Dolphin Mark and Recapture Photo-identification Surveys: The narrative for this activity states that spinner dolphin surveys at Midway and Kure Atolls and Pearl and Hermes Reef will be continued. Spinner dolphins also occur at French Frigate Shoals. We suggest adding a sentence noting that surveys also will be undertaken to develop baseline information for assessing the status of the population at that atoll.

Pages 165–177, Section 3.2.3, Habitat Management and Conservation Action Plan: This section identifies activities for restoring habitats significantly altered or damaged by past human activity. Stocks of lobsters, which were important components of reef biota and a potentially important prey for Hawaiian monk seals, have been seriously depleted for reasons that include intensive commercial fishing from the late 1970s to 1999. Available information suggests spiny lobster stocks have not recovered, and slipper lobsters have expanded into areas previously dominated by spiny lobsters. As we understand it, hatchery techniques have been developed for raising American lobsters through their pelagic phases to the age at which they settle on the seafloor. These techniques might be modified and used to help restore depleted spiny and slipper lobster populations at banks within the Monument that are seriously depleted compared to historic levels. Alternatively, it might be possible to translocate three-year-old lobsters to boost reproductive potential. We suggest that this section be expanded to include possible hatchery or translocation techniques to restore depleted lobster stocks within the Monument. Such efforts might be pursued in conjunction with efforts to monitor monk seal prey selection to determine if improvements in lobster stocks lead to improved juvenile monk seal survival.

Page 181–187, Section 3.3.1, Marine Debris Action Plan: This section identifies strategies and activities to document and mitigate impacts of marine debris, including entanglement, injury, and mortality of monk seals. The activities identified in this section constitute important steps for

assessing and mitigating these impacts, and the Marine Mammal Commission strongly endorses their inclusion in this plan.

Activity MD-1.5, Work with fishery management councils to address marine debris prevention with U.S. fishing fleets: This section notes that the Monument Management Board will work with the Western Pacific and North Pacific Fishery Management Councils to initiate an "accountability requirement for all vessels that utilize the type of gear that contribute to the marine debris problem." Large fragments of net debris—particularly trawl nets—appear to pose the principal threat for Hawaiian monk seals, and actions under this activity to minimize the loss of these nets would be particularly important. The Marine Mammal Commission strongly supports the activity described in this section. In working with fishery councils, we suggest that consideration be given to either requiring net deposits or establishing a fund that could be used to reimburse fishermen who return to disposal or recycling centers their old or ready-to-retire trawl nets of the types found in the NWHI. Prevalence of certain types of trawl net recovered during NWHI debris clean-up efforts might serve as a measure of the effectiveness of such an approach.

Page 186, Line 1: Insert the words "marine debris" in the title of this activity between the words "standardize" and "monitoring."

Page 208, Line 28: This line notes that vessel operators will be advised of the need to report any hazardous interactions between aircraft or vessels and protected species or other wildlife. The reporting of such interactions should be mandatory for any permit to enter the Monument. Given its importance, this might merit listing as a separate activity in this section.

Page 211–216, Section 3.3.4, Emergency Response and Natural Resources Damage Assessment Action Plan: This section identifies activities to respond to and remove hazards from shipwrecks, oil spills, and similar emergencies. The activities could help protect Hawaiian monk seals and other natural resources, and the Marine Mammal Commission strongly endorses their inclusion in this plan.

Page 217, Line 17: Insert the words "and after" between the words "military activity during" and "World War II."

Page 219–230, Section 3.4.1, Permitting Action Plan: This section identifies strategies and activities for implementing a permit system to manage human activities in the Monument. Among other things, it identifies various types of permits, permit review criteria, and general permit terms and conditions. The permit process integrates permit systems that were previously administered independently by the federal and state agencies now serving as co-trustees for the Monument. The measures identified in this section are appropriate and important for managing human activities in the Monument, and the Marine Mammal Commission strongly endorses their inclusion in the plan.

Page 256–257, Strategy CBO-1, Coordinate Monument outreach and engage Monument constituencies: Strategy CBO-1 describes actions that will be taken to communicate information on

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Monument resources and management activities to the public and to build public support for the Monument. As currently drafted, the activities do not include a clear, effective mechanism for soliciting and integrating constituent advice into Monument research and management actions. This was recognized as an important need in the Executive Orders designating the Northwestern Hawaiian Island Coral Reef Ecosystem Reserve, which established a Reserve Advisory Council to provide advice and recommendations on the designation and management of any sanctuary established to protect NWHI resources.

Although designation of the Papahānaumokuākea Marine National Monument superseded the need for sanctuary designation, it directed that Monument management be based on plans for designating a sanctuary, which would include ongoing involvement of the Reserve Advisory Council. In our view, the council has been a source of constructive advice, relaying constituent views to resource managers, and both the spirit and intent of Monument designation require that a comparable Monument Advisory Council be included as part of the Monument management system. Accordingly, the Marine Mammal Commission recommends that the strategy in the draft management plan be expanded to include a Monument Advisory Council whose purpose and membership is comparable to that of the current Coral Reef Ecosystem Reserve Advisory Council (i.e., to provide advice and recommendations to the co-trustees on Monument research and management). Although this Council should replace the current Reserve Advisory Council, we believe at least some members of the current council should be among initial appointees to the Monument Council to facilitate a smooth transition.

Page 264, Line 2: Insert the word "information" between the words "resources" and "exchange" in the title of this activity.

Page 298, Activity CFO-6.2: It also would be appropriate to note that the two new vessels at Midway supported under this activity would be available for transporting seals or otherwise assisting in monk seal recovery work.

Page 301, Activity CFO-9.2. Complete planning for and construct a captive-care monk seal facility on Sand Island: The Marine Mammal Commission appreciates and strongly endorses inclusion of such a facility in the proposed plan. The end of the first line of the narrative should be changed to read "...has been identified as a critical need for recovery of this species."

Page 301, Activity CFO-9.3. Provide logistical infrastructure and transportation support for threatened and endangered species recovery actions: The Marine Mammal Commission appreciates and strongly supports such assistance for the monk seal and other endangered species recovery programs active within the Monument. With regard to monk seals, we assume the reference to juvenile survival in the first sentence of the narrative in this section (line 13) refers to improving juvenile monk seal survival. To clarify this, we suggest that the beginning of this sentence be changed to read "Advanced recovery efforts, particularly efforts to address juvenile survival of monk seals, will require..."

Susan White, Ph.D.
15 July 2008
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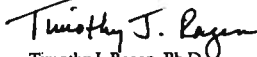
Pages 321-350, References: A citation for the revised Hawaiian Monk Seal Recovery Plan should be added to the bibliography.

Volume III

Appendix H. Monument Memorandum of Agreement: The provisions in this agreement, signed by the co-trustees on 8 December 2006, provide the foundation for cooperative activities to implement Monument management. Sections VA and B of the agreement call for an annual review of its provisions to determine whether they should be modified and, if so, to adopt amendments in writing with concurrence of all co-trustees. With the adoption of a final Monument Management Plan, we believe it would be appropriate to reexamine and incorporate changes in the Memorandum of Agreement to reflect recent developments and new thoughts regarding the direction of Monument management activities. Most obviously, the name of the agreement should be changed to reflect the new name of the Monument. In addition, with completion of a Monument management plan, section IV A.3.a, which directs that a Monument management plan be developed, should be deleted and replaced with guidance on periodically reviewing and updating, and perhaps implementing, the management plan. As mentioned earlier, we also suggest adding a new guiding principle in section II. E. 3 that directs managers to recognize and carefully weigh management activities that may cause short-term, minor impacts to sanctuary resources against prospects for restoring and perpetuating resources or conditions that have been degraded or eliminated by past human activity. The Marine Mammal Commission therefore recommends that, in conjunction with steps to adopt a final management plan, co-trustees for the Monument review and, as appropriate, revise the Memorandum of Agreement on managing the Monument to (1) reflect the new name of the Monument, (2) identify provisions for reviewing and revising the Monument Management Plan, (3) add a new guiding principle recognizing the need to restore and perpetuate significant natural and cultural resources while ensuring that expected impacts and risks to Monument resources inherent in related management activities are no more than short-term or minor, and (4) incorporate other changes as may be deemed necessary and appropriate in light of recent progress and developments.

As noted above, the Marine Mammal Commission commends the authors for preparing an exceptionally good draft management plan. We hope these comments are helpful. If you or your staff has questions on any of these comments and recommendations, please call.

Sincerely,


Timothy J. Ragen, Ph.D.
Executive Director

Cc: Ms. Athline Clark
Ms. T. Aulani Wilhelm

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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November 21, 2008

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Dr. Timothy J. Ragen, Executive Director
Marine Mammal Commission
4340 EAST-WEST HIWAY, Room 700
Bethesda, MD 20814-4447

Re: Marine Mammal Commission, July 15, 2008 Comments on Draft Papahānaumokuākea
Marine National Monument Management Plan

Dear Mr. Ragen:

Thank you for providing comments on the Draft Papahānaumokuākea Marine National Monument Management Plan (draft MMP), Environmental Assessment (EA), and associated documents. The draft MMP is the product of an extensive coordinated planning process undertaken by the Monument Management Board (MMB) on behalf of the Co-Trustee agencies: US Fish and Wildlife Service, the National Oceanic and Atmospheric Administration and the State of Hawai'i, Department of Land and Natural Resources. The MMB is comprised of representatives of these three agencies and the Office of Hawaiian Affairs.

The draft EA contained in Volume II evaluates the likely environmental consequences of the activities contained in the Monument Management Plan (Volume I). The draft EA was developed in accordance with the National Environmental Policy Act and Hawai'i Revised Statutes (HRS) Chapter 343 of the State of Hawai'i.

Under Chapter 343 HRS, the Department of Land and Natural Resources (DLNR) is required to respond in writing to comments received from agencies during the course of the draft MMP public review process. This letter is DLNR's Chapter 343 response to your agency's comments. All responses to comments were prepared jointly by the members of the MMB and will also be included in Volume 5 of the final MMP and associated documents. The Marine Mammal Commission's (MMC) comments were considered in the preparation of the final MMP, EA and associated documents and in many cases, where appropriate, the documents were amended to address your comments as outlined below.

Recommendations

Prior to providing its specific comments, the MMC provided several recommendations for overall plan improvement. These will be addressed in the order provided for in the comment letter.

Dr. Timothy J. Ragen
November 21, 2008
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Comment. [H]ighlight the most urgent recovery needs for Hawaiian monk seals in the Northwestern Hawaiian Islands (NWHI) (i.e., developing monk seal care and intervention methods to increase juvenile seal survival, minimizing shark predation at French Frigate Shoals, and preventing entanglement in marine debris).

Response. The suggested changes were incorporated into Strategy TES-1 Support activities that advance recovery of the Hawaiian monk seal for the life of the plan.

Comment. The MMC suggested that the following two new activities be added to the Endangered and Threatened Species Action Plan strategy TES-1 for recovering monk seals: (1) improve and apply monk seal care capabilities and interventions for increasing juvenile seal survival and (2) reduce shark predation on monk seal pups.

Response. The following language was added to Activity CFO-9.2 "Complete planning for and engineer a captive care monk seal facility on Sand Island" would greatly improve the MMB's captive care and intervention capabilities."

Within the existing Coordinated Field Operations Action Plan, Activity CFO-9.2, the following language can now be found: "Complete planning for and engineer a captive care monk seal facility on Sand Island" would greatly improve captive care and intervention capabilities. Additionally, Activity TES-1.6 "Reduce shark predation on monk seals" was added to the Endangered and Threatened Species Action Plan to monitor and explore options for reducing shark predation on monk seals. See discussion below re: TES-1.6/CFO-9.2 regarding the Endangered and Threatened Species Action Plan.

Comment. The MMC recommended that the following new activity be added to the Threatened and Endangered Species Action Plan strategy TES-2 for conservation of cetaceans: "Initiate passive acoustic monitoring system to detect calls of endangered whales, other marine mammals, and fishes, and to establish an ambient underwater sound budget for natural and anthropogenic sound sources."

Response. A Natural Resources Science Plan (Activity MCS-2.1) will be developed in the first year of implementation. This science plan will include the following thematic areas: 1) research on ecological processes and connectivity, 2) research on biodiversity and habitats, 3) research on human impacts, 4) research on ecosystem change, indicators, and monitoring, and 5) modeling and forecasting ecosystem change. This plan will assess the need determine an acoustic budget for the Monument and explore ways to monitor natural and human made sounds such as the use of passive acoustic monitoring."

Comment. The MMC recommended that the mission statement for the MMP explicitly note the primary importance of restoring damaged or depleted Monument resources; and that a new "guiding principle" be added that calls on managers to perpetuate and, where possible, restore significant natural and cultural resources over the long term while ensuring that impacts and risks inherent in research and management activities are no more than short-term or minor and clearly outweigh potential adverse effects.

Response. In response to numerous comments, the Monument mission statement was revised to clarify that management actions are linked to ecological integrity. The revised language makes clear that the mission is not to restore the area but to "ensure ecological integrity and achieve long-term protection and

perpetuation of NWHI native ecosystems..." However, as it relates to restoration, new language was added to Goal 1, which now states "Support, preserve, maintain, and where appropriate restore the physical environment and the natural biological communities and their associated biodiversity, habitats, populations, native species, and ecological integrity." Goal 2 was modified to state "Support, promote, and coordinate research, ecosystem characterization and monitoring of the NWHI improves management decision-making and is consistent with conservation and protection." Finally, Goal 3 was modified to state "Manage and only allow human activities consistent with Proclamation 8031 to maintain ecological integrity and prevent or minimize negative impacts for long-term protection."

It was felt that the existing guiding principles "Incorporates the best practices, scientific principles, traditional knowledge, and an adaptive management approach" and "errs on the side of resource protection when there is uncertainty in available information on the impacts of an activity" encompasses the basic concept of the commenters proposed addition to the Guiding Principle.

Comment. MMC recommended that the list of six priority management categories be reorganized and the action plans and activities under those categories to better reflect Monument priorities, with revised sections entitled "conserving and restoring wildlife and wildlife habitat" listed first and "conserving and restoring cultural and historic resources" listed second.

Response. The MMP is organized into six priority management categories and 22 action plans. All six of the priority management categories contain specific strategies and activities that will need to be implemented so that the management efforts achieve the resource protection mission and goals for the Monument. The MMB recognizes that some action plans have more detail than others. Some of the plans identify the need to create more detailed step-down plans that will specifically identify and prioritize needs and activities. These include the Natural Resources Science Plan, the Maritime Heritage Resources Plan and the Native Hawaiian Cultural Research Plan.

The prioritization of activities in the management plan is not a linear process nor is it measured by the order of the category in the document or by the amount of funds allocated to individual action plans. Several factors apply when setting the implementation schedule and allocating funds; these include available but are not limited to natural, cultural, and historic resource needs; funding; agency capacity; completion of necessary planning and environmental review; and community input and support. Each year the MMB will determine the annual Monument priorities based on the factors listed above.

Comment. MMC requested that a representative of the Marine Mammal Commission be appointed to the Monument Interagency Coordinating Committee.

Response. The description about the Interagency Coordinating Committee was updated to reflect that this group does not have a fixed membership and meets periodically or as specific topics require. As appropriate, the MMB will invite the MMC to participate in topics related to marine mammals.

Comment. MMC recommended that a Monument Advisory Council be established, with a purpose and membership comparable to that of the current Coral Reef Ecosystem Reserve Advisory Council, to

provide advice and recommendations to the co-trustees on Monument research and management activities.

Response. As stated in CBO-3.5, the MMP contains language that commits the managers to the creation of an "alliance" advisory body. Since the Draft MMP was released, it was decided that the advisory body would have a similar structure to the Reserve Advisory Council with representation from constituency groups that represent all of the stewardship responsibilities of the Monument. The co-trustees are developing an MOA to establish such a group. The final details need to be resolved based upon specific legal restrictions from all of the co-trustees. Examples of details that need to be resolved include financing of the group, timing of the group's advice, opening meetings to the public, and Federal Advisory Committee Act requirements or exemptions.

Comment. With regard to the Co-Trustee Memorandum of Agreement for managing the Monument, the MMC recommended the following amendments:

- a. reflect the new name of the Monument,
- b. identify provisions and a schedule for periodically updating the Monument management plan,
- c. modify the Monument mission statement to reflect the aspiration for restoring significant natural and cultural resources as mentioned in 1d above,
- d. add the recommended guiding principle that calls on managers to perpetuate and, where possible, restore significant natural and cultural resources over the long term while ensuring that impacts and risks inherent in research and management activities are no more than short-term or minor and clearly outweigh potential adverse effects, and
- e. incorporate such other changes as may be deemed appropriate and necessary in light of recent progress and developments.

Response. Strategy AC-2 addresses the need to review and modify agency agreements. The MMB will fully consider these recommendations as the MOA is reviewed and updated.

Specific Comments

Volume I

Section 1.1 - Monument Setting

Comment. This comment by MMC refers to the "Islands and marine habitats of the Papahānaumokuākea" discussion in this section. The MMC recommended that the descriptions of Laysan Island, Lisianski Island, Pearl and Hermes Reef, Kure Atoll, Maro Reef Gardner, Pinnacles and Midway Atoll should discuss how these locations support either important breeding colonies or feeding areas for of monk seals. Additionally, MMC recommended that the section contain additional discussion on other marine mammal habitats in the monument; specifically that the summaries of reef biota at Midway, Pearl and Hermes Reef, and French Frigate Shoals should note that atoll lagoons provide resting habitat for local populations of spinner dolphins and that pelagic waters provide habitat for several species of whales and dolphins, including overwintering humpback whales.

Response. This section of the document was revised in accord with the MMC recommendations.

Section 1.2 - Status and Condition of Natural Resources

Comment. In the discussion on endangered cetacean species portion of this section, the MMC recommended that the words "under the Endangered Species Act" be added after the word "endangered".

Response. The clarification requested by MMC was made to the final MMP.

Comment. In the marine mammal discussion in Section 1.2, the MMC recommended the addition of the following language: "Monk seal numbers in the NWHI have declined persistently since the first counts of the species in the 1950s. Despite efforts to mitigate known impacts, recent beach counts are less than two-thirds the size of initial counts and are expected to decline further due to poor recruitment of breeding-age seals. The past and projected declines have elevated monk seal recovery to a crisis situation as indicated in the recently revised Hawaiian Monk Seal Recovery Plan (NOAA Fisheries 2007).

Response. This section of the MMP was updated with language similar to that provided by MMC.

Comment. Table 1 of Section 1.2 lists endangered and threatened species that have been observed in the monument. MMC notes that the table does not identify species that are similarly listed under Hawai'i state law.

Response. All species found within the monument that are listed as a federal threatened and endangered species are also listed as a state of Hawaii threatened or endangered species. There are no NWHI species on the state threatened and endangered list that is not named on the federal list

Section 1.4 - Environmental and Anthropogenic Stressors

Comment. Section 1.4 contains discussion regarding the effects of past human activities on wildlife, reefs, and islands in the NWHI. MMC suggested that the following language be added: Impacts of these activities on Hawaiian monk seals were particularly acute and may explain much of the decline in the monk seal population in the years following World War II (Ragen and Lavigne 1999). The citation for Ragen and Lavigne 1999 should be added to the bibliography at the end of this volume.

Response. This section of the document was updated with the language provided by the commenter.

Comment. MMC suggested that a new subsection should be added to Section 1.4, between the subsections on Climate Change and Weather Changes to be captioned "Rising Sea Levels" and that it contain a discussion on how sea level increase has affected, and is likely to continue to affect, various species and the ecosystem in the NWHI. Additionally, MMC provided several topics that should be included and discussed in this new subsection. For example, several islets at French Frigate Shoals that were once vegetated and used as breeding habitat by seabirds, monk seals, and other wildlife have been lost or severely reduced in size as a result of rising sea level, and additional losses of limited terrestrial habitat in the NWHI are likely. At a minimum, the new text should describe how sea level rise reduce monk seal haul-out habitats (see Baker et al. 2006). The citation for Baker et al. 2006 also should be added to the bibliography at the end of the volume.

Response. The language in this section has been updated to reflect potential impacts of sea level rise on wildlife. Additional references to impacts from climate change were added throughout the document.

Comment. In the "Diseases" subsection of Section 1.4, there is a discussion regarding the effects of past human activities on wildlife, reefs, and islands in the NWHI and on the threat that diseases present to certain coral species and sea turtles. MMC suggests that this section also note that the introduction of diseases is an important conservation concern for Hawaiian monk seals, seabirds, and perhaps other wildlife species in the Monument.

Response. This section of the document was updated to include that diseases may be a threat to marine mammals.

Comment. MMC states that the Fishing subsection of Section 1.4 contains language that incorrectly implies that lobster harvests have been prohibited since 1991; and that the discussion should be revised to more accurately reflect the actual history and status of lobster harvest fishery in the NWHI. There were additional formatting recommendations regarding the bottomfish fishery discussion.

Response. The language in this section pertaining to the lobster fishery was clarified to indicate the actual status of the fishery. Other recommended changes to the bottomfish discussion were made.

Comment. MMC recommended that language similar to the following be added to the Section 1.4 discussion on Transportation Hazards and Groundings: that collisions with vessels can seriously injure or kill whales and that the humpback whale, which occurs in the NWHI more frequently than previously thought, is likely the species most susceptible to vessel collisions in the Monument (Laist et al. 2001). MMC also recommended that a citation for Laist et al. 2001 be added to the bibliography at the end of this volume.

Response. This section of the document was updated with the language provided by MMC.

Section 2.2 - Policy Framework

Comment. Section 2.2 contains a subsection that discusses the Papahānaumokuākea Interagency Coordination Committee. The MMC requested that MMC be included on the Monument Interagency Coordinating Committee.

Response. As noted above, the description of the Interagency Coordinating Committee was updated to reflect that this group does not have a fixed membership and meets periodically or as specific topics require. As appropriate, the MMC will be invited to participate in topics related to marine mammals.

Comment. MMC recommended that language contained in the Section 2.2 discussion on the NWHI Coral Reef Ecosystem Reserve be amended to explain that the Executive Order which directed that the reserve be a candidate for sanctuary designation also directed NOAA to establish a reserve advisory council to provide recommendations and advice on research and management activities, including the preparation of a reserve operations plan and the designation of the Reserve as a national marine sanctuary.

Response. This recommendation was incorporated into the MMP.

Section 2.3 - Initial Management

Comment. MMC recommended that the Section 2.3 discussion describing adopted Monument regulations for commercial fishing would be more accurate if it were changed to read "prohibit certain commercial fisheries immediately and phase out all other commercial fishing by 2012."

Response. The language in this section has been modified according to the MMC's suggestion.

Section 2.4 - Vision, Mission, Guiding Principles

Comment. The MMC recommended that modifications be made to the language of Section 2.4 and Goals Table 2.1. The first was that the mission statement should be expanded to refer explicitly to the need for, and importance of, restoring resources that have been degraded or damaged by past human activity. The second was that the list of guiding principles for managing Monument resources be expanded by adding something like the following: perpetuates and, where possible, restores significant natural and cultural resources over the long term while ensuring that impacts and risks inherent in research and management activities are no more than short-term or minor and clearly outweigh potential adverse effects.

Response. In response to numerous comments, the Monument mission statement was revised to clarify that all resource management actions are linked to ecological integrity. The revised language makes it clear that the mission is not to restore the area but to "ensure ecological integrity and achieve long-term protection and perpetuation of NWHI native ecosystems..." However, as it relates to restoration, new language was added to Goal 1, which now states "Support, preserve, maintain, and where appropriate restore the physical environment and the natural biological communities and their associated biodiversity, habitats, populations, native species, and ecological integrity."

Goal 2 was modified to state "Support, promote, and coordinate research, ecosystem characterization and monitoring of the NWHI improves management decision making and is consistent with conservation and protection." Finally, Goal 3 was modified to state "Manage and only allow human activities consistent with Proclamation 8031 to maintain ecological integrity and prevent or minimize negative impacts for long-term protection. The MMP reflects the belief that the existing guiding principles "incorporates the best practices, scientific principles, traditional knowledge, and an adaptive management approach"; and "errs on the side of resource protection when there is uncertainty in available information on the impacts of an activity" encompasses the basic concept of the commenters proposed addition to the Guiding Principle.

Section 2.5 - Management Action Plans

Comment. Section 2.5 discusses Six Priority Action Plan Groupings that serve to organize 22 action plans under six priority needs. The MMC suggests that the current order of these six needs does not clearly reflect the priorities expressed in the vision and mission statements. To emphasize the prime importance of protecting wildlife and cultural resources, the MMC suggests that actions to conserve wildlife and wildlife habitat should be mentioned first and that a category for conserving and restoring cultural and historic resources should be given comparable priority.

Lastly, to better convey management priorities, the MMC recommends that consideration be given to reorganizing the presentation of priority management needs and activities to better reflect Monument priorities, with the section on wildlife conservation listed first and a new category on conservation of cultural and historic resources listed second. The MMC also suggested that category for wildlife be renamed something like "conserving and restoring wildlife and wildlife habitat."

Response. As the MMC noted, the MMP is organized into six priority management categories and 22 action plans. All six of the priority management categories contain specific strategies and activities that will need to be implemented so that the management efforts achieve the resource protection mission and goals for the Monument. It is recognized that some of the action plans have more detail than others, while some of the plans identify the need to create more detailed step-down plans that will specifically identify and prioritize needs and activities. These include the Natural Resources Science Plan, the Maritime Heritage Resources Plan and the Native Hawaiian Cultural Research Plan.

The prioritization of activities in the management plan is not a linear process nor necessarily measured by the order of the category is listed in the document nor by the amount of funds allocated to individual action plans. Several factors apply when setting the implementation schedule and allocating funds; these include available but are not limited to natural, cultural, and historic resource needs; funding; agency capacity; completion of necessary planning and environmental review; and community input and support. Each year the MMB will determine the annual Monument priorities based on the factors listed above.

Comment. In section 2.5 there is a discussion on "Coordinating Conservation and Management Efforts." MMC suggests that the words "maintain existing resource protection" be changed to read "expand resource protection measures as called for by the Monument's designation, increase support for related research and management work."

Response. This section of the MMP was modified this to read "expand resource protection, increase support for related research and management work."

Section 3.0 – Action Plans to Address Priority Management Needs

Comment. Table 3.1 of Section 3.0 provides cost estimates totaling \$355 million to implement action plans identified in the draft management plan over the 15-year planning horizon. MMC recommends that text be added explaining how these estimates were derived.

Response. Clarifying text was added to the section of the MMP that described the total cost to implement the MMP.

Subsection 3.1.1 - Marine Conservation Science Action Plan

Comment. Subsection 3.1.1 discusses actions to investigate, monitor, and integrate information on natural resources within the Monument. MMC suggests that a more appropriate title would be "Natural Resources Monitoring and Assessment Action Plan." MMC also suggests that this subsection should discuss long-term research initiatives by the National Marine Fisheries Service on Hawaiian monk seals

and by the Fish and Wildlife Service on seabirds. Additionally, MMC recommends that the strategies and activities described in this subsection be prioritized and undergo periodic updating.

Response. The existing title "Marine Conservation Science Action Plan" adequately describes the action plan. Additional mention was given in this section to research on monk seals and seabirds; however, the "Threatened and Endangered Species Action Plan" provides more specific references. This management plan does not prioritize listed activities; this will be done by the MMB on an annual basis as budgets are developed. Finally, the plan will be updated every 5-years.

Section 3.1.3 - Historic Resources Action Plan

Comment. MMC suggests that Section 3.1.3 be amended to better distinguish this action plan on land-based structures and artifacts from submerged historical resources (e.g., sunken whaling ships, other significant wrecks, and historical artifacts) addressed under the "Maritime Heritage Action Plan." MMC suggests that this action plan be renamed "Land-based History and Heritage Action Plan."

Response. Following review of comments, a determination was made not to change the name of the Historic Resource Action Plan so as to distinguish it from the Maritime Heritage action plan. Each plan clearly describes its unique purpose. Accordingly, the existing names will remain the same.

Section 3.2.1 - Threatened and Endangered Species Action Plan

Comment. MMC suggested that because some of the activities identified under the Section 3.2.1 address species that are neither threatened nor endangered under the ESA, that the title of this section is somewhat misleading. MMC also notes that other important species or species groups that are not endangered or threatened would be appropriate subjects for focused research and management. As a remedy, MMC recommends that a new action plan be added entitled "Non-Endangered Wildlife Action Plan." This action plan could identify strategies and activities focused on individual species, such as spinner dolphins, oysters, lobsters, and certain plants that do not fit in the endangered species and migratory bird action plans.

Response. The "Threatened and Endangered Species" Action Plan includes species that have special ESA and MMPA protections, which includes all marine mammals. Language was added to clarify that the Threatened and Endangered Species Action Plan also refers to protected species under the MMPA, and a description of the MMPA was added to the background section. At this time, the suggested change to create another action plan with other wildlife was not adopted since specific activities that relate to other non-endangered, threatened or protected wildlife are located in other action plans including, Migratory Birds (3.2.2), Habitat Management and Conservation (3.2.3) and Marine Conservation Science (3.1.1).

Comment. MMC suggests that Monument managers need to be particularly mindful of the conservation needs of cetacean populations that occur entirely or principally within the Monument's boundaries and that it would be helpful to note this in the plan. MMC recommends that if a separate action plan is developed for wildlife species that are neither listed species under the ESA nor migratory birds, the discussion of spinner dolphins and other non-ESA listed cetaceans should be moved to that section.

Response. A separate action plan was not developed for wildlife species that are neither listed species under the ESA nor are migratory birds. As such, the discussion of spinner dolphins and other non-ESA listed cetaceans remain where they were located in the draft MMP (see Threatened and Endangered Species Action Plan).

Comment. MMC notes that the "Need for Action" discussion in Section 3.2.1 states that coordinated action is required to protect "these 23 endangered and threatened species." MMC suggests that it would be helpful to clarify what 23 species these are and to reference the list of species in Table 1.4 of Section 1.2 - Status and Condition of Natural Resources.

Response. A link to the Table 1.4 was provided in this section.

Comment. MMC recommended that the following language be added to Strategy TES-1: "With regard to the NWHI, the Hawaiian Monk Seal Recovery Team, the Marine Mammal Commission, and the National Marine Fisheries Service believe that the actions requiring attention most urgently are (1) developing a captive-care program to improve juvenile survival, (2) reducing shark predation on pups and juveniles at French Frigate Shoals, and (3) preventing entanglement in marine debris."

Response. This section of the MMP was amended with the language provided by the MMC.

Comment. MMC recommends that the list of activities in support of monk seal recovery that are listed in Activities TES 1.1-1.5 be expanded to include two additional activities: (1) improve and apply methods for increasing juvenile monk seals survival rates in the NWHI, and (2) reduce risks of shark predation on monk seal pups. MMC further recommended narrative for these two additional activities. For the first, MMC suggested that the activity should "note that juvenile mortality has increased significantly in the NWHI since the 1980s and early 1990s; various captive-care projects, including trans locations, have been tried with varying levels of success to increase juvenile survival; new captive-care methods are being investigated and developed to improve survivorship rates; and Monument staff and assets will be used as appropriate and feasible to assist captive-care work involving the capture, transport, care, and release of juvenile monk seals in the NWHI."

MMC also recommended that the activity should note that "predation on monk seal pups by Galapagos sharks at French Frigate Shoals increased sharply in the late 1990s, claiming perhaps 50 percent of all pups born at the atoll; the National Marine Fisheries Service concluded that predation was a behavior learned by a few individual sharks and initiated efforts in 2000 to remove individual sharks believed to be exhibiting that behavior; the number of monk seal pups and juveniles killed by sharks has since declined but remains above historic levels; and that Monument staff should work with the Service to ensure that plans for mitigating shark predation are consistent with Monument management policies and objectives and, as possible, support or assist research to evaluate shark behavior and shark predation risks and improve the effectiveness of related mitigation efforts."

Response. Activity CFO-9.2 of the Coordinated Field Operations Action Plan has been amended to read: "Complete planning for and engineer a captive care monk seal facility on Sand Island" would greatly improve captive care and intervention capabilities. MMC's suggested language change was added to this

section. Additionally, Activity TES-1.6 "Reduce shark predation on monk seals" was added to the Endangered and Threatened Species Action Plan to monitor and explore options for reducing shark predation on monk seals.

Comment. MMC recommended the following change to Strategy TES-2: Determine the Status of Cetacean Populations and Verify and Manage Potential Threats that is found in Section 3.2.1: "... that the strategy for assessing and managing cetacean populations be expanded to identify an activity to initiate a passive acoustic monitoring system to detect and analyze calls of endangered whales, other marine mammals, and fishes and to establish an ambient underwater sound budget for natural and anthropogenic sound sources."

Response. A Natural Resources Science Plan (Activity MCS-2.1) will be developed in the first year of the MMP's implementation. This science plan will include the following thematic areas: 1) research on ecological processes and connectivity, 2) research on biodiversity and habitats, 3) research on human impacts, 4) research on ecosystem change, indicators, and monitoring, and 5) modeling and forecasting ecosystem change. This plan will assess the need determine an acoustic budget for the Monument and explore ways to monitor natural and human made sounds such as the use of passive acoustic monitoring."

Comment. Activity 2.2, Conduct Spinner Dolphin Mark and Recapture Photo-identification Surveys in Section 3.2, provided that spinner dolphin surveys at Midway and Kure Atolls and Pearl and Hermes Reef will be continued. Spinner dolphins also occur at French Frigate Shoals. MMC suggested adding a sentence noting that surveys also will be undertaken to develop baseline information for assessing the status of the population at that atoll.

Response. The language in Activity 2.2 was updated to reflect MMC's suggestion.

Section 3.2.3 - Habitat Management and Conservation Action Plan

Comment. Section 3.2.3 identifies activities for restoring habitats significantly altered or damaged by past human activity. MMC suggested that this section be expanded to include possible hatchery or translocation techniques to restore depleted lobster stocks within the Monument and that these efforts might be pursued in conjunction with other efforts to monitor monk seal prey selection to determine if improvements in lobster stocks lead to improved juvenile monk seal survival.

Response. The desired outcome statement for the MMP's Habitat Management and Conservation Action Plan (3.2.3) has been changed to better reflect the need and priority to restore species and habitats, when appropriate. This concept is further strengthened by changes made in Monument Goal 1 in Table 2.1 "Protect, preserve, maintain, and where appropriate restore the natural biological communities and their associated biodiversity, habitats, populations, native species, and ecological processes."

Many of the restoration activities described in the MMP focus on the terrestrial habitats and ecosystems. This is because FWS has been monitoring these systems for a longer period of time and there is a clearer understanding of restoration activities that need to be taken. A complete of an understanding about the marine habitats and ecosystems is not yet available. Such information needs and possible restoration

activities for the marine systems will be addressed in the "The Natural Resources Science Plan (Activity MCS-2.1).

Likewise, any attempt at restoration of lobster stocks in the NWHI would requires further research and identification of the stressors, including the further characterization of ecosystem dynamics that may have contributed to the decline of the species and stocks. Some research is being conducted, and restoration programs that may be considered in the future are generally included in this plan already. Therefore, a separate activity is not required now, but may be added later if appropriate. Specific research lobster as monk seal prey will continue as the Hawaiian Monk Seal Recovery Plan is implemented.

Section 3.3.1 - Marine Debris Action Plan

Comment. Section 3.3.1 identifies strategies and activities to document and mitigate impacts of marine debris, including entanglement, injury, and mortality of monk seals. The activities identified in this section constitute important steps for assessing and mitigating these impacts, and the Marine Mammal Commission strongly endorses their inclusion in this plan.

Response. MMC's comment is noted.

Comment. Activity MD-1.5 - *Work with fishery management councils to address marine debris prevention with U.S. fishing fleets* states that the Monument Management Board will work with the Western Pacific and North Pacific Fishery Management Councils to initiate an "accountability requirement for all vessels that utilize the type of gear that contribute to the marine debris problem." The MMC strongly supports the activity described in this section and suggests that in working with fishery councils, consideration be given to either requiring net deposits or establishing a fund that could be used to reimburse fishermen who return to disposal or recycling centers old or ready-to-retire trawl nets of the types found in the NWHI.

Response. The MMB consider this recommendation as it works with the regional Fishery Management Councils to address marine debris prevention from U.S. and international fishing fleets.

Comment. MMC suggests that the first sentence in Activity MD-2.2 be amended by inserting the words "marine debris" in the title of this activity between the words "standardize" and "monitoring."

Response. This section of the document was amended using the language provided by MMC.

3.3.3 - Maritime Transportation and Aviation

Comment. Activity MTA-2.3 *Improve existing pre-access information for inclusion on the Monument website and in permit application instructions* provides in part that vessel operators will be advised of the need to report any hazardous interactions between aircraft or vessels and protected species or other wildlife. MMC suggests that the reporting of such interactions should be mandatory for any permit to enter the Monument. MMC also suggested that a reporting requirement could be listed as a separate activity in this section.

Response. There are two existing activities that involve providing information to and briefing vessel operators and permit holder prior to accessing the monument, including MTA-2.3 "Improve existing pre-access information for inclusion on the Monument website and in permit application instructions" and P-3.4 "Develop a pre-access training and briefing program." These measures are adequate, but will monitor to determine if more targeted information or training is needed.

Section 3.3.4 - Emergency Response and Natural Resources Damage Assessment Action Plan

Comment. The MMC strongly endorses the inclusion of Section 3.3.4 in the MMP. The MMC notes that this section identifies activities to respond to and remove hazards from shipwrecks, oil spills, and similar emergencies, all of which could help to protect Hawaiian monk seals and other natural resources.

Response. The Emergency Response and Natural Resource Damage Assessment Action Plan was designed to respond to emergencies that would help protect all wildlife, not just monk seals. Further, added protection to monk seals is addressed in TES 1.2 "Support and facilitate emergency response for monk seals," which is part of the threatened and endangered species action plan.

Section 3.4 - Managing Human Uses

Comment. The MMC recommends the following language change to the third paragraph in the introduction to Section 3.4. Insert the words "and after" between the words "military activity during" and "World War II."

Response. The language in this section has been modified according to the MMC's suggestion.

Section 3.4.1 - Permitting Action Plan

Comment. The measures identified in Section 3.4.1 are appropriate and important for managing human activities in the Monument. The MMC strongly endorses their inclusion in the plan.

Response. The Permitting Action Plan will be included in the final plan.

Section 3.5.2 - Constituency Building and Outreach

Comment. The MMC noted several concerns with the draft MMP version of Strategy CBO-1. *Coordinate Monument outreach and engage Monument constituencies.* This strategy describes actions designed to facilitate the communication of information on Monument resources and management activities to the public and to build public support for the Monument. MMC suggests that "as currently drafted, the activities do not include a clear, effective mechanism for soliciting and integrating constituent advice into Monument research and management actions." Additionally, MMC suggests that while designation of the Monument superseded the need for sanctuary designation, it directed that Monument management be based on plans for designating a sanctuary, which would have included ongoing involvement of the sanctuary's Reserve Advisory Council. In MMC's view the sanctuary council was a source for constructive advice and it provided an avenue for relaying constituent views to managers.

MMC recommended that Strategy CBO-1 be expanded to include a Monument Advisory Council whose purpose and membership would be comparable to the current *Coral Reef Ecosystem Reserve Advisory Council*. MMC also recommended that some members of the current *Reserve* council should be among initial appointees to the Monument Council to facilitate a smooth transition.

Response. As stated in CBO-3.5, the MMP contains language that commits the managers to the creation of an "alliance" advisory body. Since the Draft MMP was released, it was decided that the advisory body would have a similar structure to the Reserve Advisory Council with representation from constituency groups that represent all of the stewardship responsibilities of the Monument. The co-trustees are developing an MOA to establish such a group. The final details need to be resolved based upon specific legal restrictions from all of the co-trustees. Examples of details that need to be resolved include financing of the group, timing of the group's advice, opening meetings to the public, and Federal Advisory Committee Act requirements or exemptions.

3.5.3 - Native Hawaiian Community Involvement

Comment. In Activity NHCI-1.3: *Establish an annual cultural resources exchange*, MMC suggests inserting the word "information" between the words "resources" and "exchange" in the title of this activity.

Response. The suggested language change was not made as the intent of the "exchange" in this Activity is to share much more than information.

3.6.3 - Coordinated Field Operations

Comment. Regarding Activity CFO-6.2, the MMC suggested that the language be amended to note that the two new vessels at Midway supported under this activity would be available for transporting seals or otherwise assisting in monk seal recovery work.

Response. This section of the document was updated with the language provided by MMC.

Comment. The MMC strongly endorses Activity CFO-9.2 which will require that planning for and construct of a captive-care monk seal facility on Sand Island be completed. MMC recommends that the end first line of the narrative be changed to read " ... has been identified as a critical need for recovery of this species."

Response. The language in activity CFO-9.2 has been modified according to MMC's suggestion.

Comment. Activity CFO-9.3 provides for logistical, infrastructure, and transportation support for threatened and endangered species recovery actions. MMC recommended that first sentence be changed to read that "[a]dvanced recovery efforts, particularly efforts to address juvenile survival of monk seals, will require . . ."

Response. The suggested language change was not made in activity CFO-9.3 since this activity applies to all wildlife and not just monk seals.

Dr. Timothy J. Ragen
November 21, 2008
Page 15 of 15

References

Comment. MMC recommended that a citation to the revised Hawaiian Monk Seal Recovery Plan be added to the bibliography.

Response. The citation to the revised Monk Seal Recovery Plan been updated.

Volume III

Appendix H - Monument Memorandum of Agreement

Comment. The MMC recommended that in adopting a final management plan the co-trustees review and, as appropriate, revise the Memorandum of Agreement on managing the Monument to (1) reflect the new name of the Monument, (2) identify provisions for reviewing and revising the Monument Management Plan, (3) add a new guiding principle recognizing the need to restore and perpetuate significant natural and cultural resources while ensuring that expected impacts and risks to Monument resources inherent in related management activities are no more than short-term or minor, and (4) incorporate other changes as may be deemed necessary and appropriate in light of recent progress and developments.

Response. Strategy AC-2 addresses the need to review and modify agency agreements. These recommendations will be fully considered when the MOA is reviewed and updated.

DLNR again wishes to thank your interest and for reviewing and commenting on the Papahānaumokuākea Marine National Monument draft Monument Management Plan, draft Environmental Assessment and the associated documents.

Sincerely,



LAURA H. THIELEN
Chairperson



"Call, Kevin L CIV
MDA/GCG"
<Kevin.Call@mda.mil>
07/02/2008 06:44 AM

To: <PMNM_MMP_Comments@fws.gov>
cc:
Subject: MDA Comments on Management Plan and Environmental Assessment
for PMNM (UNCLASSIFIED)

00066

Classification: UNCLASSIFIED
Caveats: NONE

This transmits the comments of the Missile Defense Agency on the Papahānaumokuākea Marine National Monument Draft Monument Management Plan and Draft Monument Management Plan Environmental Assessment. As noted in the detailed comments, Section 5.5 of the Management Plan Scoping Report (September 25, 2007) states that one issue that was raised is the lack of a discussion of activities of the Missile Defense Agency, whose activities may put debris within the Monument boundaries. The Missile Defense Agency previously provided background material from NEPA studies that described and discussed missile defense activities that occur or would occur in or near the Monument and can provide assistance in drafting specific language for the Monument Management Plan and/or its Environmental Assessment, if requested.

The Point of Contact for these comments is:

Kevin L. Call
Office of General Counsel
(256) 450-1767

Classification: UNCLASSIFIED
Caveats: NONE



PAPAHANAUMOKUAKEA MARINE NATIONAL MONUMENT.doc

PAPAHANAUMOKUAKEA MARINE NATIONAL MONUMENT

Review by Missile Defense Agency
Office of General Counsel

DRAFT MONUMENT MANAGEMENT PLAN

1. On page 73, line 1, it states: "The following information summarizes the main types of vessels operating in the Monument." Military vessels are not mentioned.

Suggested language:

Military Vessels

Navy vessels conduct training and participate in testing activities in the Hawaii Range Complex (which encompasses the Monument), including, in particular, activities in the vicinity of Nihoa and surrounding waters within the Monument. These activities, which include a variety of anti-submarine and surface and air warfare training, are described and analyzed in detail in the Hawaii Range Complex Final Environmental Impact Statement/Overseas Environmental Impact Statement (May 2008). In addition, vessels that support missile defense tests occasionally operate in Monument waters. Missiles are launched from floating platforms and ships within or near Monument waters.

2. On page 76, line 22, associated protective measures for Particularly Sensitive Sea Area designation includes a reporting system for vessels transiting the Monument.

The text should note that this reporting requirement does not include military vessels.

3. Page 79, lines 1-10 discusses the Presidential Proclamation and implementing regulations for the Monument. There is no mention of the special status of military activities in the Monument.

Suggested language:

Following the sentence ending the middle of line 7: "The prohibitions required by Proclamation 8031 and the joint implementing regulations do not apply to activities and exercises of the Armed Forces".

4. Page 89, lines 2-32 discuss the Monument regulations, prohibitions and permitting requirements. There is no reference to military activities.

Suggested language:

Following line 32: "The prohibitions required by Proclamation 8031 and the initial Monument regulations do not apply to activities and exercises of the Armed Forces. These activities and exercises are not subject to permitting requirements."

5. Page 205, lines 13-29, describing marine traffic, do not mention Navy and other military vessels that operate in the Monument.

Suggested language:

In line 27, following (Franklin 2008), insert "Navy ships and vessels conduct training and participate in testing activities in the Hawaii Range Complex, which encompasses the Monument, and vessels that support missile defense tests occasionally operate in Monument waters".

6. Page 205, lines 42-48 indicate that "All" activities conducted in the Monument must meet requirements in Proclamation 8031, without distinguishing military activities.

Suggested language:

In line 42, following "Monument" add "with the exception of activities and exercises of the Armed Forces,"

7. Page 208, line 11, mentions "mandatory hull inspections and cleaning for all vessels accessing the Monument." Military vessels would not be subject to such requirements. However, the Interagency Coordinating Committee could likely facilitate informal arrangements with the Defense agencies to avoid introduction of alien species into the Monument.

8. Page 217, lines 20-23, characterize the current activities within the NWHI, without mentioning military activities.

Suggested language:

In line 20, following "Current activities are limited primarily to" add "Navy training and testing activities, missile defense testing."

9. Page 218, lines 17-21, give the impression that "all" activities within the Monument would require permits, including military activities.

Suggested language:

At the end of line 21, add a sentence that states: "The permit program would not apply to activities and exercises of the Armed Forces."

10. Page 248, line 13 indicates areas of cooperation with the Department of Defense and the Navy to include "minimizing" military activities in the Monument. The word "minimizing" should be deleted. The Navy and DoD are committed to being good stewards of areas they use in their testing and training activities and, consistent with Proclamation 8031, will conduct these activities "in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument

resources and qualities.” However, the remoteness of the area of the Pacific that includes the Monument also makes it ideal for missile testing, and some of this testing will include areas within the Monument. There should not be an expectation that these missile testing activities will be curtailed or reduced in the future.

DRAFT MONUMENT MANAGEMENT PLAN ENVIRONMENTAL ASSESSMENT

1. Page 50, Section 1.6.12, Permitting. There is no indication that the permit requirements would not include activities and exercises of the Armed Forces.

Suggested language:

At the end of the first paragraph in Section 1.6.12, add a sentence that states: “As noted in the Monument Management Plan, the prohibitions in Presidential Proclamation 8031, including permitting requirements, do not apply to activities and exercises of the Armed Forces.”

2. Page 109, Section 2.4.1.1, second paragraph. The list of activities occurring in the waters of the NWHI does not include military activities.

Suggested language:

After “research and management” add “Navy and DoD training and testing activities”.

3. Page 110, bottom and 111 top. The text states: “The military still conducts limited operations and missile tracking in the general area around the Monument.” This does not properly reflect the on-going military activities occurring in parts of the Monument.

Suggested language:

Delete the quoted sentence and substitute the following: “The Navy conducts training and participates in testing activities within the Hawaii Range Complex, which encompasses the Monument. In addition, the Defense Department conducts missile defense testing, including missile intercepts, in and around the Monument.

4. Page 112, under Current Human Uses and Activities. The text does not accurately reflect the military activities occurring in the Monument.

Suggested language:

In the second sentence under the heading “Current Human Uses and Activities”, add “from Midway Atoll” after “departure of the military”. Also, after “research”, add “Navy training and testing, missile defense testing.” Finally, substitute the following for the first part of the second to the last sentence under this heading: “In addition, activities and exercises of the Armed Forces, emergency response . . .”

5. Page 116, second to last paragraph. The discussion concerning permits does not distinguish military activities, etc., that are not included.

Suggested language:

At the beginning of the second sentence in this paragraph, begin with: “With the exception of armed forces activities, emergencies, law enforcement, and free passage”

6. Page 129, first paragraph under the Federal Regulations heading, does not distinguish military vessels from those vessels that need to provide notification before entering and after leaving the Monument.

Suggested language:

In the second sentence under this heading, after “issuance of permits,” add “with the exception of military vessels [and others, as applicable]”,

7. Pages 134-135. With respect to discharges from vessels, different requirements may apply to Navy and DoD vessels, which are not subject to the Monument regulations. EPA has been working with DoD, to develop regulations for discharges of various types from DoD vessels.

8. Page 137, second paragraph under Section 2.5.2.2 – Regulatory Environment, does not accurately reflect the requirements for military vessels.

Suggested language:

At the beginning of the second sentence, add: “With the exceptions noted above,”

9. Page 138, first paragraph under Vessel Activity. There is no mention of military vessels.

Suggested language:

In the third line of the paragraph, after “is made up of” add “DoD vessels conducting training and testing activities,”.

10. Page 157, first sentence under Alien Species Action Plan. See previous comments concerning the requirement for hull inspection and cleaning not being applicable to military vessels.

11. Page 158, first sentence under Enforcement Action Plan – Planning and Administrative Activities. See previous comments concerning the monitoring and ship reporting systems not being applicable to military vessels.

12. Page 182-183, last paragraph concerning quarantine protocols and hull inspections and cleaning. See previous comments concerning these requirements not being applicable to military vessels.

13. Page 229, first paragraph under Enforcement Action Plan – Planning and Administrative Activities. See previous comments concerning monitoring and ship reporting systems not being applicable to military vessels.

14. Page 242, the second full sentence states: “Human use is now limited to managers, contractors, researchers, and visitors of the Monument.” There is no mention of military activities.

Suggested language:

After “Human use is now limited to” add “DoD training, testing and missile defense activities.”

We note that Section 5.5 of the Management Plan Scoping Report (September 25, 2007) states that one issue is no discussion of activities of the Missile Defense Agency (MDA), whose activities may put debris within the Monument boundaries. MDA has provided background material from NEPA studies that described and discussed missile defense activities that would occur in or near the Monument and can provide assistance in drafting specific language for the Monument Management Plan and/or its Environmental Assessment if requested.

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 21, 2008

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CONSERVATION AND RESOURCES ENFORCEMENT
DIVERSIFIED
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAWAII AND ISLAND RESERVE COMMISSION
LAND
STATE PAGES

Mr. Kevin L. Call
Missile Defense Agency
Office of General Counsel
Room 2025
Building 5222, Martin Road
Redstone Arsenal, AL 35898

Re: Missile Defense Agency Comments on Draft Papahānaumokuākea Marine
National Monument Management Plan and Environmental Assessment

Dear Mr. McCall:

Thank you for providing comments on the Draft Papahānaumokuākea Marine National Monument Management Plan (draft MMP), Environmental Assessment (EA), and associated documents. The draft MMP is the product of an extensive coordinated planning process undertaken by the Monument Management Board (MMB) on behalf of the Co-Trustee agencies: US Fish and Wildlife Service, the National Oceanic and Atmospheric Administration and the State of Hawai'i, Department of Land and Natural Resources. The MMB is comprised of representatives of these three agencies and the Office of Hawaiian Affairs.

The draft EA contained in Volume II evaluates the likely environmental consequences of the activities contained in the Monument Management Plan (Volume I). The draft EA was developed in accordance with the National Environmental Policy Act and Hawai'i Revised Statutes (HRS) Chapter 343.

Under Chapter 343 HRS, the Department of Land and Natural Resources (DLNR) is required to respond in writing to comments received from agencies during the course of the draft MMP public review process. This letter is DLNR's response to the Navy's comments. All responses to comments were prepared jointly by the members of the MMB and will also be included in Volume 5 of the final MMP and associated documents. The Missile Defense Agency (MDA) comments were considered in the preparation of the final MMP, EA and associated documents and in many cases, where appropriate, the documents were amended to address your comments as outlined below.

Volume I - Draft Monument Management Plan

Comment. The MDA expressed concern in several instances that the draft MMP and EA did not accurately portray its activities within the monument and that the document's explanation of Presidential Proclamation 8031's military exemption was inadequate. MDA suggested that additional

Mr. Kevin L. Call
November 21, 2008
Page 2 of 2

language be added to clarify the exemption in a number of different sections of the document to better reflect ongoing military activities in and around the Monument.

Response. Language has been added to MMP to clearly identify the Armed Forces exemption (see Vol. I, Section 2.3 "Initial Management"). Additionally, specific changes regarding military activities and presence within the Monument were made to the following sections of the MMP: Section 1.4 - Environmental and Anthropogenic Stressors, Section 1.5 - Global Significance, Section 2.1 Legal Framework, Section 2.3 Initial Management, Section 3.4 Managing Human Uses, and Section 3.5.1 Agency Coordination

Section 3.3.3 Maritime Transportation and Aviation (Activity MTA-1.1) has been revised to clarify that armed forces' vessels are not required to submit to International Maritime Organization (IMO) requirements. A new Appendix was added to Volume III to reflect current IMO provisions.

After review of all comments, it was determined that additional language noting the exemption throughout the balance of document wherever the Proclamation's regulations are mentioned would be redundant.

Volume II - Draft Environmental Assessment

Comment. As with draft MMP, the MDA had specific recommendations for a number of sections in the Environmental Assessment (EA) where it believed it would be appropriate to reiterate the Presidential Proclamation 8031's exemptions for military activities occurring within the Monument.

Response. The EA has been modified in section 2.4.1.3 to clarify ongoing military activities; including conducting training and testing activities within the Monument, are exempted by the proclamation.

Certain specific changes suggested by MDA regarding military presence and activities were incorporated into several sections of the EA. These sections included Section 2.4.1 - Human Uses (Introduction/Region of Influence and Federal Regulations) and Section 2.5 - Other Factors (Vessel Activity) and Section 4.0 - Socioeconomic Resources (Human Uses and Activities) where the section was revised to include "DoD training, testing and missile defense activities"

As with the MMP, it was felt that adding additional language regarding the exemption throughout the balance of Environmental Assessment where the Proclamation's regulations are mentioned would have been redundant.

The DLNR again wishes to thank you interest in and for reviewing and commenting on the Papahānaumokuākea Marine National Monument draft Monument Management Plan and draft Environmental Assessment.

Sincerely,



LAURA H. THIELEN
Chairperson



"Luster, Jeffrey P.
CAPT JAGC"
<jeffrey.luster@navy.mil>
>

07/08/2008 10:46 AM

To: <PMNM_MMP_Comments@fws.gov>
cc: "Schregardus, Donald R. SES DASN (Environment) Pentagon, . BF986"
<donald.schregardus@navy.mil>
Subject: DEPUTY ASST SECRETARY OF THE NAVY (ENVIRONMENT)
COMMENTS

00103

Dear Madam or Sir:

Please find attached a .pdf copy of comments on the Draft Papahānaumokuākea Marine National Monument Management Plan and associated Environmental Assessment signed out today by Mr. Donald Schregardus, the Deputy Assistant Secretary of the Navy (Environment).

V/r Jeff Luster

Captain Jeffrey P. Luster, JAGC, USN

Sr. Counsel (Fleet & Operational Environmental Law)

Office of the Ass't Secretary of the Navy (Installations & Environment)

(703) 614-3137



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DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(INSTALLATIONS AND ENVIRONMENT)
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

July 8, 2008

Co-Trustees
U.S. Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
Box 50167
Honolulu, Hawai'i 96850

Dear Co-Trustees:

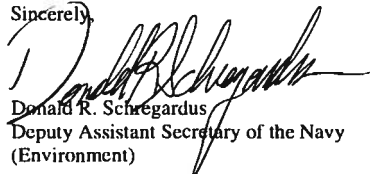
Thank you for providing the Department of the Navy the opportunity to review and comment on the Draft Papahānaumokuākea Marine National Monument Management Plan and associated Environmental Assessment.

While we fully support the Co-Trustees' effort to develop a Monument Management Plan that would serve as a collective guiding framework to enable you to effectively and efficiently achieve the President's overall vision of the Monument, we have concerns that the draft documents are inconsistent with the President's proclamation of June 15, 2006 establishing the Monument as it pertains to Department of Defense activities in the Monument. We feel that the documents must recognize and fully preserve the exemption for Armed Forces action set forth in the President's proclamation, and that neither the Monument Management Plan nor the Environmental Assessment should interpret this exemption as a requirement to minimize Navy or Department of Defense activities in the Monument. The Navy is fully committed to ensuring that its activities shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on Monument resources and qualities.

These comments have been coordinated with the Office of the Secretary of Defense. Our specific concerns are set forth in comments submitted by Commander, U.S. Pacific Fleet on July 7, 2008. We welcome the opportunity to meet with your representatives to review our comments.

The Department of the Navy will continue to support the Co-Trustees in the development of the Monument Management Plan. Thank you for considering our comments. I am the Department of the Navy's point of contact on this matter.

Sincerely,



Donald R. Schregardus
Deputy Assistant Secretary of the Navy
(Environment)



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>

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cc: "Vavra, Randy LCDR COMPACFLT N01CE1RV"
<randy.vavra@navy.mil>, "Eldredge, Daniel E CDR COMPACFLT
N01CE1DE" <daniel.eldredge@navy.mil>
Subject: COMMENTS ON DRAFT MANAGEMENT PLAN AND EA

00093

07/07/2008 07:54 AM

Attached are comments to the draft management plan and environmental assessment.

V/R
Dean
CAPT Dean Leech, JAGC, USN
Pacific Fleet Environmental Counsel
251 Makalapa Drive
Pearl Harbor, Hawaii 96815
(808) 471-4954
Cell 808.864.8047



<<Navy Comments 2 Jul 08.pdf>> Navy Comments 2 Jul 08.pdf



DEPARTMENT OF THE NAVY
COMMANDER
UNITED STATES PACIFIC FLEET
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PEARL HARBOR, HAWAII 96860-9121

IN REPLY REFER TO:
5090
Ser N01CE1/0676
2 July 2008

U.S. Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
Box 50167
Honolulu, HI 96850

SUBJ: COMMENTS ON PAPAHAANAUMOKUAKEA MARINE NATIONAL MONUMENT
DRAFT MONUMENT MANAGEMENT PLAN AND DRAFT ENVIRONMENTAL
ASSESSMENT

To Whom It May Concern:

We appreciate the opportunity to review and the efforts of your team in preparing the Papahānaumokuākea Marine National Monument Draft Monument Management Plan and Environmental Assessment consisting of four volumes. Enclosure (1) details the U.S. Pacific Fleet's concerns.

Any analysis and plan must carefully remain within the boundarrea established by the Presidential Proclamation, associated regulations, and the United States' overarching commitments under customary international law and the United Nations' Convention on the Law of the Sea.

The draft management plan and environmental assessment fail to accurately articulate the ability of the Department of Defense, including the U.S. Navy, to carry out activities and exercises in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on Monument resources and qualities. The volumes repeatedly fail to acknowledge this authority and, to the extent actions of the armed forces are acknowledged, do so in an inaccurate and imprecise manner. We recommend that the drafters review and reference the Hawaii Range Complex Environmental Impact Statement/Overseas Environmental Impact Statement (HRC EIS/OEIS) and its Record of Decision. The HRC EIS/OEIS is the single most comprehensive analysis of military readiness activities throughout the Hawaiian Islands, including the Papahānaumokuākea Marine National Monument.

SUBJ: COMMENTS ON PAPAHAANAUMOKUAKEA MARINE NATIONAL MONUMENT
DRAFT MONUMENT MANAGEMENT PLAN AND DRAFT ENVIRONMENTAL
ASSESSMENT

The Pacific Fleet's point of contact is Lieutenant Commander Randy Vavra who may be reached at (808) 474-6389.

Sincerely,


RIOS
CAPT, USN, CEC
Deputy Fleet Engineer
By direction

SPECIFIC COMMENTS ON DRAFT PAPHANAUMOKUJAKEA MANAGEMENT PLAN AND ENVIRONMENTAL ASSESSMENT

VOLUME I: DRAFT MONUMENT MANAGEMENT PLAN (organized by page number)

Page 70, lns 34-35:

The discussion discusses an event that should have occurred before this draft management plan was released. Recommend updating the discussion or deleting it.

Page 70-71, lns 36-41 and lns 1-41

The discussion of Waste Discharge, Ballast Water Discharge, and Introduction of Alien Species must be grounded in international law and the authorization granted by the Presidential Proclamation. The current discussion provides little and no reference to international law and how the plan intends to comply with the Presidential Proclamation.

Pages 72-73, lns 8-45 and lns 1-4

Discussion of lights and noise impacts fails to accurately capture the entire range of light and noise sources including an analysis of ambient light noise levels. "Noise" in the water is more accurately described as "energy" in the water. The discussion also inappropriately focuses on sonar by noting that it is of "particular concern". This untoward singling out of the issue du jour should be deleted. This lack of analysis does a disservice to the species and the National Monument by ignoring all other sources and fails to provide an in-depth discussion of the entire range of sources, discussion of peer-reviewed scientific articles detailing why energy in the water is or may be an issue of concern and how energy in the water may or may not affect the many species that inhabit the National Monument.

Page 73-74, lns 6-46 and lns 1-10

The discussion of various categories of vessels appears to be focused on several select categories with no background information or explanation as to why these are singled out. It also fails to mention that vessels of all nations' armed forces may transit through waters of the National Monument.

Page 76, lns 16-26

The discussion of the ship reporting system should note that some categories of vessels, such as vessels of the armed forces, are exempt from any reporting system.

Page 79, lns 6-7

1

Enclosure (1)

This description of the regulations should also list "exemptions" after the word "prohibitions" to ensure readers understand the complete scope of the regulations.

Page 89, lns 2-32

This description should list the prohibited activities and the exempted activities to ensure readers understand the complete scope of the regulations.

Page 149, lns 10-16

This discussion of human interactions fails to define and describe nearshore ship traffic and how it actually affects monk seals based on peer reviewed science. Any restrictions imposed in the National Monument for Monk Seals would likely be carried over to the main Hawaiian Islands where ship traffic is much greater in frequency and intensity. Accordingly, restrictions based on geography, intensity and frequency would have a severe impact. This section also fails to define and describe "unnecessary research" and criteria intended for use to define and regulate beach use, noise and the thresholds that will be used to create any regulations.

Page 155, lns 16-21

Recommend rewriting this paragraph to reflect that the Endangered Species Act requires that federal agencies consult with NOAA for marine species and FWS for terrestrial species on actions that the federal agencies conclude may affect listed or endangered species. This more accurately describes the ESA requirements. As currently drafted, the management plan does not clearly establish the consultation requirements federal agencies taking the action must follow.

Page 173, lns 22-32

This description of altitude restrictions is not accurate. There is no minimum altitude above national refuges and national monuments nor does DoD prescribe a minimum altitude.

Page 174, lns 3-7

This description incorrectly describes FWS policy and federal regulation. The regulation and policies cited do not require that the Hawaiian Islands NWR proposed for designation in 1974 be managed as a Wilderness area. In fact, because Congress did not do so in 1974 indicates that it is not a wilderness area and the Wilderness Act is wholly inapplicable.

Page 191, lns 20-32

2

Enclosure (1)

The Plan should clearly articulate how the Coast Guard regulations, IMO guidelines and State DLNR laws fall, or do not fall, within the Presidential Proclamation/regulations and to whom they apply. The current discussion raises significant international law and federal/state Supremacy clause issues.

Page 205 lns 13-29

Marine traffic in the Monument is described without mentioning that vessels of armed forces, including those of other nations, may transit through and conduct activities within the Monument.

Page 206, lns 39-42

This discussion of anthropogenic noise does not identify any scientific analysis regarding anthropogenic ship noise or studies unique to the resources of the National Monument. As such, it is unfounded and should be deleted.

Page 207, lns 1-9

Discussion of the PSSA designation should include a statement that armed forces vessels are not required to submit to these requirements. Additionally, the PSSA designation and associated documents should be an appendix in Volume IV.

Page 218, ln 21

The permitting discussion does not account for activities for which permits are not required, including exercises and activities of the armed forces and emergency/law enforcement activities.

Page 248, lns 10-15

This discussion does not accurately reflect the authorization for activities and exercises of the armed forces. There is no requirement in the Presidential Proclamation that the armed forces minimize activities in the Monument. The proclamation only requires that "activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on the Monument resources and qualities." This does not equate to minimizing activities.

REVIEW OF THE DRAFT ENVIRONMENTAL ASSESSMENT

Page 78

The ROI should be depicted through a chart or viewal. As drafted, the reader does not understand the size and scope of the ROI being discussed. This is particularly important because the description of impacts does not accurately identify all human activities within the ROI.

3

Enclosure (1)

Page 109, Section 2.4.1.1, second paragraph. The list of activities occurring in the waters of the NMNI should include "Navy and DoD training and testing activities".

Page 110-111

The sentence stating "The military still conducts limited operations . . . around the Monument," does not accurately reflect armed forces activities. The sentence should be replaced with the following, "The Navy conducts training and testing activities within the Hawaii Operating Area, which includes a portion of the Monument. In addition, the Defense Department conducts missile defense testing, including missile intercepts, in and around the Monument."

Page 112

The text states in part that "access by the armed forces for emergency response, enforcement, and passage without interruption are allowed without permit." This line does not accurately convey the regulations and should be amended as follows: "In addition, by regulation, the prohibitions of the proclamation do not apply to emergency and law enforcement activities and activities and exercises of the Armed Forces including those carried out by the U.S. Coast Guard."

Page 133

Discussion of the ROI should not be solely focused on the few marine and terrestrial areas as currently depicted. Based on the EA's definition of the ROI at pages 79 and 80 which identifies 13 resource areas or categories, the discussion on page 133 mentions a few apparently unrelated areas of concern. It then mentions "land-based military activities". The previous discussion of the 13 categories is surprisingly vague regarding human activities before mentioning military land based activities. The discussion of the resource areas should also discuss land fills and associated pollution issues, water quality including Honolulu's Consent Decree of the early 1990s, the amount of waste dumped at sea and Honolulu's ongoing dispute with the EPA over its permit, development and associated impacts on marine and terrestrial species and their habitat as well as erosion and non-point source pollution.

4

Enclosure (1)

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 21, 2008

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DEPARTMENTAL
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAWAIIAN ISLAND RESPONSE COMMISSION
LAND
STATE PARKS

Mr. Donald R. Schregardus
November 21, 2008
Page 2 of 8

Mr. Donald R. Schregardus
Deputy Assistant Secretary of the Navy (Environment)
Office of the Assistant Secretary (Installations and Environment)
1000 Navy Pentagon
Washington, D.C. 20350-1000

Re: Department of the Navy/U.S. Pacific Fleet Comments on Draft Papahānaumokuākea
Marine National Monument Management Plan and Environmental Assessment

Dear Mr. Schregardus:

Thank you for providing comments on the Draft Papahānaumokuākea Marine National Monument Management Plan (draft MMP), Environmental Assessment (EA), and associated documents. The draft MMP is the product of an extensive coordinated planning process undertaken by the Monument Management Board (MMB) on behalf of the Co-Trustee agencies: US Fish and Wildlife Service, the National Oceanic and Atmospheric Administration and the State of Hawai'i, Department of Land and Natural Resources. The MMB is comprised of representatives of these three agencies and the Office of Hawaiian Affairs.

The draft EA contained in Volume II evaluates the likely environmental consequences of the activities contained in the Monument Management Plan (MMP). The draft EA was developed in accordance with the National Environmental Policy Act and Hawai'i Revised Statutes (HRS) Chapter 343.

Under Chapter 343 HRS, the Department of Land and Natural Resources (DLNR) is required to respond in writing to comments received from agencies during the course of the draft MMP public review process. This letter is DLNR's response to the Navy's comments. All responses to comments were prepared jointly by the members of the MMB and will also be included in Volume 5 of the final MMP and associated documents. The Department of the Navy and the U.S. Pacific Fleet's (Navy) comments were considered in the preparation of the final MMP, EA and associated documents and in many cases, where appropriate, the documents were amended to address your comments as outlined below.

General Comments – Presidential Proclamation 8031 Military Exemption

At the outset, we have noted that the Navy expressed concern in several instances that the Draft Monument Management Plan and EA did not accurately portray its activities within the Monument or that the document's explanation of Presidential Proclamation 8031 military exemption was inadequate. The Navy suggested that additional language be added to clarify the exemption in a number of different sections of the document to better reflect ongoing military activities in and around the Monument.

Response. To address these concerns, the Monument Management Plan has been revised to include language that identifies the Armed Forces exemption (see Vol. I, Section 2.3 "Initial Management"). In addition, a new Appendix was added to Volume III to reflect International Maritime Organization (IMO) provisions. The MMB concluded that adding more language regarding the exemption throughout the document where the regulations are mentioned would be redundant. The EA was modified in section 2.4.1.3 to clarify that ongoing military activities, including conducting training and testing activities occur within the Monument. Additionally, the EA was modified in section 2.5.2.3 to clarify that military vessels conduct training and testing activities in the Monument.

Comment Specific Responses – Vol. I Draft Monument Management Plan

Section 1.4. Environmental and Anthropogenic Stressors

Comment. Referencing the *Vessel Groundings, Oil and Fuel Spills* discussion of this section, the Navy notes that the draft MMP states that the MMB was working with the Army, Navy and Coast Guard on a vessel salvage project in the area of Kure Atoll's lagoon in Spring of 2008, and that because this project refers to an event before the draft MMP was released, the discussion should have been updated or deleted.

Response. The vessel salvage project has not been completed. The monument managers are currently exploring salvage options, including a partnership with the Navy, to remove the sunken vessel from the Kure Atoll lagoon.

Comment. Referring to the *Waste Discharge, Ballast Water Exchange and Introduction of Alien Species* discussions in this section, the Navy states that the "discussion of Waste Discharge, Ballast Water Discharge, and Introduction of Alien Species must be grounded in international law and the authorization granted by the Presidential Proclamation. The current discussion provides little and no reference to international law and how the plan intends to comply with the Presidential Proclamation."

Response. To support its *Waste Discharge, Ballast Water Exchange and Introduction of Alien Species* discussion, the MMP cites for authority the International Convention for the Prevention of Pollution from Ships. In addition, management of the Monument in relation to waste discharge and ballast water discharge must comply with all applicable international, federal, and state laws and regulations.

Light and Noise Impacts

Comment. The Navy comments that "[d]iscussion of lights and noise impacts fails to accurately capture the entire range of light and noise sources including an analysis of ambient light noise levels. "Noise" in the water is more accurately described as "energy" in the water. The discussion also inappropriately focuses on sonar by noting that it is of "particular concern." This untoward singling out of the *issue du jour* should be deleted. This lack of analysis does a disservice to the species and the National Monument by ignoring all other sources and fails to provide an in-depth discussion of the entire range of sources, discussion of peer-reviewed scientific articles detailing why energy in the water is or may be an issue of concern and how energy in the water may or may not affect the many species that inhabit the National Monument."

Response. The MMP identifies mid-frequency tactical sonar used by military vessels as being of particular concern in the Monument because some of the other sources of underwater sound energy that have been shown to be dangerous to marine mammals such as seismic research are not as likely to occur

in the vicinity of the Monument. Additional information has been added to section 2.2.3.3 in the MMP for clarification.

Vessel Activity

Comment. With regard to this section's discussion of vessels and vessel activity within the monument, the Navy notes that vessel traffic in the monument is described without mentioning that vessels of armed forces, including those of other nations, may transit through and conduct activities within the Monument.

Response. The final MMP has been revised to include information on military activities in the Monument; see Vol. I, Section 1.4 "Environmental and Anthropogenic Stressors" and the Maritime Transportation and Aviation Action Plan (3.3.3).

Section 1.5 – Global Significance

Comment. The Navy notes that in the Particularly Sensitive Sea Area (PSSA) discussion did not include a statement that armed forces vessels are not required to submit to these requirements.

Response. Activity MTA-1.1 in the Monument Management Plan has been revised to clarify that armed forces vessels are not required to submit International Marine Organization (IMO) requirements. In addition, a new Appendix was added to Volume III to reflect the IMO provisions.

Section 2.1 Legal Framework and Sec. 2.3 Initial Management

Comment. The introductory paragraphs in these sections describe the joint implementing regulations promulgated pursuant to Presidential Proclamation 8031. The Navy notes that this discussion does not include the military exemption provisions of these regulations.

Response. The Monument Management Plan has now been revised to include language that identifies the Armed Forces exemption (see Vol. I, Section 2.3 "Initial Management"). It was felt that adding additional language regarding the exemption throughout the document where the regulations are mentioned would be redundant. The EA was modified in section 2.5.2.3 to clarify the Department of Defense (DoD) vessels conduct training and testing activities in the Monument.

Section 3.2.1 - Threatened and Endangered Species – Monk Seals

Comment. The Navy suggests that the discussion on reduction of impacts of human interaction with Monk seals (TES-1.4), "... fails to define and describe near shore ship traffic and how it actually affects monk seals based on peer reviewed science. Any restrictions imposed in the National Monument for Monk Seals would likely be carried over to the main Hawaiian Islands where ship traffic is much greater in frequency and intensity. Accordingly, restrictions based on geography, intensity and frequency would have a severe impact. This section also fails to define and describe "unnecessary research" and criteria intended for use to define and regulate beach use, noise and the thresholds that will be used to create any regulations."

Response. Interactions with marine mammals, including Hawaiian monk seals are prohibited anywhere in U.S. jurisdiction, including the Monument, unless allowed under permit or authorization (for species protected under the Marine Mammal Protection Act but not the Endangered Species Act). Best practices for vessels as well as other best practices for any work in the Monument are shared with permittees. Best

management practices can be found in Appendix I, and vessel best practices, as well as other ocean etiquette guidelines, will eventually become available to the public at the NOAA website. Activity TES-1.4 calls for "Reducing the likelihood and impact of human interactions on monk seals." The text description provides examples of some of the activities that could negatively impact monk seals, such as research, so that they could be given more careful scrutiny during the permit review process to avoid harm to monk seals or their habitat. More specific details about efforts to reduce human impacts to monk seals can be found in the NOAA Monk Seal Recovery Plan.

Currently, there are no additional restrictions or regulatory measures being proposed to protect monk seals from near shore ship traffic in the Monument or the Main Hawaiian Islands.

The term "unnecessary" was deleted, as the intent was aimed at all research activities that could impact monk seals.

Endangered Species Act Consultations

Comment. The Navy has recommended "rewriting this paragraph to reflect that the Endangered Species Act requires that federal agencies consult with NOAA for marine species and FWS for terrestrial species on actions that the federal agencies conclude may affect listed or endangered species." In the Navy's opinion, this "more accurately describes the ESA requirements. As currently drafted, the management plan does not clearly establish the consultation requirements federal agencies taking the action must follow."

Response. Section 3.2.1 Threatened and Endangered Species, Strategy TES-8, of the MMP has been edited and the following information was added: "Section 7(a)(2) of the Endangered Species Act (ESA) requires that federal agencies consult with NOAA Fisheries for listed species under its jurisdiction and with the FWS for listed species under its jurisdiction (jurisdiction for sea turtles is shared by the two agencies) on actions that the federal agencies conclude may affect listed species or designated critical habitat."

Section 3.2.3 Habitat Management and Conservation

Comment on "Overflight restrictions over wildlife refuges and national monuments (Activity HMC-9.1)." The Navy believes that the description of altitude restrictions in this discussion is not accurate and that "[t]here is no minimum altitude above national refuges and national monuments nor does DoD prescribe a minimum altitude."

Response. OPNAVINST 3710.7T, Section 5.5.1 provides a specific restriction of flying over noise sensitive areas such as national parks, national monuments, and national recreational areas at altitudes of less than 3,000 feet above ground level except when in compliance with an approved traffic or approach pattern, designated VR or IR route, or special use airspace.

Comment on "Wilderness Stewardship Responsibilities in the Monument. (Strategy HMC-10)." The Navy states that "This description incorrectly describes FWS policy and federal regulation. The regulation and policies cited do not require that the Hawaiian Islands NWR proposed for designation in 1974 be managed as a Wilderness area. In fact, because Congress did not do so in 1974 indicated that it is not a wilderness area and the Wilderness Act is wholly inapplicable."

Response. The question of whether the 1974 designation gives rise to wilderness designation considerations is being reviewed by federal agency senior staff and the Council of Environmental Quality in Washington D.C. Resolution of this issue is beyond the scope of the DLNR response to comments.

Section 3.3.2 Alien Species

Comment. In the *Existing Laws, Regulations and Protocols* discussion portion of this section, reference is made to the US Coast Guard's "Mandatory Ballast Water Management Program for U.S. Waters." The Navy suggests that the MMP "should clearly articulate how the Coast Guard regulations, IMO guidelines and State DLNR laws fall, or do not fall, within the Presidential Proclamation/regulations and to whom they apply." The Navy also suggests that "the current discussion raises significant international law and federal/state Supremacy clause issues."

Response. Presidential Proclamation 8031 states in part that:

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard) that are consistent with applicable laws.
2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.
3. All activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities.
4. In the event of threatened or actual destruction of, loss of, or injury to a monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the USCG, the cognizant component shall promptly coordinate with the Secretaries for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the monument resource or quality.

Additionally, the Proclamation provides that nothing in the proclamation shall be "deemed to diminish or enlarge the jurisdiction of the State of Hawaii." Accordingly, all state laws will continue to apply in State waters. Further, the MMP notes that Armed Forces are not subject to the IMO adopted access restrictions and reporting requirements in the monument when they are conducting activities and exercises within the monument.

Section 3.3.3 Maritime Transportation and Aviation

Comment. With reference to the "*Current Status and Background*" discussion of this section, the Navy notes that "Marine traffic in the Monument is described without mentioning that vessels of armed forces, including those of other nations, may transit through and conduct activities within the Monument."

Response. The Monument Management Plan has been revised to include information on military activities in the Monument; see Vol. I, Section 1.4 "Environmental and Anthropogenic Stressors" and the Maritime Transportation and Aviation Action Plan (3.3.3).

Comment on Coordinate implementation of domestic and international shipping designations with appropriate entities. (Activity MTA-1.1.) This section, in part, discusses the designation of the Monument as a Particularly Sensitive Sea Area (PSSA) by the IMO. It notes that ship traffic has been

identified as one of the primary anthropogenic threats to vulnerable Monument resources. The Navy comments that the MMP discussion of anthropogenic noise does not identify any scientific analysis regarding anthropogenic ship noise or studies unique to the resources of the National Monument. As such, it is unfounded and should be deleted.

Response. Discussion on anthropogenic ship noise can be found in section 1.4 "Environmental and Anthropogenic Stressors", in the section captioned *Light and Noise Impacts*. The specific section of the document referenced by the comment does not pertain to impacts from ship noise, but rather relates to the many potential impacts from "ship traffic," including groundings, hazardous materials spills, and sewage and ballast water discharges. The text has been modified to reflect this threat.

Comment. The Navy also suggests that "[d]iscussion of the PSSA designation should include a statement that armed forces vessels are not required to submit to these requirements. Additionally, the PSSA designation and associated documents should be an appendix in Volume IV."

Response. Activity MTA-1.1 of the MMP has been revised to clarify that armed forces vessels are not required to submit IMO requirements. In addition, a new Appendix was added to Volume III to reflect the IMO provisions.

Section 3.4 Managing Human Uses

Comment. The Navy expresses concern that the MMP Action Plan related to permitting goals in this section did not account for exempted military exercises and activities and emergency/law enforcement activities.

Response. As noted earlier in this response letter, the MMP has been revised to include language that identifies the Armed Forces exemption (see Vol. I, Section 2.3 "Initial Management"). In addition, a new Appendix was added to Volume III to reflect the IMO provisions. Adding additional language regarding the exemption throughout the document whenever the referenced regulations were mentioned was felt to be redundant.

Section 3.5.1 Agency Coordination

Comment. Regarding *Activity AC-3.1: Enhanced communication and cooperation with the DoD and the US Navy Pacific Fleet*, the Navy states that the MMP discussion "does not accurately reflect the authorization for activities and exercises of the armed forces. There is no requirement in the Presidential Proclamation that the armed forces minimize activities in the Monument. The proclamation only requires that 'activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on the Monument resources and qualities.' This does not equate to minimizing activities."

Response. The MMB has revised AC-3.1 to delete reference to "minimizing" military activities in the Monument.

Vol. II - Environmental Assessment

Consistent with its comments on Volume I of MMP, the Navy had specific language suggestions for a number of sections in the Environmental Assessment (EA) where it believed it appropriate to reiterate the

Mr. Donald R. Schregardus
November 21, 2008
Page 7 of 8

Presidential Proclamation 8031 exemptions for military's presence and activities occurring within the Monument.

To address these concerns, the EA has been modified in section 2.4.1.3 to clarify ongoing military activities including conducting training and testing activities within the Monument are exempted by the proclamation.

Certain specific changes suggested by MDA were incorporated into sections of the EA as well:

Sec. 2.1 - Affected Environment

Comment. This chapter describes the physical, biological and economic conditions that occur within the "region of influence" (ROI) of the Proposed Action Alternative. The Navy comments that "[t]he ROI should be depicted through a chart or visual. As drafted, the reader does not understand the size and scope of the ROI being discussed. This is particularly important because the description of impacts does not accurately identify all human activities within the ROI."

Response. Language was added in the introduction to Chapter 2 of the EA to clarify the region of influence (ROI). Additionally, Figure 2.1 was added to depict the ROI.*Sec. 2.4 Socioeconomics.*

Comment. The Navy notes that the lists of activities occurring in the waters of the Monument do not include military activities.

Response. Section 2.4 has been amended to include "DoD training, testing and missile defense activities."

Sec. 2.4.1.3 - Resources Overview

Per the Navy's request, the MMP has amended this Section to include the following language: "The Navy conducts training and testing activities within the Hawaii Operating Area, which includes a portion of the Monument. In addition, the Defense Department conducts missile defense testing, including missile intercepts, in and around the monument."

Sec. 2.5.1.3 - Resources Overview

Comment. The Navy provided the following comment on Sec. 2.5.1.3 *Existing Water Quality Conditions - Marine Environment*: "Discussion of the ROI should not be solely focused on the few marine and terrestrial areas as currently depicted. Based on the [draft] EA's definition of the ROI at pages 79 and 80 which identify 13 resource areas or categories, the discussion on page 133 [of the draft EA] mentions a few apparently unrelated areas of concern. It then mentions "land-based military activities." The previous discussion of the 13 categories is surprisingly vague regarding human activities before mentioning military land based activities. The discussion of the resource areas should also discuss landfills and associated pollution issues, water quality including Honolulu's Consent Decree of the early 1990s, the amount of waste dumped at sea and Honolulu's ongoing dispute with the EPA over its permit, development and associated impacts on marine and terrestrial species and their habitat as well as erosion and non-point source pollution."

Response. The ROI for water resources primarily includes those islands where specific actions take place. Section 2.5.1.3 of the EA is an overview of water resources, which includes a description of the

Mr. Donald R. Schregardus
November 21, 2008
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existing water quality conditions within the ROI. Vessel discharges, spills, shipwrecks, marine debris and land-based military activities have contributed to the contamination of marine water resources in the ROI and are therefore mentioned in this section. A discussion of landfills can be found in sections 2.4.2.3 and 2.5.1.3 of the EA. A discussion of past and present human activities within the Monument can be found in previous sections including 2.4.1, 2.4.2 and 2.4.3. While the water resources in the Main Hawaiian Islands are very important, the ROI for water resources in the EA for the Papahānaumokuākea Marine National Monument Management Plan is limited to marine and terrestrial waters and water resources of the Monument. Discussion of water resources in Honolulu specifically has not been included in the EA.

The DLNR again wishes to thank you interest in and for reviewing and commenting on the Papahānaumokuākea Marine National Monument draft Monument Management Plan and draft Environmental Assessment.

Sincerely,



LAURA H. THIELEN
Chairperson

- c: Lieutenant Commander Randy Vavra, U.S. Pacific Fleet
- Captain Dean Leech, JAGC, USN, Pacific Fleet Environmental Counsel
- Captain J.P. Rios, USN, CEC, Deputy Fleet Engineer



Western
Pacific
Regional
Fishery
Management
Council

01006

July 23, 2008

Ms. Susan White
FWS Superintendent
Papahānaumokuākea Marine National Monument
PO Box 50167
Honolulu, HI 96850-5000

PMNM_MMP Comments@fws.gov

Dear Ms. White,

Thank you for the opportunity to provide comments on the Draft Monument Management Plan and the accompanying Environmental Assessment. Please find attached comments on these documents compiled by the staff of the Western Pacific Regional Fishery Management Council (Council).

Sincerely,

Kitty M. Simonds
Executive Director

Comments on the Draft Monument Management Plan (Volumes I – IV)

Compiled by Staff of the Western Pacific Regional Fishery Management Council
July 23, 2008

VOLUME I: Draft Monument Management Plan

Section 1.0 Introduction

Page 1, lines 1 – 4 states: Presidential Proclamation 8031, issued by George W. Bush on June 15, 2006, set aside the Northwestern Hawaiian Islands (NWHI) as the Papahānaumokuākea Marine National Monument (Monument), thereby creating the largest fully protected marine conservation area in the world.

Comment: Describing this area as “fully protected” appears to be misleading as commercial fishing for bottomfish and pelagic species will be allowed to continue pursuant to specific annual catch limits (e.g. 350,000 lbs. for bottomfish species 180,000 lbs. for pelagic species) until June 2011. Additionally, under this draft Monument management plan, non-commercial extraction of Monument resources for subsistence, sustenance and scientific research will be allowed in perpetuity, with no specified limits on the level or amount of extraction that may occur. Furthermore, even carefully planned non-extractive research and management activities may unintentionally and adversely impact Monument resources such vessel grounding and introduction of alien species or diseases into marine and terrestrial environments of the NWHI.

While this management plan contains plans to prevent and minimize human impacts such as vessel groundings and unintentional introduction of alien species into the Monument such impacts cannot be fully prevented and thus the Monument cannot be considered fully protected. We recommend this sentence be revised to read: “*Presidential Proclamation 8031, issued by George W. Bush on June 15, 2006, set aside the Northwestern Hawaiian Islands (NWHI) as the Papahānaumokuākea Marine National Monument (Monument), thereby creating one of the world’s largest marine protected areas.*”

Page 68, line 27 states: The crustacean (lobster-trap) fishery has not had a harvest guideline set for the NWHI since that time; no crustacean fishery has operated in the NWHI since 2000.

Comment: The regulations at 50 CFR 665.50(b)(2) require NMFS to publish an annual harvest guideline for lobster Permit Area 1, comprised of Federal waters around the NWHI which it has done so annually until 1999. Additionally, Proclamation No. 8031 specifically directed the Secretary of the Interior and the Secretary of Commerce to ensure that NWHI lobster permit holders be subject to a zero harvest guideline. Therefore, we recommend that this sentence be amended to read: “*No crustacean (lobster-trap) fishery has operated in the NWHI since 1999. Between 2000 and 2005, NMFS has set an annual harvest guideline of zero lobsters for this fishery. Although 15 federal NWHI lobster permits continue to remain valid, Proclamation No. 8031 directed the Secretaries to ensure that these commercial lobster fishing permit be subject to a zero annual harvest limit.*”

Page 68, line 45 to Page 69, lines 1 – 2 states: In practice, bottomfish harvest is below catch limits and is thought not to be the contributing factor to the overfishing status of the bottomfish stocks in the archipelago.

Comment: As of April 1, 2008, Hawaii's archipelagic bottomfish stocks were no longer subject to an overfishing condition as the final rule implementing Amendment 14 to the Fishery Management Plan for Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region effectively reduced fishing effort by the amount required by NMFS to end overfishing (73 FR 18415, April 4, 2008). We recommend that this sentence be revised to read: "*Bottomfish harvest is below catch limits.*"

Section 2.0 Management Framework

Page 79, line 12 – 13 states: The Monument includes areas and management authorities that are under the jurisdiction of one or multiple Federal agencies or the State of Hawaii. For example, the Monument, an area of approximately 139,739 square miles, includes the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve

Comment: The NWHI Coral Reef Ecosystem Reserve was established through Executive Orders 13178 and Executive Order 13196 and has been previously been determined by NOAA to have the force of law. From a legal standpoint, these Executive Orders contain numerous provisions relating to fishing such as the authorization of certain fishing activities that were in existence at the time the orders were executed, subject to fishing caps, closed areas and other restrictions. However, some of the provisions of Proclamation No. 8031 which established the Monument are inconsistent with the provisions of Executive Orders 13178 and Executive Order 13196. For example, Executive Orders 13178 and Executive Order 13196 appears to allow non-federally permitted pelagic handline and trolling vessels who are licensed by the State of Hawaii and fished in the NWHI prior to 2000 to continue to fish within the NWHI while the provisions of Proclamation No. 8031 allows only federally permitted bottomfish fishermen to fish in the NWHI.

We recommend NOAA specifically clarify in the Monument management plan whether the provisions of Proclamation No. 8031 supersedes the provisions of Executive Orders 13178 and Executive Order 13196 related to authorized fishing activities, fishing caps and closed fishing areas.

Section 3.0 Action Plans to Address Priority Management Needs

Page 101, line 14 states: The total estimated cost to implement the Monument Management Plan over the next 15 years is \$355,218,480.

Comment: The estimated cost is unrealistic as this would amount to over \$20 million annually to undertake Monument activities. While we recognize that many of the activities are important, certainly not all are critical to the management of the Monument. Given that NOAA cannot reasonably expect to receive \$20 million annually for the management of the Monument, we recommend that NOAA prioritize the Action Plans based on management critical needs.

Page 105, line 32 states that one of the desired outcomes of the action plans are to increase understanding of the distribution, abundances and functional linkages of organisms and their habitats in space and time to improve ecosystem based management in the Monument.

Comment: In numerous instances, the Monument Management Plan refers to the NWHI as the world's largest marine protected area and an area of global biodiversity conservation. As the world's largest marine protected area, the Monument can also provide insight for improved management throughout the Hawaiian Archipelago. As the Monument comprises nearly four fifths of the Hawaiian archipelago, we recommend that the Monument Management Plan include strategies to address the benefits to the MHI resulting from the spillover of reef and bottomfish and provide a means of measuring these benefits should they exist.

Page 145, Threatened and Endangered Species Action Plan: The Monument Management Plan recognizes that the Hawaiian monk seal is one of the world's most endangered marine mammals and its population is in crisis.

Comment: Studies cited in the plan have found that standing stock of fish in the NWHI are 260 times greater than in the MHI and that 54 percent of the total fish biomass in the NWHI consists of apex predators compared to just 3 percent in the MHI.

Yet, despite the apparent wealth of fish biomass in the NWHI, monk seals continue to decline there but, continue to increase in the MHI. This suggests apex predators may be having a negative impact on the survival of the Hawaiian monk seal as they may be outcompeting seals for food. However this is not even recognized in the Monument Management Plan and there are no strategies to address this situation. Additionally it is thoroughly documented that Hawaiian monk seals are sensitive to human interactions and have been known to abandon areas which are visited by humans. However, the Monument Management Plan proposes to allow an ever increasing number of humans to access the NWHI which may further displace monk seals and discourage feeding, breeding and growth.

We recommend that the draft Management Plan include strategies to address apex predator competition with the Hawaiian monk seals and include measures to limit and established hard caps on the number of individuals that are allowed to access the emergent lands of the NWHI annually.

Page 86 line 8 states: Ceded lands are currently held in trust by the State of Hawai'i as part of the public land trust and continue to hold a considerable amount of legal, historical, and sentimental significance to Native Hawaiians.

Comment: Native Hawaiians have a deep spiritual relationship with the land and oceans, not just ceded lands in the Northwestern Hawaiian Islands. We recommend this sentence be revised to read: "*Ceded lands are currently held in trust by the State of Hawai'i as part of the public land trust and continue to hold a considerable amount of legal, historical, and spiritual significance to Native Hawaiians.*"

Page 220, line 22 states: The Proclamation allows the Secretaries of the Interior and the Secretary of Commerce to issue permits for sustenance fishing outside any Special Preservation Area as a term or condition of any permit issued, if the activity is conducted in a manner compatible with the Proclamation.

Comment: The Proclamation also provides the Secretaries with particular guidance in exercising this discretion and requires the Secretaries to also consider the extent to which sustenance fishing may diminish Monument resources qualities and ecological integrity, as well as any indirect, secondary or cumulative effects of the activity and the duration of such effects. The Proclamation also mandates the Secretaries to develop procedures for systematic reporting of sustenance fishing.

We understand that the Monument Co-Trustees have authorized sustenance fishing for bottomfish and pelagic fishing in association with several Monument access permits in 2007, and Monument Co-Trustees themselves have applied for and received a Monument Conservation and Management Permit (Permit # PMNM 2008-001) authorizing over 200 individuals to access the Monument to conduct various activities, including sustenance fishing. Additionally, we understand that both NOAA research vessels (Oscar Elton Sette and the Hiialakai) have also applied for and received Monument permits in 2008 authorizing individuals covered by the permit to engage in sustenance fishing from those platforms.

Upon reviewing each of the various types of Monument Permit Applications (e.g., Research, Education, Conservation and Management, Native Hawaiian Practices, Special Ocean Use and Recreational) we found that each application contains a field that allows applicants to identify the various types of activities to be conducted under the permit, including sustenance fishing. However, the applications do not require the applicant to provide any information on how sustenance fishing is to be conducted such as the location or duration of fishing activity, the total number of hours of fishing that will be conducted under the permit or number of fish to be taken under the permit.

Without this information it is not apparent how Monument Co-Trustees are able to evaluate the extent to which sustenance fishing activity may diminish Monument resources, qualities and ecological integrity or any indirect, secondary or cumulative effects of the activity and the duration of such effects. Additionally, there do not seem to be any associated data reporting requirements in either the Monument Management Plan or Volume III: Appendices, Supporting Documents and References although Proclamation No. 8031 specifically directs the Secretaries to develop procedures for systematic reporting of sustenance fishing.

In light of the requirements and considerations regarding sustenance fishing in the Monument mandated by Proclamation No. 8031, we recommend that the Monument Management Plan include procedures for systematic reporting of sustenance fishing.

We also recommend the Monument Management Plan clearly describe the process by which the Monument Management Board or Co-Trustees will evaluate permit applications to determine the extent to which sustenance fishing requests may or may not diminish monument resources, qualities and ecological integrity. If the Monument Management Board is simply relying on

existing fishery control rules, such as maximum sustainable yield, catch per unit effort and spawning potential ratio as mechanisms to determine the extent to which sustenance fishing requests may or may not diminish monument resources, qualities and ecological integrity, that should be clearly articulated.

VOLUME II: Draft Environmental Assessment

General Comment:

- Although Volume II is a continuation of Volume I, the term "Co-Trustees" should be defined for those who don't read Volume I.
- Based on CEQ regulations implementing the National Environmental Policy Act (NEPA), implementing the Monument Management Plan would be considered a major federal action (40 CFR §1508.18). In terms of NEPA, an Environmental Impact Statement (EIS) should have been prepared to provide the public with a clear understanding of the environmental and socio-economic benefit of implementing the Monument and Monument Management Plan. Instead, an Environmental Assessment (EA) was prepared. However, the EA does not discuss or nor attempt to analyze the significance (overall or otherwise) of the proposed action to the protection of natural resources, marine heritage sites, the State of Hawaii and to the United States.
- Statements such as "beneficial effect" and "short-term minor negative effect" appear throughout the document. However these terms lack definitions and are without adequate analysis to determine their significance. Furthermore CEQ regulations (40 CFR § 1508.2) state that "Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial."
- Without preparation of an EIS and no discussion of significance in the EA, the reader is left with assuming that the implementation of the Monument Management Plan will result in a Finding of No Significant Impact by the agency. Is it NOAA's position that the implementation of the Monument Management Plan will have no significant benefits?

Specific Comments:

The third paragraph under the header: **Note to Readers** needs to inform readers of the additional authority and regulations under the Council's fishery management plans that have been approved by the Secretary of Commerce/NOAA and in place since long before 2006. Readers and decision-makers need to be fully informed as to the authority, history, management and status of NWHI fishing before providing comments or making decisions regarding this large and important area.

Additionally, the three agency statements under paragraphs 6 – 8 are disjointed and virtually indecipherable. They need to be written more clearly so that readers and decision makers can understand exactly what this EA covers and what it doesn't. It is also confusing to have three separate and semi-conflicting statements, how can each agency have a different idea of what is covered or not covered. The three statements should be combined into one coordinated statement, without agency headers. In addition, the cumulative impacts of all the existing actions already underway need to be analyzed in the EA so that readers understand the full scope of activities the NWHI will be subject to.

Chapter 1: Introduction

Page 1: The monument mission is stated as "the strong long-term protection and perpetuation of the NWHI ecosystems".

Comment: This does not appear to be fully consistent with the President's Proclamation and the EO establishing the monument and should be revised accordingly so that the President's overall intent for the monument can be realized.

In addition Executive Orders 13178 and 13196 should be included as additional appendices so that readers and decision makers can ascertain how well the draft plan meets all of the objectives contained in those guiding documents. If the monument plan is going to modify the motivations contained in the proclamation and EO, such modifications must be clearly identified as items for public comment. Otherwise this section establishes an objective with no legal basis to which readers and decision-makers will compare the monument plan and EA.

The introduction should also explain the rationale behind preparing an EA instead of an EIS for this major and controversial federal action.

Page 2: The EA states that the Monument is the largest fully protected marine conservation area in the world.

Comment: Describing this area as "fully protected" appears to be misleading as commercial fishing for bottomfish and pelagic species will be allowed to continue pursuant to specific annual catch limits (e.g. 350,000 lbs. for bottomfish species 180,000 lbs. for pelagic species) until June 2011. Additionally, under this draft Monument management plan, non-commercial extraction of Monument resources for subsistence, sustenance and scientific research will be allowed, with no specified take limits on the level of extraction that may occur. Furthermore, even authorized non-extractive research and management activities may adversely impact Monument resources such as the grounding of the chartered marine debris clean up vessel *Casitas*, which resulted in acute damage to the coral reef ecosystem at Pearl and Hermes.

While this management plan contains plans to prevent and minimize human impacts such as vessel groundings and unintentional introduction of alien species into the Monument, because human access to the Monument for multiple purposes will be allowed to continue, such impacts cannot be fully prevented and thus the Monument cannot be considered fully protected. We recommend this sentence be revised to read: "*Presidential Proclamation 8031, issued by George W. Bush on June 15, 2006, set aside the Northwestern Hawaiian Islands (NWHI) as the Papahānaumokuākea Marine National Monument (Monument), thereby creating one of the world's largest marine protected areas.*"

Page 6, Scope of Analysis: It is virtually impossible to tell what is covered by this document and what is not. The introduction should provide readers with a clear understanding of what the EA does and does not cover from a NEPA perspective. A table would be useful here for that purpose. In addition, the cumulative impacts of all the existing actions already underway need to be analyzed in the EA so that readers understand the full scope of activities the NWHI will be

subject to. Such disclosure is at the heart of any NEPA analysis. This cumulative impacts analysis should be referenced here.

This section also needs to discuss the decision to analyze only one action alternative as there would appear to be a myriad of ways to achieve the objectives of the monument. Limiting the document to two alternatives (implement the plan or no action) establishes a false dichotomy for readers and decision-makers and implies that the plan must either be adopted or abandoned. We suggest that the document include a range of reasonable alternatives, as required by NEPA.

Page 7, Alternatives Considered but not Analyzed:

Regarding the Midway Conceptual Plan, the fact that another approach was “preferred” is not adequate justification for not analyzing Alternative C for Midway. Preferences and concerns from the public should be considered before such decisions are made, but they need full information on which to base their comments. Alternative C for Midway should be included in the EA, not summarily dismissed by the plan/EA drafters.

Page 7-27, Description of No Action Alternative: These sections need to provide much more details and specificity. There is not enough information here to allow readers to provide meaningful comments, or for decision-makers to use as a basis for their decisions. Some details (but not all) are in the monument plan however many readers will only read the EA and will not go back to the monument plan to search for additional information.

An EA needs to provide complete information to readers and decision-makers. If some activities are to be fleshed out in the future, the EA needs to note that they will be analyzed in future EAs and made available for public comment. This EA cannot claim to provide NEPA coverage for activities that have not been fully determined much less described and analyzed.

The No Action alternative is the baseline to which other alternatives are to be compared and it needs to be fully described. In addition readers and decision-makers need to clearly understand which activities in each action alternative would be new and which would continue under the No Action alternative.

The mandate, history, composition and processes of the Native Hawaiian Cultural Working Group need to be fully disclosed (what is its mandate, when was it formed, how many members are there, when does it meet, are the meetings open to the public, how are members selected, is there a requirement for members to be Hawaiians, how long do they serve, what happens to their recommendations, etc.). Although the identity of group members has not been disclosed to date, this has been a controversial group and the public needs to be fully informed as to its origins, composition and activities.

The first reference to the FWS Historic Preservation Plan needs to include details on what it contains, as well as information on where readers can obtain it in a timely manner. Readers cannot provide informed comments on the inclusion of something they can't see.

There are many additional actions underway or planned to protect NWHI monk seals, presumably these would continue and thus should be described in the No Action alternative. This is a three agency plan and should reference all the activities by those agencies, not just efforts by “monument staff”.

It is not clear who is included as “monument staff” and who is not. Are all NOAA, FWS and DLNR employees, staff or is it a smaller group of staffers hired specifically for the monument office? This needs to be clarified as many activities in this and other sections are attributed to the “monument staff” (e.g. providing data on seabird population and status, collecting and fingerprinting washed up oil, etc) but it is unclear who is actually performing this work.

In addition, the agency actually conducting the work and/or analyses in each action should be identified so that readers and decision-makers can understand how the agencies are working together and whether their combined resources are being used effectively and efficiently (and whether they would be so used under each of the action alternatives). The use of the generic term “MMB” obscures these details and is a disservice to readers and decision makers, especially in these times of limited agency resources and large environmental changes. For example, if one agency has a research program in place, it would be wasteful for another agency to obtain the resources and scientific expertise to establish its own program as opposed to supporting the already existing program. The current text does not allow readers to review or provide comments on this important issue.

Text referencing the MMB continuing to conduct ESA consultations should be modified to accurately indicate the statutory requirements for these consultations. For example NMFS (alone) is responsible for consultations on marine species and FWS (alone) is responsible for consultations on terrestrial species. The state of Hawaii does not appear to have any authority or responsibility for any ESA consultations; if they do it should be described here.

References throughout this section to activities that would be “expanded under the Proposed Action alternative” are confusing as this is the No Action alternative. The document needs to clarify what “Proposed Action alternative” is being referenced.

Throughout this section statements on scientific data and analyses that are “being provided” (e.g. data on migratory birds and non-migratory birds, bathymetric data, native Hawaiian ecological knowledge and management concepts, educational curricula, impacts of marine debris on cetaceans, protocols for safe aircraft and vessel operations etc.) need to include pointers for readers to find these data and analyses as in many cases we have been unable to locate them. If they are not to be made available to the public, that should be noted as it may influence public comments as well as the actions of decision-makers.

We are surprised and disappointed to see that there is no work underway to address the known lead point poisoning of birds (including potentially short-tailed albatrosses) on Midway. Managers and scientists have been aware of this reprehensible situation for years and it is fully in the managers' control yet nothing has been done.

The process and basis for approving/disapproving permit applications needs to be fully disclosed. How were criteria developed? What exactly are the criteria and how are permit applications measured against those criteria? This has been another opaque and controversial topic that needs to be fully described for readers and decision-makers.

Pages 27-68, Description of the proposed action alternative: These sections also need to provide greater detail and specificity. There is not enough here to allow readers to provide meaningful comments, or for decision-makers to use as a basis for their decisions. Some details (but not all) are in the monument plan however many readers will only read the EA and will not go back to the monument plan to search for additional information.

An EA needs to provide complete information to readers and decision-makers. If some activities are to be fleshed out in the future, the EA needs to note that they will be analyzed in future EAs and made available for public comment. This EA cannot claim to provide NEPA coverage for activities that have not been fully determined much less described and analyzed.

References to "monument staff" need to be clarified as above and the actual agency that would do each task needs to be clearly identified so that readers and decision-makers can understand how the agencies are working together and whether their combined resources are being used effectively and efficiently (and whether they would be so used under each of the action alternatives). The use of the generic term "MMB" obscures these details and is a disservice to readers and decision makers, especially in these times of limited agency resources and large environmental changes. For example, if one agency has a research program in place, it would be wasteful for another agency to obtain the resources and scientific expertise to establish its own program as opposed to supporting the already existing program. The current text does not allow readers to review or provide comments on this important issue.

Text needs to be added regarding what scientific information would be made available to the public and how and when this would occur. For some readers science for science's sake is not desirable, others may be dubious about the quality or usefulness of research results or their application to management measures. In order to provide meaningful comments the public needs to know what scientific information will be available to them, and when and how this would occur. At the moment it appears that unspecified research will occur and that it will be disseminated and used in unspecified ways. The public cannot provide meaningful comment on such a vague proposition, nor can it be the basis for well-informed decision making.

Chapter 2: Affected Environment

Page 90: The section on pelagic environment appears to be language taken direct from the 2001 Final EIS on the Pelagics FMP of the Western Pacific Region. This should be noted.

Page 90: Myers and Worm (2003) has been refuted by expert fisheries scientists from NOAA, National Marine Fisheries and the University of Hawaii, Pacific Fisheries Research Program. The EA should note the arguments against Myers and Worm study.

Chapter 3: Environmental Effects

Page 155: The document states that the black-footed albatross and Laysan albatross that nest almost exclusively in the NWHI are most affected by bycatch mortality. It should be noted in the document that the Western Pacific Fishery Management Council and NMFS have implemented successful seabird mitigation measures that have reduced seabird bycatch in the Hawaii based longline fishery by two orders of magnitude.

Furthermore, it should be noted that the Hawaii-based longline fishery interacted with a total of 90 seabirds in 2007, with 47 of those birds released alive. The Hawaii based longline fleet, which is subject to 100 % observer coverage in the shallow-set component and 20% in the deep-set component, has never been observed to interact with short-tailed albatross.

Page 162 states that "bycatch of endangered and migratory birds and non-target marine species during sport and commercial fishing outside the Monument is a serious problem."

However, the document does not provide any information on sport fisheries occurring outside the Monument. It is our understanding that no sport fishing is occurring outside the Monument. As noted in the comment above, the Hawaii-based longline fleet has significantly reduced seabird bycatch, but the document does not provide information on this successful regulatory program.

Instead, the document makes unfounded statements that mislead the reader and public without providing proper information. Furthermore the statement about non-target species in this section dealing with threatened and endangered species is similarly misleading and lacks supporting information. These types of statements without adequate information calls into question the purpose and need of many of the activities suggested in this document.

Page 165: The environmental impacts section notes that there are occasional bird strikes during take off and landing of aircraft at Sand Island at Midway and Tern Island at French Frigate Shoal. Furthermore, the document states that Midway experiences 45 flights per year and FFS 27 flights per year. As these are National Wildlife Refuges, there should be specific estimates on the number of strikes that occur annually and should be included in the EA. Without a clear estimation on the number of seabird strikes with airplanes per year, it is difficult for the reader to ascertain this apparent impact on seabirds.

Chapter 4: Other Required NEPA Analyses

Page 241: The Cumulative Effects on natural resources is not an analysis and is incomplete. For example, there is no analysis on Monument and its management activities and their cumulative impacts to the Hawaiian monk seal. The Hawaiian monk seal is one of the planet's most endangered species and is declining in the NWHI at an alarming rate. However, the cumulative impact section does not describe the overall effect of the Monument on this species. This seems to be not in line with NEPA. Moreover, conclusory statements regarding potential cumulative effects are not justifiable without proper analysis and leaves the reader doubting the overall benefit to natural resources that occur in the NWHI.

LINDA LINGLE
GOVERNOR OF HAWAII



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November 21, 2008

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EDUCATION
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Ms. Kitty M. Simonds, Executive Director
Western Pacific Regional Fishery Management Council
1164 Bishop Street, Suite 1400
Honolulu, HI 96813

Re: Western Pacific Regional Fishery Management Council's July 23, 2008 Comments on
Draft Papahānaumokuākea Marine National Monument Management Plan

Dear Ms. Simonds:

Thank you for providing comments on the Draft Papahānaumokuākea Marine National Monument Management Plan (draft MMP), Environmental Assessment (EA), and associated documents. The draft MMP is the product of an extensive coordinated planning process undertaken by the Monument Management Board (MMB) on behalf of the Co-Trustee agencies: US Fish and Wildlife Service, the National Oceanic and Atmospheric Administration and the State of Hawai'i, Department of Land and Natural Resources. The MMB is comprised of representatives of these three agencies and the Office of Hawaiian Affairs.

The draft EA contained in Volume II evaluates the likely environmental consequences of the activities contained in the Monument Management Plan (Volume I). The draft EA was developed in accordance with the National Environmental Policy Act and Hawai'i Revised Statutes (HRS) Chapter 343 of the State of Hawai'i.

Under Chapter 343 HRS, the Department of Land and Natural Resources (DLNR) is required to respond in writing to comments received from agencies during the course of the draft MMP public review process. This letter is DLNR's Chapter 343 response to your agency's comments. All responses to comments were prepared jointly by the members of the MMB and will also be included in Volume 5 of the final MMP and associated documents. The Western Pacific Regional Fishery Management Council's (Council) comments were considered in the preparation of the final MMP, EA and associated documents and in many cases, where appropriate, the documents were amended to address your comments as outlined below.

Kitty M. Simonds
November 21, 2008
Page 2 of 12

Volume I - Draft Management Plan

Section 1.0 - Introduction

In its first substantive comment, the Western Pacific Regional Fishery Management Council (Council) references to the following language found on the first page of the introductory section: "Presidential Proclamation 8031, issued by George W. Bush on June 15, 2006, set aside the Northwestern Hawaiian Islands (NWHI) as the Papahānaumokuākea Marine National Monument (Monument), thereby creating the largest *fully protected* marine conservation area in the world." The Council suggests that describing the Monument as "fully protected" is misleading in that some commercial fishing will be allowed to continue until June, 2011. The council provides other examples, including the fact that non-commercial extraction of Monument resources for subsistence, sustenance and scientific research will be allowed in perpetuity and that "even carefully planned non-extractive research and management activities may unintentionally and adversely impact Monument resources such vessel grounding and introduction of alien species or diseases into marine and terrestrial environments of the NWHI."

The MMP has been amended and the introductory text now reads: "Presidential Proclamation 8031, issued by George W. Bush on June 15, 2006, set aside the Northwestern Hawaiian Islands (NWHI) as the Papahānaumokuākea Marine National Monument (Monument), thereby creating one of the world's largest marine protected areas."

Section 1.4 - Environmental and Anthropogenic Stressors

Comment. In the part of this section that describes fisheries that were associated with Monument waters, the Council refers to language that describes the crustacean fishery as not having had a harvest guideline set for the NWHI since 1991 and that no crustacean fishery had operated in the NWHI since 2000. The Council has pointed out that it had set "zero harvest" annual guidelines for these areas for the period between 2000 and 2005.

Response. The following language, suggested by the Council, has been substituted for the reference language contained in the DMMP: "No crustacean (lobster-trap) fishery has operated in the NWHI since 1999. Between 2000 and 2005, NMFS has set an annual harvest guideline of zero lobsters for this fishery. Although 15 federal NWHI lobster permits continue to remain valid, Proclamation No. 8031 directed the Secretaries to ensure that these commercial lobster fishing permit be subject to a zero annual harvest limit."

Comment. In the portion of this section that discusses the Monument's bottomfish fishery, the Council points to language that provides in part: "[i]n practice, bottomfish harvest is below catch limits and is thought not to be the contributing factor to the overfishing status of the bottomfish stocks in the archipelago." The Council pointed out that as of April 1, 2008 Hawai'i's archipelagic bottomfish stocks were no longer subject to an overfishing condition as the final rule implementing Amendment 14 to the Fishery Management Plan for Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region effectively reduced fishing effort by the amount required by NMFS to end overfishing (73 FR 18415, April 4, 2008).

Response. In accord with the Council's suggestion, the MMP has revised the cited language to now read: "Bottom fish harvest is below catch limits."

Section 2.0 - Management Framework

Comment. The Council has requested that the MMP be clarified as to whether the provisions of Proclamation No. 8031 supersede the provisions of Executive Orders 13178 and Executive Order 13196 related to authorized fishing activities, fishing caps and closed fishing areas in that part of the Monument previously known as the NWHI Coral Reef Ecosystem Reserve. The Council argues that some of the provisions of Proclamation No. 8031 are inconsistent with the provisions of Executive Orders 13178 and Executive Order 13196. As an example, the Council points out that Executive Orders 13178 and Executive Order 13196 appear to allow non-federally permitted pelagic handline and trolling vessels that were licensed by the State of Hawaii and fished in the NWHI prior to 2000 to continue to fish within the NWHI while the provisions of Proclamation No. 8031 allows only federally permitted bottomfish fishermen to fish in the in the Monument.

Response. Presidential Proclamation 8031 neither diminishes nor enlarges the jurisdiction of the State of Hawai'i. No fishing activity is allowed within State waters as regulated by Hawaii Administrative Rules Ch 60.5. The question of whether fishing activity in federal waters under Proclamation 8031 supersedes or is inconsistent with Executive Orders 13178 and 13196 is not a State issue. Fishing activities that were allowed to continue under the Executive Orders establishing the Coral Reef Ecosystem Reserve were either modified (i.e., commercial fishing for bottomfish and pelagic species) or prohibited within the Monument by Proclamation 8031. The Monument was established pursuant to the Antiquities Act. Only the fishing activities allowed by the Proclamation 8031 may be conducted within the Monument. The Management Plan will clarify that Proclamation 8031 is the controlling authority for Monument activities.

Section 2.2 - Policy Framework

With respect to that portion of this section dealing with ceded lands held in trust by the State of Hawaii, the Council suggested that the language be amended to better reflect the "legal, historical and sentimental significance to Native Hawaiians." While Council's comments were appreciated, it was felt that original language was preferable to the replacement language suggested by the Council.

Section 3.0 - Action Plans to Address Priority Management Needs

Comment. The MMP estimates that \$355,218,480 will be needed to fully implement all of the activities contained in the plan. The Council argues that this amount, which would average out to an approximate \$20 million dollar annual budget over the course of the next 15 years, is an unreasonable estimate in that the managers cannot expect that that level of consistent funding would be available during this time frame. The Council then suggests that the Action Plans contained in the MMP be prioritized based on management critical needs.

Response. Prioritizing activities in the management plan is not a linear process, nor is it necessarily measured by the amount of funds allocated. Several factors apply when setting the implementation schedule and allocating funds; these include natural, cultural, and historic resource needs, funding, agency capacity, planning and environmental review, and community input and support. Each member of the MMB and partner ICC agencies develops annual budget projections and priorities and allocates funds based on its own programmatic, legal, and policy requirements.

Additionally, the cycle and timelines for funding and planning vary, and management agencies cooperate in areas where program priorities overlap. For example, one agency may take the lead on behalf of all responsible agencies that have a common mandate. In other overlapping areas, multiple agencies may share responsibility for activities to address core management needs, thereby creating a strengthened

shared focus. This cooperation uses public funds more efficiently within the co-management structure. The seven MMB agencies annually share implementation schedules and priorities to identify opportunities where coordination and efficiencies would apply.

Section 3.1 - Understanding and Interpreting the NWHI

Comment. The Council recommends that this section be amended to state that the MMP include strategies to address the benefits to the main Hawaiian Islands resulting from the spillover of reef and bottomfish and provide a means of measuring these benefits should they exist.

Response. The purpose of the MMP is to describe strategies and activities that directly relate to the Monument's vision, mission, and goals. While some of the strategies and activities may have spillover effects that benefit adjacent areas, including the main Hawaiian Islands; developing strategies to address benefits outside the area of the Monument would be beyond the scope and authority of the Monument and this plan to itself.

Section 3.2.1 - Threatened and Endangered Species Action Plan

Comment. The Council believes that the endangered species action plan section of the DMMB failed to consider that apex predators may be having a negative impact on the survival of the endangered Hawaiian monk seal; that monk seals are sensitive to human interactions and have been known to abandon areas which are visited by humans and that DMMP proposes to allow an ever increasing number of humans to access the NWHI, an action that may further displace monk seals and discourage feeding, breeding and growth. The Council goes on to recommend that the MMP be amended to include strategies to address apex predator competition with the Hawaiian monk seals and that it include measures to limit and established hard caps on the number of individuals that are allowed to access the emergent lands of the Monument.

Response. To address some of these concerns amendments have been made to sections of the MMP dealing with protection of monk seal populations found within the Monument. Strategy TES-1 in the management plan describes how the MMB will complement and build on existing efforts to protect and recover the Hawaiian monk seal. In addition to the list of activities included in the draft management plan, a new activity has been added to the final management plan (TES 1.6) that describes actions to be taken to respond to shark predation on Hawaiian monk seals.

As it relates to human impacts, protecting the health, diversity, and resources of the NWHI ecosystems is our constant and highest concern. Although specific annual limits on the number of people accessing the area have not been included in the MMP, all activities are closely managed and monitored through the interagency permitting process and all federal actions are subject to Section 7 consultation under the Endangered Species Act. In addition, the number of tourists visiting the Monument at any one time is limited through the Midway Atoll Visitor Services Plan (Appendix B), which has already gone through an Endangered Species Act Section 7 consultation. The Papahānaumokuākea Information Management System (IM-1.3) and the Monument Evaluation Action Plan (3.6.4) will be used to track and evaluate human impacts.

Section 3.4.1 - Permitting Action Plan

Comment. As noted by the Council, Proclamation 8031 provides the Secretaries of the Interior and Commerce to issue permits for sustenance fishing outside Special Preservation Areas as a term or

condition of any permit issued so long as the activity is conducted in a manner compatible with the Proclamation. The council recommended that the MMP include procedures for systematic reporting of sustenance fishing. It also recommended that the MMP "clearly describe the process by which the Monument Management Board or Co-Trustees will evaluate permit applications to determine the extent to which sustenance fishing requests may or may not diminish monument resources, qualities and ecological integrity."

Response: The Monument requires systematic reporting by permittees authorized to conduct sustenance fishing. Permittees must fill out a Monument Sustenance Fishing Data Sheet that contains the following information: date, gear type, number of lines in the water, start time, end time, number of fish and type caught, and latitude/longitude coordinates of the fishing activity. In addition, special conditions are also added to permits where sustenance fishing is authorized:

1. The permittee must track all sustenance fishing conducted aboard [insert vessel name here] in Monument waters outside of Special Preservation Areas and the Midway Atoll Special Management Area during the cruise and provide data as requested in the Monument's Sustenance Fishing Data Sheet.
2. Within 30 (thirty) days after the expiration date of the permit, the permittee must submit a completed Sustenance Fishing Data Sheet as part of the summary report of activities described in General Condition No. 20.c.

In 2007, approximately 153 fish were caught under the Monument's sustenance fishing provision. Three vessels were permitted to sustenance fish. The total number of fish caught in the Monument under the sustenance fishing clause is negligible compared to the thousands of tons of fish caught by the NWHI bottom fishery or the Pacific pelagic longline fishery.

Volume II Draft Environmental Assessment

General Comments

Comment. The Council suggested that the term "Co-Trustees" be defined in Volume II.

Response. "Co-trustees" is defined in Volume II, Section 1.1 of the EA.

Comment. The Council believes that an Environmental Impact Statement, rather than an Environmental Assessment (EA), was required under the provisions of the National Environmental Policy Act. The Council is concerned that the EA did not "discuss nor attempt to analyze the significance (overall or otherwise) of the proposed action to the protection of natural resources, marine heritage sites, the State of Hawaii and to the United States."

Response. The EA presents analyses of the impacts of implementing the two alternatives. An EA is prepared to determine whether or not the action significantly impacts the environment, and, if so, an EIS should be prepared. The results of the analyses are contained in the Finding of No Significant Impacts that accompanies the MMP.

Comment. The Council recommended that the terms "beneficial effect" and "short term minor negative effect" need to be defined in the EA and that the EA lacks the analysis needed to determine their significance. The Council cites for authority to CEQ regulations (40 CFR § 1508.2) which states that

"Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial."

Response. The terminology is listed in Section 3.1. As noted above, the analyses performed resulted in a Finding of No Significant Impact.

Comment. The Council suggests that absent preparation of a complete EIS and discussion of significance, the reader must assume that "the implementation of the [MMP] will result in a Finding of No Significant Impact by the agency." The Council then questions whether it is "NOAA's position that implementation of the MMP will have no significant benefits?"

Response. There is no requirement that all beneficial effects be deemed "significant."

Specific Comments

Comment. The Council recommends that the "Note to Readers" language in the EA be amended so as to more "fully inform [readers and decision makers] as to the authority, history, management and status of NWHI fishing before providing comments or making decisions regarding this large and important area." Additionally, the Council also recommends that the three agency statements under paragraphs 6 - 8 of "Notes to Readers" "be written more clearly so that readers and decision makers can understand exactly what this EA covers and what it doesn't;" that the three statements be combined into one coordinated statement, without agency headers and that the "cumulative impacts of all the existing actions already underway in the Monument be analyzed in the EA so that readers understand the full scope of activities the NWHI will be subject to."

Response. The Note to Readers in Volume II is intended to give the reader a general overview of the project and the EA. The Note to Readers has been revised to include a brief description of the analysis performed in the EA. The existing actions already underway were analyzed under the No Action Alternative (see Volume II, Chapter 3, Environmental Effects). New or expanded activities listed in the Proposed Action will be analyzed as appropriate under NEPA and HRS 343.

Chapter 1: Introduction

Comment. The Council contends that the portion of the monument mission statement that reads "the strong long-term protection and perpetuation of the NWHI ecosystems" is not fully consistent with the Proclamation and Executive Order that established the Monument. The Council also believes that Executive Orders 13178 and 13196 should be included as additional appendices to the documents to better enable "readers and decision makers . . . ascertain how well the draft plan meets all of the objectives contained in those guiding documents." Additionally, the Council also asks for an explanation of the rationale that was used in the decision to prepare an EA rather than an EIS for "this major and controversial federal action."

Response. There is disagreement with the Council's views on the consistency of the mission statement language and guidance provided by the enabling Proclamation and Executive order. The monument mission is, in fact, consistent with the provisions of the enabling proclamations. Because Proclamations 8031 and 8112 deal specifically with the Monument and direct the agencies to complete the management plan, they were included as an appendix. There are a host of other Executive Orders, laws, and regulations that pertain to the Monument, and they are all available online. Including them all as appendices would be unwieldy. Because an EA is the first step used in the NEPA process to determine

whether the action would result in a significant impacts finding, the resulting documentation would either be a FONSI or a finding that the action is likely to result in a significant impact (beneficial or negative), which would be followed with an EIS. In this case, a FONSI was prepared is included with the final set of MMP documents.

Comment. Referring to page 2 of the introduction, the Council again questions whether the Monument should be described as the largest “fully protected” marine conservation area in the world.

Response. Please see the response to the Council’s comments on Volume I - Draft Management Plan, Section 1.0 –Introduction above.

Scope of Analysis

Comment. The Council suggests that scope of analysis language is such that it is “virtually impossible” to tell what is covered by this document and what is not. The Council believes that the introduction should provided a better description of the scope of the EA, that the MMP would benefit from use of tables to augment that description and that the documents should contain an analysis of the cumulative impacts of all existing actions already underway in the Monument. The Council also recommends that the MMP analyze more than the two (implement the plan or no action) alternatives.

Response. This section has been changed to better reflect the scope of the EA.

Alternatives Considered by not Analyzed

Comment. The Council believes that Alternative C should have been part of the Midway Conceptual Plan analysis, stating that “the fact that another approach was “preferred” is not adequate justification for not analyzing Alternative C for Midway.”

Response. The Council is correct when it states that Alternative C is not preferred. However, the section also provides that the infrastructure cannot accommodate the number of staff and contractors described in that alternative. In addition, the restrictions that would be required for visitation are not consistent with the intent for Midway to serve as the only portion of the Monument open to the public. Based on these associated issues, Alternative C was not a reasonable alternative and would not be appropriate for analysis.

Description of No Action Alternative

The Council had numerous comments that concerned the “Description of No Action Alternative. While these comments address certain specific concepts, they do not reference particular pages or paragraphs. To provide clarity, the comments and responses related to this section will be addressed in a numerical fashion, based upon the order they follow in the Council’s letter.

1. **Comment.** At the outset, the Council suggests that the EA’s discussion of the No Action Alternative lacked the requisite level of detail and specificity needed to provide meaningful opportunity for comment. The council did not feel that information found in the MMP should serve as a source of support for discussion found in the EA – in other words, the Council believes that the document should be able to stand on its own. In those instances where the EA does not fully discuss activities that may occur in the future; the Council suggests that the EA describe how/when these activities will be addressed in future EA’s. Additionally, the Council believes that the No Action alternative needs

to be more fully described so as to enable readers to be better able to compare proposed actions with this alternative.

Response. The “Note to Readers” explains that to reduce repetition, the MMP and EA are inextricably linked. While this may be somewhat harder to follow, the two documents must be viewed together. These lengthy documents would have been even longer if all of the information had been presented in both volumes. The No Action alternative is fully described in the MMP.

2. **Comment.** The Council recommends that the mandate, history, composition and processes of the Native Hawaiian Cultural Working Group (which the Council describes as “controversial) needs to be fully disclosed. The Council believes that the identities of the group members should be identified and that more effort needs to be made to fully inform the public as to the groups origins, composition and activities.” identity of group members has not been disclosed to date, this has been a controversial group and the public needs to be fully informed as to “its origins, composition and activities.”

Response. The existing Cultural Working Group was established under the Reserve Advisory Council. Under the implementation of the MMP, the MMB has committed to regular consultation and engagement with the Native Hawaiian community and to the formal establishment of the Native Hawaiian Cultural Working Group (see NHCI-1 and 1.1), which provides one of many methods of involvement for Native Hawaiians. Those volunteers in the Working Group have already accepted responsibility for preserving and perpetuating Papahānaumokuākea and Native Hawaiian cultural connections to this place.

3. **Comment.** The Council recommends that the FWS Historic Preservation Plan discussion needs to include details on what it contains, as well as information on where readers can obtain it in a timely manner.

Response. The Historic Preservation Plan can be found on the Internet at www.fws.gov/midway/MidwayHPP.pdf.

4. **Comment.** The Council suggests that the EA needs to more fully discuss all of the actions underway or planned to protect the Monument’s monk seal population; and that the activities of all three agencies plans should be described, rather than using a generic reference to “monument staff.”

Response. The following text has been added to Vol. II, Section 1.5.5.1, “. . . endangered species and continued implementation of appropriate species recovery plans, such as that for the Hawaiian monk seal.” In addition, Strategy TES 1 in the management plan describes how the Monument management will complement the activities that advance the recovery of the Hawaiian monk seal. The key actions in the Monk Seal Recovery Plan can be found in the description in TES-1. Further, Activity TES-1.3 already states that the “feasibility of restoration will be evaluated to consider rebuilding habitat essential for the reproduction of monk seals and other protected species . . .,” so no change is needed. Although a few activities are described in the Management plan, in general, the plan does not republish all the monk seal recovery plan priorities or activities. This information can be accessed at the Web site www.nmfs.noaa.gov/pr/recovery/plans.htm. Each recovery activity is considered for its effects on other listed species and designated critical habitat to ensure compatible implementation.

5. **Comment.** The Council believes that the term “monument staff” be described with greater clarity so the reader can understand which agency is actually performing the activity. The Council posits that this additional information will enable better understanding of how the agencies are working together

and whether their combined resources are being used effectively and efficiently. The Council suggests that this would prevent situations where one agency has a research program in place and another agency seeks to obtain the resources and scientific expertise to establish its own research program. As written, the readers are not able to provide meaningful comment of this type of issue.

Response. Under the new paradigm of Papahānaumokuākea Marine National Monument, the three Co-Trustee agencies will be working together and pooling resources to the extent possible. The Monument Management Plan includes an agency lead for each of the activities. Each of the other agencies will participate in activities as time, funding, interest, and mandate dictate. It is impossible to predict exactly which staff members will work on the varied tasks of the Monument Management Plan. The intent of the Monument Management Plan is to allow for the pooling of the limited agency resources and avoid duplicative efforts.

6. **Comment.** The Council recommends that the text referencing the MMB continuing to conduct ESA consultations should be modified to more accurately indicate the statutory requirements for these consultations. As an example, the Council states that "NMFS (alone) is responsible for consultations on marine species and FWS (alone) is responsible for consultations on terrestrial species"; and that the "state of Hawaii does not appear to have any authority or responsibility for any ESA consultations."

Response. For various activities outlined in the plan, ESA consultation will need to occur. The lead agency for each of the activities will consult with the appropriate agency, as required under the ESA. If the State of Hawai'i is the lead agency for an activity, it may indeed be required to consult with either NOAA or FWS, as appropriate.

7. **Comment.** The Council believes that the phrase "expanded under the Proposed Action alternative" as used in this section (no action alternative) is confusing and that the MMP should clarify what "proposed action alternative" is being referenced.

Response. As stated in the Note to Readers, to reduce repetition, the MMP and EA are inextricably linked. While this may be somewhat harder to follow, the two documents must be viewed together. These lengthy documents would have been even longer if all of the information had been presented in both volumes. The No Action alternative is fully described in the MMP.

8. **Comment.** The Council has not been able to locate references to scientific data and analyses that are discussed in the EA. It suggests that the MMP include pointers to enable readers to find these data and analyses; and that failure to provide access to these studies would hamper meaningful review and comment on proposed Monument activities.

Response. Data collection and use is an important component of resource management. Each action plan and strategy incorporates data collection, as appropriate. The data referenced throughout the plan is developed, collected, and catalogued by MMB staff, permitted researchers, or sources outside the Monument. MMB staff will share data with the public through publications and educational materials.

9. **Comment.** The Council is concerned that the EA did not describe any work that was underway to address the known lead point poisoning of birds (including potentially short-tailed albatrosses) on Midway.

Response. Lead-based paint (LBP) abatement work started on Midway in 2007. By the end of Fiscal Year 2009, 15 buildings will have had their LBP either removed (on concrete houses) or encapsulated (on buildings with asbestos siding). The FWS is evaluating the soil around buildings with LBP to determine the level of cleanup required to make the environment safe for wildlife and people.

10. **Comment.** Regarding the permit application process, the Council believes that the process and basis for approving/disapproving permit applications needs to be fully disclosed. It would like to see more specific information on criteria and methods used to evaluate a permit application.

Response. All Monument permit applications are posted to the Monument Web site for a minimum of 30 days before the MMB and the State Land Board make decisions. The public can also review and comment on all permit-related environmental assessments that are posted to the Monument Web site for a minimum of 15 days. In addition, there is an opportunity to provide public testimony at the State Land Board hearings for all activities proposed in the Hawai'i State Marine Refuge.

Description of the Proposed Action Alternative

The Council's comments on this section of the EA will also be discussed in order presented in the Council's letter.

1. **Comment.** As with its comments on the No Action Alternative, the Council suggests that this section of the EA lacks sufficient detail and specificity and those readers should not be forced to refer back to the MMP document to fully understand the content found in the EA.

Response. As noted in the Note to Readers, to reduce repetition, the MMP and EA are inextricably linked. While this may be somewhat harder to follow, the two documents must be viewed together. These lengthy documents would have been even longer if all of the information had been presented in both volumes. The No Action alternative is fully described in the MMP.

2. **Comment.** The Council recommends that this section of the EA explain with greater clarity that some of the proposed activities that may occur in the Monument will be analyzed in future EAs and made available for public comment.

Response: We have clarified in section 1.8 of the EA that many of the activities outlined in the MMP are planning activities, which will be analyzed under NEPA when they are implemented.

3. **Comment.** The Council believes that the term "monument staff" be described with greater clarity in this section of the EA as well as the No Action Alternative section discussed above. The Council feels that this additional information will enable better understanding of how the agencies will be working together and whether their combined resources are being used effectively and efficiently.

Response. As stated above, under the new paradigm of Papahānaumokuākea Marine National Monument, the three Co-Trustee agencies will be working together and pooling resources to the extent possible. The MMP includes an agency lead for each of the activities. Each of the other agencies will participate in activities as time, funding, interest, and mandate dictate. It is impossible to predict exactly which staff members will be tapped to work on the varied tasks of the Monument Management Plan. The intent of the Monument Management Plan is to allow for the pooling of the limited agency resources and avoid duplicative efforts.

4. **Comment.** The Council recommends that language be added to the MMP that will explain what scientific information would be made available to the public and how and when this would occur. The Council suggests that unless the public is better informed as to the availability of research results, it will not be able to provide In order to provide meaningful comments the public needs to know what scientific information will be made available it will not be able to provide meaningful comment on scientific research that will be occurring in the Monument.

Response. All Monument permit applications, are posted to the Monument Web site for a minimum of 30 days before the MMB and the State Land Board make decisions. The public can also review and comment on all permit-related environmental assessments that are posted to the Monument Web site for a minimum of 15 days. In addition, there is an opportunity to provide public testimony at the State Land Board hearings for all activities proposed in the Hawai'i State Marine Refuge. Activity P-3.5 in the Permitting Action Plan in the MMP is centered around regularly updating the public on proposed and permitted activities. In addition, as the MMB moves toward implementing the alliance, as suggested in Activity CBO-3.5, it will give consideration to how this group may be informed and involved in the permit process. As described in MMP Activity P-3.5, the MMB plans to make several parts of the permit life-cycle available online, including permit reports. Currently all Monument permit summaries and full applications are posted online. While review comments are not available in full, they are summarized in State Land Board submittals for activities occurring in state waters.

Chapter 2: Affected Environment

Comment. The Council points out that page 90 the section on pelagic environment contains language that appears to have been taken directly from the 2001 Final EIS on the Pelagics FMP of the Western Pacific Region. This should be noted.

Response. In the final version of the MMP's EA, the Final EIS Fishery Management Plan Pelagic Fisheries of the Western Pacific Region is referenced in the Pelagic and Deep Water Habitat discussion in Section 2.2 and it has also been added it to the EA reference section.

Comment. The Council also notes that the Myers and Worm (2003) report that is referenced on page 90 of the EA has been refuted by expert fisheries scientists from NOAA, National Marine Fisheries and the University of Hawaii, Pacific Fisheries Research Program.

Response. The reference to the Myers and Worm study has been removed in the final MMP.

Chapter 3: Environmental Effects

Comment. The Council notes that the EA describes the black-footed albatross and the Laysan albatross, (two species that nest almost exclusively within the Monument) as being "most affected by bycatch mortality." The Council recommends that the EA should discuss the fact that the Western Pacific Fishery Management Council and NMFS have implemented successful seabird mitigation measures that have reduced seabird bycatch in the Hawai'i based longline fishery by two orders of magnitude. The Council also recommends that the EA note that recent data provides that the Hawaiian longline fishery "interacted with a total of 90 seabirds in 2007 and that 47 of those birds were released alive and that longline fleet observer coverage has never reported interactions with short-tailed albatross."

Response. The third sentence of the EA's Section 3.2.3.2 Planning and Administrative has been amended to read "FWS, NMFS, and the Regional Fisheries Management Councils have cooperated to

implement the National Plan of Action to reduce seabird bycatch, which has significantly reduced mortality from the US-based commercial fleet. The agencies are working to extend these efforts to reduce mortality from foreign-based fishing fleets."

Comment. The Council is concerned with the following language that was found on page 162 of the EA: "bycatch of endangered and migratory birds and non-target marine species during sport and commercial fishing outside the Monument is a serious problem." Specifically, the Council observes that the EA does not provide information on sports fisheries occurring outside of the monument nor does the EA acknowledge the success of the new regulations that were adopted to reduce seabird bycatch within the Hawai'i based longline fleet. The Council provided similar comments regarding out-of-monument bycatch impacts on non-target species and threatened and endangered species.

Response. The statement has been amended. Activities not occurring within the Monument are outside the scope of this document.

Comment. The Council recommends that the Environmental Impacts section should contain more specific information regarding aircraft bird strikes that occur on Sand Island at Midway and Tern Island at French Frigate Shoal.

Response. Additional information about bird strikes at Midway has been added to the EA.

Chapter 4: Other Required NEPA Analyses

Comment. The Council suggests that the cumulative effects analysis on natural resources discussion is not complete. As an example, the Council states that there is no analysis of the impact of the Monument's management activities and their cumulative impacts to the endangered Hawaiian monk seal populations.

Response. 40 CFR Parts 1500-1508 requires that federal agencies conduct an assessment of cumulative impacts resulting from implementation of the Proposed Action. Volume II, Chapter 4: Other NEPA Analyses contains the cumulative impact assessment for the Papahānaumokuākea Marine National Monument Management Plan.

DLNR again wishes to thank your interest and for reviewing and commenting on the Papahānaumokuākea Marine National Monument draft Monument Management Plan, draft Environmental Assessment and the associated documents.

Sincerely,



LAURA H. THIELEN
Chairperson



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Aloha,

Attached are the comments from OHA for the Papahānaumokuākea Marine National Monument Draft Monument Management Plan, Midway Atoll National Wildlife Refuge Conceptual Plan, and Environmental Assessment. A hard copy of written comments will follow soon. Thank you for the opportunity to review these documents and we look forward to greater participation in the future.

Thank you,

Grant

Grant Arnold
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 Native Rights, Land and Culture
 Office of Hawaiian Affairs
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HRD08/3496B

July 8, 2008

Monument Management Board
 Papahānaumokuākea Marine National Monument
 c/o U.S. Fish and Wildlife Service
 Box 50167
 Honolulu, Hawaii 96850

RE: Papahānaumokuākea Marine National Monument Draft Monument Management Plan, Midway Atoll National Wildlife Refuge Conceptual Plan, and Environmental Assessment.

Aloha e Monument Management Board,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned, four-volume document, which was released to the public on April 22, 2008. OHA has reviewed the project and offers the following comments.

OHA is the "principal public agency in this State responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians."¹ It is our duty to "[a]ssess[] the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conduct[] advocacy efforts for native Hawaiians and Hawaiians."² As such, we were pleased to see a clear effort in the draft monument management plan to incorporate the Native Hawaiian perspective as well as

¹ Hawaii Revised Statutes (HRS) § 10-3(3).

² HRS § 10-3(4).

propose to elaborate the inclusion of this worldview into future plans.³ OHA also sees that future management of Papahānaumokuākea will include the Hawaiian voice and we ask that OHA have a larger part in this conversation.

The area that this project encompasses is, as you know also called the kūpuna islands, which reflects not only the history that Native Hawaiians have with the area but our relationship with it as well.⁴ The draft monument management plan on page two states that this area is the largest fully protected marine area in the world encompassing an area larger than all the U.S. national parks combined and it contains one of the world's most significant ecosystems.

In the State of OHA and the Native Hawaiian Community Remarks on Monday, December 17, 2007 made by Trustee Haunani Apoliona she said:

Our ancestors were experts in relationships with the universe. They knew how to balance man, nature and god. They understood that harmony and balance meant survival and well-being. True to our nature, Native Hawaiians strive to live with deep regard and reverence to this concept, lōkahi, through which we seek to keep these major life forces in balance.

For us, Papahānaumokuākea is an area in balance. It serves as an unfortunate example for what we no longer have in the majority of this state. History reveals a host culture that has lost many of its resources and for us, Papahānaumokuākea is a treasured reflection of what was and what can be. As such, OHA seeks to have a stronger role in the future in the management of Papahānaumokuākea.

OHA sees in the Note to Reviewers in the draft management plan that:

Through this Agreement and as described in the Monument Management Plan, the Co-Trustees will undertake coordinated, integrated management to achieve strong, long-term protection and perpetuation of Northwestern Hawaiian Island (NWHI) ecosystems, Native Hawaiian traditional and customary cultural and religious practices, and heritage resources for current and future generations.

We ask that we be included in a significant way in this coordinated, integrated management of this vital area. For instance, management of the area should reflect a strong Native Hawaiian presence, to ensure that cultural concerns are not eclipsed by science or tourism. Further, the ecosystem approach towards management that is being

³ For example, the 2006 memorandum of agreement for promoting coordinated management of the Northwestern Hawaiian Islands Marine National Monument that included OHA into the management process.

⁴ See, draft management plan, page five.

promoted in this plan resonates well with our world view and traditional knowledge base. It would also be a way to incorporate traditional knowledge into the management plan as mentioned on page 93 of the draft management plan.

Otherwise, OHA asks how specifically the Native Hawaiian perspective will be incorporated into the monument plan. We note that management activities relating to Native Hawaiians are consistently at the bottom of the funding ladder as presented in table 3.1. Including funding for Native Hawaiian input and involvement would be a way to address this need and stated objective, as would further involvement of Hawaiians in the managing and activities of Papahānaumokuākea. OHA also suggests that any future management role be made to be transferable to a subsequent entity on behalf of Hawaiians.

Cultural Impact Assessment

In traditional Hawaiian thinking, cultural resources and natural resources are one and the same. There is interconnectivity between these resources from the skies and highest mountain peaks, through the valleys and lava plains, to the shoreline and into the depths of the ocean. Hawaiian genealogical chants link man not only to primary gods and the deified chiefs born into the living world, but also to the stars in the heavens and the plants and animals on earth. It is in this context that Hawaiians view their relationship to their environment and it is the foundation of traditional Hawaiian land use.

The first and second chants of the sacred Kumulipo detail that in the darkness at the beginning of time were born the coral polyp, sea cucumbers, shellfish, and seaweeds, which were then followed by larger marine life. With this in mind, it is important to acknowledge that the reefs and marine life found within Papahānaumokuākea are not merely resources for man, but are the building blocks of life in the physical Hawaiian world.

The kinolau of many traditional Hawaiian akua are found throughout a wāhipana such as Papahānaumokuākea. Furthermore, it is believed the spirits of deceased kūpuna can remain in the living world as 'aumakua who can take the shape of plants, animals, winds, rain, or clouds. Thus, from a traditional Hawaiian perspective, when one views the landscape, he or she is surrounded by the kinolau of both akua and 'aumakua.

Ho'okupu and pule honor akua and 'aumakua and continued access to areas and sites within a wāhipana is a critical component to ensuring the perpetuation of traditional and cultural practices. Through these practices, guidance on how to maintain a balance between man and his natural environment is received. When this guidance is applied, the natural environment is healthy and man thrives.

The guidelines for assessing cultural impacts adopted by the Environmental Council, State of Hawai'i emphasize that the most important element of preparing a cultural impact assessment is consultation with cultural practitioners. Without this consultation with knowledgeable individuals, a true understanding of how Papahānaumokuākea will be affected by any proposed undertaking cannot be achieved.

The Office of Hawaiian Affairs (OHA) acknowledges that consultation within the context of a cultural impact assessment is not an easy task. Traditional knowledge is not shared with strangers via letter or email. In order for meaningful consultation to occur, a relationship between the interviewer and interviewee must be established.

While the cultural impact assessment for Papahānaumokuākea does indicate detailed documentary research, meaningful consultation with knowledgeable cultural practitioners is absent. This consultation will provide a critical connection between the written word and the real life experiences of cultural practitioners who will place the importance of events associated with and resources found within Papahānaumokuākea into the appropriate context.

The archaeological background section of the cultural assessment details that archaeological surveys on Nihoa and Mokumanamana have documented numerous cultural sites on both islands which are listed on the National Register of Historic Places. These cultural sites cannot only be viewed as archaeological resources. Cultural practitioners and knowledgeable individuals will be able to discuss the true importance of these cultural sites to contemporary Hawaiians.

There is also discussion within the cultural impact assessment of recent trips to Papahānaumokuākea by cultural practitioners to honor kūpuna and perpetuate traditional practices. The significance of the efforts of Hui Mālama i Na Kūpuna o Hawai'i Nei to repatriate iwi kūpuna taken from Nihoa and Mokumanamana by archaeologists cannot be understood without the mana'o of those who participated in the repatriation effort. This was not simply an act of returning iwi kūpuna to where they came from, it was the demonstration that the kuleana of caring for iwi kūpuna was understood and that individuals were willing to do everything necessary to fulfill that kuleana.

OHA respectfully requests that the services of an individual with experience in conducting consultation for cultural impact assessments be retained and that consultation with individuals with knowledge of the cultural significance of Papahānaumokuākea occur. There are also archival video interviews which may be a valuable contribution to the cultural impact assessment which should be reviewed to gain a larger understanding of the many cultural aspects of Papahānaumokuākea. This additional work will not only bring the cultural impact assessment within the recommended Environmental Council guidelines, it will provide a greater understanding of potential impacts activities within

Papahānaumokuākea Maine National Monument will have on cultural resources and traditional practices.

The Environmental Review Process

OHA points out that this isn't a typical environmental review document in that things like TMKs aren't listed along with the typical other elements such as zoning, (despite the fact that zoning is mentioned in the management plan on page 217) approving agency, proposing agency or even a brief synopsis of the proposed action. Usually OHA would expect to see a section describing the anticipated finding or compatibility issues with county plans on land use classes, etc. as in a typical assessment. Some allowances can be made for the unique character of the project area, yet we still have obligations to perform in reviewing this document as an environmental assessment and making sure that it fulfills those obligations.

Another gray area in this document for OHA was the regulatory frameworks that these varied projects try to navigate through. Some mention is made of some laws and regulations while regulations that are clearly needed or factors that are clearly in violation of existing laws are not mentioned. Other disturbing factors are mentioned only briefly and not further examined. OHA is not unique in seeing Papahānaumokuākea as a treasure; however, we do not want to be the voice calling in the wilderness to preserve it as a wilderness area. Thus, we describe below some of the questions and concerns raised by elements of the plan that are unclear, unexplained, or inadequately examined, often with a lack of potential solutions described.

Contaminants

Studies conducted by the U.S. Fish and Wildlife Service (FWS), Coast Guard, Navy, and the University of Hawai'i have documented contamination in soil, sediment, and biota at French Frigate Shoals, Kure, and Midway which include petroleum and oils, asbestos, lead, DDT pesticide, arsenic, heavy metals, and battery acids.⁵ Dissolved iron from these sites also fuels cyanobacteria growth.⁶ Direct impacts to black-footed albatrosses, in the form of reduced hatching success, have been linked to high organochlorine levels and elevated levels of mercury impaired immune function in black-footed albatrosses.⁷ On Midway, over 500 birds are burrowing in contaminated soil.⁸ Some fish and other biota have PCB levels that rival levels found in fish near major PCB manufacturers on the mainland.⁹ Unlined landfills remain on some of these islands, and Kurc Atoll and French Frigate Shoals both have point sources of PCBs due to former

⁵ Draft management plan, pages 56 and 60.

⁶ Draft management plan, page 69.

⁷ Ibid.

⁸ Draft management plan, page 61.

⁹ Environmental Assessment, page 133.

LORAN stations, which qualify as hazardous waste.¹⁰ While some cleanup efforts have been made, elevated levels of contamination remain in island soils, nearshore sediment, biota, and the dump continues to erode into the sea.¹¹

OHA appreciates this disclosure, and we realize that these are inherited problems; however, the list of terribles described above does not match the sometimes pristine description in the draft management plan or environmental assessment. Nor do they match the mission and vision of this management plan. It also serves as an embarrassment, and OHA wonders what implications these horrors may have for the World Heritage application. One wouldn't expect a hazardous dump to be tolerated in Yellowstone National Park or Hawai'i Volcanoes National Park (also a World Heritage site), and we shouldn't imagine that these sorts of conditions will be allowed to remain in Papahānaumokuākea either.

Page 60 of the draft management plan notes that the Navy "has returned on several occasions to conduct further remediation" on Midway. Page 59 states that, "While the Coast Guard has mounted cleanup actions at both sites, elevated levels of contaminants remain in island soils, nearshore sediment, and biota." OHA strongly suggests that the two federal agencies coordinate with the other co-trustee (the state of Hawai'i) to encourage those responsible for this pollution to clean it up. In international law this is known as the polluter pays principle, and it makes good sense to apply it in Papahānaumokuākea.

Otherwise, OHA inquires as to the lack of compliance with state and federal environmental laws presented by these sites and by the proposed actions presented in these documents. The no-dig areas described in the Midway Atoll NWR Conceptual Site Plan on page 24 where contaminants were left in place at the surface level are yet another sad example. OHA also notes section 2.2.2 of the environmental assessment which lists some of the federal and state laws regulatory environment as well as section 2.5.1.2 which lists the regulatory environment pertaining to water quality in Papahānaumokuākea.

OHA notes that the Clean Water Act (CWA) is listed, specifically sections 403 and 404. As such, OHA is deeply concerned over the apparent lack of compliance with the CWA. We inquire as to whether a CWA, Section 402 National Pollutant Discharge Elimination System has been authorized. OHA is certain that the leakage of hazardous materials into the nearshore environment would also violate the state of Hawai'i Department of Health state water quality standards, which are mentioned on pages 131 and 132 of the environmental assessment. We remind the managers that much of the

¹⁰ Draft management plan, page 59. Also of note is the 393 milligrams/kilograms reading of PCBs at Kure, which is seven times the definition given to qualify as hazardous.

¹¹ Ibid.

nearshore waters in Papahānaumokuākea are state waters, and therefore submerged lands, which are also ceded lands.

OHA also inquires as to compliance with the Rivers and Harbors Act, sections 10 and 13 for work or structures in or affecting navigable waters and for the discharge of refuse matter into or affecting navigable waters.

The draft management plan states on page 58 that 57 tons of marine debris accumulates per year in Papahānaumokuākea. This equates to a problem that will be addressed in a reactionary manner. Land based pollution from point and non-point sources can and should be addressed proactively. Therefore, OHA inquires as to the treatment train, remediation and best management practices that are proposed to not mitigate but correct this situation. Long-term biological and chemical monitoring should be established to measure any change in contaminant levels over time and the associated biological response.

We also note that funding for remediation of polluted sites is lacking. Table 3.1 *Total Estimated Cost to Fully Implement Action Plans by Year* does not even have a category for clean up of hazardous and polluted sites. Habitat Management Conservation (HMC) Plan 2 is the only one that tangentially deals with contaminated sites. The plans propose to "investigate and inventory" (HMC-2), "evaluat[e] effects of contamination" (HMC-2.1), "verify integrity of known landfills and dumps and to conduct remediation if necessary" (HMC-2.2), and "locate historic dump sites... and investigate for contamination" (HMC-2.3). However, these documents resonate with a series of deep contaminants listed in various sections that cry for more than monitoring of effects and investigation. For example, the migratory bird action plan states on page 161 that "Minimizing threats to migratory bird populations remains a primary concern." Then, on the same page, it states that contaminants will be "monitored" with no mention of clean up. OHA reminds the managers of Papahānaumokuākea of their mandate to protect, maintain, and restore wildlife habitats.¹² Remediation of known sites must be done in a timely manner, and monitoring for results of clean up should be a priority.

Fingerprinting of oil sources on the international level and tracing marine debris is also proposed; however with an admitted lack of funding and obvious sources of pollution that need attention so readily abundant, OHA inquires as to the wisdom of not addressing those prior to attempting the more exotic methods and sources that threaten Papahānaumokuākea. Also, OHA urges that the managers seek to increase the capacity for species in the area in a variety of ways and we would rather see the ecosystem receive what limited attention there is than see something like two visitor centers being constructed with finite funds. This also matches with the ecosystem-based management style and no net loss of habitat goal recited in these documents.

¹² Draft management plan, page 165, citing the FWS Refuge System laws and policies and also on page 173, citing the Wilderness Act of 1964.

Ecosystem, Not Jurisdictional, Management

Page ES-2 of the draft management plan states that "The management framework for the Monument includes key elements to move toward an ecosystem approach to management." OHA is pleased by this sentence and urges the coordinated management of this area to consistently bear this mind. OHA also is pleased by the intent to adhere to the National Wildlife Refuge (NWR) system principle of "wildlife comes first."¹³ The opening paragraph on page two of the draft management plan begins with:

Proclamation 8031 states that the Secretary of Commerce, through NOAA, has primary responsibility regarding the management of the marine areas of the Monument, in consultation with the Secretary of the Interior. The Secretary of the Interior, through FWS, has sole responsibility for the areas of the Monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with the Secretary of Commerce. Nothing in the Proclamation diminishes or enlarges the jurisdiction of the State of Hawai'i. The State of Hawai'i, through the Department of Land and Natural Resources, has primary responsibility for the Northwestern Hawaiian Islands Marine Refuge and State Seabird Sanctuary at Kure Atoll.

OHA is understanding of this bit of jurisdictional wrangling and appreciates that this confusing picture was painted for us; however, we will hold the co-managers to their stated goal of creating "a comprehensive and coordinated management regime to achieve the vision, mission, and guiding principles of the Monument and to address priority management needs over the next 15 years."¹⁴ OHA understands the vision to be to forever protect the health, diversity, and resources of the area and the mission to be to carry our "seamless" integrated management to protect area ecosystems, Native Hawaiian resources, and heritage resources for all time.¹⁵

OHA is hopeful that the co-managers of this area will gain valuable experience that can be applied to other remote Pacific Island complexes that sorely need an integrated management regime that focuses more on the resources and less on jurisdiction.

¹³ The Midway Atoll NWR Conceptual Site Plan, page 31.

¹⁴ Draft management plan, page 2.

¹⁵ *Ibid.*, page one.

Habitat Loss

Whaleskate Island is mentioned on page 38 of the draft management plan in connection with Hawaiian monk seals. OHA found the paper *Potential effects of sea level rise on the terrestrial habitats of endangered and endemic megafauna in the Northwestern Hawaiian Islands* and was surprised to learn that it was not long ago the second largest island used by monk seals and from 1985 to 1996 an average of 35% of the atoll's pups were born there. Following the disappearance of this island in the late 1990s, Trig Island became the most common birth site, and pup survival fell dramatically, in large part due to nearshore predation on pups by Galapagos sharks, a species previously not known to take monk seals. Trig Island is expected to shrink an additional 7 to 75%, thereby further reducing habitat and adding pressure to already stressed ecosystems.¹⁶

Whaleskate Island is not mentioned in the climate change section of the draft management plan (page 62), and yet it serves as a clear example of sea level rise and some of the unexpected consequences that stem from it. Seal level rise is a listed cause of concern for Papahānaumokuākea (page 149), and species have already been shown to be displaced because of it. OHA asks what steps are being taken to prepare for this event in terms of habitat loss as well as encroachment towards building footprints. OHA also reminds the managers that the Midway Atoll conceptual site planning document has a "No net loss of habitat" principle listed.¹⁷

OHA realizes that the stakes are extraordinarily high in Papahānaumokuākea. Page 150 of the draft management plan states that 90% of all green turtle nesting occurs here. Some animals are already nesting in contaminated areas and displaying elevated levels of contaminants. As preferred habitat shrinks, other areas will have to be made or cleaned. Hopefully the population of these animals will also increase, adding more stress to the need for a zero net loss of habitat in Papahānaumokuākea.

Proposed Projects

OHA notes that the coordinated field operation plan section 3.6.3 proposes the construction of a number of projects, and the environmental assessment mentions infrastructure repairs.¹⁸ OHA is pleased that the applicants propose to use renewable energy sources and we suggest that construction be done with recycled materials,

¹⁶ *Potential effects of sea level rise on the terrestrial habitats of endangered and endemic megafauna in the Northwestern Hawaiian Islands*, <http://www.int-res.com/articles/esr2006/2/n002p021.pdf>, last visited June 17, 2008.

¹⁷ The Midway Atoll NWR Conceptual Site Plan, page 31.

¹⁸ The Midway Atoll NWR Conceptual Site Plan even mentions rebuilding the wastewater system, page 22.

hopefully even from on site. By utilizing solar and wind energy (utilizing enclosed tower type turbines to prevent wildlife interaction, particularly by birds) as well as bio fuels the applicants are helping Hawai'i to meet our goal of 20% of our electricity being from renewable sources by the year 2020.¹⁹ Further, on January 28, 2008, Assistant Secretary of the Department of Energy and Governor Linda Lingle signed a groundbreaking Memorandum of Understanding (MOU) between the state government and the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy. The MOU estimates that Hawai'i can potentially meet between 60 and 70 percent of its future energy needs from clean, renewable energy sources.

OHA also inquires as to the permitting processes that will be considered in order to comply with federal and state laws for management of Papahānaumokuākea. In a typical environmental assessment, the applicant provides a list of permits required, and we check that list for accuracy and offer suggestions on how best to comply or improve the project. In this case, we see no such list to comply with a host of regulations that several of the described types of management projects mandate. The only indication of compliance OHA has is in the environmental assessment on page 27, which states, "Some of the proposed activities would require additional compliance actions as additional plans are completed, including NEPA, section 7 of ESA, section 106 of NHPA and MMPA."

Therefore, OHA inquires as to whether or not the managers know which "compliance actions" they will trigger by which actions, and if not, when will the plans be completed and in what form (a supplemental environmental assessment, for example) they will be provided. We also ask if any state water quality standards assessments have been made for proposed construction activities that may impact upon state waters, and if an Army Corps of Engineers jurisdictional determination or consultation has been made. Page 56 of the draft management plan, for example, mentions coastal construction which would normally trigger a host of state and federal requirements.

Permitting and Access

OHA realizes that the Fish and Wildlife Service (FWS), NOAA and the state of Hawai'i were issuing individual permits for activities within their respective jurisdictions prior to now, and that only the state of Hawai'i had a special category of permit for Native Hawaiians. As such, OHA is pleased that there are permitting considerations made for Native Hawaiians and their constitutionally protected practices. One suggestion is that a reference be given in the draft management plan to the actual permit application for those interested in applying.

¹⁹ See Act 95, Session Laws of Hawai'i, which in 2004 set that new original renewable portfolio standard goal.

Page 44 of the draft management plan states, "Despite the fact that the NWHI were not used and experienced on a daily basis by most Hawaiians, they have always been seen as an integral part of the Hawaiian Archipelago and have been honored as a deeply spiritual location, as evidenced by the many wahi kūpuna, or sacred sites, on Nihoa and Mokumanamana." This is true; however, for those Hawaiians who are able, the first-hand experience of these places can be dramatic. In terms of this management plan, experience equates to access.

For example, essential to the development of seamanship and wayfinding skills is the need to practice and learn through engaging and powerful experience. The proximity of Nihoa and Mokumanamana to the main Hawaiian Islands make them a reasonable practice run for training navigators and crew, and yet there still exist major challenges in finding the northwestern islands without the use of instruments because the islands present such small and isolated targets. Because the islands are uninhabited by humans, they represent a realistic opportunity to use bird and sealife as land clues identical to those used by our ancestral predecessors.²⁰

As the draft management plan states on page 47, "Cultural practices like these continue to remind and teach Native Hawaiians of the connections and relationships their ancestors have passed down from generation to generation." Securing ready access to the islands without having to navigate restrictive bureaucratic hurdles eliminates long start up and planning processes that grassroots programs cannot endure. Further, the bureaucratic permitting process may infringe upon Native Hawaiian rights and traditional practices as well as stand in contrast to the management plan's stated mission. Therefore, we urge that access for Native Hawaiians under all types of permitting programs be considered and that the permitting process not be overly burdensome for the applicant, as listed on page 221.

Additionally, this serves as a good example of why Native Hawaiians not only must be consulted with during the drafting of this management plan and various implementing documents, but why we should also have a meaningful management role to better address these types of concerns.

Funding

The Note to Reviewers in the draft management plan states that this ambitious plan is set over a 15-year window and is based on an agencies' best estimate of future needs. There is no commitment of funds, or a commitment to request funds, by Federal or State agencies and even the cost estimates given are admittedly sometimes substantially above current budget allocations. OHA is concerned by the high goals that this plan proposes with limited funding and without the commitment of funds.

²⁰ OHA heard from a number of 'Ohana Wa'a captains, and we are representing their comments and requests as our own in this case.

Additionally, page 155 of the draft management plan states that more staffing will most likely be needed by the agencies to carry out consultation requirements for activities within the monument. OHA inquires as to how these additional staff members will be funded as well.

Cruise Ships

OHA notes that in 2005, 2006, and 2007, one cruise ship visited Midway Atoll each year and that now three cruise ships, with 800 passengers each, are proposed in the environmental assessment's preferred alternative and the Midway Atoll NWR Conceptual Site Plan. OHA inquires as to the feasibility and possibility of charging these users to generate revenue. While OHA does see this proposed increase in cruise ship presence as a cause for concern, we also are realistic about the opportunities it can present if carefully controlled, insured and regulated.

Vessel Transit

OHA understands that inspections are mandatory for all vessels prior to entering the Monument and that continuous passage is not prohibited.²¹ OHA suggests prohibiting the transit of hazardous cargo through Papahānaumokuākea. We also recommend requiring a certificate of financial responsibility and/or insurance for vessels entering the area. A polluter pays principle should be adopted throughout Papahānaumokuākea that extends to any type of harm caused. Another suggestion is to not prohibit transit but to regulate it by designating sea lanes through Papahānaumokuākea.

Enforcement

In 2007, the grounded vessel Grendel was found loose inside Kure Atoll after it had ground a 500' path through the reef. This serves as just one example of the isolation of Papahānaumokuākea and the need for enforcement in the area. OHA realizes that the best made action plans are of little use without a way to apply them or make their true force realized. Page 73 of the draft monument management plan states that, "The Coast Guard sends a buoy tender to the NWHI once a year. This mission also serves as a law enforcement patrol. In addition, the Coast Guard may occasionally send other ships to the area as needed." OHA inquires as to the level of enforcement patrols currently underway in Papahānaumokuākea other than this annual visit.

Section 3.4.2 has a desired outcome to "Achieve compliance with all regulations within Papahānaumokuākea Marine National Monument." However, on the same page a

²¹ Draft management plan, pages 217 and 195.

contradiction is presented: "Managers and law enforcement personnel must work together to prioritize and initiate appropriate activities that will have the greatest impact." OHA asks if all the regulations will be complied with or just some, and if not all, which ones or when will they be complied with.

OHA suggests the use of penalties for those violating regulations in the area and vessel monitoring systems that cannot be turned off by the applicant. Page 17 of appendix C mentions that Lands within the National Wildlife Refuge System are generally considered strict liability lands and OHA feels that appropriate use of this regime should be applied. We also support the creation of a monument law enforcement working group as noted on page 52 of the environmental assessment.

Genetic Materials

Page 9 of the draft management plan states that "In the course of just one 3-week research cruise in the fall of 2006, conducted as part of the global Census of Marine Life project, more than 100 potentially new species were discovered at French Frigate Shoals alone." This raises a concern about potential bioprospecting and the distribution of bioprospecting's benefits. At a minimum, access and benefit sharing for new species and any uses derived from them should have a regional focal point, and Native Hawaiians must always be consulted.

OHA also notes that page 155 of the draft management plan proposes to hybridize local endangered fauna with closely related species in order to save them. OHA has concerns about this proposal on its face. We seriously question the wisdom of hybridizing plant species and wonder, if we can save the hybrid, why we cannot save the original. This, too, begs potential cultural questions about genetically manipulating genealogical relations to Native Hawaiians, and the potential for preserving our siblings in whole, rather than in part.

Various Other Questions and Concerns

Briefly, OHA notes that page 63 of the draft management plan states that "Increased carbon dioxide can also influence photosynthetic rates in plants, change plant species composition, lower nutrient levels, and lower weight gain by herbivores." OHA was unaware of any herbivores in Papahānaumokuākea and we ask what they are.

OHA is aware that strict protocols are enforced for any visitors to Papahānaumokuākea to prevent further importation of invasive plants, animals, or insects. We are pleased that this dangerous threat is being approached with due care. However, we were surprised to read on page 68 of the draft management plan that these protocols are not used for Midway Atoll and Tern Island. Midway is certainly the place

where the highest risk for introduction of invasives presents itself, and as such we inquire as to why protocols are not being used there.

OHA notes on page 251 of the draft management plan that business/industry entities are listed as prospective users in Papahānaumokuākea and we inquire as to what/who these may be.

Thank you for the opportunity to comment. If you have further questions, please contact Grant Arnold at (808) 594-0263 or e-mail him at granta@oha.org.

'O wau iho nō me ka 'oia'i'o,



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November 21, 2008

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HISTORIC PRESERVATION
KAIKOLA BEACH RESERVE COMMISSION
LAND
STATE PARKS

Mr. Clyde Namu'o
November 21, 2008
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and other issues. OHA will continue to formally consult with the Working Group (see NHCI-1 and 1.1). This provides one of many methods of involvement for Native Hawaiians that are discussed in the plan. Those volunteers in the Working Group have already accepted responsibility for preserving and perpetuating Papahānaumokuākea and Native Hawaiian cultural connections to this place

Response. The MMP acknowledges that incorporating Native Hawaiian traditional knowledge is imperative to managing and understanding all of the resources of the Monument; this is recognized throughout the Monument Management Plan. Please see in particular Activity NHCH-3.4 and Strategy NHCI-3, along with its associated activities. Both the Native Hawaiian Cultural and History Action Plan and the Native Hawaiian Community Involvement Action Plan describe comprehensive processes to ensure the involvement of and respect for Native Hawaiians, their communities, and culture.

In response to your comments concerning financial equity, the MMP requires that involved agencies work towards building their capacity and working with communities to identify cultural research and cultural projects that we will fund in the future. The MMP proposed budget has been amended (see Table 3.1), in response to your comments and to reflect what the MMP anticipates rapid increases in spending on Native Hawaiian issues related to the management of the Monument.

Cultural Impact Assessment

Comment. OHA noted the need to take into account additional sources of information, including available oral histories, in finalizing the MMP's cultural impact assessment. It also noted that the inclusion of this material was needed to bring the assessment into compliance with Environmental Council guidelines.

Response. Changes to the cultural impact assessment that are in accord with the OHA's suggestions were made to better satisfy the intent of Chapter 343 of the Hawai'i Revised Statutes and the directions provided by the State Office of Environmental Quality Control. Please note that among the revisions to the cultural impact assessment is the inclusion of the results of several oral interviews, more document and personal research, and analyses of actual potential impacts and possible mitigations.

Environmental Review Process

General Comments. OHA correctly noted that the draft MMP and EA is not a typical environmental review document. OHA pointed out that the document does not contain a listing of TMKs, a land use/management zoning framework nor does it describe a land use compatibility determination process such as the kind that would find in a county land use planning process. OHA also acknowledged that Papahānaumokuākea management planning is a unique situation that does not lend itself easily to traditional environmental review processes. OHA was also concerned with what it feels may be a failure to reference related laws and regulations that should have been included in the MMP. With these conclusions in mind, OHA provided several comments that pertain to environmental review processes that were discussed in the MMP. Responses to the comments are provided below.

Contaminants

Comment. OHA provided substantial discussion on the presence of past military related environmental contaminants on several of the islands located within the monument, with particular attention being paid to contamination present on Midway Island. As noted by OHA, there are a number of environmental statutes that require remediation of these sites by parties responsible for the contamination. OHA also recommended that there is a pressing need for cleanup of these contaminated sites in order to maintain the purpose and integrity of the Monument and that these need be treated as a priority in the MMP.

Mr. Clyde Namu'o, Administrator
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Re: Office of Hawaiian Affairs July 8, 2008 Comments on Draft Papahānaumokuākea Marine
National Monument Management Plan

Dear Mr. Namu'o:

Thank you for providing comments on the Draft Papahānaumokuākea Marine National Monument Management Plan (draft MMP), Environmental Assessment (EA), and associated documents. The draft MMP is the product of an extensive coordinated planning process undertaken by the Monument Management Board (MMB) on behalf of the Co-Trustee agencies: US Fish and Wildlife Service, the National Oceanic and Atmospheric Administration and the State of Hawai'i, Department of Land and Natural Resources. The MMB is comprised of representatives of these three agencies and the Office of Hawaiian Affairs.

The draft EA contained in Volume II evaluates the likely environmental consequences of the activities contained in the Monument Management Plan (MMP). The draft EA was developed in accordance with the National Environmental Policy Act and Hawai'i Revised Statutes (HRS) Chapter 343.

Under Chapter 343 HRS, the Department of Land and Natural Resources (DLNR) is required to respond in writing to comments received from agencies during the course of the draft MMP public review process. This letter is DLNR's response to your agency's comments. All responses to comments were prepared jointly by the members of the MMB and will also be included in Volume 5 of the final MMP and associated documents. The Office of Hawaiian Affairs (OHA) comments were considered in the preparation of the final MMP, EA and associated documents and in many cases, where appropriate, the documents were amended to address your comments as outlined below.

Consultation and Engagement with Native Hawaiians and the Formal Establishment of the Native Hawaiian Cultural Working Group

Comment. In its letter, OHA appropriately reiterates the need to include the Hawaiian voice and OHA in the future management of the Monument. The MMP will require that managing agencies commit to regular consultation and engagement with Native Hawaiians; and to the formal establishment of the Native Hawaiian Cultural Working Group, which was convened originally as part of the Reserve Advisory Council. OHA now convenes the Working Group, which provides input on permit applications

Response. The MMP recognizes that known sites must be remediated in a timely manner, and that monitoring for results of clean up should be a priority. Under the Comprehensive Environmental Response, Compensation and Liability Act, the Responsible Parties (RP) for contamination are required to ensure the contamination is remediated and not released to the environment. The Fish and Wildlife Service has worked with the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the RPs to investigate and respond to the hazardous waste issues on both Midway and Tern. The RPs are the US Navy and the US Coast Guard, respectively. Cost to monitor, remove, or otherwise remediate the contamination remains the RPs' financial obligation. The Monument managers will continue to work with the EPA and the RPs to pursue response and remediation where needed.

Ecosystem, Not Jurisdictional Management

Comment. OHA has noted with approval that the goal of the Co-Trustee's primary management objective is to create "a comprehensive and coordinated management regime to achieve the vision, mission, and guiding principles of the Monument and to address priority management needs over the next 15 years."

Response. The final MMP reiterates the Co-Trustees commitment to work together to achieve this objective over the course of the next 15 years.

Habitat Loss

Comment. OHA, along with many other draft MMP reviewers, have commented on a pressing need to take impacts of climate change into account in making decisions related to future management of the monument. OHA's comments focused its particular concerns on the possible loss of habitat and related threats to biodiversity resources of the monument. Of particular concern to OHA are impacts that may happen to the monument's endangered species.

Response. In developing the MMP's Natural Resources Science Plan (see Activity MCS-2.1), the Monument's science team will focus on developing monitoring efforts to detect the potential impacts of climate change on habitats and species. As noted in Section 1.4, Environmental and Anthropogenic Stressors, climate change has potential short-term and long-term consequences for Monument resources. The MMP calls for using data from existing monitoring and restoration efforts (see Strategy MCS-1, Continue and expand research, characterization, and monitoring of marine ecosystems, numerous activities in the Threatened and Endangered Species Action Plan [3.2.1], and the Habitat Management and Conservation Action Plan [3.2.3]). The MMP also commits the managing agencies to conduct research and monitoring to investigate how climate change is impacting individual species, assemblages, habitats, and ecosystems in the Monument.

Proposed Projects

Comment. OHA has asked what federal or state permitting processes will be used when making decisions related to management of future activities within the Monument.

Response. Appendix A of the MMP now describes the permitting processes for activities occurring within the monument. All permits granted by the Co-Trustees must satisfy the findings in Presidential Proclamation 8031, which also make up a component of the Monument's permitting criteria. All permitted activities must also comply with NEPA, the Endangered Species Act, and all other applicable federal and state regulations.

Comment. OHA has asked if the MMP will describe those activities occurring in the Monument will constitute a "compliance action" that would trigger additional environmental assessment and public involvement over and above the assessments completed as part of the MMP. Additionally, OHA asks whether any state water quality standards assessments have been made for proposed construction activities and if an Army Corps of Engineers jurisdictional determination or consultation has been made.

Response. The MMP describes several strategies and associated activities that the agencies will implement in the Monument over the next 15 years. Volume 2 (environmental assessment) provides a discussion of the potential environmental effects of the Monument Management Plan strategies and activities. Although the Monument Management Plan and the associated environmental assessment describe these activities and their impacts in general terms, they cannot for the most part fully analyze the impacts of every action that the agencies will take or authorize over the next 15 years. Accordingly, each agency action taken in the Monument will be subject to future NEPA analysis on a case-by-case basis. Some of these activities will be eligible for a categorical exclusion, while others will require the preparation of an environmental assessment or environmental impact statement, depending on the significance of the impacts. Volume 2, Section 1.8, includes a description of the categorical exclusions for each of the agencies. Although the Monument Management Plan describes some general planning documents or conceptual site plans for Midway and other infrastructure projects that may include construction, the EA does not fully assess their environmental impacts. Such projects would require separate NEPA and HRS Chapter 343 analyses, including an assessment of compliance with state water quality standards and consultation with the US Army Corps of Engineers as needed.

Permitting and Access

Comment. In its comment letter, OHA explained the importance of continuing to provide for traditional cultural practices of Native Hawaiians within the Monument. In particular, OHA noted that maintaining continued access will continue to provide a means to "remind and teach Native Hawaiians of the connections and relationships their ancestors have passed down from generation to generation." To further this objective, OHA asks that the "restrictive bureaucratic hurdles" typically associated with the permitting of other activities in the Monument be mitigated when the MMB is considering requests for access by Native Hawaiian groups to perform activities that are related to traditional cultural practices.

Response. Full support and recognition of the importance of Native Hawaiian cultural access to the Monument is acknowledged and provided for under the Native Hawaiian Practices permit process discussion in the MMP. The title and description of Activity NHCH-2.6 has been modified to more clearly reflect this support and recognition. Further, the MMP acknowledges that understanding and incorporating Native Hawaiian traditional knowledge is imperative to the management and understanding of all of the resources of the Monument, and that this recognition is reflected in several sections throughout the Monument Management Plan. Please see in particular Activity NHCH-3.4 and Strategy NHCI-3, with its associated activities.

With respect to related permitting, please see the Native Hawaiian Practices, Section of 3.4.1, the Permitting Action Plan, which states, "Permit conditions and protocols will continue to be developed by the Co-Trustees and the Office of Hawaiian Affairs through consultation with the Native Hawaiian Cultural Working Group and the Native Hawaiian community. . ." Further, the MMP commits the responsible agencies to continue with regular consultation and engagement with the Native Hawaiian community and the formal establishment of the Native Hawaiian Cultural Working Group (see NHCI-1 and 1.1), which provides one of many methods of involvement for Native Hawaiians.

Funding

Comment. OHA correctly noted that the 15 year plan provided for by the MMP is an ambitious one that will require future funding that has not yet been secured by the agencies responsible for implementing all of the activities described in the MMP. Of particular concern to OHA was securing funding for staffing requirements that will be needed to carry out the consultation requirements related to activities occurring within the Monument.

Response. Under the new management paradigm of the Papahānaumokuākea Marine National Monument, the three Co-Trustee agencies will be working together and pooling resources when possible. The Monument Management Plan includes an agency lead for each of the activities. Each of the other agencies will participate in activities as time, funding, interest, and mandate dictate. It is impossible to predict exactly which staff members will be tapped to work on the varied tasks of the Monument Management Plan. The intent of the Monument Management Plan is to allow for the pooling of the limited agency resources and avoid duplicative efforts. The MMP requires that the Co-Trustee agencies commit themselves to building their capacity and working with communities to identify cultural research and cultural projects for future funding. The budget shown in Table 3.1 indicates that the MMP anticipates rapid increases in spending on Native Hawaiian issues in the future of the Monument.

Cruise Ships

Comment. OHA, notes that while limited cruise ship visits to Midway may be a cause for concern, these ships could provide for visitor opportunities that could be beneficial to the Monument if carefully controlled, insured and regulated. OHA asks whether it would be feasible or possible to charge for visitation to generate revenue for Monument operations.

Response. MMP will require that cruise ship companies pay significant fees when bringing visitors to Midway. The overriding goal of these visits is to provide visitors the opportunity to experience and learn about remote island ecosystems and the Monument's significant wildlife, cultural, and historic resources.

Vessel Transit

Comment. With regard to the transit of hazardous cargo by ships through the Monument, OHA has suggested three management alternatives to address concerns related to the presence of this type of cargo in the monument: prohibiting the transit of hazardous cargo through the Monument; requiring a certificate of financial responsibility and/or insurance for vessels entering the area; or regulating transport of hazardous materials by designating sea lanes through Monument waters. OHA also suggested that the "polluter pays" principle be adopted that would extend to any type of harm caused.

Response. Consideration was given to the threats and relative risks to Monument resources from commercial shipping, including from hazardous cargo in the development of the MMP. Consideration was also given to the protective measures from the International Maritime Organization designating the Monument as a Particularly Sensitive Sea Area. The International Maritime Organization is a specialized agency of the United Nations that addresses navigation safety and protects the environment from commercial shipping activities. Protective measures developed by the United States and adopted by the International Maritime Organization, in association with Particularly Sensitive Sea Area designation, including "Areas To Be Avoided" designations and a ship reporting system have been incorporated into the MMP.

These measures appear on international nautical charts and have multiple uses: they direct ships away from coral reefs, shipwrecks, and other ecologically or culturally sensitive areas in the Monument; they encourage ships to use three transit corridors in between "Areas to Be Avoided" if they must transit through the Monument; and they facilitate a timely response to emergencies.

At this time, these international protective measures, in conjunction with those in Presidential Proclamation 8031 and implementing regulations, appear adequate to address the threats to the Monument from commercial shipping. The measures are consistent with international law, in particular customary international law, as reflected in the 1982 United Nations Convention on the Law of the Sea. Of course, Monument staff would monitor the adequacy of these measures, and, if deemed necessary, will consider additional measures. The MMP has been amended to include appropriate additional language in the Maritime Transportation and Aviation Action Plan (3.3.3) need for action. Additionally, Military vessel and aircraft use were added to the current status and background descriptions.

Enforcement

Comment. OHA notes that Coast Guard patrol activity within the Monument is limited to one buoy tender mission and that occasional patrols are sent to Monument waters as they are needed. OHA suggests that this level of enforcement activity alone may not be sufficient to ensure future protection of the Monument's resources.

Response. In addition to the annual buoy tender patrol, the Coast Guard conducts monthly over-flights of the Monument, and NOAA Office of Law Enforcement monitors VMS daily. Other Coast Guard patrols may be active in the NWHI in conjunction with other missions as opportunities arise or threats dictate. In addition, Co-Trustee chartered flights, vessel traffic, and island-based personnel provide a level of oversight for the Monument through their presence. A new law enforcement officer will also be stationed at Midway.

Comment. OHA also asked whether a shortage of enforcement personnel could necessarily lead to selective enforcement of the Monuments regulations. OHA also suggests that penalties be imposed for violation for regulations in the area, and that it supports the creation of a law enforcement working group to deal with enforcement issues.

Response. The MMP requires that Co-Trustees work with the Coast Guard and the state and federal law enforcement agencies and that are charged with enforcing the laws and regulations within the Monument to protect the monument and its resources. To further this end, an array of technologies from around the world will be examined and the most effective technologies will be deployed for protection and for detecting anyone intent on harming the Monument. All vessels entering the monument are required by law to have onboard functioning vessel monitoring systems that are functioning and transmit data to NOAA's Office of Law Enforcement. Those not in compliance are subject to fines. The Monument Management Plan, Activity EN-1.1, calls for establishing an enforcement working group.

Genetic Materials

Comment. OHA is concerned about potential "bioprospecting" activities within the Monument and is also concerned about whether benefits derived from bioprospecting could be equitably distributed within the region.

Response. All Monument permits dealing with collecting samples or specimens specifically prohibit the sale of collected organisms. Bioprospecting is defined in the glossary as the "search for new chemicals,

Mr. Clyde Namu'o
November 21, 2008
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compounds, genes and their products in living things that will have some value to people." It inherently involves identifying biological resources with potential commercial value that may be developed into marketable commodities, such as pharmaceuticals, pesticides, and cosmetics. The special condition applied to these permits states that authorized activities must be used for noncommercial purposes not involving the use or sale of any organisms, by-product, or materials collected within the Monument for obtaining patent or intellectual property rights. Thus, bioprospecting for commercialization would not be permitted. Language was added in Section 3.4.1, Permitting Action Plan, in the Monument Management Plan to clarify this.

Comment. OHA also noted that on page 155 of the draft MMP there was a suggestion that the plan was proposing to hybridize locally endangered fauna with closely related species in order to save them.

Response. The MMP contains no proposals for hybridization of species to save them in the plan. The recovery action of establishing new colonies of three Nihoa Island endemics (*Amaranthus brownii*, *Schiedea verticillata*, and *Pritchardia remota*) would be evaluated with respect to the risk of any of those species hybridizing with related species on another island. Actions would be taken to prevent any risk of hybridization. The MMP has been amended to provide clarifying language in Activity TES-7.5.

Other Concerns

Comment. On page 63 of the DMMP, there is discussion of the effect increased carbon dioxide could have on "herbivores" that found within the Monument. OHA asks for a description of the herbivores that could be found within the Monument.

Response. In this sentence "herbivore" means any organism that consumes living plants (including limu) or their parts. That would include everything from zooplankton that eat phytoplankton to marine and terrestrial snails, to sea urchins, to algae eating fish, such as the yellow tang (lau-i-pala), to honu (green turtles) in the water and various insects and the Laysan finch and Nihoa finch on land.

Comment. OHA also questioned why the certain protocols regarding the introduction of invasive species to the Monument were not being applied on Midway and Tern islands.

Response. Protocols for preventing marine alien species are identical for all the sites in the Monument. The Monument Management Plan text did not accurately reflect protocols also being employed at Tern and Midway. The text in Section 1.4 has been modified to state, "To prevent further importation of invasive organisms, mandatory quarantine protocols are enforced for any visitors to the NWHI. At all of the islands and atolls, except Midway and Tern, these include requiring the use of brand new or island-specific gear at each site and treatments, such as cleaning, using insecticide, and freezing, to minimize the transport of potentially invasive species to the islands. Protocols at Midway and Tern Island are modified as necessary to accommodate the greater volumes of material coming in, but all possible procedures are still used to minimize additional introductions at these two sites."

Comment. On page 251 of the draft MMP, "business/industry" entities are listed as prospective users of the Monument. OHA has asked for a description of the kind of entity the draft MMP refers to.

Response. The language in 3.5.1 Agency Coordination Action Plan that specifically mentions business/industry entities is contained within a section that generally lists broad categories of constituents. At this time, the only business/industry constituents are those businesses that may bring visitors to and from Midway and that are involved in ongoing FWS operations and maintenance at Midway. However,

Mr. Clyde Namu'o
November 21, 2008
Page 8 of 8

in the future, there could be other business or industries related to communications and technology that could help the Monument managers bring the Monument to the people.

The DLNR again wishes to thank OHA for reviewing and commenting on the Papahānaumokuākea Marine National Monument draft Monument Management Plan and draft Environmental Assessment.

Sincerely,



LAURA H. THIELEN
Chairperson

APPENDIX B

NGO AND GENERAL PUBLIC COMMENT LETTERS

**TO: U.S. Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
Box 50167
Honolulu, Hawai'i 96850**

**FROM: Dr. Fern P. Duvall II
PO Box 330940
Kahului, HI 96733-0940**

**RE: Comments to the draft Papahānaumokuākea Marine National Monument
Management Plan (DMMP) and associated Environmental Assessment (EA)
– presented at the Kahului Meeting**

Date: June 12, 2008

I present this tonight as a private citizen, some of these same comments may still come to you additionally through my agency, as I have worked for the State of Hawaii since 1984 as a Wildlife Biologist for the Department of Land and Natural Resources Division of Forestry and Wildlife.

I would like to generally congratulate you on a careful and expansive treatment of the myriad marine and terrestrial issues requiring management in the Papahānaumokuākea Marine National Monument (PMNM) in the DMMP and EA. If this document is truly treated as a functioning action plan, and funded and implemented as such, the Papahānaumokuākea National Monument will be well served and the ecosystem and wildlife resources should endure and prosper.

I have two main concerns. First, despite the size and inclusiveness of the documents (DMMP and EA) I believe still more attention to providing biosecurity, monitoring for biosecurity effectiveness, and planning for alien-species detection and rapid response to alien species incidents, will be necessary to protect the Papahānaumokuākea National Monument and needs to be addressed more explicitly. Second, restoring "ecosystem *function*" needs to be expanded upon and included as one of the foundation ideas for the Monument, this should include setting high priority on introductions and or re-introductions of native flora and fauna extirpated from the islands of the Monument. I provide more detail on these two issues below, the later one first.

Restoring/approximating Ecosystem "Function" as a main concept for Monument management:

In Vol. I, section 2.5, page 99, lines 7-11 add "and function" into the existing text as follows (IN CAPITAL LETTERS).

"Development and implementation of threat reduction

protocols and monitoring are needed to protect, preserve, maintain and, where appropriate, restore natural communities, including habitats, populations, native species, and ecological processes, AND FUNCTION as a public trust for current and future generations"

Reason: Flora, and Fauna Elements that are known to be missing from the islands of the monument, but still found elsewhere in Hawaii should be restored. If exact species restoration is not possible, then functional Hawaiian equivalents must be considered. This would be a basis allowing for, as examples, introduction of *Cenchrus agrimonioides* (Kumanomano) or *Acrocephalus familiaris kingi* (Nihoa Millerbird) to Laysan Island to restore or re-introduce "ecosystem functions" now lost due to extinctions of the Laysan Island Millerbird and Laysan Kumanomano counterparts.

This is to emphasize and underscore the importance of the Action Plans to Address Primary Needs of the Papahānaumokuākea National Monument, the Sections 3.2 and 3.3. On page 153 Section 3.2.1 Activity TES-6.2 proposes translocations for Nihoa Finch, Nihoa Millerbird, and Laysan Finch. This work is very important to fund and begin now, urgently moving birds to all appropriate Monument islands, and even Main Hawaiian Island sites, due to the expected changes in sea level in the near future. Morin and Conant (1998 and 2007) reported on translocation strategy, biosecurity, and restoration needs, for Laysan and all Islands respectively, to the USFWS – these reports need to be incorporated fully into the PMMP, and be adequately funded and executed.

Biosecurity and Alien Species issues:

Page 194 and following, Section 3.3.2 **Alien Species Action Plan and Activities AS-1 to AS-10.**

I fully commend the DMMP on the thoroughness of the extremely important and sensitive issues incorporated in alien species treatment. I nevertheless feel that for each activity and alien taxa that appropriate rapid-response planning must be more fully explored, formalized and funded. Active alien species surveillance, with adequate funding to assure necessary equipment and readiness of trained staffing for rapid-response to future new incursions, is paramount to maintaining the integrity and biodiversity of the Monument. To help guarantee success, there needs to be a well out-fitted and equipped Papahānaumokuākea National Monument alien-species rapid-response team, functioning much on the same level with as much sophistication as the Brown Tree Snake Response Team does for the snake, or Oil-Spill Response Workers for oil-spill incidents.

In the section **Activity AS-1.1: Complete an Integrated Alien Species Management plan** it is paramount to have "An Integrated Alien Species Management Plan for the Monument" however, for some invasions a time limit of 2 years to process pesticide use proposals and Section 7 consultations will be too late to begin acting. Provision for Pre-emptive Pesticide Use proposals and Section 7 consultations for 'likely scenarios and circumstances' should be added into the Management Plan needs, and completed, then shelved until actively needed.

Finally, I find it incredible that the more than 700 page State of Hawaii Comprehensive Wildlife Conservation Strategy (2005) was not reviewed or utilized in the DMMP or EA development. It has many items that need to be incorporated and rectified in the DMMP and EA – so many of the same species, and species issues, etc., etc., are specifically identified and treated in the CWCS.

To whom it may concern,

With regards to the caretaking of the monument, please remember that management is nothing without checks and enforcement! Don't let boats discharge harmful waste into the monument. We care about our islands! Preserve them!

Katelin Shugart-Schmidt
Honolulu, Hawaii

BY AIR MAIL 54
POST OFFICE
Royal Mail

00021
US Fish and Wildlife Service
Papahānaumokuākea
Marine National Monument
Prince Kuhio Federal Building
300 Ala Moana,
Room 5-231, Honolulu
Hawaii, USA

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June 18, 2008

please make a trip to the the
Island to Visited & Educate all
the Kupuna

Mahalo nui,
Jerrad W. K. Reeves
P.O. Bx 844
Kailua - Kona, HI 96745
Ph. 998-7699 cell

June 23, 2008

00047

Submitted by David H. Leopold RN, BSN
Kauai Monk Seal Conservation Hui
Volunteer and Educator

Mahalo for the opportunity to comment on the Draft Management Plan for the Papahānaumokuākea Marine Monument.

I feel that the public plays an important role in the management of Hawaii's public trust resources, therefore I support more direct public involvement in decisions about the Monument. Please establish a Monument Advisory Council with the authority to oversee and advise all three Co-Trustees and with the same strict conflict-of-interest requirements that made the original Reserve Advisory Council so successful. Please also include two public seats on the currently closed Monument Management Board.

Hawaii's visionary Northwestern Hawaiian Islands Marine Refuge is an equal partner in the co-management of the Monument, yet is not mentioned in the action plans for the Monument. Please remedy this including specific references to the "do no harm" standard, permit requirements, and enforcement policies of the state refuge.

This draft management plan must do more to empower Native Hawaiian decision-making about this culturally significant region. Native Hawaiian traditional practice and knowledge must be integrated into the management framework on equally footing as ecological and conservation considerations. This includes a commitment to fully fund the participation of Native Hawaiian cultural practitioners in decision-making and requiring permit review by the Native Hawaiian Cultural Working Group.

I also feel strongly that human activity is the great threat - and the greatest hope - for the Monument. That is why I support strictly limiting human activity in the Monument. Please establish a numerical carrying capacity for the region based on the Precautionary Principle and immediately conduct a cumulative assessment of the risks and impacts of human activity in the Monument. Please also implement the spirit and the letter of all federal and state regulations to ensure the utmost protection for the region, including mitigation for all military activities affecting the Monument.

Mahalo for your consideration and effort to improve this management plan.

1. KEEP THE PEOPLE IN THE PROCESS:

Management of the Monument is not open to the public. Currently, all management decisions are made by a Monument Management Board (MMB), which is made up of 7 state and federal agency-representatives. These meetings are not open to the public at all, yet all management decisions - including the granting of permits - are made at these closed meetings.

Because the MMB is making decisions about the future our public trust resources, all of their meetings should be open to the public. Public meetings are one of the best ways to ensure government agencies remain accountable to the public they serve.

The Co-Trustees should open all Monument Management Board meetings to the public.

The Current Permitting System Is Flawed:

The only public oversight of permit applications is through the state Board of Land and Natural Resources, which gives the public 6-days' notice of upcoming permit applications. The BLNR appears to only rubberstamp permit applications, refusing to deny, modify, or even condition extremely egregious requests to access the most-delicate state waters.

Despite promises from Co-Trustees that the permitting system would be improved through the management plan, the DMMP does nothing to correct the flawed permitting system. Permits are still approved first at a closed meeting of the MMB and then rubberstamped six days later at hearing by the BLNR.

The final management plan for the Monument must provide for meaningful public comment on all permits to access the public trust resources of Papahānumoūkākea.

Citizen's Advisory Council:

The DMMP fails to establish a citizen-based advisory council for the Monument similar to the current Advisory Council that oversees NOAA's management of the Coral Reef Ecosystem Reserve. The current Reserve Advisory Council (RAC) directed the Monument Co-Trustees in June 2007 to begin the process for establishing a Monument Advisory Council. The Co-Trustees did not do that. Instead the DMMP suggests establishing a "Friends of the Monument" organization and/or a "Monument Alliance" of groups and individuals interested in the Monument. Unfortunately, these groups do not have the regulatory authority or responsibility to oversee and provide advice on the management of the Monument and such as cannot adequately take the place of a citizen-based advisory council.

Active, direct citizen involvement in management decisions is the hallmark of protections of the Northwestern Hawaiian Islands.

The final management plan for the Monument must include a Citizen's Advisory Council, complete with the authority to oversee and advise all management activities and the same conflict of interest requirements of the current RAC.

2. RESPECT THE REFUGE:

The State of Hawaii led the way towards the designation of this Monument by establishing the visionary NWHI State Marine Refuge. This Refuge is the largest "do no harm" area in all of Hawaii and it specifically protects Native Hawaiian cultural access rights, prohibits commercial extraction - like fishing - and allows only appropriate scientific research. It enforces these standards through a one-strike rule that bars future permits to any applicant that has violated a past permit.

Although the State of Hawaii is an equal partner in the management of the Monument, as outlined in the Memorandum of Agreement between the three Co-Trustees, the DMMP barely acknowledges the State Refuge in the 22 action plans to manage the Monument. If the State

Refuge is not only fully integrated in the management of the Monument, then it will ultimately become an after-thought of forgotten protections with no funding or administrative support.

The Management of the Monument must fully implement the permit requirements, penalty structure, and prohibitions against sustenance fishing and waste dumping.

3. PERPETUATE NATIVE HAWAIIAN CULTURE:

Since the designation of the Monument, the Native Hawaiian community has not been directly involved in the management of the Monument. The Native Hawaiian Cultural Working Group has not yet been convened to participate in the development of the DMMP. Neither the Native Hawaiian Cultural Working Group or the Office of Hawaiian Affairs were consulted about the serious, foreseeable risks of the Navy's proposed ballistic missile tests directly over the sacred island of Nihoa.

The vision statement for the Monument in the DMMP must integrate perpetuation of Hawaiian cultural practice on equal ground as wildlife protection. The significance of the Northwestern Hawaiian Islands to Native Hawaiian cultural practice and history is part of the foundation of the overwhelming public support for protect this immensely important region.

The final management plan for the Monument must have a vision statement that equally embraces the cultural and ecological significance of the region, such as: "that the health, diversity and resources of the vast NWHI - its unique wildlife and cultural significance - be protected forever."

4. MANAGE FOR CONSERVATION, NOT INCREASED, HARMFUL USE:

The public continues to overwhelmingly support setting aside Papahānumoūkākea as a sacred place not to be exploited for any reason. Yet, we see little commitment to that goal in the DMMP, which advocates for increased research activity, increased tourism, construction on several islands, deferment of the U.S. Fish & Wildlife Service's "Wilderness Stewardship" responsibilities, and increased military activity, with no commitment to clean up legacy military contamination sites, conduct a cumulative impact and risk assessment, or establish a numerical carrying capacity.

This is not implementing the strongest possible protections for the Northwestern Hawaiian Islands.

To manage for conservation, the Co-Trustees must:

- employ the precautionary principle to first establish a conservative, numerically-based carrying capacity for human activity in the Monument. This will set a protective limit on all human activity in this delicate area, including military exercises, research, and tourism. There must be a cap on the number of people that can enter the Monument, especially the number day-visitors to Midway.

- conduct a comprehensive assessment of the risk and cumulative impact of past and proposed human activity in the Monument. This will require the Co-Trustees to prioritize who is allowed to enter this fragile area and for what reasons. This is especially important for research activities in the NWHI, which should only be allowed if they further a specific management goal and can

demonstrate no harm to any Monument resources. Papahānaumokuākea is not a "natural laboratory," as the DMMP describes it. It is a place of refuge, where no human activity should be allowed unless absolutely necessary.

- fully implement the purpose and spirit of the Proclamation designating the Monument and the regulations establishing the State Refuge by dissuading sustenance fishing by researchers and vessel crew. Sustenance fishing is not allowed in the state waters of the Northwestern Hawaiian Islands and should not be permitted in the federal waters. Yet, right now, federal Co-Trustees grant permission for vessel crew and researchers to fish for their own consumption while in federal waters. There are no apparent checks on this practice: no fishing reports or gear restrictions. In fact, we continue to get reports of "coolers upon coolers" of fish from Northwestern Hawaiian Islands being brought back to Honolulu. This practice is unacceptable and should be stopped.

- must impose mitigations on all proposed military activities possibly affecting the region. Monument regulations require the armed forces to minimize and mitigate activities that could harm Monument resources. Yet, right now, the U.S. Navy is proposing ballistic missile tests with chemical agents over the Northwestern Hawaiian Islands, experiments with hypersonic weapons and vehicles, exercises with high-intensity active sonar, and significant increases in marine debris all near the Monument with absolutely no mitigations.

I sincerely hope that the above concerns will be positively addressed in the final MMP. This fragile area deserves the highest level of protection with as little human presence as possible. The public must not be excluded from the management process.

Mahalo,



David H. Leopold RN, BSN
Kauai Monk Seal Conservation Hui
Volunteer and Educator
monachus@hawaiiintel.net

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00065

TO : THE U.S. FISH AND WILDLIFE SERVICE
300 Ala Moana Blvd.
Room 5 - 311 , Box 50187
Honolulu , Hawaii 96850

FROM : MANINI , MEMBER LAHUI , KANAKA
P.O. BOX 911
Waimea , HI. 96796

Phone: (808) 338 - 1538

Dated : June 23, 2008

PUBLIC HEARING ON DRAFT PLAN
at Kauai Beach Resort, for the general Public.

DECLARATION IN LIEU OF AFFIDAVIT SUPPORTING OBJECTION,
to DRAFT PLAN and reasons stated herein.

1. Wherefore , by the Statutes at Large from the 60th Congress of the United States of America in regards to Proclamations concerning Public lands , dated January 24 1791 to March 19, 1936, listed in the LAW LIBRARY of CONGRESS , Proclamation , 1908 page 2209 approved July 7 , 1898 in pertinent parts .

2. AND WHEREAS , it was further provided in said resolution that the existing laws of the United States relative to Public Lands shall not apply to such lands in the Hawaiian Islands.

3. Therefore, as Mandated by Federal Law , theirs no Public Lands in these islands , and therefore the Public has no jurisdiction or input to the use or sale of these Private Lands that belong under the jurisdiction of the Lahui , Kanaka by instrument of claim in the 200 E.C. migration by their Sovereign POC, AU FUNI of the Lahui Kanaka or Kanaka Nation .

1.

4. The first island, discovered by AU FUNI , sovereign POO, of the Lahui Kanaka in their 200 B.C. migration to moana pakipika. Mokupuni o Necker , the Mysterious Island Shrine, our land marked island Commencing the discovery of the Archipelago of Mokupuni moana pakipika by this instrument reserving the discovery rights of claim in 200 B.C. and inhabited by the first migration of the sovereign POO, KANAKA CHIEF AU FUNI of the LAHUI KANAKA a KANAKA NATION , of this earth.

5. It seemed incredible that the KANAKA GROUP of people could have existed here for a lenth of time , but the evidenced of them and their work is all over the island.

They built terraces , not thoes carved out by nature but seme thirty four large paved platforms or pa hale's , house lots the work of man's hands , nothing like them to be found today in the main islands of the Archipelago of Mokupuni , moana pakipika .

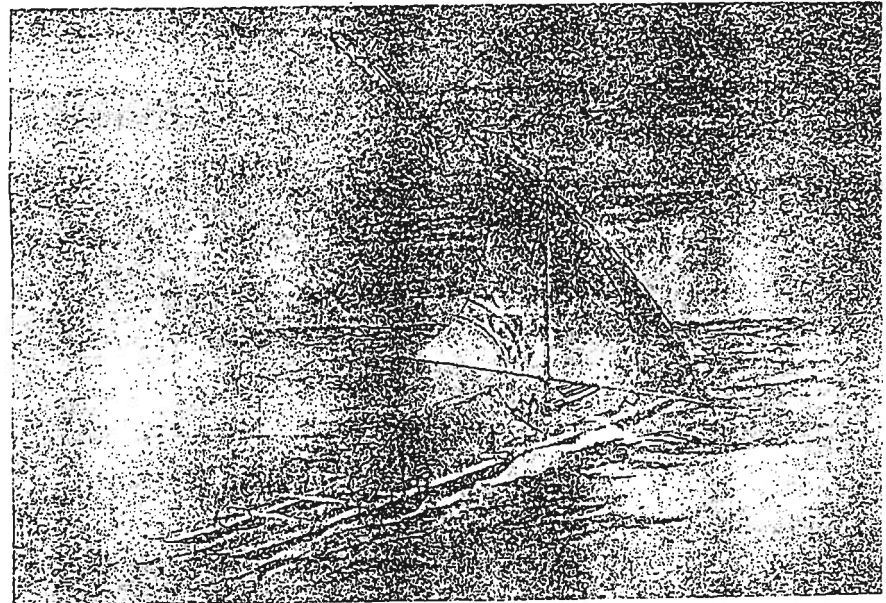
6. They also were the artifacts beautiful bowls laboriously hallowed , stone adzes , sinkers , a stone awl , a hammer stone a grindstone and HUMAN BONES all thoes evidenced of a settlement of KANAKA people , very like the natives of mokupuni o Hawaiki that migrated in 64 B.C. abt. 150 years after the KANAKA MIGRATION that call them selves Hawaiian's after Hawaiiloa, migrator of the 64 B.C. migration .

7. NECKER ISLAND , was preserved by its inaccessibility and obscuridy a pure sample of the culture which existed in the islands of the Archipelago of Mokupuni in 200 B.C. and still exist .

2.

8. The Olelo of AU FUNI , evidence of survey of the Natural surveyed lands of the Archipelago of Mokupuni abt., 200 B.C. migration from Zarahemla to moana pakipika , AU FUNI his origin as documented in KA BUKE MUA A NEPAI as son of NEPAI , mokuna 6 page 43 vs 6 (e na mokupuni a e hoolche hoi okou na Lahui Kanaka) this migration was from South Zarahemla alias South America to the Archipelago of Mokupuni moana pakipika abt 200 B.C. by Canoe .

Migration period , abt. 200 B.C.



Au Puni , Sovereign Poo, Lahui Kanaka Native canoe of the Migration period , abt. 200 B.C. to Archipelago of Mokupuni , Moana Pakipika, by instrument reserving the discovery rights of claim to the lands .

3.

9. Commencing upon the sea north east at mokupuni o Necker moana pakipika thence south west to mokupuni o Tuvalu to a point 144 degrees longitude by 8 degrees latitude thence south east to mokupuni o Samoa to a point 100 degrees longitude by 15 degrees latitude thence south west to mokupuni o Aotearoa to a point 135 degrees longitude by 50 degrees latitude thence south east to mokupuni o Rapanui to a point 50 degrees longitude by 28 degrees latitude thence north east to mokupuni o Hawaiki to a point 180 degrees longitude by 27 degrees latitude thence south west to the point of Commencement at mokupuni o Necker Comprising an area called the Archipelago of Mokupuni, moana pakipika by this quitclaim instrument reserving the discovery rights of claim in 200 B.C. to the lands and waters within the riparian surveyed boundaries of AU FUNI, Sovereign POO, of the Lahui Kanaka, a migration from Zarahema to the Archipelago of Mokupuni, moana pakipika, containing a covenant of Warranty. (Surveyed by the Lahui Kanaka in 200 B.C.)

4.

10. WHEREAS, according to this instrument of AU FUNI Sovereign Poo, of the Lahui Kanaka a Deed reserving the discovery rights of claim in 200 B.C. to the lands and waters within the riparian surveyed boundaries of the Archipelago of Mokupuni, Moana pakipika.

According to history, Kamehameha of the Hawaiian Kingdom and it's people did not conquer nor overthrow the Sovereignty of the Lahui Kanaka alias Kanaka Nation of the Archipelago of Mokupuni, Moana Pakipika with AU FUNI as the Sovereign Poo, of which the Hawaiian Kingdom claims to be a portion off.

Therefore, according to international law, conquest is defined by Bouvier's Law Dictionary 1914 edition, as the taking of the sovereignty of a nation by force of arms, exercised by an independent power which reduces the vanquished to a submission of the independent power's empire.

for further insight into understanding what constitutes a conquest, look to the definition of the following words .

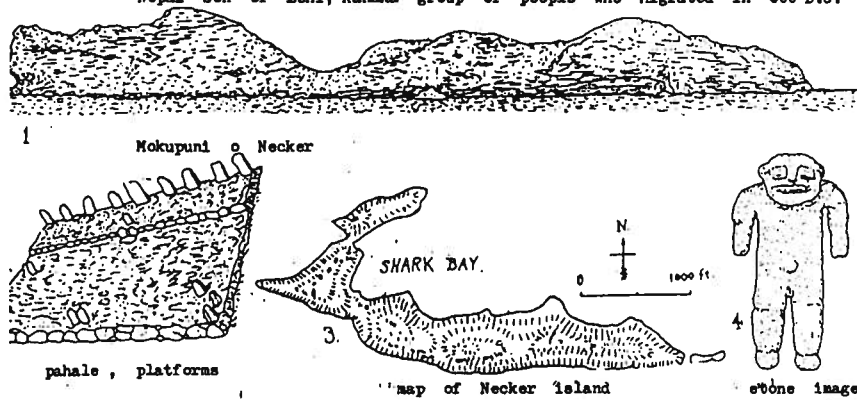
Independent power, the right, ability, or faculty which is not subject to control, restriction, modification or limitation from any given outside source.

In view of the afore mentioned, one could conclude that it takes an unconquered nation to conquer another nation, remember Kamehameha was not a nation, nor did he control and empire.

Furthermore, Kamehameha did not conquer the Sovereign Poo, AU FUNI of the Lahui Kanaka alias Kanaka Nation and it's people, Kamehameha, was merely acting in his own self-interest with no power no authority and no jurisdiction of sovereignty to constitute and overthrow or conquest, wherefore any and all properties claimed to be acquired through Kamehameha as his private lands within the Archipelago of Mokupuni, Moana Pakipika is null and void for his claimed estate does not legally exist within the sovereign surveyed boundaries of the Archipelago of Mokupuni Moana Pakipika alias Polynesia since 200 B.C.

5.

11. Mokupuni o Necker our land marked monument boundary used to survey the Archipelago of Mokupuni a mysterious shrine of of the first migration marked by the Lahui Kanaka in 200 B.C. an island marked to last forever with artifacts, 3/4 pa hale's, and Human bones as evidenced of once been inhabited in the first migration of 200 B.C. by AU FUNI . sovereign POC, the Son of Nepai son of Lehi, Kanaka group of people who Migrated in 600 B.C.



The island monument is abt, 1,300 yards long by 200 yards wide and 275 feet above water, it is the summit of a huge, submerged volcanic peak two tiny seeps of water were the onlsource of that life-giving liquid.

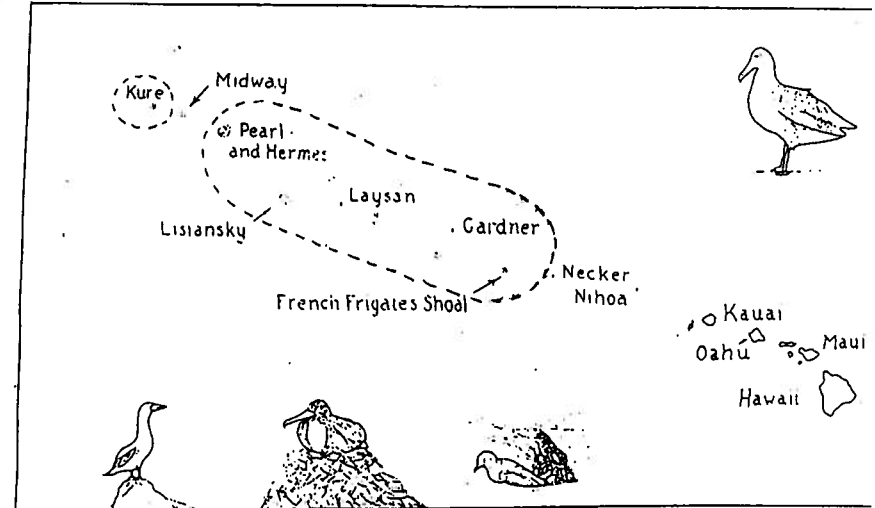
(see: KA BUKE MUA O NEPAI , mokuna (1) , page 21 vs 32 , mokuna 6 vs 6 KA BUKE A MCSIA , mokuna 11 , vs 10)

MANINI, will be willing to match his DNA with the DNA of the bones on Necker island to prove that we are of the same family unit

6.

12. The monk seal , lives in there own habitat a natural place for the life and growth of an animal , known as French Frigates Shoal of which Laysan island is a portion off, they are many birds and turtles that live with them, a Non-migratory seal

The monk Seal has never been known to live on Necker or Nihoa Islands they love to live in their own Habitat unless someone moves them to another island without a Shoal to live unhappy



The Monachus Seal known as the Monk Seal, by change of name through the U.S. Fish and Game Division: is called the Hawaiian Seal a Seal that has never lived in the Archipelago of Mokupuni alias Polynesian Triangle of the Pacific Ocean .

The U.S. Division of fish and Game, should be keeping Hunters and fisherman away from this marked area the Natural Habitat of the Monk Seal , the Turtles and the Birde that live there

This Book written in 1938 by Spencer Wilkie Tinker, University of Hawaii page 92 - a result of this expedition, a few survived, and those survivors have now multiplied sufficiently so that there is no longer any danger of this unusual animal ever becoming extinct .

Today they are well protected from hunters by the United States Government , today means 1938 expedition visted the monk Seal. on Laysan Island at French Frigates Shoal .

7.

13. The Lahui Kanaka Objects to the U. S. Fish and Wildlife Service to be in their jurisdiction , French Frigates Shoal is a long way of, but close to Midway Island where they were planned to be posted,, to protect the Monk Seal on Laysan Island . from Hunters and Fisherman also to protect the Birds and the Turtles. this area is about 300 or more miles away from their work living on Oahu Island .

I, JOSEPH MANINI , declare under penalty of law that the foregoing is true and correct .

Dated: Lihue , Kauai, Hawaii June 23, 2008


MANINI J. PARTITIONER MEMBER LAHUI KANAKA

US Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
P.O. Box 50167
Honolulu, HI 96850

00083

June 29, 2008

Aloha,

Papahānaumokuākea Marine National Monument is a heartening advance by our country in protecting extensive marine and island ecosystems and resources.

My input on the management plan for Papahānaumokuākea Marine National Monument is that all land and ocean components should be managed for the benefit of native species of sea and bird life as well as other natural resources such as geological formations. As rising ocean levels is reducing land areas of the islands, management should include cooperating with international efforts to reduce global warming.

Non-native problem species (such as rodents, non-native plants) should be slated for removal throughout the archipelago. Great care should be instituted to prevent introduction of non-native organisms, especially to the more pristine islands.


Commercial and military operations, including fishing, tourism and mining, that interfere with the long-term health of the ecosystems and natural resources of the reserve should not be permitted.

Cruise ships should only be permitted in the vicinity of Midway and only with the strictest regulation of discharge of wastes and other activities deleterious to native ecosystems.

Visiting this precious area can be sustained with care. Virtual tours and webcams (with sound) can offer millions the opportunity to learn about, love and support the protection of the archipelago. Physical visits should be limited to Midway where the price tag should include a contribution towards neutralizing the visitors' impacts and carbon footprints.

Careful and (ideally) sustainable ecotourism opportunities can resume at Midway using existing infrastructure, upgraded as needed. To minimize impacts, regulations to prevent introduction of pest species should be in place. All food and other rubbish should be removed by tour operators. Energy (for lighting, etc) should be generated using solar, wind or other non-polluting means. Timing of flights should be coordinated with nesting patterns of birds. All tourism, virtual and physical, should include an extensive educational aspect to build understanding and support for protected places and native species.

Mahalo,



Ruth Levin
P.O. 1118
Volcano, HI 96785



Association of Hawaiian Civic Clubs
P. O. Box 1135
Honolulu, Hawai'i 96807

**TESTIMONY ON THE DRAFT
PAPAHANUMOKUAKEA MARINE NATIONAL MONUMENT
MANAGEMENT PLAN
July 4, 2008**

U.S. Fish and Wildlife Service
Papahānumokuākea Marine National Monument
Box 50167
Honolulu, Hawai'i 96850
e-mail: PMNM_MMP_Comments@fws.gov

The Association of Hawaiian Civic Clubs is a growing national confederation of fifty-three Hawaiian Civic Clubs, located throughout the State of Hawai'i and in the States of Alaska, California, Colorado, Illinois, Nevada, Utah, Virginia and Washington State. It initiates and works to support actions that enhance the civic, economic, educational, health and social welfare of our communities, and in particular, the culture and welfare of the Native Hawaiian community.

At its annual conventions held in 2001 and 2003, the Association passed two resolutions supporting the protection of the Northwestern Hawaiian Islands, which subsequently led to the Northwestern Hawaiian Islands Marine National Monument, renamed the Papahanumokuakea Marine National Monument on March 2, 2007.

Association members have agreed that protection of the Northwestern Hawaiian Islands archipelagoes is in harmony with the cultural purposes set at our founding in 1918, as well as the objectives within our more contemporary organizational documents. As a native people, we are bound to preserve and protect the rich history and cultural heritage of our ancestors.

As a means of expression, the membership convenes annually and a significant portion of business is dedicated to introduction and deliberation on issues of concern to us as Hawaiians. From the deliberations in 2001, and again in 2003, came resolutions to:

"...advocate for a true Pu'uhonua in the Northwest Hawaiian Islands through U.S. Congressional action that permanently and completely prohibits all commercial activities and protects Native Hawaiian cultural, religious and subsistence practices, and allows only appropriate scientific and educational access to the NWHI archipelagoes that would only benefit the cultural and ecological resources..."

Additionally, in 2004 the Association adopted the Paoakalani Declaration, and sections are quoted here to support the Association's concept of a NWHI Pu'uhonua:

"Throughout the Pacific Basin and Ka Pae 'Aina Hawaii, the territories, lands, submerged lands, marine resources and seas of our peoples are being subjected to commercial exploitation. This exploitation is perpetuated by state and national governments, international agencies, private corporations, academic institutions and associated research corporations..."

The lands, submerged land, waters, oceans, airspace, territories, natural resources of Ka Pae 'Aina Hawaii and associated Kanaka Maoli traditional knowledge are, by our inherent birth right, the kuleana and property of Kanaka Maoli and the inheritance of future generation of our peoples. As such, the standards and criteria for consumption, development and utilization of these resources shall be there for Kanaka Maoli to promote our culture through principles of pono, aloha 'aina and malama 'aina."

The Association of Hawaiian Civic Clubs, therefore, holds to the positions taken by its membership to protect and preserve the Northwestern Hawaiian Islands as a true Pu'uhonua. We ask that provisions of the proposed management plan be in concert with this position.

Me kealoha pumehana

/s/ Leimomi Khan
by e-mail

LEIMOMI KHAN
Pelekikena



"Ruth Limtiaco"
 <ruthl@thelimitiaco.com
 pany.com>

07/07/2008 01:21 PM

To: <PMNM_MMP_Comments@fws.gov>
 cc:
 Subject: Comments on Papahānaumokuākea

00095

Comments on the Papahānaumokuākea Management Plan are attached and also pasted in below.



**U.S. Fish and Wildlife Service
 Papahānaumokuākea Marine National Monument
 Box 50167
 Honolulu, Hawai'i 96850**

July 7, 2008

These comments are respectfully submitted after a review of the Visitor Services Plan portion of the Draft Monument Management Plan for Papahānaumokuākea National Marine Monument.

It is evident that enormous thought and energy went into the preparation of this plan; and I humbly submit my thoughts as a relative newcomer to the contents of the plan. Understanding that I lack the many years of preparation leading to the designation of the monument and the organization of the current visitor program, I am hopeful that some of my thoughts may be of use.

I read the plan as one who has been involved in the promotion of tourism to tiny, fragile island communities in the Pacific for many years. We were the first firm hired to promote the Republic of Palau to the North American market; and did so for over ten years. We also represented the island states of Yap and Kosrae and opened the Outrigger Hotel in the Marshall Islands. This is the perspective I found useful as I read the Visitor Services Plan.

Pricing:

I saw first hand what happened in Palau when budget trips proliferated and subverted the efforts to keep the islands a rare, first class experience. Of course, Midway is not in a "budget" category; but it appears that the price of a trip to Midway is calculated based on actual hard costs, rather than on the exclusivity of the experience.

While there is a delicate balance between over-pricing that drives down sales and a reasonable return that sustains steady sales, I believe that the pricing of the Midway trip is likely to lead to an unsustainable market. Section 4.13 on "Fee Programs" emphasizes "reasonable fees." This reflects a "cost-covering" approach as opposed to a managed image approach. Fees should be used not just to offset costs but managed in order 1) to establish a perceived high value for the product and 2) to support other costs, including subsidized travel for educators, cultural practitioners and others.

Pricing must be high enough so that the revenue not only covers costs and allows for a profit but also covers other expenses that are required to keep Midway functioning. There are hidden costs, such as the importation of food and fuel, trail clearing, invasive species removal, and general maintenance that should be borne by visiting tourists. Page 22 of the Visitor Services Plan makes reference to the high cost of maintaining Midway's visitor facilities and indicates that visitors will pay for a portion of these while "FWS will (also) work with its other partners on Midway to seek funding for island infrastructure maintenance and repair." In any resort, all such costs are covered by the visiting tourists.

The element that keeps the price tag high for a Midway trip is the airfare. All other components seem to be extremely low. Daily cost is only \$260, including \$45 for food, which is only \$15 per meal. While the feasibility study conducted by Pandion Systems assessed the Midway fees as "reasonable for the experience offered," I believe that thought should be given to creating a perceived value for the experience that allows a higher price tag—one that will include an amount to be set aside into a fund to subsidize travel for teachers and cultural practitioners.

Product Development—how to create higher perceived value:

In order to increase the price for the land-only components of the Midway trip, it is necessary to create a higher perceived value. This might be done by enhancing the product in ways that would allow marketing to a higher end visitor. For example, well-known guest lecturers, such as Dr. Sylvia Earle or Jean Michelle Cousteau, might be invited to join the group for an evening lecture. An eminent scientist or nature photographer, such as Susan Middleton, might be invited. Kayaking trips (mentioned in the plan) led by noted naturalists would be a great addition that would be a low-impact activity.

I would also recommend utilizing a more well-known tour operator. For example, if this were a National Geographic Expeditions trip, it would immediately place this trip in front of a much larger market, most of whom are accustomed to paying top prices for trips with National Geographic experts.

I noted that Oceanic Society does not offer a wide assortment of photos to give the traveler an idea of the type of accommodations, food and airline service they can expect. They also do not offer a single supplement option—which implies singles must "bunk" with a stranger. Also, there is very little idea of what specific activities will be offered during the stay. The general impression is that this company is for the avid eco-traveler who is budget-oriented. Compare their web site to that of National Geographic—or Mountain Travel Sobek—or Linblad Expeditions.

One of the most lucrative markets to tap is scuba diving. It is the North American dive market that continually brings a high-paying, enthusiastic and environmentally aware customer to Micronesia. Getting this activity set up sooner rather than later will offer huge potential. Divers crave the opportunity to visit an “undiscovered” site. The opening of Bikini Atoll recently created a frenzy among divers at top dollars. (A recompression chamber is a requirement; I did not notice this mentioned in the plan when scuba diving was discussed.) One item to consider: Live-aboards—popular in Micronesia—do not contribute to the local economy, while enjoying the plentitude of the reefs. If live-aboards are permitted, it should be at an extremely high fee that mirrors the daily costs of a land-based visitor and contributes to the general maintenance of the island.

Small things might be done to enhance the experience aboard the aircraft (type of food served—promoting the affable pilots; chance to view the cockpit, etc.); and in the guest rooms (gift of The Archipelago, nightly creative turn-down treat, etc.). Ensure that interpretive signage and printed collateral are of the highest quality. Even though these increase your costs, the combination of a number of these enhancements can create a product that can be packaged at a higher rate.

Positioning:

After fine-tuning the product, an elite positioning should be executed for Midway. Publicity efforts should be strategic and limited to the top travel publications specializing in exclusive trips—such as Travel & Leisure, Conde Nast Traveler, National Geographic Traveler, and the like. Niche markets such as avid birders, and adventure travel groups comprising university alumni would be excellent targets. Midway should not be marketed as budget travel (which is currently occurring, as the only high-tag item in the trip is the airfare). The goal is to seek a higher-paying traveler whose trip cost will subsidize the trips of those who cannot otherwise afford to see Midway.

Other Revenue Opportunities:

Section 4/14 on “Permitting” states that permits for enterprises that wish to offer fee-for-service visitor opportunities, may include “profit-sharing agreements.” I believe this is a good idea; though I would not refer to it as profit-sharing. A “percentage of sales” may be a better term.

Respectfully submitted,

Ruth Limtiaco
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Ruth Limtiaco

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Comments to Fish & Wildlife.doc

Elizabeth Anne Freeman

July 5, 2008

Papahānaumokuākea Marine National Monument Draft Management Plan

PUBLIC COMMENT:

Aloha,

Thank you for the opportunity to comment on your Draft Management Plan. I am excited to be able to do so as I have had the pleasure of visiting Midway Atoll twice – once in the 90's when flights had just opened up from Kauai and again in May 2008 with the Oceanic Society. I am not affiliated with any organization. I visited as a member of the public, a resident of Kauai who was interested in the Northern part of the Archipelago. I feel that I am in a unique position to share some thoughts on the Draft Plan.

Supervised groups vs. coming on your own:

On my first trip to Midway in the 90's I went simply as a visitor – not with any group. I was moved by the beauty of the Atoll and the vast number of birds. I tagged along with some of the "birders" visiting with an Oceanic Society Expedition but was otherwise on my own. I don't recommend this for your future visitors. I read in your Plan that you are considering allowing some people to come without being part of an organized educational group like OSE. I think this is a bad idea.

The recent trip with Oceanic Society was a million times more rewarding than my first visit. Their naturalist Wayne Sentman, along with FWS Ranger Murray Shoemaker and Biologist John Klavitter did an excellent job of educating and guiding our group of 13 visitors. Our weeklong schedule included fascinating lectures at the FWS Visitor Center and in the field, a visit to Eastern Island, visits to Rusty Bucket, Bulky Dump, snorkeling at the Cargo Pier and the Emergent Reef, a "bolus" dissection, walks around the Harbor and Cross Point as well as visits to WW2 points of interest. On these outings tons of valuable wildlife information, history, culture, goals and visions for the future were shared. Even with this schedule I still had plenty of time to relax and explore on my own. Also, because the group was small there was a chance for interaction with other folks while eating at the Clipper House. I learned a lot from FWS Invasive Species Specialist Pete Leary and I

loved spending a morning helping to pull out Verbesina. In short it was truly a rich and rewarding experience – "day and night" from my first visit. If you want folks to come away and be real advocates for the National Marine Monument have them come with small groups organized and overseen by a naturalist and FWS Ranger.

Number of visitors allowed: 24-28

I'd also like to offer a comment on the amount of visitors you allow on island. I read that you are suggesting 50 visitors. From my experience that's too much. Maybe 24-28. For our group of 13 we had the OSE naturalist as well as the FWS Ranger. This is the perfect ratio so that folks don't inadvertently do damage to the wildlife. With only 13 visitors both of our "chaperones" were able to make sure no one was backing up onto a tiny Tern egg over on Easter Island or walking on Petrel burrows, or kicking a coral head when snorkeling. This is the right ratio: two to 13-14. Also when the group is smaller people get a chance to get to know the other visitors. From my first visit to Midway in which there seemed to be dozens of more people eating in the Mess Hall and roaming around, more is not better. Have a smaller group and have them pay a little more to visit. By charging more you could hopefully help to underwrite the costs of those who can't pay like visiting school groups.

If you have a large group of WW2 vets, that's another story but 100 folks from a Cruise Ship is out of the question. I will comment on Cruise Ships separately

Allowing Cruise Ships: NOT ON YOUR LIFE

Oceanic Society took great pains to educate us prior to the visit about how fragile the ecosystem is at Midway. Not only were we asked to launder all our clothes, but also wash and scrub our gear, our shoes and even the shoelaces. I was happy to do so. I did not want to bring any invasive species to Midway!

With the mindset of the fragility of the environment at Midway and awareness of the harm that has been done by humans in the past. it was with utter incredulity that I read you are considering allowing Cruise ships – up to 3 a year. This is absolutely and totally out of the question!!! I am being asked to wash my shoelaces and yet you are allowing one of the most polluting vessels in the world to visit Midway. I was in a state of shock. This sends completely the wrong message. Cruise ships are huge polluters...even

if they aren't dumping waste in the Monument, the fact that they do it at all is disgusting. Even on Kauai residents of Nawiliwili Harbor complain bitterly about how their community has been degraded since the arrival of Cruise Ships. The fuel smell alone is noxious.

Please don't show visitors the Bic lighters and toothbrushes and plastic debris in the bolus of an albatross chick and then think its OK to allow a visit by the kind of vessel that is contributing to the immensely vast floating island of plastic and marine debris in the North Pacific Gyre. I am including the page from Wikipedia on the Great Pacific Garbage Patch. One of their sources indicated that 20% of the debris comes from ships at sea and their section on impacts on wildlife notes the impacts to Laysan Albatross, Black Albatross and sea turtles.

Beyond the wastewater and garbage that is dumped from these ships, accidents do happen...your Plan notes that in 1998 the Paradise Queen ran aground at Kure Atoll dumping 11,000 gallons of diesel fuel, and 500 gallons of hydraulic fuel and oils. Human or other type of error could lead to a Cruise ship tragedy at Midway.

The 100 people you would allow to come off the Cruise Ship can easily find their way onto the smaller types of expeditions organized by groups such as the Oceanic Society. I guarantee you that their Midway visit with the smaller group will be a million times more rewarding! Cruise Ships should not be allowed in any way, shape or form in the Papahanoumokuakea Final Monument Management Plan!

Great Pacific Garbage Patch

From Wikipedia, the free encyclopedia

To comply with Wikipedia's **quality standards**, this article may need to be **rewritten**.

The **North Pacific Gyre** is one of five major oceanic **gyres**

The **Great Pacific Garbage Patch**, also known variously as the **Plastic soup**, the **Eastern Garbage Patch**, or the **Pacific Trash Vortex**, is an area of **marine debris**

in the **North Pacific Gyre** in the central North Pacific Ocean. Size estimates vary from an area equivalent to the state of **Texas** to double that of the continental **United States**.

Contents [hide]

- 1 Phenomenon
- 2 Impact on wildlife
- 3 Characteristics
- 4 Sources
- 5 Lost cargo
- 6 References
- 7 Further reading

[edit]

Phenomenon

The Great Pacific Garbage Patch has been known for over two decades. The center of the North Pacific Gyre is a relatively stationary region of the North Pacific Ocean, an area often referred to as the **horse latitudes**. The circular rotation around it draws waste material in and has led to the accumulation of **flotsam** and other debris. The plastic debris gathers in concentrations of one million pieces of plastic per square mile in some areas. While historically this debris has **biodegraded**, the gyre is now accumulating vast quantities of **plastic** and **marine debris**. Rather than biodegrading, plastic **photodegrades**, disintegrating in the ocean into smaller and smaller pieces. These pieces, still **polymers**, are eventually the size of individual molecules, which are still not easily digested.^[1] Some plastics photodegrade into other **pollutants**.

The gyre is discussed in Alan Weisman's *The World Without Us* as an example of the near-indestructibility of discarded plastic.

[edit]

Impact on wildlife

This **Laysan Albatross** chick has been fed plastic by its parents and was unable to eject it, resulting in death by either starvation or choking.

The floating particles also resemble zooplankton, which can lead to them being consumed by jellyfish, thus entering the ocean food chain.[1] In samples taken from the gyre in 2001, the mass of plastic exceeded that of zooplankton (the dominant animal life in the area) by a factor of seven. Many of these long-lasting pieces end up in the stomachs of marine birds and animals,[2] including sea turtles, and Black-footed Albatross.[1] Besides ingestion and entanglement of wildlife, the floating debris absorbs toxins in the water which, when ingested, are mistaken by the animal brain for estradiol, causing hormone disruption in the affected wildlife.[1]

[edit]

Characteristics

For several years, ocean researcher Charles Moore has been investigating a concentration of floating plastic debris in the North Pacific Gyre. He has reported concentrations of plastics on the order of 3.34 pieces per square meter with a mean mass of 5.1 milligrams per square meter collected using a manta trawl with a rectangular opening of 0.9m x 0.15m at the surface. Trawls at depths of 10m found less than half, consisting primarily of monofilament line fouled with diatoms and other plankton.[3]

Estimates of the size of the patch vary from the size of Texas[4] to twice as large as the continental United States.[5] Researcher Dr. Marcus Eriksen believes the Great Pacific Garbage Patch is two areas of rubbish that are linked. Eriksen says the gyre stretches from about 500 nautical miles off the coast of California, across the Northern Pacific to near the coast of Japan[6].

The Independent newspaper stated that Moore estimates there are 100 million tons of flotsam in the North Pacific Gyre.[7]

Much of the plastic is in very small pieces floating under the surface of the water, so capturing a photograph of the patch is not possible. Because the garbage is so small and scattered, clean-up is also incredibly difficult without endangering sea life.[8]

One of the first researchers to study the Pacific gyre was oceanographer W. James Ingraham Jr. He developed the Ocean Surface Current Simulator (**OSCURS**) and predicts that objects trapped in the gyre may remain trapped there for sixteen years or more.[2]

[edit]

Sources

More has estimated that 80% of the garbage comes from land-based sources, and 20% from ships at sea.[4] He says that currents carry debris from the east coast of Asia to the center of the gyre in a year or less, and debris from the west coast of North America in about five years.[4]

[edit]

Lost cargo

Occasionally, shifts in the ocean currents release flotsam lost from cargo ships into the currents around the North Pacific Gyre, leading to predictable patterns of garbage washing up on the shores around the outskirts of the gyre. The most famous was the loss of approximately 80,000 Nike sneakers and boots from the ship *Hansa Carrier* in 1990: the currents of the gyre distributed the shoes around the shores of British Columbia, Washington, Oregon, and Hawaii over the following three years. Similar cargo spills have involved 28,800 plastic bathtub toys (yellow ducks, blue turtles, red beavers, and green frogs) in 1992[9] and hockey equipment in 1994. These events have become a major source of data on global-scale ocean currents. Institutions have asked the public to report the landfall locations of these objects, such as the trainers and rubber ducks, that wash up as a method of tracking surface waters' response to the deeper ocean currents.[10][11]

[edit]

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[edit]

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- A comparison of plastic and plankton in the North Pacific Central Gyre — Charles J Moore, Shelly L Moore, Molly K Leecaster and Stephen B Weisberg
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- Thomas Morton, 'Oh, This is Great, Humans Have Finally Ruined the Ocean', *Vice Magazine*, Vol. 6, No. 2 (2007), pp. 78-81.

[edit]

External links

- The trash vortex — Greenpeace
- Navigating the Pacific's 'Garbage Patch' — National Public Radio
- New 'battle of Midway' over plastic — BBC News
- Marine Research, Education and Restoration — Algalita Marine Research Foundation
- Humans Have Finally Ruined the Ocean — Vice Magazine
- Diary from the middle of nowhere — BBC News
- Trashed: Across the Pacific Ocean, Plastics, Plastics, Everywhere — Natural History
- Images & video from the North Pacific gyre — WordPress.com
- The plastic killing fields — The Sydney Morning Herald.
- Real time blogging from the North Pacific Gyre — The Beagle Project
- The Largest Garbage Dump on Earth — Literary Escorts Services
- Garbage Island — CNN Headline News — "News to Me"
- Sea of Trash - New York Times Magazine

Key concepts

Ocean current · Coriolis effect · Ekman transport · Thermohaline circulation · Atmospheric circulation · Boundary currents

Marine debris · Great Pacific Garbage Patch · Commons images

I hope to be able to submit more comments later today. Thanks you for taking the time to read my comments.

Aloha,
Elizabeth Freeman



Elizabeth
<Elizabeth@mosnamel
e.com>

07/08/2008 09:53 PM

To: PMNM_MMP_Comments@fws.gov

cc:

Subject: Comments on DRAFT MANAGEMENT PLAN

COMMENTS ON PAPA HANAUMOKUAKEA DRAFT MANAGEMENT PLAN

Post Office Box 298 Kilauea, Hawaii 96754 ~ Phone (808) 828-0014 ~ Fax (808) 828-0015

Aloha,

I emailed some comments earlier today. I would like to make some additional comments.

- 1) I read almost all of your draft plan and I think you did a really good job.
- 2) Keep using the Clipper House as your restaurant. No need to expand. Just keep the numbers of folks visiting and residing on Midway down. (Don't "expand food services as population increases." Don't increase...don't expand.)
- 3) Either refurbish the theatre or put a screen in the Midway WW2 Museum where folks can gather for a showing of the Battle of Midway documentary. Show it first then take folks to see the historical WW2 sites.
- 4) Good job on the rat eradication. I hope you can do the same with the mice, the lead paint, the verbesina and the ironwoods.
- 5) Terminate all commercial fishing now.
- 6) Don't allow military usage of the Monument.
- 7) Don't provide any other visitor housing other than the Bravo and Charlie barracks.
- 8) Keep the length of visits to one week. If you really want "advocates" and not just mildly curious, it takes a week to really get immersed and educated.
- 9) I liked that you limited beach access to protect the wildlife. Worry about the creatures not the "tourists".
- 10) Pete Leary's bog was great. Hire him to return to keep it up. Great photos. Educational and informational text. He could do a live web cam that streamed to teachers. He's a great resource, don't lose him.
- 11) Your volunteer program is great. Keep it up.
- 12) You mentioned that Laysan ducks were shy...not the ones hanging out by Captain Brooks.
- 13) Don't rent golf carts to people. Only let the FWS or the Naturalist drive anyone that needs a lift around. Even with everyone checking for chicks hiding under the cart for shade, it was still a challenge to get them out. Individual visitors would forget to check. Give people bikes. Everyone loved them. Even the folks in their 70's and 80's were riding them.
- 14) You definitely need to be more sustainable. On the mainland a company named Xanterra handles the management of the National Parks. Their commitment to sustainable practices and their overall plan is awesome. Don't recreate the wheel. Check out their program and collaborate with them.
- 15) On Kauai there is a company named SolSystems which does alternative energy...photo voltaic, sustainable systems, etc. Very well respected. One of the founders did his military service on Midway. He knows the whole island. Contact him for a consultation. His name is Bob Layer. His number is: 808 828-1989 or 808 639-9375. Please check in with Bob. Get him back up there. He can help you greatly in this area. I don't think biodiesel is the answer.

16) I understand that over by the hanger where the plane comes in you're going to expand the WW2 display. Create another area that is dedicated to Hawaiian Culture...the creation myths, their voyaging history, the culture, info on the archeological sites in the Monument, etc. The NWHI are the Kupuna islands...make this come alive for people in words, pictures, song and chant. Have it dedicated and blessed by the Kupuna from each of the Hawaiian islands.

17) As I mentioned in my earlier email - no cruise ships!!! Allowing cruise ships (which everyone knows are polluting the oceans) totally sends the wrong message...it flies in the face of your vision of ecosystem protection ("cultivate an ocean ecosystem stewardship ethic") of the Monument.

18) I recommend 24-30 visitors max not 50. Just charge more to make up the revenue. Midway (and the Golden Gooney) is on peoples "bucket list".

19) The folks from Chugash were super nice and helpful.

20) Don't build any new buildings...just refurbish buildings that are there,

Thanks for the good work you're doing.

Mahalo Nui Loa
Elizabeth Freeman
PO Box 298,
Kilauea, HI 96754



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

Sent via electronic and certified mail

July 8, 2008

Papahānaumokuākea Marine National Monument

Attn: Susan White, FWS Superintendent

Box 50167

Honolulu, HI 96850-5000

E-mail: PMNM_MMP_Comments@fws.gov.

Re: Comments on the Draft Monument Management Plan and Environmental Assessment for the Papahānaumokuākea Marine National Monument

These comments concerning the Draft Monument Management Plan and Environmental Assessment for the Papahānaumokuākea Marine National Monument are submitted on behalf of the Center for Biological Diversity ("the Center"). The Center is a nonprofit organization dedicated to the conservation of native species and their habitats. The Center's oceans program focuses on the protection of imperiled marine species including the Hawaiian monk seal, sea turtles, and corals.

I. Protection of the Hawaiian Monk Seal

The Hawaiian monk seal (*Monachus schauinslandi*) is critically imperiled and management of the Monument must provide for the utmost in protection for this species and its habitat. The Hawaiian monk seal is among the most endangered marine mammals in the world (Donohue 2007). Hawaiian monk seals are found throughout the Northwest Hawaiian Islands with six main reproductive sites at Kure Atoll, Midway Islands, Pearl and Hermes Reef, Lisianski Island, Laysan Island, and the French Frigate Shoals (NMFS 2007c).

As noted in the Draft Monument Management Plan, there are about 1,200 monk seals remaining and the population is expected to drop below 1000 animals by 2012. The Northwest Hawaiian Islands have experienced a monk seal decline of about 4.1 percent annually (NMFS 2007a). The population at the French Frigate Shoals is indicative of the entire population because it is the single largest subpopulation, and that subpopulation has declined by approximately 73 percent between 1989 and 2005 (NMFS 2007b). Low juvenile survival is the proximate cause for population declines, with many weaned pups dying before reaching maturity mostly due to starvation (Baker 2006). Survival of pups is extremely low with eight of ten dying before their third year (Parrish and Abernathy 2002). This decline on the Northwest Hawaiian Islands is an ongoing trend and combined with current threats to the species is predicted to continue (Antonelis et al. 2006).

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Strategies to support the recovery of the monk seal are vitally important. The strategies selected for the Draft Monument Management Plan are needed for the conservation of the Hawaiian monk seal. It is important that efforts focus on recovery of the monk seal, not merely research that may eventually document the extinction of this important marine mammal. Beyond research, it is essential that the Monument Management Plan take specific steps to conserve and recover the monk seal. Permitted research activities should be focused on efforts to promote the recovery of the species.

Efforts to remove marine debris are important as described in the Management Plan are needed to decrease entanglement of monk seals. While the Management Plan includes the development of a plan to remove and prevent marine debris, the Management Plan should include specific efforts to prevent derelict fishing gear. The Northwest Hawaiian Islands accumulate significant amounts of marine debris because they are situated at the convergence of the North Pacific subtropical gyre. Currents carry plastic materials and derelict fishing gear to the beaches and reefs of the Northwest Hawaiian Islands. Moreover, marine debris poses the biggest entanglement threat in El Niño years when it is more likely to accumulate in the Northwest Hawaiian Islands. These considerations should be taken into account in the Management Plan.

The Center strongly supports activities to conserve Hawaiian monk seal habitat. The Management Plan proposes to evaluate the feasibility of restoring habitat. Much more, however, is needed to ensure beach habitat for monk seal pupping, nursing, molting, and resting under the threat of sea level rise. The Monument should identify areas of the Northwest Hawaiian Islands that are at high enough elevation from foreseeable sea level rise and ensure that those areas remain suitable for monk seal uses. Please see the subsequent section on sea level rise for more information on the impacts of sea level rise in the Northwest Hawaiian Islands and take this into account in the Management Plan. Moreover, recent science shows that monk seals forage at greater depths than previously believed. Hawaiian monk seals use areas between nearshore shallows to 500 meters deep for foraging (NMFS 2007c). The Management Plan should evaluate mechanisms to protect monk seal foraging grounds for successful feeding. Additionally, efforts to ensure that coral reefs remain intact and healthy to protect the islands from erosion and storms will help protect monk seal habitat.

While the primary threat to the Hawaiian monk seal is starvation, this problem of food limitation is not addressed in the Management Plan. The limited food availability may be the cumulative result of various factors. First, former overfishing may have stressed prey sources but now the moratorium on fishing in the Papahānaumokuākea Marine National Monument will help. Additionally, competition for prey with other apex predators such as sharks and jacks may affect foraging success of the monk seals (NMFS 2007c). One of the leading theories for the lack of available prey for the monk seals is that the carrying capacity of the habitat has been decreased due to changes in oceanographic conditions (NMFS 2007b). Climate change and oceanographic conditions may be limiting food for the monk seals (NMFS 2007c). Changes in climate, currents, and upwelling commonly alter productivity and prey availability in the ocean

(NMFS 2007c). The Management Plan should consider efforts for better management of the aquatic habitat of the Hawaiian monk seal and efforts to address climate change impacts.

Finally, the Management Plan includes plans to develop Midway Atoll that should carefully consider the present and future needs of the Hawaiian monk seal. It is vital that the conservation of the Hawaiian monk seal not be disturbed by any activities that will increase human presence and development on Midway Atoll. In the past, monk seals in the Northwest Hawaiian Islands have avoided areas with human presence. The site plan includes the development of infrastructure such as utilities, housing, and boating and airport facilities. It also promotes increased visitors to the Atoll. In light of these proposed developments, the Center urges the Monument to avoid and mitigate the direct and climate change impacts of such projects expanding the facilities and visitation of Midway Atoll.

II. Management for the Ecological Consequences of Global Warming

The Draft Monument Management Plan acknowledges that the consequences of global warming and ocean acidification could have impacts on the Monument including weather changes, sea level rise, coral bleaching, and oceanic chemical composition change. However, the management framework and action plans do little to address these impacts. It is vital that management of the Monument takes steps to address global warming—an overarching threat to the habitat and native species that make the Northwest Hawaiian Islands a unique and rich environment. The following discussion of the impacts of global warming and ocean acidification on the Monument and its wildlife and habitat should be taken into consideration in the Management Plan.

A. The best available science and global warming

In its most recent 2007 report, the Intergovernmental Panel on Climate Change (IPCC)¹ expressed in the strongest language possible its finding that global warming is occurring: “Warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level” (IPCC 2007: 5). The international scientific consensus of the IPCC is that most of the recent warming observed has been caused by human activities and that it is “very likely” due to increased concentrations in anthropogenic greenhouse gases (IPCC 2007). One of the most troubling recent findings is that the concentration of atmospheric carbon dioxide, the biggest contributor to global warming, has been rapidly increasing throughout the

¹ The IPCC was established by the World Meteorological Organization and the United Nations Environment Programme in 1988. The IPCC’s mission is to assess available scientific and socio-economic information on climate change and its impacts and the options for mitigating climate change and to provide, on request, scientific and technical advice to the Conference of the Parties to the United Nations Framework Convention on Climate Change. Since 1990, the IPCC has produced a series of reports, papers, methodologies, and other products that have become the standard works of reference on climate change. The 2007 *Fourth Assessment Report* is the most current comprehensive IPCC reference and has built and expanded upon the IPCC’s past products.

2000s and is generating stronger-than-expected and sooner-than-predicted climate forcing (Canadell et al. 2007, Raupach et al. 2007).

The global average temperature has risen by approximately $0.74^{\circ}\text{C} \pm 0.18^{\circ}\text{C}$ ($1.33^{\circ}\text{F} \pm 0.32^{\circ}\text{F}$) during the past 100 years (1906-2005) (Trenberth et al. 2007) in response to rapidly increasing greenhouse gas concentrations. Atmospheric concentration of carbon dioxide has increased by 36% since 1750 to a level that has not been exceeded during the past 650,000 years and likely not during the past 20 million years (Denman et al. 2007). The rate of increase of total atmospheric carbon dioxide concentrations is speeding up as well. Carbon dioxide emissions averaged $4.1 \pm 0.1 \text{ GtC yr}^{-1}$ during 2000-2005 compared to emissions of $3.2 \pm 0.1 \text{ GtC yr}^{-1}$ during the 1990s (Denman et al. 2007). Currently, the atmospheric carbon dioxide concentration is 385 ppm and rising at over 2 ppm per year (Shukman 2006, Hansen et al. 2008). The atmospheric concentration of methane, another important greenhouse gas, has increased by about 150% since 1750, continues to increase, and has not been exceeded during the past 650,000 years (Forster et al. 2007). Similarly, the atmospheric concentration of nitrous oxide has increased by about 18% since 1750, continues to increase, and has not been exceeded during at least the last 2000 years (Forster et al. 2007). Based on differing scenarios of future greenhouse gas emissions and the world's leading climate models, the IPCC has projected 1.1 to 6.4°C (2° - 11.5°F) of additional warming by the end of this century (Solomon et al. 2007). The higher the level of greenhouse gas emissions, the more the world will warm.

As scientific understanding of global warming has advanced, so too has the urgency of the warnings from scientists about the consequences of our greenhouse gas emissions. Scientists are now able to tell us, with a high degree of certainty, that additional warming of more than 1°C (1.8°F) above year 2000 levels will constitute "dangerous anthropogenic climate change," with particular reference to sea level rise and species extinction (Hansen et al. 2006, Hansen et al. 2007). This is because warming of greater than 1°C may induce positive climate feedbacks, such as the release of large amounts of methane from thawing arctic permafrost, that will further amplify the warming (Hansen et al. 2006, Hansen et al. 2007). Change of this magnitude is very likely. A recent scientific finding is that the safe upper limit for atmospheric CO_2 to prevent dangerous anthropogenic climate change is actually 350 ppm (McKibben 2007, Hansen et al. 2008). However, the current CO_2 concentration is already well past that ceiling at 385 ppm (Hansen et al. 2008).

Studies that have used climate model projections to forecast species extinctions have predicted large species losses. Using a mid-range climate scenario, Thomas et al. (2004) predicted that 15-37% of species are already committed to extinction by 2050. Malcolm et al. (2006) estimated that 11-43% of endemic species in biodiversity hotspots will go extinct by the end of the century under a scenario of doubled carbon dioxide concentrations, which includes an average of 56,000 endemic plants and 3,700 endemic vertebrate species.

In order to avoid truly unacceptable consequences of global warming, we must stop the growth of greenhouse gas emissions, and, in relatively short order, begin reducing them. Achieving the reductions necessary to keep additional global warming between the years 2000-

2100 within 1°C will be extremely challenging, and will require deep reductions in emissions from industrialized nations such as the United States.

B. Sea level rise

The wildlife and plant populations of the low-lying islands and atolls of the Papahānaumokuākea Marine National Monument are extremely vulnerable to current and predicted sea level rise within this century which will be compounded by increases in storm surges and storm intensity (Bindoff et al. 2007, Mimura et al. 2007). Sea level rise poses a significant threat to the Monument's threatened and endangered species including the Hawaiian monk seal, the green sea turtle, Laysan finch, and seabirds of conservation concern. Management that considers and mitigates the impacts of sea level rise in this century must be better integrated into the Monument action plans.

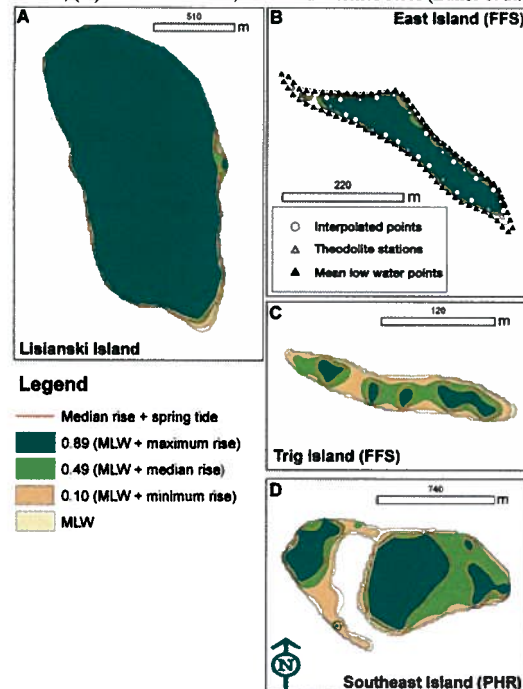
In the Northwest Hawaiian Islands, sea level has already increased by 1.2 to 2.4 mm/yr between 1955 and 2003 (Bindoff et al. 2007: Figure 5.16a), and sea level rise will accelerate in this century (Bindoff et al. 2007). Using conservative estimates of sea level rise predicted for this century, Baker et al. (2006) found that the Northwest Hawaiian Islands will experience significant habitat loss. French Frigate Shoals and Pearl and Hermes Reef are only about 2 meters above sea level, and sea level rise of 48 cm would lead to losses of between 15 and 65 percent of their area (Figure 1) (Baker et al. 2006). With sea level rise of 88 cm, Pearl and Hermes Reef islands would be reduced by 51 to 69 percent, and French Frigate Shoals would lose between 40 and 57 percent of its area with Gin and Trig Islands mostly submerged (Figure 1) (Baker et al. 2006).

The Hawaiian monk seal will undoubtedly be negatively impacted by the elimination of several of its most important breeding sites due to sea level rise—French Frigate Shoals, Pearl and Hermes Reef, and likely Kure Atoll—in the Papahānaumokuākea Marine National Monument in the foreseeable future, in addition to the loss of beach habitat at other important breeding colonies due to sea level rise and increasing storm surge. There has already been a loss of important pupping beaches due to erosion that may reflect rising sea levels (MMC 2007). For example, the terrestrial habitat at French Frigate Shoals, which supports the world's largest Hawaiian monk seal population, has already shrunk, eliminating important pupping and resting islets (NMFS SAR 2007). Continued loss of habitat will undoubtedly further negatively impact the Hawaiian monk seal population.

The predicted loss of low-lying habitat in the Papahānaumokuākea Marine National Monument will also prove problematic for green sea turtles, seabirds, songbirds, migratory shorebirds, and plants. French Frigate Shoals, much of which may be submerged in this century, supports 90% of the Hawaiian Islands green sea turtle nesting population and 19 of 22 of the Monument's nesting seabirds. Pearl and Hermes Atoll, also predicted to lose much of its area to sea level rise, supports an important population of the endangered Laysan Finch and the largest population of Tristram's Storm-petrel in the Northwest Hawaiian Islands which has been recognized as a species of highest conservation concern on a regional (Pacific Islands) scale.

Islands with higher topography such as Lisianski Island, Midway Island, and Laysan Island may be less affected by sea level rise within this century and may provide an important refuge for animals using the terrestrial areas of the Northwest Hawaiian Islands, which should be considered in the management of these islands, especially since species seeking refuge on the high-elevation main Hawaiian Islands may be precluded due to heavy human development and depredation by introduced predators.

Figure 1. Current and projected maps of 4 Northwestern Hawaiian Islands at mean low water (MLW) with minimum (9 cm), median (48 cm) and maximum (88 cm) predicted sea level rise. The median scenario at spring tide is also shown. (A) Lisianski Island; (B) East Island; (B) East Island, French Frigate Shoals, showing the measured and interpolated points along the waterline and berm used to create the Triangular Irregular Network (TIN); (C) Trig Island, French Frigate Shoals; (D) Southeast Island, Pearl and Hermes Reef (Baker et al. 2006).



Comments on the Draft Monument Management Plan and Environmental Assessment for the Papahānaumokuākea Marine National Monument, page 6 of 19

Also of concern, in the North Pacific in this century, storms are expected to increase in intensity, heavier rainfall events leading to flooding will become more frequent, and overall precipitation will increase after mid-century (2070-2099) (Bindoff et al. 2007: Table 16.2). Even on higher elevation islands, breeding habitat will be lost and degraded by erosion from storm surges, more intense storms, and increased precipitation, which will likely have negative effects on terrestrially breeding species. For example, flooding and strong storms have been observed to lower black-footed albatross breeding success, and large waves associated with winter and spring storms cause a disproportionately greater loss in nests for birds nesting along the outer, more exposed sandy beaches of islands (Naughton et al. 2007). Since black-footed albatrosses generally nest in higher densities along these outer sandy beaches (Naughton et al. 2007), they may be especially vulnerable to the impacts of sea level rise and strong storm events.

Finally, one of the most troubling recent scientific findings is that IPCC projections for sea level rise for this century, including the sea level rise scenarios used by Baker et al. (2006), are almost certainly a substantial underestimate. Melting of the Greenland ice sheet has accelerated far beyond what scientists predicted even just a few years ago, with a more than doubling of the mass loss from Greenland due to melting observed in the past decade alone (Rignot and Kangarantnam 2006). The acceleration in the rate of melt is due in part to the creation of rivers of melt water, called “moulins,” that flow down several miles to the base of the ice sheet, where they lubricate the area between the ice sheet and the rock, speeding the movement of the ice towards the ocean. The IPCC projections for this century assume a negligible contribution to sea level rise by 2100 from loss of Greenland and Antarctic ice, but leading experts have stated that that conclusion is no longer plausible due to multiple positive feedback mechanisms including dynamical processes such as the formation of moulins, reduced surface albedo, loss of buttressing ice shelves, and lowered ice surface altitude (Hansen et al. 2006). Paleoclimatic evidence also provides strong evidence that the rate of future melting and related sea-level rise could be faster than previously widely believed (Overpeck et al. 2006).

While it has been commonly assumed that the response time of ice sheets is millennia, this may reflect the time scale of the forcings that cause the changes, rather than the inherent response time of the ice sheets (Hansen et al. 2007). The forcing from continued unabated greenhouse gas emissions in this century could lead to a dynamically changing ice sheet that is out of our control (Hansen et al. 2007). Just 2-3°C (3.6-5.4° F) of warming would likely cause sea level to rise by at least 6 m (18 feet) within a century (Hansen 2006). Temperature changes of 2-3°C (3.6-5.4° F) are well within the range of estimates for this century provided by the IPCC (Solomon et al. 2007). Sea level rise of this magnitude will have significant impacts on the Northwest Hawaiian Islands, inundating beach habitat.

C. Ocean temperature rise, decreases in productivity, and increases in ENSO frequency

Observed and projected ocean temperature rise and decreases in ocean productivity in the North Pacific, including the waters of the Papahānaumokuākea Marine National Monument, threaten the Monument’s marine species and should be carefully considered and monitored as

Comments on the Draft Monument Management Plan and Environmental Assessment for the Papahānaumokuākea Marine National Monument, page 7 of 19

part of the action plans. Water temperature is an important factor determining habitat ranges and physiological functioning of marine organisms, and even minor changes are seriously disruptive. Global ocean temperatures have increased by 0.31 °C on average in the upper 300 m during the past 60 years (1948-1998) (Levitus et al. 2000), and locally, some ocean regions are experiencing even greater warming (Bindoff et al. 2007). Global ocean temperatures increased by 0.10 °C in the upper 700 m between 1961-2003 (Bindoff et al. 2007) and have even penetrated as deep as 3000 m (Levitus et al. 2005).

Warming waters are devastating for species that are unable to migrate toward cooler waters because of habitat requirements, environmental barriers, or lack of mobility (Scavia et al. 2002). These climatic changes are occurring at an unprecedented rate which also hinders the adaptation of many organisms (Parmesan 2006). Corals are extremely vulnerable to changes in ocean temperature since increased water temperatures results in bleaching and mortality of coral reefs (Hughes et al. 2003). Not only are corals keystone species in reef ecosystems, but coral reefs are extremely important to the habitat of monk seals because they protect the Northwest Hawaiian Islands and provide foraging habitat for the seals. Researchers predict that coupled with ocean acidification, global warming may result in the destruction of most coral reefs by mid-century (Hoegh-Guldberg et al. 2008). Additionally, invasive species may gain an advantage over native species in these warmer conditions (Stachowicz et al. 2002). Warmer waters favor different species of phytoplankton, some of which are associated with “red tides” that shade ocean vegetation, deplete oxygen, and often have toxic properties (Smith et al. 2000).

The warming of surface waters appears to be impacting primary production globally, including the marine waters of the Papahānaumokuākea Marine National Monument. The largest increases in global ocean temperature have occurred in the upper ocean where primary production is concentrated (Behrenfeld et al. 2006). Behrenfeld et al. (2006) detected significant global declines in net primary production between 1997-2005, which they attributed to reduced nutrient enhancement due to ocean surface warming. A second study found that the ocean’s least productive waters expanded in four of the world’s major oceans during 1998-2006 in parallel with rising mean sea surface temperatures and increased vertical stratification in the mid-latitudes (Polovina et al. 2008). In the North Pacific outside the equatorial zone, areas of low productivity water expanded at average annual rates from 2.2%/yr and replaced about 354,000 km²/yr of higher surface chlorophyll habitat with low surface chlorophyll water (Polovina et al. 2008). Of concern for marine life of the Papahānaumokuākea Marine National Monument, low productivity waters in the North Pacific expanded to the northeast, reaching portions of the Hawaiian Archipelago (Polovina et al. 2008). Reduced primary productivity may limit food supply for monk seals, seabirds, fish, and other animals.

El Niño Southern Oscillation (ENSO) events can also impact ocean productivity. Although the effects of climate change on the ENSO cycle are difficult to predict, leading climate scientists believe that near-term global warming will lead to an increased likelihood of stronger ENSO events (Hansen et al. 2006). Most climate models yield a tendency towards a more ENSO-like state or no clear change (Collins 2005). Some climate scientists have hypothesized that during the early Pliocene, when the Earth was 3° C (5.4° F) warmer than

today, a permanent ENSO-like condition existed (Hansen et al. 2006). From the observational record, intense ENSO events were more abundant in the later part of the 20th century. The 1982-83 and 1997-98 ENSO events were successively labeled the “El Niño of the Century” because the warming in the Eastern Equatorial Pacific was unprecedented in the past 100 years (Hansen et al. 2006). ENSO has been known to have negative impacts for pinnipeds, including mortality and decreased reproductive success, often due to changes in ocean productivity (Baker et al. 2006).

ENSO tends to increase marine debris and entanglement rates in the Northwest Hawaiian Islands for the Hawaiian monk seals (Donohue 2007). Despite efforts to clean up marine debris, monk seal entanglements continue (*Id.*). Between the years 1982 and 2004, two to 25 seals were entangled each year and the mean annual entanglement rate was greater for El Niño years (*Id.*). This is likely because the convergence zone is drawn further southward during ENSO, thus concentrating marine debris in the Northwest Hawaiian Islands (*Id.*).

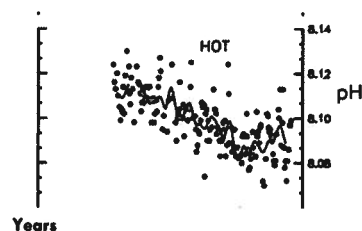
D. Ocean acidification

Ocean acidification poses a significant threat to marine species in the Papahānaumokuākea Marine National Monument. The oceans are becoming increasingly acidic due to their uptake of carbon dioxide from the atmosphere. The oceans have thus far absorbed approximately 30% of the excess carbon dioxide emitted since the beginning of the industrial revolution (Feely et al. 2004, WBGU 2006). The world’s oceans, in fact, store about 50 times more carbon dioxide than the atmosphere (WBGU 2006), and most carbon dioxide released into the atmosphere from the use of fossil fuels will eventually be absorbed by the ocean (Caldeira and Wickett 2003). As the ocean absorbs carbon dioxide from the atmosphere it changes the chemistry of the sea water by lowering its pH. The oceans’ uptake of these excess anthropogenic carbon dioxide emissions, therefore, is causing ocean acidification (WBGU 2006).

Surface ocean pH has already dropped by about 0.1 units on the pH scale, from 8.16 in 1800 to 8.05 today -- a rise in acidity of about thirty percent (Orr et al. 2005). The pH of the ocean is currently changing rapidly at a rate 100 times anything seen in hundreds of millennia, and may drop by another 0.3 or 0.4 (100 – 150% increase in the concentration of H⁺ ions) by the end of this century (Orr et al. 2005, Meehl et al. 2007). If carbon dioxide emissions continue unabated, resulting changes in ocean acidity could exceed anything experienced in the past 300 million years (Caldeira and Wickett 2003). Even if carbon dioxide emissions stopped immediately, the ocean would continue to absorb the excess carbon dioxide in the atmosphere, resulting in further acidification until the planet’s carbon budget returned to equilibrium.

Evidence of ocean acidification in or near the waters of the Papahānaumokuākea Marine National Monument comes from several studies. The Hawaii Ocean Time-Series has collected numeric data that demonstrates increasing ocean acidification. The data shows that from 1990 to the present that Hawaii’s ocean acidification has tracked the atmospheric carbon dioxide and resulted in a decline in pH from approximately 8.12 to approximately 8.08 units (Figure 2) (Bindoff et al. 2007).

Figure 2. Changes in surface pH from Hawaii Ocean Time-Series (Dore et al., 2003). Values were calculated from DIC and alkalinity. (Bindoff et al. 2007).



Furthermore, hydrographic surveys have found that the ocean's absorption of anthropogenic CO₂ emissions is leading to the shoaling of the aragonite and calcite saturation horizons, making it more difficult for calcifying species to build their shells. In the North Pacific, the aragonite and calcite saturation depths are already among the shallowest in the global ocean (Feely et al. 2004: Figure 2). In the North Pacific, the uptake of anthropogenic CO₂ has caused aragonite saturation depths to migrate upwards by 50-100 m since pre-industrial times, with current upward migration occurring at a rate of 1-2 meters per year, while calcite saturation depths have moved upwards by 40-100 m since pre-industrial times (Feely et al. 2004, Fabry et al. 2008, Feely et al. 2008). On a transect in the Pacific Ocean that bisected the Papahānaumokuākea Marine National Monument, Feeley et al. (2004: Figure 3b) found that the aragonite saturation horizon is shallow and is shoaling compared to the pre-industrial aragonite saturation horizon.

Ocean acidification from unabated anthropogenic carbon dioxide emissions poses a profound threat to marine ecosystems of the Papahānaumokuākea Marine National Monument because it affects the physiology of numerous marine organisms, causing detrimental impacts that may ripple up the food chain. Changes that have been observed in laboratory experiments include impacts to the productivity of algae, photosynthesis of phytoplankton, metabolic rates of zooplankton and fish, oxygen supply of squid, reproduction of clams, nitrification by microorganisms, and the uptake of metals (WBGU 2006, Fabry et al. 2008). Perhaps most importantly, increasing ocean acidity reduces the availability of carbonate ions needed by marine life to build shells and skeletons (Orr et al. 2005).

Phytoplankton, corals, coralline macroalgae, urchins, seastars, clams, oysters, crustaceans and many other organisms rely on calcium carbonate in the ocean to build skeletons (WBGU 2006). Normally, ocean waters are saturated with carbonate ions that marine organisms use to build skeletons (WBGU 2006). However, the acidification of the oceans shifts the water

chemistry to favor bicarbonate, thus reducing the availability of carbonate to marine organisms (WBGU 2006). Acidic waters also dissolve existing protective carbonate skeletons and shells (Orr et al. 2005). Already the ocean surface layer has lost 10% of its carbonate compared to preindustrial levels (WBGU 2006). Continuing carbon dioxide emissions could result in a decrease in calcification rates by up to 60% by the end of this century (Ruttimann 2006). The average response of corals to a doubling in pCO₂ is a 30% decline in calcification (Kleypas et al. 2006). The combined stresses of warmer temperatures, rising sea levels, and ocean acidification are likely to produce major changes to coral reefs in the decades to come (Royal Society 2005).

Even marine animals that do not calcify are threatened by carbon dioxide increases in their habitat. Changes in the ocean's carbon dioxide concentration result in accumulation of carbon dioxide in the tissues and fluids of fish and other marine animals, called hypercapnia, and increased acidity in the body fluids, called acidosis. These impacts can cause a variety of problems for marine animals including difficulty with acid-base regulation, calcification, growth, respiration, energy turnover, and mode of metabolism (Pörtner et al. 2004). Squid, for example, show a very high sensitivity to pH because of their energy intensive manner of swimming (Royal Society 2005). Because of their energy demand, even under a moderate 0.15 pH change squid have reduced capacity to carry oxygen and higher carbon dioxide pressures are likely to be lethal (Pörtner et al. 2004).

Levels of ocean acidification predicted within the foreseeable future will likely impact both the habitat and prey of Hawaiian monk seals. Monk seals depend on coral reef habitat for foraging and corals are faced with decreased calcification due to ocean acidification. Additionally, prey of the monk seals ranging from squid to crustaceans may be adversely impacted by declining ocean pH further limiting the food available to monk seals.

E. Comments on Action Plans in relation to global warming

i. Threatened and Endangered Species Action Plan

In order to protect and recover threatened and endangered species, important habitat variables should be monitored in conjunction with the monitoring of population parameters in order to permit an assessment of the habitat factors influencing population processes. Particularly because climate change will have population-level effects and impact the recovery of threatened and endangered species, climatic variables including surface temperature, surface ocean productivity, sea level, storm surge levels, and precipitation should be monitored. Data for many climatic variables can be obtained from satellite sources.

ii. Migratory Birds Action Plan

In regard to the Migratory Birds Action Plan, as part of MB-3.1, standardized monitoring plans must be carefully designed and implemented so that the data collected permit statistical analyses that can detect changes in population size and key demographic parameters over time, such as reproductive success and survival. As part of MB-3.2, the monitoring of changes in

habitat quality through monitoring bird reproductive performance and diet must be accompanied by the monitoring a suite of habitat variables including climatic variables, since climate change will impact the Monument's bird species.

III. Mitigation of Contaminants

As part of the Habitat Management and Conservation Plan, the proposed actions should better address the population-level impact of lead-based paint on albatross populations nesting on Midway Island and prioritize the clean-up of all buildings with lead-based paint in order to eliminate this threat. The Draft Management Plan does not adequately acknowledge that ingestion of lead-based paint from buildings on Midway Island leads high mortality of Laysan albatross chicks by causing droopwing (Finkelstein et al. 2003). An estimated 10,000 chicks per year may be exposed to lethal lead levels, which is a significant portion of the population (Finkelstein 2006). Given the importance of Midway in supporting the largest breeding populations of Laysan and Black-footed albatross, sources of lead-contaminated paint should be comprehensively eliminated to prevent lethal or sub-lethal effects on albatross.

IV. Mitigation of Threats from Military Exercises

While Presidential Proclamation 8031 exempts lawful activities and exercises of the Armed Forces from obtaining a permit for access to the Monument, the Monument Management Plan should take steps to avoid and mitigate the impacts of military activities in the Monument. Notably, only lawful activities of the Armed Forces are exempted from obtaining permits. Therefore, military activities and exercises must still comply with environmental statutes such as the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and the National Environmental Policy Act (NEPA). The Management Plan should provide oversight of military activities to ensure compliance with these environmental laws that are intended to protect the natural resources of the Monument.

Section 7 of the ESA requires that federal agencies consult with the appropriate wildlife services agencies to ensure that proposed actions do not jeopardize threatened or endangered species or adversely modify their critical habitat. 16 U.S.C. § 1536(a)(2). When a proposed action may affect a protected species, consultation must occur and be completed *before* the federal action may take place. *Pacific Rivers*, 30 F.3d at 1056; *Thomas v. Peterson*, 753 F.2d 754, 764-65 (9th Cir. 1985). Although procedural, consultation is the backbone of the ESA. As the Ninth Circuit recognized, “[o]nly by requiring substantial compliance with the act’s procedures can we effectuate” congressional intent to protect species. *Sierra Club v. Marsh*, 816 F.2d at 1384 (9th Cir. 1987). Therefore, under the ESA any military actions that may affect listed species or critical habitat must engage in consultation prior to taking such action. For example, activities that could impact threatened and endangered species such as Hawaiian monk seals and their critical habitat will require consultation under the Endangered Species Act. The Management Plan should include steps to ensure that military activities that will impact the Monument’s resources are in compliance with applicable environmental laws.

Additionally, the MMPA protects marine mammals is through the implementation of a “moratorium on the taking” of marine mammals. 16 U.S.C. § 1371(a). Under the MMPA, the term “take” is broadly defined to mean “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.” Id. §1362(13); 50 C.F.R. § 18.3 (FWS definition of “take”). Under certain exceptions the MMPA requires specific authorization for activities that will “take” marine mammals. Id. § 1371(a)(5)(D). Approved activities must conform with the incidental take provisions, including the “small numbers” and “negligible impact” standards, of the MMPA. See, e.g., *NRDC v. Evans*, 279 F. Supp. 2d 1129, 1141 (N.D. Cal. 2003). In addition, NMFS or FWS must prescribe the methods and means of effecting the “least practicable adverse impact” on species and stock and their habitat. *Id.*

NEPA requires that each agency disclose relevant environmental information to the public and demonstrate that the agency took a “hard look” at the consequences of the proposed decision, and alternatives that might be pursued with less environmental harm, before making its decision. See *Lands Council v. Powell*, 395 F. 3d 1019, 1028 (9th Cir. 2005). First, the agency may prepare an Environmental Assessment. The purpose of an EA is to assist the agency in determining whether the project may significantly affect the environment. 42 U.S.C. §4332(2)(C); 40C.F.R. §1508.9. If the action may significantly affect the environment, NEPA requires federal agencies to prepare a full Environmental Impact Statement. 42 U.S.C. § 4332(2)(C); see also 40 C.F.R. § 1501.4. An agency must prepare an EIS “if ‘substantial questions are raised as to whether a project...may cause significant degradation of some human environmental factor.’” *Center for Biological Diversity v. NHTSA*, Slip Opinion at 14914 (9th Cir. 2007) (quoting *Idaho Sporting Cong. v. Thomas*, 13 F.3d 1146, 1149 (9th Cir. 1998)).

Whether there is a significant effect requires the consideration of “context” and “intensity.” *Center for Biological Diversity*, Slip Opinion at 14914; 40 C.F.R. § 1508.27. Many factors should be considered under intensity, including effects on threatened or endangered species, unique geographic characteristics, cumulative impacts, controversial effects, uncertain or unique risks, loss of cultural resources. 40 C.F.R. § 1508.27. An action may be significant if any one of these factors is met. *Center for Biological Diversity*, Slip Opinion at 14915; *Ocean Advocates v. U.S. Army Corps of Eng’rs*, 361 F.3d 1108, 1125 (9th Cir. 2004); *Anderson v. Evans*, 350 F.3d 815, 835 (9th Cir. 2003) (presence of one or more factors can necessitate preparation of a full EIS). Thus, military activities planned in the vicinity of the Papahānaumokuākea Marine National Monument are likely to have impacts on imperiled species and this protected geographic area necessitating the preparation of an EIS.

Additionally, the Management Plan should address how it can minimize the impacts and mitigate impacts to the Monument’s wildlife and habitat of military activities and exercises. The Proclamation requires that “activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities.” The U.S. military is required to minimize and mitigate the harms of its activities. The Management Plan should address how oversight and mitigation is going to proceed.

V. Transparency for Monument Decision-making and Permits

There is an obligation to ensure that the public is informed and able to participate in decision-making about the management of the Monument. Throughout the Management Plan there is a commitment to keep the public informed of activities affecting the Monument. It is important that there is meaningful public participation with adequate notice and opportunity for comment. At present, management decisions, including permit processing, are decided by a board. Board meetings should be open and accountable to the public and board members should be guided by strict conflict of interest standards. Additionally, permit applications should be announced in the Federal Register and the public given an opportunity to comment prior to any authorizations. To ensure the protection of the Monument's sensitive wildlife and habitat, it is vitally important that the permit process be subject to public and environmental review.

Most sincerely,



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Enc: References Cited and Attached

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July 8, 2008

U.S. Fish & Wildlife Service
 Papahānaumokuākea Marine National Monument
 Box 50167
 Honolulu, Hawaii 96850

Dear Co-Trustees:

RE: Comments to the Draft Monument Management Plan

The Pacific American Foundation (PAF) has been committed to improving the lives of Pacific Americans since 1993 through five major pathways including: culture based education curriculum, mentoring and leadership training, teacher training, research, career development and parental involvement in education.

The Pacific American Foundation (PAF) was certified in 1998 by the IRS as a permanent nonprofit organization. PAF has also been recognized by the former and current Governors of the State of Hawai'i as a "nonprofit organization that serves the interest of Native Hawaiians for the purpose of planning, conducting, or administering programs (or parts of programs) for the benefit of Native Hawaiians. Currently PAF's programs include over 90 % native Hawaiians statewide.

Through PAF's pathways, we have been able to focus on environmental preservation, cultural leadership development, culture and place-based education strategies, conservation and the development of a broad network of Hawaiian and Pacific Island leaders.

The development of culture and place based curricula has opened the door for students and communities to re-discover the "community classroom" for learning. Places like Midway, Kure, French Frigate Shoals and many of the other Northwest Hawaiian Islands are prime community classrooms in which to motivate and empower our students, future leaders and communities to learn.

PAF's intention is to provide opportunities for the people of Hawaii and the Pacific, young and old, to experience the language, practices and values of Native Hawaiian culture. Cultural preservation and good stewardship is critical to Hawaiian identity and must be transmitted to the future generations. Additionally, we firmly believe that appreciation for one culture nourishes an appreciation for other cultures.

Programs that can help with teaching and reinforcing the correct values will go a long way in preparing our youth to become successful in all aspects of life.

Papahānaumokuākea, like the main Hawaiian Islands, are one of the greatest community classrooms on the planet. The monument represents an outstanding opportunity to cultivate students through an educational experience that is unmatched in the world. The connection to the host Hawaiian culture through both management and education strategies need to be at the forefront in this management plan.

Culture-based education and leadership models already exist that can and need to be incorporated into both a short and long-term management plan. It will be a critical investment and hopefully a model for others on the planet to follow.

The Census 2000 was the first national census taken that was able to aggregate data on Native Hawaiians and Pacific Islanders. The results showed that Native Hawaiians and Pacific Islanders are underrepresented in nearly all areas of business, professional and scientific areas of employment. This needs to change. While not everyone will have an opportunity to live or work within the monument boundaries, innovative culture based education strategies have increased student achievement and a motivation to learn and dream.

Management of the monument needs to sustain and integrate these strategies so that future natural resource managers, marine scientist, cultural preservationist and conservationist can pursue their dreams to give back to their own home communities through the inspiration of experiencing Papahānaumokuākea first hand.

In conclusion, I would like to see more opportunities created for Native Hawaiians and Pacific Islanders to be involved in education programs, internships, research, employment and stewardship of the monument long-term. Our Foundation is ready, willing and able to partner with managers that have been entrusted with this responsibility to help integrate successful models and create new ones as needed.

If there are any further questions, please contact us at 263-0081 or herblee@thepaf.org.

Sincerely,

Herb Lee, Jr.
 Executive Director
 Pacific American Foundation

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Water Resources Research Center
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RG: 0145

Ms. Susan White
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Dear Ms. White:

Draft Monument Management Plan
Papahānaumokuākea Marine National Monument
Northwestern Hawaiian Islands

Papahānaumokuākea Marine National Monument (Monument) in the Northwestern Hawaiian Islands comprises one of the largest protected areas in the world. The Monument, a vast, remote, and largely uninhabited marine region, encompasses an area of approximately 139,793 square miles (362,061 square kilometers) of Pacific Ocean in the northwestern extent of the Hawaiian Archipelago. On June 15, 2006, President George W. Bush issued Presidential Proclamation 8031 establishing the Northwestern Hawaiian Islands Marine National Monument under the authority of the Antiquities Act of 1906 (16 U.S.C. 431). The Monument includes a number of preexisting Federal conservation areas: the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, managed by the Department of Commerce through the National Oceanographic and Atmospheric Administration (NOAA); and Midway Atoll National Wildlife Refuge, Hawaiian Islands National Wildlife Refuge, and Battle of Midway National Memorial, managed by the Department of the Interior through the United States Fish and Wildlife Service (FWS). These areas remain in place within the Monument, subject to their applicable laws and regulations in addition to the provisions of the Proclamation.

The Northwestern Hawaiian Islands also include State of Hawai'i lands and waters, managed by the State through the Department of Land and Natural Resources as the Northwestern Hawaiian Islands Marine Refuge and the State Seabird Sanctuary at Kure Atoll. These areas also remain in place and are subject to their applicable laws and regulations.

This Monument Management Plan (Plan) describes a comprehensive and coordinated management regime to achieve the vision, mission, and guiding principles of the Monument and to address priority management needs over the next 15 years. The Plan is organized into three main sections; introduction, management framework, and action plans that address specific issues related to priority management needs.

This review was conducted with the assistance of Ryan Riddle, Environmental Center.

General Comments

The plan is ambitious and comprehensive. It consists of six priority areas and twenty-two action plans and if implemented will cost on average \$ 23 million dollars a year if funding is appropriated by Congress. What will happen if the plan is not fully funded?

We also note that many parts of the plan call for the completion of sub plans or reports within a relatively short time frame. The Natural Resources Science Plan will be completed within 1 year (p.111), research needs will be identified within 1 year (p. 120), a Cultural Resources Program plan within 18 months (p. 123), an update of the Midway Atoll Historic Preservation Plan with 12 months (p. 131), a status report on potential environmental hazards within 1 year (p. 139) and several others within 18 to 24 months. This is a lot of work to be done in a short time. Is there sufficient staff to undertake these important tasks in the time allotted? If the work is to be done by consultants, are there sufficient resources to evaluate their work?

In addition to our general comments, we also have several specific comments.

Climate Change (pp. 61-62)

The estimated range of sea level rise due to ice sheet melt and thermal expansion is 0.6 to 1.9 feet (on page 62). Why then do you use a rise of 1.6 feet to illustrate the predicted loss of land due to sea level rise?

Cruise Ships (p. 73)

The DMMP mentions that two cruise ships visited Midway in 2004, and one cruise ship visited the site in the years 2005, 2006, and 2007. Are the number of cruise ships officially regulated, or have they been in the past? How and to what degree does the Monument financially benefit from these visits? Will the rising price of oil have an impact on the number of cruise ships that visit the Monument? How many cruise ships are estimated to visit the Monument each year?

Institutional Arrangement for Management (pp. 81-82)

It is unclear from the description of the institutional arrangement for management how decisions will be made by the Senior Executive Board (SEB). Will they make decisions by consensus, by majority vote or by some other method? Who calls meetings of the SEB and who chairs them? We are also curious as to how the Monument Management Board (MMB) will function. Who chairs this group and how will they operate? How will the SEB, the MMB and the interagency coordinating committee interact with each other and with the staff? With so many layers of management it seems likely that problems will occur.

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Action Plans to Address Priority Management Needs (pp. 101-104)

The total estimated cost of implementing the DMMP over 15 years (\$355,218,480) is a substantial sum. While the following sections give a timeframe during which Monument managers hope to commence or complete an activity, they do not clearly prioritize activities. Under a reduced budget, what activities would be deemed a priority and what activities would be put on hold?

Activity MCS-2.3 (p. 113)

We like the monitoring proposed in this section. We believe long term monitoring will be the key to keeping the NWHI in its near pristine condition. We would like to see this type of monitoring done in the main Hawaiian Islands where fishing pressures and pollution have heavily impacted habitat.

Table 3.1.1: Summary of Strategies..... Science (p. 115)

In the table on page 115 we note that the lead agency for Activity MCS-1.1: *Continue to characterize types and spatial distribution of shallow-water marine habitats*, is NOAA. Shouldn't the Department of Land and Natural Resources be the lead agency for shallow water studies? Near shore waters are the jurisdiction of the state and they should be the lead agency on monitoring that takes place in state waters.

Table 3.1.2: Summary of Strategies..... and History (pp. 126-127)

On the second page of the table, Activity NHCH-5.1: *Integrate Native Hawaiian values and cultural information into general outreach and education programs*, the lead agency listed is NOAA. Shouldn't the lead agency be the Office of Hawaiian Affairs which would have a better understanding of Hawaiian Culture and how it may be interpreted through outreach and educational programs? At the very least, some local entity should be the lead in carrying out this activity not a federal agency.

Activity TES-2.5: Prevent Human Interactions with Cetaceans (p. 150)

In the discussion of human/cetacean interaction, the DMMP states "The controls will aim to prevent disturbance to cetaceans resting in Monument lagoons or nearshore areas and prevent geological research using sound levels known to be dangerous to marine mammals." How will you prevent or discourage sonar use? How widely has it been used in the area in the past for geological or military purposes?

Strategy HMC-10: Fulfill Wilderness Stewardship Responsibilities in the Monument within 5 Years (pp.173-174)

The DMMP states that a wilderness review is underway for the area. How would a wilderness designation impact the Monument and operations within the Monument?

Monument Permit Types (p. 220)

We were disappointed that the plan says so little about the military's use of the area within the boundaries of the Monument. We note that military use is exempt from having to obtain a permit for use of the area within the Monument. Does this exemption stem from the executive order or is there some other mandate that exempts military use? Military vessels can cause as much or more damage than cruise and fishing vessels, why are they not subject to the same guidelines? Does the exemption apply to only use of the water areas of the Monument by military vessels or will the military be able to conduct landings on dry land?

Strategy EN-1: Increase law enforcement..... plan (p. 233)

How many enforcement officers will be necessary to police the entire area?

Activity EN-2.4: Increase available platforms to support law enforcement (p. 235)

Will the rising price of oil make it more difficult to put additional ships and planes on patrol to prevent violations of the Monument rules? The rising cost of fuel is an issue that may have a detrimental impact on enforcement. Without enforcement however, violations are sure to happen.

Midway Atoll Visitor Services Action Plan (pp. 237-241)

The plan never mentions the number of visitors that might visit Midway Atoll on any given day. Is there a ceiling on the number of people who can come to Midway Atoll from cruise ships? Is there a possibility that there may be more than one cruise ship anchored off of Midway wishing to land passengers? In this case can there be more 1,000 visitors on Midway at one time? Can this many people be safely accommodated?

Strategy VS-1: Implement the Midway Atoll Visitor Services Plan, Providing Visitor Opportunities for up to 50 Overnight Guests at any one Time (p. 239)

Do the overnight college groups mentioned in Activity OEL-1.8 count as part of the 50?

Activity VS-1.2: Provide Visitors with Opportunities to Learn About and Appreciate the Monument's Cultural and Historic Resources (p. 239)

On occasions when cruise ship passengers are visiting Sand Island for the day, how will they be managed? Will these 800+ visitors be required to stay in groups led by Monument personnel? Will they be allowed to explore the island on their own?

Thank you for the opportunity to review this Draft Plan.

Sincerely,



Peter Rappa
Environmental Review Coordinator

cc: OEQC
James Moncur, WRRRC
Ryan Riddle

00165

July 7, 2008

U.S. Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
PO Box 50167
Honolulu, Hawaii 96850

Dear Sirs:

Thank you for the opportunity to comment on the Papahānaumokuākea Draft Marine National Monument Management Plan and Environmental Assessment. The Co-Trustees deserve congratulations for this thoughtful and comprehensive accomplishment.

I have been involved in the management of the NWHI, either directly or indirectly, for nearly 30 years. I share your passion for this place and remain committed to its protection in perpetuity.

Overall, I believe the course you have charted is sound. Here, in no particular order, are my thoughts and suggestions:

- (1) I applaud your commitment to "seamless integrated management" between the Co-Trustees, but I remain skeptical about your ability to pull it off. The Management Plan makes confusing references to the "primary" responsibilities of each Trustee and states that "each agency retains their spheres of jurisdiction, responsibility and expertise." Yet, the Plan does not explain, in real world terms, how that will be accomplished. Also, the Plan does not explain the function and scope of responsibility for each of the various boards and committees.
- (2) I would like to see greater emphasis placed on the issue of potential groundings by vessels passing through or near to the archipelago. The fear of a major oil spill kept me up at night when stationed at Midway, but it is the prospect of a spill at a more remote location in the archipelago that carries with it the greatest risk to fish and wildlife.
- (3) The \$355 million budget is daunting. Yet, it is even more troubling to find that there is no clear assessment of priorities among the many projects that are listed. Also, the "assignment" of funding responsibilities is problematic. For example, does it make sense to task the FWS with responsibility for funding the many infrastructure improvements at Midway or Tern island when all the Trustees are so dependent logistically on the operational condition of these facilities?

- (5) The Management Plan has generated some controversy regarding the proposed expansion of visitor activities at Midway. I think the proposal for gradual expansion and periodic reassessment is sound. Regrettably, the cost of the trip, the seasonal operation and the necessary limits on visitation will exclude many interested people from enjoying this wonderful place. This will be mitigated, at least in part, by the proposed off site educational opportunities.
- (6) It's not clear from the narrative how the assignment of "lead" was determined for some of the management activities. For example, why was NOAA assigned the lead for the unified permit application process, the emergency response activity and the science action plans? It seems to me that leadership for these activities should be shared.
- (7) It's not clear if/how the joint permit system will work. More specifically, how will differences of opinion between the Co-Trustees be resolved? Will the final decision take into consideration "spheres of jurisdiction, responsibility and expertise?"

Thanks you again for the opportunity to comment.

Aloha,



Robert Shallenberger, Ph.D.



**Surfrider
Foundation.**

KONA-HAWAII CHAPTER

July 4, 2008

To: U.S. Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
Box 50167
Honolulu, Hawai'i 96850

From: R.H. Bennett Ph.D. Chairman 

Re: Comments on the Draft Management Plan Papahānaumokuākea Marine National Monument

In recognition of the world wide uniqueness of the NW Hawaiian Islands the Bush administration chose to designate the area as national monument. At least that is the rationale provided by the media. Those of us who dedicate our lives to conservation and adhere to the Hawaiian belief in pono, righteousness, we are deeply concerned that processes are being created to subvert the true purposes of a National Monument.

The NW Islands are so unique and so fragile that even the slightest human activity has demonstrable consequences. To keep this area as a true wilderness with no continual human activity allowed will be the only assurance that the region will thrive in its own natural order.

It has long been our concern that the area would be used as a military training, research and development area. Now that it has National Monument (NM) status the regulations can be used to effectively hide military uses from public view and scrutiny. We urge the USFWS to prohibit any and all military use of the region. There is more than ample open ocean to meet the national security needs of the military. Any conditioned use will not have sufficient public oversight to assure the military will do what they say they will do. Their record in this regard is incredibly Machiavellian, as manifest by their sanction of torture. Simply stated they cannot be trusted. There may be good meaning officers who will state honesty that rules and procedures will be respected, yet an order from command can collapse that honesty in an instant.

All decision making about this NM must be made in the open will full public involvement. The current planning and permitting process under the BLNR must be open and transparent and managed to give the public adequate time to be noticed and respond. The six day notice period is intended to limit real public input.

A citizen's advisory council with voting rights and authorities is truly shared governance of the NM. Interest groups with no authorities are not effective and only serve to cloud the issue of true citizen involvement.

For those allowed activities in the NM a carefully regulated permit process and policing and enforcement procedure must be well articulated in the DMMP. Penalties for permit violations must be harsh and serve to deter those who may see small fines as just the cost of doing business. The one strike rule has merit and should be part of the fine structure.

The Hawaiian culture very effectively and sustainably managed all the islands for thousands of years. The final management plan for the Monument must have a vision statement that equally embraces the cultural and ecological significance of the region, such as: "that the health, diversity and resources of the vast

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00166

NWHI - its unique wildlife and cultural significance - be protected forever.* Hawaiian cultural practitioners must be part of the management authorities of the NM.

For any permitted human activity in the NM a precautionary principle of "leave no trace" must be employed. Everything that gets carried in gets carried out as is the practice now in many protected areas within the national park system.

All fish and wildlife should be protected and no collection of species for consumption to matter how small allowed. Taking of species for future personal consumption or sale should be prohibited and substantial penalties incurred.

In summary the wilderness character of the region must be respected and protected. In this very remote area any conditioned uses are largely unenforceable and abuses will continue to occur.

We trust you will take our concerns beyond the letter of the law and support what is right, *Malama Pono!*

Draft Monument Management Plan
Papahānaumokuākea Marine National Monument
Northwestern Hawaiian Islands
United States Fish and Wildlife Service
300 Ala Moana Blvd. Rm. 5-231
Honolulu, Hawaii 96830

00168

Comments:

My name is Marilyn Pollock. My address is P.O. Box 312, Hanalei, HI 96714. I am writing testimony against approval of a new 15-year plan for the Northwestern Hawaiian Islands because I believe it will be detrimental to the fragile and unique 1,200 square mile marine reserve. In reading the report I came up with several questions. The points I'm making with questions I ask you to consider.

1. What will happen when a growing population living on Midway (as well as the other neighboring atolls) finds that fresh water has been pumped out too rapidly, has not been replaced by rain, the result being saltwater intrusion?
2. What will happen when fresh water levels drop due to climate alteration?
3. What will happen when alien species and rat and mice populations infest the atolls, killing nesting birds, hatching turtles, plant root systems that act as cover and nesting structure for birds? Fire ants are a prime example of a noxious alien species introduced into Hawaii?
4. What will happen if pesticides used for rat and mice eradication are not properly disposed of and end up in the freshwater system or in the landfills?
5. What will happen when increased demands of tourism (the cash crop) up the count of daily arrivals causing increased on the natural life of the atolls? Tourism never decreases, only increases.
6. How will tourists take to any inspection for possible alien species introduction? Will the barges, sea planes, cruise ships be fumigated?
7. In World War II, 10,000 Navy personnel lived on Midway. The following wars stepped up operations. The Navy at present is asking for thousands more missile interception practices, SONAR and "early warning" ability. Midway as a military base will follow particularly since it will be reconstructed into an expensive municipality if your 15-year plan is approved. Are we in reality seeing your plan as an increase in war activity in the Pacific Rim?
8. Typhoons have been reported at 65 mph on Midway. Climate change is resulting in increased "unusual" weather patterns. How will you be providing for natural disasters?

These are a few of the unanswered questions and concerns not available in the slick and expensive research results (4 volumes, 2,000 + pages) done by Jones & Jones of Seattle, Washington at the taxpayers' expense.

Conclusion:

Midway Atoll supports an abundant and diverse wildlife fauna, including migratory sea birds, endangered Hawaiian monk seals, threatened green sea turtles, spinner dolphins, and a complex community of coral reef fishes and invertebrates. The impact of tourism, the chance for irresponsible and unethical collecting, man-made changes to the environment are so wide spread that they impact this location directly and indirectly on a global scale. What good is scientific data if the organism disappears? Scientific data cannot resurrect an extinct species. The tipping point for the world's oceans and atolls, coral reefs, mammals, fish, plants, and birds is not, not in the future. Please drop this "new" 15-year plan. You owe that much to future generations and to the oceans best life forms.

Thank you for hearing my testimony and considering my views.

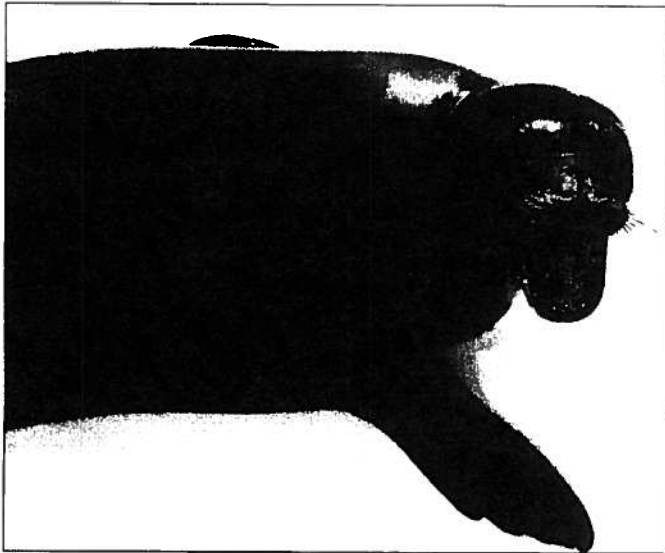
Martin L. Linn
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Photos from:

Archipelago: *David Liittschwager & Susan Middleton*. Northwestern Hawaiian Islands



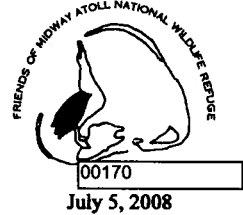
1. "Shed Bird" albatross chick. Shown with contents in his intestines; bottle caps, bic lighters, aerosol pumptop, broken clothespins and hundreds of plastic bits.



2. Hawaiian monk seal from an ancient lineage of seals. Seals are endangered. The mother seal requires quiet and a safe place to whelp her pup.

**FRIENDS OF MIDWAY ATOLL
NATIONAL WILDLIFE REFUGE**

**1030 N. W. 176TH AVENUE
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QUEENSBURY, NY

Dear Managers of the Papahānaumokuākea Marine National Monument,

Please accept this testimony on behalf of the Friends of Midway Atoll National Wildlife Refuge. The mission of the Friends of Midway Atoll National Wildlife Refuge (FOMA) is to support the refuge staff in their efforts to preserve, protect and restore the biological diversity and historical resources of Midway Atoll while providing opportunity for wildlife-dependent recreation, education and scientific research. We recognize and appreciate the effort put into drafting the management plan, and take a special interest in Volume IV, the Midway Atoll NWR Conceptual Site Plan.

The prospect of having the entire Northwest Hawaiian Islands under federal protection is an incredibly significant stride forward for preservation of the ecological integrity and biological diversity of the marine and terrestrial environments. We believe that through federal protection and continued management, the monument has the potential to provide refuge for a number of endangered and threatened species, as well as species which are critical to a healthy ecosystem. We strongly recommend ongoing habitat and ecological restoration projects which will ensure the perpetuation of the broad diversity of floral and faunal species, many of which are endemic to the monument.

The Friends of Midway Atoll National Wildlife Refuge also recognizes the cultural and historic significance of the monument. Because it is widely recognized that prior to European contact the indigenous Hawaiian population made forays into this area, we support any collaborative effort which promotes a better understanding between the Hawaiian community and the

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Papahānaumokuākea Marine National Monument.

The monument's historical record since 1778 contains a rich assortment of maritime and military activities. We strongly encourage ongoing efforts to locate, identify and interpret the maritime history of the monument, so long as these efforts do not adversely impact the ecological integrity of the numerous sensitive areas within the monument. The June 1942 American victory at the Battle of Midway is recognized as the turning point during the Second World War. We believe it is vitally important to preserve and interpret the remaining historic sites dating to this era, and to encourage a better understanding of the way that this particular battle shaped the course of American history.

Finally, we believe that continued discourse with the public on the future of the monument is vital to its success. While we recognize that the monument staff can draw upon a number of conceptual paradigms which will encourage public input and dialogue, we feel strongly that the creation of a Friends group, with its membership open to interested and concerned citizens, represents the most effective and democratic model available.

Through the creation of a Friend-style organization for the Papahānaumokuākea Marine National Monument a wide array of constituencies can be represented, including native Hawaiians, former military personnel, birders, photographers, scientists and concerned citizens from across the nation. While the Friends of Midway Atoll National Wildlife Refuge will always be a distinct entity, we encourage the creation of a Friend-like organization for the monument. We believe such an organization would have a broad scope, mandate and membership.

We of the Friends of Midway Atoll NWR, look forward to our continued close working relationship with and support of all three monument managing entities,

Thank you for giving us the opportunity to provide this testimony.

Sincerely,



Darlene Moegerle, President
Friends of Midway Atoll National Wildlife Refuge, Inc.

TO: PMNM_MMP_Comments@fws.gov
FROM: Barbara S. Mayer
41-1019 Nenu St.
Waimanalo, HI 96795
808.259.8342
bamayer@gmail.com
DATE: Wednesday, July 2, 2008
RE: comments on the Papahānaumokuākea MNM Draft Management Plan
(herein after called "the Plan")

As a professional educator and curriculum writer, I would like to comment on the education components within the Plan, specifically education efforts aimed at children.

I suggest that the Monument's education efforts toward children could be accomplished using three methods, based on origin of effort and kind of child receiving the effort:

- Method #1 = on-site education efforts which would occur on Midway Atoll NWR and would be designed to reach children who are visiting the "window" of the Monument
- Method #2 = off-site education efforts designed to reach clusters of children, for example those in classrooms or Scout groups, where an adult teacher or leader would be present to interpret lessons/activities written about the Monument
- Method #3 = off-site education efforts designed primarily to reach individual children directly

Method #1 seems to be addressed primarily in "VS" sections...

...such as Volume 1, Action Plan 3.4 Managing Human Uses, especially 3.4.3 Midway Atoll Visitor Services Action Plan. However, there does not appear to be much detail or specific mention of interpretation geared to children specifically. This education effort needs to be fleshed out. Just one example would be to develop a "Junior Refuge Manger" program, such like the one at J.N. "Ding" Darling NWR. A similar program exists within the National Park Service where a "Junior Ranger" program is found at each park, monument, seashore, etc. (e.g., <http://www.nps.gov/bra/forkids/beajuniorranger.htm>)

Method #2 seems to be addressed primarily in the "OEL" sections...

...such as Volume I, Action Plan 3.5.4 Ocean Ecosystems Literacy Action Plan. Considerable thought has gone into this Action Plan for reaching children primarily in classrooms. There are a number of lessons and activities that are tied to educational standards and benchmarks; some are currently available on the Internet (for example, <http://www.hawaiiatolls.org/research/NWHIED2005/resources/MarineDebrisModule.php>), while others are under development. However, I feel there is an unnecessary limiting statement in Appendix C, p. 26 (Strategy 6.1): "Working with the Navigating Change Educational Partnership, implement a week long standards-based teacher workshop on Midway in 2009 developed and conducted by the teacher focus groups in 2008." There's a similar statement on p. 27, 2nd paragraph: "The 2009 teacher workshop and beyond will be conducted mainly by the

focus group teachers with the Navigating Change Educational Partnership providing support.
These statements are much too limiting to be adopted as policy; they leave out too many talented individual educators. Additionally, as inspirational as the “Navigating Change” curriculum is, educational effort for the Monument could benefit from a broader, more inclusive search for curricular materials.

Method #3 should be addressed in “CBO” sections...

...but doesn't appear to be. For example, Volume I, Action Plan 3.5.2 Constituency Building and Outreach Action Plan, “CBO,” is the logical place to outline an education effort that would reach individual children. If the idea is to “bring the Monument to the people,” then in order to reach the largest audience possible, CBO needs to clarify that “constituents” include future adults. The 12-year-old child today is just 6 short years away from becoming a voting adult. Appendix C, p. 28, Strategy 8.2 suggests an avenue for this type of education outreach when it talks about initiating “a distance learning program from Midway Atoll to bring the Monument to classrooms across the Nation...” Such distance learning must go beyond classrooms to reach individual children. It should include interactive websites like Virgin Islands National Park's online snorkel trip, http://www.nps.gov/viis/forkids/online_snorkel_trips.htm.

As time goes on and environmental pressures & political concerns grow, public support for the Monument will be only as strong as the Monument's education success.

U.S. Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
Box 50167
Honolulu, Hawai'i 96850

RE: Papahānaumokuākea

Dear Colleagues,

I write to express my strongest support for the Papahānaumokuākea Marine National Monument and to urge you to maximize present and future opportunities for research and conservation of this unique resource. While first and foremost a resource of the people of Hawai'i, Papahānaumokuākea has no parallel on earth as a geological and biological feature, and thus should also be considered a resource of humankind.

In protecting this irreplaceable resource we must be careful that we do not protect it so well as to prevent ourselves from gathering essential data for the monitoring the Monument's health. If we stop collecting data in the Monument we are likely to miss developing problems and issues. Ongoing data collection and analysis is the key to understanding the system, conserving it effectively, and see problems on the horizon before they strike. While the Monument is protected from direct human impacts such as pollution and fishing, it is vulnerable to the impacts of climate change, broadly mixed pollution, invasive species and other threats.

The Monument also offers an ideal opportunity to compare pristine and degraded ecosystems, when contrasted with the Main Hawaiian Islands. The Archipelago offers us opportunities to learn how to more effectively manage and conserve living resources that can be found nowhere else on earth. If we do not take advantage of these opportunities we will be losing out in the long run as the world's population increases and its resources continue to be degraded. Manipulative experiments can be conducted to compare the Monument and Main Hawaiian Islands with negligible impact to the Monument, and a great benefit to conservation in the Archipelago as a whole.

Sharks are apex predators that are vital to the ecosystem, and are still found in healthy populations in Papahānaumokuākea, one of their last holdouts in the world. We can learn a great deal about shark biology and conservation by studying them in this pristine environment, both to preserve them in Papahānaumokuākea as well as to bring them back to health in the rest of the world (Activity MCS-1.2).

Furthermore, the apex position of sharks offers a variety of other opportunities such as research into bioaccumulation of toxins from WWII pollution as well as modern sources such as ship groundings. In particular, deep water species are likely to be long-lived and have the most acute bioaccumulations (Activity MCS-1.4).

Shark predation on monk seals is a critical issue (Strategy TES-1), so further studies of shark movement, behavior, distribution and feeding are necessary. Recently developed technologies, allow us to monitor free-ranging sharks and seals to better understand this interaction.

The great white shark visits the Hawaiian Archipelago much more frequently than most people realize (Weng et al. 2007). The use of Hawaiian water by this ultimate apex predator has serious consequences

Michael S. Spalding

00176

for potential prey species such as monk seals, turtles, and other shark species. Further research into the biology and interactions of white sharks in Hawaiian waters are urgently needed.

Pelagic fishes are critical members of the ecosystem, and the connectivity of these commercially and ecologically important species between the Monument, the Main Hawaiian Islands, and the wider Pacific Ocean is a critical conservation and biological issue. Tracking studies of pelagic fishes in the Monument are essential to understand these processes, and manage pelagic fishes in the Monument.

In summary, I urge you to support and encourage scientific research within the Monument, including tracking studies and manipulative experiments. This approach will prevent us from operating in the dark and allow us to see potential threats before they overtake us.

Sincerely,

Kevin Weng

Dr. Kevin Weng, SOEST Young Investigator/Assistant Researcher
University of Hawaii at Manoa, 1000 Pope Road, Honolulu HI 96822
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<http://www.soest.hawaii.edu/oceanography/faculty/kweng/>

Weng K, Boustany A, Pyle P, Anderson S, Brown A, Block B (2007a)
Migration and Habitat of White Sharks (*Carcharodon carcharias*) in the
Eastern Pacific Ocean. *Marine Biology* 152:877-894

July 10, 2008

U.S. Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
P. O. Box 50167
Honolulu, Hawaii 96850

Re: Comments on Draft Management Plan for
Papahānaumokuākea Marine National Monument

To Whom It May Concern:

The management plan is very comprehensive and well thought out. I have four comments on the draft plan:

1. Permits to visit the monument for cultural and educational purposes should be encouraged and supported. In reviewing permits for cultural and other purposes, the permits should not be reviewed on the basis of the race of the applicants but rather on the merits of the permit. Native Hawaiians and non-native Hawaiians can both appreciate and experience the Northwest Hawaiian Islands.
2. The mission statement does not read clearly. This is an important statement and can be improved.

Carry out seamless integrated management to achieve strong, long-term protection and perpetuation of NWHI ecosystems. Native Hawaiian traditional and customary cultural and religious practices, and heritage resources for current and future generations.

I would suggest leaving the word "native" out of the mission statement as it may be interpreted to perpetuate culture and religious practices only for those of Hawaiian ethnicity. I think the intent is for management of the monument to not be interpreted racially in any way.

3. My suggestion is to allow access to the monument to a larger range of applicants that are now considered. If access to the monument is kept so restrictive that no one can go there then what is the purpose of preserving it, if it cannot be appreciated. Approved groups should have a blanket permit that would be streamlined if they are already qualified and have been approved in the past.
4. Gray water is a problem for approved boats to dispose of costing lots of fuel and wasted time to take it outside the monument. The damage from dumping gray

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Michael S. Spalding

water into the ocean in the monument will not have any detrimental effect on the ecosystem but does have a financial burden on the permittees. Discharging gray water 3 miles off shore should be an adequate safe guard to the environment.

Thank you for considering these comments.

Cordially yours,



Michael S. Spalding

cc: Senator Daniel Inouye
Governor Linda Lingle
Reserve Council Rep. Timothy E. Johns
BLNR Member Jerry Edlao

Testimony
Regarding Protection of the Northwestern HAWAIIAN Islands -
Papahānaumokuākea

Keomailani Von Gogh
P.O Box 5864
Hilo, HI 96720
1- 808- 345- 8032
July 22, 2008

Aloha,

I want to thank you for taking comments on this draft management plan for this most important and fragile place - Papahānaumokuākea. I attended the presentation of this draft plan in Hilo Hawaii on June 19, 2008. I received a hard copy and the DVD version of this plan.

First and foremost, I would like to say that it is of the utmost importance that Papahānaumokuākea and its inhabitants (birds, Monk Seals, fish, flora, fauna, etc.) on and around The NWHI receive the **MAXIMUM PROTECTIONS**. In reading this document I see a lot of focus on making The NWHI accessible to researchers, tourists, scientists, contractors, military, etc. I do not see resource protection as the "primary purpose" as the language would indicate.

On Jan 22, 2004, the citizen based Reserve Advisory Council approved some goals and objectives that should be reinstated into this management plan. These goals and objectives were developed over years in a transparent, public, and aboveboard process. It is curious that these have been taken out. The public needs to be the major part of this process. I do not feel confident that The Secretaries of Commerce (United States military), Governor of The State of Hawaii (tourism, University of Hawaii research groups), and OHA (States interests- not Hawaiians) as trustees will put resource protection as the main priority or "primary purpose" in managing the NWHI. It is unreasonable to have us believe given their track records that these stakeholders would put protection before profit.

Therefore, my proposal is that **NO** research should be conducted in or around the NWHI for the next 10 years unless it will benefit the protection and restoration of these islands. After 10 years researchers can go in and do their tests on the status of restoration efforts only when approved by the citizen based advisory council. **ABSOLUTELY NO MILITARY** exercises of any kind in or around these waters **EVER**. No tourism should be planned for at least 10 years, or until restoration is complete and then in only a very limited way. **ABSOLUTELY NO BIOPROSPECTING EVER**. No large commercial fishing enterprises for 5-10 years. Small commercial and sustenance fishermen should be able to continue provided they do not deplete the resources.

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The Native Hawaiians managed these main Hawaiian Islands and the NWHI for millennia. There is no word for extinction in Hawaiian. The Native resource management system is called the KAPU system. The Hawaiian Monk Seal is now on the verge of extinction and according to this management plan military training is allowed around their habitat? This is the kind of contradictory claims that demonstrate protection and conservation is not the "primary purpose" of the management plan as presented. I concur with the statement by The Reserve Advisory Committee that requires "biological, cultural, and historic resource protection and integrity" to be favored "when there is lack of information regarding the potential impacts of any activity". The precautionary principal is a legally accepted and reasonable resource management methodology. This is what a management plan concerned with protection and preservation should include.

I have not been informed of an EIS being prepared or 106 process being started. I am requesting to be notified when these processes start.

Mahalo for your time,

Keomailani Von Gogh
July 22, 2008
Sent by e-mail to PMNM_MMP_Comments@FWS.gov

Public Comment on Draft Monument Management Plan-
Papahānaumokuākea National Monument

Emily M. Yam
2917 E. 6th Street
Long Beach, CA 90814
703-819-1331

Summary

I am writing to support the proposed management plan for the Papahānumokuākea National Monument. The Northwestern Hawaiian Islands (NWHI) are an important marine area because of the rich scientific, cultural, and educational opportunities afforded by this unique ecosystem. Having participated in research there and having since become an educator at a very large public aquarium, I am writing to support the proposed educational outreach and public education activities. Additionally, I believe that the scope of the proposed outreach activities should include participation not only in the Main Hawaiian Islands, but also on the mainland United States. Educating the general public about an ecosystem such as NWHI, with unique deep- and shallow water habitats, a long geologic history, and cultural significance, will help Americans respect and understand the responsibility they have to be stewards to the ocean.

My Background

* I have a bachelor's degree in biology and a master's degree in teaching from the University of Virginia. I am also licensed to teach biology. I worked in oceanography for two field seasons in the Antarctic before my experience in the NWHI.

* I was a volunteer participant on a research cruise to the NWHI funded by NOAA's Office of Ocean Exploration in August of 2003. While on the cruise, I managed data and helped to process samples for Dr. Amy Baco-Taylor. I also participated in three dives on the Pisces V submersible on seamounts in the NWHI.

* I was employed at the Hawaii Undersea Research Laboratory (HURL) at the University of Hawaii- Manoa from December 2003 until August 2004, when I started graduate school. While at HURL, I analyzed data collected on the aforementioned cruise to the NWHI. My project was to identify deepwater invertebrate communities and underlying geology of NWHI seamounts.

* I received a master's degree in marine science at the Virginia Institute of Marine Science, where I studied microbial ecology associated with marine snow particles.

* I am currently employed as an education specialist at the Aquarium of the Pacific, a large, public, non-profit aquarium located in Long Beach, CA. I have expressed here my own personal opinions as a professional, informal educator; I am not speaking on behalf of the Aquarium of the Pacific.

Comment

Protecting and studying the NWHI gives us the opportunity to learn more about an important, essential habitat in the central Pacific. I would like to comment specifically on Strategy MCS-3, whereby research and monitoring activities will be communicated to the public.

As an educator with experience in academic science, I strongly believe that current science is really only as good as the ability to effectively communicate data. Educating the public at large is essential for fostering respect for the environment, initiating discussion, and mobilizing the public to make good decisions everyday at home and ultimately when they vote. My experience thus far makes me believe that many people here in the United States are not even aware of the existence of the NWHI - certainly an

unfortunate circumstance, given its ecological and cultural value. Teaching the public about the NWHI provides an excellent opportunity to raise ocean literacy by using an example that is not only protected and supported by our federal government, but also an important resource for our country.

Concerning Activity MCS-3.3 and 3.4

During the 2003 cruise, I wrote many of the dispatches from sea, which were posted on our cruise website. Since then, of course, technology has enabled these exploration cruises to be followed by learners all over the world. I also visited Mokupapapa Discovery Center while on the Big Island and thought it was interesting and a nice representation of the work done on NWHI. These outreach materials are certainly invaluable, since they make the science come alive for people who can now see images nearly real time, observe real progress in science, and experience the discovery for themselves. I support these activities whole-heartedly, having seen the products from many sides, as participant/ teacher, and learner. However, now that I live and work on the mainland, I see the need for an even broader reach for these activities. Here in California, we have many different marine environments- but in order for our public to fully understand the ocean and our individual and community impacts on the ocean, we have to consider the various ecosystems to which we are connected. Because the Monument is an area that is still being explored, it has the power to capture public attention and get people interested in the science going on there. I work with many kids who have this idea that we are "done" exploring our planet, when that of course is not the case at all. I try to combat that when I teach public programs and school programs; when I teach a program about the deep sea, I often talk about what it's like to ride in a submarine and to collect coral samples that are totally new species. I talk about my experiences in research and the kids connect to it because they see it as an opportunity for themselves. They do not realize that there are worlds of discovery that are right here, in the Pacific Ocean, the very same ocean down the road from their houses. I hope that future outreach and education activities on the Monument reach the public on the islands as well as those living here on the mainland.

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Public Comment NWHI Mgmt Plan.doc

Public Comment on Draft Monument Management Plan- Papahānaumokuākea National Monument

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- I have a bachelor's degree in biology and a master's degree in teaching from the University of Virginia. I am also licensed to teach biology. I worked in oceanography for two field seasons in the Antarctic before my experience in the NWHI.
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public at large is essential for fostering respect for the environment, initiating discussion, and mobilizing the public to make good decisions everyday at home and ultimately when they vote. My experience thus far makes me believe that many people here in the United States are not even aware of the existence of the NWHI – certainly an unfortunate circumstance, given its ecological and cultural value. *Teaching the public about the NWHI provides an excellent opportunity to raise ocean literacy by using an example that is not only protected and supported by our federal government, but also an important resource for our country.*

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Marine Conservation Biology

Lance Morgan, Ph.D., VP Science
23, 2008

July

Papahānaumokuākea Marine National Monument
300 Ala Moana Blvd. Room 5-231
Honolulu, Hawaii

Submitted electronically to PMNM_MMP_Comments@fws.gov

MCBI appreciates the opportunity to comment on the Papahānaumokuākea Marine National Monument Draft Monument Management Plan and hereby submit our written comments. We welcome this first effort to manage the area using ecosystem-based and integrated management, and hope that the following comments will be used to strengthen the plan and ensure fulfillment of the Monument’s purposes of conserving wildlife, protecting and restoring the NWHI ecosystem, and preserving cultural resources.

Plan Fails to Set Clear Priorities for Conservation

Overall, we feel that the Plan outlines a number of key efforts to ensure effective protection and restoration of the Monument and its unique natural and cultural heritage. Unfortunately, not all of the Action Plans are likely to be funded and implemented to the degree necessary. Therefore, clear priorities need to be stated. The Draft Plan states that its goal is to “ensur[e] the coordinated management” of the Monument’s resources and to “address priority management needs over the next 15 years.”¹ The Plan is structured to identify and address priority management needs,² yet there is very little effective prioritization for the short, medium, and long term. The Draft Plan acknowledges that “all funding for current and possible future Monument activities is subject to the budgeting and appropriations processes of the Federal and State governments,”³ but no attempt is made to prioritize where available money will be directed or which actions will take a back seat at different levels of potential funding.

The Plan makes no attempt to prioritize between or within action plans. Therefore, the Ocean Ecosystems Literacy Action Plan and the Threatened and Endangered Species Action Plan are apparently on equal footing. What happens when the Monument does not receive requested funding? The Draft Plan provides no guidance or process for determining whether to fund efforts to ensure the survival of the unique and important Hawaiian monk seal by

¹ Draft Plan, 2 at Ins 12, 36-7.

² Draft Plan, 3 at Ins 16-17.

³ Draft Plan, 101 at Ins 27-8.

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conserving critical habitat or to fund programs that will create curricula to increase ocean ecosystems literacy within 3 years.⁴ It is unfortunately foreseeable that, without any guidance from the Management Plan, slim budgets will be directed at clear-cut, short-term, less expensive projects such as oceans literacy rather than as-yet not fully defined, long-term projects to identify and try to conserve shrinking habitats critical to the monk seals' survival. MCBI supports the need for environmental literacy programs, but we worry that unless the Final Management Plan identifies clear priorities for action, activities that are fundamental to the Monument's protection purpose will be pushed aside in favor of more easily attainable actions.

Below, we provide comments on most of the individual Action Plans. The detailed comments, however, should in no way disregard the overriding comment that certain action plans, such as the Threatened and Endangered Species Action Plan, should take priority over others, and that activities such as conservation of seal habitat should take priority over outreach and education activities. The Vision and Mission identified in the Draft Plan must remain the priority; Monument goals should be prioritized to reflect this priority.⁵ Again, we are not downplaying the importance of outreach and education, but if funding and staffing shortages necessitate implementation of only some of the activities and/or action plans, the Management Plan must provide real and concrete guidance on what the priorities will be. One possible way of prioritizing would be by restructuring or reordering the Action Plans to reflect the Monument's purposes of preservation and restoration.

In order to identify priorities that will most directly address the primary purpose of the Monument, the Management Plan should identify activities necessary to protect the unique wildlife of the NWHI and cultural resources, including threat reduction, and recovery and stabilization, followed-only as financing allows-by outreach and education. MCBI proposes that, in order to protect the Monument's resources, priorities include:

- Hawaiian monk seal conservation and protection, based on recommendations in the 2007 Recovery Plan;
- Conservation for other threatened and endangered species (e.g., albatross, Laysan duck, and sea turtles), based on recommendations in appropriate Recovery Plans;
- A program for managing research in the Monument to reduce duplicative invasive research, and the use of research-guided management actions to ensure that research projects are prioritized based on their usefulness in achieving resource protection in the Monument;

⁴ Draft Plan, 149, Activity TES-1.3; 269, Activity OEL-1.1.

⁵ Draft Plan, 96, Table 2.1.



- Sustainable power sources and increases to vessel efficiency and cleanliness should be prioritized in the substantial investments made to the Monument's infrastructure;⁶ and
- Increased inter-agency agreements on requests and allocations for funding to ensure optimal inter-agency funding and coordination.

Funding – Section 3.0

As the Draft Plan states, "roughly one-quarter of [the estimated implementation costs over the next 15 years] ... would be allocated to one time infrastructure development activities designed to replace or enhance supporting infrastructure at existing field stations, rehabilitation of historic buildings at Midway, and increase transportation and enforcement assets Monument wide."⁷ The Final Plan *must* include prioritization of these funding targets, with a focus on protection rather than outreach and opening of the Monument to increased visitor interactions. After all, visitor interest in the area will drop if the area's wildlife decline and the ecosystem suffers. If full funding is not allocated, it is not acceptable for infrastructure development to take priority over actions that would more directly protect and restore NWHI species and habitats.

While we recognize that the Presidential Proclamation establishing the Monument provides a mechanism for tourism on Midway, the Proclamation and Draft Plan Vision and Mission are also very clear that *protection* is the primary purpose and all activities should be pursued only as they are consistent with this primary purpose. Prioritizing redevelopment of Midway, as the Draft Plan seems to do by allocating such a substantial portion of the proposed budget to infrastructure development, is not consistent with protection. On the other hand, we recognize that a certain amount of infrastructure is needed to support ecosystem protection and restoration as well as tourism. What the Plan fails to do is discriminate between urgent management facilities that are absolutely necessary for protection and restoration (e.g., a care facility for monk seals), and more discretionary future needs.

Marine Conservation Science Action Plan – Section 3.1.1

Overall, the plan is comprehensive in its scope of activities, but fails to state what scientific research is necessary or critical to establish ecosystem-based management and fulfill the conservation mandate of the Proclamation. We look forward to the forthcoming Science Plan to help fill in many of the Draft Plan's missing details and identify clear management priorities. We expect that the Science Plan, when developed, will include priorities for research consistent with the following:

⁶ Draft Plan, 293 at CFO-1.3.

⁷ Draft Plan, 101 at Ins 15-19.



1. Science necessary to effectively implement ecosystem-based management to achieve the Monument's protection purpose, i.e., research to help managers track and respond to the health and function of the Monument's ecosystems and its key species and habitats, and
2. Identification of management priorities and a discussion of how research acting on these priorities will help address ecosystem-based management.

The Draft Plan identifies a budget that gives more to interpretation and science than to conservation and resource protection. Again, protection is the vision, mission, and purpose of the Monument. Therefore, it is only appropriate that funding for conservation be increased, especially in support of the critically endangered Hawaiian monk seal and other threatened or endangered species and the threats to them. Research that is outside the scope of ecosystem-based management or that does not directly address Monument natural resources should be allowed based on whether such research is non-invasive, and only as funding, staffing, and logistical support resources allow after conservation actions are addressed.

In order to establish ecosystem-based management to effectively protect Monument resources, we suggest that the following should be prioritized or considered:

- Conduct a competent ecological history of the region to assess effects from anthropogenic influences and establish appropriate baselines for management.
- Characterize the ecology of the entire area, including deep water and offshore habitats, to ensure a complete accounting of Monument resources.
- Establish a monitoring program of indicator species and environmental data to track changes in the ecosystem and to help trigger management and protection activities.
- Freely and openly allow data access to all co-Trustees; access for the public should be defined and implemented and should be as open as possible. A strategy for promptly processing relevant information should be developed to inform managers of deteriorating or changing conditions.
- Partner with other researchers to look at connections to other regions and initiatives at different spatial scales, for example:
 - Tracking of albatross leaving the Monument for other parts of the Pacific,
 - Tracking of monk seals and green turtles moving throughout the Hawaiian archipelago, and
 - Tracking marine debris entering the Monument from locations throughout the Pacific.
- Establish *a priori* priorities for active management versus monitoring in the event of budget shortfalls. Evaluate the appropriate intervals for monitoring natural resources to maximize management efforts and ongoing funding.
- Given the looming and potentially significant impacts of climate change, including a rise in sea-level, and increasing acidification and warming of ocean waters, the marine conservation science plan must address the significance and impacts of these changes and to the NWHI ecosystem and efforts to mitigate them.

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- Create a regularly-scheduled research workshop to facilitate discussions between researchers and managers regarding research that applies to management goals, as well as ways to use research time and effort more effectively. The workshop should be used to collaboratively develop research priorities and identify how to best leverage opportunities to access the region.
- Adopt a scientific code of conduct for researchers and their transportation and support staff. As part of this, researchers' informal agreement not to engage in sustenance fishing in the Monument should be formalized.

Native Hawaiian Culture and History Action Plan – Section 3.1.2

MCBI concurs with the Draft Plan that Native Hawaiian history in the NWHI is of highest priority. We agree that the Native Hawaiian archeological sites and artifacts on Necker and Mokumanana are highly significant, should be preserved, and need the highest quality care. These sites are important to developing a deeper public understanding of Native Hawaiian history. We look forward to the completion of the Cultural Resources Program Plan, and expect it to fill in the details for management of these landmarks, and allow for historic research and education that will help to preserve these sites.

The Native Hawaiian Community is a diverse community with regional and philosophical differences. Given this, it is important for the Native Hawaiian Working Group to have open public meetings and reach out to rural Native Hawaiians and those who reside on the mainland. It is also imperative that the Native Hawaiian Working Group reach out to Native Hawaiian leaders who have not been following the development of the NWHI Monument. Finally, the Native Hawaiian Working Group should cooperate and coordinate with archeologists and other social and natural scientists in the preservation of history in the NWHI.

Threatened and Endangered Species Action Plan – Section 3.2.1

Hawaiian Monk Seal – Strategy TES-1

The recovery of the Hawaiian monk seal should be clearly highlighted as a top priority of the Monument Management Plan. Indeed, the Hawaiian monk seal is the last hope of the entire genus. We applaud that the monk seal activities are based on the Recovery Plan. As discussed in Strategy TES-1, the Recovery Plan identifies eight critical actions "required to address current and potential threats to the monk seal."⁸ However, the five activities mentioned in the Draft Plan only seem to relate to three of the eight key actions identified by the Recovery Plan. It is unclear why these five activities were chosen or whether they are the

⁸ Draft Plan, 148, Ins 10-12.

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most appropriate priorities or efficient uses of funding and staffing. Furthermore, there is no discussion of exactly what types of intervention and care activities need to be conducted on various islands year-round. The Midway Action Plan mentions the need for a monk seal care facility, but the Threatened and Endangered Species Action Plan fails to discuss the need for this facility or how it will be used. MCBI believes a major flaw in the monk seal strategy identified in the Draft Plan is a lack of field staff during the fall and winter months. A more year-round presence dedicated to seal protection and recovery would be on-hand to conduct life-saving interventions and observations.

The Draft Plan lacks detailed discussion of how the different involved agencies will work together in requesting appropriations, in spending allocated funds, and in identifying management and research projects to pursue. We expect to see some of this discussed in the Science Plan. We also caution against a strong focus on research *per se* as opposed to active restoration efforts. Some research is warranted, but the first priority should be to save individual seals and ensure they reach breeding age. A significant flaw in past efforts to save the monk seal has been the inadequate coordination and cooperation between and among federal and state agencies. The newly arrived NOS/NMSP cannot just delegate seal recovery to NMFS; NOS has as much responsibility to ensure the seal's survival as does NMFS. The co-managers need to come to consensus on an approach, who will request what funding, what research will be done, and what year-round care given. The research workshop recommended above would be useful in fostering input for some of this decision-making. This workshop need not be an effort to reinvent the wheel of the Recovery Plan. We argue that the Recovery Plan must be fully implemented in the Monument.

Given the critical status of the monk seal and the role that the monk seals play in the Northwestern Hawaiian Islands ecosystem, we feel that monk seals should be identified as an indicator species and that their recovery should be one of the Monument's highest priorities. As we have stated previously, we applaud the outreach and education programs discussed in Activity TES-1.5, but feel that they should not be a priority over other conservation activities. Additionally, outreach and education programs should focus on reducing seal-human interactions and securing resting beaches in the Main Hawaiian Islands, rather than general awareness-raising of the monk seals' critical status.

Monk seals are a useful overarching Monument priority given that their conservation intersects with so many other species and issues involving the Monument. Monk seals are a useful indicator species given their connection to marine debris, alien species, human encroachment and interactions, and elements of the ecosystem including sharks, bottomfish, lobsters, and beaches. Good cross-cutting research and activities should include assessments of



both sharks and seals off the same atolls, collection and analysis of location and species of sustenance fishing take in relation to monk seal feeding grounds, recovery of lobsters as important components of seal diets, and recovery of marine debris. The protection and management of habitats, including foraging areas and travel routes (proposed in TES3.3 as an activity to protect sea turtles), would be beneficial for the seals. While conservation of the monk seals has thus far taken a back seat and been stymied by inter-agency disagreements, the Monument provides the means to get on-track with protection of this critically endangered species by solidifying working relationships, funding, and research while taking a hands-on approach to actively stabilize the monk seal population and bring it back from the brink.

Specific recommendations for the Monument with regard to monk seals are:

1. Expedite and streamline permits for monk seal work within the Monument, including important actions such as captive care, shark deterrence and removal, and removal of marine debris from seal resting areas and colonies.
2. Prioritize research of direct relevance to monk seals in the Monument:
 - a. Shark behavior and predation
 - b. Interactions and behavior of uluas with monk seals
 - c. Shark and/or ulua deterrence and removal
 - d. Lobster recovery
3. Provide assistance and logistical support to scientists and veterinarians needing to access the Monument for monk seal work, temporary holding of seals, and transporting of seals.
4. Accord high priority to seals and personnel needing to attend to seals on ships and flights to and from the Monument.
5. Clarify lead agencies for funding requests.
6. Highlight the monk seal in educational and outreach materials developed for the Monument.

Green Sea Turtles – Strategy TES-3

The activities identified for green sea turtles, particularly TES-3.3, seem sound and beneficial for this one species. Although other sea turtles are rare in the Monument, it is unclear why no other sea turtle species are included. Additionally, the Monument provides the opportunity to attempt to further understand the high incidence of fibropapillomas in some Hawaiian sea turtle populations, and ways to counteract expected rise in this deadly disease as climate change accelerates. The Monument, as a place of less human interaction than the Main Hawaiian Islands, provides a wonderful opportunity for research and action, yet the Draft Plan does not even mention the topic. Some analysis of the threat of sea level rise should be part of



the research plan, given that most (90%) of Hawaii's sea turtles nest in the NWHI, and many of these beaches will be threatened by higher sea levels.

There is also no mention of how the Draft Plan's strategies and activities relate to the recommendations of sea turtle Recovery Plans. Recovery Plans are also absent from discussions of other threatened and endangered species. In order to ensure that activities prioritized by the Management Plan are the most relevant to conservation of threatened and endangered species, inter-agency cooperation and coordination with Recovery Plans must be assured.

Migratory Birds Action Plan – Section 3.2.2

Activity MB-3.1 is the type of research we have recommended in several places – research that uses key locations and species as indicators of greater ecosystem health and needs. The inter-agency cooperation on identifying these indicator species, and the use of the Regional Seabird Conservation Plan, an already completed assessment of needed actions, are exemplar and should be used in other sections of the Management Plan.

Habitat Management and Conservation Action Plan – Section 3.2.3

The "active management"⁹ discussed in the introduction for this plan is precisely the type of management we applaud in the Monument. It is important that the Monument pursue active management, as appropriate, rather than just observed and researched, in order to achieve eternal protection of the NWHI ecosystem. At the same time we are concerned that some of the active management discussed in this plan is more hands-on and invasive than necessary. Management should avoid invasive research that is not closely associated with management priorities. When research is identified in the Management Plan, it would be beneficial to also identify how management actions will be influenced by the research priorities. As always, the focus should be on protection, not on research for research's sake. Research in the Monument must have tangible benefits to NWHI ecosystem that the Monument was established to protect.

While the activities discussed in Strategy HMC-8 for control of ironweed are necessary, there is no activity identified to replace this invasive with appropriate native species. In order to maintain appropriate habitat and prevent erosion, reintroduction of natives should go hand-in-hand with removal of invasive species.

⁹ Draft Plan, 165 at In 40.



Marine Debris Action Plan – Section 3.3.1

MCBI applauds efforts to remove and reduce additional debris from entering the Monument, especially in areas where the debris may negatively impact marine life (especially monk seals, sea turtles, and seabirds). Actions to determine the type and source of this debris are important, but of second tier importance. MCBI believes that greater awareness of marine debris is an issue that will require more resources than the Monument has available. Instead, we encourage active collaboration and partnering to address this issue at the national and global scales. The Monument could be helpful in developing bounty programs to encourage removal of marine debris and possible identification of the sources of discarded fishing gear and other forms of debris.

Permitting Action Plan – Section 3.4.1

The Permitting Action Plan appropriately discusses a methodology for ensuring a unified and expedited review process for all permits. What is lacking in this discussion are activities to identify consequences for permit violations. Without sufficient penalties, permits are useful only for data collection, not restrictions on use of Monument resources. The General Counsel of all co-Trustees and the Coast Guard must be involved to ensure that regulations and permits contain all necessary language to apply discouraging penalties.

Research Permits

We hope that the Draft Science Plan will consider a system to assign values to proposed research. The permit application should require applicants to identify how the research will assist management needs and/or marine management. All proposed research permits should be open for a public comment period. Additionally, proposed permits should be scored by managers according to how well the research will meet management needs and how invasive the will be. Managers should use these scores when deciding which permits to authorize; the scoring mechanism would provide a transparent process to ensure that research is conducted in accordance with and to support Monument management priorities.

Sustenance Fishing Permits

Pursuant to the Monument regulations, the Secretaries of Interior and Commerce should develop "systematic reporting requirements."¹⁰ An accurate assessment of impacts of sustenance fishing cannot be conducted without inclusion of the location of catch in reporting requirements. Only with information on catch location can any impacts on localized populations, monk seals, etc. be assessed. Having said that, MCBI feels that no sustenance fishing should be allowed in the Monument. Bottomfishing was determined to be incompatible

¹⁰ 71 Fed. Reg. 51139-40 (August 29, 2006).



with protection of the NWHI ecosystem, and the Presidential Proclamation therefore phased out commercial catch. While US Fish and Wildlife recommends a seemingly tight limit on the numbers and types of fish allowed to be taken by sustenance fishing around Midway, there are no similar limits for the rest of the Monument. It is inconsistent to phase out commercial fishing and yet allow unrestrained numbers of fish be taken for sustenance fishing from much of the Monument with fewer reporting restrictions than commercial fishing is subject to.

NEPA Analysis of Permits

When NEPA analysis is conducted for all permitted activities, such analysis should be done on a cumulative basis. The most unique quality of the Monument is the minimal level of current human impacts. All NEPA analyses must therefore be done cumulatively in order to truly determine the proposed activity's impact. Additionally, all analyses must weigh how the activity is consistent with protection of the NWHI ecosystem and cultural resources, and must err on the side of caution, as required by the Presidential Proclamation.

Enforcement Action Plan – Section 3.4.2

The Enforcement Action Plan appropriately emphasizes that inter-agency cooperation is necessary. We also applaud mention of "the potential use of other technological capabilities."¹¹ We note two activities that should be tightened up in this Plan:

- Activity EN-1.2 – There is mention of discussions to formalize Coast Guard Support, but no mention of a timetable or the urgency of the creation of this support, as opposed to the mere discussion. The Plan should state when adequate enforcement will be in place and what it will look like.
- Activity EN-1.5 – Specific goals for the amount of increased enforcement capacity required at Midway should be set. Additionally, visitor activities at Midway should be delayed until sufficient enforcement capacity is available. As a "major access point into the Monument,"¹² it would be irresponsible to allow interactions to increase without *simultaneously* increasing enforcement capacity.
- As discussed in the Permitting Action Plan, clear and consistent penalties for permit violations must be enacted into regulation with approval of appropriate Offices of General Counsel and the Coast Guard. There could be significant impacts to the Monument's resources if permits are issued without an effective means of assessing penalties, including the immediate and permanent revocation of the permit.

¹¹ Draft Plan, 232 at Ins 14-15.

¹² Draft Plan, 234 at In 4.



Midway Atoll Visitor Services Action Plan – Section 3.4.3

MCBI supports a visitor program to Midway, as long as the conditions of the program are sufficient to ensure that conservation of the NWHI ecosystem, its unique flora and fauna, and other resource protections, remain the top priority and are achieved within the context of the program. Activity VS-1.3 would establish monitoring of the visitor program, but the results of this monitoring are not mentioned in Strategy VS-2, which would assess the overall success and needs of the program. Because protection is the goal of the Monument, the biennial assessment of the visitor program must explicitly consider and defer to monitoring results and resource needs, not just to finances and visitor satisfaction.

It is not clear why wildlife dependent and independent activities are given different review timeframes. On the surface, it would seem that wildlife dependent activities should have the shorter of the two timeframes.

Visitor impact should be mitigated by restricting locations for visitor interactions. For example, steps should be taken to minimize visitor impact to fragile coral reefs by controlling entry/exit locations. MCBI feels that, given the draw of the Monument, monthly and yearly limits should be placed on the total number of short-duration prearranged visits discussed in Strategy VS-1. Education of visitors should include ways that Monument restrictions are relevant to other areas. For example, this will be a prime opportunity to educate visitors about interactions with wildlife, ways to prevent damage to coral reefs while snorkeling and diving, and the impact of marine debris throughout the Pacific.

Most importantly, given funding and staffing restrictions, the visitor program should not take priority over necessary research and management activities to protect the NWHI ecosystem and cultural resources with the Monument. While there will certainly be an allure to spending time and money on the visitor program (as seen in proposed budget of the Draft Plan), it can never be forgotten that protection is the purpose of this Monument. In that vein, and as mentioned above, MCBI applauds Activity CFO-1.3, which would develop renewable energy and waste reduction systems in development plans.

Agency Coordination Action Plan – Section 3.5.1

We applaud the initiatives to facilitate inter-agency cooperation and establish a process to learn from mistakes and amend agreements. The Draft Plan allows agreements discussed in Activity AC-2.1 to specify "crosscutting budget initiatives."¹³ Instead of allowing such initiatives, the Management Plan should require formalization of inter-agency budget requests

¹³ Draft Plan, 247 at Ins 20-21.



and expenditures. Given the crucial role of funding to the success of the Plan and protection of the NWHI ecosystem and cultural resources, a mere discussion is insufficient. On a similar note, Activity AC-2.2 should contain deadlines for development of needed interagency agreements, grants, and memoranda of agreement. The sooner these arrangements are developed, the more smoothly, efficiently, and successfully the Monument will be run.

Constituency Building and Outreach Action Plan – Section 3.5.2

MCBI is disappointed that the successful model of the Reserve Advisory Council is not being followed and that the Draft Plan proposed a Monument Alliance instead of a Monument Advisory Council (MAC). The RAC is a body familiar to the public and all co-Trustees. This successful model should therefore be the model for constituency building and outreach. The MAC should be as transparent as is feasible and should consist of 13-15 members, including science, Native Hawaiian, conservation, education and outreach, ecotourism (Midway), and a citizen at large. The Monument is a unique entity and deserves a unique level of transparency, and opportunity for coordination and public input. The wheel does not need to be reinvented; the Reserve Advisory Council model has been useful and successful at incorporating public input, and should be the model used in creating a body for constituency building and outreach.

Ocean Ecosystems Literacy Action Plan – Section 3.5.4

MCBI's overall comment regarding this Action Plan is that the funding for this plan discussed in Table 3.1 seems too high, relative to funding for conservation activities. The proposed budget for Action Plans 3.5.2 (Constituency Building and Outreach) and 3.5.4 (Ocean Ecosystems Literacy) is more than \$2 million per year for the first five years, which is far more than the \$1.3-2 million per year proposed for Habitat Management and Conservation (3.2.3) or the \$1.6-2.2 million per year proposed for reducing the threat from marine debris (3.3.1). This is, again, where overall Monument priorities need to be clearly articulated in the Management Plan. Given likely funding shortfalls, the priority should be the active management and protection activities described in Plans 3.2.3 and 3.3.1 rather than some of the literacy activities.

Information Management Action Plan – Section 3.6.2

MCBI applauds and looks forward to implementation of the various data management and access technologies discussed in this Action Plan. We encourage the public release of as much data as possible, operating on the principle of open rather than closed government. Information management will be useful both to researchers and the public. While there is substantial attention paid to incorporating old data into the information management programs, there is no mention of incorporating new data and research. There needs to be a plan to keep the system up-to-date, and to ensure that everyone given a research permit must turn

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over their data, along with any requests for keeping the data from public disclosure, to the permit grantor, who will then forward it to the appropriate database holder. Only if these procedures are identified will the information management program be successful and useful in the future.

Coordinated Field Operations Action Plan – Section 3.6.3

MCBI is concerned that there is too much emphasis on infrastructure development and redevelopment throughout the Monument. As part of this concern, we note that an inordinate percentage of funding is for infrastructure, as opposed to protection activities. At the same time, we recognize that some of the infrastructure is aging and needs repairs and upgrades to improve efficiency, reduce waste, and prevent damage to the NWHI ecosystem and cultural resources of the Monument. As in the rest of the plan, prioritization is required. Given likely funding shortfalls, which of these infrastructure projects will be prioritized? We argue that those projects that are most beneficial to research and management, or that prevent damage to wildlife, habitat and Monument cultural resources, should be prioritized over development that facilitate tourism. While we do not oppose tourism in the Monument, it should not come at the expense of management activities and research needed to protect Monument cultural resources and the unique biodiversity of this island archipelago.

We hope that the improved infrastructure will allow for more of a year-round presence and research in the Monument. Research has typically only been conducted during a few months of the year due to difficult weather conditions and limited resources. Our understanding of monk seals and the northwest Hawaiian island ecosystem would be greatly enhanced by more off-season research and monitoring. Additionally, as emergencies arise, e.g., with injured monk seals, there should be more opportunities for rescue and assistance efforts.

In all things, conserving Monument wildlife, habitats and cultural resources must come first.

We appreciate the opportunity to comment on the Draft Management Plan, applaud many of the initiatives, and look forward to needed prioritization both in the Final Management Plan and in the Draft Science Plan.

Sincerely,

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July 23, 2008

U.S. Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
Box 50167
Honolulu, Hawai'i 96850

Sent via electronic mail to: PMNM_MMP_Comments@fws.gov

RE: Comments on Draft Management Plan for Papahānaumokuākea Marine National Monument

To Whom It May Concern:

Defenders of Wildlife (Defenders) appreciates the opportunity to comment on the Papahānaumokuākea Marine National Monument, Hawai'i; Draft Monument Management Plan ("DMMP").¹ Defenders is a non-profit, public interest institution with over 1 million members and supporters nationwide. Defenders has a longstanding interest in marine wildlife conservation and the conservation of federally protected lands, including in Hawai'i. See e.g., http://www.defenders.org/programs_and_policy/global_warming/refuges_and_global_warming/case_studies/hawaiian_islands_national_wildlife_refuge.php (A page from Defenders' website highlighting the threat climate change poses to endangered Hawaiian Monk Seals, seabirds, and coral reefs on the Hawaii Islands National Wildlife Refuge, a part of the Marine National Monument). Defenders lauds the designation of the monument and the great opportunities it offers for conservation of the Northwestern Hawaiian Island (NWHI) ecosystems' endemic and unique flora and fauna. Overall the DMMP contains many sound management plans and goals. However, Defenders wishes to emphasize the importance of addressing the profound effect climate change poses for the NWHI ecosystems.

As all partners in management of the monument are well aware, climate change now poses the largest threat to the health of biological life on the NWHI and around the world. While the DMMP makes brief mentions of climate change and impacts throughout the document, Defenders believes certain climate change impacts deserve considerably more attention due to their importance for the Monument system. By bringing these issues to the forefront of consideration, the Monument will be in a better position to adaptively manage and minimize the impacts of climate change on wildlife and vegetation, in order to maintain its status as one of the most important biologically diverse areas in the world.

¹ Papahānaumokuākea Marine National Monument Draft Monument Management Plan (DMMP), Volume I, April 2008, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and Hawai'i Department of Land and Natural Resources



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1.4 Environmental and Anthropogenic Stressors

Defenders commends the DMMP for listing the major threats that climate change poses to the NWHI—weather changes, coral bleaching, sea level rise, and oceanic chemical composition change, or ocean acidification.² These concerns outline the general problems that the Monument may face in the mere future, but the rest of the DMMP does not refer back to these specific threats, or outline ways to monitor and manage them. As a result, Defenders urges the Service to incorporate throughout the DMMP concrete management plans and actions to deal with these threats.

Defenders would like to stress in particular the severe impacts climate-change induced coral bleaching will have on the entire NWHI ecosystem. As mentioned in the DMMP, coral bleaching is predicted to occur if ocean temperatures significantly fluctuate due to climate change. Hawai'i exhibits a high level of endemism, and certain rare species of coral may be more vulnerable to this threat than others. Another compounding factor is that if massive coral bleaching does occur, not only will this result in the loss of diverse reef ecosystems, but the geologic structure of the reefs that protect the coastline will no longer provide a barrier to increased beach erosion.³ The DMMP must fully explore and address possibilities to mitigate this significant threat to the monument's ecological health and sustainability.

3.1 Understanding and Interpreting the NWHI

In the introductory section for "3.0 Action Plans to address Priority Management Needs" in the DMMP, the plan lays out four major desired outcomes for management of the Monument over the next 15 years:

- **Marine Conservation Science:** Increase understanding of the distributions, abundances, and functional linkages of organisms and their habitats...
- **Native Hawaiian Culture and History:** Increase understanding and appreciation of Native Hawaiian histories and cultural practices related to Papahānaumokuākea Marine National Monument...
- **Historic Resources:** Identify, document, preserve, protect, stabilize...historic resources associated with Midway Atoll...
- **Maritime Heritage:** Identify, interpret, and protect maritime heritage resources...⁴

There is no explicit goal listed here to gauge and respond to the impacts of climate change on the Monument during this timeframe, during which the cumulative impacts of climate

² DMMP, op.cit., Vol. I, pg. 61

³ Carpenter, K et al. "One-Third of Reef-Building Corals Face Elevated Extinction Risk From Climate Change and Local Impacts." Science, 2008.

⁴ DMMP, op.cit., Vol. I, pg. 105-106.



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change are likely to be felt in a variety of ways. This omission is extremely problematic, and it is imperative for the Monument to make mitigation of the effects of climate change a priority management need. Defenders strongly recommends that the plan incorporate a fifth major desired outcome to the list:

- **Informed Responses to Climate Change:** Increase understanding of the impacts of climate change on Monument ecosystems, and formulate adaptive management responses towards conservation of resources, wildlife and habitat.

3.1.1 Marine Conservation Science Action Plan

Defenders agrees with and endorses the Ocean Conservancy's separately filed comments on the DMMP that while research is an important tool for fostering a greater understanding of ecosystems and wildlife, research should be performed in a manner that minimizes human impacts and does not sacrifice greater conservation of resources, habitat, and wildlife on the NWHI. Defenders would also like to stress the importance of conducting research that will purposefully improve the long term conservation of the islands and their resources, primarily by researching how climate change affects terrestrial and aquatic wildlife and impacts abiotic factors of their habitat including sea-level rise, erosion, ocean acidification, increased intensity and frequency of storms, and increased water and air temperatures.

Of the three strategies listed under this goal there is only a brief mention of researching climate change impacts. Monitoring the changes that global warming is already bringing and will continue to bring to the NWHI is imperative to effectively respond to shifting management needs in and around the Monument, and also to build our greater scientific knowledge base on the effects of climate change. As a result, Defenders recommends adding climate-change-specific research as a separate strategy, or incorporating specific recommendations for monitoring impacts of climate change throughout the three existing categories.

3.2.1 Threatened and Endangered Species Action Plan

Defenders again endorses the Ocean Conservancy's comments with regard to the DMMP's treatment of management for Hawaiian monk seal habitat, cetacean populations, and nesting sea turtles. Defenders reiterates the importance of monitoring the impacts that climate change will have on threatened and endangered species, most importantly, loss of habitat to sea-level rise and beach erosion, changes in location and range of species, increased frequency and strength of storms, and changes in water and air temperatures.

In terms of sea-turtle conservation, Defenders urges the DMMP to address the potentially devastating impacts increased temperatures will pose to nesting sea turtles, whose sex is determined by the ambient temperature during incubation. Ambient air temperatures as well



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as the temperature of the sand will directly affect the sex of sea turtle hatchlings, potentially eliminating male sea turtles from clutches, and therefore putting the already endangered species in even greater danger of extinction.⁵

Support for Ocean Conservancy's Recommendation to add 3.3.5 Climate Change Action Plan

As noted in Ocean Conservancy's comments, the DMMP contains 22 Action Plans with six themes, but noticeably lacks a climate change action plan. While the Monument cannot stop the phenomenon of climate change itself, by responding to other threats to wildlife in a timely and effective manner, the Monument can greatly improve the resiliency of organisms on the islands in the hopes of preventing extinctions that could occur due to climate change. Defenders therefore wholeheartedly supports Ocean Conservancy's recommendation to create an action plan that specifically deals with climate change and the improvement of wildlife resiliency.

Conclusion

Understanding climate-related changes and other modern threats to wildlife and habitats in the NWHI in real-time will be essential to adaptively managing and conserving the wildlife resources that make the monument so unique and precious. We hope these comments have been helpful in the development of the DMMP, and we thank you for reviewing our comments.

Sincerely,

Aviva Horrow
Conservation Law Coordinator

⁵ Weishampel, J., Bagley, D., Ehrhart, L. "Earlier nesting by loggerhead sea turtles following sea surface warming." Global Change Biology, 2004.

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23 July 2008

U.S. Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
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Honolulu, Hawai'i 96850

RE: Comments on the Papahānaumokuākea Marine National Monument Draft Management Plan

To Whom It May Concern:

Ocean Conservancy (OC) would like to thank you for the opportunity to submit comments in response to the "Papahānaumokuākea Marine National Monument, Hawai'i; Draft Monument Management Plan" (DMMP). Ocean Conservancy has a long history of actively supporting the protection of the Northwestern Hawaiian Islands and the creation of the Northwestern Hawaiian Islands Marine National Monument,¹ and we continue to maintain a strong interest in its effective implementation and ongoing management. We believe the DMMP includes many good ideas and plans, but that it needs to be strengthened to live up to the promise of the Monument. We offer the following comments and recommendations on how to increase the effectiveness of the DMMP to ensure the long-term protection of the Monuments and its many irreplaceable natural resources..

SUMMARY OF COMMENTS

In summary, Ocean Conservancy offers the following key recommendations for improving the DMMP (details contained within this comment letter):

- Prohibit sustenance fishing throughout the Monument.
- Clearly and unambiguously identify 'Goal 1' – "Protect, preserve, maintain, and where appropriate restore the natural biological communities and their associated biodiversity,

¹ Proclamation 8031 established June 15, 2006

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habitats, populations, native species, and ecological processes" – as the primary and preeminent purpose of the Monument.

- Establish an independent stakeholder advisory body.
- Ensure a transparent and public permitting and decision-making process.
- Require that all permitted activities do not cause significant harm to the Monument.
- Require that permitted research activities provide an over-riding net benefit to the Monument and serve to improve management of the Monument.
- Develop mitigation strategies for both the prevention and removal of marine debris and ensure the quantity of marine debris being removed exceeds current maintenance levels.
- Adopt and apply the requirement to "restore lost or degraded elements of biological integrity, diversity, and environmental health at all landscape scales" throughout the entire Monument.
- Develop a Climate Change Action Plan that includes research plans and management strategies for enhancing the resilience of Monument ecosystems and species.
- Substantively improve research and monitoring of Hawaiian monk seals and the links between their decline and various environmental factors.
- Identify and characterize humpback whale calving areas in the NWHI, and put in place the management measures necessary to ensure their complete protection.
- Adopt a zero-tolerance approach to protecting the Monument from alien species including more stringent protocols for all visitors and vessels entering Midway.
- Develop a comprehensive vessel reporting system for all vessels entering or transiting the Monument.
- Adopt optimum and maximum daytime visitation rates at Midway based on the atoll's carrying capacity.
- Take an active role in monitoring and managing activities undertaken by the military.

2.0 MANAGEMENT FRAMEWORK

2.2 Policy Framework

Management of the Papahānaumokuākea Marine National Monument (PMNM) is inherently complex because the Monument includes areas and management authorities that are under the jurisdiction of multiple federal agencies as well as the State of Hawai'i. Under the June 15, 2006 Presidential Proclamation,² each agency retains its preexisting jurisdiction and authority. The Proclamation, Monument Regulations and Draft Monument Management Plan³ all call for coordinated management of monument resources. A December 8, 2006 Memorandum of Agreement (MOA) between the Co-Trustees: the State of Hawai'i, the Department of the Interior and the Department of Commerce establishes "functional relationships to effectively coordinate management actions in this area among the Co-Trustees."⁴ Specifically, the MOA calls for a

² Ibid.

³ Papahānaumokuākea Marine National Monument Draft Monument Management Plan (DMMP), Volume I-IV, April 2008, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and Hawai'i Department of Land and Natural Resources

⁴ DMMP, op. cit., Vol. III, Appendix H Memorandum of Agreement, pg. H-4.

Senior Executive Board (SEB) made up of high level agency representatives and a Monument Management Board (MMB) charged with day to day management of the monument.⁵

Given the complexity of this management arrangement, and the widely acknowledged difficulties associated with the co-management of the Monument, it is particularly important that the Co-Trustees establish a clear and transparent decision-making process that allows the public to easily determine who is responsible for what and how to participate effectively in Monument management decisions. Ocean Conservancy urges the Co-Trustees to ensure transparent decision-making by providing access to all significant documents for public review and comment and by having meetings of the SEB and MMB be open to the public with ample opportunities for public comment.

The MOA lays out an internal method of handling management disagreements that may arise between the Co-Trustees:

"If the members of the MMB disagree on an issue of Monument resource management, they shall present their differences to each other in writing, and they shall discuss them. The MMB should be the first body to attempt resolution of any disagreement. If the MMB fails to resolve their differences within 30 days after identification of the disagreement, or immediately upon determination that the MMB has reached an impasse, the matter shall be elevated to the SEB for resolution."⁶

However, the MOA does not provide guidance for determining how to resolve such differences of opinion if the Co-Trustees do not agree at the SEB level. Given the likelihood of differences of opinion amongst agency staff, Ocean Conservancy recommends that the Co-Trustees identify and agree in advance to a process for handling disputes that cannot be quickly resolved by the SEB. Specifically, we are concerned that potential disagreements not result in delays or inaction on important management issues pending resolution of any disputes. We recommend that disagreements amongst the Co-Trustees be resolved in a manner that favors the more protective management option under consideration. We further recommend that the DMMP specifically identify a fair and effective method of addressing differences of opinion between the Co-Trustees in a timely manner. For example, in many instances, a simple majority vote of the three Co-Trustees might be sufficient. More significant disagreements could potentially be resolved by the Council on Environmental Quality. We advise that specific mechanisms for effectively resolving disputes be spelled out clearly in the DMMP and agreed to by the Co-Trustees.

Strong and consistent public support was critical to the creation of the Monument. As noted in the DMMP, over 100 meetings were held and more than 50,000 public comments received related to the draft sanctuary management plan that contributed to the DMMP.⁷ Ongoing public involvement is important to the long-term success of the Monument and we urge the Co-Trustees to encourage a robust level of active public engagement in Monument management. Ocean Conservancy is concerned that neither the DMMP nor the MOA between the Co-Trustees

⁵ DMMP, op. cit., Vol. I, pg. 81-82.

⁶ MOA VI, Dispute Resolution. DMMP, Appendix H pg. H-10.

⁷ DMMP, op. cit., Vol. I, pg. 83.

explicitly discusses an overall process for public input to the SEB or MMB. Again, we believe that an open public process is important to ensure accountability and transparency and that the public should have an opportunity to participate in decision-making by reviewing and commenting on the full range of Monument management actions and decisions.

We are particularly concerned that the DMMP does not appear to contain an adequate opportunity for meaningful public input during the permit application process. Under the "Monument Permit Application Unified Public Notification Policy" (adopted February 1, 2008); all permit applications must be posted on an agency website for a minimum 30 day public viewing period.⁸ The "Unified Public Notification Policy" also notes which permits (Special Ocean Use, regulatory and environmental reviews, and state permits) require opportunity for public comment. Given the fact that all permits are already open to public review, we believe it would not present an undue administrative burden on the Co-Trustees to also ensure that all permits are open to public comment. This simple action would ensure that public input is meaningful. We strongly recommend that all Monument permits be available for public comment for a period of no less than ten working days.

Ocean Conservancy urges the Co-Trustees to establish an independent stakeholder advisory body that will provide advice to the Co-Trustees on all aspects of Monument management. Members should be drawn from a cross-section of the public and stakeholder groups, including scientists, conservationists, and the Native Hawaiian community. It is critical that the make-up of any advisory body be balanced in its membership and includes only representatives committed to the stated vision, mission and goals of the Monument. Any stakeholder advisory body should have meaningful opportunity to review important resource protection issues affecting Monument resources, should hold regular meetings, and should operate under a formal charter and protocols. All activities, processes and meetings of this body should be open to the public. As well, the process for appointment to the body should be fair, equitable, and transparent. Any such body should also be subject to standard economic conflict of interest requirements.

In place of the existing Reserve Advisory Council, the DMMP proposes creation of a *Monument Alliance* made up of "established groups and individuals who are directly interested in the Monument and the conservation of its resources"⁹ as well as a "Friends of the Monument" organization as mechanisms for establishing "community support groups" for the Monument. However, the statutory authority and legal responsibilities of a "Monument Alliance" are unclear. We recognize that there may be various models of stakeholder advisory bodies that can be effective but urge consideration of transitioning the existing Reserve Advisory Council (RAC) into a Monument Advisory Council with similar membership and operating principles. We believe that the RAC has proven to be an effective and balanced voice for stakeholder input over the past several years and could continue to play that role in the future. We recognize that jurisdictional issues may complicate the ability of the Co-Trustees to establish one stakeholder group that advises all three co-trustee agencies but urge that every effort be made to pursue this

⁸ DMMP, op. cit., Vol. III, Appendix A, pg. A-1.

⁹ DMMP, op. cit., Vol. I, pg. 257.

structure. Establishment of one stakeholder body would greatly facilitate public input on the Monument and increase transparency.

2.4 Monument Management Policy Framework: The Vision, Mission, Guiding Principles and Goals

In general, Ocean Conservancy supports the vision, mission, guiding principles and goals of the DMMP.¹⁰ We support inclusion of a precautionary approach as one of the Monument's guiding principles: "Err on the side of resource protection when there is uncertainty in available information on the impacts of an activity."¹¹ However, we believe this is a weaker commitment to conservation and protection than the inclusion of the precautionary principle, as was recommended by the Reserve Advisory Council.¹²

We strongly recommend clarifying that Goal 1 ("Protect, preserve, maintain, and where appropriate restore the natural biological communities and their associated biodiversity, habitats, populations, native species, and ecological processes.") is the primary and preeminent goal of the Monument and, in the event of a conflict between Goals, this primary goal takes precedent. For example, if supporting research activities under Goal 2 or offering visitor opportunities under Goal 8 were found to be inconsistent with conservation, these activities should not occur. Furthermore, the existing mission statement appears to place protection of ecological values, native cultural values and historical values on co-equal footing. We believe that protection of ecological resources should be unambiguously recognized as the highest priority of the Monument and this goal would take precedence in the event conflicts arise.

We are also concerned that some of the key concepts developed by the Reserve Advisory Council and included in the draft Sanctuary Goals and Objectives appear to be missing from the DMMP.

Specifically we support:

- restoring language requiring maintaining the "natural character" of the NWHI as part of the Monument mission;
- including language pertaining to the "public trust" nature of the NWHI;
- restoring the core principle requirement that officials "authorize only uses consistent with the primary purpose of resource protection;"
- making clear that all research permits must demonstrate that permitted activities are "necessary for effective management of the region;"
- restoring the requirement that permits shall be authorized "only if such uses do not threaten the natural character or biological integrity of any ecosystem of the region."

Because the Monument vision, mission, guiding principles and goals provide the basic framework for all management activities, it is particularly important that this section of the

¹⁰ DMMP, op. cit., Vol. I, pg. 96.

¹¹ Loc. cit.

¹² Reserve Advisory Council recommendations, approved January 22, 2004

DMMP respect the years of hard work of the Reserve Advisory Council with regards to these overview issues.

3.0 ACTION PLANS TO ADDRESS PRIORITY MANAGEMENT NEEDS

3.1.I Marine Conservation Science Action Plan

Ocean Conservancy is concerned that the "Desired Outcome" stated at the beginning of this section fails to capture all of the research outcomes that are required for effective Monument management. The statement should reflect all five of the thematic areas in the Hawaiian Archipelago Marine Ecosystem Research Plan (HAMER Plan) and repeated here in this section.¹³ As currently written it fails to cover the critical need to research and understand human impacts, among other elements.

Under "Strategies to Achieve the Desired Outcome", Strategies MCS-1, 2 and 3¹⁴ are not linked to the basic requirement that all research serve to improve management of the Monument. We suggest that these strategies should read something like [emphasis on added language]:

- MCS-1: Continue and expand that research, characterization and monitoring of marine ecosystems for the life of the plan that will advance and improve management of the Monument.
- MCS-2: Assess and prioritize research and monitoring activities over the life of the plan with respect to the contribution it will make to improving management of the Monument.
- MCS-3: Communicate results of research and monitoring over the life of the plan and how that research and monitoring has been or will be used to improve Monument management.

Ocean Conservancy strongly believes that the Monument should not be used as a private laboratory for scientists to pursue basic research. As noted throughout this comment letter, research activities result in threats and impacts to Monument resources. The Monument should only be subject to research impacts if there is a clear and over-riding benefit to the Monument. This principle is clearly identified in the Draft Management Plan under "Monument Goals"¹⁵:

"Goal 2: Support, promote, and coordinate research, ecosystem characterization, and monitoring that increases understanding of the NWHI and improves management decision making." [emphasis added]

The principle is also committed to under "Strategy MCS-2"¹⁶:

¹³ DMMP, op. cit., Vol. I, pg. 108, lines 26-31.

¹⁴ DMMP, op. cit., Vol. I, pg. 109, lines 23-26.

¹⁵ DMMP, op. cit., Vol. I, pg. 96.

¹⁶ DMMP, op. cit., Vol. I, pg. 111, lines 11-16.

“A management-driven Natural Resources Science Plan will be developed and assessed on a regular basis to ensure that marine and terrestrial research and monitoring conducted in the NWHI is appropriate, relevant, and necessary to ensure effective management, improve management decision making, and advance ecosystem science.”
[emphasis added]

Ocean Conservancy typically supports the use of marine protected areas for research that will advance our understanding of marine ecosystems and human impacts because it may lead to better conservation and management. However, in this case, because of the unique and special nature of the Monument we believe that it should be spared as many human impacts as possible, specifically those that are not consistent with the need for science-based conservation and management decisions.

Under Strategy MCS-2 it is stated that:

“Consistency with HAMER and links to similar research in the main Hawaiian Islands will be maintained so that science conducted in this portion of the archipelago can be used across the archipelago.”

We recognize that research conducted in the Main Hawaiian Islands (MHI) may be applicable to the PMNM, and vice versa. However, care must be taken before research in the PMNM is undertaken because of a connection to research in the MHI. If there is a clear connection between the ecosystems in the two areas then research, if appropriate (see below), in both would be justified. Otherwise, research should be allowed in the Monument on a very limited basis and only for the expressed purpose of investigating the possibility of a connection. If none is found within a prescribed timeframe then the research should be suspended.

In addition, not all research would be appropriate under this argument. Considerable fisheries research takes place in the MHI, but with the closure of the bottomfish fishery in 2011 there will not be any commercial or recreational fisheries in the NWHI. Therefore, it will not be acceptable to allow fisheries research in the NWHI simply because research is taking place in the MHI and there may be a biological connection. For example, it has long been claimed by the National Marine Fisheries Service and the Western Pacific Fisheries Management Council that bottomfish stocks are connected throughout the archipelago.¹⁷ However, there is no peer-reviewed science to support this assumption and the one peer-reviewed study that is available that addresses the issue actually suggests the opposite.¹⁸ Thus, there is no justification for

¹⁷ Kobayashi, D. 1998. Inferred patterns of Hawaiian bottomfish larval transport using a combination of advection-diffusion models and high resolution bottom topography. Report to the Western Pacific Regional Fishery Management Council, Honolulu, HI.: WPRFMC. 1998. Magnuson-Stevens Act Definitions and Required Provisions. Amendment 6 to the Bottomfish and Seamount Groundfish Fishery Management Plan, Amendment 8 to the Pelagic Fishery Management Plan, Amendment 10 to the Crustaceans Fishery Management Plan, Amendment 4 to the Precious Corals Fishery Management Plan. Western Pacific Regional Fishery Management Council, Honolulu, HI.

¹⁸ Heinemann, D, H Gillcian and L Morgan. 2005. Bottomfish Fishing in the Northwestern Hawaiian Islands. Is it Ecologically Sustainable? The Ocean Conservancy and Marine Conservation Biology Institute, Washington, DC. 40pp.

conducting bottomfish research, which would damage Monument resources, to ostensibly contribute to understanding MHI bottomfish stocks. The same argument applies to lobsters, reef fish, and precious corals. More importantly, because there will not be any commercial fisheries in NWHI, such research would not have any application to the management of PMNM resources. The exception might be for those species that are or hopefully will be undergoing recovery from decades of commercial fishery, if there is compelling, scientific evidence of a MHI-NWHI connection, which is not the case at this time. Species or populations that are in need of rebuilding include:

- Spiny and slipper lobsters (*Panulirus marginatus* and *Scyllarides squammosus*) that were overfished to the point of collapse but have not recovered since the fishery was closed in 2000.¹⁹
- Bottomfish species which have been fished down varying amounts, but in some cases the depletion may be in excess of 50%.²⁰
- Black-lipped pearl oysters, which were severely depleted early in the 20th Century and have only recently begun to show signs of recovery.

Under Strategy MCS-2.1²¹ there is no mention of climate change. There can be little doubt that, in time, ocean warming, sea-level rise, stronger storms, altered ocean hydrodynamics and/or acidification will have profound effects on the PMNM. Therefore, it is imperative that research plans and activities be focused on understanding how climate change will affect Monument ecosystems and how management can enhance the resilience of those ecosystems.

Under “*Research on human impacts*”²² there is no mention of past human impacts, such as those discussed above. We recommend that the DMMP should address the restoration of the NWHI ecosystem to a completely functional, intact and resilient system, which will require management that will bring about the recovery of resources that were depleted by past resource extraction and research to support that activity. This is a distinctly different justification from supporting exploitation and management of those resources in the MHI.

3.1.2 Native Hawaiian Culture & History Action Plan & 3.1.3 Historic Resources Action Plan

The DMMP includes Action Plans that call for collecting information about the historic and cultural significance of place and daily life, in general, from interviews with military personnel (Strategy HR-5 and HR-6.1) and the Native Hawaiian community and other cultural experts (Activity NHCH-3.4). In addition to documenting culturally important practices, the Co-Trustees should also ensure that information about the marine environment and any information that might provide clues about the status of natural resources are included and inquired about in these interviews. Characterization of the ecological setting and environment of the NWHI is

¹⁹ Martell, S., C. Walters, and G. DiNardo. 2006. Stock Assessment of Northwestern Hawaiian Island Lobsters. University of British Columbia, Fisheries Centre and NMFS Pacific Islands Fisheries Science Center. 57pp.

²⁰ Heinemann et al. 2005, loc. cit.

²¹ DMMP, op. cit., Vol. 1, pg. 111, line 25.

²² DMMP, op. cit., Vol. 1, pg. 112, line 4.

intricately related to cultural practices, and would provide valuable information about the status and health of the natural environment in the past.

3.2.1. Threatened and Endangered Species Action Plan

Strategy TES-1: Support Activities that advance recovery of the Hawaiian monk seal for the life of the plan

Ocean Conservancy has a long history of concern and engagement regarding the conservation, viability and recovery of the Hawaiian monk seal. Hawaiian monk seal numbers have been declining and continue to decline. Actions to address major threats identified in the Hawaiian Monk Seal Recovery Plan that are applicable to the monk seal population in the Monument include:²³

- investigate food limitations and take actions to increase female juvenile survival,
- prevent entanglements of seals in marine debris,
- reduce shark predation on seals,
- reduce exposure to and spread of infectious disease,
- continue population monitoring and research,
- reduce impacts from grounded vessels,
- reduce the impact of human interactions, and
- conserve monk seal habitat.

However, only three of the eight are included as key action items for advancement by the MMB (entanglement in marine debris, conserve monk seal habitat, and reduce the likelihood and impact of human interactions). Two other distinct but separate actions are also identified: support and facilitate emergency response, and support education and outreach on monk seals. While the DMMP has identified only these five specific actions the MMB will pursue in support of monk seal recovery efforts, it should be clear that the MMB will facilitate and support the continuation of all actions identified in the Hawaiian Monk Seal Recovery Plan as necessary for monk seal survival and recovery.

One of the key indicators of success of the Monument in enhancing recovery activities for Hawaiian monk seals would be an increase in pupping and juvenile survival rates. Monk seal pupping beach counts have been conducted, with varying frequency, since the late 1950s and constitute one of the longest known pinniped data sets. In 2008 not all of these beach count sites were surveyed by NMFS Protected Species Division because of budget constraints (NMFS, pers. comm.). If these beach counts are not completed in 2009 and in the very worst case, 2010, we will lose valuable information – as the population is projected to dip below 1,000 seals in the next five years. We urge the Co-Trustees to include these beach counts as one of the indices they plan to monitor within the Monument management plan.

²³ National Marine Fisheries Service. 2007. Recovery Plan for the Hawaiian Monk Seal (*Monachus schauinslandi*). Revision. National Marine Fisheries Service, Silver Spring, MD. 165 pp.

Starvation is the most critical threat to the survival of juvenile monk seals. The starvation of pups and the low survival rates in juveniles in the Northwestern Hawaiian Islands point to the possibility that food resources may be inadequate.²⁴ Ongoing fatty acid and critter-cam research has verified that bottomfish are important components of Hawaiian monk seal diets, and lobsters may also be important prey in the diets of Hawaiian monk seals. Open assessment of the factors affecting the decline in monk seals has not been possible because of NOAA's refusal to publish the results of the fatty-acid diet study. We strongly urge in the DMMP a commitment by the management agencies to make all research fully and openly available to outside researchers and the public. The lobster fishery was closed in 2000 because it was judged by the court to be a threat to Hawaiian monk seals. The President's wish that there be a phase out of all commercial fishing in the Monument by 2011 should ease overfishing of primary prey sources of monk seals. We urge the Co-Trustees along with NMFS to continue research and monitoring of:

- the links between Hawaiian monk seals and their potential prey in the Hawaiian Islands,
- the potential relationships between the status and health of those prey populations and population trends in the Hawaiian monk seals, and
- the effect of the phase-out of both the bottomfish fishery and the lobster fishery on that relationship.

Ocean Conservancy strongly recommends the Monument to work towards coordinated field efforts for research on or pertaining to monk seals. This organized effort will ensure that research, restoration, and monitoring activities will keep disturbances to monk seals to a minimum.

Hawaiian monk seals have one of the highest documented entanglement rates of any pinniped species, and marine debris and derelict fishing gear are chronic forms of pollution affecting the NWHI. Despite international law prohibiting the intentional discard of debris from ships at sea from the International Convention for the Prevention of Pollution from Ships (MARPOL), and the adoption of the MARPOL Annex V in 1989,²⁵ the number of monk seals found entangled in marine debris has not changed nor has there been a reduction in the accumulation rates of marine debris on the NWHI²⁶. Activity TES-1.1 (*Support marine debris removal activities to promote recovery*) should be expanded to increase levels of marine debris currently being removed beyond maintenance level operations led by NOAA, to achieve the goal of reducing serious injury and mortalities due to entanglement.

We strongly support the inclusion of Activity TES-1.2 (*Support and facilitate emergency response for monk seals*) within the action plan, as this activity will help accelerate the coordination and effectiveness of emergency response activities among the Co-Trustees thereby supplementing current protocols and efforts.

²⁴ Ibid.

²⁵ Annex V of MARPOL is the amendment intended to reduce solid waste pollution from ships, in part by prohibiting ocean dumping of plastics.

²⁶ Henderson, J. R. 2001. A Pre- and Post-MARPOL Annex V Summary of Hawaiian monk seal entanglements and marine debris accumulation in the Northwestern Hawaiian Islands, 1982-1998. Marine Pollution Bulletin 42:584-589.

Activity TES-1.3: *Conserve Hawaiian monk seal habitat*

The potential loss of important breeding substrate for Hawaiian monk seals (and sea turtles) due to sea level rise may be a serious threat in the very near future,²⁷ and is of great concern. It is possible that with a 3.6 degree Fahrenheit (2 degrees C) increase in ocean temperature, sea level could rise by 18 feet (6m) during this century, compared to the Intergovernmental Panel on Climate Change (IPCC) prediction of up to 23 inches (59cm).²⁸ Current projected impacts of sea level rise on monk seals use the conservative estimates of the IPCC which do not account for multiple feedback loops for melting icefields²⁹. It is imperative that the MMB identify the decision-making process for evaluating the feasibility of restoration sooner rather than later, as many of the impacts of a warming planet are being experienced sooner than scientists have expected. As locations where to rebuild essential habitat for monk seal pupping beaches or sea turtle nesting beaches are considered, we urge you to include an evaluation of environmental impacts, particularly on the nearshore environment – as this is also considered important habitat for foraging

Activity TES-1.4: *Reduce the likelihood and impact of human interactions on monk seals*

We recommend that you publish, in cooperation with NMFS, best practices for viewing and coexisting with monk seals and to make these available and required reading for both transient and resident visitors to the NWHI. These guidelines should be included with permits and be included within Appendix I (Operational Protocols and Best Management Practices). In addition to the guidelines, the consequences of disturbing these endangered species should also be outlined, and the visitors and residents informed of potential action they may face if any of these guidelines are not adhered to.

We also strongly recommend that the DMMP incorporate measures to protect monk seals that haul out on Midway and to enact measures that minimize disturbance when seals haul out, such as closing and limiting access to public beaches (i.e., north beach). Furthermore we strongly recommend that public access to the walking trail adjacent to west beach require monument staff accompaniment. Lastly, we recommend that any restoration or construction that involves major disruptive noise or activity be conducted outside the important pupping period. While FWS may have had the capacity of having 100 island residents and 100 transient visitors, this goal was never reached, so traffic and human visitation has been relatively low since the 90s. Because of this low level of activity, it is imperative that the species most affected by increased human activity (e.g., monk seals and sea turtles) are monitored for changes in behavior, movement, and population status. If populations respond negatively, there should be protocol for identifying and limiting the most disturbing activities.

Strategy TES-2: *Determine the status of Cetacean populations and verify and manage potential threats over the life of the plan*

²⁷ Baker J.D., C.L. Littman, and D.W. Johnston. 2006. Potential effects of sea level rise on the terrestrial habitats of endangered and endemic megafauna in the Northwestern Hawaiian Islands, *Endangered Species Research*, Volume 4:1-10.

²⁸ Hansen, J., M. Sato, R. Ruedy, K. Lo, D.W. Lea, and M. Medina-Elizade. 2006. Global temperature change. *Proceedings of the National Academy of Sciences of the United States of America* 103:14288-14293.

²⁹ Baker loc. cit.

Activity TES-2.1: *Census cetacean populations*

Ocean Conservancy also encourages the Monument to specifically include within this activity a process to identify and document humpback whale calving areas in the NWHI. Humpback whales (*Megaptera novaeangliae*) have been recently observed calving and engaging in breeding activities.³⁰ Johnston et al. (2007) predicted humpback whale wintering habitat based on previous published characterizations using bathymetry and SST, shallower than 200m and warmer than 21.1 degrees Celsius. They determined that of the approximately 21,900 km² area of potential wintering habitat in the Hawaiian Archipelago, two thirds of this area fell within the NWHI. These predictions were verified during a field survey, where over the course of 15 days, they observed 3 groups with small calves and animals exhibiting breeding behaviors. Regular surveys for humpback whales in the NWHI have not been conducted, and should be included in future studies. In addition to determining the population status of humpback whale populations, another important reason for documenting these breeding areas is because one of the predictions of global climate change is species ranges and activities moving poleward.³¹

Activity TES-2.5: *Prevent human interactions with cetaceans*

We recommend that the DMMP, in consultation with NMFS Protected Species Division, include best practices to be included with permit information for all vessel traffic travel within the NWHI, including military activities.

Activity TES-3.2: *Protect and manage nesting habitat (turtles)*

The effects of global climate change and potential mitigation action in anticipation of future scenarios will be similar to those described for monk seals in TES-1.3. As stated in the DMMP, the sex of an incubating sea turtle egg is dependent on nesting temperature; however, an increase in bias occurs with a change as little as one degree Celsius and extreme levels of mortality with a change of three degrees Celsius.³² Increased sea level rise will not only contribute to loss of habitat, as described earlier, but may also increase and amplify the effects of erosion with large tides and storms, placing entire clutches at risk of being washed away. Some of these effects from increased storm activity could be experienced before the predicted increase in sea level occurs and may require action sooner than anticipated. Other climatic factors that could affect sea turtles include changes in ocean currents that are used for migration and loss of coral reefs that sustain important feeding habitat. Actions to address these considerations need to be included in the Action Plan, as this plan encompasses a time frame within 15 years – a time period during which we will very likely experience some of the described effects of global climate change on sea turtles.

3.2.3 Habitat Management and Conservation Action Plan

Ocean Conservancy strongly supports the stated “*Desired Outcome*” for the Habitat Management and Conservation Action Plan,

³⁰ Johnston et al. 2007. Identification of humpback whale *Megaptera novaeangliae* wintering habitat in the Northwestern Hawaiian Islands using spatial habitat modeling, *Endangered Species Research*, Vol. 3: 249-257.

³¹ Parmesan, C. 2006. Ecological and evolutionary responses to recent climate change. *Annual Review of Ecology, Evolution, and Systematics* 37: 637-669.

³² Hawkes, L.A., A.C. Broderick, M.H. Godfrey, and B.J. Godley. 2007. Investigating the potential impacts of climate change on a marine turtle population. *Global Change Biology* 13:1-10.

“Protect and maintain all the native ecosystems and biological diversity of Papahānaumokuākea Marine National Monument.”

The Co-Trustees have done an excellent job of framing this outcome broadly and consistently with Presidential Proclamation #8031 and the Monument’s Vision and Mission. However, we recommend that this desired outcome be modified to include restoration where appropriate, restated as an outcome, and finalized to read as follows:

“All of the Papahānaumokuākea Marine National Monument’s native ecosystems and biological diversity are strongly-protected, maintained, and where appropriate and necessary, restored to a fully natural, un-impacted, and highly-resilient condition.”

The “Current Status and Background & Need for Action” sections of the DMMP are also quite strong, correctly recognizing the “requirements for ecosystem-based management”, “protection of ecosystem structure and function”, and “ensuring the biological integrity, diversity, and environmental health of the Monument”. Although strong, these sections and the Strategies and Activity sections that follow seem somewhat limited and more focused on Fish and Wildlife Service and National Wildlife Refuge responsibilities and terrestrial habitats and ecosystems, than on the marine areas within the Monument. The Action Plan could be strengthened with an expanded and more detailed and equivalent marine focus. For example, the Monument’s Trustees and Managers should adopt and apply the requirement to “restore lost or degraded elements of biological integrity, diversity, and environmental health at all landscape scales” throughout the entire Monument, including to its marine habitats and ecosystems.

The “Strategies to Achieve the Desired Outcome” are reasonably strong as well, but would benefit generally from some additional development and expansion, including a greater emphasis on marine components and areas. In particular, the strategies should more fully address past and present fishing impacts and restoration opportunities related to them. For example, HMC-1 should include analyses of historical reef fish, lobster and crustacean, and bottomfish fishery impacts (in addition to the black-lipped pearl oyster example cited) to shallow-water reef populations, communities, and habitats/ecosystems; complete cessation of these fisheries; and a plan for ecosystem monitoring and restoration. These activities should also be examined with our recommendation to examine and monitor the impact of fishing bottomfish and lobster in TES-1 and their relationship with the monk seal decline.

The depletion, due at least in part to fishing, and the desired restoration of lobsters and other crustaceans, in particular, probably warrants development of its own strategy. At the very least, this should be addressed in one or more of the existing strategies.

There should also be included a strategy similar to HMC-1, but focused on deeper reefs, shoals, pinnacles and seamounts that emphasizes fishing impacts, their complete elimination, and subsequent monitoring and restoration of depleted species, habitats, and ecosystems.

In addition, we recommend inclusion of a strategy in this section to evaluate and better understand; mitigate and adapt; and plan for global climate change impacts, especially to coastal

and shallow-water habitats and ecosystems. Global climate change (GCC) is the greatest long-term threat to the oceans health and the coastal and near-shore habitats and ecosystems of the NWHI are especially vulnerable to GCC impacts.

Finally, we recommend expansion of Strategy HMC-10 to include a Wilderness Review of the entire Monument, rather than limited strictly to the two existing National Wildlife Refuges.

3.3.1 Marine Debris Action Plan

As noted in the DMMP, marine debris poses a chronic and significant threat to the PMNM and specifically to marine wildlife including the endangered Hawaiian monk seal and threatened sea turtles.³³ Ocean Conservancy is uniquely aware of the challenges posed by programs to reduce and clean up marine debris. For over two decades, Ocean Conservancy has mobilized volunteers on a global level to help remove trash and debris from coastlines and waterways through the International Coastal Cleanup. To date, 6 million volunteers from around the world have removed over 100 million pounds of marine debris from our ocean, and waterways.³⁴ Each year, the International Coastal Clean Up attracts more volunteer participants and covers more territory. And each year, it collects more trash. As recognized in the DMMP, Ocean Conservancy—along with the National Marine Fisheries Service, the U.S. Coast Guard, the U.S. Fish and Wildlife Service, and other organizations—has also assisted with the removal of over 100 tons of derelict fishing gear and other marine debris from the NWHI since 1998. We understand how formidable the goal of eliminating marine debris from the NWHI is, and strongly support the Monument’s desired outcome of eliminating marine debris, including derelict fishing gear, from the NWHI.

Ocean Conservancy supports Strategies MD-1, MD-2, and MD-3 directed at removing marine debris, cataloging the sources of debris and developing outreach efforts to reduce debris at its source. Regarding MD-1: *Remove and prevent marine debris throughout the life of the plan*, we agree that marine debris must be viewed as a chronic problem and not one that will be “solved” in the near term. Based on our experience with this issue, we believe it is important that the Co-Trustees plan (and budget for) ongoing annual debris removal activities in the PMNM. Given it is unlikely that removal will be able to target all debris, we encourage continued prioritization of debris removal in areas and of debris types most likely to pose serious threats to marine wildlife. We also recommend that marine debris activities clearly delineate between removal and prevention of marine debris. Both represent significant yet separate efforts, and require different strategies to be effective. We also recommend that the Co-Trustees emphasize an active role in broadening education and outreach efforts to mitigate and prevent all possible sources of marine debris and derelict fishing gear, including domestic as well as foreign sources.

We strongly support MD-1.5: *Work with the fishery management councils to address marine debris preventing with U.S. fishing fleets* and are particularly supportive of accountability requirements. We urge the Co-Trustees to pursue such efforts on an international basis recognizing that debris and lost fishing gear do not heed jurisdictional boundaries.

³³ DMMP, loc. cit., Vol. 1, pg. 182.

³⁴ Ocean Conservancy. 2008. International Coastal Cleanup Report 2007. Start a sea change. 44pp.

Regarding Activity MD-3.1: *Work with partners to continue to develop and implement an outreach strategy for marine debris*, we believe that the NWHI provides an opportunity to demonstrate to the public the pervasive and critical impact of marine debris on ocean ecosystems. While the issue of marine debris and the need for better management of plastics and other disposable items has gained significant worldwide attention over the past few years, the Monument provides a concrete example of the specific and dire threats posed by debris. For example, learning that over the past 20 years, more than 200 monk seals have been observed entangled in fishing gear or other trash is likely to make a bigger impression on members of the public than simply learning that the ocean is polluted with garbage.

3.3.2 Alien Species Action Plan

In a recent survey of 25 scientific experts on the NWHI, alien species were identified as one of the top three threats to the NWHI.³⁵ In spite of the remoteness of the NWHI, eleven different alien marine invertebrate, fish and algal species have already been documented in Monument waters. With visitation to the Monument expected to increase, the risk of additional introductions is extremely high. Alien species infestations can permanently alter the Monument's ecosystem and, once introduced, these species are often impossible to eradicate completely. Prevention is therefore critical. Ocean Conservancy supports the regulatory prohibition on the release or introduction of alien species into the Monument and implementation of best management practices such as mandatory hull inspections designed to avoid introductions. However, given the seriousness of the risk, it is critical that the alien species action plan is effective, enforceable and strictly enforced. It is not sufficient to rely on management measures (like ballast exchange protocols and best management practices) that may or may not actually be followed in practice. What is needed is essentially a zero tolerance approach to alien species with strict enforcement of all measures designed to avoid introductions.

Under Activity AS-1.1: *Complete an Integrated Alien Species Management Plan*, the DMMP requires development of a plan that, "will incorporate individual Co-Trustee guidelines, as appropriate, for the most effective and collaborative efforts possible. Memoranda of agreement will be developed as necessary to adopt and implement agency guidelines..."³⁶ Ocean Conservancy urges that the Integrated Alien Species Management Plan adopt the strictest guidelines of the three Co-Trustees and follow the precautionary approach when implementing these guidelines for all visits to the NWHI. Coordination of this effort is critical. The Monument should operate under one consistent set of best management practices to reduce confusion and increase likelihood of compliance. We recognize that best management practices may appropriately vary from island to island but urge that one set of rules be in place that governs the entire Monument rather than overlapping and possibly contradictory regulations. Activity AS-1.2: *Develop best management practices to prevent, control, and eradicate alien species*³⁷ identifies that

³⁵ Selkoe, K.A., B.A. Halpern, and R.J. Toonen 2008. Evaluating anthropogenic threats to the Northwestern Hawaiian Islands. Aquatic Conservation: Marine and Freshwater Ecosystems

³⁶ DMMP, loc. cit., Vol. I, pg. 194.

³⁷ DMMP, loc. cit., Vol. I, pg. 194.

"One concern the plan will address is the need to prevent the spread of alien species within the NWHI, especially from Midway Atoll."

Since Midway Atoll is the most frequently visited area of the Monument, it is also the area most likely to serve as a gateway to introduction of alien species. Ocean Conservancy is concerned that although the Alien Species Best Management Practices are detailed and extensive as they apply to inter-island visits and activities at the more remote islands. They appear much weaker for Midway, where risk of introduction is highest. We urge implementation of more stringent protocols for all visitors and vessels entering Midway to avoid introductions at Midway that then may spread to other islands. Specifically, we recommend appropriate quarantines, freezing, or other treatment of luggage for employees, contractors, researchers, and visitors and that all aquatic gear for visitors is subject to the similar treatment of research gear in Appendix 1.³⁸ One simple way to reduce risks associated with aquatic gear would be to prohibit use of personal gear and require use of gear that remains on Midway.

The DMMP states that

*"In addition, aircraft landing within the Monument are subject to inspection, as are all visitors and their luggage."*³⁹

Ocean Conservancy urges adoption of a mandatory inspection policy. Given the predicted increase in visitors to Midway it is important that the Monument adopt an effective method of addressing the threats presented by a large number of transient visitors. We recommend development and adoption and strict enforcement of a comprehensive set of best management practices that cover all potential vectors of introduction including aircraft, luggage, shoes, clothing, equipment and vessels large and small, including cruise ships.

According to the DMMP, the development of the Integrated Alien Species Management Plan (Activity AS-1.1) will be led by FWS and the best management practices (Activity AS-1.2) will be led by FWS and NOAA (Table 3.3.2). Given the critical importance of these plans, Ocean Conservancy recommends that they be developed by the MMB in consultation with both terrestrial and marine experts.

Ocean Conservancy urges revision of Activity AS-3.2: *Continue to require hull inspection and cleaning of all vessels, SCUBA gear, marine construction material, and instruments deployed in the Monument.(NOAA)* to include the term "enforce" (similar to the language relating to prevention of invasive terrestrial species at Activity AS-3.1). The DMMP notes:

*"The probability of a successful eradication of an alien species in the marine environment is low. Therefore, all efforts will be made to prevent all alien species from entering NWHI ecosystems."*⁴⁰

³⁸ DMMP, loc. cit., Vol. III, Appendix I, pg. 1-3.

³⁹ DMMP, loc. cit., Vol. I, pg. 192.

⁴⁰ Ibid.

In the marine ecosystem the best defense and in many cases, the only defense against alien species infestation will be prevention. Because of this, we need to ensure the strictest enforcement of all best management measures.

Although the DMMP⁴¹ and best management practices require permittees to undergo vessel inspections to ensure hulls are not fouled prior to entry into the Monument, it is not clear who is authorized to conduct such inspections or whether there is any enforcement of this provision via on-site inspections within the Monument. Ocean Conservancy urges inclusion of a requirement that hull inspections be performed by a qualified inspector to prevent individuals who may not be competent to perform such inspections merely signing off on the paperwork without a rigorous inspection. We further recommend that all vessels also undergo an official inspection upon arrival at Midway and that permittees be subject to a fee to cover the costs of these inspections and subject to strict penalties if they are, in fact, found to have entered the Monument with fouled hulls. Only by actually inspecting hulls within the Monument can the Co-Trustees ensure compliance with this critical method of avoiding alien species introductions.

The DMMP should also include a fuller and more detailed description of all inspection requirements. Currently the permitting Appendix (A), includes a box with a date of inspection, but does not include an area for the inspector's name. The document states that inspections must be done prior to departure and for more details to call the permit coordinator.⁴² We urge that this section be revised to include detailed information on the development of inspection protocol for vessels, water equipment, and equipment brought to the Monument by residents. Additionally, there should be a full discussion about the consequences of not following protocols and penalties— that is, fines, federal and state incarceration.

3.3.3 Maritime Transportation and Aviation Plan

We appreciate that the Maritime Transportation and Aviation Action Plan acknowledges that both maritime transportation and aviation bring with them risks to Monument resources.⁴³ However, Ocean Conservancy urges revision of the DMMP to more specifically discuss the fact that any future increase in access to and use of the Monument related to activities described in the Plan, will necessarily result in increased airplane traffic and increased risks associated with transportation. Discussion of maritime transportation and aviation uses of the NWHI associated with military activities such as RIMPAC should be included in the “*Current Status and Background*” section at Page 205 and should be addressed under all appropriate Strategies and Activities in this action plan.

Maritime transportation in particular presents what is likely the greatest threat of catastrophic damage to the NWHI via an oil spill or major vessel grounding. Given the potential for extreme damage from such an incident, the DMMP should identify all available measures to reduce the risk of such an event. Fundamental to the task of reducing risks associated with maritime

⁴¹ Ibid.
⁴² DMMP, loc. cit., Vol. III, Appendix A pg. A-24.
⁴³ DMMP, loc. cit., Vol. I pg 205.

transportation is a basic understanding of how many ships are in the Monument, where they are and what they are doing. The DMMP recognizes the need for better information to assess (and then reduce) hazards associated with transportation activities under Activity MTA-2.1 *Conduct studies on potential aircraft and vessel hazards and impacts*⁴⁴ and identifies specific studies that might be conducted such as noise and light impacts and a discharge study. Although we support pursuit of specific hazard studies, we believe there is a fundamental need for development of a comprehensive vessel reporting system for all vessels entering or transiting the Monument.

Under Activity MTA-1.1 *Coordinate implementation of domestic and international shipping designations with appropriate entities*, the DMMP discusses the April 2, 2008 designation of the NWHI as a Particularly Sensitive Habitat Area (PSSA) by the International Maritime Organization. Ocean Conservancy strongly supports this designation and we were particularly pleased to see that this designation included expansion and amendment of six existing “*Areas to be Avoided*” and establishment of a ship reporting system for vessels transiting the Monument. The DMMP notes that a: “*ship reporting system is mandatory for ships entering or departing a U.S. port of place and recommendatory for other ships.*”⁴⁵

The DMMP also includes discussion of a Vessel Monitoring System in the Enforcement Action Plan: Activity EN-2.2 *Operate a Vessel Monitoring System for all permitted vessels* and Activity EN-2.3 *Integrate additional automated monitoring systems and ship reporting systems for all vessels transiting the Monument*. However, it is not clear from the current DMMP text whether such systems are currently capable of tracking all vessels within Monument water and if not, how vessel traffic that does not come under the existing VMS or PSSA requirements will be tracked.

A recent baseline study, Franklin (2008), documented the magnitude and spatial distribution of vessel traffic patterns in the NWHI for the first time. Noting that the NWHI has not had access to an automatic identification system (AIS) or radar array to facilitate the tracking and identification of vessel traffic and provide information on past or present vessel activity, Franklin concludes:

*“Future efforts to monitor vessel traffic in the PMNM would benefit greatly from the delivery of near-realtime or realtime information from a suite of technologies such as satellite imagery, high frequency surface radar, or remote AIS receivers.”*⁴⁶

Such technology is available and is currently utilized in other areas of the U.S. For example, in the San Francisco Bay area, the public can track all commercial vessels in real time via a public website.⁴⁷ We urge revision of the Maritime Transportation and Aviation, Emergency Response and Enforcement Action Plans to explicitly require implementation of a comprehensive system

⁴⁴ Ibid., at 208.
⁴⁵ Ibid., at 207.
⁴⁶ Franklin, E. 2008. An assessment of vessel traffic patterns in the Northwestern Hawaiian Islands between 1994 and 2004. Marine Pollution Bulletin 56:136–162.
⁴⁷ www.sfoating.com (last accessed 23 July 2008)

for tracking all vessels within NWHI waters and to include discussion of any existing “holes” in such comprehensive coverage and how they can be filled.

We also encourage identification of priority areas for consideration under Activity MTA-2.2: *Develop protocols and practices as needed and integrate with existing protocols for safe aircraft and vessel operations.*⁴⁸ Specifically, we suggest examination of humpback whale calving areas and suggest development of a protocol for vessel speeds for areas that might have nursing or mating whales present.

Under Activity MTA-2.3: *Improve existing pre-access information for inclusion on the Monument website and in permit application materials*, we suggest that emergency response information be included on the list of information provided to all permit applicants. Such information might include materials outlining what to do in the event of an emergency as well as emergency response training for permittees and information on what kinds of supplies or materials permittees should have on board to respond to an emergency situation.

Given the unavoidable risks associated with maritime and aviation transportation in the Monument, the DMMP should attempt to minimize the expansion of transportation activities by ensuring the greatest possible efficiencies in all Monument transportation. Specifically, we urge inclusion of a new strategy under this action plan: “*Strategy MTA 3: Coordinate maritime transportation and aviation activities to reduce overall transportation impact.*” Activities under this strategy could include scheduling flights to ensure planes are full, making sure maritime traffic either transits through the Monument as quickly and safely as possible, or conducts multiple tasks while in Monument waters to reduce the need for repeat trips, and so forth.

3.3.4 Emergency Response and Natural Resource Damage Assessment Action Plan

Given the extreme sensitivity of Monument resources and the difficulty in logistics of emergency response, prevention of large scale events like vessel groundings and oil spills is absolutely critical. As use of the Monument is expected to increase in coming years, it is important that disaster avoidance remain a top priority. The DMMP notes that response to oil, fuel or chemical spills or vessels groundings would come under an existing Area Contingency Plan and therefore is not addressed directly in the DMMP. We encourage direct reference to the Area Contingency Plan, incorporation of the Plan by reference and inclusion in the DMMP of a brief summary of the Area Contingency Plan as it applies to the NWHI. At a minimum the DMMP should include a citation to the website that contains information regarding the Area Contingency Plan.

We encourage revision of Activities ERDA-1.2, 1.3, 2.3, and 3.1 to include discussion of necessary emergency response equipment as appropriate. Currently these activities appear to focus on planning and training. We also suggest cross referencing from this Action Plan to the Maritime Transportation and Aviation Action Plan, specifically to Activity MTA-2.3 *Improve existing pre-access information for inclusion on the Monument website and in permit application material*. As noted above, we suggest that emergency response information be included on list

⁴⁸ DMMP, loc. cit., Vol. 1, pg. 208.

of information provided to all permit applicants. Such information might include materials outlining what to do in the event of an emergency as well emergency response training for permittees and what information on what kinds of supplies or materials permittees should have on board to respond to an emergency situation.

3.3.5 Climate Change Action Plan – Recommendation for inclusion

The MMP will contain 22 Action Plans arrayed within six themes, but conspicuously missing is a climate change action plan. Climate change will almost certainly be the most important human impact on the Monument in coming decades, yet the document only makes brief mention of this issue. Some scientists are predicting that unless greenhouse gases are cut significantly, and soon, that shallow-water coral reefs could be lost this century through the combined impacts of warming, acidification, sea-level rise and increased storm intensities. These threats are clearly recognized and described in detail in the DMMP.⁴⁹ The Monument cannot do anything to affect the cause of climate change, but it can do a great deal to adapt to climate change and to enhance the capacity of Monument resources and ecosystems to adapt to climate change. Around the world ecologists have argued that the ability of coral reefs and other ecosystems to withstand the impacts of climate change will depend on their condition. Healthy, intact, biodiverse, functioning coral reefs will be far more resilient to climate change than reefs that:

- have lost biodiversity,
- have been damaged by human activities,
- have depleted fish populations, and/or
- suffer poor water quality and pollution.

A wide variety of human impacts act to reduce resiliency and therefore make reefs more susceptible to climate change. Thus, to enhance the capacity of coral reefs to withstand and absorb the impacts of climate change they must be maximally resilient. In most places, this requires removing or minimizing anthropogenic stresses in order to give the reefs a chance to recover fully resilient. In the Northwestern Hawaiian Islands, it requires preserving the largely intact ecosystem and maintaining its resilience by prohibiting any potentially damaging stresses, managing to restore ecosystem components that have been depleted by exploitation (pearl oysters, lobsters and bottomfish), and minimizing known anthropogenic stresses (e.g., debris). However, there is no evidence in the DMMP of the actions necessary to manage to restore and maintain ecosystem resilience. The only mention of resilience is a one-sentence call for research on resilience.⁵⁰ Ocean Conservancy urges the Co-Trustees to develop a Climate Change Action Plan to deal with these issues. Actions to address these issues need to be included in a Climate Change Action Plan, as the DMMP encompasses a time frame within 15 years – a time period during which we will very likely experience some of the described effects of global climate change.

3.4.1 Permitting Action Plan

Ocean Conservancy applauds the development of the “Monument Permit Application Unified Public Notification Policy” as an important first step in improving coordination and public

⁴⁹ DMMP, loc. cit., Vol. 1, pg. 61, line 16 to pg. 63, line 39.

⁵⁰ DMMP, loc. cit., Vol. 1, pg. 111, lines 27-29.

accessibility of the Monument permitting process and we are generally supportive of the Strategies and Activities listed under the Permitting Action Plan. However, we urge the Co-Trustees to ensure that the process for permit application, evaluation and granting be as thorough, rigorous, science-based, and transparent as possible and subject to public review and comment.

- Permit applicants should be provided with clear and thorough rules and guidelines for the development of applications that are fully compatible with the goals, objectives and regulations of the Monument.
- Applicants must demonstrate that any and all proposed activities will not cause significant harm to the Monument (see comment regarding use of the precautionary principle above).
- The evaluation and assessment of all proposed activities and applications must be based on the best available scientific information and knowledge. In the absence of sufficient scientific information and understanding to assess the potential impacts of proposed activities those activities should not be permitted.
- The evaluation and assessment of all permit applications must be subject to independent, formal public review and comment.
- All stages and aspects of the process must be completely open to the public and all interested stakeholders.
- The process must include the opportunity for comment by all interested parties and the evaluation of permits must take such comment into account in the process of coming to a decision regarding the granting of a permit.

Specifically, we strongly suggest revision of Activity P-1.4 *Engage outside experts in review of permit applications* to make clear that the Co-Trustees will establish a standing technical advisory committee to provide independent permit review of all permit requests rather than simply pursuing expert review on an ad hoc basis.

Sustenance Fishing

Ocean Conservancy believes that sustenance fishing should **not** be a permitted activity within the Monument. The activity is not consistent with the vision and goals for the Monument and the Nation's view of the NWHI as a unique and pristine environment that should be protected against human exploitation and impacts to every extent possible. All other forms of fishing, except subsistence fishing by Native Hawaiians, is or will be prohibited within the Monument. All fishing is prohibited within the Hawaiian Islands National Wildlife Refuge and the Northwestern Hawaiian Islands Marine Refuge and State Seabird Sanctuary at Kure Atoll. The ongoing permitting of sustenance fishing appears to raise what is essentially recreational fishing by researchers and other permittees to the same level of importance as that fishing of cultural and ceremonial importance to Native Hawaiians – subsistence fishing. Ocean Conservancy believes it is fundamentally inappropriate to allow fishing within the Monument whose purpose is solely to provide the luxury of fresh fish to Monument residents, researchers and visitors. Many Ocean Conservancy staff have spent months at sea or on remote islands conducting research, and we fully understand the high amenity value of being able to have fresh fish. However, that is simply not sufficient justification to allow what amounts to a sanctioned recreational fishery within the

Monument. Even limited recreational fisheries have been demonstrated to have appreciably depleted fish stocks in MPAs elsewhere in the world.⁵¹

We recognize that the Proclamation states:

“The Secretaries may permit sustenance fishing outside of any Special Preservation Area as a term of condition of any permit issued under this proclamation.”

However, nothing in the Proclamation language requires the Secretaries to allow such fishing. We urge the Co-Trustees to reject the permitting of sustenance fishing for all permits types. In the Proclamation sustenance fishing is defined as fishing for bottomfish or pelagic fish. Recent research has shown that Endangered Hawaiian monk seals consume bottomfish, which means that humans would potentially be removing fish from the ecosystem that monk seals rely on. This potential conflict is recognized in the draft FWS Appropriateness Finding and Compatibility Determination for Midway Island Appendix D of the DMMP, however it does not appear to be applied to the Monument as a whole.

Aside from a very brief mention in the Permitting Action Plan,⁵² the DMMP only provides detailed guidance and proposed regulations on sustenance fishing within Appendix D with respect to the Midway Atoll Special Management Area (SMA) (Compatibility Determinations). However, all of these regulations appear to be limited to the Midway Atoll SMA since they come under Appendix D and address FWS compatibility criteria. Given the lack of discussion of sustenance fishing in Ecological Reserve areas (outside of Midway Atoll SMA) we assume sustenance fishing would not be allowed under the DMMP since the Proclamation requires consideration of impacts of sustenance fishing and reporting (see above) and no such discussion is included in the DMMP for any area except for Midway Atoll SMA. The DMMP must be specific about exactly where any fishing would be allowed if its potential impact is to be accurately assessed.

With respect to Midway Island, the FWS *“Finding of Appropriateness of a Refuge Use”* determined that:

“Sustenance Fishing would not contribute to the public’s understanding and appreciation of the Refuge’s natural or cultural resources and would not be beneficial to the Refuge’s natural or cultural resources. However, following the Refuge conditions for

⁵¹ e.g., Denny, C.M., and R.C. Babcock. 2004. Do partial marine reserves protect reef fish assemblages? *Biological Conservation* 116:119-129.; Denny, C.M., T.J. Willis, and R.C. Babcock. 2003. Effects of poor Knights Islands Marine Reserve on demersal fish populations. DOC Science Internal Series 142. Department of Conservation, Wellington, New Zealand.; Eggleston, D.B., and C.P. Dahlgren. 2001. Distribution and abundance of Caribbean spiny lobsters in the Key West National Wildlife Refuge: relationship to habitat features and impact of an intensive recreational fishery. *Marine Freshwater Research* 52:1567-1576.; Shears, N.T., R.V. Grace, N.R. Usmar, V. Kerr, and R.C. Babcock. 2006. Long-term trends in lobster populations in a partially protected vs. no-take Marine park. *Biological Conservation* 132:222-231.; William, I. et al. 2006. Effects of rotational closure on coral reef fishes in Waikiki-Diamond Head Fishery Management Area, Oahu, Hawai'i. *Marine Ecology Progress Series* 310:139-149.

⁵² *Ibid.*, at 220.

compatibility will establish that sustenance fishing will also not materially detract from these resources or the public's understanding and appreciation of them."

In the absence of any *apparent* impact the FWS made a finding that sustenance fishing is appropriate for a variety of reasons.⁵³ Ocean Conservancy has a number of concerns about this finding and the proposed regulations based on it.

It states in the Proclamation, with respect to the permitting of sustenance fishing in the Midway Refuge, that:

"Sustenance fishing must be conducted in a manner compatible with this proclamation, including considering the extent to which the conduct of the activity may diminish monument resources, qualities, and ecological integrity, as well as any indirect, secondary, or cumulative effects of the activity and the duration of such effects."

The Finding has not demonstrated scientifically that sustenance fishing will not "*diminish monument resources ...*", and therefore is incorrect.

The FWS proposes certain restrictions on sustenance fishing at Midway designed to reduce the impacts of sustenance fishing (e.g., no reef fish because of ciguatera, no bottomfish because of the monk seal link, fishing gear and method restrictions, limit on total take), but they have not demonstrated that impacts would be avoided beyond making a number of unsupported assumptions and claims. The claim is made that: "*The use would not measurably harm ... populations of fish ...*", but the term '*harm*' is not defined nor is the scientific method described by which this determination was reached.

- *Pelagic fishes only:* It is suggested in the Finding that because pelagic fish move widely, and the proposed catch (300 fish or 7 tons per year) is only a tiny fraction of the total catch for the Archipelago, that the impact would be minimal. This relies on an implicit assumption that the pelagic fishes around the Archipelago form single populations. The fact that the National Marine Fishery Service routinely assumes a "unit stock" for a management area with little evidence does not make it correct. If any of these species move much less, or, even worse, are resident around Midway, then the fishing pressure could be much higher than the average elsewhere in the Archipelago because it is concentrated in a very small area. There is evidence that such concentrated recreational fishing around Midway depleted ulua in the past.⁵⁴ Regardless, determining whether the take is minimal by fisheries management standards (proportion of biomass taken) is not sufficient to determine if there would be an impact on the ecosystem.

There is a suggestion in the DMMP that because at least one species of pelagic fish (skipjack) is highly fecund and fast growing that the proposed sustenance fishing would

⁵³ DMMP, loc. cit., Vol. III, Appendix D, page 112.

⁵⁴ DAR. 2002. Evaluation of the status of the recreational fishery for ulua in Hawai'i, and recommendations for future management, Division of Aquatic Resources Technical Report 20-02.; Wilcox, B.A. 2004. Fishing in the Northwestern Hawaiian Islands, University of Hawai'i, 17pp.

have no impact. This is an odd fact to base the argument on, given that the data presented on past catch do not include any skipjack. Instead, most of the tuna are yellowfin and/or bigeye, both of which are slower growing and less fecund. The latest report on the status of stocks from NMFS lists bigeye tuna in Pacific as experiencing overfishing, and indicates that it may be approaching an overfished condition.⁵⁵ It is unclear to Ocean Conservancy what justification could be offered to allow researchers and government employees to take even a relatively small amount of bigeye tuna from the Monument when the stock is experiencing overfishing and is at risk of being overfished.

A more important question is: what are the effects of the take on ecological integrity. Large fish are especially important to reproductive capacity,⁵⁶ and have an important influence on ecosystems as predators.⁵⁷ Fishing is well known to select for the largest individuals. Thus, it is possible that sustenance fishing would remove some of the most important individual fish from the pelagic environment around Midway, with unknown consequences to the ecosystem. It is especially distressing to imagine that spawning age bigeye tuna could be removed when the stock is at risk of being overfished. It is not sufficient to claim that the effect would be minimal without research to support that claim. Not only is there no research, but there are no data on the sizes of fish taken. While biomass estimates are provided based on the number of fish taken in the past, they are based on what appears to be a guess at an average size per fish of 50 pounds.

- *Fishing gear and methods:* The gear and methods proposed would help ensure that other species are not caught, but they do not go far enough. Additional requirements should include banning the use of wire line, down-riggers, planers or heavy weights, and prohibiting fishing at night or during the dawn and dusk periods. While "muscling" the fish in may help to lessen depredation by sharks, no data are offered to suggest how successful this technique might be. We assume that the Co-Trustees are not interested in supporting a "shark-feeding activity" in the Monument.
- *Total take:* How was the total take limit of 300 fish (nearly 7 tons) determined? Was a stock assessment model used, although as argued above that would be inappropriate? Was there an ecological assessment made of what the impact on the local ecosystem would be from removing 300 large fish per year? Was an assessment made of what removing seven tons of predator biomass would do to the dynamics of the fish community and the functioning of the ecosystem? Was it determined what this would do to prey populations that might be controlled by predation pressure? Was it determined what removing that much of the pelagic community would do to the reef communities through linkages between the two communities? Was it determined what this might do to

⁵⁵ Ref to 2007 status of stocks reports; <http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm> (Last accessed 23 July 2008)

⁵⁶ e.g., Berkeley, S.A., C. Chapman, and S.M. Sogard. 2004. Maternal age as a determinant of larval growth and survival in a marine fish, *Sebastes melanops*. Ecology 85:1258-1264.; Bernardo, J. 1996. Maternal effects in animal ecology. American Zoologist 36:83-105.

⁵⁷ DeMartini, E.E. and A.M. Friedlander. 2006. Predation, endemism, and related processes structuring shallow-water reef fish assemblages of the Northwestern Hawaiian Islands. Atoll Research Bulletin 543:237-256.

competitive interactions within the predator community? Was it determined what removing seven tons of spawning biomass would do the reproductive output of these fishes, especially bigeye tuna? The fact that it is seen to be necessary to limit the number of fish caught suggests that FWS and Co-Trustees recognize that the activity could cause harm. Would harm occur if 1000 fish were taken? 500? 100? How do we know that a take of 300 fish per year is below the threshold above which harm would occur? Does this number depend on environmental factors that vary from year to year? We see no evidence that these and other pertinent questions about the impact of sustenance fishing at Midway were addressed or answered in any rigorous, scientific manner. Until such an approach is undertaken we cannot support the FWS's Finding of "no harm".

One of the reasons provided in the FWS Finding of "no harm" was that sustenance fishing:

"would enhance the quality of life for monument employees and other permittees, many of whom are stationed at this remote location or on a vessel for extended periods of time, by providing fresh food at substantial savings to the Government."

We agree that it would improve the quality of life for Monument employees who are subject to all the difficulties and hardships of living and working in a remote location for long periods of time. However, we do not agree that Monument resources should be risked to provide government employees and university researchers with what is essentially a luxury – fresh fish for two days once every two weeks. For a few thousand dollars, high quality frozen fish could be supplied to staff or fresh fish could easily be brought in on flights from the MHI.

Finally, we find the proposed plans to monitor and control this activity to be inadequate. While the types of data to be collected are sufficient (date, species, weight, length, location, accidental catch, interactions), we find that insufficient attention has been paid to the manner in which the data will be collected and how those data will be used. We recommend that:

- the data should be collected by trained personnel to insure that species determinations are correct, and lengths/weights are properly measured, for example:
- for the proposed monitoring to be effective, at least one person on Midway and on each research vessel would need to be designated and trained to collect the data, and fishing undertaken only when that person can be present to collect the data;
- the data should be assessed on a quarterly basis, rather than annually, to forestall any problems that might arise with too many fish being taken, the wrong species being taken or excessive numbers of interactions occurring.

Given the fundamental inconsistencies between allowing sustenance fishing and the Monument's mission as well as the specific problems identified with the sustenance fishing program as outlined above, Ocean Conservancy urges that sustenance fishing not be allowed within the PMNM.

3.4.2 Enforcement Action Plan

Adequate enforcement is a critical component of ongoing Monument management. The DMMP notes that the size and remoteness of the NWHI complicates effective enforcement. Given the inherent challenges to patrolling a large, remote and ecologically sensitive area, it is especially important that the Co-Trustees and partner enforcement agencies like the Coast Guard coordinate activities and share resources and information. Therefore, Ocean Conservancy strongly supports development of interagency agreements as described in Activity EN-1.2.

Regarding Activity EN-1.: *Increase law enforcement capacity on Midway Atoll within 2 years*, we urge that appropriate enforcement staffing be seen not as a one time event but as a task requiring ongoing reassessment. For example, law enforcement presence on Midway should be scaled to the island's level of use so that as visitor, researcher and staff numbers increase over time there is a commensurate increase in law enforcement capacity. Furthermore, when the daily limit of visitors is exceeded, it will be difficult for a single enforcement officer to ensure that passenger and crew of an 800-passenger vessel are all in compliance. We recommend that the Co-Trustees require cruise ship companies to cover the costs for an additional enforcement officer to accompany the vessel from the Main Hawaiian Islands when traveling to Midway.

As noted above, we strongly support Activity EN-2.2: *Operate a Vessel Monitoring System for all permitted vessels* and Activity EN-2.3: *Integrate additional automated monitoring systems and ship reporting systems for all vessels transiting the Monument*. We agree that automated monitoring systems are critical to law enforcement in an area as large as NWHI. We urge that a fully functioning system covering all vessels that transit or visit the Monument be up and running as quickly as possible. Such a system would simultaneously serve multiple Monument needs: threat assessment, prevention of disasters, emergency response, and law enforcement. Since Monument management is based on the fundamental premise of prohibition of entry (other than for transit) without authorization, it is critical for managers to be able to tell who is in the Monument, where they are and what they are doing.

We also urge addition of a new enforcement strategy directed at development of administrative penalties including penalty schedules and summary settlement tables. Based on our experience with the National Marine Sanctuary Program, simplified administrative penalties is a critical piece of an effective enforcement program. NOAA General Counsel for Enforcement and Litigation (GCEL) has authority to produce "penalty schedules" and "summary settlement tables" to aid them in prosecuting violations of statutes and regulations. Penalty schedules establish "suggested penalty ranges" for first, second, and third violations of specific regulations. Summary settlement tables establish "fixed fine amounts" for small misdemeanors and allow officers in the field to issue tickets on the spot, similar to a traffic ticket process. Respondents can either pay the ticket or request a hearing before a U.S. Coast Guard Administrative Law Judge. In the absence of a summary settlement, GCEL issues a Notice of Violation and Assessment (NOVA) which is a procedurally lengthy process designed for larger, more complex cases. GCEL attorneys can use the penalty schedules to determine penalty amounts for a NOVA. The majority of Sanctuary violations are not complex and do not require NOVAs, which respondents frequently do not receive for months or years after violations occur. This is wholly ineffective and inefficient for small violations.

Summary settlements are likely to be appropriate to a majority of Monument infractions in order to:

- achieve an immediate credible deterrent to future violations,
- avoid a backlog of mounting NOVAs,
- clear minor case action efficiently, and
- address a variety of responsible parties from individuals to companies.

For example, GCEL has completed a revised national penalty schedule⁵⁸ for the National Marine Sanctuary Program (NMSP), but has not yet completed a national summary settlement table. The national penalty schedule provides suggested NOVA penalty ranges for prohibition categories that cross all sanctuaries and for site-specific prohibitions that pertain only to individual sanctuaries.

Summary settlement tables are needed that provide a low-level immediate fine option for practically every prohibited activity in the Monument. The table must thus be comprehensive and carry fine amounts that have adequate deterrent effect. We also encourage the DMMP to include language noting that any permittee found to be in serious violation of permit conditions or to have violated Monument regulations will have their permit revoked and be ineligible for future permits.

3.4.3 Midway Atoll Visitor Services Action Plan & Appendix C – Draft visitor services plan

Ocean Conservancy generally supports the premise of allowing Midway Atoll to serve as a “window” on the NWHI to allow visitors to enjoy and appreciate the value of the Monument while protecting the majority of the more remote and ecologically sensitive areas of the Monument from impacts associated with access. However, we believe that great care must be taken to ensure that increased visitation and access at Midway does not threaten Monument resources. We submitted written comments on the Draft Interim Visitor Services Plan in February 2007 and we repeat many of the concerns raised in that letter below. We believe that the action plan and draft visitor services plan would benefit from more specificity and offer the following suggestions.

Regarding Strategy VS-1: *Implement the Midway Visitor Services Plan, providing visitors opportunities for up to 50 overnight guests at any one time*, Ocean Conservancy strongly supports adoption of a total limit on the number of overnight visitors and staff, volunteers and contractors. As noted in the DMMP, the appropriate level of visitors to Midway is limited by the infrastructure available to sustain them, the ability to provide a quality visitor experience, and the need to limit impacts to wildlife. We note that the DMMP actually proposes an increase in the total number of individuals allowed to spend the night at Midway from 130 in the interim plan to 150.

The DMMP notes:

⁵⁸ section VIII at <http://www.gc.noaa.gov/enforce-officc3.html> (Last accessed 23 July 2008)

“The 50-visitor limit may be exceeded for short duration (less than a day) prearranged visits by ocean vessels or aircraft. In these cases, visitor activities are closely supervised and primarily consist of guided tours or participation in commemorative events.”⁵⁹

We urge adoption of both optimum and maximum daytime visitation rates based on a thorough assessment of the atoll’s physical capacity and ability to tolerate impact. In the absence of data, a tentative and adaptable estimation should be made and updated over time. Not only terrestrial communities (with impacts on wildlife), but nearshore marine communities (coral and fish) should be taken into account when assessing the visitor capacity of the atoll.

The DMMP recognizes that one of the ways that the overnight visitor limit might be exceeded would be day-visitors by cruise ship. Cruise ship passenger size would be a maximum of 800 visitors. According to the DMMP they would:

“...offload their passengers in groups of up to 100 in the ships’ tenders...passengers disembark and are divided into groups for a 2-hour walking tour...each group is accompanied by tour guides from the ship to ensure the passengers remain on the clearly marked guided tour route.”⁶⁰

The interim management plan stated that cruise ship guests would be moving around in groups of 50 (twice the size of non-cruise ship groups allowed in the interim plan). We are concerned that such large groups would be difficult to supervise and encourage maintaining group size for all visitors at 25 people. In the past, 90 people were allowed to disembark at one time with no more than 400 passengers on land at once. Currently, however, the number allowed on land (during cruise ship visits) at one time has not been clearly stated in the draft plan. The DMMP should clearly state how many people will be permitted on land at any one time.

The DMMP notes that cruise ship visitors will be briefed before visitors arrive at Midway:

“For cruise ships, briefings are either given on board the ship prior to arrival or, if no FWS-approved guides are on board, via written materials developed by the cruise ship company in coordination with FWS and Monument Co-Trustees. Since all cruise ship visitors are guided in small groups from one site to another along existing roads, these methods of orientation suffice.”⁶¹

Ocean Conservancy appreciates efforts to educate visitors in advance but we strongly caution against relying in *any way* on such briefings. Cruise ship visitors enjoying their vacations are very unlikely to pay serious attention to such briefings and materials and must be adequately supervised at all times to ensure strict compliance with Monument regulations and protocols. We believe that requiring small group size (not more than 25 people) and authorized guides is

⁵⁹ DMMP, loc. cit., Vol. III, Appendix C, pg. 16.

⁶⁰ Ibid., at 21.

⁶¹ Ibid., at 22.

the only way to both provide access to cruise ship visitors and ensure adequate protection of Monument resources.

Overnight limits at Midway might also be exceeded if additional visitors arrive by aircraft. The DMMP notes that currently,

“The limit of no more than 50 overnight visitors to Midway at any one time reflects the limited capacity of our means of transportation and island infrastructure. Our Fiscal Year 2008 aircraft charter company operates a Gulfstream G-1 aircraft with 19 seats and a weight capacity of 3,200 pounds. Therefore it is likely that no more than 15 seats will be available on any flight.”

However, one of the stated goals of the plan is: *Strategy 1.3 By December 2008, seek larger capacity aircraft to service Midway Atoll on a regular basis.*⁶² This is clarified further in the DMMP: *“Our goal would be to be able to transport 25-30 visitors to and from Midway per flight.”*⁶³ Conceivably, Midway could therefore host 100 residents, 50 overnight guests, 100 cruise ship visitors and up to 30 visitors arriving (and departing same day) by plane for a total of 280 people. Again, we believe that optimal and maximum visitation numbers should be included in the document.

Ocean Conservancy strongly supports Activity VS-1.3: *Continuously monitor the impacts of visitors and other users on wildlife and historic resources to ensure their protection.* We urge inclusion of the visitor impact monitoring methodology referred to in the Draft Visitors Services Plan in the DMMP.⁶⁴ Monitoring visitor impact is very important, particularly because while FWS allowed up to 100 overnight visitors from 1996 to 2002, concessions never reached the maximal number.⁶⁵ Additionally, only once in 2004 did the number of cruise ships visiting Midway in a calendar year total three; in each of the years 2005-2007, only one cruise ship visited Midway, and in 2008 zero cruise ships visited Midway.⁶⁶ It will be important for the Co-Trustees to quickly determine and establish a baseline of current conditions of natural and historic resources from which to measure future impacts, and, if necessary, to change the number of permittees granted access to Midway, based on ecological carrying capacities.

Monitoring population and behavioral characteristics of Threatened and Endangered species should also be given preference, and activity adjusted accordingly. As, after the Navy transferred Midway jurisdiction to FWS, from 1995 to 2000 the mean number of seals counted on the beach steadily increased, in the reduction of human disturbance. The population doubled on Midway, and for the first time seals were giving birth on Sand Island.⁶⁷ It is imperative to keep disturbances to a minimum because the monk seal population in the NWHI is declining, and other stresses should be minimized to ensure resiliency in the population.

⁶² DMMP, loc. cit., Vol. I, pg. 19.

⁶³ Ibid., at 20.

⁶⁴ DMMP, loc. cit., Vol. III, Appendix C, pg. 17.

⁶⁵ NMFS. 2007. loc. cit.

⁶⁶ DMMP, loc. cit., Vol. IV, pg. 24

⁶⁷ NMFS. 2007. loc. cit.

On page 16 of Appendix C in the second paragraph of section 3.2 *Visitor Capacity and Scheduling*, in the sentence discussing visitors by sailboat that starts:

“Although visitors arriving by sailboat will not require rooms, they will still be counted toward the total number of visitors...”

We recommend that you insert the word “overnight” to read: “the total number of **overnight** visitors...” [emphasis added] Adding the word “overnight” provides clarification that these visitors will be included with and counted towards the 50-visitor limit instead of those that might occasionally exceed this limit.

Conceptual Site Plan – Midway Atoll

Ocean Conservancy believes that the capacity of Midway Atoll to accommodate (any) visitors and to tolerate their impact without the loss of ecological integrity or resilience is an important consideration. Therefore, we can not support and strongly oppose implementation of Alternative C – since one of the “cons” identified is:

*“greater increases in visitor volumes may impact some resources and may exceed Midway’s carrying capacity.”*⁶⁸

We believe that exceeding the maximum capacity would not be compatible with the purposes of the refuge and the mission of the National Wildlife Refuge System and the Monument declaration.

We are supportive of some of the improvements in the preferred alternative, B, in particular the Monk Seal Captive Care Facility and a quarantine facility, which, we believe should be given priority in the development process. However, we question the need to construct and erect a new dock at the seaplane/boat ramp and the need to add three new finger docks. The construction of additional docks would provide for and enable excessive boat traffic and are not justified in the Conceptual Site Plan. Construction of dock and piers could also disturb nearshore marine communities that are sensitive to small changes in water quality, which would be caused by the proposed in-water construction. We question the need for the additional finger piers – that would provide more docking for small and mid-sized boats, while yet still maintaining the tug pier and current finger pier. We recommend instead considering converting the sea plane facility into a landing/dock area. This alternative would concentrate development (and associated impacts) in one area, the west, instead of developing in the north, northeast and northwest portions of the inner harbor.

Page 15 of the Midway Atoll Conceptual Site Plan states that:

“Midway is a predator-dominated marine ecosystem, an anomaly among marine ecosystems...”

⁶⁸ DMMP, Ibid., at 42.

We recommend phrasing it as “Midway is **one of the few remaining** predator-dominated marine ecosystems...” [emphasis added]

3.5.1 Agency Coordination Action Plan

Ocean Conservancy supports the stated desired outcome of this plan to:

*“Successfully collaborate with government partners to achieve publicly supported, coordinated, coordinated **successful/effective** management in Papahānaumokuākea Marine National Monument.”* [emphasis added]

We recommend adding the additional adjectives “successful” and/or “effective” as modifiers for “management” to further strengthen this plan. The Action Plan itself is somewhat limited and unclear and would benefit from some additional detail and development, especially given inherent challenge of multiple agencies working together. As we stated in the above section on “Management Framework”, one important means to address challenges of working together would be to identify and develop a fair and effective method of addressing differences of opinion between the Co-Trustees in a timely manner.

Furthermore, we recommend the following improvement to Strategy AC-3:

*“Promoting international, national, and local agency **and non-governmental** collaborations to increase capacity building and foster networks that will improve management effectiveness “* [emphasis added]

In addition to governmental agencies, there are many stakeholder, non-governmental groups working towards and addressing the goals of this strategy across the Pacific. Ocean Conservancy would like to see the Monument actively engaged in such initiatives. The Co-Trustees currently are members of the Hawai‘i Conservation Alliance and work with many stakeholder groups, and thus are already engaged in collaborations with stakeholders that could be expanded. One such effort currently underway involves the International Union for Conservation of Nature (IUCN), Ocean Conservancy, and Stanford University’s Center for Ocean Solutions. Dubbed the “Pacific Ocean Initiative”, this effort will join together business leaders, non-governmental organizations (NGOs), and governments of all levels (cities, states/provinces, and nations) around the Pacific to tackle the major threats to our ocean health in a coordinated and cooperative plan of action — comparable to the International Climate Action Partnership — that builds upon and coordinates existing state and federal programs in the U.S. and their analogs in other Pacific countries. The Co-Trustees should actively participate in this important effort.

Activity AC-3.1: Enhance communication and cooperation with the Department of Defense (DOD) and the U.S. Navy Pacific Fleet

This is an important activity for the Monument to implement well with potentially large benefits for Monument resources. Ocean Conservancy is concerned that this Activity is currently

somewhat sparse and unclear. Given the tremendous importance of this Activity, it would benefit from some further fleshing out, greater specificity, and inclusion of a purpose. The current language specifies

“Minimizing military activities within the Monument”,

as one of the potential areas for cooperation, but it should also include the related and even more important issue of

“Minimizing the impact of military activities within and outside of the Monument on the resources of the Monument”.

Furthermore, the Co-Trustees do have a role in ensuring that military activities are consistent with the Proclamation which states:⁶⁹

“All activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities.”

If Military training operations could potentially affect Monument resources and ecological integrity, the Co-Trustees should be actively engaged with DOD to ensure that Monument resources are protected, as mandated by the Proclamation. The NWHI falls within the Hawaii Range Complex of a proposed Department of Defense Navy gaming area.⁷⁰ DOD proposes to conduct missile testing that will produce marine debris that could potentially harm seabirds, monk seals, and sea turtles. The DMMP action plan on marine debris (3.3.1) specifically seeks the desired outcome to:

“reduce the adverse effects of marine debris to Papahānaumokuākea Marine National Monument resources and reduce the amount of debris entering the North Pacific Ocean.”

The production of additional debris by DOD is in therefore directly in conflict with a desired outcome of the DMMP. Furthermore, the use of high-intensity active sonar and permission to “take” marine mammals is also in direct conflict with the desired outcomes of Strategy 3.2.1 (Threatened and Endangered Species Action Plan) to:

“Protect marine mammals and aid in the recovery of threatened and endangered plants and animals...”

Given the potential for military activities to significantly affect Monument resources and conflict with the stated goals of the DMMP, Ocean Conservancy urges the Co-Trustees to take an active role in monitoring and managing activities proposed by the military within the Monument and to

⁶⁹ Presidential Proclamation 8031 – Establishment of the Northwestern Hawaiian Islands Marine National Monument

⁷⁰ <http://www.govsupport.us/navynepahawaii/hawaii/ceis.aspx> (Last accessed 03 July 2008)

ensure that activities will not have adverse effects on Monument resources and ecological integrity.

Another area of potential cooperation that should be included in this Action Plan is

“Improving access to and facilitating use of DOD mapping and other materials”

Such mapping would be useful to the Monument Trustees and Managers, as detailed in recent Department of Commerce Inspector General’s Report on the Office of National Marine Sanctuaries.

Ocean Conservancy strongly supported the bid for World Heritage Site status for the Monument and will continue to advocate for Activity AC-3.3: *Support the bid for World Heritage Site status*. There are few places in the United States or the World that have the combined environmental and cultural significance to the planet that is found within the Papahānaumokuākea Marine National Monument. It is only appropriate that this areas be recognized internationally for the unique world resource that it is.

3.6.2 Information Management Action Plan

Ocean Conservancy encourages the Co-Trustees to facilitate public access to data and information about the Monument. For example, all permittees could be required to make data available in standard format on a publically accessible website as a condition of their permit.

3.6.3 Coordinated Field Operations Action Plan

Ocean Conservancy strongly supports Activity CFO-2.3: *Assess threats that field activities pose to Monument resources*. This activity is very important to ensuring the NWHI ecosystems retain ecological integrity, remain resilient, and are not adversely impacted by research and field activities. We believe that this action plan should be made a priority, and developed and implemented before additional or proposed research, construction, or restoration occurs. However, before any impacts may be assessed, a baseline assessment of current and recent conditions is required with which to compare future activities and their impacts. The baseline assessment should include recent activity and the status of resources relative to this human activity. Furthermore, permitted activities should not be monitored for threat assessment solely on activity reports prepared by the permittee. An independent source should also be certifying and verifying the accurateness of these reports. This action plan should address all of these concerns.

Strategy CFO-3: *Maintain an enhance housing and field camp capacity using short-, medium-, and long-term approaches across the life of the plan*

As we stated earlier, global climate change is one of the greatest threats our ocean ecosystems face today, with a variety of stresses impacting resources at varying scales. One of the greatest impacts that the NWHI will be dealing with this century, in addition to the natural erosion processes of atolls, will be increased sea level rise. Any infrastructure planning and engineering

needs to consider these impacts, particularly since the estimates widely accepted by the IPPC are most likely underestimates. Local experts are already examining these issues in the Main Hawaiian Islands, and may be able to assist the Co-Trustees with addressing this issue.⁷¹

Strategy CFO-6: *Within 5 years improve the small boat operational capacity to enable quick, reliable access to the region in support of management and continue to enhance the program throughout the life of the plan.*

This strategy states that:

“improved access to the islands and atolls of the NWHI has been identified as a top priority”

The Co-Trustees must ensure that the “precautionary principle” is applied to all Monument activities including improving access and facilities. Monument resources should not be placed at-risk or endangered by activities that build operational capacity. Strategy CF-6 should ensure that any future development will not endanger Monument resources and diminish ecological integrity. And, if Activity CFO-2.3 determines that threats associated with any activity proposed in this action plan might have a negative impact on resources, they should not be permitted. Furthermore any activity proposed in this activity should undergo full environmental review and incorporate appropriate mitigation measures.

⁷¹ Department of Land and Natural Resources. 2007. Hawaii Coastal Erosion Management Plan (COEMAP), Land Division, Coastal Lands Program, DLNR. 90pp.

CONCLUSION

Ocean Conservancy recognizes the significant effort that has gone into development of the DMMP and we support many of the strategies and activities included in the Plan. Our recommendations are designed to help ensure the strongest possible protection of the Papahānaumokuākea Marine National Monument.

Thank you for consideration of our view. Please feel free to contact us if we can provide further information or answer any questions.

Sincerely,



Dennis Heinemann, PhD
VP, Ocean Climate Change

Kaitilin Gaffney
Pacific Ecosystem Protection Program
Director



July 23, 2008

Sent via email: PMNM_MMP_Comments@fws.gov

Attn: Susan White, FWS Superintendent
U.S. Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
Box 50167
Honolulu, Hawai'i 96850

Re: Comments on the Draft Monument Management Plan (MMP) and associated environmental assessment (EA) for the Papahānaumokuākea Marine National Monument

Dear Ms. White:

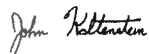
Friends of the Earth (FoE)¹ appreciates this opportunity to submit comments regarding the Draft Monument Management Plan (Plan) and associated environmental assessment (EA) for the Papahānaumokuākea Marine National Monument (Monument). In sum, we support any efforts to evaluate and reduce vessel pollution in the Monument. Specifically, we commend the U.S. Fish and Wildlife Service (FWS), the National Oceanic and Atmospheric Administration (NOAA), and the State of Hawai'i for including in the Plan new field activities designed to study vessel hazards and impacts, based on priority threats identified in a comprehensive threat assessment performed by the Monument Management Board (MTA-2.1). FoE particularly supports studies pertaining to the environmental effects of wastewater discharges from vessels – as referenced on page 208 of the Plan – on Monument values and characteristics.² These studies should be conducted in a timely fashion, with an eye to ascertaining the extent to which vessel wastewater discharge prohibitions are in order. FoE has supported wastewater discharge prohibitions for the California marine sanctuaries and continues to advocate this environmentally sensible policy for all types of marine areas afforded special government protection. Furthermore, FoE urges the initiation of studies concerning vessel air emissions in the Monument, especially in conjunction with vessel speed reduction analyses, to mitigate air emissions, whale strikes, and underwater noise pollution.

¹ Friends of the Earth is a public interest, not-for-profit advocacy organization, whose mission is to defend the environment and champion a just and healthy world. Friends of the Earth maintains its headquarters in Washington, D.C., and is the U.S. voice of the world's largest network of environmental groups with affiliates in 70 countries.

² "An estimated 50 vessels pass through the U.S. Exclusive Economic Zone surrounding the NWHI each day." MMP, Vol. 1, pg 205.

Thank you for the opportunity to provide these comments. If you have any questions, please feel free to contact me at (415) 544-0790, ext. 21.

Sincerely,



John Kaltenstein
Clean Vessels Campaign Manager
Friends of the Earth
311 California St., Suite 510
San Francisco, CA 94104

July 22, 2008

Earth Corps International
46-240 Ahui Nani Place
Kaneohe, HI 96744

Ms. Wilhelm, Ms. White, and Ms. Clark
Trustees of the Papahānaumokuākea Marine National Monument
300 Ala Moana Blvd., Rm 5-231; Box 50167
Honolulu, HI 96850
Re: Comments of Earth Corps International

RECEIVED

USFWS-HAWAIIAN/PACIFIC MWRC
HONOLULU, HAWAII

00808

Starting with the first sentence (1) and often reiterated throughout the entire Draft Management Plan, and, with strict limits, by the Proclamation 8031 (2), the mandate is that the entire Monument is a "fully protected marine conservation area", warranting the "highest levels of protection possible" (3). This constitutes a No Take Policy within the Monument, consistent with the interpretation and enforcement of such designation in National Monuments, Refuges and Sanctuaries elsewhere and with the Marine Life Protection Act, and with law and policy of the State of Hawaii. "Thou Shalt Not Kill" or even remove any nonliving resources, is the acknowledged mandate, and the precautionary principal requires implementation of all measures necessary to preclude any potential take. This is very strong, even extreme law, but given Papahānaumokuākea's irreplaceable biological treasure, cultural heritage and strategic importance to our very survival, a No Take Policy is not extreme, or even just prudent, it is fundamental to the motivation for the creation of the Monument, and consistent with the Native Hawaiian call for a pu'uhonua, a place of refuge for the indigenous species of Papahānaumokuākea.

Therefore, it is quite dismaying to find that No Take Policy is disregarded by large sections throughout the Plan, resulting in numerous, predictable, avoidable and significant adverse environmental impacts unassessed by the "Environmental Assessment", and numerous other substantial and predictable impacts being overlooked entirely. It makes no attempt to catalog these adverse impacts of Management Plan opening up the Monument to broad reaching human activities, as required by NEPA to constitute an Environmental Impact Statement, nor does it include the NEPA required avoidance and/or mitigation measures for resultant adverse impacts.

Prudent application of No Take Policy would seek an immediate halt to all activities now causing great injury and environmental insult, obviously killing protected life (4). First, there must be an immediate halt to fishing and other authorized take of biota and resources within the Monument. Second, remediation of past injury (5) and restoration of habitat and populations to nominal levels must be the focus and priority. Instead of CPR: Conservation, Protection and Restoration of an exploited archipelago, we find the title and stated goals of the Management Plan to be the "Wise Use" of the natural resources of the Monument. Cautious exploitation is the Management Plan, whereas we believe the Proclamation Mandate is for restoration and permanent protection.

It logically follows that to permit consumptive use of Monument resources before a Plan has been adopted only serves to guarantee the Plan will be obsolete by the time it has finally been approved. Planners have found (6) and mainland experience has shown (7) that a moratorium on Permits for all activities must be in place until the planks in an approved plan have been adopted. This is the only way to assure that the Plan will be in effect and de facto implemented at the time it is approved. The current Permit Process is obviously out of control and worsening because, contrary to Proclamation 8031, it's out of public sight and lacks any effective enforcement mechanism. Cavalier disregard of Permit Conditions and protocols may have already resulted in the introduction of alien pathogens and invasive species.

-1-

Enforcement is nonexistent despite availability of effective measures such as satellite surveillance, relying by default on self reporting and whistle blowing by research colleagues. Permitted programs to kill predators rather than protect (monk seal) pups evidence a policy driven by pragmatism and politics rather than “full protection of all marine life”. A fragmented process opaque to public view and participation can only lead to further deterioration of a faulty process. A full moratorium is necessary to regain control and implement No Take Policy.

The Monument is CLOSED to all but Monument staff until a Compatibility Determination has been made finding consistency with an Adapted Plan. Draft doesn't count (8). The best prevention of ship groundings is the enforcement of the ban on all ships without a Permit or without an acknowledged Mayday distress call for assistance. Satellite surveillance can disclose unauthorized entry and should initiate immediate Coast Guard response, expulsion, and prosecution. A call for the preparation of an oil spill contingency Plan is not the equivalent of having the resources in place for the execution of an emergency clean up. Permission to enter Monument waters must not issue until a Plan is both prepared and implemented.

There was enthusiastic and widespread public participation and informed comment during the preparation of the former Draft Plan lead by an effective Reserve Advisory Council composed of representatives of all of the stakeholders generated solid support, as the public “bought in” to the evolving Plan. Withdrawal of the Department of Commerce to draft a substantially different new plan behind closed doors, for two years absent any public or agency input or oversight, and the virtual disbanding of RAC, turned public support to suspicion and guaranteed that the new Management plan would be greeted by a solid phalanx of critics (9). By spurning all advice, this tactic repels all help, especially now, when help is crucial to acceptance. Restoration of the Reserve Advisory Council, with provision for meaningful input into all aspects of Monument planning, permitting, activities and regulation, and maximum transparency of all Monument activities, is essential to regaining credibility, political support and future funding.

The Proclamation mandates and the Management Plan recognizes the need for transparency and public involvement in planning process and rule making, and yet NOAA suspended RAC oversight and public scrutiny while drafting this Plan, and has no plan for reactivation of RAC or a Monument Advisory Council.

Specific Recommendations, by priority:

Section 3.1 (New) Remediation and Restoration Plan

- 1 Immediately stop existing ongoing exploitation of the marine fishery by buying out existing leases. The first priority for the \$1.3 Billion in Monument funds earmarked by Senator Inouye must be the buyout of commercial fishing leases currently legally exploiting the resource in violation of No Take Policy and the Proclamation 8031. A permanent moratorium on commercial and sport fishing is required by No Take Policy and consistency requirements of the groundfish moratorium, and is not inconsistent with Native Hawaiian rights and practices.

-2-

- 2 Immediately intervene to stop Military use of Monument waters and air space for exercises and practices such as the current Rim Pac exercises threatening marine life with high level sonar and risking exposure to toxicants and military debris. Military usage of Monument can and should be limited to very limited usage of Midway Atoll.

- 3 Remediation of toxic wastes, removal of relic structures and mostly military artifacts, especially from Kure and Midway Atolls and French Frigate Shoals, must be completed in conformance with BRAC protocols and consistent with RECRA and Superfund requirements, with a final Record Of Decision published for the completion of remediation of the uncharacterized, unregulated toxic dump sites prior to the Compatibility Determination required for Management Plan approval. Consideration of any of the consumptive uses contemplated in the Midway Atoll Conceptual Plan, should be withdrawn as inconsistent with No Take Policy. The Monument now stands in violation of the Clean Water Act, especially for the toxic plumes emanating from the toxic dump sites and being taken up by surrounding biota. Remediation should bring these violations into CWA compliance so that an NPDES Permit may issue and a Compatibility Determination can be made.

- 4 Removal of non indigenous terrestrial flora & fauna including ironwood, habitat restoration and reintroduction of endemic biota should be planned and proceed immediately following remediation.

When the remediation and restoration has been completed, and the former terrestrial and marine ecosystems restored, a new plan for the Protection, Conservation and non consumptive use of Midway Atoll can be written, this time with public comment and RAC oversight and preventive measures to preclude further introduction of invasive exotic species. All cruise ships should be excluded from Monument waters until pending regulations intended to prevent unlawful discharge of wastes have been shown to be effective, and have been incorporated into the Plan and Permit system. All military artifacts deemed of historic value should be “curated” (removed from Monument islands and waters).

Sec 3. (2) (new) Establishing a Baseline: BACI (Before-After-Control Monitoring)

Before embarking on the proposed Action Plans, it is customary to have a Baseline in place with accurate quantification of taxa present, taken by non consumptive methodology (e.g. Plankton as taxa indicator) and non invasive instrumentation to provide real time monitoring of populational change in order to provide reliable oversight and appropriate management, and a control site close to, but outside the Monument, selected, to evaluate the impacts of policy and operations, and provide early warning of external insult. (Sec 3.6.)

Section 3.2 Conserving Wildlife and Habitats

- 1 Protections must be in place before Conservation measures can be implemented. Endangered Species Act requires that a Recovery Team be appointed to prepare a Recovery Plan for each species listed as endangered. These plans should be merged, and their conflicts resolved before incorporation into the Action Plans.
- 2 Conservation measures must be in place before Management Plan Permits can be issued.

-3-

Section 3.3 Reducing Threats to the Ecosystem

.1 Marine Debris Action Plan does not propose interdiction programs and such regulation as lies within Trustees authority to prevent overboard discharge of debris, especially from military and cruise ships. Satellite surveillance of non point debris rack lines from the Pacific Gyre could guide debris collection before entering Monument waters (10). Plans to collect and burn plastic flotsam include no measures to prevent formation or scrubbing and sequestering of the dioxins produced by combustion. Alternative disposal methods such as Contained Aquatic Disposal are not evaluated.

.2 Alien Species are most often introduced in ballast discharge or by tourists to Midway in Vol. IV. Disinfection protocols must be in place before any ships should be allowed entry to Monument waters.

.3 Maritime Transportation and Aviation lacks a specific accident intervention plan, or oil spill remediation plan.

Section 3.4 Managing Human Activities

No Take Policy constitutes a Prime Directive to Trustees, management and staff to manage human activities to prevent adverse impacts on indigenous populations, to achieve maximum sustainable populations of endemic life forms, to restore, enhance and protect sustaining habitats, and to erase existing and prevent future human footprints. While this leaves a wide latitude for non invasive observational activities and research endeavors, it also imposes heavy responsibilities on Monument Trustees and management to strictly regulate human activities to assure compliance with the Directive.

Section 3.5 Coordinating Conservation and Management Activities

Section 3.6 Achieving Effective Monument Operations

Notes and Comments:

- 1) Volume I, page 1, et seq
- 2) F6, 1-10
- 3) F6
- 4) Proclamation 8031, as of June 15, 2006, appropriated and withdrew all forms of entry to the Monument waters, abolishing existing fishing leases (F3, top). Permission to kill sharks and other protected marine life are in direct violation of the Proclamation.
- 5) Toxic dump sites (unregulated landfills) often uncharacterized and leaking, contaminating adjacent lands and waters, must be a top priority. BRAC procedures may not be sufficient to protect indigenous biota.
- 6) California Planning Association Conference at UC Santa Barbara in 1968 found most urban general plans were obsolete and planning options had been co-opted by the time the Plan was adopted, leading to the recommendation that moratoria must be placed on building permits until land use regulations were in place.

-4-

- 7) Based on the CPA guidelines, the California Coastal Act and the (San Francisco) Bay Conservation and Development Act were approved imposing moratoriums on coastal development and bay tideland fill until action plans to implement conservation measures were in place. The clear successes of CCA and BCDC in achieving their goals have lead to wide emulation.
- 8) The Draft Management Plan does not become effective until the conflicts have been resolved, the Action Plans actually be in place, and the Compatibility Determination has been made. Until then the Monument should be closed to entry, as proclaimed by Proclamation 8031.
- 9) Based upon the enthusiastic, universally positive and thoughtful suggestions made at the well attended first round of public hearings on a Draft Monument Plan, whereas the new Draft Plan has drawn very sparse attendance and universally critical comments, it is clear that the public buys into and supports plans and policy where they have played an effective role in formulation, but rejects as "not made here" plans and policy formulated in private with little to no transparency. In order to regain credibility, and political and financial support, it is imperative that the RAC be reconstituted and reconvened to consider the comments and criticisms of this new Plan, to offer consensus amendments, and for RAC suggestions to be seriously considered.
- 10) We suggest that consultation with Algalita Marine Research Foundation would help produce a plan to keep marine debris from entering Monument waters www.algalita.org.

Earth Corps International and our Hawaiian hui in particular are greatly appreciative of the hard work of the Trustees, your staff, and of NOAA in particular, for their hard work in producing this impressive Draft Monument Plan. Mahalo nui loa. We look forward to your responses to the suggestions, both oral and written, of the many citizens and groups who took time to comment. These islands and their waters are our heritage of inestimable value and a priceless legacy to our great grandchildren and future of the entire world. We must not fail to act with great restraint to avoid all possible harm, yet with strong clear resolve to use all resources at our command to protect and defend this irreplaceable archipelago. We pledge our support and to working with you and all stakeholders in ensuring the very best of all possible outcomes.

Papahāūmokuākea needs no defense, only defenders (Edward Abbey).

Very truly yours,



Don May, Chair
Hawaiian Hui
Earth Corps

-5-

**A Conservation Ethic
is that which aims to pass
on to future generations
the best part of the
nonhuman world.**

**To know this world is to gain
a proprietary attachment to it.**

**To know it well
is to love and take
responsibility for it.**

-E. O. Wilson

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July 23, 2008

U.S. Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
Box 50167
Honolulu, Hawai'i 96850

I would like to provide comments on the Papahānaumokuākea Marine National Monument Draft Management Plan. I am currently a Postdoctoral Fellow at the University of California Santa Cruz and have worked with black-footed and Laysan albatrosses over the last 9 years. My work has focused in part on the sources and effects of contaminant exposure in black-footed albatrosses as well as the impact of lead poisoning to Laysan albatross chicks on Midway Atoll [1-5].

I am concerned that the Draft Management Plan does not provide enough detail as to how and when lead contamination will be removed from Midway Atoll. My past work has demonstrated that Laysan albatross chicks nesting near buildings on Midway Atoll are lethally exposed to lead from ingestion of lead-based paint [6]. Furthermore, my current research on the impacts of lead poisoning to Laysan albatross chicks (manuscript in preparation) demonstrates that lead poisoning is indeed having a measurable detrimental effect on the Midway Laysan albatross population. Although the exact number of lead poisoned Laysan albatross chicks per year is unknown, recent surveys (2006) have estimated that up to 10,000 chicks are at risk for lead poisoning each year.

Based on my work over the past 9 years on the lead poisoning of Laysan albatross on Midway Atoll, here is a summary of my recommendations for this very serious concern to both wildlife and human health:

Currently ~95 structures exist on Sand Island with exterior and interior lead-based paint. Approximately two-thirds of these buildings are unused and/or abandoned. Because many of these buildings contain asbestos in addition to lead-based paint, the proper removal of these buildings is paramount to the safety of human and wildlife health on the island. As the deterioration of these buildings continues, the hazards they represent will increase in terms of structural integrity (e.g., falling plaster) and increased dispersal of lead-based paint chips and asbestos materials. The oldest buildings on Sand Island, the cable company buildings constructed in 1904 [7], are extremely deteriorated; surveys in 2001, 2004 and 2006 reported the highest numbers of drooping chicks around these structures. Neglecting to properly remove and dispose of the unused and abandoned buildings on Sand Island will result in lead-poisoned Laysan albatross chicks for decades and possibly centuries to come.

Midway Atoll NWR is subject to extreme weathering processes and proper containment of deteriorating lead-based paint should be conducted expeditiously in accordance with the U.S. Department of Housing and Urban Development Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing (1997).

Extreme caution should be used when removing lead-based paint from buildings in order to prevent additional incidental exposure to chicks; past researchers observed that routine maintenance of a building on Midway without proper containment of paint chips resulted in large numbers of drooping chicks. The removal of building structures that contain lead-based paint from Sand Island is the most permanent solution for the problem, and is advised to minimize future lead poisoning. Any buildings with lead-based paint that left on the island should be abated and encapsulated by certified contractors and it is imperative that funds are allocated to maintain the encapsulation of these buildings on a regular basis.

Failure to comprehensively remediate the lead-based paint problem will result in continued poisoning of Laysan albatross chicks, a globally listed species. Furthermore, the lead concentrations measured from paint samples on Sand Island, Midway Atoll pose a possible human health risk: Under the Toxic Substances Control Act (TSCA), paint, dust, and soil are sources of lead that constitute lead-based paint hazards if exposure to them "would result" in adverse human health effects.

Please let me know if you have any questions or would like additional information on any of the topics I discussed above.

Sincerely,



Myra Finkelstein
David H Smith Postdoctoral Fellow
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Cited literature:

1. Finkelstein, M., et al., *Albatross species demonstrate regional differences in North Pacific marine contamination*. Ecological Applications, 2006. 16(2): p. 678-686.
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OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

For the Papahānaumokuākea Native Hawaiian Cultural Working Group

July 23, 2008

Monument Management Board
Papahānaumokuākea Marine National Monument
c/o U.S. Fish and Wildlife Service
Box 50167
Honolulu, HI 06850

RE: **Papahānaumokuākea Marine National Monument Draft Monument Management Plan, Midway Atoll National Wildlife Refuge Conceptual Plan, and Environmental Assessment**

Aloha e Monument Management Board,

The Papahānaumokuākea Native Hawaiian Cultural Working Group (CWG), which is facilitated by the Office of Hawaiian Affairs (OHA), has reviewed the four-volume Draft Monument Management Plan (DMMP), which was released to the public on April 22, 2008. Although we are using OHA's mailing address for ease of process, the Cultural Working Group wishes to assure the Monument Management Board that the following comments are separate from OHA's, and we expect a response directly to us, in care of OHA.

3.5.3 Native Hawaiian Community Involvement Action Plan

In "Desired Outcome," lines 3 - 9, the DMMP states that the Native Hawaiian community should be engaged in "active and meaningful involvement in Papahānaumokuākea Marine National Monument Management." We urge that this means Native Hawaiians should have an equal partnership in managing the Monument. Native Hawaiians have a unique political status and relationship

with the State of Hawai'i, the United States, and the world. They should have equal footing with all the other management entities in the Monument.

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Thus, there should be four co-Trustees instead of three. As an interim measure, until a Native Hawaiian government is established, OHA should be the fourth co-Trustee and hold the spot for the future Native Hawaiian government representative.

Under "Current Status and Background," lines 11 - 29, the DMMP lists a history of management consultation with Native Hawaiians, particularly via the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council (RAC), which had included three voting seats for Native Hawaiians. The RAC also had a Native Hawaiian Cultural Working Group, which is the origin of our current CWG, although it is no longer officially linked to the RAC.

While we appreciate that this CWG still meets about Monument management issues, we do not think that OHA should bear all the costs for Native Hawaiians to meet. The federal agencies that assist in managing the Monument should also help pay for these meetings.

Also, Monument management should set up its own Advisory Board, similar to the RAC, but for the whole Monument, not just the Reserve. The Antiquities Act, under which the Monument was established, should be amended, or an exemption should be made to allow for an Advisory Council for Papahānaumokuākea.

Strategy NHCI-1: Regularly involve the Native Hawaiian community for the life of the plan. This Strategy mentions that OHA will obtain advice and guidance from the Cultural Working Group "on all Monument actions affecting Native Hawaiians and cultural resources in the Monument." The Cultural Working Group urges that we should have the status to be consulted prior to any major decisions being made on the Management Plan, and not just be apprised of issues that the MMB considers to be Native Hawaiian or cultural issues. For example, our members have valuable knowledge about a myriad of relevant subjects that could be helpful to the MMB, including

baseline data on species in the region. We remind the MMB that it is important that the culture not be eclipsed by Western science.

Activity NHCI-1.1: Formalize, expand, and convene the Native Hawaiian Cultural Working Group. We also request a seat at the management table to represent the Native Hawaiian community's interest. To be at this level, the CWG will require funding to pay for staff to conduct permit reviews, analyze cultural and environmental impacts, provide cultural monitoring, and other necessary functions. This co-management also would allow for the CWG to convene on Neighbor Islands to gather input from Hawaiians on their home islands who may not feel comfortable sharing their ideas in a more sterile, agency setting. Furthermore, the CWG suggests that the MMB seek youth who have an interest in carrying forward this kuleana and integrate them into the CWG so that they will continue to gather and help transmit the knowledge of older members.

Activity NHCI-1.3: Establish an annual cultural resources exchange. These cultural resource exchanges should include reports on research and cultural resources that have been and will be rediscovered in such places as Bishop Museum and the University of Hawai'i. It should
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not be limited to what has been learned by recent accesses, but should broadly incorporate all on-going research on Papahānaumokuākea to keep all of us up to date on current information and allow for the potential return of presently curated cultural resources.

Strategy NHCI-3: Identify and integrate Native Hawaiian traditional ecological knowledge and management concepts into Monument management annually for the life of the plan. Although we agree with the intent of this strategy, we do not see how it can be fully implemented given the present funding, permitting strategy and management methods. One way to assure that cultural research has equal standing to Western scientific research is to assure that it has equal funding. The Monument cannot serve the purpose of cultural enrichment and perpetuation if very few to no Hawaiians ever get to see or use the resources for cultural purposes.

To ensure the success of this strategy, the MMB must increase the number of visits by Native Hawaiians to Papahānaumokuākea, particularly those who have cultural and lineal connections via their ancestors' regular access from Kauaʻi and Niʻihau. We must identify and restore access to Native Hawaiian families that can demonstrate traditional and customary practices in this region. This used to be in the Management Plan, but was left out of this draft. Please return the original language, which included a better Native Hawaiian definition. (We suggest that it would best be reinserted either as part of Activity NHCH-2.6., or as a new Activity after NHCH-2.6.)

In prior years, traditional practitioners were on research or educational trips to perpetuate cultural and traditional knowledge. Main Hawaiian Island practitioners would visit the NWHI, utilizing traditional and customary practices, engage in resource observation for consumption, and give information from the results of those visits to Kauaʻi and Niʻihau. These demonstrations were successful in teaching and perpetuating navigation and other traditional knowledge. Community-based management models work; they allow practitioners to take information to their communities, and not just leave that information with managers on Oʻahu.

Native Hawaiians with experience in natural resource management in the main Hawaiian Islands who are allowed access to Papahānaumokuākea may be more likely to rediscover Hawaiian knowledge through experience, provided that their traditional, day-to-day, sustained observations are not limited, as they are by current permitting guidelines. For example, as the islands and atolls become submerged because of global warming, we will have to keep track of changes in environmental conditions to keep up with those changes. Animals who rely on existing emergent lands will need new resting and nesting grounds, and managers will need Native Hawaiians to consider the cultural contributions of those animals and how best to potentially relocate them. Native Hawaiians who are experienced and respected must advocate for these animals, monitor resources and make observations on changing environmental conditions.

In 1936, several Native Hawaiian students were selected to live in the NWHI and were trained to help monitor natural resources. They were able to utilize both Western and traditional
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natural resources monitoring and management skills. Such a program should be reinstated by the Monument.

3.1.2 Native Hawaiian Culture and History Action Plan

Strategy NHCH-1: Identify and prioritize scientific and Native Hawaiian cultural research needs within 18 months. The Native Hawaiian science behind this strategy is missing. How Native Hawaiians saw things and valued the contributions of every entity is missing from the Management Plan in general. Hawaiians were observing their surroundings and making decisions based on those observations long before Western scientists even knew about the area. Only now are those scientists making observations, and their baseline will be skewed if the knowledge of our ancestors is not included. Cultural research must include natural science components, and those environmental observations must be given the same weight as Western science research; there must be an even balance between Western science and traditional knowledge. Just because there are not archaeological sites involved does not mean that there is no cultural significance. The entire Management Plan is too dismissive of Hawaiian observations and research. Thus, cultural research should be included in the science research plan so that there is a constant partnership and potential for cross-education and training of cultural and scientific experts. That same balanced opportunity for cross-education and training should be offered to Native Hawaiian youth.

Activity NHCH-1.1: Identify research needs that can be accomplished through anthropological, archaeological, historical, and Hawaiian cultural methods. One research need includes the ability to access cultural resources currently curated at various institutions, including Bishop Museum and the University of Hawaiʻi. These resources need to be properly archived, maintained, accounted for, and kept in Hawaiʻi. Researchers need to be able to access and study these resources to assure that the limited resources of Papahānaumokuākea are respected and that any future requests for research do not need to include taking unnecessary, additional samples from the islands and atolls.

Activity NHCH-1.2: Develop cultural research priorities alongside associated management challenges and opportunities. Who will do this prioritization? The CWG should assist the MMB in this determining these priorities.

One priority should be further study into the history of Nihoa and Mokumanamana's previous inhabitants and of the human-made structures on those islands. We should not presume any particular origin - be it Hawaiian, Tahitian or Marquesan, for example - without adequate, thorough study of remaining cultural features.

Activity NHCH-2.1: Continue to compile information and conduct new cultural and historical research about the NWHI. This database of information should include scientific information that supports traditional and cultural knowledge.

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Activity NHCH-2.4: Convene a Native Hawaiian nomenclature working group. This should be a sub-committee of the CWG. Processes should be created to establish membership, contact agencies and organizations currently making both maps and discoveries of geologic features and biological species, follow proper naming protocols for new and previously known features and species, and ensure that the Native Hawaiian names are given appropriate authority and recognition through the correct avenues.

Activity NHCH-2.5: Incorporate cultural resources information into the Monument Information Management System. Because much of this information includes our intellectual property, we need to control access to that information. People who want access to it must show a valid purpose to be allowed access. By the same token, OHA should make the information on its Wahi Pana Database available to the CWG. However, it is unclear from the current writing who has access, and when, to the information within "a security layer for the protection of proprietary cultural information." We need some kind of cultural copyright.

Activity NHCH-2.6: Support Native Hawaiian cultural accesses to assure cultural research needs are met. We would like some clarity on the meaning behind "consistent access to Mokumanamana" and "regular access for Polynesian voyaging canoes," so that those accesses are expanded instead of limited, but never at the detriment to Native Hawaiians.

Further, until more archaeological and cultural research has been done, religious practices should not be limited to "Hawaiian religious practices." Requests should be evaluated on a case-by-case basis, because the traditional religious practices of the place may have been Tahitian or Marquesan, or at least have had other Polynesian origins. Nonetheless, because preferential treatment and funding for access to Papahānaumokuākea is often given to Western scientific research and not to Hawaiian observation, Hawaiians need to be given preference and priority for funds and, therefore, access. This should be part of the scientific and cultural research process.

Please note that this may be the best location for re-insertion of an originally drafted activity that included the importance of allotting appropriate accesses for people with genealogical ties to the islands (see p. 3, above).

This section should also clarify that Native Hawaiians can gather resources from the Monument during accesses for cultural purposes. For example, we should be able to take feathers from dead birds or fallen feathers for kahili restoration, among other things.

Activity NHCH-4.2: Develop and implement specific preservation plans, as appropriate, to protect cultural sites and collections at Nihoa and Mokumanamana. This activity should be re-titled "...specific preservation and use plans," because Native Hawaiians need to be able to access these places. Just knowing that such places exist is not enough for the living Hawaiian culture.

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3.4.1 Permitting Action Plan

In the "Monument Permit Types" section of this Action Plan, a subsection on "Special Ocean Use" permits alerts us to a need for a better definition in existing regulations. The definition of a "commercial passenger vessel" needs to be clarified. We suggest looking to U.S. Coast Guard regulations for consistency.

Furthermore, the CWG requests a site visit opportunity on a permitted scientific vessel before it accesses the Monument.

Activity P-1.4: Engage outside experts in review of permit applications. We suggest that a formal review board process of qualified reviewers be established for permits. Cultural and lineal descendants should have a place in all processes, especially in the permit review process and for providing cultural advice on all matters.

The CWG can assist the MMB in reviewing applications for permits for cultural and religious accesses, in particular, to help maintain the integrity of Native Hawaiian religious and customary practices. It is very important that any proposed activity benefit the place, and that the applicant not have any restrictions on their commitment to the proposal. For instance, the applicant must be able to demonstrate adequate training and research prior to access, and they must be able to assure that their commitment to the project will continue long past the activity itself.

We urge that the MMB should have a right to restrict approval of an application based on an applicant's past actions. In particular, the MMB should reserve the right to reject a permit if an applicant has previously violated requirements of other, related permits. The MMB should also consider obtaining the ability to penalize applicants who have violated permits and legal requirements; fines should be imposed. In the meantime, the individual management agencies should develop their own disciplinary plan for violations within their respective jurisdictions.

Activity P-2.3: Analyze permit data for patterns of compliance. Compliance should be reviewed quarterly instead of every 2 years, and a public reporting process for this review is needed. There needs to be a strategy for transparency that would include reporting to the public on the permitting process.

Activity P-3.2: Develop and implement a Native Hawaiian cultural education program for permit applicants. This should be a required program, instead of an optional one; change the wording from "Those interested in applying for a Monument permit may complete the educational program before submitting their application for review" to "must or shall complete." (emphasis added) This program would have to be completed to allow for the application to be downloaded. Perhaps a personally created password would be earned such that renewal applicants would not have to take the program again and again. However, as at

Hanauma Bay, the password should expire after a certain amount of time to assure that the applicant keeps the

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knowledge at the forefront of his or her mind. An exemption would have to be created for legitimate Native Hawaiian practitioners.

Activity P-3.5: Regularly update the public on proposed and permitted activities. Permit summaries and applications should be posted with enough time to allow for a public review of at least 45 days.

Appendix A: Cultural Impact Assessment

Members of the CWG note that it was difficult to engage in the consultation process during the development of the Draft Cultural Impact Assessment (CIA). There should have been person-to-person consultation and interviews, as well as group consultations as with the CWG. There needs to be time built into the drafting of a CIA - especially for such a culturally significant place - that would allow for interviews that tell the stories and are the Hawaiian knowledge of the place. Without those oral histories, there can be no real assessment. Such is the case here; the Draft CIA is merely a series of quotations of the Draft Management Plan without any assessment of impacts. We urge that the research and drafting of this important document be subcontracted so that it can be done well and in a timely fashion. We also agree to assist the subcontractor, who we have heard to be Kehaulani Souza, in her work.

Content components should include, among other things, contacts and informants, and Native Hawaiian methods of managing natural and cultural resources. The latter should incorporate why Hawaiians feel disenfranchised about managing their own resources. The author should conduct interviews with kūpuna, makua, lineal descendants and others with strong connections to the place. There should be extensive historic information, such as old maps; identification of traditional Hawaiian activities; physical and spiritual aspects of Papahānaumokuākea; and review of what Bishop Museum and the University of Hawai'i, for example, have in their collections. References should be made to the State Constitution's protections of cultural and

traditional rights, the Apology Bill, the recent Hawai'i State Supreme Court ruling referencing ceded lands and the Apology Bill, and PASH rights. Cultural interviews should be incorporated into the project, with the permission of the interviewees, and review of previously collected oral histories should also occur so that kūpuna do not have to be disturbed again and again.

Several meetings of genealogical descendants have occurred, and those notes should be secured both for this project and for perpetual archiving. These meetings include one that was held at the Honolulu International Airport meeting rooms, primary workshops for the establishment of the proposed Sanctuary, and interviews done by and for the Polynesian Voyaging Society, and by Kepa Maly.

In the actual assessment, the author should note that culture is determined by access to the resources and active knowledge of those resources. The assessment should also include how federal and state laws and regulations impact upon the culture, as do past and present military

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and management activities, the current permitting process, and the vast array of pollutants and dump sites remaining within Papahānaumokuākea.

Other Concerns with the Draft Monument Management Plan

Military:

- Surface danger zones need to be moved away from the islands, so that any potential debris will not rain down on or in any way negatively affect the emergent and submerged portions of the Monument.
- Military actions include other potential impacts, such as air, water and land pollution via chemical and other emissions.
- There should be a clean-up plan in place by the military for portions of the Monument previously impacted by the military.
- If the various managing agencies intend to use federal acts to control the military's actions and impacts,

those acts and their controlling language (and applicability to the military) should be clarified in the Plan. We are concerned, based on various statements in the press, that the military is also exempted from such laws as the Endangered Species Act, the National Environmental Policy Act, the Migratory Bird Treaty Act and the Marine Mammal Protection Act.

Weaker Protections

- The protections afforded to a Monument seem to be less than those afforded to a Sanctuary, which concerns us.
- All protective language that was in earlier drafts of the Plan should be reinserted, including language describing the Precautionary Principle.
- The intent of the Proclamation, if it is more protective than comes across in the current Draft Management Plan, needs to be upfront in any response document to the public and in the Final Management Plan.

Thank you for the opportunity to comment. If you have any further questions or concerns, please contact us via Heidi Guth by phone at (808) 594-1962 or by e-mail at heidig@oha.org.

ʻŌ wau iho nō me ka ʻōiaʻiʻō,

The Papahānaumokuākea Marine National Monument Native Hawaiian Cultural Working Group

**NORTHWESTERN HAWAIIAN ISLANDS
CORAL REEF ECOSYSTEM RESERVE ADVISORY COUNCIL**

July 22, 2008

Aulani Wilhelm
NOAA
6600 Kalanianaʻole Hwy, Suite 300
Honolulu, HI 96825

Susan White
U.S. Fish & Wildlife Service
300 Ala Moana Blvd., Room 5-231
Honolulu, HI 96850

Athlene Clark
Hawai'i Department of Land & Natural Resources
1151 Punchbowl St. Room 130
Honolulu, HI 96813

Dear Aulani, Susan, and Athlene,
At our June 25-26, 2008 meeting, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council (RAC) discussed the Papahānaumokuākea Marine National Monument Draft Monument Management Plan and in particular, the Constituency Building and Outreach Action Plan Activity CBO-3.5: "Establish and support a Papahānaumokuākea Marine National Monument Alliance to engage a broad range of constituents, who will provide recommendations and information on specific management issues on a regular basis."

The RAC found CBO-3.5 as it is presently outlined extraordinarily vague and undefined, with no hint as to how the Monument Management Board (MMB) will identify and reach this "broad range of constituents", how their opinions will be solicited, or how their "recommendations and information" will be reviewed, considered and what credence it will be given. Basically the draft plan asks the public to trust that the MMB will ultimately put together some stakeholder group structure and give it a purpose, role and support that will insure expert and representative public input into the management of the Monument.

In an attempt to put some flesh on CBO-3.5, the RAC discussed some of the various advisory council and community support group models in existence, including the National Marine Sanctuary Advisory Council (SAC) model and the Fish & Wildlife Services' Friends-of-the-Refuge model.

The RAC is concerned that an Alliance based on the "Friends" model could end up being dominated by the larger, wealthier NGOs who can afford to travel to and attend meetings, and lobby for their particular interests as well as for funds for the Monument. However, the RAC does like the fact that the "Friends" groups often has an office within the FWS's office and its

representatives can and do communicate regularly with the FWS staff. Ultimately the RAC concluded that the advantages of an Advisory Council (AC) model outweigh those of the Friends model. The advantages include the following:

- An AC ensures that a broad range of stakeholders are represented since they are selected specifically to represent particular interest groups.
- An AC ensures the participation of stakeholders who are not independently wealthy by providing travel support when needed, which is absolutely essential in an island state.
- If AC members are appointed for a multiple-year tenure they will be more familiar with the issues, develop institutional memories and not need to be brought up to speed from scratch at every meeting. This is likely to result in stakeholder input that is more informed and therefore more valuable, and will also save staff time.
- AC members have to listen to briefings, respond to questions that involve their expertise, and document the basis for their decisions and recommendations.
- The AC model ensures the production of consensus advice hashed out in a public venue.
- AC's provide more powerful, reliable stakeholder recommendations than those from individuals and individual organizations.
- ACs are a common model in the U.S. and used globally with every issue group.

Therefore, the RAC recommends that Constituency Building and Outreach Action Plan Activity CBO-3.5 be amended as follows.

Council: After considering input from the Secretary of Commerce, the Secretary of the Interior, and the Governor of the State of Hawaii, the Monument Management Board (MMB) shall establish a thirteen-member Monument Advisory Council (Council) pursuant to Proclamation 8031 of June 15, 2006 and section 315 of the National Marine Sanctuaries Act (16 U.S.C. 1445a) as amended, to provide citizen input, recommendations and assistance regarding the protection and management of the Papahānaumokuākea Marine National Monument. The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the Council.

Functions: The Council shall:

(A) review reports, plans, and permitted activities pursuant to the purposes, policies, and management requirements of the Monument, other pertinent laws, and international conventions;

(B) recommend to the Secretaries, the Governor, and to other agency officials such steps as it considers necessary or desirable for the protection, conservation, and management of the natural, cultural and historical resources of the Monument; and

(C) in cooperation with the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish & Wildlife Service (FWS), and the State of Hawaii, recommend such measures as it considers necessary or desirable to further the purposes and policies of Presidential Proclamation 8031, Executive Orders 13178 and 13196, the National Marine Sanctuaries Act, the National Wildlife Refuge System Administration Act as amended by the National Wildlife Refuge System Improvement Act, the State of Hawaii rules establishing the Northwestern

Hawaiian Islands Marine Refuge, and all other applicable laws and regulations, including provisions for the protection and exercise of the traditional cultural practices of Native Hawaiians.

Voting Members: The Council shall include thirteen voting members:

(A) Three Native Hawaiian representatives, including one Native Hawaiian elder with experience or knowledge regarding Native Hawaiian subsistence, cultural, and religious practices in the Northwestern Hawaiian Islands.

(B) Three representatives from the science community with experience specific to the Northwestern Hawaiian Islands and with expertise in at least one of the following areas:

(i) Marine mammal science.

(ii) Coral reef ecology.

(iii) Native flora and fauna of the Hawaiian Archipelago.

(iv) Oceanography

(v) Any other scientific discipline the Secretaries and the Governor determine to be appropriate.

(C) Three representatives from nongovernmental wildlife, marine life, environmental, or conservation organizations with a demonstrated interest in conservation and protection of Monument resources,

(D) Two education and outreach representatives,

(E) One representative from the ecotourism industry, and

(F) One citizen-at-large

No employee of the Departments of Commerce, Interior, or the State of Hawaii shall be eligible to fill a voting seat on the Council. However, a person working under a government-supported grant or contract involving no more than 19 hours of work per week may be eligible.

The RAC recommends that 13 alternates that meet the above qualifications also be appointed. The alternates shall represent constituents in their particular area of expertise, but not any particular Council member. Co-trustees and other agency representatives may participate in Council meetings as ex-officio members, but shall not vote as they have other avenues for input into the management process. The Council as a whole shall meet at least three times a year, with any additional work done between meetings by Council subcommittees. The Council shall elect a Chair, Vice Chair, and Secretary to serve as the Executive Committee of the Council and to act

in its behalf as needed. The RAC recommends that the Co-Trustees request Congress to exempt the Council from the Federal Advisory Committee Act.

Compensation and Expenses: The voting members of the Council shall be reimbursed for actual expenses incurred in the performance of their duties, including travel expenses and per diem in lieu of subsistence.

Staffing, Assistance and Communication: The MMB shall provide administrative support for the Council, convene meetings of the Council and its subcommittees, and make available to the Council such staff, information, administrative services, office space, or assistance that they determine are reasonably required to enable the Council to carry out its functions and communicate effectively.

The MMB shall keep Council members informed of Monument activities and operations during and between Council meetings, including research plans and results, permits, reports and assessments, and other matters and shall solicit Council input on and help with such matters. The RAC believes that the Council could be particularly helpful in reviewing cumulative impact assessments, annual reports on permitted activities, and conducting evaluations, including the 5-7 year management review plans. A Council representative should be invited to attend meetings of the MMB. The RAC believes the Council can serve as an informed and influential voice at meetings of the State of Hawaii Board of Land & Natural Resources.

Public Participation and Procedural Matters: The RAC recommends that the following guidelines be adopted with respect to the conduct of business meetings of the Council:

(A) Each Council meeting should be open to the public, and interested persons should be permitted to present oral or written statements on items on the agenda at designated and appropriate times.

(B) Emergency meetings may be held at the call of the chairman of the Council or presiding officer. The Council may establish subcommittees to facilitate its work.

(C) Minutes of each meeting of the Council should be kept and contain a summary of the attendees and matters discussed.

We urge the Co-Trustees to give this recommendation full and serious consideration. We believe it will help further the long-term vision, mission, management principles and goals of the Papahānaumokuākea Marine National Monument.

Sincerely,



Linda M. B. Paul
RAC Vice Chair

**NORTHWESTERN HAWAIIAN ISLANDS
CORAL REEF ECOSYSTEM RESERVE ADVISORY COUNCIL**

July 22, 2008

Ms. T 'Aulani Wilhelm
Superintendent
Papahānaumokuākea Marine National Monument
6600 Kalaniana'ole Highway, Suite 300
Honolulu, HI 96825

Dear Ms. Wilhelm:

Thank you for the opportunity to comment on the Draft Management Plan for the Papahānaumokuākea Marine National Monument (Monument). On May 6, 2008 the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council (RAC) received a briefing on the Draft Monument Management Plan (DMMP). The RAC then deliberated on the DMMP in subcommittees and working groups, and developed the following comments at our meeting on June 25-26, 2008. Provided herein are our comments.

We are pleased to see that the DMMP incorporates many of the RAC's previous recommendations that were included in the Draft Sanctuary Management Plan, which was put together as part of the Designation of a Northwestern Hawaiian Islands National Marine Sanctuary. For example, the DMMP is issue-based and focused on resource management needs, not administrative functions. The DMMP also reflects the Reserve Operations Plan and incorporates the not-yet-completed strategies and activities in the draft management plan. In addition, we find that the DMMP incorporates input from the Native Hawaiian community by expanding one action plan into two and adding supporting language and activities throughout the plan. The DMMP also emphasizes the need to address threats such as marine debris and alien species and expands very limited information on how to deal with alien species into a specific Alien Species action plan.

We are appreciative of NOAA's efforts to include prior RAC recommendations during interagency deliberations, specifically on the following items: citizen involvement and participation in Monument management, continuous involvement of the Native Hawaiian community in Monument activities, inclusion of Native Hawaiian values and traditional knowledge in the approach to management and prioritization of research activities in the Monument. We ask that NOAA once again carry these and other recommendations forward.

Please note that appended to this letter is a spread sheet containing RAC- approved comments regarding specific sections of Volume 1 of the DMMP as well as recommendations regarding specific language changes that the RAC recommends be made to Volume 1 and general RAC concerns about the DMMP.

The RAC would like to highlight, however, the following recommendations with regard to Volume 1 of the DMMP:

2.4 Monument Management Policy Framework: The Vision, Mission, Guiding Principles, and Goals for Managing Papahānaumokuākea Marine National Monument

The Monument vision, mission, and guiding principles establish the overarching policy direction and guidance for Monument management (figure 2.2 and table 2.1). The Monument vision is to maintain and protect the health and diversity of the NWHI native ecosystems and cultural resources in perpetuity. The Monument mission is to promote coordinated and integrated management in order to achieve the long-term protection of NWHI natural resources and ecosystems and the perpetuation of Native Hawaiian practices and heritage resources. The guiding principles provide that the Monument shall be managed in a manner that is consistent with its Vision and Mission, recognizing that the resources of the NWHI are administered by the Co-Trustees for present and future generations as a public trust; affirm that the NWHI and its wildlife are important, unique, and often irreplaceable; honor the significance of the region for Native Hawaiians; honor the historic importance of the region; incorporate best practices, scientific principles, traditional knowledge, and an adaptive management approach; err on the side of resource protection when there is uncertainty in available information on the impacts of an activity; enhance vicarious public appreciation of the unique character and environment of the NWHI; authorize only uses consistent with Presidential Proclamation 8031, public trust resource protection, and applicable executive orders and laws; coordinate and consult with federal, state, and local governments, Native Hawaiians, relevant organizations, and the public; and carry out effective outreach, monitoring, and enforcement to promote compliance with all applicable laws, regulations, and permits. The nine Monument goals outline how the guiding principles will be implemented.

Table 2.1 Monument Vision, Mission, Guiding Principles, and Goals

Mission

Carry out seamless integrated management to restore natural biological communities and achieve strong, long-term protection and perpetuation of NWHI native ecosystems, Native Hawaiian traditional and customary cultural and religious practices, and heritage resources for current and future generations.

Guiding Principles

The Monument shall be managed in a manner that –

- Is consistent with the Vision and Mission;
- Recognizes that the resources of the NWHI are administered by the Co-Trustees for present and future generations as a public trust;
- Affirms that the NWHI and its wildlife are important, unique, and often irreplaceable;
- Honors the significance of the region for Native Hawaiians;
- Honors the historic importance of the region;
- Incorporates the precautionary principle, best practices, scientific principles, traditional knowledge, and an adaptive management approach;
- Errs on the side of resource protection when there is uncertainty in available information on the impacts of an activity;
- Enhances public appreciation of the unique character and environment of the NWHI by establishing programs that bring the place to the people, rather than the people to the place;
- Authorizes only uses consistent with Presidential Proclamation 8031, public trust resource protection, and applicable laws;

- Coordinates and consults with federal, state, and local governments, Native Hawaiians, relevant organizations, and the public; and
- Carries out effective outreach, monitoring, and enforcement to promote compliance with all applicable laws, regulations, and permits.

Monument Goals

Goal 1: Protect, preserve, maintain, and where appropriate restore the physical environment and the natural biological communities and their associated biodiversity, habitats, populations, native species, and ecological processes as public trust resources.

Goal 2: Support, promote, and coordinate research, ecosystem characterization, and monitoring that increases understanding of the NWHI, improves management decision-making, and is consistent with conservation and protection.

Goal 3: Manage human activities to maintain ecosystem integrity and prevent negative impacts by allowing only those activities that do not threaten the natural character or biological integrity of any NWHI ecosystem and are consistent with long-term protection.

Goal 4: Provide for cooperative conservation including community involvement and stakeholder input that achieves affective Monument operations and ecosystem-based management.

Goal 5: Enhance public understanding, appreciation, and support for protection of the natural, cultural, and historic resources.

Goal 6: Support Native Hawaiian practices consistent with long-term conservation and protection.

Goal 7: Identify, interpret, and protect Monument historic and cultural resources.

Goal 8: Offer visitor opportunities at Midway Atoll to discover and appreciate the wildlife and beauty of the NWHI, enhance conservation, and honor its important human history.

Goal 9: Limit extractive activities to those necessary for management and Native Hawaiian cultural practices.

3.5.2 Constituency Building and Outreach Action Plan, Activity CBO-3.5: “Establish and support a Papahānaumokuākea Marine National Monument Alliance to engage a broad range of constituents, who [sic] will provide recommendations and information on specific management issues on a regular basis.” (DMMP p. 256)

The RAC finds the current CBO-3.5 extraordinarily vague and undefined, with no hint as to how the Monument Management Board (MMB) will identify and reach this “broad range of constituents”, how their opinions will be solicited, or how their “recommendations and information” will be reviewed and considered and what credence it will be given. Basically the draft plan asks the public to trust that the MMB will ultimately put together some stakeholder group structure and give it a purpose, role and support that will insure expert and representative public input into the management of the Monument.

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In an attempt to put some flesh on CBO-3.5, the RAC discussed some of the various advisory council and community support group models in existence, including the National Marine Sanctuary Advisory Council (SAC) model and the Fish & Wildlife Services’ Friends-of-the-Refuge model.

The RAC is concerned that an Alliance based on the “Friends” model could end up being dominated by the larger, wealthier NGOs who can afford to travel to and attend meetings, and lobby for their particular interests as well as for funds for the Monument. However, the RAC does like the fact that the “Friends” groups often have an office within the FWS’s office and its representatives can and do communicate regularly with the FWS staff. Ultimately the RAC concluded that the advantages of an Advisory Council (AC) model outweigh those of the Friends model. The advantages include the following:

- An AC ensures that a broad range of stakeholders are represented since they are selected specifically to represent particular interest groups.
- An AC ensures the participation of stakeholders who are not independently wealthy by providing travel support when needed, which is absolutely essential in an island state.
- If AC members are appointed for a multiple year tenure they will be more familiar with the issues, develop institutional memories and not need to be brought up to speed from scratch at every meeting. This is likely to result in stakeholder input that is more informed and therefore more valuable, and will also save staff time.
- AC members have to listen to briefings, respond to questions that involve their expertise, and document the basis for their decisions and recommendations.
- The AC model ensures the production of consensus advice hashed out in a public venue.
- AC’s provide more powerful, reliable stakeholder recommendations than those from individuals and individual organizations.
- ACs is a common model in the U.S. and used globally with every issue group.

Therefore, the RAC recommends that Constituency Building and Outreach Action Plan Activity CBO-3.5 be amended as follows.

Council: After considering input from the Secretary of Commerce, the Secretary of the Interior, and the Governor of the State of Hawaii, the Monument Management Board (MMB) shall establish a thirteen-member Monument Advisory Council (Council) pursuant to Proclamation 8031 of June 15, 2006 and section 315 of the National Marine Sanctuaries Act (16 U.S.C. 1445a) as amended, to provide citizen input, recommendations and assistance regarding the protection and management of the Papahānaumokuākea Marine National Monument. The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the Council.

Functions: The Council shall:

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(A) review reports, plans, and permitted activities pursuant to the purposes, policies, and management requirements of the Monument, other pertinent laws, and international conventions;

(B) recommend to the Secretaries, the Governor, and to other agency officials such steps as it considers necessary or desirable for the protection, conservation, and management of the natural, cultural and historical resources of the Monument; and

(C) in cooperation with the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish & Wildlife Service (FWS), and the State of Hawaii, recommend such measures as it considers necessary or desirable to further the purposes and policies of Presidential Proclamation 8031, Executive Orders 13178 and 13196, the National Marine Sanctuaries Act, the National Wildlife Refuge System Administration Act as amended by the National Wildlife Refuge System Improvement Act, the State of Hawaii rules establishing the Northwestern Hawaiian Islands Marine Refuge, and all other applicable laws and regulations, including provisions for the protection and exercise of the traditional cultural practices of Native Hawaiians.

Voting Members: The Council shall include thirteen voting members:

(A) Three Native Hawaiian representatives, including one Native Hawaiian elder with experience or knowledge regarding Native Hawaiian subsistence, cultural, and religious practices in the Northwestern Hawaiian Islands.

(B) Three representatives from the science community with experience specific to the Northwestern Hawaiian Islands and with expertise in at least one of the following areas:

(i) Marine mammal science.

(ii) Coral reef ecology.

(iii) Native flora and fauna of the Hawaiian Archipelago.

(iv) Oceanography

(v) Any other scientific discipline the Secretaries and the Governor determine to be appropriate,

(C) Three representatives from nongovernmental wildlife, marine life, environmental, or conservation organizations with a demonstrated interest in conservation and protection of Monument resources,

(D) Two education and outreach representatives,

(E) One representative from the ecotourism industry, and

(F) One citizen-at-large

No employee of the Departments of Commerce, Interior, or the State of Hawaii shall be eligible to fill a voting seat on the Council. However, a person working under a government-supported grant or contract involving no more than 19 hours of work per week may be eligible.

Thirteen alternates that meet the above qualifications shall also be appointed. The alternates shall represent constituents in their particular area of expertise, but not any particular Council member. Co-trustees and other agency representatives may participate in Council meetings as ex-officio members, but shall not vote as they have other avenues for input into the management process. The Council as a whole shall meet at least three times a year, with any additional work done between meetings by Council subcommittees. The Council shall elect a Chair, Vice Chair, and Secretary to serve as the Executive Committee of the Council and to act in its behalf as needed.

Compensation and Expenses: The voting members of the Council shall be reimbursed for actual expenses incurred in the performance of their duties, including travel expenses and per diem in lieu of subsistence.

Staffing, Assistance and Communication: The MMB shall provide administrative support for the Council, convene meetings of the Council and its subcommittees, and make available to the Council such staff, information, administrative services, office space, or assistance that they determine are reasonably required to enable the Council to carry out its functions and communicate effectively.

The MMB shall keep Council members informed of Monument activities and operations during and between Council meetings, including research plans and results, permits, reports and assessments, and other matters and shall solicit Council input on and help with such matters. The RAC believes that the Council could be particularly helpful in reviewing cumulative impact assessments, annual reports on permitted activities, and conducting evaluations, including the 5-7 year management review plans. A Council representative should be invited to attend meetings of the MMB. The RAC believes the Council can serve as an informed and influential voice at meetings of the State of Hawaii Board of Land & Natural Resources.

Public Participation and Procedural Matters: The RAC recommends that the following guidelines be adopted with respect to the conduct of business meetings of the Council:

(A) Each Council meeting should be open to the public, and interested persons should be permitted to present oral or written statements on items on the agenda at designated and appropriate times.

(B) Emergency meetings may be held at the call of the chairman of the Council or presiding officer. The Council may establish subcommittees to facilitate its work.

(C) Minutes of each meeting of the Council should be kept and contain a summary of the attendees and matters discussed.

3.1 Understanding and Interpreting the NWHI and 3.2 Conserving Wildlife and Habitats

The RAC Research Subcommittee deliberated long and hard on these two sections, keeping in mind that the RAC has consistently over the years recommended that any and all research in the NWHI should be focused exclusively on whether such research is essential to management. Keeping this in mind and to consolidate the action plans that involve scientific research into one section, the RAC recommends that these two sections be reorganized as follows:

3.1 Conserving Wildlife and Habitats

- **Threatened and Endangered Species Action Plan**
- **Migratory Birds Action Plan**
- **Habitat Management and Conservation Action Plan**
- **Research and Monitoring Action Plan**

3.2 Conserving Cultural and Historic Resources

- **Native Hawaiian Culture and History Action Plan**
- **Historic Resources Action Plan**
- **Maritime Heritage Action Plan**

Conserving Wildlife and Habitats Action Plans: The highest priority management-critical research activities are those that: 1) support recovery of threatened, endangered, and rare species, 2) habitat conservation, and 3) reduction of threats to monument resources. These priority-ranked research activities should provide the basis for permitting and funding.

With regard to the highest recovery priorities in the NWHI, we believe that the actions requiring attention most urgently are (1) developing a captive care program to improve Hawaiian monk seal juvenile survival, (2) reducing shark predation on pups and juveniles at French Frigate Shoals, and (3) preventing entanglement in marine debris.

The RAC agrees that research, including characterization and monitoring, are important to record baselines and monitor ecosystem changes in the face of global issues of climate change, ocean acidification and sea level rise. We would like to see stronger language on the aforementioned activities included in the DMMP, while ensuring that scientific pursuits yield specific management benefit and will be incorporated into cumulative impact assessments, carrying-capacity estimates, and limits placed on human access.

We would also like the term “natural laboratory” to be removed, and replacement language added to describe how the Northwestern Hawaiian Islands can serve as a global “control” site to better understand the global issues described previously.

In addition to the Proclamation findings and permitting criteria, the Research and Monitoring Action Plan must prioritize research and provide criteria managers will use on a regular basis in funding and prioritizing research activities in the Monument.

Native Hawaiian Culture and History Action Plan and Native Hawaiian Community Involvement Action Plan: The RAC notes that the RAC Native Hawaiian Cultural Working Group has been actively engaged in the formation of the Reserve Operations Plan, the Draft Sanctuary Management Plan, and the DMMP, and as a result, there are two Action Plans and numerous activities throughout the DMMP that acknowledge the cultural significance of Papahānaumokuākea, and ask for additional Native Hawaiian community involvement. However, we have the following recommendations:

We continue to support stronger engagement of the Native Hawaiian community in Monument management activities. We firmly believe that it is important to integrate traditional Native Hawaiian knowledge and practice in the effective management and stewardship of Monument resources. The RAC recommends that until a Native Hawaiian co-trustee is added, the interim

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OHA representative should continue to convene meetings of the Native Hawaiian Cultural Working Group and forward its recommendations to the MMB.

With regard to Native Hawaiian community involvement and access, we recommend stronger support for cultural research activities undertaken by Native Hawaiian cultural scholars and practitioners, purposeful access, and the ability to collect both marine and terrestrial resources within Monument boundaries for cultural purposes and to perpetuate cultural practices.

Reducing Threats to Marine Resources:

Marine Debris Action Plan: Although several initiatives are being undertaken worldwide, mostly at the national level, to prevent, reduce and/or remove marine debris of all types, but most importantly derelict fishing gear, we recommend continued and enhanced cooperation and sharing of information at all levels to prevent and remove such debris. It is critical to the survival of the highly endangered Hawaiian monk seal.

Marine Debris Action Plan Activity MD-2.X: The RAC recommends that MMB support the NMFS Pacific Islands Fisheries Science Center in the continued development of an inventory or reference collection of net types and other gear that can be used to assist identification of debris collected from the Northwestern Hawaiian Islands and its source. Efforts to prevent and reduce the influx of marine debris into the marine environment at its source, as well continuing the efforts to remove it from the Monument as it accumulates should be the highest priorities.

Alien Species Action Plan: As you will note in the attached tables, the RAC did not make many recommendations regarding this Action Plan, mainly because we find it to be a very good plan. The introduction, both accidental and intentional, of terrestrial and aquatic alien species into the Monument is probably the single greatest threat to the native wildlife and native ecosystems of the NWHI. We urge the MMB to remain vigilant to this threat. In particular, we recommend that NOAA take immediate steps to require any fishing vessel still allowed to fish in the area to have its hull thoroughly and completely cleaned before entering Monument waters. Fines for private vessels entering the Monument with their hulls still fouled should be set at very high levels so as to act as a real deterrent.

Military presence in the Monument: We understand that Proclamation 8031 says, “The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard) that are consistent with applicable laws.” We would like the MMB to work with the Navy and the Department of Defense to develop Best Management Practices and mitigation strategies to minimize impacts of military exercises in the region.

We request that the military provide the MMB with quarterly/semi annual reports on all activities and impacts occurring in the Monument.

We request that, through the White House Council on Environmental Quality (CEQ), appropriate military officials are contacted regarding their obligations to the current White House Administration, including providing reports on military activities occurring in the Monument.

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We ask that the military do its part in restoring and remediating areas in the Northwestern Hawaiian Islands that were previously used for military activities (e.g. Tern Island, Midway Atoll and Kure Atoll).

We ask that a Memorandum of Agreement be written between the Co-Trustees and the Department of Defense/Navy regarding coordination on marine debris removal and restoration and remediation of areas previously used for military activities.

We also request that the use of sonar and any live fire during military exercises be moved away from the Monument.

Managing Human Uses

Permitting Action Plan: Consistent with its recommendations for the Reserve Operations Plan and the draft NWHI National Marine Sanctuary Management Plan, the RAC recommends that in order to prevent negative human impacts to this very rare, fragile, and unique resource the MMB limit access to only those activities consistent with Presidential Proclamation 8031 and the implementing regulations of the Monument. All permitted activities must be designed to enhance understanding of Monument resources for the express purpose of improving resource management decision-making. Permits should be for non-commercial purposes, deemed appropriate and necessary, consistent with management-critical needs and benefit the NWHI. Research permits, for example, should be written so that the research to be conducted is required to serve management-critical research priorities.

The RAC recommends that the unified Monument application form provide sufficient detail from applicants to meet all applicable state and federal laws and regulations, including EO's, in addition to the specific requirements of the Monument Proclamation and to permit the MMB to make an informed decision as to whether the proposed activities will comply not only with all legal requirements but also with the mission, management principles, and goals of the Monument. We also recommend that a conflict of interest policy be adopted for both applicants and reviewers.

We recommend that the MMB track and monitor all permitted activities. We also request that the RAC/MAC be allowed to review permits and research activities periodically for trends, patterns, and management effectiveness. Summary reports should contain, *inter alia*, basic data on the nature, location, and level of permitted activities and the potential and observed impacts of activities.

Enforcement Action Plan: The RAC regards the implementation of a threat-based detection and monitoring program to be a high priority and recommends that it be implemented in one year instead of two years from the date the management plan is adopted by the Co-Trustees. The RAC considers it very important that the MMB conduct ongoing and comprehensive threat assessments and the MMB should be immediately informed of all alleged violations. Penalties for violations should be clear and set at meaningful levels so as to act as a real deterrent.

Midway Atoll Visitor Services Action Plan: The RAC firmly believes that to protect the very fragile resources of the NWHI the public should be encouraged to learn about it from a distance. While we recognize that Proclamation 8031 allows a limited amount of ecotourism to take place on Midway Atoll we recommend that henceforth no cruise ships or private vessels be permitted to visit Midway Atoll; the threat of transporting additional alien species via hull encrustations and ballast

water is just too great. We also recommend that no more than 50 visitors should be permitted to stay overnight at any one time.

Education and Outreach: In addition to our above recommendations regarding establishing a Monument Advisory Committee the RAC strongly believes that enhancement of public appreciation of the unique character and environment of the NWHI should as much as possible be accomplished by establishing programs that bring the place to the people, rather than the people to the place;

Budget and Funding: We recognize that the budget in the DMMP is challenging to draft for a fifteen year management plan involving multiple government agencies, however we would like to make a few recommendations:

The budget in the DMMP should not fund simply a "laundry list" of activities and management needs. Monument managers should utilize management-critical criteria when prioritizing all management activities in the Monument and the budget must follow management priorities. In addition funding prioritization of action plan strategies and activities should be conducted in an open and public process.

General Comments: On the whole the RAC did not have time to adequately discuss many of the proposed DMMP activities and the issues. Please note that the attached tables contain many useful comments from individual RAC members that should be seriously considered even though the RAC did not vote to approve them. We especially regret that the RAC did not have enough time to review Volume II Environmental Assessment and we are concerned that this assessment will be used to justify future activities in the Monument that may need additional environmental review before going forward. It is unfortunate that the RAC was not convened and consulted earlier when the draft management plan was being prepared; we believe our input would have been valuable. For example it would have allowed us to urge you to reorder the research priorities at a much earlier date.

We do recognize that ten public meetings on the DMMP have been conducted and both oral and written public testimony has been solicited and received, and we know the Co-Trustees will give this testimony careful consideration as well. We also hope that the final DMMP will promote timely and effective coordination among the action agencies and consulting agencies.

We hope NOAA and the other co-trustees will give these recommendations and those included in the attached tables full and serious consideration because we believe they will help further the primary purpose of the Coral Reef Ecosystem Reserve and yield the strongest possible protections of the Papahānaumokuākea Marine National Monument.

Sincerely,



Linda M. Paul
RAC Vice Chair
RAC Meeting June 25 & 26, 2008
Discussion on Draft Monument Management Plan RAC Comments
Final, approved and voted on.

HISTORIC HAWAII FOUNDATION

July 23, 2008

Papahānaumokuākea Marine National Monument
U.S. Fish & Wildlife Service
Box 50167
Honolulu, HI 96850

RE: Comment on Draft Monument Management Plan, Draft Environmental Assessment and Midway Atoll NWR Conceptual Site Plan

To Whom It May Concern:

On behalf of Historic Hawai'i Foundation, thank you for the opportunity to comment on the Papahānaumokuākea Marine National Monument draft Monument Management Plan, Draft Environmental Assessment and the Midway Atoll NWR Conceptual Site Plan.

Interests of Historic Hawai'i Foundation

Historic Hawai'i Foundation (HHF) is a membership-based, 501(c)(3) organization whose mission is to preserve and encourage the preservation of historic buildings, objects, communities and sites related to the history of Hawai'i and to keep alive and intact for the enrichment of present and future generations the inherent beauty of the Hawaiian Islands and its unique historic role in the development of the Pacific Basin.

Volume I Draft Monument Management Plan

General Comments

Overall, Historic Hawai'i Foundation supports the intent and concepts of the draft management plan. The joint management between the State of Hawai'i, NOAA and FWS, as well as the joint implementing regulations, is ground breaking. The commitment to permanent protection of the inherent qualities of this unique environment is critical, as is follow-through on those commitments. Historic Hawai'i Foundation supports the purpose of the Monument to achieve strong, long-term protection and perpetuation of ecosystems, traditional and customary cultural practices, and historic and cultural resources.

HHF recommends that the Management Plan make an explicit commitment to the precautionary principle, in which historic, cultural and natural resource protection and integrity be favored when not enough information is known about potential effects of particular undertakings. The approach of "do no harm" in the face of uncertainty will help to protect the resources for which the monument is created.

Where the management plan calls for additional plans or research, including a preservation plan for the monument generally and an updated preservation plan for Midway Atoll, meaningful public



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input and participation is necessary. Historic Hawai'i Foundation would like to be a consulting party in the preservation planning, as well for specific undertakings that may affect historic resources.

Cultural and Historic Resources

Section 1.3 Status and Condition of Cultural and Historic Resources

This section summarizes the history of activities and events that took place within the monument boundaries from the first Polynesian contact through World War II. It sets the framework for understanding the historic and cultural significance of the area and sets the context for decision-making.

However, the physical resources are not identified or evaluated for either Native Hawaiian or post-contact resources. The section lacks an inventory of the known resources or an assessment of their condition, level of significance or level of historic integrity. The title of the section indicates that the intent is to quantify the number, type, location, and condition of the resources, but the narrative does not match the section title. A summary statement about the historic properties on Midway is included (page 53), but lacks detail. Volume III Appendices: Supporting Documents and References neglects to include the Midway Atoll NWR Historic Preservation Plan (1999) or National Register nominations.

Where the historic structures and sites are known, they should be listed in inventory format, with site identification number, name, location, historic significance, status and condition. Recommendations for treatment type may be included where known, or may be deferred to a more specific preservation study or plan.

Section 3.1.3 Historic Resources Action Plan

HHF supports the Action Plan recommendations:

1. To update the Historic Preservation Plan for Midway Atoll and its implementing Programmatic Agreement;
2. To survey, identify and evaluate historic resources on the other atolls and islands in the Monument.

HHF recommends that the Strategies to achieve the desired outcomes be revised to address several issues:

1. Strategy HR-1: HHF concurs with the recommendation to update the Midway Atoll Historic Preservation Plan and would like to be included as a consulting party and/or special interest group.
2. Activity HR-1.1: HHF concurs with the need to reconcile gaps and conflicts between various planning documents. However, it should not be presumed that only the preservation plan will be adjusted; the visitor service plan may also need to be revised to create a seamless management strategy.
3. Strategy HR-5: Identification of additional historic resources in other parts of the Monument should be addressed sooner than the proposed 15 year timeframe. In addition to the strategy to inventory historic resources, the action plan should also include development of a Monument historic preservation plan for the resources, including a timeframe and responsibilities for conducting surveys, documentation, determination of eligibility for the

National Register, preparation of NR documentation and determination of appropriate treatments.

Section 3.1.4 Maritime Heritage

Generally, HHF concurs with the approach of identifying marine heritage artifacts, objects and sites and with conducting enhanced educational activities. HHF specifically supports MH-3.2 to enhance protective measures for sites through the National Register process.

Volume II Draft Environmental Assessment

No Action or Preferred Alternative

HHF concurs with the Preferred Alternative for Historic Resources (Section 1.6.3) and the action items, with the modifications as described in the comments above (on the Draft Management Plan) and below (Midway Atoll Conceptual Site Plan).

HHF has reservation about the Preferred Alternative for Midway Atoll Visitor Services (Section 1.6.14). While it is important to provide educational opportunities, as well as heritage- and eco-tourism options for a limited number of visitors, that need must be carefully considered against the potential impact to the resources. Where synergy is possible and the visitation enhances the resource (such as through volunteer activities), it is much more supportable than simple tourism. HHF will support the careful expansion and implementation of visitor services with the explicit commitment to use of the precautionary principle, wherein the well-being of the history and natural resources is prioritized over the use or convenience of the visitor. HHF also recommends that regular and meaningful opportunities for input from public interest groups be sought to help ensure accountability and necessary course corrections.

Volume III Midway Atoll NWR Conceptual Site Plan

Vision (page 3)

HHF concurs with the vision of Midway as a place where wildlife and historic resources are both supported. We are particularly pleased with the recognition and protection of heritage resources that derive their significance from various historical eras and associations. HHF supports the vision to tell the story of Midway, preserve its character and integrity, and make it a model of sustainability.

Site Analysis (page 15)

The analysis of historic and cultural resources contains good summary data of general types of resources, but lacks the individual inventory to support specific treatment recommendations. An inventory should be created that lists identification number, name, location, type of resource, current treatment, current status, and current condition for each structure, building and site. Lacking this information, later alternatives and recommendations are proposed in a knowledge vacuum.

Alternatives Development (page 30)

HHF supports both the individual and the intertwined goals for Midway Atoll, including a balance mix of historic preservation, habit restoration, sustainable use of materials and energy, solid operations and maintenance, science and research, and visitor use.

Specifically on the historic structures and landscapes design guidelines and principles, HHF concurs with the recommendations to follow established criteria and principles for historic structures and to prioritize reuse of historic buildings.

Throughout the narrative and charts for alternatives development, some buildings are recommended for "ruins state." This is not a recognized treatment for historic structures and is undefined elsewhere in the document. The existing historic preservation plan, still in effect, calls for one or more of six treatments: reuse, secure, leave as-is, fill in, demolish, or relocate. "Ruins" is a new, undefined term and should not be recommended as a treatment option.

Preferred Alternative (page 38)

HHF supports the concept of integrated biological, historic and visitor programs. However, the level of proposed demolition is incompatible with the historic preservation value. The adaptive reuse, rehabilitation, restoration and interpretation activities are encouraging and HHF supports them.

However, we are concerned about the proposal to demolish four barracks buildings, four Cable Station buildings, and potentially other buildings that are shown on the site plan map, although not listed in the narrative. A complete disclosure of which buildings are proposed for demolition, and why, would help with this analysis. Several existing buildings are labeled as "replace," which appears to be a euphemism for demolition.

Absent clear information about both direct and cumulative impacts to the structures proposed for demolition, we can neither concur nor oppose this option. Using the precautionary principle, the "no action" alternative may be more appropriate for those sites. However, HHF concurs with the proposals to rehabilitate and reuse historic buildings and supports those elements of the preferred alternative.

Conclusions

Thank you for the opportunity to comment on the draft management plan, environmental assessment and Midway conceptual plan. We look forward to continuing to participate in the planning processes as they proceed and as implementation occurs. If you have any questions, please contact me at 808-523-2900 or via mail to 680 Iwilei Road, Suite 690, Honolulu, HI 96817.

Very truly yours,



Kiersten Faulkner
Executive Director.

Nina Monasevitch
4457 Laukini Rd.
Lihue, HI 96766

01056

U.S. Fish and Wildlife Service
Papahānaumokuākea Marine National Monument
Box 50167
Honolulu, HI 96850

July 20, 2008

I have read the draft Monument Management Plan for The Papahānaumokuākea Marine National Monument and have found some very disturbing problems, that I will address in this letter. This Monument is the most biologically diverse ecosystem on the planet, with critically endangered species struggling to survive in a marine environment, which is increasingly unhealthy and seriously threatened due to human actions.

Over fishing is causing devastating collapse of fish stocks and entire marine eco systems. 52% of the world's fisheries are fully exploited and 24% are over exploited, depleted or recovering from collapse. The global fishing fleet is 2.5 times larger than what the oceans can sustain or support. 72% of the world's marine fish stocks are being harvested faster than they can reproduce. A full one-fourth of the total catch (27 million tons in 2003) in unintended "by catch". We are wiping out entire fish populations. Marine biologists say the stocks of many large oceangoing fish have fallen by 80 to 90 percent!! The critically endangered Hawaiian Monk seal's population is dropping at 4% per year. With just under 1,200 left, that gives us less than 20 years to save this endemic rare species. (90 percent of the Monk seal population is in the NWHI.) Twenty percent of the world's coral is gone, 24 percent in imminent danger-that is nearly three-quarters of the world's reef gone or nearly gone!

With these shocking facts I find it unconscionable that "Sustenance fishing" is being considered in the monument. ANY fishing is not compatible with the purpose of the Monument. Allowing

any extraction of resources for consumption or any other purpose is not consistent with preserving the monument in its pristine state, let alone allowing the removal of up to SEVEN TONS of magnificent large predatory fishes. You have not provided adequate scientific justification for your claim that removing seven tons of the Monument's resources will not harm Monument resources or alter its ecosystem. For our oceans and marine life to survive, you MUST NOT allow ANY extraction of resources in this Monument!

Also, the establishment of the Papahānaumokuākea Marine National Monument was preceded by years of input from the public and stakeholder groups that identified several key principles to be incorporated into the Monument's goals. Those principles included:

- a. Making protection of the Northwestern Hawaiian Islands, their wildlife, and ecosystems the core and preeminent purpose of the Monument, and that all other considerations and activities must not impair this purpose; and
- b. Maintaining the "natural character" of the Northwestern Hawaiian Islands.

I am distressed to see that these principles, and others, are not incorporated into the draft Monument Management Plan, which leaves the Northwestern Hawaiian Islands incompletely protected and open to activities that will impair their health and resilience.

The Papahānaumokuākea Marine National Monument is a treasure belonging to all Hawaiians and the Nation. I am very concerned that you have failed to build an advisory body, similar to the Research Advisory Council, and a robust public-comment process into the management plan. The public and stakeholders must be given the opportunity to provide input to and review of the management of the monument if it is truly going to be the nation's Monument. This is sacred land, thus, Hawaiian Council should be elected to provide cultural and spiritual direction and protection.

Because the Papahānaumokuākea Monument is such a biologically rich gem, and because the above listed crisis facing our ocean marine life, it is imperative that 100% protection be the preeminent purpose of the Monument. By 100% protection I mean that Resource

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Conservation and Protection should be the primary purpose and focus of the mission and goals. Keeping the area completely undisturbed! NO human activities including but not limited to; any military exercises, including sonar, all forms of fishing, resources extraction or bioprospecting, "eco" or any other form of tourism. All current historic National and State protections for the NWHI need to be upheld. The only activity in the Monument should be some LIMITED scientific research, and debris removal both only by highly responsible persons under strict protocol and scrutiny of advisory councils and management agencies.

Please take the time to carefully consider the incredibly fragile biological gem this area is and do what is Pono.

Mahalo,



Nina Monasevitch

Executive Director
James A. Donofrio



July 22, 2008

01057

Papahānaumokuākea Marine National Monument
Box 50167
Honolulu, HI 96850

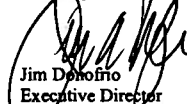
RE: Comments on Draft Monument Management Plan

On behalf of the Recreational Fishing Alliance (RFA) we offer the following comments regarding the management of the Papahānaumokuākea Marine National Monument (Monument). Without question, the Monument is an area of cultural and ecological importance fully deserving of protection from damaging activities. Specific to coral reefs and reef associated organisms which are confined to the boundaries of the Monument, it acceptable to limit all destructive or extractive activities that impact them. However, there are species of importance to the recreational fishing community such as tuna, marlin, dolphin, and other highly migratory species that when pursued, do not result in destruction, cause loss of or impose injure to the Monument resources. RFA supports limited recreational fishing for highly migratory species in a manner that will not impact bottom habitat or species. Trolling natural baits and lures at high speeds near the surface is consistent with this position.

Under the draft Monument management plan, subsistence and research fishing is permitted to continue. There will be mortality associated with these extractive activities. RFA is certain that recreational fishing in the Monument for highly migratory species, if permitted, would impose minimal additional mortality. Furthermore, Pacific highly migratory species are under the authority of the Inter-American Tropical Tuna Convention, which manages these species with precaution and conservation. Fishery management plans for these species mandate quota management and utilize annual catch limits. As such, regulations to limit harvest have been set and are enforced by NOAA Fisheries. It is not necessary to impose additional measures upon anglers who fish for highly migratory species by restricting them from the Monument.

The Monument is over 139,000 square miles and regardless of how remote the area, RFA is extremely uncomfortable about excluding recreational anglers from any area of the ocean without a scientifically proven cause. With regard to the Monument, recreational fishing for highly migratory species, which, by definition, constantly traverse in and out of Monument boundaries, is not a conservation problem nor would it compromise the objectives and goals of the Monument. While we believe that special protection should be imposed to protect coral reefs and associated species, RFA is firmly opposed to the arbitrary restrictions of the Monument management plan which prohibit limited recreational fishing.

Sincerely,



Jim Donofrio
Executive Director

Legislative Offices: PO Box 98263 • Washington, DC 20090 • Phone: 1-888-SAVE-FISH • Fax: 703-464-7377
Headquarters: PO Box 3080 • New Gretna, NJ 08224 • Phone: 1-888-JOIN-RFA • Fax: 609-294-3816

00806

Appendix B NGO and General Public Comment Letters

90

DETAILED COMMENTS

ON THE

DRAFT MONUMENT MANAGEMENT PLAN, DRAFT CULTURAL

IMPACT STATEMENT, DRAFT ENVIRONMENTAL ASSESSMENT, AND A

DRAFT MIDWAY VISITOR SERVICES PLAN

FOR THE PAPAĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT

by NWHI hui

members of KAHEA: The Hawaiian-Environmental Alliance,

'Īlio'ulaokalani Coalition and the Sierra Club

July 23, 2008

Executive Summary

Mahalo for the opportunity to review and comment on the next 15 years of management for the Papahānaumokuākea Marine National Monument. These comments are the culmination of more than eight years of advocacy by members of KAHEA: The Hawaiian-Environmental Alliance, 'Īlio'ulaokalani Coalition, and Sierra Club, on behalf of the strongest possible protections for the fragile and sacred Northwestern Hawaiian Islands. As the NWHI hui, we were the first to advocate for a monument to protect Hawaii's kupuna islands. Today, we are honored to participate in the effort to implement that proposal. While we are hopeful that the great leadership shown by the State of Hawaii and the U.S. to set aside and protect this vast coral reef ecosystem and Wao Akua will be successful, we do have serious concerns about the direction of the current Draft Monument Management Plan (DMMP).

As currently proposed, the DMMP shifts the focus of management away from full conservation and instead promotes expanded harmful use of the Northwestern Hawaiian Islands. The three co-managing agencies - the Department of Commerce, Department of Interior and the State of Hawai'i - propose no mitigation measures on the proposed expansion of military activities in the Monument, and includes proposals to increase extractive research, vessel traffic and construction for tourism activities. At the same time, the current proposal closes the door on meaningful public participation by not establishing a Monument Advisory Council.

The analysis provided here details ten key shortcomings that must be addressed in securing the highest degree of protection for this pristine natural area. Key among the concerns is the abandonment of the "precautionary principle," which requires biological, cultural and historic resource integrity be favored when the impacts of any proposed activity are uncertain. In addition to problems associated with proposed increases human activity and a lack of controls on military activities, other key concerns identified by the NWHI hui include: no prohibition against bioprospecting, lax and undefined enforcement protocols, insufficient resources for Native Hawaiians involvement in Monument decision-making, poorly-defined permitting process, and an inadequate Cultural Impact Assessment.

We trust that the Co-Managers will ensure these flaws are remedied by amending the DMMP to:

1. Protect Monument resources from the harms of human activity in the following ways:
 - a. **Assess the risk and cumulative impact of all human activities affecting the region, including global warming.** The current environmental assessment fails to adequately review the past, present, and likely future impacts of the human presence in the Monument. This information is crucial for proper management and should serve as the basis for numerical carrying capacity.

Appendix B NGO and General Public Comment Letters

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b. Require mitigations on military activities affecting Monument resources. Military exercises should not occur in the Monument, yet the U.S. Navy proposes to expand its activities in and around the Monument, including ballistic missile tests, chemical warfare exercises, and high-intensity active sonar. It is up to the Co-Managers to uphold Monument regulations requiring the Navy, at the very least, to minimize and mitigate the harm of its activities.

c. Strictly limit tourism activities in the Monument. To ensure the human footprint in the Monument is not deepened, set a maximum limit on the number of tourists visiting Midway based on current tourism levels.

d. Prioritize conservation-based science needs to ensure the management needs of the Monument are met. This means restricting permitted activities to those absolutely necessary for protecting endangered and threatened species and their habitats. This must include re-instating the prohibition on bioprospecting.

e. Overhaul the permitting process so that it reflects the strongest protections of overlapping jurisdictions and incorporates rigorous permit terms required in state refuge waters prior to “Co-Management.” The vast majority of permit applications are for access to the fragile state Refuge waters and USFWS Refuges. Until the implementation of the joint permit, the state Board of Land and Natural Resources required rigorous permit conditions (see Appendix A), including a full impact/take log, a detailed waste log and precautionary requirements for any extractive activities. We urge a return to this more protective approach to permitting.

2. Ensure Public Participation on the Monument Management Board (MMB) – The MMB currently makes all management decisions about the Monument without public oversight. Opening the Monument Management Board to the public will ensure that the public trust resources of the NWHI are well-managed in a transparent and accountable way. Additionally, the three Co-Trustees should establish a Monument Advisory Council, which like the original Reserve Advisory Council, would operate under sunshine laws, and include Native Hawaiians, representatives of the conservation community, independent scientists, and independent educators as voting members with the authority to review all management decisions, including issuance of permits.

3. Empower Native Hawaiian decision-making by integrating Native Hawaiian cultural knowledge of indigenous traditions and ecosystem management into the larger management scheme. For example, the Native Hawaiian Cultural Resources Working Group must have the

authority to review any management decision. Without meaningful participation of cultural practitioners in management and adequate funding, resources, and commitment to empowering Native Hawaiian decision-making, the ideas contained within the DMMP are simply empty promises. Currently, ten times more funding is proposed in the DMMP for scientific research than for activities related to cultural perpetuation, this is unacceptable.

APPENDIX C
COMMENTS RECEIVED VIA E-MAIL

00001



Laurel_Baldrige/KAPA
AH/HIDOE@notes.k12.
hi.us

04/23/2008 01:03 PM

To: PMNM_MMP_comments@fws.gov
cc:
Subject: suggestion for 57,001 Marine Monument

THIN THE SHARK POPULATION! ESPECIALLY TIGERS!!!! Then we would not have endangered turtles and monk seals, and it would make our waters alot friendlier and more fun to look at for snorkelers and divers. The sharks have been protected too much - the ancient Hawaiians used to hunt them.

00002



Roy Bendell
<sunupwaterman@yah
oo.com>

04/23/2008 09:44 PM

To: PMNM_MMP_Comments@fws.gov
cc:
Subject: North western Hawaiian Island reserve

I was a lobster fisheries Observer and researcher in the NWHI in 1997.

If new laws are to go into effect :

1. Police the Japanese vessels from catching the fish that Hawaii residents are then not allowed to catch.
2. Set up areas for specific fishing and rotate them to keep the populations intact.
3. Allow diving and spearfishing in some designated areas. ie Midway: specify a reef.
4. Niihau residents and Hawaiians should have some areas of bycatch - not the whole reserve. This applies to Residents of the state of Hawaii as well. Its not right to exclude everyone. Thats like going back to segregation.-Thanks- Roy Bendell

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Jeff Drazen
 <jdrazen@hawaii.edu>
 07/11/2008 05:00 PM

To: PMNM_MMP_Comments@fws.gov
 cc:
 Subject: comments

00174

Co Trustees,

I am a researcher currently involved in the investigation of deep-sea habitats and communities in the PMNM. I read the draft Management Plan eagerly. It was very good to see that the deep water habitats of the monument received attention. While the islands and coral reefs are a phenomenal resource, the deep sea is the largest habitat in the monument. 85% of the area is in water depths greater than 2000m. Although the draft plan give attention to the deep sea the necessary level of detail is lacking particularly compared to that given to terrestrial and shallow water environments. Below are several major points. These are also pointed out in the annotated pdf of volume one (attached, filename - dmmp_voll_Drazen_comments.pdf). A few minor points are also contained in the annotated version. Hopefully these comments will assist you in developing the final version of the management plan. Please do not hesitate to contact me with any questions or if you would like to discuss any of the points raised. Please confirm receipt of this email and TWO attachments.

Mahalo!

Jeff

Major points

1) In several places in the Management plan techniques for deep-sea investigations are given. Unfortunately the list omits many major tools which should be implemented in the future to characterize the environment and its inhabitants. These include free vehicles of all types. These are instruments which are deployed and retrieved in the same fashion as the baited drop camera mentioned in the existing text. They can house current meters, CTDs, acoustic profilers, in situ experiments, or other environmental or biological sensors. AUVs for autonomous underwater vehicles are another technology that should be brought to bear. AUVs are small independent robotic vehicles equipped with a variety of sensors and/or cameras. The department of Oceanography currently has two AUVs called gliders which are extremely useful in characterizing environmental conditions by themselves for weeks at a time. Finally, the management plan says nothing about the collection of specimens (biological or environmental). Many avenues of investigation will be closed if collections are not a part of the plan.

2) Throughout the plan there seems to be little mention of geological, chemical and physical oceanography of the PMNM. These variables are integral components to habitat characterization and activity in these areas should be specified in MCS-1.3.

3) Not all deep-sea habitats are described in the plan. Each island receives a section but the various deep water habitats are not similarly treated. The section on banks and seamounts is good. However, all other deep water habitats are clumped together under "pelagic habitats." In particular the treatment of abyssal habitats in this section is poor. For instance, it states on page 23 "The next zone is the abyssopelagic zone (13,123 to 19,685 feet) (4,000 to 6,000 meters), where there is extreme pressure and the water temperature is near freezing. This zone does not provide habitat for very many creatures except small invertebrates such as squid and basket stars." Basket stars are not abyssopelagic but benthic. More importantly, this statement that the habitat does not provide habitat for many creatures is incorrect. Many creatures could imply numbers of taxa or numbers of individuals. Our baited camera work to 4000m last summer clearly showed an active assemblage of fishes and invertebrates at all depths (Yeh and Drazen, in press, see attached photo from 4000m of P&H). Work in the abyssal plains of the Pacific, Atlantic, and elsewhere continue to show an astonishing diversity of small sediment dwelling animals. A diversity that has been compared to that in tropical rain forests. Some speculate that there could be million of species! In terms of abundance yes the numbers of animals are low. A distinction between numbers of taxa and numbers of individuals should be made. Most importantly the abyssal plains should be a separate habitat heading. This benthic habitat is probably the single largest in the PMNM.

<<...>>

4) The threats of global climatic changes to deep-sea animals should also be given on pages 61-63. Seibel and Walsh 2001 (Seibel, B. A., and P. J. Walsh. 2001. Potential impacts of CO2 injection on deep-sea biota. Science 294: 319-320) have a wonderful article describing the great susceptibility of deep-sea animals to ocean acidification and many other articles are available. On page 9 it states "Overall, the fauna of the Monument's waters below standard SCUBA diving depths remains poorly surveyed and documented, representing an enormous opportunity for future scientific research in a system largely undisturbed by trawling or other forms of resource extraction." This is very true and brings up a very good point. The monument presents an ideal opportunity to study the impacts of global climate change. Most regions of the world's oceans face multiple human threats such as pollution and fishing. The Monument does not and thus any changes seen during monitoring programs will be easier to interpret in light of changing environmental conditions. not only is global change the biggest threat to the Monuments deep-sea habitats but it is the best place to study these impacts on deep-sea ecosystems.

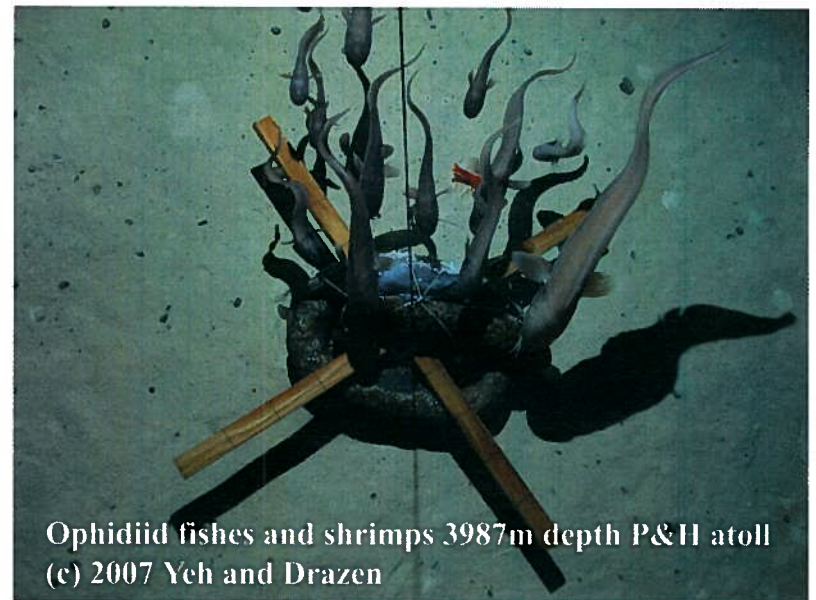
5) On page 9 it is stated that "Even deeper yet, the abyssal depths of the Monument, while harboring limited biomass, are home to many odd and poorly documented fishes and invertebrates, many with remarkable adaptations to this extreme." The biomass density is low however, due to its large area within the monument the total biomass of the abyssal community is quite large. I have used biomass estimates for large invertebrates (echinoderms, crustaceans, enidarians) and fishes on the abyssal plain north of the NWHI (Smith 1992) to estimate the biomass on the abyssal plains of the monument. This estimate probably underestimates the biomass density in PMNM which is predominantly shallower than this station (5700 m). The estimate is 68900 to 74600 g wet mass km-2. This is a low density but with an area of 304,000 km for depths > 2000m this yields a total PMNM deep-sea biomass of 21000 to 23000 metric tons. This "back of the envelope" calculation gives a good minimum estimate to be refined by additional research. Most importantly, it should illustrate that the statement in the draft management plan must be carefully reworded to illustrate both the low biomass density yet considerable biomass monument wide in abyssal habitats.

<<...>>

Jeffrey C. Drazen

Assistant Professor
Department of Oceanography
University of Hawaii
1000 Pope Rd
Honolulu, HI 96822

808-956-6567  [dmmp_vol1_Drazen_comments.pdf](#)  [P&H1_3987m_0867 Yeh and Drazen.pg](#)



Ophiurid fishes and shrimps 3987m depth P&H atoll
(c) 2007 Yeh and Drazen

00003



Brian Daniel
<bdaniel@lava.net>
04/28/2008 07:20 AM

To: U.S. Fish & Wildlife <PMNM_MMP_Comments@fws.gov>
cc:
Subject: Marine National Monument

Hi:

Thanks for giving me the opportunity to to express my feelings on

this important issue. I think eco-tourism is a wonderful thing. It raises our awareness and appreciation of the earth and the plants and animals which inhabit it. I regret that I didn't go to Midway when Midway Pheonix was in partnership with U.S. Fish & Wildlife. It's a small island and a big atoll, always something to explore and learn about. That partnership ended when you guys started cutting down all the iornwood trees, the justification being that the birds don't need them and they are not native anyway. And I guess the reasoning goes that a denuded island would be less attractive to the one species which has done the most damage, homo sapiens. So eco-tourism went out the window and with this new plan the whole chain of reefs and tiny motus will be locked up forever. Is this the one thing that George W. Bush did right? I doubt it, his decree cost him no political capital in this country, and it vastly expanded U.S. claims to the Pacific Ocean, encouraging other nations to do likewise, we are already seeing the fallout, with Russia claiming large parts of the Arctic Ocean.

Brian Daniel
3031 Manoa Road
Honolulu, Hawaii 96822

00004



Susan White
04/28/2008 11:14 AM

To: PMNM_MMP_Comments@fws.gov
cc: Beth Flint/PIE/R1/FWS/DOI, David Zabriskie/PIE/R1/FWS/DOI, "Barbara Maxfield" <barbara_maxfield@fws.gov>
Subject: Fw: Monument Management Plans comments

sent to e-mailbox.

Susan White, Superintendent
Papahānaumokuākea Marine National Monument
>< >< >< >< >< >< >< >< >< >< >< >< >< ><
U.S. Fish & Wildlife Service, National Wildlife Refuge System
300 Ala Moana Blvd. Rm 5-231, Box 50167
Honolulu, HI 96850
ph: 808/792-9481 fax: 808/792-9585
email: susan_white@fws.gov
>< >< >< >< >< >< >< >< >< >< >< ><

"We must all hang together or, most assuredly, we shall all hang separately." - Ben Franklin

--- Forwarded by Susan White/R1/FWS/DOI on 04/28/2008 11:12 AM ---

Ian Jones <ljones@mun.ca>

04/28/2008 11:32 AM

To Susan_White@fws.gov, Beth_Flint@fws.gov, David_Zabriskie@fws.gov
cc melinda c <connersm@gmail.com>
Subject Monument Management Plans comments

Hi David, Susan and Beth,

Extremely busy here organizing Aleutian Island logistics for eight people, so I have only managed to skim over the Monument Management Plan (MMP) docs - nevertheless, I would like to submit some brief and general comments for your consideration.

The strong statements in support of Research in the MMP are commendable. I was very pleased to see how Research was mentioned so frequently and given such a high degree of importance in the MMP. Only through a strong ongoing role of Research can the Monument be properly managed. Without biological research, we will continue to linger in a state of ignorance about ecological processes in the Monument and even about the general biology of plants and animals living in the Monument. In short, without a strongly supported scientific research component, proper management of the Monument's resources is unlikely. Thus the MMP must not only provide lip service to supporting Research, but also provide a strong, clear, unequivocal and well-organized plan for encouraging and supporting research on the Monument. In particular, the process for issuing permits for scientific research must be user friendly, swift and not overly onerous to would-be researchers. The Monument is a challenging and remote location for

research to begin with - so in order to encourage scientific activity and innovation, the permit process should be welcoming, easy to follow, logical and fair - if it is not so perceived, leading scientists will choose to go elsewhere and the Monument will linger in isolation from science.

Some suggestions related to promoting scientific research activities that could be incorporated into the MMP:

Factor in scientist's intellectual property rights into the permitting process. Only a lay summary of the proposed research should be widely circulated for public discussion. The full details of proposed research must remain confidential and viewed only by the permitting committee members and selected peer reviewers. Project proposals contain individual scientist's ideas that are essentially their trade secrets, such ideas and related protocols/methods/technology need to remain confidential and protected until the work is published. If the MMP does not factor this concept into the permitting process, you will be violating scientist's intellectual property rights and discouraging the best and most innovative researchers' activity on the Monument.

When considering the value of proposed research to the Monument, the MMP guidelines should explicitly acknowledge that research on a wide variety of subjects is essential, even if it appears to have no immediate application to management. It is seldom possible to know whether a particular research subject is going to be a crucial tool for future management, so the MMP should discourage any kind of permit committee second guessing about the value of proposed projects, but instead welcome research on as wide a possible scope. As an example, studies of diatoms in lake sediments were considered to be frivolous and lunatic fringe until recently - when these studies were recognized to be the crucial information source re climate change. The Monument needs to welcome biological research on all subjects without prejudice about supposed value. Only by doing so will Monument management be optimized in a rapidly changing biosphere.

Consult Hawaiian biological science leaders such as David Duffy and Sheila Connant about the design of the research permit process - let them help you make the process as streamlined and user friendly as possible. Start with those two characteristics as the basic criteria for your permit process and work from there. Unless the permit process is easily understood, fast and fair the MMP will be discouraging essential work on the Monument. I can't state this strongly enough: the Monument's permitting process ease of use will be the greatest factor in determining whether needed research gets carried out. Without lots of research, your Monument will not be appropriately managed and protected.

These are my quick suggestions - I hope you find them useful.

I would appreciate it if you could stick them in your MMP comments bin for me :-) thanks!

in haste,

Ian

Ian L. Jones

Professor
Department of Biology, Memorial University
St. John's, Newfoundland, A1B 3X9, CANADA

phone (709) 737-7666
fax (709) 737-3018
web: <http://www.mun.ca/serg>

On 23-Apr-08, at 7:34 PM, Susan.White@fws.gov wrote:

I encourage you to log onto www.papahanumokeakea.gov to access the newly-released draft Monument Management Plan and call for comments. The draft plan proposes a comprehensive course for overall management of the Monument for the next 15 years. It is released for public review and comment for 75 days.

Thank you again.



Jessguesnrandy@aol.com
04/30/2008 09:30 AM

To: PMNM_MMP_Comments@fws.gov
cc:
Subject: Public Comment Request for Submittal and Review

00005

To the Representative Individuals Overseeing the Public Comments for the State of Hawaii, U.S. Department of the Interior and U.S. Department of Commerce:

Thank you for allowing me this opportunity to voice my concerns, feelings, and opinions in regard to the planning of the "biggest Marine National Monument".

I was elated upon first hearing the news and thought, 'finally my prayers have been answered.' Yes, I do pray to God to please protect whatever might be still alive in our very badly damaged ocean ecosystems.

Upon hearing who had declared this monumental event, I immediately became suspicious that there had to be an ulterior motive coming into play. Upon further investigation, the reasoning became quite transparent. Not that this changes any of the major plans that are scheduled in the near future, of course. And not that it changes the plans that have already been acted out just recently.

So many injustices are suffered in this world of ours by those who are considered to have no self-value simply because they lack the financial means deemed necessary in order for one to assert oneself in a position of power. How then will our wildlife and ecosystems, and most of all *our planet*, ever win against these odds?

If whales could earn a living, I am sure that they would do so just as every human tries because it is necessary for survival. How does a creature protect itself from something that it knows nothing of? Contamination, pollution, habitat destruction, war; these are all things of a man-made existence. Should it not be, then, man to whom protection and reparation should be sought from?

Please forgive my cynicism, it is just that I get a sick feeling in my stomach to think that the area deemed as a marine sanctuary could also very possibly be the very same area in which the Great Trash Barrier Reef also resides.

Tell me this is not so. Please tell me that this is not so. On land, we would not deem a teeming, festering landfill a national park so why wouldn't the same rules apply to a sanctuary in the water?

I understand that you are all probably very busy in your daily professions but it would mean so much to me if someone were able to assure me that what I fear is incorrect. I would be able to breathe normally again; for the moment.
Thank you in advance.
Sincerely,

Jessica England
Seal Beach, CA 90740
jessguesnrandy@aol.com

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Rita Kanui
<kawehi11@msn.com>
05/12/2008 03:32 PM

To: <pmnm_mmp_comments@fws.gov>
cc:
Subject:

00006

Aloha,

As a Kanaka Hawai'i, I would like to respond to the Papahanaumoku Monument concept usurped by US, is illegal under international law.

Hawai'i was illegally overthrown and illegally occupied since 1897. We continue to be held hostage in our own homelands by the US and the purported State of Hawai'i. I am not an American, never wanted to be one and don't see myself as an American in the near future.

With all that is going on in Hawai'i and the world, it is my hope that the US should admit to the occupation and end it. The taking of our sacred islands in the so called northwest islands is an example of the continued occupation in a billegerent way. Stop wasting money, time and energy.

Me Kealoha Pumehana R. Kawehi Kanui

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00008



"CHAVENGSAK
PHOSRI"
<saksakon@gmail.com
>

To: PMNM_MMP_Comments@fws.gov
cc:
Subject: Midway Resident

05/29/2008 06:33 AM

Sir

we would like to fishing outside fish for clipper house cooking.

Thanks a lot.

Chavengsak

Phosri,Thawatchai Phosri,Kriengsak Phosri.

00009



"Space Options"
<design@spaceoptions
.com>

05/30/2008 08:58 AM

To: <PMNM_MMP_Comments@fws.gov>
cc:
Subject: Papahānaumokuākea Monument public comment on Barrier Free requirements for the Monument

Dear Sirs/Madame,

Since the Midway Atoll will be open to the public, the US Fish and Wildlife is required to conduct a self evaluation of the all the resources, services and programs, to decide which will be open to the public and be in compliance under FWS – 43 CFR 17 Subpart E Section 17.510 and DOI directives. This FWS federal regulation requirement is to make programs, services, operations, and facility provisions for individuals with disabilities who can travel and visit the Monument.

The evaluation should yield a comprehensive land use plan that outlines programmed service areas of preservation with no public contact along side similar program areas of public access which is can be controlled and channeled to preserve the monument and historical artifacts. Access to the historical military preservation would need to be barrier free for individuals with disabilities. There will be various levels of access in conjunction with the historical preservation aspect. The military aspect would have a program similar to the NPS historical military memorials and parks.

This initial evaluation can initially be a land use and historical resource plan that will most likely change with the public comments and further review by FWS. Concessionaires, cooperating associates, and contractors are required to strictly adhere to all aspects of FWS - 43 CFR 17 Subpart E regulations.

Please forward a copy of the current 43 CFR 17 Subpart E self evaluation and the written requirements for concessionaires, cooperating associates, and contractors to the address below. Thank you for providing this opportunity to ask questions and submit public comments.

Jean Tessmer, ASID
Space Options
Federal barrier free consultant
PO Box 29
Kula Hawaii 96790
(808) 878-8386 voice
(808) 878-8376 tly – fax
design@spaceoptions.com



Kevin
<stardustsparkin@gmail.com>
05/31/2008 10:19 PM

To: PMNM_MMP_Comments@fws.gov
cc: Subject: Papahānaumokuākea Marine National Monument Draft Management Plan

00010

300 Ala Moana Blvd, Room 5-231
Box 50167
Honolulu, HI 96850

To whom it may concern,

Please keep the military and fishing industry OUT OF Papahānaumokuākea. They do not belong there, and their presence there causes irreversible damage.

Yours,

~ Kevin Nesnow
Honolulu, HI



LonelyMan and
HandsomE
<hellojackz@hotmail.com>
06/03/2008 09:31 AM

To: <pmnm_mmp_comments@fws.gov>
cc: "hellojackz@hotmail.com" <hellojackz@hotmail.com>, <saksakon@gmail.com>
Subject: SUBSISTANCE FISHING AT MIDWAY

00011

Dear Sir or Madam

We are all Thai's and are midway residents. We would like to resume recreational fishing at Midway for on-island consumption to be eaten at The Clipper House.

We will not fish from within the atoll's fringing reef due to the threat of ciguatera poisoning.

Hope for your kind and favourable consideration.

Thai's Employee's

- | | |
|---------------------------|-------------------|
| 1. Adoon Sripitak | Liquid Fuel |
| Maint.System Mech. | |
| 2. Akon Rodcharoen | Cook |
| 3. Apirak Ang-Yan | Carpenter |
| 4. Apiwat Juethong | Building Main |
| Mechanic | |
| 5. Chavengsak Phosri | Water/Sewer |
| Lead | |
| 6. Chatchai Janthet | Hydroponic |
| Gardener | |
| 7. Hatsanai Wichana | Laborer |
| 8. Jatutarom Argatvatana | Mess Attendant |
| 9. Khamwang Chaloothong | Power Production |
| Lead | |
| 10. Kidjarom Wongwai | Cook |
| 11. Kittiphot Taksintanee | Mess Attendant |
| 12. Kittipong Junthasang | Electrician |
| 13. Kriangkrai Sriprasert | Painter/Corrosion |
| Control | |
| 14. Kriengsak Phosri | Power Production |
| Mechanic | |
| 15. Marwin Phiromsank | Mess Attendant |

16. Narongkorn Thatsanangkon	Electrician
17. Niran Phumanee Operator	AGE Mech/Equip
18. Poem Phonsila	Welder
19. Pongsakorn Wichasawatdi	Cook Lead
20. Prajim Plai-Ngarm	Telecom Mech
21. Preecha Songserm Mechanic	Building Main
22. Sakchai Prosamniang Housekeeper/Janitor	
23. Sakhorn Samianram Housekeeper/Janitor	
24. Seekhun Saikham Mechanic	Refrig/AC
25. Siripong Upara Electrician	High Voltage
26. Sitthisak Paenmuang Maintenance/Laborer	Ground
27. Somchet Wittayakhom Specialist	Work Control
28. Sukhon Singhathum Mechanic	Refrig/AC
29. Surat Baojanya Control	Painter/Corrosion
30. Thanisorn Charunthanakitkarn Mechanic	Building Main
31. Thawal Sonchar Operator	Equip Mech/Equip
32. Thawatchai Phosri Operator	Water/Sewer
33. Vithool Roongganavanong	Plumber
34. Winai Prasertklang	Electrician
35. Wirach Tamwongwan	Supply Specialist
36. Woravut Santirojanakul Specialist/Driver	POL

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David Orthaus
<dorthaus@mac.com>
06/10/2008 04:54 PM

To: pmnm_mmp_comments@fws.gov
cc:
Subject: Midway Atoll Comments

00012

Things I would like to see at Midway Atoll as a current resident,

1. On and Off shore fishing
2. Scuba Diving
3. Golf Course or Driving Range
4. Open up all the beaches
5. Paved Roads
6. New Housing for the residents
7. Short Order Grill
8. Better/faster airplane to get us on and off island
9. Swimming Pool
10. Being able to catch lobster



bombero4ever@aol.co
m
06/10/2008 04:54 PM

To: PMNM_MMP_Comments@fws.gov
cc:
Subject: Midway Atoll

00013

I would like to see **scuba diving** here and the reason is there is alot of other things besides the coral reef and the REEF HOTEL to see in a beautiful part of the world and on the island or inside the reef also plus not mention wrecks of the Corsair US NAVY World War 2 plane in the outside the reef and all the other stuff like the anchors where they used to park the large sailing vessels. Also i would like to see **sport fishing** out here and I have heard that it was a good source of fun and eating also for the island and it would be a good thing to have that back. I love fishing no matter what kind it is. Also I am certified PADI Master Scuba Diver with over 100 dives and I would be willing to help out whenever needed to go diving with Instructors. Plus a golf driving range or a small golf course would be nice not during bird season cause Morale and the weekend there isnt alot to do outside and i am a Outdoors guy and this island is small but it could be a great place for all these to be at and so thanks and hope this happens.

Sincerely

Aaron L Pritchett
Midway Atoll Henderson Field
Airport Firefighter/ Operations

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David Ryan
<dryan46@yahoo.com>

06/10/2008 05:35 PM
Please respond to
dryan46

To: PMNM_MMP_Comments@fws.gov
cc:
Subject: Public comment on Midway Refuge

00014

Hello,

I was the airport manager at Henderson Field, Midway Atoll NWR from 2004-2006. I am now back managing the airport at Midway once again. As a resident of the island I can tell you that there are very few outdoor activities that residents can enjoy. When I was here the first time we were allowed to fish which was wonderful. All fish went to the dining hall for all residents to enjoy. I can only estimate but I believe total fish taken per year for the whole island was about 60. Only Ahi and Ono were taken. This was a great morale booster and just plain fun. I would like to see the return of subsistence fishing along with at least considering the taking of a limited number of lobsters. One must remember there are many months in the winter when fishing doesn't even happen due to rough seas. I would also like to see consideration of scuba diving for certified divers. Even if depth was limited, it would add a lot to the variety of things to do. Finally I would like you to consider sailing or windsurfing in small craft in the lagoon. All of these are healthy activities that would improve morale greatly. Thank you for your consideration.

Regards,

David M. Ryan



"Sandy Webb"
<mrssandywebb@hawaii.rr.com>

06/13/2008 11:32 AM

To: <PMNM_MMP_Comments@fws.gov>
cc:
Subject: education portion of plan

00017

Aloha – I'm part of the Midway Alaka'i Program and the management plan states that only members will run successive workshops – this is not correct. It should read that members of the Midway Alaka'i Program will MENTOR new members in the years after they participate in the education program on Midway. A number of resource personnel from NOAA, USFWS and related community groups may run the workshops for the program.

I am also a member of the 2005 NOAA Boatload of Educators voyage to the monument and a high school educator in Hawaii who has written curriculum units related to the module. I think funds should be available to contract educators to run teacher workshops in the CONTINENTAL U.S. to introduce teachers to the myriad of educational resources available relating to the monument. There has to be more than just curriculum on a website to educate the public about the monument and help them understand its enormous ecological value.

I think the voices of Andy Collins at NOAA and Ann Bell of the USFWS should carry considerable weight in any revision to the Papahānaumokuākea Marine National Monument plan – they not only understand the needs of researchers, educators but they have considerable knowledge of what it will take to protect the species found there.

Sandy Webb, Mililani, HI
94-830 Lelepua St. Apt. C
Waipahu, HI 96797



Rita Kanui
<kawehi11@msn.com>
06/13/2008 04:07 PM

To: <pmnm_mmp_comments@fws.gov>
cc:
Subject: Comments

00019



Kerry LeMons
<Kerry.LeMons@chuga
ch-ak.com>
06/14/2008 10:02 AM

To: "PMNM_MMP_Comments@fws.gov"
<PMNM_MMP_Comments@fws.gov>
cc:
Subject: Paphananumokuakea Marine National Monument Public comments

00020

1. Midway Atoll is a US Territory and as such the State of Hawaii does not have enforcement authority for environmental or health concerns (i.e., environmental permits). Who will have permitting authority for permits such as National Pollutant Discharge Elimination System (NPDES) and air quality?

EPA Region 9 does not list Midway as one of the areas of concern or enforcement. Currently environmental, health and Safety fall under the Fish and Wildlife Services (FWS) which incorporate much of the federal EPA standards, but not all or as stringent. In addition, there is no real oversight authority to ensure compliance.

As stated in the monument plan, there will be an increase in personnel (construction, visitors and residence) all of which will impact the local environment by increasing that amount of solid/hazardous waste generated on island. Current operations require that all waste be separated by type (plastic vs recyclable metals). Most waste is either incinerated or landfilled on island. Plans need to be developed to manage this increase as landfill space is a premium and the incinerator is not rated to handle a large increase in waste.

2. As a resident of Midway Atoll, I believe that sustenance fishing should be allowed, 1) to increase moral of the community, 2) reduce cost in providing fresh fish, 3) reduce cost in transporting supplies (i.e., foodstuff) to the island. Due to the small number of personnel living on Sand Island, the impact to the environment will be negligible.

Thank you for your consideration in this matter.

Kerry LeMons
Resident of Midway Atoll



Rick Long
 <dhsc6411@hotmail.com>
 06/15/2008 08:54 PM

To: <pmnm_mmp_comments@fws.gov>
 cc:
 Subject: Comments on Draft Management Plan

00021

Dear Sirs,

I attended the public hearings on the Papahānaumokuākea - North West Hawaiian Islands Draft Management Plan on Maui this week, and have had time to read parts of the 4 volume document.

I am a retired psychiatric social worker having last worked for the State of Illinois. I am currently a volunteer for the Hawaiian Islands Humpback Whale National Marine Sanctuary, and participate in frequent reef surveys for the University of Hawaii, and private NGOs.

From my first hand experience in the ocean, I am very aware of the impact of human activities, including my own, on the marine eco-system. As a social worker, I am also very aware of the importance of supporting the Hawaiian cultural practices in the North West Hawaiian Islands - the kupuna islands.

I would like to see the management plan limit all human impact in the national marine monument, and instead apply "cutting edge" technologies to create a "virtual" museum that could be used by everyone.

Web cams could be discretely placed at many locations on the islands and atolls to observe the birds and monk seals. Satellite and radio transmitters, as well as critter cams could be also be used to track migratory species. Underwater cameras could be placed on the reefs to observe marine animal behavior. Resident scientists and Hawaiian cultural practitioners could hold video sessions with those of us back in the main Hawaiian Islands. Databases and video libraries could be placed on the internet for use by local students.

What was once the privilege of the rich, to be able to travel to exotic locations, is now within the reach of children in the third world countries because of computer technology and the world wide web.

Why not bring all of our marine sanctuaries and national parks alive and online for everyone to enjoy and explore?

Thank you.

Rick Long
 120 Manino Circle, #202
 Kihei, HI 96753



dsfuzzy@bellsouth.net
 06/18/2008 11:14 AM

To: PMNM_MMP_Comments@fws.gov
 cc:
 Subject: Comments for Papahānaumokuākea Marine National Monument

00026

Good Morning,

I would like to make 2 comments on the Papahānaumokuākea Marine National Monument (PMNM). I am a private citizen that happens to be employed on the island of Midway. The first comment that I would like to make concerns an action performed by a Fish & Wildlife Service (FWS) government employee, Mr. Barry Christensen, that I would like to have reversed and such an action prevented from ever reoccurring. I also notice that I am commenting to FWS, and would extremely appreciate this comment being brought up the governmental chain at least one level above FWS. A military sign was painted over with a sign that has "Midway House" and flowers on it. The house is of historical significance, but the sign in front of the house isn't, according to FWS personnel. Thus, Mr. Christensen and his wife personally repainted the sign. This house had been occupied by Navy personnel for many years, and is the place where the peace accord for the Vietnam War was signed by President Nixon and the North Vietnamese Government. I would like to bring to the attention of my fellow citizens that The Battle of Midway was a very large turning point in WWII and that the American lives lost during that heroic battle do not deserve to be forgotten. I am extremely dissappointed that no military organizations, such as The Veterans of Foreign Wars (VFW) or the American Legion (AL) were consulted in this matter. So, ask yourselves, my fellow citizens, do you want to return the sign to its prior condition and pay homage to the military lives lost on Midway and allow future generations the opportunity to remember this building as a significant place of significant military history? Or, do you want to remember that Mr. Christensen, a FWS government employee, and his wife repainted the sign and put flowers on it, because they could???

Basically, my specific comment, is that I would like specific protection of anything that could be determined as military significance and I do not want FWS governmental employees deciding what they personally think is significant or not. I live on this island and can share with my fellow citizens that there is very little left on this island to pay homage to the military for their service to their country and it deserves better protection than that provided by Mr. Christensen.

My second comment concerns sustinance fishing at Midway. I believe it to be a very good idea. The high cost of flying all food onto the island is not cost effective and should be considered as a factor in determining the decision on sustinance fishing. The island is now open to the public, and even more food will be required in the future. All meat products that are brought to the island are frozen. Fresh fish would provide a much better diet to the people that have to live and work here on Midway. I don't want to sell the fish and would simply like the opportunity to eat fresh fish. I firmly believe that flying frozen food to an island is very expensive to the taxpayers, but if you allow a man to fish, he will eat healthier for life!

Thank you for your time and consideration,

Douglas "Scott" Feazell
 Private Citizen



Sarah Moon
 <moonsilktwo@yahoo.com>

06/19/2008 12:33 PM
 Please respond to
 moonsilktwo

To: PMNM_MMP_Comments@fws.gov
 cc:
 Subject: PMNM-MMP Comments

00034

June 19, 2008

Re: Papahānaumokuākea National Monument Management Plan

We have visited Midway Island twice since it was first turned over to the National Fish & Wildlife Dept. from the Navy. We studied the limu/algae, the invertebrates and writing/sketching our impressions. We stayed two weeks each time learning a deep appreciation for these NW Hawaiian Islands. We also went to most of the public hearings and meetings concerning the fate of these islands from the very beginning. Thousands of people attended and expressed a positive statement to designate this archipelago a protected National Monument.

We have decided after careful thought to offer the following to be included in the Management Plan:

- (1) There must be a citizen-based public commission Council comprised of a cross section of the public and government representatives. A member from each main Hawaiian Island, an educator, a member/representative of OHA, an artist/writer, a journalist, and a fisherman all to be members of this commission with legal authority to grant all permits.
- (2) There must be a limit, determined for the year in advance by the Citizens Council, on the number of permits allowed for groups of tourists, scientific researchers, student groups and fishermen.
- (3) There must be established a certain amount of time to educate those permitted to understand and respect the environment.
- (4) There must be a limit on the number of tourists and researchers each year.
- (5) No cruise ships should be allowed to anchor off shore within the boundaries

Aloha No,

My 'ohana is related to the; Moana, I, Keawe and Kauaia-A-Mahi lines that can be traced back 97 generations to Kumu Honua, The First Man.

Our comments are simply that Hawai'i is illegally occupied by the U.S. military and because of this we as a people are being held hostage in our homelands commenting to this body, our concerns, on special appearance being that we are not Americans, but Hawaiians, by nationality with our rights intact and documented in the 1839 Declaration of Rights, 1864 Constitution, 1850 Treaty, conventions, international law on occupation, Apollon vs. Edon, Hawaiian Kingdom Laws; Civil and Penal and cases studied in the Hawai'i Reports Vol. 1-5 and Vol. 1 on The Statute Laws of His Majesty Kamehameha 1845-46.

As a descendent of Bernice Pauahi Paki (Bishop) it is our responsibility to protect and preserve the vested rights in and on the lands in Hawai'i by using the laws of this land. It is our contention that the lands you speak of belongs to, The Hawaiian Kingdom government that continues to exist even under the present occupation and it is through this understanding that we approach this body, as heirs-at-law...not the public at large, or as Americans since Hawai'i was never legally annexed to, by or with the permission of our people, na kanaka maoli.

Papahānaumoku (Mother Earth) is my relative and I am appalled at the fact that the U.S. and it's many corporations claim her now when she is our mother? How can a foreigner do that? The old saying applies here, "It's not funny to fool mother nature" this is why America is having all these weird weather patterns...you are holding our mother and her children hostages in their own homeland and we will not have that. Papa is not your relations and she begs to be set free from your clutches that are not pono.

We pray that the American people will see what this Bush administrative office is doing to us and tell your government to end the illegal U.S. military occupation and the usurpation of the 1850 Treaty...1839 Declaration of Rights...1864 Constitution...Hawaiian Kingdom Laws; Penal and Civil and plain old human rights. It's time to end the occupation and to bring pono back to our land through healing.

Me Kealoha Pumehana R. Kawehi Kanui

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(6) There must be a ban on all and any military exercises or ballistic tests in and over the monument. The military must clean up all their old junk they left behind.

(7) Protect the ancient Hawaiian cultural sites.

(8) For all permits there must be public hearings on all the main islands for a month and at least 30 days for public comments for all permits.

Mahalo

Jan and Sarah Moon

121 Lokoaka Street

Hilo, Hawaii 96720 moonsilktwo@yahoo.com



James Roberson
<test2bnoble@hotmail.com>

06/20/2008 04:20 AM

To: <pmnm_mmp_comments@fws.gov>
cc:
Subject: Sustenance Fishing

00039

FWS Committee Members

I am writing in reference to: Reference Draft Monument Management Plan Appendices Volume III page D-113-D-125. As an Island resident I would respectfully ask that Sustenance Fishing be allowed for people living and working here at Midway on a permanent basis. This will reduce the cost of flying frozen fish from Honolulu.

Also, it would provide a productive recreational activity for island residents.

It would be very much appreciated if permission to Sustenance fish is granted.

Positive regards,
James Roberson

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00041

Carlin G. Robinson

From: "Carlin G. Robinson" <Bosco808@hawaiiintel.net>
To: <PMNM-MMP-Comments@fws.gov>
Sent: Wednesday, June 18, 2008 1:43 PM
Subject: Draft Management Plan Papahānaumokuākea-MMP

Having been a visitor, contractor and management consultant on this island, I would like to suggest that the primary use and management of this National Monument be put under the auspices of the U.S. Coast Guard, to be used as a training facility and the last outpost of United States Territory. I have not been there for many years, but at the time (60's & early 70's) there was some very good facilities.

Mshalo, Carlin G. Robinson

Dacaccia@aol.com To: PMNM MMP Comments@fws.gov
06/23/2008 05:29 PM cc: management of maine monument

00042

Response to management plan for Northwest Hawaiian Islands 6/23/08

I don't see how you can spend \$355 million managing the NW Archipelago. I think you should simply end all fishing and other extractive activities in the Manne Monument. Period Use some of the money to buy back the licenses of anyone now fishing there

When they built the space center at Cape Canaveral in Florida, A large area around the space center was off-limits to anyone, including fishermen. They discovered that these waters became a breeding ground for fish. Now, large quantities of large fish are swimming out of the restricted area, and into waters that are fishable. So the fishermen are benefitting from this closed area. Much of Hawaii is being over-fished. The fish and the fishermen will benefit from having this area totally closed to fishing.

Regarding the mice on Sand Island, by all means, get rid of them. And clean out rodents on any other islands in the archipelago. I would think that it would take a lot less than five years to find a rodenticide that would not harm the birds. Go for it!

Aloha, David Caccia
Honokaa, HI 96727

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6/18/2008



Judy Dalton
 <dalton@aloha.net>
 06/24/2008 01:24 PM

To: PMNM_MMP_Comments@fws.gov
 cc:
 Subject: Papahānaumokuākea Marine National Monument public comments

00049

Comments on the Papahānaumokuākea Marine National Monument Draft Management Plan

100% protection of marine life, including seals, sea turtles, and sea birds should be the main mission and goal of the monument.

Considering just one of the species - the Hawaiian monk seal - it's very survival as a species is dependent upon Papahānaumokuākea providing life-saving protection.

The Monument should be treated as National Marine Sanctuary and have ZERO impacts allowed into this pristine area. The following measures must be adapted to assure the full protection of all of its inhabitants:

- NO humans.**
- NO fishing. (Starting immediately.)**
- NO cruise ships.**
- NO military. (There's no justification for their exemption.)**
- NO WESPAC**

Thank you for considering my comments.

Judy Dalton
 4330 Kauai Beach Drive,
 Lihue, Hawaii 96766
 808-246-9067

00055



Carolyn Classen
 <pololu@hotmail.com>
 06/25/2008 09:15 AM

To: <pmnm_mmp_comments@fws.gov>
 cc:
 Subject: public comment - Papahānaumokuākea Marine National Monument

I attended the June 19 public meeting in Hilo and would like to add that this Papahānaumokuākea Marine National Monument definitely needs to be protected for ongoing research and limited tourism, probably only on Midway. However, 800 cruise ship tourists a day is a bit much for Sand Island or Eastern Island.

I did visit Midway Atoll with my son and some friends back in 1998. We did some volunteer work for FWS (trail clearing), so I can appreciate the unique wildlife there. Also, I am one of the volunteers here with the Monk Seal Response Team, helping to educate the public and protect our few endangered Hawaiian monk seals on island.

I appreciate the Environmental Assessment you have done, and hope you will stay in close communication with all branches of the US Armed Forces that may venture into this National Monument.

Sincerely,

Carolyn Sugiyama Classen, Esq.
 1222F Kaumana Drive, Hilo, HI 96720

Please add me to the Monument email listserv.

The other season of giving begins 6/24/08. Check out the i'm Talkathon. [Check it out!](#)



"Bob Webster"
 <bob@upperspace.com>
 06/29/2008 08:39 PM
 Please respond to bob

To: <PMNM_MMP_Comments@fws.gov>
 cc:
 Subject: Public Comment for Draft Management Plan

00061

**A Public Comment
 for the
 Papahānaumokuākea Marine National Monument
 Draft Management Plan**

I have just (yesterday) left the Papahānaumokuākea Marine National Monument after a recreational visit. I am submitting these comments from the standpoint of private boats, primarily small sailboats, visiting the Monument on recreational permits.

The Midway Atoll is a spectacular place. As a national monument, it should be accessible by the public. Unfortunately, the permit system as currently established makes it very difficult for people to visit the monument, especially those on private boats.

1. In order to visit the monument in June, we were required to submit a complex application in January. Even so, we did not receive our approved application until June 10, two days before our departure for Midway. This is unacceptable.

A private boat should receive a permit in just a few days after application. The rules and limitations on visits by recreational boats should be determined and made public by Midway Atoll. There is no reason for a public comment period on such a recreational visit that does not request unusual activities.

A private boat should not be required to submit an application months in advance. A standard application for a recreational visit should be allowed two weeks before a visit, although the approval would be contingent on space available at Midway, and the applicant would be required to meet the inspection and other requirements.

2. The Monument is a public resource, and should be available to the public in general. I should not be required to justify "how my visit will help the Monument" or write how I will accomplish my activities "in complete sentences," as is currently required. The Monument should be open to everybody, and you should not be required to pass an examination first. I have never heard of a U.S. National Monument with this kind of barrier to entry.

If a person visits the Monument for tourism and recreation, that should be enough information for the Monument. The following application questions are completely inappropriate.

- "Is there a practicable alternative to conducting the activity within the Monument? If not, explain why your activities must be conducted in the Monument."

- "How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity?"
- "Explain how the duration of the activity is no longer than necessary to achieve its stated purpose."

Questions such as these indicate a mindset of keeping everybody out of the Monument, except as a last resort. Instead, the public should be automatically *entitled* to visit, within reasonable rules.

3. Private boats visiting the Monument are required to install Vessel Monitoring Systems. There is a system approved and available that costs \$1,500. However, we were required to purchase a \$3,000+ model which included a terminal we had no need for and never used. Furthermore, we were required to pay several hundred dollars to a company in Honolulu for installation, costing more than \$4000. Only one company was authorized to do the installation, and I was not allowed to install the VMS, even though it is not a difficult installation. (It is generally a bad idea for the government to require people to do business with a specific company.)

An extra \$4000 is cost prohibitive to the majority of people who desire to visit the Monument on private boats. VMS systems should be made available for a reasonable price. The Monument could loan or rent VMS systems to visitors, or at a minimum the lower-priced \$1,500 model could be used and personal installations allowed.

4. Information on facilities available to private boats should be made public. A holding tank pumpout service should be available to allow more and especially smaller boats to enter the no-discharge zone. There is a requirement for a fuel boom, which costs several hundred dollars, when fueling recreational boats. This requirement is unnecessary and should be removed for boats with limited fuel capacity, maybe 500 gallons or less.

5. Non-commercial fishing from private boats for food to be consumed on the boat should be allowed throughout the monument, with the possible exception of Special Management Areas and within three miles of the islands.

6. (This is a minor point.) The name "Papahānaumokuākea" is too long and hard to remember. Some spaces would improve it (Papahāna umoku ākea), or possibly using "Northwest Hawaiian Islands" in conjunction with or as an alternative to Papahānaumokuākea.

Midway Atoll and the Papahānaumokuākea Marine National Monument are public resources, and should be treated as such. As it stands now, it is very difficult for ordinary people to visit the Monument, particularly on private boats. The perception that the Monument exists primarily for a select few government personnel should be avoided, and the barriers to entry for the public should be reduced to a level consistent with national parks and monuments around the country.

Robert Webster, Sunday, June 29, 2008
bob@upperspace.com



robert fram
<pfibob@hotmail.com>
06/30/2008 02:48 PM

To: <pmnm_mmp_comments@fws.gov>, GOV LINGLE
<governor.lingle@hawaii.gov>, BIG JIM HAMULAR <jnsart@mac.com>
cc:
Subject: The PMNM / NW Isles

00062

After all my years of direct involvement with the Hawaii Seafood Industry and upon reading the article in Hono. Advertiser , Sec B, on Wed. April 23rd 2008, I decided a fact and logic based comment was overdue. The whole reason for a marine monument is TO PRESERVE , the reefs , seals, turtles, seabirds and of course fish and sharks. Any person who really sees and understands that environment up there in the NW Hawn. Islands knows that the GREATEST THREAT are the MASSIVE sections of broken off ghost nets. We cannot monitor this without some presence in the NW Hawaiian Islands, because satellite Imagery will not show the monofilament nets.

It is time for government to work hand in hand with industry to monitor and ensure that area remains in its most pristine condition. The coral gets snapped off and damaged , the seabirds , turtles , seals and all fish in the area of the ghost nets are threatened. Lets set up a list of goals:

- 1) Goal #1-- To preserve the coral reefs and all the wildlife in the Monument.
- 2) Goal #2-- THE MONITORING OF GOAL #1.
- 3) Goal #3-- Identifying all of the threats, removing and or reducing all of those threats where ever possible. (ghost nets, oil spills and shipwrecks-- primarily foreign vessels)
- 4) Goal #4-- Find and tag -- mark location with GPS , using floats and GPS senders, to set up removal.
- 5) Goal #5 -- Get Industry and government (Coast Guard, DLNR, NOAA etc) to work together.
- 6) Goal #6 -- Create a plan , on a trial basis , to try achleve a balance between scientific information, species and population counts, fish stocks and quotas and of course, coral reef monitoring.

A possible such plan would be to:

- 1) Divide the PMNM into 10 distinct areas.
- 2) Permit 10 bottom fishing boats, and assign each one an area.
- 3) Each vessel must scout the fringe reefs in their respected area for the ghost nets. Any nets spotted will be called in to the Coast Guard and marked for removal. (small transponders could be used for the largest most destructive ghost nets)
- 4) In order to cover the WHOLE PMNM, there may need to be some fuel subsidy to reach the more distant areas. The State of Hawaii and the Federal Government with the help of the Coast Guard could not monitor this area as THOROUGHLY OR AS ECONOMICALLY as teaming up with industry.
- 5) Each vessel will have quotas system , and will turn in vital fish population reports, while culling out a tiny fragment the current fish stocks.
- 6) These permitted bottom fishing boats could take scientific teams up to, and back from the most isolated NW Islands.

In closing , the REAL THREAT to the ecosystem in the NW Hawaiian Islands and the entire PMNM are the ghost nets. These nets drift in DAILY and kill for years, ignoring them is a crime against the Wildlife that calls this environment HOME !!

Pls call Bob Fram @ 1-808-478-7581 of One Ocean Non-profit Assc.

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"Barbara DiBernard"
 <bdibernard@gmail.com>
 m>

07/01/2008 12:58 PM

To: PMNM_MMP_Comments@fws.gov
 cc:
 Subject: comments on draft plan

00063

I am a "regular" person, not a scientist, who has been to Midway Atoll 3 times--for a week in 1999, 2 weeks in 2000, and a week in May 2008. All 3 times I came with a group through the Oceanic Society.

I am very impressed by what I have read of the plan, of the thoughtfulness, care, and science that has gone into it. My reason for writing is to urge you to continue the visitor plan. It has been an honor to visit Midway. The opportunity to be with and among the wildlife is extraordinary and unprecedented in my experience. In my experience also, the Oceanic Society is doing a good job of preparing visitors for their trip, especially in informing them clearly (as does the FWS orientation) of the reasons for and importance of the limits in where you can go and what you can do, because of the priority of maintaining habitat and the best conditions for wildlife.

On my most recent trip, the Chugach staff was extraordinary. Food, lodging, and other needs were seen to with care and thoughtfulness. I believe they are doing an excellent job. FWS staff were excellent also in helping us interpret and understand what we were experiencing.

After my previous visits to Midway, I did educational talks for the local Audubon chapter as well as a group at the University of Nebraska and a class at another local college. I emphasized the message of marine debris/plastic and its effect on albatross. I know that had an impact on some members of the audience--one woman has told me, 8 years later, that she still thinks about albatross when she buys something, and wonders if its disposal will have a bad impact on them.

I plan to do talks for groups this year as well, with my new slides and updated info on the Monument.

I have also been a member of Friends of Midway Atoll since my first trip and find them a wonderful and useful group with which to be associated.

In short, my experiences have shown that the educational and advocacy goals of the visitor program are working. I am glad to see that visitor programs are part of the long-range plans.

Thanks to all who have worked on the plan.

Sincerely,

Barbara DiBernard
 1045 N. 41st St.
 Lincoln, NE 68503
 402-466-0117
 bdibernard@gmail.com



wayne sentman
 <mangoman37@hotmail.com>

07/01/2008 09:20 PM

To: <pmnm_mmp_comments@fws.gov>
 cc:
 Subject: Papahānaumokuākea Marine National Monument Draft management plan Comments

00064

Please see attached comments on a word document. Also cut and pasted below in case there is problem opening attachments.

Thank you for the opportunity to comment on this very dynamic management plan.

Sincerely, Wayne Sentman

=====

Comments on Papahānaumokuākea Marine National Monument Draft Management Plan

Offered by: Wayne Sentman
Contact info: 109 Rockview Street #1
Jamaica Plain, MA 02130
Email - mangoman37@hotmail.com

Brief Background - I am a wildlife biologist who worked on Midway Atoll from May 1998 - May 2002. I was employed by NMFS, Oceanic Society, University of Hawaii, and also volunteered for USFWS. I assisted with USFWS and NMFS projects relating to monk seal, seabird, spinner dolphin, shark, marine debris, and sea turtle monitoring. In the above roles (and under direction of USFWS staff biologist) I helped to train USFWS volunteers, Oceanic Society research participants, and visiting researchers about monitoring and handling Midway's wildlife. Also I served as a USFWS, NMFS, NOS, and State of Hawaii DLNR contract employee for individual projects at Kure Atoll, Pearl & Hermes Reef, and Midway Atoll. These contracts related to seabird banding, invasive plant species removal, guiding international film crews around sensitive wildlife, and vessel groundings. I have led over 125 ecotourism groups for Oceanic Society's former natural history and research programs at Midway, given over 150 educational lectures and tours for USFWS previous visitor program, and taught a University of Hawaii marine mammal field program at Midway. During 1999 - 2002 I assisted in developing monitoring patrols used for assessing wildlife/human interaction carried out by USFWS. During 2008 I have been leading ecotourism groups to Midway Atoll as part of the new Visitor services program.

Overview - During the last 5 months I have led the first 5 ecotourism groups at Midway Atoll since the shut down of the previous visitor program 6-years ago for Oceanic Society. These programs have been greatly successful and created 75 new advocates for the Marine Monument. Additionally many of these participants joined the Friends of Midway group in addition to contributing over \$4000 in sales to the island gift store, of which any profits realized going to USFWS projects or needs. These participants also contributed over \$34,000.00 in refuge fees to the operation of the visitor program with just their five 1-week groups.

My personal interest in commenting on the PMNM Draft management plan lies in seeing that the Midway visitor program be fully supported by the monument and not expected to be solely funded by USFWS monies. My current and past experiences with WWII veterans, local Hawaiians, and world traveled ecotourists on Midway testify to the power of individuals actually being able to stand on Midway (and now the monument) and appreciate the cultural value, historic setting, and natural beauty of the NWHI firsthand. Without fail, all of these visitors to Midway left as strong constituents for the continued conservation of Midway and the rest of the NWHI. These individuals experience will go a long way to establishing an educated, national constituency for the Monument and one accepting of the strict limitations needed to be in place for the protection of this fragile ecosystem.

Comments on Draft monument management plan

Section 1.4 - page 58 - Starting line 12 - Plastic ingestion by Albatross (and other seabirds)

This section should include figure of annual impact of this plastic on island. USFWS biologists have estimated that each year approximately 5 tons of plastic is 'landfilled' at Midway brought to the island by adult albatross and fed to their chicks.

Section 2.2 - page 85 - Starting line 32 - Midway becomes wholly NWR

No mention that since that time (1996) Midway has been open to tourism and that from 1996 - 2001 approximately 500 or more tourists a year visited.

Nowhere in this paragraph does it mention that the described refuge purposes were successfully carried out.

Section 3.1 - page 105 - Understanding & Interpreting NWHI

This section should better speak to the importance of Midway Atoll to this mission. As the only accessible 'window' into the monument for many educators, researchers, native Hawaiians, and other visitors, more thought should be devoted to the important and visible role Midway specifically will play in this goal.

Maybe some thought should be given to adding an additional Action Plan outlining the 'Development of Educational and Wildlife Tourism Opportunities at Midway'

It seems odd to acknowledge Midway's role in the 'Historic Resources' action plan but then not specifically speak to its role in the 'Marine Conservation' action plan, as well as its specific potential to directly realize the monuments educational and interpretive goals.

Section 3.4.2 - page 234 - Line 1 - Increase Law Enforcement capacity on Midway

This section infers that an increase in 'recreational activities' at Midway somehow is responsible for needing more law enforcement capabilities. This is not a true statement.

Past tourism at much larger numbers did not result in greater law enforcement needs at Midway. In fact the most common source of Law Enforcement needs has been (and continues to be) related to Coast Guard and NOAA boat crews (as well as year round residents) and consumption of alcohol.

This distinction is important, if one believes a Law Officer is required for a successful visitor program then the conclusion is that the visitor program should bear the cost of this need. In this case that would not be valid logic. Adding tourism to Midway will not significantly change enforcement needs at Midway and tourism programs should not be looked at as the reason enforcement needs will increase at Midway.

Section 3.4.3 - page 238 - Line 34 - Need for action section

In the past visitor programs to Midway have also demonstrated not only 'connection and commitment' to protecting Monument resources, but more importantly a true understanding of the fragility of the NWHI ecosystem, and support for the limited access and visitor restrictions that must be maintained by the Monument. As there is not a 'resident' constituent population on these atolls, it is extremely critical to the long term support of the Monument that a 'National' support base be developed and maintained that not only connects with nature but comprehends the challenges and expenses of this remote and very large protected area.

Section 3.4.3 - page 240 - Line 17 - Visitor Impact

This statement is misleading. As one of the designers and data recorders for the collection of wildlife

disturbance data during the past visitor program on Midway, there was ample wildlife disturbance related to visitors and boat operators observed at Midway.

A more accurate reflection of what was recorded and observed in the past, is that with

1. Proper staffing (rangers that are actively out patrolling the island at the same times visitors are, and not in their offices, are able to help visitors interpret wildlife viewing rules).
2. Thorough orientations.
3. An active program of rangers patrolling the island looking for disturbance events (this is critical not in 'catching visitors' but rather in helping staff understand where problem areas are and in learning what orientation messages are not being understood by the visitors).

wildlife disturbance events related to visitation can be successfully mitigated and adapted to changing numbers or behaviors of both the wildlife and the visitors. However if any one of the above needs is not fully met the potential for visitors to have detrimental impacts to sensitive wildlife is likely.

Section 3.4.3 - page 240 - Line 43 - Visitor program review (financial)

Related to the visitor program at Midway there are issues that can already be identified as financial concerns based on the previous visitor program and on the small amount (85) of visitors seen so far in 2008.

One of the biggest limitations to the availability of Midway to a more diverse group of visitors is the airfare cost (currently more than ? the total cost of a 1-week visit to Midway per participant). This high airfare cost makes it difficult to propose student trips, and attract family groups. CFO-7.2 identifies addressing this cost in the long-term but no short-term (less than 5 years) solutions are offered.

Also participants have indicated that they are willing to pay a higher fee to visit the Monument but want/expect more opportunity to visit the reefs (snorkel). Currently neither the boats nor manpower (operators) exists to offer visitors the scope of activities they would like to have available to them for the relatively high prices (\$4400/person) they are paying to visit. Additionally unlike in the past visitor program when the bulk of tourists came to Midway to view the albatross and other seabirds, current visitors are placing more emphasis on viewing marine resources as this is highlighted by the Monument designation. More people want to have available opportunities to spend time in the water viewing corals and marine life in addition to the seabirds.

It is quite evident by past experience at Midway that any effort to have visitors will be an expensive undertaking, and cannot truly be expected initially to be a profitable or self-sustaining endeavor.

This draft management plan in addition to recognizing the value of Midway as a window into the monument should also pledge the commitment of the funds necessary to establish and solidify the long-term stability of a visitor program at Midway. The visitor program cannot be depended on, nor should it initially be required to pay for itself. With those unrealistic expectations a visitor program will be doomed to repeat as a failed enterprise.

As outlined in the Draft Plan the value of a successful visitor program to the Monument is too great to have this outcome.

Section 3.5.2 - page 256 - Line 34 - Activity CBO -3.4

Sentence says that the Monument has plans to 'incorporate Midway Atoll visitors into volunteer programs' of various focuses. There needs to be a greater outline of how this will be accomplished. Currently there is no mention of subsidizing costs for visitors to make this idea a goal that can be attained. While there is

definitely a large population of individuals willing to participate, and even pay for these volunteer opportunities, at current costs to get to Midway this number would rapidly drop to a limited few.

Once again the Monument plan needs to identify this as a priority and acknowledge that funds would be made available to facilitate these opportunities being accessible to visitors of diverse ages and incomes.

It is hard to understand how 'Developing Midway' is not listed as one of your CBO strategies, with its own defined Action Plan. It would seem that this should be at the top of the list.

Section 3.5.4 - page 271 - Line 38 - Activity OEL-1.8

Sentence 'Developing lower-cost housing and increasing classroom and laboratory space will facilitate these programs' should also include reduction of air transport costs. The groups mentioned will not be able to take advantage of the above actions without cheaper or subsidized ways to arrive at Midway prior to the realization of CFO-7.1.

Learn more about Wayne Sentman at
<http://web.mac.com/naturefinder/!Web/Site/Welcome.html>

=====

don't wait any longer
dive in the ocean



and let the sea be you - Rumi CommentsPMNMDraftplan.doc



ssgolden@webtv.net
(Susan Golden)
07/04/2008 09:33 PM

To: PMNM_MMP_Comments@fws.gov
cc: ssgolden@webtv.net
Subject: Comments on MMP

00091

When the Presidential Order establishing the NWHI Monument in June 2006 was advertised, I was energetically supportive and encouraged that finally the NWHI would get the recognition and protection it deserved. So I am very disappointed by the MMP. The recognition seems limited to the exploitation of resources and expansion of tourist use. The protection is absent.

Marine debris is a big problem in the NWHI and has been recognized for many years. It ravages the reef, destroys native species on beaches, and kills many endangered animals and birds who mistakenly digest the plastic debris. In 1996 cleanup started on the estimated 750 to 1000 tons of debris in the NWHI at that time. A good start was made (over 550 tons) but since 2006 removal has slowed down. Now cleanup is less than half the 57 ton expected annual accumulation. So this great pristine monument is a growing garbage dump. It's hard to maintain pride in this vision. Although I encourage any effort to reduce incoming debris, it seems rather futile to find by air and collect floating debris before it reaches the NWHI. It's a big ocean. In any case, cleanup cannot be reduced or eliminated until an alternative is found. The cleanup must continue until the job is done and effort is the highest priority. It must be the first dollar priority.

The exemptions to monument access permitting must be eliminated if efforts for reduction of marine debris, reducing alien species, restoring the native environment, and protecting endangered species will succeed. Bottomfishing must be immediately eliminated. Passage without interruption must no longer be allowed. Activities and exercises of the Armed Services must stop. These exemptions create much debris.

The increase of Midway as a tourist center seems especially ill conceived. To call the more than 3-fold increase (from under 1 cruise ship a year to 3) a "moderate" increase is certainly disingenuous. My first concern is health and safety. There is significant toxic "dumps" and ordnance that are not resolved prior to additional tourists. This opening up to tourists has occurred already before any protections or corrections of problems. The areas designated "no dig for perpetuity" are impossible to maintain. These areas are routinely breached. The current (new in October 2005) drinking water system will serve regularly 120 with daily maximum of 200, but a cruise ship expects 800. The wastewater system is already at capacity and overloaded at storms. The new electrical system (October 2005) and distribution (November 2006) is also at capacity. To assume there is no impact on infrastructure since they're just tourists or not overnight residents is not accurate. This reminds me of Kailua-Kona. When it rains, the toilets on the pier won't flush and all storm sewers back up. This is a health disaster waiting to happen.

Although much has been planned for increased tourist quarters, nothing in the plan mentions disability access. Indeed the building plans included show disability access is NOT considered. The ADA is still the law of the land although the current administration seems to ignore it.

The exceptions for passage through the monument waters create great risks. Just allowing the currently averaging 50 ships a day, and military exercises will likely bring in much invasive species and make other environmental emergencies likely. Although mitigation through insurance is claimed, it is not clear how this is expected to work. Monitoring of permits is mentioned but no fines, no regulations, and no funding is included. Based on current example for review of permits and

mitigation demands when problems occur, it is obvious that protection will not occur. Human contact in all ways must be minimized.

Protection of the Monument must become real. Stopping all human contact at this time - and with it recognition and knowledge opportunity, is preferable than risking harm and destruction due to an inadequate plan for protection and restoration. More human contact will create more waste and permanent destruction of this great resource.



SALLY
<sallyfurness@verizon.net>

07/05/2008 11:41 AM

To: PMNM_MMP_Comments@fws.gov
cc:
Subject: Papahānaumokuākea

00092

Unfortunately I don't live in Hawaii any longer, but I was recently visiting. I'm glad this national monument has been established and the management plan (I'll admit I didn't read the entire thing) looks as though it protects this valuable, wild place in a realistic way. Thank you for having a part in saving a piece of our wild planet - so little is left. If we don't do it, who will? Aloha, Sally Furness



nvisibull@aol.com
07/07/2008 04:42 PM

To: PMNM_MMP_Comments@fws.gov
cc:
Subject: draft plan comments

00096

Comments on Draft Monument Management Plan

Here are my comments on the Management Plan.

Thanks for letting me comment,
Jimmy Breeden

The Famous, the infamous, the lame - in your browser. [Get the TMZ Toolbar Now!](#)



Comments on Monument Management Plan.doc

Description of Islands are inconsistent, should reformat.

Pg 9

Laysan Finch and Laysan Ducks are endemic to the archipelago, not just the monument.

Pg 13

Misspelled the scientific name of the Miller Bird. Don't mention that the Nihoa Finch and Miller bird and the Laysan Duck as critically endangered species.

Pg 17

Description of Laysan Island is inaccurate. Says 100 acre lake, Environmental Assessment says 70 acres, which is correct? Where did you find your information?

Document says that Laysan Teal and Laysan Finch were "previously harbored". These species still occur there.

Time of eradication project of Cenchrus is different in the Environmental Assessment, which is correct?

Pg 20

How do know that the ducks are thriving? Maybe change language to "appear to be thriving".

Eastern Island still has Ironwoods that sprout, so continued management is required.

Pg 68

Wouldn't you prevent further importation of exotics if Midway and Tern were quarantined?

Pg 67

Verbesina kills seabirds? Where did you get your data? How did removing Cenchrus restore Laysans veg. community? There is still a lot to be done. Cenchrus time of eradication not consistent with rest of document.

What is your source for calling the Laysan Finch endangered? IUNC lists it as vulnerable. Keep status consistent through out document.

Pg 72

No mention of LADU being impacted by lights and noise. Waterfowl are very sensitive to these disturbances.

Pg 89

Wouldn't you need to make Midway and Tern quarantined to "Prohibit introducing alien species from within or into the Monument"?

Pg 98

You mention endangered species like the monk seal, but there is no mention of critically endangered species like the land birds.

Pg 99

No mention of critically endangered species, lines 14-20.

Pg 145

"Protect marine mammals and aid in the recovery of threatened and endangered plants and animals within Papahānaumokuākea Marine National Monument." Wouldn't you want to also want to protect threatened and endangered plants and animals, as well as aid in the recovery of marine mammals?

Pg 146

What source did you use to call the Laysan Finch Critically endangered, keep consistent in document? Your #'s for Laysan Duck are inaccurate, you should contact experts. Only 42 were translocated, 26 of which passed their genes into the gene pool. You should verify these #'s with the people that work with Laysan Teal..

Pg 152

Laysan Duck: Should use correct number of birds translocated. Get information that is available to the public.

Pg 153

Laysan Finch bones are found on some of the main Islands, they are not only endemic to the NWHI's. Where did you get your information from?

Pg 155

Sand Island should be taken off the list unless the Maui sp of Pritchardia is removed.

Pg 160

No mention of non-migrant birds (waterfowl/passerines).

Pg 161

If "alien species are one of the greatest threats" then why no quarantine on Midway or Tern?

Pg 172

Ironwoods also take plenty of nesting habitat away from seabirds?

Pg 197

Using mosquito fish displaces mosquitoes (they just go some where else), and is an ineffective management method. Introducing mosquito fish to new areas also depletes any remaining native (aquatic) invertebrates that may still be there.

Pg 198

Mowing verbesina is an ineffective management tool. Mowers run over seabirds and crush burrowing seabirds while dispersing seeds.

Thanks for letting me comment,
Jimmy Breeden



"Lani Lofgren"
 <lanidee@aloha.net>
 07/07/2008 06:49 PM

To: <PMNM_MMP_Comments@fws.gov>
 cc:
 Subject: proposed draft management plan for monument

00097

Dear People, I am a long time resident with a love for the ocean and its creatures. My area of the island is Niu Valley and I have witnessed the great fight to save the Ka Iwi coastline and the continuing defense of its conservation. Please be very careful with your plans for Papahānaumokuākea. Do no harm is a very high standard to meet. Because of the nature of decisions about anything having unintended consequences, please focus on protection. Please talk to the Hawaiians. These are people of the ocean who have the kuleana for such things. Their knowledge and experience and reverence for and of the ocean will help all of us to take care. Educate us about this wonderful place without letting us overwhelm it or degrade it. Thank you for your work. Lani Lofgren, 5799 Kalanianaʻole Hwy, Honolulu, HI 96821



keaw_kun
 <woravut@gmail.com>
 07/07/2008 09:07 PM

To: PMNM_MMP_Comments@FWS.gov
 cc:
 Subject: Comment the Midway Atoll NWR Conceptual Site Plan

00098

Reference Draft Monument Management Plan Appendices Volume III page D-113-D-125. As an Island resident I would respectfully ask that Sustenance Fishing be allowed for people living and working here at Midway on a permanent basis. This will reduce the cost of flying frozen fish from Honolulu and get a fresh food on Island.

Also, I would like to ask for the gymnasium because I read through the book Volume IV. It say about demolish or change for emergency shelter. I recommit to rebuild or relocation for the island residents exercise or get more activity.

It would be very much appreciated if permission to Sustenance fish is granted and think about relocation or rebuild the gymnasium.

Positive regards,
 Woravut S.



"Michelle H. Reynolds,
PhD"
<mireynol@vt.edu>
07/07/2008 10:59 PM

To: PMNM_MMP_Comments@fws.gov
cc:
Subject: Comments for mangement plan

00099

Attached are comments in WORD on the NWHI Management Plan



Comments_on_the_Draft_Monument_Management_Plan(1).doc

Comments on the Draft Papahānaumokuākea Marine National Monument Management Plan

Here are general comments on the presentation of information, accuracy of information, questions about accuracy, and the suggestions for improvement in the draft document. These comments will be generally focused on the terrestrial and aquatic ecosystems and birds which were often inconsistently described in the document. The detail and information provided for the marine resources were well written. Comment will be listed in chronological order.

1. Page 10 Climate: The weather is variable between the NWHI. Yet, why is weather data from FFS presented, but other islands are not, despite that daily weather data is available from Midway Atoll and Laysan Island. This document would be more informative if the variability between islands were shown, instead of only a brief report of Nihoa's weather and a graph from FFS. El Nino climatic events have dramatic impacts on the flora and fauna of the NWHI, and should be described here.
2. Page 17 Laysan Island: Is the area of Laysan correct? The literature reports island area closer to 415 ha.
3. Page 17 Line 24 Laysan Lake: the area of the lake reported here as 100 acres, varies enormously with season. This range of variability should be reported or else the area of mudflat or lake basin could be described since this is more constant.
4. Page 17 Line 32: The "endemic" birds of Laysan should be referred to as "land birds". The remaining "land birds" are endangered species and should be described as "endangered land birds". The endangered land birds are endemic to the Hawaiian Islands, but their current range restriction (endemism) on Laysan may be anthropomorphic. The endangered Laysan duck was not naturally endemic to Laysan. It is a relictual population that was extirpated (went extinct) on the other Hawaiian Islands. The Laysan finch was also endemic to the Hawaiian Islands, not Laysan. Laysan Island supports the last individuals of a largely extirpated Hawaiian Island endemic fauna. The largest population of Tristram's Storm-Petrel, a species of conservation concern breeds on Laysan, but is not mentioned specifically. Laysan's is the only natural hypersaline ecosystem in the Hawaiian Islands. The highly adapted and unique invertebrate fauna of Laysan's dominant hypersaline ecosystem is also omitted any mention in the Monument's Management Plan. The fresh water wetlands of the NWHI are very important historically and biologically. These are not mentioned. The endangered species of Laysan should be listed here in the introductory information to be consistent with other sections.
5. Page 18 Lisianski: the wetland(s) of Lisianski were destroyed after the de-vegetation by introduced mammals. The accidental introduction of mice is not mentioned (Olsen and Ziegler 1996). This occurred prior to the rabbits, and was described as a major negative impact. Since wetland restoration has been proposed on Lisianski, this ecosystem loss should be included. Also, Lisianski

- lost a breeding population of land birds, the Laysan ducks historically (known from about 150 years ago). This should be mentioned.
6. Page 19 Pearl and Hermes: Laysan finch is described as “endangered” at Pearl and Hermes, but not at Laysan. The species is endangered, as are both populations.
 7. Page 20 Midway Atoll Line 6: Midway Atoll also supports the first successful reintroduced population of critically endangered (IUCN 2007) Laysan ducks translocated from Laysan Island in 2004-2005. Laysan ducks utilize both the largely introduced vegetation of Midway Atoll and restored patches of native vegetation. This reintroduction is significant because Island ducks are globally threatened taxa, and because the Laysan ducks are the most endangered waterfowl in the Northern Hemisphere and the U.S. Their listed status is omitted throughout most of this document. Successful removal of rats from Midway Atoll and Kure is not mentioned. This action was beneficial to plants and birds, and future accidental introduction of rats would have negative impacts to all islands of the National Monument. Emergency action plans are needed for each island in the event of an accidental introduction of terrestrial predators or competitors. *Rattus* should be the first priority for emergency action plans.
 8. Page 34 line 6: What happened to the endangered endemic land birds here? Island endemic species do not migrate and are the most vulnerable vertebrate fauna of the National Monument. Their ecology is very unique because of their extremely limited ranges and limited mobility.
 9. Page 39 Terrestrial Invertebrates are mentioned; however the unique WETLAND invertebrates are ignored. Wetland invertebrates of the National Monument are unique resources and provide prey for migratory shorebirds, water birds, and endangered land birds.
 10. Page 63 Diseases: The avian diseases impacting or potentially impacting the endangered Laysan duck are omitted. These include Avian Botulism, and Echinuria identified by the NWHL (Dr. Thierry Work). Both pathogens have the potential to decimate shore and waterfowl populations of the National Monument. The risk of Avian Flu and West Nile or other emerging disease should be mentioned as risks.
 11. Page 67 Line 30: omit the word “all”. Recommend changing “kills 100’s” to “believed to contribute to Albatross mortality”. Since, this has never been quantified. The sentence describing the impact of seasonal dieback on Pearl and Hermes should be a separate sentence.
 12. Page 67 Line 42: *Pluchea indica* is classified as a noxious weed known to negatively impact wetlands. The primary impact of introduced ants on Laysan Island is not their impact on Laysan’s seabirds, but their impact on the native endemic terrestrial invertebrate fauna (especially endemic lepidopteran larvae), and other important prey for to migratory and land birds, or ecosystem function.
 13. Page 71 Line 28: The risk of mammalian predators and other predatory or competitive species, new diseases and disease vectors could devastate the fauna of the Monument. The impacts and risk of rats and other accidental introductions should be emphasized here. Again action plans for each island are needed for quick response to catastrophic species introductions.
 14. Page 72 Line 8 Light and Noise Impacts – What about human disturbance to wildlife? Anthropogenic noise is a well documented disturbance to breeding water birds. The endangered Laysan ducks and ducklings are very susceptible to brood fragmentation and abandonment during their breeding season. Disturbances can be visual or auditory or due to vegetation management or weed control activities during the sensitive periods (breeding and flightless molt).
 15. Page 93: There appears to be no description of research based monitoring for terrestrial resources here. Line 24 only mentions long term oceanic and coast “observing”, monitoring, and research.
 16. Page 98 Line 39: Why are only the marine endangered species mentioned? There are four very unique endangered land birds completely restricted to one or two islands. Their existence is entirely dependent on the management of the NWHI and luck (or the frequency of stochastic events).
 17. Page 99 Line 21: This does not explain how management prioritizes actions or how multispecies management efforts will be integrated. How will the estimated costs within the action plan (table 3.1) be divided?
 18. Page 112 Line 6: Only marine mammals are protected? What about protection for migratory birds, endangered species and other resources? The bias throughout the document is concerning.
 19. Page 146 Line 14: only three of the four endangered land birds are considered “critically endangered” by the IUCN. Laysan finches are endangered, but are not designated critical.
 20. Page 146 Line 26. Only 42 Laysan ducks were translocated from Laysan Island to Midway Atoll. Approximately 65% of these became breeders. Reporting “about 50” birds translocated is inaccurate and sloppy for an official document under public review. The number of translocated birds is published information and readily available. Reporting “50” glosses over the genetic consequences of few founders (i.e. risk of creating new translocation bottle necks, loss of genetic biodiversity for the species) at the translocation site, risk of close inbreeding, and risk of loss of disease resistance in isolated and closed populations). The language “Laysan ducks are flourishing” appears lifted from an early press release. The species on Midway is not currently being monitored (although plans are in place to initiate a long term monitoring effort). At Midway, there are numerous habitat management conflicts, limited brood rearing habitat, new diseases (avian botulism), and risks to ducklings and breeding ducks that are not adequately addressed for the long term. This type of document should move towards addressing the long term persistence of species (as missing components of Hawaiian ecosystems) - instead of repeating reports of the initial success as if species recovery has been secured.
 21. Page 147 Line 27: The Laysan ducks “desired outcome” is highly oversimplified. It is possible to “increase populations” as a short term goal without adequately advancing recovery, maintaining their genetic biodiversity, protecting existing populations, or creating stable or self sustaining populations. Including the scientists that study the species ecology in planning for their management is useful.

22. Page 153 Line 21: Consider changing to “land birds” and “survey” since census is defined as “counting all”. This is rarely possible with passerines or ducks. Has the adequacy of annual survey of passerines been assessed recently by a biostatistician? Surveys should certainly be continued (especially for all endangered birds, and seabird species of conservation concern where logistically feasible), however, if variance is too high given detection probabilities, more than one survey per annum may provide more meaningful information. Particularly before translocation activities, since removals may be detrimental to source populations, if not timed during robust population dynamics. Demographic information prior to translocation would provide better information for assessing population dynamics.
23. Page 153 Line 28: Simple guidelines for genetic management of translocated isolated populations should be established (and adapted) before translocations are initiated. Translocations should support the conservation of genetic biodiversity. Although this was recommended (and planned) for Laysan ducks, implementation was stalled because of lack of information, and the perception that establishment and early reproductive success may negate the need for long term genetic management. Genetic studies of assessing species genetic variability may also help support preservation of existing genetic biodiversity of translocated populations.
24. Page 197 Line 18: The eradication of mosquitoes at Midway Atoll should be a high priority, since mosquitoes are also human disease vectors. Use of mosquito fish, *Gambusia affinis*, is an antiquated and ineffective control that simply displaces mosquitoes to inaccessible sites (pipes, cisterns, drains, and ephemeral wetlands). *Gambusias decimate* aquatic invertebrates and compete with endemic and migratory waterfowl, and shorebirds for aquatic invertebrates. Introduced fish should not be employed within the National Monument when other methods are available for mosquito control. Where possible, *Gambusia* should be removed from habitat created specifically to support brood rearing by endangered Laysan ducks, since this invasive fish competes directly for aquatic invertebrates important for the downy duckling life stage, and degrade wetland habitat for migratory species

Thank you for the opportunity to provide comments,

Michelle Reynolds.



sakhorn samianram
<zenmidway@yahoo.com>
07/08/2008 09:07 AM
Please respond to
zenmidway

To: pmnm_mmp_comments@fws.gov
cc:
Subject: Sustenance Fishing at Midway

00100

Monument Committee Members,

I am writing in reference to : Reference Draft Monument Management Plan Appendices Volume III pages D-111 to D-123. As a Midway Resident I would respectfully ask that Sustenance Fishing be allowed for people living and working here at Midway on a permanent basis. This will reduce the cost of flying frozen fish from Honolulu.

Also, it would provide a productive recreational activity for island residents.

It would be very much appreciated if permission to Sustenance fish is granted.

If you have any questions about my comment please e-mail me at zenmidway@yahoo.com.

Kind regards,
Sakhorn Samianram
Housekeeper
Midway Atoll NWR



"Diana King & Michael Casey"
 <kingcasey@hawaiiintel.net>

07/08/2008 09:30 AM
 Please respond to
 "Diana King & Michael Casey"

To: <PMNM_MMP_comments@fws.gov>
 cc:
 Subject: Comments on Papahānaumokuākea Draft Management Plan

00101

Comments on the Papahānaumokuākea Draft Monument Management Plan
 Respectfully submitted by Diana King (kingcasey@hawaiiintel.net)
 July 8, 2008

Dear Plan Review Committee:

Please see comments, attached.

Aloha,

Diana King
 (808) 263-3042
 1167 Lunalua St.



Kailua, HI 96734 Comments on PMNM Draft Management Plan-Submitted by D King.doc

The Papahānaumokuākea Draft Monument Management Plan is an impressive body of work. That it was created through the efforts of many people who care deeply about the Northwestern Hawaiian Islands and the marine environment that surrounds them is apparent. And, in all likelihood, spending time in the Monument itself played a crucial role in helping the authors develop the understanding and respect for this rich and varied area that is reflected in the Plan.

I have read, perused, and skimmed many USFWS draft recovery plans for individual species. Of necessity, they tend to be very specific and direct about exactly what measures need to be taken to best ensure the recovery of a particular endangered species. The PMNM is not a single species. It is not a single genus, or family, or even kingdom! It is not critical habitat for any one organism. Being too specific with what is intended to be a long term management plan for a collection of ecosystems is not appropriate, (although plans for individual species within the area may be).

As a generalist, geographer, and environmental educator, my comments are not very specific either. I am certainly not qualified to comment on recommendations for any specific species. I do, however, wish to make a plea to the review committee to bear in mind the broader possibilities that this amazing Monument holds for conservation in general. The Papahānaumokuākea Marine National Monument has something for everyone: military history buffs, recreational ocean users, students, scientists, Hawaiian cultural practitioners, bird watchers, photographers, star gazers, songwriters, and more. It is vast enough, remote enough, and special enough to capture the imagination of many who might not otherwise consider themselves part of the conservation movement. It provides an opportunity to not just preach to the same committed choir, but to expand that choir dramatically.

And in the end, a large global choir is what it will really take to protect the resources of the Monument, and the oceans beyond. It doesn't matter what takes place within the borders of the Monument if global warming dissolves the coral reefs, or swamps the low lying islets, or changes the ocean currents in such a way as to irreparably disrupt food systems. As our global population grows and the demand on fisheries intensifies, keeping an extra person from accidentally crushing a petrel burrow won't help in the long run if the fisheries are so depleted that the chick within the burrow starves. And the marine debris problem can't be solved by a handful of scientists and volunteers collecting drifting pieces of net.

These are far-reaching global problems that will require the involvement of virtually everyone to really address. And the Monument is the kind of place that can help to inspire that involvement, not just in the United States but in Pacific Rim countries and indeed across the globe.

I am not suggesting that the gates be thrown wide and public be welcomed in with their fishing boats, boogie boards and ATVs. But I do think that providing strategic access to the Monument, especially to those who may be able to inspire others, is warranted. Documentary producers, writers, and musicians are one such group. Teachers are another important constituency, especially if they can be supported in providing distance learning opportunities (via web cams, etc.) to their students. Politicians and business people, who make policy and have the power to influence how business is conducted, should see this special place and come to understand a little about it. The list goes on.

But the aim should not be limited to creating a constituency that can support and help care for the Monument alone. The examples of Papahānaumokuākea can provide inspiration for good conservation action in other communities as well. The story of the removal of rats from Midway, and the consequent recovery of a host of species, is nothing short of inspiring. If enough people knew about it, then removal of rats from offshore islets and other discreet areas in the main islands and elsewhere might be much easier. The size and abundance of marine life in the Monument would be jaw-dropping to many fishermen, and some, maybe enough, might be inspired to support fishery conservation measures in the main islands, rather than working so tirelessly against such measures. And no one can watch a chick swallowing a regurgitated lighter, or come across carcass after carcass of plastic filled albatrosses, without becoming zealot about marine plastics.

I understand that many biologists are justifiably concerned about wasting their time babysitting visitors who don't know the first thing about the marine ecosystem, and are as likely to harm as help if not properly supervised, educated and instructed. But scientists also sometimes harm the creatures they wish to protect, in conducting their own research efforts. They persist in doing so because they believe the long term gain justifies the short term pain. I would argue that the same is true of public access and interpretation. Providing staff to share a little of what they know and have come to understand is time and money that is far from wasted.

Restricting access to the Monument to only the privileged few will breed resentment and the appearance of elitism. It certainly won't expand the choir, or convert any carbon-wasting, over-fishing-loving, littering individual to enlightenment. Ensuring that educational and interpretive opportunities remain a core function of the Monument, with appropriate guidelines and funding, is essential for Papahānaumokuākea to achieve its full potential.

As noted earlier, the authors of the draft plan must surely have been inspired by the resources of the Monument to complete their tremendous opus. I believe they recognize the power of that inspiration, and have tried to include some measure of public interpretation in the plan (despite some challenges from the scientific community). But I think this section could be stronger. Papahānaumokuākea can be used to leverage an environmental ethic that encompasses the Pacific and beyond. The Monument is our shared kuleana, or responsibility. Everyone should have a part to play.



THAWAL SONCHAR
<thasorny2k@yahoo.com>
07/08/2008 04:48 PM

To: pmnm_mmp_comments@fws.gov
cc:
Subject: Sustenance fishing

00161

FWS Committee Members

I am writing in reference to: Reference Draft

Monument Management Plan
Appendices Volume III page D-113-D-125. As an Island resident I would respectfully ask that Sustenance Fishing be allowed for people living and working here at Midway on a permanent basis. This will reduce the cost of flying frozen fish from Honolulu. Also, it would provide a productive recreational activity for island residents.
It would be very much appreciated if permission to Sustenance fish is granted

Positive regards.

Thawal Sonchar



"John Seebart"
 <seebart001@hawaii.r.com>

07/08/2008 05:31 PM
 Please respond to
 "John Seebart"

To: "Northwest Hawaiian Islands Marine National Monument"
 <PMNM_MMP_Comments@fws.gov>
 cc:
 Subject: Comments on Marine Monument

00164



Comments regarding the new Marine National Monument.doc

Comments regarding the new Marine National Monument:

1. I think that the protection of the area and its wildlife is a great thing.
2. I think the Hawaiian name it has been given is too big, and too hard to pronounce.
3. I do not agree with the access policies which have been promulgated. It seems to me that with the cessation of commercial activities the area will thrive. With the only area open to public access being Midway Island, for the vast majority of people, access will be impossible.

The fact is, even if all areas were accessible by the public, very few people would actually visit the area. It is remote. One would think that a reasonable permit process including some testing process to ensure visitors understood what was permitted and what was not, combined with a monitoring operation would allow access without risk to the environment.

I read in the original bill that vessels would have to have a monitoring device; this seems like a reasonable thing. It also seems reasonable that people who want to visit the Monument, as a rule, would be people who value what is being done and consequently would be unlikely to cause harm. It seems quite likely that these visitors could actually be used for the benefit of the monument. At the very least concerned visitors could provide random monitoring of the area and could report suspicious activity, removing some flotsam and jetsam, and possibly some other services.

The people of the United States have made this Monument possible, all it's scientific value not with standing; it just seems plane wrong to exclude those people from their new Monument. After all, as mentioned above, only a few intrepid souls are likely to venture so far.

Some non scientific people will be allowed into the Monument. This will amount to a special class of people; these are the Hawaiians, who will be allowed to certain areas for religious practices. Insofar as others are also allowed in this would not be a problem. One would surmise that permitting Hawaiian priests while excluding the average citizen not only establishes a special class of U.S. citizen, but violates the U.S. Constitutional requirement to separate church and state. This Monument is, after all, the United States of America. I do not mean to suggest that Hawaiians should be excluded from the Monument, nor should anyone, including Hawaiians, be prevented from practicing their beliefs; it just does not seem right to allow some citizens and exclude others on the basis of religion.

Please change the proffered access policy to allow access to the Monument by the average citizen. It is our Monument. You are keeping safe it for us.

Thank You,

John Harry Ku'uleialoha Seebart

808-665-0353 Home
310-245-1334 Cell

5095 Napili Hau St.
PMB 178
Lahaina, Hi. 96761



alan margolis
<alanjmus@yahoo.com
>

07/10/2008 06:05 PM

To: PMNM_MMP_Comments@fws.gov

cc:

Subject: comments on draft management plan Papahānaumokuākea Marine
National monument

00173

My brief comments are delayed because of urgent eye surgery,

* SApce should be limited to 30 at ny one time and should students, contractors and researchers as well as eco-tourists.

* Stays might be extended to include added time for habitat restoration and beach clean-up.

I was very impressed with the FWS personnel interest, dedication and effectiveness.

Best wishes, Alan Margolis



Duane Erway
 <DuaneErway@hawaii.
 rr.com>

07/16/2008 02:16 PM

To: PMNM_MMP_Comments@fws.gov
 cc: Keeley Belva <Keeley.Belva@noaa.gov>
 Subject: Comments on the Draft Monument Management Plan (DMMP)

00177

Aloha!!!

The Draft Management Plan for the Papahānaumokuākea Marine Monument in the Northwestern Hawaiian Islands fails in three major ways:

- 1) There is no requirement for public comment on permits. There needs to be public comment on all permits to access the public trust resources of Papahānumokuākea. Also, Monument Management Board meetings are closed to the public: they need to be open.
- 2) Despite eight years and nearly 100,000 public comments in support of FULL conservation in state waters, this requirement is not in the management plan.
- 3) Fails to set a protective limit on all human activity in this delicate area, including military exercises, research, and tourism. Fails to set a cap on the number of day-visitors to Midway.

We respectfully request these items be remedied in the Final Monument Management Plan.

Marjorie Erway
 Duane Erway
 P.O. Box 2807
 Kailua-Kona, 976745



"pelicanhawk@juno.co
 m" <pelicanhawk

07/20/2008 02:55 PM

To: PMNM_MMP_Comments@fws.gov
 cc:
 Subject: Marjorie Hawkins

00178

Probably the most amazing vacation I ever had was the week-long cruise of the Great Barrier Reef in Australia. It was a relatively small boat (approx. 15 passengers plus crew). All the cruises on the reef were controlled, licensed and did no damage.

As I understand it, there are no plans to allow similar cruises in the Northwestern Islands. That's a shame because no pictures or films I've seen have even halfway matched the beauty of being there.

Not only would this policy deny a life-time experience to the public, educating and publicizing the value and worth of the Northwestern Islands, but would also keep the informal eyes of the passengers and crews from noticing and reporting illegal trespassers. Isn't illegal fishing still a problem there?

Totally banning anyone but scientists seems to be a remarkably "dog in the manger" attitude.



Will Cook
 <willj.cook@gmail.com>
 >
 Sent by: Ocean
 Conservancy
 <webmaster@oceanconservancy.org>

07/21/2008 11:02 AM
 Please respond to Will
 Cook

To: PMNM_MMP_Comments@fws.gov
 cc:
 Subject: Papahānaumokuākea Marine National Monument Management Plan
 Comments

00179

Jul 21, 2008

Co-Trustees of the Papahānaumokuākea Marine National Monument

Dear ,

I am pleased that you are proceeding with developing a management plan for the Papahānaumokuākea Marine National Monument. The Northwestern Hawaiian Islands are a truly a unique treasure that belongs to all Americans and the world. We have a sacred duty to provide it the greatest protection possible and to preserve it in all its natural character and as a fully functional, intact, and resilience ecosystem. The draft Monument Management Plan represents a substantial effort to deal with the complex and daunting task of managing such a vast area, and I applaud the many excellent management structures and measures that you have proposed. However, I am concerned that the plan fails to put in place all the protections, regulations, and management structures necessary to ensure the future that we all desire for the Northwestern Hawaiian Islands.

1. Sustainance fishing is not compatible with the purpose of the Monument. Allowing any extraction of resources for consumption is not consistent with preserving the monument in its pristine state, let alone allowing the removal of up to SEVEN TONS of magnificent large predatory fishes. You have not provided adequate scientific

justification for your claim that removing seven tons of the Monument's resources will not harm Monument resources or alter its ecosystem. I do not believe that we should risk the Northwestern Hawaiian Islands ecosystem merely to save the government a few thousand dollars and to provide government employees and university researchers with a luxury fresh ahi.

2. The establishment of the Papahānaumokuākea Marine National Monument was preceded by years of input from the public and stakeholder groups that identified several key principles to be incorporated into the Monument's goals. Those principles included:

- a. Making protection of the Northwestern Hawaiian Islands, their wildlife, and ecosystems the core and preeminent purpose of the Monument, and that all other considerations and activities must not impair this purpose; and
- b. Maintaining the "natural character" of the Northwestern Hawaiian Islands.

I am distressed to see that these principles, and others, are not incorporated into the draft Monument Management Plan, which leaves the Northwestern Hawaiian Islands incompletely protected and open to activities that will impair their health and resilience.

3. The Papahānaumokuākea Marine National Monument is a treasure belonging to all Hawaiians and the Nation. I am very concerned that you

have failed to build an advisory body, similar to the Research Advisory Council, and a robust public-comment process into the management plan. The public and stakeholders must be given the opportunity to provide input to and review of the management of the monument if it is truly going to be the nation's Monument.

4. The Monument Management Plan provides a good framework that COULD eventually lead towards conservation of its ecosystem and resources

therein. Your Marine Debris Action Plan is a good example of what other action plans should strive for to achieve the necessary degree of conservation.

I urge that you continue to develop the Monument Management Plan to 1) prohibit all sustenance fishing, 2) clearly and precisely make

PROTECTION the core and preeminent purpose of the Monument, 3) reaffirm that protection means maintaining and restoring the ecological integrity AND the natural character of the Northwestern Hawaiian Islands, and 4) establish transparent and robust processes, including

the use of advisory bodies, that will guarantee the opportunity for the public and stakeholders to provide input to and review of Monument management decisions, especially those involving permitting. Thank you for taking my comments into consideration. By implementing these recommendations, you will have a stronger overall management document that will move towards effectively protecting our national treasure.

Aloha,

Mr. Will Cook
1234 Harvard St NW
Washington, DC 20009-5357

00363



Lehua-kim Kimberly
<kimberly63@hotmail.com>

To: <pmnm_mmp_comments@fws.gov>

cc:

Subject: Comment on MMP

07/21/2008 02:11 PM

This is in Word 2003 format. Comment on Volume 1.

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Comments on the basics of the Papahānaumokuākea plan.doc

Comments on the basics of the Papahānaumokuākea Marine National Monument management plan draft.

In the very start of the Monument Management Plan it seems to say very nice things, and it does point to needed actions and changes. Repeatedly it makes reference to the "Life of the Plan," even in the beginning (and the more so as it goes on). But says it and structures it in a way that virtually guarantees little. It only offers potential. General and specific in implication or detail. At least as regards good. It starts by mentioning the United States Governments' actions and nice modern intent as now defined and worded, when the very history of the Northwestern Hawaiian Islands [NWHI] no matter who was in charge, when it comes to the good-old USA has been nothing but negative at the short end of the moment. Specifically the Presidential Proclamation 8031 keeps being pointed to, which doesn't say much just because it's either to create the Papahānaumokuākea Marine National Monument. Or because the supposedly honorable President {and this applies not just to the current one, but any past one, AND every other politician shares in this. Even the up-and-coming politicians in schools, playing a seemingly harmless social game under the label of politics} issued it, the very government has proven likewise. Like in Hawaii State, where Military presence is welcomed for nothing but money purposes to mention nothing else, and in turn the military likes Hawaii for it's strategic placement. The ability to be anywhere in a very short time, this use or abuse is still potential for both the State and regarding the NWHI unfortunately. The peons of the general public mean nothing to them and the same goes for any testimony the government asks for, or about the harm they do. Past or present. The recent and continuing story of the Superferry, the theoretical H-4 and public service, is a study in this very phenomena. Or anything left behind after excusing themselves cleanup. I believe, from what I've read, that the Monument status via Proclamation 8031 and subsequent World Heritage push of the NWHI is not but a sham to make the Otherwise terroristic acting United States Regime seem nice. Potential nice results without the nice background. A balance to the invasions and wars it currently engages in and plans. It also lists the co-trustees. *The State of Hawaii*, via the *Department of Land and Natural Resources [DLNR]*; the *U.S. Dept of the Interior through the Fish and Wildlife Service [FWS]*; and the *Department of Commerce, through the National Oceanic and Atmospheric Administration [NOAA]*. Some of the designated partners are also listed throughout the plan, but rarely come up directly unless they are needed at a given point. Called Stakeholders among other designations. But rarely any different than the co-trustees themselves in action, status or policies. Overall the co-trustees see to the monument management, but daily management is done by others, mostly Federal and State agencies that comprise or are connected to an entity that is referred to as the Interagency Coordination Committee [ICC]. With other groups only contracted to help in certain ways. Meaning that it's complex not simple. Among specific introductory agencies are the U.S. Coast Guard, U.S. Geological Survey, Environmental Protection Agency and Department of Defense. As this is a national designation and therefore federal label, only such groups and the like are repeatedly listed in the draft plan. It lists other State and smaller agencies or groups, but only as deemed necessary. How they interact or relate is variously referred to and detailed throughout the draft in each section as is considered relevant. This sets the tone for the rest of the draft's message. And tells it's true intent, regardless of it's wording. Both of the draft meaning

and the Monument designation itself, hidden within a rather fractured but nicely patched picture. First is the State of Hawaii, which had formerly been the Kingdom of Hawaii which had taken at least part of the NWHI for it's own. The NWHI are also known in several ways as Kupuna or older relatives to the current lands of Hawaii, it's life and the Hawaiian blood therein. Whether 50%+ or not, as yet the official blood designation of recognition as *Hawaiian*. Further stating that children, descendants and family of these with less are either not Hawaiian enough or are not really Hawaiian at all with the Kingdom of Hawaii overthrown. A.K.A. This is the United States, get a grip: we're in power. The State itself is by other views illegal, I won't address that herein unless that issue connects to another. My point is that the State of Hawaii is a political entity, which makes it corrupt in some ways as a starting point- therefore shedding doubt on the so-called care it will give or offers, whether by Memorandum of Agreement as specified/stated or otherwise. Especially with later admissions even just in the basic parts and early details of the draft as it stands currently. The U.S. Department of the Interior alone doesn't express anything objectionable alone, it takes care of interior land and cultural things on one level or another. But, that coupled with the other two, the political State of Hawaii and the Department of Commerce- through the NOAA, especially the last, sheds the final x-ray on stated intent and meaning within the words. The real intent is to exploit or restrict the use of the Monument area to protect it from a theoretical X when the allowed per se Y {a multitude of things, concerns, problems and issues spread throughout the rest of the draft; permits and other excepted activities/intents, including those presented in action plans} may do the exact harm that it's as stated trying to stop. In some ways like the Military and others did with the island of Kaho'olawe when the bombing stopped. Not only was it for the danger remaining or the toxicity of the island, but secrets and other that would embarrass the former users if they were seen. The tone of the draft to a thinker and someone who takes history into account is set from the first page of the introduction. A very grim one, but the NWHI are also grim in depths of meaning where it applies to Monument status. Or in any applicable substance applied thereafter.

Following the Introduction are the somewhat mostly respectful descriptions and sometimes detailed statements of the Hawaiian Islands and their history in theory or physically, from a purely archeological/western or scientific point of view. Always at a remove, usually. The common detached views applied. These are respectful in a way but are also merely rhetorical in a big way, they state details, facts and theories or views and non-english base stories/statements as a casual thing. Much like the debate of creation vs. evolution in the educational sector: the history, theory and facts of the NWHI are stated but have no meaning beyond the immediately implied, and details following those don't give much more meaning to them. Only making up a detailed picture and implying meaning as substance. The descriptions of the islands, reefs and atolls that comprise the Monument are rather respectful and safe [et al.] until military and human actions past the 18th-19th centuries are considered. It is then that there changes the whole structure of the draft from draft or statement as such to statements of intent and meaning, with facts, culture and respect interwoven into it as a way to soften the stated intent. To integrate things not in the structure into the plan so as to imply consideration is, has or will be done in the future in those regards. Speaking as if from above to those below or inferior in many cases. Which basically have nothing to do with culture or history; or ethnicity as is

suggested by including Hawaiian people, practitioners or agencies and views into it at any level. As simple examples, the descriptions of atolls and islands where military history is involved: the basic descriptions are physical, spiritual (if any particular attachments or possibilities), and historical- followed by short human summaries of their affects and actions on the island or area as is reported or known. The latter part of such summaries and statements as intros to the specific places in question are much more detailed and in a way. They end up being statements of their non-recent history followed by the intent, reasons, glories and damages caused within 100-125+ or so years past, and how actions are intentioned to ideally protect. Foregoing all negative as such people or ideas are wont to do by design or motive. After that come the specific descriptions and designations used and favored by military {a large source of specific information on the NWHI, among others/ they've had the largest interaction and survey possibilities being so long lodged in there}, conservation, scientific and other official agencies large or small that have any information to add. The most understated but involved of these are those that mean money, and this issue also implies who will be brought up most often. These are the equivalent of ads in a published magazine. Even when they're repetitive in any way for any reason, taking from the potential substance that is begged, or any that is there. Stating what scientifically are the levels, problems, processes and solutions to a given or theoretical (and therefore considered real, especially when economics are concerned) or literal problem or potential. They tie in to the restated, and slightly expanded purposes of the monument, seeming to explicitly turn away from the problems and harm that could well come to be between the first implementation of any planned action or arrangement and the next meeting or review scheduled whenever it is to occur. As the exact parties and the issues they regard differ or overlap much of the time.

Further reinforcing the implied meaning and intent of the Dept. of the Interior {Allowing fishing when it's being set up, most likely by non-Hawaiians. And restricting native fisherman, when it's big not small fishers and companies, and their ways that cause the greater damage or depletion that's mainly concern} and the Dept. of Commerce, money and exploitation are the real intents. At a meeting I asked a few specific questions on who'd be allowed in and what kind of activities would be allowed. By official Permit, certain types and varieties of specific types, which is granted. Most of which are at best transitory concerns or accidental problems at worst. But "exempted" activities or people, which in some cases may mean no accountability whatsoever for actions or their' affects, are the biggest problem in this part. Regulated by permit, actions are: Research, often overdone and overdrawn out nowadays. There potentially making newly gathered data old even before release depending on what is in question. Also depending on when the data was gathered. How it will be released, or to who. Or why. Education purposes, which partly can be done outside the area in question, whether national or ecological-natural history area designation. Conservation and management that has to be done on site, hopefully with no self-policing groups alone within. Nothing is assured even then. A self-policing group can hide things under lawful activities and actions, the more official a group the less actual watching is likely to be done. Native Hawaiian Practices, a reasonable acceptance. Though, it seems to me that the authorities of the western mindset want to control so much that even this permitted or allowed activity would become hard to do. With further implied threats or base implications. As the details further explain when they are presented in the Hawaiian history or cultural

portions of the MMP. Therefore, as the military and every government since the overthrow has done, to possibly smother any such potential. Such actions continue even now, in more than one guise. Special Ocean Uses, which would seem to apply mostly to commercial uses. And even that doesn't say too many specifics when it's spelled out. But in every political and power bureaucracy there is potential for abuse. As in possibly, allowing non-permitted actions or people to gain permit even with currently or presently obvious potential problems and restricting otherwise permissible actions merely because of a technicality or in favor of a more profitable one. Bribery is not an impossible thought in this process, especially as money IS involved. The last of the specific topics of permit types is Recreation. Even if "recreative" activities are allowed only in a given area, the plan states Midway as so listed almost singularly. Presumably already contaminated or/and controlled areas, even something like that doesn't guarantee that any toxin or other invading external object that goes into the water or by land/air will not get onto any other atoll or island. Or into the sea environment. And especially if it has anything to do with or near the sea, it's bound to affect everything, how would such as this be dealt with? Levels of safety, etc. will be monitored and developed, even with some clean up, that doesn't guarantee the safety of these recreative, per se, groups themselves either. Many details are offered, but little concrete details are. These are only implied in detail, law, policy and other as the details are supplied. Very little is stated in detail, which is where the biggest worry comes in. Mostly intention and theory as regards action are given. No one action only has just a single given result, even if it helps in any way. The exemptions, which in an answer at a public meeting, included military access and activity to the NWHI and the monument it comprises as a **requirement** for the 'Monument' to exist or be protected as such nationally at all. In part this ties to the very implied meaning of the monument and why it was created. Implying only a part of what is stated when the entire picture is complete. Thus defeating some stated parts of the "honorable" intent even before it's explained. Furthering this is the fact that any permittee has to show insurance or financial ability to potentially pay for damage to get a permit at all shows the real baseline. Money, it does imply accountability to the permittee, but only to a point. From a simple view this is reasonable, but reading between the lines of the numerous cross connections and partially stated interactions along with the repeated and weaving message yields a different thing altogether.

The *Exempted* activities that may or will [in some cases, assuredly so] occur in the monument are: Emergency Response to Threats to Life, Property or the Environment. This can be easily understood, possibly even encouraged if it's severe enough. Or the type of emergency at hand. But again, this ties into the fact that damage may occur and the response may be to an accident, especially if that occurs from an exempted activity. Who will clean up after the emergency is over? Say an exempted group doing an exempted activity causes an emergency. In response from technology because of the rush in whether it's through water or air or on land, great damage or that potential is done in several ways on the natural environment. This can be water, land, oceanic, air or life. Who then cleans up the mess, repairs- if possible, the damage? Since an exempted activity by an exempted group caused the emergency, and the exempted response to the emergency caused more damage thus. It seems it would fall to the co-trustees and others, not those who caused the damage directly. It could in turn lead to, as the United States political and legal system has so eagerly shown often enough, more restrictions that

mainly affect those who had no part in it rather than any part of the blame. Favoring those in power, those with enough resources or those who are usable by the system, the rich and others of such stature. And limits can be made of what is or isn't acceptable in a given situation or environment, but damage even minutely doesn't mean it'll stay that way. Delayed reaction is a big part of too little too late. Details are what make a general theme or topic, not the other way around. That also asks who will be allowed to do it. If a vessel passing through the Monument can offer clean and fast assistance to a vessel that just needs minor help or a tow, does this say that only an official group can actually do the help needed? Others' restricted just to keeping out by watching? Law Enforcement is another seemingly well to do allowable activity, it possibly is at times. But this ties in to damage potential, as well as but more so than abuse from such. As well as who, what and how. Also when and why, in some detail. Another abuse potential, like Depleted Uranium in Hawaii Island. Many of the affects of this often vaporized weapon can also be attributed to non-DU causes. Such as diabetes, DU affects the cellular energy systems which can cause it. Using the cover of health and drawing on general habits, DU affects were denied. That's just one example. Because of that and other such issues, responsibility is shirked or denied, legally. When toxic affects are known in more ways than one, from many a source. You can enforce but if overdone it will violate more than a given law or set of laws, even if acceptable under laws or policy and regulation applicable at any given time. And more recently a great many exemptions to law breaking in the United States has come to pass, often by those sworn to uphold the same. And they've been excused at times, whether because of technicality, some connection that allows them to slip through unpunished, or executive-corporal favoritism who push laws or excuse an otherwise not allowed activity/action. Or even worse to hide something, like the current Governor did in her efforts to push the Superferry- which was not supported. Activities and Exercise of the Military, who have been increasingly been used as the police. Or the non-military as an extension of the Military. There were reports of practicing a missile shutdown over the NWHI, these were in the skies. Everything up there comes down, so they could potentially damage the Monument, who's responsible for any harm it may do? Not the military, they're exempt. Even if they play a part in the clean up. On the Big Island of Hawaii, radioactive Depleted Uranium has been reported to be present. And more than a few citizen groups reported radioactivity, in and out of the Pohakuloa Training Area. After so long, the military stopped doing what it said it would do: either because it saw little it could do or decided to pull out because of the long-lasting damage already done they couldn't really clean up. Implying responsibility if they continued, any agency or group can possibly do this. The larger the group, the bigger that possibility. And with the military being exempt as well as so big in reach, they could claim strategic location (as with Hawaii) from either former or present; or possible future, locations within the Monument and do further damage in the name of national security and "freedom." Increasingly used and stated, and believed, to be enough for arrests and detentions. According to what I've been told, Monument staff watching have not noticed any action by the military that breaks laws. But that doesn't mean nothing was done or no damage occurred. A law may state an exact limit, but that limit may still be more than enough for damage. An increasingly dangerous example is using mercury in flu shots, and other commonly accepted or done-allowed uses of toxic agents in every day western life. I would only specifically harp on the military because THEY

are the ones who could do the most damage while there, accidentally or not. No other cause that will be in the Monument, human or not, besides extreme storms mixed with human damaging agents within them, can cause more damage than they do. And they are exempt as a part of the agreement which sets it up. The last regulated and permitted activity is Passage Through the Monument Without Stopping. This brings up particular concerns, some of which can't be spotted or prevented further until after they occur. Will there be people following every craft as it goes through to ascertain nothing happens? Cruise ships may dump bilge water, you can't just spot that easily- or prevent damage from it, even if you stop it. Covert fishing may occur. Detours that are desired to be taken by a given group. Not even a ship stationed every few nautical miles can completely prevent any such. Including landing by unpermitted people beyond a ship wrecking near shore. One thing in the plan that may be reasonable is to make sure all those using, managing or passing through, or enforcing rules therein, know the new limits of the established Monument. Even if they know and try to follow such, and it gets out in time, will an undue incident that can't be controlled that causes a course to err make them responsible for damage caused by a natural wave, wind or other? And since this can happen to all vessels of any type and variety, is there only the regulated and not the allowed that will be held so? There's also skyward damage that can occur, the monument as it is encompasses not only the sea and land, but the sky above. This is semi-dramatically pictured in the Hawaiian creation stories and beliefs. Papahānaumoku, Earth Mother, and Wakea, Father sky, coming together created the earth and man. All are one, so the damage in air/sky doesn't mean no ground or sea damage. One natural example in the plan is a locust that started on Nihoa, then spread westward up the chain. But man-made disturbance is much more damaging, even when subtle. Even allowed flights whether for exempted or patrol duties can do damage- that potential isn't restricted to civilian use or purpose intent. Only in this is the military not as so indicted as the rest.

It seems to me, that the very base of this draft Monument Management Plan [MMP] for managing the Papahānaumokuākea National Marine Monument is based not on protecting the environment or the life therein in reality, but to exploit it softly. Use it for all it's worth, for as long as possible. As it seems to apply to every national park or reserve established within U.S. borders or territory. Especially considering some of the activities that are allowed to happen, and who does them. And it further focuses on only the human activities of the present in most cases, particularly the intent. Or of the recent past, as in making Midway into a national historic sight just because it focuses on the United States and what it did. Natural History and Geology are a secondary but important note, to highlight one without theoretically ignoring the other. Going back to the introduction to the draft plan, it goes through fact, theory thought, some ethnic and other views or practices. But they are treated as merely what happened. Dry history, in affect. Meaning in average language: it's the past, it already happened, what can we do about it now? The fact, the Truth, is- the past became the present. And it makes the future, time is divided in Mankinds' eye, but overall past and present merge to make future. Only the unknown future isn't set, but time; past-present-future are all intimately connected. You may not be able to change that past but you can look at it, possibly repair anything done from that and preserve it. This presumed view alone assures that the past will catch up to those living today, most don't dare look. Particularly applying to the mindset of the agencies, co-trustees, partners, stakeholders, governments and other that are set to

manage the NWHI, as Monument or in other circumstances. They never learn it, it's a linear sequence that has little to do with them to most people, professional or otherwise in status. And only if you look at it explicitly can you learn what happened and why, and possibly avoid future problems thus. But details are an unacknowledged key, and as ignored. Part of this looking back means knowing what made the past into what it was, and if the past views created problems, how will you avoid them in the future. Here lies the blockage. If the same views, rules, policies, regulations or laws in different forms are pushed to avoid exact problems from one past times, the past is sure to repeat itself. It seems that the very base used is faulty because it is to continue an already out-of-whack system and it's policies. Even skimming the remaining parts reveal a western structure of thought and action for the MMP. *i.e.* - *Strategy X-1/Activity X-1.1/Activity X-1.2, etc.* The Western thought structure often doesn't acknowledge or see change, damage or harm done till it's done already, often after it's too late to really do anything. With an accepted or implied "Oops" and potential to avoid that specifically later. With little thought or care to what that may mean later, or what may come from the ignorance. All throughout the beginning of the plan as stated, it interjects a fact, figure, thought or picture of Hawaiian culture or views. The exact term used describes the meaning: and therefore intent, of what is done and why. Hawaiian views, ways, culture and standards are just *integrated* into the already set laws, policy and procedure. And then only when they fit without too much change. Flexibility is allowed so long as real change is avoided in all but the most severe of situations. This is not a renewal or extension of the Hawaiian culture or view in any way, this is the native culture grafted *onto* the existing Monument structure. That point is especially stated in the requirement and limit that "Nothing in the Proclamation diminishes or enlarges the jurisdiction of the State of Hawaii." Besides the political implications of that, it adds to the mitigated view that Hawaiian culture and history is an aside, but also a boost to the political powers that be. A political past, but dead history. It implies the intent and views of the environment by both the writers of this MMP, whether only a part or interwoven through. It specifically shows in section 3.2.3. Although law is generally flexible, a specific set of laws and structures as the draft is only reinforces western thought. Actual Hawaiian thought, structure, beliefs or culture are very briefly if at all considered. Much less integrated as such.

Specifically titled **Habitat Management and Conservation Action Plan**. These words imply action and conservation by those involved. It may, but details don't reveal it too deeply. Before need for action as defined in the MMP in this section, it says it addresses the "Environmental and Anthropogenic Stressors section describes known threats to biological integrity, diversity, and environmental health of the Monument." Most of the action plans specifically involve the FWS and NOAA, with the State of Hawaii and other minor level per se agencies scattered through it. All parts of the plan or Action Plans specifically invoke law and policy, meaning exact people, agencies and actions. Possibly punishing those who don't do it within that structure *even if* the actions taken are proper and helpful in a given circumstance. The very wording used states that the Monument is a part of the State in a way, but mostly not the State's responsibility directly. Furthering intent that the Monument is to make the USA look good, not really to preserve the area or anything in it as a real meaning. Though it may do parts of that. This is specifically stated, addressed and idealized in the specific actions. Social relevancy designations aside. To rebuild the environments if possible, but also to alter them to

'assure' the survival of some species by translocating them. Which may have consequences of it's own even if the efforts are successful or don't seem to have changing affects on the new placement. Part of this means, in detail, to use herbicides and other such substances, usually artificial. Is this for species survival or the humans' comfort? Although it may help the animals or species in a given situation, even if it has no direct or immediate adverse affects that can be seen, that doesn't mean it's good. A minor affect that appears at first may alter the potential of restoring habitat further. In many ways stated intent is to restore in many cases and balance, but in the same ones or others at a given time set to add one feature or another to transplant a species to theoretically keep the species alive alters that given environment even so. There are no details, even theories, only ideals that are desired to be used, to control temporarily allowed alien species within the Monument before replacing them with '*native alternatives*' in some cases, those that exist, for both land and species management to keep land from being lost, to restore species numbers or to rebuild certain features. Would that not alter the landscape, even with any good results? To propagate species is an ideal action, but where and how are concerns. Why is also an issue, this is where details are necessary. And in some ways as often ignored for that purpose. Ideals are easier to justify. And where many plans, proposals, propositions and other enquiries usually falter, including in this one. Propagating other birds and other species on other islands, besides altering the land that's there, is also potentially damaging. Immediate or not isn't the point. What if a given chosen environment with the monument is adaptable, but acts as an invasive species in another way. Much further down the line within or beyond the 15-year period of the plan as it is. And an invasive species may not appear to do too much damage, too. But invasive means just that. Invasive, introduced. Throughout the MMP it frets over changes done in this way or that way. Just because an adoption in a given setting is possible doesn't mean it's not harmful. Another alteration it is, and therefore potential damage if done even so. Another reason for species translocation stated is changing weather and rising seas. History has shown that various climate changes, whether artificially amplified by man-made alterations or just what had occurred naturally (like the changing of magnetic poles, possibly in Hawaii it changed from 10 degrees east of true to 15. What may happen, how and when are unknown), will affect any given area. Land and sea alike. To keep certain plant species, seeds will be taken and sent to this or that location for safekeeping, preservation in one way or another or possibly artificial propagation elsewhere. Such as is being done on Kure atoll to resupply some of the lower latitude above sea lands there. Birds or other species as seen fit will be translocated and be given new life per se, elsewhere. What if these efforts don't work? The species range, as stated in the MMP as well as what can be found out otherwise, is limited. Even as far south as the main Hawaiian Islands may not match enough. And any other location along the same latitudes elsewhere are not of the same geographical environment or weather. The goals and ideals of the plan are high for what they hope to do. And for the 15 year period of the plan, some of what is proposed may not be feasible in the way it's proposed. Because as well as time, there's also environment and those particular limitations that it involves. Many of which are not allowed into the plan as is. A plan may say 3 years in do this, but within two things may change to make that specific action not doable or have different affects as a generic example. Any change in the

monument itself may derail parts or all of it. And any artificial action to help may be altering or damaging, on any level.

There's also concern of the future of the Monument. In time the Monument itself will go under, the Emperor Seamounts and the islands leading north to Alaska prove it. But one specific concern is for rising seas, whether it's just the earth cycle now or because of global warming. If no other area really can hold these transplanted species, or the environment can't be recreated, will these end up in a special zoo or other? That is one way some have thought to do, or have done, to preserve species. As to global warming and rising seas, how do you plan to preserve or replace land lost to that, scrape up more coral, etc. to extend the land like was done before in the NWHI? And it is stated that even dead coral in the NWHI are not to be destroyed. They also built an airport that's sinking in that way in Japan. Replacing land is also unacceptable in most ways, as well as philosophy as to why. When Kako'olawe was lost as a bombing range, the military acquired about as much as they lost on the Big Island. They only transferred location, not "lost" anything. But they gained a new area to ruin. If land or habitat is lost how will you replace any of it? Especially if the species you want to transplant can't survive in other areas. And what if the species in question to this form or that can't be kept alive outside the monument? As for the rising seas and global warming, that's not likely to change. If pollution of any type continues to exist and more of it made: many of the technology and uses that will set up and maintain the Monument, and any who come through it or impact it for any reason, all will use much that same technology. So pollution is not anything that can be stopped cold, put simply. No new technology can stop or reverse it. In a similar case, recently people on Hawaii Island tried to lobby officials, et al. to reverse or at least ease up the output of Kilauea Volcano, the vog it releases. Which can have bad effects on people and things. The last word after almost senseless studies? You can't do anything, the view as to pollution and global warming is much the same in structure. Even if ALL- and I emphasize that, meaning 100% of artificial pollution by all people of every location, job, race, class, land, nationality, source, etc. of pollution was stopped and everyone switched to non polluting means, the pasts' accumulated pollution would stay around for decades at the very least. But that's not likely. Besides that fact, even if it was wanted and people were set up for it, because that pollution not only means fossil fuels but weapons, etc. as well. Once it was proposed that more weapons should be exploded because it could supposedly bring down global temperatures. Pollution comes from many sources. Protecting the monument and it's species if the sea is rising is not impossible in some ways but nearly impossible if you plan to use the monument as the same means to save them. So many species exist within the NWHI, the Papahānaumokuākea Marine National Monument, but if land reduces some may be lost if no alternatives are found. To preserve the species will also require more even if no land was being lost or the sea wasn't rising. If you try to propagate any species in the wrong way or environment, at any level or time, you will destroy, reduce or alter the species in consideration even if they survive the efforts. In particular if non-natural means are used. Ending up with non-natural variations of an older species. The closer to human interaction and environments, regardless of how wild they are or are not after the fact, the more altered they'll be. There was a species in Australia, the Tasmanian Tiger. The last confirmed one of it's kind, even if it had been propagated, was in captivity. So if it had survived in any way, it would have been altered regardless of how wild or free it would have been were the species known to

be alive today. So it will be in any efforts that aren't as close to natural as possible (meaning by the species itself in it's natural or chosen environment in most cases) however you try to propagate or preserve any animal or plant species in the NWHI. As far as the sea and lost land, unless it's completely artificial nothing can be done of that. Mankind has seen to that, and continues to. The issue of global warming occurred to some even as the industrial age started, and they were ignored or ridiculed for bashing the convenience it offered. They had a point, nobody saw it until it became a problem. Even yet some want to deny it's existence.

This plan gives stated ("desired") outcomes, current status, background history, descriptions, 'Need for Action' statements, strategies and activities to care for the monument. This shows just how static the MMP really is, since a change in the way one group or stimulus occurs that throws part of it out of whack will alter how that agency functions, what it can do, how it interacts with other agencies, in the Interagency Coordination Committee among other groups, and what applies, as well as what that means. Even with Emergency Response and Assessment Teams [ERATs] in place or in action. That's true even if you had more. The worst part of it is the timing, Do "this" in so many years. What if something occurs before that time, even with existing agencies, laws, etc. you can't really respond if things are too much in the air. And the basics of the MMP as it stands show most of it to be just that. As the plan itself says about many things: namely, details are to be worked out precisely in time or *to be determined*. And determining things on the level of the Monument can't be waiting like that, time waits for none. And damage is damage regardless of what you label it, or what level you accept of it. Or how much it's ignored. There are plans, agencies, rules, etc. that are already on the job, but the proposed changes will change things and will require changes to occur. Which will possibly create either a lack or excess in one service or another. Security is an ongoing example in the present. Or, possibly, absence for a time of a given action by any agency that's being reshuffled. In line with this concern is how the agencies involved will interact, so as to really care for and respond to needs or necessities (things that can't 'wait') of the Monument and the life within, as well as the human management side of things. And to make sure there isn't too much if any lack as any change happens. Often this will be on several levels, so a real substance to "smooth" transition requires a lot more than what is being offered. Even with educated volunteers or willing experts, in small or larger numbers. Communication and cooperation in a bureaucracy is shaky at best, which bodes not well for the NWHI if things go wrong especially. If setting it up is so complex and detailed, how much more so will managing it be? Especially with the changing or integrating of laws and other to theoretically connect them all. Especially if it concerns non-U.S. groups. It may not be possible to just connect anything like that. If it depends on law and policy it will be hard, at best. And nearly impossible at worst, and of course worst case scenario means impossible at it's most severe. At each listed step major agencies and sometimes more than one, are involved in a stated step, this makes just setting it up very complex. That only states that it will be that much more so for the users and those who apply for permits. When it's hard at the top, it'll be as difficult at the bottom or worse. The last part of the Interagency concerns is AC-3.3, the World Heritage issue. Should this occur, it will be that much more complex for all involved. If you've ever heard of red tape, that will be a forest in a jungle of it. Meaning any who use or pass through it, whether for official, casual or purposeful reason, will be potentially scared off

before they can get in. Which in some cases may be the intent, as sad and regretful as that may be. People in power have hardly changed since known time, it's only the ways used rather than the views. The use of law goes on the assumption that nobody will follow good actions or intent if it isn't there or that *control is necessary*, and as often it's those in power that abuse it, which makes things worse. Hopefully it won't be as bad for the NWHI. Bureaucracy is red tape applied, only time will tell.

Of particular concern to me is how Hawaiian culture and traditions will be involved. It is not just what I brought up previously. Namely: it's grafted onto a structure which may, or may not, accept it. And if it doesn't it gets either diluted or outright rejected, politely. The 'current' status, as when this plan was released, in part, "required that Native Hawaiians, among others (*-which others? And are any of these 'others' Hawaiian in any way?*), provide advice regarding management of the Reserve and ensuring the continuance of Native Hawaiian Practices." That also asks which in the Hawaiian community or population will you ask? Just those who cooperate with you; who will bend beliefs and applications until you can twist a theoretically Hawaiian practice or view into a preconceived {not that flexible, either} structure? Education is also brought up, education by experience or books, as is pretty much the same structure taken and view in the assumed superior (it has powerful backing, can it be wrong?-) No Child Left Behind Act. And even if experience is chosen, which set of beliefs will be used? As the plan writer says early on, exact details can only be guessed at in certain ways, since the culture is lost by time and western influence. Even those that have survived have been changed. One thing that may have changed in belief as an example, when the structure that is known of Hawaii by the time Cook found them was introduced in a second immigration. At that time, the people were in part referred to as *Manahune*, a people of small status. Such were the lower classes in some ways, socially it was true. But from at least a few sources, westerners took it to be more than belittling or degrading than it was even then. It became *Menehune*, at first likely a joke and then people believed it as such. The views being they are magical, mystical or unusually capable people of small physical form, so things can come up within a night by modern story beliefs of these "menehune." In a similar vane, like when people thought only males ruled in Egypt, but there were female 'pharaohs.' And when evidence popped up that there were at first people assumed the female was actually male. Now it's believed differently. On page 261, within section 3.5.3, it explains part of why this is done. It continues onto 262. And, further, "*not only because of strong public support, but also because of the mandates of the National Marine Sanctuary Program to protect biological and cultural resources.*" "Not only because," very potent language and intent. Public support is well, but a National Marine Sanctuary Program makes public support secondary. It's because of law, not support otherwise, that this is done. You can't stomp out the native group as was and still is done partly now, and still claim to treasure it and it's contributions: BUT you can mitigate it. And it's being done, even the draft plan makes that clear. Kaho'olawe is seen as one way it's successful, but I would doubt that. In stated intent in any case. Why? It's already ruined, whether the restoration and potential cleanup is successful or not, would the western-minded people of the State of Hawaii be so pleasant if Kaho'olawe were in prime condition? And if it were would it be held for the Hawaiians or would it be used as another nature tourist attraction? "Efforts are needed to directly engage Native Hawaiians in a variety of ways," is stated. And whether just generic but determined or unknown as

yet {To be determined}, or specific things allocated and set up already, the *Specific and meaningful inclusion* implied only has part of a meaning in the present views of native peoples. Hawaii or otherwise. Throughout the plan, the Monument Management Board is said will do this or that, which is fine. But the billion dollar question is: will what they do Help? Like it has been known and shown especially recently that the Office of Hawaiian Affairs, one of the stakeholders of the monument, does what is best for it as an entity, not the Hawaiian people. Very like any government recognized group can start actions that affect people who it represents who had no say, and will in the end disagree with that decision. Because it's not always possible to fulfill such, the specific example that comes to mind is unions. Like how other members can attack or harass members not agreeing with them, say, if the others are on strike in the Teachers' Union. But OHA is even worse than that by far. It is a political entity, therefore it plays political games. The pawns in it's games are not only others, and of course money or attention-support it can garner, but Hawaiians. The very people it's supposed to represent. Of any blood percentage. And once again, this is laid out in such a way that the western style and mindset rules regardless of how much native tradition, culture or practices are integrated. In many places, in the strategies and activities as well as in general descriptions or explanations, the specific phrase '*for the life of the plan*' is used. This limits the actual concern or commitment that the plan implies. In what ways? Take your pick. Again, details. And in most cases, most won't look of course.

Ocean Ecosystem Literacy is focused on near the end of the basic plan. Strategy OEL-1 states to develop/implement educational programs in Hawaii to increase awareness and stewardship of ocean resources. So long as people are using it as a commodity, as the State of Hawaii does for tourism purposes, even if such literacy existed it would be limited to maintaining altered systems in the majority of views. And even if a virtually untouched area still existed, from near or far, something will always affect it. Like Marine Debris for the NWHI, the very seas and currents about them draw the debris in. It expands on what can be done to increase awareness. The best way is to make sure people know before they affect anything. But in general Strategy OEL-1 seems to be doing what was done before with voting concerns, influence the kids to push or encourage the parents that voting is important. *You need to vote*, said by people unaware of what that actually means no less. When, as far as voting goes, it's been proven that even legitimate votes are discounted due to race or other indication. Even worse as far as voting goes, programs have been developed that would change, say a 57%-43% vote to exactly 51%-49% in favor of the one who paid to be favored. Even though it was +6 in one and -6 in the other. In the same way, the strategies on any level to educate people are at best biased and at worst incomplete or choosy about who knows what and what they can do. Hands-on learning by specific curricula will be developed for a specific affect, even if something is left out. If something is in such a case, it will be likely be mitigated by choice (lesser priority in view) rather than chance. Two durations, 3 and 5 years are used in section 3.5.4. OEL-1.1 in a word, awareness, is intent. OEL-1.3 gives 5 years. If one used the 5-year duration, what if it took 5 years to do the goal at applicable levels, but for years 1 to 4 nothing happened? Technically you could say it was done but at what price. If awareness doesn't come in the needed levels, and in a natural time cycle to make that awareness affective, it would actually mean a lag. Like some Hawaii schools, Statewide, lowered standards to supposedly meet the No Child Left Behind act. And in

the end much of them failed anyway. If the Monument is what it seems to be, than it will be like the *Child* in No Child Left Behind, Child really means country. That act was enacted to make USA children look smarter so they could seem to be more proficient in tests, etc. To give the educational statistic applied to the U.S. a boost. When the very statistics that it supposedly boosted was the result of years, decades or centuries and not 2-3 just decades of dumbing down. Some of which seems to be or is intentional. The result of an entire lifestyle that took at least 200 years to really settle. Similarly, expanding educational this or that on ocean literacy may help but also reveal how much isn't known and actually set people and things back as far as stewardship of the sea and it's species. Or resources. And to most, including governments, businesses and profiteers, it's resources and money that are the most important. The "dollar" is *losing* value worldwide. And Congress, and others before them I'm sure, are considering to enact a small thing signed by the president that will erase state lines. It will make Canada, the USA and Mexico into one state per se. With one monetary value. The Amero. So it is with the Monument, America is collecting things to make it look nice. As a political entity, it doesn't want any but subordinate governments to exist. So therefore, the Monument existence with the stipulation that *Nothing in the Proclamation diminishes or enlarges the jurisdiction of the State of Hawaii* is to ensure that the government has control over all things when it's said and done. As part of the educational push, parts of Midway Atoll, as a teaching area for natural and historical (likely in reverse) area, it will be expanded. Once again there's the alteration issue. You can maintain a part of Midway as natural, but if you try to maintain it while altering it there's only so much unaltered areas that can exist. Or so much protection possible. OEL-1.9 wants to put it into all areas of educational life. *Ensuring that the MMB is achieving it's desired goals and reaching target audiences.* There's also, again, using the 5-year example, what if you get to the goal at 5 years but damage in either the educational level or the environment incidents increase until then. Oops won't do it then, especially if you've had time, evidence and testimony to what you ignore. Just because a goal is reached in structure doesn't mean the means equal the result as such. The entire plan, in whole or in part, as expressed in several ways in the plan, and in 3.6 as: "a set of strategies and corresponding activities to address a desired outcome." This states the idealism behind the reasons of the MMP. Not necessarily meaning that it's intent is to be nice or to restore. There are several types of co-existing reserves or areas in the Monument. It goes back to red tape, attention and money.

In section 3.6.1, even in simple terms, it talks about centralizing the operations of the Monument. With other stations as needed elsewhere, but all central stations are in developed areas where the western state of mind is prevalent. One given example is of Kure atoll, stated as a part not of the NWHI but of Honolulu management because of some arrangement. In the educational section it says about "bringing the place to the people," rather than they to the place. In the NWHI that makes sense. But how do you plan to do that, even similar experiments, etc. may not do that. Or the 'telepresence' of audiences via video or other. And since these outreach-education activities will be in westernized areas, it's not likely to hold even if it's learned in areas beyond remote or protected areas. In this way, those promoting the Monument in certain ways have a barrel of native issues, alien ideals, alien species potential, altered environment, altered species and restoration-maintenance concerns on their plate. And the fact that things are

centralized make things that much worse. There are a multitude of contradictions in the Papahānaumokuākea Marine National Monument draft plan. Some of these by design.



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Please respond to
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To: PMNM_MMP_Comments@fws.gov
cc:
Subject: Comments on Draft management plan

00616

Comments on the: Papahānaumokuākea Marine National Monument Draft Management Plan (DMMP)

Submitted by: Beach Environmental Awareness Campaign Hawai'i
Date: July 22nd, 2008

We would like to comment on the issue of groups wishing to assist with marine debris removal in the Northwestern Hawaiian Islands. Although there are NOAA staff who are working on the problem of ghost nets and fishing gear, there still is a lot of marine debris of all types on the beaches. These beaches could be restored with the efforts of volunteers. Our volunteer organization, Beach Environmental Awareness Campaign Hawai'i has the experience to assist with organizing marine debris clean-ups in the monument which would involve careful removal of the debris as well as an education component. We can also provide equipment and training to long-term volunteers to make removal of marine debris faster and more efficient. We would like to see the draft include provisions for such a beneficial project as well as a streamlined process for short service project permits where the involvement in the monument is to clean up marine debris and make a difference.

Sincerely,

Suzanne Frazer
Co-chair, Beach Environmental Awareness Campaign Hawai'i

Dean Otsuki
Co-chair, Beach Environmental Awareness Campaign Hawai'i



bonnie morgan
<artsyoceanic@yahoo.com>

07/23/2008 08:36 AM
Please respond to
artsyoceanic

To: PMNM_MMP_Comments@fws.gov
cc:
Subject: Fw: NWHI protection

00620

TO whom it may concern .. I want to know why the military is practicing in this sacred area and firing weapons with depleted uranium into the waters there ? This news is from someone in the military there who is witnessing this action .. Depleted uranium should be banned ..it is illegal ,deadly and lasts forever !! This needs to be investigated immediately .. Do not hesitate on this matter please ! this is a heads up !.. from Bonnie Morgan 5095 Napilihau 109B-311 Lahaina HI 96761

--- On Wed, 7/23/08, Anne Miller <amiller@oceanconservancy.org> wrote:
From: Anne Miller <amiller@oceanconservancy.org>
Subject: NWHI protection
To: artsyoceanic@yahoo.com
Date: Wednesday, July 23, 2008, 5:21 AM

Bonnie,

Thank you for your call. Please see the following link for information on our involvement in the protection of the Northwest Hawaiian Islands :

http://www.oceanconservancy.org/site/News2?news_iv_ctrl=-1&page=NewsArticle&id=11223&JServSessionIdr009=ip6bpxeip2.app45b

From this link you may click other links too that should answer your question regarding protection from the military. Also, from this link is an option to submit your comments and concerns on the NWHI and the Monument management plan. The deadline for this is today (Wednesday, July 23rd, 5 pm Hawai'i time)!

Thank you, again, for contacting Ocean Conservancy!

Best,

00801



Frank Stanton
<fstanton@hawaii.edu>
07/23/2008 01:46 PM

To: pmnm_mmp_comments@fws.gov
cc:
Subject: Comments on the Draft Management Plan for Papahānaumokuākea
Marine National Monument

ANNE MILLER

Member Services Coordinator

Ocean Conservancy

1300 19th Street, NW

8th Floor

Washington, DC 20036

www.oceanconservancy.org

Cast Your Vote for Ocean Conservancy, 1 click per day supports our work:
www.oceanconservancy.org/stonyfield

Comments on the Draft Management Plan for Papahānaumokuākea Marine National Monument

The proposed management plan for the Papahānaumokuākea monument is fundamentally flawed because it is a piecemeal multi-governmental mess of jurisdictions and regulations. The only solution will be the creation of an independent agency to manage the monument. The sooner this is realized the better. The current structure and the proposed structure of a management body will only continue the dysfunctional and inadequate protection of the monument. At the recent International Coral Reef Symposium Dr. Terry Hughes, ARC center of Excellence for Coral Reef Studies, noted that the most significant factor for the management of the Great Barrier Reef (GBR) in Australia was the wise move by the government to create the GBR Authority with independent control over the management of the reefs. Dr. Hughes noted the dysfunction and overall failure of the US Coral Reef Task Force as an example of how not to manage a reef ecosystem. The current and proposed management plans for the NWHI resemble the US Coral Reef Task Force in its complexity and vulnerability to multi-agency conflicts and politics.

Having the Hawai'i State Land Board in control of permits is just one example of how the proposed plan is doomed to fail. The political nature of the Land Board and bureaucratic infighting within the Department of Land and Natural Resources (DLNR) has already contributed to the failure of effective management within the Monument. Recent permit refusals, unrealistic bureaucratic restrictions, and inappropriate penalties to scientists has hampered vital research and has created an environment of mistrust with the very group that has the most to offer the managers of the monument. Given the long-standing political nature of the Land Board there is no way forward while this institution holds a stranglehold on operations within the monument. The current and proposed plan will guarantee that managers will not have the information needed to maintain the integrity of the coral reef ecosystem in the NWHI in the future.

I urge the current co-trustees to relinquish the day-to-day operations of the monument to an impartial, apolitical agency of professional natural resource managers. This Papahānaumokuākea Management Authority could be modeled on the GBRA and operate within the broad mandates of the co-trustees but without the political meddling that has damaged the monument thus far.

Frank G. Stanton, Ph.D.



Lisa Long
 <angelsfortruth@earthlink.net>
 07/23/2008 03:43 PM

To: Imcann@oceanconservancy.org,
 membership@oceanconservancy.org,
 corporate@oceanconservancy.org, amiller@oceanconservancy.org,
 cc: shannon rudolph <shannonkona@gmail.com>, bonnie morgan
 <artsyoceanic@yahoo.com>, Cathy Garger
 <savorsuccesslady3@yahoo.com>
 Subject: Papahānaumokuākea is nothing but a secret (now not so secret) Navy
 weapons testing area.

00804

Sent on the link below and CCed to those above.. and hundreds in BCC.

Papahānaumokuākea is nothing but a secret (now not so secret) Navy weapons testing area. Start with the truth.. and work from there. "The prohibitions required by the Presidential Proclamation establishing the Papahānaumokuākea Marine National Monument do not apply to activities and exercises of the Armed Forces. Current Navy activities associated with the Monument are missile defense operations.
http://www.govsupport.us/navynepahawaii/Docs/Vol1_Part1lof1_sec_3_7HRC_DEIS_JULY07.pdf In the Hawaiian Islands Humpback Whale National Marine Sanctuary **certain military activities were identified as exempt** from the interagency consultation requirements and the prohibited activities designated under the National Marine Sanctuaries Act." So they can injure and kill whales, bomb reefs, use chemical weapons... do whatever they want in our National Monument areas, and you are not allowed to go there to see what they are doing, as the area is "protected". In addition to what our country tests there.. we have other countries adding toxic pollution to the environment.

RIMPAC includes 160 ships, 6 submarines and 19,000 troops firing into our air, land and ocean weapons that contain **Depleted Uranium** and/or chemical agents, or worse.... so enjoy your fresh fish.

"The live-fire opportunities - which include a massive beach-landing scenario where soldiers will be equipped with laser guns and sensors - are part of the largest international maritime training event in the world, called the Rim of the Pacific, or RIMPAC. The event is held every two years off the Hawaiian coast and brings together such countries as the United States, Canada, Chile, Australia, South Korea, Japan and Singapore. Underwater detonations, five-thousand hours of MID-frequency active tactical sonar, chemical laser weapons, Electronic Warfare, Live fire BOMBING, Missiles and assaulting beaches."

So yes, protect the treasure so no one knows how they are destroying it.. along with our country and world.

Just thought you should know that WE know. And this information has been sent to over 3000 news people and activists, worldwide, several times.

Lisa Long <http://AngelsForTruth.com> <http://HawaiiBeat.com>

http://www.oceanconservancy.org/site/News2?news_iv_ctrl=-1&page=NewsArticle&id=11223&JServSessionIdr009=jp6bpxe1p2.app45b

I saw nothing on your site about **Protection from the Military**.

All I found was your "protecting" it from fisherman and prying eyes.

http://www.oceanconservancy.org/site/DocServer/background_info_on_comments_for_NWHI_management_plan_7_2.pdf?docID=3981

Please provide the information and the links where military activities would NOT BE EXEMPT.
 Lisa Long

Bonnie,

Thank you for your call. Please see the following link for information on our involvement in the protection of the Northwest Hawaiian Islands :

http://www.oceanconservancy.org/site/News2?news_iv_ctrl=-1&page=NewsArticle&id=11223&JServSessionIdr009=jp6bpxe1p2.app45b

From this link you may click other links too that **should answer your question regarding protection from the military**. Also, from this link is an option to submit your comments and concerns on the NWHI and the Monument management plan. The deadline for this is today (Wednesday, July 23rd, 5 pm Hawai'i time)!

Thank you, again, for contacting Ocean Conservancy!

Best,

ANNE MILLER

Member Services Coordinator

Ocean Conservancy

1300 19th Street, NW

8th Floor

Washington, DC 20036

www.oceanconservancy.org



Liz Foote
<lfoote@hawaii.rr.com>
07/23/2008 04:14 PM

To: PMNM_MMP_comments@fws.gov
cc:
Subject: Comments on the Papahānaumokuākea Marine National Monument
Draft Monument Management Plan

00805

Thank you for the opportunity to provide my comments.

Liz Foote

From: Liz Foote, Hawaii Field Manager, Coral Reef Alliance and Executive Director,
Project S.E.A.-Link
Address: 37 Kuaiwa Way #20-A; Wailuku, HI 96793
Email: lfoote@hawaii.rr.com
Phone: (808) 669-9062

I would like to submit a few general comments as well as some specific feedback on the Papahānaumokuākea Marine National Monument Draft Monument Management Plan.

First of all, as an educator who recently had the honor of traveling to Midway as part of the first Alaka'i group (January 2008), I would like to provide a statement attesting to the educational value of traveling to this special place and experiencing it firsthand.

I don't think it is possible for me to adequately express and convey the impact of that experience on me. I am fully aware that it was an honor and a privilege for me to be there as part of this "ambassador" group that was tasked with helping to create an educational program for the site. The potential for learning ecological and stewardship messages is immense, and the impact of experiencing the lessons of Midway firsthand cannot be replicated. However, the messages and themes that emerge from time spent on the island have the potential to inspire those fortunate enough to visit this place, so that they in turn can share the lessons with their students and other community members. Therefore, a cohort of only 15 Alaka'i per year can have a far-reaching impact when they return to their lives and work after time spent learning the lessons of Midway.

I particularly support the "Ocean Ecosystems Literacy (OEL)" programs as outlined in section 3.5.4. However, regarding OEL-1.7, I see that the educator workshop (Alaka'i) program is listed as biennial, and I would like to strongly suggest that this become a yearly program instead.

In addition, I would like to support the Midway Atoll Visitor Services Action Plan (section 3.4.3), and any measures or funding that will result in expanded and enhanced interpretive tools, methods and educational displays onsite. The "living classroom" themes of the island can be reinforced and communicated through effective educational strategies and materials. These themes can also be supported and visibly demonstrated by making the facilities themselves a "model for sustainability," as outlined in Alternative B, Volume IV, in the Midway Atoll NWR Conceptual Site Plan. I support the assessment that Alternative B "best meets all management concerns," and is focused on sustainability.



Les Watling
<watling@hawaii.edu>
07/23/2008 11:05 AM

To: PMNM_MMP_Comments@fws.gov
cc:
Subject: comments on management plan

00807

To Whom this may be concerned:

I would like to offer a few brief comments on the current proposed management plan for the Papahānaumokuākea National Monument.

1. I appreciate that the management plan recognizes the unique and extensive deep water habitats within the Monument boundary.
2. I would like to emphasize that the deep water fauna, with the exception perhaps of some deep-sea fish, is largely unknown. Deep-sea octocorals that have been collected and loaned to me for examination are all species new to science, and several represent entirely new groups, such as genera or subfamilies. I suspect that similar statements will be made about many of the other invertebrate groups after they have been successfully sampled.
3. The deep-sea octocorals I have looked at sometimes also represent evolutionary relicts, with their closest living relatives being in the Atlantic Ocean.
4. Consequently, I strongly support Activities MCS 1.3 through MCS 1.5 which will insure that these deep-water habitats be thoroughly studied.
5. In order to undertake such studies, however, the Permitting process needs to be streamlined, or the requirements loosened up a bit, especially with regard to studies in the deep-sea that will have no impact on shallow reefs or land-dwelling organisms. For example, the permit application seems to be written to cover primarily shallow water activities or activities where the scientist is targeting one large species. Under Item 9a, one is requested to list all species that will be collected, how many, and their sizes, etc. In deep water habitats, or for many shallow-dwelling small invertebrates, such estimates are impossible. In the deep water, we have no idea what is there, and for many of the octocorals, for example, it is not possible to tell closely-related species from each other until they are at least on the ship if not at one's home laboratory. However, if we really want to know about the diversity of species in the monument, such "unknown" individuals will need to be collected.
6. Is it the purpose of the permitting process to determine what research activities is/has been conducted within the boundaries of the Monument, or to limit research activities within the boundaries of the Monument? If the latter, the Permit process as currently laid out gives no guidance as to what is acceptable and what is not (beyond the normal legal issues of dumping hazardous materials, dredging living coral reef, etc.) within the framework of research activities. That is, what activities are specifically likely to result in the denial of a research permit.

Many thanks for your efforts in putting this management plan together.

With best regards,

Les Watling
Department of Zoology
University of Hawaii at Manoa
2538 McCarthy Mall, Edmondson Hall 152
Honolulu, HI 96822
Fax (808) 956-9812
cell phone: 808-772-9563

Pew Fellow in Marine Conservation
Research Curator, Bernice P. Bishop Museum
Affiliate, Yale Peabody Museum

05871



[Redacted]
[Redacted]
Sent by: Ocean
Conservancy
<webmaster@oceancon
servancy.org>

To: PMNM MMP_Comments@fws.gov
cc: - -
Subject: Papahānaumokuākea Marine National Monument Management Plan
Comments

07/22/2008 05:36 PM
[Redacted]
[Redacted]

Sample of the Form E-Mail Comments
Received from The Ocean Conservancy

Jul 22, 2008

Co-Trustees of the Papahānaumokuākea Marine National Monument

Dear ,

I am pleased that you are proceeding with developing a management plan for the Papahānaumokuākea Marine National Monument. The Northwestern Hawaiian Islands are a truly a unique treasure that belongs to all Americans and the world. We have a sacred duty to provide it the greatest protection possible and to preserve it in all its natural character and as a fully functional, intact, and resilient ecosystem. The draft Monument Management Plan represents a substantial effort to deal with the complex and daunting task of managing such a vast area, and I applaud the many excellent management structures and measures that you have proposed. However, I am concerned that the plan fails to put in place all the protections, regulations, and management structures necessary to ensure the future that we all desire for the Northwestern Hawaiian Islands.

1. Sustenance fishing is not compatible with the purpose of the Monument. Allowing any extraction of resources for consumption is not consistent with preserving the monument in its pristine state, let alone allowing the removal of up to SEVEN TONS of magnificent large predatory fishes. You have not provided adequate scientific

justification for your claim that removing seven tons of the Monument's resources will not harm Monument resources or alter its ecosystem. I do not believe that we should risk the Northwestern Hawaiian Islands ecosystem merely to save the government a few thousand dollars and to provide government employees and university researchers with a luxury fresh ahi.

2. The establishment of the Papahānaumokuākea Marine National Monument was preceded by years of input from the public and stakeholder groups that identified several key principles to be incorporated into the Monument's goals. Those principles included:

a. Making protection of the Northwestern Hawaiian Islands, their wildlife, and ecosystems the core and preeminent purpose of the Monument, and that all other considerations and activities must not impair this purpose; and

b. Maintaining the "natural character" of the Northwestern Hawaiian Islands.

I am distressed to see that these principles, and others, are not incorporated into the draft Monument Management Plan, which leaves the Northwestern Hawaiian Islands incompletely protected and open to activities that will impair their health and resilience.

3. The Papahānaumokuākea Marine National Monument is a treasure belonging to all Hawaiians and the Nation. I am very concerned that you

have failed to build an advisory body, similar to the Research Advisory Council, and a robust public-comment process into the management plan. The public and stakeholders must be given the opportunity to provide input to and review of the management of the monument if it is truly going to be the nation's Monument.

4. The Monument Management Plan provides a good framework that COULD eventually lead towards conservation of its ecosystem and resources

therein. Your Marine Debris Action Plan is a good example of what other action plans should strive for to achieve the necessary degree of conservation.

I urge that you continue to develop the Monument Management Plan to 1) prohibit all sustenance fishing, 2) clearly and precisely make

PROTECTION the core and preeminent purpose of the Monument, 3) reaffirm that protection means maintaining and restoring the ecological integrity AND the natural character of the Northwestern Hawaiian Islands, and 4) establish transparent and robust processes, including

the use of advisory bodies, that will guarantee the opportunity for the public and stakeholders to provide input to and review of Monument management decisions, especially those involving permitting.

Thank you for taking my comments into consideration. By implementing these recommendations, you will have a stronger overall management document that will move towards effectively protecting our national treasure.

Aloha,

A large black rectangular redaction box covering the signature area.

APPENDIX D

PUBLIC MEETING COMMENT SHEETS

PUBLIC COMMENT SHEET 00016

Papahānaumokuākea Marine National Monument
Draft Management Plan

Name: Marv & Michele Paularena
Representing: NOAA Hawaiian Islands Humpback Whale Nat. Marine Sanctuary
Volunteers,
Mailing Address: 190 S. Wakea Ave, Apt. CC5
Rahului, HI 96732-1397

E-mail: mpaularena@yahoo.com
Add your address to the Monument mailing list? Yes No
Add your e-mail to the Monument list serve? Yes No

COMMENTS

I would urge looking into use of the US Navy to
enforce control of ships, fishing, etc. in Papahānaumokuākea
waters. This might supplement Coast Guard and state
enforcement ships and/or personnel without need for heavy
funding. Mahalo

Please submit this form in the Public Comment Box, or mail to: (continue on reverse)

Papahānaumokuākea Marine National Monument
300 Ala Moana Blvd., Rm 5-231 • Box 50167 • Honolulu, HI 96850

You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

PUBLIC COMMENT SHEET 00018

Papahānaumokuākea Marine National Monument
Draft Management Plan

Name: Bill Lyman
Representing: MYSELF
Mailing Address: 1104 LILINA ST. #17L
HONOLULU, HI 96817

E-mail: KAPAHU@VANCO.COM
Add your address to the Monument mailing list? Yes No
Add your e-mail to the Monument list serve? Yes No

COMMENTS

I COULD ONLY STAY FOR THE INFORMATIVE
PART (PART I) ON JUNE 9, 2008 @ NA'I'ŪAE
REC. CENTER, BUT I AM PLANNING TO
STAY FOR PART I & PART II ON
JUNE 24, 2008 @ UCC. I WOULD LIKE
TO SAY HOW WONDERFUL IT IS TO SEE
SUCH KNOWLEDGEABLE CARETAKERS LEAD
THE WAY FOR FUTURE GENERATIONS. A
SPECIAL THANK YOU TO TINA 'AULANI WILHELM. MAHĀLO

Please submit this form in the Public Comment Box, or mail to: (continue on reverse)

Papahānaumokuākea Marine National Monument
300 Ala Moana Blvd., Rm 5-231 • Box 50167 • Honolulu, HI 96850

You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00023

Name: Yanda Hanakahi
Representing: 'Aha Kūle Advisory Committee, Chair,
Molokai Rep.
Mailing Address: PO Box 507,
Hōōlehua, HI 96729

E-mail: hanakahi@sandwichisles.net

Add your address to the Monument mailing list? Yes No
Add your e-mail to the Monument list serve? Yes No

COMMENTS

Native Hawaiian fishermen/practitioners should be
allowed to anchor in NIHF, ~~and~~ ^{get} return
to Hawaii with their catch. Hawaiians have
always fed their families ~~at~~ from the ocean &
land! #

You (Fed govt.) need to communicate/get input
from Native Hawaiian fishermen who learned
their practice from "ancestor knowledge."

Please submit this form in the Public Comment Box, or mail to: (continue on reverse)

Papahānaumokuākea Marine National Monument
300 Ala Moana Blvd., Rm 5-231 • Box 50167 • Honolulu, HI 96850

You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00024

Name: Gandharva Mahina Hou Ross
Representing: Molokai High School & Fisherman
Mailing Address: P.O. Box 1461 Kaunakakai HI 96748

E-mail: Gandharva_Ross@notes.k12.hi.us

Add your address to the Monument mailing list? Yes No
Add your e-mail to the Monument list serve? Yes No

COMMENTS

① How do I get students there to
do hands on activities. Resource monitoring

② How do fishermen get there to help
alleviate the concern of lots of high end
predators (ulua)

Please submit this form in the Public Comment Box, or mail to:

(continue on reverse)

Papahānaumokuākea Marine National Monument
300 Ala Moana Blvd., Rm 5-231 • Box 50167 • Honolulu, HI 96850

You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00025

Name: _____

Representing: _____

Mailing Address: _____

E-mail: _____

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

Very concerned about the number of people
allowed on Midway - protect the resources
first! Sensitive burrow habitat,
sensitive coral habitat.

Please submit this form in the Public Comment Box, or mail to:

(continue on reverse)

Papahānaumokuākea Marine National Monument
300 Ala Moana Blvd., Rm 5-231 • Box 50167 • Honolulu, HI 96850

You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00027

Name: Keith G. Greene

Representing: SELF.

Mailing Address: _____

83-5636 middle Keel

Captain Cook H.I. 96709

E-mail: _____

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

I Propose Aerial surveillance from
the air for floating Marine debris -
Poaching fishermen, from an Ultra lite
aircraft equipped with floats drawing
less than 4 inches of water, operating
cost ^{of} \$10⁰⁰ to \$15⁰⁰ dollars an hour.

This aircraft can be relocated on a
24 foot vessel, Pictures available.

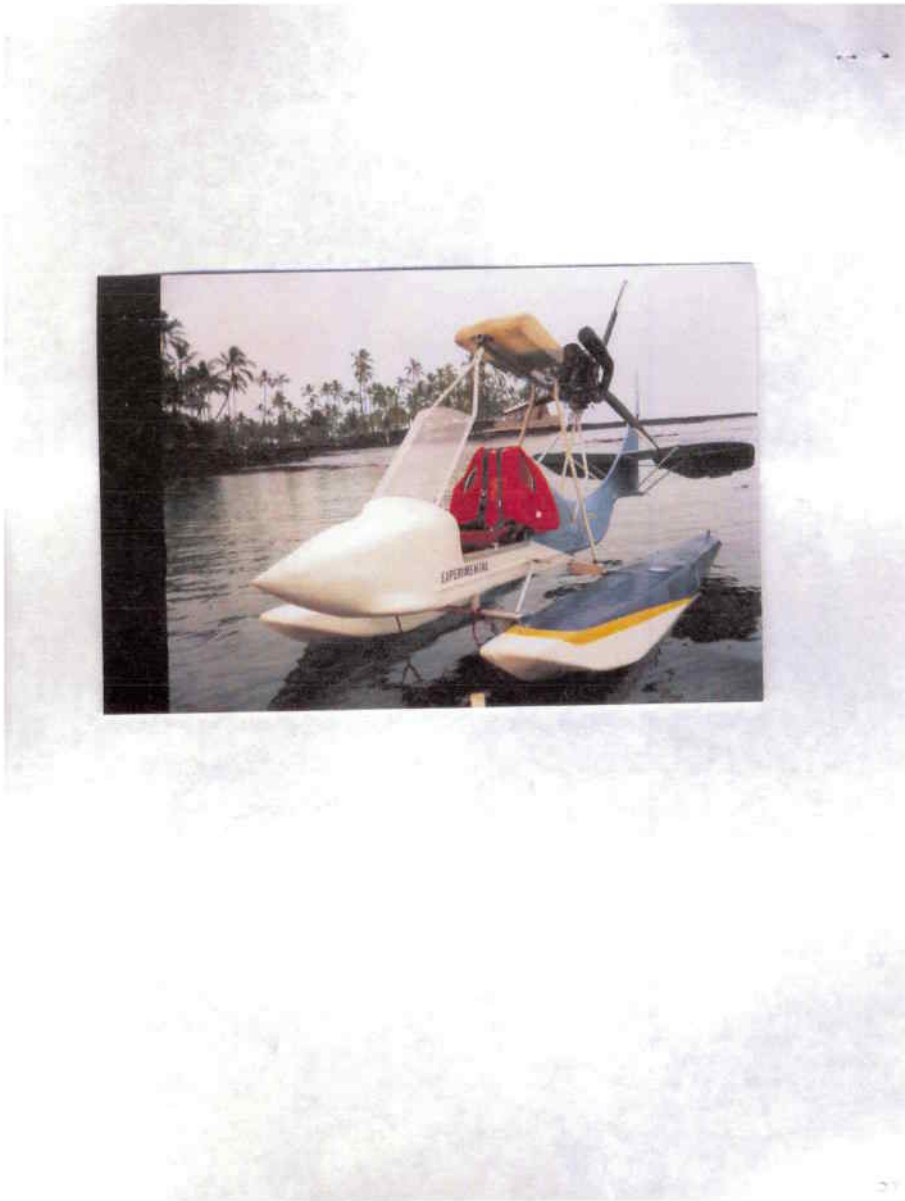
Thankyou Keith G. Greene

Please submit this form in the Public Comment Box, or mail to:

(continue on reverse)

Papahānaumokuākea Marine National Monument
300 Ala Moana Blvd., Rm 5-231 • Box 50167 • Honolulu, HI 96850

You may also e-mail comments to: PMNM_MMP_Comments@fws.gov



PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00028

Name: LEAH SNYDER

Representing: _____

Mailing Address: _____

73-4231 Nana St Kailua - Kona

HI 96740

E-mail: _____

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

I would like to know exactly what the Navy does there
@ the monument (Sonar?) why isnt any of this published

It would be nice to SEE the waste removal + incineration
into energy practiced on these islands - maybe you could
be an example for our (habitated) islands

Please submit this form in the **Public Comment Box**, or mail to:

(continue on reverse)

Papahānaumokuākea Marine National Monument

300 Ala Moana Blvd., Rm 5-231 • Box 50167 • Honolulu, HI 96850

You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00029

Name: ROBERT FLAATT

Representing: self

Mailing Address:
PO Box 1034
Captain Cook HI 96704

E-mail: robert@fishes.com

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

The us military is exempted from the regulations.

Insufficient funding will inhibit the management plan activities, making Papahānaumokuākea a de facto military reservation. Because only the military will be able to visit.

Either the law must be changed or the Papahānaumokuākea renamed a 'National Military Reservation'.

Please submit this form in the Public Comment Box, or mail to:

(continue on reverse)

Papahānaumokuākea Marine National Monument
300 Ala Moana Blvd., Rm 5-231 • Box 50167 • Honolulu, HI 96850

You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

Name: ROBERT FLAATT

Representing: self

Mailing Address:
PO BOX 1034
CAPTAIN COOK, HI 96704

E-mail: robert@fishes.com

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

Section 20 of DMMP Public Meetings @QA is not clear as to the number of times a Cruise ship may visit.

It says "four" "A maximum of four cruise ships per year", but not how often each ship may visit.

The implication in the presentation is once, but as written it could be 365 times. A draftier clarity is

Please submit this form in the Public Comment Box, or mail to:

(continue on reverse)

Papahānaumokuākea Marine National Monument
300 Ala Moana Blvd., Rm 5-231 • Box 50167 • Honolulu, HI 96850

You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00031

Name: AKA M. Makai, Kūpuna Makai

Representing: _____

Mailing Address: annotated by
NIHINA DUARTE

E-mail: _____

Add your address to the Monument mailing list? Yes No
Add your e-mail to the Monument list serve? Yes No

COMMENTS

- MIDWAY ISLAND - concerned about chemical use → would like to see the prohibition of chemical removal
- would like to see the Clean-up of unexploded ordinance in the ocean all chemical
- ban all long-line fishing in the Monument
- public to receive reports on lobster fishery ^{especially for} _{Regulation}
- would like to see the incorporation of ahupua'a based management

Please submit this form in the Public Comment Box, or mail to: *ita mika* (continue on reverse)

Papahānaumokuākea Marine National Monument
300 Ala Moana Blvd., Rm 5-231 • Box 50167 • Honolulu, HI 96850

You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

Name: _____

Representing: _____

Mailing Address: _____

E-mail: _____

Add your address to the Monument mailing list? Yes No
Add your e-mail to the Monument list serve? Yes No

COMMENTS

- would like to see direct ~~MANA~~ Hawaiian (Genoi) management of marine and terrestrial wildlife + plantlife
- like to see stricter protocols to safeguard against invasive species sprawl

Please submit this form in the Public Comment Box, or mail to: (continue on reverse)

Papahānaumokuākea Marine National Monument
300 Ala Moana Blvd., Rm 5-231 • Box 50167 • Honolulu, HI 96850

You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00032

Name: Faith Maile Ngimidoi

Representing: Brown People ☺

Mailing Address:
P.O. Box 10105 Hilo, HI 96721

E-mail: maile@hawaii.edu

Add your address to the Monument mailing list? Yes No
Add your e-mail to the Monument list serve? Yes No

COMMENTS

Increase Volunteering Opportunities!!! I will be a guinea pig.

Please submit this form in the Public Comment Box, or mail to: *(continue on reverse)*

Papahānaumokuākea Marine National Monument
300 Ala Moana Blvd., Rm 5-231 • Box 50167 • Honolulu, HI 96850

You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00033

Name: Marshall Sonnenberg

Representing: _____

Mailing Address:

E-mail: _____

Add your address to the Monument mailing list? Yes No
Add your e-mail to the Monument list serve? Yes No

COMMENTS

Internship, educational, and student research opportunity that brings together both modern science and traditional knowledge would be most relevant for the future stewardship of the Papahānaumokuākea.

Please submit this form in the Public Comment Box, or mail to: *(continue on reverse)*

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PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00035

Exemption in some cases not only means it's allowed, but
Unaccountable!

Name: Lehman Kimbarly

Representing: _____

Mailing Address:
55 Ahona Place

E-mail:
Kimberly63@hotmail.com

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

I know/understand there's exemptions and rules/regulations
or compromises. Even skimming it the plan/draft makes that
clear, and it's to be expected. But, say what if an exempted
activity, military or otherwise (especially military-exempt)
causes or leaves damage, which then either makes irreparable
loss or hardship in otherwise structured management. If it's
others, they can be held accountable. But such as the
military can't. It's a catch-22 built INTO the
agreement. That applies to all, but mostly them.

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PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00036

Name: Dan Lindsay

Representing: self

Mailing Address:
2390 Kaiwika Rd
Hilo HI 96720

E-mail: danlle@aloha.net

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

① I am deeply concerned that sufficient resources be devoted to enforcement of regulations, especially fishing violations & waste discharge by cruise vessels of others transiting the refuge. However with outdated regulations which are not enforced vigorously & uniformly are useless.

② Far more volunteers would be available if they did not have to commit three months. That seems an excessive length of time, & I believe efforts should be made to shorten the time commitment to 30 days. (This is a selfish comment, as I would love to volunteer but cannot commit more than a month at a time.)

③ I am very pleased that the plan recognizes the threat posed by invasive species, & I hope that sufficient resources will continue to be devoted to this vital set of activities.

Please submit this form in the Public Comment Box, or mail to:

(continue on reverse)

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PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00037

Name: KEVIN SULGIT

Representing: _____

Mailing Address:
R.R. 2 Bx 4547
PAAHOA, HI 96778

E-mail: KEVIN.SULGIT@YAHOO.COM

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

PLEASE KEEP THE UNITED STATES FEDERAL GOVERNMENT AND IT'S MILITARY AS FAR AWAY AS POSSIBLE FROM THESE SACRED PLACES. NO DEVELOPEMENT, NO FISHING, NO HUNTING.

Please submit this form in the Public Comment Box, or mail to:

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PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00038

Name: JoAnn GARRIGAN

Representing: Self

Mailing Address: 70 Lahi St
Hilo HI 96720

E-mail: joannaloha@hawaiiantel.net

Add your address to the Monument mailing list? Yes No
Add your e-mail to the Monument list serve? Yes No

COMMENTS-

Keep human visitors to
A minimum footprint left only
Lottery for permits at times
To keep it less politically
oriented
Who decides who gets permits?

Please submit this form in the Public Comment Box, or mail to: (continue on reverse)

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PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00040

Name: Cleg HOLIMAN JUN 19 2008

Representing: _____

Mailing Address: _____
P.O. Box 61
Holualoa HI 96725-0061

E-mail: _____

Add your address to the Monument mailing list? Yes No
Add your e-mail to the Monument list serve? Yes No

COMMENTS

I attended the public comment testimony portion of the Draft Management Plan for
Papahānaumokuākea, held at the King Kamehameha Hotel, Kailua-Kona, Hawaii,
18 June 2008. My concern specifically amongst others is 8031, F-6, Section 1 Armed
Forces. "The prohibitions required by this proclamation shall not apply to activ-
ities and exercises of the Armed Forces (including those carried out by the United
States Coast Guard) that are consistent with applicable laws." The Plan appears to
address many aspects of "preservation" and use of the Monument except Military.
WHY is the military EXEMPT from the prohibitions, rules, regulations, ordinances,
requirements, restrictions and permits you intend to impose upon every & all users?

Please submit this form in the Public Comment Box, or mail to: _____

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You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

①

Dr. Carl Stepath
POB 3265, Lihue
Save Our Seals

00043

Papahanoumokuakea National Marine Reserve meeting with the Federal government, National Fish and Wildlife, June 23, 2008

5:30; Hilton Kauai Beach Resort at Nukolii, Kauai

Hello, I want to thank you for all your conservation work, and I think the Papahanoumokuakea National Marine Reserve is wonderful. I respectfully would like to make some comments.

My name is Carl Stepath, I have lived on Kauai for most of my life, and I have a PhD in marine science education. My issues to address are the dissemination of Federal government agencies Papahanoumokuakea National Marine Reserve information and education materials ^{to local libraries} the protection of the Hawaiian monk seal (*Monachus schauinslandi*), and the support of improved marine education programs on the Island of Kauai.

Please give us your assurance that all material generated with respect to the Papahanoumokuakea National Marine Reserve will be placed in our libraries on the island, including KCC. I think this very important on all the islands, but especially here because we are the closest to the reserve and need to improve our marine studies education. We have a problem with a lack of marine education on Kauai.


Please address the horrific problems concerning the extinction of our state mammal, the monk seal! This animal ('Ilio-holo-i-ka-uaua - "dog that runs in rough waters") is now our state mammal, and is endangered - as well as being endemic to our waters. I think it is critical that we protect these animals for future generation. Hawaiian monk seals are the **only** marine mammal native to Hawaii, and a primitive member of the Family Phocidae. How can we best protect it? We need protected areas for the seal, so it can breed, have their pups

The U.S. military has been, in essence, the dominant historical occupier of the area and their effects, relative to conservation, are obvious, shown to be a detriment and are self-willed. Given these propensities inherent to military attitude, demands and activities, WHY are they not fully required to engage and abide by the philosophy and action prescribed by preservation and conservatism central to the Plan? The military's only duty is to defend the area from foreign intrusion. It has no other right of utility.

It is suggested you also approach other views expressed at the meeting as well.

Briefly:

1. How can Executive Orders 13089, 13178 and 13196 apply when the unresolved issues of Hawaiian Sovereignty and ceded lands has not been addressed?
2. Describe the Armed Forces right to enter into the territory given the primary concern expressed in #1 above? The military is in violation everywhere else in the Hawaiian Islands. The same would be for the Monument.
3. Preservation and Conservation has nothing to do with nostalgic militaria. Remove all existing military components, returning all land and sea elements to a pristine and truly natural condition...and then leave.
4. If the area is projected to be part of a World Heritage Site, you are instructed to disallow any formal or legal attachments to the idention. It is Hawaiian and Hawaiian only. The territory belongs to the Ali'i, Kahuna and Kanaka. The Co-trustees must approach the Hawaiian governing body for permission to do anything.

 JUN 19 2008

2

Dr. Carl Stepien
Save Our Seas
POB 3266, Lihua 967

and raise their young. These areas need to be protected and relatively safe from predators such as sharks and dogs. Maybe these protected areas for the seal should even be expanded to Ni'ihau and Nihoa?

Please help our young people here on Kauai and throughout Hawaii learn more about the importance of the ocean, and especially about how to support visiting scientists. Our young people here are very untrained in marine environmental science, and this should be improved. There is a special need for skills such as marine scientist research assistants and marine monitoring. Coral reefs and our fisheries are necessary for future generations, and we need to improve the marine science and geography education opportunities for our young people, especially here on Kauai, which is the closest main island to the reserve. Just having one or two day trainings is nice, but it is not enough. We need programs in our K-12 schools to teach our young people about our coasts, the ocean and how to take care of it. Right now there is very little of this on Kauai, and it is necessary that we work together to provide better ocean and coastal related education for the people and future citizens here.

You are mostly from somewhere else, and are highly educated. Where do you think the people that live here can get and improved education? Right now the possibilities are very limited and the residents do not leave for training, and if they do, they seldom return. The support of marine studies education in the school system here on Kauai is very important to help support the future success of the Papahanoumokuakea National Marine Reserve.

Thank you for your time and attention to this matter.

PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00044

Name: GABRIELA Taylor

Representing: SELF

Mailing Address:
5620 Keapana Rd
Kapaa, HI 96741

E-mail: GABRIELA@KEAPANA.NET

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

① NO CRUISE SHIPS SHOULD BE ALLOWED TO STOP & UNLOAD ANY PASSENGERS IN THE N.W. HI ISLANDS.

② NO MILITARY OPERATIONS & TESTING ALLOWED IN N.W. HAWAIIAN ISLANDS

③ ANY CURRENT COMMERCIAL FISHING PERMITS SHOULD BE REVOKED AT THE END OF THIS YEAR - NOT 2011 & THERE SHOULD BE A LIMIT ON THE CATCH SET FOR 2008.

Please submit this form in the Public Comment Box, or mail to:

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PUBLIC COMMENT SHEET

**Papahānaumokuākea Marine National Monument
Draft Management Plan**

00045

Name: Katy Rose
Representing: Kauai Alliance for Peace + Social Justice
Mailing Address:
PO Box 1459
Hanalei HI 96714
E-mail:
KLROSE @ EARTHLINK.NET
Add your address to the Monument mailing list? Yes No
Add your e-mail to the Monument list serve? Yes No

COMMENTS

I am here to register my objection and the objection of many people that the US military has unimpeded authority to engage in exercises over + around the NW Hawaiian Islands. The threat to the fragile ecosystem is grave and largely unknown, and the military is not providing any mitigation. In addition, the use of the airspace above the islands and the subsequent threat of toxic debris, the use of high intensity sonar, and unknown further military activity blatantly disrespects the sacred nature of the area

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You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

to Native Hawaiian people. Finally, I am concerned about the implications for humanity as a whole as the US increases its militaristic presence and around the world and the manner in which the use of Hawaii as a training ground facilitates US military presence around the globe with particularly negative impacts on the populations of the global south, US military out of Hawaii and Papahānaumokuākea.

PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00046

Name: Ray Catania
Representing: Kanai Alliance for Peace and Social Justice
Mailing Address: 4215 Kole Place
Lihue, HI 96766

E-mail: raymondcatania@aol.com

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

There should be absolutely no military or war game activity in the monument area. The monument is a testament to life, a natural base for the continuation of life in Pacific and the Hawaiian archipelago, a sacred area for the perpetuation of the Native Hawaiian culture which benefits everyone.

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PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00048

Name: _____
Representing: _____
Mailing Address:  H. Wyeth
PO Box 189
Anahola, HI 96703

E-mail: _____

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS - see Reverse.

Please submit this form in the Public Comment Box, or mail to: (continue on reverse)

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PUBLIC COMMENT SHEET

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Draft Management Plan

00050

Aloha tatou!

According to the Paramount Chief and Master Navigator of Taumako, a small island in the Solomons whose inhabitants are perhaps the only Polynesians who still know the arts of building and sailing voyaging canoes in the ways of their ancestors, the first step in constructing a canoe is to plant a garden. This is because the canoe builder must feed those who help with the work. First you plant and nurture a garden; when the food is ready to harvest, canoe construction can begin.

It seems to me that what has been going on in the Northwest Hawaiian Islands has gotten this sensible process backwards. Resources, whether fish, birds, or guano have been harvested, but until recently no one gave a thought to the garden that produced them. I am glad that this trend of thought is changing while there is still some garden left to tend.

Yet, like others who attended the hearings on the draft management plan, I am disquieted by the persistence of that harvesting-without-replenishing mentality in some of its provisions. This sort of thinking has gotten the main Hawaiian Islands into their present ecological mess. In the Papahānaumokuākea we have an opportunity to redeem ourselves; let us not waste it!

Specifically, I disagree with the provisions that would allow cruise ships to visit the place, that would allow continuation of a fishing plan administered by a body whose record of stewardship is anything but commendable, and the unrestricted use of the area for military activity.

By all means allow people into the garden of Papahānaumoku, but with the understanding that they must pay for the privilege by helping tend that garden. There are ample ways they can do this: scientific research, debris removal, replenishment of native flora and fauna, educational programs for schools etc. Cruise ships, exploitative fishing vessels, and others who consume without replenishing should be prohibited.

The Papahānaumokuākea deserves all the aloha we can give it. Until we get the garden to flourish, we should not try to build the canoe. First things first!

He'ionalani Wright

N. GAZDAR

Name: _____

Representing: _____

Mailing Address: _____

909 MAKAHIKI WAY #6
HONOLULU, HI, 96826

E-mail: _____

NASIR@Herc.HAWAII.EDU

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

STUDENTS / TEACHERS VISITS
& INTERSHIP SHOULD BE ABLE
IN ALL DISCIPLINES.
I HAVE MANY STUDENTS FROM
GG103 GEOLOGY OF HAWAIIAN
ISLES CLASSES TO LEARN
FIRST-HAND VIA INTERSHIP.
MAHALO

Please submit this form in the Public Comment Box, or mail to:

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PUBLIC COMMENT SHEET

**Papahānaumokuākea Marine National Monument
Draft Management Plan**

00051

Name: Lela M. Hubbard

Representing: Na Koa Ikaika

Mailing Address:
99-407 Aiea Hts Dr
Aiea HI 96701-3516

E-mail: lmhubbard@hawaiiantel.net

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

Conservation of Resources
COMMENTS

What is being done to protect
what's left of the lobster
fishery after WestPac has
almost destroyed it?

also why the kapu of bottom
fishing in the summer when
they spawn instead of in
the winter? Because too much
money is at stake and to

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You may also e-mail comments to: **PMNM_MMP_Comments@fws.gov**

Lela M. Hubbard
99-407 Aiea Heights Drive
Aiea, HI 96701-3516
(808) 487-2311
lmhubbard@hawaiiantel.net
Na Koa Ikaika

Testimony on the Navy's Proposal for the activities affecting the Northwestern Hawaiian Islands
Papahānaumokuākea Marine Monument

The intent for this marine monument was to create a sanctuary, a puuhonua. Na Koa Ikaika, an ohana of family and friends, supports Hawaiian culture and traditions. Moreover, we believe in the protection of our natural resources.

The Navy's proposals turn this sanctuary into a farce, a piece of paper, an entity where the Navy can act with impunity---bomb and destroy and pollute at will. ALL ACTIVITIES WHICH UNDERMINE THE INTEGRITY OF THE ENTIRE ARCHIPELAGO MUST STOP. PAU. You have already done an excellent job of destroying Hawaii. PAU with your military assaults, training, missile launches and interceptions. At least we can perhaps maintain the sanctity and relative purity of Papahānaumouakea.

Furthermore, we also wish to see that no more fishing is done in the area by scientific expeditions, military incursions or even cultural visitations. We must preserve the fish there to re-stock our depleted species.

I would also propose cultural monitors accompany military expeditions to negate any harm to the area.

Mahalo for the opportunity to share my concerns,

Lela M. Hubbard

Lela M. Hubbard
Na Koa Ikaika

June 24, 2008

PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00052

Name: Suzanne Garrett

Representing: Public Voice

Mailing Address:
2023 Lime St. #J
Hon. HI 96824

E-mail: Seetogo2@yahoo.com

Add your address to the Monument mailing list? Yes No
Add your e-mail to the Monument list serve? Yes No

COMMENTS

I think the part that needs to be ReAddressed & Rewritten is that the military needs to (at least) follow the same guidelines (Laws) governing the protection of these islands. Please Leave this AS is -

Please submit this form in the Public Comment Box, or mail to: (continue on reverse)

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PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
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00053

6/24/08
5:45 pm

Name: David C Spafford

Representing: Self as Research Asst UTM Marine Botany

Mailing Address:
2189 Hebo Place
Honolulu, HI 96816

E-mail: dspaf@Hotmail.com

Add your address to the Monument mailing list? Yes No
Add your e-mail to the Monument list serve? Yes No

COMMENTS

Once invasive seaweeds arrive at a new site, they are difficult (if not impossible) to eradicate. Please do not allow military, commercial persons or equipment, tourists or divers to use the NWHI's. Even research activities must be limited to minimize the risk of invasive seaweeds reaching this precious, irreplaceable ecosystem. KEEP PEOPLE OUT!

Please submit this form in the Public Comment Box, or mail to: (continue on reverse)

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PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

00054

Name: JUNE PATRICKSON

Representing: Myself as a concerned citizen

Mailing Address:
2428 Tuisitaka ST #703
Hono, HI 96815

E-mail: _____

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

May the preservation of these islands
serve as an example to the world
of a new and better way of uniting
conservation of nature and respect
for humanity - past, present, and future

Aloha!

Please submit this form in the Public Comment Box, or mail to:

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PUBLIC COMMENT SHEET

Papahānaumokuākea Marine National Monument
Draft Management Plan

000167

RECEIVED
JUL 6 8 2008

USFWS-HAWAIIAN/PACIFIC NWRC
HONOLULU, HAWAII

Name: DAVE GONZALES

Representing: PUBLIC PARTICIPATION

Mailing Address:
POB 11435 HONOLULU, HI. 96828

E-mail: _____

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

THE PAPAHAUUMOKUAKEA OR NWHI MNM MUST STRESS
CONSERVATION
AS ITS FIRST PRIORITY. THE CITIZEN BASED ADVISORY COUNCIL
MUST BE INCLUDED AS A PARTNER EQUALLY IN ALL DEALINGS
WITH THE PUBLIC. AFTER ALL, CITIZEN PARTICIPATION IS ONE OF
THE KEY ROOTS OF OUR DEMOCRATIC PROCESS. THE FACT THAT THE
U.S. NAVY DID NOT EXCLUDE ITSELF FROM THEIR RANGE AC-
TIVITIES AREA, AS SHOWN BY THEIR INADEQUATE EIS, BELIES
THEIR CLAIM OF ENVIRONMENTAL STEWARDSHIP OF OUR DELICATE

Please submit this form in the Public Comment Box, or mail to:

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PUBLIC COMMENT SHEET

**Papahānaumokuākea Marine National Monument
Draft Management Plan**

Name: _____

Representing: _____

Mailing Address: _____

E-mail: _____

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

MARINE ECOSYSTEMS. IT IS UNDERSTATEMENT TO SAY THAT THIS HAS CAUSED GREAT CONSTERNATION & CONTROVERSY AND WILL BE SURELY CHALLENGED LEGALLY BY A SKEPTICAL PUBLIC. THE ONLY MENTION OF THE U.S. NAVY'S INTENT IN THIS MASSIVE DRAFT (VOLUME III, PAGE 51132, 6-5) IS MINISCULE TO THE POINT OF BEING RIDICULOUS AND WILL BE CHALLENGED - THE NAVY PAST HISTORY ENVIRONMENTALLY LOCALLY IS NOT SUSTAINABLE, THE BLANKET EXEMPTION WILL BE REPEALED BY A NEW ADMINISTRATION

Please submit this form in the **Public Comment Box**, or mail to:

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PUBLIC COMMENT SHEET

**Papahānaumokuākea Marine National Monument
Draft Management Plan**

00169

Name: Patricia Richardson

Representing: _____

Mailing Address: _____

482 Awela Street

Hilo, HI 96720

E-mail: _____

patricia.richardson@hotmail.com

Add your address to the Monument mailing list? Yes No

Add your e-mail to the Monument list serve? Yes No

COMMENTS

First of all, I'd like to say that I am extremely happy that the NWHI have

been designated a Marine National Monument. I am very impressed with all the

efforts of NOAA and U.S.F.W. staffs to set up rules, protections and management

plans for this area, unique on our planet. As a volunteer at Mokuapapa in

Hilo and as a three-time albatross counter on Midway Atoll with Fish and

Wildlife, I am familiar with the beauty and fragility of this huge area and

am aware of the tragic loss it would be if we fail to protect and manage it well.

My comments and suggestions are on an attached sheet.

Please submit this form in the **Public Comment Box**, or mail to:

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You may also e-mail comments to: PMNM_MMP_Comments@fws.gov

Public Comment Sheet for Papahānaumokuākea Marine National Monument

I have three suggestions to make:

1. No cruise ships
2. No military presence
3. Facilitate University of Hawaii classes on Midway Atoll

Supporting Comments:

I am surprised and dismayed that cruise ships are allowed anywhere in the Monument. Even at Midway Atoll, already heavily impacted by human presence for over a century, cruise ships are invasive. They are a danger to coral reefs and to the purity of the water. Oil spills, dumping of waste water, anchoring and running aground are potential dangers not worth risking. Cruise ships should be banned from the entire Monument, including Midway Atoll.

The U.S. Military should be given NO exemption from any of the protective measures set up for the Monument. There should be absolutely no sailing into or flying over, no sonar testing or bombing practice or any other military maneuvers within Monument waters.

And finally, a positive suggestion: all effort – funding, organizing, administration, etc.- should be made to re-open University of Hawaii marine science classes on Midway. My first visit to Midway Atoll was through a U.H. class on seabirds taught on Midway in June of 2000. Others should have this opportunity to experience the beauty, isolation and peace of Midway. And I would love to return for another class myself! (N.B. Classes should not be limited to the marine science department. English, Biology, Environmental sciences, Agriculture, etc., could benefit from this unique setting.)

Thank you for considering my comments as you finalize the management plan for Papahānaumokuākea Marine National Monument.

Patricia Richardson
482 Awela St.
Hilo, HI 96720

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NORTHWESTERN HAWAIIAN ISLAND
MARINE NATIONAL MONUMENT
PUBLIC MEETING
June 23, 2008

RALPH ROSENBERG COURT REPORTERS, INC.
(808) 524-2090

1 JACKIE LOTT: Hello, my name is Jackie,
 2 J-A-C-K-I-E, Lott, L-O-T-T. I'm a professor at
 3 (Inaudible) Valley College in Lancaster, California.
 4 I've finished my 18th year there. I'm also a
 5 part-time resident, soon to be full-time resident of
 6 Kauai, and I just want to give you some feedback about
 7 the new Hawaiian monument.

8 First of all, my biggest concern as a
 9 resident of Kauai is there does not seem to be any
 10 restriction and there's overbroad use of the military
 11 powers. There doesn't seem to be any environmental
 12 studies done. There doesn't seem to be any
 13 measurement of the damage or the lack of damage or the
 14 ongoing damage to any of the marine life, and yet
 15 that's the same justification for having the monument
 16 to begin with. There's also no environmental
 17 information or studies being done about the military
 18 aircraft or test bombing or intercept testing that I
 19 know is done off the coast of Kauai and probably
 20 extend into the monument.

21 Also, I think that there needs to be a
 22 better outreach, even more of an outreach to the
 23 native population and indigenous people of Kauai, and
 24 even other Polynesian people, like the people of Fiji
 25 and Samoa, whose ancestors have also been part of the

1 Hawaiian history, but especially the Hawaiians.
 2 They're very humble people and they don't really feel
 3 included in the American government, for whatever
 4 reason. And as other cultures, for example, the
 5 Hispanic or Afro-American cultures, as an example, you
 6 have to keep asking them and keep informing them to
 7 get them to be involved, or, as I see it, the
 8 Hawaiians, as much as they want to participate, they
 9 don't have any confidence that their participation is
 10 going to count.

11 I think like one of the speakers said
 12 tonight, that we -- I think it was the Surfrider
 13 Foundation, we need to think more of this as a
 14 conservation effort, rather than a tourist attraction,
 15 and we need to keep human intervention to a him.
 16 Horror stories of people saying that there are going
 17 to be cruise ships or groups of 50 people a day
 18 spending the night on one of these preserved islands
 19 is just unthinkable. We should learn from our
 20 brothers and sisters on the Galapagos Islands who are
 21 taking a very minimal amount of people, but they've
 22 almost destroyed the habitat there biologically.

23 We need to really, really keep this to a
 24 very bare minimum of human contact, if at all, and why
 25 we would allow things like fishing or anything to be

1 taken is just against the whole purpose of having the
2 monument, which should be and is espoused to be
3 conservation.

4 And another speaker tonight talked about
5 the fact that the initial plan seems to have the
6 people in charge are going to be -- have closed
7 meetings instead of opened to the public. This goes
8 against all American rights and other government
9 entities that as a democratic society hold open
10 meetings and forums and televise how their
11 representatives are voting and speaking and so forth.

12 I can be contacted at P.O. Box 1617,
13 Lancaster, California 93539. And if you want to
14 include me in anything, I'd appreciate it. Thank you
15 very much. Thanks for listening.

16 (End of audiotaped proceedings.)
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1 C E R T I F I C A T E
2

3 I, Jessica R. Perry, Certified Shorthand Reporter
4 for the State of Hawaii, hereby certify that the
5 proceedings were taken down by me in machine shorthand
6 and was thereafter reduced to typewritten form under
7 my supervision; that the foregoing represents to the
8 best of my ability, a true and correct transcript of
9 the proceedings had in the foregoing matter.

10 I further certify that I am not attorney for any of
11 the parties hereto, nor in any way concerned with the
12 cause.

13 DATED this 1st day of August, 2008, in Honolulu,
14 Hawaii.
15

16
17 -----
18 Jessica R. Perry, CSR, RPR
19 Hawaii CSR 404
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APPENDIX E

**INDIVIDUALS SUBMITTING E-MAIL FORM LETTERS
THROUGH NGO WEBSITES**

Individuals Submitting Email Form Letter Comments Through NGO Websites

Jenny A	Susan Alby	Sara Anderson	Dana Aronowitz
Jacqueline A.	Susan Aldredge	Pam Anderson	Sheila Arries
Frank Aaron	Christine Aldrich	Leroy Anderson	Diane Arrieta
Marrisha Abbot	Tom Aldridge	Judith Anderson	Ardith Arrington
Dorothy Abbott	Patricia Alejandro	John Anderson	Thomas Artin
Anne Abbott	J. Alexander	Vicki Anderson	Yael Artzi
Calvin Abbott	Emily Alexander	Larry Anderson	Jennifer Aryf
David Abel	Thomas Alexander	Deanne Anderson	Lindsey As
Mary Able	Joseph Alfano	William Anderson	Lori Ashley
Carl Abrahamson	Rockell Alhale	Randy Anderson-Orr	Nancy Ashley
Barry Abrams	Kristen Allbritton	Jessica Anderson-Winston	Sandra Ashmore
Joan Abruzzo	Nicole Allbritton	Saliane Anderssen	Elyse Ashton
Theresa Acerro	David Allen	Amanda Andes	Chris Ashton
Kristine Acevedo	Keegan Allen	Heidi Andrade	Nayeem Aslam
Beverly Ackerman	Jeffrey Allen	Chris Andrade	Shelley Asper
Adrienne Acoba	Deanna Allen	Susan Andres	Mary Asproyerakas
Michele Adams	James Allen	Sherry Andresen	Artemis Asproyerakas
Nannette Adams	Dena Allen	Gordon Andrews	Kathleen Assiff
Cynthia Adams	Susan Allen	Paul Andrews	Emilio Astier
Teri Ann Adams	Elizabeth Allen	Martha Andrews	Aizza Asuncion
Pat Adams	G Allen	Penelope Andrews	Mikel Athon
Kathleen V. Adamski	Ric Allen	Shelley Andrews	Julie Attardo
Deni Adaniya	Lindsey Allison	Arik Andrysiak	Roberta Audino
M. Addison	Frances Allred	Bryony Angell	Joyce August
Genevieve Adell	Sydney Allrud	Jennifer Angelone	Boyer C. August
Tom Adkisson	Katie Almeida	Kate Angermeier	Candi Ausman
Ellen Adler	David Almond	Shirley Ann	Jakki Austin
Surendar Advani	Greg Aloe	Elaine Anthonise	Alyssa Austin
Sean Affayroux	Ona Alpert	Jay Antol	Nicole Avedon
Barbara Aguado	Kim Altana	Paul Antonelli	Andrea Avendano
Emily Aguilera	Carol Altavilla	Rachel Antonucci	Jennifer Averde
Karina Aguilo	K Althammer	Craig Antrim	Amy Aversa
Cecilia Aguirre	Julie Altman	John Anuci	Vikki Avey
Eugenia Ahern	Allen Altman	Ray Apodaca	Ron Avila
Judy Ahern	Rita Altman	Cheri Apodaca	Louis Avrami
Sarah Ahrens	Liz Alvarado	Hilary Aquino	Stacey Ax
Tracey Ahring	Natalia Alvarez	Lee Archardl	Jude Ayer
Kirsikka Ahtiala	Alma & Ame' Alvarez	Paula Archer	Charles Ayers
Ed Aiken	Rachael Alvarez-Jett	Sheri Archey	Charlie Ayers
Joel Ainger	Carla Alzuro	Anthony Arcure	Maryanne Aylesworth
Donna Ainsworth	Sarah Amandes	Sholey Argani,	Janet Ayres
Michael Airoidi	Julie Amato	Amin Arikat	Robin B
Shelley Aitoro	Dennis Amaya	Carolyn Arkison	Fabienne Babb
Peter Ajemian	Mary Amberg	Margie Armantrout	Jill Babore
Francis Akamine	Isbell Ambiel	Jill Armentrout	Christina Babst
Alison Albee	Susan Amick	Joan & Paul Armer	Miryam Bachrach
Burt & Staci Alber	Sharon Amorosa	Thomas Armstrong	Brenda Backstrom
Catherine Albers	Dale Anania	Linda Arndt	Sarah Backus
Harrison B. Albert	Gail And	Marilyn Arnett	John Bader
Anthony Albert	Connie Anderson	Cathy Arnett	Terry Badger
Deborah Albert	Helen Anderson	Rebecca Arnhold	Mary Baechle
Lynne Albert	Rhonda Anderson	Sherry Arnold	Ted Baer
April Alberts	Katryna Anderson	Frank Arnold	Howard Baer
Lisa Albright	Constance Anderson	Sharon Arnoldi	Michelle Bafik-Vehslage
Nicole Albright	Glen Anderson	Sharon Arnowitz	Joanna Bagatta

Chris Bahnsen	Dana Baron	Mary Beattie	Wendy Bergman
Ingrid Bahr	L. Baron	Brittany Beatty	Laurie Beringer
Rich Bahr	Joyce Barone	Richard Beccaloni	Nicole Berkheimer
William Bailey	Jill Barr	Margaret Beck	David Berkshire
Douglas Bailey	Mike Barr	Lisa Beck	Michael Berla
Marcia Bailey	Alessandro Barracciu	Thea Becker	Steve Berman
David Bailey	Alison Barratt	David & Helen Becker	Bryce Bermingham
Gerald Bair	Stacey Barreiro	Tracy Beckerley	Pamela Bermudez
Rachel Baird	Jean Barrell	Jonathan Beckett	Andrea Bermudez
Susie Baker	Dianna Barrella	Gail Bedinger	Bruce Bermudez
Shelly Baker	J. J. Barrera	Floyd Bednarz	John Bernard
Karen K. Baker	Terri Barreras	Noel A. Bednaz	Karen Bernhardt
Erin Baker	Richard Barrera-Siller	Jeffrey Bedrick	Michele Bernier
M Baker	Charles Barrett	Clara Beeler	Chip Berning
Stanley Baker	James Barrett	Iggy Beerbower	Scott Bernstein
Sheila Baker	Ange Barrett	Chris Beeson	Jeannine Berroteran
Marla Baker	Gordon Barrett	Cecilia Behrendt	M Berry
Bonnie Baker	Jack Barrett	Dixie Belcher	Joycey Berry
Graham & Sandy Baker	Betty Barrett	Todd Belcher	Joycey Berry
Howard Bakken	Tim Barrington	Joan Beldin	Joycey Berry
Shawn Baland	Robert Barrington	R. Belding	Cherelle Bertch
Pamela Baldinger	Sarah Barrs	Timothy Belford	Annie Bertrand
Barbara Baldock	Bethany Barry	Kausar Belgaum	Hans Bertsch
Teresa Baldock	Shannon Barry	Barbara Bell	Lucille Bertuccio
Laurie Baldwin	Hester Bartels	Anthony Bell	Ruth Bescrypt
Jeff Ball	John Barthel	Sharon Bell	Linda Bescrypt
Kathleen Ball	Alice Bartholomew	Robert Bell Iii	Jonathan Beshel
Jane Ball	M Barton	Lara Bellefeuille	Barbara Besold
Tom Ballard	Gary Barton	Nancy L Bellers	Rae Besserman
Ranko Balog	Angela Barton	Darcy Bell-Symes	Paul Betancourt
Michael Balsai	Joni Bartschi	Toni Beltrano	Christopher Betancourt
Sol Baltimore	Martha Bartter	Bree Belyea	John Bettencourt
Laura Beth Bamberger	Samuel Baseler	Bret Belyea	Lisa Bettles
Lisa Banik	Melinda Bashen	Leslie Bemis	Robin Beugless
Crystal Banks	Linda Bass	Pamea Benbow	Peter Beves
Tamara Bannister	John Bassett	Constance Bencze	Elaine Bevilacqua
Ankush Bansal	John Bastone	Sabina Benestante	Marisa Bezjian
Leafgreen Banyan	Kim Bates	Joan Benincasa	Shelley Bialek
Clayton Barbeau, Ma, Mft	Natalie Batovsky	Ilene Beninson	Jerome Bibuld
Virginia Barber	Gail Battaglia	Zoya Benjamin	Nicole Bickel
Barcilon@Bellso Barcilon	Bennett Batten	Alicia Benke	Kevin Bickers
B Bard	Frances Baty	Cynthia Benner	Autumn Bidwell
Alta Bardsley	Dawn Bauer	Matthew Bennett	Lynette Biedermann
Bonnie Barfield	Louis Bauer	Bruce Bennett	Lynne Biegler
John Barfield	Barbara Bauer	Barbara Bennigson	Jeff Biehler
Sheryl Barger	Carol Bauer	Sheryl Benning	Rita Bieszk
Lauren Barker	Pauline Bauer	Susan Benson	Victoria Bigelow
Van Barker	Tom Bauer	Cecile Benson	Susan Biggs
Dan Barkley	Robert Baum	Sigrid Benson	Leon Biggs
Jessica Barley	Nelson Baumer	Eric Benson	Bertha Bikulcs
James Barnes	Allie Baurer	Coralie Benton	Joseph Bilicska
Sandra Barnes	Bruce Baxley	Jennifer Bentzel	Lisa Bill
Donald Barnes	Joseph Bayley	Suellyn Benzvi	Donna Bills
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Aegina Barnes	Leticia Bayona	Claudia Berdeen	Bevin Birchenough
William Barnes	Michael Bayouth	Nicole Berens	Kenneth Bird
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Jessica Barnett	Baret Beall	Barbara Berger	Ashlee Bishop
David Barnett	White Bear	Debbie Berger	Jeffery Biss
Sandra Barnett	Helen Beardsworth	Christine Berger	Gracia Bittner
Linda Barnhart	Helen Beasley	Nancy Berger	Simona Bixler
Mary Ann Baron	Dawn Beattie	Kristina Bergman	Pam Bixter

Michael Black	A Bonvouloir	Amelia Braselton	Amber Brown
Steve Black	Barbara Bonvouloir	Michele Braun	Greg Brown
Rick Black	Donna Boonchit	Karin Braunsberger	Carol Brown
Bruce Blacknight	Howard Booth	Monica Brazel	Jan Brown
Katie Blackshear	Andrea Boothby	Christine Brazis	Terri Browne
Tom Blahnik	Alvaro Borba	Cathleen Brdlik	Patricia Browne
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John Blair	Pat Borlik	Michelle Brenard	Victoria Brownlee
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Michael Bodin	Florine Bowman	Eric Brooker	Ronald Buckles
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Karen Boesch	Natalie Boydston	Shaun Brooks	Shannon Buddes
Sue Boezi	Mary Boyer	Judy Brooks	Colleen Budzien
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Diane Bolman	Jennifer Bradley	Rich Brown	Kristen Bunting
Patricia Bolt	Joseph Bradley	Jack Brown	David, Paul And Xavier Burch
Geri Bommarito	John F. Brady	D Brown	Kristin Burch
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Marta Bonatz	R Brailly	Louise Brown	Karen Burchett
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Lea Bond	Ruth Bramall	Warren Brown	Ryan Burger
Jose Ricardo Bondoc	Helen Bramlett	Alice Brown	Dana Burger
Tamara Boneck	Steve Branch	F.A. Brown	Roos Burger
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Donna Bonin	Anita Brandariz	Stefanie Brown	Josephine Burke
John Bonior	Ramna Brandt	Tina Brown	Elizabeth Burke
Patty Bonney	Sarah Brandt	Doug Brown	Cassandra Burke
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Pamela Burrer	Jeanette Capotorto	Christine Castan	Frances Chen
Karen Burroughs	Karen Cappa	Victor Castellanos	Gay Cheney
Julia Burrows	Fawn Capps	Leigh Castellon	Amy Cheney
Janet Burrows	Sharon Cappuccio	Judith Casten	Jeri Cheraskin
Aubrey Bursch	Louis Caputo	Elizabeth Castiglio	Colin Cherot
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Emily Burton	Erica Carder	Claire Caudill	Kathy Chiavola
Stephen Burton	Lynn Cardiff	Danielle Caughey	Carol Childerley
Mark Burwinkel	Robert Cardillo	Harriet Cavalli	Gary Childers
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Nancy Bush	Marcio Cardoso	Karen Caya	Pamela Chipman
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Barbara Busse	Heidi Carla	Richard Cedor	Sherri Chiu
Heather L. Butler	Walter Carlin	James Celico	Rhonda Choi
Dori Butterick	Cynthia Carlon	Maria-Luisa Centeno	Fairbrother Christa
Ryan Butts	Chris Carlon	Euribiades Cerrud	Jessica Christian
Julie Buzinski	Susan Carlsgaard	Pat Chaban	Kelly Christian
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Doug Byron	Stephen Carney	Janis Chaffin	Jonathan Chu
Beth Cady	Michael Carney	Leslie Chaffin	Tom Church
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Jamie Caito	Betty Carpenter	Mikki Chalker	Theresa Ciavarella
Nicole Calabrese	Jeremy Carpenter	Nancie Chalmers-Herbst	Natalie Ciocca
Antonio Calabria	Malo & Kl Carpenter	Karen Chamberlain	Melanie Cipher
Christine Calardo	Donna Carr	Cory Chamberlain	Ruth Ciriello
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Stephanie Calcavecchio	Martin Carreon	A Chameides	Roger Citron
Patrick Caldwell	Arlette & Patrick Carrigan	Les Chan	Morgan Clark
Carol Caletti	Diana Carroccia	Corey Chan	Robert Clark
Bob Caletti	Tim Carrol	Roger Chan	Tom Clark
Helle Calhoun	Dee Carroll	Trish Chaney	Misty Clark
Lee Cali	Chris Carroll	Christy Chaney	Martha Clark
Jeanne Callahan	Eric Carroll	Patricia Chang	Cindy Clark
Robin Callaway-Welch	Susan Carroll	Carol Changus	Erika Clark
Heather Calloway	Sandra J. Carrubba	Mary Ann Chapman	Betty Clark
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Suzi Campbell	Ashley Carter	Sheila Charette	Linda Clave
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Laurel Campbell	Kimm Carter	Stanley Charles	Clare Cleveland
Elizabeth Campbell	Brenda Carter	Ruth Charnes	Mike Clifford
Patricia Campbell	Amanda Carter	Heidi Charnquist	Loren Clift
Barbara Campbell	Charlene Carter	Donna Charter	Gregory Clifton

Andrea Clmino
Megan Clossey
Cynthia Cluck
Jerry Clymo
Patty Coates
Kylie Cobb
Joan Coble
Larry Coble
Larry Coble
E Coblentz
Bruce Coburn
Joe Coco
Pam Coe
Margery Coffey
Kathy Coffman
Cindy Cohen
Lauren Cohen
Howard Cohen
Harriet Cohen
Josh Cohen
Bruce Cohen
Sylviane Cohen
Darcy Cohn
Kristina Coiro
Pam Coker
Kim Colangelo
Rodolfo Colberg
Jessica Colby
Sandra Cole
Brandy Cole
Sandy Cole
Beth Cole
Kim Cole
Patrice Cole
Lori Colelman
Candy Coleman
Megan Coleman
Suzanne Coleman
Stuart Coleman
Anne Colgan
John Colgan-Davis
Carol Collier
Michael Collier
Betsy Collins
Carol Collins
Stefanie Collins
Russell Collins
Barbara Collins
Susan Collins
Jannice Colon
Jim Columbia
Gerald Comisar
Lara Compton
Carolyn Comstock
Susan Conant
Connie Conaway
Gabriel Condie
Frances Cone
Vira Confectioner
Cassie Conger
Robert Conlan
John Connelly

Caryn Connolly
Nora Connolly
Thomas V. Connor
Lisa Connor
Joseph Connors
Jen Connors
Jody Conrad
David L. Conrad
Melissa Conrad
William Conrad
Conrad Conrad
Thomas Conroy
Kathleen Conroy
Sue Considine
Bianca Constance
Patti Constantino
Earl Conteh-Morgan
Nancy Contreras
Meranda Contreras
E. Blaine Converse
Michael Conzo
Patricia Cook
David W. & Sa Cook
Kay Louise Cook
Adrienne Cook
Andria Cook
Miriam Cook
Will Cook
Julie Coon
Mitzi Coons
Katie Coontz
Donna Cooper
Marcia Cooperman
Sandra Cope
Stephen Copeland
Ivy Copley
Kathy Corcoran
Joel Cordero
Alicia Cordero
Wm. A. & Janet M. Corkran
Jared Cornelia
Dawna Corning
Julie Corrar
Bernie Corrigan
Kelly Corso
Wynne Corson
Anthony Cortez
Sarah Cortez
Sarah Cortez
Monica Cortez
Monica Cortijo
Cara Corzo
Mark Cosgriff
Francisco Costa
Elmer Costabile
Lanie Costeas
Chrisy Costello
Lisa Costello
Karl Costenbader
Gail Costic
Cassandra Costley
Kristina Cotten

Clare Cottreau
Ricardo Cottrell
Kanit Cottrell
Doug Couchon
Jesse Counterman
Chuck Countryman
Marjut Coursaris
Vera Cousins
Sandi Covell
Teresa Covington
Steve Covington
Leonard Cowan
Dylan Cowles
Tanya Cowperthwaite
Scott Cox
Lisa Cox
Michael Cozzi
Phil Crabill
Helen Crabtree
Susan Craig
Maya Craig
Nora Crain
Mary Ann Cramer
Neal Crandall
Michael Crane
Raymond Crannell
Shea Craver
Christine Crawford
Donna Lee Crawford
Ian Cree
Dawn Creighton
Patricia Crespo
Jessica Cresseveur
Norman Cressy
Judy Cristelli
Ron Critchfield
Marjorie Crockett
Nancy Crom
Sandy Crooms
Kathy Crosby
Tara Cross
Danielle Cross
Jean Crossman
Jennifer Crowston
Cathy Crum
Diane Crummett
Iris Cruz
Tabitha Cruz
Marian Cruz
Cynthia Cruzcowart
Michelle Csonka
John Cuda
Vilma Cuellar
Kevin Cuenca
Dale Cullen
Deb Cullings
Gary Culpepper
Joe Cundari
Sofia Cunha
Juliette Cunico
Cam Cunningham
Carol Cuoco

Christine Curcio
Jim Curland
Connie Curnow
John Curotto
Margarita Curras
Jon Current
Nancy Currier
Arthur Currier
Carol Curtis
Janet Curtis
Aaron Cushing
Amanda Cutler
Megan Cutler
Barry Cutler
Christiane Cutter
Amy Cutting
Heather Cyphers
Vicki Cyr
Christine Cyriacks
Liz D.
Florence Dacey
Thomas Dadant
Lisa Dadgar
Isadora Dahlen
Deborah Dahlgren
Bianca Dailey
Namita Dalal
Emily Dale
Lucie D'alessandro
Anne Daletski
Alexis Dallaportas
Richard Dalmau
Dennis P. Daly
John D'ambra
Lisa D'ambrosio
Stephanie D'ambrosio
Jacqueline Dames
Jeanne Dancer
Josh Daneker
Janis D'angelo
Robert Daniel
Roger Daniel
Dawn Daniel
Paul Daniello
Patricia Daniels
Allen Daniels
Ella Danis
Dorothy Dankanyin
Marie Danna
Lisa D'antonio
Wendy Darasz
Elizabeth Darovic
Robert Dart
Suvra-Anita Das
Suganya Dasarathy
Lynne Daub
Scott Daugherty
Jacinda Daugherty
Alissa D'auria
Diane Dauten
Desiree Davenport
Laura Davenport

D. Dirk Davenport
Danica Davidson
Donna Davidson
Leslie Davidson
Kirstin Davidson
Diane Davidson
Dennis Davie
Emma Davies
Nancy Davies
Dorothy Davies
April Davila
Jill Davine
Heather Davis
Shirley Davis
Laura Davis
Carolyn Davis
Robert Davis
Darlene Davis
Scott Davis
Mckinley Davis
Trish Davis
Sandra Davis
Phil Davis
Becky Davis
Danielle Davis
Brendal Davis
Jil Daw
Helen Dawkins
Peggy Dawson
Dan Dawson
Charlie Day
Michael Dayton
Ruth Anne Dayton
Richard De Cicco
Maelena De La Fuente
Isa De Luca
Frank De Santis
John De Silva
Ron & Maria De Stefano
Juliana De Tarnowsky
Katharine De Vall
Cameron Deacoff
Sue E. Dean
Rayline Dean
Tatiana Dean
Amy Deane
Vic Deangelo
Margaret Deardo
Brian Debasitis
Judi Debilzan
Noel Debruton
Terry Deegan
Anna Deel
Susan Deemer
Dawn Deerwester
Tony Defalco
Michelle Defelice
Val Degrace
Claudia Del Fiacco
Cezar Del Valle
Sallie Delahoussaye
Adair Delamater

Janet Delaney
Dino Delano
Robin Delapena
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Carlos Delgado
Diana Dellamarie
Tom Dellay
Jennifer Dellinger
Michelle Delorme
Leslie Delphus
Tamara Demaio
Derek Demane
Jennifer Deming
Cindy Deming
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Rhonda Dennis
Mahi Denny
Rachael Denny
Michele Denski
Tommie Denson
Anne Depoalo
Genevieve Deppong
Christian Dequincy
Russel Deroche, Jr.
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Marie Dervartanian
Shelley Deshong
Tom Desimone
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D. Despain
Peggy Detmers
Danny Detora
Kyle Dettloff
Merry Develle
Connie Devine
Karla Devine
Dede Devlin
Mary Devlin
Natashja Dewolf
Patricia Dexter
Adelheid Deyke
Paul Deyoung-Martin
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Patty Diana
Hortense Dias
Martha Diaz
Catherine Dichner
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Tran Diep
Maria Difiore
Barbara Digennaro
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Christine Dildine
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Debbie Dillon
Ed Dillon
Linda Dills
Richard Dimatteo
Bill Dimick
Robert Dimick
Brigitte Dinaberg
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Boris Dirnbach
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Donald Dixon
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George Dobosh
Renata Dobryn
Lynn Dodson
Carol Dodson
Sandie Dodson
Sarah Doenmez
Judy Dolan
Cody Dolnick
Alexander Dolowitz
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Twyla Douaire
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Sharon Dougherty
Virginia Douglas
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Chet Dowell

Rex Dowling
Ann Downey
Candace Downing
Eleanor Dowson
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Heather Doyle
Kristina Doyle
Kate Doyle
Jsusan Dragieff
Davy Dragland
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Patrick Anthony Drake
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Elena Drei
Korina Drenon
Linda Drescher
Arlene Drete
Sera Harold Drevenak
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Brandi Dringus
Marilyn Drucker
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Valerie Druguet
Carmen Druke
Darrin Drumm
Doug Dryer
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Matthias Dunlop
Stacy Dunn
Judy Dunn
Stephen Dunne
Dee Dunseith
Evelyn Duplissis
Cj Dupont
James Dupuis
Heather Dupuy

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Rick Easton	Emily Engstrom	Stephen Farmer	John Fischer
Kathleen Eaton	Elizabeth Enright	Vanessa Farmer	Cynthia Fischer
Pat Eaton	Dianne Ensign	Nancy Farmer-Lanz	Meade Fischer
Holly Eaton	Sarah Epstein	Tiffany Farnham	Elaine Fischer
Nichole Ebel-Bailey	Kelly Epstein	Donna Farnsworth	Kristin Fischer
Michael Ebner	Ara Erdekian	Allison Farr	Lawrence Fischman
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Robert Edelen	Donald Erway	Karen Fedorov	Sylvia Fitzpatrick
Michelle Edell	Jeffrey Erwin	Audrey Fee	Dian Fitzpatrick
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Steven Edmonds	Gregory Esteve	Barbara Feild	Donna Flade
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Marisol Eguiarte	Michael W. Evans	Vivienne Fennimore	Jill Fleming
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Sherrie Ehrlich	Jodi Evans	Paula Ferguson	Lynne Fletcher
John Ehrlich	H Evans	Patricia Ferguson	Claire Flewitt
Annette Ehrlich	Heather Evans	Cathie Ferguson	Marty Flick
Remi Eichten	Dinda Evans	Jennifer Ferguson	Danise Flood
Carl Eiferman	Franklin Eventoff	Richard & Karen Ferling	Noah Flood
Charles Eisenberg	Theresa Everett	William Fernandez	Jenny Flood
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Lyara Ekvinai	Susan Evilsizer	Roberta Ferrara	Christine Flores
Judy El Masri	Matthew Evinger	Betty Ferrero	Thomas Flores
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Yara Elboroloso	Janet Eyre	Janda Ferris	Christy Flores
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Debbie Elholm	Jet Ezra	Mike Ferro	Rosario Flores-Lozads
Jeanne Elisha	Paul Miriam Ezust	Katie Ferroggiaro	Frank Florin

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Jennifer Fogarty	Melissa Freedman	William Galli	Erin Gentry
Dan Fogarty	Dawn Freeman	Kathryn Gallo	Margalith Georgalis
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Marah Fogler	Marti Freitag	Christopher Galton	Cristin George
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Sylvia Foley	Nancy Freyer	Linda Gancitano	Joann Gerfen
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Helen Forsythe	Robert Frost	Louis Garding	Lee Gibson
Lily Fortin	Megan Frost	Debbie Gardinier	Darrell Gibson
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Tory Foster	Erica Fuller	Frank Garrison	Kathleen Gill
Janet Fotos	Roy Fuller	Steven Garron	James Gilland
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Harriette Frank	Stacy Galarza	Eric Geier	Myriam Giovannini
Cynthia Franks	David Galas	Kay Geier	Paul Girello
Tina Franzgrote	Mark Galbraith	Gemma Geluz	Joline Gitis

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Natalie Gladstein	Willy Gonzalez	Lenore Greenberg	Roselina Guerra
Herb Glahn	Yazmin Gonzalez	Helena Greene	Maria Guerra
Lynn Glahn	Rob Gonzalez	Rachelle Greene	Adriana Guevara
Marcy Glantz-Dever	Marisol Gonzalez	Eilleen Greene	Sean Guffey
Kyle Glanville	Beatriz Gonzblez	Monte Greene	Daniel Guggenheim
Jean Glaser	Robert Goodale	Ashlie & Lorae Greene	Sylvie Guibert
Richard Glassberg, Dvm	Kelly Goodingham	Judith Greenfield	Carol Guillemette
Karen Glauber	Laney Goodman	Holly Greenfield	Patricia Guilmette
Garry Gleckel	Trudi Goodman	Ramona Greenstein	Guy Guinn
Daphne Glenn	Richard Goodman	Patricia Greenwald	Pat Gula
Tanis Glenn	Kay Goodman	Andrea Greenwold	Tana Gullotta
Karen Glenn	Steven Goodman	Ronald D. Greenwood	Toni-Jean Gundersen
Michele Glenn	Nicole Goodson	Helen Greer	Darryl Gunderson
Michele Glick	Hilary Goodwin	John Gregg	Mb Gunner
Aelred Glidden	Ingrid Gordijn	Athanasia Gregoriades	Peter Gunther
Becky Glinka	Marcia Gordon	Barbara Gregorio	Alexa Gusick
Stephen Gliva	Billie Gordon	Marc Gregory	Deborah Guthrie
Janice Gloe	J Gordon	Probyn Gregory	Rand Guthrie
Tim Glover	Ingrid Gordon	Chilton Gregory	Nichole Gutierrez
Leanne Glygoroff	Jonathan Gordon	Nancy Gregory	Kathy Gutierrez
Michelle Gobely	Wendy Gordon	Tina Greiner	Mark Gutman
Marek Goczal	Rick Gordon	Dianne Grenland	Larry Guzman
Dorota Goczal	Kristine Gordon	Jillian Grey	Pamela Gylling
Seth Godfrey	Andrea Gordon,	Samantha Grieves	Pam H
Donna Godfrey	Dan Gore	Angie Griffey	Kathleen H.
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Emily Goenner	Marie Gorsline	Debbie Griffin	Jeffrey Haas
Lois Goertzen	Mary Goss	Deneen Griffin	Roger Haase
Jean Goetinck	Debbie Gosselin	Lara Griffith	Sabrina Habib
Karen Goetze	Lyn Gottschalk	Elizabeth Griffith	Adam Hacker
Alan Goggins	Jeanette Gowdy	Carolynn Griffith	Virginia Hadley
Natasha Gogin-Moses	Amy Gowe	Joy Griffith	Amanda Hafner
Nan Gold	Beverlee Goynes	Thomas Grimes	Cath Haftings
Marilyn Gold	Meghan Grady	Nancy Grimes	Julie Hagan-Bloch
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Howard & Mary Gold	Rosemary Graf	James Grimes, Dvm	Chris Hager
Pat Goldberg	Stephen Graham	Barton Grimm	Jon Hager
Lynn Goldberg	Judith Graham	Suzanne Grimm	Brett Hager
Constance Goldberg	Charlie Graham	Susan Grimwood	Ron Haglind
Helen Goldenberg	Kimberley Graham	Kirsten Grish	Darlene Hagopian
Susan Goldin	Nate Graham	Deanka Grisham	Jaimi Haig
Ellen Goldin	Al Gramstedt	James L. Grizzell	Bryan Haigh
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Carol Ann Goldstein	Scott Gray	Phil Gross	Jenny Haley
Roz Goldstein	Corinda Gray	Mary Grossman	Gina Halferty
L Gols	Karen Gray	Ellen Grossman	Trish Halick
Nora Golub	Lynn Gray	Sikt Grote	Suzanne Hall
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Maria Gomez	Paul Greatrix	Richard Grove	Joanna Hall
Grace Gomez	Claudia Greco	Craig Grube	Carla Hall
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Karen Gonzales	William Green	Kim Grunden	Susan Hollowell
Paula Gonzalez	Anne Green	Brice Grunert	Ken Haltenhoff
Guillermo Gonzalez	Melissa Green	John Grunwell	Libbie Hambleton
Sandra Gonzalez	Stacy Green	Edward Guardino	Katherine Hamilton

Heather Hamilton	Robert & Debra Harrison	Julie Heffington	Laura Hewitt
Bonnie Hamilton	Leah Harrison	Eliza Hegeman	Cindy Hewitt
Dianna Hamilton	Robert Harrison	Andra Heide	Cheryl Hewitt
Norma Hamilton	Catherine Harrison	Krista Heide	Gail Heyser
Allyson Hamm	Greg Harrison	Roberta Heiden	Harriet Heywood
Candy Hammond	Patty Harrison	Arline Heimert	Brian Hiatt
Marcella Hammond	Gloria Harrod	Angela Heinecke	Steve Hibshman
Dell Hammond	Theresa Hart	Angela Heinecke	Patrick Hickey
Stephanie Hammond	Tami Hart	Ruth Heino	Kelly Hickman
Gertrude Hammons	Mary Harte	Eilis HELLER	Terry Hicks
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Jody Hansell	Travis Harvey	Adele Henkel	Robert Hill
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Art Hanson	Laura Hassin	Jennifer Henry	Lisa Hills
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Delene Hanson	L. Hatfield	Mel Henshaw	Kathy Hilt
Warren Hanson	Barry Hatfield	Barbara Henshel	Patrick Hilton
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Ronald Harden	Molly Hauck	Witch Sisters Henson	Whitney Hines
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Peggy Harding	William Hauser	Betty Herbert	Stephanie Hipple
Mylee Harding	Kevin Havener	Janet Herbruck	Deborah Hirsch
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Cherri Hardy	Judi Havens	Frank Herda	Regina Hirsch
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Claire Hargrove	George Haye	Mai Hermann	Seth Hirsh
Lisa Anne Harkins	Judith Hayes	Marni Hermecz	Kenneth Hittel
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Amy Harlib	Jan Hayne	Ricardo Hernandez	Cherida Hivale
Lori Harmon	Elisabeth Haynes	Susana Hernandez	Cherida Hivale
Tommy Harmon	Tl Haynes	Dena Hernandez-Kosche	Hskan Hjerpe
Cara Harmon	Cindy Haynes	Martin Hernandez-Lopez	Richard Hjort
Tom Harper	Janet Hays	Laura Herndon	Mike Hlat
John Harper	Judith Hazelton	Andria Herron	David Ho
Pam Harper-Smith	Cathy Hazzard	Christine Hersey	Shelby Ho
Thane Harpole	Jim Head	Lorraine Hersey	Jo Hoag
Debbie Harrell	Susan Head	Bob Hershey	Kirk Hockinson
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Erin Harrington	Richard & Eileen Heaning	Marcia Hertz	Mark Hodie
Siobhan Harrington	Yvonne Hearn	Charles Hess	Jake Hodie
Adam Harris	Melody Heart	Daniel Hess	Tom Hoemig
John Harris	Brenda Heath	Susanne Hesse	Kenneth Hoerauf
Lowell Harris	Jeanne Hebert	Michael Hetz	Jamie Hoerter
Jaden Harris	Ken Hedges	Michelle Hetzler	Rebecca Hoeschler
Karin Harris	Nancy Hediger	Judy Heumann	Eva Hofberg
Rachael Harrison	Rodney Hedrick	Walter Hewett	Michelle Hoff

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David Hoffman	Janet Houle	Rebecca Ianieri	Pam Jarvie
Thomas Hoffman	Darrell House	Florence Iannantuano	Jessica Jasper
Stanley Hoffman	Virginia House	Kim Iannetta	Barbara Javor
Kit Hoffmann	Bradley Houseworth	Ed Immar	Bonnie Jay
Travis Hofmann	Karin Houston	Eric Indermuehle	Bonnie Jay
Sheryl Hogan	Lynn Houston	Pec Indman	Patty Jay
Chris Hogger	Stephanie Houston	Jaycie Ingersoll	Mark Jazyk
Mark Hogsett	Stacy Hovde	Citizens Initiative Omega	September Jazzborne
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Joseph Holdner	Deanna Howard	Teresa Iovino	Cynthia Jeffries
V Holdsworth	Celeste Howard	Emil Ippolito	Norma Jellison
Wendy Holifield	Doreen Howard	Tanya Irby	Cheryl Jenkins
Linda Holing	Bobbie Howard	Natali Irizarry	Lynn Jenkins
Lois C. Holland	Kristin Howard	Marian Isaac	Mindy Jenkins
E. Hollander Hollander	Kristina Howard	Diana Isaia	Michele Jenkins
Stacey Holliday	Gail Howatt	Cher Isbell	Stacy Jenkins
Ann Hollyfield	Melyssa Howe	Larry Isenburg	Marni Jenkins
Krystal Holm	Rob Howe	Haura Iseya	Keith Jennings
Dale Holman	Carol Howe,	Zahirul ISLAM	Linda Jennings
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Howard Holmes	Oakley Howell	Richard Iverson	Patricia Jennings
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Alison Holzer	Terry Huey	Stephanie Jackson	Kempf Jmarc
Barb Holznel	Geraldine Hufker	Ginny Jackson	Matt Johansen
Nichole Honeybourne	George Hughan	Bruce Jackson	Gina Johansen
Steven Hong	Linda Hughes	Alicia Jackson	Kira Johnson
Debbie Hood	Afton Hughes	Corliss Jackson	Deborah Johnson
Jennifer Hooker	Kenneth Hughes	Jeanette Jackson	Cher Johnson
Lay Hoon The	James Hughes	Tina & Tom Jackson	Vicki Johnson
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Jacki Hoover	Anne Huibregtse	Teri Jacobs	David G. Johnson
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Dora Hopkins	Jon Hultgren	Sandy Jacobsen	Karen Johnson
Jeff Hopkins	Bill Humm	Lisa Jacobs-Malakian	Lindsay Johnson
Sarah Hople	Rebecca Humphrey	Regina Jacobson	Theresa Johnson
Nicole Hopper	Tom Huneke	Gail Jacobson	Stephen Johnson
Patrecia Horn	Sarah Hunnewell	Jennifer Jacoby	Helene Johnson
Roger Horn	Linda HUNT	Maxine Jaffee	Shannan Johnson
Jean Hornberg	Julia Hunter	Donna Jaggard	Pat Johnson
Daniel Horner	Jesse Hunter	Pinky Jainpan	Paul Johnson
David Horning	Hariet Hunter	Diane Jalbert	Joanne Johnson
Tina Horowitz	Marsha Hunter	Rosemary Jalink	Vallee Johnson
Karla Horst	Ann Hunter-Welborn	Susan James	Rebecca Johnson
Christine Horton	Karl Hunting	Jerry James	Sharon Johnson
Patricia Horvatic	Krista Hunt-Rossmann	Sonny James	Ana Johnson
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Kristen Hoskins	Patricia Hurley	Debra James	Sharon Johnson
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Janet Johnson	Erika Kane	Marian Kelner	Kelly Kirby
Chris Johnston	Lisa Kane	Michael Kemper	Nicole Kirk
Philip Johnston	Masayo Kaneko	Jason Kemple	Judith Kirk
Kim Jones	Terri Kaneoka	Jill Kempner	Karen Kirk
Beth Jones	Phil & Susie Kaplan	Adam Keniger	Kathy Kirkland
Tony Jones	Beth Kaplan	Jennifer Kennedy	Mileen Kirkpatrick
David H. Jones	Dave Kaplowitz	Lydia Kennedy	James Kirks
Sherry Lee Jones	Glen Kappy	Karen Kennedy	Jill Kirkstadt
Rodney & Terri Jones	Hannah Karim	Robin Kennedy	Brian Kirsch
Aaron Jones	Lija Karklins	Heather Kennedy	Saran Kirschbaum
Alison Jones	Gerald Karlovitz	Diane Kennedy	Alicia Kirschenheiter
Douglas Jones	Michael Karmazin	Marita Kennedy-Castro	Donna Kitt
Janice Jones	Michael Karp	Jim Kennison	Irene Kitzman
Amie Jones	Mary Karr	Leigh Kennison	Eugene Kiver
Dick Jones	Annabeth Karson	Melanie Kenoyer	Luba Kladienko
Colin Jones	Howard Kastan	Ed Kent	Peter Klappert
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Lois Vanderkooi	Judith Vorreuter	William Warburton	Logan Welde
Roy Vanderleelie	Chelsea Vosburgh	Martin J. Ward	Judy Welker
H. Jean Vanderzanden	Christine Vosmik	James Ward	Jennifer Wells
Carolyn Vanini	Barbara Voss	Dee Warenaicia	Thornton Wells
John Vardanian	Siamak Vossoughi	Jamee Warfle	Katie Welter
Barb Varellas	Harold Votey	Chezna Warner	Patricia Wendell
Robert Vargas	Mary Vought	Lawrence Warner	M Wenner
Roberto Angarita Vargas	Jeanne Voxnaes	Roxanne Warren	Cathy Wenner
Lee Varian	Serge Vrabec	Elisabeth Warren	Christine Wentzel
Joseph Varon	Joanne Vrecenak	Melissa Warrenburg	Scott & Ms. Sylvia Werny
Tracy Vasquez	Beth Vredenburg	Natalie Warshaw	Laura Wertenberger
Alfonso Vasquez	Marjan Vrins De Roo	Dusty Washburn	Damaris Wescott
Pam Vass	Regina W	Todd Washowich	Terry West
Leonard Vaughn	Linda Wagner	Christin Wasson	Debi West
Theresa Vaughn	Elissa Wagner	Scott Watanabe	Lynn West
Kevin Vaught	Robert Wagner	Yvette Waters	Stephen West
Liz Vawdrey	Sharon Wagner	Kevin Watkins	Linda West
Wanda Vazquez	Briana Wagner	Kathy Watkins	Carol Westerman-Jones
Melanie Vazquez	Jim Wagner	Summer Watkins-Wagner	April Westfall
Grant Vecera	Melissa Wags	Jason Watson	Michael Westfall
David Veenstra	Amanda Wagy	Courtney Watson	Jennifer Westra
Jenny Vegan	Tara Wahl	Michelle Watson	Dmarla Wever
James Veitch	Mare Wahosi	Laurel Watson	Karen Wever
Steve Velasco	Linda Waine	Jan E. Watson	Marly Wexler
Glen Venezia	William Wakefield	Kerrin Watson	Alice Whealin
Sean Vennett	Beth Wakefield	Tonya Marie Watts	Jeanne Wheeler
Ana Verastegui	Gordon Walbroehl	Carol Watts	Aaron Wheeler
Nicole Verbist	Gilbert Wald	Tiffany Watts	Steven & Waynetta Wheeler
Shellie Vermeer	Susan Wald	Barb Watts	Noreen Wheller
John Vermillion	Paul Waldman	Charles Waugh	Tony Whetstone
Lauren Verruni	Jason Waldo	Dave Waugh	Betty Whipp
Paul Verzosa	Chip Waldron	Elizabeth Way	Kathy Whitaker
Gary Vesperman	Carpathia Wales	James Wayrynen	Lyndell Whitcomb
Susan Vessicchio	Jean Walker	Sandra Weatherby	John B. White
Allison Vetter	Joan Walker	Patricia Webb	Kim White
Daniel Vice	Mary Sue Walker	Mike Webb	Jessica White
Charlotte Vick	Brad Walker	Belinda Webb	William White
Doug Victor	Elizabeth Walker	Patricia Webber	Mackenzie White
Debra Vigil	Jeanne Walker	Rita Webber	Sheena White
Diane Vigilante	Grace Walker	William Weber	Gary White
Barbara Viken	Andrew Walker	Todd Webster	Sharlene White
Aaron Viles	Tina Wall	Edward Wechsler	Mindi White
Kathy Villemuer	Mary Wallace	Gene Wedge	Harry White
Chris Vincent	Louise Wallace	Dj Weed	Lindsey White
Patrick Vingo	Jennifer Wallace	Frank Wegscheider	Chuck White
A. Vinton	Jonathan Wallace	Michaela Wehner	Apyll White
Beatrice Virga	Harlan Wallingford	Aj Weideman	Michael White
Aydee Virgen	Tom Walls	Molly Weigel	A. E. White
Caitlin Visnovec	Nellie Walpole	Steve Weihe	Chandra White
Ruth Vitale	Molly Walsh	Mike Weihrauch	Sheri Whitethorn
Barbara Vitale	David Walsh	Sherry Weiland	Laura Whitman
Nichole Vivion	Carolyn Walsh	Judith Weiler	Mary Whitney
Ivana Vlahovic	Cindy Walsh	Judi Weiner	Karen Wible

Cara Lou Wicks	Erik Wilmot	Rosemarie Woods	Latisha Younger
Melissa Widdop	Rick Wilson	Julie Woods	Patricia Youngson
Marianne Widmalm	Jesse Wilson	Shaun Woodson	Jonathan Yudis
Nancy Widman	Jerry Wilson	Glenda Woodward	Allen Yun
Charles Wieland	Michael Wilson	Nicole Woodward	Thomas Yuschak
Charles Wieland	Lydia Wilson	Mary Louise Wooldridge	Julia Zaborovsky
Karen Wiesner	Kathy Wilson	Stacie Wooley	Julie Zack
Jo Wiest	David S. Wilson	Nancy Woolley	Allison Zack
Scott Wieteska	David J. Wilson	Mary Workman	Linda Zager
Wendy Wifler	Todd Wilson	Kateryna Wowk	Alessa Zaias
Robert Wiggins	Daniel Wilson	Joe Wright	Marie-France Zamblera
Jason Wilbanks	Amy Wilson	Gary Wright	Angela Zarbano
Stewart Wilber	Michelle Wilson	Sherri Wright	Angela Zarbano
David Wilbur	Lorraine Wilson	Kimberly Wright	Natalie Zarchin
Simon Wilcock	Thomas J. Windberg	Christine Wright	Irit Zarfaty
Robert Wilcox	Jerre Winder	Clea Wright	Suzanne Zarling
Marta Wilcox	Mercedes Windt	Sharon Wright	Sheeka Zarraga
David Wilcox	Anita Winfough	Liana Wright	Jennifer Zarro
Kate Wilcox	Alvina Wingate	Ken Wright	Ann Zartler
Marika Wilde	Marguerite Winkel	Blake Wu	Carl Zeitz
George Wilder	Nanci Winnette	Dana Wullenwaber	Jennifer Kim Zeller
Jeffrey Wiles	Leslie Winston	James Wurster	Laura Zeller
Matt Wiles	Sandra Winter	Stephen Wurtz	Steven Zeluck
Kay Wiley	Jessica Wintle	Anne Wurtz-Passino	Katherine Zembko
Jesse Wiley	Marilyn Wise	Allan Wyatt	Argentina Zepeda
April Wilk	Angie Wise	Ariel Wynn	Stephen Zerefos
Tashina Wilkinson	Elizabeth Wishnick	Peggy Wynn	Dominic Ziegler
Michael Willemsen	Chris Witmer	Gareth Wynn	Madeline Zimmer
Stephen Williams	Andreas Wittenstein	Bobby Wynn	Diane Zimmer-Fascione
Charlene Williams	Sarah Witter	Christina Wynne-Torkay, DD,	Paulette Zimmerman
Lori Williams	Edwin & Helen Woerner	PhD	Robert Zimmerman
Lisa Williams	Kim Wohl	Gail Xandy	Sophi Zimmerman
R.J. Williams	James Wohler	Mary Xia	Ute Zimmermann
C. Williams	Bob Wojcik	Hideki Yamada	Etola Zinni
Terrie C. Williams	Alan Wojtalik	Lily Yang	Karen Ziomek-Vayda
Wendy A. Williams	Kelly Wolcott	Tony C. Yang	Scott Zippel
Jada Williams	Susan Wolf	Tony C. Yang	Beth Zippert
Penny Williams	Robert Wolf	Jo-Shing Yang	James Zizzo
Charlie Williams	Carrie Wolf	Letitia Yarborough	Christine Zmurek
Christina Williams	Jennifer Wolf	Susan Yarnell	Janine Zoellner
Dina Williams	Barry Wolf	Sissy Yates	Kevin Zook
Phillip Williams	Rachel Wolf	Andrew Yeager	Indra Zorn
Mark (Shaggy) Williams	Mark & Nancy Wolfe	Greg Yeargain	Joanie Fritz Zosike
Alek Williams	Nanlouise Wolfe	Mark Yedor	Tomas Zuccareno
Susan Williams	Mark Wolfe	Edith Yelland	Suzanne Zuercher
Mary Williams	Paula Wolferseder-Yabar	Mark Yelton	Frank Zukiewicz
Heather Williams	Katie Wolff	Logan Yonavjak	Erin Zumwalt
Kathleen Williams	Jennifer Wolffwood	Sandra York	Roberta Zur
Paul Williams	Michael Wollman	Shannon York	Megan Zusne
Janet Williams	Larry Wood	J. Yoshina	Patricia Zylius
Taffy Williams	Cata Wood	Jane Young	
Roger Williams, P.T.	Penelope Wood	Suzanne Young	
Maria Williamson	Wendy Wood	Gwen Young	
Debra Williamson	Jennifer Wood	Patty Young	
Gwyn Williams-Stanton	Margaret H. Wood	Jo Ellen Young	
Jenny Willinger	Gordon Wood	Ginger Young	
Rochelle Willis	Keith Woodard	Sandra Young	
Stephanie Willis	Gina Woodard	Christine Young	
Jeff Willix	Bobby Woodart	Betty Young	
Sharon Willmann	John Wooden	Alan Young	
Dina Willner	Shirley Wooden	Ryan Young	
Lady Willow	Lesley Woods	Michele Efron Youngblood	