

NORTHWESTERN HAWAIIAN ISLANDS  
CORAL REEF ECOSYSTEM RESERVE ADVISORY COUNCIL

20 January 2011

Ms. T. `Aulani Wilhelm  
Acting Reserve Coordinator, Northwestern Hawaiian Islands  
Coral Reef Ecosystem Reserve  
6600 Kalaniana`ole Highway, Suite 300  
Honolulu, Hi 96825

Dear Ms. Wilhelm:

The Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council (RAC) would like to encourage the Office of National Marine Sanctuaries (ONMS) to prioritize the reauthorization of the National Marine Sanctuaries Act (NMSA). It has been too long since it was last reauthorized and it is now outdated.

In addition to the urgent need to reauthorize and fund the programs of the thirteen National Marine Sanctuaries, the ONMS now has the privilege of being a co-trustee and co-manager of the Papahānaumokuākea Marine National Monument (Monument). This fact necessitates that the purposes and policies of the National Marine Sanctuaries Reauthorization Act (Act) be amended to incorporate the Monument's purposes and policies.

In December 2000 and January 2001 President Clinton signed Executive Orders 13178 and 13196 creating the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (NWHICRER), the largest federal marine reserve in the nation. Those Orders, which are still in effect, directed the National Marine Sanctuary Program to manage the NWHI according to a number of management principles. Many of those principles are common to the National Marine Sanctuary System (System), but some are unique. These management principles in turn were incorporated into the draft management plan for the NWHI National Marine Sanctuary, which in turn was incorporated into the management plan for the Monument.

The RAC recommends that the following purposes and policies of the Monument be included in Purposes and Policies section of the Act:

- Apply the precautionary principle with resource protection favored when there is insufficient information to ensure the long-term conservation and protection of Monument resources in their natural character;
- Prohibit all activities in the Monument unless they are consistent with long-term protection of its resources and are expressly permitted;
- Bring the place to the people instead of the people to the place to minimize human impact to the fragile resources of the Monument;
- Prohibit all commercial fishing in the Monument;

- Honor the significance of the area for Native Hawaiians by integrating Native Hawaiian traditional knowledge, values, and perspectives into Monument management and education programs.

The RAC notes that Hawaii has an indigenous living culture that has not been recognized as an Indian tribe and recommends that other words be used when referring to semi autonomous organizations of indigenous peoples in the NMSA.

The RAC strongly recommends the continuation of citizen advisory councils as part of the NMSA and further recommends that the Monument also have a citizen advisory council that is exempt from Federal Advisory Committee Act (FACA). The RAC believes that citizen advisory council input is essential for the successful management of any federal marine protected area. The establishment of citizen advisory councils should be mandatory and the ONMS should be required to request their advice regarding the selection and designation standards of new components of the System and the development and implementation of management plans for its components and their subsequent review.

The RAC is an unpaid citizen advisory council composed of talented and knowledgeable people with expertise in conservation, education, science, fisheries, and native Hawaiian cultural practices and has been an integral part of the development of the NWHICRER Reserve Operations Plan, the management plan for the proposed NWHI National Marine Sanctuary, and the management plan for the Monument. Consistent with our recommendation regarding the Monument Alliance, the RAC recommends against the appointment of government agency representatives as voting members of citizen advisory councils.

The RAC further recommends that the ONMS consult with its advisory councils regarding the uses that should and should not be permitted in sanctuaries, monuments, and other components of the System, including fishing and aquaculture, and under what conditions.

The RAC recommends that the Act accord the input from System advisory councils significantly greater weight than input from regional fishery management councils. In conjunction with this the RAC recommends that the Act address fishing regulations promulgation procedures only generally and with the caveat that they shall not violate the purposes and policies of the relevant components of the System. Fishing regulations promulgation procedures are governed by the Magnuson Stevens Act, which is amended from time to time and not in synchrony with the NMSA. For example, the National Marine Fisheries Service is currently struggling with the creation of fishery management plans to manage off-shore aquaculture enterprises.

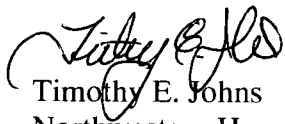
Similarly the RAC recommends that the Act refer only generally to marine spatial planning initiatives since presidential memoranda specifying particular national ocean policies may change more quickly than the NMSA.

Regarding permits, the RAC recommends that the Act provide that permits, including research permits, shall authorize the conduct of an activity only if that activity is compatible with the primary purposes for which the particular System component is designated and is consistent with and furthers the protection and management of System resources.

Lastly the RAC recommends that the Act not permit any activities in the System that are prohibited by international conventions to which the United States is a party, for example the London Dumping Convention and its Protocols, MARPOL and its Annexes, etc.

We hope you will give these recommendations full consideration.

Sincerely,



Timothy E. Johns  
Northwestern Hawaiian Islands  
Coral Reef Ecosystem Reserve  
Advisory Council Chair